



The Journal OF THE House of Representatives

Number 24

Wednesday, April 23, 2003

The House was called to order by the Speaker at 10:00 a.m.

Prayer

The following prayer was offered by the Bishop George H. Washington of Temple of Faith Pentecostal Church of Apopka, upon invitation of Rep. Brummer:

Our Heavenly Father, we thank You this day for such an opportunity that You have given to each of us. And as we stand here this day before You, I am asking You to search each of our hearts. Make us, mold us, and use us to Your own will and to Your own glory.

As these leaders stand here today, give them the right mind to lead this country and this community in the order in which You suggest. We are looking to You. Hope, confidence—all of it is in You.

We want You to bless each man and each woman as they stand here today in Your presence, to give them that mind to lead and guide us all the way. If You do these things for us, we will praise Your Name, we will glorify You forever and ever, we pray. Amen. Thank God.

The following Members were recorded present:

Session Vote Sequence: 124

Speaker Byrd in the Chair.

Adams	Brummer	Galvano	Johnson
Allen	Brutus	Gannon	Jordan
Altman	Bucher	Garcia	Joyner
Ambler	Bullard	Gardiner	Justice
Anderson	Byrd	Gelber	Kallinger
Antone	Cantens	Gibson, A.	Kendrick
Arza	Carassas	Gibson, H.	Kilmer
Attkisson	Clarke	Goodlette	Kosmas
Ausley	Cretul	Gottlieb	Kottkamp
Barreiro	Culp	Green	Kravitz
Baxley	Cusack	Greenstein	Kyle
Bean	Davis, D.	Harper	Littlefield
Bendross-Mindingall	Davis, M.	Harrell	Llorente
Bense	Dean	Harrington	Machek
Benson	Detert	Hasner	Mack
Berfield	Domino	Henriquez	Mahon
Bilirakis	Evers	Hogan	McInvale
Bowen	Farkas	Holloway	Meadows
Brandenburg	Fields	Homan	Mealor
Brown	Fiorentino	Jennings	Murman

Murzin	Quinones	Russell	Stansel
Needelman	Reagan	Ryan	Stargel
Negron	Rich	Sansom	Troutman
Patterson	Richardson	Seiler	Vana
Paul	Ritter	Simmons	Waters
Peterman	Rivera	Slosberg	Wiles
Pickens	Robaina	Smith	Wishner
Planas	Roberson	Sobel	Zapata
Poppell	Ross	Sorensen	
Prieguez	Rubio	Spratt	

(A list of excused Members appears at the end of the *Journal*.)

A quorum was present.

Moment of Silence

At the request of Rep. Ambler, the House observed a moment of silence in memory of Corporal John Travis Rivero of Gainesville. Corporal John Travis Rivero died serving his country in Operation Iraqi Freedom. He was assigned to C Company, 2nd Battalion, 124th Infantry Division, Eustis.

Pledge

The Members, led by Jonathan Henn of Boca Raton, Travis Howlette of South Setauket, NY, Hali R. Hutchison of Davie, Kaylen D. Jones of Pensacola, Daniel Webster Merwin of Palatka, and Marianne Nicole Morgan of Hobe Sound pledged allegiance to the Flag. Jonathan Henn and Travis Howlette served at the invitation of the Speaker. Hali R. Hutchison served at the invitation of Rep. Rich. Kaylen D. Jones served at the invitation of Rep. Benson. Daniel Webster Merwin served at the invitation of Rep. Pickens. Marianne Nicole Morgan served at the invitation of Rep. Negron.

House Physician

The Speaker introduced former House member from District 35, Dr. Robert G. Brooks of Tallahassee, who served in the Clinic today upon invitation of Rep. Kallinger.

Correction of the *Journal*

The *Journal* of April 22 was corrected and approved as corrected.

Reports of Standing Committees

Report of the Subcommittee on Rules

*The Honorable Johnnie Byrd
Speaker, House of Representatives*

April 21, 2003

Dear Mr. Speaker:

Your Subcommittee on Rules herewith submits Special Orders for Wednesday, April 23, 2003. Consideration of the House Bills on Special Orders shall include their Senate companion measures.

- I. Consideration of the following bill(s):
 - HB 137 CS – Kilmer & others
Tax On Sales, Use, and Other Transactions
 - CS/SB 260 - Military and Veterans' Affairs, Base Protection, and Spaceports, Fasano
Condominiums/Armed Services Flags
 - HB 181 CS – Ambler & others
Condominiums
 - HB 1841 - Appropriations, Brummer
Educational Enhancement Trust Fund
 - HB 1843 - Appropriations, Bilirakis
Trust Funds
 - HB 1845 - Appropriations, Green
Trust Funds
 - HB 1847 - Appropriations, Green
Trust Funds
 - HB 1849 - Appropriations, Brummer
Public Employees Relations Commission
 - HB 1851 - Appropriations, Waters
Trust Funds
 - HB 1853 - Appropriations, Kyle
Budget Stabilization Fund
 - HB 1855 - Appropriations, Waters
Department of State
 - HB 773 CS - Gardiner, Simmons
Central Florida Regional Transportation Authority
 - HB 1099 CS – Littlefield & others
Domestic Violence Centers
 - HB 1675 – Prieguez & others
Facilitating or Furthering a Burglary
 - HB 767 – Planas & others
Department of Juvenile Justice
 - HB 397 CS - Kallinger, Richardson
Emergency Elevator Access
 - HB 235 CS - Clarke
Mutual Insurance Holding Companies
 - HB 293 CS - Smith, Greenstein
The Florida Litter Law
 - CS/CS/SB 1436 - Appropriations, Finance and Taxation, Education, Carlton, Constantine
Class Size Reduction Act
 - HB 909 - Kyle
Village of Captiva Charter
 - HB 821 CS - Gannon
Service of Process Against the Florida Automobile Joint Underwriting Association
 - SB 88 - Geller
High Occupancy Vehicle Lanes

This report is submitted after consultation with the Minority Leader.

Respectfully submitted,
Sandra L. Murman
Co-Chair
Subcommittee on Rules

Dennis A. Ross
Co-Chair
Subcommittee on Rules

On motion by Rep. Wiles, the above report was adopted.

Motions Relating to Committee References

On motion by Rep. Cantens, by the required two-thirds vote, HB 195 was withdrawn from the Subcommittee on Judicial Appropriations and placed on the Calendar of the House.

On motion by Rep. Bean, by the required two-thirds vote, HB 93 was withdrawn from further consideration of the House.

Bills and Joint Resolutions on Third Reading

HB 207—A bill to be entitled An act relating to pharmacy; amending s. 465.017, F.S.; requiring the Board of Pharmacy to adopt rules establishing guidelines for pharmacies to dispose of patient records; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 125

Speaker Byrd in the Chair.

Yeas—105

Adams	Dean	Justice	Reagan
Ambler	Detert	Kallinger	Rich
Anderson	Evers	Kendrick	Ritter
Antone	Farkas	Kilmer	Rivera
Arza	Fiorentino	Kosmas	Robaina
Attkisson	Galvano	Kottkamp	Roberson
Ausley	Gannon	Kravitz	Ross
Baxley	Garcia	Kyle	Rubio
Bean	Gardiner	Littlefield	Russell
Bendross-Mindingall	Gelber	Llorente	Ryan
Bense	Gibson, A.	Machek	Sansom
Benson	Gibson, H.	Mack	Seiler
Berfield	Goodlette	Mahon	Simmons
Bowen	Gottlieb	McInvale	Slosberg
Brandenburg	Green	Meadows	Smith
Brown	Greenstein	Mealor	Sobel
Brummer	Harper	Murman	Sorensen
Brutus	Harrell	Murzin	Stansel
Bucher	Harrington	Needelman	Stargel
Bullard	Hasner	Negron	Troutman
Cantens	Hogan	Patterson	Waters
Carassas	Holloway	Paul	Wiles
Clarke	Homan	Peterman	Wishner
Cretul	Jennings	Pickens	Zapata
Culp	Johnson	Planas	
Cusack	Jordan	Poppell	
Davis, M.	Joyner	Quinones	

Nays—None

Votes after roll call:

Yeas—Altman, D. Davis, Domino, Fields, Richardson

So the bill passed and was immediately certified to the Senate.

HB 267—A bill to be entitled An act relating to sales of tax certificates for unpaid taxes; amending s. 197.432, F.S.; prohibiting electronic sales of certain tax certificates for unpaid taxes; authorizing county tax collectors to conduct sales of tax certificates for unpaid taxes by electronic means; specifying compliance requirements; requiring public access; authorizing the tax collector to receive electronic deposits and payments; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 126

Speaker Byrd in the Chair.

Yeas—114

Adams	Cusack	Johnson	Quinones
Allen	Davis, D.	Jordan	Reagan
Altman	Davis, M.	Joyner	Rich
Ambler	Dean	Justice	Richardson
Anderson	Detert	Kendrick	Ritter
Antone	Domino	Kilmer	Rivera
Arza	Evers	Kosmas	Robaina
Attkisson	Farkas	Kottkamp	Roberson
Ausley	Fields	Kravitz	Ross
Barreiro	Fiorentino	Kyle	Rubio
Baxley	Galvano	Littlefield	Russell
Bean	Gannon	Llorente	Ryan
Bendross-Mindingall	Gardiner	Machek	Sansom
Bense	Gelber	Mack	Seiler
Benson	Gibson, A.	Mahon	Simmons
Berfield	Gibson, H.	McInvale	Slosberg
Bilirakis	Goodlette	Meadows	Sobel
Bowen	Gottlieb	Mealor	Sorensen
Brandenburg	Green	Murman	Spratt
Brown	Greenstein	Murzin	Stansel
Brummer	Harper	Needelman	Stargel
Brutus	Harrell	Negron	Troutman
Bucher	Harrington	Patterson	Vana
Bullard	Hasner	Paul	Waters
Byrd	Henriquez	Peterman	Wiles
Cantens	Hogan	Pickens	Wishner
Carassas	Holloway	Planas	Zapata
Cretul	Homan	Poppell	
Culp	Jennings	Prieguez	

Nays—None

Votes after roll call:

Yeas—Kallinger

So the bill passed, as amended, and was immediately certified to the Senate.

HB 415—A bill to be entitled An act relating to Internet access in county and municipal libraries; requiring public libraries to install and maintain computer software or equivalent technology that prohibits access to obscene materials by minors; permitting libraries to prohibit access to materials that incite violence; providing that the installation of software or technology in a library having only one public-access computer is within the library's discretion; providing a finding of important state interest; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 127

Speaker Byrd in the Chair.

Yeas—97

Adams	Baxley	Brutus	Davis, M.
Altman	Bean	Bullard	Dean
Ambler	Bense	Byrd	Detert
Anderson	Benson	Cantens	Domino
Antone	Berfield	Carassas	Evers
Arza	Bilirakis	Clarke	Farkas
Attkisson	Bowen	Cretul	Fiorentino
Ausley	Brown	Culp	Galvano
Barreiro	Brummer	Davis, D.	Gardiner

Gelber	Kendrick	Patterson	Ryan
Gibson, A.	Kilmer	Paul	Sansom
Gibson, H.	Kosmas	Peterman	Seiler
Goodlette	Kottkamp	Pickens	Simmons
Green	Kravitz	Planas	Sobel
Greenstein	Kyle	Poppell	Sorensen
Harper	Littlefield	Prieguez	Spratt
Harrell	Llorente	Quinones	Stansel
Harrington	Mahon	Reagan	Stargel
Hasner	McInvale	Rich	Troutman
Henriquez	Meadows	Richardson	Waters
Hogan	Mealor	Rivera	Wiles
Holloway	Murman	Robaina	Zapata
Homan	Murzin	Ross	
Johnson	Needelman	Rubio	
Jordan	Negron	Russell	

Nays—12

Brandenburg	Joyner	Mack	Slosberg
Bucher	Justice	Ritter	Smith
Jennings	Machek	Roberson	Vana

Votes after roll call:

Yeas—Cusack, Fields, Kallinger, Wishner

Nays—Gannon

Yeas to Nays—Fiorentino, Richardson, Seiler

Nays to Yeas—Vana

So the bill passed, as amended, and was immediately certified to the Senate.

On motion by Rep. Mahon, consideration of **HB 835** was temporarily postponed under Rule 11.10.

HB 1763—A bill to be entitled An act relating to the public records exemption for the Address Confidentiality Program for Victims of Domestic Violence; amending s. 741.406, F.S.; repealing provisions which prohibit a supervisor of elections from making certain program participant information available; repealing s. 741.407, F.S., which prohibits the Attorney General from disclosing specified program participant information; amending s. 741.465, F.S., which provides an exemption from public records requirements for specified information of participants in the Address Confidentiality Program for Victims of Domestic Violence; adding clarifying language; removing the October 2, 2003, repeal thereof scheduled under the Open Government Sunset Review Act of 1995; creating a public records exemption for the names, addresses, and telephone numbers of participants in the Address Confidentiality Program for Victims of Domestic Violence contained in voter registration records held by the supervisor of elections; providing for retroactive application of the exemption; providing for future review and repeal of exemption; providing a statement of public necessity; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 128

Speaker Byrd in the Chair.

Yeas—113

Adams	Bean	Brummer	Culp
Ambler	Bendross-Mindingall	Brutus	Cusack
Anderson	Bense	Bucher	Davis, D.
Antone	Benson	Bullard	Davis, M.
Arza	Berfield	Byrd	Dean
Attkisson	Bilirakis	Cantens	Detert
Ausley	Bowen	Carassas	Domino
Barreiro	Brandenburg	Clarke	Evers
Baxley	Brown	Cretul	Farkas

Fields	Jennings	Needelman	Ryan
Fiorentino	Johnson	Negron	Sansom
Galvano	Jordan	Patterson	Seiler
Gannon	Joyner	Paul	Simmons
Gardiner	Justice	Peterman	Slosberg
Gelber	Kendrick	Pickens	Smith
Gibson, A.	Kilmer	Planas	Sobel
Gibson, H.	Kosmas	Poppell	Sorensen
Goodlette	Kottkamp	Prieguez	Spratt
Gottlieb	Kravitz	Quinones	Stansel
Green	Kyle	Reagan	Stargel
Greenstein	Littlefield	Rich	Troutman
Harper	Llorente	Richardson	Vana
Harrell	Machek	Ritter	Waters
Harrington	Mack	Rivera	Wiles
Hasner	Mahon	Robaina	Wishner
Henriquez	McInvale	Roberson	Zapata
Hogan	Meadows	Ross	
Holloway	Mealor	Rubio	
Homan	Murman	Russell	

Nays—None

Votes after roll call:

Yeas—Altman, Kallinger, Murzin

So the bill passed by the required constitutional two-thirds vote of the Members voting and was immediately certified to the Senate.

HB 1765—A bill to be entitled An act relating to public necessity statements for public records and public meetings exemptions; repealing s. 430.015, F.S.; removing a public necessity statement for a public records exemption for identifying information contained in records of elderly persons collected and held by the Department of Elderly Affairs; amending s. 440.132, F.S.; removing a public necessity statement for a public records exemption for investigatory records of the Agency for Health Care Administration made or received pursuant to a workers' compensation managed care arrangement and examination records necessary to complete an investigation; repealing s. 723.0065, F.S.; removing a public necessity statement for a public records exemption for specified financial records of mobile home park owners acquired by the Division of Florida Land Sales, Condominiums, and Mobile Homes of the Department of Business and Professional Regulation, and the Bureau of Mobile Homes of the division; repealing s. 768.301, F.S.; removing a public necessity statement for a public records exemption for certain claims files records and minutes of meetings and proceedings relating to risk management programs entered into by the state and its agencies and subdivisions, and a public meetings exemption for proceedings and meetings regarding claims filed; repealing s. 815.045, F.S.; removing a public necessity statement for a public records exemption for data, programs, or supporting documentation which are trade secrets and which reside or exist internal or external to a computer, computer system, or computer network and which are held by an agency; amending s. 943.031, F.S.; removing a public necessity statement for a public records and public meetings exemption for specified portions of meetings of the Florida Violent Crime and Drug Control Council, specified portions of public records generated at closed council meetings, and documents related to active criminal investigations or matters constituting active criminal intelligence; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 129

Speaker Byrd in the Chair.

Yeas—116

Adams	Anderson	Ausley	Bendross-Mindingall
Allen	Antone	Barreiro	Bense
Altman	Arza	Baxley	Benson
Ambler	Attkisson	Bean	Berfield

Bilirakis	Gannon	Kilmer	Rich
Bowen	Garcia	Kosmas	Ritter
Brandenburg	Gardiner	Kottkamp	Rivera
Brown	Gelber	Kravitz	Robaina
Brummer	Gibson, A.	Kyle	Roberson
Brutus	Gibson, H.	Littlefield	Ross
Bucher	Goodlette	Llorente	Rubio
Bullard	Gottlieb	Machek	Russell
Byrd	Green	Mack	Ryan
Cantens	Greenstein	Mahon	Sansom
Carassas	Harper	McInvale	Seiler
Clarke	Harrell	Meadows	Simmons
Cretul	Harrington	Mealor	Slosberg
Culp	Hasner	Murman	Smith
Cusack	Henriquez	Needelman	Sobel
Davis, D.	Hogan	Negron	Sorensen
Davis, M.	Holloway	Patterson	Spratt
Dean	Homan	Paul	Stansel
Detert	Jennings	Peterman	Stargel
Domino	Johnson	Pickens	Troutman
Evers	Jordan	Planas	Vana
Farkas	Joyner	Poppell	Waters
Fields	Justice	Prieguez	Wiles
Fiorentino	Kallinger	Quinones	Wishner
Galvano	Kendrick	Reagan	Zapata

Nays—None

Votes after roll call:

Yeas—Murzin, Richardson

So the bill passed and was immediately certified to the Senate.

HB 1785—A bill to be entitled An act relating to public records; amending s. 119.07, F.S.; providing an exemption from public records requirements for personal identifying information contained in records relating to a person's health held by local governmental entities or their service providers for purposes of determining eligibility for paratransit services under Title II of the Americans with Disabilities Act or eligibility for the transportation disadvantaged program as provided in part I of ch. 427, F.S.; providing exceptions to the exemption; providing for retroactive application; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 130

Speaker Byrd in the Chair.

Yeas—118

Adams	Brandenburg	Evers	Hasner
Allen	Brown	Farkas	Henriquez
Altman	Brummer	Fields	Hogan
Ambler	Brutus	Fiorentino	Holloway
Anderson	Bucher	Galvano	Homan
Antone	Bullard	Gannon	Jennings
Arza	Byrd	Garcia	Johnson
Attkisson	Cantens	Gardiner	Jordan
Ausley	Carassas	Gelber	Joyner
Barreiro	Clarke	Gibson, A.	Justice
Baxley	Cretul	Gibson, H.	Kallinger
Bean	Culp	Goodlette	Kendrick
Bendross-Mindingall	Cusack	Gottlieb	Kilmer
Bense	Davis, D.	Green	Kosmas
Benson	Davis, M.	Greenstein	Kottkamp
Berfield	Dean	Harper	Kravitz
Bilirakis	Detert	Harrell	Kyle
Bowen	Domino	Harrington	Littlefield

Llorente	Paul	Robaina	Sorensen
Machek	Peterman	Roberson	Spratt
Mack	Pickens	Ross	Stansel
Mahon	Planas	Rubio	Stargel
McInvale	Poppell	Russell	Troutman
Meadows	Prieguez	Ryan	Vana
Mealor	Quinones	Sansom	Waters
Murman	Reagan	Seiler	Wiles
Murzin	Rich	Simmons	Wishner
Needelman	Richardson	Slosberg	Zapata
Negron	Ritter	Smith	
Patterson	Rivera	Sobel	

Nays—None

So the bill passed by the required constitutional two-thirds vote of the Members voting and was immediately certified to the Senate.

On motion by Rep. Mack, consideration of **HB 1809** was temporarily postponed under Rule 11.10.

Special Orders

Special Order Calendar

HB 137—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.08, F.S.; specifying a period each year during which sales of clothing, certain other items, and school supplies are exempt from such tax; making the exemption contingent upon funding in the General Appropriations Act; providing definitions; providing exceptions; providing for rules; providing an effective date.

The Committee on Finance & Tax recommended the following:

HB 137 CS—A bill to be entitled An act relating to the tax on sales, use, and other transactions; providing a popular name; specifying a period during which the sale of clothing, school supplies, and books are exempt from such tax; providing definitions; authorizing the Department of Revenue to adopt rules; providing an appropriation; providing an effective date.

—was read the second time by title.

Representative Wiles offered the following:

(Amendment Bar Code: 701653)

Amendment 1 (with title amendment)—Remove everything after the enacting clause, and insert:

Section 1. (1) This is the "Florida Residents' Tax Relief Act of 2003."

(2) Any tax levied under the provisions of chapter 212, Florida Statutes, shall not be collected on sales of:

(a)1. Clothing, wallets, or bags, including handbags, backpacks, fanny packs, and diaper bags, but excluding briefcases, suitcases, and other garment bags, having a sales price of \$50 or less per item during the period from 12:01 a.m., August 2, 2003, through midnight, August 3, 2003.

2. As used in this paragraph, the term "clothing" means any article of wearing apparel, including all footwear, except skis, swim fins, roller blades, and skates, intended to be worn on or about the human body. For purposes of this paragraph, the term "clothing" does not include watches, watchbands, jewelry, umbrellas, or handkerchiefs.

3. Taxes administered on the sales of clothing, wallets, or bags, including handbags, backpacks, fanny packs, and diaper bags, but excluding briefcases, suitcases, and other garment bags, having a sales price of \$50 or less per item during the period from 12:01 a.m., July 26, 2003, through midnight, August 1, 2003, shall be collected as stated in chapter 212, Florida Statutes, except that such revenues shall be designated to fund the provisions of the First Sergeant Carey Baker Military Relief Act.

(b)1. School supplies having a sales price of \$10 or less per item during the period from 12:01 a.m., August 2, 2003, through midnight, August 3,

2003.

2. As used in this paragraph, the term "school supplies" means pens, pencils, erasers, crayons, notebooks, notebook filler paper, legal pads, composition books, poster paper, scissors, cellophane tape, glue or paste, rulers, computer disks, protractors, compasses, and calculators.

3. Taxes administered on the sales of school supplies having a sales price of \$10 or less per item during the period from 12:01 a.m., July 26, 2003, through midnight, August 1, 2003, shall be collected as stated in chapter 212, Florida Statutes, except that such revenues shall be designated to fund the provisions of the First Sergeant Carey Baker Military Relief Act.

(c)1. Books during the period from 12:01 a.m., May 1, 2004, through midnight, May 31, 2004.

2. As used in this paragraph, the term "book" means a set of printed sheets bound together and published in a volume. For purposes of this paragraph, the term "book" does not include any newspaper, magazine, or other periodical.

(3) This section does not apply to sales within a theme park or entertainment complex as defined in s. 509.013(9), Florida Statutes, within a public lodging establishment as defined in s. 509.013(4), Florida Statutes, or within an airport as defined in s. 330.27(2), Florida Statutes.

(4) Notwithstanding the provisions of chapter 120, Florida Statutes, the Department of Revenue may adopt rules to carry out this section.

Section 2. The sum of \$400,000 is appropriated from the General Revenue Fund to the Department of Revenue for the purpose of administering this act.

Section 3. This act shall take effect upon becoming a law.

Remove the entire title, and insert:

A bill to be entitled

An act relating to the tax on sales, use, and other transactions; providing a popular name; specifying a period during which the sale of clothing, school supplies, and books are exempt from such tax; providing for allocation of the tax on clothing and school supplies during a specific period to fund certain military relief provisions; providing definitions; authorizing the Department of Revenue to adopt rules; providing an appropriation; providing an effective date.

Rep. Wiles moved the adoption of the amendment.

REPRESENTATIVE MURMAN IN THE CHAIR

On motion by Rep. Cantens, further consideration of **Amendment 1 (701653)** and **Substitute Amendment 1 (847733)** was temporarily postponed under Rule 11.10. The vote was:

Session Vote Sequence: 131

Rep. Murman in the Chair.

Yeas—76

Adams	Culp	Homan	Pickens
Allen	Davis, D.	Johnson	Planas
Altman	Davis, M.	Jordan	Poppell
Ambler	Dean	Kallinger	Prieguez
Arza	Detert	Kilmer	Quinones
Attkisson	Domino	Kottkamp	Reagan
Barreiro	Evers	Kravitz	Rivera
Bean	Farkas	Kyle	Robaina
Bense	Fiorentino	Littlefield	Ross
Benson	Galvano	Llorente	Rubio
Berfield	Garcia	Mack	Russell
Bilirakis	Gardiner	Mahon	Sansom
Bowen	Gibson, H.	Mealor	Simmons
Brown	Goodlette	Murman	Sorensen
Brummer	Green	Murzin	Spratt
Cantens	Harrell	Needelman	Stargel
Carassas	Harrington	Negron	Troutman
Clarke	Hasner	Patterson	Waters
Cretul	Hogan	Paul	Zapata

Nays—40

Antone	Gannon	Justice	Roberson
Ausley	Gelber	Kendrick	Ryan
Baxley	Gibson, A.	Kosmas	Seiler
Bendross-Mindingall	Gottlieb	Machek	Slosberg
Brandenburg	Greenstein	McInvale	Smith
Brutus	Harper	Meadows	Sobel
Bucher	Henriquez	Peterman	Stansel
Bullard	Holloway	Rich	Vana
Cusack	Jennings	Richardson	Wiles
Fields	Joyner	Ritter	Wishner

Representative Joyner offered the following:

(Amendment Bar Code: 030395)

Amendment 2 (with title amendment)—Remove everything after the enacting clause, and insert:

Section 1. (1) This is the "Florida Residents' Tax Relief Act of 2003."

(2) Any tax levied under the provisions of chapter 212, Florida Statutes, shall not be collected on sales of:

(a)1. Clothing, wallets, or bags, including handbags, backpacks, fanny packs, and diaper bags, but excluding briefcases, suitcases, and other garment bags, having a sales price of \$50 or less per item during the period from 12:01 a.m., July 31, 2003, through midnight, August 3, 2003.

2. As used in this paragraph, the term "clothing" means any article of wearing apparel, including all footwear, except skis, swim fins, roller blades, and skates, intended to be worn on or about the human body. For purposes of this paragraph, the term "clothing" does not include watches, watchbands, jewelry, umbrellas, or handkerchiefs.

