



# Journal of the Senate

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Thursday, April 15, 1999

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## CALL TO ORDER

The Senate was called to order by President Jennings at 9:00 a.m. A quorum present—38:

Madam President	Dawson-White	King	Myers
Bronson	Diaz-Balart	Kirkpatrick	Rossin
Brown-Waite	Dyer	Klein	Saunders
Burt	Forman	Kurth	Scott
Campbell	Geller	Latvala	Sebesta
Carlton	Grant	Laurent	Sullivan
Casas	Hargrett	Lee	Thomas
Childers	Holzendorf	McKay	Webster
Clary	Horne	Meek	
Cowin	Jones	Mitchell	

## PRAYER

The following prayer was offered by Rev. Jack Oliver, Pastor, Idlewild Baptist Church, Tampa:

Lord, we come to you now just to acknowledge your grateful heart and thank you, Lord, for how you guide. I just pray for these Senators, men and women, Lord, that you will bless them. We thank you for them and know they are appointed by you. I just pray that you will bless them, Lord. They spend a lot of time away from their families and they spend a lot of time here doing the work that Florida needs done and so I pray, Lord Jesus, that you would bless them especially.

Thank you, Lord, for forgiveness through your Son. I just pray, Lord, that you would be with us today. Lead, guide and direct us and once again, Lord, I pray a special blessing upon all those gathered here today. It's in Christ's name I pray. Amen.

## PLEDGE

Senate Pages Konata K. Calhoun of Tallahassee and Andrew Tyrrell of Winter Garden, led the Senate in the pledge of allegiance to the flag of the United States of America.

## ADOPTION OF RESOLUTIONS

At the request of Senator Kirkpatrick—

By Senator Kirkpatrick—

**SR 2368**—A resolution commending the Lady Gator Soccer Team at the University of Florida and its coach, Becky Burleigh, for outstanding accomplishments in collegiate soccer.

WHEREAS, the women's soccer program at the University of Florida has existed for only 4 years, and

WHEREAS, Coach Becky Burleigh led the Lady Gators to their first Southeastern Conference title in 1996, and

WHEREAS, the Lady Gator Soccer Team recorded an impressive 26 wins, with only 1 loss, during the 1998 regular season, and

WHEREAS, Gator Player Danielle Fotopulos became the N.C.A.A. leader, with 118 career goals and 284 points, and

WHEREAS, the University of Florida Lady Gator Soccer Team defeated the twice-defending champion, North Carolina Tar Heels, by a score of 1 to 0 on December 6, 1998, to become the new N.C.A.A. Women's Soccer National Champions, NOW, THEREFORE,

*Be It Resolved by the Senate of the State of Florida:*

That the Florida Senate recognizes the incredible accomplishments of the members of the Florida Gator Soccer Team and Coach Becky Burleigh and that the Senate wishes to express our sincere appreciation for the pride and honor that the Lady Gator Soccer Team has bestowed on the University of Florida and on our state.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to the Lady Gator Soccer Team and Coach Becky Burleigh as a tangible token of the sentiments of the Florida Senate.

—**SR 2368** was introduced, read and adopted by publication.

At the request of Senator Kirkpatrick—

By Senator Kirkpatrick—

**SR 2412**—A resolution honoring the members of the University of Florida women's tennis team for their 1998 national championship victory in the NCAA Division I.

WHEREAS, on May 24, 1998, at Notre Dame's Courtney Tennis Center in South Bend, Indiana, the University of Florida Gator women's tennis team defeated the Duke University team and won its third NCAA Division I women's tennis championship, and

WHEREAS, the University of Florida has won a total of three NCAA women's championship tennis titles in the 1990's, and

WHEREAS, the victory of the University of Florida women's tennis team was especially distinguished in that it capped a perfect season for the team, which compiled a record of 27 wins and 0 losses during the 1998 season, and

WHEREAS, the University of Florida women's tennis team has posted an awe-inspiring record under the direction of head coach Andy Brandi, and

WHEREAS, during the previous 14 years, also under the team's head coach Andy Brandi, the team has compiled an impressive list of other accomplishments, by earning 12 SEC titles and five national indoor titles, by completing six undefeated regular seasons including the past three in a row, and by becoming in 1996 the second team in NCAA history to sweep team, singles, and doubles national titles, and

WHEREAS, the players, coaches, managers, and supporters of the University of Florida women's tennis team, who have contributed their

time and effort to the support of the team, have brought credit to themselves and their community, and

WHEREAS, it is fitting that the Senate of the State of Florida should honor the University of Florida women's tennis team for its accomplishments, NOW, THEREFORE,

*Be It Resolved by the Senate of the State of Florida:*

That the Florida Senate congratulates and commends the University of Florida 1998 women's tennis team for culminating its undefeated season by winning the 1998 NCAA championship.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to the University of Florida women's tennis team head coach Andy Brandi as a tangible token of the sentiments expressed herein.

—**SR 2412** was introduced, read and adopted by publication.

At the request of Senator Burt—

By Senator Burt—

**SR 2694**—A resolution in recognition of Ronald McDonald House Charities.

WHEREAS, Ronald McDonald House is a temporary lodging facility for the families of seriously ill children being treated at nearby hospitals, and

WHEREAS, the first Ronald McDonald House opened in Philadelphia in 1974 as the result of the perseverance and dedication of Fred Hill, then a Philadelphia Eagles football player, who, when his 3-year-old daughter Kim was diagnosed with leukemia and underwent treatment at the local children's hospital, camped out with his wife on hospital chairs and benches, ate food from vending machines, and did all they could to keep their daughter from seeing their sadness, exhaustion, and frustration, and

WHEREAS, all around them, the Hills saw other parents doing the same thing and learned that many of the families had traveled great distances to bring their children to the medical facility, only to find the high cost of hotel rooms prohibitive, and

WHEREAS, very few institutions at that time provided sufficient accommodations for such families, and, determined to help other families experiencing the same emotional and financial traumas as his own, Hill rallied the support of his teammates to raise funds to help remedy the situation, and

WHEREAS, the Philadelphia Eagles organization offered its support to Dr. Audrey Evans, head of the pediatric oncology unit at Children's Hospital of Philadelphia, whose dream for a house to serve as temporary residence for families of children being treated at her hospital, along with the efforts of Fred Hill and the McDonald's Corporation, led to the first Ronald McDonald House, and

WHEREAS, Hill enlisted the help of his teammates and the local McDonald's restaurant franchisees to raise funds to purchase and renovate the first Ronald McDonald House, and

WHEREAS, when this unlikely partnership was formed between an NFL team, a children's hospital, and a restaurant chain, none of its members could have imagined that their dream of a "home-away-from-home" for families of seriously ill children would grow to become an international phenomenon, and

WHEREAS, by 1979, ten more Ronald McDonald Houses had opened; in the next five years, local communities founded an additional 60 Houses; and 53 more opened in the next five years, and

WHEREAS, today, there are 195 Ronald McDonald Houses open in 16 countries, with more than 3,000 bedrooms available for families every night and, by the end of 1999, ten new Houses will open, including the first Houses in Hungary, Malaysia, and Mexico, for a total of 205 Ronald McDonald Houses in 18 countries, and

WHEREAS, each Ronald McDonald House is run by a local nonprofit organization comprised of members of the medical community, business and civic leaders, parent/volunteers, and McDonald's owners/operators, supported by nearly 20,000 volunteers who annually donate over one million hours of their time, providing the backbone of the program and helping with all aspects of House operations, including fundraising, program development, and services to families, and

WHEREAS, Ronald McDonald House is the cornerstone program of Ronald McDonald House Charities, a not-for-profit organization that, to date, through its global network of local charities, has awarded nearly \$200 million in grants to children's programs worldwide, and

WHEREAS, since 1974, having served more than two million family members whose children are receiving medical treatment for cancer, heart disease, organ failure, neonatal complications, burns, and major accidents, Ronald McDonald House has created a place where parents can be with families who understand each other's situations and can provide emotional support and, in so doing, has rendered a service of tremendous compassion for millions of people in this nation and abroad, NOW, THEREFORE,

*Be It Resolved by the Senate of the State of Florida:*

That the Florida Senate recognizes and commends Ronald McDonald House Charities for a quarter of a century of exceptional humanitarian service.

—**SR 2694** was introduced, read and adopted by publication.

## MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator McKay, by two-thirds vote **SB 180, SB 674, CS for SB 704, CS for SB 1012, CS for SB 1498, SB 2350 and CS for SB 2470** were withdrawn from the Committee on Rules and Calendar; **SB 664, SB 956, CS for SB 994, CS for SB 1406, CS for SB 1474, CS for SB 1476, CS for SB 1484, CS for SB 1504, CS for SB 1696, CS for SB 1856, CS for SB 1858, CS for SB 1934, SB 2070, CS for SB 2186, CS for SB 2314 and CS for SB 2360** were withdrawn from the Committee on Fiscal Policy; **SB 1220** was withdrawn from the Committee on Fiscal Resource; and **CS for SB 1940 and CS for SB 2092** were withdrawn from the Committee on Fiscal Resource and referred to the Committee on Fiscal Policy.

On motion by Senator Kirkpatrick, by two-thirds vote **SB 1132, SB 1152 and SB 2498** were withdrawn from the committees of reference and further consideration.

## MOTIONS RELATING TO COMMITTEE MEETINGS

On motion by Senator McKay, the rules were waived and the following committee meetings which were scheduled this day were cancelled: Joint Select Committee on Collective Bargaining, Implementing Bill Conference Committee, Tax Reduction Conference Committee

## MOTIONS

On motion by Senator McKay, the deadline for filing amendments to Bills on Third Reading to be considered Friday, April 16 was set upon recess this day.

By direction of the President, the rules were waived and the Senate proceeded to—

## SPECIAL ORDER CALENDAR

On motion by Senator Cowin, the Senate resumed consideration of—

**CS for CS for SB 1756**—A bill to be entitled An act relating to educational accountability; amending s. 229.0535, F.S.; revising provisions relating to the authority of the State Board of Education to enforce school improvement; creating s. 229.0537, F.S.; providing findings and intent; requiring private school opportunity scholarships to be provided to certain public school students; providing student eligibility requirements; providing school district requirements; providing an alternative

to accepting a state opportunity scholarship; providing private school eligibility criteria; providing student attendance requirements; providing parental involvement requirements; providing a district reporting requirement; providing for calculation of the amount and distribution of state opportunity scholarship funds; authorizing the adoption of rules; amending s. 229.512, F.S.; revising provisions relating to the authority of the Commissioner of Education regarding the implementation of the program of school improvement and education accountability; amending s. 229.555, F.S., relating to educational planning and information systems; revising to conform; amending s. 229.565, F.S.; eliminating the requirement that the Commissioner of Education designate program categories and grade levels for which performance standards are to be approved; amending s. 229.57, F.S.; revising the purpose of the student assessment program; requiring the Department of Education to develop a system to measure annual pupil progress; requiring the statewide assessment program to include science; revising provisions relating to the administration of the National Assessment of Educational Progress; revising the statewide assessment program; revising requirements relating to the annual report of the results of the statewide assessment program; providing for the identification of schools by performance grade category according to student and school performance data; providing for the identification of school improvement ratings; amending s. 229.58, F.S.; removing a reference to the Florida Commission on Education Reform and Accountability; amending s. 229.591, F.S.; revising provisions relating to the system of school improvement and education accountability to reflect that students are not required to attend schools designated in a certain performance grade category; revising the state education goals; amending s. 229.592, F.S., relating to the implementation of the state system of school improvement and education accountability; removing obsolete provisions; removing references to the Florida Commission on Education Reform and Accountability; deleting the requirement that the Commissioner of Education appear before the Legislature; revising duties of the Department of Education; revising duties of the State Board of Education; revising provisions relating to waivers from statutes; conforming cross-references; repealing s. 229.593, F.S., relating to the Florida Commission on Education Reform and Accountability; repealing s. 229.594, F.S., relating to the powers and duties of the commission; amending s. 229.595, F.S., relating to the implementation of the state system of educational accountability for school-to-work transition; revising provisions relating to the assessment of readiness to enter the workforce; removing a reference to the Florida Commission on Education Reform and Accountability; amending s. 230.23, F.S., relating to powers and duties of school boards; revising provisions relating to the compensation and salary schedules of school employees; revising provisions relating to courses of study and other instructional aids to include the term "instructional materials"; revising school board duties regarding the implementation and enforcement of school improvement and accountability; revising policies regarding public disclosure; requiring school board adoption of certain policies; amending s. 231.29, F.S.; revising the assessment procedure for school district instructional, administrative, and supervisory personnel; amending s. 231.2905, F.S.; revising provisions of the Florida School Recognition Program relating to financial awards based on employee performance; revising initial criteria for identification of schools; amending s. 232.245, F.S.; relating to pupil progression; revising requirements relating to the provision of remedial instruction; providing requirements for the use of resources for remedial instruction; requiring the adoption of rules regarding pupil progression; eliminating requirements relating to student academic improvement plans; deleting duplicative requirements relating to mandatory remedial reading instruction; amending s. 228.053, F.S.; relating to developmental research schools; conforming cross-references; amending s. 228.054, F.S., relating to the Joint Developmental Research School Planning, Articulation, and Evaluation Committee; conforming a cross-reference; amending s. 233.17, F.S., relating to the term of adoption of instructional materials; conforming cross-references; amending s. 236.685, F.S., relating to educational funding accountability; conforming a cross-reference; amending s. 20.15, F.S., relating to the creation of the Department of Education; removing a reference to the Florida Commission on Education Reform and Accountability; creating s. 236.08104, F.S.; establishing a supplemental academic instruction categorical fund; providing findings and intent; providing requirements for the use of funds; authorizing the Florida State University School to expend certain funds for student remediation; amending s. 236.013, F.S.; eliminating certain provisions relating to calculations of the equivalent of a full-time student; revising provisions relating to membership in programs scheduled for more than 180 days; amending s. 239.101, F.S., relating to career education; conforming cross-references; amending s. 239.229, F.S., relating to vocational standards; conforming cross-references;

amending s. 240.529, F.S., relating to approval of teacher education programs; conforming a cross-reference; reenacting s. 24.121(5)(b), (c), and (d), F.S., relating to the Educational Enhancement Trust Fund, s. 120.81(1)(b), F.S., relating to tests, test scoring criteria, or testing procedures, s. 228.053(3) and (8), F.S., relating to developmental research schools, s. 228.0565(6)(b), (c), and (d), F.S., relating to deregulated public schools, s. 228.301(1), F.S., relating to test security, s. 229.551(1)(c) and (3), F.S., relating to educational management, s. 230.03(4), F.S., relating to school district management, control, operation, administration, and supervision, s. 230.2316(4)(b), F.S., relating to dropout prevention, s. 231.085, F.S., relating to duties of principals, s. 231.24(3)(a), F.S., relating to the process for renewal of professional certificates, s. 231.36(3)(e) and (f), F.S., relating to contracts with instructional staff, supervisors, and principals, s. 231.600(1), F.S., relating to the School Community Professional Development Act, s. 232.2454(1), F.S., relating to district student performance standards, instruments, and assessment procedures, s. 232.246(5)(a) and (b), F.S., relating to general requirements for high school graduation, s. 232.248, F.S., relating to confidentiality of assessment instruments, s. 232.2481(1), F.S., relating to graduation and promotion requirements for publicly operated schools, s. 233.09(4), F.S., relating to duties of instructional materials committees, s. 233.165(1)(b), F.S., relating to the selection of instructional materials, s. 233.25(3)(b), F.S., relating to publishers and manufacturers of instructional materials, s. 236.08106(2)(a) and (c), F.S., relating to the Excellent Teaching Program, s. 239.229(3), F.S., relating to vocational standards, s. 240.118(4), F.S., relating to postsecondary feedback of information to high schools, to incorporate references; amending s. 228.041, F.S.; redefining the terms "graduation rate" and "dropout rate"; amending s. 228.056, F.S., relating to charter schools; providing for funding; revising terminology relating to assessments; providing effective dates.

—which was previously considered and amended April 13. Pending **Amendment 8** by Senator Rossin failed. The vote was:

#### Yeas—13

Dawson-White	Geller	Jones	Meek
Diaz-Balart	Hargrett	Klein	Mitchell
Dyer	Holzendorf	Kurth	Rossin
Forman			

#### Nays—23

Madam President	Clary	Latvala	Scott
Bronson	Cowin	Laurent	Sebesta
Brown-Waite	Grant	Lee	Sullivan
Carlton	Horne	McKay	Thomas
Casas	King	Myers	Webster
Childers	Kirkpatrick	Saunders	

Senator Campbell moved the following amendment which failed:

**Amendment 9 (131756)(with title amendment)**—On page 11, between lines 3 and 4, insert:

Section 2. Section 229.0536, Florida Statutes, is created to read:

*229.0536 School improvement programs.—For the school years beginning in 1999-2000 and 2000-2001, each school district shall establish the following programs to improve its educational services so that all students can be successful. The programs are as follows:*

(1) *Each school within the district shall have a school management team, comprised of teachers, parents, and administrators, who shall be empowered to make key program, staffing, and spending decisions.*

(2) *Each school within a school district shall provide its students with a safe, disciplined environment that is conducive to learning. Secure facilities with adequate security staff shall be provided. A code of student conduct shall be clearly defined; presented to teachers, parents, and students; and consistently enforced.*

(3) *Each school district shall allow students to begin their education early. A half-day preschool program shall be provided for all children between the ages of 3 and 4. Emphasis shall be placed on laying the foundation for the development of reading and language skills.*

(4) *Each school shall develop a concerted program to enable each student to read at grade level by the end of the third grade. Students shall*

be regrouped in small classes across grades according to their current progress for a daily 90-minute reading period. Tutors, including foster grandparents who understand the reading program, shall be available from the start to make sure each child keeps pace.

(5) Classes shall be of an appropriate size, not to exceed 35 students. Teachers shall use proven methods of developing student's subject knowledge, computer skills, and high-level thinking and problem-solving skills, as defined by standards in academic subjects.

(6) To enable teachers to concentrate on teaching, the school shall provide the services of a family support team, comprised of a counselor, social worker, and school nurse. This team shall promote parental involvement in the school and identify children and families with health and social problems that inhibit learning. The support team shall assist these students and families directly or refer them to other agencies that are better equipped to address their problems.

(7) Each school shall train the staff in their roles of providing education to the students. Each school shall have a trained facilitator or a trained staff member with the expertise to help teachers and other staff to implement their respective parts of the program.

(8) Each school shall have an operation supported by technology, including, but not limited to, instruction, management, and parent and student services. Each school shall have a technology coordinator who shall oversee the placement of computers and help the staff to use computers effectively in order to enable students to achieve program standards.

(9) Each school shall adopt a goal for implementing programs and strategies effectively in the early grades so that the school can avoid or minimize the practice of later pulling a student out of the educational program and placing the student into special education or remedial education.

(10) Each school shall participate in an accountability program. The program shall set specific goals for student achievement of state standards, measure student's performance against those goals, and be rewarded if the goals are achieved or surpassed.

If, after 2 years of providing the above programs, the school within the district is designated as performance grade category "F," the provisions of s. 229.0537 shall apply.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 5, after the semicolon (;) insert: creating s. 229.0536, F.S.; requiring school districts and schools to provide programs and services so that all students are successful; providing for schools that fail to achieve certain standards after a specified period to be subject to s. 229.0537, F.S.;

Senator Jones moved the following amendments which failed:

**Amendment 10 (891604)**—On page 11, delete lines 15 and 16 and insert: *State Constitution requires the state to provide for an efficient, safe, secure, and high-quality system of free public schools that allows students to obtain a high-quality education. The*

**Amendment 11 (491914)**—On page 13, delete line 1 and insert: *either transitions into middle school or graduates into high school and the public high school to which*

Senator Geller moved the following amendment which failed:

**Amendment 12 (730474)**—On page 15, delete lines 1 and 2 and insert: *school must be a nonsectarian Florida private school, and must:*

Senators Saunders and King offered the following amendment which was moved by Senator King and adopted:

**Amendment 13 (534050)**—On page 15, line 18, delete "and" and insert: *, the number of available student spaces, the random selection process, and other*

Senator Rossin moved the following amendment:

**Amendment 14 (874442)**—On page 16, between lines 2 and 3, insert: *(f) Agree to administer all statewide assessments and to be*

*graded on performance, pursuant to s. 229.57, F.S. If the participating private school receives a performance grade category of less than "C" or if less than 75 percent of opportunity scholarship students fail to show adequate progress, the private school shall be ineligible to participate in the opportunity scholarship program for the following year and all ensuing years until satisfactory performance is achieved.*

(Redesignate subsequent paragraphs.)

Senator Rossin moved the following substitute amendment which failed:

**Amendment 15 (752546)**—On page 16, between lines 2 and 3, insert:

*(f) Agree to administer all statewide assessments and to be graded on performance, pursuant to s. 229.57, F.S. If the participating private school receives a performance grade category of less than "C," the private school shall be ineligible to participate in the opportunity scholarship program for the following year and all ensuing years until satisfactory performance is achieved.*

(Redesignate subsequent paragraphs.)

The vote was:

Yeas—18

Brown-Waite	Dyer	Jones	Rossin
Campbell	Forman	Klein	Silver
Carlton	Geller	Kurth	Sullivan
Childers	Hargrett	Meek	
Dawson-White	Holzendorf	Mitchell	

Nays—20

Madam President	Diaz-Balart	Latvala	Saunders
Bronson	Grant	Laurent	Scott
Casas	Horne	Lee	Sebesta
Clary	King	McKay	Thomas
Cowin	Kirkpatrick	Myers	Webster

The question recurred on **Amendment 14** which was withdrawn.

Senator Jones moved the following amendment which failed:

**Amendment 16 (204820)**—On page 16, delete lines 7 and 8 and insert: *accrediting body, the*

Senator Rossin moved the following amendment:

**Amendment 17 (060000)**—On page 16, between lines 16 and 17, insert:

*(g) Comply with provisions of chapter 231 concerning teacher certification.*

(Redesignate subsequent paragraphs.)

Senators Latvala, Dyer, Brown-Waite, King, Saunders, Casas and Carlton offered the following substitute amendment which was moved by Senator Latvala:

**Amendment 18 (372468)**—On page 16, between lines 16 and 17, insert:

*(g) Employ or contract with teachers who hold a baccalaureate or higher degree, have at least 3 years teaching experience, or have special skills, knowledge, or expertise that qualifies them to provide instruction in subjects taught.*

(Redesignate subsequent paragraphs.)

Senator Rossin moved the following amendment to **Amendment 18** which was adopted:

**Amendment 18A (243692)**—On page 1, line 20, following "experience" insert: *in public or private schools*

**Amendment 18** as amended was adopted.

Senator King moved the following amendment which was adopted:

**Amendment 19 (460588)**—On page 16, line 16, following “*information*” insert: *and the percentage of teachers who hold regular Florida teaching certificates*

Senator King moved the following amendment:

**Amendment 20 (151784)**—On page 15, line 22, following the last period (.) insert: *Further, the parent or sponsoring organization of the school may not discriminate in any way that violates the Constitution of the State of Florida.*

Senator King moved the following substitute amendment which was adopted:

**Amendment 21 (481088)**—On page 15, line 22, before the period (.) insert: *and the Florida Constitution*

Senator Brown-Waite moved the following amendment which was adopted:

**Amendment 22 (103300)**—On page 17, between lines 20 and 21, insert:

(m) *Use at least grade-appropriate textbooks and other learning materials.*

Senator Forman moved the following amendment which failed:

**Amendment 23 (800652)**—On page 19, line 6, after the period (.) insert: *The private school shall be responsible for providing all weighted cost factor programs and services and all categorical programs and services that are included in the calculation of the the opportunity scholarship and for which they receive state funds. These services shall be the equivalents of, and be provided at the same or lesser costs as, services provided by the local school district.*

Senator Clary moved the following amendment which was adopted:

**Amendment 24 (135678)**—On page 20, delete lines 19 and 20 and insert: *Scholarship Program, in the Broward, Clay, and Sarasota school districts to provide scholarships to a public or*

Senator Dyer moved the following amendment which failed:

**Amendment 25 (433972)(with title amendment)**—On page 22, between lines 16 and 17, insert:

(10) *EFFECTIVE DATE.—This section shall take effect July 1, 2001.*  
And the title is amended as follows:

On page 1, line 20, after the semicolon (;) insert: *providing an effective date for the Opportunity Scholarship Program;*

Senators Cowin and McKay offered the following amendment which was moved by Senator Cowin and adopted:

**Amendment 26 (474260)**—On page 31, delete lines 14-28 and insert:

(b) *The statistical system shall provide for an approach which provides for best linear unbiased prediction for the teacher, school, and school district effects on pupil progress. These estimates should adequately be able to determine effects of and compare teachers who teach multiple subjects to the same groups of students, and team teaching situations where teachers teach a single subject to multiple groups of students, or other teaching situations as appropriate.*

1. *The department, in consultation with the Office of Program Policy Analysis and Government Accountability, and other sources as appropriate, shall use recognized approaches to statistical variance and estimating random effects.*

2. *The approach used by the department shall be approved by the State Board of Education before implementation for pupil progression assessment.*

Senator Campbell moved the following amendment which failed:

**Amendment 27 (800558)**—On page 39, delete lines 14-30 and insert: *grade point average, attendance, dropout rate, school discipline data, and student readiness for college, in accordance with state board rule.*

3. *Beginning with the 2000-2001 school year, a school's performance grade category designation shall be based on a combination of student achievement scores as measured by the FCAT, on the degree of measured learning gains of the students, and on other appropriate performance data, including, but not limited to, grade point average, attendance, dropout rate, school discipline data, cohort graduation rate, and student readiness for college.*

4. *Beginning with the 2001-2002 school year and thereafter, a school's performance grade category designation shall be based on student learning gains as measured by annual FCAT assessments in grades 3 through 10, and on other appropriate performance data, including, but not limited to, grade point average, attendance, dropout rate, school discipline data, the availability of adequate and appropriate textbooks, the availability of computers, and*

Senator Jones moved the following amendment:

**Amendment 28 (334428)**—On page 17, delete line 13 and insert: *for a minimum of 3 school years, or if accredited, for 1 year after accreditation, with the exception that the*

Senator Jones moved the following substitute amendment which was adopted:

**Amendment 29 (143338)**—On page 17, delete line 13 and insert: *for a minimum of 3 school years, or until the student completes the highest grade available at the school, with the exception that the*

Senators Cowin and McKay offered the following amendment which was moved by Senator Cowin and adopted:

**Amendment 30 (493038)**—On page 40, delete lines 5-9 and insert: *if any school of the 4 schools that were identified as critically low performing, based on both 1996-1997 and 1997-1998 school performance data and state board adopted criteria, receives a performance grade category designation of "F" based on 1998-1999 school performance data, that school shall be considered*

Senator Campbell moved the following amendment which was adopted:

**Amendment 31 (500448)**—On page 41, line 21; and on page 61, line 2, after the period (.) insert: *The address of the parent's or guardian's local school board and State Department of Education shall be included on the report card. The report shall include a statement established by the Commissioner of Education which serves to encourage the student's parent or guardian to make recommendations or provide comments to the Department of Education and their local school board regarding the report card and the plight of their child's school. The Department of Education and the school district shall review parent feedback and shall annually produce a report to the Legislature concerning the parent feedback.*

Senator Campbell moved the following amendment which failed:

**Amendment 32 (740894)**—On page 41, between lines 21 and 22, insert:

(a) *The report cards shall include, but are not limited to:*

1. *The percentage of limited English proficient students;*
2. *The per pupil expenditures and state aid ratio;*
3. *The percentage of budget allocated to salaries and benefits of administrative personnel;*
4. *The percentage of budget allocated for salaries and benefits of teachers;*
5. *The percentage of increase over the previous year for salaries and benefits of administrative and instructional personnel; and*

6. *The number of administrative personnel to instructional personnel.*

(b) *The school report card shall include, for purposes of comparison and review, the statewide average for each element reported by school, a comparison of the district averages for each element reported by school, and a comparison of the district averages for each element reported by district with the averages of school districts that have similar characteristics as defined by the commissioner.*

Senator Campbell moved the following amendment which was adopted:

**Amendment 33 (193028)**—On page 48, delete lines 27-30 and insert:

(h) Parental, family, and community involvement.—Communities, school boards, and schools provide opportunities for involving parents, families, and guardians, and other community stakeholders as collaborative active partners in achieving school improvement and education accountability. ~~The State Board of Education~~

Senator Holzendorf moved the following amendment:

**Amendment 34 (543820)(with title amendment)**—On page 52, line 31, insert:

(8) *LOW PERFORMING SCHOOLS INTERVENTION FUNDS.*—

(a) *The department is authorized to allocate and distribute to each district with schools under probationary status pursuant to s. 229.0535, Florida Statutes, an amount as prescribed annually by the legislature for improvement funds for those schools. The allocation shall be one-sixth of the product determined by multiplying the base student allocation times the weighted full-time equivalent student membership for these schools times the district cost differential.*

(b) *The funds shall be used only for those schools under probationary status and may be used for student performance improvement purposes including, but not limited to, student remediation activities, teacher training, class size reduction or extended school year.*

(c) *Before intervention funds are released to any district, that district must submit a school improvement plan specific to the school or schools for which the funds will be used and detailing how said funds will be utilized to implement the plan.*

(Redesignate subsequent subsections.)

And the title is amended as follows:

On page 3, line 2, after the semicolon (;) insert: authorizing the department to allocate funds for low performing schools intervention; providing calculation; providing criteria for release of funds;

On motion by Senator Cowin, further consideration of **CS for CS for SB 1756** with pending **Amendment 34** was deferred.

**RECESS**

On motion by Senator McKay, the Senate recessed at 12:00 noon to reconvene at 3:30 p.m.

**AFTERNOON SESSION**

The Senate was called to order by the President at 3:35 p.m. A quorum present—40:

Madam President	Dawson-White	Jones	Mitchell
Bronson	Diaz-Balart	King	Myers
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Saunders
Campbell	Geller	Kurth	Scott
Carlton	Grant	Latvala	Sebesta
Casas	Gutman	Laurent	Silver
Childers	Hargrett	Lee	Sullivan
Clary	Holzendorf	McKay	Thomas
Cowin	Horne	Meek	Webster

**SPECIAL ORDER CALENDAR, continued**

On motion by Senator Cowin, the Senate resumed consideration of—

**CS for CS for SB 1756**—A bill to be entitled An act relating to educational accountability; amending s. 229.0535, F.S.; revising provisions relating to the authority of the State Board of Education to enforce school improvement; creating s. 229.0537, F.S.; providing findings and intent; requiring private school opportunity scholarships to be provided to certain public school students; providing student eligibility requirements; providing school district requirements; providing an alternative to accepting a state opportunity scholarship; providing private school eligibility criteria; providing student attendance requirements; providing parental involvement requirements; providing a district reporting requirement; providing for calculation of the amount and distribution of state opportunity scholarship funds; authorizing the adoption of rules; amending s. 229.512, F.S.; revising provisions relating to the authority of the Commissioner of Education regarding the implementation of the program of school improvement and education accountability; amending s. 229.555, F.S., relating to educational planning and information systems; revising to conform; amending s. 229.565, F.S.; eliminating the requirement that the Commissioner of Education designate program categories and grade levels for which performance standards are to be approved; amending s. 229.57, F.S.; revising the purpose of the student assessment program; requiring the Department of Education to develop a system to measure annual pupil progress; requiring the statewide assessment program to include science; revising provisions relating to the administration of the National Assessment of Educational Progress; revising the statewide assessment program; revising requirements relating to the annual report of the results of the statewide assessment program; providing for the identification of schools by performance grade category according to student and school performance data; providing for the identification of school improvement ratings; amending s. 229.58, F.S.; removing a reference to the Florida Commission on Education Reform and Accountability; amending s. 229.591, F.S.; revising provisions relating to the system of school improvement and education accountability to reflect that students are not required to attend schools designated in a certain performance grade category; revising the state education goals; amending s. 229.592, F.S., relating to the implementation of the state system of school improvement and education accountability; removing obsolete provisions; removing references to the Florida Commission on Education Reform and Accountability; deleting the requirement that the Commissioner of Education appear before the Legislature; revising duties of the Department of Education; revising duties of the State Board of Education; revising provisions relating to waivers from statutes; conforming cross-references; repealing s. 229.593, F.S., relating to the Florida Commission on Education Reform and Accountability; repealing s. 229.594, F.S., relating to the powers and duties of the commission; amending s. 229.595, F.S., relating to the implementation of the state system of educational accountability for school-to-work transition; revising provisions relating to the assessment of readiness to enter the workforce; removing a reference to the Florida Commission on Education Reform and Accountability; amending s. 230.23, F.S., relating to powers and duties of school boards; revising provisions relating to the compensation and salary schedules of school employees; revising provisions relating to courses of study and other instructional aids to include the term "instructional materials"; revising school board duties regarding the implementation and enforcement of school improvement and accountability; revising policies regarding public disclosure; requiring school board adoption of certain policies; amending s. 231.29, F.S.; revising the assessment procedure for school district instructional, administrative, and supervisory personnel; amending s. 231.2905, F.S.; revising provisions of the Florida School Recognition Program relating to financial awards based on employee performance; revising initial criteria for identification of schools; amending s. 232.245, F.S.; relating to pupil progression; revising requirements relating to the provision of remedial instruction; providing requirements for the use of resources for remedial instruction; requiring the adoption of rules regarding pupil progression; eliminating requirements relating to student academic improvement plans; deleting duplicative requirements relating to mandatory remedial reading instruction; amending s. 228.053, F.S.; relating to developmental research schools; conforming cross-references; amending s. 228.054, F.S., relating to the Joint Developmental Research School Planning, Articulation, and Evaluation Committee; conforming a cross-reference; amending s. 233.17, F.S., relating to the term of adoption of instructional materials; conforming cross-references; amending s. 236.685, F.S., relating to educational funding accountability; conforming a cross-reference; amending s. 20.15, F.S., relating to the creation of the

Department of Education; removing a reference to the Florida Commission on Education Reform and Accountability; creating s. 236.08104, F.S.; establishing a supplemental academic instruction categorical fund; providing findings and intent; providing requirements for the use of funds; authorizing the Florida State University School to expend certain funds for student remediation; amending s. 236.013, F.S.; eliminating certain provisions relating to calculations of the equivalent of a full-time student; revising provisions relating to membership in programs scheduled for more than 180 days; amending s. 239.101, F.S., relating to career education; conforming cross-references; amending s. 239.229, F.S., relating to vocational standards; conforming cross-references; amending s. 240.529, F.S., relating to approval of teacher education programs; conforming a cross-reference; reenacting s. 24.121(5)(b), (c), and (d), F.S., relating to the Educational Enhancement Trust Fund, s. 120.81(1)(b), F.S., relating to tests, test scoring criteria, or testing procedures, s. 228.053(3) and (8), F.S., relating to developmental research schools, s. 228.0565(6)(b), (c), and (d), F.S., relating to deregulated public schools, s. 228.301(1), F.S., relating to test security, s. 229.551(1)(c) and (3), F.S., relating to educational management, s. 230.03(4), F.S., relating to school district management, control, operation, administration, and supervision, s. 230.2316(4)(b), F.S., relating to dropout prevention, s. 231.085, F.S., relating to duties of principals, s. 231.24(3)(a), F.S., relating to the process for renewal of professional certificates, s. 231.36(3)(e) and (f), F.S., relating to contracts with instructional staff, supervisors, and principals, s. 231.600(1), F.S., relating to the School Community Professional Development Act, s. 232.2454(1), F.S., relating to district student performance standards, instruments, and assessment procedures, s. 232.246(5)(a) and (b), F.S., relating to general requirements for high school graduation, s. 232.248, F.S., relating to confidentiality of assessment instruments, s. 232.2481(1), F.S., relating to graduation and promotion requirements for publicly operated schools, s. 233.09(4), F.S., relating to duties of instructional materials committees, s. 233.165(1)(b), F.S., relating to the selection of instructional materials, s. 233.25(3)(b), F.S., relating to publishers and manufacturers of instructional materials, s. 236.08106(2)(a) and (c), F.S., relating to the Excellent Teaching Program, s. 239.229(3), F.S., relating to vocational standards, s. 240.118(4), F.S., relating to postsecondary feedback of information to high schools, to incorporate references; amending s. 228.041, F.S.; redefining the terms "graduation rate" and "dropout rate"; amending s. 228.056, F.S., relating to charter schools; providing for funding; revising terminology relating to assessments; providing effective dates.

—which was previously considered and amended this day. Pending **Amendment 34** by Senator Holzendorf was withdrawn.

Senator Campbell moved the following amendment which was adopted:

**Amendment 35 (232690)**—On page 61, line 2, after the period (.) insert:

1. *The report cards shall also include, but are not limited to:*
  - a. *The percentage of limited English proficient students;*
  - b. *The per pupil expenditures and state aid ratio;*
  - c. *The percentage of budget allocated to salaries and benefits of administrative personnel;*
  - d. *The percentage of budget allocated for salaries and benefits of teachers;*
  - e. *The percentage of increase over the previous year for salaries and benefits of administrative and instructional personnel; and*
  - f. *The number of administrative personnel to instructional personnel.*
2. *The school report card shall include, for purposes of comparison and review, the statewide average for each element reported by school and a comparison of the district averages for each element reported by school and a comparison of the district averages for each element reported by district with the averages of school districts that have similar characteristics as defined by the commissioner.*

Senator Dyer moved the following amendment:

**Amendment 36 (835438)(with title amendment)**—On page 69, between lines 8 and 9, insert:

Section 17. Subsection (1) of section 233.061, Florida Statutes, 1998 Supplement, is amended to read:

233.061 Required instruction.—

(1) Each school district *and school that participates in the Opportunity Scholarship Program* shall provide all courses required for high school graduation and appropriate instruction designed to ensure that students meet state board adopted standards in the following subject areas: reading and other language arts, mathematics, science, social studies, foreign languages, health and physical education, and the arts.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 4, line 15, after the first semicolon (;) insert: amending s. 233.061, F.S.; requiring schools that receive opportunity scholarships to provide certain courses of study;

Senator Dyer moved the following substitute amendment which was adopted:

**Amendment 37 (611952)(with title amendment)**—On page 69, between lines 8 and 9, insert:

Section 17. Section 233.061, Florida Statutes, 1998 Supplement, is amended to read:

233.061 Required instruction.—

(1) Each school district *and private school receiving opportunity scholarships* shall provide all courses required for high school graduation and appropriate instruction designed to ensure that students meet state board adopted standards in the following subject areas: reading and other language arts, mathematics, science, social studies, foreign languages, health and physical education, and the arts.

(2) Members of the instructional staff of the public schools *and private schools receiving opportunity scholarships*, subject to the rules and regulations of the commissioner, the state board, and the school board, shall teach efficiently and faithfully, using the books and materials required, following the prescribed courses of study, and employing approved methods of instruction, the following:

- (a) The content of the Declaration of Independence and how it forms the philosophical foundation of our government.
- (b) The arguments in support of adopting our republican form of government, as they are embodied in the most important of the Federalist Papers.
- (c) The essentials of the United States Constitution and how it provides the structure of our government.
- (d) Flag education, including proper flag display and flag salute.
- (e) The elements of civil government shall include the primary functions of and interrelationships between the Federal Government, the state, and its counties, municipalities, school districts, and special districts.
- (f) The history of the Holocaust (1933-1945), the systematic, planned annihilation of European Jews and other groups by Nazi Germany, a watershed event in the history of humanity, to be taught in a manner that leads to an investigation of human behavior, an understanding of the ramifications of prejudice, racism, and stereotyping, and an examination of what it means to be a responsible and respectful person, for the purposes of encouraging tolerance of diversity in a pluralistic society and for nurturing and protecting democratic values and institutions.
- (g) The history of African Americans, including the history of African peoples before the political conflicts that led to the development of slavery, the passage to America, the enslavement experience, abolition, and the contributions of African Americans to society.
- (h) The elementary principles of agriculture.
- (i) The true effects of all alcoholic and intoxicating liquors and beverages and narcotics upon the human body and mind.

- (j) Kindness to animals.
- (k) The history of the state.
- (l) The conservation of natural resources.
- (m) Comprehensive health education that addresses concepts of community health; consumer health; environmental health; family life, including an awareness of the benefits of sexual abstinence as the expected standard and the consequences of teenage pregnancy; mental and emotional health; injury prevention and safety; nutrition; personal health; prevention and control of disease; and substance use and abuse.
- (n) Such additional materials, subjects, courses, or fields in such grades as are prescribed by law or by rules of the commissioner and the school board in fulfilling the requirements of law.
- (o) The study of Hispanic contributions to the United States.
- (p) The study of women's contributions to the United States.

(3) Any child whose parent presents to the school principal a signed statement that the teaching of disease, its symptoms, development, and treatment, and the viewing of pictures or motion pictures that teach about disease, conflict with the religious teachings of the child's religious affiliation, is exempt from such instruction; and a child so exempted may not be penalized by reason of that exemption.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 4, line 15, after the first semicolon (;) insert: amending s. 233.061, F.S.; requiring schools that receive opportunity scholarships to provide certain courses of study;

Senator Klein moved the following amendment which was adopted:

**Amendment 38 (603508)(with title amendment)**—On page 56, delete lines 14-17 and redesignate subsequent sections.

And the title is amended as follows:

On page 3, delete lines 6-10 and insert: cross-references; amending s. 229.595,

Senators Cowin and McKay offered the following amendment which was moved by Senator Cowin and adopted:

**Amendment 39 (054520)**—On page 79, line 5, after the comma (,) insert: *unless otherwise provided in the General Appropriations Act*

Senator Kirkpatrick moved the following amendments which were adopted:

**Amendment 40 (383466)(with title amendment)**—On page 111, between lines 25 and 26, insert:

Section 51. Subsection (2) of section 230.202, Florida Statutes, is amended to read:

230.202 District school board members; compensation.—

(2) Notwithstanding provisions of chapter 145 or this chapter to the contrary, the annual salaries of district school board members for 1993 and each year thereafter shall be established at the same amounts as those members were paid for fiscal year 1991-1992, adjusted by each annual increase provided for in chapter 145. Any salary previously paid to district school board members which was consistent with chapter 145 and this section is hereby ratified and validated. *By June 30, 2002, at least 5 percent of the salary of school board members must be based on the annual performance of students as measured by state assessments pursuant to State Board of Education rules.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 6, line 31, after the semicolon (;) insert: amending s. 230.202, F.S.; providing that, after a specified date, part of the salary of school board members must be based on students' performance;

**Amendment 41 (784400)(with title amendment)**—On page 111, between lines 25 and 26, insert:

Section 51. Subsection (3) of section 230.303, Florida Statutes, is amended to read:

230.303 Superintendent of schools.—

(3) Notwithstanding provisions of chapter 145 or this chapter to the contrary, the annual salaries of elected superintendents of schools for 1993 and each year thereafter shall be established at the same amounts as those superintendents were paid for fiscal year 1991-1992, adjusted by each annual increase provided for in chapter 145. Any salary previously paid to elected superintendents which was consistent with chapter 145 and this section is hereby ratified and validated. *By June 30, 2002, at least 5 percent of the salary of elected superintendents must be based on the annual performance of students as measured by state assessments pursuant to State Board of Education rules.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 6, line 31, after the semicolon (;) insert: amending s. 230.303, F.S.; providing that, after a specified date, part of the salary of elected superintendents of schools must be based on students' performance;

Senator Forman moved the following amendment which was adopted:

**Amendment 42 (933110)(with title amendment)**—On page 111, between lines 25 and 26, insert:

Section 51. *Business and corporate entities are encouraged to enter into partnership with low-performing and failing schools in order to promote improved learning. Areas of partnership should include, but need not be limited to, student mentoring, student tutoring, supplemental funding, promotion of extracurricular activities, development of after-school programs, and maintenance of school grounds.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 6, line 31, after the semicolon (;) insert: encouraging businesses and corporations to enter into partnerships with low-performing and failing schools for stated purposes;

Senator Klein moved the following amendments which were adopted:

**Amendment 43 (093476)(with title amendment)**—On page 49, line 5 through page 56, line 13, delete those lines and insert:

229.592 Implementation of state system of school improvement and education accountability.—

(1) DEVELOPMENT.—It is the intent of the Legislature that every public school in the state shall have a school improvement plan, as required by s. 230.23(16), fully implemented and operational ~~by the beginning of the 1993-1994 school year.~~ Vocational standards considered pursuant to s. 239.229 shall be incorporated into the school improvement plan for each area technical center operated by a school board ~~by the 1994-1995 school year,~~ and area technical centers shall prepare school report cards incorporating such standards, pursuant to s. 230.23(16), ~~for the 1995-1996 school year.~~ In order to accomplish this, the Florida Commission on Education Reform and Accountability and the school districts and schools shall carry out the duties assigned to them by ss. 229.594 and 230.23(16), respectively.

(2) ESTABLISHMENT.—Based upon the recommendations of the Florida Commission on Education Reform and Accountability, the Legislature may enact such laws as it considers necessary to establish and maintain a state system of school improvement and accountability. If, after considering the recommendations of the commission, the Legislature determines an adequate system of accountability to be in place to protect the public interest, the Legislature may repeal or revise laws, including fiscal policies, deemed to stand in the way of school improvement.

(3) COMMISSIONER.—The commissioner shall be responsible for implementing and maintaining a system of intensive school improve-



ment and stringent education accountability, which shall include policies and programs based on the recommendations of the Florida Commission on Education Reform and Accountability to:

~~(a) Based on the recommendations of The Florida Commission on Education Reform and Accountability, the commissioner shall develop and implement the following programs and procedures:~~

~~(a)1-~~ A system of data collection and analysis that will improve information about the educational success of individual students and schools. The information and analyses must be capable of identifying educational programs or activities in need of improvement, and reports prepared pursuant to this ~~paragraph~~ ~~subparagraph~~ shall be distributed to the appropriate school boards prior to distribution to the general public. This provision shall not preclude access to public records as provided in chapter 119.

~~(b)2-~~ A program of school improvement that will analyze information to identify schools, educational programs, or educational activities in need of improvement.

~~(c)3-~~ A method of delivering services to assist school districts and schools to improve.

~~(d)4-~~ A method of coordinating with the state educational goals and school improvement plans any other state program that creates incentives for school improvement.

