

1  
2 An act relating to schools; amending s.  
3 1001.47, F.S.; clarifying the applicability of  
4 the salary formula and certification programs  
5 to elected district school superintendents;  
6 amending s. 1001.50, F.S.; authorizing  
7 participation by appointed district school  
8 superintendents in certification programs  
9 established by the Department of Education;  
10 amending s. 1003.02, F.S.; authorizing district  
11 school board attendance policies to allow  
12 accumulated tardies and early departures to be  
13 recorded as unexcused absences; authorizing  
14 district school board policies for student  
15 referral to a child study team under certain  
16 circumstances; amending s. 1003.21, F.S.;  
17 providing that students who have attained 16  
18 years of age and have not graduated are subject  
19 to compulsory school attendance under certain  
20 circumstances; requiring student exit  
21 interviews prior to terminating school  
22 enrollment; amending s. 1003.26, F.S.;  
23 providing district school superintendent's  
24 responsibility to support local law enforcement  
25 agencies in enforcing school attendance;  
26 providing required and authorized child study  
27 team interventions; authorizing visits by  
28 school representatives; transferring and  
29 amending s. 1013.721, F.S.; renaming the  
30 Florida Business and Education in School  
31 Together Program as "A Business-Community (ABC)

1 School Program"; defining the term "A  
2 Business-Community School"; requiring each  
3 school board to submit certain documentation to  
4 the Department of Education; requiring each  
5 school board to designate a school program  
6 liaison; requiring each school district to  
7 establish an evaluation committee; requiring  
8 each school board to provide to the department  
9 information about each member of the committee;  
10 requiring the committee to submit an annual  
11 report to the school board and the  
12 superintendent; providing for the committee's  
13 responsibilities; providing for admissions of  
14 students to the school program; authorizing a  
15 school district and a business to enter into a  
16 contract for operation of the school program;  
17 amending s. 1013.502, F.S.; providing for  
18 facilities for the school program; requiring  
19 certain public schools to have an operational  
20 automated external defibrillator on the school  
21 grounds; providing for training; requiring such  
22 devices to be registered with a local medical  
23 services director; creating s. 1003.493, F.S.;  
24 defining "career and professional academy";  
25 providing academy goals and duties; authorizing  
26 an academy to be offered as a described small  
27 learning community; creating s. 1003.494, F.S.;  
28 requiring the Department of Education to  
29 establish a Career High-Skill Occupational  
30 Initiative for Career Education (CHOICE)  
31 project as a competitive process for the

1 designation of school district participants and  
2 CHOICE academies; defining "CHOICE academy" and  
3 providing purposes thereof; providing  
4 eligibility criteria for such designation and  
5 duties of participating school districts and  
6 the department; providing for the award to  
7 school district participants in the CHOICE  
8 project of startup funds for the development of  
9 CHOICE academies; amending ss. 288.9015 and  
10 445.004, F.S.; providing duties of Enterprise  
11 Florida, Inc., and Workforce Florida, Inc., to  
12 conform; amending s. 1001.43, F.S., relating to  
13 district school board powers and duties;  
14 allowing students to wear sun-protective items  
15 while outdoors during school hours; authorizing  
16 use of federal funds to purchase food when  
17 federal program guidelines permit such use;  
18 amending s. 1006.22, F.S.; revising provisions  
19 for district school board transportation of  
20 students in vehicles other than school buses;  
21 providing requirements with respect to the  
22 awarding of incentives; authorizing incentives  
23 for student performance or attendance and  
24 establishing limits; establishing  
25 responsibilities of school districts and  
26 supplemental educational services providers;  
27 providing requirements for school district and  
28 provider compliance; providing penalties for  
29 noncompliance; authorizing application for  
30 reallocation of funds and providing for appeal;  
31 authorizing adoption of rules and providing for

1 enforcement; requiring the Department of  
2 Education to establish a committee of  
3 practitioners; providing for appointment and  
4 authority; amending s. 1001.451, F.S.;  
5 requiring the determination of services and use  
6 of funds to be established by the board of  
7 directors of a regional consortium service  
8 organization; authorizing establishment of  
9 purchasing and bidding programs in lieu of  
10 individual school district bid arrangements;  
11 authorizing establishment of a direct-support  
12 organization; creating s. 1003.453, F.S.;  
13 requiring each school district to submit to the  
14 Department of Education, by a specified  
15 deadline, copies of the district's school  
16 wellness policy and physical education policy;  
17 requiring the school district to review those  
18 policies annually; requiring the department and  
19 school districts to post links to those  
20 policies on their websites; requiring the  
21 department to provide website links to certain  
22 resources and prescribing the types of  
23 information those resources must provide;  
24 encouraging school districts to provide basic  
25 training in first aid to students in certain  
26 grade levels; amending s. 1003.455, F.S.;  
27 requiring that school district physical  
28 education programs and curricula be reviewed by  
29 a certified physical education instructor;  
30 encouraging school districts to provide  
31 physical education for a specified amount of

1 time; deleting obsolete language; amending s.  
2 381.0056, F.S., the "School Health Services  
3 Act"; requiring schools to annually provide  
4 certain information to students' parents and  
5 guardians; providing requirements relating to  
6 membership of school health advisory  
7 committees; encouraging the committees to  
8 address specified matters; providing an  
9 effective date.

10  
11 Be It Enacted by the Legislature of the State of Florida:

12  
13 Section 1. Section 1001.47, Florida Statutes, is  
14 amended to read:

15 1001.47 District school superintendent; salary.--

16 (1) Each elected district school superintendent shall  
17 receive as salary the amount indicated pursuant to this  
18 section. However, a district school board, by majority vote,  
19 may approve a salary in excess of the amount specified in this  
20 section.

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

ENROLLED

2006 Legislature

CS for CS for SB 772, 2nd Engrossed

1					
2	Pop. Group	County Pop.	Range	Base Salary	Group Rate
3		Minimum	Maximum		
4					
5	I	-0-	49,999	\$21,250	\$0.07875
6	II	50,000	99,999	24,400	0.06300
7	III	100,000	199,999	27,550	0.02625
8	IV	200,000	399,999	30,175	0.01575
9	V	400,000	999,999	33,325	0.00525
10	VI	1,000,000		36,475	0.00400
11	(3) The adjusted base salaries of elected district				
12	school superintendents shall be increased annually as provided				
13	for in s. 145.19. Any salary previously paid to elected				
14	superintendents, including the salary calculated for fiscal				
15	years 2002-2003 and 2003-2004, which was consistent with				
16	chapter 145 and s. 230.303, Florida Statutes (2001), is hereby				
17	ratified and validated.				
18	<del>(4) This section does not apply to a district school</del>				
19	<del>superintendent appointed pursuant to the terms of s. 1001.50.</del>				
20	<u>(4)(5)(a)</u> There shall be an additional \$2,000 per year				
21	special qualification salary <u>paid by district school boards</u>				
22	for each <u>elected</u> district school superintendent who has met				
23	the certification requirements established by the Department				
24	of Education. Any <u>elected</u> district school superintendent who				
25	is certified during a calendar year shall receive in that year				
26	a pro rata share of the special qualification salary based on				
27	the remaining period of the year.				
28	(b) In order to qualify for the special qualification				
29	salary provided by paragraph (a), the <u>elected</u> district school				
30	superintendent must complete the requirements established by				
31					

1 the Department of Education within 6 years after first taking  
2 office.

