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CHAMBER ACTION

The Committee on Appropriations recommends the following:

Committee Substitute

Remove the entire bill and insert:

A bill to be entitled

An act relating to quality education; providing a popular name; amending s. 1003.01, F.S.; defining the terms "core-curricula courses" and "extracurricular courses"; amending s. 1003.03, F.S.; providing legislative intent; establishing the constitutional class size maximums; providing for the determination of averages; requiring the Department of Education to calculate averages based upon student membership surveys; providing implementation options for school districts; providing accountability for the class size reduction measures; creating s. 1011.685, F.S.; establishing an operating categorical fund for implementing class size reduction; providing for use of the funds by school districts; authorizing use of capital outlay millage; requiring reports; creating s. 1013.735, F.S.; establishing the Class Size Reduction Infrastructure Program; providing for the allocation of funds; providing requirements for district participation; providing for the use of the funds; creating s. 1013.736, F.S.; establishing



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29 | the District Effort Recognition Program; providing
30 | eligibility for school district participation; providing
31 | for allocation and distribution of funds; creating s.
32 | 1013.737, F.S.; establishing the Class Size Reduction
33 | Lottery Revenue Bond Program; authorizing issuance of
34 | revenue bonds to finance or refinance the construction,
35 | acquisition, reconstruction, or renovation of educational
36 | facilities; amending s. 24.121, F.S.; removing limitations
37 | on lottery revenues that may be pledged to the payment of
38 | debt service; amending s. 121.091, F.S.; authorizing
39 | instructional and administrative personnel who receive
40 | authorization to extend participation in the Deferred
41 | Retirement Option Program on an annual contractual basis;
42 | amending s. 1001.42, F.S.; eliminating a cross reference
43 | to small schools; creating s. 1002.395, F.S.; providing
44 | for Florida Learning Access Grants; providing obligations
45 | of school districts, parents, and the Department of
46 | Education; providing private school eligibility
47 | requirements; creating s. 1002.396, F.S.; providing for
48 | kindergarten grants; providing obligations of parents and
49 | the Department of Education; providing private
50 | kindergarten eligibility requirements; creating s.
51 | 1002.397, F.S.; providing for K-8 virtual school grants;
52 | providing obligations of students, parents, and the
53 | Department of Education; providing K-8 virtual school
54 | eligibility requirements; amending s. 220.187, F.S.;
55 | expanding and revising the corporate income tax credit
56 | scholarship program; amending s. 1002.20, F.S., relating



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57 | to parent and student rights, to conform to changes made
58 | by the act; amending s. 1002.33, F.S.; removing the cap on
59 | the number of charter schools authorized in school
60 | districts; correcting cross references; amending s.
61 | 1002.41, F.S.; correcting a cross reference; amending s.
62 | 1003.02, F.S.; requiring school districts to notify
63 | parents of acceleration mechanisms; eliminating a cross
64 | reference to conform to changes made by the act; creating
65 | s. 1003.429, F.S.; providing options for accelerated high
66 | school graduation; providing for a 3-year standard college
67 | preparatory program and a 3-year career preparatory
68 | program; amending s. 1003.43, F.S.; including parenting
69 | skills in the life management skills course; removing
70 | requirement that the life management skills course be
71 | taken in certain grades; amending s. 1003.436, F.S.;
72 | reducing the number of hours required for one full credit;
73 | amending s. 1007.261, F.S.; revising credit requirements
74 | for admission to state universities; amending s. 1007.27,
75 | F.S.; requiring notification to students and parents of
76 | acceleration opportunities; authorizing the State Board of
77 | Education to adopt rules concerning articulated
78 | acceleration mechanisms; requiring the State Board of
79 | Education to review and report on the use of acceleration
80 | mechanisms and grading practices, including the weighting
81 | of courses, for credit and admission; amending s. 1003.62,
82 | F.S.; deleting provisions relating to the charter school
83 | district pilot program; providing for establishment of
84 | academic performance-based charter school districts;



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85 providing for eligibility and exemption from statutes and
86 rules; requiring annual reports; including a grandfather
87 provision for certain pilot program charter school
88 districts; amending s. 1011.62, F.S.; removing a date
89 limitation to provide for categorical flexibility;
90 providing for advertisement and reporting; amending s.
91 1011.68, F.S.; correcting a cross reference; amending s.
92 1011.69, F.S.; deleting obsolete provisions; revising
93 equity in school-level funding provisions; providing that
94 class size reduction operating categorical funds are not
95 subject to provisions requiring equity in school-level
96 funding; amending s. 1012.56, F.S.; revising the time
97 period for which an official statement of status of
98 eligibility for certification is valid; revising
99 requirements for mastery of general knowledge, mastery of
100 subject area knowledge, and mastery of professional
101 preparation and education competence; revising provisions
102 relating to temporary certificates; amending s. 1012.57,
103 F.S.; requiring district school boards to adopt rules to
104 allow for the issuance of adjunct teaching certificates;
105 revising provisions relating to determination of expertise
106 in the subject area to be taught; amending s. 1013.03,
107 F.S.; requiring the Department of Education to review
108 rules relating to school construction and make
109 recommendations to the State Board of Education; amending
110 s. 1013.31, F.S.; requiring school districts to
111 periodically update the inventory of educational
112 facilities; amending s. 1002.37, F.S.; revising priorities



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113 | of the Florida Virtual School; providing that certain
114 | funds are internal funds; authorizing supplemental support
115 | organizations; revising administrative responsibilities
116 | regarding funding and reporting requirements for the board
117 | of trustees of the Florida Virtual School; authorizing
118 | franchise agreements; providing for funding the Florida
119 | Virtual School within the Florida Education Finance
120 | Program; providing for funding based on credit completion;
121 | providing a calculation; eliminating obsolete provisions;
122 | amending s. 1011.61, F.S.; revising definition of "full-
123 | time equivalent student" to include a Florida Virtual
124 | School student; providing for membership to exceed certain
125 | maximum days of instruction; amending s. 1013.64, F.S.;
126 | revising provisions relating to determination of
127 | allocations to school districts from the Public Education
128 | Capital Outlay and Debt Service Trust Fund; revising
129 | provisions relating to the costs per student station;
130 | authorizing a school district to exceed cost per student
131 | station requirements under certain circumstances;
132 | requiring reports; repealing ss. 1007.261(2), 1012.41,
133 | 1013.21, and 1013.43, F.S., relating to credit
134 | requirements, employment of directors of career and
135 | technical education, reduction of relocatable facilities
136 | in use, and the small school requirement; amending s.
137 | 216.292, F.S.; requiring the Executive Office of the
138 | Governor to transfer funds for class size reduction based
139 | on recommendations of the Florida Education Finance
140 | Program Appropriation Allocation Conference; requiring



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141 notice and review; creating s. 1000.041, F.S.; providing
142 legislative purposes and guiding principles for BEST
143 Florida teaching; amending s. 1001.33, F.S.; requiring
144 cooperation to apply such guiding principles; amending s.
145 1001.42, F.S.; requiring district school boards to provide
146 clerical personnel or volunteers to assist teachers in
147 noninstructional activities; requiring school district
148 support of authority; amending ss. 1001.51 and 1001.54,
149 F.S.; providing for cooperation and support of district
150 school superintendents and school principals; amending s.
151 1002.20, F.S.; providing student rights with respect to
152 classroom orderliness; amending s. 1002.42, F.S.;
153 correcting a cross reference; amending s. 1003.04, F.S.;
154 requiring specified student conduct; requiring parental
155 cooperation with school authority; amending s. 1003.31,
156 F.S.; providing for support of the authority of teachers
157 and bus drivers; amending s. 1003.32, F.S.; revising
158 provisions relating to teacher authority and
159 responsibility for control of students; designating a
160 school placement review committee to determine placement
161 for disruptive students; requiring reports; requiring
162 Commissioner of Education review of success in achieving
163 orderly classrooms and use of enforcement actions;
164 requiring reporting of knowledge or belief of crimes of
165 violence on school property; providing immunity; amending
166 s. 1004.04, F.S.; revising provisions relating to state
167 approval of teacher preparation programs; expanding State
168 Board of Education rules establishing core curricula;



169 requiring teacher preparation programs to incorporate
170 certain instruction; providing for guarantee; providing
171 for additional teacher training under certain
172 circumstances; authorizing pay for student teacher
173 internships; providing priority consideration for
174 participation in teacher education pilot programs;
175 amending ss. 1006.08 and 1006.09, F.S.; providing for
176 district school superintendent and school principal
177 support relating to student discipline; amending s.
178 1009.59, F.S.; renaming and revising eligibility criteria
179 and loan reimbursement of the Critical Teacher Shortage
180 Student Loan Forgiveness Program; creating s. 1009.591,
181 F.S.; creating the Teaching Fellows Program to encourage
182 certain graduate students to enter the teaching
183 profession; providing for stipends, signing bonuses upon
184 employment, and waiver of tuition and fees under certain
185 circumstances; providing repayment requirements; creating
186 s. 1011.63, F.S.; creating a categorical fund for a salary
187 career ladder; providing requirements to access funds;
188 providing for allocation to school districts and use of
189 funds; amending s. 1012.05, F.S.; requiring the Department
190 of Education to provide for one-stop shopping for teacher
191 career information and on-line support; authorizing use of
192 funds to recruit and prepare teachers; creating s.
193 1012.231, F.S.; requiring district school board plans for
194 compensation of classroom teachers; providing for funding
195 teacher salary career ladders based on performance;
196 providing requirements and incentives relating to teacher



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197 assignments; amending ss. 1012.27 and 1012.28, F.S.;

198 providing duties of district school superintendents and

199 school principals; amending s. 1012.585, F.S.; revising

200 certain requirements for renewal of professional

201 certificates; correcting a cross reference; creating s.

202 1012.586, F.S.; authorizing school districts to process

203 certain applications via website; providing for a fee and

204 the uses thereof; amending s. 1012.72, F.S.; expanding the

205 Dale Hickam Excellent Teaching program to provide

206 incentives for teachers who seek or are issued certain

207 certification by the American Board for Certification of

208 Teacher Excellence; restricting bonuses to certain

209 teachers; repealing s. 1012.73, F.S., relating to the

210 mentor teacher pilot program; amending s. 1012.98, F.S.;

211 revising provisions relating to the School Community

212 Professional Development Act; deleting provisions relating

213 to recruitment, preparation, and professional development

214 of school administrative personnel; creating s. 1012.987,

215 F.S.; authorizing a principal leadership designation and

216 incentives therefor; requiring a system for recruitment,

217 preparation, and education leadership development of

218 school administrative personnel; authorizing request of

219 resignation of a school principal and teachers under

220 certain circumstances; requiring district school boards to

221 review and consider amending certain collective bargaining

222 contracts; requiring the Commissioner of Education to

223 conduct a survey of classroom teachers; amending ss.

224 121.021 and 1013.35, F.S.; correcting cross references;



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225 | amending s. 1013.45, F.S.; requiring a life cycle analysis
226 | when constructing or expanding educational facilities;
227 | authorizing an appropriation for the Teaching Fellows
228 | Program; providing for severability; providing effective
229 | dates.

230

231 | WHEREAS, in 1998, the voters approved an amendment to
232 | Section 1, Article IX of the State Constitution that required
233 | the Legislature to establish by law a uniform, efficient, safe,
234 | secure, and high-quality system of free public schools that
235 | allows students to obtain a high-quality education, and

236 | WHEREAS, in 2002, the voters of Florida approved a further
237 | amendment to Section 1, Article IX of the State Constitution to
238 | assure that students obtain a high-quality education, and

239 | WHEREAS, the voters defined a high-quality education as, by
240 | 2010, a prekindergarten through grade 3 core-curricula class
241 | size of no more than 18 students assigned to a teacher, a grade
242 | 4 through grade 8 core-curricula class size of no more than 22
243 | students assigned to a teacher, and a grade 9 through grade 12
244 | core-curricula class size of no more than 25 students assigned
245 | to a teacher, and

246 | WHEREAS, the Legislature finds that a high-quality
247 | education cannot be achieved solely by small class sizes but
248 | also requires well-educated, well-trained, well-compensated, and
249 | effective classroom teachers and school administrators who
250 | maintain orderly, disciplined classrooms conducive to student
251 | learning, and



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252 WHEREAS, Section 1, Article IX of the State Constitution
253 requires that reduced class sizes be accomplished through a
254 system that is both efficient and uniform, and

255 WHEREAS, the constitutional principle of efficiency
256 includes the school districts' use of their facilities,
257 teachers, and other resources in the most efficient manner, and

258 WHEREAS, the Florida Supreme Court, in considering the
259 provisions of Amendment 9 to Section 1, Article IX of the State
260 Constitution, found that "rather than restricting the
261 Legislature, the proposed amendment gives the Legislature
262 latitude in designing ways to reach the class size goal
263 articulated in the ballot initiative, and places the obligation
264 to ensure compliance on the Legislature," and

265 WHEREAS, the Legislature has chosen to focus on teacher
266 quality and student achievement, provide clarity of goals,
267 safeguard the efficient use of public funds, allow flexibility
268 to reach those goals, recognize issues relating to both
269 efficiency and equity of implementation, and require
270 accountability to meet the standards set forth in the State
271 Constitution, NOW, THEREFORE,

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273 Be It Enacted by the Legislature of the State of Florida:

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



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279 Section 2. Subsections (14) and (15) are added to section
280 1003.01, Florida Statutes, to read:

281 1003.01 Definitions.--As used in this chapter, the term:

282 (14) "Core-curricula courses" means courses defined by the
283 State Board of Education as mathematics, language arts/reading,
284 science, social studies, foreign language, English for Speakers
285 of Other Languages, or exceptional student education and courses
286 taught in traditional, self-contained elementary school
287 classrooms. The term is limited in meaning and used for the sole
288 purpose of designating classes that are subject to the maximum
289 class size requirements established in s. 1, Art. IX of the
290 State Constitution.

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

296 Section 3. Section 1003.03, Florida Statutes, is amended
297 to read:

298 (Substantial rewording of section. See
299 s. 1003.03, F.S., for present text.)

300 1003.03 Maximum class size.--

301 (1) LEGISLATIVE INTENT.--It is the intent of the
302 Legislature that s. 1, Art. IX of the State Constitution be
303 implemented in an efficient manner that preserves the choice
304 options available to parents and students. Accordingly, the
305 Legislature finds that lab schools, charter schools, the Florida
306 Virtual School, eligible K-8 virtual schools, and the Florida



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307 School for the Deaf and the Blind, as well as other alternatives
308 to traditional delivery of instruction in the public schools,
309 including, but not limited to, Advanced Placement, International
310 Baccalaureate, Advanced International Certificate of Education,
311 and dual enrollment courses, are not encompassed in the
312 definition of core-curricula courses for purposes of
313 implementing s. 1, Art. IX of the State Constitution.

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

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

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

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

327 (3) IMPLEMENTATION.--

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



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334 (b) Determination of the average number of students per
335 classroom as described in paragraph (a) shall be calculated as
336 follows:

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

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

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

346 (c) The Department of Education shall annually calculate
347 each of the three average class size measures described in
348 paragraphs (a) and (b) based upon the October student membership
349 survey. For purposes of determining the baseline from which each
350 school district's average class size must be reduced for the
351 2003-2004 school year, the department shall use data from the
352 March 2003 student membership survey updated to include
353 classroom identification numbers as required by the department.

354 (d) Prior to the adoption of the school district budget
355 for 2003-2004, each district school board shall hold public
356 hearings to review school attendance zones in order to ensure
357 maximum use of facilities while minimizing the additional use of
358 transportation in order to comply with the two-student-per-year
359 reduction required in paragraph (a). School districts that meet
360 the constitutional class size maximums described in subsection
361 (2) are exempt from this requirement.



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362
363 As alternatives to instruction in traditional public schools,
364 courses provided by lab schools, charter schools, the Florida
365 Virtual School, eligible K-8 virtual schools, and the Florida
366 School for the Deaf and the Blind and Advanced Placement,
367 International Baccalaureate, Advanced International Certificate
368 of Education, and dual enrollment courses are not encompassed
369 within the definition of core-curricula courses in public school
370 classrooms. School districts shall make every effort to further
371 reduce exceptional student education and English for Speakers of
372 Other Languages class sizes below the class size maximums as
373 necessary to provide high-quality instruction for these special
374 needs students.

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

380 (a) Adopt policies to encourage qualified students to take
381 dual enrollment courses through community colleges and state
382 universities.

383 (b) Adopt policies to encourage students to take courses
384 from the Florida Virtual School and eligible K-8 virtual
385 schools.

386 (c)1. Repeal district school board policies that require
387 students to have more than 24 credits to graduate from high
388 school.



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

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

397 (e) Use innovative methods to reduce the cost of school
398 construction by using prototype school designs, using SMART
399 Schools designs, participating in the School Infrastructure
400 Thrift (SIT) Program, or using any other method not prohibited
401 by law.

402 (f) Use joint-use facilities through partnerships with
403 community colleges, state universities, and private colleges and
404 universities. Joint-use facilities available for use as K-12
405 classrooms that do not meet the K-12 State Regulations for
406 Educational Facilities in the Florida Building Code may be used
407 at the discretion of the district school board provided that
408 such facilities meet all other health, life, safety, and fire
409 codes.

410 (g) Adopt alternative methods of class scheduling, such as
411 block scheduling.

412 (h) Redraw school attendance zones to maximize use of
413 facilities while minimizing the additional use of
414 transportation.



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

418 (j) Use year-round schools and other nontraditional
419 calendars that do not adversely impact annual assessment of
420 student achievement.

421 (k) Review and consider amending any collective bargaining
422 contracts that hinder the implementation of class size
423 reduction.

424 (l) Provide Florida Learning Access Grants in accordance
425 with s. 1002.395.

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

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

430 (5) ACCOUNTABILITY.--

431 (a) Beginning in the 2004-2005 fiscal year, if the
432 Commissioner of Education determines for any year that a school
433 district has not reduced average class size as required in
434 subsection (3) at the time of the third FEFP calculation, the
435 department shall calculate an amount from the class size
436 reduction operating categorical that is proportionate to the
437 amount of class size reduction not accomplished. Upon
438 verification of the department's calculation by the Florida
439 Education Finance Program Appropriation Allocation Conference,
440 the Executive Office of the Governor shall transfer
441 undistributed funds, except for funds that have been encumbered
442 for classroom teacher contracts, equivalent to the calculated



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443 amount from the school district's class size reduction operating
444 categorical to an approved fixed capital outlay appropriation
445 for class size reduction in the affected school district
446 pursuant to s. 216.292(13). The amount of such funds transferred
447 shall be the lesser of the amount specified above or the
448 undistributed balance of the school district's class size
449 reduction operating categorical.

450 (b) Beginning in the 2006-2007 school year, the
451 Commissioner of Education shall determine by January 15 of each
452 year which school districts have not met the two-student-per-
453 year reduction required in subsection (3) based upon a
454 comparison of the school district's October student membership
455 survey for the current school year and the March 2003 baseline
456 student membership survey. The commissioner shall report such
457 school districts to the Legislature. Each school district that
458 has not met the two-student-per-year reduction shall be required
459 to implement one of the following policies in the subsequent
460 school year unless the commissioner finds that the school
461 district comes into compliance based upon the February student
462 membership survey:

- 463 1. Year-round schools;
- 464 2. Double sessions;
- 465 3. Florida Learning Access Grants, pursuant to s.
466 1002.395;
- 467 4. Rezoning; or
- 468 5. Maximizing use of instructional staff by changing
469 required teacher loads and scheduling of planning periods,
470 deploying school district employees who have professional



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471 certification to the classroom, using adjunct educators,
472 operating schools beyond the normal operating hours to provide
473 classes in the evening, or operating more than one session of
474 school during the day.

475 A school district that is required to implement one of the
476 policies outlined in subparagraphs 1.-5. shall correct in the
477 year of implementation any past deficiencies and bring the
478 school district into compliance with the two-student-per-year
479 reduction requirements pursuant to subsection (3). A school
480 district may choose to implement more than one of these
481 policies. The district school superintendent shall report to the
482 Commissioner of Education the extent to which the school
483 district implemented any of the policies outlined in
484 subparagraphs 1.-5. in a format to be specified by the
485 commissioner. The commissioner shall use the enforcement
486 authority provided in s. 1008.32 to ensure that school districts
487 comply with the provisions of this paragraph.

488 (c) Beginning in the 2007-2008 school year, the
489 Commissioner of Education shall annually determine which school
490 districts do not meet the requirements described in subsection
491 (3). In addition to enforcement authority provided in s.
492 1008.32, the commissioner shall develop a constitutional
493 compliance plan for each such school district that includes, but
494 is not limited to, redrawing school attendance zones to maximize
495 use of facilities while minimizing the additional use of
496 transportation, unless the commissioner finds that the school
497 district comes into compliance based upon the February student



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498 membership survey and the other accountability policies listed
499 in paragraph (b). Each district school board shall implement
500 its constitutional compliance plan developed by the commissioner
501 until the school district complies with the constitutional class
502 size maximums.

503 Section 4. Section 1011.685, Florida Statutes, is created
504 to read:

505 1011.685 Class size reduction; operating categorical
506 fund.--

507 (1) There is created an operating categorical fund for
508 implementing the class size reduction provisions of s. 1, Art.
509 IX of the State Constitution. These funds shall be allocated to
510 each school district based on the school district's
511 proportionate share of FEFP base funding. Funds shall be
512 released upon the State Board of Education's approval of the
513 school district's class size reduction plan.

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

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

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

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



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526 (3) Notwithstanding the provisions of s. 1011.71(2), a
527 school district receiving funds under this section is authorized
528 until June 30, 2006, to use up to 2 mills of its nonvoted
529 capital improvement millage for any lawful operating expenditure
530 if the school district has met the constitutional class size
531 maximums identified in s. 1003.03(2); however, priority should
532 be given to increasing the salary of career teachers as defined
533 in s. 1012.231(2)(b). In order to exercise the authority of this
534 subsection, the school district must:

535 (a) Hold a public hearing that clearly communicates the
536 school district's purpose for the use of the funds and, during a
537 regularly scheduled meeting of the district school board, vote
538 to use such funds in the manner and for the purpose identified
539 in the public hearing.

540 (b) Annually report to the Department of Education the
541 amount of funds used and the operating expenditures for which
542 the funds were used.

543 (4) The Department of Education shall collect all such
544 reports and shall report to the Governor, the President of the
545 Senate, and the Speaker of the House of Representatives by
546 December 31 of each year a summary of each school district's use
547 of nonvoted capital improvement millage for operating
548 expenditures, including a summary of the amount of funds used
549 and the operating expenditures for which the funds were used.

550 (5) No later than June 30, 2006, the Legislature shall
551 review such reports for purposes of determining whether any
552 school district expended nonvoted capital improvement millage
553 while failing to comply with subsection (3) or any other



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554 provision of law. Upon such review, if the Legislature so
555 directs, the Department of Education shall withhold from the
556 school district's allocation from the Public Education Capital
557 Outlay and Debt Service Trust Fund no less than an amount of
558 funds equivalent to the amount determined by the Legislature to
559 have been so expended.

560 Section 5. Section 1013.735, Florida Statutes, is created
561 to read:

562 1013.735 Class Size Reduction Infrastructure Program.--

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

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

569 (a) Enter into an interlocal agreement pursuant to s.
570 1013.33.

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

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

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



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

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

589 Section 6. Effective upon this act becoming a law, section
 590 1013.736, Florida Statutes, is created to read:

591 1013.736 District Effort Recognition Program.--

592 (1) RECOGNITION FUNDS.--From funds appropriated by the
 593 Legislature, district effort recognition capital outlay grants
 594 shall be made to eligible school districts in accordance with
 595 the provisions of this section and the General Appropriations
 596 Act. The funds appropriated in this section are not subject to
 597 the provisions of s. 216.301.

598 (2) ELIGIBILITY.--Annually, the Department of Education
 599 shall determine each school district's compliance with the
 600 provisions of s. 1003.03 and determine the school district's
 601 eligibility to receive a district effort recognition grant for
 602 local school facilities projects pursuant to this section.
 603 School districts shall be eligible for a district effort
 604 recognition grant based upon participation in any of the
 605 following:

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



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608 (b) The school district participates in the levy of the
609 local government infrastructure sales surtax authorized in s.
610 212.055(2).

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

614 (d) The school district levies the full 2 mills of
615 nonvoted discretionary capital outlay millage authorized by s.
616 1011.71(2).

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

619 (3) ALLOCATION AND DISTRIBUTION OF FUNDS.--The department
620 shall allocate the annual amount of funds provided among all
621 eligible school districts based upon the school district's plan
622 approved by the State Board of Education and documented
623 infrastructure need, which shall be limited solely to
624 construction, renovation, and remodeling expenditures and
625 purchase or lease-purchase of relocatables for class size
626 reduction.

627 Section 7. Section 1013.737, Florida Statutes, is created
628 to read:

629 1013.737 Class Size Reduction Lottery Revenue Bond
630 Program.--There is established the Class Size Reduction Lottery
631 Revenue Bond Program.

632 (1) The issuance of revenue bonds is authorized to finance
633 or refinance the construction, acquisition, reconstruction, or
634 renovation of educational facilities. Such bonds shall be issued
635 pursuant to and in compliance with the provisions of s. 11(d),



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636 Art. VII of the State Constitution, the provisions of the State
637 Bond Act, ss. 215.57-215.83, as amended, and the provisions of
638 this section.

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

644 (3) The state hereby covenants with the holders of such
645 revenue bonds that it will not take any action that will
646 materially and adversely affect the rights of such holders so
647 long as bonds authorized by this section are outstanding. The
648 state does hereby additionally authorize the establishment of a
649 covenant in connection with the bonds which provides that any
650 additional funds received by the state from new or enhanced
651 lottery programs or other similar activities will first be
652 available for payments relating to bonds pledging revenues
653 available pursuant to s. 24.121(2) prior to use for any other
654 purpose.

655 (4) The bonds shall be issued by the Division of Bond
656 Finance of the State Board of Administration on behalf of the
657 Department of Education in such amount as shall be requested by
658 resolution of the State Board of Education. However, the total
659 principal amount of bonds, excluding refunding bonds, issued
660 pursuant to this section shall not exceed \$600 million.

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



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664 (6) The facilities to be financed with the proceeds of
665 such bonds are designated as state fixed capital outlay projects
666 for purposes of s. 11(d), Art. VII of the State Constitution,
667 and the specific facilities to be financed shall be determined
668 in accordance with state law and appropriations from the
669 Educational Enhancement Trust Fund. Prior to the release of
670 funds, the State Board of Education must approve each school
671 district's expenditure plan, which plan must be based on
672 documented infrastructure need and be limited solely to
673 construction, renovation, and remodeling expenditures and
674 purchase or lease-purchase of relocatables for class size
675 reduction. Projects shall be funded from the Lottery Capital
676 Outlay and Debt Service Trust Fund. Each educational facility to
677 be financed with the proceeds of the bonds issued pursuant to
678 this section is hereby approved as required by s. 11(f), Art.
679 VII of the State Constitution.

680 (7) Any complaint for validation of such bonds is required
681 to be filed only in the circuit court of the county where the
682 seat of state government is situated. The notice required to be
683 published by s. 75.06 is required to be published only in the
684 county where the complaint is filed, and the complaint and order
685 of the circuit court need be served only on the state attorney
686 of the circuit in which the action is pending.

687 (8) The Commissioner of Education shall provide for timely
688 encumbrances of funds for duly authorized projects. Encumbrances
689 may include proceeds to be received under a resolution approved
690 by the State Board of Education authorizing issuance of class



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691 size reduction lottery bonds pursuant to s. 11(d), Art. VII of
 692 the State Constitution, this section, and other applicable law.

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

695 24.121 Allocation of revenues and expenditure of funds for
 696 public education.--

697 (2) Each fiscal year, at least 38 percent of the gross
 698 revenue from the sale of on-line lottery tickets, variable
 699 percentages of the gross revenue from the sale of instant
 700 lottery tickets as determined by the department consistent with
 701 subsection (1), and other earned revenue, excluding application
 702 processing fees, shall be deposited in the Educational
 703 Enhancement Trust Fund, which is hereby created in the State
 704 Treasury to be administered by the Department of Education. The
 705 Department of the Lottery shall transfer moneys to the
 706 Educational Enhancement Trust Fund at least once each quarter.
 707 Funds in the Educational Enhancement Trust Fund shall be used to
 708 the benefit of public education in accordance with the
 709 provisions of this act. Notwithstanding any other provision of
 710 law, ~~a maximum of \$180 million of~~ lottery revenues transferred
 711 to the Educational Enhancement Trust Fund ~~in fiscal year 1997-~~
 712 ~~1998 and for 30 years thereafter~~ shall be reserved as needed and
 713 used to meet the requirements of the documents authorizing the
 714 bonds issued by the state pursuant to s. 1013.68, ~~or~~ s. 1013.70,
 715 or s. 1013.737 or distributed to school districts for the
 716 Classrooms First Program as provided in s. 1013.68. Such lottery
 717 revenues are hereby pledged to the payment of debt service on
 718 bonds issued by the state pursuant to s. 1013.68, ~~or~~ s. 1013.70,



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719 | or s. 1013.737. Debt service payable on bonds issued by the
720 | state pursuant to s. 1013.68, ~~or s. 1013.70~~, or s. 1013.737
721 | shall be payable from, and are secured by a first lien on, the
722 | first lottery revenues transferred to the Educational
723 | Enhancement Trust Fund in each fiscal year. Amounts
724 | distributable to school districts that request the issuance of
725 | bonds pursuant to s. 1013.68(3) are hereby pledged to such bonds
726 | pursuant to s. 11(d), Art. VII of the State Constitution. ~~The~~
727 | ~~amounts distributed through the Classrooms First Program shall~~
728 | ~~equal \$145 million in each fiscal year. These funds are intended~~
729 | ~~to provide up to \$2.5 billion for public school facilities.~~

730 | Section 9. Effective upon this act becoming a law,
731 | subsection (13) of section 121.091, Florida Statutes, is amended
732 | to read:

733 | 121.091 Benefits payable under the system.-- Benefits may
734 | not be paid under this section unless the member has terminated
735 | employment as provided in s. 121.021(39)(a) or begun
736 | participation in the Deferred Retirement Option Program as
737 | provided in subsection (13), and a proper application has been
738 | filed in the manner prescribed by the department. The department
739 | may cancel an application for retirement benefits when the
740 | member or beneficiary fails to timely provide the information
741 | and documents required by this chapter and the department's
742 | rules. The department shall adopt rules establishing procedures
743 | for application for retirement benefits and for the cancellation
744 | of such application when the required information or documents
745 | are not received.



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746 (13) DEFERRED RETIREMENT OPTION PROGRAM.—In general, and
747 subject to the provisions of this section, the Deferred
748 Retirement Option Program, hereinafter referred to as the DROP,
749 is a program under which an eligible member of the Florida
750 Retirement System may elect to participate, deferring receipt of
751 retirement benefits while continuing employment with his or her
752 Florida Retirement System employer. The deferred monthly
753 benefits shall accrue in the System Trust Fund on behalf of the
754 participant, plus interest compounded monthly, for the specified
755 period of the DROP participation, as provided in paragraph (c).
756 Upon termination of employment, the participant shall receive
757 the total DROP benefits and begin to receive the previously
758 determined normal retirement benefits. Participation in the DROP
759 does not guarantee employment for the specified period of DROP.
760 Participation in the DROP by an eligible member beyond the
761 initial 60-month period as authorized in this subsection shall
762 be on an annual contractual basis for all participants.

