

Senate Bill No. 30-A

An act relating to quality education; amending s. 1003.01, F.S.; defining the terms “core-curricula courses” and “extracurricular courses”; amending s. 1003.03, F.S.; establishing the constitutional class size maximum; providing for the determination of averages; providing for the department 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 the use of the funds by school districts; creating s. 1013.735, F.S.; establishing the Classrooms for Kids Program; providing for the allocation of funds; providing requirements for district participation in the program; providing for the use of the funds; creating s. 1013.736, F.S.; establishing the District Effort Recognition Program; providing for eligibility for school district participation; establishing a district equity ratio for purposes of calculating the allocation for the program; providing for the use of the funds; creating s. 1013.737, F.S.; establishing the Class Size Reduction Lottery Revenue Bond Program; authorizing the issuance of revenue bonds to finance or refinance the construction, acquisition, reconstruction, or renovation of educational facilities; providing legislative findings; specifying that the bonds are payable from first proceeds of lottery revenues transferred to the Educational Enhancement Trust Fund; establishing a covenant with bondholders to not materially and adversely affect their rights; providing for issuance of the bonds by the Division of Bond Finance on behalf of the Department of Education; limiting the total amount of such bonds issued; providing for deposit of bond proceeds in the Lottery Capital Outlay and Debt Service Trust Fund; providing for the filing of complaints for validation; providing for timely encumbrances of funds for authorized projects; amending s. 24.121, F.S.; removing limitations on lottery revenues that may be pledged to the payment of debt service; amending s. 121.091, F.S.; authorizing certain instructional personnel who receive authorization to extend participation in the Deferred Retirement Option Program; amending s. 220.187, F.S.; increasing the total amount of tax credit and carryforward of tax credit which may be granted each state fiscal year; requiring parental notification to the school district; allowing tax credits to be carried forward; providing procedures; amending s. 1003.02, F.S.; requiring school districts to notify parents of acceleration mechanisms; eliminating a cross-reference to conform to changes made by the act; amending s. 1003.43, F.S.; providing that parenting skills be included; removing the requirement that a life management course be offered during the 9th and 10th grade years; providing that participation in R.O.T.C. class satisfies a portion of the physical education requirement; creating s. 1003.429, F.S.; providing for accelerated high school graduation options; providing requirements; prohibiting school districts from imposing additional requirements; amending s. 1007.261, F.S.; align-

ing university admission standards with accelerated high school graduation options; revising credits required; amending s. 1003.436, F.S.; reducing the number of hours required for one full credit for district schools implementing block scheduling; amending s. 1011.62, F.S.; removing a date limitation to provide for categorical flexibility; revising purposes of categorical funds; amending s. 1011.69, F.S.; deleting obsolete provisions; revising allocation amount to average percent of funds generated; revising the exemption for certain charter schools; providing that Classrooms for Kids operating categorical funds are not subject to provisions requiring equity in school funding; amending s. 1013.03, F.S.; requiring the Department of Education to review rules relating to school construction and make recommendations to the State Board of Education; amending s. 1013.31, F.S.; requiring school districts to periodically update the inventory of educational facilities; amending s. 1002.37, F.S.; providing that certain funds are internal funds; authorizing supplemental support organization; revising administrative responsibilities regarding funding and reporting requirements for the board of trustees of the Florida Virtual School; authorizing franchise agreements; providing for funding the Florida Virtual School within the Florida Education Finance Program; providing for funding based on credit completion; providing a calculation; eliminating obsolete provisions; amending s. 1011.61, F.S.; redefining the term "full-time equivalent student" to include a Florida Virtual School student; providing for membership to exceed certain maximum days of instruction; creating the Florida Business and Education in School Together (Florida BEST) Program; requiring school districts to seek business partners for Florida BEST schools; requiring each school district to create a Florida BEST school evaluation committee; defining a "Florida Business and Education in School Together (Florida BEST) school"; providing for priority in admission of students; providing parental responsibility; providing for contracts to operate Florida BEST schools; providing school district and business responsibilities for Florida BEST schools; providing exemptions from local government ordinances or regulations relating to square footage or floor area; repealing ss. 1002.33(13), 1012.41, 1012.73, and 1013.43, F.S., relating to number of charter schools, directors of career and technical education, the Florida Mentor Teacher School Pilot Program, and the small school requirement; amending s. 216.292, F.S.; requiring the Executive Office of the Governor to transfer funds for class size reduction based on recommendations of the Florida Education Finance Program Appropriation Allocation Conference or the Legislative Budget Commission; requiring notice and review; amending s. 1003.62, F.S.; making pilot program statewide; providing additional criteria for the establishment of a charter school district; providing for renewal of the charter; providing certain exemptions from law and rule; providing reporting requirements; grandfathering certain districts; amending s. 1013.64, F.S.; providing limitations on the use of certain funds; revising provisions relating to the costs per student station; requiring reports; creating s. 1000.041, F.S.; providing legislative purposes and guiding principles of Better Educated Students and Teachers (BEST) Florida

Teaching; amending s. 1001.33, F.S.; requiring cooperation to apply guiding principles; amending s. 1001.42, F.S.; providing that a district school board may use certain personnel to assist teachers in noninstructional activities; requiring school district support of certain activities and programs; clarifying provisions concerning a school-within-a-school; amending ss. 1001.51 and 1001.54, F.S.; requiring cooperation and support of district school superintendents and school principals; amending s. 1002.20, F.S.; providing student rights with respect to classroom orderliness; amending s. 1002.42, F.S.; correcting a cross-reference; amending s. 1003.04, F.S.; requiring specified student conduct and attendance; requiring parental cooperation with school authority; amending s. 1003.31, F.S.; requiring support of the authority of teachers and bus drivers; amending s. 1003.32, F.S.; revising provisions relating to teacher authority and responsibility for control of students; designating a school placement review committee to determine placement for disruptive students; requiring reports; requiring Commissioner of Education review of success in achieving orderly classrooms and use of enforcement actions; requiring reporting of knowledge or suspicion of crimes of violence on school property and providing immunity; amending s. 1004.04, F.S.; revising provisions relating to state approval of teacher preparation programs; expanding State Board of Education rules establishing core curricula; requiring teacher preparation programs to incorporate certain instruction; providing for guarantee; providing for additional teacher training under certain circumstances; authorizing pay for student teacher internships; authorizing additional standards for program approval and certification; deleting the requirement that pilot programs be established at the University of Central Florida, the University of North Florida, and the University of South Florida; allowing pilot programs to be established as authorized by the Commissioner of Education at colleges and universities with state-approved teacher education programs; providing priority consideration for participation in teacher education pilot programs; amending ss. 1006.08 and 1006.09, F.S.; requiring district school superintendent and school principal support relating to student discipline; amending s. 1012.05, F.S.; requiring the Department of Education to provide for one-stop shopping for teacher career information and on-line support; authorizing use of funds to recruit and prepare teachers; creating s. 1012.231, F.S.; establishing a salary career ladder program; providing levels of career ladder salary; providing standards; providing limitations or certain assignments; requiring the State Board of Education to develop a long-range plan; amending s. 1012.27, F.S.; requiring district school superintendents to implement district's career ladder salary program; amending s. 1012.56, F.S.; revising the time period for which an official statement of status of eligibility for certification is valid; revising requirements for mastery of general knowledge, mastery of subject area knowledge, and mastery of professional preparation and education competence; amending s. 1012.57, F.S.; requiring district school boards to adopt rules to allow for the issuance of adjunct teaching certificates; revising provisions relating to determination of expertise in the subject area to be taught; amending s.

1012.585, F.S.; revising certain requirements for renewal of professional certificates; correcting a cross-reference; creating s. 1012.586, F.S.; authorizing school districts to process certain applications via website; providing for a fee and the uses thereof; amending s. 1012.98, F.S.; revising provisions relating to the School Community Professional Development Act; deleting provisions relating to recruitment, preparation, and professional development of school administrative personnel; amending s. 1009.531, F.S.; correcting a cross-reference; creating ss. 159.831, 159.832, 159.833, 159.834, and 159.835, F.S., relating to the Florida Qualified Public Educational Facilities Private Activity Bond Allocation Act; providing definitions; providing certain state volume limitations on certain private bond activity; providing for department review; authorizing rule adoption; amending s. 1012.22, F.S.; providing that district's five-percent performance-pay policy must apply at each level of the salary career ladder program; creating s. 1012.987, F.S.; authorizing the State Board of Education to adopt rules for a principal leadership designation; requiring districts to compare certain life-cycle costs of materials used in constructing or expanding educational facilities; providing for severability; providing for construction of the act in pari materia with laws enacted during the Regular Session of the Legislature; providing effective dates.

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

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

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

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

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

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

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

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

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

Section 1. Subsections (14) and (15) are added to section 1003.01, Florida Statutes, to read:

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

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

(15) “Extracurricular courses” means all courses that are not defined as “core-curricula courses,” which may include, but are not limited to, physical education, fine arts, performing fine arts, vocational education, and career and technical education. The term is limited in meaning and used for the sole purpose of designating classes that are not subject to the maximum class size requirements established in s. 1, Art. IX of the State Constitution.

Section 2. Section 1003.03, Florida Statutes, is amended to read:

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

1003.03 Maximum class size.—

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

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

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

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

(2) IMPLEMENTATION.—

(a) Beginning with the 2003-2004 fiscal year, each school district that is not in compliance with the maximums in subsection (1) shall reduce the average number of students per classroom in each of the following grade groupings: prekindergarten through grade 3, grade 4 through grade 8, and grade 9 through grade 12, by at least two students each year.

(b) Determination of the number of students per classroom in paragraph (a) shall be calculated as follows:

1. For fiscal years 2003-2004 through 2005-2006, the calculation for compliance for each of the 3 grade groupings shall be the average at the district level.