3. Taxes administered on the sales of clothing, wallets, or bags, including handbags, backpacks, fanny packs, and diaper bags, but excluding briefcases, suitcases, and other garment bags, having a sales price of \$50 or less per item during the period from 12:01 a.m., July 26, 2003, through midnight, July 30, 2003, shall be collected as stated in chapter 212, Florida Statutes, except that such revenues shall be designated to restore funding to individuals, including individuals over 21 years of age, who qualify to receive adult dental, visual, and hearing services under the state Medicaid program.

(b)1. School supplies having a sales price of \$10 or less per item during the period from 12:01 a.m., July 26, 2003, through midnight, August 3, 2003.

2. As used in this paragraph, the term "school supplies" means pens, pencils, erasers, crayons, notebooks, notebook filler paper, legal pads, composition books, poster paper, scissors, cellophane tape, glue or paste, rulers, computer disks, protractors, compasses, and calculators.

(c)1. Books during the period from 12:01 a.m., May 1, 2004, through midnight, May 31, 2004.

2. As used in this paragraph, the term "book" means a set of printed sheets bound together and published in a volume. For purposes of this paragraph, the term "book" does not include any newspaper, magazine, or other periodical.

(3) This section does not apply to sales within a theme park or entertainment complex as defined in s. 509.013(9), Florida Statutes, within a public lodging establishment as defined in s. 509.013(4), Florida Statutes, or within an airport as defined in s. 330.27(2), Florida Statutes.

(4) Notwithstanding the provisions of chapter 120, Florida Statutes, the Department of Revenue may adopt rules to carry out this section.

Section 2. The sum of \$400,000 is appropriated from the General Revenue Fund to the Department of Revenue for the purpose of administering this act.

Section 3. This act shall take effect upon becoming a law.

Remove the entire title, and insert:

A bill to be entitled

An act relating to the tax on sales, use, and other transactions; providing a popular name; specifying a period during which the sale of clothing, school supplies, and books are exempt from such tax; providing for allocation of the tax on clothing during a specific period to fund certain adult dental, visual, and hearing benefits; providing definitions; authorizing the Department of Revenue to adopt rules; providing an appropriation; providing an effective date.

Rep. Joyner moved the adoption of the amendment.

On motion by Rep. Kilmer, further consideration of **HB 137**, with pending amendments, was temporarily postponed under Rule 11.10.

HB 181—A bill to be entitled An act relating to condominiums; amending s. 718.113, F.S.; allowing unit owners to fly armed services flags on designated days and patriotic holidays; providing an effective date.

The Committee on Local Government & Veterans' Affairs recommended the following:

HB 181 CS—A bill to be entitled An act relating to condominiums; amending s. 718.113, F.S.; allowing unit owners to fly armed services flags on designated days and patriotic holidays; providing an effective date.

—was read the second time by title.

The Subcommittee on Rules offered the following:

(Amendment Bar Code: 930151)

Technical Amendment 1—Remove line 28, and insert: Corps. or Coast Guard, regardless of any declaration rules or

Rep. Ross moved the adoption of the amendment, which was adopted.

On motion by Rep. Ambler, CS for SB 260 was substituted for HB 181. Under Rule 5.13, the House bill was laid on the table and—

CS for SB 260—A bill to be entitled An act relating to condominiums; amending s. 718.113, F.S.; allowing unit owners to fly armed services flags on designated days and patriotic holidays; providing an effective date.

—was read the second time by title.

On motion by Rep. Ambler, further consideration of **CS for SB 260** was temporarily postponed under Rule 11.10.

HB 1841—A bill to be entitled An act relating to the Educational Enhancement Trust Fund; amending ss. 24.121 and 1010.70, F.S.; increasing amounts to be deposited into the Educational Enhancement Trust Fund; providing an effective date.

—was read the second time by title.

THE SPEAKER IN THE CHAIR

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

HB 1843—A bill to be entitled An act relating to trust funds; creating the Alcohol, Drug Abuse, and Mental Health Trust Fund within the Department of Corrections; providing for source of moneys and purposes; providing for annual carryforward of unused funds; providing for future review and termination or re-creation of the trust fund; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

HB 1845—A bill to be entitled An act relating to trust funds; amending s. 20.435, F.S.; creating the Alcohol, Drug Abuse, and Mental Health Trust Fund within the Department of Health; providing for source of moneys and purposes; providing for annual carryforward of unused funds; providing for future review and termination or re-creation of the trust fund; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

HB 1847—A bill to be entitled An act relating to trust funds; amending s.

20.435, F.S.; creating the Welfare Transition Trust Fund within the Department of Health; providing for source of moneys and purposes; providing for annual carryforward of unused funds; providing for future review and termination or re-creation of the trust fund; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

HB 1849—A bill to be entitled An act relating to the Public Employees Relations Commission; amending s. 212.20, F.S.; providing for deposit into the Public Employees Relations Commission Trust Fund of certain proceeds of the local government half-cent sales tax that would otherwise be deposited into the Local Government Half-cent Sales Tax Clearing Trust Fund; amending s. 447.305, F.S.; increasing the fee for registration or renewal of registration of employee organizations seeking to become certified bargaining agents for public employees; providing for deposit of the proceeds of such fees into the Public Employees Relations Commission Trust Fund; providing an effective date.

—was read the second time by title.

REPRESENTATIVE GOODLETTE IN THE CHAIR

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

HB 1851—A bill to be entitled An act relating to trust funds; creating the Welfare Transition Trust Fund within the Department of Military Affairs; providing for source of moneys and purposes; providing for annual carryforward of unused funds; providing for future review and termination or re-creation of the trust fund; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

HB 1853—A bill to be entitled An act relating to the Budget Stabilization Fund; amending s. 216.222, F.S.; providing for transferring moneys from the fund to the General Revenue Fund in an emergency; specifying conditions of an emergency; requiring a self-insurance reserve fund to be maintained at certain levels; providing for transfers from the Budget Stabilization Fund to the State Risk Management Trust Fund under certain circumstances; providing limitations; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

HB 1855—A bill to be entitled An act relating to the Department of State; terminating the Coconut Grove Playhouse Trust Fund and the Public Access Data Systems Trust Fund within the department; providing for disposition of balances in and revenues of the terminated trust funds; amending s. 15.09, F.S.; deleting a provision that created and provided uses of the Public Access Data Systems Trust Fund, to conform; amending s. 215.22, F.S.; deleting a reference to the Coconut Grove Playhouse Trust Fund, to conform; amending s. 265.284, F.S.; revising sources of funding for the Florida Fine Arts Trust Fund; amending s. 265.2861, F.S.; deleting provisions transferring funds from the Cultural Institutions Trust Fund to certain grant programs and entities; eliminating a funding source of the trust fund; removing a restriction on grant recipients under the Cultural Institutions Program against receiving funds from certain other arts grants programs; repealing s. 265.2901, F.S., relating to the Coconut Grove Playhouse Trust Fund, to conform; amending s. 267.0617, F.S.; removing a provision specifying funding sources for the Historic Preservation Grant Program; amending s. 320.08058, F.S.; changing the distribution of proceeds of the Florida arts license plate annual use fees; amending s. 607.1901, F.S.; deleting the transfer of funds from the Corporations Trust Fund to certain funds; amending s. 607.19011, F.S.; revising uses of the Corporations Trust Fund; directing maintenance of priority rankings for certain grant programs for Fiscal Year 2004-2005 grant cycles; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to

the Engrossing Clerk.

HB 773—A bill to be entitled An act relating to the Central Florida Regional Transportation Authority; amending s. 343.63, F.S.; revising membership of the governing board of the authority; providing an effective date.

The Committee on Local Government & Veterans' Affairs recommended the following:

HB 773 CS—A bill to be entitled An act relating to the Central Florida Regional Transportation Authority; amending s. 343.63, F.S.; revising membership of the governing board of the authority; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

HB 1099—A bill to be entitled An act relating to funding for domestic violence centers; amending s. 39.903, F.S.; providing for the provision of services and the distribution of funds for domestic violence centers by a private entity; limiting the services and funding to certified domestic violence centers; amending s. 39.905, F.S.; providing that the Department of Children and Family Services shall approve, rather than develop, a funding distribution formula for state funds provided to certified domestic violence centers; providing an effective date.

The Committee on Future of Florida's Families recommended the following:

HB 1099 CS—A bill to be entitled An act relating to domestic violence centers; amending s. 39.903, F.S.; removing a requirement that the Department of Children and Family Services approve or reject applications for funding received from domestic violence centers; providing for the provision of technical assistance and the distribution of funds for domestic violence centers by a statewide association whose primary purpose is to provide technical assistance to certified domestic violence centers; providing that such association shall implement, administer, and evaluate the services provided by the certified domestic violence centers; limiting the services and funding to certified domestic violence centers; amending s. 39.905, F.S.; providing that the Department of Children and Family Services shall approve, rather than develop, a funding distribution formula for state funds provided to certified domestic violence centers; providing requirements for contracts between the statewide association and certified domestic violence centers; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

HB 1675—A bill to be entitled An act relating to facilitating or furthering a burglary; creating s. 810.061, F.S.; defining the term "burglary"; providing that it is a third degree felony for a person to damage a wire or line that transmits or conveys telephone or power to a dwelling or to otherwise impair or impede such telephone or power transmission or conveyance for the purpose of facilitating or furthering the commission or attempted commission of a burglary of a dwelling; reenacting s. 810.02(1)(b), F.S., relating to the definition of the term "burglary"; amending s. 921.0022, F.S., relating to the offense severity ranking chart of the Criminal Punishment Code; conforming provisions to changes made by the act; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

Consideration of **HB 767** was temporarily postponed under Rule 11.10.

On motion by Rep. Kallinger, consideration of **HB 397** was temporarily postponed under Rule 11.10.

On motion by Rep. Planas, consideration of **HB 767** was temporarily postponed under Rule 11.10.

HB 235—A bill to be entitled An act relating to mutual insurance holding companies; amending s. 628.703, F.S.; providing a definition; amending s. 628.709, F.S.; revising membership criteria of mutual insurance holding companies; amending ss. 628.729, 628.730, and 628.733, F.S.; specifying basis of distributive shares and corporate equity of members under certain circumstances; providing an effective date.

The Committee on Insurance recommended the following:

HB 235 CS—A bill to be entitled An act relating to mutual insurance holding companies; amending s. 628.703, F.S.; providing a definition; amending ss. 628.709 and 628.729, F.S.; revising membership criteria of mutual insurance holding companies; amending ss. 628.729, 628.730, and 628.733, F.S.; specifying basis of distributive shares and corporate equity of members under certain circumstances; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

HB 293—A bill to be entitled An act relating to the Florida Litter Law; amending s. 403.413, F.S.; requiring that the community service imposed for certain violations be performed in specified areas; providing an effective date.

The Committee on Public Safety & Crime Prevention recommended the following:

HB 293 CS—A bill to be entitled An act relating to the Florida Litter Law; amending s. 403.413, F.S.; revising language that prohibits the dumping of litter in or on private property under certain circumstances; requiring that the community service imposed for certain violations be performed in specified areas; providing an effective date.

—was read the second time by title.

On motion by Rep. Cantens, further consideration of **HB 293** was temporarily postponed under Rule 11.10.

Consideration of **CS for CS for SB 1436** was temporarily postponed under Rule 11.10.

Consideration of **HB 909** was temporarily postponed under Rule 11.10.

CS for CS for SB 1436—A bill to be entitled An act relating to implementation of Amendment 9 to the State Constitution (November 2002 election); providing a short title; amending s. 1003.01, F.S.; defining the terms "core-curricula courses" and "extracurricular courses"; amending s. 1003.03, F.S.; establishing the constitutional class size maximum; providing for the determination of averages; providing for the department to calculate averages based upon student membership surveys; providing implementation options for school districts; providing accountability for the class size reduction measures; providing that a district school board that fails to comply with maximum class size requirements is subject to suspension by the Governor; creating s. 1011.685, F.S.; establishing an operating categorical fund for implementing class size reduction; providing for the use of the funds by school districts; creating s. 1013.735, F.S.; establishing the Classrooms for Kids Program; providing for the allocation of funds; providing requirements for district participation in the program; providing for the use of the funds; creating s. 1013.736, F.S.; establishing the District Equity Recognition Program; providing for eligibility for school district participation; establishing a district equity ratio for purposes of calculating the allocation for the program; providing for the use of the funds; creating s. 1013.737, F.S.; establishing the Class Size Reduction Lottery Revenue Bond Program; authorizing the issuance of revenue bonds to finance or refinance the construction, acquisition, reconstruction, or renovation of educational facilities; specifying that the bonds are payable from first proceeds of lottery revenues transferred to the Educational Enhancement Trust Fund; establishing a covenant with bondholders to not materially and adversely affect their rights; providing for issuance of the bonds by the Division of Bond Finance on behalf of the Department of Education; limiting the total amount of such bonds issued; providing for deposit of bond proceeds in the Lottery Capital

Outlay and Debt Service Trust Fund; providing for the filing of complaints for validation; providing for timely encumbrances of funds for authorized projects; amending s. 24.121, F.S.; removing limitations on lottery revenues that may be pledged to the payment of debt service; amending s. 121.091, F.S.; authorizing instructional personnel who receive authorization to extend participation in the Deferred Retirement Option Program; requiring the Department of Management Services to request a determination from the United States Internal Revenue Service; providing that the changes effected by this act to the Deferred Retirement Option Program are contingent upon such determination or other favorable opinion; amending s. 1001.42, F.S.; clarifying provisions concerning a school-within-a-school; amending s. 1003.02, F.S.; requiring school districts to notify parents of acceleration mechanisms; eliminating a cross-reference to conform to changes made by the act; amending s. 1003.43, F.S.; removing the requirement that a life management course be offered during the 9th and 10th grade years; amending s. 1003.436, F.S.; reducing the number of hours required for one full credit; amending s. 1011.62, F.S.; removing a date limitation to provide for categorical flexibility; amending s. 1011.69, F.S.; deleting obsolete provisions; providing that Classrooms for Kids operating categorical funds are not subject to provisions requiring equity in school funding; amending s. 1012.56, F.S.; revising the time period for an authorized statement of status of eligibility for educator certification requirements; amending requirements for mastery of general knowledge for a teaching certificate; revising requirements for mastery of subject area knowledge; revising requirements for mastery of professional competence; amending s. 1012.57, F.S.; requiring district school boards to adopt rules to allow for the issuance of adjunct educator certificates; amending s. 1013.03, F.S.; requiring the Department of Education to review rules relating to school construction and make recommendations to the State Board of Education; amending s. 1013.31, F.S.; requiring school districts to periodically update the inventory of educational facilities; amending s. 1002.37, F.S.; revising reporting requirements for the board of trustees of the Florida Virtual School; providing for funding the Florida Virtual School within the Florida Education Finance Program; providing for the determination of a credit; eliminating obsolete provisions; amending s. 1011.61, F.S.; redefining the term "full-time equivalent student" to include a Florida Virtual School student; providing for membership to exceed certain maximum days of instruction; creating the Florida Business and Education in School Together (Florida BEST) Program; requiring school districts to seek business partners for Florida BEST schools; requiring each school district to create a Florida BEST school evaluation committee; defining a "Florida Business and Education in School Together (Florida BEST) school"; providing for priority in admission of students; providing parental responsibility; providing for contracts to operate Florida BEST schools; providing school district and business responsibilities for Florida BEST schools; providing exemptions from local government ordinances or regulations relating to square footage or floor area; repealing ss. 1002.33(13), 1012.41, and 1013.43, F.S., relating to number of charter schools, directors of career and technical education, and the small school requirement; amending s. 216.292, F.S.; requiring the Executive Office of the Governor to transfer funds for class size reduction based on recommendations of the Florida Education Finance Program Appropriation Allocation Conference; requiring notice and review; providing for severability; providing effective dates.

—was read the second time by title.

Representative Kilmer, Pickens, Simmons, Arza, Baxley, Mealor, Mayfield, Stansel, Sansom, Attkisson, and Harrell offered the following:

(Amendment Bar Code: 483919)

Amendment 1 (with title amendment)—Remove everything after the enacting clause, and insert:

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

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

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

(14) "Core-curricula courses" means courses defined by the State Board of Education as mathematics, language arts/reading, science, social studies,

foreign language, English for Speakers of Other Languages, or exceptional student education and courses taught in traditional, self-contained elementary school classrooms. The term is limited in meaning and used for the sole purpose of designating classes that are subject to the maximum class size requirements established in s. 1, Art. IX of the State Constitution.

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

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

(Substantial rewording of section. See

s. 1003.03, F.S., for present text.)

1003.03 Maximum class size.--

(1) LEGISLATIVE INTENT.--It is the intent of the Legislature that s. 1, Art. IX of the State Constitution be implemented in an efficient manner that preserves the choice options available to parents and students. Accordingly, the Legislature finds that lab schools, charter schools, the Florida Virtual School, eligible K-8 virtual schools, and the Florida School for the Deaf and the Blind, as well as other alternatives to traditional delivery of instruction in the public schools, including, but not limited to, Advanced Placement, International Baccalaureate, Advanced International Certificate of Education, and dual enrollment courses, are not encompassed in the definition of core-curricula courses for purposes of implementing s. 1, Art. IX of the State Constitution.

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

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

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

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

(3) IMPLEMENTATION.--

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

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

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

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

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

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

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

As alternatives to instruction in traditional public schools, courses provided by lab schools, charter schools, the Florida Virtual School, eligible K-8 virtual schools, and the Florida School for the Deaf and the Blind and Advanced

Placement, International Baccalaureate, Advanced International Certificate of Education, and dual enrollment courses are not encompassed within the definition of core-curricula courses in public school classrooms. School districts shall make every effort to further reduce exceptional student education and English for Speakers of Other Languages class sizes below the class size maximums as necessary to provide high-quality instruction for these special needs students.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(5) ACCOUNTABILITY.--

(a) Beginning in the 2004-2005 fiscal year, if the Commissioner of Education determines for any year that a school district has not reduced average class size as required in subsection (3) at the time of the third FEFP calculation, the department shall calculate an amount from the class size reduction operating categorical that is proportionate to the amount of class size reduction not accomplished. Upon verification of the department's calculation by the Florida Education Finance Program Appropriation Allocation Conference, the Executive Office of the Governor shall transfer undistributed funds, except for funds that have been encumbered for classroom teacher contracts, equivalent to the calculated amount from the school district's class size reduction operating categorical to an approved fixed capital outlay appropriation for class size reduction in the affected school district pursuant to s. 216.292(13). The amount of such funds transferred shall be the lesser of the amount specified above or the undistributed balance of the school district's class size reduction operating categorical.

(b) Beginning in the 2006-2007 school year, the Commissioner of Education shall determine by January 15 of each year which school districts have not met the two-student-per-year reduction required in subsection (3) based upon a comparison of the school district's October student membership

survey for the current school year and the March 2003 baseline student membership survey. The commissioner shall report such school districts to the Legislature. Each school district that has not met the two-student-per-year reduction shall be required to implement one of the following policies in the subsequent school year unless the commissioner finds that the school district comes into compliance based upon the February student membership survey:

1. Year-round schools;
2. Double sessions;
3. Florida Learning Access Grants, pursuant to s. 1002.395;
4. Rezoning; or
5. Maximizing use of instructional staff by changing required teacher loads and scheduling of planning periods, deploying school district employees who have professional certification to the classroom, using adjunct educators, operating schools beyond the normal operating hours to provide classes in the evening, or operating more than one session of school during the day.

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

(c) Beginning in the 2007-2008 school year, the Commissioner of Education shall annually determine which school districts do not meet the requirements described in subsection (3). In addition to enforcement authority provided in s. 1008.32, the commissioner shall develop a constitutional compliance plan for each such school district that includes, but is not limited to, redrawing school attendance zones to maximize use of facilities while minimizing the additional use of transportation, unless the commissioner finds that the school district comes into compliance based upon the February student membership survey and the other accountability policies listed in paragraph (b). Each district school board shall implement its constitutional compliance plan developed by the commissioner until the school district complies with the constitutional class size maximums.

Section 4. Section 1011.685, Florida Statutes, is created to read:
 1011.685 Class size reduction; operating categorical fund.--
 (1) There is created an operating categorical fund for implementing the class size reduction provisions of s. 1, Art. IX of the State Constitution. These funds shall be allocated to each school district based on the school district's proportionate share of FEPF base funding. Funds shall be released upon the State Board of Education's approval of the school district's class size reduction plan.
 (2) Class size reduction operating categorical funds shall be used by school districts for the following:
 (a) To reduce class size in any lawful manner if the school district has not met the constitutional class size maximums identified in s. 1003.03(2) or the two-student-per-year reduction required by s. 1003.03(3).
 (b) Upon satisfying the requirements of paragraph (a), to implement the requirements of ss. 1011.63 and 1012.231(2).
 (c) Upon satisfying the requirements of paragraphs (a) and (b), for any lawful operating expenditure; however, priority should be given to increasing the salary of career teachers as defined in s. 1012.231(2)(b).
 (3) Notwithstanding the provisions of s. 1011.71(2), a school district receiving funds under this section is authorized until June 30, 2006, to use up to 2 mills of its nonvoted capital improvement millage for any lawful operating expenditure if the school district has met the constitutional class size maximums identified in s. 1003.03(2); however, priority should be given to increasing the salary of career teachers as defined in s. 1012.231(2)(b). In order to exercise the authority of this subsection, the school district must:
 (a) Hold a public hearing that clearly communicates the school district's purpose for the use of the funds and, during a regularly scheduled meeting of the district school board, vote to use such funds in the manner and for the purpose identified in the public hearing.
 (b) Annually report to the Department of Education the amount of funds used and the operating expenditures for which the funds were used.

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

1011.685 Class size reduction; operating categorical fund.--

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

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

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

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

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

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

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

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

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

(5) No later than June 30, 2006, the Legislature shall review such reports for purposes of determining whether any school district expended nonvoted capital improvement millage while failing to comply with subsection (3) or any other provision of law. Upon such review, if the Legislature so directs, the Department of Education shall withhold from the school district's allocation from the Public Education Capital Outlay and Debt Service Trust Fund no less than an amount of funds equivalent to the amount determined by the Legislature to have been so expended.

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

1013.735 Class Size Reduction Infrastructure Program.--

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

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

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

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

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

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

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

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

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

1013.736 District Effort Recognition Program.--

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

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

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

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

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

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

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

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

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

1013.737 Class Size Reduction Lottery Revenue Bond Program.--There is

established the Class Size Reduction Lottery Revenue Bond Program.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2. Except as provided in subparagraph 6., election to participate is made within 12 months immediately following the date on which the member first reaches normal retirement date, or, for a member who reaches normal retirement date based on service before he or she reaches age 62, or age 55 for Special Risk Class members, election to participate may be deferred to the 12 months immediately following the date the member attains 57, or age 52 for Special Risk Class members. For a member who first reached normal retirement date or the deferred eligibility date described above prior to the effective date of this section, election to participate shall be made within 12 months after the effective date of this section. A member who fails to make an election within such 12-month limitation period shall forfeit all rights to participate in the DROP. The member shall advise his or her employer and the division in writing of the date on which the DROP shall begin. Such beginning date may be subsequent to the 12-month election period, but must be within the 60-month ~~or, with respect to members who are instructional or administrative personnel employed by a community college in areas of critical need identified by the district board of trustees and who have received authorization by the district board of trustees to participate in the DROP~~

beyond 60 months, or who are instructional or administrative personnel employed by the Florida School for the Deaf and the Blind and who have received authorization by the Board of Trustees of the Florida School for the Deaf and the Blind to participate in the DROP beyond 60 months, or who are instructional personnel as defined in s. 1012.01(2)(a)-(d) in grades K-12 or administrative personnel as defined in s. 1012.01(3) in grades K-12 and who have received authorization by the district school superintendent to participate in the DROP beyond 60 months, the 96-month limitation period as provided in subparagraph (b)1. When establishing eligibility of the member to participate in the DROP for the 60-month or, with respect to members who are instructional or administrative personnel employed by a community college in areas of critical need identified by the district board of trustees and who have received authorization by the district board of trustees to participate in the DROP beyond 60 months, or who are instructional or administrative personnel employed by the Florida School for the Deaf and the Blind and who have received authorization by the Board of Trustees of the Florida School for the Deaf and the Blind to participate in the DROP beyond 60 months, or who are instructional personnel as defined in s. 1012.01(2)(a)-(d) in grades K-12 or administrative personnel as defined in s. 1012.01(3) in grades K-12 and who have received authorization by the district school superintendent to participate in the DROP beyond 60 months, the 96-month maximum participation period, the member may elect to include or exclude any optional service credit purchased by the member from the total service used to establish the normal retirement date. A member with dual normal retirement dates shall be eligible to elect to participate in DROP within 12 months after attaining normal retirement date in either class.

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

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

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

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

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

c. The new employer shall acknowledge, in writing, the participant's DROP termination date, which may be extended but not beyond the original 60-month or, with respect to members who are instructional or administrative personnel employed by a community college in areas of critical need identified by the district board of trustees and who have received authorization by the district board of trustees to participate in the DROP beyond 60 months, or who are instructional or administrative personnel employed by the Florida School for the Deaf and the Blind and who have received authorization by the Board of Trustees of the Florida School for the Deaf and the Blind to participate in the DROP beyond 60 months, or who are instructional personnel as defined in s. 1012.01(2)(a)-(d) in grades K-12 or administrative personnel as defined in s. 1012.01(3) in grades K-12 and who have received authorization by the district school superintendent to participate in the DROP beyond 60 months, the 96-month period provided in subparagraph (b)1., shall acknowledge liability for any additional retirement contributions and interest required if the participant fails to timely terminate employment, and shall be subject to the adjustment required in sub-subparagraph (c)5.d.