763 (a) Eligibility of member to participate in the DROP.--All
764 active Florida Retirement System members in a regularly
765 established position, and all active members of either the
766 Teachers' Retirement System established in chapter 238 or the
767 State and County Officers' and Employees' Retirement System
768 established in chapter 122 which systems are consolidated within
769 the Florida Retirement System under s. 121.011, are eligible to
770 elect participation in the DROP provided that:

771 1. The member is not a renewed member of the Florida
772 Retirement System under s. 121.122, or a member of the State
773 Community College System Optional Retirement Program under s.



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774 121.051, the Senior Management Service Optional Annuity Program
775 under s. 121.055, or the optional retirement program for the
776 State University System under s. 121.35.

777 2. Except as provided in subparagraph 6., election to
778 participate is made within 12 months immediately following the
779 date on which the member first reaches normal retirement date,
780 or, for a member who reaches normal retirement date based on
781 service before he or she reaches age 62, or age 55 for Special
782 Risk Class members, election to participate may be deferred to
783 the 12 months immediately following the date the member attains
784 57, or age 52 for Special Risk Class members. For a member who
785 first reached normal retirement date or the deferred eligibility
786 date described above prior to the effective date of this
787 section, election to participate shall be made within 12 months
788 after the effective date of this section. A member who fails to
789 make an election within such 12-month limitation period shall
790 forfeit all rights to participate in the DROP. The member shall
791 advise his or her employer and the division in writing of the
792 date on which the DROP shall begin. Such beginning date may be
793 subsequent to the 12-month election period, but must be within
794 the 60-month or, with respect to members who are instructional
795 or administrative personnel employed by a community college in
796 areas of critical need identified by the district board of
797 trustees and who have received authorization by the district
798 board of trustees to participate in the DROP beyond 60 months,
799 or who are instructional or administrative personnel employed by
800 the Florida School for the Deaf and the Blind and who have
801 received authorization by the Board of Trustees of the Florida



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802 School for the Deaf and the Blind to participate in the DROP
803 beyond 60 months, or who are instructional personnel as defined
804 in s. 1012.01(2)(a)-(d) in grades K-12 or administrative
805 personnel as defined in s. 1012.01(3) in grades K-12 and who
806 have received authorization by the district school
807 superintendent to participate in the DROP beyond 60 months, the
808 96-month limitation period as provided in subparagraph (b)1.
809 When establishing eligibility of the member to participate in
810 the DROP for the 60-month or, with respect to members who are
811 instructional or administrative personnel employed by a
812 community college in areas of critical need identified by the
813 district board of trustees and who have received authorization
814 by the district board of trustees to participate in the DROP
815 beyond 60 months, or who are instructional or administrative
816 personnel employed by the Florida School for the Deaf and the
817 Blind and who have received authorization by the Board of
818 Trustees of the Florida School for the Deaf and the Blind to
819 participate in the DROP beyond 60 months, or who are
820 instructional personnel as defined in s. 1012.01(2)(a)-(d) in
821 grades K-12 or administrative personnel as defined in s.
822 1012.01(3) in grades K-12 and who have received authorization by
823 the district school superintendent to participate in the DROP
824 beyond 60 months, the 96-month maximum participation period, the
825 member may elect to include or exclude any optional service
826 credit purchased by the member from the total service used to
827 establish the normal retirement date. A member with dual normal
828 retirement dates shall be eligible to elect to participate in



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829 DROP within 12 months after attaining normal retirement date in
830 either class.

831 3. The employer of a member electing to participate in the
832 DROP, or employers if dually employed, shall acknowledge in
833 writing to the division the date the member's participation in
834 the DROP begins and the date the member's employment and DROP
835 participation will terminate.

836 4. Simultaneous employment of a participant by additional
837 Florida Retirement System employers subsequent to the
838 commencement of participation in the DROP shall be permissible
839 provided such employers acknowledge in writing a DROP
840 termination date no later than the participant's existing
841 termination date or the 60-month limitation period as provided
842 in subparagraph (b)1.

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

845 a. A change of employment must take place without a break
846 in service so that the member receives salary for each month of
847 continuous DROP participation. If a member receives no salary
848 during a month, DROP participation shall cease unless the
849 employer verifies a continuation of the employment relationship
850 for such participant pursuant to s. 121.021(39)(b).

851 b. Such participant and new employer shall notify the
852 division on forms required by the division as to the identity of
853 the new employer.

854 c. The new employer shall acknowledge, in writing, the
855 participant's DROP termination date, which may be extended but
856 not beyond the original 60-month or, with respect to members who



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857 are instructional or administrative personnel employed by a
858 community college in areas of critical need identified by the
859 district board of trustees and who have received authorization
860 by the district board of trustees to participate in the DROP
861 beyond 60 months, or who are instructional or administrative
862 personnel employed by the Florida School for the Deaf and the
863 Blind and who have received authorization by the Board of
864 Trustees of the Florida School for the Deaf and the Blind to
865 participate in the DROP beyond 60 months, or who are
866 instructional personnel as defined in s. 1012.01(2)(a)-(d) in
867 grades K-12 or administrative personnel as defined in s.
868 1012.01(3) in grades K-12 and who have received authorization by
869 the district school superintendent to participate in the DROP
870 beyond 60 months, the 96-month period provided in subparagraph
871 (b)1., shall acknowledge liability for any additional retirement
872 contributions and interest required if the participant fails to
873 timely terminate employment, and shall be subject to the
874 adjustment required in sub-subparagraph (c)5.d.

875 6. Effective July 1, 2001, for instructional personnel as
876 defined in s. 1012.01(2), election to participate in the DROP
877 shall be made at any time following the date on which the member
878 first reaches normal retirement date. The member shall advise
879 his or her employer and the division in writing of the date on
880 which the Deferred Retirement Option Program shall begin. When
881 establishing eligibility of the member to participate in the
882 DROP for the 60-month or, with respect to members who are
883 instructional or administrative personnel employed by a
884 community college in areas of critical need identified by the



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885 district board of trustees and who have received authorization
886 by the district board of trustees to participate in the DROP
887 beyond 60 months, or who are instructional or administrative
888 personnel employed by the Florida School for the Deaf and the
889 Blind and who have received authorization by the Board of
890 Trustees of the Florida School for the Deaf and the Blind to
891 participate in the DROP beyond 60 months, or who are
892 instructional personnel as defined in s. 1012.01(2)(a)-(d) in
893 grades K-12 or administrative personnel as defined in s.
894 1012.01(3) in grades K-12 and who have received authorization by
895 the district school superintendent to participate in the DROP
896 beyond 60 months, the 96-month maximum participation period, as
897 provided in subparagraph (b)1., the member may elect to include
898 or exclude any optional service credit purchased by the member
899 from the total service used to establish the normal retirement
900 date. A member with dual normal retirement dates shall be
901 eligible to elect to participate in either class.

902 (b) Participation in the DROP.—

903 1. An eligible member may elect to participate in the DROP
904 for a period not to exceed a maximum of 60 calendar months or,
905 with respect to members who are instructional or administrative
906 personnel employed by a community college in areas of critical
907 need identified by the district board of trustees and who have
908 received authorization by the district board of trustees to
909 participate in the DROP beyond the initial 60 calendar months on
910 an annual contractual basis, or who are instructional or
911 administrative personnel employed by the Florida School for the
912 Deaf and the Blind and who have received authorization by the



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913 Board of Trustees of the Florida School for the Deaf and the
 914 Blind to participate in the DROP beyond the initial 60 calendar
 915 months on an annual contractual basis, or who are instructional
 916 personnel as defined in s. 1012.01(2)(a)-(d) in grades K-12 or
 917 administrative personnel as defined in s. 1012.01(3) in grades
 918 K-12 and who have received authorization by the district school
 919 superintendent to participate in the DROP beyond the initial 60
 920 calendar months on an annual contractual basis, a maximum of 96
 921 calendar months immediately following the date on which the
 922 member first reaches his or her normal retirement date or the
 923 date to which he or she is eligible to defer his or her election
 924 to participate as provided in subparagraph (a)2. However, a
 925 member who has reached normal retirement date prior to the
 926 effective date of the DROP shall be eligible to participate in
 927 the DROP for a period of time not to exceed 60 calendar months
 928 or, with respect to members who are instructional or
 929 administrative personnel employed by a community college in
 930 areas of critical need identified by the district board of
 931 trustees and who have received authorization by the district
 932 board of trustees to participate in the DROP beyond the initial
 933 60 calendar months on an annual contractual basis, or who are
 934 instructional or administrative personnel employed by the
 935 Florida School for the Deaf and the Blind and who have received
 936 authorization by the Board of Trustees of the Florida School for
 937 the Deaf and the Blind to participate in the DROP beyond the
 938 initial 60 calendar months on an annual contractual basis, or
 939 who are instructional personnel as defined in s. 1012.01(2)(a)-
 940 (d) in grades K-12 or administrative personnel as defined in s.



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941 | 1012.01(3) in grades K-12 and who have received authorization by
942 | the district school superintendent to participate in the DROP
943 | beyond the initial 60 calendar months on an annual contractual
944 | basis, a maximum of 96 calendar months immediately following the
945 | effective date of the DROP, except a member of the Special Risk
946 | Class who has reached normal retirement date prior to the
947 | effective date of the DROP and whose total accrued value exceeds
948 | 75 percent of average final compensation as of his or her
949 | effective date of retirement shall be eligible to participate in
950 | the DROP for no more than 36 calendar months immediately
951 | following the effective date of the DROP.

952 | 2. Upon deciding to participate in the DROP, the member
953 | shall submit, on forms required by the division:

954 | a. A written election to participate in the DROP;

955 | b. Selection of the DROP participation and termination
956 | dates, which satisfy the limitations stated in paragraph (a) and
957 | subparagraph 1. Such termination date shall be in a binding
958 | letter of resignation with the employer, establishing a deferred
959 | termination date. The member may change the termination date
960 | within the limitations of subparagraph 1., but only with the
961 | written approval of his or her employer;

962 | c. A properly completed DROP application for service
963 | retirement as provided in this section; and

964 | d. Any other information required by the division.

965 | 3. The DROP participant shall be a retiree under the
966 | Florida Retirement System for all purposes, except for paragraph
967 | (5)(f) and subsection (9) and ss. 112.3173, 112.363, 121.053,
968 | and 121.122. However, participation in the DROP does not alter



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969 the participant's employment status and such employee shall not
970 be deemed retired from employment until his or her deferred
971 resignation is effective and termination occurs as provided in
972 s. 121.021(39).

973 4. Elected officers shall be eligible to participate in
974 the DROP subject to the following:

975 a. An elected officer who reaches normal retirement date
976 during a term of office may defer the election to participate in
977 the DROP until the next succeeding term in that office. Such
978 elected officer who exercises this option may participate in the
979 DROP for up to 60 calendar months or a period of no longer than
980 such succeeding term of office, whichever is less.

981 b. An elected or a nonelected participant may run for a
982 term of office while participating in DROP and, if elected,
983 extend the DROP termination date accordingly, except, however,
984 if such additional term of office exceeds the 60-month
985 limitation established in subparagraph 1., and the officer does
986 not resign from office within such 60-month limitation, the
987 retirement and the participant's DROP shall be null and void as
988 provided in sub-subparagraph (c)5.d.

989 c. An elected officer who is dually employed and elects to
990 participate in DROP shall be required to satisfy the definition
991 of termination within the 60-month or, with respect to members
992 who are instructional or administrative personnel employed by a
993 community college in areas of critical need identified by the
994 district board of trustees and who have received authorization
995 by the district board of trustees to participate in the DROP
996 beyond 60 months, or who are instructional or administrative



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997 personnel employed by the Florida School for the Deaf and the
998 Blind and who have received authorization by the Board of
999 Trustees of the Florida School for the Deaf and the Blind to
1000 participate in the DROP beyond 60 months, or who are
1001 instructional personnel as defined in s. 1012.01(2)(a)-(d) in
1002 grades K-12 or administrative personnel as defined in s.
1003 1012.01(3) in grades K-12 and who have received authorization by
1004 the district school superintendent to participate in the DROP
1005 beyond 60 months, the 96-month limitation period as provided in
1006 subparagraph 1. for the nonelected position and may continue
1007 employment as an elected officer as provided in s. 121.053. The
1008 elected officer will be enrolled as a renewed member in the
1009 Elected Officers' Class or the Regular Class, as provided in ss.
1010 121.053 and 121.22, on the first day of the month after
1011 termination of employment in the nonelected position and
1012 termination of DROP. Distribution of the DROP benefits shall be
1013 made as provided in paragraph (c).

1014 (c) *Benefits payable under the DROP.--*

1015 1. Effective with the date of DROP participation, the
1016 member's initial normal monthly benefit, including creditable
1017 service, optional form of payment, and average final
1018 compensation, and the effective date of retirement shall be
1019 fixed. The beneficiary established under the Florida Retirement
1020 System shall be the beneficiary eligible to receive any DROP
1021 benefits payable if the DROP participant dies prior to the
1022 completion of the period of DROP participation. In the event a
1023 joint annuitant predeceases the member, the member may name a
1024 beneficiary to receive accumulated DROP benefits payable. Such



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1025 retirement benefit, the annual cost of living adjustments
1026 provided in s. 121.101, and interest shall accrue monthly in the
1027 System Trust Fund. Such interest shall accrue at an effective
1028 annual rate of 6.5 percent compounded monthly, on the prior
1029 month's accumulated ending balance, up to the month of
1030 termination or death.

1031 2. Each employee who elects to participate in the DROP
1032 shall be allowed to elect to receive a lump-sum payment for
1033 accrued annual leave earned in accordance with agency policy
1034 upon beginning participation in the DROP. Such accumulated leave
1035 payment certified to the division upon commencement of DROP
1036 shall be included in the calculation of the member's average
1037 final compensation. The employee electing such lump-sum payment
1038 upon beginning participation in DROP will not be eligible to
1039 receive a second lump-sum payment upon termination, except to
1040 the extent the employee has earned additional annual leave which
1041 combined with the original payment does not exceed the maximum
1042 lump-sum payment allowed by the employing agency's policy or
1043 rules. Such early lump-sum payment shall be based on the hourly
1044 wage of the employee at the time he or she begins participation
1045 in the DROP. If the member elects to wait and receive such lump-
1046 sum payment upon termination of DROP and termination of
1047 employment with the employer, any accumulated leave payment made
1048 at that time cannot be included in the member's retirement
1049 benefit, which was determined and fixed by law when the employee
1050 elected to participate in the DROP.

1051 3. The effective date of DROP participation and the
1052 effective date of retirement of a DROP participant shall be the



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1053 first day of the month selected by the member to begin
 1054 participation in the DROP, provided such date is properly
 1055 established, with the written confirmation of the employer, and
 1056 the approval of the division, on forms required by the division.

1057 4. Normal retirement benefits and interest thereon shall
 1058 continue to accrue in the DROP until the established termination
 1059 date of the DROP, or until the participant terminates employment
 1060 or dies prior to such date. Although individual DROP accounts
 1061 shall not be established, a separate accounting of each
 1062 participant's accrued benefits under the DROP shall be
 1063 calculated and provided to participants.

1064 5. At the conclusion of the participant's DROP, the
 1065 division shall distribute the participant's total accumulated
 1066 DROP benefits, subject to the following provisions:

1067 a. The division shall receive verification by the
 1068 participant's employer or employers that such participant has
 1069 terminated employment as provided in s. 121.021(39)(b).

1070 b. The terminated DROP participant or, if deceased, such
 1071 participant's named beneficiary, shall elect on forms provided
 1072 by the division to receive payment of the DROP benefits in
 1073 accordance with one of the options listed below. For a
 1074 participant or beneficiary who fails to elect a method of
 1075 payment within 60 days of termination of the DROP, the division
 1076 will pay a lump sum as provided in sub-sub-subparagraph (I).

1077 (I) Lump sum.--All accrued DROP benefits, plus interest,
 1078 less withholding taxes remitted to the Internal Revenue Service,
 1079 shall be paid to the DROP participant or surviving beneficiary.



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1080 (II) Direct rollover.--All accrued DROP benefits, plus
 1081 interest, shall be paid from the DROP directly to the custodian
 1082 of an eligible retirement plan as defined in s. 402(c)(8)(B) of
 1083 the Internal Revenue Code. However, in the case of an eligible
 1084 rollover distribution to the surviving spouse of a deceased
 1085 participant, an eligible retirement plan is an individual
 1086 retirement account or an individual retirement annuity as
 1087 described in s. 402(c)(9) of the Internal Revenue Code.

1088 (III) Partial lump sum.--A portion of the accrued DROP
 1089 benefits shall be paid to the DROP participant or surviving
 1090 spouse, less withholding taxes remitted to the Internal Revenue
 1091 Service, and the remaining DROP benefits shall be transferred
 1092 directly to the custodian of an eligible retirement plan as
 1093 defined in s. 402(c)(8)(B) of the Internal Revenue Code.
 1094 However, in the case of an eligible rollover distribution to the
 1095 surviving spouse of a deceased participant, an eligible
 1096 retirement plan is an individual retirement account or an
 1097 individual retirement annuity as described in s. 402(c)(9) of
 1098 the Internal Revenue Code. The proportions shall be specified by
 1099 the DROP participant or surviving beneficiary.

1100 c. The form of payment selected by the DROP participant or
 1101 surviving beneficiary complies with the minimum distribution
 1102 requirements of the Internal Revenue Code.

1103 d. A DROP participant who fails to terminate employment as
 1104 defined in s. 121.021(39)(b) shall be deemed not to be retired,
 1105 and the DROP election shall be null and void. Florida Retirement
 1106 System membership shall be reestablished retroactively to the
 1107 date of the commencement of the DROP, and each employer with



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1108 | whom the participant continues employment shall be required to
1109 | pay to the System Trust Fund the difference between the DROP
1110 | contributions paid in paragraph (i) and the contributions
1111 | required for the applicable Florida Retirement System class of
1112 | membership during the period the member participated in the
1113 | DROP, plus 6.5 percent interest compounded annually.

1114 | 6. The accrued benefits of any DROP participant, and any
1115 | contributions accumulated under such program, shall not be
1116 | subject to assignment, execution, attachment, or to any legal
1117 | process whatsoever, except for qualified domestic relations
1118 | orders by a court of competent jurisdiction, income deduction
1119 | orders as provided in s. 61.1301, and federal income tax levies.

1120 | 7. DROP participants shall not be eligible for disability
1121 | retirement benefits as provided in subsection (4).

1122 | (d) *Death benefits under the DROP.*--

1123 | 1. Upon the death of a DROP participant, the named
1124 | beneficiary shall be entitled to apply for and receive the
1125 | accrued benefits in the DROP as provided in sub-subparagraph
1126 | (c)5.b.

1127 | 2. The normal retirement benefit accrued to the DROP
1128 | during the month of a participant's death shall be the final
1129 | monthly benefit credited for such DROP participant.

1130 | 3. Eligibility to participate in the DROP terminates upon
1131 | death of the participant. If the participant dies on or after
1132 | the effective date of enrollment in the DROP, but prior to the
1133 | first monthly benefit being credited to the DROP, Florida
1134 | Retirement System benefits shall be paid in accordance with
1135 | subparagraph (7)(c)1. or subparagraph 2.



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1136 4. A DROP participants' survivors shall not be eligible to
1137 receive Florida Retirement System death benefits as provided in
1138 paragraph (7)(d).

1139 (e) *Cost-of-living adjustment.*--On each July 1, the
1140 participants' normal retirement benefit shall be increased as
1141 provided in s. 121.101.

1142 (f) *Retiree health insurance subsidy.*--DROP participants
1143 are not eligible to apply for the retiree health insurance
1144 subsidy payments as provided in s. 112.363 until such
1145 participants have terminated employment and participation in the
1146 DROP.

1147 (g) *Renewed membership.*--DROP participants shall not be
1148 eligible for renewed membership in the Florida Retirement System
1149 under ss. 121.053 and 121.122 until termination of employment is
1150 effectuated as provided in s. 121.021(39)(b).

1151 (h) *Employment limitation after DROP participation.*--Upon
1152 satisfying the definition of termination of employment as
1153 provided in s. 121.021(39)(b), DROP participants shall be
1154 subject to such reemployment limitations as other retirees.
1155 Reemployment restrictions applicable to retirees as provided in
1156 subsection (9) shall not apply to DROP participants until their
1157 employment and participation in the DROP are terminated.

1158 (i) *Contributions.*--

1159 1. All employers paying the salary of a DROP participant
1160 filling a regularly established position shall contribute 8.0
1161 percent of such participant's gross compensation for the period
1162 of July 1, 2002, through June 30, 2003, and 11.56 percent of
1163 such compensation thereafter, which shall constitute the entire



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1164 employer DROP contribution with respect to such participant.
1165 Such contributions, payable to the System Trust Fund in the same
1166 manner as required in s. 121.071, shall be made as appropriate
1167 for each pay period and are in addition to contributions
1168 required for social security and the Retiree Health Insurance
1169 Subsidy Trust Fund. Such employer, social security, and health
1170 insurance subsidy contributions are not included in the DROP.

1171 2. The employer shall, in addition to subparagraph 1.,
1172 also withhold one-half of the entire social security
1173 contribution required for the participant. Contributions for
1174 social security by each participant and each employer, in the
1175 amount required for social security coverage as now or hereafter
1176 provided by the federal Social Security Act, shall be in
1177 addition to contributions specified in subparagraph 1.

1178 3. All employers paying the salary of a DROP participant
1179 filling a regularly established position shall contribute the
1180 percent of such participant's gross compensation required in s.
1181 121.071(4), which shall constitute the employer's health
1182 insurance subsidy contribution with respect to such participant.
1183 Such contributions shall be deposited by the administrator in
1184 the Retiree Health Insurance Subsidy Trust Fund.

1185 (j) *Forfeiture of retirement benefits.*--Nothing in this
1186 section shall be construed to remove DROP participants from the
1187 scope of s. 8(d), Art. II of the State Constitution, s.
1188 112.3173, and paragraph (5)(f). DROP participants who commit a
1189 specified felony offense while employed will be subject to
1190 forfeiture of all retirement benefits, including DROP benefits,
1191 pursuant to those provisions of law.



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1192 (k) *Administration of program.*--The division shall make
 1193 such rules as are necessary for the effective and efficient
 1194 administration of this subsection. The division shall not be
 1195 required to advise members of the federal tax consequences of an
 1196 election related to the DROP but may advise members to seek
 1197 independent advice.

1198 Section 10. Subsection (20) of section 1001.42, Florida
 1199 Statutes, is amended to read:

1200 1001.42 Powers and duties of district school board.--The
 1201 district school board, acting as a board, shall exercise all
 1202 powers and perform all duties listed below:

1203 (20) SCHOOL-WITHIN-A-SCHOOL.--In order to reduce the
 1204 anonymity of students in large schools, adopt policies to
 1205 encourage any large school ~~that does not meet the definition of~~
 1206 ~~a small school, as established by s. 1013.43(2),~~ to subdivide
 1207 into schools-within-a-school that shall operate within existing
 1208 resources in accordance with the provisions of chapter 1003.

1209 Section 11. Section 1002.395, Florida Statutes, is created
 1210 to read:

1211 1002.395 Florida Learning Access Grants.--

1212 (1) POPULAR NAME.--This section shall be known by the
 1213 popular name the "Florida Learning Access Grants Program."

1214 (2) DISTRICT PARTICIPATION.--District school boards may
 1215 choose to implement the Florida Learning Access Grants program
 1216 as a strategy to reduce class size in their local school
 1217 districts pursuant to s. 1003.03(4). District school boards may
 1218 be required to participate in this program to reduce class size



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1219 if the Commissioner of Education so determines pursuant to s.
1220 1003.03(5)(b).

1221 (3) PARENTAL CHOICE.--The parent of any K-12 student in a
1222 school district participating in the program pursuant to
1223 subsection (2) who is enrolled and in attendance during the
1224 October and February FTE enrollment counts in a Florida public
1225 school may, for the following school year:

1226 (a) Opt to have the student remain in the school in which
1227 the student is enrolled; or

1228 (b) Opt to request, on an annual basis, a Florida Learning
1229 Access Grant to assist the parent in paying for the student's
1230 attendance at an eligible private school of the parent's choice.
1231 The grant shall be in the amount of \$3,500 in 2003 dollars,
1232 adjusted annually thereafter to reflect increases or decreases
1233 in the Consumer Price Index, or the tuition charged by the
1234 private school, whichever is less. The parent choosing a Florida
1235 Learning Access Grant shall be responsible for the child's
1236 transportation.

1237 (4) PARTICIPATING SCHOOL DISTRICT OBLIGATIONS.--Each
1238 school district participating in this program shall annually by
1239 February 22, for each K-12 student eligible under subsection
1240 (3), notify the parent that the school district has chosen to
1241 offer Florida Learning Access Grants and provide the parent with
1242 the parental choice options for the following school year as
1243 provided in subsection (3).

1244 (5) PARENT OBLIGATIONS.--



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1245 (a) The parent shall notify the school district as to
 1246 which of the options provided in subsection (3) the parent
 1247 wishes to choose.

1248 1. Failure of the parent to provide notification shall
 1249 constitute the choice of the option provided by paragraph
 1250 (3)(a).

1251 2. If the parent chooses the option provided by paragraph
 1252 (3)(b), the parent must:

1253 a. Obtain acceptance for admission of the student to a
 1254 private school eligible under subsection (6) as soon as possible
 1255 and inform the private school that the student will be using a
 1256 Florida Learning Access Grant.

1257 b. Notify the Department of Education of the parent's
 1258 request for a Florida Learning Access Grant and the name and
 1259 address of the selected private school.

1260 c. Agree to provide transportation for the student to the
 1261 private school if necessary.

1262 d. Agree to pay any costs associated with the student's
 1263 attendance at the private school that exceed the annual amount
 1264 of the Florida Learning Access Grant.

1265 e. Agree that the education provided by the private school
 1266 selected shall satisfy the student's full need for educational
 1267 services from the student's school.

1268 f. Ensure that the student takes a nationally normed
 1269 examination as determined by the private school for each grade 3
 1270 through 10. The results of the examination shall be provided to
 1271 the parent.

1272 (b) After the first year of the student's attendance at a



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1273 private school under the Florida Learning Access Grants program,
1274 the parent must annually notify the Department of Education if
1275 the parent intends to renew the grant according to the
1276 provisions of subsection (8) in order for the student to
1277 continue in the program, together with the name and address of
1278 the private school selected for the student for the following
1279 year.

1280 (6) PRIVATE SCHOOL ELIGIBILITY.--Eligibility of a private
1281 school shall be determined by the parental oversight and
1282 accountability requirements that, coupled with the exercise of
1283 parental choice, are reasonably necessary to secure the
1284 educational public purpose. To be eligible to participate in the
1285 Florida Learning Access Grants program, a private school must be
1286 a Florida private school, may be sectarian or nonsectarian, and
1287 must:

1288 (a) Demonstrate fiscal soundness by being in operation for
1289 1 school year or provide the Department of Education with a
1290 statement by a certified public accountant confirming that the
1291 private school desiring to participate is insured and the owner
1292 or owners have sufficient capital or credit to operate the
1293 school for the upcoming year serving the number of students
1294 anticipated with expected revenues from tuition and other
1295 sources that may be reasonably expected. In lieu of such a
1296 statement, a surety bond or letter of credit for the amount
1297 equal to the Florida Learning Access Grant funds for any school
1298 year may be filed with the department.

1299 (b) Notify the Department of Education and the school
1300 district in the service areas in which the school is located of



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1301 its intent to participate in the program under this section as
1302 early as possible, but no later than July 1 preceding the school
1303 year in which it intends to participate. The notice shall
1304 specify the grade levels and services that the private school
1305 has available for the Florida Learning Access Grants program.

1306 (c) Comply with the antidiscrimination provisions of 42
1307 U.S.C. s. 2002d.

1308 (d) Meet state and local health and safety laws and codes.

1309 (e) Comply with all state statutes applicable to the
1310 general regulation of private schools.

1311 (f) If a Florida Learning Access Grant student's parent so
1312 requests, coordinate with the school district the locations and
1313 times for the student to take all statewide assessments pursuant
1314 to s. 1008.22.

1315 (7) INITIAL FLORIDA LEARNING ACCESS GRANTS.--

1316 (a) Initial Florida Learning Access Grants shall be
1317 offered on a first-come, first-served basis.

1318 (b) The number of initial Florida Learning Access Grants
1319 to be awarded shall be determined annually by the Department of
1320 Education based upon the department's determination of the
1321 number that would be necessary to reduce class size to meet the
1322 school district's two-student-per-year reduction requirements
1323 pursuant to s. 1003.03(3) or to meet the constitutional class
1324 size maximums described in s. 1003.03(2). However, district
1325 school boards may authorize more Florida Learning Access Grants
1326 than the number established by the department.

1327 (8) FLORIDA LEARNING ACCESS GRANT RENEWAL.--For purposes
1328 of educational continuity and parental choice, a Florida



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1329 Learning Access Grant, once awarded, shall be renewable for as
 1330 long as the parent is a Florida resident who opts for
 1331 continuation of the grant for the student and the student
 1332 lawfully attends an eligible private school through grade 12 or
 1333 until the student graduates from high school. The Florida
 1334 Learning Access Grant may be transferred from one eligible
 1335 private school to another upon the school's acceptance of the
 1336 student and the parent's provision of adequate notice to the
 1337 Department of Education. A parent may, however, at any time opt
 1338 to return the student to the public school.

1339 (9) FLORIDA LEARNING ACCESS GRANT DISBURSEMENT.--Upon
 1340 proper documentation reviewed and approved by the Department of
 1341 Education, the Chief Financial Officer shall make Florida
 1342 Learning Access Grant payments in four equal amounts no later
 1343 than September 1, November 1, February 1, and April 1 of each
 1344 academic year. The initial payment shall be made after
 1345 Department of Education verification of admission acceptance,
 1346 and subsequent payments shall be made upon verification of the
 1347 student's continued enrollment and attendance at the private
 1348 school. Payment must be by individual warrant made payable to
 1349 the student's parent and mailed by the Department of Education
 1350 to the private school of the parent's choice, and the parent
 1351 shall restrictively endorse the warrant to the private school.

1352 (10) LIABILITY.--No liability shall arise on the part of
 1353 the state based on the award or use of any Florida Learning
 1354 Access Grant.

1355 (11) DEPARTMENT OF EDUCATION OBLIGATIONS.--



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1356 (a)1. Upon notification of the number of students whose
1357 parents have opted to request initial Florida Learning Access
1358 Grants, the Department of Education shall transfer from general
1359 revenue funds appropriated to the school district the total
1360 amount of annual \$3,500 grants for the school district's
1361 students from the Florida Education Finance Program to a
1362 separate account for the disbursement of the initial Florida
1363 Learning Access Grants.

