

State Board of Education
LEGISLATIVE REVIEW

2004 Regular Session



June 2004

FLORIDA DEPARTMENT OF EDUCATION



STATE BOARD OF EDUCATION

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Commissioner of Education



June 17, 2004

Dear Friends:

Thank you for making education a priority. We have leadership willing to hold the line on maintaining high standards and expanding meaningful choice throughout the state. Leaders that are willing to make the tough decisions to ensure that every child has the opportunity to learn to read. Because of your leadership Florida leads the nation in education gains. We are investing in the future, and I know that you are excited to be a part of it as I am.

I applaud the Governor and our State Board of Education for setting meaningful education priorities, the understanding and willingness of legislators in passing significant legislation and the hard work of the staff throughout the year.

In this review document we have tried to make each piece of legislation easy to follow, section by section, without pages and pages of verbiage. If you have any questions contact the Department's Governmental Relations office at (850) 245-0507. If you would like to review the full language of the bill please refer to Online Sunshine.

I hope that you find this document helpful. Once again, thank you for making a difference in the lives of Florida's students.

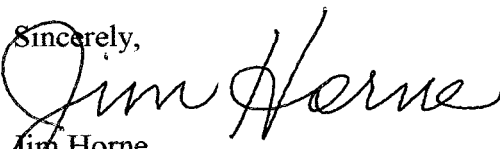
Sincerely,

Jim Horne
Commissioner

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Florida Department of Education

Governmental Relations

Jim Home, Commissioner



Budget and Finance

2004 Legislative Review

Bill Number: HB 237
Short Title of Bill: Tax Holiday – Sales Tax and Gasoline Tax

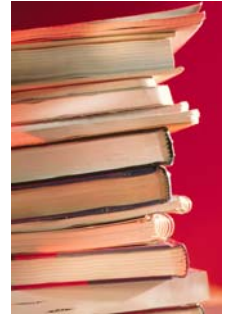
Effective Date: Upon becoming law

Contact: Ray Monteleone, Deputy Commissioner/ Chief Operating/Chief Education Financial Officer, (850) 245-0456
ray.monteleone@fldoe.org

Signed by Governor

Summary:

The bill establishes a sales tax holiday and provides that during the period from 12:01 a.m. on Saturday, July 24, 2004, through midnight on Sunday, August 1, 2004, no sales and use tax will be collected on sales of books, clothing, wallets, or certain bags having a selling price of \$50 or less and that no sales and use tax shall be collected on sales of school supplies having a selling price of \$10 per item or less. The sum of \$206,000 is appropriated from the General Revenue Fund to the Department of Revenue for the purpose of administering the sales tax holiday.



The bill also creates the "Florida Motor Fuel Tax Relief Act of 2004," which reduces the sales tax rate on gasoline by 8 cents per gallon for the month of August 2004. The sum of \$310,000 is appropriated from the General Revenue Fund to the Department of Revenue for the purpose of developing and implementing a public awareness campaign for and administering the motor fuel tax holiday.

Summary by Bill Section:

Section 1: Suspends provisions of s. 212, F.S., to provide that no sales and use tax will be collected on sales of books, clothing, wallets, or certain bags having a selling price of \$50 or less during the period from 12:01 a.m. on Saturday, July 24, 2004, through midnight on Sunday, August 1, 2004. The bill also provides that no sales and use tax shall be collected on sales of school supplies having a selling price of \$10 per item or less during that same period of time. Definitions of these items are also provided. Sales within a theme park or entertainment complex, a public lodging establishment, or an airport are exempted from the provisions of this section of the bill. The Department of Revenue may adopt rules to administer the provisions of the sales tax holiday. The local impact of this reduction will be less than 25 hundredths of one percent on anticipated revenue from sales tax levies.

Sections 2 through 13: These sections are not relevant to education, state employees, or the agency.

Section 14: This section provides that this legislation is effective upon becoming law.

Bill Number: CS/CS/CS/SB 708
Short Title of Bill: Local Government Accountability

Effective Date: Upon becoming law

Contact: Ray Monteleone, Deputy Commissioner/ Chief Operating/Chief Education Financial Officer, (850) 245-0456
ray.monteleone@fldoe.org

Signed by Governor

Summary:

This bill addresses issues of local government financial accountability based on the Auditor General's performance audit of the Local Government Financial Reporting System (AG Report 01-075) and recommendations from other state agencies and local governments.

The bill expands the authority of the Legislative Auditing Committee to ensure compliance with local government reporting requirements, simplifies statutory provisions relating to the filing of complaints for bond validation and bond refunding issues, and clarifies that special districts have the authority to provide some form of health insurance benefit to their officers and employees. Other provisions in this bill provide additional authority to the Department of Management Services (DMS), Division of Retirement (DOR), to compel local governments to respond timely to requests for actuarial information for local pension plans, and provides for procedures for amending budgets of municipalities and special districts; amends and clarifies procedures for dissolving municipalities and special districts. The bill also requires information to clarify classification of special districts upon creation; permits a candidate of a district board of trustees of a fire control board to not appoint a campaign treasurer or designate a primary campaign depository if they do not collect any contributions and the only expense is the filing fee, and provides that any board member who ceases to be a qualified elector is automatically removed from the board; amends notification requirements for counties to report missing county officer fee reports to match current practice; revises the Local Government Financial Emergencies Act to reflect new accounting standards, to provide for an improved process for designating local governments as being in a financial emergency, and to clarify the applicability of the financial emergency law to district school boards; repeals restrictions which are inconsistent with other provisions in law pertaining to local governments bond or reporting issues; and creates a pilot program for Monroe County to provide, through a non-profit corporation, a self-insurance plan approved by the Office of Insurance Regulation, to insure residents of the county who are unable to obtain health insurance.

Summary by Bill Section:

Section 1: Amends s. 11.40 (5), F.S., to give the Legislative Auditing Committee the authority to direct, as opposed to request, the Department of Revenue and the Department Financial Services to withhold any funds not pledged for bond debt service satisfaction which are payable to local entities that have failed to provide financial reports to the state pursuant to s.11.45 (5)-(7) and s. 218.32(1), F.S.

Section 2: Amends s. 11.45, F.S., relating to the duties of the Auditor General, to conform with revisions to ch. 218, part V, F.S. [See sections 24-29 of this bill.] In addition, this section is amended to:

- Clarify the Auditor General's authority to determine the scope of biennial performance audits of local governments;
- Transfer provisions authorizing the Auditor General's authority to promote audit organizations in the offices administered by governmental entities and to provide consultation services to governmental entities on their financial and accounting systems, procedures, and related matters; and
- Specify the procedures to petition for an audit by the Auditor General.

Section 3: Amends s. 11.51, F.S., to conform to the provisions of this bill.

Section 4: Amends s. 61.181(10), F.S., to correct a reference regarding county audit requirements.

Section 5: Amends s. 75.05(3), F.S., to strike the requirement for independent special districts to file a copy of any bond validation complaint with the Division of Bond Finance. This eliminates an unnecessary requirement and conforms the law to the current administrative practice.

Section 6: Amends s. 112.08, F.S., to clarify that special districts have the authority to provide some form of health insurance benefit to their officers and employees. This provides explicit authority for mosquito control districts to provide group insurance to the district's officers.

Section 7: Amends s. 112.625(5), F.S., to add county and district school boards to the definition of "governmental entity." However, there is no impact on counties and school boards because they participate in the Florida Retirement System and are currently subject to the reporting requirements in s. 112.63, F.S.

Section 8: Amends s. 112.63(4), F.S., to authorize the Division of Retirement, within DMS, to request additional material information necessary to complete an actuarial valuation of local government retirement plans. If the request is not complied with, DMS may request that the Department of Revenue (DOR) and the Department of Financial Services withhold state shared revenues (un-bonded BILL: CS/CS/CS/SB 708 Page 9 only) from the local government until the requests are complied with. The proposed subsection (4)(b) directs DMS to also notify the Department of Community Affairs (DCA), and directs DCA to proceed pursuant to the provisions of s.189.421, F.S., regarding an affected special district.

Section 9: Amends s. 130.04, F.S., to delete existing provisions governing notice of bids and disposition of county bonds authorized as the result of an election, and to require the sale of such bonds in the manner provided in s. 218.385, F.S.