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

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

(b) Participation in the DROP.—

1. An eligible member may elect to participate in the DROP for a period not to exceed a maximum of 60 calendar months or, with respect to members who are instructional or administrative personnel employed by a community college in areas of critical need identified by the district board of trustees and who have received authorization by the district board of trustees to participate in the DROP beyond the initial 60 calendar months on an annual contractual basis, or who are instructional or administrative personnel employed by the Florida School for the Deaf and the Blind and who have received authorization by the Board of Trustees of the Florida School for the Deaf and the Blind to participate in the DROP beyond the initial 60 calendar months on an annual contractual basis, or who are instructional personnel as defined in s. 1012.01(2)(a)-(d) in grades K-12 or administrative personnel as defined in s. 1012.01(3) in grades K-12 and who have received authorization by the district school superintendent to participate in the DROP beyond the initial 60 calendar months on an annual contractual basis, a maximum of 96 calendar months immediately following the date on which the member first reaches his or her normal retirement date or the date to which he or she is eligible to defer his or her election to participate as provided in subparagraph (a)2. However, a member who has reached normal retirement date prior to the effective date of the DROP shall be eligible to participate in the DROP for a period of time not to exceed 60 calendar months or, with respect to members who are instructional or administrative personnel employed by a community college in areas of critical need identified by the district board of trustees and who have received authorization by the district board of trustees to participate in the DROP beyond the initial 60 calendar months on an annual contractual basis, or who are instructional or administrative personnel employed by the Florida School for the Deaf and the Blind and who have received authorization by the Board of Trustees of the Florida School for the Deaf and the Blind to participate in the DROP beyond the initial 60 calendar months on an annual contractual basis, or who are instructional personnel as defined in s. 1012.01(2)(a)-(d) in grades K-12 or administrative personnel as defined in s. 1012.01(3) in grades K-12 and who have received authorization by the district school superintendent to participate in the DROP beyond the initial 60 calendar months on an annual contractual basis, a maximum of 96 calendar months immediately following the effective date of the DROP, except a member of the Special Risk Class who has reached normal retirement date prior to the effective date of the DROP and whose total accrued value exceeds 75 percent of average final compensation as of his or her effective date of retirement shall be eligible to participate in the DROP for no more than 36 calendar months immediately following the effective date of the DROP.

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

a. A written election to participate in the DROP;

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

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

d. Any other information required by the division.

3. The DROP participant shall be a retiree under the Florida Retirement System for all purposes, except for paragraph (5)(f) and subsection (9) and ss. 112.3173, 112.363, 121.053, and 121.122. However, participation in the

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

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

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

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

c. An elected officer who is dually employed and elects to participate in DROP shall be required to satisfy the definition of termination within the 60-month or, with respect to members who are instructional or administrative personnel employed by a community college in areas of critical need identified by the district board of trustees and who have received authorization by the district board of trustees to participate in the DROP beyond 60 months, or who are instructional or administrative personnel employed by the Florida School for the Deaf and the Blind and who have received authorization by the Board of Trustees of the Florida School for the Deaf and the Blind to participate in the DROP beyond 60 months, or who are instructional personnel as defined in s. 1012.01(2)(a)-(d) in grades K-12 or administrative personnel as defined in s. 1012.01(3) in grades K-12 and who have received authorization by the district school superintendent to participate in the DROP beyond 60 months, the 96-month limitation period as provided in subparagraph 1. for the nonelected position and may continue employment as an elected officer as provided in s. 121.053. The elected officer will be enrolled as a renewed member in the Elected Officers' Class or the Regular Class, as provided in ss. 121.053 and 121.22, on the first day of the month after termination of employment in the nonelected position and termination of DROP. Distribution of the DROP benefits shall be made as provided in paragraph (c).

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

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

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

3. The effective date of DROP participation and the effective date of

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3. Eligibility to participate in the DROP terminates upon death of the

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

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

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

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

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

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

(i) *Contributions.*--

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

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

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

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

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

Section 10. Subsection (20) 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:

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

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

1002.395 Florida Learning Access Grants.--

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

(2) DISTRICT PARTICIPATION.--District school boards may choose to implement the Florida Learning Access Grants program as a strategy to reduce class size in their local school districts pursuant to s. 1003.03(4). District school boards may be required to participate in this program to reduce class size if the Commissioner of Education so determines pursuant to s. 1003.03(5)(b).

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

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

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

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

(5) PARENT OBLIGATIONS.--

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

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

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

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

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

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

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

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

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

(b) After the first year of the student's attendance at a private school under the Florida Learning Access Grants program, the parent must annually notify the Department of Education if the parent intends to renew the grant according to the provisions of subsection (8) in order for the student to continue in the program, together with the name and address of the private school selected for the student for the following year.

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

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

(b) Notify the Department of Education and the school district in the service areas in which the school is located of its intent to participate in the program under this section as early as possible, but no later than July 1 preceding the school year in which it intends to participate. The notice shall specify the grade levels and services that the private school has available for the Florida Learning Access Grants program.

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

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

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

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

(7) INITIAL FLORIDA LEARNING ACCESS GRANTS.--

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

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

(8) FLORIDA LEARNING ACCESS GRANT RENEWAL.--For purposes of educational continuity and parental choice, a Florida Learning Access Grant, once awarded, shall be renewable for as long as the parent is a Florida resident who opts for continuation of the grant for the student and the student lawfully attends an eligible private school through grade 12 or until the student graduates from high school. The Florida Learning Access Grant may be transferred from one eligible private school to another upon the school's acceptance of the student and the parent's provision of adequate notice to the Department of Education. A parent may, however, at any time opt to return the student to the public school.

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

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

(11) DEPARTMENT OF EDUCATION OBLIGATIONS.--

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

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

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

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

1002.396 Kindergarten grants program.--

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

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

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

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

(2) PARENT OBLIGATIONS.--

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(6) DEPARTMENT OF EDUCATION OBLIGATIONS.--

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

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

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

1002.397 K-8 Virtual School Grants Program.--

(1) K-8 VIRTUAL SCHOOL GRANTS PROGRAM.--Parents of a student who is eligible to attend kindergarten or grade 1, 2, 3, 4, 5, 6, 7, or 8 and was enrolled and in attendance at a Florida public school during the October and February FTE enrollment counts or is entering kindergarten or first grade and has been assigned to a specific Florida public school shall be given the option to enroll the student in an eligible K-8 virtual school of the parent's choice. The student shall be enrolled as a full-time student. The student shall be eligible for a virtual school grant in the amount of \$4,800 in 2003 dollars, adjusted annually thereafter to reflect increases or decreases in the Consumer Price Index, or the tuition charged by the eligible K-8 virtual school, whichever is less. Students who are enrolled in traditional public school classes that are not in compliance with the maximum class sizes provided in s. 1003.03 or who have scored Level 1 on the Florida Comprehensive Assessment Test or have been retained shall be given priority.

(2) STUDENT AND PARENT OBLIGATIONS.--

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

(b) The parent shall:

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

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

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

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

(d) Each student shall have access to a singular, consistent curriculum that meets or exceeds the Sunshine State Standards and that has an interactive program with significant on-line components. Nothing in this section, however, shall prohibit a student from working at a different grade level in a subject within the singular curriculum.

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

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

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

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

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

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

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

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

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

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

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

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

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

(4) K-8 VIRTUAL SCHOOL GRANT DISBURSEMENT.--Upon proper documentation reviewed and approved by the Department of Education, the Chief Financial Officer shall make K-8 virtual school grant payments in four equal amounts no later than September 1, November 1, February 1, and April 1 of each academic year. The initial payment shall be made after Department of Education verification of admission acceptance, and subsequent payments shall be made upon verification of the student's continued enrollment. Payment must be by individual warrant made payable to the student's parent and mailed by the Department of Education to the K-8 virtual school of the parent's choice, and the parent shall restrictively endorse the warrant to the virtual school.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(6) ADMINISTRATION; RULES.--

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

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

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

(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, including the Florida Virtual School operating pursuant to s. 1002.37; a parochial, religious, or denominational school; a private school; a home education program; a K-8 virtual school operating pursuant to s. 1002.397; or a private tutoring program, in accordance with the provisions of s. 1003.01(13)(44).

(6) EDUCATIONAL CHOICE.--

(a) Public school choices.--Parents of public school students may seek whatever public school choice options that are applicable to their students and are available to students in their school districts. These options may include controlled open enrollment, lab schools, charter schools, charter technical career centers, magnet schools, alternative schools, special programs, advanced placement, dual enrollment, International Baccalaureate, early admissions, credit by examination or demonstration of competency, the New World School of the Arts, the Florida School for the Deaf and the Blind, and the Florida Virtual School, and K-8 virtual schools operating pursuant to s. 1002.397. These options may also include the public school choice options of the Opportunity Scholarship Program and the McKay Scholarships for Students with Disabilities Program.

Section 16. Subsection (13) of section 1002.33, Florida Statutes, is repealed, subsections (14) through (26) are renumbered as subsections (13) through (25), respectively, and paragraph (e) of subsection (10) and paragraph

(a) of present subsection (21) of said section are amended to read:

1002.33 Charter schools.--

(10) ELIGIBLE STUDENTS.--

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

1. Students within specific age groups or grade levels.

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

3. Students enrolling in a charter school-in-the-workplace or charter school-in-a-municipality established pursuant to subsection (15) ~~(46)~~.

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

5. Students who meet reasonable academic, artistic, or other eligibility standards established by the charter school and included in the charter school application and charter or, in the case of existing charter schools, standards that are consistent with the school's mission and purpose. Such standards shall be in accordance with current state law and practice in public schools and may not discriminate against otherwise qualified individuals.

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

~~(13) NUMBER OF SCHOOLS.--~~

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

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

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

~~(d) Whenever a municipality has submitted charter applications for the establishment of a charter school feeder pattern (elementary, middle, and senior high schools), and upon approval of each individual charter application by the district school board, such applications shall then be designated as one charter school for all purposes listed pursuant to this section.~~

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

(a) A sponsor shall provide certain administrative and educational services to charter schools. These services shall include contract management services, full-time equivalent and data reporting services, exceptional student education administration services, test administration services, processing of teacher certificate data services, and information services. Any administrative fee charged by the sponsor for the provision of services shall be limited to 5 percent of the available funds defined in paragraph ~~(17)(48)~~(b).

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

1002.41 Home education programs.--

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

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

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

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

fields:

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

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

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

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

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

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

1003.429 Accelerated high school graduation options.--

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

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

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

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

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

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

4. Three credits in social sciences;

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

6. Three credits in electives; or

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

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

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

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

4. Three credits in social sciences;

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

6. Three credits in electives.

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

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

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

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

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

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

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

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

1003.43 General requirements for high school graduation.--

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

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

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

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

1003.436 Definition of "credit".--

(1)(a) For the purposes of requirements for high school graduation, one full credit means a minimum of 120 ~~135~~ hours of bona fide instruction in a designated course of study that contains student performance standards. A student may be awarded a credit for less than 120 hours of classroom instruction based on documented mastery of course requirements and Sunshine State Standards with approval by the district school board. The State Board of Education shall determine the number of postsecondary credit hours earned through dual enrollment pursuant to s. 1007.271 that satisfy the requirements of a district's interinstitutional articulation agreement according to s. 1007.235 and that equal one full credit of the equivalent high school course identified pursuant to s. 1007.271(6).

Section 22. Paragraphs (a) and (b) of subsection (1) of section 1007.261,

Florida Statutes, are amended to read:

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

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

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

(b) Each student must have successfully completed a college-preparatory curriculum of 18 ~~19~~ credits, which shall include, but not be limited to, four credits in English, with major concentration in composition and literature; three credits in mathematics; three credits in natural science, two of which must have a laboratory component; three credits in social sciences; and two credits in the same second language as defined in rules of the State Board of Education, including at least 2 credits of sequential foreign language at the secondary level or the equivalent of such instruction at the postsecondary level. A student who completes a home education program according to s. 1002.41 is not required to document completion of the 18 ~~19~~ credits required by this paragraph. A student whose native language is not English is exempt from the foreign language requirement, provided that the student demonstrates proficiency in the native language. If a standardized test is not available in the student's native language for the demonstration of proficiency, the university may provide an alternative method of assessment. The State Board of Education shall adopt rules for the articulation of foreign language competency and equivalency between secondary and postsecondary institutions. A student who received an associate in arts degree prior to September 1, 1989, or who enrolled in a program of studies leading to an associate degree from a community college prior to August 1, 1989, and maintains continuous enrollment shall be exempt from this admissions requirement.

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

1007.27 Articulated acceleration mechanisms.--

(1) It is the intent of the Legislature that a variety of articulated acceleration mechanisms be available for secondary and postsecondary students attending public educational institutions. It is intended that articulated acceleration serve to shorten the time necessary for a student to complete the requirements associated with the conference of a high school diploma and a postsecondary degree, broaden the scope of curricular options available to students, or increase the depth of study available for a particular subject. It is the intent of the Legislature that school districts and public postsecondary educational institutions maximize the opportunities for students to utilize the acceleration mechanisms identified in this section. Articulated acceleration mechanisms shall include, but are not be limited to, dual enrollment as provided for in s. 1007.271, early admission, advanced placement, credit by examination, the International Baccalaureate Program, and the Advanced International Certificate of Education Program. Credit earned through the Florida Virtual School shall provide additional opportunities for early graduation and acceleration.

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

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

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

(5)~~(4)~~ It is the intent of the Legislature to provide articulated acceleration mechanisms for students who are in home education programs, as defined in s.

1003.01(11), consistent with the educational opportunities available to public and private secondary school students. Home education students may participate in dual enrollment, career and technical dual enrollment, early admission, and credit by examination. Credit earned by home education students through dual enrollment shall apply toward the completion of a home education program that meets the requirements of s. 1002.41.

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

(7)~~(6)~~ Advanced placement is shall be the enrollment of an eligible secondary student in a course offered through the Advanced Placement Program administered by the College Board. Postsecondary credit for an advanced placement course shall be limited to students who score a minimum of 3, on a 5-point scale, on the corresponding Advanced Placement Examination. The specific courses for which students receive such credit shall be determined by the State Board of Education department. Students of Florida public secondary schools enrolled pursuant to this subsection shall be exempt from the payment of any fees for administration of the examination regardless of whether or not the student achieves a passing score on the examination.

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

(9)~~(8)~~ The International Baccalaureate Program is shall be the curriculum in which eligible secondary students are enrolled in a program of studies offered through the International Baccalaureate Program administered by the International Baccalaureate Office. The State Board of Education shall establish rules which specify the cutoff scores and International Baccalaureate Examinations which will be used to grant postsecondary credit at community colleges and universities. Any such rules that, which have the effect of raising the required cutoff score or of changing the International Baccalaureate Examinations which will be used to grant postsecondary credit; shall only apply to students taking International Baccalaureate Examinations after such rules are adopted by the State Board of Education. Students shall be awarded a maximum of 30 semester credit hours pursuant to this subsection. The specific course for which a student receives such credit shall be determined by the State Board of Education department. Students enrolled pursuant to this subsection shall be exempt from the payment of any fees for administration of the examinations regardless of whether or not the student achieves a passing score on the examination.

(10)~~(9)~~ The Advanced International Certificate of Education Program is shall be the curriculum in which eligible secondary students are enrolled in a program of studies offered through the Advanced International Certificate of Education program administered by the University of Cambridge Local Examinations Syndicate. The State Board of Education shall establish rules which specify the cutoff scores and Advanced International Certificate of Education examinations which will be used to grant postsecondary credit at community colleges and universities. Any such rules that, which have the effect of raising the required cutoff score or of changing the Advanced International Certification of Education examinations which will be used to grant postsecondary credit; shall apply to students taking Advanced International Certificate of Education Examinations after such rules are adopted by the State Board of Education. Students shall be awarded a maximum of 30 semester credit hours pursuant to this subsection. The specific course for which a student receives such credit shall be determined by the State Board of Education community college or university that accepts the student for admission. Students enrolled pursuant to this subsection shall be

exempt from the payment of any fees for administration of the examinations regardless of whether or not the student achieves a passing score on the examination.

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

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

Section 24. Acceleration mechanisms study.--

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) EXEMPTION FROM STATUTES AND RULES.--

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4. Those statutes pertaining to conflicts of interest by elected officials.

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

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

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

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

Education and shall be due each year on the anniversary date of the charter agreement.

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

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

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

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

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

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

(5) CATEGORICAL FUNDS.--

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

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

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

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

1011.68 Funds for student transportation.--The annual allocation to each district for transportation to public school programs, including charter schools as provided in s. 1002.33(17)(48)(b), of students in membership in kindergarten through grade 12 and in migrant and exceptional student programs below kindergarten shall be determined as follows:

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

- (a) By reason of living 2 miles or more from school.
- (b) By reason of being students with disabilities or enrolled in a teenage parent program, regardless of distance to school.

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

(d) By reason of being career and technical, dual enrollment, or students with disabilities transported from one school center to another to participate in an instructional program or service; or students with disabilities, transported from one designation to another in the state, provided one designation is a school center and provided the student's individual educational plan (IEP) identifies the need for the instructional program or service and transportation to be provided by the school district. A "school center" is defined as a public school center, community college, state university, or other facility rented, leased, or owned and operated by the school district or another public agency. A "dual enrollment student" is defined as a public school student in membership in both a public secondary school program and a community college or a state university program under a written agreement to partially fulfill ss. 1003.435 and 1007.23 and earning full-time equivalent membership under s. 1011.62(1)(i).

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

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

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

$T = B + EX$. The elements of this formula are defined as follows: T is the total dollar allocation for transportation. B is the base transportation dollar allocation prorated by an adjusted student membership count. The adjusted membership count shall be derived from a multiplicative index function in which the base student membership is adjusted by multiplying it by index numbers that individually account for the impact of the price level index, average bus occupancy, and the extent of rural population in the district. EX is the base transportation dollar allocation for disabled students prorated by an adjusted disabled student membership count. The base transportation dollar allocation for disabled students is the total state base disabled student membership count weighted for increased costs associated with transporting disabled students and multiplying it by the prior year's average per student cost for transportation. The adjusted disabled student membership count shall be derived from a multiplicative index function in which the weighted base disabled student membership is adjusted by multiplying it by index numbers that individually account for the impact of the price level index, average bus occupancy, and the extent of rural population in the district. Each adjustment factor shall be designed to affect the base allocation by no more or less than 10 percent.

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

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

(5) Funds allocated or apportioned for the payment of student transportation services may be used to pay for transportation of students to and from school on local general purpose transportation systems. Student transportation funds may also be used to pay for transportation of students to and from school in private passenger cars and boats when the transportation is for isolated students, or students with disabilities as defined by rule. Subject to the rules of the State Board of Education, each school district shall determine and report the number of assigned students using general purpose transportation private passenger cars and boats. The allocation per student

must be equal to the allocation per student riding a school bus.

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

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

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

1011.69 Equity in School-Level Funding Act.--

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

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

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

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

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

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

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

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

1012.56 Educator certification requirements.--

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

calendar days after the stamped receipted date of the completed application:

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

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

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

(a) Be at least 18 years of age.

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

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

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

(e) Be of good moral character.

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

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

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

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

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

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

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

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

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

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

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

(4) MASTERY OF SUBJECT AREA KNOWLEDGE.--Acceptable

means of demonstrating mastery of subject area knowledge are:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

State Board of Education rule governing mastery of professional preparation and education competence shall be revised as necessary in accordance with s. 1004.04(2).

(6) TYPES AND TERMS OF CERTIFICATION.--

(a) The Department of Education shall issue a professional certificate for a period not to exceed 5 years to any applicant who meets all the requirements outlined in subsection (2).

(b) The department shall issue a temporary certificate to any applicant who completes the requirements outlined in paragraphs (2)(a)-(f) and completes the subject area content requirements specified in state board rule or demonstrates mastery of subject area knowledge pursuant to subsection (4) and holds an accredited degree or a degree approved by the Department of Education at the level required for the subject area specialization in state board rule.

(c) The department shall issue one nonrenewable 2-year temporary certificate and one nonrenewable 5-year professional certificate to a qualified applicant who holds a bachelor's degree in the area of speech-language

impairment to allow for completion of a master's degree program in speech-language impairment.

Each temporary certificate is valid for 3 school fiscal years and is nonrenewable. ~~However, the requirement in paragraph (2)(g) must be met within 1 calendar year of the date of employment under the temporary certificate. Individuals who are employed under contract at the end of the 1 calendar year time period may continue to be employed through the end of the school year in which they have been contracted. A school district shall not employ, or continue the employment of, an individual in a position for which a temporary certificate is required beyond this time period if the individual has not met the requirement of paragraph (2)(g). However, the State Board of Education shall adopt rules to allow the department to extend the validity period of a temporary certificate for 2 years when the requirements for the professional certificate, not including the requirement in paragraph (2)(g), were not completed due to the serious illness or injury of the applicant or other extraordinary extenuating circumstances. Based on emergency need, the department shall reissue the temporary certificate for 2 additional years upon approval by the Commissioner of Education. A written request for such reissuance must first of the certificate shall be submitted, stating the basis for the emergency need, by the district school superintendent, the governing authority of a university lab school, the governing authority of a state-supported school, or the governing authority of a private school. However, the Commissioner of Education may provide to any applicant who, by June 30, 2003, has demonstrated mastery of general knowledge, subject area knowledge, and professional preparation and education competence, pursuant to subsections (3), (4), and (5), except for achievement of a passing score on one subtest area of the general knowledge examination, a one-time only extension of his or her temporary certificate until June 30, 2004.~~

Section 30. Subsection (1) of section 1012.57, Florida Statutes, is amended to read:

1012.57 Certification of adjunct educators.--

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

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

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

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

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

(13) By October 1, 2003, review all rules related to school construction to identify requirements that are outdated, obsolete, unnecessary, or otherwise could be amended in order to provide additional flexibility to school districts to comply with the constitutional class size maximums described in s.

1003.03(2) and make recommendations concerning such rules to the State Board of Education. The State Board of Education shall act on such recommendations by December 31, 2003.

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

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

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

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

Section 33. Paragraph (b) of subsection (1) and subsections (2) and (3) of section 1002.37, Florida Statutes, are amended, subsections (4), (5), and (6) are renumbered as subsections (5), (6), and (7), respectively, and a new subsection (4) is added to said section, to read:

1002.37 The Florida Virtual School.--

(1)

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

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

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

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

4. Students seeking accelerated access in order to obtain a high school diploma at least one semester early.

The board of trustees of the Florida Virtual School shall identify appropriate performance measures and standards based on student achievement that reflect the school's statutory mission and priorities, and shall implement an accountability system for the school that includes assessment of its effectiveness and efficiency in providing quality services that encourage high student achievement, seamless articulation, and maximum access.

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

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

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

(b) The board of trustees shall be responsible for the Florida Virtual School's development of a state-of-the-art technology-based education delivery system that is cost-effective, educationally sound, marketable, and capable of sustaining a self-sufficient delivery system through the Florida Education Finance Program, ~~by fiscal year 2003-2004. The school shall~~

~~collect and report data for all students served and credit awarded. This data shall be segregated by private, public, and home education students by program. Information shall also be collected that reflects any other school in which a virtual school student is enrolled.~~

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

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

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

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

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

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

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

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

5. All employees except temporary, seasonal, and student employees may

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1013.64 Funds for comprehensive educational plant needs; construction

cost maximums for school district capital projects.--Allocations from the Public Education Capital Outlay and Debt Service Trust Fund to the various boards for capital outlay projects shall be determined as follows:

(6)

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

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

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

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

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

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

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

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

(d) The department shall:

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

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

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

(e) ~~The restrictions of this subsection on the cost per student station of new construction do not apply to a project funded entirely from proceeds~~

~~received by districts through provisions of ss. 212.055 and 1011.73 and s. 9, Art. VII of the State Constitution, if the school board approves the project by majority vote.~~

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

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

216.292 Appropriations nontransferable; exceptions.--

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

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

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

(1) Teachers teach, students learn.

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

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

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

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

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

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

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

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

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

(a) Teachers teach, students learn.

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

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

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

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

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

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

(5) PERSONNEL.--

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

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

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

s. 1000.041.

(6) ~~STUDENT CHILD WELFARE.~~

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

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

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

1001.51 Duties and responsibilities of district school superintendent.--The district school superintendent shall exercise all powers and perform all duties listed below and elsewhere in the law, provided that, in so doing, he or she shall advise and counsel with the district school board. The district school superintendent shall perform all tasks necessary to make sound recommendations, nominations, proposals, and reports required by law to be acted upon by the district school board. All such recommendations, nominations, proposals, and reports by the district school superintendent shall be either recorded in the minutes or shall be made in writing, noted in the minutes, and filed in the public records of the district school board. It shall be presumed that, in the absence of the record required in this section, the recommendations, nominations, and proposals required of the district school superintendent were not contrary to the action taken by the district school board in such matters.

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

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

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

1001.54 Duties of school principals.--

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

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

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

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

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

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

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

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

1002.42 Private schools.--

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

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

1003.04 Student conduct and parental involvement goals.--

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

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

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

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

1003.31 Students subject to control of school.--

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

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

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

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

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

be under the control and direction of the principal or teacher in charge of the school, and under the immediate control and direction of the teacher or other member of the instructional staff or of the bus driver to whom such responsibility may be assigned by the principal. However, the State Board of Education or the district school board may, by rules, subject each student to the control and direction of the principal or teacher in charge of the school during the time she or he is otherwise en route to or from school or is presumed by law to be attending school. Each district school board, each district school superintendent, and each school principal should fully support the authority of teachers, according to s. 1003.32, and school bus drivers to remove disobedient, disrespectful, violent, abusive, uncontrollable, or disruptive students from the classroom and the school bus and, when appropriate and available, place such students in an alternative educational setting.

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

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

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

(a) Establish classroom rules of conduct.

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) Teachers and other instructional personnel shall:

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

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

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

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

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

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

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

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

the placement review committee as outlined in this section.

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

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

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

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

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

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

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

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

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

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

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

(1) INTENT.--

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

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

(2) UNIFORM CORE CURRICULA.--

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

(b) The rules to establish uniform core curricula for each state-approved teacher preparation program must include, but are not limited to, a State Board of Education identified foundation in scientifically researched, knowledge-based reading literacy and computational skills acquisition; classroom management; school safety; professional ethics; educational law; human development and learning; and understanding of the Sunshine State Standards content measured by state achievement tests, reading and interpretation of

data, and use of data to improve student achievement.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

institution with respect to the competencies assessed by the examination required by s. 1012.56.

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

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

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

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

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

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

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

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

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

c. Satisfaction ratings required in paragraph (e).

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

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

b. Satisfaction ratings of graduates' employers.