~~(4)(b)~~ The commissioner shall be held responsible for the implementation and maintenance of the system of school improvement and education accountability outlined in this ~~section~~ ~~subsection~~. There shall be an annual determination of whether adequate progress is being made toward implementing and maintaining a system of school improvement and education accountability.

~~(5)(e)~~ The annual feedback report shall be developed by the commissioner and the Department of Education.

~~(6)(d)~~ The commissioner and the commission shall review each school board's feedback report and submit its findings to the State Board of Education. If adequate progress is not being made toward implementing and maintaining a system of school improvement and education accountability, the State Board of Education shall direct the commissioner to prepare and implement a corrective action plan. The commissioner and State Board of Education shall monitor the development and implementation of the corrective action plan.

~~(7)(e)~~ ~~As co-chair of the Florida Commission on Education Reform and Accountability, the commissioner shall appear before the appropriate committees of the Legislature annually in October to report to the Legislature and recommend changes in state policy necessary to foster school improvement and education accountability. The report shall reflect the recommendations of the Florida Commission on Education Reform and Accountability. Included in the report shall be a list of the schools for which school boards have developed assistance and intervention plans and an analysis of the various strategies used by the school boards. School reports shall be distributed pursuant to this paragraph and s. 230.23(16)(e) according to guidelines adopted by the State Board of Education.~~

~~(8)(4)~~ DEPARTMENT.—

(a) The Department of Education shall implement a training program to develop among state and district educators a cadre of facilitators of school improvement. These facilitators shall assist schools and districts to conduct needs assessments and develop and implement school improvement plans to meet state goals.

(b) Upon request, the department shall provide technical assistance and training to any school, school advisory council, district, or school board for conducting needs assessments, developing and implementing school improvement plans, developing and implementing assistance and intervention plans, or implementing other components of school improvement and accountability. Priority for these services shall be given to schools designated as performance grade category "D" or "F" and school districts in rural and sparsely populated areas of the state.

(c) Pursuant to s. 24.121(5)(d), the department shall not release funds from the Educational Enhancement Trust Fund to any district in

which a school does not have an approved school improvement plan, pursuant to s. 230.23(16), after 1 full school year of planning and development, or does not comply with school advisory council membership composition requirements pursuant to s. 229.58(1). The department shall send a technical assistance team to each school without an approved plan to develop such school improvement plan or to each school without appropriate school advisory council membership composition to develop a strategy for corrective action. The department shall release the funds upon approval of the plan or upon establishment of a plan of corrective action. Notice shall be given to the public of the department's intervention and shall identify each school without a plan or without appropriate school advisory council membership composition.

~~(9)(5)~~ STATE BOARD.—The State Board of Education shall adopt rules pursuant to ss. 120.536(1) and 120.54 ~~necessary~~ to implement a state system of school improvement and education accountability and shall specify required annual reports by schools and school districts. Such rules must be based on recommendations of the Commission on Education Reform and Accountability and must include, but need not be limited to, a requirement that each school report identify the annual Education Enhancement Trust Fund allocations to the district and the school and how those allocations were used for educational enhancement and supporting school improvement.

~~(10)(6)~~ EXCEPTIONS TO LAW.—To facilitate innovative practices and to allow local selection of educational methods, the commissioner may waive, upon the request of a school board, requirements of chapters 230 through 239 of the Florida School Code that relate to instruction and school operations, except those pertaining to civil rights, and student health, safety, and welfare. The Commissioner of Education is not authorized to grant waivers for any provisions of law pertaining to the allocation and appropriation of state and local funds for public education; the election, compensation, and organization of school board members and superintendents; graduation and state accountability standards; financial reporting requirements; public meetings; public records; or due process hearings governed by chapter 120. Prior to approval, the commissioner shall report pending waiver requests to the state board on a monthly basis, and shall, upon request of any state board member, bring a waiver request to the state board for consideration. If, within 2 weeks of receiving the report, no member requests that a waiver be considered by the state board, the commissioner may act on the original waiver request. No later than January 1 of each year, the commissioner shall report to the President and Minority Leader of the Senate and the Speaker and Minority Leader of the House of Representatives all approved waiver requests in the preceding year.

(a) Graduation requirements in s. 232.246 must be met by demonstrating performance of intended outcomes for any course in the Course Code Directory unless a waiver is approved by the commissioner. In developing procedures for awarding credits based on performance outcomes, districts may request waivers from State Board of Education rules relating to curriculum frameworks and credits for courses and programs in the Course Code Directory. Credit awarded for a course or program beyond that allowed by the Course Code Directory counts as credit for electives. Upon request by any school district, the commissioner shall evaluate and establish procedures for variations in academic credits awarded toward graduation by a high school offering six periods per day compared to those awarded by high schools operating on other schedules.

1. A school board may originate a request for waiver and submit the request to the commissioner if such a waiver is required to implement districtwide improvements.

2. A school board may submit a request to the commissioner for a waiver if such request is presented to the school board by a school advisory council established pursuant to s. 229.58 and if such a waiver is required to implement a school improvement plan required by s. 230.23(16). The school board shall report annually to the Florida Commission on Education Reform and Accountability, in conjunction with the feedback report required pursuant to ~~this section~~ ~~subsection (3)~~, the number of waivers requested by school advisory councils, the number of such waiver requests approved and submitted to the commissioner, and the number of such waiver requests not approved and not submitted to the commissioner. For each waiver request not approved, the school board shall report the statute or rule for which the waiver was requested, the rationale for the school advisory council request, and the reason the request was not approved.

3. When approved by the commissioner, a waiver requested under this paragraph is effective for a 5-year period.

(b) Notwithstanding the provisions of chapter 120 and for the purpose of implementing this subsection, the commissioner may waive State Board of Education rules if the school board has submitted a written request to the commissioner for approval pursuant to this subsection.

(c) The written request for waiver of statute or rule must indicate at least how ~~the general statutory purpose will be met, how~~ granting the waiver will assist schools in improving student outcomes related to the student performance standards adopted ~~by the state board pursuant to subsection (5),~~ and how student improvement will be evaluated and reported. ~~In considering any waiver,~~ The commissioner shall *not grant any waiver that would impair the* ensure protection of the health, safety, welfare, ~~or and~~ civil rights of the students ~~or the~~ and protection of the public interest.

(d) Upon denying a request for a waiver, the commissioner must state with particularity the grounds or basis for the denial. The commissioner shall report the specific statutes and rules for which waivers are requested and the number and disposition of such requests to the *Legislature, the State Board of Education, and the Florida Commission on Education Reform and Accountability* for use in determining which statutes and rules stand in the way of school improvement.

*(e)1. Schools designated in performance grade category "A," making excellent progress, shall, if requested by the school, be given deregulated status as specified in s. 228.0565(5), (7), (8), (9), and (10).*

*2. Schools that have improved at least two performance grade categories and that meet the criteria of the Florida School Recognition Program pursuant to s. 231.2905 may be given deregulated status as specified in s. 228.0565(5), (7), (8), (9), and (10).*

And the title is amended as follows:

On page 2, delete lines 28-30 and insert: removing obsolete provisions; deleting

**Amendment 44 (404186)(with title amendment)**—On page 74, line 29 through page 75, line 13, delete those lines and redesignate subsequent sections.

And the title is amended as follows:

On page 4, delete lines 26-30 and insert: conforming a cross-reference; creating s. 236.08104,

Senator King moved the following amendment:

**Amendment 45 (092340)**—On page 39, between lines 6 and 7, insert:

*(a) Mobility rates.—Schools that record a mobility rate of 40 percent or more, based on the comparison of spring statistics and fall statistics in the district, may not be included in the identification process for failing schools.*

(Redesignate subsequent paragraphs.)

Senators Sullivan and King offered the following substitute amendment which was moved by Senator Sullivan and adopted:

**Amendment 46 (901216)**—On page 40, between lines 22 and 23, insert:

*3. In schools with a student mobility rate of 50 percent or more per year, only the median assessment scores of students who have been enrolled in the school for more than one year will be used in determining the school's performance grade category.*

Pursuant to Rule 4.19, **CS for CS for SB 1756** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Lee—

**CS for CS for SB 2050**—A bill to be entitled An act relating to school safety and truancy reduction; amending s. 230.23, F.S.; requiring school improvement plans to include additional issues; amending s. 230.2316, F.S.; providing for a dropout prevention and academic intervention program; revising intent of program; revising eligibility criteria; expanding eligible students to grades 1-12; revising reporting requirements for district evaluation; amending s. 231.085, F.S.; requiring principals to ensure the accuracy and timeliness of school reports; requiring principals to provide staff training opportunities; amending s. 231.17, F.S.; providing for additional minimum competencies for professional certification for certain educators; creating s. 232.001, F.S.; allowing the Manatee County District School Board to raise the compulsory age of attendance for children; providing requirements for the school board if it chooses to participate in the pilot project; providing for the applicability of state law and State Board of Education rule; providing an exception from the provisions relating to a declaration of intent to terminate school enrollment; requiring a study; amending s. 232.17, F.S.; providing legislative findings; placing responsibility on school district superintendents for enforcing attendance; establishing requirements for school board policies; revising the current steps for enforcing regular school attendance; requiring public schools to follow the steps; establishing the requirements for school principals, primary teachers, child study teams, and parents; providing for parents to appeal; allowing the superintendent to seek criminal prosecution for parental noncompliance; requiring the superintendent, parent, or guardian to file certain petitions involving ungovernable children in certain circumstances; requiring the superintendent to provide the court with certain evidence; allowing for court enforcement for children who refuse to comply; revising the notice requirements to parents, guardians, or others; eliminating a current condition for notice; eliminating the option for referral to case staffing committees; requiring the superintendent to take steps to bring about criminal prosecution and requiring related notice; authorizing the superintendent to file truancy petitions; allowing for the return of absent children to additional locations; requiring parental notification; amending s. 232.19, F.S., relating to habitual truancy; authorizing superintendents to file truancy petitions; requiring that a court order for school attendance be obtained as a part of services; revising the requirements that must be met prior to filing a petition; amending s. 232.26, F.S.; removing a limitation on the principal's authority to discipline or expel pupils for unlawful possession or use of controlled substances under chapter 893, F.S.; amending s. 232.271, F.S.; revising references; amending s. 236.081, F.S.; amending procedures that must be followed in determining the annual allocation to each school district for operation; requiring the average daily attendance of the student membership to be calculated by school and by district; revising students-at-risk programs; amending s. 239.505, F.S.; revising provisions relating to funding of constructive youth programs; amending s. 240.529, F.S.; providing additional legislative intent related to teacher preparation programs; providing the criteria for continued program approval; providing for the requirements for instructors in postsecondary teacher preparation programs who instruct or supervise preservice field experience courses or internships; eliminating the requirement related to a commitment to teaching in the public schools for a period of time; providing additional requirements for school district and instructional personnel who supervise or direct certain teacher preparation students; amending s. 984.03, F.S.; redefining the term "habitual truant"; requiring the state attorney to file a child-in-need-of-services petition in certain circumstances; eliminating the requirement for referral for evaluation; defining the term "truancy petition"; requiring the appropriate jurisdictional agency to file a petition; creating s. 984.151, F.S.; providing procedures for truancy petitions; providing for truancy hearings and penalties; providing an effective date.

—was read the second time by title.

Senator Brown-Waite moved the following amendments which were adopted:

**Amendment 1 (033910)**—On page 7, line 11, after the period (.) insert: *Notwithstanding any other provision of law to the contrary, no student shall be identified as being eligible to receive services funded through the dropout prevention and academic intervention program based solely on the student being from a single-parent family.*

**Amendment 2 (443334)(with title amendment)**—On page 14, line 1, after the period (.) insert: *The school principal or his or her designee*

shall, prior to placement in a dropout prevention and academic intervention program or the provision of an academic service, provide written notice of placement or services by return-receipt mail to the student's parent, guardian, or legal custodian. The parent, guardian, or legal custodian of the student shall sign an acknowledgment of the notice of placement or service and return the signed acknowledgement to the principal within three days after receipt of the notice.

And the title is amended as follows:

On page 1, line 11, before "amending", insert: providing procedures for notice to and response from a parent, guardian, or legal custodian prior to placement in a program or the provision of services to the student;

Pursuant to Rule 4.19, **CS for CS for SB 2050** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Sullivan—

**CS for SB 1646**—A bill to be entitled An act relating to education; stating an intent to increase standards for the preparation, certification, and professional development of educators; directing the Department of Education to review statutes and rules governing certification to increase efficiency, rigor, and alternatives in the certification process; requiring a report; amending s. 24.121, F.S.; specifying conditions for withholding allocations from the Educational Enhancement Trust Fund; amending s. 229.592, F.S.; prohibiting the waiver of a required report of out-of-field teachers; amending s. 230.23, F.S., relating to district school board powers and duties; requiring certain performance-based pay for school administrators and instructional personnel; amending s. 231.02, F.S.; correcting a reference; amending s. 231.0861, F.S.; requiring the State Board of Education to approve criteria for selection of certain administrative personnel; authorizing school districts to contract with private entities for evaluation and training of such personnel; amending s. 231.085, F.S.; specifying principals' responsibilities for assessing performance of school personnel and implementing the Sunshine State Standards; amending s. 231.087, F.S.; requiring the State Board of Education to adopt rules governing the training of school district management personnel; providing for review and repeal of the Management Training Act; requiring recommendations; amending s. 231.09, F.S.; prescribing duties of instructional personnel; amending s. 231.096, F.S.; requiring a school board plan to ensure the competency of teachers with out-of-field teaching assignments; amending s. 231.145, F.S.; revising purpose to reflect increased requirements for certification; amending s. 231.15, F.S.; authorizing certification based on demonstrated competencies; requiring rules of the State Board of Education to specify certain competencies; requiring consultation with postsecondary education boards; amending s. 231.17, F.S.; revising prerequisites for certification; requiring demonstration of general knowledge before temporary certification; increasing the requirement that teachers know and use mathematics, technology, and intervention strategies with students; deleting alternative ways to demonstrate general knowledge competency; amending s. 231.1725, F.S.; providing legal protections for clinical field experience students; amending s. 231.174, F.S., relating to district programs for adding certification coverages; removing limitation to specific certification areas; amending s. 231.29, F.S.; requiring certain personnel-performance assessments to be primarily based on student performance; amending s. 231.36, F.S.; authorizing the State Board of Education to define certain terms by rule; requiring certain review and testing of employees of schools in performance grade categories "D" and "F"; amending s. 231.546, F.S.; specifying duties of the Education Standards Commission; amending s. 231.600, F.S.; prescribing the responsibilities of school district professional-development programs; amending s. 236.08106, F.S.; providing for the distribution of Excellent Teaching Program funds; deleting certain district incentives; amending s. 240.529, F.S.; requiring the commissioner to appoint a Teacher Preparation Program Committee to recommend core curricula for state-approved teacher preparation programs; requiring a report; requiring the State Board of Education to adopt rules establishing uniform core curricula; revising criteria for initial and continuing approval of teacher-preparation programs; increasing the requirements for a student to enroll in and graduate from a teacher-education program; requiring annual reports of program performance; creating s. 231.6135, F.S.; establishing a statewide system for in-service professional development; authorizing professional development academies to meet human resource

development and education instruction training needs of educators, school, and school districts; providing for organization and operation by public and private partners; providing for funding; specifying duties of the Commissioner of Education; repealing s. 231.601, F.S., relating to purpose of inservice training for instructional personnel; providing an effective date.

—was read the second time by title.

Senator Horne moved the following amendments which were adopted:

**Amendment 1 (613468)**—On page 15, delete lines 16 and 17 and insert: *participate in a state-approved alternative certification program for a professional certificate. As appropriate, this program must*

**Amendment 2 (833592)**—On page 27, line 21 through page 29, line 16, delete those lines and insert:

(d) If an employee is not performing his or her duties in a satisfactory manner, the evaluator shall notify the employee in writing of such determination. The notice must describe such unsatisfactory performance and include notice of the following procedural requirements:

1. Upon delivery of a notice of unsatisfactory performance, the evaluator must confer with the employee, make recommendations with respect to specific areas of unsatisfactory performance, and provide assistance in helping to correct deficiencies within a prescribed period of time.

*2.a. If the employee holds a professional service contract as provided in s. 231.36, the employee shall be placed on performance probation and governed by the provisions of this section for 90 calendar days following the receipt of the notice of unsatisfactory performance to demonstrate corrective action. School holidays and school vacation periods are not counted when calculating the 90-calendar-day period. During the 90 calendar days, the employee who holds a professional service contract must be evaluated periodically and apprised of progress achieved and must be provided assistance and inservice training opportunities to help correct the noted performance deficiencies. At any time during the 90 calendar days, the employee who holds a professional service contract may request a transfer to another appropriate position with a different supervising administrator; however, a transfer does not extend the period for correcting performance deficiencies.*

*b.3. Within 14 days after the close of the 90 calendar days, the evaluator must assess whether the performance deficiencies have been corrected and forward a recommendation to the superintendent. Within 14 days after receiving the evaluator's recommendation, the superintendent must notify the employee who holds a professional service contract in writing whether the performance deficiencies have been satisfactorily corrected and whether the superintendent will recommend that the school board continue or terminate his or her employment contract. If the employee wishes to contest the superintendent's recommendation, the employee must, within 15 days after receipt of the superintendent's recommendation, submit a written request for a hearing. Such hearing shall be conducted at the school board's election in accordance with one of the following procedures:*

*(I)a. A direct hearing conducted by the school board within 60 days after receipt of the written appeal. The hearing shall be conducted in accordance with the provisions of ss. 120.569 and 120.57. A majority vote of the membership of the school board shall be required to sustain the superintendent's recommendation. The determination of the school board shall be final as to the sufficiency or insufficiency of the grounds for termination of employment; or*

*(II)b. A hearing conducted by an administrative law judge assigned by the Division of Administrative Hearings of the Department of Management Services. The hearing shall be conducted within 60 days after receipt of the written appeal in accordance with chapter 120. The recommendation of the administrative law judge shall be made to the school board. A majority vote of the membership of the school board shall be required to sustain or change the administrative law judge's recommendation. The determination of the school board shall be final as to the sufficiency or insufficiency of the grounds for termination of employment.*

Senator Sullivan moved the following amendment which was adopted:

**Amendment 3 (442056)**—On page 45, line 6 through page 46, line 3, delete those lines and insert:

(f) *Beginning with the 2000-2001 academic year, each public and private institution that offers a teacher preparation program in this state 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 conforms with definitions and methods proposed by the Education Standards Commission, that are consistent with definitions and methods approved by the Commissioner of the National Center for Educational Statistics, and that are approved by the State Board of Education. This information shall be reported through publications such as college and university catalogs and promotional materials sent to potential applicants, secondary school guidance counselors, and prospective employers of the institution's program graduates.*

The Committee on Fiscal Policy recommended the following amendment which was moved by Senator Klein and failed:

**Amendment 4 (453230)**—On page 26, delete line 7 and insert:

1. *Rate of student performance, which must be based on the degree of measured learning gains of the students and must be corrected for characteristics of the student population or the school that are beyond the employee's control. These characteristics may include but are not limited to attendance or dropout rates, readiness for college, comparative scores on statewide student assessment instruments, the number of students who are enrolled at the school for less than a full school year, the number of students whose native language is not English, school discipline data, and the location of the school. The Department of Education shall provide technical assistance to school districts to develop the methodology for analyzing student achievement using the required corrections.*

Pursuant to Rule 4.19, **CS for SB 1646** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **CS for HB's 751, 753 and 755** was deferred.

On motion by Senator Sullivan—

**CS for SB 896**—A bill to be entitled An act relating to education; creating s. 231.6015, F.S.; authorizing a mathematics and science teacher education program; requiring demonstration of certain uses of funds; providing a program purpose, required components, and resource allocation; requiring collaborative planning and implementation; authorizing incentives and certification; creating s. 240.149, F.S.; creating a nongovernmental organization to plan and implement a program for mathematics and science teacher education; requiring a board of directors, a chief executive officer, other staff, and an advisory council; providing for membership, terms of office, and an appointments process; providing responsibility and authority to conduct certain activities; requiring a budget request; amending s. 229.57, F.S.; adding a science component to the statewide assessment program; amending s. 229.592, F.S.; requiring a report; amending s. 231.600, F.S.; requiring certain additions to professional development programs; amending s. 232.245, F.S.; adding a science component to the requirements for pupil progression; amending s. 236.08106, F.S.; authorizing a salary bonus for teachers who complete certain training programs; amending s. 236.685, F.S.; requiring a report to include certain information; providing an effective date.

—was read the second time by title.

Senator Sullivan moved the following amendment which was adopted:

**Amendment 1 (685756)**—On page 4, line 8, after the period (.) insert: *The delivery mechanisms should involve the expertise of science centers, and the Alliance for Improving Mathematics and Science and school boards are encouraged to arrange participation by science centers in the planning and delivery of the program, including participation in charter agreements, where appropriate. As used in this subsection, a science center means a nonprofit organization, recognized under section 501(c)(3) of the Internal Revenue Code, that is a full member of the Association of Science and Technology Centers, is accredited by the American Association of Museums, and has had at least 5 years experience*

*providing professional development and support services to teachers throughout the state.*

Pursuant to Rule 4.19, **CS for SB 896** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 1256** was deferred.

On motion by Senator Sullivan—

**CS for CS for SB 1380**—A bill to be entitled An act relating to the Florida Bright Futures Scholarship Program; amending s. 240.40202, F.S.; providing that a student must be advised that additional funds for higher education may be available by submitting a Free Application for Federal Student Aid; amending s. 240.40203, F.S.; setting a time limit for the receipt of a scholarship; amending s. 240.40205, F.S.; requiring a test score and two levels of maximum annual award for a scholarship; amending s. 240.40206, F.S.; requiring a test score, to be raised in certain increments, and two levels of maximum annual award for a scholarship; amending s. 240.40207, F.S.; requiring the use of a scholarship at certain postsecondary educational institutions; amending s. 240.40208, F.S.; deleting a cross-reference; repealing s. 240.40209, F.S.; relating to awards used at nonpublic postsecondary educational institutions; providing an effective date.

—was read the second time by title.

Senator Sullivan moved the following amendment which was adopted:

**Amendment 1 (165684)(with title amendment)**—On page 1, line 30 through page 2, line 9, delete those lines and insert:

(5) *Beginning with students who graduate from high school in the year 2000, the Department of Education shall collect family socioeconomic data from Bright Futures Scholarship recipients.*

And the title is amended as follows:

On page 1, delete lines 4-7 and insert: F.S.; requiring the Department of Education to collect specified data from Bright Futures Scholarship recipients; amending s. 240.40203,

Senators Geller, Hargrett, Casas, Holzendorf, Dyer, Gutman, Dawson-White, Saunders and Meek offered the following amendment which was moved by Senator Geller and failed:

**Amendment 2 (753294)(with title amendment)**—On page 5, line 12 through page 7, line 14, delete those lines and insert:

(b) ~~has attained at least the applicable score identified by rules of the Department of Education on the combined verbal and quantitative parts of the Scholastic Aptitude Test, the Scholastic Assessment Test, or the recentered Scholastic Assessment Test of the College Entrance Examination, or an equivalent score on the ACT Assessment Program or another test identified by the department. the American College Testing Program; or~~

(b)(e) *The student has completed attended a college-preparatory curriculum through a registered home education program according to s. 232.0201 during grades 11 and 12 or has completed the International Baccalaureate curriculum but failed to earn the International Baccalaureate Diploma, and has attained at least the applicable score identified by rules of the Department of Education on the combined verbal and quantitative parts of the Scholastic Aptitude Test, the Scholastic Assessment Test, or the recentered Scholastic Assessment Test of the College Entrance Examination, or an equivalent score on the ACT Assessment Program or another test identified by the department the American College Testing Program.*

(c) *The student has completed the International Baccalaureate curriculum but failed to earn the International Baccalaureate Diploma.*

(2) *A Florida Merit Scholar who is enrolled in a baccalaureate-degree-granting postsecondary education institution is eligible for a maximum an award of \$1,700 annually. A Florida Merit Scholar who is enrolled in an institution that does not award baccalaureate degrees is eligible for a maximum annual award of \$1,100. The maximum award*

~~must be prorated each semester as provided in s. 240.40201(6), equal to the amount required to pay 75 percent of matriculation and fees, if the student is enrolled in a public postsecondary education institution. A student who is enrolled in a nonpublic postsecondary education institution is eligible for an award equal to the amount that would be required to pay 75 percent of the matriculation and fees of a public postsecondary education institution at the comparable level.~~

(3) To be eligible for a renewal award as a Florida

And the title is amended as follows:

On page 1, delete line 13 and insert: score and

The vote was:

Yeas—17

Campbell	Geller	Klein	Sebesta
Casas	Gutman	Kurth	Silver
Dawson-White	Hargrett	Meek	
Diaz-Balart	Holzendorf	Mitchell	
Forman	Jones	Saunders	

Nays—17

Madam President	Clary	Kirkpatrick	Sullivan
Bronson	Cowin	Latvala	Webster
Brown-Waite	Grant	Lee	
Carlton	Horne	McKay	
Childers	King	Myers	

Pursuant to Rule 4.19, **CS for CS for SB 1380** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Kirkpatrick—

**CS for SB 1256**—A bill to be entitled An act relating to education accountability; amending s. 229.58, F.S.; revising requirements for the composition of school advisory councils; requiring school boards to develop procedures to ensure balanced school advisory council membership; amending s. 230.23, F.S.; revising provisions relating to the school improvement plan approval process; requiring the school board to hold public hearings regarding assistance and intervention; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1256** was placed on the calendar of Bills on Third Reading.

On motion by Senator Kirkpatrick—

**SB 1794**—A bill to be entitled An act relating to postsecondary remediation; amending s. 239.301, F.S., relating to adult general education; revising a provision relating to funding for college-preparatory classes; amending s. 240.1161, F.S., relating to district interinstitutional articulation agreements; authorizing the provision of performance incentive funds for the effective implementation of remedial reduction plans; amending s. 240.117, F.S., relating to common placement testing for public postsecondary education; revising a provision relating to funding for college-preparatory classes; amending s. 240.124, F.S.; providing exceptions to the requirement that students enrolled in the same course more than twice pay the full cost of instruction and not be included in calculations for state funding purposes; providing an effective date.

—was read the second time by title.

The Committee on Fiscal Policy recommended the following amendment which was moved by Senator Kirkpatrick and adopted:

**Amendment 1 (883554)(with title amendment)**—On page 3, line 30, after the period (.) insert: *The district interinstitutional articulation agreement shall include a plan that outlines the mechanisms and strategies for improving the preparation of elementary, middle, and high school teachers. Effective collaboration among school districts, postsecondary institutions, and practicing educators is essential to improving*

*teaching in Florida's elementary and secondary schools and consequently, the retention and success of students through high school graduation and into postsecondary education. Professional development programs shall be developed cooperatively and include curricular content which focuses upon local and state needs and responds to state, national, and district policy and program priorities. School districts and community colleges are encouraged to develop plans which utilize new technologies, address critical needs in their implementation, and include both preservice and inservice initiatives.*

And the title is amended as follows:

On page 1, line 10, after the semicolon (;) insert: providing that interinstitutional articulation agreements include a plan outlining the mechanisms and strategies for improving the preparation of elementary, middle, and high school teachers;

Pursuant to Rule 4.19, **SB 1794** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Cowin—

**CS for HB's 751, 753 and 755**—A bill to be entitled An act relating to a high-quality education system; amending s. 229.0535, F.S.; revising provisions relating to the authority of the State Board of Education to enforce school improvement; creating s. 229.0537, F.S.; providing findings and intent language; requiring private school opportunity scholarships to be provided to certain public school students; providing student eligibility requirements; providing school district requirements; providing an alternative to accepting a state opportunity scholarship; providing private school eligibility criteria; providing student attendance requirements; providing parental involvement requirements; providing a district reporting requirement; providing for calculation of the amount and distribution of state opportunity scholarship funds; authorizing the adoption of rules; amending s. 229.512, F.S.; revising provisions relating to the authority of the Commissioner of Education regarding the implementation of the program of school improvement and education accountability; amending s. 229.555, F.S., relating to educational planning and information systems; revising to conform; amending s. 229.565, F.S.; eliminating the requirement that the Commissioner of Education designate program categories and grade levels for which performance standards are to be approved; amending s. 229.57, F.S.; revising the purpose of the student assessment program; revising provisions relating to participation in the National Assessment of Educational Progress; revising the statewide assessment program; revising requirements relating to the annual report of the results of the statewide assessment program; providing for the identification of schools by performance grade category according to student and school performance data; providing for the identification of school improvement ratings; increasing the authority that each school identified in a certain performance grade category has over the allocation of the school's total budget; authorizing the negotiation of a contract for annual assessment; providing contract requirements; assigning responsibility for local assessments in subjects and grade levels other than those included in the statewide assessment program; providing for funding based on school performance; amending s. 229.58, F.S.; removing a reference to the Florida Commission on Education Reform and Accountability; amending s. 229.591, F.S.; revising provisions relating to the system of school improvement and education accountability to reflect that students are not required to attend schools designated in a certain performance grade category; revising the state education goals; revising the duties of the Department of Education with regard to school improvement; amending s. 229.592, F.S., relating to the implementation of the state system of school improvement and education accountability; removing obsolete language; removing references to the Florida Commission on Education Reform and Accountability; deleting the requirement that the Commissioner of Education appear before the Legislature; revising duties of the Department of Education; revising duties of the State Board of Education; revising provisions relating to waivers from statutes; correcting cross references; repealing s. 229.593, F.S., relating to the Florida Commission on Education Reform and Accountability; repealing s. 229.594, F.S., relating to the powers and duties of the commission; amending s. 229.595, F.S., relating to the implementation of the state system of educational accountability for school-to-work transition; revising provisions relating to the assessment of readiness to enter the workforce; removing a reference to the Florida Commission on Education Reform and Accountability; amending s. 230.23, F.S., relating to powers and duties of school boards; revising provisions relat-

ing to the compensation and salary schedules of school employees; revising provisions relating to courses of study and other instructional aids to include the term "instructional materials"; revising school board duties regarding the implementation and enforcement of school improvement and accountability; revising policies regarding public disclosure; requiring school board adoption of certain policies; amending s. 231.29, F.S.; revising the assessment procedure for school district instructional, administrative, and supervisory personnel; amending s. 231.2905, F.S.; revising provisions of the Florida School Recognition Program relating to financial awards based on employee performance; revising initial criteria for identification of schools; amending s. 232.245, F.S.; relating to pupil progression; revising requirements relating to the provision of remedial instruction; providing requirements for the use of resources for remedial instruction; requiring the adoption of rules regarding pupil progression; eliminating requirements relating to student academic improvement plans; deleting duplicative requirements relating to mandatory remedial reading instruction; amending s. 228.053, F.S.; relating to developmental research schools; removing references to "Blueprint 2000"; correcting cross references; amending s. 228.054, F.S., relating to the Joint Developmental Research School Planning, Articulation, and Evaluation Committee; correcting a cross reference; amending s. 228.056, F.S.; conforming references to testing programs; amending s. 233.17, F.S., relating to the term of adoption of instructional materials; correcting cross references; amending s. 236.685, F.S., relating to educational funding accountability; correcting a cross reference; amending s. 20.15, F.S., relating to the creation of the Department of Education; removing a reference to the Florida Commission on Education Reform and Accountability; creating s. 236.08104, F.S.; establishing a supplemental academic instruction categorical fund; providing findings and intent; providing requirements for the use of funds; providing for dropout prevention program funding to be included in Group 1 FEFP programs; amending s. 236.013, F.S.; eliminating certain provisions relating to calculations of the equivalent of a full-time student; revising provisions relating to membership in programs scheduled for more than 180 days; amending s. 239.101, F.S., relating to career education; correcting cross references; amending s. 239.229, F.S., relating to vocational standards; correcting cross references; amending s. 240.529, F.S., relating to approval of teacher education programs; correcting a cross reference; creating s. 231.002, F.S.; stating an intent to increase standards for the preparation, certification, and professional development of educators; directing the Department of Education to review statutes and rules governing certification to increase efficiency, rigor, and alternatives in the certification process; requiring a report; amending s. 24.121, F.S.; specifying conditions for withholding allocations from the Educational Enhancement Trust Fund; amending s. 229.592, F.S.; prohibiting the waiver of a required report of out-of-field teachers; amending s. 230.23, F.S., relating to district school board powers and duties; requiring certain performance-based pay for school administrators and instructional personnel; amending s. 231.02, F.S.; correcting a reference; amending s. 231.0861, F.S.; requiring the State Board of Education to approve criteria for selection of certain administrative personnel; authorizing school districts to contract with private entities for evaluation and training of such personnel; amending s. 231.085, F.S.; specifying principals' responsibilities for assessing performance of school personnel and implementing the Sunshine State Standards; amending s. 231.087, F.S.; requiring the State Board of Education to adopt rules governing the training of school district management personnel; providing for review and repeal of the Management Training Act; requiring recommendations; amending s. 231.09, F.S.; prescribing duties of instructional personnel; amending s. 231.096, F.S.; requiring a school board plan to ensure the competency of teachers with out-of-field teaching assignments; amending s. 231.145, F.S.; revising purpose to reflect increased requirements for certification; amending s. 231.15, F.S.; authorizing certification based on demonstrated competencies; requiring rules of the State Board of Education to specify certain competencies; requiring consultation with postsecondary education boards; amending s. 231.17, F.S.; revising prerequisites for certification; increasing the requirement that teachers know and use mathematics, technology, and intervention strategies with students; deleting alternative ways to demonstrate general knowledge competency; requiring demonstration of ability to maintain collaborative relationships with students' families; amending s. 231.1725, F.S.; providing legal protections for clinical field experience students; amending s. 231.174, F.S., relating to district programs for adding certification coverages; removing limitation to specific certification areas; amending s. 231.29, F.S.; revising assessment procedures for instructional personnel and school administrators; revising provisions relating to the probation of certain employees; amending s. 231.546,

F.S.; specifying duties of the Education Standards Commission; amending s. 231.600, F.S.; prescribing the responsibilities of school district professional-development programs; amending s. 236.08106, F.S.; revising provisions of the Excellent Teaching Program; providing for withholding of wages to repay the certification fee subsidy owed the state by an employee who defaults; providing exceptions; authorizing the State Board of Education to adopt rules; amending s. 240.529, F.S.; requiring the Commissioner to appoint a Teacher Preparation Program Committee to recommend core curricula for state-approved teacher preparation programs and requiring the State Board of Education to adopt rules establishing uniform core curricula; revising criteria for initial and continuing approval of teacher-preparation programs; increasing the requirements for a student to enroll in and graduate from a teacher-education program; requiring preservice field experience programs to include supervised contact with lower achieving students; requiring annual reports of program performance; creating s. 231.6135, F.S.; establishing a statewide system for in-service professional development; authorizing professional development academies to meet human resource development and education instruction training needs of educators, schools, and school districts; providing for organization and operation by public and private partners; providing for funding; specifying duties of the Commissioner of Education; repealing s. 231.601, F.S., relating to purpose of inservice training for instructional personnel; amending s. 230.23, F.S.; requiring school improvement plans to include additional issues; amending s. 230.2316, F.S.; specifying the elements of dropout prevention and academic intervention programs; revising the intent of the program; revising student eligibility and program criteria; revising reporting requirements for district evaluation; providing for applications by school districts to the Department of Education for grants to operate second chance schools; establishing grant and program requirements; providing for the generation of operating funds through programs of the Florida Education Finance Program; providing new requirements for students seeking to reenter traditional schools; amending s. 231.085, F.S.; requiring principals to ensure the accuracy and timeliness of school reports; requiring principals to provide staff training opportunities; creating s. 232.001, F.S.; allowing certain district school boards to implement pilot projects to raise the compulsory age of attendance for children; providing requirements for school boards that choose to participate in pilot projects; providing for the applicability of state law and State Board of Education rule; providing an exception from the provisions relating to a declaration of intent to terminate school enrollment; requiring a study; amending s. 232.09, F.S.; clarifying scope of reference to term "criminal prosecution"; amending s. 232.17, F.S.; providing legislative findings; placing responsibility on school district superintendents for enforcing attendance; establishing requirements for school board policies; revising the current steps for enforcing regular school attendance; requiring public schools to follow the steps; establishing the requirements for school principals, primary teachers, child study teams, and parents; providing for parents to appeal; allowing the superintendent to seek criminal prosecution for parental noncompliance; requiring the parent or guardian or the superintendent to file certain petitions involving ungovernable children in certain circumstances; requiring the superintendent to provide the court with certain evidence; allowing for court enforcement for children who refuse to comply; revising the notice requirements to parents, guardians, or others; eliminating a current condition for notice; eliminating the option for referral to case staffing committees; requiring the superintendent to take steps to bring about criminal prosecution and requiring related notice; authorizing superintendents to file truancy petitions; allowing for the return of absent children to additional locations; requiring parental notification; deleting certain provisions relating to escalating series of truancy activities; amending s. 232.19, F.S., relating to habitual truancy; authorizing superintendents to file truancy petitions; requiring that a court order for school attendance be obtained as a part of services; revising the requirements that must be met prior to filing a petition; amending s. 236.081, F.S.; amending procedures that must be followed in determining the annual allocation to each school district for operation; requiring the average daily attendance of the student membership to be calculated by school and by district; requiring the district's FTE membership to be adjusted by multiplying by the average daily attendance factor; amending s. 240.529, F.S.; providing the criteria for continued program approval; providing for the requirements for instructors in postsecondary teacher preparation programs who instruct or supervise preservice field experience courses or internships; eliminating the requirement related to a commitment to teaching in the public schools for a period of time; providing additional requirements for school district and instructional personnel who supervise or direct certain teacher preparation students;

amending s. 984.03, F.S.; redefining the term "habitual truant"; requiring the state attorney or the appropriate jurisdictional agency to file a child-in-need-of-services petition in certain circumstances; eliminating the requirement for referral for evaluation; providing definitions for "truancy court" and "truancy petition"; creating s. 984.151, F.S.; providing procedure for truancy petitions; providing for truancy hearings and penalties; reenacting s. 24.121(5)(b) and (c), F.S., relating to the Educational Enhancement Trust Fund, s. 120.81(1)(b), F.S., relating to tests, test scoring criteria, or testing procedures, s. 228.056(9)(e), F.S., relating to charter schools, s. 228.0565(6)(b), (c), and (d), F.S., relating to deregulated public schools, s. 228.301(1), F.S., relating to test security, s. 229.551(1)(c) and (3), F.S., relating to educational management, s. 230.03(4), F.S., relating to school district management, control, operation, administration, and supervision, s. 231.24(3)(a), F.S., relating to the process for renewal of professional certificates, s. 231.36(3)(e) and (f), F.S., relating to contracts with instructional staff, supervisors, and principals, s. 232.2454(1), F.S., relating to district student performance standards, instruments, and assessment procedures, s. 232.246(5)(a) and (b), F.S., relating to general requirements for high school graduation, s. 232.248, F.S., relating to confidentiality of assessment instruments, s. 232.2481(1), F.S., relating to graduation and promotion requirements for publicly operated schools, s. 233.09(4), F.S., relating to duties of instructional materials committees, s. 233.165(1)(b), F.S., relating to the selection of instructional materials, s. 233.25(3)(b), F.S., relating to publishers and manufacturers of instructional materials, s. 236.685(6), F.S., relating to educational funding accountability, s. 239.101(7), F.S., relating to career education, s. 239.229(1) and (3), F.S., relating to vocational standards, s. 240.118(4), F.S., relating to postsecondary feedback of information to high schools, s. 240.529(1), F.S., relating to approval of teacher preparation programs, to incorporate references; providing rulemaking authority for the State Board of Education to ensure access for nonprofit professional teacher associations; providing for severability; providing effective dates.

—was read the second time by title.

Senators Cowin and McKay offered the following amendment which was moved by Senator Cowin:

**Amendment 1 (594764)(with title amendment)**—Delete every-thing after the enacting clause and insert:

Section 1. Section 229.0535, Florida Statutes, is amended to read:

229.0535 Authority to enforce school improvement.—It is the intent of the Legislature that all public schools be held accountable for ~~ensur-~~ing that students *performing* perform at acceptable levels. A system of school improvement and accountability that assesses student performance by school, identifies schools *in which students are not making* not providing adequate progress *toward state standards*, and institutes appropriate measures for enforcing improvement, and provides rewards and sanctions based on performance shall be the responsibility of the State Board of Education.

(1) Pursuant to Art. IX of the State Constitution prescribing the duty of the State Board of Education to supervise Florida's public school system and notwithstanding any other statutory provisions to the contrary, the State Board of Education shall ~~have the authority to~~ intervene in the operation of a district school system ~~when in cases where~~ one or more schools in the school district have failed to make adequate progress for 2 ~~3 consecutive~~ school years in a 4-year period. For purposes of determining when a school is eligible for state board action and opportunity scholarships for its students, the terms "2 years in any 4-year period" and "2 years in a 4-year period" mean that in any year that a school has a grade of "F," the school is eligible for state board action and opportunity scholarships for its students if it also has had a grade of "F" in any of the previous 3 school years. Except as otherwise provided in s. 229.57(9), a performance rating based on data before the 1998-1999 school year data may not be included in a 4-year period. The state board may determine that the school district ~~or~~ and/or school has not taken steps sufficient for to ensure that students in the school to be academically in question are well served. Considering recommendations of the Commissioner of Education, the state board shall ~~is authorized to~~ recommend action to a district school board that is intended to improve ~~ensure~~ improved educational services to students in each school that is designated as performance grade category "F." ~~the low performing schools in question~~. Recommendations for actions to be taken in the school district shall be made only after thorough consideration of the unique characteristics of a

school, which shall ~~also~~ include student mobility rates, and the number and type of exceptional students enrolled in the school, and the availability of options for improved educational services. The state board shall adopt by rule steps to follow in this process. Such steps shall *provide* ensure that school districts have sufficient time to improve student performance in schools and ~~have had~~ the opportunity to present evidence of assistance and interventions that the school board has implemented.

(2) The state board is specifically authorized to recommend one or more of the following actions to school boards to ~~enable~~ ensure that students in low-performing schools designated as performance grade category "F" to be academically ~~are~~ well served by the public school system:

(a) Provide additional resources, change certain practices, and provide additional assistance if the state board determines the causes of inadequate progress to be related to school district policy or practice;

(b) Implement a plan that satisfactorily resolves the education equity problems in the school;

(c) Contract for the educational services of the school, or reorganize the school at the end of the school year under a new principal who is authorized to hire new staff and implement a plan that addresses the causes of inadequate progress;

(d) Allow parents of students in the school to send their children to another district school of their choice, ~~if appropriate~~; or

(e) Other action ~~as deemed~~ appropriate to improve the school's performance.

(3) In recommending actions to school boards, the State Board of Education shall specify the length of time available to implement the recommended action. The state board may adopt rules to further specify how it may respond in specific circumstances. No action taken by the state board shall relieve a school from state accountability requirements.

(4) The State Board of Education is authorized to require the Department of Education or Comptroller to withhold any transfer of state funds to the school district if, within the timeframe specified in state board action, the school district has failed to comply with ~~the said~~ action ordered to improve *the district's* low-performing schools. Withholding the transfer of funds shall occur only after all other recommended actions for school improvement have failed to improve the performance of ~~the school~~. The State Board of Education may invoke the same penalty to any school board that fails to develop and implement a plan for assistance and intervention for low-performing schools as specified in s. 230.23(16)(c).

Section 2. Section 229.0537, Florida Statutes, is created to read:

229.0537 Opportunity Scholarship Program.—

(1) FINDINGS AND INTENT.—*The purpose of this section is to provide enhanced opportunity for students in this state to gain the knowledge and skills necessary for postsecondary education, a technical education, or the world of work. The Legislature recognizes that the voters of the State of Florida, in the November 1998 general election, amended s. 1, Art. IX, of the Florida Constitution so as to make education a paramount duty of the state. The Legislature finds that the State Constitution requires the state to provide the opportunity to obtain a high-quality education. The Legislature further finds that a student should not be compelled, against the wishes of the student's parent or guardian, to remain in a school found by the state to be failing for 2 years in a 4-year period. The Legislature shall make available opportunity scholarships in order to give parents and guardians the opportunity for their children to attend a public school that is performing satisfactorily or to attend an eligible private school when the parent or guardian chooses to apply the equivalent of the public education funds generated by his or her child to the cost of tuition in the eligible private school as provided in paragraph (6)(a). Eligibility of a private school shall include the control and accountability requirements that, coupled with the exercise of parental choice, are reasonably necessary to secure the educational public purpose, as delineated in subsection (4).*

(2) OPPORTUNITY SCHOLARSHIP ELIGIBILITY.—*A public school student's parent or guardian may request and receive from the*



state an opportunity scholarship for the child to enroll in and attend a private school in accordance with the provisions of this section if:

(a) By assigned school attendance area or by special assignment, the student has spent the prior school year in attendance at a public school that has been designated pursuant to s. 229.57 as performance grade category "F," failing to make adequate progress, and that has had two school years in a 4-year period of such low performance, and the student's attendance occurred during a school year in which such designation was in effect; or the parent or guardian of a student who has been in attendance elsewhere in the public school system or who is entering kindergarten or first grade has been notified that the student has been assigned to such school for the next school year;

(b) The student is a Florida resident; and

(c) The parent or guardian has obtained acceptance for admission of the student to a private school eligible for the program pursuant to subsection (4), and has notified the Department of Education and the school district of the request for an opportunity scholarship no later than July 1 of the first year in which the student intends to use the scholarship.

For purposes of continuity of educational choice, the opportunity scholarship shall be for the entire school year for which it was originally issued and shall remain in force until the student leaves the private school for which the scholarship was originally granted, or until the student graduates into high school and the public high school to which the student is assigned has earned a performance grade of "C" or better. If the scholarship student leaves the private school for which the scholarship was originally granted and the public school to which he or she would be assigned has a performance grade of "D" or "F," the student shall remain eligible for an opportunity scholarship. However, at any time upon reasonable notice to the Department of Education and the school district, the student's parent or guardian may remove the student from the private school and place the student in a public school, as provided in subparagraph (3)(a)2.