Section 10: Amends s. 132.02(1), F.S., relating to the authority of counties, municipalities, school districts, and specific special districts to refund obligations, to apply the provision to counties, municipalities, school districts, and other taxing districts.

Section 11: Amends s. 132.09, F.S., to provide for the sale of county refunding bonds in the manner provided in s. 218.385, F.S.

Section 12: Amends s. 163.05, F.S., relating to the Small County Technical Assistance Program, to conform with revisions to ch. 218, part V, F.S.

Section 13: Amends s. 166.121(2), F.S., to require the issuance of bonds by municipalities to be consistent with s. 218.385, F.S.



Section 14: Amends s. 166.241, F.S., to provide procedures for amending budgets of municipalities. The governing body of a municipality, at any time within a fiscal year, or within up to 60 days following the end of the fiscal year, may amend a budget for that year as follows:

- Appropriations for expenditures within a fund may be decreased or increased by a motion recorded in the minutes, provided the total of the appropriations of the funds is not changed.
- The governing body may establish procedures by which the designated budget officer may authorize certain budget amendments within a department, provided that the total of the appropriations of the department is not changed.
- If a budget amendment is required for a purpose not specifically authorized in the two points immediately above, the budget amendment must be adopted in the same manner as the original budget unless otherwise specified in the respective municipality's charter. These provisions are modeled after similar authority granted to counties in subsection (2) of section 129.06, F.S.

Sections 15 and 16: Amend ss. 175.261 and 185.221, F.S., to conform to the provisions of this act.

Section 17: Amends s. 189.4044, F.S., to clarify and streamline procedures for declaring a special district inactive and dissolving it. Department of Community Affairs (DCA) is required to declare inactive any special district in this state by documenting one of the following:

- If notified by the district's registered agent, or chair of the district's governing body, or the governing body of the appropriate local general-purpose government, in writing that the district has taken no action for two or more years;
- Following an inquiry from DCA, if notified by the district's registered agent, or chair of the district's governing body, or the governing body of the appropriate local general-purpose government, in writing that the district has not had a governing board or a sufficient number of governing board members to constitute a quorum for two or more years (rather than 18 months in current law), or the district fails to respond to DCA's inquiry within 21 days; or

- DCA determines, pursuant to s. 189.421, F.S., that the district has failed to file any of the financial reports listed in s. 189.419, F.S. The DCA, special district, or general-purpose government must publish a notice of the Proposed Declaration of Inactive Status once, rather than twice as required in current law, in a newspaper of general circulation within the county or municipality wherein the territory of the special district is located. However, a copy of such notice must be sent by certified mail to the registered agent or the board, if any. Any objections must be filed pursuant to ch. 120, F.S., within twenty-one days of the publication date, rather than sixty days.

If the district was created by special act of the Legislature, DCA must send a notice of declaration of inactive status to the Speaker of the House of Representatives and the President of the Senate. If the district was created by one or more general purpose local governments, DCA must send a notice of declaration of inactive status to the governing body of each local general-purpose government that created the district.

Section 18: Amends s. 189.412(1), F.S., to delete the requirement that the Special District Information Program collect compliance reports from Department of Revenue (DOR) and the Commission on Ethics. Because these entities do not produce such reports, this requirement is unnecessary. Subsection 189.412(8), F.S., is created to correct cross references and create duties for providing assistance to general-purpose governments and certain state agencies in collecting delinquent reports or information, helping special districts comply with reporting requirements, declaring special districts inactive when appropriate, and, when directed by the Joint Legislative Auditing Committee, initiating enforcement provisions as provided in ss. 189.4044, 189.419, and 189.421, F.S.

Section 19: Amends s. 189.418, F.S., to require that when a new special district is created, a written statement be provided to the DCA that includes a reference to the status of the special district as dependent or independent and the basis for such classification. The section is further amended to authorize the governing body of each special district at any time within a fiscal year or within up to 60 days following the end of the fiscal year to amend a budget for that year. The budget amendment must be adopted by resolution. Other technical cross-referencing changes are made.

Section 20: Amends s. 189.419, F.S., to revise language relating to the effect of failure by special districts to file certain reports. The section is further amended to make technical cross-referencing changes.

Section 21: Amends s. 189.421, F.S., to specify the duties of DCA in contacting and assisting special districts when notified pursuant to s. 189.419, F.S., or s. 11.40(5)(b), F.S., that the required financial reports have not been filed. Failure of special districts to comply with financial reporting requirements after such actions by DCA shall be remedied by writ of certiorari with the Circuit Court of Leon County, Florida.

Section 22: Amends s. 189.428(5), F.S., relating to the oversight review process of special districts, to conform with revisions to ch. 218, part V, F.S.

Section 23: Amends s. 189.439(1)(a), F.S., to authorize special districts to sell bonds in the manner provided in s. 218.385, F.S.

Section 24: Amends s. 191.005, F.S., to permit a candidate of a district board of trustees of a fire control board to not appoint a campaign treasurer or designate a primary campaign depository if the candidate does not collect any contributions and whose only expense is the filing fee, and provides that any board member who ceases to be a qualified elector is automatically removed from the board.

Section 25: Amends s. 218.075(3), F.S., relating to the reduction or waiver of permit fees, to conform to revisions to other sections of ch. 218, part V, F.S.

Section 26: Creates a new subsection (3) to s. 218.32, F.S., to require the Department of Financial Services to notify the President of the Senate and the Speaker of the House of Representatives of any municipality that has not had financial activity for the last four fiscal years. Such notice is sufficient to initiate dissolution procedures described within s. 165.051(1)(a), F.S. Any special law authorizing the incorporation or creation of said municipality must be included within the notification.

Section 27: Repeals s. 218.321, F.S., to eliminate obsolete language concerning local governments' financial statements. Subsection (3) is transferred to s. 218.39(3), F.S., in section 25 of this bill.

Section 28: Amends s. 218.39, F.S., to include subsection (3) of s. 218.321, F.S., which was repealed by section 24 of this bill. This provision requires dependent special districts to provide to local government entities that govern the special district financial information necessary to complete annual audits.

Section 29: Amends s. 218.36(3), F.S., to authorize, rather than require, boards of county commissioners to notify the Governor when a board of county commissioners is unable to obtain county officer fee reports in a timely manner.

Section 30: Amends s. 218.369, F.S., to include "school district" in the term "unit of local government" as it relates to refunding bonds in ss. 218.37-218.386, F.S. BILL: CS/CS/CS/SB 708 Page 12

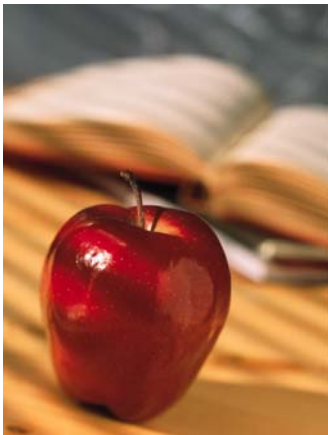
Section 31: Renames the "Local Financial Emergencies Act" as the "Local Governmental Entity and District School Board Financial Emergencies Act" to reflect the inclusion of district school boards.

Section 32: Amends s. 218.50, F.S., to rename the "Local Financial Emergencies Act" as the "Local Governmental Entity and District School Board Financial Emergencies Act."

Section 33: Amends s. 218.501, F.S., to include district school boards in part V of ch. 218, F.S., and to reflect more accurately the purposes of promoting fiscal responsibility.

Section 34: Amends s. 218.502, F.S., to delete district school board from the definition of "local governmental entity." This change helps clarify that district school boards are subject to the oversight of the Commissioner of Education rather than the Governor.

Section 35: Amends s. 218.503, F.S., to clarify that local government entities and district school boards, in determination of financial emergencies, will be subject to review and oversight by the Governor, or the Commissioner of Education for district school boards. The section is further amended to revise conditions triggering such oversight (to conform with changes to new accounting standards in Governmental Accounting Standards Board (GASB) (34), to revise oversight activities, and to provide conditions under which a local government or district school board may resolve the state of financial emergency.



Section 36: Amends s. 218.504, F.S., to authorize the Commissioner of Education, as appropriate, to terminate state actions resulting from a declaration of financial emergency.