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

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

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

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

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

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

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

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

approval, standards of excellence, and requirements for inservice education.

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

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

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

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

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

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

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

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

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

~~(11)(40)~~ TEACHER EDUCATION PILOT PROGRAMS FOR HIGH-ACHIEVING STUDENTS.--Pilot teacher preparation programs may shall be established at any college or university that has a state board approved teacher preparation program ~~the University of Central Florida, the University of North Florida, and the University of South Florida.~~ These programs shall include a year-long paid teaching assignment and competency-based learning experiences and shall be designed to encourage high-achieving students, as identified by the institution, to pursue a career in education. Priority consideration shall be given to students obtaining academic degrees in mathematics, science, engineering, reading, or identified critical shortage areas. Students chosen to participate in the pilot programs shall agree to teach for at least 3 years ~~1 year~~ after they receive their degrees. Criteria for identifying high-achieving students shall be developed by the institution and

shall include, at a minimum, requirements that the student have a 3.3 grade point average or above and that the student has demonstrated mastery of general knowledge pursuant to s. 1012.56. The year-long paid teaching assignment shall begin after completion of the equivalent of 3 years of the state university teacher preparation program.

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

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

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

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

- a. Internet learning and competency acquisition.
- b. Learning acquired by observing demonstrations and being observed in application.
- c. Independent study or instruction by mentor teachers or adjunct teachers.
4. Satisfactory demonstration of the educator-accomplished practices and content area competencies for program completion.
5. For program completion, required achievement of passing scores on all tests required for certification by State Board of Education rules.

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

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

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

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

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

(1) The district school superintendent shall recommend plans to the district school board for the proper accounting for all students of school age, for the attendance and control of students at school, and for the proper attention to health, safety, and other matters which will best promote the welfare of students. Each district school superintendent should fully support the authority of principals, teachers, according to s. 1003.32, and school bus drivers to remove disobedient, disrespectful, violent, abusive, uncontrollable, or disruptive students from the classroom and the school bus and, when appropriate and available, to place such students in an alternative educational setting. When the district school superintendent makes a recommendation for

expulsion to the district school board, he or she shall give written notice to the student and the student's parent of the recommendation, setting forth the charges against the student and advising the student and his or her parent of the student's right to due process as prescribed by ss. 120.569 and 120.57(2). When district school board action on a recommendation for the expulsion of a student is pending, the district school superintendent may extend the suspension assigned by the principal beyond 10 school days if such suspension period expires before the next regular or special meeting of the district school board.

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

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

(1)(a) Subject to law and to the rules of the State Board of Education and the district school board, the principal in charge of the school or the principal's designee shall develop policies for delegating to any teacher or other member of the instructional staff or to any bus driver transporting students of the school responsibility for the control and direction of students. Each school principal should fully support the authority of teachers, according to s. 1003.32, and school bus drivers to remove disobedient, disrespectful, violent, abusive, uncontrollable, or disruptive students from the classroom and the school bus and, when appropriate and available, place such students in an alternative educational setting. The principal or the principal's designee must give full consideration to ~~shall consider~~ the recommendation for discipline made by a teacher, other member of the instructional staff, or a bus driver when making a decision regarding student referral for discipline.

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

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

(1) The ~~Critical Teacher Shortage~~ Student Loan Reimbursement Forgiveness Program is established to encourage qualified personnel with undergraduate or graduate degrees in mathematics, science, engineering, reading, or State Board of Education designated critical teacher shortage areas to seek employment as teachers in Florida's publicly funded schools ~~in subject areas in which critical teacher shortages exist, as identified annually by the State Board of Education.~~ The primary purpose ~~function~~ of the program is to enhance the quality of Florida's teacher workforce by making ~~make~~ repayments toward loans received by the selected students from federal programs or commercial lending institutions for the support of postsecondary education study. Repayments are intended to be made to qualified applicants with undergraduate or graduate degrees in mathematics, science, engineering, reading, or State Board of Education designated critical teacher shortage areas who begin teaching for the first time in designated subject areas, and who apply during their first full year of teaching in a publicly funded school in Florida as certified teachers in these subject areas. Repayment shall be prorated if a teacher teaches at least 90 days during the first year of teaching.

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

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

(b) Up to \$2,500 for the second year the person is employed as a teacher in a publicly funded school in Florida \$5,000 a year for up to 2 years on behalf of ~~selected graduates of state approved graduate postsecondary teacher preparation programs, persons with graduate degrees certified to teach pursuant to any applicable teacher certification requirements, or selected teacher preparation graduates from any state participating in the Interstate Agreement on the Qualification of Educational Personnel.~~

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

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

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

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

(4) The Department of Education must advertise the availability of this program and must advise school districts, postsecondary educational institutions, and the public of the criteria and application procedures.

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

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

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

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

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

(2) It is the intent of the Legislature that the total amount appropriated annually for the program be sufficient to provide 200 teaching fellows with stipends of \$5,000 per year and to provide a \$5,000 signing bonus to each fellow upon initial employment as a teacher in a Florida public school graded "A," "B," or "C," or a \$10,000 signing bonus upon employment in a Florida public school graded "D" or "F" with \$5,000 at initial employment and \$5,000 upon completion of the first year of teaching.

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

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

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

(6) If a teaching fellow does not obtain a graduate degree within 4 years, or if the teaching fellow graduates but does not teach in a publicly funded school in Florida for 5 consecutive years following graduation, the teaching fellow must repay the Department of Education, on a schedule to be determined by the department, the total amount awarded for stipends, bonus, and tuition and fee waivers received pursuant to this program plus annual interest of 8 percent accruing from the date of the scholarship payment. Moneys repaid shall be deposited into the State Student Financial Assistance Trust Fund established in s. 1010.73. However, the department may provide additional time for repayment if the department finds that circumstances beyond the control of the recipient caused or contributed to default on the repayment.

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

(8) The department must advertise the availability of this program and advise school districts, postsecondary educational institutions, and the public

of the criteria and application procedures.

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

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

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

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

(1) There is created a categorical fund to fund a salary career ladder for teacher salary levels pursuant to s. 1012.231(2). To access this fund, school districts must first comply with the requirements of s. 1003.03(2) and (3) and also comply with the requirements of s. 1012.22(1)(c)4. by rewarding each of their classroom teachers in the "career teacher" category, pursuant to s. 1012.231(2)(b), whose students demonstrate more than a year's worth of learning in 1 year as measured by the FCAT or local assessment in accordance with s. 1008.22(3) or (7) with an annual performance bonus pursuant to paragraph (2)(b).

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

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

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

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

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

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

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

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

1012.05 Teacher recruitment and retention.--

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

(2) The Department of Education shall:

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

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

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

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

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

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

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

(h) Provide information related to certification procedures.

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

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

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

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

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

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

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

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

1012.231 Teacher compensation; assignment of teachers.--

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

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

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

(b) Career Teacher.--Classroom teachers who have fully validated all

essential teaching competencies, including the educator-accomplished practices as established in State Board of Education rule, or who have qualified through reciprocal certification options identified in s. 1012.56.

(c) Lead Teacher.--The highest performing 5 percent of classroom teachers in the school district, after mentor teachers, who have demonstrated outstanding performance as evidenced by improved student achievement and who are responsible for leading others in the school as department chair, lead teacher, grade-level leader, intern coordinator, or professional development coordinator. Lead teachers must participate on a regular basis in the direct instruction of students and serve as faculty for professional development activities as determined by the State Board of Education. Lead teachers shall be paid an additional annual salary of \$5,000.

(d) Mentor Teacher.--The highest performing 3 percent of classroom teachers in the school district who have demonstrated sustained outstanding performance as evidenced by improved student achievement and other factors as defined by the State Board of Education and who serve as regular mentors to other teachers who are either not performing satisfactorily or who strive to become more proficient. Mentor teachers must serve as faculty-based professional development coordinators and regularly demonstrate and share their expertise with other teachers in order to remain mentor teachers. Mentor teachers must also participate on a regular basis in the direct instruction of low-performing students. Mentor teachers shall be paid an additional annual salary of \$10,000.

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

Section 56. Section 1012.27, Florida Statutes, is amended to read:

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

(1) POSITIONS, QUALIFICATIONS, AND NOMINATIONS.--

(a) Recommend to the district school board duties and responsibilities which need to be performed and positions which need to be filled to make possible the development of an adequate school program in the district. Beginning with the 2003-2004 academic year, this recommendation shall provide for clerical personnel or volunteers who are not classroom teachers to assist teachers in noninstructional activities, including performing paperwork and recordkeeping duties. However, a teacher shall remain responsible for all instructional activities and for classroom management and grading student performance.

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

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

(2) COMPENSATION AND SALARY SCHEDULES.--Prepare and recommend to the district school board for adoption a salary schedule or salary schedules. The district school superintendent must recommend a salary schedule for instructional personnel which bases a portion of each employee's compensation on performance demonstrated under s. 1012.34. In developing the recommended salary schedule, the district school superintendent shall include input from parents, teachers, and representatives of the business community. Beginning with the 2003-2004 academic year, the recommended salary schedule for classroom teachers shall be consistent with the requirements of s. 1012.231.

(3) CONTRACTS AND TERMS OF SERVICE.--Recommend to the district school board terms for contracting with employees and prepare such

contracts as are approved.

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

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

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

Section 57. Subsections (3) and (4) of section 1012.28, Florida Statutes, are amended to read:

1012.28 Public school personnel; duties of school principals.--

(3) Each school principal is responsible for the performance of all personnel employed by the district school board and assigned to the school to which the principal is assigned. The school principal shall faithfully and effectively apply the personnel assessment system approved by the district school board pursuant to s. 1012.34 and, beginning with the 2003-2004 academic year, s. 1012.231.

(4) Each school principal shall assist the teachers within the school to use student assessment data, as measured by student learning gains pursuant to s. 1008.22, for self-evaluation. Each school principal shall also ensure that clerical personnel or volunteers who are not classroom teachers assist teachers in noninstructional activities, including performing paperwork and recordkeeping duties.

Section 58. Paragraph (a) of subsection (1), subsection (2), and paragraph (a) of subsection (3) of section 1012.585, Florida Statutes, are amended to read:

1012.585 Process for renewal of professional certificates.--

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

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

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

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

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

(c) As authorized by State Board of Education rule, a teacher with a valid certificate issued by the American Board for Certification of Teacher Excellence is deemed to meet state renewal requirements for the life of the

teacher's American Board certificate in the subject shown on the American Board certificate. A complete renewal application and fee shall be submitted.

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

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

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

(a) The applicant must earn a minimum of 6 college credits or 120 inservice points or a combination thereof. For each area of specialization to be retained on a certificate, the applicant must earn at least 3 of the required credit hours or equivalent inservice points in the specialization area. Education in "clinical educator" training pursuant to s. ~~1004.04(6)(b)~~ ~~1004.04(5)(b)~~ and credits or points that provide training in the area of scientifically researched, knowledge-based reading literacy and computational skills acquisition, exceptional student education, normal child development, and the disorders of development may be applied toward any specialization area. Credits or points that provide training in the areas of drug abuse, child abuse and neglect, strategies in teaching students having limited proficiency in English, or dropout prevention, or training in areas identified in the educational goals and performance standards adopted pursuant to ss. 1000.03(5) and 1001.23 may be applied toward any specialization area. Credits or points earned through approved summer institutes may be applied toward the fulfillment of these requirements. Inservice points may also be earned by participation in professional growth components approved by the State Board of Education and specified pursuant to s. 1012.98 in the district's approved master plan for inservice educational training, including, but not limited to, serving as a trainer in an approved teacher training activity, serving on an instructional materials committee or a state board or commission that deals with educational issues, or serving on an advisory council created pursuant to s. 1001.452.

Section 59. Section 1012.586, Florida Statutes, is created to read:

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

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

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

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

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

Section 60. Subsections (1) and (2) and paragraph (a) of subsection (3) of section 1012.72, Florida Statutes, are amended to read:

1012.72 Dale Hickam Excellent Teaching Program.--

(1) The Legislature recognizes that teachers play a critical role in preparing students to achieve the high levels of academic performance expected by the Sunshine State Standards ~~and--The Legislature further recognizes~~ the importance of identifying and rewarding teaching excellence ~~and of encouraging good teachers to become excellent teachers. The Legislature finds that the National Board of Professional Teaching Standards (NBPTS) has established high and rigorous standards for accomplished teaching and has developed a national voluntary system for assessing and certifying teachers who demonstrate teaching excellence by meeting those standards. It is therefore~~ the Legislature's intent to provide incentives for

teachers to seek national NBPTS certification and to reward teachers who demonstrate teaching excellence by attaining national NBPTS certification and sharing their expertise with students and other teachers. Contingent upon approval by the State Board of Education, the incentives and privileges extended to the National Board for Professional Teaching Standards (NBPTS) and to a teacher who holds a valid certificate issued by the NBPTS shall be extended to the American Board for Certification of Teacher Excellence (ABCTE) and to a teacher who holds a valid Master Teacher Certificate issued by the ABCTE.

(2) The Dale Hickam Excellent Teaching Program is created to provide categorical funding for monetary incentives and bonuses for teaching excellence. The Department of Education shall distribute to each school district or to the NBPTS, or to the ABCTE if approved by the State Board of Education, an amount as prescribed annually by the Legislature for the Dale Hickam Excellent Teaching Program. For purposes of this section, the Florida School for the Deaf and the Blind shall be considered a school district. Unless otherwise provided in the General Appropriations Act, each distribution shall be the sum of the amounts earned for the following incentives and bonuses:

(a) A fee subsidy to be paid by the Department of Education to the NBPTS, or to the ABCTE if approved by the State Board of Education, on behalf of each individual who is an employee of a district school board or a public school within the school district, who is certified by the district to have demonstrated satisfactory teaching performance pursuant to s. 1012.34 and who satisfies the prerequisites for participating in the NBPTS certification program, or the ABCTE master teacher certification program if approved by the State Board of Education, and who agrees, in writing, to pay 10 percent of the NBPTS or ABCTE participation fee and to participate in the NBPTS certification program, or the ABCTE master teacher certification program if approved by the State Board of Education, during the school year for which the fee subsidy is provided. The fee subsidy for each eligible participant shall be an amount equal to 90 percent of the fee charged for participating in the NBPTS certification program. The fee subsidy is a one-time award and may not be duplicated for any individual.

(b) A portfolio-preparation incentive of \$150 paid by the Department of Education to each teacher employed by a district school board or a public school within a school district who is participating in the NBPTS certification program, or the ABCTE master teacher certification program if approved by the State Board of Education. The portfolio-preparation incentive is a one-time award paid during the school year for which the NBPTS fee subsidy is provided.

(c) An annual bonus equal to 10 percent of the prior fiscal year's statewide average salary for classroom teachers to be distributed to the school district to be paid to each individual who holds NBPTS certification, or ABCTE master teacher certification if approved by the State Board of Education, and is employed by the district school board or by a public school within the school district. The district school board shall distribute the annual bonus to each individual who meets the requirements of this paragraph and who is certified annually by the district to have demonstrated satisfactory teaching performance pursuant to s. 1012.34. The annual bonus may be paid as a single payment or divided into not more than three payments.

(d) An annual bonus equal to 10 percent of the prior fiscal year's statewide average salary for classroom teachers to be distributed to the school district to be paid to each individual who meets the requirements of paragraph (c) and agrees, in writing, to provide the equivalent of 12 workdays of mentoring and related services to beginning public school teachers or teachers in low-performing schools within the state who do not hold NBPTS certification or ABCTE certification if approved by the State Board of Education. The district school board shall distribute the annual bonus in a single payment following the completion of all required mentoring and related services for the year. It is not the intent of the Legislature to remove excellent teachers from their assigned classrooms; therefore, credit may not be granted by a school district or public school for mentoring or related services provided during student contact time during the 196 days of required service for the school year.

Beginning with the 2003-2004 academic year, annual bonuses pursuant to this section shall be limited to teachers who demonstrate outstanding student performance in accordance with s. 1012.34(3)(a)1-7, and who also demonstrate significant successful efforts in mentoring other teachers, including beginning teachers or those in need of assistance. A teacher for whom the state pays the certification fee and who does not complete the

certification program or does not teach in a public school of this state for at least 1 year after completing the certification program must repay the amount of the certification fee to the state. However, a teacher who completes the certification program but fails to be awarded NBPTS certification, or ABCTE master teacher certification if approved by the State Board of Education, is not required to repay the amount of the certification fee if the teacher meets the 1-year teaching requirement. Repayment is not required of a teacher who does not complete the certification program or fails to fulfill the teaching requirement because of the teacher's death or disability or because of other extenuating circumstances as determined by the State Board of Education.

(3)(a) In addition to any other remedy available under the law, any person who is a recipient of a certification fee subsidy paid to the NBPTS, or the ABCTE if approved by the State Board of Education, and who is an employee of the state or any of its political subdivisions is considered to have consented, as a condition of employment, to the voluntary or involuntary withholding of wages to repay to the state the amount of such a certification fee subsidy awarded under this section. Any such employee who defaults on the repayment of such a certification fee subsidy must, within 60 days after service of a notice of default by the Department of Education to the employee, establish a repayment schedule which must be agreed to by the department and the employee, for repaying the defaulted sum through payroll deductions. The department may not require the employee to pay more than 10 percent of the employee's pay per pay period under such a repayment schedule or plan. If the employee fails to establish a repayment schedule within the specified period of time or fails to meet the terms and conditions of the agreed upon or approved repayment schedule as authorized by this subsection, the employee has breached an essential condition of employment and is considered to have consented to the involuntary withholding of wages or salary for the repayment of the certification fee subsidy.

Section 61. Section 1012.73, Florida Statutes, is repealed.

Section 62. Subsection (2), paragraph (b) of subsection (3), and subsections (5) through (11) of section 1012.98, Florida Statutes, are amended to read:

1012.98 School Community Professional Development Act.--

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

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

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

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

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

~~2. Include performance evaluation methods.~~

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

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

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

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

~~(5)(6) Each district school board shall provide funding for the professional development system as required by s. 1011.62 and the General Appropriations~~

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

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

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

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

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

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

Section 63. Section 1012.987, Florida Statutes, is created to read:

1012.987 Education leadership development.--

(1) The State Board of Education shall adopt rules through which school principals may earn a principal leadership designation based on teacher retention, overall student performance, and school grade. The State Board of Education must designate incentives available to personnel who earn a principal leadership designation, including, but not limited to, merit pay, expanded discretionary spending flexibility, relaxed regulation or reporting requirements, additional professional development resources, and public recognition.

(2)(a) The Department of Education shall provide a system for the recruitment, preparation, and education leadership development of school administrative personnel. This system shall be based on standards adopted by the State Board of Education that include, but are not limited to:

1. Improved student achievement.

2. Increased emphasis on reading using the latest scientific knowledge-based research in reading and the administrator's role as a successful school leader in reading reform efforts.

3. Instructional leadership.

4. Data analysis.

5. School safety.

6. Community and family involvement.

7. Operational management.

8. School finance.

(b) Each education leadership development program must provide all program participants full information on not less than an annual basis to update the participants on the status of, and rationale for changes to, state and federal law and funding policies.

(c) Education leadership development programs must be consistent with standards adopted by the State Board of Education and must be approved by the department.

(d) Alternative education leadership development programs that meet the standards of, and are approved by, the Department of Education may be offered by a school district or postsecondary educational institution.

(e) The Commissioner of Education may conduct K-20 education leadership institutes for the purpose of communicating the state's education priorities, best practices, and other related research and facilitating the formation of a K-20 partnership.

Section 64. Notwithstanding any provision of law to the contrary, when a school is graded "F" or receives a second consecutive grade of "D," the elected district school superintendent, or if the district school superintendent is appointed, the district school board, may request the resignation of the school principal and teachers.

Section 65. Each district school board shall review and consider amending any collective bargaining contract that may hinder the implementation of any provision of this act.

Section 66. The Commissioner of Education shall conduct an electronic mail or other survey of the classroom teachers in each school district at the end of the 2003-2004 academic year to determine whether the teachers received improved support from their district school board, superintendent, and principal for paperwork reduction and classroom discipline and shall use the enforcement authority of s. 1008.32, Florida Statutes, as appropriate, to ensure compliance with better educated students and teachers (BEST) Florida teaching.

Section 67. Paragraph (a) of subsection (22) of section 121.021, Florida Statutes, is amended to read:

121.021 Definitions.--The following words and phrases as used in this chapter have the respective meanings set forth unless a different meaning is plainly required by the context:

(22) "Compensation" means the monthly salary paid a member by his or her employer for work performed arising from that employment.

(a) Compensation shall include:

1. Overtime payments paid from a salary fund.

2. Accumulated annual leave payments.

3. Payments in addition to the employee's base rate of pay if all the following apply:

a. The payments are paid according to a formal written policy that applies to all eligible employees equally;

b. The policy provides that payments shall commence no later than the 11th year of employment;

c. The payments are paid for as long as the employee continues his or her employment; and

d. The payments are paid at least annually.

4. Amounts withheld for tax sheltered annuities or deferred compensation programs, or any other type of salary reduction plan authorized under the Internal Revenue Code.

5. Payments made in lieu of a permanent increase in the base rate of pay, whether made annually or in 12 or 26 equal payments within a 12-month period, when the member's base pay is at the maximum of his or her pay range. When a portion of a member's annual increase raises his or her pay range and the excess is paid as a lump sum payment, such lump sum payment shall be compensation for retirement purposes.

6. Effective July 1, 2002, salary supplements made pursuant to ~~s. ss. 1012.73 and 1012.72 requiring a valid National Board for Professional Standards certificate or equivalent status as provided in s. 1012.73(3)(c)5,~~ notwithstanding the provisions of subparagraph 3.

Section 68. Paragraph (b) of subsection (1) of section 1013.35, Florida Statutes, is amended to read:

1013.35 School district educational facilities plan; definitions; preparation, adoption, and amendment; long-term work programs.--

(1) DEFINITIONS.--As used in this section, the term:

(b) "District facilities work program" means the 5-year listing of capital outlay projects adopted by the district school board as provided in subparagraph (2)(a)2. and paragraph (2)(b) as part of the district educational facilities plan, which is required in order to:

1. Properly maintain the educational plant and ancillary facilities of the district.

2. Provide an adequate number of satisfactory student stations for the

projected student enrollment of the district in K-12 programs ~~in accordance with the goal in s. 1013.21.~~

Section 69. Subsection (5) is added to section 1013.45, Florida Statutes, to read:

1013.45 Educational facilities contracting and construction techniques.--

(5) In order to ensure that the construction of new and expanded educational facilities provides public school students with the best long-term value for classrooms, a district school board must consider, as part of the selection criteria for awarding facility contracts, a life cycle cost analysis of building materials when constructing or expanding school capacity. The analysis shall include the annualized anticipated energy consumption, the relative resistance of structural components to damage by wind loads and associated debris, the resistance of the structural components to wood-destroying organisms, a comparison of the perpetual maintenance costs, the resistance of the structural components to fire, and a comparison of the annual costs of providing insurance. District school boards may rely on the information provided by the contractor if the contractor's analysis is based upon the best currently available methods, including those of the National Institute of Standards and Technology, the United States Department of Housing and Urban Development, other federal or state agencies, or technical or professional societies.

Section 70. Paragraph (b) of subsection (1) of section 1009.531, Florida Statutes, is amended to read:

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

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

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

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

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

Section 71. From the funds appropriated in Specific Appropriation 58D for BEST Florida teaching, \$1,076,500 is hereby authorized for fiscal year 2003-2004 for the Teaching Fellows Program established in s. 1009.591, Florida Statutes.

Section 72. If any provision of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

Section 73. Except as otherwise provided herein, this act shall take effect July 1, 2003.