### (3) SCHOOL DISTRICT OBLIGATIONS.—

(a) A school district shall, for each student enrolled in or assigned to a school that has been designated as performance grade category "F" for 2 school years in a 4-year period:

1. Timely notify the parent or guardian of the student as soon as such designation is made of all options available pursuant to this section; and

2. Offer that student's parent or guardian an opportunity to enroll the student in the public school within the district that has been designated by the state pursuant to s. 229.57 as a school performing higher than that in which the student is currently enrolled or to which the student has been assigned, but not less than performance grade category "C." For purposes of identifying higher performing public schools eligible for parental choice for the 1999-2000 school year, school grade designations for the 1998-1999 school year shall be the grade equivalent of the corresponding performance level I-V specified in state board rule at the time this act becomes a law. Level I corresponds to an "F" grade and Level V corresponds to an "A" grade. The parent or guardian is not required to accept this offer in lieu of requesting a state opportunity scholarship to a private school. The opportunity to continue attending the higher performing public school shall remain in force until the student graduates from high school.

(b) The parent or guardian of a student enrolled in or assigned to a school that has been designated performance grade category "F" for 2 school years in a 4-year period may choose as an alternative to enroll the student in and transport the student to a higher-performing public school that has available space in an adjacent school district, and that school district shall accept the student and report the student for purposes of the district's funding pursuant to the Florida Education Finance Program.

(c) Students with disabilities who are eligible to receive services from the school district under federal or state law, and who participate in this program, remain eligible to receive services from the school district as provided by federal or state law.

(d) If for any reason a qualified private school is not available for the student or if the parent or guardian chooses to request that the student be enrolled in the higher performing public school, rather than choosing to request the state opportunity scholarship, transportation costs to the

higher performing public school shall be the responsibility of the school district. The district may utilize state categorical transportation funds or state-appropriated public school choice incentive funds for this purpose.

(4) PRIVATE SCHOOL ELIGIBILITY.—To be eligible to participate in the opportunity scholarship program, a private school must be a Florida private school, may be sectarian or nonsectarian, and must:

(a) Be in existence at least 1 year and provide the State Board of Education with evidence of fiscal soundness consistent with generally accepted accounting practices. In lieu of providing evidence of fiscal soundness, a surety bond or letter of credit for an amount equal to the opportunity scholarship funds received in any quarter may be filed with the State Board of Education. However, the 1-year requirement does not apply to those schools providing services to students with disabilities under the pilot programs that offer opportunity scholarships.

(b) Except for the first year of implementation, notify the Department of Education and the school district in whose service area the school is located of its intent to participate in the program under this section by May 1 of the school year 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 opportunity scholarship program.

(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) Determine, on an entirely random and religious-neutral basis and without regard to the student's past academic history, which scholarship students to accept; however, the private school may give preference in accepting applications to siblings of students who have already been accepted on a random and religious-neutral basis. A private school dedicated to a particular subject area or specialized curricular focus may take into account a student's experience in that subject area or related curriculum.

(f) Be subject to the accreditation standards of a nonpublic school accrediting body recognized by the Florida Association of Academic Non-public Schools. If the private school fails to meet the accreditation standards of the accrediting body and does not correct identified deficiencies within the required time period, not to exceed 3 years, the school will forfeit eligibility to participate in the opportunity scholarship program. The status of accreditation, as well as the highest educational degree attained by each faculty member, shall be included in the school's annual report to the Department of Education. Upon the parent's or guardian's request, the school shall furnish the parent or guardian with a school profile that includes student performance information.

(g) Comply with all state statutes relating to private schools.

(h) Accept as full tuition and fees the amount provided by the state for each student, and agree not to require or compel any opportunity scholarship student, or his or her parent or guardian, to purchase materials, clothing, or equipment that would not normally be required of a student attending a public school, such as, but not limited to, instructional materials, uniforms, or materials and equipment related to extracurricular activities.

(i) Agree not to compel any student attending the private school on an opportunity scholarship to profess a specific ideological belief, to pray, or to worship.

(j) Not compel or require any student attending the private school on an opportunity scholarship to profess a specific ideological belief, to pray, or to worship.

(k) Generate an annual report to include a detailed accounting of all state funds, a review of educational programs and operational policies, and an assessment of gains in student achievement for each student served via an opportunity scholarship. This report shall be submitted to the Department of Education and made available to the general public; however, the provisions of s. 228.093 shall apply to this requirement.

(l) Agree to accept opportunity scholarship students for a minimum of one school year, with the exception that the student may be dismissed for violation of school rules pertaining to the health, safety, or welfare of students and staff. The private school shall adhere to the tenets of its



published due-process procedures prior to the expulsion of any opportunity scholarship student. The private school must also agree to be responsible for attendance during that time period.

(5) OBLIGATION OF PROGRAM PARTICIPATION.—

(a) Any student participating in the opportunity scholarship program must remain in attendance throughout the school year, unless excused by the school for illness or other good cause, and must comply fully with the school's code of conduct. However, a student may be removed from a school for good cause, and a student may choose to leave a school to attend another school or be home-schooled.

(b) The parent or guardian of each student participating in the opportunity scholarship program must comply fully with the private school's parental involvement requirements, unless excused by the school for illness or other good cause.

(c) The parent or guardian shall ensure that the student participating in the opportunity scholarship program takes all statewide assessments required pursuant to s. 229.57. The private school and the school district shall cooperate to ensure that the scholarship student takes all statewide assessments required in s. 229.57. Students participating in the opportunity scholarship program may take such tests at a location and at a time provided by the school district or the private school in accordance with state and district assessment procedures, at the discretion of the school district. If the school district chooses not to allow opportunity scholarship students to participate with public school students, the school district shall open state assessment training workshops to private school test administrators and provide supervision of the test administration.

(d) A participant who fails to comply with this subsection shall forfeit the opportunity scholarship.

(6) OPPORTUNITY SCHOLARSHIP FUNDING AND PAYMENT.—

(a)1. The maximum opportunity scholarship granted for an eligible student shall be a calculated amount equivalent to the base student allocation multiplied by the weighted cost factor for the educational program that would have been provided for the student in the district school to which he or she was assigned, multiplied by the district cost differential. In addition, the calculated amount shall include the per student share of instructional materials funding, technology funding, and other categorical funds as provided for this purpose in the General Appropriations Act. The amount of the opportunity scholarship shall be the calculated amount or the amount of the private school's tuition and fees, whichever is less. Fees eligible shall include textbook fees, lab fees, and other fees related to instruction, including transportation. The district shall report all students who are attending a private school under this program. The students attending private schools on opportunity scholarships shall be reported separately from those students reported for purposes of the Florida Education Finance Program. The public or private school that provides services to students with disabilities shall receive the weighted funding for such services at the appropriate funding level consistent with the provisions of s. 236.025.

2. For purposes of calculating the opportunity scholarship, a student will be eligible for the amount of the appropriate basic cost factor if:

a. The student currently participates in a Group I program funded at the basic cost factor and is not subsequently identified as having a disability; or

b. The student currently participates in a Group II program and the parent has chosen a private school that does not provide the additional services funded by the Group II program.

3. Following annual notification on July 1 of the number of participants, the Department of Education shall transfer from each school district's appropriated funds the calculated amount from the Florida Education Finance Program and authorized categorical accounts to a separate account for the Opportunity Scholarship Program for quarterly disbursement to the parents or guardians of participating students.

(b) Upon proper documentation reviewed and approved by the Department of Education, the Comptroller shall make opportunity scholarship payments in four equal amounts no later than September 1, November 1, February 1, and April 1 of each academic year in which the opportunity scholarship is in force. The initial payment shall be made after

Department of Education verification of admission acceptance and subsequent payments shall be made upon verification of continued enrollment and attendance at the private school. Payment must be by individual warrant made jointly payable to the student's parent or guardian and eligible private school chosen by the parent or guardian, and the parent or guardian shall restrictively endorse the warrant to the private school.

(7) LIABILITY.—No liability shall arise on the part of the state based on any grant or use of an opportunity scholarship.

(8) PILOT PROGRAM.—There is established a pilot program, which is separate and distinct from the Opportunity Scholarship Program, in the Broward, Clay, Sarasota, and Santa Rosa school districts to provide scholarships to a public or private school of choice for students with disabilities whose academic progress in at least two areas has not met expected levels for the previous year, as determined by the student's individual education plan. Student participation in the pilot program is limited to 5 percent of the students with disabilities in the participating school districts during the first year, 10 percent of students with disabilities during the second year, and 20 percent of students with disabilities during the third and subsequent years. The following applies to the pilot program:

(a) To be eligible to participate in the pilot program, a private school must meet all requirements of subsection (4). For purposes of the pilot program, notification under paragraph (4)(a) must be separate from the notification under the Opportunity Scholarship Program.

(b) Each school district that participates in the pilot program must comply with the requirements in subparagraph (3)(a)2. and paragraph (3)(c).

(c) The amount of the scholarship in the pilot program shall not exceed the amount the student would have received under the Florida Education Finance Program in the public school to which he or she is assigned.

(d) To be eligible for a scholarship under the pilot program, a student or parent must:

1. Comply with the eligibility criteria in paragraphs (2)(b) and (c) and all provisions of subsection (5) which apply to students with disabilities;

2. For the school year immediately prior to the year in which the scholarship will be in effect, have documented the student's failure to meet specific performance levels identified in the individual education plan, or, absent specific performance levels identified in the individual education plan, the student must have performed below grade level on state or local assessments and the parent believes that the student is not progressing adequately toward the goals in the individual education plan; and

3. Have requested the scholarship prior to the time at which the number of valid requests exceeds the district's cap for the year in which the scholarship will be awarded.

Subsections (6) and (9) shall apply to the pilot program authorized in this subsection. This pilot program is not intended to affect the eligibility of the state or school district to receive federal funds for students with disabilities.

(9) RULES.—The State Board of Education may adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this section. Rules shall include penalties for noncompliance with subsections (3) and (5). 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 regulation of private schools beyond those reasonably necessary to enforce requirements expressly set forth in this section and by federal law.

Section 3. Subsection (14) of section 229.512, Florida Statutes, is amended, present subsections (15) and (16) are renumbered as subsections (18) and (19), respectively, and new subsections (15), (16), and (17) are added to that section, to read:

229.512 Commissioner of Education; general powers and duties.—The Commissioner of Education is the chief educational officer of the state, and has the following general powers and duties:

(14) To implement a program of school improvement and education accountability *designed to provide all students the opportunity to make adequate learning gains in each year of school* as provided by statute and State Board of Education rule ~~which is based upon the achievement of the state education goals, recognizing the State Board of Education as the body corporate responsible for the supervision of the system of public education, the school board as responsible for school and student performance, and the individual school as the unit for education accountability.~~

(15) To arrange for the preparation, publication, and distribution of materials relating to the state system of public education ~~which will supply information concerning needs, problems, plans, and possibilities.~~

(16) To prepare and publish annually reports giving statistics and other useful information pertaining to the state system of public education, ~~including the Opportunity Scholarship Program; and~~

(17) To have printed copies of school laws, forms, instruments, instructions, and regulations of the State Board of Education ~~and to provide for their the distribution of the same.~~

Section 4. Section 229.555, Florida Statutes, is amended to read:

229.555 Educational planning and information systems.—

(1) EDUCATIONAL PLANNING.—

(a) The commissioner shall be responsible for all planning functions for the department, including collection, analysis, and interpretation of all data, information, test results, evaluations, and other indicators that are used to formulate policy, identify areas of concern and need, and serve as the basis for short-range and long-range planning. Such planning shall include assembling data, conducting appropriate studies and surveys, and sponsoring research and development activities designed to provide information about educational needs and the effect of alternative educational practices.

(b) Each district school board shall maintain a continuing system of planning and budgeting ~~which shall be designed to aid in identifying and meeting the educational needs of students and the public. Provision shall be made for coordination between district school boards and community college district boards of trustees concerning the planning for vocational and adult educational programs. The major emphasis of the system shall be upon locally determined goals and objectives, the state plan for education, and the Sunshine State minimum performance Standards developed by the Department of Education and adopted by the State Board of Education. The district planning and budgeting system must include consideration of student achievement data obtained pursuant to s. 229.57. The system shall be structured to meet the specific management needs of the district and to align the system of planning and budgeting shall ensure that the budget adopted by the district school board with reflect the plan the board has also adopted. Each district school board shall utilize its system of planning and budgeting to emphasize a system of school-based management in which individual school centers become the principal planning units and eventually to integrate planning and budgeting at the school level.~~

(2) COMPREHENSIVE MANAGEMENT INFORMATION SYSTEMS.—The commissioner shall develop and implement an integrated information system for educational management. *The system must be designed to collect, via electronic transfer, all student and school performance data required to ascertain the degree to which schools and school districts are meeting state performance standards, and must be capable of producing data for a comprehensive annual report on school and district performance. In addition, the system shall support, as feasible, the management decisions to be made in each division of the department and at the individual school and district levels. Similar data elements among divisions and levels shall be compatible. The system shall be based on an overall conceptual design; the information needed for such decisions, including fiscal, student, program, personnel, facility, community, evaluation, and other relevant data; and the relationship between cost and effectiveness. The system shall be managed and administered by the commissioner and shall include a district subsystem component to be administered at the district level, with input from the reports-and-forms control management committees. Each district school system with a unique management information system shall assure that compatibility exists between its unique system and the district component of the state system so to the extent that all data required as input to the state*

system ~~is shall be~~ made available *via electronic transfer and* in the appropriate input format.

(a) The specific responsibilities of the commissioner shall include:

1. Consulting with school district representatives in the development of the system design model and implementation plans for the management information system for public school education management;

2. Providing operational definitions for the proposed system;

3. Determining the information and specific data elements required for the management decisions made at each educational level, recognizing that the primary unit for information input ~~is shall be~~ the individual school and recognizing that time and effort of instructional personnel expended in collection and compilation of data should be minimized;

4. Developing standardized terminology and procedures to be followed at all levels of the system;

5. Developing a standard transmittal format to be used for collection of data from the various levels of the system;

6. Developing appropriate computer programs to assure integration of the various information components dealing with students, personnel, facilities, fiscal, program, community, and evaluation data;

7. Developing the necessary programs to provide statistical analysis of the integrated data provided in subparagraph 6. in such a way that required reports may be disseminated, comparisons may be made, and relationships may be determined in order to provide the necessary information for making management decisions at all levels;

8. Developing output report formats which will provide district school systems with information for making management decisions at the various educational levels;

9. Developing a phased plan for distributing computer services equitably among all public schools and school districts in ~~the this~~ state as rapidly as possible. The plan shall describe alternatives available to the state in providing such computing services and shall contain estimates of the cost of each alternative, together with a recommendation for action. In developing ~~the such~~ plan, the feasibility of shared use of computing hardware and software by school districts, community colleges, and universities shall be examined. Laws or administrative rules regulating procurement of data processing equipment, communication services, or data processing services by state agencies shall not be construed to apply to local agencies which share computing facilities with state agencies;

10. Assisting the district school systems in establishing their subsystem components and assuring compatibility with current district systems;

11. Establishing procedures for continuous evaluation of system efficiency and effectiveness;

12. Initiating a reports-management and forms-management system to ascertain that duplication in collection of data does not exist and that forms and reports for reporting under state and federal requirements and other forms and reports are prepared in a logical and uncomplicated format, resulting in a reduction in the number and complexity of required reports, particularly at the school level; and

13. Initiating such other actions as are necessary to carry out the intent of the Legislature that a management information system for public school management needs be implemented. Such other actions shall be based on criteria including, but not limited to:

- a. The purpose of the reporting requirement;
- b. The origination of the reporting requirement;
- c. The date of origin of the reporting requirement; and
- d. The date of repeal of the reporting requirement.

(b) The specific responsibilities of each district school system shall include:

1. Establishing, at the district level, a reports-control and forms-control management system committee composed of school administrators and classroom teachers. The district school board shall appoint school administrator members and classroom teacher members; or, in school districts where appropriate, the classroom teacher members shall be appointed by the bargaining agent. Teachers shall constitute a majority of the committee membership. The committee shall periodically recommend procedures to the district school board for eliminating, reducing, revising, and consolidating paperwork and data collection requirements and shall submit to the district school board an annual report of its findings.

2. With assistance from the commissioner, developing systems compatibility between the state management information system and unique local systems.

3. Providing, with the assistance of the department, inservice training dealing with management information system purposes and scope, a method of transmitting input data, and the use of output report information.

4. Establishing a plan for continuous review and evaluation of local management information system needs and procedures.

5. Advising the commissioner of all district management information needs.

6. Transmitting required data input elements to the appropriate processing locations in accordance with guidelines established by the commissioner.

7. Determining required reports, comparisons, and relationships to be provided to district school systems by the system output reports, continuously reviewing these reports for usefulness and meaningfulness, and submitting recommended additions, deletions, and change requirements in accordance with the guidelines established by the commissioner.

8. Being responsible for the accuracy of all data elements transmitted to the department.

(c) It is the intent of the Legislature that the expertise in the state system of public education, as well as contracted services, be utilized to hasten the plan for full implementation of a comprehensive management information system.

Section 5. Subsection (1) of section 229.565, Florida Statutes, is amended to read:

229.565 Educational evaluation procedures.—

(1) STUDENT PERFORMANCE STANDARDS.—

(a) The State Board of Education shall approve student performance standards in *key academic subject areas and the various program categories and chronological grade levels which the Commissioner of Education designates as necessary for maintaining a good educational system*. The standards must apply, without limitation, to language arts, mathematics, science, social studies, the arts, health and physical education, foreign language, reading, writing, history, government, geography, economics, and computer literacy. The commissioner shall obtain opinions and advice from citizens, educators, and members of the business community in developing the standards. For purposes of this section, the term "student performance standard" means a statement describing a skill or competency students are expected to learn.

(b) The student performance standards must address the skills and competencies that a student must learn in order to graduate from high school. The commissioner shall also develop performance standards for students who learn a higher level of skills and competencies.

Section 6. Section 229.57, Florida Statutes, 1998 Supplement, is amended to read:

229.57 Student assessment program.—

(1) PURPOSE.—The primary ~~purposes~~ *purpose* of the statewide assessment program ~~are~~ *is* to provide information needed to ~~improve for the improvement of~~ the public schools ~~by maximizing the learning gains~~

*of all students and to inform parents of the educational progress of their public school children.* The program must be designed to:

(a) *Assess the annual learning gains of each student toward achieving the Sunshine State Standards appropriate for the student's grade level.*

(b) *Provide data for making decisions regarding school accountability and recognition.*

(c)(a) *Identify the educational strengths and needs of students and the readiness of students to be promoted to the next grade level or to graduate from high school with a standard high school diploma.*

(d)(b) *Assess how well educational goals and performance standards are met at the school, district, and state levels.*

(e)(c) *Provide information to aid in the evaluation and development of educational programs and policies.*

(f) *Provide information on the performance of Florida students compared with others across the United States.*

(2) ANNUAL PUPIL PROGRESS ASSESSMENT.—*The Department of Education shall develop a statistical assessment tool for measuring pupil progress during a school year which shall be used for the purposes of this act. As used in this subsection, "pupil progress assessment" means a statistical system for educational outcome assessment which:*

(a) *Uses measures of student learning, such as the FCAT, to determine teacher, school, and school district statistical distributions, which distributions:*

1. *Shall be determined using available data from the FCAT, and other data collection as deemed appropriate by the Department of Education, to measure the differences in student prior year achievement against the current year achievement or lack thereof, such that the "effects" of instruction to a student by a teacher, school, and school district may be estimated on a per-student and constant basis.*

2. *Shall, to the extent possible, be able to be expressed in linear scales such that the effects of ceiling and floor dispersions are minimized.*

(b) *Shall provide for mixed model methodologies that provide for best linear unbiased prediction for the teacher, school, and school district effects on pupil progress. These estimates should adequately be able to determine effects of and compare teachers who teach multiple subjects to the same groups of students, and team teaching situations where teachers teach a single subject to multiple groups of students, or other teaching situations as appropriate:*

1. *The department in consult with the Office of Program and Policy Analysis, and other sources as appropriate, shall use recognized mixed linear model approaches to statistical variance and estimating random effects.*

2. *The mixed model methodology used by the department shall be approved by the State Board of Education before implementation in pupil progression assessment.*

(3)(2) NATIONAL EDUCATION COMPARISONS.—*It is Florida's intent to participate in the measurement of national educational goals set by the President and governors of the United States. The Commissioner of Education is directed to provide for school districts to participate in the administration of the National Assessment of Educational Progress, or a similar national assessment program, both for the national sample and for any state-by-state comparison programs which may be initiated. Such assessments must be conducted using the data collection procedures, the student surveys, the educator surveys, and other instruments included in the National Assessment of Educational Progress or a similar program. The results of these assessments shall be included in the annual report of the Commissioner of Education specified in this section. The administration of the National Assessment of Educational Progress or a similar program shall be in addition to and separate from the administration of the statewide assessment program otherwise described in this section.*

(4)(3) STATEWIDE ASSESSMENT PROGRAM.—*The commissioner shall is directed to design and implement a statewide program of*

educational assessment that provides information for the improvement of the operation and management of the public schools. ~~The program must be designed, as far as possible, so as not to conflict with ongoing district assessment programs and so as to use information obtained from district programs.~~ Pursuant to the statewide assessment program, the commissioner shall:

(a) Submit to the state board a list that specifies student skills and competencies to which the goals for education specified in the state plan apply, including, but not limited to, reading, writing, *science*, and mathematics. The skills and competencies must include problem-solving and higher-order skills as appropriate *and shall be known as the Sunshine State Standards*. The commissioner shall select such skills and competencies after receiving recommendations from educators, citizens, and members of the business community. The commissioner shall submit to the state board revisions to the list of student skills and competencies in order to maintain continuous progress toward improvements in student proficiency.

(b) Develop and implement a uniform system of indicators to describe the performance of public school students and the characteristics of the public school districts and the public schools. These indicators must include, without limitation, information gathered by the comprehensive management information system created pursuant to s. 229.555 and student achievement information obtained pursuant to this section.

(c) Develop and implement a student achievement testing program as part of the statewide assessment program, to be administered ~~annually in grades 3 through 10 at designated times at the elementary, middle, and high school levels~~ to measure reading, writing, *science*, and mathematics. The testing program must be designed so that:

1. The tests measure student skills and competencies adopted by the state board as specified in paragraph (a). The tests must measure and report student proficiency levels in reading, writing, and mathematics. *Science proficiency must be measured statewide beginning in 2003*. Other content areas may be included as directed by the commissioner. The commissioner shall provide for the tests to be developed or obtained, as appropriate, through contracts and project agreements with private vendors, public vendors, public agencies, postsecondary institutions, or school districts. The commissioner shall obtain input with respect to the design and implementation of the testing program from state educators and the public.

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

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

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

5. *Except as provided in subparagraph 6.*, all 11th grade students take a high school competency test developed by the state board to test minimum student performance skills and competencies in reading, writing, and mathematics. The test must be based on the skills and competencies adopted by the state board pursuant to paragraph (a). Upon recommendation of the commissioner, the state board shall designate a passing score for each part of the high school competency test. In establishing passing scores, the state board shall consider any possible negative impact of the test on minority students. The commissioner may establish criteria whereby a student who successfully demonstrates proficiency in either reading or mathematics or both may be exempted from taking the corresponding section of the high school competency test or the college placement test. A student must earn a passing score or have been exempted from each part of the high school competency test in order to qualify for a regular high school diploma. The school districts shall provide appropriate remedial instruction to students who do not pass part of the competency test.

6. *Students who enroll in grade 9 in the fall of 1999 and thereafter must earn a passing score on the grade 10 assessment test described in*

*this paragraph instead of the high school competency test described in subparagraph 5. Such students must earn a passing score in reading, writing, and mathematics to qualify for a regular high school diploma. Upon recommendation of the commissioner, the state board shall designate a passing score for each part of the grade 10 assessment test. In establishing passing scores, the state board shall consider any possible negative impact of the test on minority students.*

7.6. Participation in the testing program is mandatory for all students, except as otherwise prescribed by the commissioner. The commissioner shall recommend rules to the state board for the provision of test adaptations and modifications of procedures as necessary for students in exceptional education programs and for students who have limited English proficiency.

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

9. *School districts must provide instruction to prepare students to demonstrate proficiency in the skills and competencies necessary for successful grade-to-grade progression and high school graduation. The commissioner shall conduct studies as necessary to verify that the required skills and competencies are part of the district instructional programs.*

The commissioner may design and implement student testing programs for any grade level and subject area, based on procedures designated by the commissioner to monitor educational achievement in the state.

~~(d) Obtain or develop a career planning assessment to be administered to students, at their option, in grades 7 and 10 to assist them in preparing for further education or entering the workforce. The statewide student assessment program must include career planning assessment.~~

~~(d)(e)~~ Conduct ongoing research to develop improved methods of assessing student performance, including, without limitation, the use of technology to administer tests, the use of electronic transfer of data, the development of work-product assessments, and the development of process assessments.

~~(e)(f)~~ Conduct ongoing research and analysis of student achievement data, including, without limitation, monitoring trends in student achievement, identifying school programs that are successful, and analyzing correlates of school achievement.

~~(f)(g)~~ Provide technical assistance to school districts in the implementation of state and district testing programs and the use of the data produced pursuant to such programs.

~~(5)(4) DISTRICT TESTING PROGRAMS.—Each district shall periodically assess student performance and achievement within each school of the district. The assessment programs must be based upon local goals and objectives that are compatible with the state plan for education and that supplement the skills and competencies adopted by the State Board of Education. All school districts must participate in the state assessment program designed to measure annual student learning and school performance. All school districts shall report assessment results as required by the management information system. In grades 4 and 8, each district shall administer a nationally normed achievement test selected from a list approved by the state board; the data resulting from these tests must be provided to the Department of Education according to procedures specified by the commissioner. The commissioner may request achievement data for other grade levels as necessary.~~

~~(6)(5) SCHOOL TESTING PROGRAMS.—Each public school, unless specifically exempted by state board rule based on serving a specialized population for which standardized testing is not appropriate, shall participate in the state assessment program. Student performance data shall be analyzed and reported to parents, the community, and the state. Student performance data shall be used in developing objectives of the school improvement plan, evaluation of instructional personnel, evaluation of administrative personnel, assignment of staff, allocation of resources, acquisition of instructional materials and technology, performance-based budgeting, and promotion and assignment of students into educational programs administering an achievement test, whether at the elementary, middle, or high school level, and each public school administering the high school competency test, shall prepare an analysis of the resultant data after each administration. The analysis of student performance data also must identify strengths and needs in the educational~~

program and trends over time. The analysis must be used in conjunction with the budgetary planning processes developed pursuant to s. 229.555 and the development of the programs of remediation described in s. 233.051.

(7)(6) ANNUAL REPORTS.—The commissioner shall prepare annual reports of the results of the statewide assessment program which describe student achievement in the state, each district, and each school. The commissioner shall prescribe the design and content of these reports, which must include, without limitation, descriptions of the performance of all schools participating in the assessment program and all of their major student populations as determined by the Commissioner of Education, and must also include the median scores of all eligible students who scored at or in the lowest 25th percentile of the state in the previous school year, provided, however, that the provisions of s. 228.093 pertaining to student records apply to this section ~~students at both low levels and exemplary levels, as well as the performance of students scoring in the middle 50 percent of the test population.~~ Until such time as annual assessments prescribed in this section are fully implemented, annual reports shall include student performance data based on existing assessments.

(8) SCHOOL PERFORMANCE GRADE CATEGORIES.—Beginning with the 1998-1999 school year's student and school performance data, the annual report shall identify schools as being in one of the following grade categories defined according to rules of the state board:

- (a) "A," schools making excellent progress.
- (b) "B," schools making above average progress.
- (c) "C," schools making satisfactory progress.
- (d) "D," schools making less than satisfactory progress.
- (e) "F," schools failing to make adequate progress.

(9) DESIGNATION OF SCHOOL PERFORMANCE GRADE CATEGORIES.—School performance grade category designations itemized in subsection (8) shall be based on the following:

- (a) Timeframes.—

1. School performance grade category designations shall be based on one school year of performance.

2. In school years 1998-1999 and 1999-2000, a school's performance grade category designation shall be determined by the student achievement levels on the FCAT, and on other appropriate performance data, including, but not limited to, attendance, dropout rate, school discipline data, and student readiness for college, in accordance with state board rule.

3. Beginning with the 2000-2001 school year, a school's performance grade category designation shall be based on a combination of student achievement scores as measured by the FCAT, on the degree of measured learning gains of the students, and on other appropriate performance data, including, but not limited to, attendance, dropout rate, school discipline data, cohort graduation rate, and student readiness for college.

4. Beginning with the 2001-2002 school year and thereafter, a school's performance grade category designation shall be based on student learning gains as measured by annual FCAT assessments in grades 3 through 10, and on other appropriate performance data, including, but not limited to, attendance, dropout rate, school discipline data, the availability of adequate and appropriate textbooks and instructional materials for each student, and student readiness for college.

For the purpose of implementing ss. 229.0535 and 229.0537, each school identified as critically low performing based on both 1996-1997 and 1997-1998 school performance data and state board-adopted criteria, and that receives a performance grade category designation of "F" based on 1998-1999 school performance data pursuant to this section, shall be considered as having failed to make adequate progress for 2 years in a 4-year period. All other schools that receive a performance grade category designation of "F" based on 1998-1999 school performance data shall be considered as having failed to make adequate progress for 1 year.

(b) Student assessment data.—Student assessment data used in determining school performance grade categories shall include:

1. The median scores of all eligible students enrolled in the school.
2. The median scores of all eligible students enrolled in the school who have scored at or in the lowest 25th percentile of the state in the previous school year.

The state board shall adopt appropriate criteria for each school performance grade category so as to ensure that school performance grade category designations reflect each school's accountability for the learning of all students in the school. The criteria must also give added weight to student achievement in reading. Schools designated as performance grade category "C," making satisfactory progress, shall be required to demonstrate that adequate progress has been made by students who have scored among the lowest 25 percent of students in the state as well as by the overall population of students in the school.

(10) SCHOOL IMPROVEMENT RATINGS.—Beginning with the 1999-2000 school year's student and school performance data, the annual report shall identify each school's performance as having improved, remained the same, or declined. This school improvement rating shall be based on a comparison of the current year's and previous year's student and school performance data. Schools that improve at least one performance grade category are eligible for school recognition awards pursuant to s. 231.2905.

(11) SCHOOL PERFORMANCE GRADE CATEGORY AND IMPROVEMENT RATING REPORTS.—School performance grade category designations and improvement ratings shall apply to each school's performance for the year in which performance is measured. Each school's designation and rating shall be published annually by the Department of Education and the school district. Parents and guardians shall be entitled to an easy-to-read report card about the designation and rating of the school in which their child is enrolled.

(12) STATEWIDE ASSESSMENTS.—The Department of Education is authorized, subject to appropriation, to negotiate a multi-year contract for the development, field testing, and implementation of annual assessments of students in grades 3 through 10. Such assessments must comply with the following criteria:

(a) Assessments for each grade level shall be capable of measuring each student's mastery of the Sunshine State Standards for that grade level and above.

(b) Assessments shall be capable of measuring the annual progress each student makes in mastering the Sunshine State Standards.

(c) Assessments shall include measures in reading and mathematics in each grade level and must include writing and science in grades 4, 8, and 10. Science assessment is to begin statewide in 2003.

(d) Assessments shall include a norm-referenced subtest that allows for comparisons of Florida students with the performance of students nationally.

(e) The annual testing program shall be administered to provide for valid statewide comparisons of learning gains to be made for purposes of accountability and recognition. Annual assessments that do not contain performance items shall be administered no earlier than March of each school year, with results being returned to schools prior to the end of the academic year. Subtests that contain performance items may be given earlier than March, provided that the remaining subtests are sufficient to provide valid data on comparisons of student learning from year to year. The time of administration shall be aligned such that a comparable amount of instructional time is measured in all school districts. District school boards shall not establish school calendars that jeopardize or limit the valid testing and comparison of student learning gains.

(f) Assessments shall be implemented statewide no later than the spring of the 2000-2001 school year.

(13) LOCAL ASSESSMENTS.—Measurement of the learning gains of students in all subjects other than subjects required for the state assessment program is the responsibility of the school districts.

(14)(7) APPLICABILITY OF TESTING STANDARDS.—A student must meet the testing requirements for high school graduation which were in effect at the time the student entered 9th grade, provided the student's enrollment was continuous.

(15)(8) RULES.—The State Board of Education shall adopt rules pursuant to ss. 120.536(1) and 120.54 as necessary to implement the provisions of this section.

(16) PERFORMANCE-BASED FUNDING.—*The Legislature may factor-in the performance of schools in calculating any performance-based-funding policy that is provided for in the annual General Appropriations Act.*

Section 7. Section 229.58, Florida Statutes, 1998 Supplement, is amended to read:

229.58 District and school advisory councils.—

(1) ESTABLISHMENT.—

(a) The school board shall establish an advisory council for each school in the district, and shall develop procedures for the election and appointment of advisory council members. Each school advisory council shall include in its name the words "school advisory council." The school advisory council shall be the sole body responsible for final decisionmaking at the school relating to implementation of the provisions of ss. 229.591, 229.592, and 230.23(16). A majority of the members of each school advisory council must be persons who are not employed by the school. Each advisory council shall be composed of the principal and an appropriately balanced number of teachers, education support employees, students, parents, and other business and community citizens who are representative of the ethnic, racial, and economic community served by the school. Vocational-technical center and high school advisory councils shall include students, and middle and junior high school advisory councils may include students. School advisory councils of vocational-technical and adult education centers are not required to include parents as members. Council members representing teachers, education support employees, students, and parents shall be elected by their respective peer groups at the school in a fair and equitable manner as follows:

1. Teachers shall be elected by teachers.
2. Education support employees shall be elected by education support employees.
3. Students shall be elected by students.
4. Parents shall be elected by parents.

The school board shall establish procedures for use by schools in selecting business and community members. Such procedures shall include means of ensuring wide notice of vacancies and for taking input on possible members from local business, chambers of commerce, community and civic organizations and groups, and the public at large. The school board shall review the membership composition of each advisory council. Should the school board determine that the membership elected by the school is not representative of the ethnic, racial, and economic community served by the school, the board shall appoint additional members to achieve proper representation. ~~The Commissioner of Florida Commission on Education Reform and Accountability shall serve as a review body to determine if schools have maximized their efforts to include on their advisory councils minority persons and persons of lower socioeconomic status. Although schools should be strongly encouraged to establish school advisory councils, any school district that has a student population of 10,000 or fewer may establish a district advisory council which shall include at least one duly elected teacher from each school in the district. For the purposes of school advisory councils and district advisory councils, the term "teacher" shall include classroom teachers, certified student services personnel, and media specialists. For purposes of this paragraph, "education support employee" means any person employed by a school who is not defined as instructional or administrative personnel pursuant to s. 228.041 and whose duties require 20 or more hours in each normal working week.~~

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

(2) DUTIES.—Each advisory council shall perform such functions as are prescribed by regulations of the school board; however, no advisory

council shall have any of the powers and duties now reserved by law to the school board. Each school advisory council shall assist in the preparation and evaluation of the school improvement plan required pursuant to s. 230.23(16). By the 1999-2000 academic year, with technical assistance from the Department of Education, each school advisory council shall assist in the preparation of the school's annual budget and plan as required by s. 229.555(1). A portion of funds provided in the annual General Appropriations Act for use by school advisory councils must be used for implementing the school improvement plan.

Section 8. Section 229.591, Florida Statutes, 1998 Supplement, is amended to read:

229.591 Comprehensive revision of Florida's system of school improvement and education accountability.—

(1) INTENT.—The Legislature recognizes that the children and youth of the state are its future and its most precious resource. To provide these developing citizens with the sound education needed to grow to a satisfying and productive adulthood, the Legislature intends that, ~~by the year 2000~~, Florida establish a system of school improvement and education accountability based on the performance of students and educational programs. The intent of the Legislature is to provide clear guidelines for achieving this purpose and for returning the responsibility for education to those closest to the students, ~~their~~ ~~that is~~ the schools, teachers, and parents. The Legislature recognizes, however, its ultimate responsibility and that of the Governor, the Commissioner of Education, and the State Board of Education and other state policymaking bodies in providing the strong leadership needed to forge a new concept of school improvement and in making adequate ~~provision by law~~ ~~provisions~~ for a uniform, *efficient, safe, secure, and high-quality* system of free public schools as required by s. 1, Art. IX of the State Constitution. It is further the intent of the Legislature to build upon the foundation established by the Educational Accountability Act of 1976 and to implement a program of education accountability and school improvement based upon the achievement of state goals, recognizing the State Board of Education as the body corporate responsible for the supervision of the system of public education, the district school board as responsible for school and student performance, and the individual school as the unit for education accountability.

(2) REQUIREMENTS.—Florida's system for school improvement and education accountability shall:

- (a) Establish state and local educational goals.
- (b) Increase the use of educational outcomes over educational processes in assessing educational programs.
- (c) Redirect state fiscal and human resources to assist school districts and schools to meet state and local goals for student success in school and in later life.
- (d) Provide methods for measuring, and public reporting of, state, school district, and individual school progress toward the education goals.
- (e) Recognize successful schools.
- (f) ~~Provide for~~ ~~Ensure that unsuccessful schools designated as performance grade category "D" or "F" to receive~~ ~~are provided~~ ~~assistance and intervention sufficient to attain adequate such that improvement occurs,~~ ~~and provide further ensure that~~ ~~action that should occur when schools do not improve.~~
- (g) *Provide that parents or guardians are not required to send their children to schools that have been designated in performance grade category "F," failing to make adequate progress, as defined in state board rule, for two school years in a 4-year period.*

(3) EDUCATION GOALS.—The state as a whole shall work toward the following goals:

- (a) Readiness to start school.—Communities and schools collaborate in a statewide comprehensive school readiness program to prepare children and families for children's success in school.
- (b) Graduation rate and readiness for postsecondary education and employment.—Students graduate and are prepared to enter the workforce and postsecondary education.

(c) Student performance.—Students *make annual learning gains sufficient to acquire the knowledge, skills, and competencies needed to master state standards, successfully compete at the highest levels nationally and internationally, and be prepared to make well-reasoned, thoughtful, and healthy lifelong decisions.*

(d) Learning environment.—School boards provide a learning environment conducive to teaching and learning, *in which education programs are based on student performance data, and which strive to eliminate achievement gaps by improving the learning of all students.*

(e) School safety and environment.—Communities *and schools* provide an environment that is drug-free and protects students' health, safety, and civil rights.

(f) Teachers and staff.—The schools, district, all postsecondary institutions, and state *work collaboratively to provide ensure* professional teachers and staff *who possess the competencies and demonstrate the performance needed to maximize learning among all students.*

(g) Adult literacy.—Adult Floridians are literate and have the knowledge and skills needed to compete in a global economy, *prepare their children for success in school, and exercise the rights and responsibilities of citizenship.*

(h) Parental involvement.—Communities, school boards, and schools provide opportunities for involving parents and guardians as active partners in achieving school improvement and education accountability. *The State Board of Education shall adopt standards for indicating progress toward this state education goal by January 1, 1997.*

Section 9. Section 229.592, Florida Statutes, 1998 Supplement, is amended to read:

229.592 Implementation of state system of school improvement and education accountability.—

(1) DEVELOPMENT.—It is the intent of the Legislature that every public school in the state shall have a school improvement plan, as required by s. 230.23(16), fully implemented and operational ~~by the beginning of the 1993-1994 school year.~~ Vocational standards considered pursuant to s. 239.229 shall be incorporated into the school improvement plan for each area technical center operated by a school board ~~by the 1994-1995 school year,~~ and area technical centers shall prepare school report cards incorporating such standards, pursuant to s. 230.23(16), ~~for the 1995-1996 school year.~~ In order to accomplish this, the ~~Commissioner of Florida Commission on Education Reform and Accountability~~ and the school districts and schools shall carry out the duties assigned to them by s. ~~ss. 229.594 and 230.23(16), respectively.~~

(2) ESTABLISHMENT.—~~Based upon the recommendations of the Florida Commission on Education Reform and Accountability, the Legislature may enact such laws as it considers necessary to establish and maintain a state system of school improvement and accountability. If, after considering the recommendations of the commission, the Legislature determines an adequate system of accountability to be in place to protect the public interest, the Legislature may repeal or revise laws, including fiscal policies, deemed to stand in the way of school improvement.~~

(2)(3) COMMISSIONER.—The commissioner shall be responsible for implementing and maintaining a system of intensive school improvement and stringent education accountability, *which shall include policies and programs to:*

(a) ~~Based on the recommendations of The Florida Commission on Education Reform and Accountability, the commissioner shall develop and implement the following programs and procedures:~~

(a)1- A system of data collection and analysis that will improve information about the educational success of individual students and schools. The information and analyses must be capable of identifying educational programs or activities in need of improvement, and reports prepared pursuant to this ~~paragraph~~ subparagraph shall be distributed to the appropriate school boards prior to distribution to the general public. This provision shall not preclude access to public records as provided in chapter 119.

(b)2- A program of school improvement that will analyze information to identify schools, educational programs, or educational activities in need of improvement.

(c)3- A method of delivering services to assist school districts and schools to improve.

(d)4- A method of coordinating with the state educational goals and school improvement plans any other state program that creates incentives for school improvement.

(3)(b) The commissioner shall be held responsible for the implementation and maintenance of the system of school improvement and education accountability outlined in this ~~section~~ subsection. There shall be an annual determination of whether adequate progress is being made toward implementing and maintaining a system of school improvement and education accountability.

(4)(e) The annual feedback report shall be developed by the ~~commissioner~~ and the Department of Education.

(5)(d) The commissioner ~~and the commission~~ shall review each school board's feedback report and submit its findings to the State Board of Education. If adequate progress is not being made toward implementing and maintaining a system of school improvement and education accountability, the State Board of Education shall direct the commissioner to prepare and implement a corrective action plan. The commissioner and State Board of Education shall monitor the development and implementation of the corrective action plan.

(6)(e) ~~As co chair of the Florida Commission on Education Reform and Accountability, the commissioner shall appear before the appropriate committees of the Legislature annually in October to report to the Legislature and recommend changes in state policy necessary to foster school improvement and education accountability. The report shall reflect the recommendations of the Florida Commission on Education Reform and Accountability.~~ Included in the report shall be a list of the schools for which school boards have developed assistance and intervention plans and an analysis of the various strategies used by the school boards. School reports shall be distributed pursuant to this paragraph and s. 230.23(16)(e) according to guidelines adopted by the State Board of Education.

(7)(4) DEPARTMENT.—

(a) The Department of Education shall implement a training program to develop among state and district educators a cadre of facilitators of school improvement. These facilitators shall assist schools and districts to conduct needs assessments and develop and implement school improvement plans to meet state goals.

(b) Upon request, the department shall provide technical assistance and training to any school, school advisory council, district, or school board for conducting needs assessments, developing and implementing school improvement plans, developing and implementing assistance and intervention plans, or implementing other components of school improvement and accountability. Priority for these services shall be given to *schools designated as performance grade category "D" or "F" and school districts in rural and sparsely populated areas of the state.*

(c) Pursuant to s. 24.121(5)(d), the department shall not release funds from the Educational Enhancement Trust Fund to any district in which a school does not have an approved school improvement plan, pursuant to s. 230.23(16), after 1 full school year of planning and development, or does not comply with school advisory council membership composition requirements pursuant to s. 229.58(1). The department shall send a technical assistance team to each school without an approved plan to develop such school improvement plan or to each school without appropriate school advisory council membership composition to develop a strategy for corrective action. The department shall release the funds upon approval of the plan or upon establishment of a plan of corrective action. Notice shall be given to the public of the department's intervention and shall identify each school without a plan or without appropriate school advisory council membership composition.

(8)(5) STATE BOARD.—The State Board of Education shall adopt rules *pursuant to ss. 120.536(1) and 120.54 necessary* to implement a state system of school improvement and education accountability and *shall specify required annual reports by schools and school districts. Such rules must be based on recommendations of the Commission on Education Reform and Accountability and must include, but need not be limited to, a requirement that each school report identify the annual Educational Enhancement Trust Fund allocations to the district and the*



~~school and how those allocations were used for educational enhancement and supporting school improvement.~~

(9)(6) EXCEPTIONS TO LAW.—To facilitate innovative practices and to allow local selection of educational methods, the commissioner may waive, upon the request of a school board, requirements of chapters 230 through 239 of the Florida School Code that relate to instruction and school operations, except those pertaining to civil rights, and student health, safety, and welfare. The Commissioner of Education is not authorized to grant waivers for any provisions of law pertaining to the allocation and appropriation of state and local funds for public education; the election, compensation, and organization of school board members and superintendents; graduation and state accountability standards; financial reporting requirements; *reports of out-of-field teaching assignments under s. 231.095*; public meetings; public records; or due process hearings governed by chapter 120. Prior to approval, the commissioner shall report pending waiver requests to the state board on a monthly basis, and shall, upon request of any state board member, bring a waiver request to the state board for consideration. If, within 2 weeks of receiving the report, no member requests that a waiver be considered by the state board, the commissioner may act on the original waiver request. No later than January 1 of each year, the commissioner shall report to the President and Minority Leader of the Senate and the Speaker and Minority Leader of the House of Representatives all approved waiver requests in the preceding year.

(a) Graduation requirements in s. 232.246 must be met by demonstrating performance of intended outcomes for any course in the Course Code Directory unless a waiver is approved by the commissioner. In developing procedures for awarding credits based on performance outcomes, districts may request waivers from State Board of Education rules relating to curriculum frameworks and credits for courses and programs in the Course Code Directory. Credit awarded for a course or program beyond that allowed by the Course Code Directory counts as credit for electives. Upon request by any school district, the commissioner shall evaluate and establish procedures for variations in academic credits awarded toward graduation by a high school offering six periods per day compared to those awarded by high schools operating on other schedules.

1. A school board may originate a request for waiver and submit the request to the commissioner if such a waiver is required to implement districtwide improvements.