2. For fiscal years 2006-2007 through 2007-2008, the calculation for compliance for each of the 3 grade groupings shall be the average at the school level.

3. For fiscal years 2008-2009, 2009-2010, and thereafter, the calculation for compliance shall be at the individual classroom level.

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

(d) Prior to the adoption of the district school budget for 2004-2005, each district school board shall hold public hearings to review school attendance zones in order to ensure maximum use of facilities while minimizing the additional use of transportation in order to comply with the two-student-per-year reduction required in paragraph (a). School districts that meet the constitutional class size maximums described in subsection (1) are exempt from this requirement.

(3) IMPLEMENTATION OPTIONS.—District school boards must consider, but are not limited to, implementing the following items in order to meet the constitutional class size maximums described in subsection (1) and the two-student-per-year reduction required in subsection (2):

(a) Adopt policies to encourage qualified students to take dual enrollment courses.

(b) Adopt policies to encourage students to take courses from the Florida Virtual School.

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

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

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

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

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

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

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

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

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

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

(l) Use any other approach not prohibited by law.

(4) ACCOUNTABILITY.—

(a) Beginning in the 2003-2004 fiscal year, if the department determines for any year that a school district has not reduced average class size as required in subsection (2) at the time of the third FEFP calculation, the department shall calculate an amount from the class size reduction operating categorical which is proportionate to the amount of class size reduction not accomplished. Upon verification of the department's calculation by the Florida Education Finance Program Appropriation Allocation Conference, the Executive Office of the Governor shall transfer undistributed funds equivalent to the calculated amount from the district's class size reduction operating categorical to an approved fixed capital outlay appropriation for class size reduction in the affected district pursuant to s. 216.292(13). The

amount of funds transferred shall be the lesser of the amount verified by the Florida Education Finance Program Appropriation Allocation Conference or the undistributed balance of the district's class size reduction operating categorical. However, based upon a recommendation by the Commissioner of Education that the State Board of Education has reviewed evidence indicating that a district has been unable to meet class size reduction requirements despite appropriate effort to do so, the Legislative Budget Commission may approve an alternative amount of funds to be transferred from the district's class size reduction operating categorical to its approved fixed capital outlay account for class size reduction.

(b) Beginning in the 2005-2006 school year, the department shall determine by January 15 of each year which districts have not met the two-student-per-year reduction required in subsection (2) based upon a comparison of the district's October student membership survey for the current school year and the February 2003 baseline student membership survey. The department shall report such districts to the Legislature. Each district that has not met the two-student-per-year reduction shall be required to implement one of the following policies in the subsequent school year unless the department finds that the district comes into compliance based upon the February student membership survey:

1. Year-round schools;
2. Double sessions;
3. Rezoning; or

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

A school district that is required to implement one of the policies outlined in subparagraphs 1. through 4. shall correct in the year of implementation any past deficiencies and bring the district into compliance with the two-student-per-year reduction goals established for the district by the department pursuant to subsection (2). A school district may choose to implement more than one of these policies. The district school superintendent shall report to the Commissioner of Education the extent to which the district implemented any of the policies outlined in subparagraphs 1. through 4. in a format to be specified by the Commissioner of Education. The Department of Education shall use the enforcement authority provided in s. 1008.32 to ensure that districts comply with the provisions of this paragraph.

(c) Beginning in the 2006-2007 school year, the department shall annually determine which districts do not meet the requirements described in subsection (2). In addition to enforcement authority provided in s. 1008.32, the Department of Education shall develop a constitutional compliance plan for each such district which includes, but is not limited to, redrawing school attendance zones to maximize use of facilities while minimizing the additional use of transportation unless the department finds that the district

comes into compliance based upon the February student membership survey and the other accountability policies listed in paragraph (b). Each district school board shall implement the constitutional compliance plan developed by the state board until the district complies with the constitutional class size maximums.

Section 3. Section 1011.685, Florida Statutes, is created to read:

1011.685 Class size reduction; operating categorical fund.—

(1) There is created an operating categorical fund for implementing the class size reduction provisions of s. 1, Art. IX of the State Constitution. These funds shall be allocated to each school district in the amount prescribed by the Legislature in the General Appropriations Act.

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

(a) To reduce class size in any lawful manner, if the district has not met the constitutional maximums identified in s. 1003.03(1) or the reduction of two students per year required by s. 1003.03(2).

(b) For any lawful operating expenditure, if the district has met the constitutional maximums identified in s. 1003.03(1) or the reduction of two students per year required by s. 1003.03(2); however, priority shall be given to increase salaries of classroom teachers as defined in s. 1012.01(2)(a) and to implement the salary career ladder defined in s. 1012.231.

Section 4. Section 1013.735, Florida Statutes, is created to read:

1013.735 Classrooms for Kids Program.—

(1) ALLOCATION.—The department shall allocate funds appropriated for the Classrooms for Kids Program. It is the intent of the Legislature that this program be administered as nearly as practicable in the same manner as the capital outlay program authorized under s. 9(a), Art. XII of the State Constitution. Each district school board's share of the annual appropriation for the Classrooms for Kids Program must be calculated according to the following formula:

(a) Twenty-five percent of the appropriation shall be prorated to the districts based on each district's percentage of base capital outlay full-time equivalent membership, and 65 percent shall be based on each district's percentage of growth capital outlay full-time equivalent membership as specified for the allocation of funds from the Public Education Capital Outlay and Debt Service Trust Fund by s. 1013.64(3).

(b) Ten percent of the appropriation must be allocated among district school boards according to the allocation formula in s. 1013.64(1)(a).

(2) DISTRICT PARTICIPATION.—In order to participate in the Classrooms for Kids Program, a district school board shall:

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

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

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

(a) Construct, renovate, remodel, or repair educational facilities that are in excess of projects identified in the district's 5-year work program adopted prior to March 15, 2003; or

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

Section 5. Effective upon this act becoming a law, section 1013.736, Florida Statutes, is created to read:

1013.736 District Effort Recognition Program.—

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

(2) ELIGIBILITY.—Annually, the Department of Education shall determine each district's compliance with the provisions of s. 1003.03 and determine the district's eligibility to receive a district effort recognition grant for local school facilities projects pursuant to this section. Districts shall be eligible for a district effort recognition grant based upon participation in any of the following:

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

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

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

(3) DISTRICT EFFORT RECOGNITION PROGRAM.—The department shall annually calculate a district effort amount for each district by September 1 after each fiscal year. The total amount of revenue for the prior year from each revenue levied as described in subsection (2) shall be divided by the number of months for which revenue was received and multiplied by the number of authorized months remaining in each voter referendum. The amount so determined for each revenue levied shall be totaled. The Department of Revenue shall report the amount of voter-approved revenue described in paragraphs (2)(a) and (b). The district shall report the amount of

revenue described in paragraph (2)(b) identified for district fixed capital outlay in the prior fiscal year. To determine the amount of revenue levied pursuant to paragraph (2)(c), the district shall annually report to the Department of Education the outstanding debt service by bond series and date of maturity. The total of annual debt service to maturity remaining as of July 1 of each year shall be added to the other revenues levied pursuant to paragraphs (2)(a) and (b) in determining the total district effort amount. Only the amount of voter-approved revenue described in paragraph (2)(b) which has been identified for district fixed capital outlay from the prior fiscal year shall be used in the calculation.

(4) ALLOCATION AND DISTRIBUTION OF FUNDS.—The department shall allocate the annual amount of funds provided among all eligible districts based upon the district's proportion of the funds as determined in subsection (3). Funds shall be distributed once a district has encumbered the funds.

(5) USE OF FUNDS.—School districts that do not meet the constitutional class size maximums described in s. 1003.03(1) must use the funds for capital outlay to reduce class size. School districts that meet the constitutional class size maximum may use the funds for any lawful capital outlay purpose.

Section 6. Section 1013.737, Florida Statutes, is created to read:

1013.737 The Class Size Reduction Lottery Revenue Bond Program.—There is established the Class Size Reduction Lottery Revenue Bond Program.

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

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

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

(4) The bonds shall be issued by the Division of Bond Finance of the State Board of Administration on behalf of the Department of Education in such

amount as shall be requested by resolution of the State Board of Education. However, the total principal amount of bonds, excluding refunding bonds, issued pursuant to this section shall not exceed amounts specifically authorized in the General Appropriations Act.

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

(6) The facilities to be financed with the proceeds of such bonds are designated as state fixed capital outlay projects for purposes of s. 11(d), Art. VII of the State Constitution, and the specific facilities to be financed shall be determined in accordance with state law and appropriations from the Educational Enhancement Trust Fund. Projects shall be funded from the Lottery Capital Outlay and Debt Service Trust Fund. Each educational facility to be financed with the proceeds of the bonds issued pursuant to this section is hereby approved as required by s. 11(f), Art. VII of the State Constitution.

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

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

Section 7. Subsection (2) of section 24.121, Florida Statutes, is amended to read:

24.121 Allocation of revenues and expenditure of funds for public education.—

(2) Each fiscal year, at least 38 percent of the gross revenue from the sale of on-line lottery tickets, variable percentages of the gross revenue from the sale of instant lottery tickets as determined by the department consistent with subsection (1), and other earned revenue, excluding application processing fees, shall be deposited in the Educational Enhancement Trust Fund, which is hereby created in the State Treasury to be administered by the Department of Education. The Department of the Lottery shall transfer moneys to the Educational Enhancement Trust Fund at least once each quarter. Funds in the Educational Enhancement Trust Fund shall be used to the benefit of public education in accordance with the provisions of this act. Notwithstanding any other provision of law, ~~a maximum of \$180 million of lottery revenues transferred to the Educational Enhancement Trust Fund in fiscal year 1997-1998 and for 30 years thereafter~~ shall be reserved as needed and used to meet the requirements of the documents authorizing the

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

Section 8. Subsection (13) of section 121.091, Florida Statutes, is amended to read:

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

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

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

1. The member is not a renewed member of the Florida Retirement System under s. 121.122, or a member of the State Community College System Optional Retirement Program under s. 121.051, the Senior Management Service Optional Annuity Program under s. 121.055, or the optional retirement program for the State University System under s. 121.35.

