

Committee Substitute for Senate Bill No. 340

An act relating to corrections to the school code rewrite; saving s. 17.076(5), F.S., relating to confidentiality of direct deposit records, from reversion on July 1, 2004; amending s. 20.055, F.S.; deleting a reference to the Board of Regents; saving s. 112.215(2), F.S., relating to the definition of the term "employee" for purposes of the deferred compensation program, from reversion on July 1, 2004; amending s. 145.19, F.S.; adding cross-reference; providing for the superintendent's annual performance salary incentive and special qualification salary to be added to the adjusted salary rate; amending s. 159.27, F.S.; redesignating a developmental research school as a lab school; amending s. 212.055, F.S.; deleting references to the Florida Frugal Schools Program; amending s. 216.136, F.S.; deleting reference to Executive Director of the State Board of Community Colleges and State Board of Nonpublic Career Education; providing that the executive director of the Commission for Independent Education is a member of the Workforce Estimating Conference; saving s. 287.064(1), (2), (3), (4), (5), and (6), F.S., relating to the consolidated equipment financing program, from reversion on July 1, 2004; amending s. 316.615, F.S.; replacing reference to the Commissioner of Education with State Board of Education for purpose of rulemaking; amending s. 402.305, F.S.; replacing reference to the Department of Education with State Board of Education for purpose of rulemaking; saving s. 440.38(6), F.S., relating to entities deemed self-insurers for purposes of workers' compensation, from reversion on July 1, 2004; amending s. 445.0124, F.S.; deleting references to the State Board of Community Colleges and the Department of Education; amending ss. 455.2125 and 456.028, F.S.; deleting reference to the State Board of Independent Colleges and Universities, the State Board of Nonpublic Career Education, and the State Board of Community Colleges; requiring consultation with the Commission for Independent Education and the State Board of Education; amending s. 458.347, F.S.; replacing a reference to State Board of Community Colleges with State Board of Education; amending s. 467.009, F.S.; deleting a reference to the licensing authority of the State Board of Nonpublic Career Education; providing licensing authority of the Commission for Independent Education; amending s. 488.01, F.S.; deleting a reference to the State Board of Nonpublic Career Education; providing for licensure by the Commission for Independent Education to operate certain driver's schools; amending s. 489.125, F.S.; replacing a reference to the Commissioner of Education with State Board of Education for purpose of rulemaking; amending s. 784.081, F.S.; redesignating a developmental research school as a lab school; amending ss. 817.566 and 817.567, F.S.; correcting cross-references; deleting a reference to the State Board of Independent Colleges and Universities; providing licensing authority of the Commission for Independent Education; amending s. 943.17, F.S.; replacing a reference to the Department of Education with State Board of Education for purpose of rulemaking; amending

s. 1000.04, F.S.; correcting reference to technical centers; amending s. 1001.26, F.S.; correcting a cross-reference; amending s. 1001.32, F.S.; deleting a reference to the rulemaking authority of the Commissioner of Education; amending ss. 1001.372 and 1001.42, F.S.; correcting cross-references; amending s. 1001.47, F.S.; providing a calculation methodology for the salary for elected district school superintendents based on county population; amending s. 1001.50, F.S.; eliminating age as a criterion of compensation for district school superintendents; amending s. 1001.51, F.S.; deleting a reference to patrons; amending ss. 1001.74, 1002.01, and 1002.20, F.S.; correcting cross-references; amending s. 1002.32, F.S.; redesignating a developmental research school as a lab school; correcting a cross-reference; amending s. 1002.33, F.S.; requiring certain compliance for transportation of charter school students; amending s. 1002.42, F.S.; correcting cross-references; amending s. 1002.43, F.S.; providing a reference to regular school attendance; correcting a cross-reference; amending s. 1003.22, F.S.; requiring prekindergarten students to meet school-entry health requirements; amending s. 1003.43, F.S.; deleting a reference to waiver authority of the State Board of Education; correcting the date and name of the Korean Conflict; amending s. 1003.52, F.S.; correcting a cross-reference; amending s. 1003.63, F.S.; deleting reference to the waiver authority of the State Board of Education; amending s. 1004.24, F.S.; deleting an obsolete reference to postaudit of financial accounts; providing for a financial audit pursuant to s. 11.45, F.S.; amending s. 1004.26, F.S.; conforming university oversight of student government; amending s. 1004.445, F.S.; deleting an obsolete reference to postaudit of financial accounts; providing for a financial audit pursuant to s. 11.45, F.S.; amending s. 1005.04, F.S.; correcting punctuation; amending s. 1006.14, F.S.; correcting punctuation; amending s. 1006.21, F.S.; omitting references to regulations; amending s. 1007.21, F.S.; conforming references to parent or guardian; amending s. 1008.22, F.S.; revising provisions relating to passing scores for students taking the FCAT for the first time; amending s. 1008.29, F.S.; eliminating an incorrect cross-reference; amending s. 1008.32, F.S.; requiring the Commissioner of Education to report determinations of probable cause; amending s. 1008.37, F.S.; correcting a reporting date; amending s. 1009.29, F.S.; correcting a reference to the number of state universities; amending s. 1009.531, F.S.; correcting terminology; amending s. 1009.532, F.S.; providing for a one-time restoration of a scholarship award; amending ss. 1009.534 and 1009.535, F.S.; replacing a reference to the Department of Education with the State Board of Education for purpose of rulemaking; providing for a one-time restoration of a scholarship award; amending s. 1009.536, F.S., relating to the Florida Gold Seal Vocational Scholars award, to conform; amending ss. 1009.58 and 1009.61, F.S.; redesignating a developmental research school as a lab school; amending ss. 1009.765 and 1009.77, F.S.; replacing a reference to the Department of Education with the State Board of Education for purpose of rulemaking; amending s. 1010.215, F.S.; replacing a reference to revenues with funds; amending s. 1010.75, F.S.; providing for disbursement of fees from the Teacher Certification Examination Trust

Fund; amending ss. 1011.24 and 1011.47, F.S.; redesignating developmental research schools as lab schools; amending s. 1011.60, F.S.; deleting a nonexistent cross-reference; amending s. 1011.62, F.S.; redesignating a developmental research school as a lab school; deleting a reference to high school competency test; providing a reference to performance grade category; amending s. 1011.70, F.S.; changing references from the Department of Education to the Agency for Health Care Administration; redesignating developmental research schools as lab schools; authorizing lab schools to participate in the Medicaid certified school match program on the same basis as school districts; amending s. 1012.585, F.S.; correcting the name of a trust fund; correcting a cross-reference; amending ss. 1012.62 and 1012.79, F.S.; correcting cross-references; amending s. 1012.795, F.S.; designating an appointed representative of the district school superintendent to receive records concerning certain offenses; amending s. 1012.796, F.S.; correcting a cross-reference; amending s. 1012.98, F.S.; requiring consultation with state university faculty; amending ss. 1013.73 and 1013.74, F.S.; correcting cross-references; repealing s. 445.049(2)(g) and (h), F.S., relating to the executive director of the State Board of Community Colleges and the executive director of the State Board for Career Education as members of the Digital Divide Council; repealing s. 1002.33(24), F.S., relating to the conversion charter school pilot program; repealing s. 1006.57, F.S., relating to certain books furnished by the Clerk of the Supreme Court; repealing s. 1010.10(10), F.S., relating to the repeal of the Florida Uniform Management of Institutional Funds Act; providing an effective date.

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

Section 1. Notwithstanding the provisions of section 6 of chapter 2003-399, Laws of Florida, subsection (5) of section 17.076, Florida Statutes, as amended by section 5 of chapter 2003-399, Laws of Florida, shall not revert on July 1, 2004, and shall continue in full force and effect.

Section 2. Paragraph (a) of subsection (1) of section 20.055, Florida Statutes, is amended to read:

20.055 Agency inspectors general.—

(1) For the purposes of this section:

(a) “State agency” means each department created pursuant to this chapter, and also includes the Executive Office of the Governor, the Department of Military Affairs, ~~the Board of Regents,~~ the Fish and Wildlife Conservation Commission, the Office of Insurance Regulation of the Financial Services Commission, the Office of Financial Regulation of the Financial Services Commission, the Public Service Commission, and the state courts system.

Section 3. Notwithstanding the provisions of section 8 of chapter 2003-399, Laws of Florida, subsection (2) of section 112.215, Florida Statutes, as amended by section 7 of chapter 2003-399, Laws of Florida, shall not revert on July 1, 2004, and shall continue in full force and effect.

Section 4. Subsection (2) of section 145.19, Florida Statutes, is amended to read:

145.19 Annual percentage increases based on increase for state career service employees; limitation.—

(2) Each fiscal year, the salaries of all officials listed in this chapter and s. 1001.47 shall be adjusted ~~by the annual factor. The Department of Management Services shall certify the annual factor and the cumulative annual factors.~~ The adjusted salary rate shall be the product, rounded to the nearest dollar, of the salary rate granted by the appropriate section of this chapter or s. 1001.47 multiplied first by the initial factor, then by the cumulative annual factor, and finally by the annual factor. ~~The Department of Management Services shall certify the annual factor and the cumulative annual factors.~~ Any special qualification salary received under this chapter, s. 1001.47, or the annual performance salary incentive available to elected superintendents under s. 1001.47 shall be added to such adjusted salary rate. ~~The, which~~ special qualification salary shall be \$2,000, but shall not exceed \$2,000.

