



Journal of the Senate

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CALL TO ORDER

The Senate was called to order by President Atwater at 9:00 a.m. A quorum present—36:

Mr. President	Dockery	Negron
Alexander	Fasano	Oelrich
Altman	Gaetz	Peaden
Aronberg	Garcia	Richter
Baker	Gelber	Ring
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Constantine	Jones	Sobel
Crist	Joyner	Storms
Dean	Justice	Thrasher
Detert	Lawson	Villalobos
Diaz de la Portilla	Lynn	Wise

Excused: Senators Deutch, Gardiner, Rich, and Wilson

PRAYER

The following prayer was offered by the Rev. Dr. W. Hunter Camp II, First Presbyterian Church, Green Cove Springs:

Gracious Creator, you who make palm trees and panthers, mangroves and manatees; you who fashion fresh weeds in our Florida flower beds; you who form baby mockingbirds of spring; you who know the hearts of children in Miami, and the smiles of the elderly in Pensacola; you—you know each mind in this room.

Compassionate Redeemer, you who transcend religions, political creeds, borders, all blood and bone; you who are unlike us, far beyond us, but quietly within us: Thank you. Thank you for the women and men of this body charged with public service. For these men and women who occupy the highest calling, for these your daughters and sons, I pray.

Merciful Sustainer, may you impart to these public servants the pursuit of sound government and bold vision, coupled with compassion, that they may remember the powerless even as they negotiate the responsibility of power.

May you give these, your daughters and sons, open ears, civility, fortitude, and humility, but above all wisdom. May you impart to these gentlemen and gentlewomen the pursuit of virtue. May you guide their

blood and bone, hearts and minds, that they may wisely guide the land of flowers, our great State of Florida, and that somehow, together, we may subtly embody your dreams for the world. Amen.

PLEDGE

Senate Pages Julia “Juju” Bernstein of Palm Beach; and Christopher “Chris” Link and Michael Lawrence Link, both of Palm Beach Gardens, led the Senate in the pledge of allegiance to the flag of the United States of America.

ADOPTION OF RESOLUTIONS

On motion by Senator Joyner—

By Senators Joyner and Bullard—

SR 82—A resolution acknowledging the invaluable contributions Delta Sigma Theta Sorority, Inc., has made to the people of Florida, and recognizing March 21-23, 2010, as “The 16th Annual Delta Days at the Florida Capitol.”

WHEREAS, Delta Sigma Theta Sorority, Inc., is a public service organization founded on January 13, 1913, by 22 outstanding women at Howard University in Washington, D.C., and

WHEREAS, nearly 6 weeks after its founding, the first public act of the sorority was its participation in the Women’s Suffrage Movement, demanding rights for women, particularly the right to vote, and

WHEREAS, Delta Sigma Theta Sorority, Inc., is a sisterhood of college-educated women committed to implementing the sorority’s mission through its Five-Point Program Thrust: economic development, educational development, physical and mental health, political awareness and involvement, and international awareness and involvement, and

WHEREAS, Delta Sigma Theta Sorority, Inc., recently celebrated 97 years of exemplary service and support to local communities, leading dialogue on public policy issues, supporting quality education, producing new projects to stimulate current and future economic growth, and improving the holistic well-being of minority populations internationally, and

WHEREAS, with more than 200,000 college-educated women and more than 950 chapters worldwide — 52 of those chapters located in Florida and the Bahamas, alone, members of Delta Sigma Theta Sorority are clearly focused and visible as corporate and civic leaders, productive public officials, acclaimed academicians, and activists in their own right, and

WHEREAS, for the past 15 years, the sorority’s Florida chapters have conducted “Delta Days at the Florida Capitol” to provide information to state legislators and government executives which is vital to developing public policy; to host a reception for state legislators and government executives; and to monitor the progress of pending legislation related to significant public policy issues, and

WHEREAS, on March 21-23, 2010, under the leadership of Christine M. Nixon, the 22nd Southern Regional Director, the members of the 52 chapters of the sorority that now serve Florida and the Bahamas will converge on Tallahassee to conduct The 16th Annual Delta Days at the Florida Capitol, celebrating the theme “Advocacy in Action: Strengthening Our Legacy,” and providing special recognition at the Fourth Annual Honorable Carrie P. Meek Servant Leadership Luncheon to the

state's Delta Dears, who have blazed trails in social advocacy and public service, and

WHEREAS, Senators Arthenia L. Joyner and Larcenia J. Bullard and Representatives Audrey Gibson and Gwyndolen Clarke-Reed are esteemed members of Delta Sigma Theta Sorority, Inc., NOW, THEREFORE,

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

That the Florida Senate commends Delta Sigma Theta Sorority, Inc., for its contributions to the people of Florida, and recognizes March 21-23, 2010, as "The 16th Annual Delta Days at the Florida Capitol."

—was introduced out of order and read by title. On motion by Senator Joyner, **SR 82** was read the second time in full and adopted.

At the request of Senator Peaden—

By Senator Peaden—

SR 906—A resolution recognizing the students, faculty, staff, and alumni of Pensacola Junior College as they celebrate its 60th Anniversary as an institution of higher learning in Florida.

WHEREAS, Pensacola Junior College is the oldest public 2-year college in Florida, having served the residents of Escambia and Santa Rosa Counties in Northwest Florida for more than 60 years, and

WHEREAS, Pensacola Junior College opened its doors on September 8, 1948, in an old boarding house on the corner of Palafox and Cervantes Streets in downtown Pensacola, and

WHEREAS, enrollment has grown from 136 students in 1948 to nearly 34,000 students in the 2009-2010 academic year, and

WHEREAS, today Pensacola Junior College has full-service campuses in Milton, Pensacola, and Warrington, as well as a Downtown Center, and is in the process of opening a new center in southern Santa Rosa County, and

WHEREAS, nearly 40 percent of graduating seniors from local Escambia and Santa Rosa high schools begin college studies at Pensacola Junior College, and

WHEREAS, Pensacola Junior College is widely recognized as one of the premiere 2-year colleges in the United States, offering more than 100 majors and areas of concentration and using the latest high-technology resources in the Mary Ekdahl Smart Center for Patient Simulation Training & Research on the Warrington campus, and

WHEREAS, Pensacola Junior College is home to the Anna Lamar Switzer Center for Visual Arts and the Ashmore Center for the Performing Arts, which serve as cultural centers for the local community, supports a Public Broadcasting Station, WSRE, which provides area residents with quality programming, and provides an abundance of other educational programs and services, and

WHEREAS, Pensacola Junior College is accredited by the Southern Association of Colleges and Schools' Commission on Colleges, is part of Florida's nationally recognized Florida College System, and offers Associate of Arts, Associate of Science, and Associate of Applied Science degrees and certificate programs, including those offered through its Distance Learning Program, Adult Basic Education, and Continuing Education Departments, the Dual Enrollment Program, and the Adult High School, and

WHEREAS, Pensacola Junior College is led by an outstanding local Board of Trustees, chaired by John O'Connor, with Ed Moore serving as vice chair, and has welcomed its sixth president, Edward Meadows, and

WHEREAS, Pensacola Junior College has graduated nearly 100,000 students in the past 60 years and more than 1 million students have attended PJC over the course of the last 6 decades, NOW, THEREFORE,

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

That the students, faculty, staff, and alumni of Pensacola Junior College are recognized and commended as they celebrate the 60th anniversary of the college as an institution of higher learning in Florida.

—**SR 906** was introduced, read and adopted by publication.

At the request of Senator Jones—

By Senator Jones—

SR 1756—A resolution recognizing March 23 and 24, 2010, as "Massage Therapy Legislative Awareness Days."

WHEREAS, members of the Florida State Massage Therapy Association and the Florida Chapter of the American Massage Therapy Association throughout the state are actively involved in public awareness and health programs to improve the health and quality of life of Florida residents, and

WHEREAS, the Florida State Massage Therapy Association and the Florida Chapter of the American Massage Therapy Association have been holding Massage Therapy Legislative Awareness Days at the Florida Capitol since 1988 for the purpose of educating the Legislature and the public concerning the many health benefits of massage therapy, and

WHEREAS, the practice of massage therapy is regulated by the Board of Massage Therapy within the Department of Health under chapter 480, Florida Statutes, and

WHEREAS, massage therapists have been licensed and regulated in Florida since 1943, and currently more than 29,000 massage therapists are licensed by the state, and

WHEREAS, massage therapy is a low-cost, high-quality means of enhancing and restoring health, and

WHEREAS, increased awareness of the benefits of massage therapy will lead to improved health and vitality of the residents of this state, and

WHEREAS, the Legislature recognizes massage therapy for wellness and preventive health measures, NOW, THEREFORE,

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

That the Florida Senate recognizes March 23 and 24, 2010, as "Massage Therapy Legislative Awareness Days."

—**SR 1756** was introduced, read and adopted by publication.

SPECIAL GUEST

Senator Wilson introduced former Representative Dorothy Bendross-Mindingall who was present in the gallery.