2. Except as provided in subparagraph 6., election to participate is made within 12 months immediately following the date on which the member first reaches normal retirement date, or, for a member who reaches normal retirement date based on service before he or she reaches age 62, or age 55 for Special Risk Class members, election to participate may be deferred to the 12 months immediately following the date the member attains 57, or age 52 for Special Risk Class members. For a member who first reached normal retirement date or the deferred eligibility date described above prior to the effective date of this section, election to participate shall be made within 12 months after the effective date of this section. A member who fails to make an election within such 12-month limitation period shall forfeit all rights to participate in the DROP. The member shall advise his or her employer and the division in writing of the date on which the DROP shall begin. Such beginning date may be subsequent to the 12-month election period, but must be within the 60-month or, with respect to members who are instructional personnel employed by the Florida School for the Deaf and the Blind and who have received authorization by the Board of Trustees of the Florida School for the Deaf and the Blind to participate in the DROP beyond 60 months, or who are instructional personnel as defined in s. 1012.01(2)(a)-(d) in grades K-12 and who have received authorization by the district superintendent to participate in the DROP beyond 60 months, the 96-month limitation period as provided in subparagraph (b)1. When establishing eligibility of the member to participate in the DROP for the 60-month or, with respect to members who are instructional personnel employed by the Florida School for the Deaf and the Blind and who have received authorization by the Board of Trustees of the Florida School for the Deaf and the Blind to participate in the DROP beyond 60 months, or who are instructional personnel as defined in s. 1012.01(2)(a)-(d) in grades K-12 and who have received authorization by the district superintendent to participate in the DROP beyond 60 months, the 96-month maximum participation period, the member may elect to include or exclude any optional service credit purchased by the member from the total service used to establish the normal retirement date. A member with dual normal retirement dates shall be eligible to elect to participate in DROP within 12 months after attaining normal retirement date in either class.

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

4. Simultaneous employment of a participant by additional Florida Retirement System employers subsequent to the commencement of participation in the DROP shall be permissible provided such employers acknowledge in writing a DROP termination date no later than the participant's existing

termination date or the 60-month limitation period as provided in subparagraph (b)1.

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

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

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

c. The new employer shall acknowledge, in writing, the participant's DROP termination date, which may be extended but not beyond the original 60-month or, with respect to members who are instructional personnel employed by the Florida School for the Deaf and the Blind and who have received authorization by the Board of Trustees of the Florida School for the Deaf and the Blind to participate in the DROP beyond 60 months, or who are instructional personnel as defined in s. 1012.01(2)(a)-(d) in grades K-12 and who have received authorization by the district superintendent to participate in the DROP beyond 60 months, the 96-month period provided in subparagraph (b)1., shall acknowledge liability for any additional retirement contributions and interest required if the participant fails to timely terminate employment, and shall be subject to the adjustment required in sub-subparagraph (c)5.d.

6. Effective July 1, 2001, for instructional personnel as defined in s. 1012.01(2), election to participate in the DROP shall be made at any time following the date on which the member first reaches normal retirement date. The member shall advise his or her employer and the division in writing of the date on which the Deferred Retirement Option Program shall begin. When establishing eligibility of the member to participate in the DROP for the 60-month or, with respect to members who are instructional personnel employed by the Florida School for the Deaf and the Blind and who have received authorization by the Board of Trustees of the Florida School for the Deaf and the Blind to participate in the DROP beyond 60 months, or who are instructional personnel as defined in s. 1012.01(2)(a)-(d) in grades K-12 and who have received authorization by the district superintendent to participate in the DROP beyond 60 months, the 96-month maximum participation period, as provided in subparagraph (b)1., the member may elect to include or exclude any optional service credit purchased by the member from the total service used to establish the normal retirement date. A member with dual normal retirement dates shall be eligible to elect to participate in either class.

(b) Participation in the DROP.—

1. An eligible member may elect to participate in the DROP for a period not to exceed a maximum of 60 calendar months or, with respect to members who are instructional personnel employed by the Florida School for the Deaf

and the Blind and who have received authorization by the Board of Trustees of the Florida School for the Deaf and the Blind to participate in the DROP beyond 60 months, or who are instructional personnel as defined in s. 1012.01(2)(a)-(d) in grades K-12 and who have received authorization by the district superintendent to participate in the DROP beyond 60 months, 96 months immediately following the date on which the member first reaches his or her normal retirement date or the date to which he or she is eligible to defer his or her election to participate as provided in subparagraph (a)2. However, a member who has reached normal retirement date prior to the effective date of the DROP shall be eligible to participate in the DROP for a period of time not to exceed 60 calendar months or, with respect to members who are instructional personnel employed by the Florida School for the Deaf and the Blind and who have received authorization by the Board of Trustees of the Florida School for the Deaf and the Blind to participate in the DROP beyond 60 months, or who are instructional personnel as defined in s. 1012.01(2)(a)-(d) in grades K-12 and who have received authorization by the district superintendent to participate in the DROP beyond 60 months, 96 months immediately following the effective date of the DROP, except a member of the Special Risk Class who has reached normal retirement date prior to the effective date of the DROP and whose total accrued value exceeds 75 percent of average final compensation as of his or her effective date of retirement shall be eligible to participate in the DROP for no more than 36 calendar months immediately following the effective date of the DROP.

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

a. A written election to participate in the DROP;

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

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

d. Any other information required by the division.

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

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

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

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

c. An elected officer who is dually employed and elects to participate in DROP shall be required to satisfy the definition of termination within the 60-month or, with respect to members who are instructional personnel employed by the Florida School for the Deaf and the Blind and who have received authorization by the Board of Trustees of the Florida School for the Deaf and the Blind to participate in the DROP beyond 60 months, or who are instructional personnel as defined in s. 1012.01(2)(a)-(d) in grades K-12 and who have received authorization by the district superintendent to participate in the DROP beyond 60 months, the 96-month limitation period as provided in subparagraph 1. for the nonelected position and may continue employment as an elected officer as provided in s. 121.053. The elected officer will be enrolled as a renewed member in the Elected Officers' Class or the Regular Class, as provided in ss. 121.053 and 121.22, on the first day of the month after termination of employment in the nonelected position and termination of DROP. Distribution of the DROP benefits shall be made as provided in paragraph (c).

(c) Benefits payable under the DROP.—

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

2. Each employee who elects to participate in the DROP shall be allowed to elect to receive a lump-sum payment for accrued annual leave earned in accordance with agency policy upon beginning participation in the DROP. Such accumulated leave payment certified to the division upon commencement of DROP shall be included in the calculation of the member's average

final compensation. The employee electing such lump-sum payment upon beginning participation in DROP will not be eligible to receive a second lump-sum payment upon termination, except to the extent the employee has earned additional annual leave which combined with the original payment does not exceed the maximum lump-sum payment allowed by the employing agency's policy or rules. Such early lump-sum payment shall be based on the hourly wage of the employee at the time he or she begins participation in the DROP. If the member elects to wait and receive such lump-sum payment upon termination of DROP and termination of employment with the employer, any accumulated leave payment made at that time cannot be included in the member's retirement benefit, which was determined and fixed by law when the employee elected to participate in the DROP.

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

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

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

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

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

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

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

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

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

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

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

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

(d) Death benefits under the DROP.—

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

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

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

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

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

(f) Retiree health insurance subsidy.—DROP participants are not eligible to apply for the retiree health insurance subsidy payments as provided in s. 112.363 until such participants have terminated employment and participation in the DROP.

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

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

(i) Contributions.—

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

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

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

(j) Forfeiture of retirement benefits.—Nothing in this section shall be construed to remove DROP participants from the scope of s. 8(d), Art. II of the State Constitution, s. 112.3173, and paragraph (5)(f). DROP participants who commit a specified felony offense while employed will be subject to

forfeiture of all retirement benefits, including DROP benefits, pursuant to those provisions of law.

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

Section 9. Paragraph (b) of subsection (3) and paragraphs (a) and (d) of present subsection (6) of section 220.187, Florida Statutes, are amended, present subsections (5), (6), and (7) of that section are redesignated as subsections (6), (7), and (8), respectively, and a new subsection (5) is added to that section, to read:

220.187 Credits for contributions to nonprofit scholarship-funding organizations.—

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

(b) The total amount of tax credits and carryforward of tax credits ~~credit~~ which may be granted each state fiscal year under this section is ~~\$88~~ \$50 million.

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

~~(7)(6)~~ ADMINISTRATION; RULES.—

(a) If the credit granted pursuant to this section is not fully used in any one year because of insufficient tax liability on the part of the corporation, the unused amount may ~~not~~ be carried forward for a period not to exceed 3 years; however, any taxpayer that seeks to carry forward an unused amount of tax credit must submit an application for allocation of tax credits or carryforward credits as required in paragraph (d) in the year that the taxpayer intends to use the carryforward. The total amount of tax credits and carryforward of tax credits granted each state fiscal year under this section is \$88 million. This carryforward applies to all approved contributions made after January 1, 2002. A taxpayer may not convey, assign, or transfer the credit authorized by this section to another entity unless all of the assets of the taxpayer are conveyed, assigned, or transferred in the same transaction.

(d) The department shall adopt rules necessary to administer this section, including rules establishing application forms and procedures and governing the allocation of tax credits and carryforward credits under this section on a first-come, first-served basis.