Section 5. Paragraph (b) of subsection (22) of section 159.27, Florida Statutes, is amended to read:

159.27 Definitions.—The following words and terms, unless the context clearly indicates a different meaning, shall have the following meanings:

(22) “Educational facility” means:

(b) Property that comprises the buildings and equipment, structures, and special education use areas that are built, installed, or established to serve primarily the educational purposes of operating any nonprofit private preschool, kindergarten, elementary school, middle school, or high school that is established under chapter 617 or chapter 623, or that is owned or operated by an organization described in s. 501(c)(3) of the United States Internal Revenue Code, or operating any preschool, kindergarten, elementary school, middle school, or high school that is owned or operated as part of the state’s system of public education, including, but not limited to, a charter school or a ~~lab developmental research~~ school operated under chapter 1002. The requirements of this part for the financing of projects through local agencies shall also apply to such schools. Bonds issued under the provisions of this part for such schools shall not be deemed to constitute a debt, liability, or obligation of the state or any political subdivision thereof, or a pledge of the faith and credit of the state or of any such political subdivision, but shall be payable solely from the revenues provided therefor.

Section 6. Paragraphs (b) and (c) of subsection (6) of section 212.055, Florida Statutes, are amended to read:

212.055 Discretionary sales surtaxes; legislative intent; authorization and use of proceeds.—It is the legislative intent that any authorization for imposition of a discretionary sales surtax shall be published in the Florida Statutes as a subsection of this section, irrespective of the duration of the levy. Each enactment shall specify the types of counties authorized to levy;

the rate or rates which may be imposed; the maximum length of time the surtax may be imposed, if any; the procedure which must be followed to secure voter approval, if required; the purpose for which the proceeds may be expended; and such other requirements as the Legislature may provide. Taxable transactions and administrative procedures shall be as provided in s. 212.054.

(6) SCHOOL CAPITAL OUTLAY SURTAX.—

(b) The resolution shall include a statement that provides a brief and general description of the school capital outlay projects to be funded by the surtax. ~~If applicable, the resolution must state that the district school board has been recognized by the State Board of Education as having a Florida Frugal Schools Program.~~ The statement shall conform to the requirements of s. 101.161 and shall be placed on the ballot by the governing body of the county. The following question shall be placed on the ballot:

....FOR THECENTS TAX
....AGAINST THECENTS TAX

(c) The resolution providing for the imposition of the surtax shall set forth a plan for use of the surtax proceeds for fixed capital expenditures or fixed capital costs associated with the construction, reconstruction, or improvement of school facilities and campuses which have a useful life expectancy of 5 or more years, and any land acquisition, land improvement, design, and engineering costs related thereto. Additionally, the plan shall include the costs of retrofitting and providing for technology implementation, including hardware and software, for the various sites within the school district. Surtax revenues may be used for the purpose of servicing bond indebtedness to finance projects authorized by this subsection, and any interest accrued thereto may be held in trust to finance such projects. Neither the proceeds of the surtax nor any interest accrued thereto shall be used for operational expenses. ~~If the district school board has been recognized by the State Board of Education as having a Florida Frugal Schools Program, the district's plan for use of the surtax proceeds must be consistent with this subsection and with uses assured under the Florida Frugal Schools Program.~~

Section 7. Paragraph (b) of subsection (9) of section 216.136, Florida Statutes, is amended to read:

216.136 Consensus estimating conferences; duties and principals.—

(9) WORKFORCE ESTIMATING CONFERENCE.—

(b) Principals.—The Commissioner of Education, the Executive Office of the Governor, the director of the Office of Tourism, Trade, and Economic Development, the director of the Agency for Workforce Innovation, the executive director of the Commission for Independent Education, the Chancellor of the State University System, the Executive Director of the State Board of Community Colleges, the chair of the State Board of Nonpublic Career Education, the chair of Workforce Florida, Inc., the coordinator of the Office of Economic and Demographic Research, or their designees, and professional

staff from the Senate and the House of Representatives who have forecasting and substantive expertise, are the principals of the Workforce Estimating Conference. In addition to the designated principals of the conference, nonprincipal participants of the conference shall include a representative of the Florida Chamber of Commerce and other interested parties. The principal representing the Executive Office of the Governor shall preside over the sessions of the conference.

Section 8. Notwithstanding the provisions of section 10 of chapter 2003-399, Laws of Florida, subsections (1)-(6) of section 287.064, Florida Statutes, as amended by section 9 of chapter 2003-399, Laws of Florida, shall not revert on July 1, 2004, and shall continue in full force and effect.

Section 9. Subsection (3) of section 316.615, Florida Statutes, is amended to read:

316.615 School buses; physical requirements of drivers.—

(3) A person may not operate or cause to be operated a motor vehicle covered by subsection (1) or subsection (2) when transporting school children unless the operator has met the physical examination requirements established by law and by rule ~~of adopted by the State Board Commissioner~~ of Education. The operator of such a motor vehicle shall pass an annual physical examination and have posted in the vehicle a certificate to drive the vehicle.

Section 10. Paragraph (b) of subsection (1) and paragraph (b) of subsection (7) of section 402.305, Florida Statutes, are amended to read:

402.305 Licensing standards; child care facilities.—

(1) LICENSING STANDARDS.—The department shall establish licensing standards that each licensed child care facility must meet regardless of the origin or source of the fees used to operate the facility or the type of children served by the facility.

(b) All standards established under ss. 402.301-402.319 must be consistent with the rules adopted by the State Fire Marshal for child care facilities. However, if the facility is operated in a public school, the department shall use the public school fire code, as provided in the rules of the ~~State Board Department~~ of Education, as the minimum standard for firesafety.

(7) SANITATION AND SAFETY.—

(b) In the case of a child care program for school-age children attending before and after school programs on the public school site, the department shall use the public school fire code, as ~~adopted promulgated~~ in the rules of the ~~State Board Department~~ of Education, as the minimum standard for fire safety. In the case of a child care program for school-age children attending before-school and after-school programs on a site operated by a municipality, the department shall adopt rules for such site and intended use.

Section 11. Notwithstanding the provisions of section 12 of chapter 2003-399, Laws of Florida, subsection (6) of section 440.38, Florida Statutes, as

amended by section 11 of chapter 2003-399, Laws of Florida, shall not revert on July 1, 2004, and shall continue in full force and effect.

Section 12. Subsection (4) of section 445.0124, Florida Statutes, is amended to read:

445.0124 Eligible programs.—

(4) Eligible career education programs are those programs in the following business sectors: information technology/telecommunications, biomedical technology, manufacturing-electronics, aviation/transportation, and skilled building trades. Workforce Florida, Inc., must determine eligible programs within these sectors annually in cooperation with the State Board of ~~Community Colleges and the Department of Education.~~

Section 13. Section 455.2125, Florida Statutes, is amended to read:

455.2125 Consultation with postsecondary education boards prior to adoption of changes to training requirements.—Any state agency or board that has jurisdiction over the regulation of a profession or occupation shall consult with the Commission for Independent Education ~~State Board of Independent Colleges and Universities, the State Board of Nonpublic Career Education, the Board of Regents, and the State Board of Education~~ Community Colleges prior to adopting any changes to training requirements relating to entry into the profession or occupation. This consultation must allow the educational board to provide advice regarding the impact of the proposed changes in terms of the length of time necessary to complete the training program and the fiscal impact of the changes. The educational board must be consulted only when an institution offering the training program falls under its jurisdiction.

Section 14. Section 456.028, Florida Statutes, is amended to read:

456.028 Consultation with postsecondary education boards prior to adoption of changes to training requirements.—Any state agency or board that has jurisdiction over the regulation of a profession or occupation shall consult with the Commission for Independent Education ~~State Board of Independent Colleges and Universities, the State Board of Nonpublic Career Education, the Board of Regents, and the State Board of Education~~ Community Colleges prior to adopting any changes to training requirements relating to entry into the profession or occupation. This consultation must allow the educational board to provide advice regarding the impact of the proposed changes in terms of the length of time necessary to complete the training program and the fiscal impact of the changes. The educational board must be consulted only when an institution offering the training program falls under its jurisdiction.

Section 15. Paragraph (c) of subsection (6) of section 458.347, Florida Statutes, is amended to read:

458.347 Physician assistants.—

(6) PROGRAM APPROVAL.—

(c) Any community college with the approval of the State Board of Education Community Colleges may conduct a physician assistant program which shall apply for national accreditation through the American Medical Association's Committee on Allied Health, Education, and Accreditation, or its successor organization, and which may admit unlicensed physicians, as authorized in subsection (7), who are graduates of foreign medical schools listed with the World Health Organization. The unlicensed physician must have been a resident of this state for a minimum of 12 months immediately prior to admission to the program. An evaluation of knowledge base by examination shall be required to grant advanced academic credit and to fulfill the necessary requirements to graduate. A minimum of one 16-week semester of supervised clinical and didactic education, which may be completed simultaneously, shall be required before graduation from the program. All other provisions of this section shall remain in effect.