Remove the entire title, and insert:

A bill to be entitled

An act relating to quality education; providing a popular name; amending s. 1003.01, F.S.; defining the terms "core-curricula courses" and "extracurricular courses"; amending s. 1003.03, F.S.; providing legislative intent; establishing the constitutional class size maximums; providing for the determination of averages; requiring the Department of Education to calculate averages based upon student membership surveys; providing implementation options for school districts; providing accountability for the class size reduction measures; creating s. 1011.685, F.S.; establishing an operating categorical fund for implementing class size reduction; providing for use of the funds by school districts; authorizing use of capital outlay millage; requiring reports; creating s. 1013.735, F.S.; establishing the Class Size Reduction Infrastructure Program; providing for the allocation of funds; providing requirements for district participation; providing for the use of the funds; creating s. 1013.736, F.S.; establishing the District Effort Recognition Program; providing eligibility for school district participation; providing for allocation and distribution of funds; creating s. 1013.737, F.S.; establishing the Class Size Reduction Lottery Revenue Bond Program; authorizing issuance of revenue bonds to finance or refinance the construction, acquisition, reconstruction, or renovation of educational facilities;

amending s. 24.121, F.S.; removing limitations on lottery revenues that may be pledged to the payment of debt service; amending s. 121.091, F.S.; authorizing instructional and administrative personnel who receive authorization to extend participation in the Deferred Retirement Option Program on an annual contractual basis; amending s. 1001.42, F.S.; eliminating a cross reference to small schools; creating s. 1002.395, F.S.; providing for Florida Learning Access Grants; providing obligations of school districts, parents, and the Department of Education; providing private school eligibility requirements; creating s. 1002.396, F.S.; providing for kindergarten grants; providing obligations of parents and the Department of Education; providing private kindergarten eligibility requirements; creating s. 1002.397, F.S.; providing for K-8 virtual school grants; providing obligations of students, parents, and the Department of Education; providing K-8 virtual school eligibility requirements; amending s. 220.187, F.S.; expanding and revising the corporate income tax credit scholarship program; amending s. 1002.20, F.S., relating to parent and student rights, to conform to changes made by the act; amending s. 1002.33, F.S.; removing the cap on the number of charter schools authorized in school districts; correcting cross references; amending s. 1002.41, F.S.; correcting a cross reference; amending s. 1003.02, F.S.; requiring school districts to notify parents of acceleration mechanisms; eliminating a cross reference to conform to changes made by the act; creating s. 1003.429, F.S.; providing options for accelerated high school graduation; providing for a 3-year standard college preparatory program and a 3-year career preparatory program; amending s. 1003.43, F.S.; including parenting skills in the life management skills course; removing requirement that the life management skills course be taken in certain grades; amending s. 1003.436, F.S.; reducing the number of hours required for one full credit; amending s. 1007.261, F.S.; revising credit requirements for admission to state universities; amending s. 1007.27, F.S.; requiring notification to students and parents of acceleration opportunities; authorizing the State Board of Education to adopt rules concerning articulated acceleration mechanisms; requiring the State Board of Education to review and report on the use of acceleration mechanisms and grading practices, including the weighting of courses, for credit and admission; amending s. 1003.62, F.S.; deleting provisions relating to the charter school district pilot program; providing for establishment of academic performance-based charter school districts; providing for eligibility and exemption from statutes and rules; requiring annual reports; including a grandfather provision for certain pilot program charter school districts; amending s. 1011.62, F.S.; removing a date limitation to provide for categorical flexibility; providing for advertisement and reporting; amending s. 1011.68, F.S.; correcting a cross reference; amending s. 1011.69, F.S.; deleting obsolete provisions; revising equity in school-level funding provisions; providing that class size reduction operating categorical funds are not subject to provisions requiring equity in school-level funding; amending s. 1012.56, F.S.; revising the time period for which an official statement of status of eligibility for certification is valid; revising requirements for mastery of general knowledge, mastery of subject area knowledge, and mastery of professional preparation and education competence; revising provisions relating to temporary certificates; amending s. 1012.57, F.S.; requiring district school boards to adopt rules to allow for the issuance of adjunct teaching certificates; revising provisions relating to determination of expertise in the subject area to be taught; amending s. 1013.03, F.S.; requiring the Department of Education to review rules relating to school construction and make recommendations to the State Board of Education; amending s. 1013.31, F.S.; requiring school districts to periodically update the inventory of educational facilities; amending s. 1002.37, F.S.; revising priorities of the Florida Virtual School; providing that certain funds are internal funds; authorizing supplemental support organizations; revising administrative responsibilities regarding funding and reporting requirements for the board of trustees of the Florida Virtual School; authorizing franchise agreements; providing for funding the Florida Virtual School within the Florida Education Finance Program; providing for funding based

on credit completion; providing a calculation; eliminating obsolete provisions; amending s. 1011.61, F.S.; revising definition of "full-time equivalent student" to include a Florida Virtual School student; providing for membership to exceed certain maximum days of instruction; amending s. 1013.64, F.S.; revising provisions relating to determination of allocations to school districts from the Public Education Capital Outlay and Debt Service Trust Fund; revising provisions relating to the costs per student station; authorizing a school district to exceed cost per student station requirements under certain circumstances; requiring reports; repealing ss. 1007.261(2), 1012.41, 1013.21, and 1013.43, F.S., relating to credit requirements, employment of directors of career and technical education, reduction of relocatable facilities in use, and the small school requirement; amending s. 216.292, F.S.; requiring the Executive Office of the Governor to transfer funds for class size reduction based on recommendations of the Florida Education Finance Program Appropriation Allocation Conference; requiring notice and review; creating s. 1000.041, F.S.; providing legislative purposes and guiding principles for BEST Florida teaching; amending s. 1001.33, F.S.; requiring cooperation to apply such guiding principles; amending s. 1001.42, F.S.; requiring district school boards to provide clerical personnel or volunteers to assist teachers in noninstructional activities; requiring school district support of authority; amending ss. 1001.51 and 1001.54, F.S.; providing for cooperation and support of district school superintendents and school principals; amending s. 1002.20, F.S.; providing student rights with respect to classroom orderliness; amending s. 1002.42, F.S.; correcting a cross reference; amending s. 1003.04, F.S.; requiring specified student conduct; requiring parental cooperation with school authority; amending s. 1003.31, F.S.; providing for support of the authority of teachers and bus drivers; amending s. 1003.32, F.S.; revising provisions relating to teacher authority and responsibility for control of students; designating a school placement review committee to determine placement for disruptive students; requiring reports; requiring Commissioner of Education review of success in achieving orderly classrooms and use of enforcement actions; requiring reporting of knowledge or belief of crimes of violence on school property; providing immunity; amending s. 1004.04, F.S.; revising provisions relating to state approval of teacher preparation programs; expanding State Board of Education rules establishing core curricula; requiring teacher preparation programs to incorporate certain instruction; providing for guarantee; providing for additional teacher training under certain circumstances; authorizing pay for student teacher internships; providing priority consideration for participation in teacher education pilot programs; amending ss. 1006.08 and 1006.09, F.S.; providing for district school superintendent and school principal support relating to student discipline; amending s. 1009.59, F.S.; renaming and revising eligibility criteria and loan reimbursement of the Critical Teacher Shortage Student Loan Forgiveness Program; creating s. 1009.591, F.S.; creating the Teaching Fellows Program to encourage certain graduate students to enter the teaching profession; providing for stipends, signing bonuses upon employment, and waiver of tuition and fees under certain circumstances; providing repayment requirements; creating s. 1011.63, F.S.; creating a categorical fund for a salary career ladder; providing requirements to access funds; providing for allocation to school districts and use of funds; amending s. 1012.05, F.S.; requiring the Department of Education to provide for one-stop shopping for teacher career information and on-line support; authorizing use of funds to recruit and prepare teachers; creating s. 1012.231, F.S.; requiring district school board plans for compensation of classroom teachers; providing for funding teacher salary career ladders based on performance; providing requirements and incentives relating to teacher assignments; amending ss. 1012.27 and 1012.28, F.S.; providing duties of district school superintendents and school principals; amending s. 1012.585, F.S.; revising certain requirements for renewal of professional certificates; correcting a cross reference; creating s. 1012.586, F.S.; authorizing school districts to process certain applications via website; providing for a

fee and the uses thereof; amending s. 1012.72, F.S.; expanding the Dale Hickam Excellent Teaching program to provide incentives for teachers who seek or are issued certain certification by the American Board for Certification of Teacher Excellence; restricting bonuses to certain teachers; repealing s. 1012.73, F.S., relating to the mentor teacher pilot program; amending s. 1012.98, F.S.; revising provisions relating to the School Community Professional Development Act; deleting provisions relating to recruitment, preparation, and professional development of school administrative personnel; creating s. 1012.987, F.S.; authorizing a principal leadership designation and incentives therefor; requiring a system for recruitment, preparation, and education leadership development of school administrative personnel; authorizing request of resignation of a school principal and teachers under certain circumstances; requiring district school boards to review and consider amending certain collective bargaining contracts; requiring the Commissioner of Education to conduct a survey of classroom teachers; amending ss. 121.021 and 1013.35, F.S.; correcting cross references; amending s. 1013.45, F.S.; requiring a life cycle analysis when constructing or expanding educational facilities; amending s. 1009.531, F.S.; conforming provisions to changes made by the act and correcting a cross reference; authorizing an appropriation for the Teaching Fellows Program; providing for severability; providing effective dates.

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

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

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

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

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

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

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

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

Rep. Kilmer moved the adoption of the amendment.

On motion by Rep. Ross, the House moved to the order of—

Motions Relating to Committee References

On motion by Rep. Cantens, HB 1279 was recommitted to the Committee on Appropriations under Rule 11.12.

On motion by Rep. Ross, the House moved to the order of—

Special Orders

Special Order Calendar

CS for CS for SB 1436—A bill to be entitled An act relating to implementation of Amendment 9 to the State Constitution (November 2002 election); providing a short title; amending s. 1003.01, F.S.; defining the terms "core-curricula courses" and "extracurricular courses"; amending s. 1003.03, F.S.; establishing the constitutional class size maximum; providing for the determination of averages; providing for the department to calculate averages based upon student membership surveys; providing implementation options for school districts; providing accountability for the class size reduction measures; providing that a district school board that fails to comply with maximum class size requirements is subject to suspension by the Governor; creating s. 1011.685, F.S.; establishing an operating categorical fund for implementing class size reduction; providing for the use of the funds by school districts; creating s. 1013.735, F.S.; establishing the Classrooms for Kids Program; providing for the allocation of funds; providing requirements for district participation in the program; providing for the use of the funds; creating s. 1013.736, F.S.; establishing the District Equity Recognition Program; providing for eligibility for school district participation; establishing a district equity ratio for purposes of calculating the allocation for the program; providing for the use of the funds; creating s. 1013.737, F.S.; establishing the Class Size Reduction Lottery Revenue Bond Program; authorizing the issuance of revenue bonds to finance or refinance the construction, acquisition, reconstruction, or renovation of educational facilities; specifying that the bonds are payable from first proceeds of lottery revenues transferred to the Educational Enhancement Trust Fund; establishing a covenant with bondholders to not materially and adversely affect their rights; providing for issuance of the bonds by the Division of Bond Finance on behalf of the Department of Education; limiting the total amount of such bonds issued; providing for deposit of bond proceeds in the Lottery Capital Outlay and Debt Service Trust Fund; providing for the filing of complaints for validation; providing for timely encumbrances of funds for authorized projects; amending s. 24.121, F.S.; removing limitations on lottery revenues that may be pledged to the payment of debt service; amending s. 121.091, F.S.; authorizing instructional personnel who receive authorization to extend participation in the Deferred Retirement Option Program; requiring the Department of Management Services to request a determination from the United States Internal Revenue Service; providing that the changes effected by this act to the Deferred Retirement Option Program are contingent upon such determination or other favorable opinion; amending s. 1001.42, F.S.; clarifying provisions concerning a school-within-a-school; amending s. 1003.02, F.S.; requiring school districts to notify parents of acceleration mechanisms; eliminating a cross-reference to conform to changes made by the act; amending s. 1003.43, F.S.; removing the requirement that a life management course be offered during the 9th and 10th grade years; amending s. 1003.436, F.S.; reducing the number of hours required for one full credit; amending s. 1011.62, F.S.; removing a date limitation to provide for categorical flexibility; amending s. 1011.69, F.S.; deleting obsolete provisions; providing that Classrooms for Kids operating categorical funds are not subject to provisions requiring equity in school funding; amending s. 1012.56, F.S.; revising the time period for an authorized statement of status of eligibility for educator certification requirements; amending requirements for mastery of general knowledge for a teaching certificate; revising requirements for mastery of subject area knowledge; revising requirements for mastery of professional competence; amending s. 1012.57, F.S.; requiring district school boards to adopt rules to allow for the issuance of adjunct educator certificates; amending s. 1013.03, F.S.; requiring the Department of Education to review rules relating to school construction and make recommendations to the State Board of Education; amending s. 1013.31, F.S.; requiring school districts to periodically update the inventory of educational facilities; amending s. 1002.37, F.S.; revising reporting requirements for the board of trustees of the Florida Virtual School; providing for funding the Florida Virtual School within the Florida Education Finance Program; providing for the determination of a credit; eliminating obsolete provisions; amending s. 1011.61, F.S.; redefining the term "full-time equivalent student" to include a

Florida Virtual School student; providing for membership to exceed certain maximum days of instruction; creating the Florida Business and Education in School Together (Florida BEST) Program; requiring school districts to seek business partners for Florida BEST schools; requiring each school district to create a Florida BEST school evaluation committee; defining a "Florida Business and Education in School Together (Florida BEST) school"; providing for priority in admission of students; providing parental responsibility; providing for contracts to operate Florida BEST schools; providing school district and business responsibilities for Florida BEST schools; providing exemptions from local government ordinances or regulations relating to square footage or floor area; repealing ss. 1002.33(13), 1012.41, and 1013.43, F.S., relating to number of charter schools, directors of career and technical education, and the small school requirement; amending s. 216.292, F.S.; requiring the Executive Office of the Governor to transfer funds for class size reduction based on recommendations of the Florida Education Finance Program Appropriation Allocation Conference; requiring notice and review; providing for severability; providing effective dates.

—was taken up, having been read the second time earlier today; now pending on motion by Rep. Kilmer to adopt Amendment 1.

The question recurred on the adoption of Amendment 1.

Representative Richardson offered the following:

(Amendment Bar Code: 817151)

Amendment 1 to Amendment 1—Remove line(s) 96-103.

Rep. Richardson moved the adoption of the amendment to the amendment.

Further consideration of **Amendment 1 to Amendment 1** was temporarily postponed under Rule 11.10.

Representative Vana offered the following:

(Amendment Bar Code: 870993)

Amendment 2 to Amendment 1—Remove line(s) 168-1395, and insert:

(m) Provide kindergarten grants in accordance with s. 1002.396.

(n) Provide K-8 virtual school grants in accordance with s. 1002.397.

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

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

(5) ACCOUNTABILITY--

(a) Beginning in the 2004-2005 fiscal year, if the Commissioner of Education determines for any year that a school district has not reduced average class size as required in subsection (3) at the time of the third FEFP calculation, the department shall calculate an amount from the class size reduction operating categorical that is proportionate to the amount of class size reduction not accomplished. Upon verification of the department's calculation by the Florida Education Finance Program Appropriation Allocation Conference, the Executive Office of the Governor shall transfer undistributed funds, except for funds that have been encumbered for classroom teacher contracts, equivalent to the calculated amount from the school district's class size reduction operating categorical to an approved fixed capital outlay appropriation for class size reduction in the affected school district pursuant to s. 216.292(13). The amount of such funds transferred shall be the lesser of the amount specified above or the undistributed balance of the school district's class size reduction operating categorical.

(b) Beginning in the 2006-2007 school year, the Commissioner of Education shall determine by January 15 of each year which school districts have not met the two-student-per-year reduction required in subsection (3) based upon a comparison of the school district's October student membership survey for the current school year and the March 2003 baseline student membership survey. The commissioner shall report such school districts to the Legislature. Each school district that has not met the two-student-per-year reduction shall be required to implement one of the following policies in the subsequent school year unless the commissioner finds that the school district

comes into compliance based upon the February student membership survey:

1. Year-round schools;
2. Double sessions;
3. Florida Learning Access Grants, pursuant to s. 1002.395;
4. Rezoning; or
5. Maximizing use of instructional staff by changing required teacher loads and scheduling of planning periods, deploying school district employees who have professional certification to the classroom, using adjunct educators, operating schools beyond the normal operating hours to provide classes in the evening, or operating more than one session of school during the day.

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

(c) Beginning in the 2007-2008 school year, the Commissioner of Education shall annually determine which school districts do not meet the requirements described in subsection (3). In addition to enforcement authority provided in s. 1008.32, the commissioner shall develop a constitutional compliance plan for each such school district that includes, but is not limited to, redrawing school attendance zones to maximize use of facilities while minimizing the additional use of transportation, unless the commissioner finds that the school district comes into compliance based upon the February student membership survey and the other accountability policies listed in paragraph (b). Each district school board shall implement its constitutional compliance plan developed by the commissioner until the school district complies with the constitutional class size maximums.

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

1011.685 Class size reduction; operating categorical fund.--

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

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

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

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

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

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

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

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

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

operating expenditures for which the funds were used.

(5) No later than June 30, 2006, the Legislature shall review such reports for purposes of determining whether any school district expended nonvoted capital improvement millage while failing to comply with subsection (3) or any other provision of law. Upon such review, if the Legislature so directs, the Department of Education shall withhold from the school district's allocation from the Public Education Capital Outlay and Debt Service Trust Fund no less than an amount of funds equivalent to the amount determined by the Legislature to have been so expended.

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

1013.735 Class Size Reduction Infrastructure Program.--

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

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

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

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

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

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

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

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

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

1013.736 District Effort Recognition Program.--

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

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

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

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

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

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

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

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

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

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

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

State Bond Act, ss. 215.57-215.83, as amended, and the provisions of this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2. Except as provided in subparagraph 6., election to participate is made within 12 months immediately following the date on which the member first reaches normal retirement date, or, for a member who reaches normal retirement date based on service before he or she reaches age 62, or age 55 for Special Risk Class members, election to participate may be deferred to the 12 months immediately following the date the member attains 57, or age 52 for Special Risk Class members. For a member who first reached normal retirement date or the deferred eligibility date described above prior to the effective date of this section, election to participate shall be made within 12 months after the effective date of this section. A member who fails to make an election within such 12-month limitation period shall forfeit all rights to participate in the DROP. The member shall advise his or her employer and the division in writing of the date on which the DROP shall begin. Such beginning date may be subsequent to the 12-month election period, but must be within the 60-month or, with respect to members who are instructional or administrative personnel employed by a community college in areas of critical need identified by the district board of trustees and who have received authorization by the district board of trustees to participate in the DROP beyond 60 months, or who are instructional or administrative personnel employed by the Florida School for the Deaf and the Blind and who have received authorization by the Board of Trustees of the Florida School for the Deaf and the Blind to participate in the DROP beyond 60 months, or who are instructional personnel as defined in s. 1012.01(2)(a)-(d) in grades K-12 or

administrative personnel as defined in s. 1012.01(3) in grades K-12 and who have received authorization by the district school superintendent to participate in the DROP beyond 60 months, the 96-month limitation period as provided in subparagraph (b)1. When establishing eligibility of the member to participate in the DROP for the 60-month or, with respect to members who are instructional or administrative personnel employed by a community college in areas of critical need identified by the district board of trustees and who have received authorization by the district board of trustees to participate in the DROP beyond 60 months, or who are instructional or administrative personnel employed by the Florida School for the Deaf and the Blind and who have received authorization by the Board of Trustees of the Florida School for the Deaf and the Blind to participate in the DROP beyond 60 months, the 96-month maximum participation period, the member may elect to include or exclude any optional service credit purchased by the member from the total service used to establish the normal retirement date. A member with dual normal retirement dates shall be eligible to elect to participate in DROP within 12 months after attaining normal retirement date in either class.

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

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

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

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

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

c. The new employer shall acknowledge, in writing, the participant's DROP termination date, which may be extended but not beyond the original 60-month or, with respect to members who are instructional or administrative personnel employed by a community college in areas of critical need identified by the district board of trustees and who have received authorization by the district board of trustees to participate in the DROP beyond 60 months, or who are instructional or administrative personnel employed by the Florida School for the Deaf and the Blind and who have received authorization by the Board of Trustees of the Florida School for the Deaf and the Blind to participate in the DROP beyond 60 months, or who are instructional personnel as defined in s. 1012.01(2)(a)-(d) in grades K-12 or administrative personnel as defined in s. 1012.01(3) in grades K-12 and who have received authorization by the district school superintendent to participate in the DROP beyond 60 months, the 96-month period provided in subparagraph (b)1., shall acknowledge liability for any additional retirement contributions and interest required if the participant fails to timely terminate employment, and shall be subject to the adjustment required in sub-subparagraph (c)5.d.

6. Effective July 1, 2001, for instructional personnel as defined in s. 1012.01(2), election to participate in the DROP shall be made at any time following the date on which the member first reaches normal retirement date. The member shall advise his or her employer and the division in writing of the date on which the Deferred Retirement Option Program shall begin. When establishing eligibility of the member to participate in the DROP for the 60-month or, with respect to members who are instructional or administrative personnel employed by a community college in areas of critical need identified by the district board of trustees and who have received authorization by the district board of trustees to participate in the DROP beyond 60 months, or who are instructional or administrative personnel employed by the Florida School for the Deaf and the Blind and who have received authorization by the Board of Trustees of the Florida School for the Deaf and the Blind to

participate in the DROP beyond 60 months, or who are instructional personnel as defined in s. 1012.01(2)(a)-(d) in grades K-12 or administrative personnel as defined in s. 1012.01(3) in grades K-12 and who have received authorization by the district school superintendent to participate in the DROP beyond 60 months, the 96-month maximum participation period, as provided in subparagraph (b)1., the member may elect to include or exclude any optional service credit purchased by the member from the total service used to establish the normal retirement date. A member with dual normal retirement dates shall be eligible to elect to participate in either class.

(b) Participation in the DROP.—

1. An eligible member may elect to participate in the DROP for a period not to exceed a maximum of 60 calendar months or, with respect to members who are instructional or administrative personnel employed by a community college in areas of critical need identified by the district board of trustees and who have received authorization by the district board of trustees to participate in the DROP beyond the initial 60 calendar months on an annual contractual basis, or who are instructional or administrative personnel employed by the Florida School for the Deaf and the Blind and who have received authorization by the Board of Trustees of the Florida School for the Deaf and the Blind to participate in the DROP beyond the initial 60 calendar months on an annual contractual basis, or who are instructional personnel as defined in s. 1012.01(2)(a)-(d) in grades K-12 or administrative personnel as defined in s. 1012.01(3) in grades K-12 and who have received authorization by the district school superintendent to participate in the DROP beyond the initial 60 calendar months on an annual contractual basis, a maximum of 96 calendar months immediately following the date on which the member first reaches his or her normal retirement date or the date to which he or she is eligible to defer his or her election to participate as provided in subparagraph (a)2. However, a member who has reached normal retirement date prior to the effective date of the DROP shall be eligible to participate in the DROP for a period of time not to exceed 60 calendar months or, with respect to members who are instructional or administrative personnel employed by a community college in areas of critical need identified by the district board of trustees and who have received authorization by the district board of trustees to participate in the DROP beyond the initial 60 calendar months on an annual contractual basis, or who are instructional or administrative personnel employed by the Florida School for the Deaf and the Blind and who have received authorization by the Board of Trustees of the Florida School for the Deaf and the Blind to participate in the DROP beyond the initial 60 calendar months on an annual contractual basis, or who are instructional personnel as defined in s. 1012.01(2)(a)-(d) in grades K-12 or administrative personnel as defined in s. 1012.01(3) in grades K-12 and who have received authorization by the district school superintendent to participate in the DROP beyond the initial 60 calendar months on an annual contractual basis, a maximum of 96 calendar months immediately following the effective date of the DROP, except a member of the Special Risk Class who has reached normal retirement date prior to the effective date of the DROP and whose total accrued value exceeds 75 percent of average final compensation as of his or her effective date of retirement shall be eligible to participate in the DROP for no more than 36 calendar months immediately following the effective date of the DROP.

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

a. A written election to participate in the DROP;

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

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

d. Any other information required by the division.

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

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

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

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

c. An elected officer who is dually employed and elects to participate in DROP shall be required to satisfy the definition of termination within the 60-month or, with respect to members who are instructional or administrative personnel employed by a community college in areas of critical need identified by the district board of trustees and who have received authorization by the district board of trustees to participate in the DROP beyond 60 months, or who are instructional or administrative personnel employed by the Florida School for the Deaf and the Blind and who have received authorization by the Board of Trustees of the Florida School for the Deaf and the Blind to participate in the DROP beyond 60 months, or who are instructional personnel as defined in s. 1012.01(2)(a)-(d) in grades K-12 or administrative personnel as defined in s. 1012.01(3) in grades K-12 and who have received authorization by the district school superintendent to participate in the DROP beyond 60 months, the 96-month limitation period as provided in subparagraph 1. for the nonelected position and may continue employment as an elected officer as provided in s. 121.053. The elected officer will be enrolled as a renewed member in the Elected Officers' Class or the Regular Class, as provided in ss. 121.053 and 121.22, on the first day of the month after termination of employment in the nonelected position and termination of DROP. Distribution of the DROP benefits shall be made as provided in paragraph (c).

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

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

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

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

4. Normal retirement benefits and interest thereon shall continue to accrue

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4. A DROP participants' survivors shall not be eligible to receive Florida

Retirement System death benefits as provided in paragraph (7)(d).

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

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

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

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

(i) *Contributions.*--

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

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

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

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

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

Section 10. Subsection (20) 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:

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

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

1002.395 Florida Learning Access Grants.--

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

(2) DISTRICT PARTICIPATION.--District school boards may choose to implement the Florida Learning Access Grants program as a strategy to reduce class size in their local school districts pursuant to s. 1003.03(4). District school boards may be required to participate in this program to reduce class size if the Commissioner of Education so determines pursuant to s.

1003.03(5)(b).

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

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

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

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

(5) PARENT OBLIGATIONS.--

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

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

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

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

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

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

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

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

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

(b) After the first year of the student's attendance at a private school under the Florida Learning Access Grants program, the parent must annually notify the Department of Education if the parent intends to renew the grant according to the provisions of subsection (8) in order for the student to continue in the program, together with the name and address of the private school selected for the student for the following year.

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

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

(b) Notify the Department of Education and the school district in the service areas in which the school is located of its intent to participate in the program under this section as early as possible, but no later than July 1 preceding the school year in which it intends to participate. The notice shall specify the grade levels and services that the private school has available for

the Florida Learning Access Grants program.

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

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

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

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

(7) INITIAL FLORIDA LEARNING ACCESS GRANTS.--

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

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

(8) FLORIDA LEARNING ACCESS GRANT RENEWAL.--For purposes of educational continuity and parental choice, a Florida Learning Access Grant, once awarded, shall be renewable for as long as the parent is a Florida resident who opts for continuation of the grant for the student and the student lawfully attends an eligible private school through grade 12 or until the student graduates from high school. The Florida Learning Access Grant may be transferred from one eligible private school to another upon the school's acceptance of the student and the parent's provision of adequate notice to the Department of Education. A parent may, however, at any time opt to return the student to the public school.

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

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

(11) DEPARTMENT OF EDUCATION OBLIGATIONS.--

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

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

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

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

1002.396 Kindergarten grants program.--

(1) SCHOOL DISTRICT PARTICIPATION.--District school boards may choose to implement the kindergarten grants program as a strategy to reduce class size in their local school districts pursuant to s. 1003.03(4).

(2) PARENTAL CHOICE.--Parents of a child who will have attained the age of 5 years on or before September 1 of the school year or who is otherwise eligible to attend kindergarten in a Florida public school be given the option:

(a) To enroll the child in and transport the child to kindergarten in any

public school within the school district other than the school to which the child is assigned; or

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

(3) PARENT OBLIGATIONS.--

(a) The parent choosing to participate in the kindergarten grants program shall notify the school district as to which of the options provided in subsection (2) the parent wishes to choose.

(b) If the parent chooses the option provided in paragraph (2)(a), the parent shall inform the school district by May 1 which public school the parent has selected, and the parent shall agree to provide any necessary transportation to the selected public school.

(c) If the parent chooses the option provided in paragraph (2)(b), the parent shall:

1. Obtain acceptance for admission of the child to a private kindergarten eligible under subsection (4) as soon as possible and inform the private kindergarten that the child will be using a kindergarten grant.