Section 10. Paragraph (i) is added to subsection (1) of section 1003.02, Florida Statutes, and subsection (4) of that section is amended, to read:

1003.02 District school board operation and control of public K-12 education within the school district.—As provided in part II of chapter 1001, district school boards are constitutionally and statutorily charged with the operation and control of public K-12 education within their school district. The district school boards must establish, organize, and operate their public K-12 schools and educational programs, employees, and facilities. Their responsibilities include staff development, public K-12 school student education including education for exceptional students and students in juvenile justice programs, special programs, adult education programs, and career and technical education programs. Additionally, district school boards must:

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

(i) Parental notification of acceleration mechanisms.—At the beginning of each school year, notify parents of students in or entering high school of the opportunity and benefits of advanced placement, International Baccalaureate, Advanced International Certificate of Education, dual enrollment, and Florida Virtual School courses.

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

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

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

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

Section 11. Paragraphs (i) and (j) of subsection (1) of section 1003.43, Florida Statutes, are amended to read:

1003.43 General requirements for high school graduation.—

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

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

(j) One credit in physical education to include assessment, improvement, and maintenance of personal fitness. Participation in an interscholastic sport at the junior varsity or varsity level, for two full seasons, shall satisfy the one-credit requirement in physical education if the student passes a competency test on personal fitness with a score of “C” or better. The competency test on personal fitness must be developed by the Department of Education. A district school board may not require that the one credit in physical education be taken during the 9th grade year. Completion of one semester with a grade of “C” or better in a marching band class, ~~or~~ in a physical activity class that requires participation in marching band activities as an extracurricular activity, or in a Reserve Officer Training Corps (R.O.T.C.) class a significant component of which is drills shall satisfy a one-half credit requirement in physical education. This one-half credit may not be used to satisfy the personal fitness requirement or the requirement for adaptive physical education under an individual educational plan (IEP) or 504 plan.

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

Section 12. Section 1003.429, Florida Statutes, is created to read:

1003.429 Accelerated high school graduation options.—

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

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

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

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

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

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

4. Three credits in social sciences;

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

6. Three credits in electives; or

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

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

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

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

4. Three credits in social sciences;

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

6. Three credits in electives.

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

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

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

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

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

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

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

Section 13. Paragraphs (a) and (b) of subsection (1) and subsection (2) of section 1007.261, Florida Statutes, are amended to read:

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

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

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

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

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

(2) The minimum admission standards adopted by the State Board of Education or a university board of trustees must permit a student to earn at least 3 ~~4~~ of the 18 ~~19~~ credits constituting the college-preparatory curriculum required for admission as electives in any one of the following manners:

(a) Successful completion of any course identified in the Department of Education course code directory as level two or higher in one or more of the following subject areas: English, mathematics, natural science, social science, and foreign language;

(b) Successful completion of any course identified in the Department of Education course code directory as level three in the same or related disciplines;

(c) Any combination of the courses identified in paragraphs (a) and (b);
or

(d) Successful completion of two credits from the courses identified in paragraph (a), plus no more than two total credits from the following categories of courses:

1. Courses identified in the Department of Education course code directory as ROTC and military training;

2. Courses identified in the Department of Education course code directory as level two in art-visual arts, dance, drama-theatre arts, language arts, or music; or

3. Any additional courses determined to be equivalent by the Department of Education.

Section 14. Paragraph (a) of subsection (1) of section 1003.436, Florida Statutes, is amended to read:

1003.436 Definition of "credit".—

(1)(a) For the purposes of requirements for high school graduation, one full credit means a minimum of 135 hours of bona fide instruction in a designated course of study that contains student performance standards.

One full credit means a minimum of 120 hours of bona fide instruction in a designated course of study that contains student performance standards for purposes of meeting high school graduation requirements in a district school that has been authorized to implement block scheduling by the district school board. The State Board of Education shall determine the number of postsecondary credit hours earned through dual enrollment pursuant to s. 1007.271 that satisfy the requirements of a district's interinstitutional articulation agreement according to s. 1007.235 and that equal one full credit of the equivalent high school course identified pursuant to s. 1007.271(6).

Section 15. Paragraph (b) of subsection (5) of section 1011.62, Florida Statutes, is amended to read:

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

(5) CATEGORICAL FUNDS.—

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

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

Section 16. Section 1011.69, Florida Statutes, is amended to read:

1011.69 Equity in School-Level Funding Act.—

(1) This section may be cited as the “Equity in School-Level Funding Act.”

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

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

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

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

~~(3) Funds allocated to a school pursuant to this section that are unused at the end of the fiscal year shall not revert to the district, but shall remain with the school. These carryforward funds may be used for any purpose provided by law at the discretion of the principal of the school.~~

~~(4) The following funds are excluded from the school-level allocation under this section:~~

~~(4) Recommendations made by the Governor's Equity in Educational Opportunity Task Force shall be reviewed to identify potential categorical funds to be included in the district allocation methodology required in subsection (2).~~

~~(a)(5) Funds appropriated in the General Appropriations Act for supplemental academic instruction to be used for the purposes described in s. 1011.62(1)(f); and~~

~~(b) Funds appropriated in the General Appropriations Act for the class size reduction operating categorical fund established in s. 1011.685 are excluded from the school-level allocation under this section.~~

Section 17. Subsection (13) is added to section 1013.03, Florida Statutes, to read:

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

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

Section 18. Paragraph (d) is added to subsection (1) of section 1013.31, Florida Statutes, to read:

1013.31 Educational plant survey; localized need assessment; PECO project funding.—

(1) At least every 5 years, each board shall arrange for an educational plant survey, to aid in formulating plans for housing the educational program and student population, faculty, administrators, staff, and auxiliary and ancillary services of the district or campus, including consideration of the local comprehensive plan. The Office of Workforce and Economic Development shall document the need for additional career and adult education programs and the continuation of existing programs before facility construction or renovation related to career or adult education may be included in the educational plant survey of a school district or community college that delivers career or adult education programs. Information used by the Office of Workforce and Economic Development to establish facility needs must include, but need not be limited to, labor market data, needs analysis, and information submitted by the school district or community college.

(d) Periodic update of Florida Inventory of School Houses.—School districts shall periodically update their inventory of educational facilities as new capacity becomes available and as unsatisfactory space is eliminated. The State Board of Education shall adopt rules to determine the time frame in which districts must provide a periodic update.

Section 19. Subsections (2) and (3) of section 1002.37, Florida Statutes, are amended, present subsections (4), (5), and (6) are redesignated as subsections (5), (6), and (7), respectively, and new subsections (3) and (4) are added to that section to read:

1002.37 The Florida Virtual School.—

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

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

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

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

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

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

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

(f)(e) In accordance with law and rules of the State Board of Education, the board of trustees shall administer and maintain personnel programs for

all employees of the board of trustees and the Florida Virtual School. The board of trustees may adopt rules, policies, and procedures related to the appointment, employment, and removal of personnel.

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

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

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

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

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

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

~~(h)~~^(g) The board of trustees shall establish and distribute to all school districts and high schools in the state procedures for enrollment of students in courses offered by the Florida Virtual School. ~~Such procedures shall be~~

designed to minimize paperwork and fairly resolve the issue of double funding students taking courses on-line.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(3)(a) Until fiscal year 2003-2004, the Commissioner of Education shall include the Florida Virtual School as a grant-in-aid appropriation in the department's legislative budget request to the State Board of Education, the Governor, and the Legislature, subject to any guidelines imposed in the General Appropriations Act.~~

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

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

Section 20. Paragraph (c) of subsection (1) of section 1011.61, Florida Statutes, is amended to read:

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

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

(c)1. A “full-time equivalent student” is:

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

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

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

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

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

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

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

Section 21. Florida Business and Education in School Together (Florida BEST) Program.—

(1) In order to increase business partnerships in education, to reduce school and classroom overcrowding throughout the state, and to offset the high costs of educational facilities construction, the Legislature intends to encourage the formation of partnerships between business and education by

creating the Florida Business and Education in School Together (Florida BEST) Program.

(2) Each school board shall, through advertisements in local media and other means, request proposals from area businesses to allow the operation of a business and education partnership school in facilities owned or operated by the business.

(3) Each school district shall establish a Florida BEST school evaluation committee.

(a) The committee shall be appointed by the school board and be composed of one school district administrator, at least one member of the business community, and at least one member of a local chamber of commerce.

(b) The committee shall evaluate the feasibility of each proposal, including the operating cost, number of students to be served, proposed student-to-teacher ratio, proposed number of years the satellite school would operate, and any other operational or facilities considerations the school board or committee deems appropriate.

(c) The committee shall recommend to the school board those proposals for satellite schools which the committee deems viable and worthy of being established. The school board must take official action on the recommendation of the committee within 60 days after receipt of the recommendation.

(4) A "Florida Business and Education in School Together (Florida BEST) school" is defined as a public school offering instruction to students from kindergarten through third grade. The school may offer instruction in any single grade level or for multiple grade levels. Florida BEST schools shall comply with the constitutional class size requirements.

(a) First priority for admission of students to the Florida BEST school shall be given to the children of owners and employees of the host business. If additional student capacity remains after those children are admitted, the host business may choose which other neighboring businesses may also participate to generate a viable number of students for the school. The school board shall make the necessary arrangements to accommodate students from other school districts whose parents are associated with the host business or business partners.

(b) Parents shall be responsible for providing transportation to and from school for the students.

(5) A multiyear contract for operation of the Florida BEST school may be entered into between the school district and the host business. The contract must at least include provisions relating to any cost of facilities modifications, provide for the assignment or waiver of appropriate insurance costs, specify the number of students expected to be served, provide grounds for canceling the lease, and specify the advance notice required before the school may be closed.

(a) The school board shall be responsible for providing the appropriate instructional, support, and administrative staff and textbooks, materials,

and supplies. The school district may also agree to operate or contract for the operation of a before school and after school program using the donated facilities.

(b) The host business shall provide the appropriate types of space for operating the school. If special facilities, such as restrooms or dining, recreational, or other areas are required, the district may contribute a part of the cost of the construction, remodeling, or renovation for such facilities from capital outlay funds of the district. A multiyear lease for operation of the facility must be agreed to if the school district contributes to the cost of such construction.