1364 2. The Department of Education shall, in its annual
1365 budget, provide for Florida Learning Access Grants for parents
1366 who wish their children to continue participation in the Florida
1367 Learning Access Grants program beyond the initial year of
1368 participation.

1369 (b) The Department of Education shall administer the
1370 Florida Learning Access Grants program, and the State Board of
1371 Education may adopt rules pursuant ss. 120.536(1) and 120.54 to
1372 implement the provisions of this section. However, the inclusion
1373 of eligible private schools within options available to Florida
1374 public school students does not expand the regulatory authority
1375 of the state, its officers, or any school district to impose any
1376 additional regulations on private schools beyond those
1377 reasonably necessary to enforce requirements expressly set forth
1378 in this section.

1379 Section 12. Section 1002.396, Florida Statutes, is created
1380 to read:

1381 1002.396 Kindergarten grants program.--

1382 (1) LEGISLATIVE INTENT; KINDERGARTEN GRANTS
1383 PROGRAM.--Recognizing the importance of each child having the



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1384 best possible foundation for his or her success in school, it is
1385 the intent of the Legislature that the parents of a child who
1386 will have attained the age of 5 years on or before September 1
1387 of the school year or who is otherwise eligible to attend
1388 kindergarten in a Florida public school be given the option:

1389 (a) To enroll the child in and transport the child to
1390 kindergarten in any public school within the school district
1391 other than the school to which the child is assigned; or

1392 (b) To receive a kindergarten grant to enroll the child in
1393 an eligible private kindergarten of the parent's choice. The
1394 grant shall be in the amount of \$3,500 in 2003 dollars, adjusted
1395 annually thereafter to reflect increases or decreases in the
1396 Consumer Price Index, or the tuition charged by the private
1397 kindergarten, whichever is less. The parent choosing a
1398 kindergarten grant shall be responsible for the child's
1399 transportation.

1400 (2) PARENT OBLIGATIONS.--

1401 (a) The parent choosing to participate in the kindergarten
1402 grants program shall notify the school district as to which of
1403 the options provided in subsection (1) the parent wishes to
1404 choose.

1405 (b) If the parent chooses the option provided in paragraph
1406 (1)(a), the parent shall inform the school district by May 1
1407 which public school the parent has selected, and the parent
1408 shall agree to provide any necessary transportation to the
1409 selected public school.

1410 (c) If the parent chooses the option provided in paragraph
1411 (1)(b), the parent shall:



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1412 1. Obtain acceptance for admission of the child to a
1413 private kindergarten eligible under subsection (3) as soon as
1414 possible and inform the private kindergarten that the child will
1415 be using a kindergarten grant.

1416 2. Notify the Department of Education by July 1 of the
1417 parent's request for a kindergarten grant and the name and
1418 address of the selected private kindergarten.

1419 3. Agree to provide any necessary transportation for the
1420 child to the selected private kindergarten.

1421 4. Agree to pay any costs associated with the child's
1422 attendance at the private kindergarten that exceed the amount of
1423 the kindergarten grant.

1424 (3) PRIVATE KINDERGARTEN ELIGIBILITY.--Eligibility of a
1425 private kindergarten shall be determined by the parental
1426 oversight and accountability requirements that, coupled with the
1427 exercise of parental choice, are reasonably necessary to secure
1428 the educational public purpose. To be eligible to participate in
1429 the kindergarten grants program, a kindergarten must be a
1430 Florida private kindergarten, may be sectarian or nonsectarian,
1431 and must:

1432 (a) Demonstrate fiscal soundness by being in operation for
1433 1 school year or provide the Department of Education with a
1434 statement by a certified public accountant confirming that the
1435 private kindergarten desiring to participate is insured and the
1436 owner or owners have sufficient capital or credit to operate the
1437 kindergarten for the upcoming year serving the number of
1438 students anticipated with expected revenues from tuition and
1439 other sources that may be reasonably expected. In lieu of such a



1440 statement, a surety bond or letter of credit for the amount
 1441 equal to the kindergarten grants funds for any school year may
 1442 be filed with the department.

1443 (b) Notify the Department of Education and the school
 1444 district in the service area in which the kindergarten is
 1445 located of its intent to participate in the program under this
 1446 section as early as possible, but no later than July 1 preceding
 1447 the school year in which it intends to participate.

1448 (c) Comply with the antidiscrimination provisions of 42
 1449 U.S.C. s. 2000d.

1450 (d) Meet state and local health and safety laws and codes.

1451 (e) Comply with all state statutes applicable to the
 1452 general regulation of private schools.

1453 (4) KINDERGARTEN GRANT DISBURSEMENT.--Upon proper
 1454 documentation reviewed and approved by the Department of
 1455 Education, the Chief Financial Officer shall make kindergarten
 1456 grant payments in four equal amounts no later than September 1,
 1457 November 1, February 1, and April 1 of each academic year. The
 1458 initial payment shall be made after Department of Education
 1459 verification of admission acceptance, and subsequent payments
 1460 shall be made upon verification of the student's continued
 1461 enrollment and attendance at the private kindergarten. Payment
 1462 must be by individual warrant made payable to the student's
 1463 parent and mailed by the Department of Education to the private
 1464 kindergarten of the parent's choice, and the parent shall
 1465 restrictively endorse the warrant to the private kindergarten.

1466 (5) LIABILITY.--No liability shall arise on the part of
 1467 the state based on the award or use of any kindergarten grant.



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1468 (6) DEPARTMENT OF EDUCATION OBLIGATIONS.--

1469 (a) The Department of Education shall transfer from
 1470 general revenue funds appropriated to the school district the
 1471 total amount of annual \$3,500 grants for the school district's
 1472 students from the Florida Education Finance Program to a
 1473 separate account for the disbursement of the kindergarten
 1474 grants.

1475 (b) The Department of Education shall administer the
 1476 kindergarten grants program and may adopt rules pursuant to ss.
 1477 120.536(1) and 120.54 to implement the provisions of this
 1478 section. However, the inclusion of eligible private schools
 1479 within options available to Florida public school students does
 1480 not expand the regulatory authority of the state, its officers,
 1481 or any school district to impose any additional regulations on
 1482 private schools beyond those reasonably necessary to enforce
 1483 requirements expressly set forth in this section.

1484 Section 13. Section 1002.397, Florida Statutes, is created
 1485 to read:

1486 1002.397 K-8 Virtual School Grants Program.--

1487 (1) K-8 VIRTUAL SCHOOL GRANTS PROGRAM.--Parents of a
 1488 student who is eligible to attend kindergarten or grade 1, 2, 3,
 1489 4, 5, 6, 7, or 8 and was enrolled and in attendance at a Florida
 1490 public school during the October and February FTE enrollment
 1491 counts or is entering kindergarten or first grade and has been
 1492 assigned to a specific Florida public school shall be given the
 1493 option to enroll the student in an eligible K-8 virtual school
 1494 of the parent's choice. The student shall be enrolled as a full-
 1495 time student. The student shall be eligible for a virtual school



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1496 grant in the amount of \$4,800 in 2003 dollars, adjusted annually
1497 thereafter to reflect increases or decreases in the Consumer
1498 Price Index, or the tuition charged by the eligible K-8 virtual
1499 school, whichever is less. Students who are enrolled in
1500 traditional public school classes that are not in compliance
1501 with the maximum class sizes provided in s. 1003.03 or who have
1502 scored Level 1 on the Florida Comprehensive Assessment Test or
1503 have been retained shall be given priority.

1504 (2) STUDENT AND PARENT OBLIGATIONS.--

1505 (a) The parent of an eligible student choosing to
1506 participate in the K-8 Virtual School Grants Program shall
1507 notify the school district of the parent's desire for the
1508 student to participate in the grants program.

1509 (b) The parent shall:

1510 1. Obtain acceptance for admission of the student to an
1511 eligible K-8 virtual school and inform the virtual school that
1512 the child will be using a virtual school grant.

1513 2. Notify the Department of Education by July 1 of the
1514 parent's request for a K-8 virtual school grant and the name and
1515 address of the selected virtual school.

1516 3. Agree to pay any costs, including any transportation,
1517 associated with the child's attendance at the K-8 virtual school
1518 that exceed the amount of the K-8 virtual school grant.

1519 (c) Each parent shall serve as, or provide, an onsite
1520 mentor or facilitator at the site where the student is
1521 physically located.

1522 (d) Each student shall have access to a singular,
1523 consistent curriculum that meets or exceeds the Sunshine State



1524 Standards and that has an interactive program with significant
 1525 on-line components. Nothing in this section, however, shall
 1526 prohibit a student from working at a different grade level in a
 1527 subject within the singular curriculum.

1528 (e) Each student enrolled in an approved K-8 virtual
 1529 school shall be a full-time student. Enrolled students must take
 1530 all language arts, mathematics, science, history, and required
 1531 courses for the grade level in which the student is enrolled.

1532 (f) Each student enrolled in an approved K-8 virtual
 1533 school in grades 3, 4, 5, 6, 7, and 8 shall participate in the
 1534 Florida Comprehensive Assessment Test (FCAT) in accordance with
 1535 the requirement of s. 1008.22. Students in grades that are not
 1536 required to take the FCAT shall participate in local assessments
 1537 and in the K-3 state-approved assessment for reading adopted by
 1538 Just Read Florida.

1539 (3) K-8 VIRTUAL SCHOOL ELIGIBILITY.--As used in this
 1540 section, a "K-8 virtual school" means an independent public
 1541 school that uses on-line and distance learning technology in
 1542 order to deliver instruction to students in kindergarten and
 1543 grades 1 through 8. Eligibility of a K-8 virtual school to
 1544 participate in the K-8 Virtual School Grants Program shall be
 1545 determined by the State Board of Education. To be eligible to
 1546 participate in the program, a K-8 virtual school must:

1547 (a) Demonstrate fiscal soundness by being in operation for
 1548 at least 1 school year or provide the Department of Education
 1549 with a statement by a certified public accountant confirming
 1550 that the K-8 virtual school desiring to participate is insured
 1551 and the owner or owners have sufficient capital or credit to



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1552 operate the school for the upcoming year serving the number of
1553 students anticipated with expected revenues from tuition and
1554 other sources that may be reasonably expected. In lieu of such a
1555 statement, a surety bond or letter of credit for the amount
1556 equal to the K-8 virtual school grants funds for any school year
1557 may be filed with the department.

1558 (b) Notify the Department of Education of its intent to
1559 participate in the program under this section as early as
1560 possible, but no later than July 1 preceding the school year in
1561 which it intends to participate, except that such notification
1562 deadline shall not apply in the first year of implementation.

1563 (c) Comply with the antidiscrimination provisions of 42
1564 U.S.C. s. 2000d.

1565 (d) Submit to the State Board of Education forecasted
1566 enrollment, actual enrollments, and grade completions for the K-
1567 8 virtual school according to procedures established by the
1568 State Board of Education. At a minimum, such procedures must
1569 include the number of students served by grade and by county of
1570 residence.

1571 (e) Provide, free of charge, all instructional materials
1572 for each student enrolled in the K-8 virtual school for as long
1573 as the student is enrolled. In addition, for each household with
1574 a student or students enrolled in a K-8 virtual school, the
1575 virtual school must make available, free of charge, a computer
1576 and a printer, in addition to a subsidized Internet connection,
1577 for as long as the student is enrolled. Nothing in this
1578 paragraph prevents students from using their own computers,
1579 printers, or Internet connections.



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1580 (f) Conform all curriculum and course content to the
1581 Sunshine State Standards. All reading and other content area
1582 strategies shall be based on scientific research.

1583 (g) Administer the Florida Comprehensive Assessment Test
1584 (FCAT) in accordance with ss. 1008.22, 1008.23, and 1008.24 or,
1585 for those students in grades that are not required to take the
1586 FCAT, local assessments and the K-3 state-approved assessment
1587 for reading adopted by Just Read Florida.

1588 (h) Employ on-line teachers who are certified in Florida.
1589 All on-line teachers shall meet with each student at least once
1590 per month during each school semester, either face-to-face at
1591 the school facility or another mutually agreed upon location or
1592 via telephone. On-line teachers shall be available to students,
1593 parents, and onsite mentors and facilitators on a schedule
1594 equivalent to that of a normal public school day and normal
1595 public school calendar for each K-8 virtual school student's
1596 public school district in a variety of ways, including, but not
1597 limited to, telephone and electronic mail.

1598 (i) Maintain an administrative office, which shall be
1599 considered its principal place of business within the state.

1600 (4) K-8 VIRTUAL SCHOOL GRANT DISBURSEMENT.--Upon proper
1601 documentation reviewed and approved by the Department of
1602 Education, the Chief Financial Officer shall make K-8 virtual
1603 school grant payments in four equal amounts no later than
1604 September 1, November 1, February 1, and April 1 of each
1605 academic year. The initial payment shall be made after
1606 Department of Education verification of admission acceptance,
1607 and subsequent payments shall be made upon verification of the



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1608 student's continued enrollment. Payment must be by individual
1609 warrant made payable to the student's parent and mailed by the
1610 Department of Education to the K-8 virtual school of the
1611 parent's choice, and the parent shall restrictively endorse the
1612 warrant to the virtual school.

1613 (5) LIABILITY.--No liability shall arise on the part of
1614 the state based on the award or use of any K-8 virtual school
1615 grant.

1616 (6) DEPARTMENT OF EDUCATION OBLIGATIONS.--The Department
1617 of Education shall administer the K-8 Virtual School Grants
1618 Program.

1619 (a) The department may approve one or more K-8 virtual
1620 schools for the purpose of delivering K-8 on-line and distance
1621 learning education.

1622 (b) The department shall monitor each K-8 virtual school's
1623 performance and annually evaluate each K-8 virtual school based
1624 on the following criteria:

1625 1. The extent to which the school demonstrates increases
1626 in student achievement according to the goals of the Sunshine
1627 State Standards.

1628 2. Student achievement data from the Florida Comprehensive
1629 Assessment Test (FCAT) for grades 3 through 8. The school shall
1630 be assigned a school performance grade under the school grading
1631 system. For those students in kindergarten and grades 1 and 2
1632 who are not required to take the FCAT, student achievement data
1633 shall be from local assessments and the K-3 state-approved
1634 assessment for reading adopted by Just Read Florida.



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1635 3. Grade completion rate, based upon the goals of a
1636 70-percent completion rate, with 80 percent of those completing
1637 grades scoring at Level 3 or higher on the FCAT or at least
1638 satisfactory on the K-3 assessment.

1639 4. Parent satisfaction rate, based upon the goal of 80
1640 percent of parents of participating students indicating
1641 satisfaction with the school.

1642 5. The accountability and viability of the K-8 virtual
1643 school as demonstrated by its academic, fiscal, and operational
1644 performance.

1645

1646 The Department of Education shall report each K-8 virtual
1647 school's performance to the State Board of Education, the
1648 President of the Senate, and the Speaker of the House of
1649 Representatives.

1650 (7) RULEMAKING.--The State Board of Education may adopt
1651 rules in accordance with ss. 120.536(1) and 120.54 as necessary
1652 to implement this section, including reporting requirements for
1653 K-8 virtual schools operating pursuant to this section.

1654 Section 14. Paragraph (b) of subsection (3), paragraph (e)
1655 of subsection (4), and paragraph (a) of subsection (6) of
1656 section 220.187, Florida Statutes, are amended to read:

1657 220.187 Credits for contributions to nonprofit
1658 scholarship-funding organizations.--

1659 (3) AUTHORIZATION TO GRANT SCHOLARSHIP FUNDING TAX
1660 CREDITS; LIMITATIONS ON INDIVIDUAL AND TOTAL CREDITS.--



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1661 (b) Notwithstanding any other provision of law, the total
 1662 amount of tax credit which may be granted each state fiscal year
 1663 under both this section and s. 220.1875 is \$100 ~~\$50~~ million.

1664 (4) OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP-FUNDING
 1665 ORGANIZATIONS.--

1666 (e) An eligible nonprofit scholarship-funding
 1667 organization that receives an eligible contribution must spend
 1668 100 percent of the eligible contribution to provide scholarships
 1669 within 6 months after the date the contribution was received or
 1670 in the same state fiscal year in which the contribution was
 1671 received, whichever is later. No portion of eligible
 1672 contributions may be used for administrative expenses. All
 1673 interest accrued from contributions must be used for
 1674 scholarships.

1675 (6) ADMINISTRATION; RULES.--

1676 (a) If the credit granted pursuant to this section is not
 1677 fully used in any one year because of insufficient tax liability
 1678 on the part of the corporation, the unused amount may ~~not~~ be
 1679 carried forward for a period not to exceed 3 years. A taxpayer
 1680 may not convey, assign, or transfer the credit authorized by
 1681 this section to another entity unless all of the assets of the
 1682 taxpayer are conveyed, assigned, or transferred in the same
 1683 transaction. This carryforward applies to all approved
 1684 contributions made after January 1, 2002.

1685 Section 15. Paragraph (b) of subsection (2) and paragraph
 1686 (a) of subsection (6) of section 1002.20, Florida Statutes, are
 1687 amended to read:



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1688 1002.20 K-12 student and parent rights.--K-12 students and
1689 their parents are afforded numerous statutory rights including,
1690 but not limited to, the following:

1691 (2) ATTENDANCE.--

1692 (b) Regular school attendance.--Parents of students who
1693 have attained the age of 6 years by February 1 of any school
1694 year but who have not attained the age of 16 years must comply
1695 with the compulsory school attendance laws. Parents have the
1696 option to comply with the school attendance laws by attendance
1697 of the student in a public school, including the Florida Virtual
1698 School operating pursuant to s. 1002.37; a parochial, religious,
1699 or denominational school; a private school; a home education
1700 program; a K-8 virtual school operating pursuant to s. 1002.397;
1701 or a private tutoring program, in accordance with the provisions
1702 of s. 1003.01(13)~~(14)~~.

1703 (6) EDUCATIONAL CHOICE.--

1704 (a) Public school choices.--Parents of public school
1705 students may seek whatever public school choice options that are
1706 applicable to their students ~~and are available to students in~~
1707 ~~their school districts~~. These options may include controlled
1708 open enrollment, lab schools, charter schools, charter technical
1709 career centers, magnet schools, alternative schools, special
1710 programs, advanced placement, dual enrollment, International
1711 Baccalaureate, early admissions, credit by examination or
1712 demonstration of competency, the New World School of the Arts,
1713 the Florida School for the Deaf and the Blind, ~~and~~ the Florida
1714 Virtual School, and K-8 virtual schools operating pursuant to s.
1715 1002.397. These options may also include the public school



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1716 choice options of the Opportunity Scholarship Program and the
1717 McKay Scholarships for Students with Disabilities Program.

1718 Section 16. Subsection (13) of section 1002.33, Florida
1719 Statutes, is repealed, subsections (14) through (26) are
1720 renumbered as subsections (13) through (25), respectively, and
1721 paragraph (e) of subsection (10) and paragraph (a) of present
1722 subsection (21) of said section are amended to read:

1723 1002.33 Charter schools.--

1724 (10) ELIGIBLE STUDENTS.--

1725 (e) A charter school may limit the enrollment process only
1726 to target the following student populations:

1727 1. Students within specific age groups or grade levels.

1728 2. Students considered at risk of dropping out of school
1729 or academic failure. Such students shall include exceptional
1730 education students.

1731 3. Students enrolling in a charter school-in-the-workplace
1732 or charter school-in-a-municipality established pursuant to
1733 subsection (15) ~~(16)~~.

1734 4. Students residing within a reasonable distance of the
1735 charter school, as described in paragraph (20)~~(21)~~(c). Such
1736 students shall be subject to a random lottery and to the
1737 racial/ethnic balance provisions described in subparagraph
1738 (7)(a)8. or any federal provisions that require a school to
1739 achieve a racial/ethnic balance reflective of the community it
1740 serves or within the racial/ethnic range of other public schools
1741 in the same school district.

1742 5. Students who meet reasonable academic, artistic, or
1743 other eligibility standards established by the charter school



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1744 and included in the charter school application and charter or,
1745 in the case of existing charter schools, standards that are
1746 consistent with the school's mission and purpose. Such standards
1747 shall be in accordance with current state law and practice in
1748 public schools and may not discriminate against otherwise
1749 qualified individuals.

1750 6. Students articulating from one charter school to
1751 another pursuant to an articulation agreement between the
1752 charter schools that has been approved by the sponsor.

1753 ~~(13) NUMBER OF SCHOOLS.—~~

1754 ~~(a) The number of newly created charter schools is limited~~
1755 ~~to no more than 28 in each school district that has 100,000 or~~
1756 ~~more students, no more than 20 in each school district that has~~
1757 ~~50,000 to 99,999 students, and no more than 12 in each school~~
1758 ~~district with fewer than 50,000 students.~~

1759 ~~(b) An existing public school which converts to a charter~~
1760 ~~school shall not be counted toward the limit established by~~
1761 ~~paragraph (a).~~

1762 ~~(c) Notwithstanding any limit established by this~~
1763 ~~subsection, a district school board or a charter school~~
1764 ~~applicant shall have the right to request an increase of the~~
1765 ~~limit on the number of charter schools authorized to be~~
1766 ~~established within the district from the State Board of~~
1767 ~~Education.~~

1768 ~~(d) Whenever a municipality has submitted charter~~
1769 ~~applications for the establishment of a charter school feeder~~
1770 ~~pattern (elementary, middle, and senior high schools), and upon~~
1771 ~~approval of each individual charter application by the district~~



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1772 ~~school board, such applications shall then be designated as one~~
 1773 ~~charter school for all purposes listed pursuant to this section.~~

1774 (20)~~(21)~~ SERVICES.--

1775 (a) A sponsor shall provide certain administrative and
 1776 educational services to charter schools. These services shall
 1777 include contract management services, full-time equivalent and
 1778 data reporting services, exceptional student education
 1779 administration services, test administration services,
 1780 processing of teacher certificate data services, and information
 1781 services. Any administrative fee charged by the sponsor for the
 1782 provision of services shall be limited to 5 percent of the
 1783 available funds defined in paragraph (17)~~(18)~~(b).

1784 Section 17. Subsection (6) of section 1002.41, Florida
 1785 Statutes, is amended to read:

1786 1002.41 Home education programs.--

1787 (6) Home education students may participate in dual
 1788 enrollment programs in accordance with the provisions of ss.
 1789 1007.27(5)~~(4)~~ and 1007.271(10).

1790 Section 18. Paragraph (i) is added to subsection (1) of
 1791 section 1003.02, Florida Statutes, and subsection (4) of said
 1792 section is amended, to read:

1793 1003.02 District school board operation and control of
 1794 public K-12 education within the school district.--As provided
 1795 in part II of chapter 1001, district school boards are
 1796 constitutionally and statutorily charged with the operation and
 1797 control of public K-12 education within their school district.
 1798 The district school boards must establish, organize, and operate
 1799 their public K-12 schools and educational programs, employees,



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1800 and facilities. Their responsibilities include staff
1801 development, public K-12 school student education including
1802 education for exceptional students and students in juvenile
1803 justice programs, special programs, adult education programs,
1804 and career and technical education programs. Additionally,
1805 district school boards must:

1806 (1) Provide for the proper accounting for all students of
1807 school age, for the attendance and control of students at
1808 school, and for proper attention to health, safety, and other
1809 matters relating to the welfare of students in the following
1810 fields:

1811 (i) Parental notification of acceleration mechanisms.--At
1812 the beginning of each school year, notify parents of students in
1813 or entering high school of the opportunity and benefits of
1814 Advanced Placement, International Baccalaureate, Advanced
1815 International Certificate of Education, dual enrollment, and
1816 Florida Virtual School courses.

1817 ~~(4) For any school within the district that is not in~~
1818 ~~compliance with the small school size requirements of chapter~~
1819 ~~1013,~~ In order to reduce the anonymity of students in large
1820 schools, adopt policies that encourage subdivision of the school
1821 into schools-within-a-school, which shall operate within
1822 existing resources. A "school-within-a-school" means an
1823 operational program that uses flexible scheduling, team
1824 planning, and curricular and instructional innovation to
1825 organize groups of students with groups of teachers as smaller
1826 units, so as to functionally operate as a smaller school.
1827 Examples of this include, but are not limited to:



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1828 (a) An organizational arrangement assigning both students
1829 and teachers to smaller units in which the students take some or
1830 all of their coursework with their fellow grouped students and
1831 from the teachers assigned to the smaller unit. A unit may be
1832 grouped together for 1 year or on a vertical, multiyear basis.

1833 (b) An organizational arrangement similar to that
1834 described in paragraph (a) with additional variations in
1835 instruction and curriculum. The smaller unit usually seeks to
1836 maintain a program different from that of the larger school, or
1837 of other smaller units. It may be vertically organized, but is
1838 dependent upon the school principal for its existence, budget,
1839 and staff.

1840 (c) A separate and autonomous smaller unit formally
1841 authorized by the district school board or district school
1842 superintendent. The smaller unit plans and runs its own program,
1843 has its own staff and students, and receives its own separate
1844 budget. The smaller unit must negotiate the use of common space
1845 with the larger school and defer to the building principal on
1846 matters of safety and building operation.

1847 Section 19. Section 1003.429, Florida Statutes, is created
1848 to read:

1849 1003.429 Accelerated high school graduation options.--

1850 (1) Beginning with the 2003-2004 school year, all students
1851 scheduled to graduate in 2004 and thereafter shall select one of
1852 the following three high school graduation options:

1853 (a) Completion of the general requirements for high school
1854 graduation pursuant to s. 1003.43;



1855 (b) Completion of a 3-year standard college preparatory
 1856 program requiring successful completion of a minimum of 18
 1857 academic credits in grades 9 through 12. The 18 credits shall
 1858 be primary requirements and shall be distributed as follows:

1859 1. Four credits in English, with major concentration in
 1860 composition and literature;

1861 2. Three credits in mathematics at the Algebra I level or
 1862 higher from the list of courses that qualify for state
 1863 university admission;

1864 3. Three credits in natural science, two of which must
 1865 have a laboratory component;

1866 4. Three credits in social sciences;

1867 5. Two credits in the same second language unless the
 1868 student is a native speaker of or can otherwise demonstrate
 1869 competency in a language other than English. If the student
 1870 demonstrates competency in another language, the student may
 1871 replace the language requirement with two credits in other
 1872 academic courses; and

1873 6. Three credits in electives; or

1874 (c) Completion of a 3-year career preparatory program
 1875 requiring successful completion of a minimum of 18 academic
 1876 credits in grades 9 through 12. The 18 credits shall be primary
 1877 requirements and shall be distributed as follows:

1878 1. Four credits in English, with major concentration in
 1879 composition and literature;

1880 2. Three credits in mathematics, one of which must be
 1881 Algebra I;



1882 3. Three credits in natural science, two of which must
 1883 have a laboratory component;

1884 4. Three credits in social sciences;

1885 5. Two credits in the same second language unless the
 1886 student is a native speaker of or can otherwise demonstrate
 1887 competency in a language other than English. If the student
 1888 demonstrates competency in another language, the student may
 1889 replace the language requirement with two credits in other
 1890 academic courses; and

1891 6. Three credits in electives.

1892 (2) Beginning with the 2003-2004 school year, each
 1893 district school board shall provide each student in grades 6
 1894 through 12 and their parents with the 3-year and 4-year high
 1895 school graduation options listed in subsection (1) with
 1896 curriculum for the students and parents to select the
 1897 postsecondary education or career plan that best fits their
 1898 needs. The options shall include a timeframe for achieving each
 1899 graduation option.

1900 (3) Selection of one of the graduation options listed in
 1901 subsection (1) is exclusively up to the student and parent. If
 1902 the student and parent fail to select a graduation option, the
 1903 student shall be considered to have selected the general
 1904 requirements for high school graduation pursuant to paragraph
 1905 (1)(a).

1906 (4) District school boards shall not establish
 1907 requirements for accelerated 3-year high school graduation
 1908 options in excess of the requirements in paragraphs (1)(b) and
 1909 (1)(c).



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1910 (5) Students pursuing accelerated 3-year high school
 1911 graduation options pursuant to paragraph (1)(b) or paragraph
 1912 (1)(c) are required to:

1913 (a) Earn passing scores on the FCAT as defined in s.
 1914 1008.22(3)(c).

1915 (b) Achieve a cumulative grade point average of 2.0 on a
 1916 4.0 scale, or its equivalent, in the courses required by the
 1917 chosen accelerated 3-year high school graduation option pursuant
 1918 to paragraph (1)(b) or paragraph (1)(c).

1919 (6) A student who meets all requirements prescribed in
 1920 subsections (1) and (5) shall be awarded a standard diploma in a
 1921 form prescribed by the State Board of Education.

1922 Section 20. Paragraph (i) of subsection (1) of section
 1923 1003.43, Florida Statutes, is amended to read:

1924 1003.43 General requirements for high school graduation.--

1925 (1) Graduation requires successful completion of either a
 1926 minimum of 24 academic credits in grades 9 through 12 or an
 1927 International Baccalaureate curriculum. The 24 credits shall be
 1928 distributed as follows:

1929 (i) One-half credit in life management skills to include
 1930 consumer education, positive emotional development, marriage and
 1931 relationship skill-based education, nutrition, parenting skills,
 1932 prevention of human immunodeficiency virus infection and
 1933 acquired immune deficiency syndrome and other sexually
 1934 transmissible diseases, benefits of sexual abstinence and
 1935 consequences of teenage pregnancy, information and instruction
 1936 on breast cancer detection and breast self-examination,
 1937 cardiopulmonary resuscitation, drug education, and the hazards



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1938 of smoking. ~~Such credit shall be given for a course to be taken~~
1939 ~~by all students in either the 9th or 10th grade.~~

1940 District school boards may award a maximum of one-half credit in
1941 social studies and one-half elective credit for student
1942 completion of nonpaid voluntary community or school service
1943 work. Students choosing this option must complete a minimum of
1944 75 hours of service in order to earn the one-half credit in
1945 either category of instruction. Credit may not be earned for
1946 service provided as a result of court action. District school
1947 boards that approve the award of credit for student volunteer
1948 service shall develop guidelines regarding the award of the
1949 credit, and school principals are responsible for approving
1950 specific volunteer activities. A course designated in the Course
1951 Code Directory as grade 9 through grade 12 that is taken below
1952 the 9th grade may be used to satisfy high school graduation
1953 requirements or Florida Academic Scholars award requirements as
1954 specified in a district school board's student progression plan.
1955 A student shall be granted credit toward meeting the
1956 requirements of this subsection for equivalent courses, as
1957 identified pursuant to s. 1007.271(6), taken through dual
1958 enrollment.

1959 Section 21. Paragraph (a) of subsection (1) of section
1960 1003.436, Florida Statutes, is amended to read:

1961 1003.436 Definition of "credit".--

1962 (1)(a) For the purposes of requirements for high school
1963 graduation, one full credit means a minimum of 120 ~~135~~ hours of
1964 bona fide instruction in a designated course of study that



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1965 contains student performance standards. A student may be awarded
 1966 a credit for less than 120 hours of classroom instruction based
 1967 on documented mastery of course requirements and Sunshine State
 1968 Standards with approval by the district school board. The State
 1969 Board of Education shall determine the number of postsecondary
 1970 credit hours earned through dual enrollment pursuant to s.
 1971 1007.271 that satisfy the requirements of a district's
 1972 interinstitutional articulation agreement according to s.
 1973 1007.235 and that equal one full credit of the equivalent high
 1974 school course identified pursuant to s. 1007.271(6).