3 (c) After an elected ~~a~~ district school superintendent  
4 meets the requirements of paragraph (a), in order to remain  
5 certified the district school superintendent shall thereafter  
6 be required to complete each year a course of continuing  
7 education as prescribed by the Department of Education.

8 ~~(5)(6)~~(a) The Department of Education shall provide a  
9 leadership development and performance compensation program  
10 for elected district school superintendents, comparable to  
11 chief executive officer development programs for corporate  
12 executive officers, to include:

13 1. A content-knowledge-and-skills phase consisting of:  
14 creative leadership models and theory, demonstration of  
15 effective practice, simulation exercises and personal skills  
16 practice, and assessment with feedback, taught in a  
17 professional training setting under the direction of  
18 experienced, successful trainers.

19 2. A competency-acquisition phase consisting of  
20 on-the-job application of knowledge and skills for a period of  
21 not less than 6 months following the successful completion of  
22 the content-knowledge-and-skills phase. The  
23 competency-acquisition phase shall be supported by adequate  
24 professional technical assistance provided by experienced  
25 trainers approved by the department. Competency acquisition  
26 shall be demonstrated through assessment and feedback.

27 (b) Upon the successful completion of both phases and  
28 demonstrated successful performance, as determined by the  
29 department, an elected ~~a~~ district school superintendent shall  
30 be issued a Chief Executive Officer Leadership Development  
31 Certificate, ~~and the department shall pay and shall be given~~

1 an annual performance salary incentive of not less than \$3,000  
2 nor more than \$7,500 based upon his or her performance  
3 evaluation.

4 (c) ~~An elected~~ A district school superintendent's  
5 eligibility to continue receiving the annual performance  
6 salary incentive is contingent upon his or her continued  
7 performance assessment and followup training prescribed by the  
8 department.

9 Section 2. Subsection (4) is added to section 1001.50,  
10 Florida Statutes, to read:

11 1001.50 Superintendents employed under Art. IX of the  
12 State Constitution.--

13 (4) A district school superintendent employed under  
14 the terms of this section may participate in the courses of  
15 continuing professional education provided in the special  
16 qualification certification program pursuant to s. 1001.47(4)  
17 and the leadership development and performance compensation  
18 program pursuant to s. 1001.47(5), as established by the  
19 department. Upon successful completion of the certification  
20 requirements for one or both of these programs, the district  
21 school board may use such certification or certifications as a  
22 factor in determining the amount of compensation to be paid.

23 Section 3. Paragraph (b) of subsection (1) of section  
24 1003.02, Florida Statutes, is amended to read:

25 1003.02 District school board operation and control of  
26 public K-12 education within the school district.--As provided  
27 in part II of chapter 1001, district school boards are  
28 constitutionally and statutorily charged with the operation  
29 and control of public K-12 education within their school  
30 district. The district school boards must establish, organize,  
31 and operate their public K-12 schools and educational



1 programs, employees, and facilities. Their responsibilities  
2 include staff development, public K-12 school student  
3 education including education for exceptional students and  
4 students in juvenile justice programs, special programs, adult  
5 education programs, and career education programs.

6 Additionally, district school boards must:

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

12 (b) Enforcement of attendance laws.--Provide for the  
13 enforcement of all laws and rules relating to the attendance  
14 of students at school. District school boards are authorized  
15 to establish policies that allow accumulated unexcused  
16 tardies, regardless of when they occur during the school day,  
17 and early departures from school to be recorded as unexcused  
18 absences. District school boards are also authorized to  
19 establish policies that require referral to a school's child  
20 study team for students who have fewer absences than the  
21 number required by s. 1003.26(1)(b).

22 Section 4. Paragraph (c) of subsection (1) of section  
23 1003.21, Florida Statutes, is amended to read:

24 1003.21 School attendance.--

25 (1)

26 (c) A student who attains the age of 16 years during  
27 the school year is not subject to compulsory school attendance  
28 beyond the date upon which he or she attains that age if the  
29 student files a formal declaration of intent to terminate  
30 school enrollment with the district school board. Public  
31 school students who have attained the age of 16 years and who

1 have not graduated are subject to compulsory school attendance  
2 until the formal declaration of intent is filed with the  
3 district school board. The declaration must acknowledge that  
4 terminating school enrollment is likely to reduce the  
5 student's earning potential and must be signed by the student  
6 and the student's parent. The school district must notify the  
7 student's parent of receipt of the student's declaration of  
8 intent to terminate school enrollment. The student's guidance  
9 counselor or other school personnel must conduct an exit  
10 interview with the student to determine the reasons for the  
11 student's decision to terminate school enrollment and actions  
12 that could be taken to keep the student in school. The student  
13 must be informed of opportunities to continue his or her  
14 education in a different environment, including, but not  
15 limited to, adult education and GED test preparation.  
16 Additionally, the student must complete a survey in a format  
17 prescribed by the Department of Education to provide data on  
18 student reasons for terminating enrollment and actions taken  
19 by schools to keep students enrolled.

20           Section 5. Section 1003.26, Florida Statutes, is  
21 amended to read:

22           1003.26 Enforcement of school attendance.--The  
23 Legislature finds that poor academic performance is associated  
24 with nonattendance and that school districts ~~schools~~ must take  
25 an active role in promoting and enforcing attendance as a  
26 means of improving student ~~the performance of many students~~.  
27 It is the policy of the state that each district school  
28 superintendent be responsible for enforcing school attendance  
29 of all students subject to the compulsory school age in the  
30 school district and supporting enforcement of school  
31 attendance by local law enforcement agencies. The

1 responsibility includes recommending policies and procedures  
2 to the district school board ~~policies and procedures to ensure~~  
3 that require public schools to respond in a timely manner to  
4 every unexcused absence, and every ~~or~~ absence for which the  
5 reason is unknown, of students enrolled in the schools.  
6 District school board policies shall ~~must~~ require the each  
7 parent of a student to justify each absence of the student,  
8 and that justification will be evaluated based on adopted  
9 district school board policies that define excused and  
10 unexcused absences. The policies must provide that public  
11 schools track excused and unexcused absences and contact the  
12 home in the case of an unexcused absence from school, or an  
13 absence from school for which the reason is unknown, to  
14 prevent the development of patterns of nonattendance. The  
15 Legislature finds that early intervention in school attendance  
16 ~~matters~~ is the most effective way of producing good attendance  
17 habits that will lead to improved student learning and  
18 achievement. Each public school shall implement the following  
19 steps to promote and enforce regular school attendance:  
20 (1) CONTACT, REFER, AND ENFORCE.--  
21 (a) Upon each unexcused absence, or absence for which  
22 the reason is unknown, the school principal or his or her  
23 designee shall contact the student's parent to determine the  
24 reason for the absence. If the absence is an excused absence,  
25 as defined by district school board policy, the school shall  
26 provide opportunities for the student to make up assigned work  
27 and not receive an academic penalty unless the work is not  
28 made up within a reasonable time.  
29 (b) If a student has had at least five unexcused  
30 absences, or absences for which the reasons are unknown,  
31 within a calendar month or 10 unexcused absences, or absences

1 for which the reasons are unknown, within a 90-calendar-day  
2 period, the student's primary teacher shall report to the  
3 school principal or his or her designee that the student may  
4 be exhibiting a pattern of nonattendance. The principal shall,  
5 unless there is clear evidence that the absences are not a  
6 pattern of nonattendance, refer the case to the school's child  
7 study team to determine if early patterns of truancy are  
8 developing. If the child study team finds that a pattern of  
9 nonattendance is developing, whether the absences are excused  
10 or not, a meeting with the parent must be scheduled to  
11 identify potential remedies, and the principal shall notify  
12 the district school superintendent and the school district  
13 contact for home education programs that the referred student  
14 is exhibiting a pattern of nonattendance.