Section 22. Notwithstanding any local government ordinance or regulation, any business or corporation may expand the square footage or floor area of its current or proposed facility to accommodate a Florida Business and Education in School Together (Florida BEST) school. Facilities constructed to house a Florida BEST school must comply with the State Uniform Building Code for Educational Facilities Construction adopted pursuant to section 1013.37, Florida Statutes, and must meet state and local health, environmental, and safety laws and codes.

Section 23. Subsection (13) of section 1002.33, Florida Statutes, as created by section 98 of chapter 2002-387, Laws of Florida; section 1012.41, Florida Statutes, as created by section 716 of chapter 2002-387, Laws of Florida; section 1013.43, Florida Statutes, as created by section 842 of chapter 2002-387, Laws of Florida; and section 1012.73, Florida Statutes, as created by section 751 of chapter 2002-387, Laws of Florida, are repealed.

Section 24. Subsection (13) is added to section 216.292, Florida Statutes, to read:

216.292 Appropriations nontransferable; exceptions.—

(13) The Executive Office of the Governor shall transfer funds from appropriations for public school operations to a fixed capital outlay appropriation for class size reduction based on recommendations of the Florida Education Finance Program Appropriation Allocation Conference or the Legislative Budget Commission pursuant to s. 1003.03(4)(a). This subsection is subject to the notice and review provisions of s. 216.177.

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

1003.62 Academic performance-based charter school districts pilot program.—The State Board of Education may is authorized to enter into a performance contract with up to six district school boards as authorized in this section for the purpose of establishing them as academic performance-based charter school districts. The State Board of Education shall give priority to Hillsborough and Volusia Counties upon the submission of a completed precharter agreement or charter proposal for a charter school district. The purpose of this section pilot program is to examine a new relationship between the State Board of Education and district school boards that will may produce significant improvements in student achievement and school

management, while complying with constitutional and statutory requirements assigned to each entity.

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

(a) A school district shall be eligible for designation as an academic performance-based charter school district if it is a high-performing school district in which a minimum of 50 percent of the schools earn a performance grade category “A” or “B” and in which no school earns a performance grade category “D” or “F” for 2 consecutive years pursuant to s. 1008.34. Schools that receive a performance grade category “I” or “N” shall not be included in this calculation. The performance contract for a school district that earns a charter based on school performance grades shall be predicated on maintenance of at least 50 percent of the schools in the school district earning a performance grade category “A” or “B” with no school in the school district earning a performance grade category “D” or “F” for 2 consecutive years. A school district in which the number of schools that earn a performance grade of “A” or “B” is less than 50 percent may have its charter renewed for 1 year; however, if the percentage of “A” or “B” schools is less than 50 percent for 2 consecutive years, the charter shall not be renewed.

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

(2) EXEMPTION FROM STATUTES AND RULES.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 26. Paragraphs (b) and (d) of subsection (6) of section 1013.64, Florida Statutes, are amended to read:

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

(6)

(b)1. A district school board, including a district school board of an academic performance-based charter school district, must not use funds from the following sources: Public Education Capital Outlay and Debt Service Trust Fund; ~~or the School District and Community College District Capital Outlay and Debt Service Trust Fund~~; Classrooms First Program funds provided in s. 1013.68; effort index grant funds provided in s. 1013.73; nonvoted

2-mill levy of ad valorem property taxes provided in s. 1011.71(2); Classrooms for Kids Infrastructure Program funds provided in s. 1013.735; or District Effort Recognition Program funds provided in s. 1013.736 for any new construction of educational plant space with a total cost per student station, including change orders, that equals more than:

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

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

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

(d) The department shall:

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

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

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

Section 27. Section 1000.041, Florida Statutes, is created to read:

1000.041 Better Educated Students and Teachers (BEST) Florida Teaching; legislative purposes; guiding principles.—The legislative purposes and guiding principles of BEST Florida Teaching are:

- (1) Teachers lead, students learn.
- (2) Teachers maintain orderly, disciplined classrooms conducive to student learning.
- (3) Teachers are trained, recruited, well compensated, and retained for quality.
- (4) Teachers are well rewarded for their students' high performance.
- (5) Teachers are most effective when served by exemplary school administrators.

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

Section 28. Section 1001.33, Florida Statutes, is amended to read:

1001.33 Schools under control of district school board and district school superintendent.—

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

(2) Each district school board, each district school superintendent, and each district and school-based administrator shall cooperate to apply the following guiding principles of Better Educated Students and Teachers (BEST) Florida Teaching:

- (a) Teachers lead, students learn.
- (b) Teachers maintain orderly, disciplined classrooms conducive to student learning.
- (c) Teachers are trained, recruited, well compensated, and retained for quality.
- (d) Teachers are well rewarded for their students' high performance.
- (e) Teachers are most effective when served by exemplary school administrators.

Section 29. Subsections (5), (6), and (20) of section 1001.42, Florida Statutes, are amended to read:

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

- (5) PERSONNEL.—

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

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

(c) Fully support and cooperate in the application of the guiding principles of Better Educated Students and Teachers (BEST) Florida Teaching, pursuant to s. 1000.041.

(6) STUDENT CHILD WELFARE.—

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

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

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

Section 30. Present subsection (23) of section 1001.51, Florida Statutes, is redesignated as subsection (25), and new subsections (23) and (24) are added to that section to read:

1001.51 Duties and responsibilities of district school superintendent.—The district school superintendent shall exercise all powers and perform all duties listed below and elsewhere in the law, provided that, in so doing, he or she shall advise and counsel with the district school board. The district school superintendent shall perform all tasks necessary to make sound recommendations, nominations, proposals, and reports required by law to be acted upon by the district school board. All such recommendations, nominations, proposals, and reports by the district school superintendent shall be either recorded in the minutes or shall be made in writing, noted in the

minutes, and filed in the public records of the district school board. It shall be presumed that, in the absence of the record required in this section, the recommendations, nominations, and proposals required of the district school superintendent were not contrary to the action taken by the district school board in such matters.

(23) QUALITY TEACHERS.—Fully support and cooperate in the application of the guiding principles of Better Educated Students and Teachers (BEST) Florida Teaching, pursuant to s. 1000.041.

(24) ORDERLY CLASSROOMS AND SCHOOL BUSES.—Fully support the authority of each teacher and school bus driver to remove disobedient, disrespectful, violent, abusive, uncontrollable, or disruptive students from the classroom and the school bus and the authority of the school principal to place such students in an alternative educational setting, when appropriate and available.

Section 31. Subsection (1) of section 1001.54, Florida Statutes, is amended to read:

1001.54 Duties of school principals.—

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

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

(c) The school principal shall encourage school personnel to implement the guiding principles for Better Educated Students and Teachers (BEST) Florida Teaching, pursuant to s. 1000.041.

(d) The school principal shall fully support the authority of each teacher and school bus driver to remove disobedient, disrespectful, violent, abusive, uncontrollable, or disruptive students from the classroom and the school bus and, when appropriate and available, place such students in an alternative educational setting.

Section 32. Subsection (22) is added to section 1002.20, Florida Statutes, to read:

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

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

Section 33. Subsection (13) of section 1002.42, Florida Statutes, is amended to read:

1002.42 Private schools.—

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

Section 34. Section 1003.04, Florida Statutes, is amended to read:

1003.04 Student conduct and parental involvement goals.—

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

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

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

Section 35. Subsection (1) of section 1003.31, Florida Statutes, is amended to read:

1003.31 Students subject to control of school.—

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

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

(b) During the time she or he is attending school;

(c) During the time she or he is on the school premises participating with authorization in a school-sponsored activity; and

(d) During a reasonable time before and after the student is on the premises for attendance at school or for authorized participation in a school-sponsored activity, and only when on the premises,

be under the control and direction of the principal or teacher in charge of the school, and under the immediate control and direction of the teacher or other member of the instructional staff or of the bus driver to whom such responsibility may be assigned by the principal. However, the State Board of Education or the district school board may, by rules, subject each student to the control and direction of the principal or teacher in charge of the school

during the time she or he is otherwise en route to or from school or is presumed by law to be attending school. Each district school board, each district school superintendent, and each school principal shall fully support the authority of teachers, according to s. 1003.32, and school bus drivers to remove disobedient, disrespectful, violent, abusive, uncontrollable, or disruptive students from the classroom and the school bus and, when appropriate and available, place such students in an alternative educational setting.

Section 36. Section 1003.32, Florida Statutes, is amended to read:

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

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

- (a) Establish classroom rules of conduct.
- (b) Establish and implement consequences, designed to change behavior, for infractions of classroom rules.
- (c) Have disobedient, disrespectful, violent, abusive, uncontrollable, or disruptive students ~~temporarily~~ removed from the classroom for behavior management intervention.
- (d) Have violent, abusive, uncontrollable, or disruptive students directed for information or assistance from appropriate school or district school board personnel.
- (e) Assist in enforcing school rules on school property, during school-sponsored transportation, and during school-sponsored activities.
- (f) Request and receive information as to the disposition of any referrals to the administration for violation of classroom or school rules.
- (g) Request and receive immediate assistance in classroom management if a student becomes uncontrollable or in case of emergency.
- (h) Request and receive training and other assistance to improve skills in classroom management, violence prevention, conflict resolution, and related areas.
- (i) Press charges if there is a reason to believe that a crime has been committed ~~against the teacher or other instructional personnel~~ on school

property, during school-sponsored transportation, or during school-sponsored activities.