1975 Section 22. Paragraphs (a) and (b) of subsection (1) of
 1976 section 1007.261, Florida Statutes, are amended to read:

1977 1007.261 State universities; admissions of students.--Each
 1978 university board of trustees is authorized to adopt rules
 1979 governing the admission of students, subject to this section and
 1980 rules of the State Board of Education.

1981 (1) Minimum academic standards for undergraduate admission
 1982 to a university include:

1983 (a) Each student must have received a high school diploma
 1984 pursuant to s. 1003.429 or s. 1003.43, or its equivalent, except
 1985 as provided in s. 1007.271(2)-(5) or completed a home education
 1986 program according to s. 1002.41.

1987 (b) Each student must have successfully completed a
 1988 college-preparatory curriculum of 18 ~~19~~ credits, which shall
 1989 include, but not be limited to, four credits in English, with
 1990 major concentration in composition and literature; three credits
 1991 in mathematics; three credits in natural science, two of which
 1992 must have a laboratory component; three credits in social



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1993 | sciences; and two credits in the same second language as defined
 1994 | ~~in rules of the State Board of Education, including at least 2~~
 1995 | ~~credits of sequential foreign language at the secondary level or~~
 1996 | ~~the equivalent of such instruction at the postsecondary level.~~ A
 1997 | student who completes a home education program according to s.
 1998 | 1002.41 is not required to document completion of the 18 ~~19~~
 1999 | credits required by this paragraph. A student whose native
 2000 | language is not English is exempt from the foreign language
 2001 | requirement, provided that the student demonstrates proficiency
 2002 | in the native language. If a standardized test is not available
 2003 | in the student's native language for the demonstration of
 2004 | proficiency, the university may provide an alternative method of
 2005 | assessment. The State Board of Education shall adopt rules for
 2006 | the articulation of foreign language competency and equivalency
 2007 | between secondary and postsecondary institutions. A student who
 2008 | received an associate in arts degree prior to September 1, 1989,
 2009 | or who enrolled in a program of studies leading to an associate
 2010 | degree from a community college prior to August 1, 1989, and
 2011 | maintains continuous enrollment shall be exempt from this
 2012 | admissions requirement.

2013 | Section 23. Section 1007.27, Florida Statutes, is amended
 2014 | to read:

2015 | 1007.27 Articulated acceleration mechanisms.--

2016 | (1) It is the intent of the Legislature that a variety of
 2017 | articulated acceleration mechanisms be available for secondary
 2018 | and postsecondary students attending public educational
 2019 | institutions. It is intended that articulated acceleration serve
 2020 | to shorten the time necessary for a student to complete the



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2021 requirements associated with the conference of a high school
 2022 diploma and a postsecondary degree, broaden the scope of
 2023 curricular options available to students, or increase the depth
 2024 of study available for a particular subject. It is the intent of
 2025 the Legislature that school districts and public postsecondary
 2026 educational institutions maximize the opportunities for students
 2027 to utilize the acceleration mechanisms identified in this
 2028 section. Articulated acceleration mechanisms shall include, but
 2029 are not be limited to, dual enrollment as provided for in s.
 2030 1007.271, early admission, advanced placement, credit by
 2031 examination, the International Baccalaureate Program, and the
 2032 Advanced International Certificate of Education Program. Credit
 2033 earned through the Florida Virtual School shall provide
 2034 additional opportunities for early graduation and acceleration.

2035 (2) School districts and public postsecondary educational
 2036 institutions shall annually advise students and their parents of
 2037 the opportunities available to students to participate in the
 2038 acceleration mechanisms identified in this section.

2039 (3)~~(2)~~ The State Board ~~Department~~ of Education shall
 2040 identify the minimum scores, maximum credit, and course or
 2041 courses for which credit is to be awarded for each College Level
 2042 Examination Program (CLEP) general examination, CLEP subject
 2043 examination, College Board Advanced Placement Program
 2044 examination, ~~and~~ International Baccalaureate examination, and
 2045 Advanced International Certificate of Education examination. In
 2046 addition, the State Board of Education ~~department~~ shall identify
 2047 such courses in the general education core curriculum of each
 2048 state university and community college.



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2049 (4)~~(3)~~ Each community college and state university must
2050 award credit for specific courses for which competency has been
2051 demonstrated by successful passage of one of the examinations in
2052 subsection (3) ~~(2)~~ unless the award of credit duplicates credit
2053 already awarded. Community colleges and state universities may
2054 not exempt students from courses without the award of credit if
2055 competencies have been so demonstrated.

2056 (5)~~(4)~~ It is the intent of the Legislature to provide
2057 articulated acceleration mechanisms for students who are in home
2058 education programs, as defined in s. 1003.01(11), consistent
2059 with the educational opportunities available to public and
2060 private secondary school students. Home education students may
2061 participate in dual enrollment, career and technical dual
2062 enrollment, early admission, and credit by examination. Credit
2063 earned by home education students through dual enrollment shall
2064 apply toward the completion of a home education program that
2065 meets the requirements of s. 1002.41.

2066 (6)~~(5)~~ Early admission is ~~shall be~~ a form of dual
2067 enrollment through which eligible secondary students enroll in a
2068 postsecondary institution on a full-time basis in courses that
2069 are creditable toward the high school diploma and the associate
2070 or baccalaureate degree. Students enrolled pursuant to this
2071 subsection shall be exempt from the payment of registration,
2072 tuition, and laboratory fees.

2073 (7)~~(6)~~ Advanced placement is ~~shall be~~ the enrollment of an
2074 eligible secondary student in a course offered through the
2075 Advanced Placement Program administered by the College Board.
2076 Postsecondary credit for an advanced placement course shall be



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2077 | limited to students who score a minimum of 3, on a 5-point
2078 | scale, on the corresponding Advanced Placement Examination. The
2079 | specific courses for which students receive such credit shall be
2080 | determined by the State Board of Education ~~department~~. Students
2081 | of Florida public secondary schools enrolled pursuant to this
2082 | subsection shall be exempt from the payment of any fees for
2083 | administration of the examination regardless of whether or not
2084 | the student achieves a passing score on the examination.

2085 | ~~(8)(7)~~ Credit by examination is ~~shall be~~ the program
2086 | through which secondary and postsecondary students generate
2087 | postsecondary credit based on the receipt of a specified minimum
2088 | score on nationally standardized general or subject-area
2089 | examinations. For the purpose of statewide application, such
2090 | examinations and the corresponding minimum scores required for
2091 | an award of credit shall be delineated by the State Board of
2092 | Education in the statewide articulation agreement. The maximum
2093 | credit generated by a student pursuant to this subsection shall
2094 | be mitigated by any related postsecondary credit earned by the
2095 | student prior to the administration of the examination. This
2096 | subsection shall not preclude community colleges and
2097 | universities from awarding credit by examination based on
2098 | student performance on examinations developed within and
2099 | recognized by the individual postsecondary institutions.

2100 | ~~(9)(8)~~ The International Baccalaureate Program is ~~shall be~~
2101 | the curriculum in which eligible secondary students are enrolled
2102 | in a program of studies offered through the International
2103 | Baccalaureate Program administered by the International
2104 | Baccalaureate Office. The State Board of Education shall



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2105 establish rules which specify the cutoff scores and
2106 International Baccalaureate Examinations which will be used to
2107 grant postsecondary credit at community colleges and
2108 universities. Any such rules that, ~~which~~ have the effect of
2109 raising the required cutoff score or of changing the
2110 International Baccalaureate Examinations which will be used to
2111 grant postsecondary credit, shall only apply to students taking
2112 International Baccalaureate Examinations after such rules are
2113 adopted by the State Board of Education. Students shall be
2114 awarded a maximum of 30 semester credit hours pursuant to this
2115 subsection. The specific course for which a student receives
2116 such credit shall be determined by the State Board of Education
2117 ~~department~~. Students enrolled pursuant to this subsection shall
2118 be exempt from the payment of any fees for administration of the
2119 examinations regardless of whether or not the student achieves a
2120 passing score on the examination.

2121 (10)~~(9)~~ The Advanced International Certificate of
2122 Education Program is ~~shall be~~ the curriculum in which eligible
2123 secondary students are enrolled in a program of studies offered
2124 through the ~~Advanced International Certificate of Education~~
2125 program administered by the University of Cambridge Local
2126 Examinations Syndicate. The State Board of Education shall
2127 establish rules which specify the cutoff scores and Advanced
2128 International Certificate of Education examinations which will
2129 be used to grant postsecondary credit at community colleges and
2130 universities. Any such rules that, ~~which~~ have the effect of
2131 raising the required cutoff score or of changing the Advanced
2132 International Certification of Education examinations which will



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2133 be used to grant postsecondary credit, shall apply to students
 2134 taking Advanced International Certificate of Education
 2135 Examinations after such rules are adopted by the State Board of
 2136 Education. Students shall be awarded a maximum of 30 semester
 2137 credit hours pursuant to this subsection. The specific course
 2138 for which a student receives such credit shall be determined by
 2139 the State Board of Education ~~community college or university~~
 2140 ~~that accepts the student for admission~~. Students enrolled
 2141 pursuant to this subsection shall be exempt from the payment of
 2142 any fees for administration of the examinations regardless of
 2143 whether or not the student achieves a passing score on the
 2144 examination.

2145 (11)~~(10)~~ Any student who earns 9 or more credits from one
 2146 or more of the acceleration mechanisms provided for in this
 2147 section is exempt from any requirement of a public postsecondary
 2148 educational institution mandating enrollment during a summer
 2149 term.

2150 (12) The State Board of Education may adopt rules pursuant
 2151 to ss. 120.536(1) and 120.54 to implement the provisions of this
 2152 section.

2153 Section 24. Acceleration mechanisms study.--

2154 (1) The State Board of Education shall conduct a review of
 2155 the extent to which the acceleration mechanisms authorized by s.
 2156 1007.27, Florida Statutes, are currently utilized by school
 2157 districts, community colleges, and state universities and shall
 2158 submit a report to the Governor, the President of the Senate,
 2159 and the Speaker of the House of Representatives by December 31,
 2160 2003.



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2161 (2) The report must include a summary of ongoing
2162 activities and a plan to increase and enhance the use of
2163 acceleration mechanisms as a way to shorten the length of time
2164 as well as the funding required for a student to obtain a
2165 postsecondary degree.

2166 (3) The review and plan shall address at least the
2167 following issues:

2168 (a) The manner in which students are advised regarding the
2169 availability of acceleration mechanism options.

2170 (b) The availability of acceleration mechanism options to
2171 eligible students who wish to participate.

2172 (c) The grading practices, including weighting of courses,
2173 of school districts, community colleges, and state universities
2174 with regard to credit earned through acceleration mechanisms.

2175 (d) The extent to which credit earned through an
2176 acceleration mechanism is used to meet the general education
2177 requirements of a public postsecondary educational institution.

2178 (e) The extent to which the secondary instruction
2179 associated with acceleration mechanism options could be offered
2180 at sites other than public K-12 school sites to assist in
2181 meeting class size reduction needs.

2182 (f) The manner in which funding for instruction associated
2183 with acceleration mechanism options is provided.

2184 (g) The feasibility of providing students the option of
2185 choosing Advanced Placement credit or College Level Examination
2186 Program (CLEP) credit as an alternative to dual enrollment
2187 credit upon completion of a dual enrollment course.



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2188 Section 25. Section 1003.62, Florida Statutes, is amended
2189 to read:

2190 1003.62 Academic performance-based charter school
2191 districts ~~pilot program~~.--The State Board of Education may ~~is~~
2192 ~~authorized~~ to enter into a performance contract with ~~up to six~~
2193 district school boards as authorized in this section for the
2194 purpose of establishing them as academic performance-based
2195 charter school districts. ~~The State Board of Education shall~~
2196 ~~give priority to Hillsborough and Volusia Counties upon the~~
2197 ~~submission of a completed precharter agreement or charter~~
2198 ~~proposal for a charter school district~~. The purpose of this
2199 section pilot program is to examine a new relationship between
2200 the State Board of Education and district school boards that
2201 will ~~may~~ produce significant improvements in student achievement
2202 ~~and school management~~, while complying with constitutional and
2203 statutory requirements assigned to each entity.

2204 (1) ACADEMIC PERFORMANCE-BASED CHARTER SCHOOL DISTRICT.--

2205 (a) A school district shall be eligible for designation as
2206 an academic performance-based charter school district if it is a
2207 high-performing school district in which a minimum of 50 percent
2208 of the schools earn a performance grade category "A" or "B" and
2209 in which no school earns a performance grade category "D" or "F"
2210 for 2 consecutive years pursuant to s. 1008.34. Schools that
2211 receive a performance grade category "I" or "N" shall not be
2212 included in this calculation. The performance contract for a
2213 school district that earns a charter based on school performance
2214 grades shall be predicated on maintenance of at least 50 percent
2215 of the schools in the school district earning a performance



2216 grade category "A" or "B" with no school in the school district
 2217 earning a performance grade category "D" or "F" for 2
 2218 consecutive years. A school district in which the number of
 2219 schools that earn a performance grade of "A" or "B" is less than
 2220 50 percent may have its charter renewed for 1 year; however, if
 2221 the percentage of "A" or "B" schools is less than 50 percent for
 2222 2 consecutive years, the charter shall not be renewed.

2223 (b) A school district that satisfies the eligibility
 2224 criteria for designation as an academic performance-based
 2225 charter school district may be so designated upon a
 2226 supermajority vote by ~~in Florida in which~~ the district school
 2227 board after having ~~has~~ submitted and the State Board of
 2228 Education having ~~has~~ approved a charter proposal that exchanges
 2229 statutory and rule exemption, as authorized by this section, for
 2230 agreement to meet performance goals in the proposal. The
 2231 academic performance-based charter school district shall be
 2232 chartered for 1 year ~~3 years~~, at the end of which the
 2233 performance shall be evaluated. If maintenance of high-
 2234 performing school district status pursuant to paragraph (a) is
 2235 not documented in accordance with State Board of Education
 2236 rule, the charter shall not be renewed.

2237 (2) EXEMPTION FROM STATUTES AND RULES.--

2238 (a) An academic performance-based charter school district
 2239 shall operate in accordance with its charter and shall be exempt
 2240 from certain State Board of Education rules and statutes if the
 2241 State Board of Education determines such an exemption will
 2242 assist the district in maintaining or improving its
 2243 high-performing status pursuant to paragraph (1)(a). However,



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2244 the State Board of Education may not exempt an academic
2245 performance-based charter school district from any of the
2246 following statutes:

2247 1. Those statutes pertaining to the provision of services
2248 to students with disabilities.

2249 2. Those statutes pertaining to civil rights, including s.
2250 1000.05, relating to discrimination.

2251 3. Those statutes pertaining to student health, safety,
2252 and welfare.

2253 4. Those statutes governing the election or compensation
2254 of district school board members.

2255 5. Those statutes pertaining to the student assessment
2256 program and the school grading system, including chapter 1008.

2257 6. Those statutes pertaining to financial matters,
2258 including chapter 1010.

2259 7. Those statutes pertaining to planning and budgeting,
2260 including chapter 1011, except that ss. 1011.64 and 1011.69
2261 shall be eligible for exemption.

2262 8. Sections 1012.22(1)(c) and 1012.27(2), relating to
2263 performance-pay policies for school administrators and
2264 instructional personnel. Professional service contracts shall be
2265 subject to the provisions of ss. 1012.33 and 1012.34.

2266 9. Those statutes pertaining to educational facilities,
2267 including chapter 1013, except as specified under contract with
2268 the State Board of Education. However, no contractual provision
2269 that could have the effect of requiring the appropriation of
2270 additional capital outlay funds to the academic performance-
2271 based charter school district shall be valid.



2272 (b) Additionally, an academic performance-based charter
 2273 school district shall be in compliance with the following
 2274 statutes:

2275 1. Section 286.011, relating to public meetings and
 2276 records, public inspection, and criminal and civil penalties.

2277 2. Those statutes pertaining to public records, including
 2278 chapter 119.

2279 3. Those statutes pertaining to financial disclosure by
 2280 elected officials.

2281 4. Those statutes pertaining to conflicts of interest by
 2282 elected officials. ~~Charter school districts shall be exempt from~~
 2283 ~~state statutes and specified State Board of Education rules. The~~
 2284 ~~district school board of a charter school district shall not be~~
 2285 ~~exempt from any statute governing election of district school~~
 2286 ~~board members, public meetings and public records requirements,~~
 2287 ~~financial disclosure, conflicts of interest, operation in the~~
 2288 ~~sunshine, or any provisions outside the Florida K-20 Education~~
 2289 ~~Code.~~

2290 (3) GOVERNING BOARD.--The governing board of the academic
 2291 performance-based charter school district shall be the duly
 2292 elected district school board. The district school board shall
 2293 be responsible for supervising the schools in the academic
 2294 performance-based charter school district and may convert is
 2295 ~~authorized to charter~~ each of its existing public schools to
 2296 charter schools pursuant to s. 1002.33, ~~apply for deregulation~~
 2297 ~~of its public schools pursuant to s. 1003.63,~~ or otherwise
 2298 establish performance-based contractual relationships with its



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2299 public schools for the purpose of giving them greater autonomy
2300 with accountability for performance.

2301 (4) PRECHARTER AGREEMENT.--The State Board of Education
2302 may is authorized to approve a precharter agreement that grants
2303 with a potential charter district. The agreement may grant
2304 limited flexibility and direction for developing the full
2305 academic performance-based charter proposal.

2306 (5) ANNUAL REPORT BY CHARTER SCHOOL DISTRICT.--Each school
2307 district chartered pursuant to this section shall transmit an
2308 annual report to the State Board of Education that delineates
2309 the performance of the school district relative to the
2310 performance goals contained in the charter agreement. The annual
2311 report shall be transmitted to the Commissioner of Education and
2312 shall be due each year on the anniversary date of the charter
2313 agreement.

2314 ~~(5) TIME PERIOD FOR PILOT.--The pilot program shall be~~
2315 ~~authorized for a period of 3 full school years commencing with~~
2316 ~~award of a charter. The charter may be renewed upon action of~~
2317 ~~the State Board of Education.~~

2318 (6) REPORTS.--The State Board of Education shall annually
2319 report on the performance of each academic performance-based
2320 implementation of the charter school district pilot program.
2321 Biennially Upon the completion of the first 3-year term, the
2322 State Board of Education, through the Commissioner of Education,
2323 shall submit to the Legislature a full evaluation of the
2324 effectiveness of granting academic performance-based charter
2325 school district status the program.



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2326 (7) PILOT PROGRAM CHARTER SCHOOL DISTRICTS; GRANDFATHER
 2327 PROVISION.--The State Board of Education shall use the criteria
 2328 approved in the initial charter applications issued to the
 2329 school districts of Volusia, Hillsborough, Orange, and Palm
 2330 Beach Counties to renew those pilot program charter school
 2331 districts in accordance with this subsection. No additional
 2332 pilot program charter school districts shall be approved, and
 2333 the pilot program consists solely of school districts in
 2334 Volusia, Hillsborough, Orange, and Palm Beach Counties. The
 2335 termination of the charter school districts pilot program is
 2336 effective July 1, 2007, or upon the end of a 5-year renewal
 2337 contract issued by the State Board of Education to the Volusia
 2338 County, Hillsborough County, Orange County, or Palm Beach County
 2339 school district prior to July 1, 2003, whichever is later.

2340 ~~(8)(7)~~ RULEMAKING.--The State Board of Education may adopt
 2341 ~~shall have the authority to enact~~ rules to implement this
 2342 section in accordance with ss. 120.536 and 120.54.

2343 Section 26. Paragraph (b) of subsection (5) of section
 2344 1011.62, Florida Statutes, is amended to read:

2345 1011.62 Funds for operation of schools.--If the annual
 2346 allocation from the Florida Education Finance Program to each
 2347 district for operation of schools is not determined in the
 2348 annual appropriations act or the substantive bill implementing
 2349 the annual appropriations act, it shall be determined as
 2350 follows:

2351 (5) CATEGORICAL FUNDS.--

2352 (b) ~~For fiscal year 2002-2003,~~ If a district school board
 2353 finds and declares in a resolution adopted at a regular meeting



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2354 of the school board that the funds received for any of the
2355 following categorical appropriations are urgently needed to
2356 maintain school board specified academic classroom instruction,
2357 the school board may consider and approve an amendment to the
2358 school district operating budget transferring the identified
2359 amount of the categorical funds to the appropriate account for
2360 expenditure:

- 2361 1. Funds for student transportation.
- 2362 2. Funds for in-service educational personnel training.
- 2363 3. Funds for safe schools.
- 2364 4. Funds for public school technology.
- 2365 ~~5. Funds for teacher recruitment and retention.~~
- 2366 5.6. Funds for supplemental academic instruction.

2367
2368 Prior to adopting the resolution required by this paragraph, the
2369 district school board must advertise in a newspaper of general
2370 circulation in the school district its intent to pass such
2371 resolution and must provide in such advertisement the purpose
2372 for which the funds were appropriated, the alternative purpose
2373 for which the funds will be used, and the basis for finding a
2374 necessity for the reallocation of such funds. In reporting its
2375 expenditures under s. 1010.20, with respect to a school
2376 district's discretionary spending authority exercised under this
2377 subsection, the district school board shall report on a school-
2378 by-school basis and a district-aggregated basis how all funds,
2379 including federal funds, allocated to the school district for
2380 formula-funded categorical programs were expended.



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2381 Section 27. Section 1011.68, Florida Statutes, is amended
2382 to read:

2383 1011.68 Funds for student transportation.--The annual
2384 allocation to each district for transportation to public school
2385 programs, including charter schools as provided in s.

2386 1002.33 (17)~~(18)~~(b), of students in membership in kindergarten
2387 through grade 12 and in migrant and exceptional student programs
2388 below kindergarten shall be determined as follows:

2389 (1) Subject to the rules of the State Board of Education,
2390 each district shall determine the membership of students who are
2391 transported:

2392 (a) By reason of living 2 miles or more from school.

2393 (b) By reason of being students with disabilities or
2394 enrolled in a teenage parent program, regardless of distance to
2395 school.

2396 (c) By reason of being in a state prekindergarten program,
2397 regardless of distance from school.

2398 (d) By reason of being career and technical, dual
2399 enrollment, or students with disabilities transported from one
2400 school center to another to participate in an instructional
2401 program or service; or students with disabilities, transported
2402 from one designation to another in the state, provided one
2403 designation is a school center and provided the student's
2404 individual educational plan (IEP) identifies the need for the
2405 instructional program or service and transportation to be
2406 provided by the school district. A "school center" is defined as
2407 a public school center, community college, state university, or
2408 other facility rented, leased, or owned and operated by the



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2409 school district or another public agency. A "dual enrollment
2410 student" is defined as a public school student in membership in
2411 both a public secondary school program and a community college
2412 or a state university program under a written agreement to
2413 partially fulfill ss. 1003.435 and 1007.23 and earning full-time
2414 equivalent membership under s. 1011.62(1)(i).

2415 (e) With respect to elementary school students whose grade
2416 level does not exceed grade 6, by reason of being subjected to
2417 hazardous walking conditions en route to or from school as
2418 provided in s. 1006.23. Such rules shall, when appropriate,
2419 provide for the determination of membership under this paragraph
2420 for less than 1 year to accommodate the needs of students who
2421 require transportation only until such hazardous conditions are
2422 corrected.

2423 (f) By reason of being a pregnant student or student
2424 parent, and the child of a student parent as provided in s.
2425 1003.54, regardless of distance from school.

2426 (2) The allocation for each district shall be calculated
2427 annually in accordance with the following formula:

2428
2429 $T = B + EX$. The elements of this formula are defined as follows:
2430 T is the total dollar allocation for transportation. B is the
2431 base transportation dollar allocation prorated by an adjusted
2432 student membership count. The adjusted membership count shall be
2433 derived from a multiplicative index function in which the base
2434 student membership is adjusted by multiplying it by index
2435 numbers that individually account for the impact of the price
2436 level index, average bus occupancy, and the extent of rural



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2437 population in the district. EX is the base transportation dollar
2438 allocation for disabled students prorated by an adjusted
2439 disabled student membership count. The base transportation
2440 dollar allocation for disabled students is the total state base
2441 disabled student membership count weighted for increased costs
2442 associated with transporting disabled students and multiplying
2443 it by the prior year's average per student cost for
2444 transportation. The adjusted disabled student membership count
2445 shall be derived from a multiplicative index function in which
2446 the weighted base disabled student membership is adjusted by
2447 multiplying it by index numbers that individually account for
2448 the impact of the price level index, average bus occupancy, and
2449 the extent of rural population in the district. Each adjustment
2450 factor shall be designed to affect the base allocation by no
2451 more or less than 10 percent.

2452 (3) The total allocation to each district for
2453 transportation of students shall be the sum of the amounts
2454 determined in subsection (2). If the funds appropriated for the
2455 purpose of implementing this section are not sufficient to pay
2456 the base transportation allocation and the base transportation
2457 allocation for disabled students, the Department of Education
2458 shall prorate the available funds on a percentage basis. If the
2459 funds appropriated for the purpose of implementing this section
2460 exceed the sum of the base transportation allocation and the
2461 base transportation allocation for disabled students, the base
2462 transportation allocation for disabled students shall be limited
2463 to the amount calculated in subsection (2), and the remaining
2464 balance shall be added to the base transportation allocation.



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2465 (4) No district shall use funds to purchase transportation
2466 equipment and supplies at prices which exceed those determined
2467 by the department to be the lowest which can be obtained, as
2468 prescribed in s. 1006.27(1).

2469 (5) Funds allocated or apportioned for the payment of
2470 student transportation services may be used to pay for
2471 transportation of students to and from school on local general
2472 purpose transportation systems. Student transportation funds may
2473 also be used to pay for transportation of students to and from
2474 school in private passenger cars and boats when the
2475 transportation is for isolated students, or students with
2476 disabilities as defined by rule. Subject to the rules of the
2477 State Board of Education, each school district shall determine
2478 and report the number of assigned students using general purpose
2479 transportation private passenger cars and boats. The allocation
2480 per student must be equal to the allocation per student riding a
2481 school bus.

2482 (6) Notwithstanding other provisions of this section, in
2483 no case shall any student or students be counted for
2484 transportation funding more than once per day. This provision
2485 includes counting students for funding pursuant to trips in
2486 school buses, passenger cars, or boats or general purpose
2487 transportation.

2488 (7) Any funds received by a school district under this
2489 section that are not required to transport students may, at the
2490 discretion of the district school board, be transferred to the
2491 district's Florida Education Finance Program.



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2492 Section 28. Subsections (2), (4), and (5) of section
2493 1011.69, Florida Statutes, are amended to read:

2494 1011.69 Equity in School-Level Funding Act.--

2495 ~~(2)(a) Beginning in the 2000-2001 fiscal year, district~~
2496 ~~school boards shall allocate to each school within the district~~
2497 ~~at least 50 percent of the funds generated by that school based~~
2498 ~~upon the Florida Education Finance Program as provided in s.~~
2499 ~~1011.62 and the General Appropriations Act, including gross~~
2500 ~~state and local funds, discretionary lottery funds, and funds~~
2501 ~~from the school district's current operating discretionary~~
2502 ~~millage levy.~~

2503 ~~(b) Beginning in the 2001-2002 fiscal year, district~~
2504 ~~school boards shall allocate to each school within the district~~
2505 ~~at least 65 percent of the funds generated by that school based~~
2506 ~~upon the Florida Education Finance Program as provided in s.~~
2507 ~~1011.62 and the General Appropriations Act, including gross~~
2508 ~~state and local funds, discretionary lottery funds, and funds~~
2509 ~~from the school district's current operating discretionary~~
2510 ~~millage levy.~~

2511 ~~(c) Beginning in the 2002-2003 fiscal year, district~~
2512 ~~school boards shall allocate to each school within the district~~
2513 ~~at least 80 percent of the funds generated by that school based~~
2514 ~~upon the Florida Education Finance Program as provided in s.~~
2515 ~~1011.62 and the General Appropriations Act, including gross~~
2516 ~~state and local funds, discretionary lottery funds, and funds~~
2517 ~~from the school district's current operating discretionary~~
2518 ~~millage levy.~~



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2519 ~~(d)~~ Beginning in the 2003-2004 fiscal year, district
 2520 school boards shall allocate to schools ~~each school~~ within the
 2521 district an average of at least 90 percent of the funds
 2522 generated by all schools and guarantee that each school receives
 2523 at least 80 percent of the funds generated by that school based
 2524 upon the Florida Education Finance Program as provided in s.
 2525 1011.62 and the General Appropriations Act, including gross
 2526 state and local funds, discretionary lottery funds, and funds
 2527 from the school district's current operating discretionary
 2528 millage levy. Total funding for each school shall be
 2529 recalculated during the year to reflect the revised calculations
 2530 under the Florida Education Finance Program by the state and the
 2531 actual weighted full-time equivalent students reported by the
 2532 school during the full-time equivalent student survey periods
 2533 designated by the Commissioner of Education. If the district
 2534 school board is providing programs or services to students
 2535 funded by federal funds, any eligible students enrolled in the
 2536 schools in the district shall be provided federal funds. Only
 2537 academic performance-based charter school ~~these districts that~~
 2538 ~~initially applied for charter school district status, pursuant~~
 2539 ~~to s. 1003.62, and have been approved by the State Board of~~
 2540 ~~Education~~ are exempt from the provisions of this section.

2541 (4) The following funds are excluded from the school-level
 2542 allocation under this section: ~~Recommendations made by the~~
 2543 ~~Governor's Equity in Educational Opportunity Task Force shall be~~
 2544 ~~reviewed to identify potential categorical funds to be included~~
 2545 ~~in the district allocation methodology required in subsection~~
 2546 ~~(2).~~



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2547 (a)(5) Funds appropriated in the General Appropriations
 2548 Act for supplemental academic instruction to be used for the
 2549 purposes described in s. 1011.62(1)(f) ~~are excluded from the~~
 2550 ~~school-level allocation under this section.~~

2551 (b) Funds appropriated in the General Appropriations Act
 2552 for the class size reduction operating categorical fund
 2553 established in s. 1011.685.