15 (c) If an initial meeting does not resolve the  
16 problem, the child study team shall implement the following  
17 ~~interventions that best address the problem. The interventions~~  
18 ~~may include, but need not be limited to:~~

- 19 1. Frequent attempts at communication between the  
20 teacher and the family.†
- 21 2. ~~Changes in the learning environment;~~
- 22 3. ~~Mentoring;~~
- 23 4. ~~Student counseling;~~
- 24 5. ~~Tutoring, including peer tutoring;~~
- 25 6. ~~Placement into different classes;~~
- 26 2.7. Evaluation for alternative education programs.†
- 27 3.8. Attendance contracts.†
- 28 9. ~~Referral to other agencies for family services; or~~
- 29 10. ~~Other interventions, including, but not limited~~  
30 ~~to, a truancy petition pursuant to s. 984.151.~~

31

1 The child study team may, but is not required to, implement  
2 other interventions, including referral to other agencies for  
3 family services or recommendation for filing a truancy  
4 petition pursuant to s. 984.151.

5 (d) The child study team shall be diligent in  
6 facilitating intervention services and shall report the case  
7 to the district school superintendent only when all reasonable  
8 efforts to resolve the nonattendance behavior are exhausted.

9 (e) If the parent refuses to participate in the  
10 remedial strategies because he or she believes that those  
11 strategies are unnecessary or inappropriate, the parent may  
12 appeal to the district school board. The district school board  
13 may provide a hearing officer, and the hearing officer shall  
14 make a recommendation for final action to the district school  
15 board. If the district school board's final determination is  
16 that the strategies of the child study team are appropriate,  
17 and the parent still refuses to participate or cooperate, the  
18 district school superintendent may seek criminal prosecution  
19 for noncompliance with compulsory school attendance.

20 (f)1. If the parent of a child who has been identified  
21 as exhibiting a pattern of nonattendance enrolls the child in  
22 a home education program pursuant to chapter 1002, the  
23 district school superintendent shall provide the parent a copy  
24 of s. 1002.41 and the accountability requirements of this  
25 paragraph. The district school superintendent shall also refer  
26 the parent to a home education review committee composed of  
27 the district contact for home education programs and at least  
28 two home educators selected by the parent from a district list  
29 of all home educators who have conducted a home education  
30 program for at least 3 years and who have indicated a  
31 willingness to serve on the committee. The home education

1 review committee shall review the portfolio of the student, as  
2 defined by s. 1002.41, every 30 days during the district's  
3 regular school terms until the committee is satisfied that the  
4 home education program is in compliance with s. 1002.41(1)(b).  
5 The first portfolio review must occur within the first 30  
6 calendar days of the establishment of the program. The  
7 provisions of subparagraph 2. do not apply once the committee  
8 determines the home education program is in compliance with s.  
9 1002.41(1)(b).

10           2. If the parent fails to provide a portfolio to the  
11 committee, the committee shall notify the district school  
12 superintendent. The district school superintendent shall then  
13 terminate the home education program and require the parent to  
14 enroll the child in an attendance option that meets the  
15 definition of "regular school attendance" under s.  
16 1003.01(13)(a), (b), (c), or (e), within 3 days. Upon  
17 termination of a home education program pursuant to this  
18 subparagraph, the parent shall not be eligible to reenroll the  
19 child in a home education program for 180 calendar days.  
20 Failure of a parent to enroll the child in an attendance  
21 option as required by this subparagraph after termination of  
22 the home education program pursuant to this subparagraph shall  
23 constitute noncompliance with the compulsory attendance  
24 requirements of s. 1003.21 and may result in criminal  
25 prosecution under s. 1003.27(2). Nothing contained herein  
26 shall restrict the ability of the district school  
27 superintendent, or the ability of his or her designee, to  
28 review the portfolio pursuant to s. 1002.41(1)(b).

29           (g) If a student subject to compulsory school  
30 attendance will not comply with attempts to enforce school  
31 attendance, the parent or the district school superintendent

1 or his or her designee shall refer the case to the case  
2 staffing committee pursuant to s. 984.12, and the district  
3 school superintendent or his or her designee may file a  
4 truancy petition pursuant to the procedures in s. 984.151.

5 (2) GIVE WRITTEN NOTICE.--

6 (a) Under the direction of the district school  
7 superintendent, a designated school representative shall give  
8 written notice that requires enrollment or attendance within 3  
9 days after the date of notice, in person or by return-receipt  
10 mail, to the parent when no valid reason is found for a  
11 student's nonenrollment in school. If the notice and  
12 requirement are ignored, the designated school representative  
13 shall report the case to the district school superintendent,  
14 and may refer the case to the case staffing committee,  
15 established pursuant to s. 984.12. The district school  
16 superintendent shall take such steps as are necessary to bring  
17 criminal prosecution against the parent.

18 (b) Subsequent to the activities required under  
19 subsection (1), the district school superintendent or his or  
20 her designee shall give written notice in person or by  
21 return-receipt mail to the parent that criminal prosecution is  
22 being sought for nonattendance. The district school  
23 superintendent may file a truancy petition, as defined in s.  
24 984.03, following the procedures outlined in s. 984.151.

25 (3) RETURN STUDENT TO PARENT.--A designated school  
26 representative may ~~shall~~ visit the home or place of residence  
27 of a student and any other place in which he or she is likely  
28 to find any student who is required to attend school when the  
29 student is not enrolled or is absent from school during school  
30 hours without an excuse, and, when the student is found, shall  
31 return the student to his or her parent or to the principal or

1 teacher in charge of the school, or to the private tutor from  
2 whom absent, or to the juvenile assessment center or other  
3 location established by the district school board to receive  
4 students who are absent from school. Upon receipt of the  
5 student, the parent shall be immediately notified.

6 (4) REPORT TO APPROPRIATE AUTHORITY.--A designated  
7 school representative shall report to the appropriate  
8 authority designated by law to receive such notices, all  
9 violations of the Child Labor Law that may come to his or her  
10 knowledge.

11 (5) RIGHT TO INSPECT.--A designated school  
12 representative shall have the right of access to, and  
13 inspection of, establishments where minors may be employed or  
14 detained only for the purpose of ascertaining whether students  
15 of compulsory school age are actually employed there and are  
16 actually working there regularly. The designated school  
17 representative shall, if he or she finds unsatisfactory  
18 working conditions or violations of the Child Labor Law,  
19 report his or her findings to the appropriate authority.

20 Section 6. Section 1013.501, Florida Statutes, is  
21 transferred, renumbered, as section 1013.721, Florida  
22 Statutes, and amended to read:

23 1013.721 ~~1013.501~~ A Business-Community (ABC) School  
24 ~~Florida Business and Education in School Together (Florida~~  
25 ~~BEST)~~ Program.--

26 (1) In order to increase business partnerships in  
27 education, to reduce school and classroom overcrowding  
28 throughout the state, and to offset the high costs of  
29 educational facilities construction, and to use due diligence  
30 and sound business practices in using available educational  
31 space, the Legislature intends to encourage the formation of



1 partnerships between business and education by creating A  
2 Business-Community (ABC) School ~~the Florida Business and~~  
3 ~~Education in School Together (Florida BEST)~~ Program.