Section 37: Repeals ch. 131, F.S. With respect to bond refunding issues, this chapter includes provisions that differ from the provisions of s. 218.385, F.S., or other laws granting local governments the authority to issue bonds, and could inhibit a local government's ability to issue refunding bonds, or to issue such bonds by negotiated sale.

Section 38: Repeals s. 132.10, F.S., relating to minimum sales price of refunding bonds, to delete obsolete or conflicting language.

Section 39: Repeals s. 165.052, F.S., relating to special dissolution procedures for municipalities.

Section 40: Repeals s. 189.409, F.S., relating to determination of financial emergency (special districts), to conform with revisions to ch. 218, part V, F.S.

Section 41: Repeals s. 189.422, F.S., relating to actions of DCA with respect to inactive special districts, to reflect revisions to s. 189.421, F.S.

Section 42: Repeals s. 200.0684, F.S., relating to annual compliance reports by DCA, to delete obsolete language.

Section 43: Repeals s. 218.37(1)(h), F.S., to remove the requirement that the Division of Bond Finance use the copy of the complaint for bond validation to verify compliance of independent special districts with other debt issuance reporting requirements.

Section 44: Amends s. 215.195, F.S., to provide the Chief Financial Officer with the responsibility of preparing the Statewide Cost Allocation Plan (SWCAP), and to provide responsibilities to the Department of Financial Services associated with the SWCAP.

Section 45: Amends s. 1010.47, F.S., to require that school districts must sell bonds in accordance with s. 218.385, F.S., thus conforming this section to proposed changes made in this bill. Section 27 of this bill amends s. 218.369, F.S., to include district school boards in the definition of "unit of local government." Section 218.385, F.S., provides procedures for the sale of bonds for all "units of local government."

Section 46: Amends s. 288.9610, F.S., correcting a cross-reference.

Section 47: Creates a pilot program in Monroe County to explore an alternative for making affordable health insurance coverage available in rural counties. This section also requires an evaluation and recommendations for the future of the program to be submitted no later than January 1, 2006.

Section 48: Repeals s. 373.556, F.S., which contains obsolete language relating to investment of funds by a water management district.

Section 49: Provides that this act will take effect upon becoming a law.

Bill Number: HB 1835
Short Title of Bill: General Appropriations Act

Effective Date: July 1, 2004

Contact: Ray Monteleone, Deputy Commissioner/ Chief Operating/Chief Education Financial Officer, (850) 245-0456
ray.monteleone@fldoe.org

Signed by Governor

Summary:

The Act makes appropriations for providing monies for the annual period beginning July 1, 2004 and ending June 30, 2005. Funds are provided to pay salaries and other expenses, capital outlay – buildings, and other improvements, and for specified purposes of the various agencies of state government.

OPERATING BUDGET

The \$15.9 Billion in General Revenue, Lottery, and Other Trust Funds appropriated for the Florida K-20 education system provides operating resources for the state to continue along the path of access and excellence for all students. The increase in appropriations is \$954.2 million.



Grants and Aids – Special Categories or Grants and Aids – Aid to Local Governments may be advanced quarterly throughout the fiscal year based on projects, grants, contracts and allocation in conference documents.

K-12 EDUCATION

Funds were provided in the Florida Education Finance Program (FEFP) for an additional 58,896 students to be served (total to be served 2,615,127). (Line Items 81 through 87)

For funding for the FEFP, the Legislature authorized state and local revenue of \$15.1 billion, an increase for 2004-05 of \$1.025 billion or 7.30%. (Line Items 81 through 87)

FEFP funds per student will be \$5,764.40, an increase of \$268.56 or 4.89% over actual revenue for 2003-04. (Line Items 81 through 87)

Total funding provided for year two implementation of the Class Size Reduction Constitutional Amendment was \$978.8 million, an increase of \$510.6 million. The Commissioner may withhold disbursement of class size reduction funds until a district is in compliance with reporting information required for class size reduction implementation. (Line Items 6 and 82)

Major policy discussion ensued during the session about the cost of living adjustment in the FEFP, referred to in law as the District Cost Differential (DCD), and the Sparsity Supplement for small school districts with enrollments less than 20,000 students. (Line Item 81)

Proviso language for the Supplemental Academic Instruction (SAI) component of the FEFP specifies that the DOE shall not disburse SAI funds to a district until the superintendent certifies that the district has implemented all the requirements of Section 1008.225, F.S., public school student progression, and remedial instruction. By July 1, 2004, the Department shall provide to the Governor and Legislature a detailed plan for implementation of Section 1008.25, F.S.

\$21.2 million in one-time (non-recurring) non-FEFP general revenue funds (from the sales and gasoline tax holiday limits) were appropriated for school districts whose increase in FEFP funds were negatively affected by a change to the econometrics in the DCD. (Line Item 87A)

Instructional materials funds increased by \$6.5 million to a total of \$234.4 million. Of the total, \$15 million is earmarked for library media materials and \$4.1 million was provided for science lab materials and supplies. Proviso requires each superintendent to certify to the Commissioner that no school district employee or representative associated with the Florida Association of School District Instructional Materials Administrators has received a gift from any vendor. (Line Item 83)

Funding for Student Transportation was increased by almost \$10 million for a total of \$440 million to safely transport Florida students to and from school. (Line Item 85)

Teacher Training funds in the FEFP were continued at \$36 million and the 2003-04 requirement that districts use 50 percent for professional development in scientifically-based reading instruction methods is continued. (Line Item 86)

For Just Read, Florida! \$90.7 million was appropriated, an increase of \$15 million. Also in the FEFP, \$25 million was provided to continue the "summer reading camps" in 2004-05. An additional \$7.8 million was conditionally authorized for Just Read, Florida! in the appropriation for the Florida Information Resource Network (FIRN). (Line Items 9,10F, and 91)

The School Recognition Program provides individual schools with \$100 per student for sustained superior performance (school grade of A) and for increase in performance by a school letter grade from one year to the next (estimated \$140 to \$160 million). (Line Item 7)

Virtual Education remained. From FEFP funds the Virtual High School will receive \$13.4 million, an increase of \$4.1 million, while the K-8 Virtual Education Pilot Program was funded at \$200,000 less, \$4.6 million. (Line Items 10B and 81 through 87)

Mentoring/Student Assistance funds increased \$3.2 million for total funding of \$15.5 million. There are 13 organizations listed in the appropriations bill to receive these funds. (Line Items 10 and 93)

Assistance to Low Performing Schools is funded at \$5.5 million. Funds are provided to continue Florida's partnership with the College Board to improve student achievement and readiness for college, especially in low performing middle and high schools. (Line Item 9A)

The College Reach Out Program was funded at \$3.2 million. (Line Item 96)

WORKFORCE EDUCATION PROGRAMS

An \$18.5 million appropriation for workforce funds for the adult disabled was transferred to the Division of Vocational Rehabilitation. (Line Item 31A)

Workforce Administered Funds for school districts were increased by \$9.8 million to a total of \$388.7 million. (Line Item 122B)

Fees for both school district and community college workforce programs were increased by 5%. (Line Item 122B)

COMMUNITY COLLEGES

Funded the 2003-04 enrollment of 299,143 students at \$4,649 per FTE. (Line Items 11 and 128)

The total state appropriated operating funds for the community colleges was \$1.021 billion, a net increase of \$93.4 million. (Line Items 11, 127 through 134)

Of the appropriation, \$948.1 million was provided directly for the operation of the colleges, an increase of \$63.8 million or 7.21%. This increase, coupled with the authorized fee increase in the amount of \$20.7 million, represents an overall increase of \$84.5 million or 6.5%. (Line Items 11 and 128)

The Phil Benjamin Matching Grants were fully funded at \$50.8 million which funds the backlog through February 1, 2004. (Line Item 129A)

Funding for Baccalaureate Degree Programs was \$7.8 million, an increase of \$3 million over the recurring 2003-04 appropriation. Funding in the item is provided to five colleges. (Line Item 129)

Boards of Trustees are authorized to increase college credit fees by 5% and are required to increase workforce education fees by 5%. (Line Item 128)

STATE UNIVERSITIES

Each university board of trustees is authorized to waive tuition for purposes which support and enhance the mission of the university. All fee waivers must be based on policies which are adopted by university boards of trustees. Each university shall report the purpose, number and value of all fee waivers granted annually in a format which shall be prescribed and reviewed by the Florida Board of Governors.