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

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

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

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

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

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

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

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

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

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

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

(7) DEPARTMENT OF EDUCATION OBLIGATIONS.--

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

(b) The Department of Education shall administer the kindergarten grants

program and may adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this section. However, the inclusion of eligible private schools within options available to Florida public school students does not expand the regulatory authority of the state, its officers, or any school district to impose any additional regulations on private schools beyond those reasonably necessary to enforce requirements expressly set forth in this section.

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

1002.397 K-8 Virtual School Grants Program.--

(1) **SCHOOL DISTRICT PARTICIPATION.--**District school boards may choose to implement the K-8 virtual school grants program as a strategy to reduce class size in their local school districts pursuant to s. 1003.03(4).

(2) **K-8 VIRTUAL SCHOOL GRANTS PROGRAM.--**Parents of a student who is eligible to attend kindergarten or grade 1, 2, 3, 4, 5, 6, 7, or 8 and was enrolled and in attendance at a Florida public school during the October and February FTE enrollment counts or is entering kindergarten or first grade and has been assigned to a specific Florida public school shall be given the option to enroll the student in an eligible K-8 virtual school of the parent's choice. The student shall be enrolled as a full-time student. The student shall be eligible for a virtual school grant in the amount of \$4,800 in 2003 dollars, adjusted annually thereafter to reflect increases or decreases in the Consumer Price Index, or the tuition charged by the eligible K-8 virtual school, whichever is less. Students who are enrolled in traditional public school classes that are not in compliance with the maximum class sizes provided in s. 1003.03 or who have scored Level 1 on the Florida Comprehensive Assessment Test or have been retained shall be given priority.

(3) **STUDENT AND PARENT OBLIGATIONS.--**

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

(b) The parent shall:

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

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

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

(c) Each parent shall serve as, or provide, an onsite mentor or facilitator at the site where the student is physically located.

(d) Each student shall have access to a singular, consistent curriculum that meets or exceeds the Sunshine State Standards and that has an interactive program with significant on-line components. Nothing in this section, however, shall prohibit a student from working at a different grade level in a subject within the singular curriculum.

(e) Each student enrolled in an approved K-8 virtual school shall be a full-time student. Enrolled students must take all language arts, mathematics, science, history, and required courses for the grade level in which the student is enrolled.

(f) Each student enrolled in an approved K-8 virtual school in grades 3, 4, 5, 6, 7, and 8 shall participate in the Florida Comprehensive Assessment Test (FCAT) in accordance with the requirement of s. 1008.22. Students in grades that are not required to take the FCAT shall participate in local assessments and in the K-3 state-approved assessment for reading adopted by Just Read Florida.

(4) **K-8 VIRTUAL SCHOOL ELIGIBILITY.--**As used in this section, a "K-8 virtual school" means an independent public school that uses on-line and distance learning technology in order to deliver instruction to students in kindergarten and grades 1 through 8. Eligibility of a K-8 virtual school to participate in the K-8 Virtual School Grants Program shall be determined by the State Board of Education. To be eligible to participate in the program, a K-8 virtual school must:

(a) Demonstrate fiscal soundness by being in operation for at least 1 school year or provide the Department of Education with a statement by a certified public accountant confirming that the K-8 virtual school desiring to participate is insured and the owner or owners have sufficient capital or credit to operate the school for the upcoming year serving the number of students anticipated with expected revenues from tuition and other sources that may be

reasonably expected. In lieu of such a statement, a surety bond or letter of credit for the amount equal to the K-8 virtual school grants funds for any school year may be filed with the department.

(b) Notify the Department of Education of its intent to participate in the program under this section as early as possible, but no later than July 1 preceding the school year in which it intends to participate, except that such notification deadline shall not apply in the first year of implementation.

(c) Comply with the antidiscrimination provisions of 42 U.S.C. s. 2000d.

(d) Submit to the State Board of Education forecasted enrollment, actual enrollments, and grade completions for the K-8 virtual school according to procedures established by the State Board of Education. At a minimum, such procedures must include the number of students served by grade and by county of residence.

(e) Provide, free of charge, all instructional materials for each student enrolled in the K-8 virtual school for as long as the student is enrolled. In addition, for each household with a student or students enrolled in a K-8 virtual school, the virtual school must make available, free of charge, a computer and a printer, in addition to a subsidized Internet connection, for as long as the student is enrolled. Nothing in this paragraph prevents students from using their own computers, printers, or Internet connections.

(f) Conform all curriculum and course content to the Sunshine State Standards. All reading and other content area strategies shall be based on scientific research.

(g) Administer the Florida Comprehensive Assessment Test (FCAT) in accordance with ss. 1008.22, 1008.23, and 1008.24 or, for those students in grades that are not required to take the FCAT, local assessments and the K-3 state-approved assessment for reading adopted by Just Read Florida.

(h) Employ on-line teachers who are certified in Florida. All on-line teachers shall meet with each student at least once per month during each school semester, either face-to-face at the school facility or another mutually agreed upon location or via telephone. On-line teachers shall be available to students, parents, and onsite mentors and facilitators on a schedule equivalent to that of a normal public school day and normal public school calendar for each K-8 virtual school student's public school district in a variety of ways, including, but not limited to, telephone and electronic mail.

(i) Maintain an administrative office, which shall be considered its principal place of business within the state.

(5) **K-8 VIRTUAL SCHOOL GRANT DISBURSEMENT.--**Upon proper documentation reviewed and approved by the Department of Education, the Chief Financial Officer shall make K-8 virtual school grant payments in four equal amounts no later than September 1, November 1, February 1, and April 1 of each academic year. The initial payment shall be made after Department of Education verification of admission acceptance, and subsequent payments shall be made upon verification of the student's continued enrollment. Payment must be by individual warrant made payable to the student's parent and mailed by the Department of Education to the K-8 virtual school of the parent's choice, and the parent shall restrictively endorse the warrant to the virtual school.

(6) **LIABILITY.--**No liability shall arise on the part of the state based on the award or use of any K-8 virtual school grant.

(7) **DEPARTMENT OF EDUCATION OBLIGATIONS.--**The Department of Education shall administer the K-8 Virtual School Grants Program.

(a) The department may approve one or more K-8 virtual schools for the purpose of delivering K-8 on-line and distance learning education.

(b) The department shall monitor each K-8 virtual school's performance and annually evaluate each K-8 virtual school based on the following criteria:

1. The extent to which the school demonstrates increases in student achievement according to the goals of the Sunshine State Standards.

2. Student achievement data from the Florida Comprehensive Assessment Test (FCAT) for grades 3 through 8. The school shall be assigned a school performance grade under the school grading system. For those students in kindergarten and grades 1 and 2 who are not required to take the FCAT, student achievement data shall be from local assessments and the K-3 state-approved assessment for reading adopted by Just Read Florida.

3. Grade completion rate, based upon the goals of a 70-percent completion rate, with 80 percent of those completing grades scoring at Level 3 or higher on the FCAT or at least satisfactory on the K-3 assessment.

4. Parent satisfaction rate, based upon the goal of 80 percent of parents of participating students indicating satisfaction with the school.

5. The accountability and viability of the K-8 virtual school as demonstrated by its academic, fiscal, and operational performance.

The Department of Education shall report each K-8 virtual school's performance to the State Board of Education, the President of the Senate, and the Speaker of the House of Representatives.

(8) RULEMAKING.--The State Board of Education may adopt rules in accordance with ss. 120.536(1) and 120.54 as necessary to implement this section, including reporting requirements for K-8 virtual schools operating pursuant to this section.

Rep. Vana moved the adoption of the amendment to the amendment, which failed of adoption.

Representative Richardson offered the following:

(Amendment Bar Code: 867591)

Amendment 3 to Amendment 1—Remove line(s) 235-238, and insert: compliance plan for each such school district unless the commissioner finds that the school

Rep. Richardson moved the adoption of the amendment to the amendment, which failed of adoption.

Representative Vana offered the following:

(Amendment Bar Code: 865041)

Amendment 4 to Amendment 1 (with title amendment)—Remove line(s) 541-747, and insert:

or who are employees in public schools or the Florida School for the Deaf and the Blind and who have received authorization by the district school superintendent or the Board of Trustees of the Florida School for the Deaf and the Blind to participate in the DROP beyond 60 months, the 96-month limitation period as provided in subparagraph (b)1. When establishing eligibility of the member to participate in the DROP for the 60-month or, with respect to members who are instructional or administrative personnel employed by a community college in areas of critical need identified by the district board of trustees and who have received authorization by the district board of trustees to participate in the DROP beyond 60 months, or who are employees in public schools or the Florida School for the Deaf and the Blind and who have received authorization by the district school superintendent or the Board of Trustees of the Florida School for the Deaf and the Blind to participate in the DROP beyond 60 months, the 96-month maximum participation period, the member may elect to include or exclude any optional service credit purchased by the member from the total service used to establish the normal retirement date. A member with dual normal retirement dates shall be eligible to elect to participate in DROP within 12 months after attaining normal retirement date in either class.

3. The employer of a member electing to participate in the DROP, or employers if dually employed, shall acknowledge in writing to the division the date the member's participation in the DROP begins and the date the member's employment and DROP participation will terminate.

4. Simultaneous employment of a participant by additional Florida Retirement System employers subsequent to the commencement of participation in the DROP shall be permissible provided such employers acknowledge in writing a DROP termination date no later than the participant's existing termination date or the 60-month limitation period as provided in subparagraph (b)1.

5. A DROP participant may change employers while participating in the DROP, subject to the following:

a. A change of employment must take place without a break in service so that the member receives salary for each month of continuous DROP participation. If a member receives no salary during a month, DROP participation shall cease unless the employer verifies a continuation of the employment relationship for such participant pursuant to s. 121.021(39)(b).

b. Such participant and new employer shall notify the division on forms required by the division as to the identity of the new employer.

c. The new employer shall acknowledge, in writing, the participant's DROP termination date, which may be extended but not beyond the original 60-month or, with respect to members who are instructional or administrative personnel employed by a community college in areas of critical need identified by the district board of trustees and who have received authorization by the district board of trustees to participate in the DROP beyond 60 months, or who are employees in public schools or the Florida School for the Deaf and the Blind and who have received authorization by the district school superintendent or the Board of Trustees of the Florida School for the Deaf and the Blind to participate in the DROP beyond 60 months, the 96-month period provided in subparagraph (b)1., shall acknowledge liability for any additional retirement contributions and interest required if the participant fails to timely terminate employment, and shall be subject to the adjustment required in subparagraph (c)5.d.

6. Effective July 1, 2001, for instructional personnel as defined in s. 1012.01(2), election to participate in the DROP shall be made at any time following the date on which the member first reaches normal retirement date. The member shall advise his or her employer and the division in writing of the date on which the Deferred Retirement Option Program shall begin. When establishing eligibility of the member to participate in the DROP for the 60-month or, with respect to members who are instructional or administrative personnel employed by a community college in areas of critical need identified by the district board of trustees and who have received authorization by the district board of trustees to participate in the DROP beyond 60 months, or who are employees in public schools or the Florida School for the Deaf and the Blind and who have received authorization by the district school superintendent or the Board of Trustees of the Florida School for the Deaf and the Blind to participate in the DROP beyond 60 months, the 96-month maximum participation period, as provided in subparagraph (b)1., the member may elect to include or exclude any optional service credit purchased by the member from the total service used to establish the normal retirement date. A member with dual normal retirement dates shall be eligible to elect to participate in either class.

(b) Participation in the DROP.--

1. An eligible member may elect to participate in the DROP for a period not to exceed a maximum of 60 calendar months or, with respect to members who are instructional or administrative personnel employed by a community college in areas of critical need identified by the district board of trustees and who have received authorization by the district board of trustees to participate in the DROP beyond the initial 60 calendar months on an annual contractual basis, or who are employees in public schools or the Florida School for the Deaf and the Blind and who have received authorization by the district school superintendent or the Board of Trustees of the Florida School for the Deaf and the Blind to participate in the DROP beyond 60 calendar months on an annual contractual basis, a maximum of 96 calendar months immediately following the date on which the member first reaches his or her normal retirement date or the date to which he or she is eligible to defer his or her election to participate as provided in subparagraph (a)2. However, a member who has reached normal retirement date prior to the effective date of the DROP shall be eligible to participate in the DROP for a period of time not to exceed 60 calendar months or, with respect to members who are instructional or administrative personnel employed by a community college in areas of critical need identified by the district board of trustees and who have received authorization by the district board of trustees to participate in the DROP beyond the initial 60 calendar months on an annual contractual basis, or who are employees in public schools or the Florida School for the Deaf and the Blind and who have received authorization by the district school superintendent or the Board of Trustees of the Florida School for the Deaf and the Blind to participate in the DROP beyond 60 calendar months on an annual contractual basis, a maximum of 96 calendar months immediately following the effective date of the DROP, except a member of the Special Risk Class who has reached normal retirement date prior to the effective date of the DROP and whose total accrued value exceeds 75 percent of average final compensation as of his or her effective date of retirement shall be eligible to participate in the DROP for no more than 36 calendar months immediately following the effective date of the DROP.

2. Upon deciding to participate in the DROP, the member shall submit, on forms required by the division:

a. A written election to participate in the DROP;

b. Selection of the DROP participation and termination dates, which

satisfy the limitations stated in paragraph (a) and subparagraph 1. Such termination date shall be in a binding letter of resignation with the employer, establishing a deferred termination date. The member may change the termination date within the limitations of subparagraph 1., but only with the written approval of his or her employer;

c. A properly completed DROP application for service retirement as provided in this section; and

d. Any other information required by the division.

3. The DROP participant shall be a retiree under the Florida Retirement System for all purposes, except for paragraph (5)(f) and subsection (9) and ss. 112.3173, 112.363, 121.053, and 121.122. However, participation in the DROP does not alter the participant's employment status and such employee shall not be deemed retired from employment until his or her deferred resignation is effective and termination occurs as provided in s. 121.021(39).

4. Elected officers shall be eligible to participate in the DROP subject to the following:

a. An elected officer who reaches normal retirement date during a term of office may defer the election to participate in the DROP until the next succeeding term in that office. Such elected officer who exercises this option may participate in the DROP for up to 60 calendar months or a period of no longer than such succeeding term of office, whichever is less.

b. An elected or a nonelected participant may run for a term of office while participating in DROP and, if elected, extend the DROP termination date accordingly, except, however, if such additional term of office exceeds the 60-month limitation established in subparagraph 1., and the officer does not resign from office within such 60-month limitation, the retirement and the participant's DROP shall be null and void as provided in sub-subparagraph (c)5.d.

c. An elected officer who is dually employed and elects to participate in DROP shall be required to satisfy the definition of termination within the 60-month or, with respect to members who are instructional or administrative personnel employed by a community college in areas of critical need identified by the district board of trustees and who have received authorization by the district board of trustees to participate in the DROP beyond 60 months, or who are employees in public schools or the Florida School for the Deaf and the Blind and who have received authorization by the district school superintendent or the Board of Trustees of the Florida School for the Deaf and the Blind to participate in the DROP beyond 60 months, the 96-month limitation period as provided in

Remove line(s) 4827, and insert: certain personnel who receive

Rep. Vana moved the adoption of the amendment to the amendment, which failed of adoption.

Representative Kosmas offered the following:

(Amendment Bar Code: 412219)

Amendment 5 to Amendment 1 (with title amendment)—Remove line(s) 1121-1225.

Remove line(s) 4835-4838, and insert: requirements; creating s.

Rep. Kosmas moved the adoption of the amendment to the amendment, which failed of adoption. The vote was:

Session Vote Sequence: 132

Rep. Goodlette in the Chair.

Yeas—39

Antone	Fields	Holloway	Meadows
Ausley	Gannon	Jennings	Peterman
Bendross-Mindingall	Gelber	Joyner	Rich
Brandenburg	Gibson, A.	Justice	Richardson
Brutus	Gottlieb	Kendrick	Ritter
Bucher	Greenstein	Kosmas	Roberson
Bullard	Harper	Machek	Ryan
Cusack	Henriquez	McInvale	Seiler

Slosberg	Sobel	Vana	Wishner
Smith	Stansel	Wiles	

Nays—78

Adams	Clarke	Homan	Planas
Allen	Cretul	Johnson	Poppell
Altman	Culp	Jordan	Prieguez
Ambler	Davis, D.	Kallinger	Quinones
Anderson	Davis, M.	Kilmer	Reagan
Arza	Detert	Kottkamp	Rivera
Attkisson	Domino	Kravitz	Robaina
Barreiro	Evers	Kyle	Ross
Baxley	Farkas	Littlefield	Rubio
Bean	Fiorentino	Llorente	Russell
Bense	Galvano	Mack	Sansom
Benson	Garcia	Mahon	Simmons
Berfield	Gardiner	Mealor	Sorensen
Bilirakis	Gibson, H.	Murman	Spratt
Bowen	Goodlette	Murzin	Stargel
Brown	Green	Needelman	Troutman
Brummer	Harrell	Negron	Waters
Byrd	Harrington	Patterson	Zapata
Cantens	Hasner	Paul	
Carassas	Hogan	Pickens	

Representative Richardson offered the following:

(Amendment Bar Code: 291953)

Amendment 6 to Amendment 1—Remove line(s) 1238-1241, and insert: grant in the amount of \$3,500. Students who are enrolled in

Rep. Richardson moved the adoption of the amendment to the amendment, which failed of adoption.

Representative Pickens offered the following:

(Amendment Bar Code: 053779)

Amendment 7 to Amendment 1—Remove line(s) 1396-1426, and insert:

Section 14. A new subsection (5) is added to section 220.187, Florida Statutes, present subsections (5) through (7) are renumbered as subsections (6) through (8), respectively, and paragraph (c) of subsection (2), paragraph (b) of subsection (3), paragraph (e) of subsection (4), and paragraph (a) of present subsection (6) of said section are amended, to read:

220.187 Credits for contributions to nonprofit scholarship-funding organizations.--

(2) DEFINITIONS.--As used in this section, the term:

(c) "Eligible nonpublic school" means a nonpublic school located in Florida that offers an education to students in any grades K-12 and that meets the requirements in subsection (6) ~~(5)~~.

(3) AUTHORIZATION TO GRANT SCHOLARSHIP FUNDING TAX CREDITS; LIMITATIONS ON INDIVIDUAL AND TOTAL CREDITS.--

(b) Notwithstanding any other provision of law, the total amount of tax credit which may be granted each state fiscal year under both this section and s. 220.1875 is ~~\$100~~ \$50 million.

(4) OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP-FUNDING ORGANIZATIONS.--

(e) An eligible nonprofit scholarship-funding organization that receives an eligible contribution must spend 100 percent of the eligible contribution to provide scholarships within 6 months after the date the contribution was received or in the same state fiscal year in which the contribution was received, whichever is later. No portion of eligible contributions may be used for administrative expenses. All interest accrued from contributions must be used for scholarships.

(5) PARENT OBLIGATIONS.--As a condition for scholarship payment pursuant to paragraph (4)(g), if the parent chooses for his or her child to attend an eligible nonpublic school, the parent must inform the child's school district within 15 days after such decision.

~~(7)(6)~~ ADMINISTRATION; RULES.--

(a) If the credit granted pursuant to this section is not fully used in any one year because of insufficient tax liability on the part of the corporation, the unused amount may ~~not~~ be carried forward for a period not to exceed 3 years. A taxpayer may not convey, assign, or transfer the credit authorized by this section to another entity unless all of the assets of the taxpayer are conveyed, assigned, or transferred in the same transaction. This carryforward applies to all approved contributions made after January 1, 2002.

Rep. Pickens moved the adoption of the amendment to the amendment, which was adopted.

Representative Sobel offered the following:

(Amendment Bar Code: 221687)

Amendment 8 to Amendment 1 (with title amendment)—Remove line(s) 1396-1426.

Remove line(s) 4842-4844, and insert: eligibility requirements; amending s. 1002.20, F.S., relating

Rep. Sobel moved the adoption of the amendment to the amendment, which failed of adoption. The vote was:

Session Vote Sequence: 133

Rep. Goodlette in the Chair.

Yeas—41

Antone	Gannon	Kendrick	Seiler
Ausley	Gelber	Kosmas	Slosberg
Bendross-Mindingall	Gibson, A.	Machek	Smith
Benson	Gottlieb	McInvale	Sobel
Brandenburg	Greenstein	Meadows	Stansel
Brutus	Harper	Peterman	Vana
Bucher	Henriquez	Rich	Wiles
Bullard	Holloway	Richardson	Wishner
Cusack	Jennings	Ritter	
Fields	Joyner	Roberson	
Fiorentino	Justice	Ryan	

Nays—77

Adams	Cretul	Johnson	Poppell
Allen	Culp	Jordan	Prieguez
Altman	Davis, D.	Kallinger	Quinones
Ambler	Davis, M.	Kilmer	Reagan
Anderson	Dean	Kottkamp	Rivera
Arza	Detert	Kravitz	Robaina
Attkisson	Domino	Kyle	Ross
Barreiro	Evers	Littlefield	Rubio
Baxley	Farkas	Llorente	Russell
Bean	Galvano	Mack	Sansom
Bense	Garcia	Mahon	Simmons
Berfield	Gardiner	Mealor	Sorensen
Bilirakis	Gibson, H.	Murman	Spratt
Bowen	Goodlette	Murzin	Stargel
Brown	Green	Needelman	Troutman
Brummer	Harrell	Negron	Waters
Byrd	Harrington	Patterson	Zapata
Cantens	Hasner	Paul	
Carassas	Hogan	Pickens	
Clarke	Homan	Planas	

Votes after roll call:

Yeas to Nays—Benson

THE SPEAKER IN THE CHAIR

Representative Kyle offered the following:

(Amendment Bar Code: 754271)

Amendment 9 to Amendment 1 (with directory amendment)—Remove line(s) 1417-1426.

Remove line(s) 1396-1397, and insert:

Section 14. Paragraph (b) of subsection (3) and paragraph (e) of subsection (4) of

Rep. Kyle moved the adoption of the amendment to the amendment, which was adopted.

Representative Attkisson offered the following:

(Amendment Bar Code: 480773)

Amendment 10 to Amendment 1 (with title amendment)—Between line(s) 1426 and 1427, insert:

Section 15. Section 220.1875, Florida Statutes, is created to read:

220.1875 Credits for contributions to nonprofit scholarship-funding organizations; scholarships for dependent children of active duty or reserve personnel in the United States military, United States Armed Forces veterans, or members of the Florida National Guard.--

(1) PURPOSE.--The purpose of this section is to:

(a) Encourage private, voluntary contributions to nonprofit scholarship-funding organizations.

(b) Expand educational opportunities for dependent children of active duty or reserve personnel in the United States military, United States Armed Forces veterans, or members of the Florida National Guard.

(c) Enable children in this state to achieve a greater level of excellence in their education.

(2) DEFINITIONS.--As used in this section, the term:

(a) "Department" means the Department of Revenue.

(b) "Eligible contribution" means a monetary contribution from a taxpayer, subject to the restrictions provided in this section, to an eligible nonprofit scholarship-funding organization. The taxpayer making the contribution may not designate a specific child as the beneficiary of the contribution. The taxpayer may not contribute more than \$5 million in 2003 dollars, adjusted annually thereafter to reflect increases or decreases in the Consumer Price Index, to any single eligible nonprofit scholarship-funding organization.

(c) "Eligible nonpublic school" means a nonpublic school located in Florida that offers an education to students in any grades K-12 and that meets the requirements in subsection (5).

(d) "Eligible nonprofit scholarship-funding organization" means a charitable organization that is exempt from federal income tax pursuant to s. 501(c)(3) of the Internal Revenue Code and that complies with the provisions of subsection (4).

(e) "Qualified student" means a dependent child of active duty or reserve personnel in the United States military, a dependent child of a United States Armed Forces veteran, a dependent child of a member of the Florida National Guard, or any qualified student, pursuant to s. 220.187, as further provided in paragraph (4)(d).

(3) AUTHORIZATION TO GRANT SCHOLARSHIP FUNDING TAX CREDITS; LIMITATIONS ON INDIVIDUAL AND TOTAL CREDITS.--

(a) There is allowed a credit of 100 percent of an eligible contribution against any tax due for a taxable year under this chapter. However, such a credit may not exceed 75 percent of the tax due under this chapter for the taxable year, after the application of any other allowable credits by the taxpayer. The credit granted by this section shall be reduced by the difference between the amount of federal corporate income tax taking into account the credit granted by this section and the amount of federal corporate income tax without application of the credit granted by this section.

(b) The total amount of tax credit that may be granted each state fiscal year under this section is \$10 million in 2003 dollars, adjusted annually thereafter to reflect increases or decreases in the Consumer Price Index.

(c) A taxpayer who files a Florida consolidated return as a member of an affiliated group pursuant to s. 220.131(1) may be allowed the credit on a

consolidated return basis; however, the total credit taken by the affiliated group is subject to the limitation established under paragraph (a).

(4) OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP-FUNDING ORGANIZATIONS.--

(a) An eligible nonprofit scholarship-funding organization shall provide scholarships, from eligible contributions, to qualified students for:

1. Tuition or textbook expenses for, or transportation to, an eligible nonpublic school. At least 75 percent of the scholarship funding must be used to pay tuition expenses; or
2. Transportation expenses to a Florida public school that is located outside the district in which the student resides.

(b) An eligible nonprofit scholarship-funding organization shall give priority to qualified students who received a scholarship from an eligible nonprofit scholarship-funding organization during the previous school year.

(c) The amount of a scholarship provided to any child for any single school year by all eligible nonprofit scholarship-funding organizations from eligible contributions shall not exceed the following annual limits:

1. Three thousand five hundred dollars in 2003 dollars, adjusted annually thereafter to reflect increases or decreases in the Consumer Price Index, for a scholarship awarded to a student enrolled in an eligible nonpublic school.
2. Five hundred dollars in 2003 dollars, adjusted annually thereafter to reflect increases or decreases in the Consumer Price Index, for a scholarship awarded to a student enrolled in a Florida public school that is located outside the district in which the student resides.

(d) An eligible nonprofit scholarship-funding organization that receives an eligible contribution must spend 100 percent of the eligible contribution to provide scholarships within 6 months after the date the contribution was received or in the same state fiscal year in which the contribution was received, whichever is later. An eligible nonprofit scholarship-funding organization may use eligible contributions to provide scholarships to qualified students, pursuant to s. 220.187, after it has served qualified dependent children of active duty or reserve personnel in the United States military, dependent children of United States Armed Forces veterans, or dependent children of members of the Florida National Guard. No portion of eligible contributions may be used for administrative expenses. All interest accrued from contributions must be used for scholarships.