BILLS ON THIRD READING

CS for CS for SB 644—A bill to be entitled An act relating to the direct-support organization for the Department of Military Affairs; amending s. 250.115, F.S.; authorizing the direct-support organization to support the processing of requests from the Soldiers and Airmen Assistance Program or similar programs; authorizing the president of the direct-support organization to appoint all members of the board of directors; requiring the direct-support organization to operate pursuant to a contract with the Department of Military Affairs; requiring the direct-support organization to submit its annual budget and financial reports to the Department of Military Affairs; creating s. 250.116, F.S.; creating the Soldiers and Airmen Assistance Program; authorizing the program to provide specified types of assistance to certain members of the Florida National Guard and their families; providing for the review of requests for assistance; requiring the financial committee of the board of directors of the direct-support organization for the Department of Military Affairs to review the financial transactions of the program quarterly; authorizing the financial committee of the board of directors to request additional reviews by the Office of Inspector General; authorizing the De-

partment of Military Affairs to adopt rules to administer the Soldiers and Airmen Assistance Program; providing an effective date.

—was read the third time by title.

On motion by Senator Justice, **CS for CS for SB 644** was passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Dockery	Negron
Alexander	Fasano	Oelrich
Altman	Gaetz	Peaden
Aronberg	Garcia	Richter
Baker	Gelber	Ring
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Constantine	Jones	Sobel
Crist	Joyner	Storms
Dean	Justice	Thrasher
Detert	Lawson	Villalobos
Diaz de la Portilla	Lynn	Wise

Nays—None

CS for CS for SB 350—A bill to be entitled An act relating to tomato food safety; amending s. 500.03, F.S.; revising the term “food establishment” to include tomato repackers for purposes of the Florida Food Safety Act; creating s. 500.70, F.S.; defining terms; requiring minimum food safety standards for producing, harvesting, packing, and repacking tomatoes; authorizing the Department of Agriculture and Consumer Services to inspect tomato farms, greenhouses, and packinghouses or repackers; providing penalties; authorizing the department to establish good agricultural practices and best management practices for the tomato industry by rule; providing a presumption that tomatoes introduced into commerce are safe for human consumption under certain circumstances; providing exemptions; authorizing the department to adopt rules; amending s. 570.07, F.S.; authorizing the department to adopt best management practices for agricultural production and food safety; amending s. 570.48, F.S.; revising duties of the Division of Fruit and Vegetables for tomato food safety inspections; providing an effective date.

—was read the third time by title.

On motion by Senator Dean, **CS for CS for SB 350** was passed and certified to the House. The vote on passage was:

Yeas—35

Mr. President	Dockery	Negron
Alexander	Fasano	Oelrich
Altman	Gaetz	Peaden
Aronberg	Garcia	Richter
Baker	Gelber	Ring
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Constantine	Jones	Sobel
Crist	Joyner	Thrasher
Dean	Justice	Villalobos
Detert	Lawson	Wise
Diaz de la Portilla	Lynn	

Nays—1

Storms

SPECIAL ORDER CALENDAR

On motion by Senator Negron—

CS for SB 2126—A bill to be entitled An act relating to the Florida Tax Credit Scholarship Program; transferring, renumbering, and amending s. 220.187, F.S.; revising definitions; making operation of the

program contingent upon available funds; revising certain eligibility criteria; revising tax credit grant provisions; specifying a tax credit cap; providing for increasing the tax credit cap under certain circumstances; providing application procedures and requirements; providing for unused amounts of tax credits to be carried forward; providing application requirements; providing limitations on conveying, assigning, or transferring tax credits; revising provisions governing the rescission of taxpayer tax credits; deleting a prohibition against claiming certain multiple tax credits; specifying additional obligations for eligible nonprofit scholarship-funding organizations relating to development and review of certain accounting procedures and guidelines; providing reporting requirements; limiting private school participation eligibility to certain grades; requiring private schools to annually contract with accountants to perform certain procedures; providing reporting and procedural requirements; revising certain obligations of the Department of Education; specifying additional requirements for certain independent research organizations; providing responsibilities of the Department of Education; deleting certain requirements for independent research organizations; authorizing the Commissioner of Education to deny, suspend, or revoke private school program participation under certain circumstances; providing requirements and criteria; revising limitations on annual amounts of scholarships provided; deleting certain corporate tax credit carryforward authority; revising certain rulemaking authority; providing for severability and for preserving certain additional tax credits; creating s. 211.0251, F.S.; providing for a credit against the oil and gas production tax for certain program contributions; requiring the Department of Revenue to disregard certain tax credits for certain purposes; providing for application; creating s. 212.1831, F.S.; providing for a credit against sales and use tax for certain program contributions; requiring the Department of Revenue to disregard certain tax credits for certain purposes; providing for application; amending s. 213.053, F.S.; expanding the authority of the Department of Revenue to disclose certain information; amending s. 220.13, F.S.; revising the determination of additions to adjusted federal income; providing intent; providing for construction of certain provisions; providing for retroactive application; creating s. 220.1875, F.S.; providing for a credit against the corporate income tax for certain program contributions; providing limitations; providing for adjustments; providing for application; creating s. 561.1211, F.S.; providing for a credit against certain alcoholic beverage taxes for certain contributions; requiring the Department of Revenue to disregard certain tax credits for certain purposes; providing for application; amending ss. 220.02, 220.186, 624.51055, 1001.10, 1002.20, 1002.23, 1002.39, 1002.421, 1006.061, 1012.315, and 1012.796, F.S.; conforming cross-references to changes made by the act; providing effective dates.

—was read the second time by title.

Senator Negron moved the following amendment which was adopted:

Amendment 1 (692668)—Delete lines 218 and 219 and insert: *year thereafter, the tax credit cap amount is the tax credit cap amount in the prior state fiscal year. However, in any*

Senator Smith moved the following amendment:

Amendment 2 (671072) (with title amendment)—Delete lines 924-928 and insert: *211.0251 Credit for contributions to a public school or an eligible nonprofit scholarship-funding organization.—There is a allowed a credit of 100 percent of an eligible contribution made to a public school or an eligible nonprofit scholarship-funding organization under s. 1002.395 against any tax due under s. 211.02 or s. 211.025. However, a*

And the title is amended as follows:

Delete line 41 and insert: *contributions to a public school or an eligible nonprofit scholarship-funding organization; requiring the Department of*

MOTION

On motion by Senator Smith, by the required two-thirds vote, consideration of the following amendment was allowed:

Senator Smith moved the following substitute amendment which failed:

Amendment 3 (205186) (with title amendment)—Delete lines 924-928 and insert: *211.0251 Credit for contributions to a public school or an eligible nonprofit scholarship-funding organization.—There is allowed a credit of 100 percent of an eligible contribution made to a public school or an eligible nonprofit scholarship-funding organization under s. 1002.395 against any tax due under s. 211.02 or s. 211.025. However, a*

And the title is amended as follows:

Delete line 42 and insert: contributions to a public school or an eligible nonprofit scholarship-funding organization; requiring the Department of

The question recurred on **Amendment 2** which was withdrawn.

Pursuant to Rule 4.19, **CS for SB 2126** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Gaetz—

SJR 2—A joint resolution proposing an amendment to Section 1 of Article IX and the creation of Section 31 of Article XII of the State Constitution to revise class size requirements for public schools and to provide an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SJR 2** was placed on the calendar of Bills on Third Reading.

On motion by Senator Detert—

CS for CS for SB 4—A bill to be entitled An act relating to education accountability; amending s. 1003.413, F.S., relating to secondary school redesign, to delete obsolete provisions and to conform to changes made by the act; amending s. 1003.4156, F.S.; revising requirements for middle grades promotion; providing that successful completion of a high school level Algebra I, geometry, or Biology I course is not contingent upon a student's performance on the end-of-course assessment; requiring a student to pass the end-of-course assessment to earn high school credit for such courses; specifying information that must be provided to students as part of the personalized academic and career plan; amending s. 1003.428, F.S.; revising requirements for high school graduation; requiring students entering grade 9 in specified school years to meet end-of-course assessment requirements and revised credit requirements in mathematics and science for high school graduation; requiring credit in a virtual instruction course; providing a definition for the term "virtual instruction course"; requiring district school board standards for grades in certain courses; providing for waiver of end-of-course assessment results for the purpose of receiving a course grade and credit for students with disabilities; amending s. 1003.429, F.S.; revising requirements for accelerated high school graduation options; updating cross-references; requiring students entering grade 9 in specified school years to meet end-of-course assessment requirements and revised credit requirements in mathematics and science for high school graduation; requiring credit in a virtual instruction course; providing a definition for the term "virtual instruction course"; requiring district school board standards for grades in certain courses; creating s. 1003.4295, F.S.; requiring high schools to advise students of, and offer, acceleration courses; creating the Credit Acceleration Program; amending s. 1003.493, F.S., relating to career and professional academies, to conform to changes made by the act; amending s. 1007.35, F.S., relating to the Florida Partnership for Minority and Underrepresented Student Achievement, to conform to changes made by the act; amending s. 1008.22, F.S.; revising the statewide student achievement testing program; requiring end-of-course assessments in mathematics and science to replace FCAT Mathematics and FCAT Science beginning with students entering grade 9 in specified school years; providing requirements for the administration of, and student performance on, statewide, standardized end-of-course assessments in mathematics and science; providing for establishment of an implementation schedule to develop and administer end-of-course assessments in certain courses; requiring evaluation and reporting of the transition to specified end-of-course assessments; requiring the use of scaled scores and student achievement levels for describing student success on assessments; requiring the State Board of Education to designate passing scores for end-of-course assessments and scores that in-