The appropriation funds enrollment growth of 11,496 students which equates to \$61.5 million of the \$110 million increase in Education and General Activities appropriated funds. The Chancellor must submit a revised five year enrollment plan by September 1, 2004. The State Board shall include in the 2005-2006 Budget Request funds to implement the revised plan. (Line Item 13 and 156)

University Challenge (matching) Grants were funded at \$94.8 million, which funds the backlog through December 31, 2003. (Line Item 163)

The total state appropriated operating funds are \$2.2 billion, a revenue increase of \$118.8 million or a 6.0% increase. Funds are provided for Florida State University to study the feasibility of establishing an institute for the classical arts by January 1, 2005. A total of \$4.2 million is to be allocated for Project "E." (Line Items 13 through 18 and 155A through 165)

Tuition for in-state undergraduates will increase by 7.5%; for out of state undergraduates, professional, and graduates the increase will be 12.5%. The University Board of Trustees will have the authority to further increase nonresident tuition up to 2.5% for any level of instruction. The authorized fee increase will generate additional revenue of \$58.5 million. (Line Item 156)

\$1.6 million in Education and General Activities funds are allocated to the Florida Center for Reading Research. The Center is a statewide resource for schools to receive assistance with implementation of scientifically based reading methods. (Line Item 156)

STUDENT FINANCIAL AID

For selected student financial aid programs, 60 percent of the funds shall be released at the beginning of the first quarter and the balance at the beginning of the third quarter.



The Florida Bright Futures Scholarship, lottery funded merit-based scholarships, were fully funded at \$269.2 million; an increase of \$33.5 million. An amount of \$1 million was included for an increase in the community college capital improvement fee contingent upon SB 2388 or similar legislation becoming law. (Line Item 3)

The Florida Student Assistance Grants (FSAG), need based financial aid, were increased by \$5 million. The total of \$93.9 million included restoration of \$20 million in the prior year non-recurring appropriation. The maximum grant to any student from the Florida Public,

Private and Postsecondary Assistance grant program shall be \$1,592. (Line Item 66)

Florida Resident Access Grants (FRAG) which provides tuition assistance for qualified Florida residents enrolled in Florida private colleges and universities were funded at \$79.8 million for 33,700 students at \$2,369.17 per student, an increase of \$118.09 or 5.25% over current year funding. (Line Item 60)

Funded for the first time were the ABLE (Access to Better Learning and Education) Grants which provide tuition assistance to students enrolled in Florida for-profit colleges and universities. The appropriation was for \$1.8 million to support 1,200 students at \$1,500 per student. (Line Item 55A)

Funding for the Prepaid Tuition Scholarships increased by \$2.4 million for a total of nearly \$6 million. The Prepaid Board is required to prepare a business plan and fund reserve. (Line Item 62)

OTHER EDUCATION PROGRAMS

From the funds provided for the functions of the State Board of Education (Department of Education), the Commissioner shall prepare a cost allocation report to the Governor and Legislature no later than November 15, 2004, for developing and implementing the operating budget for the Knott Data Center.

In addition, the Commissioner shall prepare and provide a report about federal indirect costs on or before October 1, 2004. Funding for the State Student Assessment (testing) Program (Assessment and Evaluation) was budgeted at \$66.3 million, an increase of \$9.2 million. Included in the appropriation is \$1.6 million for the statewide administration to all tenth grade students of the preliminary SAT or ACT college entrance examinations. Funds have been provided for an independent private research organization to analyze and evaluate the performance of corporate tax credit scholarship students on standardized tests contingent on CS/CS/SB 2978 or similar legislation becoming law. (Line Items 12A and 139)

Vocational Rehabilitation was appropriated an additional \$23.4 million for total funding of \$188 million. (Line Items 29 through 38)

Blind Services was appropriated an additional \$1.9 million for total funding of \$41.1 million. Proviso requires periodic reports to the Legislature and Governor about the project to replace and update the Client Rehabilitation Information System (CRIS). (Line Items 39 through 54)

State Board of Education funding increased by \$13.6 million, for a total appropriated amount of \$202.3 million. (Line Items 12A and 135 through 154)

The Florida Information Resource Network (FIRN), a statewide interactive education network designed to support the educational and data transfer requirements of the K-20 education system, was fully funded. In addition, as a contingency, funding related to the potential receipt of eRate discount funds are held in reserve until such time eRate funds are approved. If federal eRate funds are received, \$7.8 million will be spent on Just Read, Florida! (Line Items 10F and 119)

FIXED CAPITAL OUTLAY BUDGET

The Legislature appropriated \$2.1 billion for capital outlay projects and debt service on bonds for Florida schools, colleges and universities. The total includes \$1.5 billion from Public Education Capital Outlay (PECO) sources, \$212.9 million from the net proceeds of the Florida Lottery, \$204.5 million from General Revenue, and \$167.5 million from various other trust funds. The General Revenue funds were provided to pay cash for projects and to minimize obligations for long term debt for the State. In Senate Bill 354, an additional amount of \$445,000 was provided from General Revenue funds for the FSU Charter Lab Elementary School-Broward County and represents the 2 mill equivalent for lab schools.



The \$282.6 million Maintenance, Renovation and Repair PECO and General Revenue appropriation provides \$194.6 million for school districts, \$23.4 million for community colleges, and \$33.8 million for state universities. Also included is \$30.7 million in General Revenue Funds of which \$27.7 million is for Charter Schools and \$3 million is for development of a performing arts charter school. (Line Item 20)

\$100 million in General Revenue funds were appropriated for capital outlay expenses associated with implementation of the class size reduction constitutional amendment. (Line Item 28A)

For Community Colleges \$210.2 million and for State Universities \$288.6 million was appropriated for specific capital outlay projects cited by College and by University in the Conference Report. (Line Items 22 and 23)

Both the Community College and State University facilities matching grants programs were funded from the General Revenue Fund. The Community College Facilities Matching Program was provided with \$22.4 million and the University System Facility Enhancement Challenge Grants was funded at \$18.2 million. (Line Item 25A and 27B)

Seven projects in small school districts are eligible to be funded from the Special Facility Construction Account. The total appropriation for the projects was \$71.4 million. (Line Item 23A)

OTHER SECTIONS OF THE BILL

Items funded for education may be found mainly in Sections 1 and 2 of the Bill which have been summarized above. However there are general policy statements and funding authorizations, including some items for education, in Sections 8 through 35, often referred to as "back of the bill items." Included are provisions for state employee salary increases and bonuses, benefits (health, life and disability insurance), and authorization for several community college and university construction projects.

(NOTE: FOR BUDGET COMPARISONS AND FEFP DETAILS SEE APPENDICES)

Bill Number: HB 1837
Short Title of Bill: Appropriations Act, Implementing Bill
Effective Date: Except where otherwise stated, July 1, 2004
Contact: Ray Monteleone, Deputy Commissioner/ Chief Operating/Chief Education Financial Officer, (850) 245-0456
ray.monteleone@fldoe.org

Signed by Governor

Summary:

The Act provides implementing and administering provisions that apply to the General Appropriations Act for fiscal year 2004-2005. Only those sections of the Bill that apply directly to education or to all state functions are cited in the Section Summary.

Summary by Bill Section:

Section 1 – Statement of intent that the provisions of the Act apply to the General Appropriations Act for fiscal year 2004-2005.

Section 2 – Provides that universities that have not made the transition effective July 1, 2004, from the state accounting system (FLAIR) shall use the state accounting system for 2004-05, but is not required to pay the Department of Financial Services for the use.

Provides for the distribution of appropriations according to operating budgets approved by the university board of trustees. Authorizes boards to amend the operating budget as needed and consolidate appropriations.

Requires each university board of trustees to include in the operating budget the revenue in trust funds supported by student and other fees as well as the trust funds within the Contracts, Grants and Donations; Auxiliary Enterprises; and Sponsored Research budget entities. Authorizes boards to amend the budget as circumstances warrant.