2554 Section 29. Subsections (1) through (6) of section
 2555 1012.56, Florida Statutes, are amended to read:

2556 1012.56 Educator certification requirements.--

2557 (1) APPLICATION.--Each person seeking certification
 2558 pursuant to this chapter shall submit a completed application
 2559 containing the applicant's social security number to the
 2560 Department of Education and remit the fee required pursuant to
 2561 s. 1012.59 and rules of the State Board of Education. Pursuant
 2562 to the federal Personal Responsibility and Work Opportunity
 2563 Reconciliation Act of 1996, each party is required to provide
 2564 his or her social security number in accordance with this
 2565 section. Disclosure of social security numbers obtained through
 2566 this requirement is ~~shall be~~ limited to the purpose of
 2567 administration of the Title IV-D program of the Social Security
 2568 Act for child support enforcement. Pursuant to s. 120.60, the
 2569 department shall issue within 90 calendar days after the stamped
 2570 receipted date of the completed application:

2571 (a) A certificate covering the classification, level, and
 2572 area for which the applicant is deemed qualified; or

2573 (b) An official statement of status of eligibility. The
 2574 statement of status of eligibility must advise the applicant of



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2575 any qualifications that must be completed to qualify for
 2576 certification. Each statement of status of eligibility is valid
 2577 for 3 ~~2~~ years after its date of issuance, except as provided in
 2578 paragraph (2)(d). ~~A statement of status of eligibility may be~~
 2579 ~~reissued for one additional 2-year period if application is made~~
 2580 ~~while the initial statement of status of eligibility is valid or~~
 2581 ~~within 1 year after the initial statement expires, and if the~~
 2582 ~~certification subject area is authorized to be issued by the~~
 2583 ~~state board at the time the application requesting a reissued~~
 2584 ~~statement of status of eligibility is received.~~

2585 (2) ELIGIBILITY CRITERIA.--To be eligible to seek
 2586 certification ~~pursuant to this chapter~~, a person must:

2587 (a) Be at least 18 years of age.

2588 (b) File a written statement, under oath, that the
 2589 applicant subscribes to and will uphold the principles
 2590 incorporated in the Constitution of the United States and the
 2591 Constitution of the State of Florida.

2592 (c) Document receipt of a bachelor's or higher degree from
 2593 an accredited institution of higher learning, or any a
 2594 ~~nonaccredited~~ institution of higher learning otherwise approved
 2595 pursuant to State Board of Education rule ~~that the Department of~~
 2596 ~~Education has identified as having a quality program resulting~~
 2597 ~~in a bachelor's degree, or higher~~. Each applicant seeking
 2598 initial certification must have attained at least a 2.5 overall
 2599 grade point average on a 4.0 scale in the applicant's major
 2600 field of study. The applicant may document the required
 2601 education by submitting official transcripts from institutions
 2602 of higher education or by authorizing the direct submission of



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2603 such official transcripts through established electronic network
 2604 systems. The bachelor's or higher degree may not be required in
 2605 areas approved in rule by the State Board of Education as
 2606 nondegreed areas.

2607 (d) Submit to a fingerprint check from the Department of
 2608 Law Enforcement and the Federal Bureau of Investigation pursuant
 2609 to s. 1012.32. If the fingerprint reports indicate a criminal
 2610 history or if the applicant acknowledges a criminal history, the
 2611 applicant's records shall be referred to the Bureau of Educator
 2612 Standards for review and determination of eligibility for
 2613 certification. If the applicant fails to provide the necessary
 2614 documentation requested by the Bureau of Educator Standards
 2615 within 90 days after the date of the receipt of the certified
 2616 mail request, the statement of eligibility and pending
 2617 application shall become invalid.

2618 (e) Be of good moral character.

2619 (f) Be competent and capable of performing the duties,
 2620 functions, and responsibilities of an educator.

2621 (g) Demonstrate mastery of general knowledge, pursuant to
 2622 subsection (3).

2623 (h) Demonstrate mastery of subject area knowledge,
 2624 pursuant to subsection (4).

2625 (i) Demonstrate mastery of professional preparation and
 2626 education competence, pursuant to subsection (5).

2627 (3) MASTERY OF GENERAL KNOWLEDGE.--Acceptable means of
 2628 demonstrating mastery of general knowledge are:

2629 (a) Achievement of passing scores on basic skills
 2630 examination required by state board rule;



2631 (b) Achievement of passing scores on the College Level
2632 Academic Skills Test earned prior to July 1, 2002;

2633 (c) A valid professional standard teaching certificate
2634 issued by another state ~~that requires an examination of mastery~~
2635 ~~of general knowledge;~~

2636 (d) A ~~valid standard teaching certificate issued by~~
2637 ~~another state and~~ valid certificate issued by the National Board
2638 for Professional Teaching Standards or other such nationally
2639 recognized organization as determined by the State Board of
2640 Education; ~~or~~

2641 (e) Documentation of two semesters of successful teaching
2642 in a community college, state university, or private college or
2643 university that awards an associate or higher degree and is an
2644 accredited institution or an institution of higher education
2645 otherwise approved pursuant to State Board of Education rule; or

2646 (f)(e) A valid ~~standard~~ teaching certificate issued by
2647 another state and documentation of 1 year ~~2 years~~ of ~~continuous~~
2648 successful ~~full-time~~ teaching ~~or administrative~~ experience
2649 ~~during the 5-year period immediately preceding the date of~~
2650 ~~application for certification.~~

2651 (4) MASTERY OF SUBJECT AREA KNOWLEDGE.--Acceptable means
2652 of demonstrating mastery of subject area knowledge are:

2653 (a) Achievement of passing scores on subject area
2654 examinations required by state board rule;

2655 (b) Completion of the subject area specialization
2656 requirements specified in state board rule and verification of
2657 the attainment of the essential subject matter competencies by
2658 the district school superintendent of the employing school



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2659 district or chief administrative officer of the employing state-
2660 supported or private school for a subject area for which a
2661 subject area examination has not been developed and required by
2662 state board rule;

2663 (c) Completion of the ~~graduate level~~ subject area
2664 specialization requirements specified in state board rule for a
2665 subject coverage requiring a master's or higher degree and
2666 achievement of a passing score on the subject area examination
2667 specified in state board rule;

2668 (d) A valid professional standard teaching certificate
2669 issued by another state ~~that requires an examination of mastery~~
2670 ~~of subject area knowledge~~;

2671 (e) A ~~valid standard teaching certificate issued by~~
2672 ~~another state and~~ valid certificate issued by the National Board
2673 for Professional Teaching Standards or other such nationally
2674 recognized organization as determined by the State Board of
2675 Education; or

2676 (f) A valid ~~standard~~ teaching certificate issued by
2677 another state and documentation of 1 year ~~2 years~~ of ~~continuous~~
2678 successful ~~full-time~~ teaching ~~or administrative~~ experience
2679 ~~during the 5-year period immediately preceding the date of~~
2680 ~~application for certification.~~

2681 (5) MASTERY OF PROFESSIONAL PREPARATION AND EDUCATION
2682 COMPETENCE.--Acceptable means of demonstrating mastery of
2683 professional preparation and education competence are:

2684 (a) Completion of an approved teacher preparation program
2685 at a postsecondary educational institution within this state and



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2686 achievement of a passing score on the professional education
2687 competency examination required by state board rule;

2688 (b) Completion of a teacher preparation program offered by
2689 ~~at~~ a postsecondary educational institution outside Florida and
2690 achievement of a passing score on the professional education
2691 competency examination required by state board rule;

2692 (c) A valid professional standard teaching certificate
2693 issued by another state ~~that requires an examination of mastery~~
2694 ~~of professional education competence;~~

2695 (d) A ~~valid standard teaching certificate issued by~~
2696 ~~another state and~~ valid certificate issued by the National Board
2697 for Professional Teaching Standards or other such nationally
2698 recognized organization as determined by the State Board of
2699 Education;

2700 (e) A valid ~~standard~~ teaching certificate issued by
2701 another state and documentation of 1 year ~~2 years~~ of ~~continuous~~
2702 successful ~~full-time~~ teaching ~~or administrative~~ experience
2703 ~~during the 5-year period immediately preceding the date of~~
2704 ~~application for certification;~~

2705 (f) Completion of professional preparation courses as
2706 specified in state board rule, successful completion of a
2707 professional education competence demonstration program pursuant
2708 to paragraph (7)(b), and achievement of a passing score on the
2709 professional education competency examination required by state
2710 board rule; or

2711 (g) Successful completion of a professional preparation
2712 alternative certification and education competency program,
2713 outlined in paragraph (7)(a).



2714
 2715 State Board of Education rule governing mastery of professional
 2716 preparation and education competence shall be revised as
 2717 necessary in accordance with s. 1004.04(2).
 2718 (6) TYPES AND TERMS OF CERTIFICATION.--
 2719 (a) The Department of Education shall issue a professional
 2720 certificate for a period not to exceed 5 years to any applicant
 2721 who meets all the requirements outlined in subsection (2).
 2722 (b) The department shall issue a temporary certificate to
 2723 any applicant who completes the requirements outlined in
 2724 paragraphs (2)(a)-(f) and completes the subject area content
 2725 requirements specified in state board rule or demonstrates
 2726 mastery of subject area knowledge pursuant to subsection (4) and
 2727 holds an accredited degree or a degree approved by the
 2728 Department of Education at the level required for the subject
 2729 area specialization in state board rule.
 2730 (c) The department shall issue one nonrenewable 2-year
 2731 temporary certificate and one nonrenewable 5-year professional
 2732 certificate to a qualified applicant who holds a bachelor's
 2733 degree in the area of speech-language impairment to allow for
 2734 completion of a master's degree program in speech-language
 2735 impairment.
 2736
 2737 Each temporary certificate is valid for 3 school fiscal years
 2738 and is nonrenewable. ~~However, the requirement in paragraph~~
 2739 ~~(2)(g) must be met within 1 calendar year of the date of~~
 2740 ~~employment under the temporary certificate. Individuals who are~~
 2741 ~~employed under contract at the end of the 1 calendar year time~~



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2742 ~~period may continue to be employed through the end of the school~~
2743 ~~year in which they have been contracted. A school district shall~~
2744 ~~not employ, or continue the employment of, an individual in a~~
2745 ~~position for which a temporary certificate is required beyond~~
2746 ~~this time period if the individual has not met the requirement~~
2747 ~~of paragraph (2)(g). However, the State Board of Education shall~~
2748 ~~adopt rules to allow the department to extend the validity~~
2749 ~~period of a temporary certificate for 2 years when the~~
2750 ~~requirements for the professional certificate, not including the~~
2751 ~~requirement in paragraph (2)(g), were not completed due to the~~
2752 ~~serious illness or injury of the applicant or other~~
2753 ~~extraordinary extenuating circumstances. Based on emergency~~
2754 ~~need, the department shall reissue the temporary certificate for~~
2755 ~~2 additional years upon approval by the Commissioner of~~
2756 ~~Education. A written request for such reissuance must first ~~of~~~~
2757 ~~~~the certificate shall be submitted, stating the basis for the~~~~
2758 ~~~~emergency need, by the district school superintendent, the~~~~
2759 ~~governing authority of a university lab school, the governing~~
2760 ~~authority of a state-supported school, or the governing~~
2761 ~~authority of a private school. However, the Commissioner of~~
2762 ~~Education may provide to any applicant who, by June 30, 2003,~~
2763 ~~has demonstrated mastery of general knowledge, subject area~~
2764 ~~knowledge, and professional preparation and education~~
2765 ~~competence, pursuant to subsections (3), (4), and (5), except~~
2766 ~~for achievement of a passing score on one subtest area of the~~
2767 ~~general knowledge examination, a one-time only extension of his~~
2768 ~~or her temporary certificate until June 30, 2004.~~



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2769 Section 30. Subsection (1) of section 1012.57, Florida
 2770 Statutes, is amended to read:
 2771 1012.57 Certification of adjunct educators.--
 2772 (1) Notwithstanding the provisions of ss. 1012.32,
 2773 1012.55, and 1012.56, or any other provision of law or rule to
 2774 the contrary, district school boards shall adopt rules to allow
 2775 for the issuance of ~~may issue~~ an adjunct teaching certificate to
 2776 any applicant who fulfills the requirements of s. 1012.56(2)(a)-
 2777 (f) and who has expertise in the subject area to be taught. An
 2778 applicant shall be considered to have expertise in the subject
 2779 area to be taught if the applicant ~~has at least a minor in the~~
 2780 ~~subject area or~~ demonstrates sufficient subject area mastery
 2781 through passage of a subject area test as determined by district
 2782 ~~school board policy~~. The adjunct teaching certificate shall be
 2783 used for part-time teaching positions. The intent of this
 2784 provision is to allow school districts to tap the wealth of
 2785 talent and expertise represented in Florida's citizens who may
 2786 wish to teach part-time in a Florida public school by permitting
 2787 school districts to issue adjunct certificates to qualified
 2788 applicants. Adjunct certificateholders should be used as a
 2789 strategy to reduce the teacher shortage; thus, adjunct
 2790 certificateholders should supplement a school's instructional
 2791 staff, not supplant it. Each school principal shall assign an
 2792 experienced peer mentor to assist the adjunct teaching
 2793 certificateholder during the certificateholder's first year of
 2794 teaching, and an adjunct certificateholder may participate in a
 2795 district's new teacher training program. District school boards
 2796 shall provide the adjunct teaching certificateholder an



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2797 orientation in classroom management prior to assigning the
2798 certificateholder to a school. Each adjunct teaching certificate
2799 is valid for 5 school years and is renewable if:

2800 ~~(a) The applicant completes a minimum of 60 inservice~~
2801 ~~points or 3 semester hours of college credit. The earned credits~~
2802 ~~must include instruction in classroom management, district~~
2803 ~~school board procedures, school culture, and other activities~~
2804 ~~that enhance the professional teaching skills of the~~
2805 ~~certificateholder.~~

2806 ~~(b)~~ the applicant has received satisfactory performance
2807 evaluations during each year of teaching under adjunct teaching
2808 certification.

2809 Section 31. Subsection (13) is added to section 1013.03,
2810 Florida Statutes, to read:

2811 1013.03 Functions of the department.--The functions of the
2812 Department of Education as it pertains to educational facilities
2813 shall include, but not be limited to, the following:

2814 (13) By October 1, 2003, review all rules related to
2815 school construction to identify requirements that are outdated,
2816 obsolete, unnecessary, or otherwise could be amended in order to
2817 provide additional flexibility to school districts to comply
2818 with the constitutional class size maximums described in s.
2819 1003.03(2) and make recommendations concerning such rules to the
2820 State Board of Education. The State Board of Education shall act
2821 on such recommendations by December 31, 2003.

2822 Section 32. Paragraph (d) is added to subsection (1) of
2823 section 1013.31, Florida Statutes, to read:



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2824 | 1013.31 Educational plant survey; localized need
 2825 | assessment; PECO project funding.--
 2826 | (1) At least every 5 years, each board shall arrange for
 2827 | an educational plant survey, to aid in formulating plans for
 2828 | housing the educational program and student population, faculty,
 2829 | administrators, staff, and auxiliary and ancillary services of
 2830 | the district or campus, including consideration of the local
 2831 | comprehensive plan. The Office of Workforce and Economic
 2832 | Development shall document the need for additional career and
 2833 | adult education programs and the continuation of existing
 2834 | programs before facility construction or renovation related to
 2835 | career or adult education may be included in the educational
 2836 | plant survey of a school district or community college that
 2837 | delivers career or adult education programs. Information used by
 2838 | the Office of Workforce and Economic Development to establish
 2839 | facility needs must include, but need not be limited to, labor
 2840 | market data, needs analysis, and information submitted by the
 2841 | school district or community college.
 2842 | (d) Periodic update of Florida Inventory of School
 2843 | Houses.--School districts shall periodically update their
 2844 | inventory of educational facilities as new capacity becomes
 2845 | available and as unsatisfactory space is eliminated. The State
 2846 | Board of Education shall adopt rules to determine the timeframe
 2847 | in which school districts must provide a periodic update.
 2848 | Section 33. Paragraph (b) of subsection (1) and
 2849 | subsections (2) and (3) of section 1002.37, Florida Statutes,
 2850 | are amended, subsections (4), (5), and (6) are renumbered as



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2851 subsections (5), (6), and (7), respectively, and a new
2852 subsection (4) is added to said section, to read:

2853 1002.37 The Florida Virtual School.--

2854 (1)

2855 (b) The mission of the Florida Virtual School is to
2856 provide students with technology-based educational opportunities
2857 to gain the knowledge and skills necessary to succeed and to
2858 award high school diplomas pursuant to s. 1003.43(9). The school
2859 shall serve any student in the state who meets the profile for
2860 success in this educational delivery context and shall give
2861 priority to:

2862 1. Students enrolled in traditional public school classes
2863 that are not in compliance with the maximum class sizes provided
2864 in s. 1000.03.

2865 2. Students enrolled as full-time students in the Florida
2866 Virtual School and seeking a high school diploma awarded by the
2867 Florida Virtual School.

2868 ~~3.1-~~ Students who need expanded access to courses in order
2869 to meet their educational goals, such as home education students
2870 and students in ~~inner-city and~~ rural and other public high
2871 schools who do not have access to higher-level courses.

2872 ~~4.2-~~ Students seeking accelerated access in order to
2873 obtain a high school diploma at least one semester early.

2874

2875 The board of trustees of the Florida Virtual School shall
2876 identify appropriate performance measures and standards based on
2877 student achievement that reflect the school's statutory mission
2878 and priorities, and shall implement an accountability system for



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2879 the school that includes assessment of its effectiveness and
2880 efficiency in providing quality services that encourage high
2881 student achievement, seamless articulation, and maximum access.

2882 (2) The Florida Virtual School shall be governed by a
2883 board of trustees comprised of seven members appointed by the
2884 Governor to 4-year staggered terms. The board of trustees shall
2885 be a public agency entitled to sovereign immunity pursuant to s.
2886 768.28, and board members shall be public officers who shall
2887 bear fiduciary responsibility for the Florida Virtual School.
2888 The board of trustees shall have the following powers and
2889 duties:

2890 (a)1. The board of trustees shall meet at least 4 times
2891 each year, upon the call of the chair, or at the request of a
2892 majority of the membership.

2893 2. The fiscal year for the Florida Virtual School shall be
2894 the state fiscal year as provided in s. 216.011(1)(o).

2895 (b) The board of trustees shall be responsible for the
2896 Florida Virtual School's development of a state-of-the-art
2897 technology-based education delivery system that is cost-
2898 effective, educationally sound, marketable, and capable of
2899 sustaining a self-sufficient delivery system through the Florida
2900 Education Finance Program, ~~by fiscal year 2003-2004. The school~~
2901 ~~shall collect and report data for all students served and credit~~
2902 ~~awarded. This data shall be segregated by private, public, and~~
2903 ~~home education students by program. Information shall also be~~
2904 ~~collected that reflects any other school in which a virtual~~
2905 ~~school student is enrolled.~~



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2906 (c) The board of trustees shall aggressively seek avenues
2907 to generate revenue to support its future endeavors, and shall
2908 enter into agreements with distance learning providers. The
2909 board of trustees may acquire, enjoy, use, and dispose of
2910 patents, copyrights, and trademarks and any licenses and other
2911 rights or interests thereunder or therein. Ownership of all such
2912 patents, copyrights, trademarks, licenses, and rights or
2913 interests thereunder or therein shall vest in the state, with
2914 the board of trustees having full right of use and full right to
2915 retain the revenues derived therefrom. Any funds realized from
2916 patents, copyrights, trademarks, or licenses shall be considered
2917 internal funds as provided in s. 1011.07. Such funds shall be
2918 used to support the school's marketing and research and
2919 development activities in order to improve courseware and
2920 services to its students.

2921 (d) The board of trustees shall be responsible for the
2922 administration and control of all local school funds derived
2923 from all activities or sources and shall prescribe the
2924 principles and procedures to be followed in administering these
2925 funds ~~annually prepare and submit to the State Board of~~
2926 ~~Education a legislative budget request, including funding~~
2927 ~~requests for computers for public school students who do not~~
2928 ~~have access to public school computers, in accordance with~~
2929 ~~chapter 216 and s. 1013.60. The legislative budget request of~~
2930 ~~the Florida Virtual School shall be prepared using the same~~
2931 ~~format, procedures, and timelines required for the submission of~~
2932 ~~the legislative budget of the Department of Education. Nothing~~



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2933 ~~in this section shall be construed to guarantee a computer to~~
 2934 ~~any individual student.~~

2935 (e) The Florida Virtual School may accrue supplemental
 2936 revenue from supplemental support organizations, which include,
 2937 but are not limited to, alumni associations, foundations,
 2938 parent-teacher associations, and booster associations. The
 2939 governing body of each supplemental support organization shall
 2940 recommend the expenditure of moneys collected by the
 2941 organization for the benefit of the school. Such expenditures
 2942 shall be contingent upon the review of the executive director.
 2943 The executive director may override any proposed expenditure of
 2944 the organization that would violate Florida law or breach sound
 2945 educational management.

2946 (f)~~(e)~~ In accordance with law and rules of the State Board
 2947 of Education, the board of trustees shall administer and
 2948 maintain personnel programs for all employees of the board of
 2949 trustees and the Florida Virtual School. The board of trustees
 2950 may adopt rules, policies, and procedures related to the
 2951 appointment, employment, and removal of personnel.

2952 1. The board of trustees shall determine the compensation,
 2953 including salaries and fringe benefits, and other conditions of
 2954 employment for such personnel.

2955 2. The board of trustees may establish and maintain a
 2956 personnel loan or exchange program by which persons employed by
 2957 the board of trustees for the Florida Virtual School as academic
 2958 administrative and instructional staff may be loaned to, or
 2959 exchanged with persons employed in like capacities by, public
 2960 agencies either within or without this state, or by private



2961 industry. With respect to public agency employees, the program
 2962 authorized by this subparagraph shall be consistent with the
 2963 requirements of part II of chapter 112. The salary and benefits
 2964 of board of trustees personnel participating in the loan or
 2965 exchange program shall be continued during the period of time
 2966 they participate in a loan or exchange program, and such
 2967 personnel shall be deemed to have no break in creditable or
 2968 continuous service or employment during such time. The salary
 2969 and benefits of persons participating in the personnel loan or
 2970 exchange program who are employed by public agencies or private
 2971 industry shall be paid by the originating employers of those
 2972 participants, and such personnel shall be deemed to have no
 2973 break in creditable or continuous service or employment during
 2974 such time.

2975 3. The employment of all Florida Virtual School academic
 2976 administrative and instructional personnel shall be subject to
 2977 rejection for cause by the board of trustees, and shall be
 2978 subject to policies of the board of trustees relative to
 2979 certification, tenure, leaves of absence, sabbaticals,
 2980 remuneration, and such other conditions of employment as the
 2981 board of trustees deems necessary and proper, not inconsistent
 2982 with law.

2983 4. Each person employed by the board of trustees in an
 2984 academic administrative or instructional capacity with the
 2985 Florida Virtual School shall be entitled to a contract as
 2986 provided by rules of the board of trustees.

2987 5. All employees except temporary, seasonal, and student
 2988 employees may be state employees for the purpose of being



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2989 eligible to participate in the Florida Retirement System and
 2990 receive benefits. The classification and pay plan, including
 2991 terminal leave and other benefits, and any amendments thereto,
 2992 shall be subject to review and approval by the Department of
 2993 Management Services and the Executive Office of the Governor
 2994 prior to adoption. ~~In the event that the board of trustees~~
 2995 ~~assumes responsibility for governance pursuant to this section~~
 2996 ~~before approval is obtained, employees shall be compensated~~
 2997 ~~pursuant to the system in effect for the employees of the fiscal~~
 2998 ~~agent.~~

2999 (g)~~(f)~~ The board of trustees shall establish priorities
 3000 for admission of students in accordance with paragraph (1)(b).

3001 (h)~~(g)~~ The board of trustees shall establish and
 3002 distribute to all school districts and high schools in the state
 3003 procedures for enrollment of students in courses offered by the
 3004 Florida Virtual School. ~~Such procedures shall be designed to~~
 3005 ~~minimize paperwork and fairly resolve the issue of double~~
 3006 ~~funding students taking courses on-line.~~

3007 (i) The board of trustees shall establish criteria
 3008 defining the elements of an approved franchise. The board of
 3009 trustees may enter into franchise agreements with Florida
 3010 district school boards and may establish the terms and
 3011 conditions governing such agreements. The board of trustees
 3012 shall establish the performance and accountability measures and
 3013 report the performance of each school district franchise to the
 3014 Commissioner of Education.

3015 (j)~~(h)~~ The board of trustees shall ~~annually~~ submit to the
 3016 State Board of Education both forecasted and actual enrollments



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3017 and credit completions for the Florida Virtual School, according
3018 to procedures established by the State Board of Education. At a
3019 minimum, such procedures must include the number of public,
3020 private, and home education students served by program and by
3021 county of residence ~~district~~.

3022 (k)~~(i)~~ The board of trustees shall provide for the content
3023 and custody of student and employee personnel records. Student
3024 records shall be subject to the provisions of s. 1002.22.
3025 Employee records shall be subject to the provisions of s.
3026 1012.31.

3027 (l)~~(j)~~ The financial records and accounts of the Florida
3028 Virtual School shall be maintained under the direction of the
3029 board of trustees and under rules adopted by the State Board of
3030 Education for the uniform system of financial records and
3031 accounts for the schools of the state.

3032
3033 The Governor shall designate the initial chair of the board of
3034 trustees to serve a term of 4 years. Members of the board of
3035 trustees shall serve without compensation, but may be reimbursed
3036 for per diem and travel expenses pursuant to s. 112.061. The
3037 board of trustees shall be a body corporate with all the powers
3038 of a body corporate and such authority as is needed for the
3039 proper operation and improvement of the Florida Virtual School.
3040 The board of trustees is specifically authorized to adopt rules,
3041 policies, and procedures, consistent with law and rules of the
3042 State Board of Education related to governance, personnel,
3043 budget and finance, administration, programs, curriculum and
3044 instruction, travel and purchasing, technology, students,



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3045 contracts and grants, and property as necessary for optimal,
3046 efficient operation of the Florida Virtual School. Tangible
3047 personal property owned by the board of trustees shall be
3048 subject to the provisions of chapter 273.

3049 (3) Funding for the Florida Virtual School shall be
3050 provided as follows:

3051 (a) A "full-time equivalent student" for the Florida
3052 Virtual School is one student who has successfully completed six
3053 credits that shall count toward the minimum number of credits
3054 required for high school graduation. A student who completes
3055 less than six credits shall be a fraction of a full-time
3056 equivalent student. Half-credit completions shall be included in
3057 determining a full-time equivalent student. Credit completed by
3058 a student in excess of the minimum required for that student for
3059 high school graduation is not eligible for funding.

3060 (b) Full-time equivalent student credits completed through
3061 the Florida Virtual School, including credits completed during
3062 the summer, shall be reported to the Department of Education in
3063 the manner prescribed by the department and shall be funded
3064 through the Florida Education Finance Program.

3065 (c) School districts may not limit student access to
3066 courses offered through the Florida Virtual School.

3067 (d) Full-time equivalent student credit completion for
3068 courses offered through the Florida Virtual School shall be
3069 reported only by the Florida Virtual School. School districts
3070 shall report full-time equivalent student membership only for
3071 courses for which the school district provides the instruction.



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3072 (e) The district cost differential as provided in s.
3073 1011.62(2) shall be established as 1.000.

3074 (f) The Florida Virtual School shall receive funds for
3075 operating purposes in an amount determined as follows: multiply
3076 the maximum allowable nonvoted discretionary millage for
3077 operations pursuant to s. 1011.71(1) by the value of 95 percent
3078 of the current year's taxable value for school purposes for the
3079 state; divide the result by the total full-time equivalent
3080 membership of the state; and multiply the result by the full-
3081 time equivalent membership of the school. The amount thus
3082 obtained shall be discretionary operating funds and shall be
3083 appropriated from state funds in the General Appropriations Act.

3084 (g) The Florida Virtual School shall receive additional
3085 state funds as may be provided in the General Appropriations
3086 Act.

3087 (h) In addition to the funds provided in the General
3088 Appropriations Act, the Florida Virtual School may receive other
3089 funds from grants and donations.

3090 ~~(a) Until fiscal year 2003-2004, the Commissioner of~~
3091 ~~Education shall include the Florida Virtual School as a grant-~~
3092 ~~in-aid appropriation in the department's legislative budget~~
3093 ~~request to the State Board of Education, the Governor, and the~~
3094 ~~Legislature, subject to any guidelines imposed in the General~~
3095 ~~Appropriations Act.~~

3096 ~~(b) The Orange County District School Board shall be the~~
3097 ~~temporary fiscal agent of the Florida Virtual School.~~

3098 (4) School districts operating a virtual school that is an
3099 approved franchise of the Florida Virtual School may count full-



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3100 time equivalent students, as provided in paragraph (3)(a), if
 3101 such school has been certified as an approved franchise by the
 3102 Commissioner of Education based on criteria established by the
 3103 board of trustees pursuant to paragraph (2)(i).

3104 Section 34. Paragraph (c) of subsection (1) of section
 3105 1011.61, Florida Statutes, is amended to read:

3106 1011.61 Definitions.--Notwithstanding the provisions of s.
 3107 1000.21, the following terms are defined as follows for the
 3108 purposes of the Florida Education Finance Program:

3109 (1) A "full-time equivalent student" in each program of
 3110 the district is defined in terms of full-time students and part-
 3111 time students as follows:

3112 (c)1. A "full-time equivalent student" is:

3113 a. A full-time student in any one of the programs listed
 3114 in s. 1011.62(1)(c); or

3115 b. A combination of full-time or part-time students in any
 3116 one of the programs listed in s. 1011.62(1)(c) which is the
 3117 equivalent of one full-time student based on the following
 3118 calculations:

3119 (I) A full-time student, except a postsecondary or adult
 3120 student or a senior highschool student enrolled in adult
 3121 education when such courses are required for high school
 3122 graduation, in a combination of programs listed in s.
 3123 1011.62(1)(c) shall be a fraction of a full-time equivalent
 3124 membership in each special program equal to the number of net
 3125 hours per school year for which he or she is a member, divided
 3126 by the appropriate number of hours set forth in subparagraph
 3127 (a)1. or subparagraph (a)2. The difference between that fraction



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3128 or sum of fractions and the maximum value as set forth in
3129 subsection (4) for each full-time student is presumed to be the
3130 balance of the student's time not spent in such special
3131 education programs and shall be recorded as time in the
3132 appropriate basic program.

3133 (II) A prekindergarten handicapped student shall meet the
3134 requirements specified for kindergarten students.

3135 (III) A Florida Virtual School full-time equivalent
3136 student shall consist of six full credit completions in the
3137 programs listed in s. 1011.62(1)(c)1. and 4. Credit completions
3138 can be a combination of either full credits or half credits.

3139 2. A student in membership in a program scheduled for more
3140 or less than 180 school days is a fraction of a full-time
3141 equivalent membership equal to the number of instructional hours
3142 in membership divided by the appropriate number of hours set
3143 forth in subparagraph (a)1.; however, for the purposes of this
3144 subparagraph, membership in programs scheduled for more than 180
3145 days is limited to students enrolled in juvenile justice
3146 education programs and the Florida Virtual School.

3147 The department shall determine and implement an equitable method
3148 of equivalent funding for experimental schools and for schools
3149 operating under emergency conditions, which schools have been
3150 approved by the department to operate for less than the minimum
3151 school day.