4 (2) "A Business-Community (ABC) School" means a public  
5 school that offers instruction to students from kindergarten  
6 through third grade. The school may offer instruction in any  
7 single grade level or for multiple grade levels. ABC schools  
8 shall comply with the constitutional class size requirements.

9 (3)(2) Each school board shall, through advertisements  
10 in local media and other means, request proposals from area  
11 businesses to allow the operation of a business and education  
12 partnership school in facilities owned or operated by the  
13 business. The Department of Education shall require each  
14 school board to submit documentation to the department which  
15 demonstrates the board's compliance with this advertisement  
16 requirement. Each school board shall designate a school  
17 district employee as the district's ABC program liaison and  
18 shall provide the name and contact information of the liaison  
19 to the department by September 1 of each year.

20 (4)(3) Each school district shall establish an ABC a  
21 ~~Florida BEST~~ school evaluation committee.

22 (a) The committee shall be appointed by the school  
23 board and be composed of one school district administrator, at  
24 least one member of the business community, and at least one  
25 member of a local chamber of commerce. The school board shall  
26 provide the department with the names and contact information  
27 for each member of the committee and notify the department  
28 upon any change in membership or contact information.

29 (b) The committee shall meet at least quarterly and  
30 shall provide an annual report to the school board and the  
31

1 superintendent regarding its activities during the preceding  
2 school year.

3 (c) The committee's responsibilities shall include,  
4 but need not be limited to:

5 1. Creating and implementing a strategic marketing  
6 plan to inform businesses about the benefits of the ABC school  
7 program.

8 2. Providing technical assistance to businesses  
9 seeking to implement an ABC school.

10 3. Informing the public of the benefits of business  
11 and education partnerships.

12 4. Obtaining feedback from potential business partners  
13 on how the ABC program could be improved.

14 5. Identifying local barriers that preclude this  
15 program from operating.

16 6. Developing proposal evaluation criteria and  
17 processes.

18 7. Sharing information on effective ABC school  
19 programs with the department and local communities.

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

26 ~~(e)(e)~~ The committee shall recommend to the school  
27 board those proposals for satellite schools which the  
28 committee deems viable and worthy of being established. The  
29 school board must take official action on the recommendation  
30 of the committee within 60 days after receipt of the  
31 recommendation.

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

7           (5)(a) First priority for admission of students to an  
8 ABC ~~the Florida BEST~~ school shall be given to the children of  
9 owners and employees of the host business. If additional  
10 student capacity remains after those children are admitted,  
11 the host business may designate ~~choose which~~ other neighboring  
12 businesses whose owners or employees may also participate to  
13 generate a viable number of students for the school. The  
14 school board shall make the necessary arrangements to  
15 accommodate students from other school districts whose parents  
16 are associated with the host business or business partners.

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

19           ~~(6)(5)~~ A school district and a host business may enter  
20 into a multiyear contract for operation of an ABC ~~the Florida~~  
21 ~~BEST~~ school ~~may be entered into between the school district~~  
22 ~~and the host business~~. The contract must at least include  
23 provisions relating to any cost of facilities modifications,  
24 provide for the assignment or waiver of appropriate insurance  
25 costs, specify the number of students expected to be served,  
26 provide grounds for canceling the lease, and specify the  
27 advance notice required before the school may be closed.

28           (a) The school board shall be responsible for  
29 providing the appropriate instructional, support, and  
30 administrative staff and textbooks, materials, and supplies.  
31 The school district may also agree to operate or contract for

1 the operation of a before-school and after-school program  
2 using the donated facilities.

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

12 Section 7. Section 1013.502, Florida Statutes, is  
13 amended to read:

14 1013.502 A Business-Community (ABC) Florida BEST  
15 school facilities; standards.--Notwithstanding any local  
16 government ordinance or regulation, any business or  
17 corporation may expand the square footage or floor area of its  
18 current or proposed facility to accommodate an ABC a Florida  
19 ~~Business and Education in School Together (Florida BEST)~~  
20 School, as described under s. 1013.721. Facilities constructed  
21 to house an ABC a Florida BEST school must comply with the  
22 State Uniform Building Code for Public Educational Facilities  
23 Construction adopted pursuant to s. 1013.37 and must meet  
24 state and local health, environmental, and safety laws and  
25 codes.

26 Section 8. (1) Each public school that is a member of  
27 the Florida High School Athletic Association must have an  
28 operational automated external defibrillator on the school  
29 grounds. Public and private partnerships are encouraged to  
30 cover the cost associated with the purchase and placement of  
31

1 the defibrillator and training in the use of the  
2 defibrillator.

3 (2) Each school must ensure that all employees or  
4 volunteers who are reasonably expected to use the device  
5 obtain appropriate training, including completion of a course  
6 in cardiopulmonary resuscitation or a basic first aid course  
7 that includes cardiopulmonary resuscitation training, and  
8 demonstrated proficiency in the use of an automated external  
9 defibrillator.

10 (3) The location of each automated external  
11 defibrillator must be registered with a local emergency  
12 medical services medical director.

13 (4) The use of automated external defibrillators by  
14 employees and volunteers is covered under ss. 768.13 and  
15 768.1325, Florida Statutes.

16 Section 9. Section 1003.493, Florida Statutes, is  
17 created to read:

18 1003.493 Career and professional academies.--

19 (1) A "career and professional academy" is a  
20 research-based program that integrates a rigorous academic  
21 curriculum with an industry-driven career curriculum. Career  
22 and professional academies may be offered by public schools,  
23 school districts, or the Florida Virtual School. Students  
24 completing career and professional academy programs receive a  
25 standard high school diploma, the highest available industry  
26 certification, and postsecondary credit if the academy  
27 partners with a postsecondary institution.

28 (2) The goals of a career and professional academy are  
29 to:  
30  
31

1       (a) Increase student academic achievement and  
2 graduation rates through integrated academic and career  
3 curricula.

4       (b) Focus on career preparation through rigorous  
5 academics and industry certification.

6       (c) Raise student aspiration and commitment to  
7 academic achievement and work ethics.

8       (d) Support graduation requirements by providing  
9 creative, applied majors as provided by law.

10       (e) Promote acceleration mechanisms, such as dual  
11 enrollment, articulated credit, or occupational completion  
12 points, so that students may earn postsecondary credit while  
13 in high school.

14       (f) Support the state's economy by meeting industry  
15 needs for skilled employees in high-demand occupations.

16       (3) A career and professional academy may be offered  
17 as one of the following small learning communities:

18       (a) A school-within-a-school career academy, as part  
19 of an existing high school, that provides courses in one  
20 occupational cluster. Students in the high school are not  
21 required to be students in the academy.

22       (b) A total school configuration providing multiple  
23 academies, each structured around an occupational cluster.  
24 Every student in the school is in an academy.

25       (4) Each career and professional academy must:

26       (a) Provide a rigorous standards-based academic  
27 curriculum integrated with a career curriculum. The curriculum  
28 must take into consideration multiple styles of student  
29 learning; promote learning by doing through application and  
30 adaptation; maximize relevance of the subject matter; enhance  
31

1 each student's capacity to excel; and include an emphasis on  
2 work habits and work ethics.