dicade high achievement; providing requirements for retaking specified assessments; providing for waiver of end-of-course assessment requirements for students in exceptional education programs and students who have limited English proficiency; revising provisions relating to testing and reporting schedules; requiring that the Commissioner of Education consider the observance of religious and school holidays when establishing the schedules for the administration of statewide assessments; conforming provisions and cross-references; authorizing the State Board of Education to adopt concordant scores for the FCAT and equivalent scores for end-of-course assessments; deleting retake requirements for use of concordant scores; providing requirements for use of equivalent scores; amending s. 1008.25, F.S., relating to public school student progression, to conform to changes made by the act; amending s. 1008.30, F.S., relating to the common placement test, to conform to changes made by the act; amending s. 1008.34, F.S.; revising provisions that specify the basis for determining school grades to include student performance on end-of-course assessments and to conform provisions to current FCAT assessments; amending s. 1008.341, F.S.; revising provisions that specify the basis for determining an alternative school's school improvement rating to include student performance on end-of-course assessments; amending s. 1008.36, F.S.; revising provisions relating to the use of school recognition awards; providing an effective date.

—was read the second time by title.

Senator Detert moved the following amendments which were adopted:

Amendment 1 (751614)—Delete lines 238-367 and insert: 2. Four credits in mathematics, one of which must be Algebra I, a series of courses equivalent to Algebra I, or a higher-level mathematics course. *Beginning with students entering grade 9 in the 2010-2011 school year, in addition to the Algebra I credit requirement, one of the four credits in mathematics must be geometry or a series of courses equivalent to geometry as approved by the State Board of Education. Beginning with students entering grade 9 in the 2010-2011 school year, the end-of-course assessment requirements under s. 1008.22(3)(c)2.a.(I) must be met in order for a student to earn the required credit in Algebra I. Beginning with students entering grade 9 in the 2011-2012 school year, the end-of-course assessment requirements under s. 1008.22(3)(c)2.a.(I) must be met in order for a student to earn the required credit in geometry. Beginning with students entering grade 9 in the 2012-2013 school year, in addition to the Algebra I and geometry credit requirements, one of the four credits in mathematics must be Algebra II or a series of courses equivalent to Algebra II as approved by the State Board of Education. School districts are encouraged to set specific goals to increase enrollments in, and successful completion of, geometry and Algebra II.*

3. Three credits in science, two of which must have a laboratory component. *Beginning with students entering grade 9 in the 2011-2012 school year, one of the three credits in science must be Biology I or a series of courses equivalent to Biology I as approved by the State Board of Education. Beginning with students entering grade 9 in the 2011-2012 school year, the end-of-course assessment requirements under s. 1008.22(3)(c)2.a.(II) must be met in order for a student to earn the required credit in Biology I. Beginning with students entering grade 9 in the 2013-2014 school year, one of the three credits must be Biology I or a series of courses equivalent to Biology I as approved by the State Board of Education, one credit must be chemistry or physics or a series of courses equivalent to chemistry or physics as approved by the State Board of Education, and one credit must be an equally rigorous course, as determined by the State Board of Education.*

4. Three credits in social studies as follows: one credit in *United States American* history; one credit in world history; one-half credit in economics; and one-half credit in *United States American* government.

5. One credit in fine or performing arts, speech and debate, or a practical arts course that incorporates artistic content and techniques of creativity, interpretation, and imagination. Eligible practical arts courses shall be identified through the Course Code Directory.

6. One credit in physical education to include integration of health. Participation in an interscholastic sport at the junior varsity or varsity level for two full seasons shall satisfy the one-credit requirement in physical education if the student passes a competency test on personal fitness with a score of "C" or better. The competency test on personal fitness must be developed by the Department of Education. A district school board may not require that the one credit in physical education be

taken during the 9th grade year. Completion of one semester with a grade of “C” or better in a marching band class, in a physical activity class that requires participation in marching band activities as an extracurricular activity, or in a dance class shall satisfy one-half credit in physical education or one-half credit in performing arts. This credit may not be used to satisfy the personal fitness requirement or the requirement for adaptive physical education under an individual education plan (IEP) or 504 plan. Completion of 2 years in a Reserve Officer Training Corps (R.O.T.C.) class, a significant component of which is drills, shall satisfy the one-credit requirement in physical education and the one-credit requirement in performing arts. This credit may not be used to satisfy the personal fitness requirement or the requirement for adaptive physical education under an individual education plan (IEP) or 504 plan.

(b) Eight credits in ~~majors, minors, or~~ electives.:

~~1. Four credits in a major area of interest, such as sequential courses in a career and technical program, fine and performing arts, or academic content area, selected by the student as part of the education plan required by s. 1003.4156. Students may revise major areas of interest each year as part of annual course registration processes and should update their education plan to reflect such revisions. Annually by October 1, the district school board shall approve major areas of interest and submit the list of majors to the Commissioner of Education for approval. Each major area of interest shall be deemed approved unless specifically rejected by the commissioner within 60 days. Upon approval, each district’s major areas of interest shall be available for use by all school districts and shall be posted on the department’s website.~~

~~2. Four credits in elective courses selected by the student as part of the education plan required by s. 1003.4156. These credits may be combined to allow for a second major area of interest pursuant to subparagraph 1., a minor area of interest, elective courses, or intensive reading or mathematics intervention courses as described in this subparagraph.~~

~~a. Minor areas of interest are composed of three credits selected by the student as part of the education plan required by s. 1003.4156 and approved by the district school board.~~

~~b. Elective courses are selected by the student in order to pursue a complete education program as described in s. 1001.41(3) and to meet eligibility requirements for scholarships.~~

1.e. For each year in which a student scores at Level 1 on FCAT Reading, the student must be enrolled in and complete an intensive reading course the following year. Placement of Level 2 readers in either an intensive reading course or a content area course in which reading strategies are delivered shall be determined by diagnosis of reading needs. The department shall provide guidance on appropriate strategies for diagnosing and meeting the varying instructional needs of students reading below grade level. Reading courses shall be designed and offered pursuant to the comprehensive reading plan required by s. 1011.62(9).

2.d. For each year in which a student scores at Level 1 or Level 2 on FCAT Mathematics, the student must receive remediation the following year. These courses may be taught through applied, integrated, or combined courses and are subject to approval by the department for inclusion in the Course Code Directory.

(4) Each district school board shall establish standards for graduation from its schools, which must include:

(a) Successful completion of the academic credit or curriculum requirements of subsections (1) and (2). *For courses that require statewide, standardized end-of-course assessments under s. 1008.22(3)(c)2.c., a minimum of 30 percent of a student’s course grade shall be comprised of performance on the statewide, standardized end-of-course assessment.*

Amendment 2 (205274)—Delete lines 454-676 and insert: 2. Three credits *and, beginning with students entering grade 9 in the 2010-2011 school year, four credits* in mathematics at the Algebra I level or higher from the list of courses that qualify for state university admission. *Beginning with students entering grade 9 in the 2010-2011 school year, in addition to the Algebra I credit requirement, one of the four credits in mathematics must be geometry or a series of courses equivalent to geometry as approved by the State Board of Education. Beginning with students entering grade 9 in the 2010-2011 school year, the end-of-course*

assessment requirements under s. 1008.22(3)(c)2.a.(I) must be met in order for a student to earn the required credit in Algebra I. Beginning with students entering grade 9 in the 2011-2012 school year, the end-of-course assessment requirements under s. 1008.22(3)(c)2.a.(I) must be met in order for a student to earn the required credit in geometry. Beginning with students entering grade 9 in the 2012-2013 school year, in addition to the Algebra I and geometry credit requirements, one of the four credits in mathematics must be Algebra II or a series of courses equivalent to Algebra II as approved by the State Board of Education;

3. Three credits in ~~natural~~ science, two of which must have a laboratory component. *Beginning with students entering grade 9 in the 2011-2012 school year, one of the three credits in science must be Biology I or a series of courses equivalent to Biology I as approved by the State Board of Education. Beginning with students entering grade 9 in the 2011-2012 school year, the end-of-course assessment requirements under s. 1008.22(3)(c)2.a.(II) must be met in order for a student to earn the required credit in Biology I. Beginning with students entering grade 9 in the 2013-2014 school year, one of the three credits must be Biology I or a series of courses equivalent to Biology I as approved by the State Board of Education, one credit must be chemistry or physics or a series of courses equivalent to chemistry or physics as approved by the State Board of Education, and one credit must be an equally rigorous course, as approved by the State Board of Education;*

4. Three credits in social sciences, which must include one credit in ~~United States American~~ history, one credit in world history, one-half credit in ~~United States American~~ government, and one-half credit in economics;

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

6. Three credits in electives *and, beginning with students entering grade 9 in the 2010-2011 school year, two credits in electives; or*