2. A school board may submit a request to the commissioner for a waiver if such request is presented to the school board by a school advisory council established pursuant to s. 229.58 and if such a waiver is required to implement a school improvement plan required by s. 230.23(16). The school board shall report annually to the ~~Commissioner of Florida Commission on Education Reform and Accountability~~, in conjunction with the feedback report required pursuant to ~~this section subsection (3)~~, the number of waivers requested by school advisory councils, the number of such waiver requests approved and submitted to the commissioner, and the number of such waiver requests not approved and not submitted to the commissioner. For each waiver request not approved, the school board shall report the statute or rule for which the waiver was requested, the rationale for the school advisory council request, and the reason the request was not approved.

3. When approved by the commissioner, a waiver requested under this paragraph is effective for a 5-year period.

(b) Notwithstanding the provisions of chapter 120 and for the purpose of implementing this subsection, the commissioner may waive State Board of Education rules if the school board has submitted a written request to the commissioner for approval pursuant to this subsection.

(c) The written request for waiver of statute or rule must indicate at least how ~~the general statutory purpose will be met~~, how granting the waiver will assist schools in improving student outcomes related to the student performance standards adopted by the state board pursuant to ~~subsection (5)~~, and how student improvement will be evaluated and reported. ~~In considering any waiver~~, The commissioner shall *not grant any waiver that would impair the ensure* protection of the health, safety, welfare, *or* and civil rights of the students *or the* and protection of the public interest.

(d) Upon denying a request for a waiver, the commissioner must state with particularity the grounds or basis for the denial. The commissioner shall report the specific statutes and rules for which waivers are requested and the number and disposition of such requests to the ~~Legislature and the State Board of Education Florida Commission on Education Reform and Accountability~~ for use in determining which statutes and rules stand in the way of school improvement.

(e)1. *Schools designated in performance grade category "A," making excellent progress, shall, if requested by the school, be given deregulated status as specified in s. 228.0565(5), (7), (8), (9), and (10).*

2. *Schools that have improved at least two performance grade categories and that meet the criteria of the Florida School Recognition Program pursuant to s. 231.2905 may be given deregulated status as specified in s. 228.0565(5), (7), (8), (9), and (10).*

Section 10. *Section 229.593, Florida Statutes, 1998 Supplement, is repealed.*

Section 11. *Section 229.594, Florida Statutes, is repealed.*

Section 12. Subsection (5) of section 229.595, Florida Statutes, is amended to read:

229.595 Implementation of state system of education accountability for school-to-work transition.—

(5) *Prior to each student's graduation from high school, the school shall Any assessment required for student receipt of a high school diploma shall include items designed to assess the student's student preparation to enter the workforce and provide the student and the student's parent or guardian with the results of such assessment. The Commissioner of Florida Commission on Education Reform and Accountability shall identify the employability skills associated with successful entry into the workforce from which such items shall be derived.*

Section 13. Paragraphs (c) and (g) of subsection (5), paragraph (b) of subsection (7), and subsections (16) and (17) of section 230.23, Florida Statutes, 1998 Supplement, are amended, present subsection (18) is amended and renumbered as subsection (20), and new subsections (18) and (19) are added to that section, to read:

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

(5) PERSONNEL.—Designate positions to be filled, prescribe qualifications for those positions, and provide for the appointment, compensation, promotion, suspension, and dismissal of employees as follows, subject to the requirements of chapter 231:

(c) Compensation and salary schedules.—Adopt a salary schedule or salary schedules *designed to furnish incentives for improvement in training and for continued efficient service* to be used as a basis for paying all school employees, ~~such schedules to be arranged, insofar as practicable, so as to furnish incentive for improvement in training and for continued and efficient service~~ and fix and authorize the compensation of school employees on the basis ~~thereof of such schedules~~. A district school board, in determining the salary schedule for instructional personnel, must base a portion of each employee's compensation on performance demonstrated under s. 231.29 and must consider the prior teaching experience of a person who has been designated state teacher of the year by any state in the United States. In developing the salary schedule, the school board shall seek input from parents, teachers, and representatives of the business community. *By June 30, 2002, the salary schedule adopted by the school board must base at least 5 percent of the salary of school administrators and instructional personnel on annual performance measured under s. 231.29. The district's performance-pay policy is subject to negotiation as provided in chapter 447; however, the adopted salary schedule must allow employees who demonstrate outstanding performance to earn 5 percent of their individual salary. The Commissioner of Education shall determine whether the board's adopted salary schedule complies with the requirement for performance-based pay. If the board fails to comply by June 30, 2002, the commissioner shall withhold disbursements from the Educational Enhancement Trust Fund to the district until compliance is verified.*

(g) Awards and incentives.—Provide for recognition of district employees, students, school volunteers, ~~and~~ or advisory committee members who have contributed outstanding and meritorious service in their



fields or service areas. After considering recommendations of the superintendent, the board shall adopt rules establishing and regulating the meritorious service awards necessary for the efficient operation of the program. An award or incentive granted under this paragraph may not be considered in determining the salary schedules required by paragraph (c). Monetary awards shall be limited to persons who propose procedures or ideas which are adopted by the board and which will result in eliminating or reducing school board expenditures or improving district or school center operations. Nonmonetary awards shall include, but are ~~not~~ limited to, certificates, plaques, medals, ribbons, and photographs. The school board ~~may be authorized to~~ expend funds for such recognition and awards. No award granted under the provisions of this paragraph shall exceed \$2,000 or 10 percent of the first year's gross savings, whichever is greater.

(7) COURSES OF STUDY AND OTHER INSTRUCTIONAL AIDS.—Provide adequate instructional aids for all children as follows and in accordance with the requirements of chapter 233.

(b) Textbooks.—Provide for proper requisitioning, distribution, accounting, storage, care, and use of all *instructional materials* ~~textbooks and other books~~ furnished by the state and furnish such other *instructional materials* ~~textbooks and library books~~ as may be needed. The school board is responsible for assuring that instructional materials used in the district are consistent with the district goals and objectives and the curriculum frameworks approved by the State Board of Education, as well as with the state and district performance standards provided for in ss. 229.565 and 232.2454.

(16) IMPLEMENT SCHOOL IMPROVEMENT AND ACCOUNTABILITY.—Maintain a system of school improvement and education accountability as provided by statute and State Board of Education rule. This system of school improvement and education accountability shall be consistent with, and implemented through, the district's continuing system of planning and budgeting required by this section and ss. 229.555 and 237.041. This system of school improvement and education accountability shall include, but *is not* be limited to, the following:

(a) School improvement plans.—Annually approve and require implementation of a new, amended, or continuation school improvement plan for each school in the district. Such plan shall be designed to achieve the state education goals and student performance standards pursuant to ss. 229.591(3) and 229.592. Beginning in 1999-2000, each plan shall also address issues relative to budget, training, instructional materials, technology, staffing, student support services, *specific school safety and discipline strategies*, and other matters of resource allocation, as determined by school board policy, *and shall be based on an analysis of student achievement and other school performance data*.

(b) Approval process.—Develop a process for approval of a school improvement plan presented by an individual school and its advisory council. In the event a board does not approve a school improvement plan after exhausting this process, the *Department of Education Florida Commission on Education Reform and Accountability* shall be notified of the need for assistance.

(c) Assistance and intervention.—Develop a ~~2-year 3-year~~ plan of increasing individualized assistance and intervention for each school *in danger of that does not meeting state standards meet or making make* adequate progress, *based upon the recommendations of the commission*, as defined pursuant to statute and State Board of Education rule, toward meeting the goals and standards of its approved school improvement plan. *A school that is identified as being in performance grade category "D" pursuant to s. 229.57 is in danger of failing and must be provided assistance and intervention.*

(d) After 23 years.—Notify the *Commissioner of Florida Commission on Education Reform and Accountability* and the State Board of Education in the event any school does not make adequate progress toward meeting the goals and standards of a school improvement plan by the end of ~~23 consecutive~~ years of *failing to make adequate progress district assistance and intervention* and proceed according to guidelines developed pursuant to statute and State Board of Education rule. *School districts shall provide intervention and assistance to schools in danger of being designated as performance grade category "F," failing to make adequate progress.*

(e) Public disclosure.—Provide information regarding performance of students and educational programs as required pursuant to ss. s-

229.555 and 229.57(5) and implement a system of school reports as required by statute and State Board of Education rule. *Annual public disclosure reports shall be in an easy-to-read report card format, and shall include the school's student and school performance grade category designation and performance data as specified in state board rule.*

(f) School improvement funds.—Provide funds to schools for developing and implementing school improvement plans. Such funds shall include those funds appropriated for the purpose of school improvement pursuant to s. 24.121(5)(c). *A school identified as performance grade category "F" for one school year, pursuant to s. 229.57, shall receive school district funds for the next school year at a level necessary to reduce each K through 3rd grade class to no more than 15 students for each full-time classroom teacher and at a level necessary to provide for an instructional year that is equivalent to a 210-day schedule for each student in grades 4 through 12.*

(17) LOCAL-LEVEL DECISIONMAKING.—

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

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

(c) Develop policies for periodically monitoring the membership composition of school advisory councils to ensure compliance with requirements established in s. 229.58.

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

(18) OPPORTUNITY SCHOLARSHIPS.—*Adopt policies allowing students attending schools that have been designated as performance grade category "F," failing to make adequate progress, for two school years in a 4-year period to attend a higher performing school in the district or an adjoining district or be granted a state opportunity scholarship to a private school, in conformance with s. 229.0537 and state board rule.*

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

(20)(18) ADOPT RULES.—Adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this section.

Section 14. Subsection (2) of section 231.2905, Florida Statutes, is amended, and subsection (3) is added to that section, to read:

231.2905 Florida School Recognition Program.—

(2) The Florida School Recognition Program is created to provide *greater autonomy* and financial awards to ~~faculty and staff~~ of schools that sustain high performance or that demonstrate exemplary improvement due to innovation and effort. The Commissioner of Education shall establish statewide objective criteria for schools to be invited to apply for the Florida School Recognition Program. The selection of schools must be based on at least 2 school years of data, when available. ~~To participate in the program, a school district must have incorporated a performance incentive program into its employee salary structure.~~ All public schools, including charter schools, are eligible to participate in the program.

(a) Initial criteria for identification of schools must rely on the school's data and statewide data and must include, but *is not* be limited to:

- (a) Improvement in the school's student achievement data.
- (b) Statewide student achievement data.
- (c) Student learning gains when such data becomes available.
- (d) Readiness for postsecondary education data.
- (e) Dropout rates.
- (f) Attendance rates.
- (g) Graduation rates.
- (h) Cohort graduation rates.

(b) After a pool of eligible schools has been identified, schools must apply for final recognition and financial awards based on established criteria. Criteria must include, but not be limited to:

1. School climate, including rates of school violence and crime.
2. Indicators of innovation in teaching and learning.
3. Indicators of successful challenging school improvement plans.
4. Parent, community, and student involvement in learning.

(c) After identification of schools for final recognition and financial awards, awards must be distributed based on employee performance criteria established in district school board policy.

(3) The School Recognition Program shall utilize the school performance grade category designations in s. 229.57.

Section 15. Section 232.245, Florida Statutes, is amended to read:

232.245 Pupil progression; remedial instruction; reporting requirements.—

(1) It is the intent of the Legislature that each student's progression from one grade to another be determined, in part, upon proficiency in reading, writing, science, and mathematics; that school district policies facilitate such proficiency; and that each student and his or her parent or legal guardian be informed of that student's academic progress.

(2) Each district school board shall establish a comprehensive program for pupil progression which must include:

(a) Standards for evaluating each pupil's performance, including how well he or she masters the performance standards approved by the state board according to s. 229.565; and

(b) Specific levels of performance in reading, writing, science, and mathematics for each grade level, including the levels of performance on statewide assessments at selected grade levels in elementary school, middle school, and high school as defined by the Commissioner of Education, below which a student must receive remediation, or and may be retained within an intensive program that is different from the previous year's program and that takes into account the student's learning style. No student may be assigned to a grade level based solely on age or other factors that constitute social promotion. School boards shall allocate remedial and supplemental instruction resources first to students who fail to meet achievement performance levels required for promotion. The state board shall adopt rules to prescribe limited circumstances in which a student may be promoted without meeting the specific assessment performance levels prescribed by the district's pupil progression plan. Such rules shall specifically address the promotion of students with limited English proficiency and students with disabilities. A school district must consider an appropriate alternative placement for a student who has been retained 2 or more years.

(3) Each student must participate in the statewide assessment tests required by s. 229.57. Each student who does not meet specific levels of performance as determined by the district school board in reading, writing, science, and mathematics for each grade level, or who does not meet specific levels of performance, determined by the Commissioner of Education, on statewide assessments at selected grade levels, must be provided with additional diagnostic assessments to determine the nature of the student's difficulty and areas of academic need. The school in which

the student is enrolled must develop, in consultation with the student's parent or legal guardian, and must implement an academic improvement plan designed to assist the student in meeting state and district expectations for proficiency. Each plan must include the provision of intensive remedial instruction in the areas of weakness, through one or more of the following activities, as considered appropriate by the school administration:

- (a) Summer school coursework;
- (b) Extended day services;
- (c) Parent tutorial programs;
- (d) Contracted academic services;
- (e) Exceptional education services; or

(f) Suspension of curriculum other than reading, writing, and mathematics. Remedial instruction provided during high school may not be in lieu of English and mathematics credits required for graduation.

Upon subsequent evaluation, if the documented deficiency has not been corrected in accordance with the academic improvement plan, the student may be retained. Each student who does not meet the minimum performance expectations defined by the Commissioner of Education for the statewide assessment tests in reading, writing, science, and mathematics must retake the state assessment test in the subject area of deficiency and must continue remedial or supplemental instruction until the expectations are met or the student graduates from high school or is not subject to compulsory school attendance.

(4) Any student who exhibits substantial deficiency in reading skills, based on locally determined assessments conducted before the end of grade 1 or; grade 2, and grade 3, or based on teacher recommendation, must be given intensive reading instruction immediately following the identification of the reading deficiency. The student's reading proficiency must be reassessed by locally determined assessment or based on teacher recommendation at the beginning of the grade following the intensive reading instruction, and the student must continue to be given intensive reading instruction until the reading deficiency is remedied. If the student's reading deficiency, as determined by the locally determined assessment at grades 1 and 2, or by the statewide assessment at grade 3, is not remedied by the end of grade 4 and 2 or grade 3, or if the student scores below the specific level of performance, determined by the local school board, on the statewide assessment test in reading and writing given in elementary school, the student must be retained. The local school board may exempt a student from mandatory retention for good cause.

(5) Beginning with the 1997-1998 school year, any student who exhibits substantial deficiency in reading skills, based on locally determined assessments conducted at the beginning of grade 2, grade 3, and grade 4, or based on teacher recommendation, must be given intensive reading instruction immediately following the identification of the reading deficiency. The student's reading proficiency must be reassessed by locally determined assessment or based on teacher recommendation at the beginning of the grade following the intensive reading instruction, and the student must continue to be given intensive reading instruction until the reading deficiency is remedied. If the student's reading deficiency is not remedied by the end of grade 5, the student may be retained.

(5)(6) Each district must annually report to the parent or legal guardian of each student the progress of the student towards achieving state and district expectations for proficiency in reading, writing, science, and mathematics. The district must report to the parent or legal guardian the student's results on each statewide assessment test. The evaluation of each student's progress must be based upon the student's classroom work, observations, tests, district and state assessments, and other relevant information. Progress reporting must be provided to the parent or legal guardian in writing in a format adopted by the district school board.

(6)(7) The Commissioner of Education shall adopt rules pursuant to ss. 120.536(1) and 120.54 necessary for the administration of this section.

(7)(8) The Department of Education shall provide technical assistance as needed to aid school districts in administering this section.

Section 16. Subsection (12) of section 228.053, Florida Statutes, is amended to read:

228.053 Developmental research schools.—

(12) EXCEPTIONS TO LAW.—To encourage innovative practices and facilitate the mission of the developmental research schools, in addition to the exceptions to law specified in s. 229.592(6), the following exceptions shall be permitted for developmental research schools:

(a) The methods and requirements of the following statutes shall be held in abeyance: ss. 230.01; 230.02; 230.03; 230.04; 230.05; 230.061; 230.08; 230.10; 230.105; 230.11; 230.12; 230.15; 230.16; 230.17; 230.173; 230.18; 230.19; 230.201; 230.202; 230.21; 230.22; 230.2215; 230.2318; 230.232; 230.24; 230.241; 230.26; 230.28; 230.30; 230.303; 230.31; 230.32; 230.321; 230.33; 230.35; 230.39; 230.63; 230.64; 230.643; 234.01; 234.021; 234.112; 236.25; 236.261; 236.29; 236.31; 236.32; 236.35; 236.36; 236.37; 236.38; 236.39; 236.40; 236.41; 236.42; 236.43; 236.44; 236.45; 236.46; 236.47; 236.48; 236.49; 236.50; 236.51; 236.52; 236.55; 236.56; 237.051; 237.071; 237.091; 237.201; 237.40; and 316.75. With the exception of subsection (16) of s. 230.23, s. 230.23 shall be held in abeyance. Reference to school boards in s. 230.23(16) shall mean the president of the university or the president's designee.

(b) The following statutes or related rules may be waived for any developmental research school so requesting, provided the general statutory purpose of each section is met and the developmental research school has submitted a written request to the Joint Developmental Research School Planning, Articulation, and Evaluation Committee for approval pursuant to this subsection: ss. 229.555; 231.291; 232.2462; 232.36; 233.34; 237.01; 237.02; 237.031; 237.041; 237.061; 237.081; 237.111; 237.121; 237.131; 237.141; 237.151; 237.161; 237.162; 237.171; 237.181; 237.211; and 237.34. Notwithstanding reference to the responsibilities of the superintendent or school board in chapter 237, developmental research schools shall follow the policy intent of the chapter and shall, at least, adhere to the general state agency accounting procedures established in s. 11.46.

1. Two or more developmental research schools may jointly originate a request for waiver and submit the request to the committee if such waiver is approved by the school advisory council of each developmental research school desiring the waiver.

2. A developmental research school may submit a request to the committee for a waiver if such request is presented by a school advisory council established pursuant to s. 229.58, if such waiver is required to implement a school improvement plan required by s. 230.23(16), and if such request is made using forms established pursuant to s. 229.592(6). The Joint Developmental Research School Planning, Articulation, and Evaluation Committee shall monitor the waiver activities of all developmental research schools and shall report annually to the department and the Florida Commission on Education Reform and Accountability, in conjunction with the feedback report required pursuant to s. 229.592(3), the number of waivers requested and submitted to the committee by developmental research schools, and the number of such waiver requests not approved. For each waiver request not approved, the committee shall report the statute or rule for which the waiver was requested, the rationale for the developmental research school request, and the reason the request was not approved.

(c) The written request for waiver of statute or rule shall indicate at least how the general statutory purpose will be met, how granting the waiver will assist schools in improving student outcomes related to the student performance standards adopted pursuant to s. 229.592(5), and how student improvement will be evaluated and reported. In considering any waiver, the committee shall ensure protection of the health, safety, welfare, and civil rights of the students and protection of the public interest.

(d) The procedure established in s. 229.592(6)(f) shall be followed for any request for a waiver which is not denied, or for which a request for additional information is not issued. Notwithstanding the request provisions of s. 229.592(6), developmental research schools shall request all waivers through the Joint Developmental Research School Planning, Articulation, and Evaluation Committee, as established in s. 228.054. The committee shall approve or disapprove said requests pursuant to this subsection and s. 229.592(6); however, the Commissioner of Education shall have standing to challenge any decision of the committee should it adversely affect the health, safety, welfare, or civil rights of the

students or public interest. The department shall immediately notify the committee and developmental research school of the decision and provide a rationale therefor.

Section 17. Paragraph (e) of subsection (2) of section 228.054, Florida Statutes, is amended to read:

228.054 Joint Developmental Research School Planning, Articulation, and Evaluation Committee.—

(2) The committee shall have the duty and responsibility to:

(e) Provide assistance to schools in the waiver process established under s. 228.053(12), review and approve or disapprove waivers requested pursuant to ss. 228.053(12) and 229.592(6), and annually review, identify, and report to the Legislature additional barriers and statutes that hinder the implementation of s. 228.053.

Section 18. Subsection (3) of section 233.17, Florida Statutes, is amended to read:

233.17 Term of adoption for instructional materials.—

(3) The department shall publish annually an official schedule of subject areas to be called for adoption for each of the succeeding 2 years, and a tentative schedule for years 3, 4, 5, and 6. If extenuating circumstances warrant, the Commissioner of Education may order the department to add one or more subject areas to the official schedule, in which event the commissioner shall develop criteria for such additional subject area or areas pursuant to s. 229.512(18)(15) and make them available to publishers as soon as practicable. Notwithstanding the provisions of s. 229.512(18)(15), the criteria for such additional subject area or areas may be provided to publishers less than 24 months before the date on which bids are due. The schedule shall be developed so as to promote balance among the subject areas so that the required expenditure for new instructional materials is approximately the same each year in order to maintain curricular consistency.

Section 19. Subsection (6) of section 236.685, Florida Statutes, is amended to read:

236.685 Educational funding accountability.—

(6) The annual school public accountability report required by ss. 229.592(5) and 230.23(16)(18) must include a school financial report. The purpose of the school financial report is to better inform parents and the public concerning how revenues were spent to operate the school during the prior fiscal year. Each school's financial report must follow a uniform, districtwide format that is easy to read and understand.

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

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

1. Teachers, excluding substitute teachers, and teacher aides who provide direct classroom instruction to students enrolled in programs classified by s. 236.081 as:

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

2. Substitute teachers.

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

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

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

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

As used in this subsection, the term "school" means a "school center" as defined by s. 228.041.

Section 20. Subsection (6) of section 20.15, Florida Statutes, 1998 Supplement, is amended to read:

20.15 Department of Education.—There is created a Department of Education.

(6) COUNCILS AND COMMITTEES.—Notwithstanding anything contained in law to the contrary, the Commissioner of Education shall appoint all members of all councils and committees of the Department of Education, except the Board of Regents, the State Board of Community Colleges, the community college district boards of trustees, the Postsecondary Education Planning Commission, the Education Practices Commission, the Education Standards Commission, the State Board of Independent Colleges and Universities, the Florida Commission on Education Reform and Accountability, and the State Board of Nonpublic Career Education.

Section 21. Effective July 1, 1999, section 236.08104, Florida Statutes, is created to read:

*236.08104 Supplemental academic instruction; categorical fund.—*

(1) *There is created a categorical fund to provide supplemental academic instruction to students in kindergarten through grade 12. This section may be cited as the "Supplemental Academic Achievement Categorical Fund."*

(2) *Categorical funds for supplemental academic instruction shall be allocated annually to each school district in the amount provided in the General Appropriations Act. These funds shall be in addition to the funds appropriated on the basis of full-time equivalent student (FTE) membership in the Florida Education Finance Program and shall be included in the total potential funds of each district. These funds shall be used only to provide supplemental academic instruction to students enrolled in the K-12 program. Supplemental instruction may include methods such as lowering class size, providing after-school tutoring, holding Saturday morning sessions, and other methods for improving student achievement and may be provided to a student in any manner and at any time during or beyond the regular 180-day term identified by the school as being the most effective and efficient way to best help that student progress from grade to grade and to graduate.*

(3) *Effective with the 1999-2000 fiscal year, funding on the basis of FTE membership beyond the 180-day regular term shall be provided in the FEFP only for students enrolled pursuant to s. 236.013(2)(c)2.a. Funding for instruction beyond the regular 180-day school year for all other K-12 students shall be provided through the supplemental academic instruction categorical fund and other state, federal, and local fund sources with ample flexibility for schools to provide supplemental instruction to assist students in progressing from grade to grade and graduating.*

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

Section 22. Effective July 1, 1999, paragraph (c) of subsection (2) of section 236.013, Florida Statutes, is amended to read:

236.013 Definitions.—Notwithstanding the provisions of s. 228.041, the following terms are defined as follows for the purposes of this act:

(2) 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. 236.081(1)(c); or

b. A combination of full-time or part-time students in any one of the programs listed in s. 236.081(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. 236.081(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 (5) 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 student in the basic half day kindergarten program of not less than 450 net hours shall earn one-half of a full-time equivalent membership.~~

~~(III) A half day kindergarten student in a combination of programs listed in s. 236.081(1)(c) is a fraction of a full-time equivalent membership in each special program equal to the number of net hours or major portion thereof per school year for which he or she is a member divided by the number of hours set forth in sub-sub-subparagraph (II); the difference between that fraction and the number of hours set forth in sub-sub-subparagraph (II) for each full-time student in membership in a half day kindergarten program 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.~~

~~(IV) A part-time student, except a postsecondary or adult student, is a fraction of a full-time equivalent membership in each basic and special program equal to the number of net hours or major fraction thereof 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.~~

~~(V) A postsecondary or adult student or a senior high school student enrolled in adult education when such courses are required for high school graduation is a portion of a full-time equivalent membership in each special program equal to the net hours or major fraction thereof per fiscal 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.~~

~~(VI) A full-time student who is part of a program authorized by subparagraph (a)3. in a combination of programs listed in s. 236.081(1)(c) is a fraction of a full-time equivalent membership in each regular or 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.~~

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

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:

a. ~~Support level III, IV, and V Special programs for exceptional students with disabilities;~~

b. ~~Special vocational technical programs;~~

c. ~~Special adult general education programs;~~

b.d. ~~Residential Dropout prevention programs as defined in s. 230.2316 for students in residential programs operated by the Department of Children and Family Services; programs operated by the Department of Juvenile Justice as defined in s. 230.23161 in which students receive educational services; or teenage parent programs as defined in s. 230.23166 for students who are in need of such additional instruction;~~

c.e. ~~Dropout prevention programs as defined in s. 230.2316 in which students are placed for academic or disciplinary purposes or Programs in English for speakers of other languages as defined in s. 233.058 for students who were in membership for all of the last 15 days of the 180-day term or a total of 30 days within the 180-day term and are in need of such additional instruction;~~

f. ~~Other basic programs offered for promotion or credit instruction as defined by rules of the state board; and~~

g. ~~Programs which modify the school year to accommodate the needs of children who have moved with their parents for the purpose of engaging in the farm labor or fish industries, provided such programs are approved by the commissioner.~~

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 under the provisions of s. 228.041(13) to operate for less than the minimum school day.

Section 23. Subsection (7) of section 239.101, Florida Statutes, is amended to read:

239.101 Legislative intent.—

(7) The Legislature finds that career education is a crucial component of the educational programs conducted within school districts and community colleges. Accordingly, career education must be represented in accountability processes undertaken for educational institutions. It is the intent of the Legislature that the vocational standards articulated in s. 239.229(2) be considered in the development of accountability measures for public schools pursuant to ss. 229.591, 229.592, ~~229.593, 229.594,~~ and 230.23(16) and for community colleges pursuant to s. 240.324.

Section 24. Subsection (1) of section 239.229, Florida Statutes, 1998 Supplement, is amended to read:

239.229 Vocational standards.—

(1) The purpose of career education is to enable students who complete vocational programs to attain and sustain employment and realize economic self-sufficiency. The purpose of this section is to identify issues related to career education for which school boards and community college boards of trustees are accountable. It is the intent of the Legislature that the standards articulated in subsection (2) be considered in the development of accountability standards for public schools pursuant to ss. 229.591, 229.592, ~~229.593, 229.594,~~ and 230.23(16) and for community colleges pursuant to s. 240.324.

Section 25. Paragraphs (b), (c), and (d) of subsection (5) of section 24.121, Florida Statutes, 1998 Supplement, are reenacted and amended to read:

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

(5)

(b) Except as provided in paragraphs (c), (d), and (e), the Legislature shall equitably apportion moneys in the trust fund among public schools, community colleges, and universities.

(c) A portion of such net revenues, as determined annually by the Legislature, shall be distributed to each school district and shall be made available to each public school in the district for enhancing school performance through development and implementation of a school improvement plan pursuant to s. 230.23(16). A portion of these moneys, as determined annually in the General Appropriations Act, must be allocated to each school in an equal amount for each student enrolled. These moneys may be expended only on programs or projects selected by the school advisory council or by a parent advisory committee created pursuant to this paragraph. If a school does not have a school advisory council, the district advisory council must appoint a parent advisory committee composed of parents of students enrolled in that school, which committee is representative of the ethnic, racial, and economic community served by the school, to advise the school's principal on the programs or projects to be funded. A principal may not override the recommendations of the school advisory council or the parent advisory committee. These moneys may not be used for capital improvements, nor may they be used for any project or program that has a duration of more than 1 year; however, a school advisory council or parent advisory committee may independently determine that a program or project formerly funded under this paragraph should receive funds in a subsequent year.

(d) No funds shall be released for any purpose from the Educational Enhancement Trust Fund to any school district in which one or more schools do not have an approved school improvement plan pursuant to s. 230.23(16) or do not comply with school advisory council membership composition requirements pursuant to s. 229.58(1). *Effective July 1, 2002, the Commissioner of Education shall withhold disbursements from the trust fund to any school district that fails to adopt the performance-based salary schedule required by s. 230.23(5).*

Section 26. For the purpose of incorporating the amendments made by this act to sections 229.57 and 232.245, Florida Statutes, in references thereto, paragraph (b) of subsection (1) of section 120.81, Florida Statutes, is reenacted to read:

120.81 Exceptions and special requirements; general areas.—

(1) EDUCATIONAL UNITS.—

(b) Notwithstanding s. 120.52(15), any tests, test scoring criteria, or testing procedures relating to student assessment which are developed or administered by the Department of Education pursuant to s. 229.57, s. 232.245, s. 232.246, or s. 232.247, or any other statewide educational tests required by law, are not rules.

Section 27. For the purpose of incorporating the amendments made by this act to section 230.23, Florida Statutes, in references thereto, subsections (3) and (8) of section 228.053, Florida Statutes, are reenacted and amended to read:

228.053 Developmental research schools.—

(3) MISSION.—The mission of a developmental research school shall be the provision of a vehicle for the conduct of research, demonstration, and evaluation regarding management, teaching, and learning. Programs to achieve the mission of a developmental research school shall embody the goals and standards of "Blueprint 2000" established pursuant to ss. 229.591 and 229.592 and shall ensure an appropriate education for its students.

(a) Each developmental research school shall emphasize mathematics, science, computer science, and foreign languages. The primary goal of a developmental research school is to enhance instruction and research in such specialized subjects by using the resources available on a state university campus, while also providing an education in nonspecialized subjects. Each developmental research school shall provide sequential elementary and secondary instruction where appropriate. A developmental research school may not provide instruction at grade levels higher than grade 12 without authorization from the State Board of Education. Each developmental research school shall develop and implement a school improvement plan pursuant to s. 230.23(16).

(b) Research, demonstration, and evaluation conducted at a developmental research school may be generated by the college of education with which the school is affiliated.

(c) Research, demonstration, and evaluation conducted at a developmental research school may be generated by the Education Standards Commission. Such research shall respond to the needs of the education community at large, rather than the specific needs of the affiliated college.

(d) Research, demonstration, and evaluation conducted at a developmental research school may consist of pilot projects to be generated by the affiliated college, the Education Standards Commission, or the Legislature.

(e) The exceptional education programs offered at a developmental research school shall be determined by the research and evaluation goals and the availability of students for efficiently sized programs. The fact that a developmental research school offers an exceptional education program in no way lessens the general responsibility of the local school district to provide exceptional education programs.

(8) ~~ADVISORY BOARDS.—“Blueprint 2000” provisions and intent specify that~~ Each public school in the state shall establish a school advisory council that is reflective of the population served by the school, pursuant to s. 229.58, and is responsible for the development and implementation of the school improvement plan pursuant to s. 230.23(16). Developmental research schools shall comply with the provisions of s. 229.58 in one of two ways:

(a) Two advisory bodies.—Each developmental research school may:

1. Establish an advisory body pursuant to the provisions and requirements of s. 229.58 to be responsible for the development and implementation of the school improvement plan, pursuant to s. 230.23(16).

2. Establish an advisory board to provide general oversight and guidance. The dean of the affiliated college of education shall be a standing member of the board, and the president of the university shall appoint three faculty members from the college of education, one layperson who resides in the county in which the school is located, and two parents or legal guardians of students who attend the developmental research school to serve on the advisory board. The term of each member shall be for 2 years, and any vacancy shall be filled with a person of the same classification as his or her predecessor for the balance of the unexpired term. The president shall stagger the terms of the initial appointees in a manner that results in the expiration of terms of no more than two members in any year. The president shall call the organizational meeting of the board. The board shall annually elect a chair and a vice chair. There shall be no limitation on successive appointments to the board or successive terms that may be served by a chair or vice chair. The board shall adopt internal organizational procedures or bylaws necessary for efficient operation as provided in chapter 120. Board members shall not receive per diem or travel expenses for the performance of their duties. The board shall:

- a. Meet at least quarterly.
- b. Monitor the operations of the school and the distribution of monies allocated for such operations.
- c. Establish necessary policy, program, and administration modifications.
- d. Evaluate biennially the performance of the director and principal and recommend corresponding action to the dean of the college of education.
- e. Annually review evaluations of the school’s operation and research findings.

(b) One advisory body.—Each developmental research school may establish an advisory body responsible for the development and implementation of the school improvement plan, pursuant to s. 230.23(16), in addition to general oversight and guidance responsibilities. The advisory body shall reflect the membership composition requirements established in s. 229.58, but may also include membership by the dean of the college of education and additional members appointed by the president of the university that represent faculty members from the college of education, the university, or other bodies deemed appropriate for the mission of the school.

Section 28. Paragraphs (b), (c), and (d) of subsection (6) of section 228.0565, Florida Statutes, 1998 Supplement, are amended to read:

228.0565 Deregulated public schools.—

(6) ELEMENTS OF THE PROPOSAL.—The major issues involving the operation of a deregulated public school shall be considered in advance and written into the proposal.

(b) The school shall make annual progress reports to the district, which upon verification shall be forwarded to the Commissioner of Education at the same time as other annual school accountability reports. The report shall contain at least the following information:

- 1. The school’s progress towards achieving the goals outlined in its proposal.
- 2. The information required in the annual school report pursuant to s. 229.592.
- 3. Financial records of the school, including revenues and expenditures.
- 4. Salary and benefit levels of school employees.

(c) A school district shall ensure that the proposal is innovative and consistent with the state education goals established by s. 229.591.

(d) Upon receipt of the annual report required by paragraph (b), the Department of Education shall provide to the State Board of Education, the Commissioner of Education, the President of the Senate, and the Speaker of the House of Representatives with a copy of each report and an analysis and comparison of the overall performance of students, to include all students in deregulated public schools whose scores are counted as part of the ~~statewide norm-referenced~~ assessment tests, versus comparable public school students in the district as determined by ~~FCAT and district norm-referenced~~ assessment tests currently administered in the school district, and, as appropriate, the Florida Writes Assessment Test, the High School Competency Test, and other assessments administered pursuant to s. 229.57(3).

Section 29. For the purpose of incorporating the amendments made by this act to section 229.57, Florida Statutes, in references thereto, subsection (1) of section 228.301, Florida Statutes, is reenacted to read:

228.301 Test security.—

(1) It is unlawful for anyone knowingly and willfully to violate test security rules adopted by the State Board of Education or the Commissioner of Education for mandatory tests administered by or through the State Board of Education or the Commissioner of Education to students, educators, or applicants for certification or administered by school districts pursuant to s. 229.57, or, with respect to any such test, knowingly and willfully to:

- (a) Give examinees access to test questions prior to testing;
- (b) Copy, reproduce, or use in any manner inconsistent with test security rules all or any portion of any secure test booklet;
- (c) Coach examinees during testing or alter or interfere with examinees’ responses in any way;
- (d) Make answer keys available to examinees;
- (e) Fail to follow security rules for distribution and return of secure test as directed, or fail to account for all secure test materials before, during, and after testing;
- (f) Fail to follow test administration directions specified in the test administration manuals; or
- (g) Participate in, direct, aid, counsel, assist in, or encourage any of the acts prohibited in this section.

Section 30. For the purpose of incorporating the amendments made by this act to sections 229.555, 229.565, and 229.57, Florida Statutes, in references thereto, subsections (1) and (3) of section 229.551, Florida Statutes, 1998 Supplement, are reenacted to read:

229.551 Educational management.—

(1) The department is directed to identify all functions which under the provisions of this act contribute to, or comprise a part of, the state

system of educational accountability and to establish within the department the necessary organizational structure, policies, and procedures for effectively coordinating such functions. Such policies and procedures shall clearly fix and delineate responsibilities for various aspects of the system and for overall coordination of the total system. The commissioner shall perform the following duties and functions:

(a) Coordination of department plans for meeting educational needs and for improving the quality of education provided by the state system of public education;

(b) Coordination of management information system development for all levels of education and for all divisions of the department, to include the development and utilization of cooperative education computing networks for the state system of public education;

(c) Development of database definitions and all other items necessary for full implementation of a comprehensive management information system as required by s. 229.555;

(d) Coordination of all planning functions for all levels and divisions within the department;

(e) Coordination of all cost accounting and cost reporting activities for all levels of education, including public schools, vocational programs, community colleges, and institutions in the State University System;

(f) Development and coordination of a common course designation and numbering system for postsecondary education in school districts, community colleges, participating nonpublic postsecondary education institutions, and the State University System which will improve program planning, increase communication among all postsecondary delivery systems, and facilitate the transfer of students. The system shall not encourage or require course content prescription or standardization or uniform course testing, and the continuing maintenance of the system shall be accomplished by appropriate faculty committees representing public and participating nonpublic institutions. The Articulation Coordinating Committee, whose membership represents public and nonpublic postsecondary institutions, shall:

1. Identify the highest demand degree programs within the State University System.

2. Conduct a study of courses offered by universities and accepted for credit toward a degree. The study shall identify courses designated as either general education or required as a prerequisite for a degree. The study shall also identify these courses as upper-division level or lower-division level.

3. Appoint faculty committees representing both community college and university faculties to recommend a single level for each course included in the common course numbering and designation system. Any course designated as an upper-division level course must be characterized by a need for advanced academic preparation and skills that a student would be unlikely to achieve without significant prior coursework. A course that is offered as part of an associate in science degree program and as an upper-division course for a baccalaureate degree shall be designated for both the lower and upper division. Of the courses required for each baccalaureate degree, at least half of the credit hours required for the degree shall be achievable through courses designated as lower-division courses, except in degree programs approved by the Board of Regents pursuant to s. 240.209(5)(e). A course designated as lower-division may be offered by any community college. The Articulation Coordinating Committee shall recommend to the State Board of Education the levels for the courses. The common course numbering and designation system shall include the courses at the recommended levels, and, by fall semester of 1996, the registration process at each state university and community college shall include the courses at their designated levels and common course numbers.

4. Appoint faculty committees representing both community college and university faculties to recommend those courses identified to meet general education requirements within the subject areas of communication, mathematics, social sciences, humanities, and natural sciences. The Articulation Coordinating Committee shall recommend to the State Board of Education those courses identified to meet these general education requirements by their common course code number. All community colleges and state universities shall accept these general education courses.

5. Appoint faculty committees representing both community colleges and universities to recommend common prerequisite courses and identify course substitutions when common prerequisites cannot be established for degree programs across all institutions. Faculty work groups shall adopt a strategy for addressing significant differences in prerequisites, including course substitutions. The Board of Regents shall be notified by the Articulation Coordinating Committee when significant differences remain. Common degree program prerequisites shall be offered and accepted by all state universities and community colleges, except in cases approved by the Board of Regents pursuant to s. 240.209(5)(f). The Board of Regents shall work with the State Board of Community Colleges on the development of a centralized database containing the list of courses and course substitutions that meet the prerequisite requirements for each baccalaureate degree program;

(g) Expansion and ongoing maintenance of the common course designation and numbering system to include the numbering and designation of postsecondary vocational courses and facilitate the transfer of credits between public schools, community colleges, and state universities. The Articulation Coordinating Committee shall:

1. Adopt guidelines for the participation of public school districts and community colleges in offering courses that may be transferred to a certificate, diploma, or degree program. These guidelines shall establish standards addressing faculty qualifications, admissions, program curricula, participation in the common course designation and numbering system, and other issues identified by the Task Force on Workforce Development and the Commissioner of Education. Guidelines should also address the role of accreditation in the designation of courses as transferable credit. Such guidelines must not jeopardize the accreditation status of educational institutions and must be based on data related to the history of credit transfer among institutions in this state and others.

2. Identify postsecondary vocational programs offered by community colleges and public school districts. The list shall also identify vocational courses designated as college credit courses applicable toward a vocational diploma or degree. Such courses must be identified within the common course numbering and designation system.

3. Appoint faculty committees representing both community college and public school faculties to recommend a standard program length and appropriate occupational completion points for each postsecondary vocational certificate program, diploma, and degree; and

(h) Development of common definitions necessary for managing a uniform coordinated system of career education for all levels of the state system of public education.

(3) As a part of the system of educational accountability, the department shall:

(a) Develop minimum performance standards for various grades and subject areas, as required in ss. 229.565 and 229.57.

(b) Administer the statewide assessment testing program created by s. 229.57.

(c) Develop and administer an educational evaluation program, including the provisions of the Plan for Educational Assessment developed pursuant to s. 9, chapter 70-399, Laws of Florida, and adopted by the State Board of Education.

(d) Review the school advisory councils of each district as required by s. 229.58.

(e) Conduct the program evaluations required by s. 229.565.

(f) Maintain a listing of college-level communication and computation skills defined by the Articulation Coordinating Committee as being associated with successful student performance through the baccalaureate level and submit the same to the State Board of Education for approval.

(g) Maintain a listing of tests and other assessment procedures which measure and diagnose student achievement of college-level communication and computation skills and submit the same to the State Board of Education for approval.

(h) Maintain for the information of the State Board of Education and the Legislature a file of data compiled by the Articulation Coordinating Committee to reflect achievement of college-level communication and computation competencies by students in state universities and community colleges.

(i) Develop or contract for, and submit to the State Board of Education for approval, tests which measure and diagnose student achievement of college-level communication and computation skills. Any tests and related documents developed are exempt from the provisions of s. 119.07(1). The commissioner shall maintain statewide responsibility for the administration of such tests and may assign administrative responsibilities for the tests to any public university or community college. The state board, upon recommendation of the commissioner, is authorized to enter into contracts for such services beginning in one fiscal year and continuing into the next year which are paid from the appropriation for either or both fiscal years.

(j) Perform any other functions that may be involved in educational planning, research, and evaluation or that may be required by the commissioner, the State Board of Education, or law.

Section 31. For the purpose of incorporating the amendments made by this act to section 230.23, Florida Statutes, in references thereto, subsection (4) of section 230.03, Florida Statutes, is reenacted to read:

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

(4) PRINCIPAL OR HEAD OF SCHOOL.—Responsibility for the administration of any school or schools at a given school center, for the supervision of instruction therein, and for providing leadership in the development or revision and implementation of a school improvement plan required pursuant to s. 230.23(16) shall be delegated to the principal or head of the school or schools as hereinafter set forth and in accordance with rules established by the school board.

Section 32. For the purpose of incorporating the amendments made by this act to sections 229.591 and 229.592, Florida Statutes, in references thereto, paragraph (a) of subsection (3) of section 231.24, Florida Statutes, 1998 Supplement, is reenacted to read:

231.24 Process for renewal of professional certificates.—

(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. 240.529(5)(b) and credits or points that provide training in the area of 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. 229.591(3) and 229.592 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. 236.0811 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. 229.58.

Section 33. For the purpose of incorporating the amendments made by this act to section 231.29, Florida Statutes, in references thereto, paragraphs (e) and (f) of subsection (3) of section 231.36, Florida Statutes, are reenacted to read:

231.36 Contracts with instructional staff, supervisors, and principals.—

(3)

(e) A professional service contract shall be renewed each year unless the superintendent, after receiving the recommendations required by s. 231.29, charges the employee with unsatisfactory performance and notifies the employee of performance deficiencies as required by s. 231.29. An employee who holds a professional service contract on July 1, 1997, is subject to the procedures set forth in paragraph (f) during the term of the existing professional service contract. The employee is subject to the procedures set forth in s. 231.29(3)(d) upon the next renewal of the professional service contract; however, if the employee is notified of performance deficiencies before the next contract renewal date, the procedures of s. 231.29(3)(d) do not apply until the procedures set forth in paragraph (f) have been exhausted and the professional service contract is subsequently renewed.

(f) The superintendent shall notify an employee who holds a professional service contract on July 1, 1997, in writing, no later than 6 weeks prior to the end of the postschool conference period, of performance deficiencies which may result in termination of employment, if not corrected during the subsequent year of employment (which shall be granted for an additional year in accordance with the provisions in subsection (1)). Except as otherwise hereinafter provided, this action shall not be subject to the provisions of chapter 120, but the following procedures shall apply:

1. On receiving notice of unsatisfactory performance, the employee, on request, shall be accorded an opportunity to meet with the superintendent or the superintendent's designee for an informal review of the determination of unsatisfactory performance.

2. An employee notified of unsatisfactory performance may request an opportunity to be considered for a transfer to another appropriate position, with a different supervising administrator, for the subsequent year of employment.

3. During the subsequent year, the employee shall be provided assistance and inservice training opportunities to help correct the noted performance deficiencies. The employee shall also be evaluated periodically so that he or she will be kept apprised of progress achieved.

4. Not later than 6 weeks prior to the close of the postschool conference period of the subsequent year, the superintendent, after receiving and reviewing the recommendation required by s. 231.29, shall notify the employee, in writing, whether the performance deficiencies have been corrected. If so, a new professional service contract shall be issued to the employee. If the performance deficiencies have not been corrected, the superintendent may notify the school board and the employee, in writing, that the employee shall not be issued a new professional service contract; however, if the recommendation of the superintendent is not to issue a new professional service contract, and if the employee wishes to contest such recommendation, the employee will have 15 days from receipt of the superintendent's recommendation to demand, in writing, a hearing. In such hearing, the employee may raise as an issue, among other things, the sufficiency of the superintendent's charges of unsatisfactory performance. Such hearing shall be conducted at the school board's election in accordance with one of the following procedures:

a. A direct hearing conducted by the school board within 60 days of receipt of the written appeal. The hearing shall be conducted in accordance with the provisions of ss. 120.569 and 120.57. A majority vote of the membership of the school board shall be required to sustain the superintendent's recommendation. The determination of the school board shall be final as to the sufficiency or insufficiency of the grounds for termination of employment; or

b. A hearing conducted by an administrative law judge assigned by the Division of Administrative Hearings of the Department of Management Services. The hearing shall be conducted within 60 days of receipt of the written appeal in accordance with chapter 120. The recommendation of the administrative law judge shall be made to the school board. A majority vote of the membership of the school board shall be required to sustain or change the administrative law judge's recommendation. The determination of the school board shall be final as to the sufficiency or insufficiency of the grounds for termination of employment.