3152 Section 35. Paragraphs (b), (c), (d), and (e) of
3153 subsection (6) of section 1013.64, Florida Statutes, are amended
3154 to read:



3155 1013.64 Funds for comprehensive educational plant needs;
 3156 construction cost maximums for school district capital
 3157 projects.--Allocations from the Public Education Capital Outlay
 3158 and Debt Service Trust Fund to the various boards for capital
 3159 outlay projects shall be determined as follows:

3160 (6)

3161 (b)1. A district school board, including a district school
 3162 board of an academic performance-based charter school district,
 3163 must not use funds from the following sources: Public Education
 3164 Capital Outlay and Debt Service Trust Fund; ~~or the~~ School
 3165 District and Community College District Capital Outlay and Debt
 3166 Service Trust Fund; Classrooms First Program funds provided in
 3167 s. 1013.68; effort index grant funds provided in s. 1013.73;
 3168 nonvoted 2-mill levy of ad valorem property taxes provided in s.
 3169 1011.71(2); Class Size Reduction Infrastructure Program funds
 3170 provided in s. 1013.735; District Effort Recognition Program
 3171 funds provided in s. 1013.736; school capital outlay sales
 3172 surtax provided in s. 212.055(6); local government
 3173 infrastructure sales surtax provided in s. 212.055(2); or voted
 3174 millage provided in s. 1011.73, for any new construction of
 3175 educational plant space with a total cost per student station,
 3176 including change orders, that equals more than:

- 3177 a. \$12,755 ~~\$11,600~~ for an elementary school,
- 3178 b. \$14,624 ~~\$13,300~~ for a middle school, or
- 3179 c. \$19,352 ~~\$17,600~~ for a high school,

3180
 3181 (January 2002 ~~1997~~) as adjusted annually to reflect increases or
 3182 decreases in ~~by~~ the Consumer Price Index.



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3183 2. A district school board must not use funds from the
3184 Public Education Capital Outlay and Debt Service Trust Fund or
3185 the School District and Community College District Capital
3186 Outlay and Debt Service Trust Fund for any new construction of
3187 an ancillary plant that exceeds 70 percent of the average cost
3188 per square foot of new construction for all schools.

3189 (c) Except as otherwise provided, new construction
3190 initiated after July 1, 2004, by a district school board funded
3191 solely from proceeds received by school districts through
3192 provisions of ss. 212.055 and 1011.73 and s. 9, Art. VII of the
3193 State Constitution after June 30, 1997, must not exceed the cost
3194 per student station as provided in paragraph (b). However, a
3195 school district may exceed the cost per student station provided
3196 in paragraph (b) if the school district:

3197 1. Utilizes funds provided through voted millage options
3198 or, for those school districts with unincarcerated populations
3199 of less than 100,000, funds generated through discretionary
3200 2-mill authority.

3201 2. Holds a public hearing that clearly communicates the
3202 school district's purpose for the use of the funds and, during a
3203 regularly scheduled meeting of the district school board, votes
3204 to use such funds in the manner and for the purpose identified
3205 in the public hearing.

3206 3. Annually reports to the department the amount of funds
3207 used, the capital outlay for which the funds were used, and the
3208 source of the funds.

3209 (d) The department shall:



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3210 1. Compute for each calendar year the statewide average
3211 construction costs for facilities serving each instructional
3212 level, for relocatable educational facilities, for
3213 administrative facilities, and for other ancillary and auxiliary
3214 facilities. The department shall compute the statewide average
3215 costs per student station for each instructional level.

3216 2. Annually review the actual completed construction costs
3217 of educational facilities in each school district. For any
3218 school district in which the total actual cost per student
3219 station, including change orders, exceeds the statewide limits
3220 established in paragraph (b), the school district shall report
3221 to the department the actual cost per student station and the
3222 reason for the school district's inability to adhere to the
3223 limits established in paragraph (b). The department shall
3224 collect all such reports and shall report to the Governor, the
3225 President of the Senate, and the Speaker of the House of
3226 Representatives by December 31 of each year a summary of each
3227 school district's spending in excess of the cost per student
3228 station provided in paragraph (b) as reported by the school
3229 districts.

3230
3231 Cost per student station includes contract costs, legal and
3232 administrative costs, fees of architects and engineers,
3233 furniture and equipment, and site improvement costs. Cost per
3234 student station does not include the cost of purchasing or
3235 leasing the site for the construction or the cost of related
3236 offsite improvements.



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3237 ~~(e) The restrictions of this subsection on the cost per~~
3238 ~~student station of new construction do not apply to a project~~
3239 ~~funded entirely from proceeds received by districts through~~
3240 ~~provisions of ss. 212.055 and 1011.73 and s. 9, Art. VII of the~~
3241 ~~State Constitution, if the school board approves the project by~~
3242 ~~majority vote.~~

3243 Section 36. Subsection (2) of section 1007.261 and
3244 sections 1012.41, 1013.21, and 1013.43, Florida Statutes, are
3245 repealed.

3246 Section 37. Subsection (13) is added to section 216.292,
3247 Florida Statutes, to read:

3248 216.292 Appropriations nontransferable; exceptions.--

3249 (13) The Executive Office of the Governor shall transfer
3250 funds from appropriations for public school operations to a
3251 fixed capital outlay appropriation for class size reduction
3252 based on recommendations of the Florida Education Finance
3253 Program Appropriation Allocation Conference pursuant to s.
3254 1003.03(5)(a). This subsection is subject to the notice and
3255 review provisions of s. 216.177.

3256 Section 38. Section 1000.041, Florida Statutes, is created
3257 to read:

3258 1000.041 Better educated students and teachers (BEST)
3259 Florida teaching; legislative purposes; guiding principles.--The
3260 legislative purposes and guiding principles of BEST Florida
3261 teaching are:

3262 (1) Teachers teach, students learn.

3263 (2) Teachers maintain orderly, disciplined classrooms
3264 conducive to student learning.



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3265 (3) Teachers are trained, recruited, well compensated, and
3266 retained for quality.

3267 (4) Teachers are well rewarded for their students' high
3268 performance.

3269 (5) Teachers are most effective when served by exemplary
3270 school administrators.

3271
3272 Each teacher preparation program, each postsecondary educational
3273 institution providing dual enrollment or other acceleration
3274 programs, each district school board, and each district and
3275 school-based administrator fully supports and cooperates in the
3276 accomplishment of these purposes and guiding principles.

3277 Section 39. Section 1001.33, Florida Statutes, is amended
3278 to read:

3279 1001.33 Schools under control of district school board and
3280 district school superintendent.--

3281 (1) Except as otherwise provided by law, all public
3282 schools conducted within the district shall be under the
3283 direction and control of the district school board with the
3284 district school superintendent as executive officer.

3285 (2) Each district school board, each district school
3286 superintendent, and each district and school-based administrator
3287 shall cooperate to apply the following guiding principles for
3288 better educated students and teachers (BEST) Florida teaching:

3289 (a) Teachers teach, students learn.

3290 (b) Teachers maintain orderly, disciplined classrooms
3291 conducive to student learning.



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3292 (c) Teachers are trained, recruited, well compensated, and
3293 retained for quality.

3294 (d) Teachers are well rewarded for their students' high
3295 performance.

3296 (e) Teachers are most effective when served by exemplary
3297 school administrators.

3298 Section 40. Subsections (5) and (6) of section 1001.42,
3299 Florida Statutes, are amended to read:

3300 1001.42 Powers and duties of district school board.--The
3301 district school board, acting as a board, shall exercise all
3302 powers and perform all duties listed below:

3303 (5) PERSONNEL.--

3304 (a) Designate positions to be filled, prescribe
3305 qualifications for those positions, and provide for the
3306 appointment, compensation, promotion, suspension, and dismissal
3307 of employees, subject to the requirements of chapter 1012. Each
3308 district school board shall provide clerical personnel or
3309 volunteers who are not classroom teachers to assist teachers in
3310 noninstructional activities, including performing paperwork and
3311 recordkeeping duties. However, a teacher shall remain
3312 responsible for all instructional activities and for classroom
3313 management and grading student performance.

3314 (b) Notwithstanding s. 1012.55 or any other provision of
3315 law or rule to the contrary ~~and, the district school board may,~~
3316 consistent with adopted district school board policy relating to
3317 alternative certification for school principals, have the
3318 authority to appoint persons to the position of school principal
3319 who do not hold educator certification.



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3320 (c) Fully support and cooperate in the application of the
 3321 guiding principles for better educated students and teachers
 3322 (BEST) Florida teaching, pursuant to s. 1000.041.

3323 (6) STUDENT ~~CHILD~~ WELFARE.--

3324 (a) In accordance with the provisions of chapters 1003 and
 3325 1006, provide for the proper accounting for all students
 3326 ~~children~~ of school age, for the attendance and control of
 3327 students at school, and for proper attention to health, safety,
 3328 and other matters relating to the welfare of students ~~children~~.

3329 (b) In accordance with the provisions of ss. 1003.31 and
 3330 1003.32, fully support the authority of each teacher and school
 3331 bus driver to remove disobedient, disrespectful, violent,
 3332 abusive, uncontrollable, or disruptive students from the
 3333 classroom and the school bus and the authority of the school
 3334 principal to place such students in an alternative educational
 3335 setting, when appropriate and available.

3336 Section 41. Subsection (23) of section 1001.51, Florida
 3337 Statutes, is renumbered as subsection (25), and new subsections
 3338 (23) and (24) are added to said section to read:

3339 1001.51 Duties and responsibilities of district school
 3340 superintendent.--The district school superintendent shall
 3341 exercise all powers and perform all duties listed below and
 3342 elsewhere in the law, provided that, in so doing, he or she
 3343 shall advise and counsel with the district school board. The
 3344 district school superintendent shall perform all tasks necessary
 3345 to make sound recommendations, nominations, proposals, and
 3346 reports required by law to be acted upon by the district school
 3347 board. All such recommendations, nominations, proposals, and



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3348 reports by the district school superintendent shall be either
3349 recorded in the minutes or shall be made in writing, noted in
3350 the minutes, and filed in the public records of the district
3351 school board. It shall be presumed that, in the absence of the
3352 record required in this section, the recommendations,
3353 nominations, and proposals required of the district school
3354 superintendent were not contrary to the action taken by the
3355 district school board in such matters.

3356 (23) QUALITY TEACHERS.--Fully support and cooperate in the
3357 application of the guiding principles for better educated
3358 students and teachers (BEST) Florida teaching, pursuant to s.
3359 1000.041.

3360 (24) ORDERLY CLASSROOMS AND SCHOOL BUSES.--Fully support
3361 the authority of each teacher, according to s. 1003.32, and
3362 school bus driver to remove disobedient, disrespectful, violent,
3363 abusive, uncontrollable, or disruptive students from the
3364 classroom and the school bus and the authority of the school
3365 principal to place such students in an alternative educational
3366 setting, when appropriate and available.

3367 Section 42. Subsection (1) of section 1001.54, Florida
3368 Statutes, is amended to read:

3369 1001.54 Duties of school principals.--

3370 (1)(a) A district school board shall employ, through
3371 written contract, public school principals.

3372 (b) The school principal has authority over school
3373 district personnel in accordance with s. 1012.28.



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3374 (c) The school principal shall encourage school personnel
3375 to implement the guiding principles for better educated students
3376 and teachers (BEST) Florida teaching, pursuant to s. 1000.041.

3377 (d) The school principal should fully support the
3378 authority of each teacher, according to s. 1003.32, and school
3379 bus driver to remove disobedient, disrespectful, violent,
3380 abusive, uncontrollable, or disruptive students from the
3381 classroom and the school bus and, when appropriate and
3382 available, place such students in an alternative educational
3383 setting.

3384 Section 43. Subsection (22) is added to said section
3385 1002.20, Florida Statutes, to read:

3386 1002.20 K-12 student and parent rights.--K-12 students and
3387 their parents are afforded numerous statutory rights including,
3388 but not limited to, the following:

3389 (22) ORDERLY, DISCIPLINED CLASSROOMS.--Public school
3390 students shall be in orderly, disciplined classrooms conducive
3391 to learning without the distraction caused by disobedient,
3392 disrespectful, violent, abusive, uncontrollable, or disruptive
3393 students, in accordance with s. 1003.32.

3394 Section 44. Subsection (13) of section 1002.42, Florida
3395 Statutes, is amended to read:

3396 1002.42 Private schools.--

3397 (13) PROFESSIONAL DEVELOPMENT SYSTEM.--An organization of
3398 private schools that has no fewer than 10 member schools in this
3399 state may develop a professional development system to be filed
3400 with the Department of Education in accordance with the
3401 provisions of s. 1012.98~~(6)(7)~~.



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3402 Section 45. Section 1003.04, Florida Statutes, is amended
3403 to read:

3404 1003.04 Student conduct and parental involvement ~~goals~~.--

3405 ~~(1) It is the goal of the Legislature and each district~~
3406 ~~school board that~~ Each public K-12 student must comply with
3407 school attendance laws ~~remain in attendance~~ throughout the
3408 school year, unless excused by the school for illness or other
3409 good cause, and must comply fully with the school's code of
3410 conduct.

3411 (2) The parent of each public K-12 student must cooperate
3412 with the authority of the student's district school board,
3413 superintendent, principal, teachers, and school bus drivers,
3414 according to ss. 1003.31 and 1003.32, to remove the student from
3415 the classroom and the school bus and, when appropriate and
3416 available, to place the student in an alternative educational
3417 setting, if the student is disobedient, disrespectful, violent,
3418 abusive, uncontrollable, or disruptive.

3419 ~~(3)(2)~~ It is the goal of the Legislature and each district
3420 school board that the parent of each public K-12 student comply
3421 with the school's reasonable and time-acceptable parental
3422 involvement requests.

3423 Section 46. Subsection (1) of section 1003.31, Florida
3424 Statutes, is amended to read:

3425 1003.31 Students subject to control of school.--

3426 (1) Subject to law and rules of the State Board of
3427 Education and of the district school board, each student
3428 enrolled in a school shall:



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3429 (a) During the time she or he is being transported to or
 3430 from school at public expense;
 3431 (b) During the time she or he is attending school;
 3432 (c) During the time she or he is on the school premises
 3433 participating with authorization in a school-sponsored activity;
 3434 and
 3435 (d) During a reasonable time before and after the student
 3436 is on the premises for attendance at school or for authorized
 3437 participation in a school-sponsored activity, and only when on
 3438 the premises,
 3439
 3440 be under the control and direction of the principal or teacher
 3441 in charge of the school, and under the immediate control and
 3442 direction of the teacher or other member of the instructional
 3443 staff or of the bus driver to whom such responsibility may be
 3444 assigned by the principal. However, the State Board of Education
 3445 or the district school board may, by rules, subject each student
 3446 to the control and direction of the principal or teacher in
 3447 charge of the school during the time she or he is otherwise en
 3448 route to or from school or is presumed by law to be attending
 3449 school. Each district school board, each district school
 3450 superintendent, and each school principal should fully support
 3451 the authority of teachers, according to s. 1003.32, and school
 3452 bus drivers to remove disobedient, disrespectful, violent,
 3453 abusive, uncontrollable, or disruptive students from the
 3454 classroom and the school bus and, when appropriate and
 3455 available, place such students in an alternative educational
 3456 setting.



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3457 Section 47. Section 1003.32, Florida Statutes, is amended
3458 to read:

3459 1003.32 Authority of teacher; responsibility for control
3460 of students; district school board and principal
3461 duties.--Subject to law and to the rules of the district school
3462 board, each teacher or other member of the staff of any school
3463 shall have such authority for the control and discipline of
3464 students as may be assigned to him or her by the principal or
3465 the principal's designated representative and shall keep good
3466 order in the classroom and in other places in which he or she is
3467 assigned to be in charge of students.

3468 (1) In accordance with this section and within the
3469 framework of the district school board's code of student
3470 conduct, teachers and other instructional personnel shall have
3471 the authority to undertake any of the following actions in
3472 managing student behavior and ensuring the safety of all
3473 students in their classes and school and their opportunity to
3474 learn in an orderly and disciplined classroom:

3475 (a) Establish classroom rules of conduct.

3476 (b) Establish and implement consequences, designed to
3477 change behavior, for infractions of classroom rules.

3478 (c) Have disobedient, disrespectful, violent, abusive,
3479 uncontrollable, or disruptive students ~~temporarily~~ removed from
3480 the classroom for behavior management intervention.

3481 (d) Have violent, abusive, uncontrollable, or disruptive
3482 students directed for information or assistance from appropriate
3483 school or district school board personnel.



3484 (e) Assist in enforcing school rules on school property,
3485 during school-sponsored transportation, and during school-
3486 sponsored activities.

3487 (f) Request and receive information as to the disposition
3488 of any referrals to the administration for violation of
3489 classroom or school rules.

3490 (g) Request and receive immediate assistance in classroom
3491 management if a student becomes uncontrollable or in case of
3492 emergency.

3493 (h) Request and receive training and other assistance to
3494 improve skills in classroom management, violence prevention,
3495 conflict resolution, and related areas.

3496 (i) Press charges if there is reason to believe that a
3497 ~~crime has been committed against the teacher or other~~
3498 ~~instructional personnel~~ on school property, during school-
3499 sponsored transportation, or during school-sponsored activities.

3500 (j) Use reasonable force, according to standards adopted
3501 by the State Board of Education, to protect himself or herself
3502 or others from injury.

3503 (k) Use corporal punishment according to school board
3504 policy and at least the following procedures, if a teacher feels
3505 that corporal punishment is necessary:

3506 1. The use of corporal punishment shall be approved in
3507 principle by the principal before it is used, but approval is
3508 not necessary for each specific instance in which it is used.
3509 The principal shall prepare guidelines for administering such
3510 punishment which identify the types of punishable offenses, the
3511 conditions under which the punishment shall be administered, and



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3512 the specific personnel on the school staff authorized to
3513 administer the punishment.

3514 2. A teacher or principal may administer corporal
3515 punishment only in the presence of another adult who is informed
3516 beforehand, and in the student's presence, of the reason for the
3517 punishment.

3518 3. A teacher or principal who has administered punishment
3519 shall, upon request, provide the student's parent with a written
3520 explanation of the reason for the punishment and the name of the
3521 other adult who was present.

3522 (2) Teachers and other instructional personnel shall:

3523 (a) Set and enforce reasonable classroom rules that treat
3524 all students equitably.

3525 (b) Seek professional development to improve classroom
3526 management skills when data show that they are not effective in
3527 handling minor classroom disruptions.

3528 (c) Maintain an orderly and disciplined classroom with a
3529 positive and effective learning environment that maximizes
3530 learning and minimizes disruption.

3531 (d) Work with parents and other school personnel to solve
3532 discipline problems in their classrooms.

3533 (3) A teacher may send a student to the principal's office
3534 to maintain effective discipline in the classroom and may
3535 recommend an appropriate consequence consistent with the student
3536 code of conduct under s. 1006.07. The principal shall respond by
3537 employing the teacher's recommended consequence or a more
3538 serious disciplinary action if the student's history of
3539 disruptive behavior warrants it. If the principal determines



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3540 that a different disciplinary action is appropriate, the
3541 principal should consult with the teacher prior to taking such
3542 different disciplinary action ~~appropriate discipline-management~~
3543 ~~techniques consistent with the student code of conduct under s.~~
3544 ~~1006.07.~~

3545 (4) A teacher may remove a student from class ~~a student~~
3546 whose behavior the teacher determines interferes with the
3547 teacher's ability to communicate effectively with the students
3548 in the class or with the ability of the student's classmates to
3549 learn. Each district school board, each district school
3550 superintendent, and each school principal should support the
3551 authority of teachers to remove disobedient, violent, abusive,
3552 uncontrollable, or disruptive students from the classroom.

3553 (5) If a teacher removes a student from class under
3554 subsection (4), the principal may place the student in another
3555 appropriate classroom, in in-school suspension, or in a dropout
3556 prevention and academic intervention program as provided by s.
3557 1003.53; or the principal may recommend the student for out-of-
3558 school suspension or expulsion, as appropriate. The student may
3559 be prohibited from attending or participating in school-
3560 sponsored or school-related activities. The principal may not
3561 return the student to that teacher's class without the teacher's
3562 consent unless the committee established under subsection (6)
3563 determines that such placement is the best or only available
3564 alternative. The teacher and the placement review committee must
3565 render decisions within 5 days of the removal of the student
3566 from the classroom.



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3567 (6)(a) Each school shall establish a placement review
3568 committee to determine placement of a student when a teacher
3569 withholds consent to the return of a student to the teacher's
3570 class. A school principal must notify each teacher in that
3571 school about the availability, the procedures, and the criteria
3572 for the placement review committee as outlined in this section.

3573 (b) The principal must report on a quarterly basis to the
3574 district school superintendent and district school board each
3575 incidence of a teacher's withholding consent for a removed
3576 student to return to the teacher's class and the disposition of
3577 the incident, and the superintendent must annually report these
3578 data to the department.

3579 (c) The Commissioner of Education shall annually review
3580 each school district's compliance with this section, and success
3581 in achieving orderly classrooms, and shall use all appropriate
3582 enforcement actions up to and including the withholding of
3583 disbursements from the Educational Enhancement Trust Fund until
3584 full compliance is verified.

3585 (d) Placement review committee membership must include at
3586 least the following:

3587 1.~~(a)~~ Two teachers, one selected by the school's faculty
3588 and one selected by the teacher who has removed the student.

3589 2.~~(b)~~ One member from the school's staff who is selected
3590 by the principal.

3591
3592 The teacher who withheld consent to readmitting the student may
3593 not serve on the committee. The teacher and the placement review
3594 committee must render decisions within 5 days after the removal



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3595 of the student from the classroom. If the placement review
 3596 committee's decision is contrary to the decision of the teacher
 3597 to withhold consent to the return of the removed student to the
 3598 teacher's class, the teacher may appeal the committee's decision
 3599 to the district school superintendent.

3600 (7) Any teacher who removes 25 percent of his or her total
 3601 class enrollment shall be required to complete professional
 3602 development to improve classroom management skills.

3603 (8) Each teacher or other member of the staff of any
 3604 school who knows or has reason to believe that any person has
 3605 committed, or has made a credible threat to commit, a crime of
 3606 violence on school property shall report such knowledge or
 3607 belief in accordance with the provisions of s. 1006.13. Each
 3608 district school superintendent and each school principal shall
 3609 fully support good faith reporting in accordance with the
 3610 provisions of this subsection and s. 1006.13. Any person who
 3611 makes a report required by this subsection in good faith shall
 3612 be immune from civil or criminal liability for making the
 3613 report.

3614 ~~(9)~~(8) When knowledgeable of the likely risk of physical
 3615 violence in the schools, the district school board shall take
 3616 reasonable steps to ensure that teachers, other school staff,
 3617 and students are not at undue risk of violence or harm.

3618 Section 48. Section 1004.04, Florida Statutes, is amended
 3619 to read:

3620 1004.04 Public accountability and state approval for
 3621 teacher preparation programs.--

3622 (1) INTENT.--



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3623 (a) The Legislature recognizes that skilled teachers make
 3624 an important contribution to a system that allows students to
 3625 obtain a high-quality education.

3626 (b) The intent of the Legislature is to require the State
 3627 Board of Education to attain ~~establish~~ a system for development
 3628 and approval of teacher preparation programs that allows ~~will~~
 3629 ~~free~~ postsecondary teacher preparation institutions to employ
 3630 varied and innovative teacher preparation techniques while being
 3631 held accountable for producing graduates with the competencies
 3632 and skills necessary to achieve the state education goals; help
 3633 the state's diverse student population, including students who
 3634 have substandard reading and computational skills and students
 3635 with limited English proficiency, meet high standards for
 3636 academic achievement; maintain safe, secure classroom learning
 3637 environments; and sustain the state system of school improvement
 3638 and education accountability established pursuant to ss.
 3639 1000.03(5) and 1008.345.

3640 (2) UNIFORM CORE CURRICULA.--

3641 (a) The State Board of Education shall adopt rules
 3642 pursuant to ss. 120.536(1) and 120.54 that establish uniform
 3643 core curricula for each state-approved teacher preparation
 3644 program.

3645 (b) The rules to establish uniform core curricula for each
 3646 state-approved teacher preparation program must include, but are
 3647 not limited to, a State Board of Education identified foundation
 3648 in scientifically researched, knowledge-based reading literacy
 3649 and computational skills acquisition; classroom management;
 3650 school safety; professional ethics; educational law; human



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3651 development and learning; and understanding of the Sunshine
3652 State Standards content measured by state achievement tests,
3653 reading and interpretation of data, and use of data to improve
3654 student achievement.

3655 (c) These rules shall not require an additional period of
3656 time-to-degree but may be phased in to enable teacher
3657 preparation programs to supplant courses, including pedagogy
3658 courses, not required by law or State Board of Education rule
3659 with the courses identified pursuant to paragraph (b).

3660 (3)(2) DEVELOPMENT OF TEACHER PREPARATION PROGRAMS.--A
3661 system developed by the Department of Education in collaboration
3662 with postsecondary educational institutions shall assist
3663 departments and colleges of education in the restructuring of
3664 their programs in accordance with this section to meet the need
3665 for producing quality teachers now and in the future.

3666 (a) The system must be designed to assist teacher
3667 educators in conceptualizing, developing, implementing, and
3668 evaluating programs that meet state-adopted standards. These
3669 standards shall emphasize quality indicators drawn from
3670 research, professional literature, recognized guidelines,
3671 Florida essential teaching competencies and educator-
3672 accomplished practices, effective classroom practices, and the
3673 outcomes of the state system of school improvement and education
3674 accountability, as well as performance measures.

3675 (b) Departments and colleges of education shall emphasize
3676 the state system of school improvement and education
3677 accountability concepts and standards, including Sunshine State
3678 Standards.



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3679 (c) State-approved teacher preparation programs must
3680 incorporate:

3681 1. Appropriate English for Speakers of Other Languages
3682 instruction so that program graduates will have completed the
3683 requirements for teaching limited English proficient students in
3684 Florida public schools.

3685 2. Scientifically researched, knowledge-based reading
3686 literacy and computational skills instruction so that program
3687 graduates will be able to provide the necessary academic
3688 foundations for their students at whatever grade levels they
3689 choose to teach.

3690 (4)~~(3)~~ INITIAL STATE PROGRAM APPROVAL.--

3691 (a) A program approval process based on standards adopted
3692 pursuant to subsections ~~subsection~~ (2) and (3) must be
3693 established for postsecondary teacher preparation programs,
3694 phased in according to timelines determined by the Department of
3695 Education, and fully implemented for all teacher preparation
3696 programs in the state. Each program shall be approved by the
3697 department, consistent with the intent set forth in subsection
3698 (1) and based primarily upon significant, objective, and
3699 quantifiable graduate performance measures.

3700 (b) Each teacher preparation program approved by the
3701 Department of Education, as provided for by this section, shall
3702 require students to meet the following as prerequisites for
3703 admission into the program:

3704 1. Have a grade point average of at least 2.5 on a 4.0
3705 scale for the general education component of undergraduate
3706 studies or have completed the requirements for a baccalaureate



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3707 degree with a minimum grade point average of 2.5 on a 4.0 scale
 3708 from any college or university accredited by a regional
 3709 accrediting association as defined by State Board of Education
 3710 rule or any college or university otherwise approved pursuant to
 3711 State Board of Education rule.

3712 2. Demonstrate mastery of general knowledge, including the
 3713 ability to read, write, and compute, by passing the College
 3714 Level Academic Skills Test, a corresponding component of the
 3715 National Teachers Examination series, or a similar test pursuant
 3716 to rules of the State Board of Education.

3717
 3718 Each teacher preparation program may waive these admissions
 3719 requirements for up to 10 percent of the students admitted.
 3720 Programs shall implement strategies to ensure that students
 3721 admitted under a waiver receive assistance to demonstrate
 3722 competencies to successfully meet requirements for
 3723 certification.

3724 (5)~~(4)~~ CONTINUED PROGRAM APPROVAL.--Notwithstanding
 3725 subsection (4) ~~(3)~~, failure by a public or nonpublic teacher
 3726 preparation program to meet the criteria for continued program
 3727 approval shall result in loss of program approval. The
 3728 Department of Education, in collaboration with the departments
 3729 and colleges of education, shall develop procedures for
 3730 continued program approval that document the continuous
 3731 improvement of program processes and graduates' performance.

3732 (a) Continued approval of specific teacher preparation
 3733 programs at each public and nonpublic postsecondary educational
 3734 institution within the state is contingent upon the passing of



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3735 the written examination required by s. 1012.56 by at least 90
3736 percent of the graduates of the program who take the
3737 examination. ~~On request of an institution,~~ The Department of
3738 Education shall annually provide an analysis of the performance
3739 of the graduates of such institution with respect to the
3740 competencies assessed by the examination required by s. 1012.56.

3741 (b) Additional criteria for continued program approval for
3742 public institutions may be approved by the State Board of
3743 Education. Such criteria must emphasize instruction in classroom
3744 management and must provide for the evaluation of the teacher
3745 candidates' performance in this area. The criteria shall also
3746 require instruction in working with underachieving students.
3747 Program evaluation procedures must include, but are not limited
3748 to, program graduates' satisfaction with instruction and the
3749 program's responsiveness to local school districts. Additional
3750 criteria for continued program approval for nonpublic
3751 institutions shall be developed in the same manner as for public
3752 institutions; however, such criteria must be based upon
3753 significant, objective, and quantifiable graduate performance
3754 measures. Responsibility for collecting data on outcome measures
3755 through survey instruments and other appropriate means shall be
3756 shared by the postsecondary educational institutions and the
3757 Department of Education. By January 1 of each year, the
3758 Department of Education shall report this information for each
3759 postsecondary educational institution that has state-approved
3760 programs of teacher education to the Governor, the State Board
3761 of Education, the Commissioner of Education, the President of
3762 the Senate, the Speaker of the House of Representatives, all



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3763 Florida postsecondary teacher preparation programs, and
3764 interested members of the public. This report must analyze the
3765 data and make recommendations for improving teacher preparation
3766 programs in the state.

3767 (c) Continued approval for a teacher preparation program
3768 is contingent upon the results of periodic ~~annual~~ reviews, on a
3769 schedule established by the State Board of Education, of the
3770 program conducted by the postsecondary educational institution,
3771 using procedures and criteria outlined in an institutional
3772 program evaluation plan approved by the Department of Education.
3773 This plan must incorporate the criteria established in
3774 paragraphs (a) and (b) and include provisions for involving
3775 primary stakeholders, such as program graduates, district school
3776 personnel, classroom teachers, principals, community agencies,
3777 and business representatives in the evaluation process. Upon
3778 request by an institution, the department shall provide
3779 assistance in developing, enhancing, or reviewing the
3780 institutional program evaluation plan and training evaluation
3781 team members.

3782 (d) Continued approval for a teacher preparation program
3783 is contingent upon standards being in place that are designed to
3784 adequately prepare elementary, middle, and high school teachers
3785 to instruct their students in reading and higher-level
3786 mathematics concepts and in the use of technology at the
3787 appropriate grade level.