Provides for fixed capital outlay funds for universities that have made the transition from the state accounting system shall be administered by the Department of Education and shall be distributed to the universities as needed for projects based on estimated invoices to be paid during the following 30 days or as required by bond documents. Expenditure of fixed capital outlay appropriations shall be consistent with legislative policy and intent.

This section expires July 1, 2005.

Section 3 – Authorizes Florida State University to construct a classroom building from funds in the Education and General Budget. The section expires July 1, 2005.

Section 13 – Amends Section 381.79, F.S. to permit the use of the revenue from the Brain and Spinal Cord Injury Program Trust Fund for spinal cord injury and brain injury research at the University of Miami. The paragraph expires July 1, 2005.

Section 26 – Technical change to the Financial Management Information Board law that replaces FLAIR/CMS Replacement with Aspire.

Section 28 – Specifies that the budget for the Council for Education Policy Research and Improvement (CEPRI) shall be administered by the Auditor General. However, for programmatic purposes CEPRI shall remain independent of the Auditor General and work products of the Council are advisory. The Section expires July 1, 2005.

Section 29 – Authorizes the Governor's Office to transfer funds appropriated in the appropriation category "Special Categories-Risk Management Insurance" between departments in order to align the budget authority granted with the premiums paid by each department for risk management insurance. This section expires July 1, 2005.

Section 31 – Authorizes the Governor's Office to transfer funds appropriated in the appropriation category "Special Categories-Transfer to Department of Management Services-Human Resource Services Purchased Services Per Statewide

Contract" between departments to align the budget authority with the assessments that must be paid by each agency. This section expires July 1, 2005.

Section 32 – Reenacts the 2003-04 policy about Class C travel prohibiting per diem or subsistence allowance. The paragraph expires July 1, 2005.

Section 33 – Specifies the co-payments under the state employees prescription drug program. The section expires July 1, 2005.

Section 34 – Maintains the annual salaries of members of the House and Senate at the 2003-04 amounts also stipulates that the members are not eligible for bonus payments. The section expires June 30, 2005.

Section 49 – For the 2004-05 fiscal year the first children to be placed in the school readiness program shall be those receiving temporary cash assistance and subject to federal work requirements.

Section 78 – The agency performance measures and standards are incorporated by reference. State agencies are directed to revise their long-range program plans to be consistent with these measures and standards.

Bill Number: HB 1867
Short Title of Bill: Education Budget Conforming Bill

Effective Date: July 1, 2004

Contact: Ray Monteleone, Deputy Commissioner/ Chief Operating/Chief Education Financial Officer, (850) 245-0456
ray.monteleone@fldoe.org

Approved without Signature

Summary:

The law amends sections of substantive law to conform to policies established in the General Appropriations Act. Several of the sections include substantive changes to law that have traditionally been included in the Appropriations Implementing Bill and have been enacted annually.

Summary by Bill Section:

Section 1 – Amends Section 24.121, F.S., to require that school districts establish policies and procedures for the expenditure of lottery funds that define enhancement and the types of expenditure consistent with that definition. Further, neither school district staff nor principals may override the recommendations of the school advisory council or parent advisory committee for the use of lottery discretionary funds.



Section 2 – Limits the amount of corporate tax credits for 2004-2005 contributions to nonprofit scholarship funding organizations to \$50 million.

Section 3 – Amends s. 1000.21, F.S., and renames said community colleges as Chipola College, Edison College, Miami-Dade College and Okaloosa-Walton College.

Section 4 – Amends s. 1002.3, F.S., and places in Statute the policy that University Lab Schools are not subject to the payment of overhead or indirect costs to the host university.

Section 5 – Amends s. 1008.22, F.S., and places in Statute the authority for the Commissioner to use multi-year contracts for assessment, testing and evaluation programs.

Section 6 – Amends s. 1009.23, F.S., to require identical fees for all community college resident students within a college who take a specific course, regardless of the program in which they are enrolled.

Section 7 – Amends s. 1011.57, F.S., and places a restriction for the Florida School for the Deaf and the Blind to authorize fee waivers for out-of-state students.

Section 8 – Amends s. 1011.63, F.S., and places in law the use of state accountability performance grades for the determination of school district eligibility for funding for small, isolated high schools. Amends the law to prohibit the Department of Education from imposing positive financial gain for districts as it relates to the calculation of audit adjustments that reclassify students from group 2 to group 1.

Section 9 – Amends s. 1011.63, F.S., and places in law the prohibition for public education institutions to claim funding for students fully funded by an external agency.

Section 10 – Amends s. 1011.66, F.S., and places in law the FEPF payment schedule on or about the 10th and 26th of each month.

Section 11 – Amends s. 1011.67, F.S., and places in law the distribution of school district instructional materials funds: 50 percent on or about July 10; 35 percent on or about October 10; 10 percent on or about January 10; and 5 percent on or about June 10.

Section 12 – Amends s. 1011.80, F.S., and places in law the prohibition for adult technical education programs that are fully funded from an external agency to claim funding for students.

Section 13 – Amends s. 1011.84, F.S., and provides for separate reporting of community college inmate education programs and prohibits claims for funding when students are fully funded by an external agency.

Section 14 – Amends s. 1012.05, F.S., and authorizes the Department to collect a fee for a teacher job fair and specifies the use of the funds.

Section 15 – Amends s. 1012.72, F.S., and authorizes the payment of the employer's share of social security and Medicare taxes and Florida Retirement System contributions for those teachers who qualify for National Board of Professional Teaching Standards certification and receive bonus payments.

Section 16 – Authorizes FSU to construct a classroom building.



Florida Department of Education

Governmental Relations

Jim Home, Commissioner



K-12 Public Schools

2004 Legislative Review

Bill Number: SB 120
Short Title of Bill: Sexual Offenders/School Bus Stops

Effective Date: October 1, 2004

Key Contact: Ray Monteleone, Deputy Commissioner/ Chief Operating/Chief Education Financial Officer, (850) 245-0456
ray.monteleone@fldoe.org
Jim Warford, Chancellor K-12 Public Schools, (850) 245-0509
jim.warford@fldoe.org

Signed by Governor

Summary:

The bill provides that it is unlawful for any person who has been convicted of a specified sexual offense against a victim under the age of 18 to reside within 1,000 feet of any school, day care center, park, playground, designated public school bus stop, or other place where children regularly congregate. The Department of Corrections is required to notify affected school districts of the location of the releasee's residence prior to release and any subsequent relocations. Requires school districts to relocate certain bus stops. The Department of Corrections and the Parole Commission are prohibited from approving residences for such releasees who are within the specified distances of places where children regularly congregate. The bill makes it unlawful for any person who has been convicted of a specified sexual offense against a victim under the age of 16 to reside within 1,000 feet of any school, day care center, park, or playground and specifies penalties for violations.

Summary by Bill Section:

Section 1 - Amends s. 947.1405(7)(a), F.S., Conditional release program, as follows:

- Prohibits certain sex offenders under conditional release supervision whose victims were under the age of 18 ("releasee") from residing or relocating to a residence within 1,000 feet of a designated public school bus stop by adding such bus stops to the existing list of places where children regularly congregate.
- Beginning October 1, 2004, prohibits the Department of Corrections and the Parole Commission from approving a residence located within 1,000 feet of a school, day care center, park, playground, designated school bus stop, or other place where children regularly congregate for any releasee subject to provisions of this legislation.
- On October 1, 2004, the Department of Corrections shall notify each affected school district of the location of the residence of a releasee 30 days prior to release; thereafter, if the releasee relocates to a new residence, shall notify any affected school district of the residence of the releasee within 30 days after relocation.
- Requires district school boards to relocate any school bus stop which, on October 1, 2004, is located within 1,000 feet of the existing residence of a releasee.
- Beginning October 1, 2004, prohibits district school boards from establishing or relocating a school bus stop within 1,000 feet of the existing residence of a releasee.

Clarifies that the failure of a district school board to comply with this provision shall not result in a violation of conditional release supervision.

Section 2 - Creates s. 794.065, F.S., and makes it unlawful for any person who has been convicted of one of a list of specified sexual offenses against a victim under the age of 16 to reside within 1,000 feet of any school, day care center, park, or playground. This provision applies only to persons convicted of sexual offenses that occur on or after October 1, 2004. The bill also specifies penalties for violations of this section based on the felony degree of the original conviction for a sexual offense.