(c) Completion of a 3-year career preparatory program requiring successful completion of a minimum of 18 academic credits in grades 9 through 12. *Beginning with students entering grade 9 in the 2013-2014 school year, one of the 18 credits must be earned through a virtual instruction course. For purposes of this paragraph, the term “virtual instruction course” means a course of instruction provided in an interactive learning environment created through technology in which students are separated from their teachers by time or space. This requirement shall be met through a virtual instruction course that significantly integrates content aligned to appropriate state curriculum standards, as determined by the Department of Education, and for which a standardized end-of-course assessment, as approved by the department, is administered. A student who is enrolled in a full-time virtual instruction program under s. 1002.45 meets this requirement. The 18 credits shall be primary requirements and shall be distributed as follows:*

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

2. Three credits *and, beginning with students entering grade 9 in the 2010-2011 school year, four credits* in mathematics, one of which must be Algebra I. *Beginning with students entering grade 9 in the 2010-2011 school year, in addition to the Algebra I credit requirement, one of the four credits in mathematics must be geometry or a series of courses equivalent to geometry as approved by the State Board of Education. Beginning with students entering grade 9 in the 2010-2011 school year, the end-of-course assessment requirements under s. 1008.22(3)(c)2.a.(I) must be met in order for a student to earn the required credit in Algebra I. Beginning with students entering grade 9 in the 2011-2012 school year, the end-of-course assessment requirements under s. 1008.22(3)(c)2.a.(I) must be met in order for a student to earn the required credit in geometry. Beginning with students entering grade 9 in the 2012-2013 school year, in addition to the Algebra I and geometry credit requirements, one of the four credits in mathematics must be Algebra II or a series of courses equivalent to Algebra II as approved by the State Board of Education;*

3. Three credits in ~~natural~~ science, two of which must have a laboratory component. *Beginning with students entering grade 9 in the 2011-2012 school year, one of the three credits in science must be Biology I*

or a series of courses equivalent to Biology I as approved by the State Board of Education. Beginning with students entering grade 9 in the 2011-2012 school year, the end-of-course assessment requirements under s. 1008.22(3)(c)2.a.(II) must be met in order for a student to earn the required credit in Biology I. Beginning with students entering grade 9 in the 2013-2014 school year, one of the three credits must be Biology I or a series of courses equivalent to Biology I as approved by the State Board of Education, one credit must be chemistry or physics or a series of courses equivalent to chemistry or physics as approved by the State Board of Education, and one credit must be an equally rigorous course, as approved by the State Board of Education;

4. Three credits in social sciences, which must include one credit in United States ~~American~~ history, one credit in world history, one-half credit in United States ~~American~~ government, and one-half credit in economics;

5. Three credits in a single vocational or career education program, three credits in career and technical certificate dual enrollment courses, or five credits in vocational or career education courses; and

6. Two credits *and, beginning with students entering grade 9 in the 2010-2011 school year, one credit* in electives unless five credits are earned pursuant to subparagraph 5.

Any student who selected an accelerated graduation program before July 1, 2004, may continue that program, and all statutory program requirements that were applicable when the student made the program choice shall remain applicable to the student as long as the student continues that program.

(5) District school boards may not establish requirements for accelerated 3-year high school graduation options in excess of the requirements in paragraphs (1)(b) and (c). *For courses that require statewide, standardized end-of-course assessments under s. 1008.22(3)(c)2.c., a minimum of 30 percent of a student's course grade shall be comprised of performance on the statewide, standardized end-of-course assessment.*

(7) If, at the end of grade 10, a student is not on track to meet the credit, assessment, or grade-point-average requirements of the accelerated graduation option selected, the school shall notify the student and parent of the following:

(c) The right of the student to change to the 4-year program set forth in s. 1003.428 or s. 1003.43, *as applicable.*

(8) A student who selected one of the accelerated 3-year graduation options shall automatically move to the 4-year program set forth in s. 1003.428 or s. 1003.43, *if applicable,* if the student:

- (a) Exercises his or her right to change to the 4-year program;
- (b) Fails to earn 5 credits by the end of grade 9 or fails to earn 11 credits by the end of grade 10;
- (c) Does not achieve a score of 3 or higher on the grade 10 FCAT Writing assessment; or
- (d) By the end of grade 11 does not meet the requirements of subsections (1) and (6).

Section 5. Section 1003.4295, Florida Statutes, is created to read:

1003.4295 Acceleration courses.—

(1) *Each high school shall advise each student of programs through which a high school student can earn college credit, including Advanced Placement, International Baccalaureate, Advanced International Certificate of Education, dual enrollment courses, career academy courses, and courses that lead to national industry certification, as well as the availability of course offerings through virtual instruction.*

(2) *Beginning with the 2011-2012 school year, each high school shall offer an International Baccalaureate Program, an Advanced International Certificate of Education Program, or a combination of at least four courses in dual enrollment or Advanced Placement, including one course each in English, mathematics, science, and social studies. To meet this requirement, school districts may provide courses through virtual instruction, if the virtual course significantly integrates postsecondary level*

content for which a student may earn college credit, as determined by the Department of Education, and for which a standardized end-of-course assessment, as approved by the department, is administered.

(3) *The Credit Acceleration Program (CAP) is created for the purpose of allowing a secondary student to earn high school credit in a course that requires a statewide, standardized end-of-course assessment if the student attains a specified score on the assessment. Notwithstanding s. 1003.436, a school district shall award course credit to a student who is not enrolled in the course, or who has not completed the course, if the student attains a score indicating satisfactory performance, as defined in s. 1008.22(3)(c)5., on the corresponding statewide, standardized end-of-course assessment. The school district shall permit a student who is not enrolled in the course, or who has not completed the course, to take the standardized end-of-course assessment during the regular administration of the assessment.*

Section 6. Paragraph (k) of subsection (4) of section 1003.493, Florida Statutes, is amended to read:

1003.493 Career and professional academies.—

(4) Each career and professional academy must:

(k) Include an evaluation plan developed jointly with the Department of Education and the local workforce board. The evaluation plan must include an assessment tool based on national industry standards, such as the Career Academy National Standards of Practice, and outcome measures, including, but not limited to, achievement of national industry certifications *identified in the Industry Certification Funding List, pursuant to rules adopted by the State Board of Education*, graduation rates, enrollment in postsecondary education, business and industry satisfaction, employment and earnings, awards of postsecondary credit and scholarships, and student FCAT achievement levels and learning gains *on statewide assessments administered under s. 1008.22(3)(c).* The Department of Education shall use Workforce Florida, Inc., and Enterprise Florida, Inc., in identifying industry experts to participate in developing and implementing such assessments.

Amendment 3 (100062)—Delete lines 768-820 and insert: *order to earn course credit.*

(II) *Statewide, standardized end-of-course assessments in science shall be administered according to this sub-sub-subparagraph. Beginning with the 2011-2012 school year, all students enrolled in Biology I or an equivalent course must take the Biology I end-of-course assessment. For the 2011-2012 school year, each student's performance on the end-of-course assessment in Biology I shall constitute 30 percent of the student's final course grade. Beginning with students entering grade 9 during the 2012-2013 school year, a student must earn a passing score on the end-of-course assessment in Biology I in order to earn course credit.*

b. The commissioner may select one or more nationally developed comprehensive examinations, which may include, but need not be limited to, examinations for a College Board Advanced Placement course, International Baccalaureate course, or Advanced International Certificate of Education course, or industry-approved examinations to earn national industry certifications *identified in the Industry Certification Funding List, pursuant to rules adopted by the State Board of Education as defined in s. 1003.492,* for use as end-of-course assessments under this paragraph, if the commissioner determines that the content knowledge and skills assessed by the examinations meet or exceed the grade level expectations for the core curricular content established for the course in the Next Generation Sunshine State Standards. The commissioner may collaborate with the American Diploma Project in the adoption or development of rigorous end-of-course assessments that are aligned to the Next Generation Sunshine State Standards. ~~The testing program must be designed as follows:~~

c. *Contingent upon funding provided in the General Appropriations Act, including the appropriation of funds received through federal grants, the Commissioner of Education shall establish an implementation schedule for the development and administration of additional statewide, standardized end-of-course assessments in English/Language Arts II, Algebra II, chemistry, physics, earth/space*

Amendment 4 (528770)—Delete lines 1199-1329 and insert:

(b)1. A school's grade shall be based on a combination of:

a. Student achievement scores, including achievement on all FCAT assessments administered under s. 1008.22(3)(c)1., end-of-course assessments administered under s. 1008.22(3)(c)2.a., and achievement scores for students seeking a special diploma.

b. Student learning gains in reading and mathematics as measured by annual FCAT and end-of-course assessments, as described in s. 1008.22(3)(c)1. and 2.a. in grades 3 through 10; Learning gains for students seeking a special diploma, as measured by an alternate assessment tool, shall be included not later than the 2009-2010 school year.

c. Improvement of the lowest 25th percentile of students in the school in reading and mathematics, or writing on the FCAT or end-of-course assessments described in s. 1008.22(3)(c)2.a., unless these students are exhibiting satisfactory performance.