Section 34. For the purpose of incorporating the amendments made by this act to section 232.245, Florida Statutes, in references thereto, subsection (1) of section 232.2454, Florida Statutes, is reenacted to read:



232.2454 District student performance standards, instruments, and assessment procedures.—

(1) School districts are required to obtain or develop and implement assessments of student achievement as necessary to accurately measure student progress and to report this progress to parents or legal guardians according to s. 232.245. Each school district shall implement the assessment program pursuant to the procedures it adopts.

Section 35. For the purpose of incorporating the amendments made by this act to section 232.245, Florida Statutes, in references thereto, paragraphs (a) and (b) of subsection (5) of section 232.246, Florida Statutes, 1998 Supplement, are reenacted and amended to read:

232.246 General requirements for high school graduation.—

(5) Each district school board shall establish standards for graduation from its schools, and these standards must include:

(a) Earning passing scores on the high school competency test *or FCAT*, as defined in s. 229.57(3)(c).

(b) Completion of all other applicable requirements prescribed by the district school board pursuant to s. 232.245.

Section 36. For the purpose of incorporating the amendments made by this act to sections 229.57 and 232.245, Florida Statutes, in references thereto, section 232.248, Florida Statutes, is reenacted to read:

232.248 Confidentiality of assessment instruments.—All examination and assessment instruments, including developmental materials and workpapers directly related thereto, which are prepared, prescribed, or administered pursuant to ss. 229.57, 232.245, 232.246, and 232.247 shall be confidential and exempt from the provisions of s. 119.07(1) and from ss. 229.781 and 230.331. Provisions governing access, maintenance, and destruction of such instruments and related materials shall be prescribed by rules of the state board.

Section 37. For the purpose of incorporating the amendments made by this act to section 232.245, Florida Statutes, in references thereto, subsection (1) of section 232.2481, Florida Statutes, is reenacted to read:

232.2481 Graduation and promotion requirements for publicly operated schools.—

(1) Each state or local public agency, including the Department of Health and Rehabilitative Services, the Department of Corrections, the Board of Regents, boards of trustees of community colleges, and the Board of Trustees of the Florida School for the Deaf and the Blind, which agency is authorized to operate educational programs for students at any level of grades kindergarten through 12 shall be subject to all applicable requirements of ss. 232.245, 232.246, 232.247, and 232.248. Within the content of these cited statutes each such state or local public agency shall be considered a "district school board."

Section 38. For the purpose of incorporating the amendments made by this act to section 229.565, Florida Statutes, in references thereto, subsection (4) of section 233.09, Florida Statutes, is reenacted to read:

233.09 Duties of each state instructional materials committee.—The duties of each state instructional materials committee shall be:

(4) EVALUATION OF INSTRUCTIONAL MATERIALS.—To evaluate carefully all instructional materials submitted, to ascertain which instructional materials, if any, submitted for consideration best implement the selection criteria developed by the Commissioner of Education and those curricular objectives included within applicable performance standards provided for in s. 229.565.

(a) When recommending instructional materials for use in the schools, each committee shall include only instructional materials that accurately portray the ethnic, socioeconomic, cultural, and racial diversity of our society, including men and women in professional, vocational, and executive roles, and the role and contributions of the entrepreneur and labor in the total development of this state and the United States.

(b) When recommending instructional materials for use in the schools, each committee shall include only materials which accurately portray, whenever appropriate, humankind's place in ecological systems, including the necessity for the protection of our environment and

conservation of our natural resources and the effects on the human system of the use of tobacco, alcohol, controlled substances, and other dangerous substances.

(c) When recommending instructional materials for use in the schools, each committee shall require such materials as it deems necessary and proper to encourage thrift, fire prevention, and humane treatment of people and animals.

(d) When recommending instructional materials for use in the schools, each committee shall require, when appropriate to the comprehension of pupils, that materials for social science, history, or civics classes contain the Declaration of Independence and the Constitution of the United States. No instructional materials shall be recommended by any committee for use in the schools which contain any matter reflecting unfairly upon persons because of their race, color, creed, national origin, ancestry, gender, or occupation.

(e) All instructional materials recommended by each committee for use in the schools shall be, to the satisfaction of each committee, accurate, objective, and current and suited to the needs and comprehension of pupils at their respective grade levels. Instructional materials committees shall consider for adoption materials developed for academically talented students such as those enrolled in advanced placement courses.

(f) When recommending instructional materials for use in the schools, each committee shall have the recommendations of all districts which submit evaluations on the materials submitted for adoption in that particular subject area aggregated and presented to the members to aid them in the selection process; however, such aggregation shall be weighted in accordance with the full-time equivalent student percentage of each district. Each committee shall prepare an additional aggregation, unweighted, with each district recommendation given equal consideration. No instructional materials shall be evaluated or recommended for adoption unless each of the district committees shall have been loaned the specified number of samples.

(g) In addition to relying on statements of publishers or manufacturers of instructional material, any committee may conduct, or cause to be conducted, an independent investigation as to the compliance of submitted materials with the requirements of this section.

Section 39. For the purpose of incorporating the amendments made by this act to section 229.565, Florida Statutes, in references thereto, paragraph (b) of subsection (1) of section 233.165, Florida Statutes, is reenacted to read:

233.165 Standards for selection.—

(1) In the selection of instructional materials, library books, and other reading material used in the public school system, the standards used to determine the propriety of the material shall include:

(b) The educational purpose to be served by the material. In considering instructional materials for classroom use, priority shall be given to the selection of materials which encompass the state and district performance standards provided for in ss. 229.565 and 232.2454 and which include the instructional objectives contained within the curriculum frameworks approved by the State Board of Education, to the extent that appropriate curriculum frameworks have been approved by the board.

Section 40. For the purpose of incorporating the amendments made by this act to section 229.565, Florida Statutes, in references thereto, paragraph (b) of subsection (3) of section 233.25, Florida Statutes, is reenacted to read:

233.25 Duties, responsibilities, and requirements of publishers and manufacturers of instructional materials.—Publishers and manufacturers of instructional materials, or their representatives, shall:

(3) Submit, at a time designated in s. 233.14, the following information:

(b) Written proof that the publisher has provided written correlations to appropriate curricular objectives included within applicable performance standards provided for in s. 229.565.

Section 41. For the purpose of incorporating the amendments made by this act to section 230.23, Florida Statutes, in references thereto,

subsection (3) of section 239.229, Florida Statutes, 1998 Supplement, is reenacted to read:

239.229 Vocational standards.—

(3) Each area technical center operated by a school board shall establish a center advisory council pursuant to s. 229.58. The center advisory council shall assist in the preparation and evaluation of center improvement plans required pursuant to s. 230.23(16) and may provide assistance, upon the request of the center director, in the preparation of the center's annual budget and plan as required by s. 229.555(1).

Section 42. For the purpose of incorporating the amendments made by this act to section 229.592, Florida Statutes, in references thereto, subsection (4) of section 240.118, Florida Statutes, is reenacted to read:

240.118 Postsecondary feedback of information to high schools.—

(4) As a part of the school improvement plan pursuant to s. 229.592, the State Board of Education shall ensure that each school district and high school develops strategies to improve student readiness for the public postsecondary level based on annual analysis of the feedback report data.

Section 43. Subsections (29), (40), and (42) of section 228.041, Florida Statutes, 1998 Supplement, are amended to read:

228.041 Definitions.—Specific definitions shall be as follows, and wherever such defined words or terms are used in the Florida School Code, they shall be used as follows:

(29) DROPOUT.—A dropout is a student ~~not subject to compulsory school attendance, as defined in s. 232.01,~~ who meets any one or more of the following criteria:

(a) The student has voluntarily removed himself or herself from the school system before graduation for reasons that include, but are not limited to, marriage, or the student has withdrawn from school because he or she has failed the statewide student assessment test and thereby does not receive any of the certificates of completion;

(b) The student has not met the relevant attendance requirements of the school district pursuant to State Board of Education rules, or the student was expected to attend a school but did not enter as expected for unknown reasons, or the student's whereabouts are unknown;

(c) The student has withdrawn from school, but has not transferred to another public or private school or enrolled in any vocational, adult, home education, or alternative educational program;

(d) The student has withdrawn from school due to hardship, unless such withdrawal has been granted under the provisions of s. 322.091, court action, expulsion, medical reasons, or pregnancy; or

(e) The student is not eligible to attend school because of reaching the maximum age for an exceptional student program in accordance with the district's policy.

~~Students not exempt from attendance pursuant to s. 232.06 and who are subject to compulsory school attendance under s. 232.01 and who stop attending school are habitual truants as defined in subsection (28) and are not considered dropouts.~~ The State Board of Education may adopt rules to implement the provisions of this subsection.

(40) GRADUATION RATE.—The term "graduation rate" means the percentage of students who graduate from high school within 4 years after entering 9th grade for the first time, not counting students who transfer out of the student population to enroll in another school system; students who withdraw to enroll in a private school, a home education program, or an adult education program; or deceased students. Incoming transfer students, at the time of their enrollment, are included in the count of the class with which they are scheduled to graduate. For this rate calculation, students are counted as graduates upon receiving a standard high school diploma, as provided in s. 232.246, or a special diploma, as provided in s. 232.247. ~~Also counted as graduates are calculated by dividing the number of entering 9th graders into the number of students who receive, 4 years later, a high school diploma, a special diploma, or a certificate of completion, as provided for in s. 232.246, or who receive a special certificate of completion, as provided in s. 232.247, and students 19 years of age or younger who receive a general equivalency~~

diploma, as provided in s. 229.814. The number of 9th grade students used in the calculation of a graduation rate for this state shall be students enrolling in the grade for the first time. *In conjunction with calculating the graduation rate for this state, the Department of Education shall conduct a study to evaluate the impact of the rate of students who withdraw from high school to attend adult education programs and the students in exceptional student education programs. The department shall report its findings to the Legislature by February 1, 2000. The Department of Education may calculate a 5-year graduation rate using the same methodology described in this section.*

(42) DROPOUT RATE.—The term "high school dropout rate" means the annual percentage calculated by dividing the number of students in grades 9 through 12 who are classified as dropouts, pursuant to subsection (29), by the total number of students in grades 9-12 in attendance at any time during the school year ~~over the age of compulsory school attendance, pursuant to s. 232.01, at the time of the fall membership count, into the number of students who withdraw from school during a given school year and who are classified as dropouts pursuant to subsection (29).~~ *The Department of Education shall report the number of students initially classified as students who transfer to an adult education program but who do not enroll in an adult education program.*

Section 44. Paragraph (f) of subsection (9) of section 228.056, Florida Statutes, 1998 Supplement, is amended to read:

228.056 Charter schools.—

(9) CHARTER.—The major issues involving the operation of a charter school shall be considered in advance and written into the charter. The charter shall be signed by the governing body of the charter school and the sponsor, following a public hearing to ensure community input.

(f) Upon receipt of the annual report required by paragraph (d), the Department of Education shall provide to the State Board of Education, the Commissioner of Education, the President of the Senate, and the Speaker of the House of Representatives an analysis and comparison of the overall performance of charter school students, to include all students whose scores are counted as part of the ~~state norm-referenced assessment program tests,~~ versus comparable public school students in the district as determined by ~~the state norm-referenced assessment program tests~~ currently administered in the school district, and, as appropriate, the Florida Writes Assessment Test, the High School Competency Test, and other assessments administered pursuant to s. 229.57(3).

Section 45. *The Legislature intends to implement a comprehensive approach to increase students' academic achievement and improve teaching quality. The Legislature recognizes that professional educators shape the future of this state and the nation by developing the knowledge and skills of our future workforce and laying the foundation for good citizenship and full participation in community and civic life. The Legislature also recognizes its critical role in meeting the state's educational goals and preparing all students to achieve at the high levels set by the Sunshine State Standards. The purpose of this act is to raise standards for certifying professional educators; establish Institutes for Excellence in Teaching to respond to professional development needs; increase accountability for postsecondary programs that prepare future educators; increase the ability of professional educators to use technology to enhance student learning; and increase accountability for administrators who evaluate teacher performance. To further this initiative, the Department of Education must review the provisions of chapter 231, Florida Statutes, and related administrative rules governing the certification of individuals who must hold state certification as a condition of employment in any district school system. The purpose of the review is to identify ways to make the certification process more efficient and responsive to the needs of district school systems and educators; to maintain rigorous standards for initial and continuing certification; and to provide more alternative certification options for individuals who have specific subject-area expertise but have not completed a standard teacher preparation program. The department must evaluate the rigor of the assessment instruments and passing scores required for certification and should consider components of more rigorous and efficient certification systems in other states, including those states in which educators govern their profession through autonomous or semi-autonomous governing boards. When reviewing the certification assessment instruments, the department must consider alternatives that assess applicants' general knowledge of science in addition to their abilities to read, write, and compute mathematically. The*

department may request assistance from the Education Standards Commission. By January 1, 2000, the department must submit its findings and recommendations for revision of statutes and administrative rules to the presiding officers of the Senate, the House of Representatives, and the State Board of Education.

Section 46. Subsection (1) of section 231.02, Florida Statutes, 1998 Supplement, is amended to read:

231.02 Qualifications of personnel.—

(1) To be eligible for appointment in any position in any district school system, a person shall be of good moral character; shall have attained the age of 18 years, if he or she is to be employed in an instructional capacity; and shall, when required by law, hold a certificate or license issued under rules of the State Board of Education or the Department of Health and Rehabilitative Services, except when employed pursuant to s. 231.15 or under the emergency provisions of s. 236.0711. Previous residence in this state shall not be required in any school of the state as a prerequisite for any person holding a valid Florida certificate or license to serve in an instructional capacity.

Section 47. Subsection (2) of section 231.0861, Florida Statutes, is amended to read:

231.0861 Principals and assistant principals; selection.—

(2) ~~By July 1, 1986,~~ Each district school board shall adopt and implement an objective-based process for the screening, selection, and appointment of assistant principals and principals in the public schools of this state which meets the criteria approved by the ~~State Board of Education Florida Council on Educational Management~~. Each school district may contract with other local school districts, agencies, associations, private entities, or universities to conduct the assessments, evaluations, and training programs required under this section.

Section 48. Section 231.085, Florida Statutes, is amended to read:

231.085 Duties of principals.—A district school board shall employ, through written contract, public school principals who shall supervise the operation and management of the schools and property as the board determines necessary. *Each principal is responsible for the performance of all personnel employed by the school board and assigned to the school to which the principal is assigned. The principal shall faithfully and effectively apply the personnel-assessment system approved by the school board pursuant to s. 231.29.* Each principal shall perform such duties as may be assigned by the superintendent pursuant to the rules of the school board. Such rules shall include, but not be limited to, rules relating to administrative responsibility, instructional leadership *in implementing the Sunshine State Standards and of the overall educational program of the school to which the principal is assigned,* submission of personnel recommendations to the superintendent, administrative responsibility for records and reports, administration of corporal punishment, and student suspension. Each principal shall provide leadership in the development or revision and implementation of a school improvement plan pursuant to s. 230.23(16).

Section 49. Paragraph (a) of subsection (5) of section 231.087, Florida Statutes, is amended, and subsection (7) is added to that section, to read:

231.087 Management Training Act; Florida Council on Educational Management; Florida Academy for School Leaders; Center for Interdisciplinary Advanced Graduate Study.—

(5) DISTRICT MANAGEMENT TRAINING PROGRAMS.—

(a) Pursuant to ~~rules guidelines~~ to be adopted by the ~~State Board of Education Florida Council on Educational Management~~, each school board may submit to the commissioner a proposed program designed to train district administrators and school-based managers, including principals, assistant principals, school site administrators, and persons who are potential candidates for employment in such administrative positions, in the competencies which have been identified by the ~~Florida Council on Educational Management Council~~ as being necessary for effective school management. The proposed program shall include a statement of the number of individuals to be included in the program and an itemized statement of the estimated total cost of the program, which shall be paid in part by the district and in part by the department.

(7) REPEAL AND REVIEW OF MANAGEMENT ACT.—*The Office of Program Policy Analysis and Governmental Accountability, in consultation with the Department of Education, shall conduct a comprehensive review of the Management Training Act to determine its effectiveness and by January 1, 2000, shall make recommendations to the presiding officers of the Legislature for the repeal, revision, or reauthorization of the act. This section is repealed effective June 30, 2000.*

Section 50. Section 231.09, Florida Statutes, is amended to read:

231.09 Duties of instructional personnel.—*The primary duty of instructional personnel is to work diligently and faithfully to help students meet or exceed annual learning goals, to meet state and local achievement requirements, and to master the skills required to graduate from high school prepared for postsecondary education and work. This duty applies to instructional personnel whether they teach or function in a support role.* Members of the instructional staff of the public schools shall perform duties prescribed by rules of the school board. Such rules shall include, but not be limited to, rules relating to *a teacher's duty to help students master challenging standards and meet all state and local requirements for achievement;* teaching efficiently and faithfully, using prescribed materials and methods, *including technology-based instruction;* recordkeeping; and fulfilling the terms of any contract, unless released from the contract by the school board.

Section 51. Section 231.096, Florida Statutes, 1998 Supplement, is amended to read:

231.096 Teacher teaching out-of-field; assistance.—~~Each school district school board shall adopt and implement have a plan to assist any teacher teaching out-of-field, and priority consideration in professional development activities shall be given to teachers who are teaching out-of-field. The school board shall require that such teachers participate in a certification or staff-development program designed to ensure that the teacher has the competencies required for the assigned duties. The board-approved assistance plan must include duties of administrative personnel and other instructional personnel to ensure that students receive high-quality instructional services.~~

Section 52. Section 231.145, Florida Statutes, is amended to read:

231.145 Purpose of instructional personnel certification.—It is the intent of the Legislature that school personnel certified in this state possess the credentials, knowledge, and skills necessary to provide a ~~high-quality~~ ~~quality~~ education in the public schools. The purpose of school personnel certification is to protect the educational interests of students, parents, and the public at large by assuring that teachers in this state are professionally qualified. In fulfillment of its duty to the citizens of this state, the Legislature has established certification requirements to assure that educational personnel in public schools possess *appropriate skills in reading, writing, and mathematics, and adequate pedagogical knowledge, including the use of technology to enhance student learning,* and relevant subject matter competence *so as to and can* demonstrate an acceptable level of professional performance. Further, the Legislature has established a certificate renewal process which promotes the continuing professional improvement of school personnel, thereby enhancing public education in all areas of the state.

Section 53. Section 231.15, Florida Statutes, 1998 Supplement, is amended to read:

231.15 Positions for which certificates required.—

(1) The State Board of Education shall classify school services, designate the certification subject areas, establish competencies, *including the use of technology to enhance student learning,* and certification requirements for all school-based personnel, and prescribe rules in accordance with which the professional, temporary, and part-time certificates shall be issued by the Department of Education to applicants who meet the standards prescribed by such rules for their class of service. *The rules must allow the holder of a valid professional certificate to add an area of certification without completing the associated course requirements if the certificateholder attains a passing score on an examination of competency in the subject area to be added and provides evidence of at least 2 years of satisfactory performance evaluations that considered the performance of students taught by the certificateholder. The rules must allow individuals who have specific subject area expertise but who have not completed a standard teacher preparation program to participate in*

a state-designed alternative certification program for a professional certificate. This program must provide for demonstration competencies in lieu of completion of a specific number of college course credit hours in the areas of assessment; communication; critical thinking; human development and learning; classroom management; planning; technology; diversity; teacher responsibility; code of ethics; and continuous professional improvement. The State Board of Education shall consult with the State Board of Independent Colleges and Universities, the State Board of Non-public Career Education, the Board of Regents, and the State Board of Community Colleges before adopting any changes to training requirements relating to entry into the profession. This consultation must allow the educational board to provide advice regarding the impact of the proposed changes in terms of the length of time necessary to complete the training program and the fiscal impact of the changes. The educational board must be consulted only when an institution offering the training program falls under its jurisdiction. Each person employed or occupying a position as school supervisor, principal, teacher, library media specialist, school counselor, athletic coach, or other position in which the employee serves in an instructional capacity, in any public school of any district of this state shall hold the certificate required by law and by rules of the state board in fulfilling the requirements of the law for the type of service rendered. However, the state board shall adopt rules authorizing school boards to employ selected noncertificated personnel to provide instructional services in the individuals' fields of specialty or to assist instructional staff members as education paraprofessionals.

(2) Each person who is employed and renders service as an athletic coach in any public school in any district of this state shall hold a valid part-time, temporary, or professional certificate. The provisions of this subsection do not apply to any athletic coach who voluntarily renders service and who is not employed by any public school district of this state.

(3) Each person employed as a school nurse shall hold a license to practice nursing in the state, and each person employed as a school physician shall hold a license to practice medicine in the state. ~~The provisions of this subsection shall not apply to any athletic coach who renders service in a voluntary capacity and who is not employed by any public school of any district in this state.~~

(4)(2) A commissioned or noncommissioned military officer who is an instructor of junior reserve officer training shall be exempt from requirements for teacher certification, except for the filing of fingerprints pursuant to s. 231.02, if he or she meets the following qualifications:

(a) Is retired from active military duty with at least 20 years of service and draws retirement pay or is retired, or transferred to retired reserve status, with at least 20 years of active service and draws retirement pay or retainer pay.

(b) Satisfies criteria established by the appropriate military service for certification by the service as a junior reserve officer training instructor.

(c) Has an exemplary military record.

If such instructor is assigned instructional duties other than junior reserve officer training, he or she shall hold the certificate required by law and rules of the state board for the type of service rendered.

Section 54. Paragraph (c) of subsection (3) and subsections (4), (5), and (8) of section 231.17, Florida Statutes, 1998 Supplement, are amended to read:

231.17 Official statements of eligibility and certificates granted on application to those meeting prescribed requirements.—

(3) TEMPORARY CERTIFICATE.—

(c) To qualify for a temporary certificate, the applicant must:

1. File a written statement under oath that the applicant subscribes to and will uphold the principles incorporated in the Constitutions of the United States and of the State of Florida.

2. Be at least 18 years of age.

3. Document receipt of a bachelor's or higher degree from an accredited institution of higher learning, as defined by state board rule. Credits and degrees awarded by a newly created Florida state institution that is part of the State University System shall be considered as granted by

an accredited institution of higher learning during the first 2 years of course offerings while accreditation is gained. Degrees from foreign institutions, or degrees from other institutions of higher learning that are in the accreditation process, may be validated by a process established in state board rule. Once accreditation is gained, the institution shall be considered as accredited beginning with the 2-year period prior to the date of accreditation. The bachelor's or higher degree may not be required in areas approved in rule by the State Board of Education as nondegree areas. 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.

4. Be competent and capable of performing the duties, functions, and responsibilities of a teacher.

5. Be of good moral character.

6. Demonstrate mastery of general knowledge, including the ability to read, write, compute, and use technology for classroom instruction. Individuals who apply for certification on or after July 1, 2000, must demonstrate these minimum competencies in order to receive a temporary certificate. Acceptable means of demonstrating such mastery is an individual's achievement of passing scores on other states' general knowledge examinations or a valid standard teaching certificate issued by another state that requires mastery of general knowledge.

Rules adopted pursuant to this section shall provide for the review and acceptance of credentials from foreign institutions of higher learning.

(4) PROFESSIONAL CERTIFICATE.—The department shall issue a professional certificate for a period not to exceed 5 years to any applicant who meets the requirements for a temporary certificate and documents mastery of the minimum competencies required by subsection (5). Mastery of the minimum competencies must be documented on a comprehensive written examination or through other criteria as specified by rules of the state board. Mastery of minimum competencies required under subsection (5) must be demonstrated in the following areas:

(a) General knowledge, including the ability to read, write, and compute, and use technology for classroom instruction. However, individuals who apply for certification on or after July 1, 2000, must demonstrate these minimum competencies in order to receive a temporary certificate. Acceptable means of demonstrating such mastery is an individual's achievement of passing scores on other states' general knowledge examinations or a valid standard teaching certificate issued by another state that requires mastery of general knowledge.

(b) Professional skills and knowledge of the standards of professional practice.

(c) The subject matter in each area for which certification is sought.

(5) MINIMUM COMPETENCIES FOR PROFESSIONAL CERTIFICATE.—

(a) The state board must specify, by rule, the minimum essential competencies that educators must possess and demonstrate in order to qualify to teach students the standards of student performance adopted by the state board. The minimum competencies must include but are not limited to the ability to:

1. Write in a logical and understandable style with appropriate grammar and sentence structure.

2. Read, comprehend, and interpret professional and other written material.

3. Comprehend and work with fundamental mathematical concepts, including algebra.

4. Recognize signs of students' difficulty with the reading process and apply appropriate measures to improve students' reading performance.

5.4. Recognize signs of severe emotional distress in students and apply techniques of crisis intervention with an emphasis on suicide prevention and positive emotional development.

6.5. Recognize signs of alcohol and drug abuse in students and *know how to appropriately work with such students and seek assistance designed to prevent apply counseling techniques with emphasis on intervention and prevention* of future abuse.

7.6. Recognize the physical and behavioral indicators of child abuse and neglect, know rights and responsibilities regarding reporting, know how to care for a child's needs after a report is made, and know recognition, intervention, and prevention strategies pertaining to child abuse and neglect which can be related to children in a classroom setting in a nonthreatening, positive manner.

8.7. Comprehend patterns of physical, social, and academic development in students, including exceptional students in the regular classroom, and counsel these students concerning their needs in these areas.

9.8. Recognize and be aware of the instructional needs of exceptional students.

10.9. Comprehend patterns of normal development in students and employ appropriate intervention strategies for disorders of development.

11.10. Identify and comprehend the codes and standards of professional ethics, performance, and practices adopted pursuant to s. 231.546(2)(b), the grounds for disciplinary action provided by s. 231.28, and the procedures for resolving complaints filed pursuant to this chapter, including appeal processes.

12.11. Recognize and demonstrate awareness of the educational needs of students who have limited proficiency in English and employ appropriate teaching strategies.

13.12. Use *and integrate* appropriate technology in teaching and learning processes *and in managing, evaluating, and improving instruction*.

14.13. Use assessment *and other diagnostic* strategies to assist the continuous development of the learner.

15.14. Use teaching and learning strategies that include considering each student's culture, learning styles, special needs, and socioeconomic background.

16.15. Demonstrate knowledge and understanding of the subject matter that is aligned with the subject knowledge and skills specified in the *Sunshine State Standards* and student performance standards approved by the state board.

17. *Recognize the early signs of truancy in students and identify effective interventions to avoid or resolve nonattendance behavior.*

18. *Demonstrate knowledge and skill in managing student behavior inside and outside the classroom. Such knowledge and skill must include techniques for preventing and effectively responding to incidents of disruptive or violent behavior.*

19. *Demonstrate knowledge of and skill in developing and administering appropriate classroom assessment instruments designed to measure student learning gains.*

20. *Demonstrate the ability to maintain a positive collaborative relationship with students' families to increase student achievement.*

(b) The state board shall designate the certification areas for subject area tests. However, an applicant may satisfy the subject area and professional knowledge testing requirements by attaining scores on corresponding tests from the National Teachers Examination series, and successors to that series, that meet standards established by the state board. The College Level Academic Skills Test, a similar test approved by the state board, or *corresponding tests from, beginning January 1, 1996, the National Teachers Examination series* must be used by ~~degree personnel~~ to demonstrate mastery of general knowledge as required in *paragraphs (3)(c) and paragraph (4)(a). All required tests may be taken prior to graduation.* The College Level Academic Skills Test shall be waived for any applicant who passed the reading, writing, and mathematics subtest of the former Florida Teacher Certification Examination or the College Level Academic Skills Test and subsequently obtained a certificate pursuant to this chapter.

#### (8) EXAMINATIONS.—

(a) The commissioner, with the approval of the state board, may contract for developing, printing, administering, scoring, and appropriate analysis of the written tests required.

(b) The state board shall, by rule, specify the examination scores that are required for the issuance of a professional certificate and ~~certain temporary certificate certificates. When the College Level Academic Skills Test is used to demonstrate general knowledge,~~ Such rules must ~~provide an alternative method by which an applicant may demonstrate mastery of general knowledge, including the ability to read, write, or compute;~~ must define generic subject area competencies; and must establish uniform evaluation guidelines. *Individuals who apply for their professional certificate before July 1, 2000, may demonstrate mastery of general knowledge pursuant to the alternative method specified by state board rule which The alternative method* must:

1. Apply only to an applicant who has successfully completed all prerequisites for issuance of the professional certificate, except passing one specific subtest of the College Level Academic Skills Test, and who has taken and failed to achieve a passing score on that subtest at least four times.

2. Require notification from the superintendent of the employing school district, the governing authority of the employing developmental research school, or the governing authority of the employing state-supported school or nonpublic school that the applicant has satisfactorily demonstrated mastery of the subject area covered by that specific subtest through successful experience in the professional application of generic subject area competencies and proficient academic performance in that subject area. The decision of the superintendent or governing authority shall be based on a review of the applicant's official academic transcript and notification from the applicant's principal, a peer teacher, and a district-level supervisor that the applicant has demonstrated successful professional experience in that subject area.

(c) If an applicant takes an examination developed by this state and does not achieve the score necessary for certification, the applicant may review his or her completed examination and bring to the attention of the department any errors that would result in a passing score.

(d) The department and the board shall maintain confidentiality of the examination, developmental materials, and workpapers, and the examination, developmental materials, and workpapers are exempt from s. 119.07(1).

Section 55. Subsection (3) is added to section 231.1725, Florida Statutes, 1998 Supplement, to read:

231.1725 Employment of substitute teachers, teachers of adult education, and nondegree teachers of career education; students performing clinical field experience.—

(3) *A student who is enrolled in a state-approved teacher preparation program in an institution of higher education which is approved by rules of the State Board of Education and who is jointly assigned by the institution of higher education and a school board to perform a clinical field experience under the direction of a regularly employed and certified educator shall, while serving such supervised clinical field experience, be accorded the same protection of law as that accorded to the certified educator except for the right to bargain collectively as employees of the school board.*

Section 56. Section 231.174, Florida Statutes, is amended to read:

231.174 Alternative preparation programs for certified teachers to add additional coverage.—A district school board may design alternative teacher preparation programs to enable persons already certificated to add an additional coverage to their certificates to ~~teach exceptional education classes or in other areas of critical shortage.~~ Each alternative teacher preparation program shall be reviewed and approved by the Department of Education to assure that persons who complete the program are competent in the necessary areas of subject matter specialization. Two or more school districts may jointly participate in an alternative preparation program for teachers.

Section 57. Subsection (3) of section 231.29, Florida Statutes, 1998 Supplement, is amended to read:

## 231.29 Assessment procedures and criteria.—

(3) The assessment procedure for instructional personnel *and school administrators must be primarily based on the performance of students assigned to their classrooms or schools, as appropriate. The procedures must shall* comply with, but *need shall* not be limited to, the following requirements:

(a) An assessment *must shall* be conducted for each employee at least once a year. The assessment *must shall* be based upon sound educational principles and contemporary research in effective educational practices. *Beginning with the full implementation of an annual assessment of learning gains, the assessment must primarily* use data and indicators of improvement in student performance *assessed annually as specified in s. 229.57* and may consider results of peer reviews in evaluating the employee's performance. *Student performance must be measured by state assessments required under s. 229.57 and by local assessments for subjects and grade levels not measured by the state assessment program.* The assessment criteria must include, but are not limited to, indicators that relate to the following:

1. *Performance of students.*
- 2.1- Ability to maintain appropriate discipline.
- 3.2- Knowledge of subject matter. The district school board shall make special provisions for evaluating teachers who are assigned to teach out-of-field.
- 4.3- Ability to plan and deliver instruction, *including the use of technology in the classroom.*
- 5.4- Ability to evaluate instructional needs.
- 6.5- Ability to *establish and maintain a positive collaborative relationship with students' families to increase student achievement commu-nicate with parents.*
- 7.6- Other professional competencies, responsibilities, and requirements as established by rules of the State Board of Education and policies of the district school board.

(b) All personnel *must shall* be fully informed of the criteria and procedures associated with the assessment process before the assessment takes place.

(c) The individual responsible for supervising the employee must assess the employee's performance. The evaluator must submit a written report of the assessment to the superintendent for the purpose of reviewing the employee's contract. *If the employee is assigned to a school designated in performance grade categories "D" or "F" and was rated unsatisfactory on any function related to the employee's instructional or administrative duties, the superintendent, in consultation with the employee's evaluator, shall review the employee's performance assessment. If the superintendent determines that the lack of general knowledge, subject area expertise, or other professional competencies contributed to the employee's unsatisfactory performance, the superintendent shall notify the district school board of that determination. The district school board shall require those employees, as part of their performance probation, to take and receive a passing score on a test of general knowledge, subject area expertise, or professional competencies, whichever is appropriate. The tests required by this paragraph shall be those required for certification under chapter 231 and rules of the State Board of Education.* The evaluator must submit the written report to the employee no later than 10 days after the assessment takes place. The evaluator must discuss the written report of assessment with the employee. The employee shall have the right to initiate a written response to the assessment, and the response shall become a permanent attachment to his or her personnel file.

(d) If an employee is not performing his or her duties in a satisfactory manner, the evaluator shall notify the employee in writing of such determination. The notice must describe such unsatisfactory performance and include notice of the following procedural requirements:

1. Upon delivery of a notice of unsatisfactory performance, the evaluator must confer with the employee, make recommendations with respect to specific areas of unsatisfactory performance, and provide assistance in helping to correct deficiencies within a prescribed period of time.

2. The employee shall be placed on performance probation and governed by the provisions of this section for 90 calendar days from the receipt of the notice of unsatisfactory performance to demonstrate corrective action. School holidays and school vacation periods are not counted when calculating the 90-calendar-day period. During the 90 calendar days, the employee must be evaluated periodically and apprised of progress achieved and must be provided assistance and inservice training opportunities to help correct the noted performance deficiencies. At any time during the 90 calendar days, the employee may request a transfer to another appropriate position with a different supervising administrator; however, a transfer does not extend the period for correcting performance deficiencies.

3. Within 14 days after the close of the 90 calendar days, the evaluator must assess whether the performance deficiencies have been corrected and forward a recommendation to the superintendent. Within 14 days after receiving the evaluator's recommendation, the superintendent must notify the employee in writing whether the performance deficiencies have been satisfactorily corrected and whether the superintendent will recommend that the school board continue or terminate his or her employment contract. If the employee wishes to contest the superintendent's recommendation, the employee must, within 15 days after receipt of the superintendent's recommendation, submit a written request for a hearing. Such hearing shall be conducted at the school board's election in accordance with one of the following procedures:

- a. A direct hearing conducted by the school board within 60 days after receipt of the written appeal. The hearing shall be conducted in accordance with the provisions of ss. 120.569 and 120.57. A majority vote of the membership of the school board shall be required to sustain the superintendent's recommendation. The determination of the school board shall be final as to the sufficiency or insufficiency of the grounds for termination of employment; or

- b. A hearing conducted by an administrative law judge assigned by the Division of Administrative Hearings of the Department of Management Services. The hearing shall be conducted within 60 days after receipt of the written appeal in accordance with chapter 120. The recommendation of the administrative law judge shall be made to the school board. A majority vote of the membership of the school board shall be required to sustain or change the administrative law judge's recommendation. The determination of the school board shall be final as to the sufficiency or insufficiency of the grounds for termination of employment.

Section 58. Subsections (1), (4), and (6) of section 231.36, Florida Statutes, are amended to read:

231.36 Contracts with instructional staff, supervisors, and principals.—

(1)(a) Each person employed as a member of the instructional staff in any district school system shall be properly certificated pursuant to s. 231.17 or employed pursuant to s. 231.1725 and shall be entitled to and shall receive a written contract as specified in chapter 230. All such contracts, except continuing contracts as specified in subsection (4), shall contain provisions for dismissal during the term of the contract only for just cause. Just cause includes, but is not limited to, *the following instances as defined by rule of the State Board of Education:* misconduct in office, incompetency, gross insubordination, willful neglect of duty, or conviction of a crime involving moral turpitude.

(b) A supervisor or principal shall be properly certified and shall receive a written contract as specified in chapter 230. Such contract may be for an initial period not to exceed 3 years, subject to annual review and renewal. The first 97 days of an initial contract is a probationary period. During the probationary period, the employee may be dismissed without cause or may resign from the contractual position without breach of contract. After the first 3 years, the contract may be renewed for a period not to exceed 3 years and shall contain provisions for dismissal during the term of the contract only for just cause, in addition to such other provisions as are prescribed by the school board.

(4)(a) An employee who has continuing contract status prior to July 1, 1984, shall be entitled to retain such contract and all rights arising therefrom in accordance with existing laws, rules of the State Board of Education, or any laws repealed by this act, unless the employee voluntarily relinquishes his or her continuing contract.

(b) Any member of the district administrative or supervisory staff and any member of the instructional staff, including any principal, who is under continuing contract may be dismissed or may be returned to annual contract status for another 3 years in the discretion of the school board, at the end of the school year, when a recommendation to that effect is submitted in writing to the school board on or before April 1 of any school year, giving good and sufficient reasons therefor, by the superintendent, by the principal if his or her contract is not under consideration, or by a majority of the school board. The employee whose contract is under consideration shall be duly notified in writing by the party or parties preferring the charges at least 5 days prior to the filing of the written recommendation with the school board, and such notice shall include a copy of the charges and the recommendation to the school board. The school board shall proceed to take appropriate action. Any decision adverse to the employee shall be made by a majority vote of the full membership of the school board. Any such decision adverse to the employee may be appealed by the employee pursuant to s. 120.68.

(c) Any member of the district administrative or supervisory staff and any member of the instructional staff, including any principal, who is under continuing contract may be suspended or dismissed at any time during the school year; however, the charges against him or her must be based on immorality, misconduct in office, incompetency, gross insubordination, willful neglect of duty, drunkenness, or conviction of a crime involving moral turpitude, *as these terms are defined by rule of the State Board of Education*. Whenever such charges are made against any such employee of the school board, the school board may suspend such person without pay; but, if the charges are not sustained, he or she shall be immediately reinstated, and his or her back salary shall be paid. In cases of suspension by the school board or by the superintendent, the school board shall determine upon the evidence submitted whether the charges have been sustained and, if the charges are sustained, shall determine either to dismiss the employee or fix the terms under which he or she may be reinstated. If such charges are sustained by a majority vote of the full membership of the school board and such employee is discharged, his or her contract of employment shall be thereby canceled. Any such decision adverse to the employee may be appealed by the employee pursuant to s. 120.68, provided such appeal is filed within 30 days after the decision of the school board.

(6)(a) Any member of the instructional staff, excluding an employee specified in subsection (4), may be suspended or dismissed at any time during the term of the contract for just cause as provided in paragraph (1)(a). The school board must notify the employee in writing whenever charges are made against the employee and may suspend such person without pay; but, if the charges are not sustained, the employee shall be immediately reinstated, and his or her back salary shall be paid. If the employee wishes to contest the charges, the employee must, within 15 days after receipt of the written notice, submit a written request for a hearing. Such hearing shall be conducted at the school board's election in accordance with one of the following procedures:

1. A direct hearing conducted by the school board within 60 days after receipt of the written appeal. The hearing shall be conducted in accordance with the provisions of ss. 120.569 and 120.57. A majority vote of the membership of the school board shall be required to sustain the superintendent's recommendation. The determination of the school board shall be final as to the sufficiency or insufficiency of the grounds for termination of employment; or

2. A hearing conducted by an administrative law judge assigned by the Division of Administrative Hearings of the Department of Management Services. The hearing shall be conducted within 60 days after receipt of the written appeal in accordance with chapter 120. The recommendation of the administrative law judge shall be made to the school board. A majority vote of the membership of the school board shall be required to sustain or change the administrative law judge's recommendation. The determination of the school board shall be final as to the sufficiency or insufficiency of the grounds for termination of employment.

Any such decision adverse to the employee may be appealed by the employee pursuant to s. 120.68, provided such appeal is filed within 30 days after the decision of the school board.

(b) Any member of the district administrative or supervisory staff, including any principal but excluding an employee specified in subsection (4), may be suspended or dismissed at any time during the term of the contract; however, the charges against him or her must be based on

immorality, misconduct in office, incompetency, gross insubordination, willful neglect of duty, drunkenness, or conviction of any crime involving moral turpitude, *as these terms are defined by rule of the State Board of Education*. Whenever such charges are made against any such employee of the school board, the school board may suspend the employee without pay; but, if the charges are not sustained, he or she shall be immediately reinstated, and his or her back salary shall be paid. In cases of suspension by the school board or by the superintendent, the school board shall determine upon the evidence submitted whether the charges have been sustained and, if the charges are sustained, shall determine either to dismiss the employee or fix the terms under which he or she may be reinstated. If such charges are sustained by a majority vote of the full membership of the school board and such employee is discharged, his or her contract of employment shall be thereby canceled. Any such decision adverse to the employee may be appealed by him or her pursuant to s. 120.68, provided such appeal is filed within 30 days after the decision of the school board.

Section 59. Paragraph (a) of subsection (1) of section 231.546, Florida Statutes, 1998 Supplement, is amended to read:

231.546 Education Standards Commission; powers and duties.—

(1) The Education Standards Commission shall have the duty to:

(a) Recommend to the state board *high desirable* standards relating to programs and policies for the development, certification and certification extension, improvement, and maintenance of competencies of educational personnel, including teacher interns. *Such standards must be consistent with the state's duty to provide a high-quality system of public education to all students.*

Section 60. Subsections (1) and (3) and paragraph (b) of subsection (4) of section 231.600, Florida Statutes, 1998 Supplement, are amended, and subsections (8) and (9) are added to that section, to read:

231.600 School Community Professional Development Act.—

(1) The Department of Education, public community colleges and universities, public school districts, and public schools in this state shall collaborate to establish a coordinated system of professional development. The purpose of the professional development system is to enable the school community *to meet state and local student achievement standards and the state education goals and to succeed in school improvement as described in s. 229.591.*

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

(a) Increase the success of educators in guiding student learning and development so as to implement state and local educational *standards, goals, and initiatives;*

(b) Assist the school community *in providing stimulating educational activities that encourage and motivate students to achieve at the highest levels and to become developing-in-school-children-the-dispositions-that-will-motivate-them-to-be-active-learners; and*

(c) Provide continuous support *as well as, rather than* temporary intervention *for education professionals who need improvement in knowledge, skills, and performance, for improving the performance of teachers and others who assist children in their learning.*

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

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

1. Require that *principals and schools use student achievement data, school discipline data, school environment surveys, assessments of parental satisfaction, and other performance indicators to identify school and student needs that can be met by improved professional performance, and assist principals and schools in making these identifications;*

2. Provide training activities coupled with followup support that is appropriate to accomplish district-level and school-level improvement goals and standards; ~~and~~



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

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

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

(8) 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 school board believes that, through such a contract, a better product can be acquired or its goals for education improvement can be better met.

(9) For teachers and administrators who have been evaluated as less than satisfactory, a school board may require participation in specific professional-development programs as part of the improvement prescription.

Section 61. Subsection (2) of section 236.08106, Florida Statutes, 1998 Supplement, is amended, and subsections (3) and (4) are added to that section, to read:

236.08106 Excellent Teaching Program.—

(2) The Excellent Teaching Program is created to provide categorical funding for monetary incentives and bonuses for teaching excellence. The Department of Education shall ~~allocate and~~ distribute to each school district ~~or to the NBPTS~~ an amount as prescribed annually by the Legislature for the Excellent Teaching Program. Unless otherwise provided in the General Appropriations Act, each ~~distribution school district's annual allocation~~ 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 school district~~ to the NBPTS on behalf of each individual who is an employee of a the district school board or a public school within the that school district, who is certified by the district to have demonstrated satisfactory teaching performance pursuant to s. 231.29 and who satisfies the prerequisites for participating in the NBPTS certification program, and who agrees, in writing, to pay 10 percent of the NBPTS participation fee and to participate in the NBPTS certification program 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, but not more than \$1,800 per eligible participant. 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 for~~ each teacher employed by a the district school board or a public school within a school the district who is participating in the NBPTS certification program. 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 and is employed by the district school board or by a public school within the that 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. 231.29. 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 public school teachers within the district who do not hold NBPTS certification. 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 the regular school day or during the 196 days of required service for the school year.

~~(e) The district shall receive an amount equal to 50 percent of the teacher bonuses provided under paragraphs (c) and (d), which shall be used by the district for professional development of teachers. The district must give priority to using all funds received pursuant to this paragraph for professional development of teachers employed at schools identified as performing at critically low levels.~~

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 a 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 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 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.

(b) A person who is employed by the state or any of its political subdivisions may not be dismissed for having defaulted on the repayment of the certification fee subsidy to the state.

(4) The State Board of Education may adopt rules as necessary to implement the provisions for payment of the fee subsidies, incentives, and bonuses and for the repayment of defaulted certification fee subsidies under this section.

Section 62. Subsection (1), paragraph (b) of subsection (3), and subsections (4) and (5) of section 240.529, Florida Statutes, are amended to read:

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

(1) INTENT.—The Legislature recognizes that skilled teachers make ~~an the most~~ important contribution to a ~~quality educational system that allows students to obtain a high-quality education and that competent teachers are produced by effective and accountable teacher preparation programs.~~ The intent of the Legislature is to establish a system for development and approval of teacher preparation programs that will free postsecondary teacher preparation institutions to employ varied and innovative teacher preparation techniques while being held accountable for producing ~~graduates teachers~~ with the competencies and skills necessary to achieve ~~for achieving~~ the state education goals; help students meet high standards for academic achievement; maintain safe, secure classroom learning environments; and sustain ~~sustaining~~ the state system of school improvement and education accountability established pursuant to ss. 229.591 and 229.592, ~~and 229.593.~~ To further this intent, the Commissioner of Education shall appoint a Teacher Preparation Program Committee for the purpose of establishing core curricula in each state-approved teacher preparation program. The committee shall



consist of representatives from presidents of public and private colleges and universities, deans of colleges of education, presidents of community colleges, district school superintendents, and high-performing teachers. The curricula shall be focused on the knowledge, skills, and abilities essential to instruction in the Sunshine State Standards, with a clear emphasis on the importance of reading at all grade levels. The committee shall report its recommendations to the State Board of Education by January 1, 2000, and at that time may be dissolved. The State Board of Education shall adopt rules that establish uniform core curricula for each state-approved teacher preparation program and shall use this report in the development of such rules.