Section 3 - Provisions of the bill are effective October 1, 2004.

Bill Number: SB 122
Short Title of Bill: Instructional Materials for K-12 Education
Effective Date: July 1, 2004
Contact: Jim Warford, Chancellor, K-12 Public Schools, (850) 245-0509
jim.warford@fldoe.org

Signed by Governor

Summary:

This bill allows the Department of Education to continue a pilot program to enable school districts to realize cost savings in purchasing used instructional materials. Three school districts (Hernando County, Pasco County, and Polk County) may participate. The bill allows charter schools in the three districts to participate in the program. Secondhand book dealers or third party book vendors that provide used, adopted instructional materials to a school district are subject to specific disclosure requirements. The bill also requires that the Council for Education Policy Research and Improvement (CEPRI) submit a report to the Legislature, for consideration during the 2005 Legislative Session, on the cost savings to the school districts due to the pilot program. The pilot program is repealed July 1, 2007.



Summary by Bill Section:

Section 1: Authorizes the Department of Education to continue a pilot program begun in 2003-2004 in Hernando, Polk, and Pasco Counties to purchase used state adopted instructional materials. The vendors of used text books are required to certify to the district the availability and quality of instructional materials, and that the materials are currently adopted, Florida-specific instructional materials. The state will bear no responsibility for any financial loss incurred as a result of participating in the pilot program. The Council for Education Policy Research and Improvement shall report to the House and Senate during the 2005 regular legislative session any cost savings to these districts as a result of this program. The bill provides for the program to be repealed July 1, 2007. (Since the program is authorized through the budget implementing bill, there are no changes to Florida Statutes.)

Section 2: Provisions of the bill are effective July 1, 2004.

Bill Number: SB 184
Short Title of Bill: Student Discipline and School Safety
Effective Date: July 1, 2004
Contact: Jim Warford, Chancellor K-12 Public Schools, (850) 245-0509
jim.warford@fldoe.org

Signed by Governor

Summary:

This bill amends provisions regarding district school board duties pertaining to student discipline and school safety, by amending the requirements for codes of student conduct. It deletes notice requirement for possession of electronic telephone pager while students are on school property or attending school functions. The bill also provides for rules by district school board.

Summary by Bill Section:

Section 1: Amends s. 1006.07, F.S., relating to the student code of conduct and removes from statute the possibility of disciplinary action or criminal penalties for *possession* of an electronic telephone pager by a student while he or she is on school property or in attendance at a school function. Instead, notice must be given to all teachers, school personnel, students, and parents at the beginning of each school year that *using a wireless communications device to commit a criminal act* may result in disciplinary action or criminal penalties. A student may possess a wireless communications device while he or she is on school property or in attendance at a school function, in accordance with rules adopted by the district school board.

Section 2: Provides an effective date of July 1, 2004.



Bill Number: SB 300
Short Title of Bill: Accumulated Sick Leave Payments to Public School Employees

Effective Date: July 1, 2004

Contact: Ray Monteleone, Deputy Commissioner/ Chief Operating/Chief Education Financial Officer, (850) 245-0456
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Summary:

The bill deletes a restriction on who may receive annual payments for accumulated sick leave and revises the restrictions on the amount of payment which an employee may receive for accumulated sick leave when employment is terminated.

Summary by Bill Section:

Section 1: Amends s. 1012.61, F.S., to remove the provision that annual payments for accumulated sick leave earned in one year, but unused in that year, may only apply to instructional staff and educational support employees. The bill provides that the amount of terminal pay for accumulated sick leave earned after June 30, 2004, shall be compensated at no more than the daily rate of pay applicable at the time the sick leave was earned for full-time employees other than instructional staff and educational support employees. For purposes of terminal pay to full-time employees other than instructional staff and educational support employees, the limitation on the number of days of accumulated sick leave to one-fourth of all unused sick leave accumulated on or after July 1, 2001 up to a maximum of 60 days has been deleted.



The bill also removes the requirement that terminal payment for unused sick leave accumulated before July 1, 2001, shall be paid according to policies, contracts, and rules in effect on June 30, 2001, and the requirement that if an employee has an accumulated sick leave balance of 60 days of actual payment or more prior to July 1, 2001, sick leave earned after that date may not be accumulated for terminal pay purposes until the accumulated leave balance for leave earned before July 1, 2001, is less than 60 days.

The effect of this bill is to authorize district school boards to establish policies to allow full-time employees other than instructional staff and educational support employees, i.e., administrators, to receive annual payments for accumulated sick leave. School boards may also establish policies to compensate administrators for accumulated sick leave without the previous restrictions. The limitations contained in Section 1012.61(2)5, F.S., were originally established to prevent an administrator from receiving a "windfall" upon termination of employment which could impose a significant financial burden on a school district. If a highly paid administrator with a large accumulated sick leave chose to retire from employment with a small district or a district that was experiencing financial distress, the impact could jeopardize the financial stability of the district.

Section 2: Provides an effective date of July 1, 2004.

Bill Number: SB 354
Short Title of Bill: Public School Educational Instruction

Effective Date: Upon becoming law

Contact: Jim Warford, Chancellor, K-12 Public Schools, (850) 245-0509
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Signed by Governor

Summary:

The bill creates the "Middle Grades Reform Act" to provide added focus and rigor to academics in middle grades, with reading as the foundation, so that students promoted from the eighth grade will be ready for success in high school. The bill provides for a review of middle grades curricula and course work, and an implementation of research-based, effective reading/language arts curricula. The bill establishes a Rigorous Reading Requirement as the primary component of the school improvement plan for middle schools with fewer than 75% of students reading at or above grade level; a comprehensive reform study on the academic performance of middle grade students and schools; and a personalized middle school success plan for each entering sixth grade student who scored below Level 3 in reading on the Florida Comprehensive Assessment Test (FCAT).

The bill has a provision which directs the Department of Education to conduct a study related to the status of physical education in Florida's schools. This provision requires the Department to select or develop a student fitness assessment and provide support materials to the districts; requires schools to include student health and fitness in their school improvement plans and requires school districts to develop appropriate physical education programs that provide at least moderate intensity level and a written policy detailing the districts' physical education program. The bill also requires the Department to approve a state university physical education teacher education program.

The bill also provides for an appropriation from General Revenue to the FSU Charter Lab Elementary School in Broward County for capital improvement.

Summary by Bill Section:

Sections 1, 3, 6, and 7: Creates s. 1003.415, F. S., "The Middle Grades Reform Act," to provide added focus and rigor to middle grades academics, with reading as the foundation, so that students promoted from the eighth grade will be ready for success in high school; establishes a definition for "middle grades" as grades six, seven, and eight.

Middle Grades Curricula and Coursework

Requires, by 2008-09, implementation of new or revised research-based, proven effective reading/language arts courses in all middle schools. Requires:

- The Department of Education (DOE), in consultation with the Florida Center for Reading Research (FCRR) and designated others, to review course offerings, teacher qualifications, instructional materials, and teaching practices used in middle grades reading/language arts programs.
- The Commissioner of Education to make recommendations to the State Board of Education (SBE) regarding changes to reading/language arts curricula based on research-based proven effective programs.
- The SBE to adopt rules based on the Commissioner's recommendations by March 1, 2005.
- The SBE to implement a phase-in of new or revised middle school reading/language arts courses, beginning in 2005-06 and completed by 2008-09.

Rigorous Reading Requirement

Beginning in 2004-05, by October 1, middle schools with fewer than 75% of students in grades 6, 7, or 8, scoring Level 3 or above on the prior year's administration of the FCAT:

Must incorporate as the primary component of their school improvement plans a Rigorous Reading Requirement which:

- Assists every student to read at or above grade level before entering high school.
- Includes, for the school's low-performing student population, specific areas of deficiency in phonemic awareness, phonics, fluency, comprehension and vocabulary; desired levels of performance in those areas; and the instructional and support services to be provided to meet these areas.
- Utilizes research-based reading activities shown to be successful in teaching reading to low-performing students.