2. Beginning with the 2009-2010 school year for schools comprised of high school grades 9, 10, 11, and 12, or grades 10, 11, and 12, 50 percent of the school grade shall be based on a combination of the factors listed in sub-subparagraphs 1.a.-c. and the remaining 50 percent on the following factors:

- a. The high school graduation rate of the school;
- b. As valid data becomes available, the performance and participation of the school's students in College Board Advanced Placement courses, International Baccalaureate courses, dual enrollment courses, and Advanced International Certificate of Education courses; and the students' achievement of national industry certification identified in the Industry Certification Funding List, pursuant to rules adopted by the State Board of Education, as determined by the Agency for Workforce Innovation under s. 1003.492(2) in a career and professional academy, as described in s. 1003.493;
- c. Postsecondary readiness of the school's students as measured by the SAT, ACT, or the common placement test;
- d. The high school graduation rate of at-risk students who scored at Level 2 or lower on the grade 8 FCAT Reading and Mathematics examinations;
- e. As valid data becomes available, the performance of the school's students on statewide standardized end-of-course assessments administered under s. 1008.22(3)(c)2.b. and c. s. 1008.22; and
- f. The growth or decline in the components listed in sub-subparagraphs a.-e. from year to year.

(c) Student assessment data used in determining school grades shall include:

1. The aggregate scores of all eligible students enrolled in the school who have been assessed on the FCAT and statewide, standardized end-of-course assessments in courses required for high school graduation, including, beginning with the 2010-2011 school year, the end-of-course assessment in Algebra I, and beginning with the 2011-2012 school year, the end-of-course assessments in geometry and Biology.

2. The aggregate scores of all eligible students enrolled in the school who have been assessed on the FCAT and end-of-course assessments as described in s. 1008.22(3)(c)2.a., and who have scored at or in the lowest 25th percentile of students in the school in reading and mathematics, or writing, unless these students are exhibiting satisfactory performance.

3. ~~Effective with the 2005-2006 school year,~~ The achievement scores and learning gains of eligible students attending alternative schools that provide dropout prevention and academic intervention services pursuant to s. 1003.53. The term "eligible students" in this subparagraph does not include students attending an alternative school who are subject to district school board policies for expulsion for repeated or serious offenses, who are in dropout retrieval programs serving students who have officially been designated as dropouts, or who are in programs operated or contracted by the Department of Juvenile Justice. The student performance data for eligible students identified in this subparagraph shall be included in the calculation of the home school's grade. As used in this section and s. 1008.341, the term "home school" means the school to which the student would be assigned if the student were not assigned to an alternative school. If an alternative school chooses to be graded under this section, student performance data for eligible students identified in

this subparagraph shall not be included in the home school's grade but shall be included only in the calculation of the alternative school's grade. A school district that fails to assign the FCAT and end-of-course assessment as described in s. 1008.22(3)(c)2.a. scores of each of its students to his or her home school or to the alternative school that receives a grade shall forfeit Florida School Recognition Program funds for 1 fiscal year. School districts must require collaboration between the home school and the alternative school in order to promote student success. This collaboration must include an annual discussion between the principal of the alternative school and the principal of each student's home school concerning the most appropriate school assignment of the student.

4. ~~Beginning with the 2009-2010 school year~~ For schools comprised of high school grades 9, 10, 11, and 12, or grades 10, 11, and 12, the data listed in subparagraphs 1.-3. and the following data as the Department of Education determines such data are valid and available:

- a. The high school graduation rate of the school as calculated by the Department of Education;
- b. The participation rate of all eligible students enrolled in the school and enrolled in College Board Advanced Placement courses; International Baccalaureate courses; dual enrollment courses; Advanced International Certificate of Education courses; and courses or sequence of courses leading to national industry certification identified in the Industry Certification Funding List, pursuant to rules adopted by the State Board of Education, as determined by the Agency for Workforce Innovation under s. 1003.492(2) in a career and professional academy, as described in s. 1003.493;
- c. The aggregate scores of all eligible students enrolled in the school in College Board Advanced Placement courses, International Baccalaureate courses, and Advanced International Certificate of Education courses;
- d. Earning of college credit by all eligible students enrolled in the school in dual enrollment programs under s. 1007.271;
- e. Earning of a national ~~an~~ industry certification identified in the Industry Certification Funding List, pursuant to rules adopted by the State Board of Education, as determined by the Agency for Workforce Innovation under s. 1003.492(2) in a career and professional academy, as described in s. 1003.493;
- f. The aggregate scores of all eligible students enrolled in the school in reading, mathematics, and other subjects as measured by the SAT, the ACT, and the common placement test for postsecondary readiness;
- g. The high school graduation rate of all eligible at-risk students enrolled in the school who scored at Level 2 or lower on the grade 8 FCAT Reading and Mathematics examinations;
- h. The performance of the school's students on statewide standardized end-of-course assessments administered under s. 1008.22(3)(c)2.b. and c. s. 1008.22; and

Amendment 5 (425306) (with title amendment)—Between lines 1397 and 1398 insert:

Section 13. *The Office of Program Policy Analysis and Government Accountability (OPPAGA) shall conduct a study on the different types of high school diplomas offered in other states. The study must provide information regarding differentiated high school diploma options and endorsements that other states offer, including the criteria for awarding the diplomas or endorsements, the differences in courses required for college and career pathways, the advantages and disadvantages of offering a range of diploma options, and any barriers other states have encountered when implementing differentiated diploma options. OPPAGA shall submit the results of the study to the Governor, the President of the Senate, and the Speaker of the House of Representatives no later than January 31, 2011.*

And the title is amended as follows:

Delete line 91 and insert: awards; requiring that the Office of Program Policy Analysis and Government Accountability conduct a study on the different types of high school diplomas offered in other states; re-

quiring that the study be submitted to the Governor and the Legislature by a specified date; providing an effective date.

Pursuant to Rule 4.19, **CS for CS for SB 4** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

SENATOR FASANO PRESIDING

On motion by Senator Thrasher—

CS for CS for SB 6—A bill to be entitled An act relating to education personnel; amending s. 39.202, F.S.; authorizing the release of child abuse records to certain employees and agents of the Department of Education; amending s. 447.403, F.S.; deleting a provision that provides for an expedited impasse hearing for disputes involving the Merit Award Program plan to conform to changes made by the act; amending s. 1002.33, F.S.; requiring a charter school to adopt a salary schedule for instructional personnel and school-based administrators which meets certain requirements; providing that charter schools must meet certain requirements for end-of-course assessments, performance appraisals, and certain contracts; deleting a cross-reference to conform to changes made by the act; requiring that the Commissioner of Education review certain charter schools for compliance with the requirements for a salary schedule, assessments, and contracts; requiring a specified funding adjustment to be imposed against a charter school that is not in compliance; amending s. 1003.52, F.S.; deleting a cross-reference to conform to changes made by the act; repealing s. 1003.62, F.S., relating to academic performance-based charter school districts; amending s. 1003.621, F.S.; providing additional requirements for personnel in academically high-performing school districts; repealing s. 1003.63, relating to the deregulated public schools pilot program; amending s. 1004.04, F.S.; revising the criteria for continued approval of teacher preparation programs to include student learning gains; deleting the waiver of admissions criteria for certain students; deleting the criterion relating to employer satisfaction; revising the requirements for a teacher preparation program to provide additional training to a graduate who fails to demonstrate essential skills; deleting a provision that requires state-approved teacher preparation programs and public and private institutions offering training for school-readiness-related professions to report graduate satisfaction ratings; revising the requirements for preservice field experience programs; repealing s. 1004.04(11) and (12), F.S., relating to the Preteacher and Teacher Education Pilot Programs and the Teacher Education Pilot Programs for High-Achieving Students; amending s. 1004.85, F.S.; revising the requirements for individuals who participate in programs at postsecondary educator preparation institutes; revising the requirements for approved alternative certification programs and instructors; creating s. 1008.222, F.S.; requiring school districts to develop and implement end-of-course assessments; requiring a review of assessments by the Commissioner of Education; amending s. 1009.40, F.S.; deleting cross-references to conform to changes made by the act; repealing s. 1009.54, F.S., relating to the Critical Teacher Shortage Program; repealing s. 1009.57, F.S., relating to the Florida Teacher Scholarship and Forgivable Loan Program; repealing s. 1009.58, F.S., relating to the Critical Teacher Shortage Tuition Reimbursement Program; repealing s. 1009.59, F.S., relating to the Critical Teacher Shortage Student Loan Forgiveness Program; amending s. 1009.94, F.S.; deleting cross-references to conform to changes made by the act; creating s. 1011.626, F.S.; providing legislative findings and intent; creating the Performance Fund for Instructional Personnel and School-Based Administrators; providing for calculation of the fund amount; providing for distribution of funds to districts and specifying purposes for which funds may be expended; providing for reversion of unexpended funds; specifying that salary increases from these funds are in addition to other salary adjustments; specifying requirements for individuals paid from federal grants; requiring that each district school board submit its district adopted salary schedule and certain assessments to the Commissioner of Education for review; requiring that the commissioner determine compliance with requirements applicable to the schedules and assessments; requiring a review by the Auditor General of certain classroom teacher contracts; requiring that the Commissioner of Education notify the Governor and Legislature of school districts that fail to comply with salary schedule, assessment, and contract requirements; requiring a specified funding adjustment to be imposed against a school district for such failure to comply; requiring that the State Board of Education adopt rules; amending s. 1011.69, F.S.; deleting a provision that exempts academic performance-based charter school districts from