Section 16. Subsection (8) of section 467.009, Florida Statutes, is amended to read:

467.009 Midwifery programs; education and training requirements.—

(8) Nonpublic educational institutions that conduct approved midwifery programs shall be accredited by a member of the Commission on Recognition of Postsecondary Accreditation and shall be licensed by the Commission for Independent Education ~~State Board of Nonpublic Career Education~~.

Section 17. Section 488.01, Florida Statutes, is amended to read:

488.01 License to engage in business of operating a driver's school required.—The Department of Highway Safety and Motor Vehicles shall oversee and license all commercial driver's schools except truck driving schools. All commercial truck driving schools shall be required to be licensed pursuant to chapter 1005, and additionally shall be subject to the provisions of ss. 488.04 and 488.05. No person, group, organization, institution, business entity, or corporate entity may engage in the business of operating a driver's school without first obtaining a license therefor from the Department of Highway Safety and Motor Vehicles pursuant to this chapter or from the Commission for Independent Education ~~State Board of Nonpublic Career Education~~ pursuant to chapter 1005.

Section 18. Section 489.125, Florida Statutes, is amended to read:

489.125 Prequalification of certificateholders.—Any person holding a certificate shall be prequalified to bid by a district school board pursuant to uniform prequalification of contractors criteria adopted by rule of the State Board Commissioner of Education. This section does not supersede any small, woman-owned or minority-owned business enterprise preference program adopted by a district school board. A district school board may not modify or supplement the uniform prequalification criteria adopted by rule. A person holding a certificate must apply to each board for prequalification consideration.

Section 19. Section 784.081, Florida Statutes, is amended to read:

784.081 Assault or battery on specified officials or employees; reclassification of offenses.—Whenever a person is charged with committing an assault or aggravated assault or a battery or aggravated battery upon any elected official or employee of: a school district; a private school; the Florida School for the Deaf and the Blind; a university lab developmental research school; a state university or any other entity of the state system of public education, as defined in s. 1000.04; an employee or protective investigator of the Department of Children and Family Services; or an employee of a lead community-based provider and its direct service contract providers, when the person committing the offense knows or has reason to know the identity or position or employment of the victim, the offense for which the person is charged shall be reclassified as follows:

(1) In the case of aggravated battery, from a felony of the second degree to a felony of the first degree.

(2) In the case of aggravated assault, from a felony of the third degree to a felony of the second degree.

(3) In the case of battery, from a misdemeanor of the first degree to a felony of the third degree.

(4) In the case of assault, from a misdemeanor of the second degree to a misdemeanor of the first degree.

Section 20. Section 817.566, Florida Statutes, is amended to read:

817.566 Misrepresentation of association with, or academic standing at, postsecondary educational institution.—Any person who, with intent to defraud, misrepresents his or her association with, or academic standing or other progress at, any postsecondary educational institution by falsely making, altering, simulating, or forging a document, degree, certificate, diploma, award, record, letter, transcript, form, or other paper; or any person who causes or procures such a misrepresentation; or any person who utters and publishes or otherwise represents such a document, degree, certificate, diploma, award, record, letter, transcript, form, or other paper as true, knowing it to be false, is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. Individuals who present a religious academic degree from any college, university, seminary, or institution which is not licensed by the Commission for Independent Education State Board of Independent Colleges and Universities or which is not exempt pursuant to the provisions of s. ~~1005.06~~ ~~s. 246.085~~ shall disclose the religious nature of the degree upon presentation.

Section 21. Subsection (1) of section 817.567, Florida Statutes, is amended to read:

817.567 Making false claims of academic degree or title.—

(1) No person in the state may claim, either orally or in writing, to possess an academic degree, as defined in s. 1005.02, or the title associated with said degree, unless the person has, in fact, been awarded said degree from an institution that is:

(a) Accredited by a regional or professional accrediting agency recognized by the United States Department of Education or the Commission on Recognition of Postsecondary Accreditation;

(b) Provided, operated, and supported by a state government or any of its political subdivisions or by the Federal Government;

(c) A school, institute, college, or university chartered outside the United States, the academic degree from which has been validated by an accrediting agency approved by the United States Department of Education as equivalent to the baccalaureate or postbaccalaureate degree conferred by a regionally accredited college or university in the United States;

(d) Licensed by the Commission for Independent Education State Board of Independent Colleges and Universities pursuant to ss. 1005.01-1005.38 or exempt from licensure pursuant to chapter 1005 s. 246.085; or

(e) A religious seminary, institute, college, or university which offers only educational programs that prepare students for a religious vocation, career, occupation, profession, or lifework, and the nomenclature of whose certificates, diplomas, or degrees clearly identifies the religious character of the educational program.

Section 22. Subsection (4) of section 943.17, Florida Statutes, is amended to read:

943.17 Basic recruit, advanced, and career development training programs; participation; cost; evaluation.—The commission shall, by rule, design, implement, maintain, evaluate, and revise entry requirements and job-related curricula and performance standards for basic recruit, advanced, and career development training programs and courses. The rules shall include, but are not limited to, a methodology to assess relevance of the subject matter to the job, student performance, and instructor competency.

(4) The commission may, by rule, establish a sponsorship program for prospective officers. The rule shall specify the provisions of s. 943.13 that must be satisfied prior to the prospective officer's enrollment in a basic recruit training course. However, the rule shall not conflict with any laws or rules of the State Board ~~Department~~ of Education relating to student enrollment.

Section 23. Subsection (1) of section 1000.04, Florida Statutes, is amended to read:

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

(1) PUBLIC K-12 SCHOOLS.—The public K-12 schools include charter schools and consist of kindergarten classes; elementary, middle, and high

school grades and special classes; workforce development education; area technical centers; adult, part-time, career and technical, and evening schools, courses, or classes, as authorized by law to be operated under the control of district school boards; and lab schools operated under the control of state universities.

Section 24. Paragraph (a) of subsection (2) of section 1001.26, Florida Statutes, is amended to read:

1001.26 Public broadcasting program system.—

(2)(a) The Department of Education is responsible for implementing the provisions of this section pursuant to ~~s. 282.102 part III of chapter 287~~ and may employ personnel, acquire equipment and facilities, and perform all duties necessary for carrying out the purposes and objectives of this section.

Section 25. Subsection (1) of section 1001.32, Florida Statutes, is amended to read:

1001.32 Management, control, operation, administration, and supervision.—The district school system must be managed, controlled, operated, administered, and supervised as follows:

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

Section 26. Subsection (3) of section 1001.372, Florida Statutes, is amended to read:

1001.372 District school board meetings.—

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

Section 27. Paragraph (m) of subsection (4) of section 1001.42, Florida Statutes, is 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:

(4) ESTABLISHMENT, ORGANIZATION, AND OPERATION OF SCHOOLS.—Adopt and provide for the execution of plans for the establish-

ment, organization, and operation of the schools of the district, including, but not limited to, the following:

(m) Alternative education programs for students in residential care facilities.—Provide, in accordance with the provisions of ~~s. 1003.58~~ chapter 1006, educational programs according to rules of the State Board of Education to students who reside in residential care facilities operated by the Department of Children and Family Services.

Section 28. Subsection (2) of section 1001.47, Florida Statutes, is amended, subsections (3), (4), and (5) are renumbered as subsections (4), (5), and (6), respectively, and a new subsection (3) is added to that section, to read:

1001.47 District school superintendent; salary.—

(2) Each elected district school superintendent shall receive a base salary, the amounts indicated in this subsection, based on the population of the county the elected superintendent serves. In addition, compensation shall be made for population increments over the minimum for each population group, which shall be determined by multiplying the population in excess of the minimum for the group times the group rate. The product of such calculation shall be added to the base salary to determine the adjusted base salary. Laws that increase the base salary provided in this subsection shall contain provisions on no other subject.

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

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

(3) The adjusted base salaries of elected district school superintendents shall be increased annually as provided for in s. 145.19. Any salary previously paid to elected superintendents, including the salary calculated for fiscal years 2002-2003 and 2003-2004, which was consistent with chapter 145 and s. 230.303, Florida Statutes (2001), is hereby ratified and validated.

Section 29. Paragraph (f) of subsection (3) of section 1001.50, Florida Statutes, is amended to read:

1001.50 Superintendents employed under Art. IX of the State Constitution.—

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

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

Section 30. Subsection (16) of section 1001.51, Florida Statutes, is amended 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.

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

Section 31. Subsection (8) of section 1001.74, Florida Statutes, is amended to read:

1001.74 Powers and duties of university boards of trustees.—

(8) Each board of trustees is authorized to create divisions of sponsored research pursuant to the provisions of s. 1004.22 ~~s. 1011.411~~ to serve the function of administration and promotion of the programs of research.