(3) INITIAL STATE PROGRAM APPROVAL.—

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

1. ~~That a student receive a passing score at the 40th percentile or above, as established by state board rule, on a nationally standardized college entrance examination;~~

1.2. ~~That a student~~ Have a grade point average of at least 2.5 on a 4.0 scale for the general education component of undergraduate studies; or

3. ~~That a student~~ 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 rule; and

2. Beginning with the 2000-2001 academic year, 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.

The State Board of Education may ~~shall~~ provide by rule for a waiver of these requirements. The rule shall require that 90 percent of those admitted to each teacher education program meet the requirements of this paragraph and that the program implement strategies to ensure that students admitted under a waiver receive assistance to demonstrate competencies to successfully meet requirements for certification.

(4) CONTINUED PROGRAM APPROVAL.—Notwithstanding subsection (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 which document the continuous improvement of program processes and graduates' performance.

(a) Continued approval of specific teacher preparation programs at each public and nonpublic institution of higher education within the state is contingent upon the passing of the written examination required by s. 231.17 by at least ~~90~~ 80 percent of the graduates of the program who take the examination. On request of an institution, the Department of Education shall provide an analysis of the performance of the graduates of such institution with respect to the competencies assessed by the examination required by s. 231.17.

(b) Additional criteria for continued program approval for public institutions may be developed by the Education Standards Commission and approved by the State Board of Education. Such criteria must emphasize outcome measures of student performance in the areas of classroom management and improving the performance of students who have traditionally failed to meet student achievement goals and have been overrepresented in school suspensions and other disciplinary actions, and ~~may~~ include, but need not be limited to, program graduates' satisfaction with training and the unit'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 institutions of higher education, the Board of Regents, the State Board of Independent Colleges and Universities, and the Department of Education. By January

1 of each year, the Department of Education, in cooperation with the Board of Regents and the State Board of Independent Colleges and Universities, shall report this information for each postsecondary institution that has state-approved programs of teacher education to the Governor, the Commissioner of Education, the Chancellor of the State University System, 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) ~~Beginning July 1, 1997,~~ Continued approval for a teacher preparation program is contingent upon the results of annual reviews of the program conducted by the institution of higher education, 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) ~~Beginning July 1, 1997,~~ 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 higher-level mathematics concepts and in the use of technology at the appropriate grade level.

(e) *Beginning July 1, 2000, continued approval of teacher preparation programs is contingent upon compliance with the student admission requirements of subsection (3) and upon the receipt of at least a satisfactory rating from public schools and nonpublic schools that employ graduates of the program. Employer satisfaction shall be determined by an annually administered survey instrument approved by the Department of Education.*

(f) *Beginning with the 2000-2001 academic year, each public and private institution that offers a teacher preparation program in this state must annually report in the institution's student catalogue the prior year's performance of the teacher preparation program. Each annual report must address at least the following measures:*

1. *Quality of students entering the program, as evidenced by mean grade point average and average score on examinations of general knowledge required by chapter 231 for issuance of a temporary or professional certificate.*

2. *Graduation rates.*

3. *Time-to-graduation data.*

4. *Ability of graduates to perform at preprofessional and professional levels as evidenced by the percentage of graduates who pass the examinations required by chapter 231 and demonstrate competencies required for issuance of the temporary certificate, professional certificate, and certificate of competency in various subject areas.*

5. *Percentage of graduates rehired to teach after the first year of employment in a public or private school.*

6. *Percentage of graduates remaining in teaching for at least 4 years.*

7. *Satisfaction of graduates of the program as evidenced by a common survey.*

8. *Satisfaction of employers as evidenced by a common survey of public and private schools that employ graduates of the program.*

(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.

(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. 231.17 and 231.24; or at least 3 years of successful teaching experience in prekindergarten through grade 12; or a commitment to spend periods of time specified by State Board of Education rule teaching in the public schools.

(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 Education Standards Commission shall recommend, and the state board 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, 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)(e) Postsecondary teacher preparation programs in cooperation with district school boards and approved nonpublic 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. A nonpublic school association, in order to be approved, must have a state-approved master inservice program plan in accordance with s. 236.0811.

Section 63. Section 231.6135, Florida Statutes, is created to read:

*231.6135 Statewide system for in-service professional development.—The intent of this section is to establish a statewide system of professional development that provides a wide range of targeted in-service training to teachers and administrators designed to upgrade skills and knowledge needed to reach world class standards in education. The system shall consist of a network of professional development academies in each region of the state that are operated in partnership with area business partners to develop and deliver high-quality training programs purchased by school districts. The academies shall be established to meet the human resource development needs of professional educators, schools, and school districts. Funds appropriated for the initiation of professional development academies shall be allocated by the Commissioner of Education, unless otherwise provided in an appropriations act. To be eligible for startup funds, the academy must:*

(1) *Be established by the collaborative efforts of one or more district school boards, members of the business community, and the postsecondary institutions which may award college credits for courses taught at the academy.*

(2) *Demonstrate the capacity to provide effective training to improve teaching skills in the areas of elementary reading and mathematics, the use of instructional technology, high school algebra, and classroom management, and to deliver such training using face-to-face, distance-learning, and individualized computer-based delivery systems.*

(3) *Propose a plan for responding in an effective and timely manner to the professional development needs of teachers, administrators, schools, and school districts relating to improving student achievement and meeting state and local education goals.*

(4) *Demonstrate the ability to provide high-quality trainers and training, appropriate followup and coaching for all participants, and support school personnel in positively impacting student performance.*

(5) *Be operated under contract with its public partners and governed by an independent board of directors, which should include at least one superintendent and one school board chairman from the participating school districts, the president of the collective bargaining unit that represents the majority of the region's teachers, and at least three individuals who are not employees or elected or appointed officials of the participating school districts.*

(6) *Be financed during the first year of operation by an equal or greater match from private funding sources and demonstrate the ability*

*to be self-supporting within 1 year after opening through fees for services, grants, or private contributions.*

(7) *Own or lease a facility that can be used to deliver training on-site and through distance learning and other technology-based delivery systems. The participating district school boards may lease a site or facility to the academy for a nominal fee and may pay all or part of the costs of renovating a facility to accommodate the academy. The academy is responsible for all operational, maintenance, and repair costs.*

(8) *Provide professional development services for the participating school districts as specified in the contract and may provide professional development services to other school districts, private schools, and individuals on a fee-for-services basis.*

Section 64. Section 231.601, Florida Statutes, is repealed.

Section 65. Section 230.2316, Florida Statutes, 1998 Supplement, is amended to read:

230.2316 Dropout prevention.—

(1) **SHORT TITLE.**—This act may be cited as the "Dropout Prevention and Academic Intervention Act."

(2) **INTENT.**—The Legislature recognizes that a growing proportion of young people are not making successful transitions to productive adult lives. ~~The Legislature further recognizes that traditional education programs which do not meet certain students' educational needs and interests may cause these students to become unmotivated, fail, be truant, be disruptive, or drop out of school.~~ The Legislature finds that a child who does not complete his or her education is greatly limited in obtaining gainful employment, achieving his or her full potential, and becoming a productive member of society. Therefore, it is the intent of the Legislature to authorize and encourage district school boards throughout the state to develop and establish dropout prevention and academic intervention activities designed to meet the needs of students who do not perform well in traditional educational programs. ~~establish comprehensive dropout prevention programs. These programs shall be designed to meet the needs of students who are not effectively served by conventional education programs in the public school system.~~ It is further the intent of the Legislature that cooperative agreements be developed among school districts, other governmental and private agencies, and community resources in order to implement innovative exemplary programs aimed at reducing the number of students who do not complete their education and increasing the number of students who have a positive experience in school and obtain a high school diploma.

(3) **STUDENT ELIGIBILITY AND PROGRAM CRITERIA.**—

(a) Dropout prevention and academic intervention programs may ~~shall~~ differ from traditional education programs and schools in scheduling, administrative structure, philosophy, curriculum, or setting and shall employ alternative teaching methodologies, curricula, learning activities, ~~and~~ or diagnostic and assessment procedures in order to meet the needs, interests, abilities, and talents of eligible students. The educational program shall provide curricula, *character development and law education as provided in s. 233.0612*, and related services which support the program goals and lead to *improved performance in the areas of academic achievement, attendance, and discipline completion of a high school diploma.* Student participation in such programs shall be voluntary. Districts may, however, assign students to a program for disruptive students. ~~The minimum period of time during which the student participates in the program shall be equivalent to two instructional periods per day unless the program utilizes a student support and assistance component rather than regularly scheduled courses.~~

(b) Students in grades 1-12 ~~4-12~~ shall be eligible for dropout prevention and academic intervention programs. Eligible ~~dropout prevention~~ students shall be reported in the appropriate basic cost factor for ~~dropout prevention full-time equivalent student membership~~ in the Florida Education Finance Program in standard dropout prevention classes or ~~student support and assistance components which provide academic assistance and coordination of support services to students enrolled full time in a regular classroom.~~ The strategies and supports provided to eligible students shall be funded through the General Appropriations Act and may include, but are not limited to those services identified on the student's academic intervention plan. ~~The student support and assistance component shall include auxiliary services provided to students or~~

teachers, or both. ~~Students participating in this model shall generate funding only for the time that they receive extra services or auxiliary help.~~

(c) A student shall be identified as being *eligible to receive services funded through the dropout prevention and academic intervention program* a potential dropout based upon one of the following criteria:

1. ~~The student is academically unsuccessful as evidenced by low test scores, retention, failing grades, low grade-point-average, falling behind in earning credits, or not meeting the state or district proficiency levels in reading, mathematics, or writing.~~

2. ~~The student has a pattern of excessive absenteeism or has been identified as a habitual truant.~~

1. ~~The student has shown a lack of motivation in school through grades which are not commensurate with documented ability levels or high absenteeism or habitual truancy as defined in s. 228.041(28).~~

2. ~~The student has not been successful in school as determined by retentions, failing grades, or low achievement test scores and has needs and interests that cannot be met through traditional programs.~~

3. ~~The student has been identified as a potential school dropout by student services personnel using district criteria. District criteria that are used as a basis for student referral to an educational alternatives program shall identify specific student performance indicators that the educational alternative program seeks to address.~~

4. ~~The student has documented drug-related or alcohol-related problems, or has immediate family members with documented drug-related or alcohol-related problems that adversely affect the student's performance in school.~~

3. 5. The student has a history of disruptive behavior in school or has committed an offense that warrants out-of-school suspension or expulsion from school according to the district code of student conduct. For the purposes of this program, "disruptive behavior" is behavior that:

a. Interferes with the student's own learning or the educational process of others and requires attention and assistance beyond that which the traditional program can provide or results in frequent conflicts of a disruptive nature while the student is under the jurisdiction of the school either in or out of the classroom; or

b. Severely threatens the general welfare of students or others with whom the student comes into contact.

6. ~~The student is assigned to a program provided pursuant to chapter 39, chapter 984, or chapter 985 which is sponsored by a state-based or community-based agency or is operated or contracted for by the Department of Children and Family Services or the Department of Juvenile Justice.~~

(d)1. "Second chance schools" means school district programs provided through cooperative agreements between the Department of Juvenile Justice, private providers, state or local law enforcement agencies, or other state agencies for students who have been disruptive or violent or who have committed serious offenses. As partnership programs, second chance schools are eligible for waivers by the Commissioner of Education from chapters 230-235 and 239 and State Board of Education rules that prevent the provision of appropriate educational services to violent, severely disruptive, or delinquent students in small nontraditional settings or in court-adjudicated settings.

2. *School districts seeking to enter into a partnership with a private entity or public entity to operate a second chance school for disruptive students may apply to the Department of Education for start-up grants from the Department of Education. These grants must be available for 1 year and must be used to offset the start-up costs for implementing such programs off public school campuses. General operating funds must be generated through the appropriate programs of the Florida Education Finance Program. Grants approved under this program shall be for the full operation of the school by a private nonprofit or for-profit provider or the public entity. This program must operate under rules adopted by the Department of Education and must be implemented to the extent funded by the Legislature.*

3. 2. A student enrolled in a sixth, seventh, eighth, ninth, or tenth grade class may be assigned to a second chance school if the student meets the following criteria:

a. The student is a habitual truant as defined in s. 228.041(28).

b. The student's excessive absences have detrimentally affected the student's academic progress and the student may have unique needs that a traditional school setting may not meet.

c. The student's high incidences of truancy have been directly linked to a lack of motivation.

d. The student has been identified as at risk of dropping out of school.

4. 3. A student who is habitually truant may be assigned to a second chance school only if the case staffing committee, established pursuant to s. 984.12, determines that such placement could be beneficial to the student and the criteria included in subparagraph 2. are met.

5. 4. A student may be assigned to a second chance school if the school district in which the student resides has a second chance school and if the student meets one of the following criteria:

a. The student habitually exhibits disruptive behavior in violation of the code of student conduct adopted by the school board.

b. The student interferes with the student's own learning or the educational process of others and requires attention and assistance beyond that which the traditional program can provide, or, while the student is under the jurisdiction of the school either in or out of the classroom, frequent conflicts of a disruptive nature occur.

c. The student has committed a serious offense which warrants suspension or expulsion from school according to the district code of student conduct. For the purposes of this program, "serious offense" is behavior which:

(I) Threatens the general welfare of students or others with whom the student comes into contact;

(II) Includes violence;

(III) Includes possession of weapons or drugs; or

(IV) Is harassment or verbal abuse of school personnel or other students.

6. 5. Prior to assignment of students to second chance schools, school boards are encouraged to use alternative programs, such as in-school suspension, which provide instruction and counseling leading to improved student behavior, a reduction in the incidence of truancy, and the development of more effective interpersonal skills.

7. 6. Students assigned to second chance schools must be evaluated by the school's local child study team before placement in a second chance school. The study team shall ensure that students are not eligible for placement in a program for emotionally disturbed children.

8. 7. Students who exhibit academic and social progress and who wish to return to a traditional school shall *complete a character development and law education program, as provided in s. 233.0612, and demonstrate preparedness to reenter the regular school setting* ~~be evaluated by school district personnel~~ prior to reentering a traditional school.

8. ~~Second chance schools shall be funded at the dropout prevention program weight pursuant to s. 236.081 and may receive school safety funds or other funds as appropriate.~~

(4) PROGRAM IMPLEMENTATION.—

(a) Each district may establish ~~one or more alternative programs for dropout prevention and academic intervention programs~~ at the elementary, middle, junior high school, or high school level. Programs designed to eliminate *patterns of excessive absenteeism, or habitual truancy* shall emphasize academic performance and may provide specific instruction in the areas of vocational education, preemployment training, and behavioral management. Such programs shall utilize instructional teaching methods appropriate to the specific needs of the student.

(b) Each school that establishes or continues a dropout prevention and academic intervention program at that school site shall reflect that program in the school improvement plan as required under s. 230.23(16).

~~(c) Districts may modify courses listed in the State Course Code Directory for the purpose of providing dropout prevention programs pursuant to the provisions of this section.~~

(5) EVALUATION.—Each school district receiving state funding for dropout prevention and academic intervention programs through the General Appropriations Act Florida Education Finance Program shall submit information through an annual report to the Department of Education's database documenting the extent to which each of the district's dropout prevention and academic intervention programs has been successful in the areas of graduation rate, dropout rate, attendance rate, and retention/promotion rate. The department shall compile this information into an annual report which shall be submitted to the presiding officers of the Legislature by February 15.

(6) STAFF DEVELOPMENT.—Each school district shall establish procedures for ensuring that teachers assigned to dropout prevention and academic intervention programs possess the affective, pedagogical, and content-related skills necessary to meet the needs of these at-risk students. ~~Each school board shall also ensure that adequate staff development activities are available for dropout prevention staff and that dropout prevention staff participate in these activities.~~

(7) RECORDS.—Each district providing a program for dropout prevention and academic intervention program pursuant to the provisions of this section shall maintain for each participating student ~~for whom funding is generated through the Florida Education Finance Program~~ records documenting the student's eligibility, the length of participation, the type of program to which the student was assigned or the type of academic intervention services provided, and an evaluation of the student's academic and behavioral performance while in the program. The parents or guardians of a student assigned to such a dropout prevention and academic intervention program shall be notified in writing and entitled to an administrative review of any action by school personnel relating to such placement pursuant to the provisions of chapter 120.

(8) COORDINATION WITH OTHER AGENCIES.—School district dropout prevention and academic intervention programs shall be coordinated with social service, law enforcement, prosecutorial, and juvenile justice agencies and juvenile assessment centers in the school district. Notwithstanding the provisions of s. 228.093, these agencies are authorized to exchange information contained in student records and juvenile justice records. Such information is confidential and exempt from the provisions of s. 119.07(1). School districts and other agencies receiving such information shall use the information only for official purposes connected with the certification of students for admission to and for the administration of the dropout prevention and academic intervention program, and shall maintain the confidentiality of such information unless otherwise provided by law or rule.

(9) RULES.—The Department of Education shall have the authority pursuant to ss. 120.536(1) and 120.54 to adopt any rules necessary to implement the provisions of this section; such rules shall require the minimum amount of necessary paperwork and reporting necessary to comply with this act.

Section 66. Section 231.085, Florida Statutes, is amended to read:

231.085 Duties of principals.—A district school board shall employ, through written contract, public school principals who shall supervise the operation and management of the schools and property as the board determines necessary. Each principal shall perform such duties as may be assigned by the superintendent pursuant to the rules of the school board. Such rules shall include, but not be limited to, rules relating to administrative responsibility, instructional leadership of the educational program of the school to which the principal is assigned, submission of personnel recommendations to the superintendent, administrative responsibility for records and reports, administration of corporal punishment, and student suspension. Each principal shall provide leadership in the development or revision and implementation of a school improvement plan pursuant to s. 230.23(16). *Each principal must make the necessary provisions to ensure that all school reports are accurate and timely, and must provide the necessary training opportunities for staff to accurately report attendance, FTE program participation, student performance, teacher appraisal, and school safety and discipline data.*

Section 67. Section 232.001, Florida Statutes, is created to read:

232.001 Pilot project.—*It is the purpose of this section to authorize the Manatee County District School Board to implement a pilot project that raises the compulsory age of attendance for children from the age of 16 years to the age of 18 years. The pilot project applies to each child who has not attained the age of 16 years by September 30 of the school year in which a school board policy is adopted.*

(1) Beginning July 1, 1999, the Manatee County District School Board may implement a pilot project consistent with policy adopted by the school board to raise the compulsory age of attendance for children from the age of 16 years to the age of 18 years.

(2) If the district school board chooses to participate in the pilot project, the district school board must, before the beginning of the school year, adopt a policy for raising the compulsory age of attendance for children from the age of 16 years to 18 years.

(a) Before the adoption of the policy, the district school board must provide a notice of intent to adopt a policy to raise the compulsory age of attendance for children from the age of 16 years to the age of 18 years. The notice must be provided to the parent or legal guardian of each child who is 15 years of age and who is enrolled in a school in the district.

(b) Within 2 weeks after adoption of the school board policy, the district school board must provide notice of the policy to the parent or legal guardian of each child who is 15 years of age and who is enrolled in a school in the district. The notice must also provide information related to the penalties for refusing or failing to comply with the compulsory attendance requirements and information on alternative education programs offered within the school district.

(3) All state laws and State Board of Education rules related to students subject to compulsory school attendance apply to the district school board if it chooses to participate in a pilot project. Notwithstanding the provisions of s. 232.01, the formal declaration of intent to terminate school enrollment does not apply to the district school board if it chooses to participate in a pilot project.

(4) If the district school board chooses to participate in the pilot project, the school board must evaluate the effect of its adopted policy raising the compulsory age of attendance on school attendance and on the school district's dropout rate, as well as on the costs associated with the pilot project. The school district shall report its findings to the President of the Senate, the Speaker of the House of Representatives, the minority leader of each house, the Governor, and the Commissioner of Education not later than August 1 following each year that the pilot project is in operation.

Section 68. Section 232.17, Florida Statutes, 1998 Supplement, is amended to read:

232.17 Enforcement of school attendance.—*The Legislature finds that poor academic performance is associated with nonattendance and that schools must take an active role in enforcing attendance as a means of improving the performance of many students. It is the policy of the state that the superintendent of each school district be responsible for enforcing school attendance of all children and youth subject to the compulsory school age in the school district. The responsibility includes recommending to the school board policies and procedures to ensure that schools respond in a timely manner to every unexcused absence or absence for which the reason is unknown of students enrolled in the schools. School board policies must require each parent or guardian of a student to justify each absence of the student, and that justification will be evaluated based on adopted school board policies that define excused and unexcused absences. The policies must provide that schools track excused and unexcused absences and contact the home in the case of an unexcused absence from school or an absence from school for which the reason is unknown to prevent the development of patterns of nonattendance. The Legislature finds that early intervention in school attendance matters is the most effective way of producing good attendance habits that will lead to improved student learning and achievement. Each public school shall implement the following steps to enforce regular school attendance:*

(1) CONTACT, REFER, AND ENFORCE.—

(a) Upon each unexcused absence or absence for which the reason is unknown, the school principal or his or her designee shall contact the home to determine the reason for the absence. If the absence is an excused

absence, as defined by school board policy, the school shall provide opportunities for the student to make up assigned work and not receive an academic penalty unless the work is not made up within a reasonable time.

(b) If a student has had at least five unexcused absences or absences for which the reasons are unknown within a calendar month or ten unexcused absences or absences for which the reasons are unknown within a 90-calendar-day period, the student's primary teacher shall report to the school principal or his or her designee that the student may be exhibiting a pattern of nonattendance. The principal shall, unless there is clear evidence that the absences are not a pattern of nonattendance, refer the case to the school's child study team to determine if early patterns of truancy are developing. If the child study team finds that a pattern of nonattendance is developing, whether the absences are excused or not, a meeting with the parent must be scheduled to identify potential remedies.

(c) If an initial meeting does not resolve the problem, the child study team shall implement interventions that best address the problem. The interventions may include, but need not be limited to:

1. Frequent communication between the teacher and the family;
2. Changes in the learning environment;
3. Mentoring;
4. Student counseling;
5. Tutoring, including peer tutoring;
6. Placement into different classes;
7. Evaluation for alternative education programs;
8. Attendance contracts;
9. Referral to other agencies for family services; or
10. Other interventions.

(d) The child study team shall be diligent in facilitating intervention services and shall report the case to the superintendent only when all reasonable efforts to resolve the nonattendance behavior are exhausted.

(e) If the parent, guardian, or other person in charge of the child refuses to participate in the remedial strategies because he or she believes that those strategies are unnecessary or inappropriate, the parent, guardian, or other person in charge of the child may appeal to the school board. The school board may provide a hearing officer and the hearing officer shall make a recommendation for final action to the board. If the board's final determination is that the strategies of the child study team are appropriate, and the parent, guardian, or other person in charge of the child still refuses to participate or cooperate, the superintendent may seek criminal prosecution for noncompliance with compulsory school attendance.

(f) If a child subject to compulsory school attendance will not comply with attempts to enforce school attendance, the parent, the guardian, or the superintendent or his or her designee shall refer the case to the case-staffing committee pursuant to s. 984.12, and the superintendent or his or her designee may file a truancy petition pursuant to the procedures in s. 984.151. Pursuant to procedures established by the district school board, a designated school representative must complete activities designed to determine the cause and attempt the remediation of truant behavior, as provided in this section.

~~(1) INVESTIGATE NONENROLLMENT AND UNEXCUSED ABSENCES.—A designated school representative shall investigate cases of nonenrollment and unexcused absences from school of all children subject to compulsory school attendance.~~

(2) GIVE WRITTEN NOTICE.—

(a) Under the direction of the superintendent, a designated school representative shall give written notice, in person or by return-receipt mail, to the parent, guardian, or other person having control when no valid reason is found for a child's nonenrollment in school which requires or when the child has a minimum of 3 but fewer than 6 unexcused

~~absences within 90 calendar days, requiring enrollment or attendance within 3 days after the date of notice. If the notice and requirement are ignored, the designated school representative shall report the case to the superintendent, and may refer the case to the case-staffing case-staffing committee, established pursuant to s. 984.12, if the conditions of s. 232.19(3) have been met. The superintendent shall may take such steps as are necessary to bring criminal prosecution against the parent, guardian, or other person having control.~~

(b) Subsequent to the activities required under subsection (1), the superintendent or his or her designee shall give written notice in person or by return-receipt mail to the parent, guardian, or other person in charge of the child that criminal prosecution is being sought for nonattendance. The superintendent may file a truancy petition, as defined in s. 984.03, following the procedures outlined in s. 984.151.

(3) RETURN CHILD TO PARENT.—A designated school representative shall visit the home or place of residence of a child and any other place in which he or she is likely to find any child who is required to attend school when such child is not enrolled or is absent from school during school hours without an excuse, and, when the child is found, shall return the child to his or her parent or to the principal or teacher in charge of the school, or to the private tutor from whom absent, or to the juvenile assessment center or other location established by the school board to receive students who are absent from school. Upon receipt of the student, the parent shall be immediately notified.

(4) REPORT TO THE DIVISION OF JOBS AND BENEFITS.—A designated school representative shall report to the Division of Jobs and Benefits of the Department of Labor and Employment Security or to any person acting in similar capacity who may be designated by law to receive such notices, all violations of the Child Labor Law that may come to his or her knowledge.

(5) RIGHT TO INSPECT.—A designated school representative shall have the same right of access to, and inspection of, establishments where minors may be employed or detained as is given by law to the Division of Jobs and Benefits only for the purpose of ascertaining whether children of compulsory school age are actually employed there and are actually working there regularly. The designated school representative shall, if he or she finds unsatisfactory working conditions or violations of the Child Labor Law, report his or her findings to the Division of Jobs and Benefits or its agents.

~~(6) RESUMING SERIES.—If a child repeats a pattern of nonattendance within one school year, the designated school representative shall resume the series of escalating activities at the point at which he or she had previously left off.~~

Section 69. Subsection (3) of section 232.19, Florida Statutes, 1998 Supplement, is amended to read:

232.19 Court procedure and penalties.—The court procedure and penalties for the enforcement of the provisions of this chapter, relating to compulsory school attendance, shall be as follows:

(3) HABITUAL TRUANCY CASES.—*The superintendent is authorized to file a truancy petition, as defined in s. 984.03, following the procedures outlined in s. 984.151. If the superintendent chooses not to file a truancy petition, procedures for filing a child-in-need-of-services petition shall be commenced pursuant to this subsection and chapter 984.* In accordance with procedures established by the district school board, the designated school representative shall refer a student who is habitually truant and the student's family to the children-in-need-of-services and families-in-need-of-services provider or the case staffing committee, established pursuant to s. 984.12, as determined by the cooperative agreement required in this section. The case staffing committee may request the Department of Juvenile Justice or its designee to file a child-in-need-of-services petition based upon the report and efforts of the school district or other community agency or may seek to resolve the truant behavior through the school or community-based organizations or agencies. Prior to and subsequent to the filing of a child-in-need-of-services petition due to habitual truancy, the appropriate governmental agencies must allow a reasonable time to complete actions required by this section and s. 232.17 subsection to remedy the conditions leading to the truant behavior. ~~The following criteria must be met and documented in writing. Prior to the filing of a petition, the school district must have complied with the requirements of s. 232.17, and those efforts must have been unsuccessful.~~

~~(a) The child must have 15 unexcused absences within 90 calendar days with or without the knowledge or consent of the child's parent or legal guardian, must be subject to compulsory school attendance, and must not be exempt under s. 232.06, s. 232.09, or any other exemption specified by law or the rules of the State Board of Education.~~

~~(b) In addition to the actions described in s. 232.17, the school administration must have completed the following activities to determine the cause, and to attempt the remediation, of the child's truant behavior:~~

~~1. After a minimum of 3 and prior to 6 unexcused absences within 90 calendar days, one or more meetings must have been held, either in person or by phone, between a designated school representative, the child's parent or guardian, and the child, if necessary, to report and to attempt to solve the truancy problem. However, if the designated school representative has documented the refusal of the parent or guardian to participate in the meetings, this requirement has been met.~~

~~2. Educational counseling must have been provided to determine whether curriculum changes would help solve the truancy problem, and, if any changes were indicated, such changes must have been instituted but proved unsuccessful in remedying the truant behavior. Such curriculum changes may include enrollment of the child in a dropout prevention program that meets the specific educational and behavioral needs of the child, including a second chance school, as provided for in s. 230.2316, designed to resolve truant behavior.~~

~~3. Educational evaluation, which may include psychological evaluation, must have been provided to assist in determining the specific condition, if any, that is contributing to the child's nonattendance. The evaluation must have been supplemented by specific efforts by the school to remedy any diagnosed condition.~~

~~If a child who is subject to compulsory school attendance is responsive to the interventions described in this paragraph and has completed the necessary requirements to pass the current grade as indicated in the district pupil progression plan, the child shall be passed.~~

Section 70. Subsection (3) of section 232.26, Florida Statutes, is amended to read:

232.26 Authority of principal.—

(3) A pupil may be disciplined or expelled for unlawful possession or use of any substance controlled under chapter 893 upon the third violation of this provision.

Section 71. Subsection (3) of section 232.271, Florida Statutes, is amended to read:

232.271 Removal by teacher.—

(3) If a teacher removes a student from class under subsection (2), 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. 230.2316; 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 s. 232.272 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.

Section 72. Effective July 1, 1999, paragraphs (a) and (c) of subsection (1) of section 236.081, Florida Statutes, 1998 Supplement, are amended to read:

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

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

(a) Determination of full-time equivalent membership.—During each of several school weeks, including scheduled intersessions of a year-round school program during the fiscal year, a program membership survey of each school shall be made by each district by aggregating the full-time equivalent student membership of each program by school and by district. The department shall establish the number and interval of membership calculations, except that for basic and special programs such calculations shall not exceed nine for any fiscal year. The district's full-time equivalent membership shall be computed and currently maintained in accordance with regulations of the commissioner. *Beginning with school year 1999-2000, each school district shall also document the daily attendance of each student in membership by school and by district. An average daily attendance factor shall be computed by dividing the total daily attendance of all students by the total number of students in membership and then by the number of days in the regular school year. Beginning with school year 2001-2002, the district's full-time equivalent membership shall be adjusted by multiplying by the average daily attendance factor.*

(c) Determination of programs.—Cost factors based on desired relative cost differences between the following programs shall be established in the annual General Appropriations Act. The Commissioner of Education shall specify a matrix of services and intensity levels to be used by districts in the determination of funding support for each exceptional student. The funding support level for each exceptional student shall fund the exceptional student's total education program.

1. Basic programs.—
  - a. Kindergarten and grades 1, 2, and 3.
  - b. Grades 4, 5, 6, 7, and 8.
  - c. Grades 9, 10, 11, and 12.
2. Programs for exceptional students.—
  - a. Support Level I.
  - b. Support Level II.
  - c. Support Level III.
  - d. Support Level IV.
  - e. Support Level V.
3. Secondary career education programs.—
4. Students-at-risk programs.—
  - a. ~~Department of Juvenile Justice clients Dropout prevention and teenage parents.~~
  - b. English for Speakers of Other Languages.

Section 73. Paragraph (a) of subsection (4) of section 239.505, Florida Statutes, is amended to read:

239.505 Florida Constructive Youth Programs.—

(4) FUNDING.—Each district school board or community college board of trustees wishing to implement a constructive youth program must submit a comprehensive plan to the Department of Education no later than October 1 of the preceding school year, which plan must include a list of all funding sources, including, but not limited to:

(a) Funds available for programs authorized under the Dropout Prevention and Academic Intervention Act, as provided in s. 230.2316, and ~~Dropout prevention programs funded pursuant to the provisions of s. 236.081(1)(e).~~

Section 74. Subsection (29) of section 984.03, Florida Statutes, 1998 Supplement, is amended, present subsection (57) of that section is redesignated as subsection (58), and a new subsection (57) is added to that section, to read:

984.03 Definitions.—When used in this chapter, the term:

(29) "Habitually truant" means that:

(a) The child has 15 unexcused absences within 90 calendar days with or without the knowledge or justifiable consent of the child's parent or legal guardian, is subject to compulsory school attendance under s. 232.01, and is not exempt under s. 232.06, s. 232.09, or any other exemptions specified by law or the rules of the State Board of Education.

(b) ~~Escalating~~ Activities to determine the cause, and to attempt the remediation, of the child's truant behavior under ss. 232.17 and 232.19 have been completed.

If a child who is subject to compulsory school attendance is responsive to the interventions described in ss. 232.17 and 232.19 and has completed the necessary requirements to pass the current grade as indicated in the district pupil progression plan, the child shall not be determined to be habitually truant and shall be passed. If a child within the compulsory school attendance age has 15 unexcused absences within 90 calendar days or fails to enroll in school, the State Attorney may, or the appropriate jurisdictional agency shall, file a child-in-need-of-services petition if recommended by the case-staffing committee, unless it is determined that another alternative action is preferable. ~~Prior to filing a petition, the child must be referred to the appropriate agency for evaluation. After consulting with the evaluating agency, the State Attorney may elect to file a child-in-need-of-services petition.~~

(c) A school representative, designated according to school board policy, and a juvenile probation officer of the Department of Juvenile Justice have jointly investigated the truancy problem or, if that was not feasible, have performed separate investigations to identify conditions that may be contributing to the truant behavior; and if, after a joint staffing of the case to determine the necessity for services, such services were determined to be needed, the persons who performed the investigations met jointly with the family and child to discuss any referral to appropriate community agencies for economic services, family or individual counseling, or other services required to remedy the conditions that are contributing to the truant behavior.

(d) The failure or refusal of the parent or legal guardian or the child to participate, or make a good faith effort to participate, in the activities prescribed to remedy the truant behavior, or the failure or refusal of the child to return to school after participation in activities required by this subsection, or the failure of the child to stop the truant behavior after the school administration and the Department of Juvenile Justice have worked with the child as described in s. 232.19(3) and (4) shall be handled as prescribed in s. 232.19.

(57) "Truancy petition" means a petition filed by the school superintendent alleging that a student subject to compulsory school attendance has had more than 15 unexcused absences in a 90-calendar-day period. A truancy petition is filed and processed under s. 984.151.

Section 75. Section 984.151, Florida Statutes, is created to read:

984.151 Truancy petition; prosecution; disposition.—

(1) If the school determines that a student subject to compulsory school attendance has had more than 15 unexcused absences in a 90-calendar-day period, the superintendent may file a truancy petition.

(2) The petition shall be filed in the circuit where the student is enrolled in school.

(3) Original jurisdiction to hear a truancy petition shall be in the circuit court; however, the circuit court may use a general or special master pursuant to Supreme Court rules.

(4) The petition must contain the following: the name, age, and address of the student; the name and address of the student's parent or guardian; the school where the student is enrolled; the efforts the school has made to get the student to attend school; the number of out-of-school contacts between the school system and student's parent or guardian; and the number of days and dates of days the student has missed school. The petition shall be sworn to by the superintendent or his or her designee.

(5) Once the petition is filed, the court shall hear the petition within 30 days.

(6) The student and the student's parent or guardian shall attend the hearing.

(7) If the court determines that the student did miss any of the alleged days, the court shall order the student to attend school and the parent to ensure that the student attends school, and may order any of the following: the student to participate in alternative sanctions to include mandatory attendance at alternative classes to be followed by mandatory community services hours for a period up to 6 months; the student and the student's parent or guardian to participate in homemaker or parent aide services; the student or the student's parent or guardian to participate in intensive crisis counseling; the student or the student's parent or guardian to participate in community mental health services if available and applicable; the student and the student's parent or guardian to participate in service provided by voluntary or community agencies as available; and the student or the student's parent or guardian to participate in vocational, job training, or employment services.

(8) If the student does not successfully complete the sanctions ordered in subsection (7), the case shall be referred to the case staffing committee under s. 984.12 with a recommendation to file a child-in-need-of-services petition under s. 984.15.

Section 76. Funding levels and methodologies necessary to implement the provisions of this act will be established in the General Appropriations Act.

Section 77. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.

Section 78. Except as otherwise provided in this act, this act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to education; amending s. 229.0535, F.S.; revising provisions relating to the authority of the State Board of Education to enforce school improvement; creating s. 229.0537, F.S.; providing findings and intent; requiring private school opportunity scholarships to be provided to certain public school students; providing student eligibility requirements; providing school district requirements; providing an alternative to accepting a state opportunity scholarship; providing private school eligibility criteria; providing student attendance requirements; providing parental involvement requirements; providing a district reporting requirement; providing for calculation of the amount and distribution of state opportunity scholarship funds; authorizing the adoption of rules; amending s. 229.512, F.S.; revising provisions relating to the authority of the Commissioner of Education regarding the implementation of the program of school improvement and education accountability; amending s. 229.555, F.S., relating to educational planning and information systems; revising to conform; amending s. 229.565, F.S.; eliminating the requirement that the Commissioner of Education designate program categories and grade levels for which performance standards are to be approved; amending s. 229.57, F.S.; revising the purpose of the student assessment program; requiring the Department of Education to develop a system to measure annual pupil progress; requiring the statewide assessment program to include science; revising provisions relating to the administration of the National Assessment of Educational Progress; revising the statewide assessment program; revising requirements relating to the annual report of the results of the statewide assessment program; providing for the identification of schools by performance grade category according to student and school performance data; providing for the identification of school improvement ratings; amending s. 229.58, F.S.; removing a reference to the Florida Commission on Education Reform and Accountability; amending s. 229.591, F.S.; revising provisions relating to the system of school improvement and education accountability to reflect that students are not required to attend schools designated in a certain performance grade category; revising the state education goals; amending s. 229.592, F.S., relating to the implementation of the state system of school improvement and education accountability; prohibiting the waiver of a required report of out-of-field teachers; removing obsolete provisions; removing references to the Florida Commission on Education Reform and Accountability; deleting the requirement that the Commissioner of Education appear before the Legislature; revising duties of the Department of Education; revising duties of the State Board of Education; revising provisions relating to waivers from statutes; conforming cross-references; repealing s. 229.593, F.S., relating to the Florida Commission on Education Reform



and Accountability; repealing s. 229.594, F.S., relating to the powers and duties of the commission; amending s. 229.595, F.S., relating to the implementation of the state system of educational accountability for school-to-work transition; revising provisions relating to the assessment of readiness to enter the workforce; removing a reference to the Florida Commission on Education Reform and Accountability; amending s. 230.23, F.S., relating to powers and duties of school boards; revising provisions relating to the compensation and salary schedules of school employees; requiring certain performance-based pay for specified school personnel; revising provisions relating to courses of study and other instructional aids to include the term "instructional materials"; specifying content of school improvement plans; revising school board duties regarding the implementation and enforcement of school improvement and accountability; revising policies regarding public disclosure; requiring school board adoption of certain policies; amending s. 231.2905, F.S.; revising provisions of the Florida School Recognition Program relating to financial awards based on employee performance; revising initial criteria for identification of schools; amending s. 232.245, F.S.; relating to pupil progression; revising requirements relating to the provision of remedial instruction; providing requirements for the use of resources for remedial instruction; requiring the adoption of rules regarding pupil progression; eliminating requirements relating to student academic improvement plans; deleting duplicative requirements relating to mandatory remedial reading instruction; amending s. 228.053, F.S.; relating to developmental research schools; conforming cross-references; amending s. 228.054, F.S., relating to the Joint Developmental Research School Planning, Articulation, and Evaluation Committee; conforming a cross-reference; amending s. 233.17, F.S., relating to the term of adoption of instructional materials; conforming cross-references; amending s. 236.685, F.S., relating to educational funding accountability; conforming a cross-reference; amending s. 20.15, F.S., relating to the creation of the Department of Education; removing a reference to the Florida Commission on Education Reform and Accountability; creating s. 236.08104, F.S.; establishing a supplemental academic instruction categorical fund; providing findings and intent; providing requirements for the use of funds; authorizing the Florida State University School to expend certain funds for student remediation; amending s. 236.013, F.S.; eliminating certain provisions relating to calculations of the equivalent of a full-time student; revising provisions relating to membership in programs scheduled for more than 180 days; amending s. 239.101, F.S., relating to career education; conforming cross-references; amending s. 239.229, F.S., relating to vocational standards; conforming cross-references; amending s. 24.121, F.S.; specifying conditions for withholding allocations from the Educational Enhancement Trust Fund; reenacting s. 120.81(1)(b), F.S., relating to tests, test scoring criteria, or testing procedures, s. 228.053(3) and (8), F.S., relating to developmental research schools, s. 228.0565(6)(b), (c), and (d), F.S., relating to deregulated public schools, s. 228.301(1), F.S., relating to test security, s. 229.551(1)(c) and (3), F.S., relating to educational management, s. 230.03(4), F.S., relating to school district management, control, operation, administration, and supervision, s. 231.24(3)(a), F.S., relating to the process for renewal of professional certificates, s. 231.36(3)(e) and (f), F.S., relating to contracts with instructional staff, supervisors, and principals, s. 232.2454(1), F.S., relating to district student performance standards, instruments, and assessment procedures, s. 232.246(5)(a) and (b), F.S., relating to general requirements for high school graduation, s. 232.248, F.S., relating to confidentiality of assessment instruments, s. 232.2481(1), F.S., relating to graduation and promotion requirements for publicly operated schools, s. 233.09(4), F.S., relating to duties of instructional materials committees, s. 233.165(1)(b), F.S., relating to the selection of instructional materials, s. 233.25(3)(b), F.S., relating to publishers and manufacturers of instructional materials, s. 239.229(3), F.S., relating to vocational standards, s. 240.118(4), F.S., relating to postsecondary feedback of information to high schools, to incorporate references; amending s. 228.041, F.S.; redefining the terms "graduation rate" and "dropout rate"; amending s. 228.056, F.S., relating to charter schools; stating an intent to increase standards for the preparation, certification, and professional development of educators; directing the Department of Education to review statutes and rules governing certification to increase efficiency, rigor, and alternatives in the certification process; requiring a report; amending s. 231.02, F.S.; correcting a reference; amending s. 231.0861, F.S.; requiring the State Board of Education to approve criteria for selection of certain administrative personnel; authorizing school districts to contract with private entities for evaluation and training of such personnel; amending s. 231.085, F.S.; specifying principals' responsibilities for assessing performance of school personnel and implementing the Sunshine State Standards; amending s. 231.087, F.S.; requiring the State Board of Education to adopt rules governing the training of school district

management personnel; providing for review and repeal of the Management Training Act; requiring recommendations; amending s. 231.09, F.S.; prescribing duties of instructional personnel; amending s. 231.096, F.S.; requiring a school board plan to ensure the competency of teachers with out-of-field teaching assignments; amending s. 231.145, F.S.; revising purpose to reflect increased requirements for certification; amending s. 231.15, F.S.; authorizing certification based on demonstrated competencies; requiring rules of the State Board of Education to specify certain competencies; requiring consultation with postsecondary education boards; amending s. 231.17, F.S.; revising prerequisites for certification; requiring demonstration of general knowledge before temporary certification; increasing the requirement that teachers know and use mathematics, technology, and intervention strategies with students; deleting alternative ways to demonstrate general knowledge competency; amending s. 231.1725, F.S.; providing legal protections for clinical field experience students; amending s. 231.174, F.S., relating to district programs for adding certification coverages; removing limitation to specific certification areas; amending s. 231.29, F.S.; requiring certain personnel-performance assessments to be primarily based on student performance; revising the assessment procedure for certain school district personnel; amending s. 231.36, F.S.; authorizing the State Board of Education to define certain terms by rule; requiring certain review and testing of employees of schools in performance grade categories "D" and "F"; amending s. 231.546, F.S.; specifying duties of the Education Standards Commission; amending s. 231.600, F.S.; prescribing the responsibilities of school district professional-development programs; amending s. 236.08106, F.S.; providing for the distribution of Excellent Teaching Program funds; deleting certain district incentives; amending s. 240.529, F.S.; requiring the commissioner to appoint a Teacher Preparation Program Committee to recommend core curricula for state-approved teacher-preparation programs; requiring a report; requiring the State Board of Education to adopt rules establishing uniform core curricula; revising criteria for initial and continuing approval of teacher-preparation programs; increasing the requirements for a student to enroll in and graduate from a teacher-education program; requiring annual reports of program performance; providing additional legislative intent related to teacher-preparation programs; providing the criteria for continued program approval; providing for the requirements for instructors in postsecondary teacher-preparation programs who instruct or supervise preservice field experience courses or internships; eliminating the requirement related to a commitment to teaching in the public schools for a period of time; providing additional requirements for school district and instructional personnel who supervise or direct certain teacher-preparation students; creating s. 231.6135, F.S.; establishing a statewide system for inservice professional development; authorizing professional development academies to meet human resource development and education instruction training needs of educators, school, and school districts; providing for organization and operation by public and private partners; providing for funding; specifying duties of the Commissioner of Education; repealing s. 231.601, F.S., relating to purpose of inservice training for instructional personnel; amending s. 230.2316, F.S.; providing for a dropout prevention and academic intervention program; revising intent of program; revising eligibility criteria; expanding eligible students to grades 1-12; revising reporting requirements for district evaluation; amending s. 231.085, F.S.; requiring principals to ensure the accuracy and timeliness of school reports; requiring principals to provide staff training opportunities; creating s. 232.001, F.S.; allowing the Manatee County District School Board to raise the compulsory age of attendance for children; providing requirements for the school board if it chooses to participate in the pilot project; providing for the applicability of state law and State Board of Education rule; providing an exception from the provisions relating to a declaration of intent to terminate school enrollment; requiring a study; amending s. 232.17, F.S.; providing legislative findings; placing responsibility on school district superintendents for enforcing attendance; establishing requirements for school board policies; revising the current steps for enforcing regular school attendance; requiring public schools to follow the steps; establishing the requirements for school principals, primary teachers, child study teams, and parents; providing for parents to appeal; allowing the superintendent to seek criminal prosecution for parental noncompliance; requiring the superintendent, parent, or guardian to file certain petitions involving ungovernable children in certain circumstances; requiring the superintendent to provide the court with certain evidence; allowing for court enforcement for children who refuse to comply; revising the notice requirements to parents, guardians, or others; eliminating a current condition for notice; eliminating the option for referral to case staffing committees; requiring the superintendent to take steps to bring about criminal prosecution and requiring related notice; authorizing the

superintendent to file truancy petitions; allowing for the return of absent children to additional locations; requiring parental notification; amending s. 232.19, F.S., relating to habitual truancy; authorizing superintendents to file truancy petitions; requiring that a court order for school attendance be obtained as a part of services; revising the requirements that must be met prior to filing a petition; amending s. 232.26, F.S.; removing a limitation on the principal's authority to discipline or expel pupils for unlawful possession or use of controlled substances under chapter 893, F.S.; amending s. 232.271, F.S.; revising references; amending s. 236.081, F.S.; amending procedures that must be followed in determining the annual allocation to each school district for operation; requiring the average daily attendance of the student membership to be calculated by school and by district; revising students-at-risk programs; amending s. 239.505, F.S.; revising provisions relating to funding of constructive youth programs; amending s. 984.03, F.S.; redefining the term "habitual truant"; requiring the state attorney to file a child-in-need-of-services petition in certain circumstances; eliminating the requirement for referral for evaluation; defining the term "truancy petition"; requiring the appropriate jurisdictional agency to file a petition; creating s. 984.151, F.S.; providing procedures for truancy petitions; providing for truancy hearings and penalties; providing for funding; providing for severability; providing effective dates.