the Equity in School-Level Funding Act to conform to changes made by the act; amending s. 1012.05, F.S.; revising the Department of Education's responsibilities for teacher recruitment; amending s. 1012.07, F.S.; revising the methodology for determining critical teacher shortage areas; deleting cross-references to conform to changes made by the act; amending s. 1012.22, F.S.; revising the powers and duties of the district school board with respect to school district compensation and salary schedules; requiring that certain performance criteria be included in the adopted schedules; revising the differentiated pay provisions; repealing s. 1012.225, F.S., relating to the Merit Award Program for Instructional Personnel and School-Based Administrators; repealing s. 1012.2251, F.S., relating to the end-of-course examinations for the Merit Award Program; amending s. 1012.33, F.S.; revising provisions relating to contracts with certain educational personnel; requiring a district school board's decision to retain personnel who have continuing contracts or professional service contracts to be primarily based on the employee's performance; deleting requirements that school board decisions for workforce reductions be based on collective bargaining agreements; deleting requirements for district school board rules for workforce reduction; creating s. 1012.335, F.S.; providing definitions; providing employment criteria for newly hired classroom teachers; providing grounds for termination; requiring that the State Board of Education adopt rules defining the term "just cause"; providing guidelines for such term; amending s. 1012.34, F.S.; revising provisions related to the appraisal of instructional personnel and school-based administrators; requiring that the Department of Education approve school district appraisal instruments; requiring the Department of Education to collect appraisal information from school districts and to report such information to the Governor and the Legislature; providing requirements for appraisal systems; authorizing an employee to request that a district school superintendent review an unsatisfactory performance appraisal; conforming provisions to changes made by the act; amending s. 1012.42, F.S.; prohibiting a district school board from assigning a new teacher to teach reading, science, or mathematics if he or she is not certified in those subject areas; repealing s. 1012.52, F.S., relating to legislative intent for teacher quality; amending s. 1012.56, F.S.; revising the certification requirements for persons holding a valid professional standard teaching certificate issued by another state; providing additional means of demonstrating mastery of professional preparation and education competence; requiring that the State Board of Education review the current subject area examinations and increase the scores necessary for achieving certification; authorizing the State Board of Education to adopt rules to allow certain college credit to be used to meet certification requirements; amending s. 1012.585, F.S.; providing for future expiration of provisions governing certification of teachers who hold national certification; revising the renewal requirements for a professional certificate; providing additional requirements that must be met in order to renew the certificate; requiring that the State Board of Education adopt rules for the renewal of a certificate held by a certificateholder who has not been evaluated under s. 1012.34, F.S.; repealing s. 1012.72, F.S., relating to the Dale Hickam Excellent Teaching Program; amending s. 1012.79, F.S.; revising the composition of the Education Practices Commission; conforming provisions to changes made by the act; amending s. 1012.795, F.S.; conforming provisions to changes made by the act; requiring that the Department of Education submit a report on the cost-effectiveness of teacher preparation programs to the Governor and the Legislature by a specified date; specifying the report requirements; requiring that the Office of Program Policy Analysis and Government Accountability submit recommendations to the Legislature relating to changes in the criteria for the continued approval of teacher preparation programs; providing a contingent exemption from certain provisions in the act for certain school districts; providing for severability; providing for application of specified provisions of the act; providing effective dates.

—was read the second time by title.

Senators Aronberg and Sobel offered the following amendment which was moved by Senator Aronberg and failed:

Amendment 1 (545510) (with title amendment)—Delete lines 181-1749 and insert:

Section 1. *A task force shall be established within the Department of Education for the purpose of studying the implications and efficacy of implementing policies that emphasize performance-based pay for teachers and policies that raise the standards for teacher certification. The task force shall also study the impact of requiring district school boards to*

adopt salary schedules that compensate their instructional personnel and school-based administrators on the basis of performance. The task force, in coordination with the Office of Program Policy Analysis and Government Accountability, shall submit a report containing its findings, recommendations, and strategies to the Governor, the President of the Senate, and the Speaker of the House of Representatives on or before July 1, 2012.

Section 2. This act shall take effect July 1, 2010.

And the title is amended as follows:

Delete lines 2-177 and insert: An act relating to education personnel; requiring that a task force be established within the Department of Education to study the implications and efficacy of implementing policies that emphasize performance-based pay for teachers and policies that raise the standards for teacher certification; requiring that the task force also study the impact of requiring district school boards to adopt salary schedules that compensate their instructional personnel and school-based administrators on the basis of performance; requiring that the task force, in coordination with the Office of Program Policy Analysis and Government Accountability, submit a report containing its findings, recommendations, and strategies to the Governor and the Legislature by a specified date; providing an effective date.

THE PRESIDENT PRESIDING

Senators Lawson, Bullard, Hill, Joyner, Siplin, Smith, and Wilson offered the following amendment which was moved by Senator Lawson and failed:

Amendment 2 (187898) (with title amendment)—Delete lines 595 and 596.

And the title is amended as follows:

Delete lines 43-46 and insert: amending s. 1004.85, F.S.;

Senator Lawson moved the following amendment which failed:

Amendment 3 (910474) (with title amendment)—Delete lines 1049-1108 and insert:

Section 26. Section 1012.335, Florida Statutes, is created to read:

1012.335 *Contracts with classroom teachers newly hired on or after July 1, 2010.*—

(1) **DEFINITIONS.**—As used in this section, the term:

(a) “Annual contract” means a contract for a period of no longer than 1 school year which the district school board, in accordance with procedures developed by the school board, may choose to renew or not renew for a subsequent term without cause.

(b) “Classroom teacher” means a classroom teacher as defined in s. 1012.01(2)(a), excluding substitute teachers.

(c) “Performance contract” means a contract for a period of no longer than 1 school year which shall be renewed, in accordance with procedures developed by the district school board, for an additional 1 year term if the classroom teacher serving pursuant to such contract achieves an appraisal rating of effective or highly effective as defined in s. 1012.34.

(d) “Probationary contract” means a contract for a period of no longer than 1 school year during which a classroom teacher may be dismissed without cause, or may resign from the contractual position without breach of contract, in accordance with procedures developed by the district school board.

(2) **EMPLOYMENT.**—

(a) Beginning July 1, 2010, each person newly hired as a classroom teacher by a school district shall receive a probationary contract.

(b) Upon completion of the term of the probationary contract, a classroom teacher who is recommended for additional employment in accordance with procedures developed by the district school board, shall be awarded an annual contract if the teacher:

1. Holds a professional certificate as prescribed by s. 1012.56 and in the rules of the State Board of Education; and

2. Has been recommended by the district school superintendent for an annual contract and approved by the district school board.

(c) Upon completion of 5 years of employment, a classroom teacher shall be awarded a performance contract in accordance with procedures developed by the district school board if the teacher:

1. Holds a professional certificate as prescribed by s. 1012.56 and in the rules of the State Board of Education; and

2. Has been recommended by the district school superintendent for an additional year of employment and approved by the district school board.

(d) If the classroom teacher has received effective or highly effective appraisal ratings during the probationary and 3 annual contract terms, the teacher shall be awarded a performance contract in accordance with procedures developed by the district school board after 4 years of employment if the teacher:

1. Holds a professional certificate as prescribed by s. 1012.56 and in the rules of the State Board of Education; and

2. Has been recommended by the district school superintendent for an additional year of employment and approved by the district school board.

(e) A classroom teacher shall be awarded additional 1 year performance contracts in accordance with procedures developed by the district school board as long as he or she receives an effective or highly effective designation on his or her appraisal pursuant to s. 1012.34 in at least 2 of the 3 preceding years of employment.

(3) **SUSPENSION OR DISMISSAL OF CLASSROOM TEACHERS ON ANNUAL OR PERFORMANCE CONTRACTS.**—A classroom teacher who has an annual or performance contract may be suspended or dismissed at any time during the term of the contract, and a classroom teacher who has a performance contract may be returned to annual-contract status at the end of any school year in accordance with procedures developed by the district school board for just cause as provided in subsection (4). The district school board must notify a classroom teacher in writing of the charges that are made against the classroom teacher, and the district school board may suspend him or her with or without pay in accordance with procedures developed by the school board. The classroom teacher may contest the charges that are made in accordance with procedures adopted by the district school board and chapter 120. If the charges are not sustained, the classroom teacher shall be immediately reinstated and his or her back pay and benefits shall be paid.

(4) **JUST CAUSE.**—The State Board of Education shall adopt rules to define the term “just cause.” Just cause shall include:

(a) Immorality.

(b) Misconduct in office.

(c) Incompetency.

(d) Gross insubordination.

(e) Willful neglect of duty.

(f) Being convicted or found guilty of, or entering a plea of guilty to, regardless of adjudication of guilt, any crime of moral turpitude.