Section 32. Subsection (2) of section 1002.01, Florida Statutes, is amended to read:

1002.01 Definitions.—

(2) A “private school” is a nonpublic school defined as an individual, association, copartnership, or corporation, or department, division, or section of such organizations, that designates itself as an educational center that includes kindergarten or a higher grade or as an elementary, secondary, business, technical, or trade school below college level or any organization that provides instructional services that meet the intent of s. 1003.01(13) ~~1003.01(14)~~ or that gives preemployment or supplementary

training in technology or in fields of trade or industry or that offers academic, literary, or career and technical training below college level, or any combination of the above, including an institution that performs the functions of the above schools through correspondence or extension, except those licensed under the provisions of chapter 1005. A private school may be a parochial, religious, denominational, for-profit, or nonprofit school. This definition does not include home education programs conducted in accordance with s. 1002.41.

Section 33. Paragraph (b) of subsection (2) of section 1002.20, Florida Statutes, is amended to read:

1002.20 K-12 student and parent rights.—Parents of public school students must receive accurate and timely information regarding their child's academic progress and must be informed of ways they can help their child to succeed in school. K-12 students and their parents are afforded numerous statutory rights including, but not limited to, the following:

(2) ATTENDANCE.—

(b) Regular school attendance.—Parents of students who have attained the age of 6 years by February 1 of any school year but who have not attained the age of 16 years must comply with the compulsory school attendance laws. Parents have the option to comply with the school attendance laws by attendance of the student in a public school; a parochial, religious, or denominational school; a private school; a home education program; or a private tutoring program, in accordance with the provisions of s. 1003.01(13) ~~s. 1003.01(14)~~.

Section 34. Paragraph (a) of subsection (3) and paragraph (a) of subsection (11) of section 1002.32, Florida Statutes, are amended to read:

1002.32 Developmental research (laboratory) schools.—

(3) MISSION.—The mission of a lab school shall be the provision of a vehicle for the conduct of research, demonstration, and evaluation regarding management, teaching, and learning. Programs to achieve the mission of a lab school shall embody the goals and standards established pursuant to ss. 1000.03(5) and 1001.23(2) and shall ensure an appropriate education for its students.

(a) Each lab school shall emphasize mathematics, science, computer science, and foreign languages. The primary goal of a lab school is to enhance instruction and research in such specialized subjects by using the resources available on a state university campus, while also providing an education in nonspecialized subjects. Each lab school shall provide sequential elementary and secondary instruction where appropriate. A lab school may not provide instruction at grade levels higher than grade 12 without authorization from the State Board of Education. Each ~~lab developmental research~~ school shall develop and implement a school improvement plan pursuant to s. 1003.02(3).

(11) EXCEPTIONS TO LAW.—To encourage innovative practices and facilitate the mission of the lab schools, in addition to the exceptions to law

specified in s. 1001.23(2), the following exceptions shall be permitted for lab schools:

(a) The methods and requirements of the following statutes shall be held in abeyance: ss. 316.75; 1001.30; 1001.31; 1001.32; 1001.33; 1001.34; 1001.35; 1001.36; 1001.361; 1001.362; 1001.363; 1001.37; 1001.371; 1001.372; 1001.38; 1001.39; 1001.395; 1001.40; 1001.41; 1001.44; 1001.453; 1001.46; 1001.461; 1001.462; 1001.463; 1001.464; 1001.47; 1001.48; 1001.49; 1001.50; 1001.51; 1006.12(1); 1006.21(3), (4); 1006.23; 1010.07(2); 1010.40; 1010.41; 1010.42; 1010.43; 1010.44; 1010.45; 1010.46; 1010.47; 1010.48; 1010.49; 1010.50; 1010.51; 1010.52; 1010.53; 1010.54; 1010.55; 1011.02(1)-(3), (5); 1011.04; 1011.20; 1011.21; 1011.22; 1011.23; 1011.71; 1011.72; 1011.73; and 1011.74; ~~and 1013.77.~~

Section 35. Paragraph (c) of subsection (20) of section 1002.33, Florida Statutes, is amended to read:

1002.33 Charter schools.—

(20) SERVICES.—

(c) Transportation of charter school students shall be provided by the charter school consistent with the requirements of subpart I.e. of chapter 1006 and s. 1012.45. The governing body of the charter school may provide transportation through an agreement or contract with the district school board, a private provider, or parents. The charter school and the sponsor shall cooperate in making arrangements that ensure that transportation is not a barrier to equal access for all students residing within a reasonable distance of the charter school as determined in its charter.

Section 36. Subsections (7) and (14) of section 1002.42, Florida Statutes, are amended to read:

1002.42 Private schools.—

(7) ATTENDANCE REQUIREMENTS.—Attendance of a student at a private, parochial, religious, or denominational school satisfies the attendance requirements of ss. 1003.01(13) ~~1003.01(14)~~ and 1003.21(1).

(14) BUS DRIVER TRAINING.—Private school bus drivers may participate in a district school board's bus driver training program, if the district school board makes the program available pursuant to s. 1012.45(4) ~~1006.26~~.

Section 37. Subsection (1) of section 1002.43, Florida Statutes, is amended to read:

1002.43 Private tutoring programs.—

(1) Regular school attendance as defined in s. 1003.01(13) ~~1003.01(14)~~ may be achieved by attendance in a private tutoring program if the person tutoring the student meets the following requirements:

(a) Holds a valid Florida certificate to teach the subjects or grades in which instruction is given.

(b) Keeps all records and makes all reports required by the state and district school board and makes regular reports on the attendance of students in accordance with the provisions of s. 1003.23(2).

(c) Requires students to be in actual attendance for the minimum length of time prescribed by s. 1011.60(2).

Section 38. Subsections (4) and (7) of section 1003.22, Florida Statutes, are amended to read:

1003.22 School-entry health examinations; immunization against communicable diseases; exemptions; duties of Department of Health.—

(4) Each district school board and the governing authority of each private school shall establish and enforce as policy that, prior to admittance to or attendance in a public or private school, grades kindergarten through 12, or any other initial entrance into a Florida public or private school, each child present or have on file with the school a certification of immunization for the prevention of those communicable diseases for which immunization is required by the Department of Health and further shall provide for appropriate screening of its students for scoliosis at the proper age. Such certification shall be made on forms approved and provided by the Department of Health and shall become a part of each student's permanent record, to be transferred when the student transfers, is promoted, or changes schools. The transfer of such immunization certification by Florida public schools shall be accomplished using the Florida Automated System for Transferring Education Records and shall be deemed to meet the requirements of this section.

(7) The parents of any child admitted to or in attendance at a Florida public or private school, grades prekindergarten ~~kindergarten~~ through 12, are responsible for assuring that the child is in compliance with the provisions of this section.

Section 39. Paragraph (c) of subsection (1) and subsection (13) 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:

(c) Three credits in science, two of which must have a laboratory component. ~~The State Board of Education may grant an annual waiver of the laboratory requirement to a district school board that certifies that its laboratory facilities are inadequate, provided the district school board submits a capital outlay plan to provide adequate facilities and makes the funding of this plan a priority of the district school board.~~ Agriscience Foundations I, the core course in secondary Agriscience and Natural Resources programs, counts as one of the science credits.

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.

(13) The Commissioner of Education may award a standard high school diploma to honorably discharged veterans who started high school between 1946 and 1950 and were scheduled to graduate between 1950 and 1954, but were inducted into the United States Armed Forces between June 27, 1950, and January 31, 1955 1954, and served during the Korean Conflict War prior to completing the necessary high school graduation requirements. Upon the recommendation of the commissioner, the State Board of Education may develop criteria and guidelines for awarding such diplomas.

Section 40. Subsection (4) of section 1003.52, Florida Statutes, is amended to read:

1003.52 Educational services in Department of Juvenile Justice programs.—

(4) Educational services shall be provided at times of the day most appropriate for the juvenile justice program. School programming in juvenile justice detention, commitment, and rehabilitation programs shall be made available by the local school district during the juvenile justice school year, as defined in s. 1003.01(11) ~~1003.01(12)~~.

Section 41. Paragraph (a) of subsection (7) of section 1003.63, Florida Statutes, is amended to read:

1003.63 Deregulated public schools pilot program.—

(7) EXEMPTION FROM STATUTES.—

(a) A deregulated public school shall operate in accordance with its proposal and shall be exempt from all statutes of the Florida K-20 Education Code, except those pertaining to civil rights and student health, safety, and welfare, or as otherwise required by this section. A deregulated public school shall not be exempt from the following statutes: chapter 119, relating to public records, ~~and~~ s. 286.011, relating to public meetings and records, public inspection, and penalties, ~~and chapters 1010 and 1011 if exemption.~~ ~~The school district, upon request of a deregulated public school, may apply to the State Board of Education for a waiver of provisions of law applicable~~

to deregulated public schools under this section, except that the provisions of chapter 1010 or chapter 1011 shall not be eligible for waiver if the waiver would affect funding allocations or create inequity in public school funding. The State Board of Education may grant the waiver if necessary to implement the school program.

Section 42. Subsection (5) of section 1004.24, Florida Statutes, is amended to read:

1004.24 State Board of Education authorized to secure liability insurance.—

(5) Each self-insurance program council shall make provision for an annual financial audit pursuant to s. 11.45 postaudit of its ~~financial~~ accounts to be conducted by an independent certified public accountant. The annual audit report must include a management letter and shall be submitted to the State Board of Education for review. The State Board of Education shall have the authority to require and receive from the self-insurance program council or from its independent auditor any detail or supplemental data relative to the operation of the self-insurance program.