3 (b) Include one or more partnerships with  
4 postsecondary institutions, businesses, industry, employers,  
5 economic development organizations, or other appropriate  
6 partners from the local community. Such partnerships must  
7 provide opportunities for:

8 1. Instruction from highly skilled professionals.

9 2. Internships, externships, and on-the-job training.

10 3. A postsecondary degree, diploma, or certificate.

11 4. The highest available level of industry  
12 certification. Where no national or state certification  
13 exists, school districts may establish a local certification  
14 in conjunction with the local workforce development board, the  
15 chamber of commerce, or the Agency for Workforce Innovation.

16 5. Maximum articulation of credits pursuant to s.  
17 1007.23 upon program completion.

18 (c) Provide creative and tailored student advisement,  
19 including parent participation and coordination with middle  
20 schools to provide career exploration and education planning.  
21 Coordination with middle schools must provide information to  
22 middle school students about secondary and postsecondary  
23 career education programs and academies.

24 (d) Provide a career education certification on the  
25 high school diploma pursuant to s. 1003.431.

26 (e) Provide instruction in careers designated as high  
27 growth, high demand, and high pay by the local workforce  
28 development board, the chamber of commerce, or the Agency for  
29 Workforce Innovation.

30 (f) Deliver academic content through instruction  
31 relevant to the career, including intensive reading and

1 mathematics intervention, with an emphasis on strengthening  
2 reading for information skills.

3 (g) Offer applied courses that combine academic  
4 content with technical skills. Such courses must be submitted  
5 to the Department of Education no later than 5 months before  
6 the beginning of the school term in which such courses are  
7 planned to be offered. The State Board of Education must  
8 approve or disapprove courses no later than 3 months before  
9 the beginning of the school term in which such courses are  
10 planned to be offered. The department shall present new  
11 courses to the state board for approval a minimum of three  
12 times annually.

13 (h) Provide instruction resulting in competency,  
14 certification, or credentials in workplace skills, including,  
15 but not limited to, communication skills, interpersonal  
16 skills, decisionmaking skills, the importance of attendance  
17 and timeliness in the work environment, and work ethics.

18 (i) Provide opportunities for students to obtain the  
19 Florida Ready to Work Certification as provided by law.

20 (j) Include an evaluation plan developed jointly with  
21 the Department of Education. The evaluation plan must include  
22 a self-assessment tool based on standards, such as the Career  
23 Academy National Standards of Practice, and outcome measures  
24 including, but not limited to, graduation rates, enrollment in  
25 postsecondary education, business and industry satisfaction,  
26 employment and earnings, achievement of industry  
27 certification, awards of postsecondary credit, and FCAT  
28 achievement levels and learning gains.

29 Section 10. Section 1003.494, Florida Statutes, is  
30 created to read:

31



1           1003.494 Career High-Skill Occupational Initiative for  
2 Career Education (CHOICE) academies.--

3           (1) The Department of Education shall establish a  
4 Career High-Skill Occupational Initiative for Career Education  
5 (CHOICE) project. The project shall consist of a competitive  
6 process for selecting and designating school districts as  
7 participants in the project and designating CHOICE academies  
8 within participating school districts.

9           (2) A "CHOICE academy" is a career and professional  
10 academy that meets the goals and requirements specified in s.  
11 1003.493 and offers a rigorous and relevant academic  
12 curriculum leading to industry-recognized certification,  
13 college credit, and credit toward a high school diploma.  
14 Existing career education courses may serve as a foundation  
15 for the creation of a CHOICE academy.

16           (3) The purposes of a CHOICE academy are to:

17           (a) Draw upon ongoing partnerships between education  
18 and workforce development or economic development  
19 organizations to enhance the quality and opportunities for  
20 career education for high school students by exposure to  
21 in-demand career education as identified by such organizations  
22 in the local community.

23           (b) Build upon the state system of school improvement  
24 and education accountability by providing students with a  
25 solid academic foundation, opportunities to obtain  
26 industry-recognized certification or credentials, and  
27 preparation for postsecondary educational experiences in  
28 related fields.

29           (c) Prepare graduating high school students to make  
30 appropriate choices relative to employment and future  
31 educational experiences.

1           (4) The Department of Education may establish  
2 application guidelines for an annual competitive process and  
3 eligibility criteria for school district participation. A  
4 school district may apply to the department for designation as  
5 a CHOICE project participating district, and the department,  
6 in consultation with Workforce Florida, Inc., and Enterprise  
7 Florida, Inc., may designate as many school districts as it  
8 deems advisable each year. Eligibility criteria for  
9 designation of a school district as a CHOICE project  
10 participant shall include, but not be limited to:

11           (a) The willingness and ability of associated  
12 businesses or industries to form partnerships with and support  
13 CHOICE academies.

14           (b) The dedication of school district resources to  
15 CHOICE academies.

16           (5) The Department of Education, in consultation with  
17 Workforce Florida, Inc., shall establish standards for  
18 designating specific CHOICE academies in each participating  
19 school district. A participating school district may apply to  
20 the department for designation of a CHOICE academy within the  
21 district. Eligibility criteria for such designation shall  
22 include, but not be limited to:

23           (a) Partnerships with an associated business or  
24 industry and a regional workforce board or the primary local  
25 economic development organization in the county as recognized  
26 by Enterprise Florida, Inc. The partnership of the business or  
27 industry with the CHOICE academy must be based on the  
28 connection of the business or industry with the academy's  
29 career theme and must involve future plans for improving the  
30 local economy. The business or industry partner must be  
31 consulted during the planning stages of a CHOICE academy and

1 provide business or industry support and resources devoted to  
2 the CHOICE academy. The Consortium of Florida Education  
3 Foundations or a designee must also be consulted during the  
4 planning stages of a CHOICE academy and may provide support  
5 and resources devoted to the CHOICE academy.

6 (b) At least one established partnership and an  
7 articulation agreement for credit with a postsecondary  
8 institution.

9 (c) A plan for sustaining the CHOICE academy.

10  
11 The Okaloosa County School District and other school districts  
12 that have received funding from Workforce Florida, Inc., for  
13 the establishment of CHOICE academies prior to July 1, 2006,  
14 shall receive an expedited review for CHOICE academy  
15 designation by the department.

16 (6) A participating school district shall:

17 (a) Identify an appropriate location for classes.

18 (b) Ensure that a CHOICE academy is flexible enough to  
19 respond both to the needs and abilities of students and to the  
20 needs of associated businesses or industries.

21 (c) Redirect appropriated funding from ongoing  
22 activities to a CHOICE academy.

23 (d) Plan for sustaining a CHOICE academy as an ongoing  
24 program without additional funding.

25 (7) The Department of Education shall:

26 (a) With assistance from Workforce Florida, Inc.,  
27 provide technical assistance to participating school districts  
28 in submitting applications for designation of specific CHOICE  
29 academies located in specific schools in the school district,  
30 reorganizing career education opportunities, developing CHOICE  
31 academies with career themes in areas deemed appropriate by

1 Workforce Florida, Inc., or local economic development  
2 organizations, and developing funding plans.

3 (b) Jointly with Workforce Florida, Inc., and in  
4 consultation with school districts, develop evaluation  
5 criteria for CHOICE academies. Such criteria shall include  
6 increased academic performance of students and schools using  
7 school-level accountability data.