3788 (e) Continued approval of teacher preparation programs is
3789 contingent upon compliance with the student admission
3790 requirements of subsection (4) ~~(3)~~ and upon the receipt of at



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3791 | least a satisfactory rating from public schools and private
3792 | schools that employ graduates of the program. Each teacher
3793 | preparation program at a state university or community college
3794 | shall guarantee that its graduates will demonstrate the skills
3795 | specified in subparagraphs 1.-5. during the first 2 years
3796 | immediately following graduation from the program or following
3797 | initial certification, whichever occurs first. Any teacher in a
3798 | Florida public school who fails to demonstrate the essential
3799 | skills specified in subparagraphs 1.-5. shall be provided
3800 | additional training by the state university or community college
3801 | from which he or she received the education degree at no expense
3802 | to the teacher or the employer. Such training must consist of an
3803 | individualized plan agreed upon by the school district and the
3804 | public postsecondary educational institution that includes
3805 | specific learning outcomes. The public postsecondary educational
3806 | institution assumes no responsibility for the teacher's
3807 | employment contract with the employer. Employer satisfaction
3808 | shall be determined by a ~~an annually administered~~ survey
3809 | instrument approved by the Department of Education and annually
3810 | administered by the postsecondary educational institution that,
3811 | at a minimum, must include employer satisfaction of the
3812 | graduates' ability to do the following:

- 3813 | 1. Write and speak in a logical and understandable style
3814 | with appropriate grammar.
- 3815 | 2. Recognize signs of students' difficulty with the
3816 | reading and computational process and apply appropriate measures
3817 | to improve students' reading and computational performance.



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3818 3. Use and integrate appropriate technology in teaching
3819 and learning processes.

3820 4. Demonstrate knowledge and understanding of Sunshine
3821 State Standards.

3822 5. Maintain an orderly and disciplined classroom conducive
3823 to student learning.

3824 (f)1. Each Florida public and private institution that
3825 offers a state-approved teacher preparation program must
3826 annually report information regarding these programs to the
3827 state and the general public. This information shall be reported
3828 in a uniform and comprehensible manner that is consistent with
3829 definitions and methods approved by the Commissioner of the
3830 National Center for Educational Statistics and that is approved
3831 by the State Board of Education. This information must include,
3832 at a minimum:

3833 a. The percent of graduates obtaining full-time teaching
3834 employment within the first year of graduation.

3835 b. The average length of stay of graduates in their full-
3836 time teaching positions.

3837 c. Satisfaction ratings required in paragraph (e).

3838 2. Each public and private institution offering training
3839 for school readiness related professions, including training in
3840 the fields of child care and early childhood education, whether
3841 offering technical credit, associate in applied science degree
3842 programs, associate in science degree programs, or associate in
3843 arts degree programs, shall annually report information
3844 regarding these programs to the state and the general public in
3845 a uniform and comprehensible manner that conforms with



3846 definitions and methods approved by the State Board of
 3847 Education. This information must include, at a minimum:
 3848 a. Average length of stay of graduates in their positions.
 3849 b. Satisfaction ratings of graduates' employers.

3850

3851 This information shall be reported through publications,
 3852 including college and university catalogs and promotional
 3853 materials sent to potential applicants, secondary school
 3854 guidance counselors, and prospective employers of the
 3855 institution's program graduates.

3856 ~~(6)~~~~(5)~~ PRESERVICE FIELD EXPERIENCE.--All postsecondary
 3857 instructors, school district personnel and instructional
 3858 personnel, and school sites preparing instructional personnel
 3859 through preservice field experience courses and internships
 3860 shall meet special requirements. District school boards are
 3861 authorized to pay student teachers during their internships.

3862 (a) All instructors in postsecondary teacher preparation
 3863 programs who instruct or supervise preservice field experience
 3864 courses or internships shall have at least one of the following:
 3865 specialized training in clinical supervision; a valid
 3866 professional teaching certificate pursuant to ss. 1012.56 and
 3867 1012.585; or at least 3 years of successful teaching experience
 3868 in prekindergarten through grade 12.

3869 (b) All school district personnel and instructional
 3870 personnel who supervise or direct teacher preparation students
 3871 during field experience courses or internships must have
 3872 evidence of "clinical educator" training and must successfully
 3873 demonstrate effective classroom management strategies that



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3874 consistently result in improved student performance. The State
3875 Board of Education shall approve the training requirements.

3876 (c) Preservice field experience programs must provide
3877 specific guidance and demonstration of effective classroom
3878 management strategies, strategies for incorporating technology
3879 into classroom instruction, strategies for incorporating
3880 scientifically researched, knowledge-based reading literacy and
3881 computational skills acquisition into classroom instruction, and
3882 ways to link instructional plans to the Sunshine State
3883 Standards, as appropriate. The length of structured field
3884 experiences may be extended to ensure that candidates achieve
3885 the competencies needed to meet certification requirements.

3886 (d) Postsecondary teacher preparation programs in
3887 cooperation with district school boards and approved private
3888 school associations shall select the school sites for preservice
3889 field experience activities. These sites must represent the full
3890 spectrum of school communities, including, but not limited to,
3891 schools located in urban settings. In order to be selected,
3892 school sites must demonstrate commitment to the education of
3893 public school students and to the preparation of future
3894 teachers.

3895 (7)~~(6)~~ STANDARDS OF EXCELLENCE.--The State Board of
3896 Education shall approve standards of excellence for teacher
3897 preparation. These standards must exceed the requirements for
3898 program approval pursuant to subsection (4) ~~(3)~~ and must
3899 incorporate state and national recommendations for exemplary
3900 teacher preparation programs.



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3901 (8)~~(7)~~ NATIONAL BOARD STANDARDS.--The State Board of
 3902 Education shall review standards and recommendations developed
 3903 by the National Board for Professional Teaching Standards and
 3904 may incorporate those parts deemed appropriate into criteria for
 3905 continued state program approval, standards of excellence, and
 3906 requirements for inservice education.

3907 (9)~~(8)~~ COMMUNITY COLLEGES.--To the extent practical,
 3908 postsecondary educational institutions offering teacher
 3909 preparation programs shall establish articulation agreements on
 3910 a core of liberal arts courses and introductory professional
 3911 courses with field experience components which shall be offered
 3912 at community colleges.

3913 (10)~~(9)~~ PRETEACHER AND TEACHER EDUCATION PILOT
 3914 PROGRAMS.--State universities and community colleges may
 3915 establish preteacher education and teacher education pilot
 3916 programs to encourage promising minority students to prepare for
 3917 a career in education. These pilot programs shall be designed to
 3918 recruit and provide additional academic, clinical, and
 3919 counseling support for students whom the institution judges to
 3920 be potentially successful teacher education candidates, but who
 3921 may not meet teacher education program admission standards.
 3922 Priority consideration shall be given to those pilot programs
 3923 that are jointly submitted by community colleges and state
 3924 universities.

3925 (a) These pilot programs shall be approved by the State
 3926 Board of Education and shall be designed to provide help and
 3927 support for program participants during the preteacher education
 3928 period of general academic preparation at a community college or



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3929 state university and during professional preparation in a state-
3930 approved teacher education program. Emphasis shall be placed on
3931 development of the basic skills needed by successful teachers.

3932 (b) State universities and community colleges may admit
3933 into the pilot program those incoming students who demonstrate
3934 an interest in teaching as a career, but who may not meet the
3935 requirements for entrance into an approved teacher education
3936 program.

3937 1. Flexibility may be given to colleges of education to
3938 develop and market innovative teacher training programs directed
3939 at specific target groups such as graduates from the colleges of
3940 arts and sciences, employed education paraprofessionals,
3941 substitute teachers, early federal retirees, and nontraditional
3942 college students. Programs must be submitted to the State Board
3943 of Education for approval.

3944 2. Academically successful graduates in the fields of
3945 liberal arts and science may be encouraged to embark upon a
3946 career in education.

3947 3. Models may be developed to provide a positive initial
3948 experience in teaching in order to encourage retention. Priority
3949 should be given to models that encourage minority graduates.

3950 (c) In order to be certified, a graduate from a pilot
3951 program shall meet all requirements for teacher certification
3952 specified by s. 1012.56. Should a graduate of a pilot program
3953 not meet the requirements of s. 1012.56, that person shall not
3954 be included in the calculations required by paragraph (5)~~(4)~~(a)
3955 and State Board of Education rules for continued program
3956 approval, or in the statutes used by the State Board of



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3957 Education in deciding which teacher education programs to
3958 approve.

3959 (d) Institutions participating in the pilot program shall
3960 submit an annual report evaluating the success of the program to
3961 the Commissioner of Education by March 1 of each year. The
3962 report shall include, at a minimum, ~~contain, but shall not be~~
3963 ~~limited to:~~ the number of pilot program participants, including
3964 the number participating in general education and the number
3965 admitted to approved teacher education programs, the number of
3966 pilot program graduates, and the number of pilot program
3967 graduates who met the requirements of s. 1012.56. The
3968 commissioner shall consider the number of participants
3969 recruited, the number of graduates, and the number of graduates
3970 successfully meeting the requirements of s. 1012.56 reported by
3971 each institution, and shall make an annual recommendation to the
3972 State Board of Education regarding the institution's continued
3973 participation in the pilot program.

3974 (11)~~(10)~~ TEACHER EDUCATION PILOT PROGRAMS FOR HIGH-
3975 ACHIEVING STUDENTS.--Pilot teacher preparation programs may
3976 ~~shall~~ be established at any college or university that has a
3977 state board approved teacher preparation program ~~the University~~
3978 ~~of Central Florida, the University of North Florida, and the~~
3979 ~~University of South Florida.~~ These programs shall include a
3980 year-long paid teaching assignment and competency-based learning
3981 experiences and shall be designed to encourage high-achieving
3982 students, as identified by the institution, to pursue a career
3983 in education. Priority consideration shall be given to students
3984 obtaining academic degrees in mathematics, science, engineering,



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3985 reading, or identified critical shortage areas. Students chosen
3986 to participate in the pilot programs shall agree to teach for at
3987 least 3 years ~~1 year~~ after they receive their degrees. Criteria
3988 for identifying high-achieving students shall be developed by
3989 the institution and shall include, at a minimum, requirements
3990 that the student have a 3.3 grade point average or above and
3991 that the student has demonstrated mastery of general knowledge
3992 pursuant to s. 1012.56. The year-long paid teaching assignment
3993 shall begin after completion of the equivalent of 3 years of the
3994 state university teacher preparation program.

3995 (a) Each pilot program shall be designed to include:

3996 1. A year-long paid teaching assignment at a low-
3997 performing ~~specified~~ school site during the fourth year of the
3998 state university teacher preparation program, which includes
3999 intense supervision by a support team trained in clinical
4000 education. The support team shall include a state university
4001 supervisor and experienced school-based mentors. A mentor
4002 teacher shall be assigned to each fourth year employed teacher
4003 to implement an individualized learning plan. This mentor
4004 teacher will be considered an adjunct professor for purposes of
4005 this program and may receive credit for time spent as a mentor
4006 teacher in the program. The mentor teacher must have a master's
4007 degree or above, a minimum of 3 years of teaching experience,
4008 and clinical education training or certification by the National
4009 Board for ~~of~~ Professional Teaching Standards. Experiences and
4010 instruction may be delivered by other mentors, assigned
4011 teachers, professors, individualized learning, and



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4012 demonstrations. Students in this paid teaching assignment shall
4013 assume full responsibility of all teaching duties.

4014 2. Professional education curriculum requirements that
4015 address the educator-accomplished practices and other
4016 competencies specified in state board rule.

4017 3. A modified instructional delivery system that provides
4018 onsite training during the paid teaching assignment in the
4019 professional education areas and competencies specified in this
4020 subsection. The institutions participating in this pilot program
4021 shall be given a waiver to provide a modified instructional
4022 delivery system meeting criteria that allows earned credit
4023 through nontraditional approaches. The modified system may
4024 provide for an initial evaluation of the candidate's
4025 competencies to determine an appropriate individualized
4026 professional development plan and may provide for earned credit
4027 by:

- 4028 a. Internet learning and competency acquisition.
- 4029 b. Learning acquired by observing demonstrations and being
4030 observed in application.
- 4031 c. Independent study or instruction by mentor teachers or
4032 adjunct teachers.

4033 4. Satisfactory demonstration of the educator-accomplished
4034 practices and content area competencies for program completion.

4035 5. For program completion, required achievement of passing
4036 scores on all tests required for certification by State Board of
4037 Education rules.

4038 (b) Beginning in July 2003, each institution participating
4039 in the pilot program shall submit to the Commissioner of



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4040 Education an annual report evaluating the effectiveness of the
 4041 program. The report shall include, but shall not be limited to,
 4042 the number of students selected for the pilot program, the
 4043 number of students successfully completing the pilot program,
 4044 the number of program participants who passed all required
 4045 examinations, the number of program participants who
 4046 successfully demonstrated all required competencies, and a
 4047 follow-up study to determine the number of pilot program
 4048 completers who were employed in a teaching position and
 4049 employers' satisfaction with the performance of pilot program
 4050 completers based on student performance.

4051 (c) This subsection shall be implemented to the extent
 4052 specifically funded in the General Appropriations Act.

4053 (12)~~(11)~~ RULES.--The State Board of Education shall adopt
 4054 necessary rules pursuant to ss. 120.536(1) and 120.54 to
 4055 implement this section.

4056 Section 49. Subsection (1) of section 1006.08, Florida
 4057 Statutes, is amended to read:

4058 1006.08 District school superintendent duties relating to
 4059 student discipline and school safety.--

4060 (1) The district school superintendent shall recommend
 4061 plans to the district school board for the proper accounting for
 4062 all students of school age, for the attendance and control of
 4063 students at school, and for the proper attention to health,
 4064 safety, and other matters which will best promote the welfare of
 4065 students. Each district school superintendent should fully
 4066 support the authority of principals, teachers, according to s.
 4067 1003.32, and school bus drivers to remove disobedient,



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4068 disrespectful, violent, abusive, uncontrollable, or disruptive
4069 students from the classroom and the school bus and, when
4070 appropriate and available, to place such students in an
4071 alternative educational setting. When the district school
4072 superintendent makes a recommendation for expulsion to the
4073 district school board, he or she shall give written notice to
4074 the student and the student's parent of the recommendation,
4075 setting forth the charges against the student and advising the
4076 student and his or her parent of the student's right to due
4077 process as prescribed by ss. 120.569 and 120.57(2). When
4078 district school board action on a recommendation for the
4079 expulsion of a student is pending, the district school
4080 superintendent may extend the suspension assigned by the
4081 principal beyond 10 school days if such suspension period
4082 expires before the next regular or special meeting of the
4083 district school board.

4084 Section 50. Paragraph (a) of subsection (1) of section
4085 1006.09, Florida Statutes, is amended to read:

4086 1006.09 Duties of school principal relating to student
4087 discipline and school safety.--

4088 (1)(a) Subject to law and to the rules of the State Board
4089 of Education and the district school board, the principal in
4090 charge of the school or the principal's designee shall develop
4091 policies for delegating to any teacher or other member of the
4092 instructional staff or to any bus driver transporting students
4093 of the school responsibility for the control and direction of
4094 students. Each school principal should fully support the
4095 authority of teachers, according to s. 1003.32, and school bus



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4096 drivers to remove disobedient, disrespectful, violent, abusive,
 4097 uncontrollable, or disruptive students from the classroom and
 4098 the school bus and, when appropriate and available, place such
 4099 students in an alternative educational setting. The principal or
 4100 the principal's designee must give full consideration to ~~shall~~
 4101 ~~consider~~ the recommendation for discipline made by a teacher,
 4102 other member of the instructional staff, or a bus driver when
 4103 making a decision regarding student referral for discipline.

4104 Section 51. Section 1009.59, Florida Statutes, is amended
 4105 to read:

4106 1009.59 ~~Critical Teacher Shortage~~ Student Loan
 4107 Reimbursement Forgiveness Program.--

4108 (1) The ~~Critical Teacher Shortage~~ Student Loan
 4109 Reimbursement Forgiveness Program is established to encourage
 4110 qualified personnel with undergraduate or graduate degrees in
 4111 mathematics, science, engineering, reading, or State Board of
 4112 Education designated critical teacher shortage areas to seek
 4113 employment as teachers in Florida's publicly funded schools in
 4114 ~~subject areas in which critical teacher shortages exist, as~~
 4115 ~~identified annually by the State Board of Education.~~ The primary
 4116 purpose function of the program is to enhance the quality of
 4117 Florida's teacher workforce by making ~~make~~ repayments toward
 4118 loans received by the selected students from federal programs or
 4119 commercial lending institutions for the support of postsecondary
 4120 education study. Repayments are intended to be made to qualified
 4121 applicants with undergraduate or graduate degrees in
 4122 mathematics, science, engineering, reading, or State Board of
 4123 Education designated critical teacher shortage areas ~~who begin~~



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4124 ~~teaching for the first time in designated subject areas, and who~~
4125 ~~apply during their first~~ full year of teaching in a publicly
4126 funded school in Florida ~~as certified teachers in these subject~~
4127 ~~areas. Repayment shall be prorated if a teacher teaches at least~~
4128 90 days during the first year of teaching.

4129 (2) From the funds available, the Department of Education
4130 may make loan principal repayments on behalf of persons with
4131 degrees in mathematics, science, engineering, reading, or state
4132 board designated critical teacher shortage areas who are
4133 certified to teach in Florida public schools. The repayments may
4134 be made as follows:

4135 (a) Up to \$1,500 the first year the person is employed as
4136 a teacher in a publicly funded school in Florida ~~\$2,500 a year~~
4137 ~~for up to 4 years on behalf of selected graduates of state-~~
4138 ~~approved undergraduate postsecondary teacher preparation~~
4139 ~~programs, persons certified to teach pursuant to any applicable~~
4140 ~~teacher certification requirements, or selected teacher~~
4141 ~~preparation graduates from any state participating in the~~
4142 ~~Interstate Agreement on the Qualification of Educational~~
4143 ~~Personnel.~~

4144 (b) Up to \$2,500 for the second year the person is
4145 employed as a teacher in a publicly funded school in Florida
4146 ~~\$5,000 a year for up to 2 years on behalf of selected graduates~~
4147 ~~of state-approved graduate postsecondary teacher preparation~~
4148 ~~programs, persons with graduate degrees certified to teach~~
4149 ~~pursuant to any applicable teacher certification requirements,~~
4150 ~~or selected teacher preparation graduates from any state~~



4151 ~~participating in the Interstate Agreement on the Qualification~~
4152 ~~of Educational Personnel.~~

4153 (c) Up to \$3,500 for the third year the person is employed
4154 as a teacher in a publicly funded school in Florida.

4155 (d) Up to \$4,500 for the fourth year and each subsequent
4156 year, up to a maximum of 10 years, the person is employed as a
4157 teacher in a publicly funded school in Florida.

4158 (e)(e) All repayments shall be contingent on continued
4159 proof of satisfactory employment in a teacher position ~~the~~
4160 ~~designated subject areas in a publicly funded school in this~~
4161 ~~state and shall be made directly to the holder of the loan or~~ or
4162 the applicant. The state shall not bear responsibility for the
4163 collection of any interest charges or other remaining balance.
4164 ~~In the event that designated critical teacher shortage subject~~
4165 ~~areas are changed by the State Board of Education,~~ A teacher
4166 shall continue to be eligible for loan reimbursement in
4167 accordance with paragraphs (a)-(d) for up to the maximum of 10
4168 years if forgiveness as long as he or she continues to teach in
4169 a subject area or in a critical shortage area pursuant to this
4170 section at a publicly funded school in Florida in the subject
4171 ~~area for which the original loan repayment was made and~~
4172 otherwise meets all conditions of eligibility.

4173 (3) Students receiving a state scholarship loan or a
4174 fellowship loan are not eligible to participate in the ~~Critical~~
4175 ~~Teacher Shortage Student Loan Reimbursement Forgiveness~~ Program.

4176 (4) The Department of Education must advertise the
4177 availability of this program and must advise school districts,



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4178 postsecondary educational institutions, and the public of the
4179 criteria and application procedures.

4180 (5)(4) The State Board of Education may adopt rules
4181 pursuant to ss. 120.536(1) and 120.54 necessary for the
4182 administration of this program.

4183 (6)(5) This section shall be implemented only to the
4184 extent as specifically funded and authorized by law.

4185 Section 52. Section 1009.591, Florida Statutes, is created
4186 to read:

4187 1009.591 Teaching Fellows Program.--There is created the
4188 Teaching Fellows Program to encourage graduate students in
4189 mathematics, science, or engineering disciplines or state board
4190 designated critical teacher shortage areas to enter the teaching
4191 profession in public schools in Florida. The program shall be
4192 administered by the Department of Education.

4193 (1) The Teaching Fellows Program shall provide an annual
4194 stipend of \$5,000 for each approved teaching fellow who is
4195 enrolled full-time in one of Florida's public or private
4196 universities in a graduate program in a mathematics, science, or
4197 engineering discipline or a state board designated critical
4198 teacher shortage area and commits to teach in a publicly funded
4199 school in Florida for 5 consecutive years immediately following
4200 completion of the graduate program.

4201 (2) It is the intent of the Legislature that the total
4202 amount appropriated annually for the program be sufficient to
4203 provide 200 teaching fellows with stipends of \$5,000 per year
4204 and to provide a \$5,000 signing bonus to each fellow upon
4205 initial employment as a teacher in a Florida public school



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4206 graded "A," "B," or "C," or a \$10,000 signing bonus upon
4207 employment in a Florida public school graded "D" or "F" with
4208 \$5,000 at initial employment and \$5,000 upon completion of the
4209 first year of teaching.

4210 (3) A teaching fellow may receive a stipend from the
4211 program for up to 4 consecutive years if the teaching fellow
4212 remains enrolled full-time in an eligible program and makes
4213 satisfactory progress toward a graduate degree in a program in a
4214 mathematics, science, or engineering discipline or a state board
4215 designated critical teacher shortage area.

4216 (4) A teaching fellow who receives a stipend pursuant to
4217 this section and attends a state university shall also receive a
4218 waiver of tuition and out-of-state fees, if applicable, at that
4219 university.

4220 (5) If a teaching fellow graduates and is employed
4221 following graduation as a teacher in a publicly funded school in
4222 Florida for 5 consecutive years, the teaching fellow is not
4223 required to repay the amount received as stipends, bonus, or
4224 tuition and fee waivers pursuant to this program.

4225 (6) If a teaching fellow does not obtain a graduate degree
4226 within 4 years, or if the teaching fellow graduates but does not
4227 teach in a publicly funded school in Florida for 5 consecutive
4228 years following graduation, the teaching fellow must repay the
4229 Department of Education, on a schedule to be determined by the
4230 department, the total amount awarded for stipends, bonus, and
4231 tuition and fee waivers received pursuant to this program plus
4232 annual interest of 8 percent accruing from the date of the
4233 scholarship payment. Moneys repaid shall be deposited into the



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4234 State Student Financial Assistance Trust Fund established in s.
 4235 1010.73. However, the department may provide additional time for
 4236 repayment if the department finds that circumstances beyond the
 4237 control of the recipient caused or contributed to default on the
 4238 repayment.

4239 (7) Recipients under this program are not eligible to
 4240 participate in the Teacher Student Loan Reimbursement Program.

4241 (8) The department must advertise the availability of this
 4242 program and advise school districts, postsecondary educational
 4243 institutions, and the public of the criteria and application
 4244 procedures.

4245 (9) The State Board of Education may adopt rules pursuant
 4246 to ss. 120.536(1) and 120.54 necessary for the administration of
 4247 this program.

4248 (10) This section shall be implemented only to the extent
 4249 as specifically funded and authorized by law.

4250 Section 53. Section 1011.63, Florida Statutes, is created
 4251 to read:

4252 1011.63 Better educated students and teachers (BEST)
 4253 Florida teaching categorical fund for salary career ladder;
 4254 performance pay reserve fund bonuses.--

4255 (1) There is created a categorical fund to fund a salary
 4256 career ladder for teacher salary levels pursuant to s.
 4257 1012.231(2). To access this fund, school districts must first
 4258 comply with the requirements of s. 1003.03(2) and (3) and also
 4259 comply with the requirements of s. 1012.22(1)(c)4. by rewarding
 4260 each of their classroom teachers in the "career teacher"
 4261 category, pursuant to s. 1012.231(2)(b), whose students



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4262 demonstrate more than a year's worth of learning in 1 year as
4263 measured by the FCAT or local assessment in accordance with s.
4264 1008.22(3) or (7) with an annual performance bonus pursuant to
4265 paragraph (2)(b).

4266 (2)(a) Beginning with the 2003-2004 academic year,
4267 categorical funds for BEST Florida teaching shall be allocated
4268 annually to each school district based on each school district's
4269 proportionate share of full-time K-12 classroom teachers. These
4270 funds shall be in addition to the funds appropriated on the
4271 basis of full-time equivalent student membership in the Florida
4272 Education Finance Program and shall be included in the total
4273 potential funds of each school district. These funds shall be
4274 used only to fund a salary career ladder for teacher salary
4275 levels pursuant to s. 1012.231(2).

4276 (b) Each district school board shall also use a portion of
4277 its performance pay reserve funds required pursuant to s.
4278 1012.22(1)(c)4. to provide BEST Florida teaching bonuses of up
4279 to \$3,000 to each full-time K-12 classroom teacher in the
4280 "career teacher" category, pursuant to s. 1012.231(2)(b), whose
4281 students demonstrate more than a year's worth of learning in 1
4282 year as measured by the FCAT or local assessment in accordance
4283 with s. 1008.22(3) or (7).

4284 (3) A school district that has satisfied the requirements
4285 of subsections (1) and (2) and the requirements of s. 1003.03(2)
4286 and (3) may use the funds for any lawful operating expenditure;
4287 however, priority should be given to increasing the salary of
4288 career teachers as defined in s. 1012.231(2)(b).



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4289 (4) To be eligible for categorical funds, each district
 4290 school superintendent shall submit to the Commissioner of
 4291 Education, and receive the commissioner's approval of:

4292 (a) A plan detailing the school district's salary career
 4293 ladder for teacher salary levels.

4294 (b) A plan detailing the school district's methodology for
 4295 selecting the teachers in the "career teacher" category,
 4296 pursuant to s. 1012.231(2)(b), who will receive the performance
 4297 bonuses and how it will use a portion of its performance pay
 4298 reserve funds required by s. 1012.22(1)(c)4. to fund the
 4299 bonuses.

4300 (5) Any teacher in the "career teacher" category, pursuant
 4301 to s. 1012.231(2)(b), who receives a performance bonus 2 years
 4302 in a 4-year period shall be considered for promotion to "lead
 4303 teacher" pursuant to s. 1012.231(2)(c).

4304 Section 54. Section 1012.05, Florida Statutes, is amended
 4305 to read:

4306 1012.05 Teacher recruitment and retention.--

4307 (1) The Department of Education, in cooperation with
 4308 teacher organizations, district personnel offices, and schools,
 4309 colleges, and departments of all education~~in~~ public and
 4310 nonpublic postsecondary educational institutions, shall
 4311 concentrate on the recruitment of qualified teachers.

4312 (2) The Department of Education shall:

4313 (a) Develop and implement a system for posting teaching
 4314 vacancies and establish a database of teacher applicants that is
 4315 accessible within and outside the state.



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4316 (b) Advertise in major newspapers, national professional
4317 publications, and other professional publications and in public
4318 and nonpublic postsecondary educational institutions ~~schools of~~
4319 ~~education.~~

4320 (c) Utilize state and nationwide toll-free numbers.

4321 (d) Conduct periodic communications with district
4322 personnel directors regarding applicants.

4323 (e) Provide district access to the applicant database by
4324 computer or telephone.

4325 (f) Develop and distribute promotional materials related
4326 to teaching as a career.

4327 (g) Publish and distribute information pertaining to
4328 employment opportunities, application procedures, and all routes
4329 toward teacher certification in Florida, and teacher salaries.

4330 (h) Provide information related to certification
4331 procedures.

4332 (i) Develop and sponsor the Florida Future Educator of
4333 America Program throughout the state.

4334 (j) Develop, in consultation with school district staff
4335 including, but not limited to, district school superintendents,
4336 district school board members, and district human resources
4337 personnel, a long-range plan for educator recruitment and
4338 retention.

4339 (k) Identify best practices for retaining high-quality
4340 teachers.

4341 (l) Develop, in consultation with Workforce Florida, Inc.,
4342 and the Agency for Workforce Innovation, created pursuant to ss.
4343 445.004 and 20.50, respectively, a plan for accessing and



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4344 identifying available resources in the state's workforce system
4345 for the purpose of enhancing teacher recruitment and retention.

4346 (m) Develop and implement a First Response Center to
4347 provide educator candidates one-stop shopping for information on
4348 teaching careers in Florida and establish the Teacher Lifeline
4349 Network to provide on-line support to beginning teachers and
4350 those needing assistance.

4351 (3) The Department of Education, in cooperation with
4352 district personnel offices, shall sponsor a job fair in a
4353 central part of the state to match in-state educators and
4354 potential educators and out-of-state educators and potential
4355 educators with teaching opportunities in this state.

4356 (4) Subject to proviso in the General Appropriations Act,
4357 the Commissioner of Education may use funds appropriated by the
4358 Legislature and funds from federal grants and other sources to
4359 provide incentives for teacher recruitment and preparation
4360 programs. The purpose of the use of such funds is to recruit and
4361 prepare individuals who do not graduate from state-approved
4362 teacher preparation programs to teach in a Florida public
4363 school. The commissioner may contract with entities other than,
4364 and including, approved teacher preparation programs to provide
4365 intensive teacher training leading to passage of the required
4366 certification exams for the desired subject area or coverage.
4367 The commissioner shall survey school districts to evaluate the
4368 effectiveness of such programs.

4369 Section 55. Section 1012.231, Florida Statutes, is created
4370 to read:

4371 1012.231 Teacher compensation; assignment of teachers.--



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4372 (1) STARTING SALARY.--Beginning with the 2003-2004
4373 academic year, each district school board shall develop, and
4374 shall present to the State Board of Education by June 30, 2004,
4375 a plan, to be implemented beginning with the 2004-2005 academic
4376 year, for minimum compensation of full-time classroom teachers
4377 at no less than the amount of \$31,000, in 2003 dollars, indexed
4378 to the Consumer Price Index thereafter, pursuant to legislative
4379 appropriations. The plan shall provide for phased-in incremental
4380 implementation that maintains separation between years of
4381 service for each differentiated classroom teacher category as
4382 required pursuant to subsection (2). Beginning with the 2004-
4383 2005 academic year, this minimum beginning salary shall be
4384 considered a statewide minimum standard similar to minimum
4385 number of school days, designation of duties of instructional
4386 personnel, and minimum certification standards and, as such,
4387 shall not be subject to collective bargaining under chapter 447.

4388 (2) SALARY CAREER LADDER FOR CLASSROOM
4389 TEACHERS.--Beginning with the 2003-2004 academic year, each
4390 district school board shall use its share of the BEST Florida
4391 teaching categorical to fund a salary career ladder for
4392 classroom teachers, with the highest salary level based on
4393 outstanding performance and assignment of additional duties.
4394 Performance shall be defined as designated in s.
4395 1012.34(3)(a)1.-7. and shall also include local assessments as
4396 required by s. 1008.22(7) to determine student learning gains in
4397 grades and classes not measured by the FCAT. District school
4398 boards shall designate categories of classroom teachers
4399 reflecting these salary career levels as follows:



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4400 (a) Associate Teacher.--Classroom teachers who have not
4401 yet fully validated all essential teaching competencies,
4402 including the educator-accomplished practices as established in
4403 State Board of Education rule, who have not qualified through
4404 reciprocal certification options identified in s. 1012.56, or
4405 who are low-performing teachers. The district school board is
4406 authorized to demote any chronically low-performing teacher to
4407 associate teacher.