Section 43. Subsections (1) and (5) of section 1004.26, Florida Statutes, are amended to read:

1004.26 University student governments.—

(1) A student government is created on the main campus of each state university. In addition, each university board of trustees may establish a student government on any branch campus or center. Each student government is a part of the university at which it is established.

~~(5) Each student government is a part of the university at which it is established. If an internal procedure of the university student government is disapproved by the university president under s. 229.0082(15), a member of the university board of trustees may request a review of the disapproved procedure at the next meeting of the board of trustees.~~

Section 44. Paragraph (d) of subsection (3) of section 1004.445, Florida Statutes, is amended to read:

1004.445 Florida Alzheimer's Center and Research Institute.—

(3) The State Board of Education shall provide in the agreement with the not-for-profit corporation for the following:

(d) Preparation of an annual financial audit pursuant to s. 11.45 postaudit of the not-for-profit corporation's ~~financial~~ accounts and the ~~financial~~ accounts of any subsidiaries to be conducted by an independent certified public accountant. The annual audit report shall include management letters and shall be submitted to the Auditor General and the State Board of Education for review. The State Board of Education, the Auditor General, and the Office of Program Policy Analysis and Government Accountability shall have the authority to require and receive from the not-for-profit corporation and any subsidiaries, or from their independent auditor, any detail

or supplemental data relative to the operation of the not-for-profit corporation or subsidiary.

Section 45. Subsection (1) of section 1005.04, Florida Statutes, is amended to read:

1005.04 Fair consumer practices.—

(1) Every institution that is under the jurisdiction of the commission or is exempt from the jurisdiction or purview of the commission pursuant to s. 1005.06(1)(c) or (f) and that either directly or indirectly solicits for enrollment any student shall:

(a) Disclose to each prospective student a statement of the purpose of such institution, its educational programs and curricula, a description of its physical facilities, its status regarding licensure, its fee schedule and policies regarding retaining student fees if a student withdraws, and a statement regarding the transferability of credits to and from other institutions. The institution shall make the required disclosures in writing at least 1 week prior to enrollment or collection of any tuition from the prospective student. The required disclosures may be made in the institution's current catalog;

(b) Use a reliable method to assess, before accepting a student into a program, the student's ability to complete successfully the course of study for which he or she has applied;

(c) Inform each student accurately about financial assistance and obligations for repayment of loans; describe any employment placement services provided and the limitations thereof; and refrain from promising or implying guaranteed placement, market availability, or salary amounts;

(d) Provide to prospective and enrolled students accurate information regarding the relationship of its programs to state licensure requirements for practicing related occupations and professions in Florida;

(e) Ensure that all advertisements are accurate and not misleading;

(f) Publish and follow an equitable prorated refund policy for all students, and follow both the federal refund guidelines for students receiving federal financial assistance and the minimum refund guidelines set by commission rule;

(g) Follow the requirements of state and federal laws that require annual reporting with respect to crime statistics and physical plant safety and make those reports available to the public; and

(h) Publish and follow procedures for handling student complaints, disciplinary actions, and appeals.

Section 46. Subsection (5) of section 1006.14, Florida Statutes, is amended to read:

1006.14 Secret societies prohibited in public K-12 schools.—

(5) It is unlawful for any student enrolled in any public K-12 school to be a member of, to join or to become a member of or to pledge himself or herself to become a member of any secret fraternity, sorority, or group wholly or partly formed from the membership of students attending public K-12 schools or to take part in the organization or formation of any such fraternity, sorority, or secret society; provided that this does not prevent any student from belonging to any organization fostered and promoted by the school authorities, ~~;~~ or approved and accepted by the school authorities and whose membership is selected on the basis of good character, good scholarship, leadership ability, and achievement.

Section 47. Subsections (1) and (2) of section 1006.21, Florida Statutes, are amended to read:

1006.21 Duties of district school superintendent and district school board regarding transportation.—

(1) The district school superintendent shall ascertain which students should be transported to school or to school activities, determine the most effective arrangement of transportation routes to accommodate these students; recommend such routing to the district school board; recommend plans and procedures for providing facilities for the economical and safe transportation of students; recommend such ~~rules and regulations~~ rules as may be necessary and see that all ~~rules and regulations~~ rules relating to the transportation of students approved by the district school board, as well as ~~rules~~ regulations of the State Board of Education ~~state board~~, are properly carried into effect, as prescribed in this chapter.

(2) After considering recommendations of the district school superintendent, the district school board shall make provision for the transportation of students to the public schools or school activities they are required or expected to attend; authorize transportation routes arranged efficiently and economically; provide the necessary transportation facilities, and, when authorized under rules of the State Board of Education and if more economical to do so, provide limited subsistence in lieu thereof; and adopt the necessary ~~rules and regulations~~ to ensure safety, economy, and efficiency in the operation of all buses, as prescribed in this chapter.

Section 48. Subsection (1) and paragraphs (a) and (b) of subsection (2) of section 1007.21, Florida Statutes, are amended to read:

1007.21 Readiness for postsecondary education and the workplace.—

(1) It is the intent of the Legislature that students and parents set early achievement and career goals for the student's post-high school experience. This section sets forth a model which schools, through their school advisory councils, may choose to implement to ensure that students are ready for postsecondary education and the workplace. If such a program is adopted, students and their parents shall have the option of participating in this model to plan the student's secondary level course of study. Parents and students are to become partners with school personnel in educational choice.

Clear academic course expectations shall be made available to all students by allowing both student and parent ~~or guardian~~ choice.

(2)(a) Students entering the 9th grade and their parents shall be active participants in choosing an end-of-high-school student destination based upon both student and parent ~~or guardian~~ goals. Four or more destinations should be available with bridges between destinations to enable students to shift destinations should they choose to change goals. The destinations shall accommodate the needs of students served in exceptional education programs to the extent appropriate for individual students. Exceptional education students may continue to follow the courses outlined in the district school board student progression plan. Participating students and their parents shall choose among destinations, which must include:

1. Four-year college or university, community college plus university, or military academy.
2. Two-year postsecondary degree.
3. Postsecondary career and technical certificate.
4. Immediate employment or entry-level military.

(b) The student progression model toward a chosen destination shall include:

1. A “path” of core courses leading to each of the destinations provided in paragraph (a).
2. A recommended group of electives which shall help define each path.
3. Provisions for a teacher, school administrator, other school staff member, or community volunteer to be assigned to a student as an “academic advocate” if parental ~~or guardian~~ involvement is lacking.

Section 49. Paragraph (c) of subsection (3) of section 1008.22, Florida Statutes, is amended to read:

1008.22 Student assessment program for public schools.—

(3) STATEWIDE ASSESSMENT PROGRAM.—The commissioner shall design and implement a statewide program of educational assessment that provides information for the improvement of the operation and management of the public schools, including schools operating for the purpose of providing educational services to youth in Department of Juvenile Justice programs. Pursuant to the statewide assessment program, the commissioner shall:

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

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

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

3. Each testing program, whether at the elementary, middle, or high school level, includes a test of writing in which students are required to produce writings that are then scored by appropriate methods.

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

5. Except as provided in s. 1003.43(11)(b), students must earn a passing score on the grade 10 assessment test described in this paragraph or on an alternate assessment as described in subsection (9) in reading, writing, and mathematics to qualify for a regular high school diploma. The State Board of Education shall designate a passing score for each part of the grade 10 assessment test. In establishing passing scores, the state board shall consider any possible negative impact of the test on minority students. All students who took the grade 10 FCAT during the 2000-2001 school year shall be required to earn the passing scores in reading and mathematics established by the State Board of Education for the March 2001 test administration. Such students who did not earn the established passing scores and must repeat the grade 10 FCAT are required to earn the passing scores established for the March 2001 test administration. All students who take the grade 10 FCAT for the first time in March 2002 ~~and thereafter~~ shall be required to earn the passing scores in reading and mathematics established by the State Board of Education for the March 2002 test administration. The State Board of Education shall adopt rules which specify the passing scores for the grade 10 FCAT. Any such rules, which have the effect of raising the required passing scores, shall only apply to students taking the grade 10 FCAT for the first time after such rules are adopted by the State Board of Education.

6. Participation in the testing program is mandatory for all students attending public school, including students served in Department of Juvenile Justice programs, except as otherwise prescribed by the commissioner. If a student does not participate in the statewide assessment, the district must notify the student's parent and provide the parent with information

regarding the implications of such nonparticipation. If modifications are made in the student's instruction to provide accommodations that would not be permitted on the statewide assessment tests, the district must notify the student's parent of the implications of such instructional modifications. A parent must provide signed consent for a student to receive instructional modifications that would not be permitted on the statewide assessments and must acknowledge in writing that he or she understands the implications of such accommodations. The State Board of Education shall adopt rules, based upon recommendations of the commissioner, for the provision of test accommodations and modifications of procedures as necessary for students in exceptional education programs and for students who have limited English proficiency. Accommodations that negate the validity of a statewide assessment are not allowable.