8 (c) Report to the State Board of Education, the  
9 Governor, the President of the Senate, and the Speaker of the  
10 House of Representatives by July 1 of each year on school  
11 district participation in the CHOICE project, designated  
12 CHOICE academies with enrollment and completion data for such  
13 academies, and appropriate outcomes for students who have  
14 completed a CHOICE academy program. Such outcomes may include  
15 continuing educational experiences of CHOICE academy  
16 graduates, business or industry satisfaction with the CHOICE  
17 academies, placement of CHOICE academy graduates in  
18 employment, and earnings of such graduates.

19 (d) Promote CHOICE academies and provide planning and  
20 startup resources as available.

21 (8) As provided in the General Appropriations Act, the  
22 Department of Education shall award one-time startup funds to  
23 school districts designated as participants in the CHOICE  
24 project for the development of CHOICE academies. All school  
25 districts designated by the department are authorized to  
26 establish one or more CHOICE academies without incentive  
27 funds.

28 Section 11. Subsection (7) is added to section  
29 288.9015, Florida Statutes, to read:

30 288.9015 Enterprise Florida, Inc.; purpose; duties.--  
31

1           (7) Enterprise Florida, Inc., shall work with the  
2 Department of Education and Workforce Florida, Inc., in the  
3 designation of school districts as participants in the CHOICE  
4 project pursuant to s. 1003.494.

5           Section 12. Paragraph (i) is added to subsection (5)  
6 of section 445.004, Florida Statutes, to read:

7           445.004 Workforce Florida, Inc.; creation; purpose;  
8 membership; duties and powers.--

9           (5) Workforce Florida, Inc., shall have all the powers  
10 and authority, not explicitly prohibited by statute, necessary  
11 or convenient to carry out and effectuate the purposes as  
12 determined by statute, Pub. L. No. 105-220, and the Governor,  
13 as well as its functions, duties, and responsibilities,  
14 including, but not limited to, the following:

15           (i) Working with the Department of Education and  
16 Enterprise Florida, Inc., in the implementation of the CHOICE  
17 project pursuant to s. 1003.494.

18           Section 13. Paragraph (b) of subsection (1) of section  
19 1001.43, Florida Statutes, is amended, and paragraph (g) is  
20 added to subsection (2) of that section, to read:

21           1001.43 Supplemental powers and duties of district  
22 school board.--The district school board may exercise the  
23 following supplemental powers and duties as authorized by this  
24 code or State Board of Education rule.

25           (1) STUDENT MANAGEMENT.--The district school board may  
26 adopt programs and policies to ensure the safety and welfare  
27 of individuals, the student body, and school personnel, which  
28 programs and policies may:

29           (b) Require uniforms to be worn by the student body,  
30 or impose other dress-related requirements, if the district  
31 school board finds that those requirements are necessary for

1 the safety or welfare of the student body or school personnel.  
2 However, students may wear sunglasses, hats, or other  
3 sun-protective wear while outdoors during school hours, such  
4 as when students are at recess.

5 (2) FISCAL MANAGEMENT.--The district school board may  
6 adopt policies providing for fiscal management of the school  
7 district with respect to school purchasing, facilities,  
8 nonstate revenue sources, budgeting, fundraising, and other  
9 activities relating to the fiscal management of district  
10 resources, including, but not limited to, the policies  
11 governing:

12 (g) Use of federal funds to purchase food when federal  
13 program guidelines permit such use.

14 Section 14. Subsection (1) of section 1006.22, Florida  
15 Statutes, is amended to read:

16 1006.22 Safety and health of students being  
17 transported.--Maximum regard for safety and adequate  
18 protection of health are primary requirements that must be  
19 observed by district school boards in routing buses,  
20 appointing drivers, and providing and operating equipment, in  
21 accordance with all requirements of law and rules of the State  
22 Board of Education in providing transportation pursuant to s.  
23 1006.21:

24 (1)(a) District school boards shall use school buses,  
25 as defined in s. 1006.25, for all regular transportation.  
26 Regular transportation or regular use means transportation of  
27 students to and from school or school-related activities that  
28 are part of a scheduled series or sequence of events to the  
29 same location. "Students" means, for the purposes of this  
30 section, students enrolled in the public schools in  
31 prekindergarten disability programs and in kindergarten

1 through grade 12. District school boards may regularly use  
2 motor vehicles other than school buses only under the  
3 following conditions:

4 1.(a) When the transportation is for physically  
5 handicapped or isolated students and the district school board  
6 has elected to provide for the transportation of the student  
7 through written or oral contracts or agreements.

8 2.(b) When the transportation is a part of a  
9 comprehensive contract for a specialized educational program  
10 between a district school board and a service provider who  
11 provides instruction, transportation, and other services.

12 3.(c) When the transportation is provided through a  
13 public transit system.

14 4.(d) When the transportation is for trips to and from  
15 school sites or agricultural education sites or for trips to  
16 and from agricultural education-related events or  
17 competitions, but is not for customary transportation between  
18 a student's residence and such sites. When the transportation  
19 ~~of students is necessary or practical in a motor vehicle owned~~  
20 ~~or operated by a district school board other than a school~~  
21 ~~bus, such transportation must be provided in designated~~  
22 ~~seating positions in a passenger car not to exceed 8 students~~  
23 ~~or in a multipurpose passenger vehicle designed to transport~~  
24 ~~10 or fewer persons which meets all applicable federal motor~~  
25 ~~vehicle safety standards. Multipurpose passenger vehicles~~  
26 ~~classified as utility vehicles with a wheelbase of 110 inches~~  
27 ~~or less which are required by federal motor vehicle standards~~  
28 ~~to display a rollover warning label may not be used.~~

29  
30 ~~When students are transported in motor vehicles, the occupant~~  
31 ~~crash protection system provided by the vehicle manufacturer~~

1 ~~must be used unless the student's physical condition prohibits~~  
2 ~~such use.~~

3 (b) When the transportation of students is provided,  
4 as authorized in this subsection, in a vehicle other than a  
5 school bus that is owned, operated, rented, contracted, or  
6 leased by a school district or charter school, the following  
7 provisions shall apply:

8 1. The vehicle must be a passenger car or multipurpose  
9 passenger vehicle or truck, as defined in Title 49 C.F.R. part  
10 571, designed to transport fewer than 10 students. Students  
11 must be transported in designated seating positions and must  
12 use the occupant crash protection system provided by the  
13 manufacturer unless the student's physical condition prohibits  
14 such use.

15 2. An authorized vehicle may not be driven by a  
16 student on a public right-of-way. An authorized vehicle may be  
17 driven by a student on school or private property as part of  
18 the student's educational curriculum if no other student is in  
19 the vehicle.

20 3. The driver of an authorized vehicle transporting  
21 students must maintain a valid driver's license and must  
22 comply with the requirements of the school district's locally  
23 adopted safe driver plan, which includes review of driving  
24 records for disqualifying violations.

25 4. The district school board or charter school must  
26 adopt a policy that addresses procedures and liability for  
27 trips under this paragraph, including a provision that school  
28 buses are to be used whenever practical and specifying  
29 consequences for violation of the policy.

30 Section 15. Supplemental educational services in Title  
31 I schools; school district and provider responsibilities.--



1       (1) INCENTIVES.--A provider or school district may not  
2 provide incentives to entice a student or a student's parent  
3 to choose a provider. After a provider has been chosen, the  
4 student may be awarded incentives for performance or  
5 attendance, the total value of which may not exceed \$50 per  
6 student per year.