WHEREAS, providing a system of high-quality public education for children is an important goal of this state, and

WHEREAS, Floridians reemphasized their aspiration to provide for a system of high-quality public education for children in this state by amending Section 1 of Article IX of the State Constitution in the November 1998 general election, and

WHEREAS, the Legislature recognizes that it has an important but not exclusive role in providing children with the opportunity to obtain a high-quality education in this state, and

WHEREAS, success in obtaining a high-quality education depends upon many influences, and

WHEREAS, among the most prominent influences on the educational success of children are the positive influences of parents on their children's lives and on their children's desire to learn and the active involvement of parents in the education of their children, and

WHEREAS, the presence of those influences is indispensable to successfully providing a system that allows students to obtain a high-quality education, and

WHEREAS, children will have the best opportunity to obtain a high-quality education in the public education system of this state and that system can best be enhanced when positive parental influences are present, when we allocate resources efficiently and concentrate resources to enhance a safe, secure, and disciplined classroom learning environment, when we support teachers, when we reinforce shared high academic expectations, and when we promptly reward success and promptly identify failure, as well as promptly appraise the public of both successes and failures, and

WHEREAS, the voters of the State of Florida, in the 1998 General Election, amended Article IX, section 1, of the Florida Constitution to state that, "Adequate provision shall be made by law for a ... safe, secure, and high quality system of free public schools ...," and

WHEREAS, House Bill 1309, a comprehensive school safety and discipline package, was enacted by the Legislature in the 1997 Session, addressing dropouts, habitual truancy, zero tolerance for crime, drugs, alcohol, and weapons, alternative placement of disruptive students, and cooperative agreements with local law enforcement for crime reporting, and

WHEREAS, the Legislature annually provides for safe-schools appropriations to be used for after school programs for middle school students, alternative programs for adjudicated youth, school resource officers, and conflict resolution strategies, and

WHEREAS, the enhancement of school safety should be measured as an element of school performance and accountability and improved crime and incident reporting, as well as a heightened emphasis on character education in the curriculum of the early grades, NOW, THEREFORE,

Senator King moved the following amendment to **Amendment 1** which was adopted:

**Amendment 1A (692140)**—On page 5, between lines 26 and 27, insert:

(b) *The student has scored in the lowest quartile on statewide assessment tests described in s. 229.57;*

(Redesignate subsequent paragraphs.)

Senator Saunders moved the following amendment to **Amendment 1** which was adopted:

**Amendment 1B (793084)**—On page 8, line 27, delete "and" and insert: *, the number of available student spaces, the random selection process, and other*

Senator King moved the following amendment to **Amendment 1** which was adopted:

**Amendment 1C (215284)**—On page 8, line 31, before the final period (.) insert: *and the Florida Constitution*

Senators Latvala, Dyer, Brown-Waite, King, Saunders, Casas and Carlton offered the following amendment to **Amendment 1** which was moved by Senator Latvala and adopted:

**Amendment 1D (974978)**—On page 9, between lines 25 and 26, insert:

(g) *Employ or contract with teachers who hold a baccalaureate or higher degree, have at least 3 years teaching experience in public or private schools, or have special skills, knowledge, or expertise that qualifies them to provide instruction in subjects taught.*

(Redesignate subsequent paragraphs.)

Senator King moved the following amendment to **Amendment 1** which was adopted:

**Amendment 1E (984978)**—On page 9, line 25, following "information" insert: *and the percentage of teachers who hold regular Florida teaching certificates*

Senator Jones moved the following amendment to **Amendment 1** which was adopted:

**Amendment 1F (214322)**—On page 10, delete line 20 and insert: *for a minimum of 3 school years, or until the student completes the highest grade available at the school, with the exception that the*

Senator Brown-Waite moved the following amendment to **Amendment 1** which was adopted:

**Amendment 1G (114176)**—On page 10, between lines 27 and 28, insert:

(m) *Use at least grade-appropriate textbooks and other learning materials.*

Senator Clary moved the following amendment to **Amendment 1** which was adopted:

**Amendment 1H (092344)**—On page 13, delete lines 25 and 26 and insert: *Scholarship Program, in the Broward, Clay, and Sarasota school districts to provide scholarships to a public or*

Senators Cowin and McKay offered the following amendments to **Amendment 1** which were moved by Senator Cowin and adopted:

**Amendment 1I (395798)**—On page 24, delete lines 16-30 and insert:

(b) *The statistical system shall provide for an approach which provides for best linear unbiased prediction for the teacher, school, and school district effects on pupil progress. These estimates should adequately be able to determine effects of and compare teachers who teach multiple subjects to the same groups of students, and team teaching situations where teachers teach a single subject to multiple groups of students, or other teaching situations as appropriate.*

1. *The department, in consultation with the Office of Program Policy Analysis and Government Accountability, and other sources as appropriate, shall use recognized approaches to statistical variance and estimating random effects.*

2. *The approach used by the department shall be approved by the State Board of Education before implementation for pupil progression assessment.*

**Amendment 1J (503194)**—On page 33, delete lines 6-10 and insert: *if any school of the 4 schools that were identified as critically low performing, based on both 1996-1997 and 1997-1998 school performance data and state board adopted criteria, receives a performance grade category designation of "F" based on 1998-1999 school performance data, that school shall be considered*

Senators Sullivan and King offered the following amendment to **Amendment 1** which was moved by Senator Sullivan and adopted:

**Amendment 1K (502390)**—On page 33, between lines 23 and 24, insert:

3. *In schools with a student mobility rate of 50 percent or more per year, only the median assessment scores of students who have been enrolled in the school for more than one year will be used in determining the school's performance grade category.*

Senator Campbell moved the following amendments to **Amendment 1** which were adopted:

**Amendment 1L (563200)**—On page 34, line 22; and on page 54, line 11, after the period (.) insert: *The address of the parent's or guardian's local school board and State Department of Education shall be included on the report card. The report shall include a statement established by the Commissioner of Education which serves to encourage the student's parent or guardian to make recommendations or provide comments to the Department of Education and their local school board regarding the report card and the plight of their child's school. The Department of Education and the school district shall review parent feedback and shall annually produce a report to the Legislature concerning the parent feedback.*

**Amendment 1M (472106)**—On page 41, delete lines 25-28 and insert:

(h) Parental, family, and community involvement.—Communities, school boards, and schools provide opportunities for involving parents, families, and guardians, and other community stakeholders as collaborative active partners in achieving school improvement and education accountability. ~~The State Board of Education~~

Senator Klein moved the following amendments to **Amendment 1** which were adopted:

**Amendment 1N (264436)(with title amendment)**—On page 42, line 2 through page 49, line 9, delete those lines and insert:

229.592 Implementation of state system of school improvement and education accountability.—

(1) DEVELOPMENT.—It is the intent of the Legislature that every public school in the state shall have a school improvement plan, as required by s. 230.23(16), fully implemented and operational by the beginning of the 1993-1994 school year. Vocational standards considered pursuant to s. 239.229 shall be incorporated into the school improvement plan for each area technical center operated by a school board by the 1994-1995 school year, and area technical centers shall prepare school report cards incorporating such standards, pursuant to s. 230.23(16), for the 1995-1996 school year. In order to accomplish this, the Florida Commission on Education Reform and Accountability and the school districts and schools shall carry out the duties assigned to them by ss. 229.594 and 230.23(16), respectively.

(2) ESTABLISHMENT.—Based upon the recommendations of the Florida Commission on Education Reform and Accountability, the Legislature may enact such laws as it considers necessary to establish and maintain a state system of school improvement and accountability. If, after considering the recommendations of the commission, the Legislature determines an adequate system of accountability to be in place to

protect the public interest, the Legislature may repeal or revise laws, including fiscal policies, deemed to stand in the way of school improvement.

(3) COMMISSIONER.—The commissioner shall be responsible for implementing and maintaining a system of intensive school improvement and stringent education accountability, which shall include policies and programs based on the recommendations of the Florida Commission on Education Reform and Accountability to:

~~(a) Based on the recommendations of The Florida Commission on Education Reform and Accountability, the commissioner shall develop and implement the following programs and procedures:~~

~~(a)1-~~ A system of data collection and analysis that will improve information about the educational success of individual students and schools. The information and analyses must be capable of identifying educational programs or activities in need of improvement, and reports prepared pursuant to this ~~paragraph~~ ~~subparagraph~~ shall be distributed to the appropriate school boards prior to distribution to the general public. This provision shall not preclude access to public records as provided in chapter 119.

~~(b)2-~~ A program of school improvement that will analyze information to identify schools, educational programs, or educational activities in need of improvement.

~~(c)3-~~ A method of delivering services to assist school districts and schools to improve.

~~(d)4-~~ A method of coordinating with the state educational goals and school improvement plans any other state program that creates incentives for school improvement.

~~(4)(b)~~ The commissioner shall be held responsible for the implementation and maintenance of the system of school improvement and education accountability outlined in this ~~section~~ ~~subsection~~. There shall be an annual determination of whether adequate progress is being made toward implementing and maintaining a system of school improvement and education accountability.

~~(5)(e)~~ The annual feedback report shall be developed by the commission and the Department of Education.

~~(6)(d)~~ The commissioner and the commission shall review each school board's feedback report and submit its findings to the State Board of Education. If adequate progress is not being made toward implementing and maintaining a system of school improvement and education accountability, the State Board of Education shall direct the commissioner to prepare and implement a corrective action plan. The commissioner and State Board of Education shall monitor the development and implementation of the corrective action plan.

~~(7)(e)~~ ~~As co-chair of the Florida Commission on Education Reform and Accountability, the commissioner shall appear before the appropriate committees of the Legislature annually in October to report to the Legislature and recommend changes in state policy necessary to foster school improvement and education accountability. The report shall reflect the recommendations of the Florida Commission on Education Reform and Accountability. Included in the report shall be a list of the schools for which school boards have developed assistance and intervention plans and an analysis of the various strategies used by the school boards. School reports shall be distributed pursuant to this paragraph and s. 230.23(16)(e) according to guidelines adopted by the State Board of Education.~~

~~(8)(4)~~ DEPARTMENT.—

(a) The Department of Education shall implement a training program to develop among state and district educators a cadre of facilitators of school improvement. These facilitators shall assist schools and districts to conduct needs assessments and develop and implement school improvement plans to meet state goals.

(b) Upon request, the department shall provide technical assistance and training to any school, school advisory council, district, or school board for conducting needs assessments, developing and implementing school improvement plans, developing and implementing assistance and intervention plans, or implementing other components of school improvement and accountability. Priority for these services shall be given

to schools designated as performance grade category "D" or "F" and school districts in rural and sparsely populated areas of the state.

(c) Pursuant to s. 24.121(5)(d), the department shall not release funds from the Educational Enhancement Trust Fund to any district in which a school does not have an approved school improvement plan, pursuant to s. 230.23(16), after 1 full school year of planning and development, or does not comply with school advisory council membership composition requirements pursuant to s. 229.58(1). The department shall send a technical assistance team to each school without an approved plan to develop such school improvement plan or to each school without appropriate school advisory council membership composition to develop a strategy for corrective action. The department shall release the funds upon approval of the plan or upon establishment of a plan of corrective action. Notice shall be given to the public of the department's intervention and shall identify each school without a plan or without appropriate school advisory council membership composition.

(9)(5) STATE BOARD.—The State Board of Education shall adopt rules pursuant to ss. 120.536(1) and 120.54 necessary to implement a state system of school improvement and education accountability and shall specify required annual reports by schools and school districts. Such rules must be based on recommendations of the Commission on Education Reform and Accountability and must include, but need not be limited to, a requirement that each school report identify the annual Education Enhancement Trust Fund allocations to the district and the school and how those allocations were used for educational enhancement and supporting school improvement.

(10)(6) EXCEPTIONS TO LAW.—To facilitate innovative practices and to allow local selection of educational methods, the commissioner may waive, upon the request of a school board, requirements of chapters 230 through 239 of the Florida School Code that relate to instruction and school operations, except those pertaining to civil rights, and student health, safety, and welfare. The Commissioner of Education is not authorized to grant waivers for any provisions of law pertaining to the allocation and appropriation of state and local funds for public education; the election, compensation, and organization of school board members and superintendents; graduation and state accountability standards; financial reporting requirements; public meetings; public records; or due process hearings governed by chapter 120. Prior to approval, the commissioner shall report pending waiver requests to the state board on a monthly basis, and shall, upon request of any state board member, bring a waiver request to the state board for consideration. If, within 2 weeks of receiving the report, no member requests that a waiver be considered by the state board, the commissioner may act on the original waiver request. No later than January 1 of each year, the commissioner shall report to the President and Minority Leader of the Senate and the Speaker and Minority Leader of the House of Representatives all approved waiver requests in the preceding year.

(a) Graduation requirements in s. 232.246 must be met by demonstrating performance of intended outcomes for any course in the Course Code Directory unless a waiver is approved by the commissioner. In developing procedures for awarding credits based on performance outcomes, districts may request waivers from State Board of Education rules relating to curriculum frameworks and credits for courses and programs in the Course Code Directory. Credit awarded for a course or program beyond that allowed by the Course Code Directory counts as credit for electives. Upon request by any school district, the commissioner shall evaluate and establish procedures for variations in academic credits awarded toward graduation by a high school offering six periods per day compared to those awarded by high schools operating on other schedules.

1. A school board may originate a request for waiver and submit the request to the commissioner if such a waiver is required to implement districtwide improvements.

2. A school board may submit a request to the commissioner for a waiver if such request is presented to the school board by a school advisory council established pursuant to s. 229.58 and if such a waiver is required to implement a school improvement plan required by s. 230.23(16). The school board shall report annually to the Florida Commission on Education Reform and Accountability, in conjunction with the feedback report required pursuant to ~~this section subsection (3)~~, the number of waivers requested by school advisory councils, the number of such waiver requests approved and submitted to the commissioner, and

the number of such waiver requests not approved and not submitted to the commissioner. For each waiver request not approved, the school board shall report the statute or rule for which the waiver was requested, the rationale for the school advisory council request, and the reason the request was not approved.

3. When approved by the commissioner, a waiver requested under this paragraph is effective for a 5-year period.

(b) Notwithstanding the provisions of chapter 120 and for the purpose of implementing this subsection, the commissioner may waive State Board of Education rules if the school board has submitted a written request to the commissioner for approval pursuant to this subsection.

(c) The written request for waiver of statute or rule must indicate at least how ~~the general statutory purpose will be met, how~~ granting the waiver will assist schools in improving student outcomes related to the student performance standards adopted ~~by the state board pursuant to subsection (5)~~, and how student improvement will be evaluated and reported. ~~In considering any waiver,~~ The commissioner shall *not grant any waiver that would impair the ensure* protection of the health, safety, welfare, ~~or~~ and civil rights of the students ~~or the~~ and protection of the public interest.

(d) Upon denying a request for a waiver, the commissioner must state with particularity the grounds or basis for the denial. The commissioner shall report the specific statutes and rules for which waivers are requested and the number and disposition of such requests to the *Legislature, the State Board of Education, and the Florida Commission on Education Reform and Accountability* for use in determining which statutes and rules stand in the way of school improvement.

(e)1. *Schools designated in performance grade category "A," making excellent progress, shall, if requested by the school, be given deregulated status as specified in s. 228.0565(5), (7), (8), (9), and (10).*

2. *Schools that have improved at least two performance grade categories and that meet the criteria of the Florida School Recognition Program pursuant to s. 231.2905 may be given deregulated status as specified in s. 228.0565(5), (7), (8), (9), and (10).*

And the title is amended as follows:

On page 168, line 30 through page 169, line 3, delete those lines and insert: removing obsolete provisions; deleting the requirement that

**Amendment 10 (425484)(with title amendment)**—On page 49, delete lines 10-13 and redesignate subsequent sections.

And the title is amended as follows:

On page 169, delete lines 9-13 and insert: cross-references; amending s. 229.595,

Senator Campbell moved the following amendment to **Amendment 1** which was adopted:

**Amendment 1P (033288)**—On page 54, line 11, after the period (.) insert:

1. *The report cards shall also include, but are not limited to:*
  - a. *The percentage of limited English proficient students;*
  - b. *The per pupil expenditures and state aid ratio;*
  - c. *The percentage of budget allocated to salaries and benefits of administrative personnel;*
  - d. *The percentage of budget allocated for salaries and benefits of teachers;*
  - e. *The percentage of increase over the previous year for salaries and benefits of administrative and instructional personnel; and*
  - f. *The number of administrative personnel to instructional personnel.*

2. *The school report card shall include, for purposes of comparison and review, the statewide average for each element reported by school and a comparison of the district averages for each element reported by school*

and a comparison of the district averages for each element reported by district with the averages of school districts that have similar characteristics as defined by the commissioner.

Senator Dyer moved the following amendment to **Amendment 1** which was adopted:

**Amendment 1Q (973140)(with title amendment)**—On page 61, between lines 19 and 20, insert:

Section 16. Section 233.061, Florida Statutes, 1998 Supplement, is amended to read:

233.061 Required instruction.—

(1) Each school district *and private school receiving opportunity scholarships* shall provide all courses required for high school graduation and appropriate instruction designed to ensure that students meet state board adopted standards in the following subject areas: reading and other language arts, mathematics, science, social studies, foreign languages, health and physical education, and the arts.

(2) Members of the instructional staff of the public schools *and private schools receiving opportunity scholarships*, subject to the rules and regulations of the commissioner, the state board, and the school board, shall teach efficiently and faithfully, using the books and materials required, following the prescribed courses of study, and employing approved methods of instruction, the following:

(a) The content of the Declaration of Independence and how it forms the philosophical foundation of our government.

(b) The arguments in support of adopting our republican form of government, as they are embodied in the most important of the Federalist Papers.

(c) The essentials of the United States Constitution and how it provides the structure of our government.

(d) Flag education, including proper flag display and flag salute.

(e) The elements of civil government shall include the primary functions of and interrelationships between the Federal Government, the state, and its counties, municipalities, school districts, and special districts.

(f) The history of the Holocaust (1933-1945), the systematic, planned annihilation of European Jews and other groups by Nazi Germany, a watershed event in the history of humanity, to be taught in a manner that leads to an investigation of human behavior, an understanding of the ramifications of prejudice, racism, and stereotyping, and an examination of what it means to be a responsible and respectful person, for the purposes of encouraging tolerance of diversity in a pluralistic society and for nurturing and protecting democratic values and institutions.

(g) The history of African Americans, including the history of African peoples before the political conflicts that led to the development of slavery, the passage to America, the enslavement experience, abolition, and the contributions of African Americans to society.

(h) The elementary principles of agriculture.

(i) The true effects of all alcoholic and intoxicating liquors and beverages and narcotics upon the human body and mind.

(j) Kindness to animals.

(k) The history of the state.

(l) The conservation of natural resources.

(m) Comprehensive health education that addresses concepts of community health; consumer health; environmental health; family life, including an awareness of the benefits of sexual abstinence as the expected standard and the consequences of teenage pregnancy; mental and emotional health; injury prevention and safety; nutrition; personal health; prevention and control of disease; and substance use and abuse.

(n) Such additional materials, subjects, courses, or fields in such grades as are prescribed by law or by rules of the commissioner and the school board in fulfilling the requirements of law.

(o) The study of Hispanic contributions to the United States.

(p) The study of women's contributions to the United States.

(3) Any child whose parent presents to the school principal a signed statement that the teaching of disease, its symptoms, development, and treatment, and the viewing of pictures or motion pictures that teach about disease, conflict with the religious teachings of the child's religious affiliation, is exempt from such instruction; and a child so exempted may not be penalized by reason of that exemption.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 170, line 17, after the semicolon (;) insert: amending s. 233.061, F.S.; requiring schools that receive opportunity scholarships to provide certain courses of study;

Senator Klein moved the following amendment to **Amendment 1** which was adopted:

**Amendment 1R (202292)(with title amendment)**—On page 67, delete lines 8-22 and redesignate subsequent sections.

And the title is amended as follows:

On page 170, line 28 through page 171, line 1, delete those lines and insert: conforming a cross-reference; creating s. 236.08104,

Senators Cowin and McKay offered the following amendment to **Amendment 1** which was moved by Senator Cowin and adopted:

**Amendment 1S (881298)**—On page 71, line 12, after the comma (,) insert: *unless otherwise provided in the General Appropriations Act*,

Senator Forman moved the following amendment to **Amendment 1** which was adopted:

**Amendment 1T (160524)(with title amendment)**—On page 100, between lines 15 and 16, insert:

Section 45. *Business and corporate entities are encouraged to enter into partnership with low-performing and failing schools in order to promote improved learning. Areas of partnership should include, but need not be limited to, student mentoring, student tutoring, supplemental funding, promotion of extracurricular activities, development of after-school programs, and maintenance of school grounds.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 172, line 23, after the semicolon (;) insert: encouraging businesses and corporations to enter into partnerships with low-performing and failing schools for stated purposes;

Senator Kirkpatrick moved the following amendments to **Amendment 1** which were adopted:

**Amendment 1U (502884)(with title amendment)**—On page 100, between lines 15 and 16, insert:

Section 45. Subsection (2) of section 230.202, Florida Statutes, is amended to read:

230.202 District school board members; compensation.—

(2) Notwithstanding provisions of chapter 145 or this chapter to the contrary, the annual salaries of district school board members for 1993 and each year thereafter shall be established at the same amounts as those members were paid for fiscal year 1991-1992, adjusted by each annual increase provided for in chapter 145. Any salary previously paid to district school board members which was consistent with chapter 145 and this section is hereby ratified and validated. *By June 30, 2002, at least 5 percent of the salary of school board members must be based on the annual performance of students as measured by state assessments pursuant to State Board of Education rules.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 172, line 23, after the semicolon (;) insert: amending s. 230.202, F.S.; providing that, after a specified date, part of the salary of school board members must be based on students' performance;

**Amendment 1V (812016)(with title amendment)**—On page 100, between lines 15 and 16, insert:

Section 45. Subsection (3) of section 230.303, Florida Statutes, is amended to read:

230.303 Superintendent of schools.—

(3) Notwithstanding provisions of chapter 145 or this chapter to the contrary, the annual salaries of elected superintendents of schools for 1993 and each year thereafter shall be established at the same amounts as those superintendents were paid for fiscal year 1991-1992, adjusted by each annual increase provided for in chapter 145. Any salary previously paid to elected superintendents which was consistent with chapter 145 and this section is hereby ratified and validated. *By June 30, 2002, at least 5 percent of the salary of elected superintendents must be based on the annual performance of students as measured by state assessments pursuant to State Board of Education rules.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 172, line 23, after the semicolon (;) insert: amending s. 230.303, F.S.; providing that, after a specified date, part of the salary of elected superintendents of schools must be based on students' performance;

Senator Horne moved the following amendments to **Amendment 1** which were adopted:

**Amendment 1W (223390)**—On page 107, delete lines 2 and 3 and insert: *participate in a state-approved alternative certification program for a professional certificate. As appropriate, this program must*

**Amendment 1X (224612)**—On page 119, line 10 through page 121, line 4, delete those lines and insert:

(d) If an employee is not performing his or her duties in a satisfactory manner, the evaluator shall notify the employee in writing of such determination. The notice must describe such unsatisfactory performance and include notice of the following procedural requirements:

1. Upon delivery of a notice of unsatisfactory performance, the evaluator must confer with the employee, make recommendations with respect to specific areas of unsatisfactory performance, and provide assistance in helping to correct deficiencies within a prescribed period of time.

2.a. *If the employee holds a professional service contract as provided in s. 231.36, the employee shall be placed on performance probation and governed by the provisions of this section for 90 calendar days following the receipt of the notice of unsatisfactory performance to demonstrate corrective action. School holidays and school vacation periods are not counted when calculating the 90-calendar-day period. During the 90 calendar days, the employee who holds a professional service contract must be evaluated periodically and apprised of progress achieved and must be provided assistance and inservice training opportunities to help correct the noted performance deficiencies. At any time during the 90 calendar days, the employee who holds a professional service contract may request a transfer to another appropriate position with a different supervising administrator; however, a transfer does not extend the period for correcting performance deficiencies.*

b.3. Within 14 days after the close of the 90 calendar days, the evaluator must assess whether the performance deficiencies have been corrected and forward a recommendation to the superintendent. Within 14 days after receiving the evaluator's recommendation, the superintendent must notify the employee *who holds a professional service contract* in writing whether the performance deficiencies have been satisfactorily corrected and whether the superintendent will recommend that the school board continue or terminate his or her employment contract. If the employee wishes to contest the superintendent's recommendation, the employee must, within 15 days after receipt of the superintendent's

recommendation, submit a written request for a hearing. Such hearing shall be conducted at the school board's election in accordance with one of the following procedures:

(I)a. A direct hearing conducted by the school board within 60 days after receipt of the written appeal. The hearing shall be conducted in accordance with the provisions of ss. 120.569 and 120.57. A majority vote of the membership of the school board shall be required to sustain the superintendent's recommendation. The determination of the school board shall be final as to the sufficiency or insufficiency of the grounds for termination of employment; or

(II)b. A hearing conducted by an administrative law judge assigned by the Division of Administrative Hearings of the Department of Management Services. The hearing shall be conducted within 60 days after receipt of the written appeal in accordance with chapter 120. The recommendation of the administrative law judge shall be made to the school board. A majority vote of the membership of the school board shall be required to sustain or change the administrative law judge's recommendation. The determination of the school board shall be final as to the sufficiency or insufficiency of the grounds for termination of employment.

Senator Sullivan moved the following amendment to **Amendment 1** which was adopted:

**Amendment 1Y (905666)**—On page 136, line 25 through page 137, line 20, delete those lines and insert:

*(f) Beginning with the 2000-2001 academic year, each public and private institution that offers a teacher preparation program in this state 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 conforms with definitions and methods proposed by the Education Standards Commission, that are consistent with definitions and methods approved by the Commissioner of the National Center for Educational Statistics, and that are approved by the State Board of Education. This information shall be reported through publications such as college and university catalogs and promotional materials sent to potential applicants, secondary school guidance counselors, and prospective employers of the institution's program graduates.*

Senator Brown-Waite moved the following amendments to **Amendment 1** which were adopted:

**Amendment 1Z (472698)**—On page 142, line 21, after the period (.) insert: *Notwithstanding any other provision of law to the contrary, no student shall be identified as being eligible to receive services funded through the dropout prevention and academic intervention program based solely on the student being from a single-parent family.*

**Amendment 1AA (204520)(with title amendment)**—On page 149, line 8, after the period (.) insert: *The school principal or his or her designee shall, prior to placement in a dropout prevention and academic intervention program or the provision of an academic service, provide written notice of placement or services by return-receipt mail to the student's parent, guardian, or legal custodian. The parent, guardian, or legal custodian of the student shall sign an acknowledgment of the notice of placement or service and return the signed acknowledgment to the principal within 3 days after receipt of the notice.*

And the title is amended as follows:

On page 176, line 9, after the first semicolon (;) insert: providing procedures for notice to and response from a parent, guardian, or legal custodian prior to placement in a program or the provision of services to the student;

Senator Forman moved the following amendment to **Amendment 1** which was adopted:

**Amendment 1BB (681162)**—On page 153, line 16, delete "home" and insert: *student's parent or guardian*

**Amendment 1** as amended was adopted.

Pursuant to Rule 4.19, **CS for HB's 751, 753 and 755** as amended was placed on the calendar of Bills on Third Reading.

**MOTION**

On motion by Senator McKay, by two-thirds vote all bills remaining on the Special Order Calendar this day were placed on the Special Order Calendar for Friday, April 16.

**REPORTS OF COMMITTEES**

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Thursday, April 15, 1999: CS for CS for SB 1756, CS for CS for SB 2050, CS for SB 1646, CS for HB's 751, 753 and 755, CS for SB 896, CS for SB 1256, CS for CS for SB 1380, SB 1794, CS for CS for SB's 834, 1140 and 1612, SB 1084, CS for SB 1902, CS for SB 2100, CS for SB 284, SB 750, SB 242, CS for CS for SB 660, SB 1642, SB 1036, CS for SB 232, SB 976, SB 1214, SB 1076, CS for SB 244, CS for SB's 54 and 902, CS for SB's 286, 722 and 1074, SB 730, CS for SB 738, CS for SB 912, SB 1178, CS for SB 748, CS for SB 370, CS for SB 772, SB 1182, SB 936, SB 1866, CS for SB 336, SB 330, SB 1292, SB 1816, SB 148, CS for SB 276, CS for CS for SB 980, SB 1020, CS for SB 1238, SB 1472, CS for SB 1978, CS for SB 1326, SB 1144, CS for SB 1168, CS for SB 814, SB 1312, CS for SB 982, CS for SB 1306, SB 874, CS for SB 1606, SB 1832, CS for SB 1162, CS for SB 1070, CS for SB 340, CS for SB 298, CS for SB 724, CS for CS for SB 386, SB 2568, SB 280, SB 1018, SB 1266, SB 282, SB 1538, SB 2018, CS for SB 1314, CS for CS for SB 972, CS for CS for SB 304

Respectfully submitted,  
*John McKay, Chairman*

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Friday, April 16, 1999: CS for CS for SB's 834, 1140 and 1612, SB 1084, CS for SB 1902, CS for SB 2100, CS for SB 284, SB 750, SB 242, CS for CS for SB 660, SB 1642, SB 1036, CS for SB 232, SB 976, SB 1214, SB 1076, CS for SB 244, CS for SB's 54 and 902, CS for SB's 286, 722 and 1074, SB 730, CS for SB 738, CS for SB 912, SB 1178, CS for SB 748, CS for SB 370, CS for SB 772, SB 1182, SB 936, SB 1866, CS for SB 336, SB 330, SB 1292, SB 1816, SB 148, CS for SB 276, CS for CS for SB 980, SB 1020, CS for SB 1238, SB 1472, CS for SB 1978, CS for SB 1326, SB 1144, CS for SB 1168, CS for SB 814, SB 1312, CS for SB 982, CS for SB 1306, SB 874, CS for SB 1606, SB 1832, CS for SB 1162, CS for SB 1070, CS for SB 340, CS for SB 298, CS for SB 724, CS for CS for SB 386, SB 2568, SB 280, SB 1018, SB 1266, SB 282, SB 1538, SB 2018, CS for SB 1314, CS for CS for SB 972, CS for CS for SB 304

Respectfully submitted,  
*John McKay, Chairman*

The Committee on Fiscal Resource recommends the following pass: SB 1330

**The bill was referred to the Committee on Commerce and Economic Opportunities under the original reference.**

The Committee on Commerce and Economic Opportunities recommends the following pass: SB 2548 with 1 amendment

**The bill was referred to the Committee on Comprehensive Planning, Local and Military Affairs under the original reference.**

The Committee on Banking and Insurance recommends the following pass: SB 800 with 3 amendments

The Committee on Commerce and Economic Opportunities recommends the following pass: SB 2542 with 1 amendment

The Committee on Comprehensive Planning, Local and Military Affairs recommends the following pass: CS for SB 2268

The Committee on Education recommends the following pass: SB 1274

The Committee on Ethics and Elections recommends the following pass: SB 1834 with 1 amendment, SB 2132 with 1 amendment

The Committee on Governmental Oversight and Productivity recommends the following pass: CS for SB 1992

The Committee on Health, Aging and Long-Term Care recommends the following pass: SB 878 with 3 amendments, CS for SB 1556, CS for SB 2348 with 2 amendments

**The bills contained in the foregoing reports were referred to the Committee on Fiscal Policy under the original reference.**

The Committee on Comprehensive Planning, Local and Military Affairs recommends the following pass: SB 1220

**The bill was referred to the Committee on Fiscal Resource under the original reference.**

The Committee on Commerce and Economic Opportunities recommends the following pass: SB 886 with 5 amendments, SB 1544

**The bills were referred to the Committee on Governmental Oversight and Productivity under the original reference.**

The Committee on Commerce and Economic Opportunities recommends the following pass: SB 2544 with 1 amendment

The Committee on Education recommends the following pass: SB 1888 with 1 amendment

**The bills contained in the foregoing reports were referred to the Committee on Rules and Calendar under the original reference.**

The Committee on Education recommends the following pass: SB 1038

**The bill was referred to the Committee on Transportation under the original reference.**

The Committee on Education recommends the following pass: SB 1298, SB 1418

The Committee on Fiscal Policy recommends the following pass: CS for SB 698 with 2 amendments, CS for SB 734, SB 872 with 1 amendment, SB 898 with 3 amendments, CS for SB's 1078 and 1438 with 4 amendments, SB 1446 with 1 amendment, CS for SB 1614, CS for SB 1746 with 1 amendment, CS for SB 2038 with 3 amendments

The Committee on Fiscal Resource recommends the following pass: SB 290, SB 948, CS for SB 974

The Committee on Governmental Oversight and Productivity recommends the following pass: HB 407 with 1 amendment, SB 188

The Committee on Health, Aging and Long-Term Care recommends the following pass: SB 1108

**The bills contained in the foregoing reports were placed on the calendar.**

The Committee on Health, Aging and Long-Term Care recommends the following not pass: SB 1874

**The bill was laid on the table.**

The Committee on Fiscal Resource recommends a committee substitute for the following: SB 970



**The bill with committee substitute attached was referred to the Committee on Commerce and Economic Opportunities under the original reference.**

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The Committee on Criminal Justice recommends a committee substitute for the following: SB 2254

**The bill with committee substitute attached was referred to the Committee on Comprehensive Planning, Local and Military Affairs under the original reference.**

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The Committee on Banking and Insurance recommends committee substitutes for the following: SB 1160, SB 1202, SB 1554, SB 1576

The Committee on Commerce and Economic Opportunities recommends committee substitutes for the following: CS for SB 230, CS for SB 1254, SB 2540

The Committee on Comprehensive Planning, Local and Military Affairs recommends committee substitutes for the following: SB 1328, SB 2148, SB 2538

The Committee on Education recommends committee substitutes for the following: SB 1640, SB 1840, SB 2086, SB 2434

The Committee on Governmental Oversight and Productivity recommends committee substitutes for the following: CS for SB 88, SB 1848

The Committee on Health, Aging and Long-Term Care recommends committee substitutes for the following: SB 1068, SB 2118, SB 2134, SB 2276, Senate Bills 2472 and 1892

The Committee on Transportation recommends a committee substitute for the following: SB 90

**The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Fiscal Policy under the original reference.**

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The Committee on Comprehensive Planning, Local and Military Affairs recommends a committee substitute for the following: SB 2414

**The bill with committee substitute attached was referred to the Committee on Fiscal Resource under the original reference.**

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The Committee on Commerce and Economic Opportunities recommends committee substitutes for the following: SB 1578, Senate Bills 2152 and 1930

The Committee on Comprehensive Planning, Local and Military Affairs recommends a committee substitute for the following: SB 2456

**The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Governmental Oversight and Productivity under the original reference.**

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The Committee on Education recommends a committee substitute for the following: SB 1356

**The bill with committee substitute attached was referred to the Committee on Health, Aging and Long-Term Care under the original reference.**

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The Committee on Fiscal Resource recommends a committee substitute for the following: SB 102

**The bill with committee substitute attached was referred to the Committee on Regulated Industries under the original reference.**

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The Committee on Commerce and Economic Opportunities recommends a committee substitute for the following: Senate Bills 1766 and 1928

**The bills with committee substitute attached were referred to the Committee on Rules and Calendar under the original reference.**

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The Committee on Banking and Insurance recommends committee substitutes for the following: SB 1236, CS for SB 1294, SB 2048

The Committee on Comprehensive Planning, Local and Military Affairs recommends committee substitutes for the following: SB 984, SB 2380, CS for SB 2444

The Committee on Criminal Justice recommends a committee substitute for the following: SB 1316

The Committee on Education recommends committee substitutes for the following: SB 978, SB 1034, SB 1602

The Committee on Fiscal Policy recommends committee substitutes for the following: CS for CS for SB 80, CS for SB 1672, CS for SB 1790, CS for SB 1936, Senate Bills 2422 and 1952

The Committee on Fiscal Resource recommends a committee substitute for the following: CS for SB 1478

The Committee on Governmental Oversight and Productivity recommends committee substitutes for the following: SB 2142, SB 2208

The Committee on Health, Aging and Long-Term Care recommends a committee substitute for the following: SB 1016

**The bills with committee substitutes attached contained in the foregoing reports were placed on the calendar.**

## REPORTS OF COMMITTEES RELATING TO GUBERNATORIAL APPOINTMENTS

The Committee on Education recommends that the Senate confirm the appointments made by the Governor of Adolfo Henriques, for a term ending January 1, 2000, and Michelle C. Oyola, for a term ending September 1, 1999, as members of the **Board of Regents**.

[The appointments contained in the foregoing reports were referred to the Committee on Gubernatorial Appointments and Confirmations under the original reference.]

## COMMITTEE SUBSTITUTES

### FIRST READING

By the Committees on Fiscal Policy; Governmental Oversight and Productivity; Commerce and Economic Opportunities; and Senators Grant, Campbell, Klein, Brown-Waite and Bronson—

**CS for CS for CS for SB 80**—A bill to be entitled An act relating to information technology resources; creating the "Commerce Protection Act"; defining terms; prescribing exclusive remedies against persons, businesses, and governmental agencies for damages caused by the failure of their information technology resources to function properly with respect to date data; prescribing and limiting damages; providing for mediation; barring certain class actions; requiring that actions be brought within a specified time; providing immunity from personal liability for directors and officers of businesses under specified circumstances; exempting the exchange of certain information among businesses from action under the Florida Antitrust Act of 1980; prescribing alternative dispute-resolution procedures; providing for liability for costs and attorney's fees under specified circumstances; prescribing circumstances under which the maker of a year-2000 statement is not liable under state law with respect to that statement; providing for construction of the act; repealing s. 282.4045, F.S., which grants immunity from liability to governmental entities for certain computer calculation failures; providing for severability; providing an effective date.

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By the Committees on Governmental Oversight and Productivity; Comprehensive Planning, Local and Military Affairs; and Senator Casas—

**CS for CS for SB 88**—A bill to be entitled An act creating Hialeah County; creating s. 7.275, F.S.; describing the boundaries of the county; amending s. 7.13, F.S.; revising the boundaries of Dade County; providing for Hialeah County to assume certain assets and liabilities of Dade County; providing for an election for officers of Hialeah County; providing for a referendum; providing a declaration of an important state interest; providing an effective date.

By the Committee on Transportation and Senators Grant and Dawson-White—

**CS for SB 90**—A bill to be entitled An act relating to the Florida Safety Belt Law; amending s. 316.614, F.S.; providing restrictions on authority to search a motor vehicle, its contents, the driver, or a passenger based on a safety belt violation; deleting a provision that requires enforcement of the act only as a secondary action; providing an effective date.

By the Committee on Fiscal Resource and Senators Latvala, Cowin, Saunders and Geller—

**CS for SB 102**—A bill to be entitled An act relating to the alcoholic beverage surcharge; amending s. 561.501, F.S.; reducing the surcharges on liquor, wine, cider, and beer sold for consumption on the premises; amending s. 561.121, F.S.; increasing the portion of the surcharge which is transferred to the Children and Adolescents Substance Abuse Trust Fund; providing an effective date.

By the Committees on Commerce and Economic Opportunities; Governmental Oversight and Productivity; and Senator Webster—

**CS for CS for SB 230**—A bill to be entitled An act relating to the Department of Labor and Employment Security; amending s. 20.171, F.S.; providing that the department shall operate its programs in a decentralized fashion; providing for the appointment of three assistant secretaries; providing for the powers and duties of such secretaries; providing for the creation of field offices; amending s. 110.205, F.S.; providing that certain employees of the department shall be in the Senior Management Service; providing that certain actions contemplated by the act shall be done within the available resources of the department; amending ss. 393.11, 410.0245, 627.212, 627.311, F.S., to conform; amending s. 442.006, F.S.; limiting the authority of the division to the public sector; amending s. 442.008, F.S.; prescribing duties of the division; providing for safety inspections and consultations and prescribing fees therefor; amending s. 442.013, F.S.; authorizing penalties for public-sector employers; amending s. 442.019, F.S.; authorizing the division to seek compliance in circuit court against public-sector employers; creating s. 443.012, F.S.; recreating the Unemployment Appeals Commission; describing its duties; providing for the future repeal of ch. 442, F.S.; requiring the department to provide a report relating to the Division of Safety; transferring the brain and spinal cord injury program and the Office of Disability Determinations to the Department of Health; amending s. 400.805, F.S., to conform; transferring, renumbering, and amending ss. 413.465, 413.48, 413.49, 413.507, 413.604, 413.605, 413.613, F.S., to conform to the transfer of duties to the Department of Health; requiring the Division of Vocational Rehabilitation to enter into partnerships; providing legislative intent; providing definitions; creating the Occupational Access and Opportunity Commission; providing for membership; providing for appointment and terms; providing for reimbursement; providing for financial disclosure; providing powers and duties; directing the commission to develop and implement the federally required state vocational rehabilitation plan and to fulfill specified administrative functions; requiring the commission to contract with an administrative entity; providing for the assignment of staff; providing for the Occupational Access and Opportunity Corporation; providing powers and duties; providing for the use of property; providing for a board of directors; providing for an annual audit; providing for an annual report of the Occupational Access and Opportunity Commission; authorizing the commission to prepare the state plan, serve as the governing authority, and

receive federal funds; requiring the Division of Vocational Rehabilitation to comply with transitional directives of the plan and, under certain circumstances, to transfer its powers, duties, functions, property, and funds to the commission; providing for quality assurance; providing remedies for conflict with federal law; designating the commission as the official state agency; providing for review by the Office of Program Policy Analysis and Government Accountability; providing an effective date.

By the Committee on Fiscal Resource and Senator Myers—

**CS for SB 970**—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.04, F.S.; providing an exemption for moneys paid for the privilege of joining certain private clubs; providing an exemption for contributions or assessments levied by private clubs for capital expenditures; providing an effective date.

By the Committee on Education and Senator Sullivan—

**CS for SB 978**—A bill to be entitled An act relating to education; amending s. 232.425, F.S., relating to student standards for participation in interscholastic extracurricular student activities; providing that the participation of nonpublic school students in interscholastic extracurricular activities at public schools and the participation of public school students in interscholastic extracurricular activities at nonpublic schools is not mandatory; revising provisions relating to the grade point average required for participation in interscholastic extracurricular student activities; requiring a contract to be executed upon a student's falling below a certain cumulative grade point average; amending s. 232.61, F.S.; modifying requirements relating to student eligibility adopted by the governing organization for athletics; providing an effective date.

By the Committee on Comprehensive Planning, Local and Military Affairs; and Senator Bronson—

**CS for SB 984**—A bill to be entitled An act relating to county government; amending s. 125.61, F.S.; revising requirements relating to the number of members of a charter commission and the method of appointment of such members; specifying additional persons who may not serve on a charter commission; providing an effective date.

By the Committee on Health, Aging and Long-Term Care; and Senators Sebesta, Lee and Sullivan—

**CS for SB 1016**—A bill to be entitled An act relating to pharmacy practice; providing a short title; amending s. 465.003, F.S.; defining the term "data communication device"; amending s. 465.016, F.S.; providing that using or releasing a patient's records except as authorized by chapter 455 or chapter 465, F.S., constitutes a ground for disciplinary action against a pharmacist, for which there are penalties; amending s. 465.017, F.S.; providing additional persons to whom and entities to which records relating to the filling of prescriptions and the dispensing of medicinal drugs that are maintained by a pharmacy may be furnished; specifying authorized uses of patient records by pharmacy owners; providing restrictions on such records when transmitted through a data communication device; amending s. 465.015, F.S.; providing penalties for unauthorized use of pharmacy records when transmitted through a data communication device; conforming cross-references; amending ss. 465.014, 465.0196, 468.812, 499.003, F.S.; conforming cross-references; providing an effective date.

By the Committee on Education and Senator Gutman—

**CS for SB 1034**—A bill to be entitled An act relating to education; amending s. 232.61, F.S.; requiring the Florida High School Activities Association to adopt specified bylaws relating to eligibility for participation in athletic competition for students who transfer or relocate to another school; providing an effective date.

By the Committee on Health, Aging and Long-Term Care; and Senator Sullivan—

**CS for SB 1068**—A bill to be entitled An act relating to physician assistants; amending s. 39.304, F.S.; allowing a physician assistant to perform a medical examination, and to authorize a radiological examination to be performed, on a child who is suspected to be a victim of abuse, abandonment, or neglect; amending ss. 458.347, 459.022, F.S.; providing for the appointment of a formulary committee to establish a formulary of medicinal drugs that physician assistants may prescribe; providing for terms and meetings of the formulary committee; providing standards for formulary drugs; providing for the Board of Medicine and the Board of Osteopathic Medicine to adopt the formularies; providing an effective date.