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

8. District school boards must provide instruction to prepare students to demonstrate proficiency in the skills and competencies necessary for successful grade-to-grade progression and high school graduation. If a student is provided with accommodations or modifications that are not allowable in the statewide assessment program, as described in the test manuals, the district must inform the parent in writing and must provide the parent with information regarding the impact on the student's ability to meet expected proficiency levels in reading, writing, and math. The commissioner shall conduct studies as necessary to verify that the required skills and competencies are part of the district instructional programs.

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

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

Section 50. Subsection (1) of section 1008.29, Florida Statutes, is amended to read:

1008.29 College-level communication and mathematics skills examination (CLAST).—

(1) It is the intent of the Legislature that the examination of college-level communication and mathematics skills ~~provided in s. 1008.345(3)~~ serve as a mechanism for students to demonstrate that they have mastered the academic competencies prerequisite to upper-division undergraduate instruction. It is further intended that the examination serve as both a summative evaluation instrument prior to student enrollment in upper-division programs and as a source of information for student advisers. It is not intended that student passage of the examination supplant the need for a student to complete the general education curriculum prescribed by an institution.

Section 51. Subsection (2) of section 1008.32, Florida Statutes, is amended to read:

1008.32 State Board of Education oversight enforcement authority.—The State Board of Education shall oversee the performance of district school boards and public postsecondary educational institution boards in enforcement of all laws and rules. District school boards and public postsecondary educational institution boards shall be primarily responsible for compliance with law and state board rule.

(2) The Commissioner of Education may investigate allegations of non-compliance with law or state board rule and determine probable cause.⁵ The commissioner shall report determinations of probable cause to the State Board of Education which shall require the district school board or public postsecondary educational institution board to document compliance with law or state board rule.

Section 52. Subsection (2) of section 1008.37, Florida Statutes, is amended to read:

1008.37 Postsecondary feedback of information to high schools.—

(2) The Commissioner of Education shall report, by high school, to the State Board of Education and the Legislature, no later than November 30 ~~31~~ of each year, on the number of prior year Florida high school graduates who enrolled for the first time in public postsecondary education in this state during the previous summer, fall, or spring term, indicating the number of students whose scores on the common placement test indicated the need for remediation through college-preparatory or vocational-preparatory instruction pursuant to s. 1004.91 or s. 1008.30.

Section 53. Subsection (1) of section 1009.29, Florida Statutes, is amended to read:

1009.29 Increased fees for funding financial aid program.—

(1) Student tuition and registration fees at each state university and community college shall include up to \$4.68 per quarter, or \$7.02 per semester, per full-time student, or the per-student credit hour equivalents of such amounts. The fees provided for by this section shall be adjusted from time to time, as necessary, to comply with the debt service coverage requirements of the student loan revenue bonds issued pursuant to s. 1009.79. If the Division of Bond Finance of the State Board of Education and the Commissioner of Education determine that such fees are no longer required as security for revenue bonds issued pursuant to ss. 1009.78-1009.88, moneys previously collected pursuant to this section which are held in escrow, after administrative expenses have been met and up to \$150,000 has been used to establish a financial aid data processing system for the state universities incorporating the necessary features to meet the needs of all ~~11~~ nine universities for application through disbursement processing, shall be reallocated to the generating institutions to be used for student financial aid programs, including, but not limited to, scholarships and grants for educational pur-

poses. Upon such determination, such fees shall no longer be assessed and collected.

Section 54. Paragraph (e) 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:

(e) Not have been found guilty of, or entered a plea of ~~plead~~ nolo contendere to, a felony charge, unless the student has been granted clemency by the Governor and Cabinet sitting as the Executive Office of Clemency.

Section 55. Paragraph (b) of subsection (1) of section 1009.532, Florida Statutes, is amended to read:

1009.532 Florida Bright Futures Scholarship Program; student eligibility requirements for renewal awards.—

(1) To be eligible to renew a scholarship from any of the three types of scholarships under the Florida Bright Futures Scholarship Program, a student must:

(b) Maintain the cumulative grade point average required by the scholarship program, except that:

1. If a recipient's grades fall beneath the average required to renew a Florida Academic Scholarship, but are sufficient to renew a Florida Medalion Scholarship or a Florida Gold Seal Vocational Scholarship, the Department of Education may grant a renewal from one of those other scholarship programs, if the student meets the renewal eligibility requirements;

2. If, at any time during the eligibility period, a student's grades are insufficient to renew the scholarship, the student may restore eligibility by improving the grade point average to the required level. A student is eligible for such a restoration one time ~~reinstatement only once~~. The Legislature encourages education institutions to assist students to calculate whether or not it is possible to raise the grade point average during the summer term. If the institution determines that it is possible, the education institution may so inform the department, which may reserve the student's award if funds are available. The renewal, however, must not be granted until the student achieves the required cumulative grade point average. If the summer term is not sufficient to raise the grade point average to the required renewal level, the student's next opportunity for renewal is the fall semester of the following academic year; or

3. If a student is receiving a Florida Bright Futures Scholarship, is a servicemember of the Florida National Guard or United States Reserves while attending a postsecondary institution, is called to active duty or state

active duty, as defined in s. 250.01, prior to completing his or her degree, and meets all other requirements for the scholarship, the student shall be eligible to continue the scholarship for 2 years after completing active duty or state active duty.

Section 56. Subsections (1) and (3) of section 1009.534, Florida Statutes, are amended to read:

1009.534 Florida Academic Scholars award.—

(1) A student is eligible for a Florida Academic Scholars award if the student meets the general eligibility requirements for the Florida Bright Futures Scholarship Program and the student:

(a) Has achieved a 3.5 weighted grade point average as calculated pursuant to s. 1009.531, or its equivalent, in high school courses that are designated by the State Board of Education as college-preparatory academic courses; and has attained at least the score identified by rules of the State Board of Education on the combined verbal and quantitative parts of the Scholastic Aptitude Test, the Scholastic Assessment Test, or the recentered Scholastic Assessment Test of the College Entrance Examination, or an equivalent score on the ACT Assessment Program; or

(b) Has attended a home education program according to s. 1002.41 during grades 11 and 12 or has completed the International Baccalaureate curriculum but failed to earn the International Baccalaureate Diploma, and has attained at least the score identified by rules of the State Board Department of Education on the combined verbal and quantitative parts of the Scholastic Aptitude Test, the Scholastic Assessment Test, or the recentered Scholastic Assessment Test of the College Entrance Examination, or an equivalent score on the ACT Assessment Program; or

(c) Has been awarded an International Baccalaureate Diploma from the International Baccalaureate Office; or

(d) Has been recognized by the merit or achievement programs of the National Merit Scholarship Corporation as a scholar or finalist; or

(e) Has been recognized by the National Hispanic Recognition Program as a scholar recipient.

A student must complete a program of community service work, as approved by the district school board or the administrators of a nonpublic school, which shall include a minimum of 75 hours of service work and require the student to identify a social problem that interests him or her, develop a plan for his or her personal involvement in addressing the problem, and, through papers or other presentations, evaluate and reflect upon his or her experience.

(3) To be eligible for a renewal award as a Florida Academic Scholar, a student must maintain the equivalent of a cumulative grade point average of 3.0 on a 4.0 scale with an opportunity for restoration one time ~~one reinstatement~~ as provided in this chapter.

Section 57. Subsections (1) and (3) of section 1009.535, Florida Statutes, are amended to read:

1009.535 Florida Medallion Scholars award.—

(1) A student is eligible for a Florida Medallion Scholars award if the student meets the general eligibility requirements for the Florida Bright Futures Scholarship Program and the student:

(a) Has achieved a weighted grade point average of 3.0 as calculated pursuant to s. 1009.531, or the equivalent, in high school courses that are designated by the State Board of Education as college-preparatory academic courses; and has attained at least the score identified by rules of the State Board of Education on the combined verbal and quantitative parts of the Scholastic Aptitude Test, the Scholastic Assessment Test, or the recentered Scholastic Assessment Test of the College Entrance Examination, or an equivalent score on the ACT Assessment Program; or

(b) Has attended a home education program according to s. 1002.41 during grades 11 and 12 or has completed the International Baccalaureate curriculum but failed to earn the International Baccalaureate Diploma, and has attained at least the score identified by rules of the State Board Department of Education on the combined verbal and quantitative parts of the Scholastic Aptitude Test, the Scholastic Assessment Test, or the recentered Scholastic Assessment Test of the College Entrance Examination, or an equivalent score on the ACT Assessment Program; or

(c) Has been recognized by the merit or achievement program of the National Merit Scholarship Corporation as a scholar or finalist but has not completed a program of community service as provided in s. 1009.534; or

(d) Has been recognized by the National Hispanic Recognition Program as a scholar, but has not completed a program of community service as provided in s. 1009.534.

(3) To be eligible for a renewal award as a Florida Medallion Scholar, a student must maintain the equivalent of a cumulative grade point average of 2.75 on a 4.0 scale with an opportunity for restoration reinstatement one time as provided in this chapter.

Section 58. Subsection (3) of section 1009.536, Florida Statutes, is amended to read:

1009.536 Florida Gold Seal Vocational Scholars award.—The Florida Gold Seal Vocational Scholars award is created within the Florida Bright Futures Scholarship Program to recognize and reward academic achievement and career and technical preparation by high school students who wish to continue their education.