7       (2) RESPONSIBILITIES OF SCHOOL DISTRICT AND  
8 PROVIDER.--

9       (a) School districts must create a streamlined parent  
10 enrollment and provider selection process for supplemental  
11 educational services and ensure that the process enables  
12 eligible students to begin receiving supplemental educational  
13 services no later than October 15 of each school year.

14       (b) Supplemental educational services enrollment forms  
15 must be made freely available to the parents of eligible  
16 students and providers both prior to and after the start of  
17 the school year.

18       (c) School districts must provide notification to  
19 parents of students eligible to receive supplemental  
20 educational services prior to and after the start of the  
21 school year. Notification shall include contact information  
22 for state-approved providers as well as the enrollment form,  
23 clear instructions, and timeline for the selection of  
24 providers and commencement of services.

25       (d) State-approved supplemental educational services  
26 providers must be able to provide services to eligible  
27 students no later than October 15 of each school year  
28 contingent upon their receipt of their district-approved  
29 student enrollment lists at least 20 days prior to the start  
30 date.

31

1       (e) In the event that the contract with a  
2 state-approved provider is signed less than 20 days prior to  
3 October 15, the provider shall be afforded no less than 20  
4 days from the date the contract was executed to begin  
5 delivering services.

6       (f) A school district must hold open student  
7 enrollment for supplemental educational services unless or  
8 until it has obtained a written election to receive or reject  
9 services from parents in accordance with paragraph (3)(a).

10       (g) School districts, using the same policies applied  
11 to other organizations that have access to school sites, shall  
12 provide access to school facilities to providers that wish to  
13 use these sites for supplemental educational services.

14       (3) COMPLIANCE; PENALTIES FOR NONCOMPLIANCE.--

15       (a) Compliance is met when the school district has  
16 obtained evidence of reception or rejection of services from  
17 the parents of at least a majority of the students receiving  
18 free or reduced-price lunch in Title I schools that are  
19 eligible for parental choice of transportation or supplemental  
20 educational services unless a waiver is granted by the State  
21 Board of Education. A waiver shall only be granted if there is  
22 clear and convincing evidence of the district's efforts to  
23 secure evidence of the parent's decision. Requirements for  
24 parental election to receive supplemental educational services  
25 shall not exceed the election requirements for the free and  
26 reduced-price lunch program.

27       (b) A provider must be able to deliver supplemental  
28 educational services to school districts in which the provider  
29 is approved by the state. If a state-approved provider  
30 withdraws from offering services to students in a school  
31 district in which it is approved and in which it has signed

1 either a contract to provide services or a letter of intent  
2 and the minimums per site set by the provider have been met,  
3 the school district must report the provider to the  
4 department. The provider shall be immediately removed from the  
5 state-approved list for the current school year for that  
6 school district. Upon the second such withdrawal in any school  
7 district, the provider shall be ineligible to provide services  
8 in the state the following year.

9 (4) REALLOCATION OF FUNDS.--If a school district has  
10 not spent the required supplemental educational services  
11 set-aside funding, the district may apply to the Department of  
12 Education after January 1 for authorization to reallocate the  
13 funds. If the Commissioner of Education does not approve the  
14 reallocation of funds, the district may appeal to the State  
15 Board of Education. The State Board of Education must consider  
16 the appeal within 60 days of its receipt and the decision of  
17 the state board shall be final.

18 (5) RULES.--The State Board of Education may adopt  
19 rules pursuant to ss. 120.536(1) and 120.54, Florida Statutes,  
20 to implement the provisions of this section and may enforce  
21 the provisions of this section pursuant to s. 1008.32, Florida  
22 Statutes.

23 Section 16. The Department of Education shall  
24 establish a committee of practitioners pursuant to federal  
25 requirements of the No Child Left Behind Act of 2001. The  
26 committee members shall be appointed by the Commissioner of  
27 Education and shall annually report to the Governor, the  
28 President of Senate, and the Speaker of the House of  
29 Representatives by January 1. The committee shall meet  
30 regularly and is authorized to review potential rules and  
31

1 policies that will be considered by the State Board of  
2 Education.

3 Section 17. Section 1001.451, Florida Statutes, is  
4 amended to read:

5 1001.451 Regional consortium service  
6 organizations.--In order to provide a full range of programs  
7 to larger numbers of students, minimize duplication of  
8 services, and encourage the development of new programs and  
9 services:

10 (1) School districts with 20,000 or fewer unweighted  
11 full-time equivalent students, developmental research  
12 (laboratory) schools established pursuant to s. 1002.32, and  
13 the Florida School for the Deaf and the Blind may enter into  
14 cooperative agreements to form a regional consortium service  
15 organization. Each regional consortium service organization  
16 shall provide, at a minimum, three of the following services:  
17 exceptional student education; teacher education centers;  
18 environmental education; federal grant procurement and  
19 coordination; data processing; health insurance; risk  
20 management insurance; staff development; purchasing; or  
21 planning and accountability.

22 (2)(a) Each regional consortium service organization  
23 that consists of four or more school districts is eligible to  
24 receive, through the Department of Education, an incentive  
25 grant of \$50,000 per school district and eligible member to be  
26 used for the delivery of services within the participating  
27 school districts. The determination of services and use of  
28 such funds shall be established by the board of directors of  
29 the regional consortium service organization.

30 (b) Application for incentive grants shall be made to  
31 the Commissioner of Education by July 30 of each year for

1 distribution to qualifying regional consortium service  
2 organizations by January 1 of the fiscal year.

3 (3) In order to economically provide programs and  
4 services to participating school districts and members, a  
5 regional consortium service organization may establish  
6 purchasing and bidding programs, including construction and  
7 construction management arrangements, in lieu of individual  
8 school district bid arrangements pursuant to policies  
9 exercised by its member districts. Participation in regional  
10 consortium service organization bids shall be accomplished by  
11 action of an individual district school board through a letter  
12 of intent to participate and shall be reflected in official  
13 district school board minutes.

14 (4) A regional consortium service organization board  
15 of directors may elect to establish a direct-support  
16 organization pursuant to s. 1001.453 which is independent of  
17 its fiscal agent district.

18 Section 18. Section 1003.453, Florida Statutes, is  
19 created to read:

20 1003.453 School wellness and physical education  
21 policies; nutrition guidelines.--

22 (1) By September 1, 2006, each school district shall  
23 submit to the Department of Education a copy of its school  
24 wellness policy as required by the Child Nutrition and WIC  
25 Reauthorization Act of 2004 and a copy of its physical  
26 education policy required under s. 1003.455. Each school  
27 district shall annually review its school wellness policy and  
28 physical education policy and provide a procedure for public  
29 input and revisions. In addition, each school district shall  
30 send an updated copy of its wellness policy and physical

31

1 education policy to the department when a change or revision  
2 is made.

3 (2) By December 1, 2006, the department shall post  
4 links to each school district's school wellness policy and  
5 physical education policy on its website so that the policies  
6 can be accessed and reviewed by the public. Each school  
7 district shall provide the most current versions of its school  
8 wellness policy and physical education policy on the  
9 district's website.

10 (3) By December 1, 2006, the department must provide  
11 on its website links to resources that include information  
12 regarding:

13 (a) Classroom instruction on the benefits of exercise  
14 and healthful eating.