- Must provide quarterly reports to the district superintendent on the progress of students toward increased reading achievement.
- Shall use the results of the Rigorous Reading Requirement as part of the annual evaluation of the schools' instructional and administrative personnel as required in s. 1012.34, F.S.

By June 30 of each school year, DOE shall provide to each school board a list of schools required to implement this requirement. It shall also provide technical assistance to districts and school administrators.

Comprehensive Reform Study

The bill establishes that the Department shall, in consultation with FSU/FCRR and designated others, conduct a study on improvement of the overall performance of middle grade students, reviewing at least the following:



- Academic expectations (alignment of middle school expectations with elementary and high school graduation requirements, best practices to improve reading/language arts programs based on research-based programs in alignment with the Sunshine State Standards, strategies for improving academic success for low-performing students, rigor of curricula and courses, instructional materials, course enrollment, student support services, and measurement and reporting of student achievement).
- Attendance policies and student mobility issues.
- Teacher quality (preparedness to teach rigorous courses to middle school students, teacher evaluations, substitute teachers, certification/recertification requirements, staff development requirements, availability of effective staff development training, teacher recruitment/vacancy issues, and federal requirements for highly qualified teachers pursuant to the No Child Left Behind Act).
- Identification and availability of diagnostic testing.
- Availability of personnel and scheduling issues.
- Middle school leadership and performance.
- Parental and community involvement.

By December 1, 2004, the Commissioner shall submit to specified members of the Legislature and to the SBE recommendations to increase the academic performance of middle grades students and schools.

Personalized Middle School Success Plan

Beginning with the 2004-05 school year, each middle school principal shall designate certified staff members to develop and administer, for each entering sixth grader who scored below Level 3 in reading on the most recent FCAT, a personalized middle school success plan which:

- Assists the student in meeting state and district expectations in academic proficiency and prepares him/her for rigorous high school curriculum.
- Shall be developed in collaboration with the student and his or her parent.
- Must be implemented until the student completes the eighth grade or achieves Level 3 on FCAT Reading.
- Must minimize paperwork and may be incorporated into a parent/teacher conference; included as part of a progress report or report card, or a general orientation at the beginning of the school year; or provided by electronic mail or other written correspondence.

The plan must identify educational goals and intermediate benchmarks in the core curriculum areas which will prepare the student for high school, be based upon academic performance data and identification of the student's strengths and weaknesses, include academic intervention strategies with frequent progress monitoring and provide innovative methods to promote the student's advancement, such as flexible scheduling, tutoring, a focus on core curricula, online instruction, alternative learning environment, or other interventions shown to accelerate the learning process. The plan must also be incorporated into any individual student plan required by state or federal law, including academic improvement plans (AIPs), individual education plans for students with disabilities (IEPs), 504 plans, or ESOL plans.

DOE shall provide technical assistance for districts, school administrators, and instructional personnel to develop the plans. Such assistance shall include strategies and techniques for maximizing interaction between students, parents, teachers, and other staff while minimizing paperwork.

State Board of Education Authority and Responsibilities

The bill also establishes authority for the State Board of Education to enforce provisions in this section (pursuant to s.1008.32, F.S.) and to adopt rules for its implementation (ss. 120.536(1) and 120.54, F.S.).

Sections 2, 3, 4, and 5: - Creates new section of law that requires the Department of Education to conduct a study to determine the status of physical education instruction in the public schools and to develop detailed recommendations for changes to physical education programs. As part of the study, the DOE shall:

- Determine the number of public schools in the state which have eliminated or reduced physical education instruction.
- Assess current issues concerning personnel who teach physical education and determine appropriate roles for all personnel in expanding both physical education and other physical activity for students.
- Determine the average length and frequency of physical education classes in elementary, middle, and high school, respectively, by school district.
- Determine the percent of physical education classes taught by certified physical education instructors.
- Assess the degree to which individual schools within a school district are allowed to add to or modify district requirements for physical education.
- Assess the availability of fitness assessment programs, such as the President's Challenge Physical Fitness Program, which could be adopted by schools or an entire school district in order to provide information regarding and encourage student fitness.
- Determine the methods of providing feedback to a parent through a student assessment report that would summarize a student's results and the school's results as set forth in an assessment tool, such as the Fitness gram or the School Health Index of the Centers for Disease Control and Prevention.
- Develop recommendations for the most efficient ways to substantially increase the level of physical education and physical activity for students in grades pre-kindergarten through grade 5, grades 6 through 8, and grades 9 through 12, by group.

The study results must also contain an assessment developed by the DOE of the fiscal impact of any recommended changes. DOE shall submit a report on the study to the Governor and the Legislature by February 1, 2005.

DOE shall select or develop by March 1, 2005, a physical fitness assessment instrument that the school districts may use in assessing and reporting individual student fitness and a standard report form for this information which may be provided to parents.

By December 1, 2004, the DOE shall develop support materials and distribute the materials to each school district to enable implementation of recommended fitness assessment programs. The support materials must include the necessary instructions, procedures, and forms to implement and successfully administer the programs or reports. DOE will develop and distribute other support or informational materials to assist schools or school districts in improving student health and fitness through local action.

School Improvement Plans

Amends s. 1001.42, F.S. (Powers and duties of district school board) to require the district school board to:

- Expand school improvement plans to include a rigorous reading component (if required) and student health and fitness, including physical fitness, parental information on student health on student health and fitness, and indoor, environmental air quality
- Address the implementation of student health and fitness standards.

Physical Education Assessment

Creates s. 1003.455, F.S. (Physical education; assessment) to specify that:

- It is the responsibility of each district school board to develop a physical education program that stresses physical fitness and encourages healthy, active lifestyles and to encourage all students in prekindergarten through grade 12 to participate in physical education. Physical education shall consist of physical activities of at least moderate intensity level and for duration sufficient to provide a significant health benefit to students, subject to the differing capabilities of the students.

- Each district school board shall, no later than December 1, 2004, adopt a written physical education policy that details the school district's physical education program and expected program outcomes. Each district school board shall provide a copy of its written policy to the DOE by December 15, 2004.
- Any district that does not adopt a physical education policy by December 1, 2004, shall, at a minimum, implement a mandatory physical education program for kindergarten through grade 5 which provides students with 30 minutes of physical education each day, 3 days per week.

Physical Education Professional Development

Amends s. 1012.98, F.S. (School Community Professional Development Act) to specify that the DOE shall approve a public state university having an approved physical education teacher preparation program within its college of education to develop and implement an Internet-based clearinghouse for physical education professional development programs that may be accessed and used by all instructional personnel. The development of these programs shall be financed primarily by private funds and shall be available for use no later than August 1, 2005.

Section 8: FSU Charter Lab School Appropriation – Appropriates \$445,000 in General Revenue Funds to the FSU Charter Lab Elementary School in Broward County for capital improvement purposes as delineated in s. 1002.32(9)(e), F.S.



Bill Number: SB 364
 Short Title of Bill: Public K-12 Educational Instruction

Effective Date: Upon becoming law

Contact: Jim Warford, Chancellor, K-12 Public Schools, (850) 245-0509
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Signed by Governor

Summary:

This bill revises current laws relating to three-year graduation programs to add new course, grade, and testing requirements to both three-year graduation programs; requires that additional information be given students and their parents regarding high school graduation requirements and requires them to meet with school personnel for further explanation prior to selecting the three-year accelerated high school graduation option; permits students who chose an accelerated high school program in 2003-2004 to continue their chosen program with all current requirements remaining the same; extends policy for students to use concordant scores on SAT or ACT to meet FCAT requirements for graduation.

The bill requires each elementary school to assess the reading ability of each K-3 student, provide parents with notification of any reading deficiency, implement a detailed academic improvement plan (AIP), and provide intensive reading instruction; revises the required notice to parents of third grade students with substantial reading deficiencies to include information about additional evaluations, portfolio review and assessment to determine whether the student is ready for promotion, and information on the district's specific criteria and policies for mid-year promotion; defines mid-year promotion; makes a technical correction related to students who were previously retained in grade three; for third graders who are retained, requires appropriate intensive interventions, including the provision of summer reading camps; specifies the activities and supports to be provided to retained third graders, including the use of a state-identified reading curriculum that meets certain specifications; provides for intensive acceleration for students currently retained who score Level 1 in reading; requires a report to the State Board of Education on the interventions provided; requires the option of placement in a transitional setting for retained third graders.