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

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

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

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

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

(2) Teachers and other instructional personnel shall:

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

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

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

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

(3) A teacher may send a student to the principal's office to maintain effective discipline in the classroom and may recommend an appropriate consequence consistent with the student code of conduct under s. 1006.07. The principal shall respond by employing the teacher's recommended consequence or a more serious disciplinary action if the student's history of disruptive behavior warrants it. If the principal determines that a lesser disciplinary action is appropriate, the principal should consult with the teacher prior to taking disciplinary action ~~appropriate discipline-management techniques consistent with the student code of conduct under s. 1006.07.~~

(4) A teacher may remove from class a student whose behavior the teacher determines interferes with the teacher's ability to communicate

effectively with the students in the class or with the ability of the student's classmates to learn. Each district school board, each district school superintendent, and each school principal shall support the authority of teachers to remove disobedient, violent, abusive, uncontrollable, or disruptive students from the classroom.

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

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

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

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

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

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

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

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

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

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

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

Section 37. Section 1004.04, Florida Statutes, is amended to read:

1004.04 Public accountability and state approval for teacher preparation programs.—

(1) INTENT.—

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

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

(2) UNIFORM CORE CURRICULA.—

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

(b) The rules to establish uniform core curricula for each state-approved teacher preparation program must include, but are not limited to, a State Board of Education identified foundation in scientifically researched, knowledge-based reading literacy and computational skills acquisition; classroom

management; school safety; professional ethics; educational law; human development and learning; and understanding of the Sunshine State Standards content measured by state achievement tests, reading and interpretation of data, and use of data to improve student achievement.

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

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

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

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

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

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

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

(4)(3) INITIAL STATE PROGRAM APPROVAL.—

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

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

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

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

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

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

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

(b) Additional criteria for continued program approval for public institutions may be approved by the State Board of Education. Such criteria must emphasize instruction in classroom management and must provide for the evaluation of the teacher candidates' performance in this area. The criteria shall also require instruction in working with underachieving students. Program evaluation procedures must include, but are not limited to, program graduates' satisfaction with instruction and the program's responsiveness to local school districts. Additional criteria for continued program approval for nonpublic institutions shall be developed in the same manner as for public institutions; however, such criteria must be based upon significant, objective, and quantifiable graduate performance measures. Responsibility for collecting data on outcome measures through survey instruments and other appropriate means shall be shared by the postsecondary educational institutions and the Department of Education. By January 1 of each year, the Department of Education shall report this information for each postsecondary educational institution that has state-approved programs of

teacher education to the Governor, the State Board of Education, the Commissioner of Education, the President of the Senate, the Speaker of the House of Representatives, all Florida postsecondary teacher preparation programs, and interested members of the public. This report must analyze the data and make recommendations for improving teacher preparation programs in the state.

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

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

(e) Continued approval of teacher preparation programs is contingent upon compliance with the student admission requirements of subsection (4) (3) and upon the receipt of at least a satisfactory rating from public schools and private schools that employ graduates of the program. Each teacher preparation program shall guarantee the high quality of its graduates during the first 2 years immediately following graduation from the program or following initial certification, whichever occurs first. Any educator in a Florida school who fails to demonstrate the essential skills specified in subparagraphs 1.-5. shall be provided additional training by the teacher preparation program at no expense to the educator or the employer. Such training must consist of an individualized plan agreed upon by the school district and the postsecondary educational institution that includes specific learning outcomes. The postsecondary educational institution assumes no responsibility for the educator's employment contract with the employer. Employer satisfaction shall be determined by an annually administered survey instrument approved by the Department of Education that, at a minimum, must include employer satisfaction of the graduates' ability to do the following:

1. Write and speak in a logical and understandable style with appropriate grammar.
2. Recognize signs of students' difficulty with the reading and computational process and apply appropriate measures to improve students' reading and computational performance.
3. Use and integrate appropriate technology in teaching and learning processes.

4. Demonstrate knowledge and understanding of Sunshine State Standards.

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

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

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

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

c. Satisfaction ratings required in paragraph (e).

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

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

b. Satisfaction ratings of graduates' employers.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(11)(10) TEACHER EDUCATION PILOT PROGRAMS FOR HIGH-ACHIEVING STUDENTS.—Pilot teacher preparation programs may shall be established with the authorization of the Commissioner of Education at colleges and universities with state-approved teacher education programs at the University of Central Florida, the University of North Florida, and

the University of South Florida. These programs shall include a year-long paid teaching assignment and competency-based learning experiences and shall be designed to encourage high-achieving students, as identified by the institution, to pursue a career in education. Priority consideration shall be given to students obtaining academic degrees in mathematics, science, engineering, reading, or identified critical shortage areas. Students chosen to participate in the pilot programs shall agree to teach for at least 3 1 years year after they receive their degrees. Criteria for identifying high-achieving students shall be developed by the institution and shall include, at a minimum, requirements that the student have a 3.3 grade point average or above and that the student has demonstrated mastery of general knowledge pursuant to s. 1012.56. The year-long paid teaching assignment shall begin after completion of the equivalent of 3 years of the state university teacher preparation program.

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

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

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

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

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

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

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

(b) Beginning in July 2003, each institution participating in the pilot program shall submit to the Commissioner of Education an annual report evaluating the effectiveness of the program. The report shall include, but shall not be limited to, the number of students selected for the pilot program, the number of students successfully completing the pilot program, the number of program participants who passed all required examinations, the number of program participants who successfully demonstrated all required competencies, and a followup study to determine the number of pilot program completers who were employed in a teaching position and employers' satisfaction with the performance of pilot program completers based upon student performance.

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

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

Section 38. Subsection (1) of section 1006.08, Florida Statutes, is amended to read:

1006.08 District school superintendent duties relating to student discipline and school safety.—

(1) The district school superintendent shall recommend plans to the district school board for the proper accounting for all students of school age, for the attendance and control of students at school, and for the proper attention to health, safety, and other matters which will best promote the welfare of students. Each district school superintendent shall fully support the authority of his or her principals, teachers, and school bus drivers to remove disobedient, disrespectful, violent, abusive, uncontrollable, or disruptive students from the classroom and the school bus and, when appropriate and available, to place such students in an alternative educational setting. When the district school superintendent makes a recommendation for expulsion to the district school board, he or she shall give written notice to the student and the student's parent of the recommendation, setting forth the charges against the student and advising the student and his or her parent of the student's right to due process as prescribed by ss. 120.569 and 120.57(2). When district school board action on a recommendation for the expulsion of a student is pending, the district school superintendent may extend the suspension assigned by the principal beyond 10 school days if such suspension period expires before the next regular or special meeting of the district school board.

Section 39. Paragraph (a) of subsection (1) of section 1006.09, Florida Statutes, is amended to read:

1006.09 Duties of school principal relating to student discipline and school safety.—

(1)(a) Subject to law and to the rules of the State Board of Education and the district school board, the principal in charge of the school or the principal's designee shall develop policies for delegating to any teacher or other member of the instructional staff or to any bus driver transporting students of the school responsibility for the control and direction of students. Each school principal shall fully support the authority of his or her teachers and school bus drivers to remove disobedient, disrespectful, violent, abusive, uncontrollable, or disruptive students from the classroom and the school bus and, when appropriate and available, place such students in an alternative educational setting. The principal or the principal's designee must give full consideration to ~~shall consider~~ the recommendation for discipline made by a teacher, other member of the instructional staff, or a bus driver when making a decision regarding student referral for discipline.

Section 40. Section 1012.05, Florida Statutes, is amended to read:

1012.05 Teacher recruitment and retention.—

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

(2) The Department of Education shall:

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

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

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

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

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

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

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

(h) Provide information related to certification procedures.

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

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

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

(l) Develop, in consultation with Workforce Florida, Inc., and the Agency for Workforce Innovation, created pursuant to ss. 445.004 and 20.50, respectively, a plan for accessing and identifying available resources in the state's workforce system for the purpose of enhancing teacher recruitment and retention.

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

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

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

Section 41. Section 1012.231, Florida Statutes, is created to read:

1012.231 BEST Florida Teaching salary career ladder program; assignment of teachers.—

(1) SALARY CAREER LADDER FOR CLASSROOM TEACHERS.—Beginning with the 2004-2005 academic year, each district school board shall implement a salary career ladder for classroom teachers as defined in s. 1012.01(2)(a). Performance shall be defined as designated in s. 1012.34(3)(a)1.-7. District school boards shall designate categories of classroom teachers reflecting these salary career ladder levels as follows:

(a) Associate teacher.—Classroom teachers in the school district who have not yet received a professional certificate or those with a professional certificate who are evaluated as low-performing teachers.

(b) Professional teacher.—Classroom teachers, in the school district who have received a professional certificate.

(c) Lead teacher.—Classroom teachers in the school district who are responsible for leading others in the school as department chair, lead teacher, grade-level leader, intern coordinator, or professional development coordinator. Lead teachers must participate on a regular basis in the direct instruction of students and serve as faculty for professional development activities as determined by the State Board of Education. To be eligible for designation as a lead teacher, a teacher must demonstrate outstanding performance pursuant to s. 1012.34(3)(a)1.-7. and must have been a “professional teacher” pursuant to paragraph (b) for at least 1 year.

(d) Mentor teacher.—Classroom teachers in the school district who serve as regular mentors to other teachers who are either not performing satisfactorily or who strive to become more proficient. Mentor teachers must serve as faculty-based professional development coordinators and regularly demonstrate and share their expertise with other teachers in order to remain mentor teachers. Mentor teachers must also participate on a regular basis in the direct instruction of low-performing students. To be eligible for designation as a mentor teacher, a teacher must demonstrate outstanding performance pursuant to s. 1012.34(3)(a)1.-7. and must have been a “lead teacher” pursuant to paragraph (c) for at least two years.

Promotion of a teacher to a higher level on the salary career ladder shall be based upon prescribed performance criteria and not based upon length of service.

(2) TEACHER ASSIGNMENT.—School districts may not assign a higher percentage than the school district average of first-time teachers, temporarily certified teachers, teachers in need of improvement, or out-of-field teachers to schools with above the school district average of minority and economically disadvantaged students or schools that are graded “D” or “F.” District school boards are authorized to provide salary incentives to meet this requirement. No district school board shall sign a collective bargaining agreement that fails to provide sufficient incentives to meet this requirement.