(g) Unsatisfactory performance as demonstrated by a lack of student learning gains as specified in s. 1012.34.

And the title is amended as follows:

Delete lines 118-120 and insert: 1012.335, F.S.; providing definitions; providing employment criteria for classroom teachers; providing grounds for dismissal or suspension; requiring

The vote was:

Yeas—12

Aronberg	Joyner	Siplin
Bullard	Justice	Smith
Gelber	Lawson	Sobel
Hill	Ring	Villalobos

Nays—24

Mr. President	Detert	Lynn
Alexander	Diaz de la Portilla	Negron
Altman	Dockery	Oelrich
Baker	Fasano	Peaden
Bennett	Gaetz	Richter
Constantine	Garcia	Storms
Crist	Haridopolos	Thrasher
Dean	Jones	Wise

MOTION

On motion by Senator Villalobos, the rules were waived and time of recess was extended until the completion of **CS for CS for SB 6** and any motions.

Senator Lawson moved the following amendment which failed:

Amendment 4 (468090) (with directory and title amendments)—Delete lines 1619-1632.

And the directory clause is amended as follows:

Delete lines 1587-1589 and insert:

Section 31. Paragraph (b) of subsection (2) and subsection (5) of section 1012.585, Florida Statutes, are amended to read:

And the title is amended as follows:

Delete lines 156-159 and insert: certification; repealing s. 1012.72, F.S.,

The vote was:

Yeas—12

Aronberg	Joyner	Siplin
Bullard	Justice	Smith
Gelber	Lawson	Sobel
Hill	Ring	Villalobos

Nays—23

Mr. President	Detert	Lynn
Alexander	Diaz de la Portilla	Negron
Altman	Dockery	Oelrich
Baker	Fasano	Peaden
Bennett	Gaetz	Richter
Constantine	Garcia	Thrasher
Crist	Haridopolos	Wise
Dean	Jones	

Vote after roll call:

Nay—Storms

Senator Thrasher moved the following amendment which was adopted:

Amendment 5 (763320) (with title amendment)—Delete line 1633 and insert:

Section 32. Subsection (2) of section 1012.72, Florida Statutes, is amended to read:

1012.72 Dale Hickam Excellent Teaching Program.—

(2) The Dale Hickam Excellent Teaching Program is created to provide categorical funding for bonuses for teaching excellence. The bonuses may be provided for initial certification for up to one 10-year period for *individuals holding NBPTS certification on July 1, 2010, and who remain continuously employed in a public school in this state or the Florida School for the Deaf and the Blind*. The Department of Education shall distribute to each school district an amount as prescribed annually by the Legislature for the Dale Hickam Excellent Teaching Program. For purposes of this section, the Florida School for the Deaf and the Blind shall be considered a school district. Unless otherwise provided in the General Appropriations Act, each distribution shall be the sum of the amounts earned for the following:

(a) 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 school district. The district school board shall distribute the annual bonus to each individual who meets the requirements of this paragraph and who is certified annually by the district to have demonstrated satisfactory teaching performance pursuant to s. 1012.34. The annual bonus may be paid as a single payment or divided into not more than three payments.

(b) 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 (a) and agrees, in writing, to provide the equivalent of 12 workdays of mentoring and related services to public school teachers within the state who do not hold NBPTS certification. Related services must include instruction in helping teachers work more effectively with the families of their students. The district school board shall distribute the annual bonus in a single payment following the completion of all required mentoring and related services for the year. It is not the intent of the Legislature to remove excellent teachers from their assigned classrooms; therefore, credit may not be granted by a school district or public school for mentoring or related services provided during student contact time during the 196 days of required service for the school year.

(c) The employer's share of social security and Medicare taxes for those teachers who receive bonus amounts under paragraph (a) or paragraph (b).

And the title is amended as follows:

Delete lines 159-161 and insert: under s. 1012.34, F.S.; amending s. 1012.72, F.S.; limiting bonuses under the Dale Hickam Excellent Teaching Program to individuals who remain continuously employed in a public school in this state or the Florida School for the Deaf and the Blind; amending s. 1012.79, F.S.; revising the

Senators Thrasher and Crist offered the following amendment which was moved by Senator Crist and adopted:

Amendment 6 (506912) (with title amendment)—Delete lines 1724-1737 and insert:

Section 36. (1) *Any school district that received a grant of at least \$75 million from a private foundation for the purpose of improving the effectiveness of teachers within the school district may seek an annual exemption from the State Board of Education of ss. 1008.222, 1011.626, Florida Statutes, as created by this act, and the amendments to ss. 1012.22 and 1012.34, Florida Statutes, as amended by this act.*

(2) *To receive approval from the State Board of Education for an exemption under this section, a school district must demonstrate to the State Board of Education that it is implementing the following:*

(a) *A teacher appraisal system that uses student performance as the single greatest component of the teacher's evaluation.*

(b) *A teacher compensation system that awards salary increases based on sustained student performance.*

(c) *A teacher contract system that awards contracts based on student performance.*

(3) *The State Board of Education shall annually renew a school district's exemption if the school district provides a progress report that de-*

monstrates that the school district continues to meet the requirements of subsection (2).

(4) *The State Board of Education shall adopt rules pursuant to ss. 120.536(1) and 120.54, Florida Statutes, to establish the procedures for applying for an exemption under this section.*

And the title is amended as follows:

Delete lines 173-175 and insert: teacher preparation programs; authorizing school districts to seek an exemption from the State Board of Education from the requirement of certain laws; authorizing the State Board of Education to adopt rules; providing for severability;

Senator Thrasher moved the following amendment which was adopted:

Amendment 7 (685956) (with title amendment)—Delete line 1744 and insert:

Section 38. *The amendments to s. 1012.33,*

And the title is amended as follows:

Delete line 176 and insert: providing for application of a specified provision of

MOTION

On motion by Senator Thrasher, by the required two-thirds vote, consideration of the following amendment was allowed:

Senator Thrasher moved the following amendment which was adopted:

Amendment 8 (107684)—Delete line 1016 and insert: *teacher as defined in s. 1012.01(2)(a), excluding a substitute teacher, who has no prior K-12*

Pursuant to Rule 4.19, **CS for CS for SB 6** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

MOTIONS RELATING TO COMMITTEE MEETINGS

On motion by Senator Villalobos, the rules were waived and the Committees on Agriculture; Communications, Energy, and Public Utilities; and Community Affairs were granted permission to meet at 1:15 p.m. in lieu of 1:00 p.m. as scheduled this day.

MOTIONS

On motion by Senator Villalobos, by two-thirds vote all bills remaining on the Special Order Calendar this day were placed on the Special Order Calendar for Wednesday, March 24.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Alexander, by two-thirds vote **CS for SB 712** and **CS for SB 1224** were withdrawn from the Policy and Steering Committee on Ways and Means.

On motion by Senator Garcia, by two-thirds vote **SB 2458** was withdrawn from the committees of reference and further consideration.

REPORTS OF COMMITTEES

The Policy and Steering Committee on Ways and Means submits the following bills to be placed on the Special Order Calendar for Tuesday, March 23, 2010: CS for SB 2126 and SJR 2.

Respectfully submitted,
JD Alexander, Chair

The Policy and Steering Committee on Social Responsibility submits the following bills to be placed on the Special Order Calendar for Tuesday, March 23, 2010: CS for CS for SB 4, CS for CS for SB 6, CS for CS for SB 850.

Respectfully submitted,
Don Gaetz, Chair

The Policy and Steering Committee on Governmental Operations submits the following bill to be placed on the Special Order Calendar for Tuesday, March 23, 2010: CS for SB 880.

Respectfully submitted,
Dennis L. Jones, D.C., Chair

The Committee on Agriculture recommends the following pass: SB 2226

The bill was referred to the Committee on Transportation under the original reference.

INTRODUCTION AND REFERENCE OF BILLS

FIRST READING

By Senators Dean and Fasano—

SB 2752—A bill to be entitled An act relating to Citrus County; providing for codification of special laws relating to the Citrus County Hospital Board, an independent special district in Citrus County; providing legislative intent; codifying, amending, and reenacting chapter 99-442, Laws of Florida, as amended, as the “Citrus County Hospital and Medical Nursing and Convalescent Home Act”; deleting obsolete provisions; making technical revisions; repealing prior special acts relating to board; authorizing the board to enter into a lease or contract with a not-for-profit corporation for the purpose of operating and managing the hospital and its facilities; providing requirements for such lease or contract; declaring a need for governance authority to fulfill the hospital board’s public responsibilities; providing for approval by the hospital board of the governing documents of the not-for-profit corporation and of the members of its board of directors; providing that the hospital board is the sole member of the not-for-profit corporation; providing for the hospital board’s approval for a merger or dissolution of the not-for-profit corporation; providing that all members of the hospital board are voting members of the board of directors of the not-for-profit corporation and will comprise a voting majority of the board; requiring hospital board approval of the Chief Executive Officer of the hospital and his or her term of office; requiring hospital board approval for all substantial operating, capital, and debt expenditures; providing for the hospital board’s approval of the annual operating and capital budgets of the not-for-profit corporation; requiring an annual independent audit of the fiscal management of the hospital at the discretion of the hospital board; providing that all records of the not-for-profit corporation, unless exempted, are public records; requiring that proprietary confidential business information be disclosed to the hospital board; providing for interpretation and implementation of the act and for court enforcement; providing for severability; providing for application of the act; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committees on Community Affairs; and Health Regulation.