(e) An eligible nonprofit scholarship-funding organization that receives eligible contributions must provide to the Auditor General an annual financial and compliance audit of its accounts and records conducted by an independent certified public accountant and in accordance with rules adopted by the Auditor General.

(f) Payment of the scholarship by the eligible nonprofit scholarship-funding organization shall be by individual warrant or check made payable to the student's parent. If the parent chooses for his or her child to attend an eligible nonpublic school, the warrant or check must be mailed by the eligible nonprofit scholarship-funding organization to the nonpublic school of the parent's choice, and the parent shall restrictively endorse the warrant or check to the nonpublic school. An eligible nonprofit scholarship-funding organization shall ensure that, upon receipt of a scholarship warrant or check, the parent to whom the warrant or check is made payable restrictively endorses the warrant or check to the nonpublic school of the parent's choice for deposit into the account of the nonpublic school.

(5) ELIGIBLE NONPUBLIC SCHOOL OBLIGATIONS.--An eligible nonpublic school must:

(a) Demonstrate fiscal soundness by being in operation for one school year or provide the Department of Education with a statement by a certified public accountant confirming that the nonpublic school desiring to participate is insured and the owner or owners have sufficient capital or credit to operate the school for the upcoming year serving the number of students anticipated with expected revenues from tuition and other sources that may be reasonably expected. In lieu of such a statement, a surety bond or letter of credit for the amount equal to the scholarship funds for any quarter may be filed with the department.

(b) Comply with the antidiscrimination provisions of 42 U.S.C. s. 2000d.

(c) Meet state and local health and safety laws and codes.

(d) Comply with all state laws relating to general regulation of nonpublic schools.

(6) ADMINISTRATION; RULES.--

(a) An application for a tax credit pursuant to this section shall be submitted to the department on forms established by rule of the department.

(b) The department and the Department of Education shall develop a cooperative agreement to assist in the administration of this section. The Department of Education shall be responsible for annually submitting, by March 15, to the department a list of eligible nonprofit scholarship-funding organizations that meet the requirements of paragraph (2)(d) and for monitoring eligibility of nonprofit scholarship-funding organizations that meet the requirements of paragraph (2)(d), eligibility of nonpublic schools that meet the requirements of paragraph (2)(c), and eligibility of expenditures under this section as provided in subsection (4).

(c) The department shall adopt rules necessary to administer this section, including rules establishing application forms and procedures and governing the allocation of tax credits under this section on a first-come, first-served basis.

(d) The Department of Education shall adopt rules necessary to determine eligibility of nonprofit scholarship-funding organizations as defined in paragraph (2)(d) and according to the provisions of subsection (4) and identify qualified students as defined in paragraph (2)(e).

(7) DEPOSITS OF ELIGIBLE CONTRIBUTIONS.--All eligible contributions received by an eligible nonprofit scholarship-funding organization shall be deposited in a manner consistent with s. 18.10(2).

Remove line(s) 4844, and insert:

scholarship program; creating s. 220.1875, F.S.; creating a corporate income tax credit scholarship program for dependents of military personnel and veterans; providing requirements and limitations; amending s. 1002.20, F.S., relating

Rep. Attkisson moved the adoption of the amendment to the amendment, which was adopted. The vote was:

Session Vote Sequence: 134

Speaker Byrd in the Chair.

Yeas—72

Adams	Cantens	Holloway	Paul
Allen	Carassas	Jennings	Pickens
Altman	Cretul	Johnson	Planas
Amblor	Culp	Jordan	Prieguez
Anderson	Davis, M.	Kallinger	Quinones
Arza	Dean	Kilmer	Reagan
Attkisson	Domino	Kottkamp	Rivera
Barreiro	Evers	Kravitz	Robaina
Baxley	Farkas	Kyle	Ross
Bean	Galvano	Littlefield	Rubio
Bense	Garcia	Llorente	Russell
Benson	Gardiner	Mack	Sansom
Berfield	Gibson, H.	Mahon	Simmons
Bilirakis	Goodlette	Mealor	Sorensen
Bowen	Green	Murzin	Stargel
Brown	Harrell	Needelman	Troutman
Brummer	Harrington	Negron	Waters
Bullard	Hasner	Patterson	Zapata

Nays—42

Antone	Gannon	Kendrick	Ryan
Ausley	Gelber	Kosmas	Seiler
Bendross-Mindingall	Gibson, A.	Machek	Slosberg
Brandenburg	Gottlieb	McInlave	Smith
Brutus	Greenstein	Meadows	Sobel
Bucher	Harper	Peterman	Stansel
Byrd	Henriquez	Poppell	Vana
Cusack	Hogan	Rich	Wiles
Detert	Homan	Richardson	Wishner
Fields	Joyner	Ritter	
Fiorentino	Justice	Roberson	

Votes after roll call:

Yeas to Nays—Bullard, Domino, Holloway, Jennings
Nays to Yeas—Homan

Representative Gottlieb offered the following:

(Amendment Bar Code: 596179)

Amendment 11 to Amendment 1 (with title amendment)—Remove line(s) 1589-1663, and insert:

Remove line(s) 4852-4856, and insert:
reference to conform to changes made by the act; amending s. 1003.43, F.S.; including parenting

Rep. Gottlieb moved the adoption of the amendment to the amendment, which failed of adoption.

Representative Gottlieb offered the following:

(Amendment Bar Code: 680671)

Amendment 12 to Amendment 1 (with directory and title amendments)—Remove line(s) 1701-1716

Remove line(s) 4859-4860, and insert:
taken in certain grades;

Rep. Gottlieb moved the adoption of the amendment to the amendment, which failed of adoption.

Representative Mayfield, Simmons, Arza, Cantens, Needelman, Mack, Barreiro, Stansel, Kallinger, Mahon, Harrell, Sobel, Machek, Henriquez, Brandenburg, Spratt, Altman, Evers, Kottkamp, Galvano, Ambler, Hasner, Sansom, Poppell, and Culp offered the following:

(Amendment Bar Code: 841007)

Amendment 13 to Amendment 1 (with title amendment)—Between line(s) 2108 and 2109, insert:

6. Funds for instructional materials.

Between line(s) 4877 and 4878, insert:
revising categorical funds;

Rep. Simmons moved the adoption of the amendment to the amendment, which was adopted. The vote was:

Session Vote Sequence: 135

Speaker Byrd in the Chair.

Yeas—54

Allen	Carassas	Homan	Rivera
Altman	Culp	Jordan	Robaina
Ambler	Davis, D.	Kallinger	Ross
Anderson	Evers	Kendrick	Ryan
Arza	Galvano	Kottkamp	Simmons
Attkisson	Gannon	Llorente	Slosberg
Bean	Garcia	Mack	Smith
Bense	Gelber	Mahon	Sobel
Berfield	Gibson, H.	Needelman	Spratt
Bilirakis	Goodlette	Negron	Stansel
Brandenburg	Harrell	Patterson	Stargel
Brummer	Harrington	Planas	Vana
Byrd	Hasner	Prieguez	
Cantens	Henriquez	Quinones	

Nays—53

Adams	Dean	Johnson	Pickens
Antone	Detert	Joyner	Reagan
Ausley	Domino	Justice	Rich
Barreiro	Farkas	Kilmer	Richardson
Baxley	Fields	Kosmas	Ritter
Bendross-Mindingall	Fiorentino	Kravitz	Roberson
Benson	Gardiner	Littlefield	Russell
Bowen	Gibson, A.	Machek	Seiler
Brutus	Green	McInvale	Sorensen
Bucher	Greenstein	Meadows	Wiles
Bullard	Harper	Mealor	Wishner
Cretul	Hogan	Murman	
Cusack	Holloway	Paul	
Davis, M.	Jennings	Peterman	

Representative Kosmas offered the following:

(Amendment Bar Code: 472881)

Amendment 14 to Amendment 1 with title amendment—Remove line(s) 3994-4045, and insert:

1011.63 Better educated students and teachers (BEST) Florida teaching categorical fund.--

(1) The Better Educated Students and Teachers (BEST) Florida teaching categorical fund is created to provide funding for improved salaries for instructional personnel as defined in s. 1012.01(2)(a)-(d), in the K-12 public school system. For purposes of this section, the Florida School for the Deaf and the Blind shall be considered a school district. Each school district shall use these funds to provide salary improvements to instructional personnel who received a satisfactory performance review, pursuant to s. 1012.34, during the previous school year. These funds may be used for salary improvements, including, but not limited to, beginning teacher pay, recruiting critical shortage area teachers, recruiting teachers to low-performing schools, and providing performance pay as required by s. 1012.22. In 2004-2005, these funds may also be used for the salary career ladder for classroom teachers as specified in s. 1012.231(2).

(2) The Department of Education shall distribute to each school district an amount as prescribed annually for the BEST Florida teaching categorical fund, as prescribed in the General Appropriations Act.

(3) For the 2003-2004 fiscal year, the sum of \$315,000,000 is appropriated for the purpose of carrying out the provisions of this section.

Remove line(s) 4975-4977, and insert:

career ladder; providing for allocation to school districts and use of funds; providing an appropriation; amending s. 1012.05, F.S.; requiring the Department

Rep. Kosmas moved the adoption of the amendment to the amendment.

Further consideration of **Amendment 14 to Amendment 1** was temporarily postponed under Rule 11.10.

Representative Kosmas offered the following:

(Amendment Bar Code: 601377)

Amendment 15 to Amendment 1—Remove line(s) 4114-4129, and insert:

(1) MINIMUM SALARY.--Effective the 2004-2005 academic year, the General Appropriations Act shall provide funding through the BEST Florida teaching categorical fund to each school district. Each school district shall use these funds to implement a locally determined teacher salary schedule that includes the following principles:

(a) A \$31,000 minimum salary, in 2003 dollars, indexed to the Consumer Price Index;

(b) Maintenance in each school district of the current differential between salary steps that is proportional to the salary steps in 2002-2003; and

(c) A guaranteed increase to each school district for teacher salaries that recognizes the district cost differential and differentials between salary steps

in that school district.

Rep. Kosmas moved the adoption of the amendment to the amendment, which failed of adoption.

Representative Kosmas offered the following:

(Amendment Bar Code: 168329)

Amendment 16 to Amendment 1 with title amendment—Remove line(s) 4114-4129, and insert:

(1) MINIMUM SALARY.--The Commissioner of Education shall establish a statewide task force to review the implications of establishing a minimum salary for Florida public school teachers. The task force shall include 15 members who are teachers, principals, district school board members, district school superintendents, and legislators. Associations representing school personnel shall make recommendations to the commissioner for appointment to the task force. Consideration shall be given to current differentials between steps on salary schedules, degrees earned, performance pay, district cost-of-living, and other relevant implications of a minimum pay policy. The task force shall submit its findings to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 1, 2004.

Remove line(s) 4981-4982, and insert:
1012.231, F.S.; providing for establishment of a task force to review implications of establishing a minimum salary for public school teachers; providing for funding

Rep. Kosmas moved the adoption of the amendment to the amendment, which failed of adoption.

The question recurred on the adoption of **Amendment 14 to Amendment 1**, which failed of adoption.

Representative Vana offered the following:

(Amendment Bar Code: 094751)

Amendment 17 to Amendment 1—Remove line(s) 4130-4178, and insert:

(2) SALARY CAREER LADDER FOR CLASSROOM TEACHERS.--Beginning with the 2004-2005 academic year, each district school board shall use its share of the BEST Florida Teaching categorical to fund a salary career ladder for classroom teachers, with the highest salary level based on outstanding performance and assignment of additional duties. Performance shall be defined as designated in s. 1012.34(3)(a)1.-7. and shall also include local assessments as required by s. 1008.22(7) to determine student learning gains in grades and classes not measured by the FCAT. District school boards shall designate categories of classroom teachers reflecting these salary career levels as follows:

(a) Associate Teacher.--Classroom teachers who have not yet fully validated all essential teaching competencies, including the educator-accomplished practices as established in State Board of Education rule, and who have not qualified through reciprocal certification options identified in s. 1012.56(4).

(b) Career Teacher.--Classroom teachers who have fully validated all essential teaching competencies, including the educator-accomplished practices as established in State Board of Education rule, or who have qualified through reciprocal certification options identified in s. 1012.56(4).

(c) Lead Teacher.--The highest performing classroom teachers in the school district, after mentor teachers, who have demonstrated outstanding performance as evidenced by improved student achievement and who are responsible for leading others in the school as department chair, lead teacher, grade-level leader, intern coordinator, or professional development coordinator. Lead teachers must participate on a regular basis in the direct instruction of students and serve as faculty for professional development activities as determined by the State Board of Education.

(d) Mentor Teacher.--The highest performing classroom teachers in the school district who have demonstrated sustained outstanding performance as

evidenced by improved student achievement and other factors as defined by the State Board of Education and who serve as regular mentors to other teachers who are either not performing satisfactorily or who strive to become more proficient. Mentor teachers must serve as faculty-based professional development coordinators and regularly demonstrate and share their expertise with other teachers in order to remain mentor teachers. Mentor teachers must also participate on a regular basis in the direct instruction of students.

Rep. Vana moved the adoption of the amendment to the amendment, which failed of adoption.

Representative Ausley offered the following:

(Amendment Bar Code: 825155)

Amendment 18 to Amendment 1 (with title amendment)—Remove line(s) 4391-4527

Remove line(s) 4992-4997, and insert:
the uses thereof; repealing s. 1012.73, F.S., relating to

Rep. Ausley moved the adoption of the amendment to the amendment, which failed of adoption.

Representative Attkisson offered the following:

(Amendment Bar Code: 412783)

Amendment 19 to Amendment 1 (with title amendment)—Between line(s) 4764 and 4765, insert: Section 70. Subsection (1) of section 1013.62, Florida Statutes, is amended to read:

1013.62 Charter schools capital outlay funding.--

(1) In each year in which funds are appropriated for charter school capital outlay purposes, the Commissioner of Education shall allocate the funds among eligible charter schools. To be eligible for a funding allocation, a charter school must meet the provisions of subsection (6), must have received final approval from its sponsor pursuant to s. 1002.33 for operation during that fiscal year, and must serve students in facilities that are not provided by the charter school's sponsor. Prior to the release of capital outlay funds to a school district on behalf of the charter school, the Department of Education shall ensure that the district school board and the charter school governing board enter into a written agreement that includes provisions for the reversion of any unencumbered funds and all equipment and property purchased with public education funds to the ownership of the district school board, as provided for in subsection (3), in the event that the school terminates operations. Any funds recovered by the state shall be deposited in the General Revenue Fund. A charter school is not eligible for a funding allocation if it was created by the conversion of a public school and operates in facilities provided by the charter school's sponsor for a nominal fee or at no charge or if it is directly or indirectly operated by the school district. Unless otherwise provided in the General Appropriations Act, the funding allocation for each eligible charter school shall be determined by multiplying the school's projected student enrollment by one-fifteenth of the cost-per-student station specified in s. 1013.64(6)(b) for an elementary, middle, or high school, as appropriate. If the funds appropriated by the state are insufficient, a district school board may allocate any state or federal dollars received by the district school board to a charter school within the school district for charter school capital outlay purposes ~~not sufficient, the commissioner shall prorate the available funds among eligible charter schools. Funds shall be distributed on the basis of the capital outlay full-time equivalent membership by grade level, which shall be calculated by averaging the results of the second and third enrollment surveys.~~ The Department of Education shall distribute capital outlay funds monthly, beginning in the first quarter of the fiscal year, based on one-twelfth of the amount the department reasonably expects the charter school to receive during that fiscal year. The commissioner shall adjust subsequent distributions as necessary to reflect each charter school's actual student enrollment as reflected in the second and third enrollment surveys. The commissioner shall establish the intervals and procedures for determining the projected and actual student enrollment of eligible charter schools.

Between line(s) 5014 and 5015, insert:
amending s. 1013.62, F.S.; authorizing allocation of certain funds to charter schools for capital outlay purposes under certain circumstances;

Rep. Attkisson moved the adoption of the amendment to the amendment, which was adopted.

Representative Attkisson offered the following:

(Amendment Bar Code: 921681)

Amendment 20 to Amendment 1 (with title amendment)—Between line(s) 4781 and 4782, insert:

Section 71. Part VIII of chapter 159, Florida Statutes, consisting of sections 159.831, 159.832, 159.833, 159.834, and 159.835, is created to read:

159.831 Popular name.--This part may be known by the popular name the "Florida Qualified Public Educational Facilities Private Activity Bond Allocation Act."

159.832 Purpose.--The purpose of this part is to allocate the state volume limitation imposed by s. 142(k)(5)(A) of the Code on private activity bonds to finance qualified public educational facilities. No private activity bond subject to the limitation in s. 142(k)(5)(A) of the Code shall be issued in this state unless a written confirmation therefor is issued pursuant to this part.

159.833 Definitions.--As used in this part, the term:

(1) "Board" means the State Board of Education, created pursuant to s. 2, Art. IX of the State Constitution.

(2) "Code" means the Internal Revenue Code of 1986, as amended, and the regulations and rulings issued thereunder.

(3) "Commissioner" means the Commissioner of Education.

(4) "Department" means the Department of Education, created pursuant to s. 20.15.

(5) "Issued" has the same meaning as in the Code.

(6) "Private activity bond" means any bond described in s. 141 of the Code.

(7) "Qualified public educational facility" means a facility described in s. 142(k)(1) of the Code.

159.834 Allocation of state volume limitation.--

(1) By January 1, 2004, the board shall establish a program for allocating the state volume limitation imposed by s. 142(k)(5)(A) of the Code on private activity bonds to finance qualified public educational facilities. Such program shall include objective criteria to be considered in determining whether to grant a request for such volume limitation, including, but not limited to, the need for a qualified public educational facility in the area proposed in the application, the number of students to be served by such facility, and the cost-effectiveness of the proposed facility. The program shall be administered by the department.

(2) The department shall annually determine the amount of private activity bonds for qualified public educational facilities permitted to be issued in this state under s. 142(k)(5) of the Code and shall make such information available upon request to any person or agency.

(3) The department shall ensure that any volume limitation unused at the end of each calendar year is carried forward pursuant to s. 142(k)(5)(B)(ii) of the Code.

(4) The commissioner shall sign any certificate required by the Code relating to the allocation of the state volume limitation on private activity bonds to finance qualified public educational facilities.

159.835 Rules.--The board and the department shall adopt any rules necessary to ensure the orderly implementation and administration of this part.

Between line(s) 5016 and 5017, insert:
creating pt. VIII of ch. 159, F.S., the "Florida Qualified Public Educational Facilities Private Activity Bond Allocation Act"; providing purpose and definitions; providing for allocation of state volume limitation on private activity bonds to finance qualified public educational facilities; providing for rules;

Rep. Attkisson moved the adoption of the amendment to the amendment, which was adopted.

Representative Richardson offered the following:

(Amendment Bar Code: 232289)

Amendment 21 to Amendment 1 (with title amendment)—Between line(s) 4781 and 4782, insert:

Section 71. Subsection (1) of section 1006.28, Florida Statutes, is amended to read:

1006.28 Duties of district school board, district school superintendent; and school principal regarding K-12 instructional materials.--

(1) DISTRICT SCHOOL BOARD.--The district school board has the duty to provide adequate instructional materials for all students enrolled in the public school system only, including dual enrolled students pursuant to s. 1007.271, in accordance with the requirements of this part. The term "adequate instructional materials" means a sufficient number of textbooks or sets of materials serving as the basis for instruction for each student in the core courses of mathematics, language arts, social studies, science, reading, and literature, except for instruction for which the school advisory council approves the use of a program that does not include a textbook as a major tool of instruction. The district school board has the following specific duties:

(a) *Courses of study; adoption.*--Adopt courses of study for use in the schools of the district.

(b) *Textbooks.*--Provide for proper requisitioning, distribution, accounting, storage, care, and use of all instructional materials furnished by the state and furnish such other instructional materials as may be needed. The district school board shall assure that instructional materials used in the district are consistent with the district goals and objectives and the curriculum frameworks adopted by rule of the State Board of Education, as well as with the state and district performance standards provided for in s. 1001.03(1).

(c) *Other instructional materials.*--Provide such other teaching accessories and aids as are needed for the school district's educational program.

(d) *School library media services; establishment and maintenance.*--Establish and maintain a program of school library media services for all public schools in the district, including school library media centers, or school library media centers open to the public, and, in addition such traveling or circulating libraries as may be needed for the proper operation of the district school system.

Section 72. The Office of Program Policy Analysis and Government Accountability shall review the John M. McKay Scholarships for Students with Disabilities Program, pursuant to s. 1002.39, Florida Statutes, and make recommendations relating to requirements of the program to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

Between line(s) 5016 and 5017, insert:
amending s. 1006.28, F.S.; clarifying district school board duty to provide students with adequate instructional materials; requiring the Office of Program Policy Analysis and Government Accountability to review the John M. McKay Scholarships for Students with Disabilities Program and provide recommendations to the Governor and Legislature;

Rep. Richardson moved the adoption of the amendment to the amendment, which failed of adoption.

Representative Mealor offered the following:

(Amendment Bar Code: 138579)

Amendment 22 to Amendment 1 (with title amendment)—Between line(s) 4781 and 4782, insert:

Section 71. Section 1003.33, Florida Statutes, is amended to read:

1003.33 Report cards; end-of-the-year status.--

(1) Each district school board shall establish and publish policies requiring the content and regular issuance of student report cards for all elementary school, middle school, and high school students. These report cards must clearly depict and grade:

(a) The student's academic performance in each class or course, which in grades 1 through 12 must be based upon examinations as well as written papers, class participation, and other academic performance criteria.

(b) The student's conduct and behavior.

(c) The student's attendance, including absences and tardiness.

(2) A student's final report card for a school year shall contain a statement indicating end-of-the-year status regarding performance or nonperformance at grade level, acceptable or unacceptable behavior and attendance, and promotion or nonpromotion.

~~District school boards shall not allow schools to exempt students from academic performance requirements based on practices or policies designed to encourage student attendance. A student's attendance record may not be used in whole or in part to provide an exemption from any academic performance requirement.~~

Between line(s) 5016 and 5017, insert:
amending s. 1003.33, F.S.; deleting certain provisions prohibiting district school boards from exempting students from academic performance requirements;

Rep. Mealor moved the adoption of the amendment to the amendment, which was adopted.

Representative Simmons offered the following:

(Amendment Bar Code: 706917)

Amendment 23 to Amendment 1 (with title amendment)—Remove line(s) 4785, and insert:
Fellows Program established in s. 1009.591, Florida Statutes, and \$1 million is hereby authorized for education leadership development activities pursuant to s. 1012.987, Florida Statutes.

Remove line(s) 5018, and insert:
Program and for education leadership development activities; providing for severability; providing effective

Rep. Simmons moved the adoption of the amendment to the amendment, which was adopted.

Representative Sobel offered the following:

(Amendment Bar Code: 239395)

Amendment 24 to Amendment 1 (with title amendment)—Remove line(s) 951-1120

Remove line(s) 4831-4835, and insert:
to small schools; creating s. 1002.396, F.S.; providing for

Rep. Sobel moved the adoption of the amendment to the amendment, which failed of adoption. The vote was:

Session Vote Sequence: 136

Speaker Byrd in the Chair.

Yeas—41

Antone	Gannon	Kendrick	Seiler
Ausley	Gelber	Kosmas	Slosberg
Bendross-Mindingall	Gibson, A.	Machek	Smith
Brandenburg	Gottlieb	McInvale	Sobel
Brutus	Greenstein	Meadows	Stansel
Bucher	Harper	Peterman	Vana
Bullard	Henriquez	Rich	Wiles
Cusack	Holloway	Richardson	Wishner
Domino	Jennings	Ritter	
Fields	Joyner	Roberson	
Fiorentino	Justice	Ryan	

Nays—73

Adams	Carassas	Homan	Poppell
Allen	Cretul	Johnson	Prieguez
Altman	Culp	Jordan	Quinones
Ambler	Davis, D.	Kallinger	Reagan
Anderson	Davis, M.	Kilmer	Robaina
Arza	Dean	Kottkamp	Ross
Attkisson	Detert	Kravitz	Rubio
Barreiro	Evers	Kyle	Russell
Baxley	Farkas	Littlefield	Sansom
Bean	Galvano	Llorente	Simmons
Bense	Garcia	Mack	Sorensen
Benson	Gardiner	Mahon	Spratt
Berfield	Gibson, H.	Mealor	Stargel
Bilirakis	Goodlette	Murman	Troutman
Bowen	Green	Needelman	Waters
Brown	Harrell	Negron	Zapata
Brummer	Harrington	Patterson	
Byrd	Hasner	Paul	
Cantens	Hogan	Pickens	

On motion by Rep. Richardson, the House returned to the consideration of **Amendment 1 to Amendment 1.**

The question recurred on the adoption of **Amendment 1 to Amendment 1**, which failed of adoption.

The question recurred on the adoption of **Amendment 1**, as amended, which was adopted.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk and in compliance with Rule 10.11, the waiting period for passage commenced.

On motion by Rep. Littlefield, the rules were waived and—

HB 1099—A bill to be entitled An act relating to funding for domestic violence centers; amending s. 39.903, F.S.; providing for the provision of services and the distribution of funds for domestic violence centers by a private entity; limiting the services and funding to certified domestic violence centers; amending s. 39.905, F.S.; providing that the Department of Children and Family Services shall approve, rather than develop, a funding distribution formula for state funds provided to certified domestic violence centers; providing an effective date.

—was taken up and read the third time by title having been read the second time earlier today. On passage, the vote was:

Session Vote Sequence: 137

Speaker Byrd in the Chair.