4408 (b) Career Teacher.--Classroom teachers who have fully
4409 validated all essential teaching competencies, including the
4410 educator-accomplished practices as established in State Board of
4411 Education rule, or who have qualified through reciprocal
4412 certification options identified in s. 1012.56.

4413 (c) Lead Teacher.--The highest performing 5 percent of
4414 classroom teachers in the school district, after mentor
4415 teachers, who have demonstrated outstanding performance as
4416 evidenced by improved student achievement and who are
4417 responsible for leading others in the school as department
4418 chair, lead teacher, grade-level leader, intern coordinator, or
4419 professional development coordinator. Lead teachers must
4420 participate on a regular basis in the direct instruction of
4421 students and serve as faculty for professional development
4422 activities as determined by the State Board of Education. Lead
4423 teachers shall be paid an additional annual salary of \$5,000.

4424 (d) Mentor Teacher.--The highest performing 3 percent of
4425 classroom teachers in the school district who have demonstrated
4426 sustained outstanding performance as evidenced by improved
4427 student achievement and other factors as defined by the State



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4428 Board of Education and who serve as regular mentors to other
 4429 teachers who are either not performing satisfactorily or who
 4430 strive to become more proficient. Mentor teachers must serve as
 4431 faculty-based professional development coordinators and
 4432 regularly demonstrate and share their expertise with other
 4433 teachers in order to remain mentor teachers. Mentor teachers
 4434 must also participate on a regular basis in the direct
 4435 instruction of low-performing students. Mentor teachers shall be
 4436 paid an additional annual salary of \$10,000.

4437 (3) TEACHER ASSIGNMENT.--School districts may not assign a
 4438 higher percentage than the school district average of first-time
 4439 teachers, temporarily certified teachers, teachers in need of
 4440 improvement, or out-of-field teachers to schools with above the
 4441 school district average of minority and economically
 4442 disadvantaged students or schools that are graded "D" or "F."
 4443 District school boards are authorized to provide salary
 4444 incentives to meet this requirement. No district school board
 4445 shall sign a collective bargaining agreement that fails to
 4446 provide sufficient incentives to meet this requirement.

4447 Section 56. Section 1012.27, Florida Statutes, is amended
 4448 to read:

4449 1012.27 Public school personnel; powers and duties of
 4450 district school superintendent.--The district school
 4451 superintendent is ~~shall be~~ responsible, ~~as required herein,~~ for
 4452 directing the work of the personnel, subject to the requirements
 4453 of this chapter, and in addition the district school
 4454 superintendent shall perform ~~have~~ the following duties:

4455 (1) POSITIONS, QUALIFICATIONS, AND NOMINATIONS.--



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4456 (a) Recommend to the district school board duties and
4457 responsibilities which need to be performed and positions which
4458 need to be filled to make possible the development of an
4459 adequate school program in the district. Beginning with the
4460 2003-2004 academic year, this recommendation shall provide for
4461 clerical personnel or volunteers who are not classroom teachers
4462 to assist teachers in noninstructional activities, including
4463 performing paperwork and recordkeeping duties. However, a
4464 teacher shall remain responsible for all instructional
4465 activities and for classroom management and grading student
4466 performance.

4467 (b) Recommend minimum qualifications of personnel for
4468 these various positions, and nominate in writing persons to fill
4469 such positions.

4470
4471 The district school superintendent's recommendations for filling
4472 instructional positions at the school level must consider
4473 nominations received from school principals of the respective
4474 schools. Before transferring a teacher who holds a professional
4475 teaching certificate from one school to another, the district
4476 school superintendent shall consult with the principal of the
4477 receiving school and allow the principal to review the teacher's
4478 records and interview the teacher. If, in the judgment of the
4479 principal, students would not benefit from the placement, an
4480 alternative placement may be sought.

4481 (2) COMPENSATION AND SALARY SCHEDULES.--Prepare and
4482 recommend to the district school board for adoption a salary
4483 schedule or salary schedules. The district school superintendent



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4484 must recommend a salary schedule for instructional personnel
 4485 which bases a portion of each employee's compensation on
 4486 performance demonstrated under s. 1012.34. In developing the
 4487 recommended salary schedule, the district school superintendent
 4488 shall include input from parents, teachers, and representatives
 4489 of the business community. Beginning with the 2003-2004 academic
 4490 year, the recommended salary schedule for classroom teachers
 4491 shall be consistent with the requirements of s. 1012.231.

4492 (3) CONTRACTS AND TERMS OF SERVICE.--Recommend to the
 4493 district school board terms for contracting with employees and
 4494 prepare such contracts as are approved.

4495 (4) TRANSFER.--Recommend employees for transfer and
 4496 transfer any employee during any emergency and report the
 4497 transfer to the district school board at its next regular
 4498 meeting.

4499 (5) SUSPENSION AND DISMISSAL.--Suspend members of the
 4500 instructional staff and other school employees during
 4501 emergencies for a period extending to and including the day of
 4502 the next regular or special meeting of the district school board
 4503 and notify the district school board immediately of such
 4504 suspension. When authorized to do so, serve notice on the
 4505 suspended member of the instructional staff of charges made
 4506 against him or her and of the date of hearing. Recommend
 4507 employees for dismissal under the terms prescribed herein.

4508 (6) DIRECT WORK OF EMPLOYEES AND SUPERVISE
 4509 INSTRUCTION.--Direct or arrange for the proper direction and
 4510 improvement, under rules of the district school board, of the
 4511 work of all members of the instructional staff and other



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4512 employees of the district school system, supervise or arrange
4513 under rules of the district school board for the supervision of
4514 instruction in the district, and take such steps as are
4515 necessary to bring about continuous improvement.

4516 Section 57. Subsections (3) and (4) of section 1012.28,
4517 Florida Statutes, are amended to read:

4518 1012.28 Public school personnel; duties of school
4519 principals.--

4520 (3) Each school principal is responsible for the
4521 performance of all personnel employed by the district school
4522 board and assigned to the school to which the principal is
4523 assigned. The school principal shall faithfully and effectively
4524 apply the personnel assessment system approved by the district
4525 school board pursuant to s. 1012.34 and, beginning with the
4526 2003-2004 academic year, s. 1012.231.

4527 (4) Each school principal shall assist the teachers within
4528 the school to use student assessment data, as measured by
4529 student learning gains pursuant to s. 1008.22, for self-
4530 evaluation. Each school principal shall also ensure that
4531 clerical personnel or volunteers who are not classroom teachers
4532 assist teachers in noninstructional activities, including
4533 performing paperwork and recordkeeping duties.

4534 Section 58. Paragraph (a) of subsection (1), subsection
4535 (2), and paragraph (a) of subsection (3) of section 1012.585,
4536 Florida Statutes, are amended to read:

4537 1012.585 Process for renewal of professional
4538 certificates.--



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4539 (1)(a) District school boards ~~in this state~~ shall renew
4540 state-issued professional certificates as follows:

4541 1. Each district school board shall renew state-issued
4542 professional certificates for individuals who hold a state-
4543 issued professional certificate ~~by this state~~ and are employed
4544 by that district pursuant to criteria established in subsections
4545 (2), (3), and (4) and rules of the State Board of Education.

4546 2. The employing school district may charge the individual
4547 an application fee not to exceed the amount charged by the
4548 Department of Education for such services, including associated
4549 late renewal fees. Each district school board shall transmit
4550 monthly to the department a fee in an amount established by the
4551 State Board of Education for each renewed certificate. The fee
4552 shall not exceed the actual cost for maintenance and operation
4553 of the statewide certification database and for the actual costs
4554 incurred in printing and mailing such renewed certificates. As
4555 defined in current rules of the state board, the department
4556 shall contribute a portion of such fee for purposes of funding
4557 the Educator Recovery Network established in s. 1012.798. The
4558 department shall deposit all funds into the Educational
4559 Certification Trust Fund for use as specified in s. 1012.59.

4560 (2)(a) All professional certificates, except a
4561 nonrenewable professional certificate, shall be renewable for
4562 successive periods not to exceed 5 years after the date of
4563 submission of documentation of completion of the requirements
4564 for renewal provided in subsection (3). Only one renewal may be
4565 granted during each 5-year validity period of a professional
4566 certificate.



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4567 (b) A teacher with national certification from the
4568 National Board for Professional Teaching Standards is deemed to
4569 meet state renewal requirements for the life of the teacher's
4570 national certificate in the subject shown on the national
4571 certificate. A complete renewal application and fee shall be
4572 submitted. The Commissioner of Education shall notify teachers
4573 of the renewal application and fee requirements.

4574 (c) As authorized by State Board of Education rule, a
4575 teacher with a valid certificate issued by the American Board
4576 for Certification of Teacher Excellence is deemed to meet state
4577 renewal requirements for the life of the teacher's American
4578 Board certificate in the subject shown on the American Board
4579 certificate. A complete renewal application and fee shall be
4580 submitted.

4581 (d)(e) If the renewal application form is not received by
4582 the department or by the employing school district before the
4583 expiration of the professional certificate, the application
4584 form, application fee, and a late fee must be submitted before
4585 July 1 of the year following expiration of the certificate in
4586 order to renew the professional certificate.

4587 (e)(d) The State Board of Education shall adopt rules to
4588 allow a 1-year extension of the validity period of a
4589 professional certificate in the event of serious illness,
4590 injury, or other extraordinary extenuating circumstances of the
4591 applicant. The department shall grant such 1-year extension upon
4592 written request by the applicant or by the district school
4593 superintendent or the governing authority of a university lab



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4594 school, state-supported school, or private school that employs
4595 the applicant.

4596 (3) For the renewal of a professional certificate, the
4597 following requirements must be met:

4598 (a) The applicant must earn a minimum of 6 college credits
4599 or 120 inservice points or a combination thereof. For each area
4600 of specialization to be retained on a certificate, the applicant
4601 must earn at least 3 of the required credit hours or equivalent
4602 inservice points in the specialization area. Education in
4603 "clinical educator" training pursuant to s. 1004.04(6)(b)
4604 ~~1004.04(5)(b)~~ and credits or points that provide training in the
4605 area of scientifically researched, knowledge-based reading
4606 literacy and computational skills acquisition, exceptional
4607 student education, normal child development, and the disorders
4608 of development may be applied toward any specialization area.
4609 Credits or points that provide training in the areas of drug
4610 abuse, child abuse and neglect, strategies in teaching students
4611 having limited proficiency in English, or dropout prevention, or
4612 training in areas identified in the educational goals and
4613 performance standards adopted pursuant to ss. 1000.03(5) and
4614 1001.23 may be applied toward any specialization area. Credits
4615 or points earned through approved summer institutes may be
4616 applied toward the fulfillment of these requirements. Inservice
4617 points may also be earned by participation in professional
4618 growth components approved by the State Board of Education and
4619 specified pursuant to s. 1012.98 in the district's approved
4620 master plan for inservice educational training, including, but
4621 not limited to, serving as a trainer in an approved teacher



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4622 training activity, serving on an instructional materials
4623 committee or a state board or commission that deals with
4624 educational issues, or serving on an advisory council created
4625 pursuant to s. 1001.452.

4626 Section 59. Section 1012.586, Florida Statutes, is created
4627 to read:

4628 1012.586 Additions or changes to certificates; duplicate
4629 certificates.--A school district may process via a Department of
4630 Education website certificates for the following applications of
4631 public school employees:

4632 (1) Addition of a subject coverage or endorsement to a
4633 valid Florida certificate on the basis of the completion of the
4634 appropriate subject area testing requirements of s.
4635 1012.56(4)(a) or the completion of the requirements of an
4636 approved school district program or the inservice components for
4637 an endorsement.

4638 (2) A reissued certificate to reflect a name change.

4639 (3) A duplicate certificate to replace a lost or damaged
4640 certificate.

4641
4642 The employing school district shall charge the employee a fee
4643 not to exceed the amount charged by the Department of Education
4644 for such services. Each district school board shall retain a
4645 portion of the fee as defined in the rules of the State Board of
4646 Education. The portion sent to the department shall be used for
4647 maintenance of the technology system, the web application, and
4648 posting and mailing of the certificate.



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4649 Section 60. Subsections (1) and (2) and paragraph (a) of
4650 subsection (3) of section 1012.72, Florida Statutes, are amended
4651 to read:

4652 1012.72 Dale Hickam Excellent Teaching Program.--

4653 (1) The Legislature recognizes that teachers play a
4654 critical role in preparing students to achieve the high levels
4655 of academic performance expected by the Sunshine State Standards
4656 ~~and. The Legislature further recognizes~~ the importance of
4657 identifying and rewarding teaching excellence ~~and of encouraging~~
4658 ~~good teachers to become excellent teachers. The Legislature~~
4659 ~~finds that the National Board of Professional Teaching Standards~~
4660 ~~(NBPTS) has established high and rigorous standards for~~
4661 ~~accomplished teaching and has developed a national voluntary~~
4662 ~~system for assessing and certifying teachers who demonstrate~~
4663 ~~teaching excellence by meeting those standards. It is therefore~~
4664 the Legislature's intent to provide incentives for teachers to
4665 seek national NBPTS certification and to reward teachers who
4666 demonstrate teaching excellence by attaining national NBPTS
4667 certification and sharing their expertise with students and
4668 other teachers. Contingent upon approval by the State Board of
4669 Education, the incentives and privileges extended to the
4670 National Board for Professional Teaching Standards (NBPTS) and
4671 to a teacher who holds a valid certificate issued by the NBPTS
4672 shall be extended to the American Board for Certification of
4673 Teacher Excellence (ABCTE) and to a teacher who holds a valid
4674 Master Teacher Certificate issued by the ABCTE.

4675 (2) The Dale Hickam Excellent Teaching Program is created
4676 to provide categorical funding for monetary incentives and



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4677 bonuses for teaching excellence. The Department of Education
4678 shall distribute to each school district or to the NBPTS, or to
4679 the ABCTE if approved by the State Board of Education, an amount
4680 as prescribed annually by the Legislature for the Dale Hickam
4681 Excellent Teaching Program. For purposes of this section, the
4682 Florida School for the Deaf and the Blind shall be considered a
4683 school district. Unless otherwise provided in the General
4684 Appropriations Act, each distribution shall be the sum of the
4685 amounts earned for the following incentives and bonuses:

4686 (a) A fee subsidy to be paid by the Department of
4687 Education to the NBPTS, or to the ABCTE if approved by the State
4688 Board of Education, on behalf of each individual who is an
4689 employee of a district school board or a public school within
4690 the school district, who is certified by the district to have
4691 demonstrated satisfactory teaching performance pursuant to s.
4692 1012.34 and who satisfies the prerequisites for participating in
4693 the NBPTS certification program, or the ABCTE master teacher
4694 certification program if approved by the State Board of
4695 Education, and who agrees, in writing, to pay 10 percent of the
4696 NBPTS or ABCTE participation fee and to participate in the NBPTS
4697 certification program, or the ABCTE master teacher certification
4698 program if approved by the State Board of Education, during the
4699 school year for which the fee subsidy is provided. The fee
4700 subsidy for each eligible participant shall be an amount equal
4701 to 90 percent of the fee charged for participating in the ~~NBPTS~~
4702 certification program. The fee subsidy is a one-time award and
4703 may not be duplicated for any individual.



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4704 (b) A portfolio-preparation incentive of \$150 paid by the
4705 Department of Education to each teacher employed by a district
4706 school board or a public school within a school district who is
4707 participating in the NBPTS certification program, or the ABCTE
4708 master teacher certification program if approved by the State
4709 Board of Education. The portfolio-preparation incentive is a
4710 one-time award paid during the school year for which the NBPTS
4711 fee subsidy is provided.

4712 (c) An annual bonus equal to 10 percent of the prior
4713 fiscal year's statewide average salary for classroom teachers to
4714 be distributed to the school district to be paid to each
4715 individual who holds NBPTS certification, or ABCTE master
4716 teacher certification if approved by the State Board of
4717 Education, and is employed by the district school board or by a
4718 public school within the school district. The district school
4719 board shall distribute the annual bonus to each individual who
4720 meets the requirements of this paragraph and who is certified
4721 annually by the district to have demonstrated satisfactory
4722 teaching performance pursuant to s. 1012.34. The annual bonus
4723 may be paid as a single payment or divided into not more than
4724 three payments.

4725 (d) An annual bonus equal to 10 percent of the prior
4726 fiscal year's statewide average salary for classroom teachers to
4727 be distributed to the school district to be paid to each
4728 individual who meets the requirements of paragraph (c) and
4729 agrees, in writing, to provide the equivalent of 12 workdays of
4730 mentoring and related services to beginning public school
4731 teachers or teachers in low-performing schools within the state



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4732 | who do not hold NBPTS certification or ABCTE certification if
4733 | approved by the State Board of Education. The district school
4734 | board shall distribute the annual bonus in a single payment
4735 | following the completion of all required mentoring and related
4736 | services for the year. It is not the intent of the Legislature
4737 | to remove excellent teachers from their assigned classrooms;
4738 | therefore, credit may not be granted by a school district or
4739 | public school for mentoring or related services provided during
4740 | student contact time during the 196 days of required service for
4741 | the school year.

4742 |
4743 | Beginning with the 2003-2004 academic year, annual bonuses
4744 | pursuant to this section shall be limited to teachers who
4745 | demonstrate outstanding student performance in accordance with
4746 | s. 1012.34(3)(a)1.-7. and who also demonstrate significant
4747 | successful efforts in mentoring other teachers, including
4748 | beginning teachers or those in need of assistance. A teacher for
4749 | whom the state pays the certification fee and who does not
4750 | complete the certification program or does not teach in a public
4751 | school of this state for at least 1 year after completing the
4752 | certification program must repay the amount of the certification
4753 | fee to the state. However, a teacher who completes the
4754 | certification program but fails to be awarded NBPTS
4755 | certification, or ABCTE master teacher certification if approved
4756 | by the State Board of Education, is not required to repay the
4757 | amount of the certification fee if the teacher meets the 1-year
4758 | teaching requirement. Repayment is not required of a teacher who
4759 | does not complete the certification program or fails to fulfill



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4760 the teaching requirement because of the teacher's death or
4761 disability or because of other extenuating circumstances as
4762 determined by the State Board of Education.

4763 (3)(a) In addition to any other remedy available under the
4764 law, any person who is a recipient of a certification fee
4765 subsidy paid to the NBPTS, or the ABCTE if approved by the State
4766 Board of Education, and who is an employee of the state or any
4767 of its political subdivisions is considered to have consented,
4768 as a condition of employment, to the voluntary or involuntary
4769 withholding of wages to repay to the state the amount of such a
4770 certification fee subsidy awarded under this section. Any such
4771 employee who defaults on the repayment of such a certification
4772 fee subsidy must, within 60 days after service of a notice of
4773 default by the Department of Education to the employee,
4774 establish a repayment schedule which must be agreed to by the
4775 department and the employee, for repaying the defaulted sum
4776 through payroll deductions. The department may not require the
4777 employee to pay more than 10 percent of the employee's pay per
4778 pay period under such a repayment schedule or plan. If the
4779 employee fails to establish a repayment schedule within the
4780 specified period of time or fails to meet the terms and
4781 conditions of the agreed upon or approved repayment schedule as
4782 authorized by this subsection, the employee has breached an
4783 essential condition of employment and is considered to have
4784 consented to the involuntary withholding of wages or salary for
4785 the repayment of the certification fee subsidy.

4786 Section 61. Section 1012.73, Florida Statutes, is
4787 repealed.



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4788 Section 62. Subsection (2), paragraph (b) of subsection
4789 (3), and subsections (5) through (11) of section 1012.98,
4790 Florida Statutes, are amended to read:

4791 1012.98 School Community Professional Development Act.--

4792 (2) The school community includes students and parents,
4793 administrative personnel, managers, instructional personnel,
4794 support personnel, members of district school boards, members of
4795 school advisory councils, ~~parents~~, business partners, and
4796 personnel that provide health and social services to students
4797 ~~school children. School districts may identify and include~~
4798 ~~additional members of the school community in the professional~~
4799 ~~development activities required by this section.~~

4800 (3) The activities designed to implement this section
4801 must:

4802 (b) Assist the school community in providing stimulating,
4803 scientifically research-based educational activities that
4804 encourage and motivate students to achieve at the highest levels
4805 and to become active learners.

4806 ~~(5)(a) The Department of Education shall provide a system~~
4807 ~~for the recruitment, preparation, and professional development~~
4808 ~~of school administrative personnel. This system shall:~~

4809 ~~1. Identify the knowledge, competencies, and skills~~
4810 ~~necessary for effective school management and instructional~~
4811 ~~leadership that align with student performance standards and~~
4812 ~~accountability measures.~~

4813 ~~2. Include performance evaluation methods.~~

4814 ~~3. Provide for alternate means for preparation of school~~
4815 ~~administrative personnel which may include programs designed by~~



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4816 ~~school districts and postsecondary educational institutions~~
4817 ~~pursuant to guidelines developed by the commissioner. Such~~
4818 ~~preparation programs shall be approved by the Department of~~
4819 ~~Education.~~

4820 ~~4. Provide for the hiring of qualified out-of-state school~~
4821 ~~administrative personnel.~~

4822 ~~5. Provide advanced educational opportunities for school-~~
4823 ~~based instructional leaders.~~

4824 ~~(b) The Commissioner of Education shall appoint a task~~
4825 ~~force that includes a district school superintendent, a district~~
4826 ~~school board member, a principal, an assistant principal, a~~
4827 ~~teacher, a dean of a college of education, and parents. The task~~
4828 ~~force shall convene periodically to provide recommendations to~~
4829 ~~the department in the areas of recruitment, certification,~~
4830 ~~preparation, professional development, and evaluation of school~~
4831 ~~administrators.~~

4832 ~~(5)(6)~~ Each district school board shall provide funding
4833 for the professional development system as required by s.
4834 1011.62 and the General Appropriations Act, and shall direct
4835 expenditures from other funding sources to strengthen the system
4836 and make it uniform and coherent. A school district may
4837 coordinate its professional development program with that of
4838 another district, with an educational consortium, or with a
4839 community college or university, especially in preparing and
4840 educating personnel. Each district school board shall make
4841 available inservice activities to instructional personnel of
4842 nonpublic schools in the district and the state certified
4843 teachers who are not employed by the district school board on a



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4844 fee basis not to exceed the cost of the activity per all
4845 participants.

4846 (6)~~(7)~~ An organization of private schools which has no
4847 fewer than 10 member schools in this state, which publishes and
4848 files with the Department of Education copies of its standards,
4849 and the member schools of which comply with the provisions of
4850 part II of chapter 1003, relating to compulsory school
4851 attendance, may also develop a professional development system
4852 that includes a master plan for inservice activities. The system
4853 and inservice plan must be submitted to the commissioner for
4854 approval pursuant to rules of the State Board of Education.

4855 (7)~~(8)~~ The Department of Education shall design methods by
4856 which the state and district school boards may evaluate and
4857 improve the professional development system. The evaluation must
4858 include an annual assessment of data that indicate progress or
4859 lack of progress of all students. If the review of the data
4860 indicates progress, the department shall identify the best
4861 practices that contributed to the progress. If the review of the
4862 data indicates a lack of progress, the department shall
4863 investigate the causes of the lack of progress, provide
4864 technical assistance, and require the school district to employ
4865 a different approach to professional development. The department
4866 shall report annually to the State Board of Education and the
4867 Legislature any school district that, in the determination of
4868 the department, has failed to provide an adequate professional
4869 development system. This report must include the results of the
4870 department's investigation and of any intervention provided.



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4871 ~~(8)(9)~~ The State Board of Education may adopt rules
4872 pursuant to ss. 120.536(1) and 120.54 to administer this
4873 section.

4874 ~~(9)(10)~~ This section does not limit or discourage a
4875 district school board from contracting with independent entities
4876 for professional development services and inservice education if
4877 the district school board can demonstrate to the Commissioner of
4878 Education believes that, through such a contract, a better
4879 product can be acquired or its goals for education improvement
4880 can be better met.

4881 ~~(10)(11)~~ For teachers, managers, and administrative
4882 personnel who have been evaluated as less than satisfactory, a
4883 district school board shall require participation in specific
4884 professional development programs as part of the improvement
4885 prescription.

4886 Section 63. Section 1012.987, Florida Statutes, is created
4887 to read:

4888 1012.987 Education leadership development.--

4889 (1) The State Board of Education shall adopt rules through
4890 which school principals may earn a principal leadership
4891 designation based on teacher retention, overall student
4892 performance, and school grade. The State Board of Education must
4893 designate incentives available to personnel who earn a principal
4894 leadership designation, including, but not limited to, merit
4895 pay, expanded discretionary spending flexibility, relaxed
4896 regulation or reporting requirements, additional professional
4897 development resources, and public recognition.



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4898 (2)(a) The Department of Education shall provide a system
4899 for the recruitment, preparation, and education leadership
4900 development of school administrative personnel. This system
4901 shall be based on standards adopted by the State Board of
4902 Education that include, but are not limited to:

4903 1. Improved student achievement.

4904 2. Increased emphasis on reading using the latest
4905 scientific knowledge-based research in reading and the
4906 administrator's role as a successful school leader in reading
4907 reform efforts.

4908 3. Instructional leadership.

4909 4. Data analysis.

4910 5. School safety.

4911 6. Community and family involvement.

4912 7. Operational management.

4913 8. School finance.

4914 (b) Each education leadership development program must
4915 provide all program participants full information on not less
4916 than an annual basis to update the participants on the status
4917 of, and rationale for changes to, state and federal law and
4918 funding policies.

4919 (c) Education leadership development programs must be
4920 consistent with standards adopted by the State Board of
4921 Education and must be approved by the department.

4922 (d) Alternative education leadership development programs
4923 that meet the standards of, and are approved by, the Department
4924 of Education may be offered by a school district or
4925 postsecondary educational institution.



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4926 (e) The Commissioner of Education may conduct K-20
4927 education leadership institutes for the purpose of communicating
4928 the state's education priorities, best practices, and other
4929 related research and facilitating the formation of a K-20
4930 partnership.

4931 Section 64. Notwithstanding any provision of law to the
4932 contrary, when a school is graded "F" or receives a second
4933 consecutive grade of "D," the elected district school
4934 superintendent, or if the district school superintendent is
4935 appointed, the district school board, may request the
4936 resignation of the school principal and teachers.

4937 Section 65. Each district school board shall review and
4938 consider amending any collective bargaining contract that may
4939 hinder the implementation of any provision of this act.

4940 Section 66. The Commissioner of Education shall conduct en
4941 electronic mail or other survey of the classroom teachers in
4942 each school district at the end of the 2003-2004 academic year
4943 to determine whether the teachers received improved support from
4944 their district school board, superintendent, and principal for
4945 paperwork reduction and classroom discipline and shall use the
4946 enforcement authority of s. 1008.32, Florida Statutes, as
4947 appropriate, to ensure compliance with better educated students
4948 and teachers (BEST) Florida teaching.

4949 Section 67. Paragraph (a) of subsection (22) of section
4950 121.021, Florida Statutes, is amended to read:

4951 121.021 Definitions.--The following words and phrases as
4952 used in this chapter have the respective meanings set forth
4953 unless a different meaning is plainly required by the context:



4954 (22) "Compensation" means the monthly salary paid a
 4955 member by his or her employer for work performed arising from
 4956 that employment.

4957 (a) Compensation shall include:

4958 1. Overtime payments paid from a salary fund.

4959 2. Accumulated annual leave payments.

4960 3. Payments in addition to the employee's base rate of
 4961 pay if all the following apply:

4962 a. The payments are paid according to a formal written
 4963 policy that applies to all eligible employees equally;

4964 b. The policy provides that payments shall commence no
 4965 later than the 11th year of employment;

4966 c. The payments are paid for as long as the employee
 4967 continues his or her employment; and

4968 d. The payments are paid at least annually.

4969 4. Amounts withheld for tax sheltered annuities or
 4970 deferred compensation programs, or any other type of salary
 4971 reduction plan authorized under the Internal Revenue Code.

4972 5. Payments made in lieu of a permanent increase in the
 4973 base rate of pay, whether made annually or in 12 or 26 equal
 4974 payments within a 12-month period, when the member's base pay
 4975 is at the maximum of his or her pay range. When a portion of a
 4976 member's annual increase raises his or her pay range and the
 4977 excess is paid as a lump sum payment, such lump sum payment
 4978 shall be compensation for retirement purposes.

4979 6. Effective July 1, 2002, salary supplements made
 4980 pursuant to s. ss. 1012.73 and 1012.72 requiring a valid
 4981 ~~National Board for Professional Standards certificate or~~



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4982 ~~equivalent status as provided in s. 1012.73(3)(e)5.,~~
 4983 notwithstanding the provisions of subparagraph 3.

4984 Section 68. Paragraph (b) of subsection (1) of section
 4985 1013.35, Florida Statutes, is amended to read:

4986 1013.35 School district educational facilities plan;
 4987 definitions; preparation, adoption, and amendment; long-term
 4988 work programs.--

4989 (1) DEFINITIONS.--As used in this section, the term:

4990 (b) "District facilities work program" means the 5-year
 4991 listing of capital outlay projects adopted by the district
 4992 school board as provided in subparagraph (2)(a)2. and paragraph
 4993 (2)(b) as part of the district educational facilities plan,
 4994 which is required in order to:

4995 1. Properly maintain the educational plant and ancillary
 4996 facilities of the district.

4997 2. Provide an adequate number of satisfactory student
 4998 stations for the projected student enrollment of the district in
 4999 K-12 programs ~~in accordance with the goal in s. 1013.21.~~

5000 Section 69. Subsection (5) is added to section 1013.45,
 5001 Florida Statutes, to read:

5002 1013.45 Educational facilities contracting and
 5003 construction techniques.-

5004 (5) In order to ensure that the construction of new and
 5005 expanded educational facilities provides public school students
 5006 with the best long-term value for classrooms, a district school
 5007 board must consider, as part of the selection criteria for
 5008 awarding facility contracts, a life cycle cost analysis of
 5009 building materials when constructing or expanding school



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5010 capacity. The analysis shall include the annualized anticipated
5011 energy consumption, the relative resistance of structural
5012 components to damage by wind loads and associated debris, the
5013 resistance of the structural components to wood-destroying
5014 organisms, a comparison of the perpetual maintenance costs, the
5015 resistance of the structural components to fire, and a
5016 comparison of the annual costs of providing insurance. District
5017 school boards may rely on the information provided by the
5018 contractor if the contractor's analysis is based upon the best
5019 currently available methods, including those of the National
5020 Institute of Standards and Technology, the United States
5021 Department of Housing and Urban Development, other federal or
5022 state agencies, or technical or professional societies.

5023 Section 70. From the funds appropriated in Specific
5024 Appropriation 58D for BEST Florida teaching, \$1,076,500 is
5025 hereby authorized for fiscal year 2003-2004 for the Teaching
5026 Fellows Program established in s. 1009.591, Florida Statutes.

5027 Section 71. If any provision of this act or its
5028 application to any person or circumstance is held invalid, the
5029 invalidity does not affect other provisions or applications of
5030 the act which can be given effect without the invalid provision
5031 or application, and to this end the provisions of this act are
5032 severable.

5033 Section 72. Except as otherwise provided herein, this act
5034 shall take effect July 1, 2003.