(3) To be eligible for a renewal award as a Florida Gold Seal Vocational Scholar, a student must maintain the equivalent of a cumulative grade point average of 2.75 on a 4.0 scale with an opportunity for restoration reinstatement one time as provided in this chapter.

Section 59. Subsection (2) of section 1009.58, Florida Statutes, is amended to read:

1009.58 Critical teacher shortage tuition reimbursement program.—

(2) The State Board of Education shall adopt rules to implement the critical teacher shortage tuition reimbursement program. Any full-time public school employee or lab developmental research school employee certified to teach in this state is eligible for the program. For the purposes of this program, tuition reimbursement shall be limited to courses in critical teacher shortage areas as determined by the State Board of Education. Such courses shall be:

- (a) Graduate-level courses leading to a master's, specialist, or doctoral degree;
- (b) Graduate-level courses leading to a new certification area; or
- (c) State-approved undergraduate courses leading to an advanced degree or new certification area.

Section 60. Section 1009.61, Florida Statutes, is amended to read:

1009.61 Teacher/Quest Scholarship Program.—The Teacher/Quest Scholarship Program is created for the purpose of providing teachers with the opportunity to enhance their knowledge of science, mathematics, and computer applications in business, industry, and government. A school district or lab developmental research school may propose that one or more teachers be granted a Teacher/Quest Scholarship by submitting to the Department of Education:

(1) A project proposal specifying activities a teacher will carry out to improve his or her:

- (a) Understanding of mathematical, scientific, or computing concepts;
- (b) Ability to apply and demonstrate such concepts through instruction;
- (c) Knowledge of career and technical requirements for competency in mathematics, science, and computing; and
- (d) Ability to integrate and apply technological concepts from all three fields; and

(2) A contractual agreement with a private corporation or governmental agency that implements the project proposal and guarantees employment to the teacher during a summer or other period when schools are out of session. The agreement must stipulate a salary rate that does not exceed regular rates of pay and a gross salary amount consistent with applicable statutory and contractual provisions for the teacher's employment. The teacher's compensation shall be provided for on an equally matched basis by funds from the employing corporation or agency.

Section 61. Section 1009.765, Florida Statutes, is amended to read:

1009.765 Ethics in Business scholarships for community colleges and independent postsecondary educational institutions.—When the Department of Insurance or the Office of Insurance Regulation of the Financial Services Commission receives a \$6 million settlement as specified in the Consent Order of the Treasurer and Insurance Commissioner, case number 18900-96-c, that portion of the \$6 million not used to satisfy the requirements of section 18 of the Consent Order must be transferred from the Insurance Regulatory Trust Fund to the State Student Financial Assistance Trust Fund is appropriated from the State Student Financial Assistance Trust Fund to provide Ethics in Business scholarships to students enrolled in public community colleges and independent postsecondary educational institutions eligible to participate in the William L. Boyd, IV, Florida Resident Access Grant Program under s. 1009.89. The funds shall be allocated to institutions for scholarships in the following ratio: Two-thirds for community colleges and one-third for eligible independent institutions. The Department of Education shall administer the scholarship program for students attending community colleges and independent institutions. These funds must be allocated to institutions that provide an equal amount of matching funds generated by private donors for the purpose of providing Ethics in Business scholarships. Public funds may not be used to provide the match, nor may funds collected for other purposes. Notwithstanding any other provision of law, the State Board of Administration shall have the authority to invest the funds appropriated under this section. ~~The State Board Department~~ of Education may adopt rules for administration of the program.

Section 62. Subsection (7) of section 1009.77, Florida Statutes, is amended to read:

1009.77 Florida Work Experience Program.—

(7) ~~The State Board Department~~ of Education shall prescribe such rules for the program as are necessary for its administration, for the determination of eligibility and selection of institutions to receive funds for students, to ensure the proper expenditure of funds, and to provide an equitable distribution of funds between students at public and independent colleges and universities.

Section 63. Subsection (5) of section 1010.215, Florida Statutes, is amended to read:

1010.215 Educational funding accountability.—

(5) The annual school public accountability report required by ss. 1001.42(16) and 1008.345 must include a school financial report. The purpose of the school financial report is to better inform parents and the public concerning how ~~funds revenues~~ were spent to operate the school during the prior fiscal year. Each school's financial report must follow a uniform, districtwide format that is easy to read and understand.

(a) Total revenue must be reported at the school, district, and state levels. The revenue sources that must be addressed are state and local funds, other than lottery funds; lottery funds; federal funds; and private donations.

(b) Expenditures must be reported as the total expenditures per un-weighted full-time equivalent student at the school level and the average expenditures per full-time equivalent student at the district and state levels in each of the following categories and subcategories:

1. Teachers, excluding substitute teachers, and education paraprofessionals who provide direct classroom instruction to students enrolled in programs classified by s. 1011.62 as:

- a. Basic programs;
 - b. Students-at-risk programs;
 - c. Special programs for exceptional students;
 - d. Career education programs; and
 - e. Adult programs.
2. Substitute teachers.

3. Other instructional personnel, including school-based instructional specialists and their assistants.

4. Contracted instructional services, including training for instructional staff and other contracted instructional services.

5. School administration, including school-based administrative personnel and school-based education support personnel.

6. The following materials, supplies, and operating capital outlay:
- a. Textbooks;
 - b. Computer hardware and software;
 - c. Other instructional materials;
 - d. Other materials and supplies; and
 - e. Library media materials.
7. Food services.
8. Other support services.
9. Operation and maintenance of the school plant.

(c) The school financial report must also identify the types of district-level expenditures that support the school's operations. The total amount of these district-level expenditures must be reported and expressed as total expenditures per full-time equivalent student.

Section 64. Section 1010.75, Florida Statutes, is amended to read:

1010.75 Teacher Certification Examination Trust Fund.—The proceeds for the certification examination fee levied pursuant to s. 1012.59 shall be remitted by the Department of Education to the Chief Financial Officer for deposit into and disbursed from ~~for~~ the “Teacher Certification Examination Trust Fund” as re-created by chapter 99-28, Laws of Florida.

Section 65. Section 1011.24, Florida Statutes, is amended to read:

1011.24 Special district units.—For the purposes of funding through this chapter and chapter 1013, ~~lab developmental research~~ schools shall be designated as special school districts. Such districts shall be accountable to the Department of Education for budget requests and reports on expenditures.

Section 66. Subsection (2) of section 1011.47, Florida Statutes, is amended to read:

1011.47 Auxiliary enterprises; contracts, grants, and donations.—As used in s. 19(f)(3), Art. III of the State Constitution, the term:

(2) “Contracts, grants, and donations” includes noneducational and general funding sources in support of research, public services, and training. The term includes grants and donations, sponsored-research contracts, and Department of Education funding for lab ~~developmental research~~ schools and other activities for which the funds are deposited outside the State Treasury.

Section 67. Subsection (2) of section 1011.60, Florida Statutes, is amended to read:

1011.60 Minimum requirements of the Florida Education Finance Program.—Each district which participates in the state appropriations for the Florida Education Finance Program shall provide evidence of its effort to maintain an adequate school program throughout the district and shall meet at least the following requirements:

(2) MINIMUM TERM.—Operate all schools for a term of at least 180 actual teaching days ~~as prescribed in s. 1003.01(14)~~ or the equivalent on an hourly basis as specified by rules of the State Board of Education each school year. The State Board of Education may prescribe procedures for altering, and, upon written application, may alter, this requirement during a national, state, or local emergency as it may apply to an individual school or schools in any district or districts if, in the opinion of the board, it is not feasible to make up lost days, and the apportionment may, at the discretion of the Commissioner of Education and if the board determines that the reduction of school days is caused by the existence of a bona fide emergency, be reduced for such district or districts in proportion to the decrease in the length of term in any such school or schools. A strike, as defined in s. 447.203(6), by employees of the school district may not be considered an emergency.

Section 68. Paragraphs (f) and (h) of subsection (1) of section 1011.62, Florida Statutes, are 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:

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

(f) Supplemental academic instruction; categorical fund.—

1. There is created a categorical fund to provide supplemental academic instruction to students in kindergarten through grade 12. This paragraph may be cited as the “Supplemental Academic Instruction Categorical Fund.”

2. Categorical funds for supplemental academic instruction shall be allocated annually to each school district in the amount provided in the General Appropriations Act. These funds shall be in addition to the funds appropriated on the basis of FTE student membership in the Florida Education Finance Program and shall be included in the total potential funds of each district. These funds shall be used to provide supplemental academic instruction to students enrolled in the K-12 program. Supplemental instruction strategies may include, but are not limited to: modified curriculum, reading instruction, after-school instruction, tutoring, mentoring, class size reduction, extended school year, intensive skills development in summer school, and other methods for improving student achievement. Supplemental instruction may be provided to a student in any manner and at any time during or beyond the regular 180-day term identified by the school as being the most effective and efficient way to best help that student progress from grade to grade and to graduate.

3. Effective with the 1999-2000 fiscal year, funding on the basis of FTE membership beyond the 180-day regular term shall be provided in the FEFP only for students enrolled in juvenile justice education programs. Funding for instruction beyond the regular 180-day school year for all other K-12 students shall be provided through the supplemental academic instruction categorical fund and other state, federal, and local fund sources with ample flexibility for schools to provide supplemental instruction to assist students in progressing from grade to grade and graduating.