(3) STATE BOARD AND SCHOOL DISTRICT PLANS.—The State Board of Education shall develop a long-range plan to implement a differentiated pay model for teachers beginning in the 2004-2005 academic year, based upon the differentiated classroom teacher categories in subsection (1). No later than December 1, 2003, the State Board of Education shall approve guidelines and criteria for the district plans. District school boards shall develop plans to implement the salary career ladder prescribed in this section and submit these plans to the State Board of Education by March 1, 2004.

Section 42. Section 1012.27, Florida Statutes, is amended to read:

1012.27 Public school personnel; powers and duties of district school superintendent.—The district school superintendent is ~~shall be~~ responsible, ~~as required herein,~~ for directing the work of the personnel, subject to the requirements of this chapter, and in addition the district school superintendent shall perform ~~have~~ the following duties:

(1) POSITIONS, QUALIFICATIONS, AND NOMINATIONS.—

(a) Recommend to the district school board duties and responsibilities which need to be performed and positions which need to be filled to make possible the development of an adequate school program in the district.

(b) Recommend minimum qualifications of personnel for these various positions, and nominate in writing persons to fill such positions.

The district school superintendent's recommendations for filling instructional positions at the school level must consider nominations received from school principals of the respective schools. Before transferring a teacher who holds a professional teaching certificate from one school to another, the district school superintendent shall consult with the principal of the receiving school and allow the principal to review the teacher's records and interview the teacher. If, in the judgment of the principal, students would not benefit from the placement, an alternative placement may be sought.

(2) COMPENSATION AND SALARY SCHEDULES.—Prepare and recommend to the district school board for adoption a salary schedule or salary schedules. The district school superintendent must recommend a salary schedule for instructional personnel which bases a portion of each employee's compensation on performance demonstrated under s. 1012.34. In developing the recommended salary schedule, the district school superintendent shall include input from parents, teachers, and representatives of the business community. Beginning with the 2004-2005 academic year, the recommended salary schedule for classroom teachers shall be consistent with the district's career ladder based upon s. 1012.231.

(3) CONTRACTS AND TERMS OF SERVICE.—Recommend to the district school board terms for contracting with employees and prepare such contracts as are approved.

(4) TRANSFER.—Recommend employees for transfer and transfer any employee during any emergency and report the transfer to the district school board at its next regular meeting.

(5) SUSPENSION AND DISMISSAL.—Suspend members of the instructional staff and other school employees during emergencies for a period extending to and including the day of the next regular or special meeting of the district school board and notify the district school board immediately of such suspension. When authorized to do so, serve notice on the suspended member of the instructional staff of charges made against him or her and of the date of hearing. Recommend employees for dismissal under the terms prescribed herein.

(6) DIRECT WORK OF EMPLOYEES AND SUPERVISE INSTRUCTION.—Direct or arrange for the proper direction and improvement, under rules of the district school board, of the work of all members of the instructional staff and other employees of the district school system, supervise or arrange under rules of the district school board for the supervision of instruction in the district, and take such steps as are necessary to bring about continuous improvement.

Section 43. Subsections (1), (2), (3), (4), and (5) of section 1012.56, Florida Statutes, are amended to read:

1012.56 Educator certification requirements.—

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

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

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

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

(a) Be at least 18 years of age.

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

(c) Document receipt of a bachelor's or higher degree from an accredited institution of higher learning, or a nonaccredited institution of higher learning that the Department of Education has identified as having a quality program resulting in a bachelor's degree, or higher. Each applicant seeking initial certification must have attained at least a 2.5 overall grade point average on a 4.0 scale in the applicant's major field of study. The applicant may document the required education by submitting official transcripts from institutions of higher education or by authorizing the direct submission of such official transcripts through established electronic network systems. The bachelor's or higher degree may not be required in areas approved in rule by the State Board of Education as nondegreed areas.

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

(e) Be of good moral character.

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

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

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

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

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

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

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

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

(d) A valid ~~standard teaching certificate issued by another state and valid certificate issued by the National Board for Professional Teaching Standards; or~~

(e) Documentation of two semesters of successful teaching in a community college, state university, or private college or university that awards an associate or higher degree and is an accredited institution or an institution of higher education identified by the Department of Education as having a quality program. A valid standard teaching certificate issued by another state and documentation of 2 years of continuous successful full-time teaching or administrative experience during the 5-year period immediately preceding the date of application for certification.

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

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

(b) Completion of the subject area specialization requirements specified in state board rule and verification of the attainment of the essential subject matter competencies by the district school superintendent of the employing school district or chief administrative officer of the employing state-supported or private school for a subject area for which a subject area examination has not been developed and required by state board rule;

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

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

(e) ~~A valid standard teaching certificate issued by another state and~~ valid certificate issued by the National Board for Professional Teaching Standards; ~~or~~

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

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

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

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

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

(d) ~~A valid standard teaching certificate issued by another state and~~ valid certificate issued by the National Board for Professional Teaching Standards;

(e) Documentation of two semesters of successful teaching in a community college, state university, or private college or university that awards an associate or higher degree and is an accredited institution or an institution of higher education identified by the Department of Education as having a quality program ~~A valid standard teaching certificate issued by another state and documentation of 2 years of continuous successful full-time teaching or administrative experience during the 5-year period immediately preceding the date of application for certification;~~

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

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

Section 44. Subsection (1) of section 1012.57, Florida Statutes, is amended to read:

1012.57 Certification of adjunct educators.—

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

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

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

Section 45. Paragraph (a) of subsection (1), subsection (2), and paragraph (a) of subsection (3) of section 1012.585, Florida Statutes, are amended to read:

1012.585 Process for renewal of professional certificates.—

(1)(a) District school boards ~~in this state~~ shall renew state-issued professional certificates as follows:

1. Each district school board shall renew state-issued professional certificates for individuals who hold a state-issued professional certificate ~~by this state~~ and are employed by that district pursuant to criteria established in subsections (2), (3), and (4) and rules of the State Board of Education.

2. The employing school district may charge the individual an application fee not to exceed the amount charged by the Department of Education for such services, including associated late renewal fees. Each district school board shall transmit monthly to the department a fee in an amount established by the State Board of Education for each renewed certificate. The fee shall not exceed the actual cost for maintenance and operation of the state-wide certification database and for the actual costs incurred in printing and mailing such renewed certificates. As defined in current rules of the state board, the department shall contribute a portion of such fee for purposes of funding the Educator Recovery Network established in s. 1012.798. The department shall deposit all funds into the Educational Certification Trust Fund for use as specified in s. 1012.59.

(2)(a) All professional certificates, except a nonrenewable professional certificate, shall be renewable for successive periods not to exceed 5 years after the date of submission of documentation of completion of the requirements for renewal provided in subsection (3). Only one renewal may be granted during each 5-year validity period of a professional certificate.

(b) A teacher with national certification from the National Board for Professional Teaching Standards is deemed to meet state renewal requirements for the life of the teacher's national certificate in the subject shown on the national certificate. A complete renewal application and fee shall be submitted. The Commissioner of Education shall notify teachers of the renewal application and fee requirements.

(c) If the renewal application form is not received by the department or by the employing school district before the expiration of the professional certificate, the application form, application fee, and a late fee must be submitted before July 1 of the year following expiration of the certificate in order to renew the professional certificate.

(d) The State Board of Education shall adopt rules to allow a 1-year extension of the validity period of a professional certificate in the event of serious illness, injury, or other extraordinary extenuating circumstances of the applicant. The department shall grant such 1-year extension upon written request by the applicant or by the district school superintendent or the governing authority of a university lab school, state-supported school, or private school that employs the applicant.

(3) For the renewal of a professional certificate, the following requirements must be met:

(a) The applicant must earn a minimum of 6 college credits or 120 inservice points or a combination thereof. For each area of specialization to be

retained on a certificate, the applicant must earn at least 3 of the required credit hours or equivalent inservice points in the specialization area. Education in “clinical educator” training pursuant to s. 1004.04(6)(b) ~~1004.04(5)(b)~~ and credits or points that provide training in the area of scientifically researched, knowledge-based reading literacy and computational skills acquisition, exceptional student education, normal child development, and the disorders of development may be applied toward any specialization area. Credits or points that provide training in the areas of drug abuse, child abuse and neglect, strategies in teaching students having limited proficiency in English, or dropout prevention, or training in areas identified in the educational goals and performance standards adopted pursuant to ss. 1000.03(5) and 1001.23 may be applied toward any specialization area. Credits or points earned through approved summer institutes may be applied toward the fulfillment of these requirements. Inservice points may also be earned by participation in professional growth components approved by the State Board of Education and specified pursuant to s. 1012.98 in the district’s approved master plan for inservice educational training, including, but not limited to, serving as a trainer in an approved teacher training activity, serving on an instructional materials committee or a state board or commission that deals with educational issues, or serving on an advisory council created pursuant to s. 1001.452.

Section 46. Section 1012.586, Florida Statutes, is created to read:

1012.586 Additions or changes to certificates; duplicate certificates.—A school district may process via a Department of Education website certificates for the following applications of public school employees:

(1) Addition of a subject coverage or endorsement to a valid Florida certificate on the basis of the completion of the appropriate subject area testing requirements of s. 1012.56(4)(a) or the completion of the requirements of an approved school district program or the inservice components for an endorsement.

(2) A reissued certificate to reflect a name change.

(3) A duplicate certificate to replace a lost or damaged certificate.

The employing school district shall charge the employee a fee not to exceed the amount charged by the Department of Education for such services. Each district school board shall retain a portion of the fee as defined in the rules of the State Board of Education. The portion sent to the department shall be used for maintenance of the technology system, the web application, and posting and mailing of the certificate.