15 (b) Classroom instruction on the health hazards of  
16 using tobacco and being exposed to tobacco smoke.

17 (c) The eight components of a coordinated school  
18 health program, including health education, physical  
19 education, health services, and nutrition services.

20 (d) The core measures for school health and wellness,  
21 such as the School Health Index.

22 (e) Access for each student to the nutritional content  
23 of foods and beverages and to healthful food choices in  
24 accordance with the dietary guidelines of the United States  
25 Department of Agriculture.

26 (f) Multiple examples of school wellness policies for  
27 school districts.

28 (g) Examples of wellness classes that provide  
29 nutrition education for teachers and school support staff,  
30 including encouragement to provide classes that are taught by  
31

1 a licensed nutrition professional from the school nutrition  
2 department.

3 (4) School districts are encouraged to provide basic  
4 training in first aid, including cardiopulmonary  
5 resuscitation, for all students, beginning in grade 6 and  
6 every 2 years thereafter. Private and public partnerships for  
7 providing training or necessary funding are encouraged.

8 Section 19. Section 1003.455, Florida Statutes, is  
9 amended to read:

10 1003.455 Physical education; assessment.--

11 (1) It is the responsibility of each district school  
12 board to develop a physical education program that stresses  
13 physical fitness and encourages healthful ~~healthy~~, active  
14 lifestyles and to encourage all students in prekindergarten  
15 through grade 12 to participate in physical education.  
16 Physical education shall consist of physical activities of at  
17 least a moderate intensity level and for a duration sufficient  
18 to provide a significant health benefit to students, subject  
19 to the differing capabilities of students. All physical  
20 education programs and curricula must be reviewed by a  
21 certified physical education instructor.

22 (2) Each district school board shall, ~~no later than~~  
23 ~~December 1, 2004,~~ adopt a written physical education policy  
24 that details the school district's physical education program  
25 and expected program outcomes. ~~Each district school board~~  
26 ~~shall provide a copy of its written policy to the Department~~  
27 ~~of Education by December 15, 2004.~~

28 (3) Each district school board is encouraged to  
29 provide 150 minutes of physical education each week for  
30 students in kindergarten through grade 5 and 225 minutes each  
31 week for students in grades 6 through 8. ~~Any district that~~

1 ~~does not adopt a physical education policy by December 1,~~  
2 ~~2004, shall, at a minimum, implement a mandatory physical~~  
3 ~~education program for kindergarten through grade 5 which~~  
4 ~~provides students with 30 minutes of physical education each~~  
5 ~~day, 3 days a week.~~

6 Section 20. Subsections (5), (6), and (7) of section  
7 381.0056, Florida Statutes, are amended to read:

8 381.0056 School health services program.--

9 (5)(a) Each county health department shall develop,  
10 jointly with the district school board and the local school  
11 health advisory committee, a school health services plan; and  
12 the plan must ~~shall~~ include, at a minimum, provisions for:

13 1.(a) Health appraisal;

14 2.(b) Records review;

15 3.(c) Nurse assessment;

16 4.(d) Nutrition assessment;

17 5.(e) A preventive dental program;

18 6.(f) Vision screening;

19 7.(g) Hearing screening;

20 8.(h) Scoliosis screening;

21 9.(i) Growth and development screening;

22 10.(j) Health counseling;

23 11.(k) Referral and followup of suspected or confirmed  
24 health problems by the local county health department;

25 12.(l) Meeting emergency health needs in each school;

26 13.(m) County health department personnel to assist  
27 school personnel in health education curriculum development;

28 14.(n) Referral of students to appropriate health  
29 treatment, in cooperation with the private health community  
30 whenever possible;

31



1           ~~15.(e)~~ Consultation with a student's parent or  
2 guardian regarding the need for health attention by the family  
3 physician, dentist, or other specialist when definitive  
4 diagnosis or treatment is indicated;

5           ~~16.(p)~~ Maintenance of records on incidents of health  
6 problems, corrective measures taken, and such other  
7 information as may be needed to plan and evaluate health  
8 programs; except, however, that provisions in the plan for  
9 maintenance of health records of individual students must be  
10 in accordance with s. 1002.22;

11           ~~17.(q)~~ Health information which will be provided by  
12 the school health nurses, when necessary, regarding the  
13 placement of students in exceptional student programs and the  
14 reevaluation at periodic intervals of students placed in such  
15 programs; and

16           ~~18.(r)~~ Notification to the local nonpublic schools of  
17 the school health services program and the opportunity for  
18 representatives of the local nonpublic schools to participate  
19 in the development of the cooperative health services plan.

20           (b) Each school health advisory committee must, at a  
21 minimum, include members who represent the eight component  
22 areas of the Coordinated School Health model as defined by the  
23 Centers for Disease Control and Prevention. School health  
24 advisory committees are encouraged to address the eight  
25 components of the Coordinated School Health model in the  
26 school district's school wellness policy pursuant to s.  
27 1003.453.

28           (6) A nonpublic school may request to participate in  
29 the school health services program. A nonpublic school  
30 voluntarily participating in the school health services  
31 program shall:

1           (a) Cooperate with the county health department and  
2 district school board in the development of the cooperative  
3 health services plan;

4           (b) Make available adequate physical facilities for  
5 health services;

6           (c) Provide inservice health training to school  
7 personnel;

8           (d) Cooperate with public health personnel in the  
9 implementation of the school health services plan;

10          (e) Be subject to health service program reviews by  
11 the Department of Health and the Department of Education; ~~and~~

12          (f) At the beginning of each school year, provide  
13 parents and guardians with information concerning ways that  
14 they can help their children to be physically active and to  
15 eat healthful foods; and

16          ~~(g)(f)~~ At the beginning of each school year, inform  
17 parents or guardians in writing that their children who are  
18 students in the school will receive specified health services  
19 as provided for in the district health services plan. A  
20 student will be exempt from any of these services if his or  
21 her parent or guardian requests such exemption in writing.  
22 This paragraph shall not be construed to authorize invasive  
23 screening; if there is a need for such procedure, the consent  
24 of the student's parent or guardian shall be obtained in  
25 writing prior to performing the screening. However, the laws  
26 and rules relating to contagious or communicable diseases and  
27 sanitary matters shall not be violated.

28          (7) The district school board shall:

29           (a) Include health services and health education as  
30 part of the comprehensive plan for the school district;

31

1           (b) Provide inservice health training for school  
2 personnel;  
3           (c) Make available adequate physical facilities for  
4 health services; ~~and~~  
5           (d) At the beginning of each school year, provide  
6 parents and guardians with information concerning ways that  
7 they can help their children to be physically active and to  
8 eat healthful foods; and  
9           ~~(e)(d)~~ At the beginning of each school year, inform  
10 parents or guardians in writing that their children who are  
11 students in the district schools will receive specified health  
12 services as provided for in the district health services plan.  
13 A student will be exempt from any of these services if his or  
14 her parent or guardian requests such exemption in writing.  
15 This paragraph shall not be construed to authorize invasive  
16 screening; if there is a need for such procedure, the consent  
17 of the student's parent or guardian shall be obtained in  
18 writing prior to performing the screening. However, the laws  
19 and rules relating to contagious or communicable diseases and  
20 sanitary matters shall not be violated.

21           Section 21. This act shall take effect July 1, 2006.

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