By Senator Fasano—

SB 2754—A bill to be entitled An act relating to the East Lake Tarpon Community, Pinellas County; providing requirements for the municipal annexation of the East Lake Tarpon Community; requiring a referendum of the electors within the community prior to such annexation; describing the community boundaries; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Community Affairs.

Senate Bills 2756-2774—Not referenced.

By Senator Justice—

SB 2776—A bill to be entitled An act relating to Pinellas County; providing requirements for the municipal annexation of the Lealman Community; requiring a referendum of the electors within the community prior to such annexation; providing for future expiration of such requirement; describing the community boundaries; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Community Affairs.

ADDITIONAL REFERENCES

By Senators Haridopolos, Altman, Smith, Lawson, Rich, Baker, Alexander, Negron, Justice, Hill, Detert, Storms, and Wilson—

SB 12—A bill to be entitled An act for the relief of Stephen Hall; providing an appropriation to compensate Stephen Hall for injuries sustained as a result of the negligence of an employee of the Department of Transportation; providing a limitation of the payment of fees and costs; providing an effective date.

—was also referred to the Committee on Transportation and Economic Development Appropriations.

REFERENCE CHANGES PURSUANT TO RULE 4.7(2)

By the Committees on Children, Families, and Elder Affairs; Military Affairs and Domestic Security; and Military Affairs and Domestic Security—

CS for CS for SB 1404—A bill to be entitled An act relating to veterans' suicide prevention; directing the Department of Veterans' Affairs, in partnership with the Statewide Office for Suicide Prevention and the Department of Children and Family Services, to seek federal funding for a grants program that addresses veterans' outreach and suicide prevention; amending s. 14.20195, F.S.; revising the membership of the Suicide Prevention Coordinating Council to include a representative of the Florida Psychological Association and veterans appointed by the Governor; providing an effective date.

—was placed on the Calendar.

By the Committee on Judiciary; and Senator Bennett—

CS for SB 2060—A bill to be entitled An act relating to sovereign immunity; amending s. 768.28, F.S.; increasing the statutory limits on liability for tort claims against the state and its agencies and subdivisions; providing for application of the act to claims arising on or after the effective date; providing an effective date.

—was referred to the Policy and Steering Committee on Ways and Means.

By the Committee on Health Regulation; and Senator Gardiner—

CS for SB 2138—A bill to be entitled An act relating to health care; repealing s. 112.0455(10)(e), F.S., relating to a prohibition against applying the Drug-Free Workplace Act retroactively; repealing s. 383.325, F.S., relating to the requirement of a licensed facility under s. 383.305, F.S., to maintain inspection reports; repealing s. 395.1046, F.S., relating to the investigation of complaints regarding hospitals; repealing s. 395.3037, F.S.; deleting definitions relating to obsolete provisions governing primary and comprehensive stroke centers; amending s. 400.0239, F.S.; deleting an obsolete provision; repealing s. 400.147(10),

F.S., relating to a requirement that a nursing home facility report any notice of a filing of a claim for a violation of a resident's rights or a claim of negligence; repealing s. 400.148, F.S., relating to the Medicaid "Up-or-Out" Quality of Care Contract Management Program; repealing s. 400.195, F.S., relating to reporting requirements for the Agency for Health Care Administration; amending s. 400.476, F.S.; providing requirements for an alternative administrator of a home health agency; revising the duties of the administrator; revising the requirements for a director of nursing for a specified number of home health agencies; prohibiting a home health agency from using an individual as a home health aide unless the person has completed training and an evaluation program; requiring a home health aide to meet certain standards in order to be competent in performing certain tasks; requiring a home health agency and staff to comply with accepted professional standards; providing certain requirements for a written contract between certain personnel and the agency; requiring a home health agency to provide certain services through its employees; authorizing a home health agency to provide additional services with another organization; providing responsibilities of a home health agency when it provides home health aide services through another organization; requiring the home health agency to coordinate personnel who provide home health services; requiring personnel to communicate with the home health agency; amending s. 400.487, F.S.; requiring a home health agency to provide a copy of the agreement between the agency and a patient which specifies the home health services to be provided; providing the rights that are protected by the home health agency; requiring the home health agency to furnish nursing services by or under the supervision of a registered nurse; requiring the home health agency to provide therapy services through a qualified therapist or therapy assistant; providing the duties and qualifications of a therapist and therapy assistant; requiring supervision by a physical therapist or occupational therapist of a physical therapist assistant or occupational therapist assistant; providing duties of a physical therapist assistant or occupational therapist assistant; providing for speech therapy services to be provided by a qualified speech pathologist or audiologist; providing for a plan of care; providing that only the staff of a home health agency may administer drugs and treatments as ordered by certain health professionals; providing requirements for verbal orders; providing duties of a registered nurse, licensed practical nurse, home health aide, and certified nursing assistant who work for a home health agency; providing for supervisory visits of services provided by a home health agency; repealing s. 408.802(11), F.S., relating to the applicability of the Health Care Licensing Procedures Act to private review agents; repealing s. 409.912(15)(e), (f), and (g), F.S., relating to a requirement for the Agency for Health Care Administration to submit a report to the Legislature regarding the operations of the CARE program; repealing s. 429.12(2), F.S., relating to the sale or transfer of ownership of an assisted living facility; repealing s. 429.23(5), F.S., relating to each assisted living facility's requirement to submit a report to the agency regarding liability claims filed against it; repealing s. 429.911, F.S., relating to grounds for which the agency may take action against the owner of an adult day care center or its operator or employee; providing an effective date.

—was referred to the Committee on Children, Families, and Elder Affairs; and the Policy and Steering Committee on Ways and Means.

By the Committee on Judiciary; and Senator Storms—

CS for SB 2438—A bill to be entitled An act relating to premarital preparation; amending s. 741.0306, F.S.; defining the term "marriage education and family advocate"; providing for the creation and revision of the Florida Marriage Handbook; creating the Marriage Education Committee; providing for membership on the committee; specifying the content and authors for Parts A and B of the handbook; requiring the committee to be reconstituted once every 10 years for the purpose of reviewing and updating the content in the handbook; requiring the committee to submit a report to the Legislature by a specified date; providing an effective date.

—was referred to the Committee on Health and Human Services Appropriations.

By the Committee on Judiciary; and Senator Bennett—

CS for SB 2440—A bill to be entitled An act relating to liability releases; amending s. 549.09, F.S.; redefining the term "nonspectators"

to include a minor on whose behalf a natural guardian has signed a motorsport liability release; providing that a motorsport liability release signed by a natural guardian on behalf of a minor participating in a sanctioned motorsports event is valid to the same extent as for other nonspectators; limiting the validity of a waiver or release signed by a natural guardian on behalf of a minor participating in an activity at a closed-course motorsport facility other than a sanctioned motorsports event; amending s. 744.301, F.S.; authorizing natural guardians to waive, in advance, claims for injuries arising from risks inherent in a commercial activity; defining the term “inherent risk”; providing a statement that must be included in the waiver; creating a rebuttable presumption that a waiver is valid and that the injury arose from the inherent risk; providing the requirements and standard of evidence for overcoming the presumption; authorizing natural guardians to waive, in advance, any claim against a noncommercial provider to the extent allowed by common law; providing an effective date.

—was placed on the Calendar.

**MESSAGES FROM THE HOUSE
OF REPRESENTATIVES**

FIRST READING

The Honorable Jeff Atwater, President

I am directed to inform the Senate that the House of Representatives has passed as amended CS for CS for HB 29 and requests the concurrence of the Senate.

Robert L. “Bob” Ward, Clerk

By Economic Development & Community Affairs Policy Council, Transportation & Economic Development Appropriations Committee and Representative(s) Bembry, Gibson, Schultz—

CS for CS for HB 29—A bill to be entitled An act relating to road and bridge designations; designating Ray Charles Memorial Parkway in Madison County; designating Deputy Victor J. “Skip” McDonald Memorial Highway and Trooper Charles Eugene Campbell Memorial Highway in Taylor County; designating Frank Pasquarella Way, Bob Arbetter’s Way, and Don Shula Drive in Miami-Dade County; designating Captain Chad Allen Reed, Sr., Memorial Highway in Dixie County; designating Trooper Ronald Gordon Smith Memorial Bridge in Citrus County; directing the Department of Transportation to erect suitable markers; providing an effective date.

—was referred to the Committee on Transportation.

CORRECTION AND APPROVAL OF JOURNAL

The Journals of March 18 and March 22 were corrected and approved.

CO-INTRODUCERS

Senators Bennett—CS for SB 2482; Jones—SB 2366; Justice—SB 2520; Lynn—SB 2520; Smith—SB 472; Wilson—CS for SB 434

RECESS

On motion by Senator Villalobos, the Senate recessed at 12:37 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 8:15 a.m., Wednesday, March 24 or upon call of the President.