Section 47. Subsection (2), paragraph (b) of subsection (3), and subsections (5), (6), (7), (8), (9), (10), and (11) of section 1012.98, Florida Statutes, are amended to read:

1012.98 School Community Professional Development Act.—

(2) The school community includes students and parents, administrative personnel, managers, instructional personnel, support personnel, members

of district school boards, members of school advisory councils, ~~parents, business partners, and personnel that provide health and social services to students school children.~~ School districts may identify and include additional members of the school community in the professional development activities required by this section.

(3) The activities designed to implement this section must:

(b) Assist the school community in providing stimulating, scientifically research-based educational activities that encourage and motivate students to achieve at the highest levels and to become active learners.

~~(5)(a) The Department of Education shall provide a system for the recruitment, preparation, and professional development of school administrative personnel. This system shall:~~

~~1. Identify the knowledge, competencies, and skills necessary for effective school management and instructional leadership that align with student performance standards and accountability measures.~~

~~2. Include performance evaluation methods.~~

~~3. Provide for alternate means for preparation of school administrative personnel which may include programs designed by school districts and postsecondary educational institutions pursuant to guidelines developed by the commissioner. Such preparation programs shall be approved by the Department of Education.~~

~~4. Provide for the hiring of qualified out-of-state school administrative personnel.~~

~~5. Provide advanced educational opportunities for school-based instructional leaders.~~

~~(b) The Commissioner of Education shall appoint a task force that includes a district school superintendent, a district school board member, a principal, an assistant principal, a teacher, a dean of a college of education, and parents. The task force shall convene periodically to provide recommendations to the department in the areas of recruitment, certification, preparation, professional development, and evaluation of school administrators.~~

~~(5)(6)~~ Each district school board shall provide funding for the professional development system as required by s. 1011.62 and the General Appropriations Act, and shall direct expenditures from other funding sources to strengthen the system and make it uniform and coherent. A school district may coordinate its professional development program with that of another district, with an educational consortium, or with a community college or university, especially in preparing and educating personnel. Each district school board shall make available inservice activities to instructional personnel of nonpublic schools in the district and the state certified teachers who are not employed by the district school board on a fee basis not to exceed the cost of the activity per all participants.

(6)(7) An organization of private schools which has no fewer than 10 member schools in this state, which publishes and files with the Department of Education copies of its standards, and the member schools of which comply with the provisions of part II of chapter 1003, relating to compulsory school attendance, may also develop a professional development system that includes a master plan for inservice activities. The system and inservice plan must be submitted to the commissioner for approval pursuant to rules of the State Board of Education.

(7)(8) The Department of Education shall design methods by which the state and district school boards may evaluate and improve the professional development system. The evaluation must include an annual assessment of data that indicate progress or lack of progress of all students. If the review of the data indicates progress, the department shall identify the best practices that contributed to the progress. If the review of the data indicates a lack of progress, the department shall investigate the causes of the lack of progress, provide technical assistance, and require the school district to employ a different approach to professional development. The department shall report annually to the State Board of Education and the Legislature any school district that, in the determination of the department, has failed to provide an adequate professional development system. This report must include the results of the department's investigation and of any intervention provided.

(8)(9) The State Board of Education may adopt rules pursuant to ss. 120.536(1) and 120.54 to administer this section.

(9)(10) This section does not limit or discourage a district school board from contracting with independent entities for professional development services and inservice education if the district school board can demonstrate to the Commissioner of Education believes that, through such a contract, a better product can be acquired or its goals for education improvement can be better met.

(10)(11) For teachers, managers, and administrative personnel who have been evaluated as less than satisfactory, a district school board shall require participation in specific professional development programs as part of the improvement prescription.

Section 48. Paragraph (b) of subsection (1) of section 1009.531, Florida Statutes, is amended to read:

1009.531 Florida Bright Futures Scholarship Program; student eligibility requirements for initial awards.—

(1) To be eligible for an initial award from any of the three types of scholarships under the Florida Bright Futures Scholarship Program, a student must:

(b) Earn a standard Florida high school diploma or its equivalent as described in s. 1003.429, s. 1003.43, or s. 1003.435 ~~1003.45~~ unless:

1. The student is enrolled full time in the early admission program of an eligible postsecondary education institution or completes a home education program according to s. 1002.41; or

2. The student earns a high school diploma from a non-Florida school while living with a parent or guardian who is on military or public service assignment away from Florida.

Section 49. Part VIII of chapter 159, Florida Statutes, consisting of sections 159.831, 159.832, 159.833, 159.834, and 159.835, is created to read:

159.831 Short title.—This part may be cited as the “Florida Qualified Public Educational Facilities Private Activity Bond Allocation Act.”

159.832 Purpose.—The purpose of this part is to allocate the state volume limitation imposed by s. 142(k)(5)(A) of the code on private activity bonds to finance qualified public educational facilities. No private activity bond subject to the limitation in s. 142(k)(5)(A) of the code shall be issued in this state unless a written confirmation therefor is issued pursuant to this part.

159.833 Definitions.—As used in this part, the term:

(1) “Board” means the State Board of Education, created pursuant to Section 2, Article IX of the State Constitution.

(2) “Code” means the Internal Revenue Code of 1986, as amended, and the regulations and rulings issued thereunder.

(3) “Commissioner” means the Commissioner of Education.

(4) “Department” means the Department of Education, created pursuant to s. 20.15.

(5) “Issued” has the same meaning as in the code.

(6) “Private activity bond” means any bond described in s. 141 of the code.

(7) “Qualified Public Educational Facility” means a facility described in s. 142(k)(1) of the code.

159.834 Allocation of state volume limitation.—

(1) By February 1, 2004, the board shall establish a program for allocating the state volume limitation imposed by s. 142(k)(5)(A) of the code on private activity bonds to finance qualified public educational facilities. Such program shall include objective criteria to be considered in determining whether to grant a request for such volume limitation, including, but not limited to, the need for a qualified public educational facility in the area proposed in the application, the number of students to be served by such facility, and the cost effectiveness of the proposed facility. The program shall be administered by the department.

(2) The department shall annually determine the amount of private activity bonds for qualified public educational facilities permitted to be issued

in this state under s. 142 (k)(5) of the code and shall make such information available upon request to any person or agency.

(3) The department shall ensure that any volume limitation unused at the end of each calendar year is carried forward pursuant to s. 142(k)(5)(B)(ii) of the code.

(4) The commissioner shall sign any certificate required by the code relating to the allocation of the state volume limitation on private activity bonds to finance qualified public educational facilities.

159.835 Rules.—The board and the department shall adopt any rules necessary to ensure the orderly implementation and administration of this act.

Section 50. Paragraph (c) of subsection (1) of section 1012.22, Florida Statutes, is amended to read:

1012.22 Public school personnel; powers and duties of the district school board.—The district school board shall:

(1) Designate positions to be filled, prescribe qualifications for those positions, and provide for the appointment, compensation, promotion, suspension, and dismissal of employees as follows, subject to the requirements of this chapter:

(c) Compensation and salary schedules.—

1. The district school board shall adopt a salary schedule or salary schedules designed to furnish incentives for improvement in training and for continued efficient service to be used as a basis for paying all school employees and fix and authorize the compensation of school employees on the basis thereof.

2. A district school board, in determining the salary schedule for instructional personnel, must base a portion of each employee's compensation on performance demonstrated under s. 1012.34, must consider the prior teaching experience of a person who has been designated state teacher of the year by any state in the United States, and must consider prior professional experience in the field of education gained in positions in addition to district level instructional and administrative positions.

3. In developing the salary schedule, the district school board shall seek input from parents, teachers, and representatives of the business community.

4. Beginning with the 2002-2003 fiscal year, each district school board must adopt a performance-pay policy for school administrators and instructional personnel. The district's performance-pay policy is subject to negotiation as provided in chapter 447; however, the adopted salary schedule must allow school administrators and instructional personnel who demonstrate outstanding performance, as measured under s. 1012.34, to earn a 5-percent supplement in addition to their individual, negotiated salary. The supplements shall be funded from the performance-pay reserve funds adopted in

the salary schedule. Beginning with the 2004-2005 academic year, the district's 5-percent performance-pay policy must provide for the evaluation of classroom teachers within each level of the salary career ladder provided in s. 1012.231. The Commissioner of Education shall determine whether the district school board's adopted salary schedule complies with the requirement for performance-based pay. If the district school board fails to comply with this section, the commissioner shall withhold disbursements from the Educational Enhancement Trust Fund to the district until compliance is verified.

Section 51. Section 1012.987, Florida Statutes, is created to read:

1012.987 Education leadership development.—The State Board of Education shall adopt rules through which school principals may earn a principal leadership designation based on teacher retention, overall student performance, and school grade.

Section 52. (1) In order to ensure that the construction of new and expanded education facilities provides the best long-term value, school districts shall compare the following life-cycle costs of materials used by competing providers when constructing or expanding school capacity:

- (a) The anticipated annual energy consumption;
- (b) The relative resistance to damage by wind loads and associated debris;
- (c) The resistance to wood-destroying organisms;
- (d) The perpetual maintenance costs;
- (e) The resistance to fire; and
- (f) A comparison of the annual insurance costs.

(2) School districts may rely on the information provided by contractors if the contractor's analysis is based on the best currently available methods, including those of the National Institute of Standards and Technology, the Department of Housing and Urban Development, and other federal and state agencies and technical or professional societies.

Section 53. If any provision of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

Section 54. If any law that is amended by this act was also amended by a law enacted at the 2003 Regular Session of the Legislature, such laws shall be construed as if they had been enacted during the same session of the Legislature, and full effect should be given to each if that is possible.

Section 55. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2003, and the changes effected by this act to the Deferred Retirement Option Program shall take effect June 1, 2003.

Approved by the Governor June 9, 2003.

Filed in Office Secretary of State June 9, 2003.