4. The Florida State University School, as a ~~lab developmental research~~ school, is authorized to expend from its FEFP or Lottery Enhancement Trust Fund allocation the cost to the student of remediation in reading, writing, or mathematics for any graduate who requires remediation at a postsecondary educational institution.

5. Beginning in the 1999-2000 school year, dropout prevention programs as defined in ss. 1003.52, 1003.53(1)(a), (b), and (c), and 1003.54 shall be included in group 1 programs under subparagraph (d)3.

(h) Small, isolated high schools.—Districts which levy the maximum nonvoted discretionary millage, exclusive of millage for capital outlay pur-

poses levied pursuant to s. 1011.71(2), may calculate full-time equivalent students for small, isolated high schools by multiplying the number of un-weighted full-time equivalent students times 2.75; provided the school has attained a performance grade category “C” or better, pursuant to s. 1008.34, for the previous year percentage of students at such school passing both parts of the high school competency test, as defined by law and rule, has been equal to or higher than such percentage for the state or district, whichever is greater. For the purpose of this section, the term “small, isolated high school” means any high school which is located no less than 28 miles by the shortest route from another high school; which has been serving students primarily in basic studies provided by sub-subparagraphs (c)1.b. and c. and may include subparagraph (c)4.; and which has a membership of no more than 100 students, but no fewer than 28 students, in grades 9 through 12.

Section 69. Subsections (2) and (5) of section 1011.70, Florida Statutes, are amended to read:

1011.70 Medicaid certified school funding maximization.—

(2) ~~The Agency for Health Care Administration Department of Education~~ shall monitor compliance of each participating school district with the Medicaid provider agreements. In addition, the Agency for Health Care Administration department shall develop standardized recordkeeping procedures for the school districts that meet Medicaid requirements for audit purposes.

(5) ~~Lab Developmental research~~ schools, as authorized under s. 1002.32, shall be authorized to participate in the Medicaid certified school match program on the same basis as school districts subject to the provisions of subsections (1)-(4) and ss. 409.9071 and 409.908(21).

Section 70. Paragraph (a) of subsection (1) 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 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 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 and Service Trust Fund for use as specified in s. 1012.59.

(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) 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 ~~1008.345~~ ~~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 71. Section 1012.62, Florida Statutes, is amended to read:

1012.62 Transfer of sick leave and annual leave.—In implementing the provisions of ss. 402.22(1)(d) and ~~1001.42(4)(m)~~ ~~1001.42(4)(n)~~, educational personnel in Department of Children and Family Services residential care facilities who are employed by a district school board may request, and the district school board shall accept, a lump-sum transfer of accumulated sick leave for such personnel to the maximum allowed by policies of the district school board, notwithstanding the provisions of s. 110.122. Educational personnel in Department of Children and Family Services residential care facilities who are employed by a district school board under the provisions of s. 402.22(1)(d) may request, and the district school board shall accept, a lump-sum transfer of accumulated annual leave for each person employed by the district school board in a position in the district eligible to accrue vacation leave under policies of the district school board.

Section 72. Paragraph (b) of subsection (7) of section 1012.79, Florida Statutes, is amended to read:

1012.79 Education Practices Commission; organization.—

(7) The duties and responsibilities of the commission are to:

(b) Revoke or suspend a certificate or take other appropriate action as provided in ss. ~~1012.795~~ ~~1012.56~~ and 1012.796.

Section 73. Subsection (2) of section 1012.795, Florida Statutes, is amended to read:

1012.795 Education Practices Commission; authority to discipline.—

(2) The plea of guilty in any court, the decision of guilty by any court, the forfeiture by the teaching certificateholder of a bond in any court of law, or the written acknowledgment, duly witnessed, of offenses listed in subsection (1) to the district school superintendent or a duly appointed representative of such superintendent or to the district school board shall be prima facie proof of grounds for revocation of the certificate as listed in subsection (1) in the absence of proof by the certificateholder that the plea of guilty, forfeiture of bond, or admission of guilt was caused by threats, coercion, or fraudulent means.

Section 74. Paragraph (c) of subsection (1) of section 1012.796, Florida Statutes, amended to read:

1012.796 Complaints against teachers and administrators; procedure; penalties.—

(1)

(c) Each school district shall file in writing with the department all legally sufficient complaints within 30 days after the date on which subject matter of the complaint comes to the attention of the school district. The school district shall include all information relating to the complaint which is known to the school district at the time of filing. Each district school board shall develop policies and procedures to comply with this reporting requirement. The district school board policies and procedures shall include appropriate penalties for all personnel of the district school board for nonreporting and procedures for promptly informing the district school superintendent of each legally sufficient complaint. The district school superintendent is charged with knowledge of these policies and procedures. If the district school superintendent has knowledge of a legally sufficient complaint and does not report the complaint, or fails to enforce the policies and procedures of the district school board, and fails to comply with the requirements of this subsection, in addition to other actions against certificateholders authorized by law, the district school superintendent shall be subject to penalties as specified in s. ~~1001.51(12)~~ ~~1001.51(13)~~. This paragraph does not limit or restrict the power and duty of the department to investigate complaints as provided in paragraphs (a) and (b), regardless of the school district's untimely filing, or failure to file, complaints and followup reports.

Section 75. Paragraph (b) of subsection (4) of section 1012.98, Florida Statutes, is amended to read:

1012.98 School Community Professional Development Act.—

(4) The Department of Education, school districts, schools, community colleges, and state universities share the responsibilities described in this section. These responsibilities include the following:

(b) Each school district shall develop a professional development system. The system shall be developed in consultation with teachers and representatives of community college and state university faculty, community agencies, and other interested citizen groups to establish policy and procedures to guide the operation of the district professional development program. The professional development system must:

1. Be approved by the department. All substantial revisions to the system shall be submitted to the department for review for continued approval.

2. Require the use of student achievement data; school discipline data; school environment surveys; assessments of parental satisfaction; performance appraisal data of teachers, managers, and administrative personnel; and other performance indicators to identify school and student needs that can be met by improved professional performance.

3. Provide inservice activities coupled with followup support that are appropriate to accomplish district-level and school-level improvement goals and standards. The inservice activities for instructional personnel shall primarily focus on subject content and teaching methods, including technology, as related to the Sunshine State Standards, assessment and data analysis, classroom management, parent involvement, and school safety.

4. Include a master plan for inservice activities, pursuant to rules of the State Board of Education, for all district employees from all fund sources. The master plan shall be updated annually by September 1 using criteria for continued approval as specified by rules of the State Board of Education. Written verification that the inservice plan meets all requirements of this section must be submitted annually to the commissioner by October 1.

5. Require each school principal to establish and maintain an individual professional development plan for each instructional employee assigned to the school. The individual professional development plan must:

a. Be related to specific performance data for the students to whom the teacher is assigned.

b. Define the inservice objectives and specific measurable improvements expected in student performance as a result of the inservice activity.

c. Include an evaluation component that determines the effectiveness of the professional development plan.

6. Include inservice activities for school administrative personnel that address updated skills necessary for effective school management and instructional leadership.

7. Provide for systematic consultation with regional and state personnel designated to provide technical assistance and evaluation of local professional development programs.

8. Provide for delivery of professional development by distance learning and other technology-based delivery systems to reach more educators at lower costs.

9. Provide for the continuous evaluation of the quality and effectiveness of professional development programs in order to eliminate ineffective programs and strategies and to expand effective ones. Evaluations must consider the impact of such activities on the performance of participating educators and their students' achievement and behavior.

Section 76. Subsection (6) of section 1013.73, Florida Statutes, is amended to read:

1013.73 Effort index grants for school district facilities.—

(6) A school district may receive a distribution for use pursuant to paragraph (3)(a) only if the district school board certifies to the Commissioner of Education that the district has no unmet need for permanent classroom facilities in its 5-year capital outlay work plan. If the work plan contains such unmet needs, the district must use its distribution for the payment of bonds under paragraph (3)(b) ~~(2)(b)~~. If the district does not require its full bonded distribution to eliminate such unmet needs, it may bond only that portion of its allocation necessary to meet the needs.

Section 77. Subsection (1) of section 1013.74, Florida Statutes, is amended to read:

1013.74 University authorization for fixed capital outlay projects.—

(1) Notwithstanding the provisions of chapter 216, including s. 216.351, a university may accomplish fixed capital outlay projects consistent with the provisions of this section. Projects authorized by this section shall not require educational plant survey approval as prescribed in this chapter ~~235~~.

Section 78. Paragraphs (g) and (h) of subsection (2) of section 445.049, subsection (24) of section 1002.33, and section 1006.57, Florida Statutes, are repealed.

Section 79. Effective upon this act becoming a law and applicable retroactive to June 30, 2004, subsection (10) of section 1010.10, Florida Statutes, as created by section 13 of chapter 2003-399, Laws of Florida, is repealed.

Section 80. This act shall take effect upon becoming a law.

Approved by the Governor May 12, 2004.

Filed in Office Secretary of State May 12, 2004.