Yeas—118

Adams	Bowen	Detert	Harper
Allen	Brandenburg	Domino	Harrell
Altman	Brown	Evers	Harrington
Ambler	Brummer	Farkas	Hasner
Anderson	Brutus	Fields	Henriquez
Antone	Bucher	Fiorentino	Hogan
Arza	Bullard	Galvano	Holloway
Attkisson	Byrd	Gannon	Homan
Ausley	Cantens	Garcia	Jennings
Barreiro	Carassas	Gardiner	Johnson
Baxley	Clarke	Gelber	Jordan
Bean	Cretul	Gibson, A.	Joyner
Bendross-Mindingall	Culp	Gibson, H.	Justice
Bense	Cusack	Goodlette	Kallinger
Benson	Davis, D.	Gottlieb	Kendrick
Berfield	Davis, M.	Green	Kilmer
Bilirakis	Dean	Greenstein	Kosmas

Kottkamp	Needelman	Ritter	Sobel
Kravitz	Negron	Rivera	Sorensen
Kyle	Patterson	Robaina	Spratt
Littlefield	Paul	Roberson	Stansel
Llorente	Peterman	Ross	Stargel
Machek	Pickens	Rubio	Troutman
Mack	Planas	Russell	Vana
Mahon	Poppell	Ryan	Waters
McInvale	Prieguez	Sansom	Wiles
Meadows	Quinones	Seiler	Wishner
Mealor	Reagan	Simmons	Zapata
Murman	Rich	Slosberg	
Murzin	Richardson	Smith	

Nays—None

So the bill passed, as amended, and was immediately certified to the Senate after engrossment.

CS for SB 260—A bill to be entitled An act relating to condominiums; amending s. 718.113, F.S.; allowing unit owners to fly armed services flags on designated days and patriotic holidays; providing an effective date.

—was taken up, having been read the second time earlier today.

Rep. Ambler moved that the rules be waived and a late-filed amendment be allowed for consideration, which was agreed to by the required two-thirds vote.

Further consideration of **CS for SB 260** was temporarily postponed under Rule 11.10.

HB 293—A bill to be entitled An act relating to the Florida Litter Law; amending s. 403.413, F.S.; requiring that the community service imposed for certain violations be performed in specified areas; providing an effective date.

—was taken up, having been read the second time earlier today.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

HB 909—A bill to be entitled An act relating to Lee County; creating the Village of Captiva Charter; providing a popular name; providing legislative intent; providing for incorporation; providing for a council-manager form of government and its powers and duties; providing for a village council and its membership, including mayor, vice-mayor, and mayor pro tem, qualifications and terms of office, powers and duties, absence of compensation, expenses, and prescribed procedures relating to vacancies, including forfeiture of office, suspension, and recall; providing for meetings; providing for recordkeeping; providing certain restrictions; providing for charter officers and their appointment, removal, compensation, filling of vacancies, qualifications, and powers and duties; establishing a fiscal year; providing for a budget, appropriations, amendments, and limitations; providing for elections and matters relating thereto; defining boundaries of the city; specifying general provisions relating to charter review and amendment and standards of conduct; providing for severability; providing for a referendum, initial election of council members, transition services and compensation, first-year expenses, specified transitional matters, and state shared and gas tax revenues; providing effective dates.

—was read the second time by title.

Under Rule 11.10, Rep. Bucher moved to temporarily postpone further consideration of **HB 909**, which was not agreed to.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

Motion to Reconsider

Rep. Rubio moved that the House reconsider the vote by which **HJR 309** failed to pass on April 22 by the required constitutional three-fifths vote of the

membership.

Rep. Ross moved the previous question on the motion to reconsider the vote by which **HJR 309** failed to pass, which was agreed to.

The question recurred on the motion to reconsider the vote by which **HJR 309** failed to pass, which was agreed to. The vote was:

Session Vote Sequence: 138

Speaker Byrd in the Chair.

Yeas—75

Adams	Carassas	Hasner	Planas
Allen	Clarke	Hogan	Poppell
Altman	Cretul	Homan	Prieguez
Ambler	Culp	Johnson	Quinones
Anderson	Davis, D.	Jordan	Reagan
Arza	Davis, M.	Kallinger	Rivera
Barreiro	Dean	Kilmer	Robaina
Baxley	Detert	Kottkamp	Rubio
Bean	Domino	Kravitz	Russell
Bense	Farkas	Kyle	Sansom
Benson	Fiorentino	Littlefield	Simmons
Berfield	Galvano	Llorente	Slosberg
Bilirakis	Garcia	Machek	Sorensen
Brandenburg	Gardiner	Mack	Spratt
Brown	Gibson, H.	Mahon	Stansel
Brummer	Goodlette	Mealor	Vana
Bucher	Green	Murzin	Waters
Byrd	Harrell	Negron	Zapata
Cantens	Harrington	Pickens	

Nays—40

Antone	Gibson, A.	Kosmas	Roberson
Attkisson	Gottlieb	McInvale	Ross
Ausley	Greenstein	Meadows	Ryan
Bendross-Mindingall	Harper	Murman	Seiler
Brutus	Henriquez	Patterson	Smith
Bullard	Holloway	Paul	Sobel
Cusack	Jennings	Peterman	Stargel
Fields	Joyner	Rich	Troutman
Gannon	Justice	Richardson	Wiles
Gelber	Kendrick	Ritter	Wishner

Votes after roll call:

Nays to Yeas—Murman, Paul

The question recurred on the passage of HJR 309.

Pending roll call, further consideration of **HJR 309** was temporarily postponed under Rule 11.10.

CS for SB 260—A bill to be entitled An act relating to condominiums; amending s. 718.113, F.S.; allowing unit owners to fly armed services flags on designated days and patriotic holidays; providing an effective date.

—was taken up, having been read the second time earlier today.

Representatives Ambler, Seiler, and Culp offered the following:

(Amendment Bar Code: 899135)

Amendment 1—On page 1, line(s) 17 & 18, remove: all of said lines

and insert: Day, may display in a respectful way portable, removable official flags, not larger than 4 1/2 feet by 6 feet, that represent the United States

Army, Navy, Air Force, Marine Corps, or Coast Guard.

Rep. Ambler moved the adoption of the amendment, which was adopted.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk and in compliance with Rule 10.11, the waiting period for passage commenced.

HB 821—A bill to be entitled An act relating to service of process against the Florida Automobile Joint Underwriting Association; amending s. 627.311, F.S.; specifying that the Florida Automobile Joint Underwriting Association appoints the Chief Financial Officer as agent for service of process purposes; requiring the association to file certain information with the Department of Financial Services; providing a limitation relating to method of service of process; providing an effective date.

The Committee on Insurance recommended the following:

HB 821 CS—A bill to be entitled An act relating to service of process against the Florida Automobile Joint Underwriting Association; amending s. 627.311, F.S.; specifying that the Florida Automobile Joint Underwriting Association appoints its general manager as agent for service of process purposes; providing a limitation relating to method of service of process; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

On motion by Rep. Ross, consideration of **SB 88** was temporarily postponed under Rule 11.10.

House Resolutions

HR 9023—A resolution recognizing April 23, 2003, as “Northwest Florida Legislative Day” in Tallahassee.

WHEREAS, Northwest Florida, known for its southern charm and small-town atmosphere, encompasses 16 counties across the Florida Panhandle comprised of beautiful coastline, lush forested land, winding rivers, and freshwater springs, including world-renown Wakulla Springs, and

WHEREAS, Northwest Florida is steeped in history, nationally known for its Indian Temple Mound Museum in Fort Walton Beach, which commemorates the culture of Native Americans living in the area approximately 800 years ago; Santa Rosa Island is the site of the first colonial settlement in North America and the location of Fort Pickens, where Confederate forces fired the first shots of the Civil War on Union soldiers garrisoned there; Port St. Joe hosted Florida’s First Constitutional Convention; and Apalachicola is the home of Dr. John Gorrie, inventor of the precursor to refrigeration and air-conditioning, and

WHEREAS, Northwest Florida is home to eleven universities and community colleges and eight military bases, and

WHEREAS, rich in cultural diversity, Northwest Florida takes pride in Tallahassee as the State Capital, Pensacola as the seventh most polite city in the nation, and the entire area for its avid promotion of artistic and sports events, festivals and extravaganzas of all kinds, and ethnic-heritage celebrations, and

WHEREAS, with its blend of exciting metropolitan areas, laid-back rural and coastal spaces, cutting-edge centers of education and technology, Northwest Florida offers much for every interest and taste, and, averaging 320 sunny days a year, the beaches of Northwest Florida alone attract more than 10 million tourists annually, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida:

That the House of Representatives pause in its deliberations to recognize April 23, 2003, as “Northwest Florida Legislative Day” in Tallahassee.

—was read the second time by title. On motion by Rep. Sansom, the resolution was adopted.

Motion to Adjourn

Rep. Bense moved that the House adjourn for the purpose of holding committee meetings and conducting other House business, to reconvene at 10:00 a.m., Thursday, April 24, or upon call of the Chair. The motion was agreed to.

Messages from the Senate

The Honorable Johnnie Byrd, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 479.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

The Honorable Johnnie Byrd, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 1017.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

The Honorable Johnnie Byrd, Speaker

I am directed to inform the House of Representatives that the Senate has adopted HM 1669.

Faye W. Blanton, Secretary

The above memorial was ordered enrolled.

The Honorable Johnnie Byrd, Speaker

I am directed to inform the House of Representatives that the Senate has refused to concur in House amendments and has acceded to the request of the House for the appointment of a conference committee on SB 2500.

The President has appointed the following Senators as conferees on the part of the Senate: Senator Pruitt-Chair; Senator Wasserman Schultz-Vice Chair; Senators Diaz de la Portilla, Jones, Klein, and Lee, At Large Members; Subcommittee on Article V Implementation and Judiciary: Senator Smith, Chair, Senators Aronberg, Haridopolos, Villalobos, and Wise; Subcommittee on Criminal Justice: Senator Crist, Chair, Senators Argenziano, Constantine, Dawson, and Fasano; Subcommittee on Education: Senator Carlton, Chair; Senators Bennett, Cowin, and Miller; Subcommittee on General Government: Senator Clary, Chair; Senators Bullard, Dockery, Lawson and Lynn; Subcommittee on Health and Human Services: Senator Peaden, Chair; Senators Garcia, and Wilson; Subcommittee on Transportation and Economic Development: Senator Webster, Chair; Senators Atwater, Hill, Sebesta and Siplin.

Faye W. Blanton, Secretary

SB 2500—A bill to be entitled An act making appropriations; providing moneys for the annual period beginning July 1, 2003, and ending June 30, 2004, to pay salaries, and other expenses, capital outlay - buildings, and other improvements, and for other specified purposes of the various agencies of State government; providing an effective date.

The Honorable Johnnie Byrd, Speaker

I am directed to inform the House of Representatives that the Senate has refused to concur in House amendments and has acceded to the request of the House for the appointment of a conference committee on SB 2502.

The President has appointed the following Senators as conferees on the part of the Senate: Senator Pruitt-Chair; Senator Wasserman Schultz-Vice Chair; Senators Diaz de la Portilla, Jones, Klein, and Lee, At Large Members; Subcommittee on Article V Implementation and Judiciary: Senator Smith, Chair, Senators Aronberg, Haridopolos, Villalobos, and Wise; Subcommittee on Criminal Justice: Senator Crist, Chair, Senators Argenziano, Constantine, Dawson, and Fasano; Subcommittee on Education: Senator Carlton, Chair; Senators Bennett, Cowin, and Miller; Subcommittee on General Government: Senator Clary, Chair; Senators Bullard, Dockery, Lawson and Lynn; Subcommittee on Health and Human Services: Senator Peaden, Chair; Senators Garcia, and Wilson; Subcommittee on Transportation and Economic Development: Senator Webster, Chair; Senators Atwater, Hill, Sebesta and Siplin.

Faye W. Blanton, Secretary

SB 2502—A bill to be entitled An act implementing the 2003-2004 General Appropriations Act; providing legislative intent; providing accounting requirements for the state universities for the 2003-2004 fiscal year; amending ss. 430.204 and 430.205, F.S.; requiring the Department of Elderly Affairs to fund certain community care services and core services for the elderly; amending s. 216.292, F.S.; authorizing the Department of Children and Family Services to transfer funds within the family safety program; amending s. 295.182, F.S.; authorizing contributions to the Florida World War II Veterans Memorial Matching Trust Fund from public bodies; amending s. 561.121, F.S.; providing that moneys in the Children and Adolescents Substance Abuse Trust Fund may also be used for the purpose of funding programs directed at reducing and eliminating substance abuse problems among adults; amending s. 409.1671, F.S.; authorizing the Department of Children and Family Services to combine current community-based care lead agency contracts for Sarasota, Manatee, and DeSoto Counties into a single contract; authorizing the Department of Children and Family Services to enter into a contract to finance, design, construct, and operate the South Florida Evaluation and Treatment Center; providing for an extended contract period; authorizing financing for the project; amending s. 216.181, F.S.; authorizing the Department of Law Enforcement to transfer positions and associated budgets and a certain percentage of salary rate between budget entities and providing requirements with respect thereto; authorizing the Correctional Privatization Commission to make certain expenditures to defray costs incurred by a municipality or county as a result of opening or operating a facility under authority of the commission or the Department of Juvenile Justice; amending s. 16.555, F.S.; authorizing use of the Crime Stoppers Trust Fund to pay for salaries and benefits and other expenses of the Department of Legal Affairs; amending s. 985.4075, F.S.; prohibiting the use of juvenile justice appropriations made for operations as one-time startup funding for fixed capital outlay; amending s. 216.262, F.S.; providing for additional positions to operate additional prison bed capacity under certain circumstances; amending s. 287.161, F.S.; requiring the Department of Management Services to charge all persons receiving transportation from the executive aircraft pool a specified rate; amending s. 110.116, F.S.; authorizing the Department of Management Services to contract with a vendor to provide a personnel information system; amending s. 110.2035, F.S.; deleting provisions authorizing the Department of Management Services to adopt emergency rules to implement a classification and compensation program; amending s. 43 of chapter 2002-402, Laws of Florida, delaying the expiration of certain changes to s. 110.2035, F.S., relating to the classification and compensation program; amending s. 110.12315, F.S.; providing copayment requirements for the state employees' prescription drug program; amending s. 110.1239, F.S.; providing requirements for the funding of the state group health insurance program; amending s. 112.061, F.S.; providing for computation of travel time and reimbursement for public officers' and employees' travel; amending s. 121.71, F.S.; providing for recognition and usage of current available excess assets of the Florida Retirement System Trust Fund to offset employer contribution rates for the Florida Retirement System; amending s. 468.404, F.S.; requiring talent agency license fees equal to costs of regulation; amending s. 252.373, F.S.; providing for use of funds of the Emergency Management, Preparedness, and Assistance Trust Fund, including the use of certain funds as state matching funds for federally approved Hazard Mitigation Grant Program projects; amending s. 402.3017, F.S.; providing for administration of the Teacher Education and

Compensation Helps (TEACH) scholarship program by the Agency for Workforce Innovation; amending s. 411.01, F.S.; providing priority for placement of children in the school readiness program; amending s. 288.063, F.S.; providing for funds for certain transportation projects approved by the Office of Tourism, Trade, and Economic Development to be subject to reversion; amending s. 320.08058, F.S.; authorizing proceeds from the Professional Sports Development Trust Fund to be used for operational expenses of the Florida Sports Foundation and financial support of the Sunshine State Games; amending s. 339.08, F.S.; transferring \$200 million from the State Transportation Trust Fund to the General Revenue Fund; reducing the amount transferred from certain transportation calculation requirements; amending s. 443.036, F.S.; providing a definition and an application of an alternative base period for unemployment compensation; providing requirements and limitations; requiring employers to respond to requests for information by the Agency for Workforce Innovation; providing a penalty for failure to respond; providing for adjustments in determinations of monetary eligibility; amending s. 61 of chapter 2002-402, Laws of Florida, delaying the expiration of certain changes to s. 215.20, F.S., relating to the contributions of certain trust funds to the General Revenue Fund; amending s. 63 of chapter 2002-402, Laws of Florida; delaying the expiration of certain changes to s. 215.22, F.S., relating to an exemption from appropriation provided for certain trust funds; amending s. 65 of chapter 2002-402, Laws of Florida; delaying the expiration of certain changes to s. 18.10, F.S., relating to deposits and investments of state money; amending s. 67 of chapter 2002-402, Laws of Florida; delaying the expiration of certain changes to s. 18.125, F.S., relating to the investment of certain trust funds; amending s. 69 of chapter 2002-402, Laws of Florida; delaying the expiration of certain changes to s. 14.2015, F.S., relating to the Economic Development Trust Fund; amending s. 71 of chapter 2002-402, Laws of Florida; delaying the expiration of certain changes to s. 240.4075, F.S., relating to the Nursing Student Loan Forgiveness Program; amending s. 73 of chapter 2002-402, Laws of Florida; delaying the expiration of certain changes to s. 385.207, F.S., relating to care and assistance of persons with epilepsy; amending s. 75 of chapter 2002-402, Laws of Florida; delaying the expiration of certain changes to s. 860.158, F.S., relating to the interest earned on moneys in the Florida Motor Vehicle Theft Prevention Trust Fund; amending s. 77 of chapter 2002-402, Laws of Florida; delaying the expiration of certain changes to s. 938.01, F.S., relating to the interest earned on certain trust funds; reenacting s. 215.32(2)(b), F.S., to implement the transfer of moneys to the Working Capital Fund from certain trust funds; providing for the effect of a veto of a specific appropriation or proviso to which implementing provisions refer; providing applicability to other legislation; incorporating by reference specified performance measures and standards directly linked to the appropriations made in the 2002-2004 General Appropriations Act, as required by the Government Performance and Accountability Act of 1994; providing for severability; providing effective dates.

First Reading by Publication

The Honorable Johnnie Byrd, Speaker

I am directed to inform the House of Representatives that the Senate has passed SB 482, as amended, and requests the concurrence of the House.

Faye W. Blanton, Secretary

By Senator Lynn—

SB 482—A bill to be entitled An act relating to rental agreements; amending s. 83.682, F.S.; removing provisions requiring the payment of liquidated damages to the landlord under certain circumstances upon termination of a rental agreement; amending s. 83.67, F.S.; prohibiting a landlord from discriminating against a member of the United States Armed Forces in offering a dwelling unit for rent; creating s. 83.575, F.S.; providing for the termination of a tenancy having a specific duration; requiring the tenant to give notice before vacating the premises; limiting the maximum amount of required notice; providing for liquidated damages in specified circumstances; providing tenant liability for paying additional rent in specified circumstances; providing an effective date.

Referred to the Calendar of the House

The Honorable Johnnie Byrd, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for SB 162 and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committee on Education and Senators Wise and Fasano—

CS for SB 162—A bill to be entitled An act relating to American Sign Language; providing legislative findings and purpose; allowing foreign-language credits for instruction in American Sign Language; requiring notice of limitations; providing duties of the Commissioner of Education and the State Board of Education; providing for a task force and prescribing its duties; requiring teachers of American Sign Language to be licensed by a specified date; providing a plan for postsecondary institutions; providing an effective date.

Referred to the Calendar of the House

Votes After Roll Call

[Date(s) of Vote(s) and Sequence Number(s)]

Rep. Henriquez:

Yeas to Nays—April 22: 101

Rep. Richardson:

Yeas to Nays—March 19: 21; April 22: 117

Explanation of Vote for Sequence Number 101

I changed my vote from yea to nay because on the original vote I accidentally hit the yea button when I intended to register a nay, unfortunately the Clerk locked the machine before I could correct this error.

*Rep. Bob Henriquez
District 58*

Cosponsors

HB 155—Sobel

HB 181—Kilmer

HB 207—Homan, Sobel

HB 215—Sobel

HB 219—Baxley, Sansom

HB 243—Anderson

HB 271—Clarke

HB 329—Bullard

HB 439—Bendross-Mindingall

HB 467—Bendross-Mindingall

HB 481—Ausley

HB 561—Green

HB 623—Kilmer

HB 657—Richardson

HB 725—Jennings

HB 831—Ambler

HB 835—Kilmer

HB 857—Ambler, Bullard

HB 871—Baxley

HB 951—H. Gibson, Sansom

HB 953—Homan, Jennings, Sansom, Vana

HB 959—Jennings

HB 987—Hasner

HM 1077—Kilmer

HB 1099—Jennings

HB 1243—Bendross-Mindingall

HB 1319—Green

HB 1403—Cusack

HB 1453—Bucher

HB 1475—Domino

HB 1481—Murzin

HB 1517—Murzin, Sansom

HB 1527—Vana

HB 1533—Allen

HB 1535—Allen

HB 1625—Bullard

HB 1683—Llorente, Sansom

HB 1761—Fiorentino

HB 1793—Garcia

HR 9137—Anderson, Berfield, Farkas, Waters

Introduction and Reference

By Representative Russell—

HR 9141—A resolution recognizing April 17, 2003, as Aviation Day in Florida.

First reading by publication (Art. III, s. 7, Florida Constitution).

Additional Reference of Bills

HB 1569 was further referred to the Subcommittee on Local Affairs; the Committee on Local Government & Veterans' Affairs; and the Committee on Finance & Tax.

HB 1819 was further referred to the Committee on State Administration.

Reports of Standing Committees

Committee Reports

April 22

The Committee on Finance & Tax reported the following favorably:
HB 537 with committee substitute.

The above bill was transmitted to the next committee of reference, the Committee on Appropriations, subject to review under Rule 6.3.

The Committee on Finance & Tax reported the following favorably:
HB 583 with committee substitute.

The above bill was transmitted to the next committee of reference, the Subcommittee on Health Appropriations, subject to review under Rule 6.3.

The Committee on Finance & Tax reported the following favorably:
HB 939 with committee substitute.

The above bill was placed on the Calendar of the House, subject to review under Rule 6.3.

The Committee on Finance & Tax reported the following favorably:
HB 1063 with committee substitute.

The above bill was placed on the Calendar of the House, subject to review under Rule 6.3.

The Committee on Finance & Tax reported the following favorably:
HB 1705 with committee substitute.

The above bill was transmitted to the next committee of reference, the Subcommittee on Transportation & Economic Development Appropriations, subject to review under Rule 6.3.

April 23

The Committee on State Administration reported the following favorably:
HB 113 with committee substitute.

The above bill was transmitted to the next committee of reference, the Committee on Judiciary, subject to review under Rule 6.3.

The Committee on State Administration reported the following favorably:
HB 667 with committee substitute.

The above bill was transmitted to the next committee of reference, the Subcommittee on Commerce & Local Affairs Appropriations, subject to review under Rule 6.3.

The Committee on Commerce reported the following favorably:
HB 769

The above bill was placed on the Calendar of the House.

The Committee on Commerce reported the following favorably:
HB 831

The above bill was transmitted to the next committee of reference, the Subcommittee on Commerce & Local Affairs Appropriations.

The Committee on Commerce reported the following favorably:
HB 845 with committee substitute.

The above bill was placed on the Calendar of the House, subject to review under Rule 6.3.

The Committee on Commerce reported the following favorably:
HB 987

The above bill was transmitted to the next committee of reference, the Committee on Finance & Tax.

The Committee on State Administration reported the following favorably:
HB 1087 with committee substitute.

The above bill was placed on the Calendar of the House, subject to review under Rule 6.3.

The Committee on State Administration reported the following favorably:
HB 1237 with committee substitute.

The above bill was transmitted to the next committee of reference, the Committee on Business Regulation, subject to review under Rule 6.3.

The Committee on State Administration reported the following favorably:
HB 1245

The above bill was transmitted to the next committee of reference, the Committee on Finance & Tax.

The Committee on State Administration reported the following favorably:
HB 1335 with committee substitute.

The above bill was transmitted to the next committee of reference, the Committee on Appropriations, subject to review under Rule 6.3.

The Committee on Education K-20 reported the following unfavorably:
HJR 1343

The above bill was laid on the table.

The Committee on State Administration reported the following favorably:
HB 1403

The above bill was transmitted to the next committee of reference, the Committee on Education K-20.

The Committee on State Administration reported the following favorably:
HB 1405

The above bill was transmitted to the next committee of reference, the Committee on Appropriations.

The Committee on Education K-20 reported the following favorably:
HB 1411

The above bill was transmitted to the next committee of reference, the Committee on Appropriations.

The Committee on Commerce reported the following favorably:
HB 1469 with committee substitute.

The above bill was placed on the Calendar of the House, subject to review under Rule 6.3.

The Committee on Commerce reported the following favorably:
HB 1641 with committee substitute.

The above bill was placed on the Calendar of the House, subject to review under Rule 6.3.

The Committee on State Administration reported the following favorably:
HB 1687 with committee substitute.

The above bill was transmitted to the next committee of reference, the Committee on Finance & Tax, subject to review under Rule 6.3.

The Committee on State Administration reported the following favorably:
HB 1731

The above bill was placed on the Calendar of the House.

The Committee on State Administration reported the following favorably:
HB 1819 with committee substitute.

The above bill was placed on the Calendar of the House, subject to review under Rule 6.3.

The Committee on State Administration reported the following favorably:
HB 1835 with committee substitute.

The above bill was placed on the Calendar of the House, subject to review under Rule 6.3.

Enrolling Reports

HB 1739 has been enrolled, signed by the required constitutional officers, and presented to the Governor on April 23, 2003.

John B. Phelps, Clerk

Excused

Reps. Baker, Mayfield

The following Conference Committee Managers were excused from time to time:

General appropriations and implementing bills: Rep. Kyle, Chair; At Large—Reps. Harrington, Murman, Greenstein, and Berfield; Judicial Appropriations—Rep. Negron, Chair, Reps. Benson, Kottkamp, Gelber, Mahon, Ross, Seiler, and Adams (alternate); Health & Human Services—Rep. Green, Chair, Reps. Brown, Murman, Garcia, Fiorentino, Slosberg, Farkas, Gottlieb, and Domino (alternate); Education—Rep. Simmons, Chair, Reps. Kilmer, Baxley, Pickens, Mayfield, Stansel, Mealor, Arza, and Sansom (alternate); General Government (Commerce & Local Affairs and Agriculture & Environment)—Rep. Brummer, Chair, Reps. Paul, Bowen, Spratt, Mack, Macheck, and Reagan (alternate); Transportation and Economic Development—Rep. Waters, Chair, Reps. Russell, Gardiner, Kendrick, Evers, Clarke, and Rivera (alternate); Public Safety—Rep. Bilirakis, Chair, Reps. Barreiro, Bean, Needelman, Holloway, Carassas, and Dean (alternate).

Adjourned

Pursuant to the motion previously agreed to, the House adjourned at 4:14 p.m., to reconvene at 10:00 a.m., Thursday, April 24, or upon call of the Chair.