By the Committee on Banking and Insurance; and Senator Kurth—

**CS for SB 1160**—A bill to be entitled An act relating to health insurance; creating the "Equity in Contraceptive Coverage Act of 1999"; providing legislative findings and intent; providing requirements with respect to plans provided by religious health plan sponsors; creating ss. 627.64061, 627.65741, F.S., and amending 641.31, F.S.; requiring certain health insurance policies and health maintenance contracts to provide coverage for prescription oral contraceptives; amending s. 627.6515, F.S.; applying certain requirements for group coverage to out-of-state groups; amending s. 627.6699, F.S.; applying certain requirements for group coverage to coverage for small employers; providing an effective date.

By the Committee on Banking and Insurance; and Senator Grant—

**CS for SB 1202**—A bill to be entitled An act relating to workers' compensation; amending s. 440.092, F.S.; specifying special requirements for compensability with respect to officers who are going to or coming from work in law enforcement vehicles; providing an effective date.

By the Committee on Banking and Insurance; and Senator Grant—

**CS for SB 1236**—A bill to be entitled An act relating to insurance; amending s. 627.672, F.S.; redefining the term "Medicare supplement policy" for purposes of the Florida Medicare Supplement Reform Act; providing an effective date.

By the Committees on Commerce and Economic Opportunities; Transportation; and Senators Sebesta, Bronson and Kurth—

**CS for CS for SB 1254**—A bill to be entitled An act relating to the Florida Space Transportation Planning Act; providing a short title; amending s. 196.012, F.S.; including reference to spaceports; amending s. 330.30, F.S.; exempting certain spaceports from a provision of law relating to the approval of airport sites and the licensing of airports; amending s. 331.303, F.S.; revising definitions with respect to the Spaceport Florida Authority Act; amending s. 331.304, F.S.; revising the boundaries of spaceport territory; creating s. 331.3475, F.S.; providing for the Spaceport Facility Loan Guarantee Program; amending s. 331.360, F.S.; providing for the development of a spaceport master plan; creating s. 332.008, F.S.; providing limitation on the application of chapter 332, F.S.; amending s. 334.03, F.S.; redefining the term "transportation facility"; amending s. 334.30, F.S.; authorizing a fixed guideway transportation system operating within the Department of Transportation's right-of-way to operate at any safe speed; amending s. 339.155, F.S.; revising a provision of law governing transportation planning to include reference to spaceport master plans; amending s. 339.175, F.S.; including reference to spaceports and aerospace development with respect to metropolitan planning organizations; creating the Commission on the Future of Aeronautics and Space in Florida; providing for qualifications and appointment of members; directing the commission to study and make recommendations regarding specified areas relating to aeronautics and aerospace in the state; requiring reports; providing an effective date.

By the Committees on Banking and Insurance; Commerce and Economic Opportunities; and Senator Holzendorf—

**CS for CS for SB 1294**—A bill to be entitled An act relating to the Employee Health Care Access Act; amending s. 627.6699, F.S.; modifying definitions; requiring small employer carriers to begin to offer and issue all small employer benefit plans on a specified date; deleting the requirement that basic and standard small employer health benefit plans be issued; providing additional requirements for determining premium rates for benefit plans; providing for applicability of the act to plans provided by small employer carriers that are insurers or health maintenance organizations notwithstanding the provisions of certain other specified statutes under specified conditions; providing an effective date.

By the Committee on Criminal Justice and Senator Webster—

**CS for SB 1316**—A bill to be entitled An act relating to suspension of driver's licenses; amending s. 316.1937, F.S.; requiring the use of an ignition interlock device for persons convicted a second or subsequent time for driving under the influence; providing for a license suspension under certain circumstances; amending s. 322.2616, F.S.; clarifying the blood-alcohol and breath-alcohol levels that are unlawful; prescribing a waiting period before a temporary driving permit becomes effective; providing notice requirements with respect to the department's decision to sustain, amend, or invalidate a driver's license suspension; authorizing the use of blood tests obtained pursuant to other investigations for purposes of license suspension under s. 322.2616, F.S.; prescribing law enforcement officers' immunity from civil liability; providing an effective date.

By the Committee on Comprehensive Planning, Local and Military Affairs; and Senator Lee—

**CS for SB 1328**—A bill to be entitled An act relating to public school construction financing; creating a Florida School Construction Financing Commission; providing for appointment and qualifications of members; providing administrative duties of the Legislative Committee on Intergovernmental Relations; providing duties of the commission; providing for a report; providing an appropriation; providing an effective date.

By the Committee on Education and Senators Klein, Clary, Silver, Brown-Waite, Kurth and Myers—

**CS for SB 1356**—A bill to be entitled An act relating to school health services; providing a short title; amending s. 381.0056, F.S.; defining the term "entity" or "health care entity"; requiring that certain services be documented in a local school health services plan; specifying that certain persons be considered agents of the state for purposes of sovereign immunity when rendering specified services; creating s. 381.0058, F.S., relating to public-private partnerships for the provision of school nurse services; providing legislative intent and purpose; providing departmental duties; providing a proposal submission and review process; providing for the scope of services to be provided; providing for review and selection criteria; creating s. 381.0059, F.S., relating to background screening requirements for school health services providers; specifying the persons who must submit to such screening; specifying payment for screening services; providing grounds for disqualification; requiring certain attestation to screening requirements; amending s. 409.9071, F.S.; deleting reference to billing agent consulting services; amending s. 768.28, F.S.; providing for certain health care providers to be considered agents of the state for purposes of sovereign immunity; directing the Department of Health to determine a means by which certain units of local government may receive a designation for purposes of federal Title V programs; requiring a study of training requirements for school health nurses; providing legislative intent relating to funding of the act; providing appropriations; providing an effective date.

By the Committees on Fiscal Resource; Comprehensive Planning, Local and Military Affairs; and Senator Mitchell—

**CS for CS for SB 1478**—A bill to be entitled An act relating to Crime Stoppers funds; creating s. 932.80, F.S.; specifying the purposes for which special county trust fund moneys may be expended by the Sheriff or other law enforcement entity that operates a Crime Stoppers program; amending s. 938.06, F.S.; providing for the surcharge assessed as an additional court cost to be deposited in the special county trust funds for use as provided in s. 932.80; repealing s. 16.555, F.S., which provides for the Crime Stoppers Trust Fund in the Department of Legal Affairs; providing for the distribution of funds in the department's trust fund; providing an effective date.

By the Committee on Banking and Insurance; and Senators Dawson-White, Sullivan, Bronson, Sebesta, Clary, Saunders, Campbell, Latvala and Cowin—

**CS for SB 1554**—A bill to be entitled An act relating to access to obstetrical and gynecological services; amending s. 627.6472, F.S.; requiring exclusive provider organizations to provide direct patient access to certain obstetrical or gynecological services; amending s. 641.31, F.S.; requiring health maintenance organizations to include certain information in member handbooks; amending s. 641.51, F.S.; requiring health maintenance organizations to provide direct patient access to certain obstetrical or gynecological services; providing applicability to specified contracts; providing an effective date.

By the Committee on Banking and Insurance; and Senator Meek—

**CS for SB 1576**—A bill to be entitled An act relating to health insurance; amending s. 627.410, F.S.; modifying rate filing requirements for approval of health insurance policy forms by the Department of Insurance; amending s. 627.411, F.S.; providing guidelines for determining when benefits are considered reasonable in relation to the premium charged for purposes of disapproval of health insurance policy forms by the department; providing an effective date.

By the Committee on Commerce and Economic Opportunities; and Senator Kirkpatrick—

**CS for SB 1578**—A bill to be entitled An act relating to tourism; amending s. 288.1221, F.S.; revising legislative intent; amending s. 288.1222, F.S.; clarifying a definition; amending s. 288.1223, F.S.; specifying application of a limitation on terms of certain members of the Florida Commission on Tourism; clarifying meeting and vice chair election provisions; amending s. 288.1224, F.S.; deleting obsolete provisions; specifying categories of matching private funds for certain purposes; specifying staff support for the Florida Commission on Tourism; providing for responsibilities of staff; prohibiting the commission from employing staff; requiring the creation of an advisory committee on nature-based tourism and heritage tourism; prescribing the membership and duties of the committee; requiring the incorporation of nature-based tourism and heritage tourism into the tourism marketing plan; deleting provisions relating to an advisory committee for the commission; amending s. 288.1226, F.S.; requiring the Florida Tourism Industry Marketing Corporation to provide staff support to the Florida Commission on Tourism; specifying that the president and chief executive officer shall serve without compensation as executive director; renumbering and amending s. 335.166, F.S.; removing the Welcome Center Office from the Department of Transportation; transferring administrative and fiscal responsibility for welcome center staff from the Department of Transportation to the Florida Commission on Tourism for employment through the Florida Tourism Industry Marketing Corporation by a designated time; requiring the corporation to administer and operate welcome centers; providing for maintenance and improvements to welcome centers; providing for the transfer of welcome center tangible personal property to the Florida Commission on Tourism; amending s. 15.18, F.S.; requiring the Secretary of State to coordinate with certain state agencies and public-private partnerships; authorizing the Secretary of State to develop and implement a strategy to promote historical and cultural tourism; repealing s. 335.165, F.S., relating to welcome stations and the

payment for improvements by the Department of Commerce; providing effective dates.

By the Committee on Education and Senator Campbell—

**CS for SB 1602**—A bill to be entitled An act relating to the high school grading system; amending s. 232.2463, F.S.; revising the high school grading system; providing an effective date.

By the Committee on Education and Senator Clary—

**CS for SB 1640**—A bill to be entitled An act relating to education; creating s. 228.0563, F.S.; authorizing charter conversion municipal subdistricts; providing requirements for operation; providing for areas of municipal jurisdiction; providing an effective date.

By the Committees on Fiscal Policy, Natural Resources and Senator Laurent—

**CS for CS for SB 1672**—A bill to be entitled An act relating to water resources; creating s. 373.1501, F.S.; providing definitions; providing legislative findings and intent; providing for acquisition of certain lands by eminent domain; requiring land to be acquired in accordance with state condemnation law; authorizing the South Florida Water Management District to act as local sponsor of the Central and Southern Florida Flood Control Project for specified project features; providing for oversight by the Department of Environmental Protection; requiring specified compliance by the South Florida Water Management District; providing requirements for development of project components; requiring the Department of Environmental Protection and the water management district to pursue implementation of certain project modifications; amending s. 373.026, F.S.; requiring the department to approve project components; providing an effective date.

By the Committee on Commerce and Economic Opportunities; and Senators Kirkpatrick and Silver—

**CS for SB's 1766 and 1928**—A bill to be entitled An act relating to public records; amending s. 288.1251, F.S.; providing an exemption from public records requirements for information held by the Office of Film Commissioner relating to specified information with respect to the business activities of private persons, partnerships, or corporations in the entertainment industry, when such confidentiality is requested; providing a penalty for violation of the act; providing for future review and repeal; providing a finding of public necessity; providing a contingent effective date.

By the Committees on Fiscal Policy; Banking and Insurance; and Senator Holzendorf—

**CS for CS for SB 1790**—A bill to be entitled An act relating to the Florida Hurricane Catastrophe Fund; amending s. 215.555, F.S.; clarifying legislative findings; revising definitions; revising reimbursement contract provisions relating to equalization charges, reimbursable loss reporting, auditing of insurers, and confidentiality of certain audit information; revising reimbursement premium provisions relating to collection of interest; revising revenue bond provisions relating to emergency assessments against insurers, legislative findings as to the Florida Hurricane Catastrophe Fund Finance Corporation, and protections for bondholders; authorizing the State Board of Administration to enforce reimbursement contracts; providing severability; providing an effective date.

By the Committee on Education and Senator Holzendorf—

**CS for SB 1840**—A bill to be entitled An act relating to community colleges; amending s. 240.498, F.S., relating to the Florida Education Fund; establishing the Community College Faculty Diversity Program;

providing for fellowships; requiring an annual accountability report; requiring service or repayment; establishing requirements; requiring the adoption of rules; providing an appropriation to the Division of Community Colleges; providing an effective date.

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By the Committee on Governmental Oversight and Productivity; and Senator Clary—

**CS for SB 1848**—A bill to be entitled An act relating to educational facilities; amending s. 235.056, F.S.; requiring certain plans to be prepared by an appropriate design professional; amending s. 235.0155, F.S.; revising the fee for prototype plans usage; amending s. 235.15, F.S.; requiring validation of certain surveys; amending s. 235.2155, F.S.; revising School Infrastructure Thrift awards and related uses; amending s. 235.216, F.S. authorizing enhanced School Infrastructure Thrift Awards; specifying eligibility criteria; repealing s. 235.186, F.S., relating to effort index grants; amending ss. 235.175, 235.185, 235.188, 235.217, 235.218, F.S.; conforming provisions; deleting obsolete provisions; amending s. 235.211, F.S.; revising plan review requirements; amending s. 235.212, F.S.; specifying areas exempt from operable glazing; amending s. 235.31, F.S.; revising review authority of contracts; amending s. 46 of ch. 97-384, Laws of Florida, relating to appropriations for School Infrastructure Thrift Program awards and effort index grants; limiting the appropriation to such awards; deleting funding for and references to effort index grants; amending s. 235.061; providing for the adoption of standards for relocatable classrooms; amending s. 404.056, F.S.; revising requirements related to radon testing; repealing s. 235.186, F.S., relating to effort index grants for school district facilities work program projects; repealing s. 235.4355, F.S., relating to SMART Schools Small County Assistance Program for Fiscal Year 1998-1999; providing an effective date.

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By the Committees on Fiscal Policy, Criminal Justice and Senator Brown-White—

**CS for CS for SB 1936**—A bill to be entitled An act relating to the Department of Law Enforcement; creating s. 943.0543, F.S.; requiring that the department provide qualified entities that provide care, treatment, or other services for children, the elderly, or individuals with disabilities access to criminal history information; requiring compliance with certain federal laws; providing for fees; providing for the disclosure of criminal history records that are not exempt from disclosure under the public records law; requiring the department to establish a database of entities qualified to obtain criminal history information; providing certain exemptions from liability; providing rulemaking authority; creating s. 943.0543, F.S.; ratifying the National Crime Prevention and Privacy Compact; requiring that the executive director of the department administer the compact; creating s. 943.0544, F.S.; authorizing the department to develop and operate the Criminal Justice Network; providing for the department to regulate access to the network; authorizing the department to accept services in lieu of fees or other charges; authorizing the department to enter into agreements with private entities for the purpose of managing and disseminating criminal justice information; providing rulemaking authority; amending ss. 943.0585, 943.059, F.S., relating to the court-ordered expunction and sealing of criminal history records; providing that references to any chapter, section, or subdivision in the section constitute a general reference under the doctrine of incorporation by reference; clarifying certain requirements for a petition to expunge or seal a criminal history record; repealing s. 943.051(5), F.S., relating to the department's authority to contract with other agencies and private entities for the management and dissemination of criminal justice information; authorizing the Administration Commission to increase positions within the department following notice and public hearing; providing an effective date.

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By the Committee on Banking and Insurance; and Senators Diaz-Balart and Horne—

**CS for SB 2048**—A bill to be entitled An act relating to insurance; amending s. 628.231, F.S.; prescribing factors that directors of a domestic insurer may consider in carrying out their duties; amending s. 628.715, F.S.; authorizing a mutual insurance holding company to

merge or consolidate with or acquire the assets of a foreign mutual insurance company; amending s. 628.723, F.S.; prescribing factors that directors of a mutual insurance holding company may consider in carrying out their duties; providing an effective date.

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By the Committee on Education and Senator Diaz-Balart—

**CS for SB 2086**—A bill to be entitled An act relating to postsecondary student fees; amending s. 239.117, F.S.; authorizing fees for students in workforce development programs; prohibiting certain fees without statutory authorization; specifying fees that may be charged; amending s. 240.319, F.S.; revising powers of community college boards of trustees to incur debt supported by student fees; amending s. 240.35, F.S.; providing that changes in community college fees take effect in the following fall semester; authorizing additional matriculation and tuition fees for safety and security purposes; authorizing additional fees; providing an effective date.

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By the Committee on Health, Aging and Long-Term Care; and Senator Dawson-White—

**CS for SB 2118**—A bill to be entitled An act relating to child protection team services; amending s. 39.202, F.S.; authorizing the sharing of otherwise confidential information with health plan payers for purposes of reimbursement for child protection team services; providing an effective date.

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By the Committee on Health, Aging and Long-Term Care; and Senator Saunders—

**CS for SB 2134**—A bill to be entitled An act relating to standardized credentialing for health care practitioners; amending s. 455.557, F.S.; revising the credentials collection program for health care practitioners; revising and providing definitions; providing requirements for health care practitioners and the Department of Health under the program; renaming the advisory council and abolishing it at a future date; prohibiting duplication of data available from the department; authorizing collection of certain other information; revising requirements for registration of credentials verification organizations; providing for biennial renewal of registration; providing grounds for suspension or revocation of registration; revising liability insurance requirements; revising rulemaking authority; specifying authority of the department after the council is abolished; providing an effective date.

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By the Committee on Governmental Oversight and Productivity; and Senator Webster—

**CS for SB 2142**—A bill to be entitled An act relating to the Secretary of State; amending s. 15.01, F.S.; clarifying the location of the Secretary's office; establishing office hours; transferring the Division of Licensing of the Department of State to the Department of Business and Professional Regulation; transferring concealed weapons permitting to the Department of Business and Professional Regulation; transferring games promotions to the Department of Agriculture and Consumer Services; amending ss. 20.10, 493.6101, 790.06, 849.094, F.S., to conform to changes made by this act; providing an effective date.

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By the Committee on Comprehensive Planning, Local and Military Affairs; and Senators Lee and Campbell—

**CS for SB 2148**—A bill to be entitled An act relating to alternative fuel vehicles; creating the "Florida Clean Fuel Act"; providing purposes; providing definitions; establishing the Clean Fuel Florida Advisory Board; specifying membership; requiring a report containing recommendations for pilot programs; requiring a report to the Legislature; requiring a budget; providing effective dates.

By the Committee on Commerce and Economic Opportunities; and Senators Kirkpatrick and Silver—

**CS for SB's 2152 and 1930**—A bill to be entitled An act relating to the promotion and development of Florida's entertainment industry; providing a short title; providing legislative findings and intent; creating s. 288.125, F.S.; defining the term "entertainment industry"; creating s. 288.1251, F.S.; creating the Office of the Film Commissioner; providing procedure for appointment of the Film Commissioner; providing powers and duties of the office; creating s. 288.1252, F.S.; creating the Florida Entertainment Industry Advisory Council within the Office of Tourism, Trade, and Economic Development of the Executive Office of the Governor; providing purpose, membership, terms, organization, powers, and duties of the council; creating s. 288.1253, F.S.; providing definitions; requiring the Office of Tourism, Trade, and Economic Development to adopt rules by which it may make specified expenditures for expenses incurred in connection with the performance of the duties of the Office of the Film Commissioner; requiring approval of such rules by the Comptroller; requiring an annual report; authorizing the acceptance and use of specified goods and services by employees and representatives of the Office of the Film Commissioner; providing certain requirements with respect to claims for expenses; providing a penalty for false or fraudulent claims; providing for civil liability; amending s. 14.2015, F.S.; revising purposes of the Office of Tourism, Trade, and Economic Development of the Executive Office of the Governor relating to entertainment and sports promotion; repealing s. 288.051, F.S., which provides a short title; repealing s. 288.052, F.S., relating to legislative findings and intent with respect to the "Florida Film and Television Investment Act"; repealing s. 288.053, F.S., relating to the Florida Film and Television Investment Board; repealing s. 288.054, F.S., relating to the administration and powers of the Florida Film and Television Investment Board; repealing s. 288.055, F.S., relating to the Florida Film and Television Investment Trust Fund; repealing s. 288.056, F.S., relating to conditions for film and television investment by the board; repealing s. 288.057, F.S., requiring an annual report by the board; repealing s. 288.1228, F.S., relating to the direct-support organization authorized by the Office of Tourism, Trade, and Economic Development to assist in the promotion and development of the entertainment industry; repealing s. 288.12285, F.S., relating to confidentiality of identities of donors to the direct-support organization; creating the 21st Century Digital Television and Education Task Force; providing membership; providing duties; providing for a report; amending s. 288.1229, F.S.; revising the purposes of the direct-support organization authorized to assist the Office of Tourism, Trade, and Economic Development in the promotion and development of the sports industry and related industries; specifying the duties of the direct-support organization with respect to the promotion of sports industry, amateur sports, and physical fitness; providing requirements with respect to the Sunshine State Games; providing authority of the Executive Office of the Governor with respect to the use of specified property, facilities, and personal services; amending s. 320.08058, F.S.; revising provisions relating to the Florida United States Olympic Committee license plate to remove references to the Sunshine State Games Foundation; revising the distribution of annual use fees from the sale of the Florida United States Olympic Committee license plate; providing for the reversion of funds and property of the Sunshine State Games Foundation, Inc., and the Florida Governor's Council on Physical Fitness and Amateur Sports to the direct-support organization; specifying use of such funds and property; repealing s. 14.22, F.S.; removing provisions relating to the Florida Governor's Council on Physical Fitness and Amateur Sports within the Office of the Governor, the Sunshine State Games, national and international amateur athletic competitions and Olympic development centers, direct-support organizations, and the Olympics and Pan American Games Task Force; providing an effective date.

By the Committee on Governmental Oversight and Productivity; and Senator Webster—

**CS for SB 2208**—A bill to be entitled An act relating to the Commissioner of Education; amending s. 20.15, F.S.; clarifying the location of the commissioner's office; amending s. 228.056, F.S.; providing for application to the State Board of Education for waiver of school code; providing for waiver approval by the State Board of Education; amending s. 228.0565, F.S.; providing for application to the State Board of Education for waiver of school code; providing for waiver approval by the State Board of Education; amending s. 229.111, F.S.; providing that the State Board of Education may accept or decline gifts on behalf of the public

education system; amending s. 229.512, F.S.; providing that the Commissioner of Education is the chief educational officer of the state for elementary and secondary education; amending s. 240.417, F.S.; providing that the State Board of Education, in conjunction with the State Board of Administration, Division of Bond Finance, may determine that certain fees are not required; providing an effective date.

By the Committee on Criminal Justice and Senator Meek—

**CS for SB 2254**—A bill to be entitled An act relating to traffic safety; amending s. 316.2045, F.S.; prohibiting persons under the age of 18 years from standing or approaching vehicles on any public street, highway, or road for purposes of soliciting, collecting from, or distributing to the occupant of a motor vehicle; providing that a first-time violation results in a warning and that subsequent violations will be cited as pedestrian violations; providing for a noncriminal traffic infraction punishable as provided in ch. 318, F.S., for any person who directs a person under a specified age to unlawfully stand or approach motor vehicles on a public street, highway, or road; amending s. 318.18, F.S.; providing penalties; amending s. 318.121, F.S.; conforming cross-references; providing an effective date.

By the Committee on Health, Aging and Long-Term Care; and Senator Myers—

**CS for SB 2276**—A bill to be entitled An act relating to trauma care; creating s. 395.40, F.S.; declaring legislative findings and intent with respect to creation of a statewide inclusive trauma system, as defined; amending s. 395.401, F.S.; deleting the definitions of the terms "local trauma agency" and "regional trauma agency"; defining the terms "trauma agency" and "trauma alert victim"; prescribing duties of the Department of Health with respect to implementation of inclusive trauma systems and trauma agency plans; amending s. 395.402, F.S.; removing legislative findings; prescribing duties of the department with respect to assignment of counties to trauma service areas; amending s. 395.4045, F.S.; prescribing transport requirements for emergency medical services providers; providing an effective date.

By the Committee on Comprehensive Planning, Local and Military Affairs; and Senator Rossin—

**CS for SB 2380**—A bill to be entitled An act relating to local government comprehensive planning; amending s. 163.3187, F.S.; providing that a limitation on amendments to a local government's comprehensive plan does not apply to amendments necessary to establish public school concurrency; requiring all local government public school facilities elements within a county to be prepared and adopted on a similar time schedule; amending s. 163.3177, F.S.; revising requirements relating to inclusion of school siting elements in comprehensive plans; providing an effective date.

By the Committee on Comprehensive Planning, Local and Military Affairs; and Senator Dyer—

**CS for SB 2414**—A bill to be entitled An act relating to ad valorem tax exemptions; amending s. 196.012, F.S.; amending the definition of the term "new business," as used in ch. 196, F.S.; amending s. 196.1995, F.S.; providing an ad valorem tax exemption for new businesses comprising artistic and cultural improvements to real estate which are used for specified purposes; providing for certain economic development ad valorem tax exemptions; providing for extension of such exemptions; providing an effective date.

By the Committee on Fiscal Policy and Senators Latvala and Casas—

**CS for SB's 2422 and 1952**—A bill to be entitled An act relating to trust funds; creating s. 215.5601, F.S.; creating the Lawton Chiles Endowment Fund for Health and Human Services; providing definitions; providing legislative intent; specifying the purposes and uses of endowment funds; providing for administration of the endowment by the State

Board of Administration; providing for the availability of endowment funds; providing appropriations; creating s. 215.5602, F.S.; establishing the Connie Mack Biomedical Research Program within the Lawton Chiles Endowment Fund; providing the goals of the program; specifying the use of funds appropriated under the program; creating the Biomedical Research Advisory Council within the Department of Health; providing for membership of the council; providing reimbursement for travel and other expenses for council members; providing duties of the council; providing for applications for funding under the program; requiring the Secretary of Health to award grants and fellowships, in consultation with the council; providing for the appointment of a peer review council to review proposals for funding; requiring the Department of Health to contract with an entity to administer the program; providing rulemaking authority; requiring the council to submit an annual report to the Governor, the Secretary of Health, and the Legislature; providing an effective date.

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By the Committee on Education and Senators Kirkpatrick, Horne and King—

**CS for SB 2434**—A bill to be entitled An act relating to charter schools; amending s. 228.056, F.S.; providing a date for district school boards to receive charter school applications; providing for a Charter School Review Panel; providing membership; providing purpose and duties; providing for interdistrict transfer to a charter school under certain circumstances; authorizing municipal-sponsored charter schools to give enrollment preference to students residing within the limits of the sponsoring municipality; authorizing charter schools to be sponsored by municipalities or other public entities; providing information to be included in the charter of a charter school; providing for 15-year charters under specified circumstances; authorizing charter school governing boards to employ or contract with skilled selected noncertified personnel as provided in ch. 231, F.S., and as provided by rule of the State Board of Education; prohibiting a charter school from hiring certain persons who have resigned or have been dismissed for good cause; prescribing time limits for charter schools to receive federal funds; amending s. 228.057, F.S.; requiring school districts to report the number of students attending the various types of public schools according to the rules of the State Board of Education; amending s. 228.0561, F.S.; removing references to the Public Education Capital Outlay and Debt Service Trust Fund; providing for the reversion of unencumbered funds and property to the district school board if the charter school terminates operations; revising requirements relating to charter school use of capital outlay funds; revising eligibility requirements for charter school receipt of capital outlay funds; removing obsolete provisions; amending s. 235.42, F.S., relating to educational and ancillary plant construction funds; removing a reference to charter schools; providing an effective date.

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By the Committees on Comprehensive Planning, Local and Military Affairs; Regulated Industries; and Senator Gutman—

**CS for CS for SB 2444**—A bill to be entitled An act relating to the construction industry; amending s. 468.609, F.S.; revising eligibility requirements for certification as a building inspector or plans examiner; amending s. 468.621, F.S.; providing a ground for disciplinary action relating to the issuance of a building permit without obtaining a contractor certificate or registration number, where such a certificate or registration is required; providing penalties; amending ss. 20.165, 471.045, 481.222, 489.109, and 489.519, F.S.; correcting references, to conform; amending s. 469.001, F.S.; defining the term "ASHARA"; revising terminology in a reference; amending s. 469.002, F.S.; revising references relating to training required of certain persons exempt from regulation under ch. 469, F.S., relating to asbestos abatement; amending s. 469.004, F.S.; providing for biennial renewal of licenses of asbestos consultants and asbestos contractors and providing continuing education requirements therefor; amending s. 469.005, F.S.; eliminating a course requirement for licensure as an asbestos consultant; amending s. 469.006, F.S.; revising requirements to qualify additional business organizations for licensure; amending s. 469.011, F.S.; providing rulemaking authority for implementation of the chapter; requiring consideration of certain federal regulations in developing such rules; amending s. 469.012, F.S.; revising course requirements for onsite supervisors and asbestos abatement workers; correcting terminology; amending s. 469.013, F.S.; revising course requirements for asbestos surveyors, man-

agement planners, and project monitors, and providing course requirements for project designers; correcting terminology; creating s. 489.13, F.S.; prohibiting any person from performing any activity requiring licensure as a construction contractor under pt. I, ch. 489, F.S., unless the person holds a valid active certificate or registration to perform such activity issued under such part; providing penalties; prohibiting any local building department from issuing a building permit to any person who does not hold an active valid certificate or registration in the applicable construction category issued under such part; amending s. 489.503, F.S.; clarifying an existing utilities exemption from regulation under pt. II, ch. 489, F.S., relating to electrical and alarm system contracting; amending s. 489.511, F.S.; requiring certain work experience for an alarm system contractor I to be in certain types of fire alarm systems; revising provisions relating to designation and certification of specialty contractors; providing for the voiding of previously issued registered licenses upon issuance of certification in the same classification; amending s. 489.513, F.S., and repealing subsection (7), relating to tracking registration and discipline related thereto; revising requirements for registration as an electrical contractor, alarm system contractor I or II, or registered alarm system contractor; amending s. 489.537, F.S.; authorizing certain persons to install residential smoke or heat detectors; providing an effective date.

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By the Committee on Comprehensive Planning, Local and Military Affairs; and Senator Rossin—

**CS for SB 2456**—A bill to be entitled An act relating to special districts; amending s. 189.4031, F.S.; providing that community development districts established pursuant to ch. 190, F.S., shall be deemed in compliance with certain charter requirements; amending s. 189.405, F.S.; requiring newly elected or appointed special district board members to complete an educational course conducted by the Florida Association of Special Districts and providing requirements with respect thereto; providing requirements with respect to fees; amending s. 189.412, F.S.; providing that the Special District Information Program may assist with the association's annual conference; amending s. 190.004, F.S.; specifying requirements for the charter of a community development district; amending s. 190.005, F.S.; providing requirements for the petition to reestablish an existing special district as a community development district; revising language with respect to establishment of such districts; amending ss. 190.006 and 190.011, F.S.; revising requirements relating to the date of the election for the board of supervisors of such districts; revising requirements relating to the location of the office of such a district; authorizing the holding of meetings at such office for certain districts; amending s. 190.009, F.S.; revising requirements relating to provision of the disclosure of public financing by such districts to prospective purchasers of real property; amending s. 190.012, F.S.; revising and expanding the powers of such districts; amending s. 190.021, F.S.; specifying the status of special assessments imposed by such districts; specifying that such assessments constitute a lien against the property; providing for collection thereof; amending s. 190.022, F.S.; revising requirements relating to special assessments for construction, acquisition, or maintenance of district facilities; amending s. 190.033, F.S.; revising bid requirements for the purchase of goods and the construction or improvement of public works and for contracts for maintenance services; amending s. 190.046, F.S.; revising requirements relating to consent to a change in the boundaries of such districts and limitations on such boundary changes; providing that approval of a proposed merger of community development districts by an elected board of supervisors constitutes approval by the landowners of the district; amending s. 190.048, F.S.; revising requirements relating to the required disclosure to purchasers of real estate within a district; creating s. 190.0485, F.S.; requiring such districts to record a notice of establishment; providing for application to existing districts; amending s. 190.049, F.S.; providing an exception to the prohibition against special laws or general laws of local application creating an independent special district having two or more of a community development district's special powers enumerated in s. 190.012, F.S.; providing an effective date.

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By the Committee on Health, Aging and Long-Term Care; and Senators Clary and Saunders—

**CS for SB's 2472 and 1892**—A bill to be entitled An act relating to managed health care; amending s. 408.05, F.S., relating to the State



Center for Health Statistics; requiring the Agency for Health Care Administration to publish health maintenance organization report cards; amending s. 408.7056, F.S.; excluding certain additional grievances from consideration by a statewide provider and subscriber assistance panel; revising the membership of the panel; amending s. 627.6471, F.S.; requiring preferred provider organization policies that require a referral for services to conform to certain requirements imposed on exclusive provider organization contracts; amending s. 641.31, F.S., relating to health maintenance contracts; providing for a point-of-service benefit rider on a health maintenance contract; providing requirements; providing restrictions; authorizing reasonable copayment and annual deductible; providing exceptions relating to subscriber liability for services received; amending s. 641.3155, F.S., relating to health maintenance organization provider contracts and payment of claims; requiring health maintenance organizations to reconcile retroactive reductions of payment to specific claims; requiring providers to reconcile retroactive demands for underpayment or nonpayment to specific claims; providing an exception; providing for the contract to specify the look-back period; providing for an advisory group established in the Agency for Health Care Administration; requiring a report; amending s. 641.51, F.S.; requiring that health maintenance organizations provide additional information to the Agency for Health Care Administration indicating quality of care; removing a requirement that organizations conduct customer satisfaction surveys; revising requirements for preventive pediatric health care provided by health maintenance organizations; amending s. 641.58, F.S.; providing for moneys in the Health Care Trust Fund to be used for additional purposes; providing an appropriation; providing an effective date.

By the Committee on Comprehensive Planning, Local and Military Affairs; and Senator Jones—

**CS for SB 2538**—A bill to be entitled An act relating to affordable housing; amending s. 212.055, F.S.; authorizing any county that is designated as an area of critical state concern and that levies the tourist impact tax to use a specified percentage of the local government infrastructure surtax for the purpose of constructing affordable housing; providing for future repeal of such provision; amending s. 420.9073, F.S., relating to the distribution of moneys from the Local Government Housing Trust Fund; providing for any county that is designated as an area of critical state concern and that levies the tourist impact tax to receive an increased percentage of funds; requiring that such funds be used to construct affordable housing within the county; providing an effective date.

By the Committee on Commerce and Economic Opportunities; and Senator Bronson—

**CS for SB 2540**—A bill to be entitled An act relating to the commercial space industry; amending s. 196.012, F.S.; redefining the term "governmental purpose"; amending ss. 212.031, 212.08, F.S.; providing for exemptions from the tax on sales, use, and other transactions; revising the application of the sales tax exemption for machinery and equipment used to increase productive output with respect to such machinery and equipment used in connection with spaceport activities; amending s. 288.063, F.S.; authorizing the Spaceport Florida Authority to enter into contracts for transportation projects; amending s. 288.075, F.S.; adding the Spaceport Florida Authority to a list of economic development agencies whose records are confidential; amending s. 288.35, F.S.; redefining the term "government agency"; amending s. 288.9415, F.S.; authorizing the Spaceport Florida Authority to apply for international trade grants; amending s. 331.305, F.S.; authorizing Spaceport Florida Authority personnel to participate in specified education and training; amending s. 331.309, F.S.; providing that funds of the authority may be deposited with the Florida Commercial Space Financing Corporation; creating s. 331.3475, F.S.; providing for the Spaceport Facility Loan Guarantee Program; creating part III of ch. 331, F.S., the Florida Commercial Space Financing Corporation Act; providing findings and intent; providing definitions; creating the Florida Commercial Space Financing Corporation; specifying the functions the corporation is authorized to carry out; providing for a board of directors of the corporation and for qualifications and appointment of members; providing powers of the corporation and the board; providing for fees; providing for rules; providing for insurance, coinsurance, loan guarantees, and loans for eligible space-related

transactions; directing the board to establish an account to receive specified resources; providing for deposits in the account and for allocation of the account's resources; providing for appointment of a president of the corporation; providing powers and duties of the president; requiring an annual report; providing for development of a research design to evaluate the corporation; providing for a review and evaluation of the corporation by the Office of Program Policy Analysis and Government Accountability; providing for periodic reviews and reports by the Division of Banking; authorizing the Spaceport Florida Authority to pledge certain revenues to guarantee corporation loans; creating s. 331.365, F.S.; creating the Florida Space Industry and Research Facility Development Program within the Spaceport Florida Authority; providing that sales tax revenues collected at the Kennedy Space Center Visitor Complex and distributed to the authority shall be used to fund certain approved projects; providing duties of the Office of Tourism, Trade, and Economic Development; providing for audits; amending s. 212.20, F.S.; providing for distribution of the state taxes collected pursuant to ch. 212, F.S., at the Kennedy Space Center Visitor Complex to the Spaceport Florida Authority; providing for a minimum annual distribution; creating s. 331.367, F.S.; creating the Spaceport Management Council within the Spaceport Florida Authority; providing that the council shall make recommendations regarding specified areas; providing for an executive board and the membership thereof; providing for selection of members of the council's Space Industry Committee; providing duties of the council; providing duties with respect to a spaceport master plan; providing for development and annual updating of a Spaceport Economic Development Plan; providing for development of certain training programs; providing that the council shall recommend projects to be funded pursuant to the Florida Space Industry and Research Facility Development Program; providing for review of such recommendations by the Department of Community Affairs and the Office of Tourism, Trade, and Economic Development; creating the Florida Space Research Institute; prescribing the purposes of the institute; providing for management and operation of the institute; requiring a report; providing an appropriation; providing an effective date.

**MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS**

**GUBERNATORIAL APPOINTMENTS SUBJECT TO CONFIRMATION BY THE SENATE:**

The Secretary of State has certified that pursuant to the provisions of Section 114.05, Florida Statutes, certificates subject to confirmation by the Senate had been prepared for the following:

<i>Office and Appointment</i>	<i>For Term Ending</i>
Capital Collateral Regional Counsel - Southern Region Appointee: Dupree, Neal A., Hollywood	09/30/2000
Florida Citrus Commission Appointees: Alexander, John R., Duck Key Brewer, Walter L., Arcadia	05/31/2002 05/31/2002
Board of Trustees of Indian River Community College Appointee: Rowley, Jane E., Port St. Lucie	05/31/2001
Board of Trustees of Lake-Sumter Community College Appointee: Gilley, Raymond, Clermont	05/31/2001
Board of Trustees of North Florida Community College Appointees: Land, Betty E., Mayo McLeod, W. Nolan, Live Oak Poole, Donna Maggert, Greenville	05/31/2001 05/31/2002 05/31/2002
Board of Trustees of Okaloosa-Walton Community College Appointees: Anchors, Larry Y., Santa Rosa Beach Szilvasy, Joyce A., DeFuniak Springs Thornton, William, Ft. Walton Beach	05/31/2002 05/31/2002 05/31/2001
Board of Trustees of Pasco-Hernando Community College Appointees: Case, Jean M., New Port Richey Musunuru, Rao, New Port Richey	05/31/1999 05/31/2001

<i>Office and Appointment</i>	<i>For Term Ending</i>
Board of Trustees of St. Johns River Community College Appointees: Price, Laurie, Orange Park Sloan, Preston B., Palatka	05/31/2001 05/31/2002
Board of Trustees of Tallahassee Community College Appointee: Hill, Mary L., Midway	05/31/2001
Board of Trustees of Valencia Community College Appointees: Mathis, Jacinta M., Orlando Miller, Galen, Windermere	05/31/2001 05/31/2002
Governing Board of the Northwest Florida Water Management District Appointees: Bodie, Marvin Wayne, DeFuniak Springs Gaskin, Sharon T., Wewahitchka	03/01/2003 03/01/2000
Governing Board of the South Florida Water Management District Appointees: Fernandez, Gerardo, Miami Gutierrez, Nicolas J., Jr., Miami	03/01/2003 03/01/2000
Governing Board of the Southwest Florida Water Management District Appointee: Duncan, Ronnie E., Safety Harbor	03/01/2002

**[Referred to the Committee on Gubernatorial Appointments and Confirmations.]**

## MESSAGES FROM THE HOUSE OF REPRESENTATIVES

### FIRST READING

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed CS for HB 107, HB 675, CS for HB 1549; has passed as amended HB 79, HB 85, CS for CS for CS for HB 93, HB 241, HB 1881; has adopted as amended HM 493 and requests the concurrence of the Senate.

*John B. Phelps, Clerk*

By the Committee on Governmental Rules and Regulations; and Representative Pruitt and others—

**CS for HB 107**—A bill to be entitled An act relating to the Administrative Procedure Act; amending s. 120.52, F.S.; removing entities described in ch. 298, F.S., relating to water control districts, from the definition of “agency”; providing additional restrictions with respect to an agency’s rulemaking authority; amending s. 120.536, F.S.; providing additional restrictions with respect to an agency’s rulemaking authority; requiring agencies to provide the Administrative Procedures Committee with a list of existing rules which exceed such rulemaking authority and providing for legislative consideration of such rules; requiring agencies to initiate proceedings to repeal such rules for which authorizing legislation is not adopted; requiring a report to the Legislature; providing that the committee or a substantially affected person may petition for repeal of such rules after a specified date; restricting challenge of such rules before that date; amending s. 120.54, F.S.; specifying when rules may take effect; restricting adoption of retroactive rules; amending s. 120.56, F.S.; revising an agency’s responsibilities in response to a challenge to a proposed rule and specifying the petitioner’s responsibility of going forward; amending s. 120.57, F.S., relating to hearings involving disputed issues of material fact; revising an agency’s authority with respect to rejection or modification of conclusions of law in its final order; amending s. 120.68, F.S., relating to judicial review; providing a directive with respect to consideration by the court of an agency’s construction of a statute or rule; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; and Fiscal Policy.

By Representative Russell and others—

**HB 675**—A bill to be entitled An act relating to historical resources; amending s. 267.081, F.S., relating to publications of the Division of Historical Resources of the Department of State; providing that moneys received from the sale of publications by the division may be held in the operating trust fund of the division or in a specified depository account; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; and Fiscal Policy.

By the Committee on Regulated Services and Representative Bense and others—

**CS for HB 1549**—A bill to be entitled An act relating to the state lotteries; creating s. 24.1153, F.S.; authorizing the assignment of certain prizes pursuant to a court order and providing requirements therefor; providing for the securing of funds offset for child-support payments or debts owed to a state agency; exempting the Department of the Lottery from liability upon payment of an assigned prize; authorizing a fee to defray the administrative expenses associated with such assignments; providing circumstances under which such court orders may no longer be issued; amending s. 24.115, F.S., relating to payment of prizes, to conform; requiring the department to seek a declaration concerning the tax consequences of the right of assignment for those who do not assign their prizes; providing effective dates.

—was referred to the Committee on Fiscal Resource.

By Representative Stafford and others—

**HB 79**—A bill to be entitled An act relating to motor vehicle airbags; providing a short title; providing definitions; requiring any person engaged in the business of purchasing, selling, or installing salvaged airbags to maintain a record of any purchase, sale, or installation of a salvaged airbag; specifying required information; providing for inspection and disclosure of such records; requiring any person who sells or installs a salvaged airbag to disclose to the purchaser that the airbag is salvaged; prohibiting certain activities; providing penalties; providing an effective date.

—was referred to the Committees on Criminal Justice and Fiscal Policy.

By Representative Cosgrove and others—

**HB 85**—A bill to be entitled An act relating to official state designations; creating s. 15.0465, F.S.; designating an official flagship of the State of Florida; designating the courthouse of the District Court of Appeal for the Third District as the “Thomas H. Barkdull, Jr., District Courthouse”; authorizing the Third District Court of Appeal to erect suitable markers; providing an effective date.

—was referred to the Committees on Judiciary; and Governmental Oversight and Productivity.

By the Committees on Judiciary; Insurance; Real Property and Probate; and Representative Starks—

**CS for CS for CS for HB 93**—A bill to be entitled An act relating to title insurance reserve; amending s. 625.111, F.S.; specifying the components of unearned premium reserve for certain financial statements; providing a formula for releasing unearned premium reserve over a period of years; providing definitions; providing an effective date.

—was referred to the Committee on Banking and Insurance.

By Representative Rayson and others—

**HB 241**—A bill to be entitled An act relating to education; creating s. 232.042, F.S.; authorizing each district to require each child, prior to

enrollment in school, to submit evidence of whether or not he or she has learned to swim; requiring the district school board to provide certain information; providing for review and repeal; providing an effective date.

—was referred to the Committee on Education.

By the Committee on Health Care Licensing and Regulation; and Representative Fasano and others—

**HB 1881**—A bill to be entitled An act relating to standardized credentialing for health care practitioners; amending s. 455.557, F.S.; revising the credentials collection program for health care practitioners; revising and providing definitions; providing requirements for health care practitioners and the Department of Health under the program; renaming the advisory council and abolishing it at a future date; prohibiting duplication of data available from the department; authorizing collection of certain other information; revising requirements for registration of credentials verification organizations; providing for biennial renewal of registration; providing grounds for suspension or revocation of registration; revising liability insurance requirements; revising rulemaking authority; specifying authority of the department after the council is abolished; providing an effective date.

—was referred to the Committee on Health, Aging and Long-Term Care.

By Representative Ball—

**HM 493**—A memorial to the Congress of the United States, urging action by the U.S. Department of the Army and the Environmental Protection Agency, relating to wetland delineation.

—was referred to the Committee on Rules and Calendar.

**RETURNING MESSAGES—FINAL ACTION**

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 752, CS for SB 986 and SB 1464.

*John B. Phelps, Clerk*

The bills contained in the foregoing message were ordered enrolled.

**ENROLLING REPORTS**

SB 114, CS for CS for SB 740, SB 954, CS for SB 1280 and SB 1514 have been enrolled, signed by the required Constitutional Officers and presented to the Governor on April 15, 1999.

*Faye W. Blanton, Secretary*

**CORRECTION AND APPROVAL OF JOURNAL**

The Journal of April 13 was corrected and approved.

**CO-SPONSORS**

Senator Sullivan—SB 2214

Senator Sullivan withdrew as prime sponsor of SB 2214 and Senator Forman was recorded as prime sponsor of SB 2214.

**RECESS**

On motion by Senator McKay, the Senate recessed at 6:09 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 9:30 a.m., Friday, April 16.