Summary by Bill Section:

Section 1:— Amends s. 1003.429, F.S. (*Accelerated High School Graduation Options*), to revise the requirements for accelerated high school graduation programs for students who enter the ninth grade in the 2004-2005 school year and thereafter. The bill establishes that beginning with the 2004-2005 school year, students who enter ninth grade may select one of three high school graduation options (standard high school graduation program, three-year standard college preparatory program, or three-year career preparatory program).

Students in a college preparatory program must have *at least six of the 18 credits required for completion of the this program and must be received in classes that are honors; dual enrollment; advanced placement; International Baccalaureate; Advanced International Certificate of Education; specifically listed or identified by the Department of Education as rigorous pursuant to s. 1009.531(3), F.S.; or weighted by the district school board for class ranking purposes.*

The 18 academic credits required for completion of this program shall be distributed as follows:

- Four credits in English, with major concentration in composition and literature.
- Three credits in mathematics at the Algebra I level or higher from the list of courses that qualify for state university admission.
- Three credits in natural science, two of which must have a laboratory component.
- Three credits in social sciences, *which must include one credit in American history, one credit in world history, one-half credit in American government, and one-half credit in economics.*
- Two credits in the same second language.
- Three credits in electives.

Students in a Career preparatory program must have the 18 academic credits required for this program and they shall be distributed as follows:

- Four credits in English, with major concentration in composition and literature.
- Three credits in mathematics, one of which must be Algebra I.
- Three credits in natural science, two of which must have a laboratory component.
- Three credits in social sciences, which must include one credit in American history, one credit in world history, one-half credit in American government, and one-half credit in economics.
- 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.
- Two credits in electives unless five credits are earned pursuant to subparagraph 5.

(Note: Provision deletes requirement to earn two credits in same second language).

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.

Prior to a student selecting a college preparatory program or a career preparatory program, the school personnel shall meet with the student and student's parent to give an explanation of the relative requirements, advantages, and disadvantages of each graduation option. The student shall also submit to the high school principal and guidance counselor a signed parental consent to enter the three-year accelerated graduation program. The student shall have achieved at least a Florida Comprehensive Assessment Test (FCAT) reading achievement level of 3, an FCAT mathematics achievement level of 3, and an FCAT writing score of 3 on the most recent assessments taken by the student.

Beginning with the 2004-2005 school year, each district school board shall provide each student in grades six through nine and their parents with information concerning the three-year and four-year high school graduation options, including the respective curriculum requirements for those options, so that students and their parents may select the postsecondary education or career plan that best fits their needs. The information shall include a timeframe for achieving each graduation option

Selection of one of the graduation options must be completed by the student prior to the end of grade nine, subject to the requirements as stated above. Each district school board shall establish policies for extending this deadline to the end of a student's first semester of grade ten for a student who entered a Florida public school after grade nine upon transfer from a private school or another state or who was prevented from choosing a graduation option due to illness during the ninth grade.

Students pursuing accelerated three-year high school graduation options are required to earn passing scores on the FCAT as defined in s. 1008.22(3)(c), F.S., or scores on a standardized test that are concordant with passing scores on the FCAT as defined in s. 1008.22(9), F.S. Students must also achieve a cumulative weighted grade point average of a 3.0 on a 4.0 scale, or its equivalent, in the courses required for the college preparatory accelerated high school graduation option. In addition they must achieve a cumulative weighted grade point average of 3.0 on a 4.0 scale, or its equivalent, in the courses required for the career preparatory accelerated three-year high school graduation option; receive a weighted or unweighted grade that earns at least 3.0 points, or its equivalent, to earn course credit toward the 18 credits required for the college preparatory accelerated three-year high school graduation option; and receive a weighted or unweighted grade that earns at least 2.0 points, or its equivalent, to earn course credit toward the 18 credits required for the career preparatory accelerated three-year high school graduation.

Weighted grades referred to above shall be applied to those courses specifically listed or identified by the Department as rigorous pursuant to s. 1009.531(3), F.S., or weighted by the district school board for class ranking purposes.

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:

- The requirements that the student is not currently meeting.
- The specific performance necessary in grade 11 for the student to meet the accelerated graduation requirements.
- The right of the student to change to the four-year program set forth in s. 1003.43, F.S..

A student who selected one of the accelerated three-year graduation options shall automatically move to the four-year program set forth in s. 1003.43, F.S., if the student:

- Exercises his or her right to change to the four-year program.
- Fails to earn five credits by the end of grade nine or fails to earn 11 credits by the end of grade ten.
- Does not achieve a score of 3 or higher on the grade 10 FCAT writing assessment; or
- By the end of grade 11 does not meet requirements.

Section 2: Amends s. 1003.43, F.S. (*High School Graduation Requirements*), to specify that, in order to graduate, students must earn passing scores on the FCAT or scores on a standardized test that are concordant with passing scores on the FCAT as defined in s. 1008.22(9), F.S..

Section 3: Amends s. 1008.22(9), F.S. (*Alternative Assessments*), to authorize the Commissioner of Education to approve the use of the SAT and ACT tests as alternative assessments to the grade 10 FCAT for the 2003-2004 school year. Students who attain scores on the SAT or ACT which equate to the passing scores on the grade 10 FCAT for purposes of high school graduation shall satisfy the assessment requirement for a standard high school diploma as provided in s. 1003.429(6)(a) or 1003.43(5)(a), F.S., for the 2003-2004 school year.

However, a student shall be required to take the grade 10 FCAT a total of three times without earning a passing score in order to use the scores on an alternative assessment. This requirement shall not apply to a student who is a new student to the public school system in grade 12.

Section 4: Amends s. 1013.735(1), F.S. (*Classrooms for Kids*), to revise the definition of base capital outlay full-time equivalency membership to specify K-12 only; revise the definition of growth capital outlay full-time equivalency membership to specify K-12 only; and to revise the eligibility criteria for participation in the allocation formula defined in s. 1013.64(1)(a), F.S., to exclude adult vocational technical facilities.

Section 5: Revises s. 1002.20, F.S. (*Student and Parent Rights/Students with Reading Deficiencies*), to create a new subsection (11), STUDENTS WITH READING DEFICIENCIES, to require each elementary school to regularly assess the reading ability of each K-3 student and immediately notify the parent of any K-3 student who exhibits a reading deficiency. The required notice to parents must include a description and explanation of the reading deficiency, in terms understandable to the parent, of the exact nature of the student's difficulty and lack of achievement in reading. Each elementary school must consult with the student's parent in the development of a detailed academic improvement plan (AIP) as described in s. 1008.25(4)(b), F.S., and inform the parent that the student will be given intensive reading instruction until the deficiency is corrected.



This subsection operates in addition to the remediation and notification provisions contained in s. 1008.25, F.S., and in no way reduces the rights of a parent or the responsibilities of a school district under that section.

Section 6: Revises s. 1008.25(5), F.S. (*Third Grade Student Progression*), to delete reference to the 2002-2003 school year, and create subparagraphs (5)(c),6 and 7 to require that the notice to parents of any third grade student who exhibits a substantial reading deficiency include the following:

- That the Florida Comprehensive Assessment Test (FCAT) is not the sole determiner of promotion and that additional evaluations, portfolio reviews, and assessments are available to the child to assist parents and the school district in knowing when a child is reading at or above grade level and ready for promotion.
- The district's specific criteria and policies for mid-year promotion. Mid-year promotion is defined as the promotion of a retained student at any time during the year of retention once the student has demonstrated the ability to read at grade level.

Revises s. 1008.25(6), F.S. (Public school student progression remedial instruction; reporting requirements.-- ELIMINATION OF SOCIAL PROMOTION), to add the omitted reference to grade 3 for the good cause exemptions for students with disabilities who were previously retained for one year [s. 1008.25(6)(b)5, F.S.] and for students who were previously retained for a total of two years [s. 1008.25(6)(b)6, F.S.].

Amends s. 1008.25, F.S. (Public school student progression remedial instruction; reporting requirements), to create subsection (7) SUCCESSFUL PROGRESSION FOR RETAINED READERS, to require that third grade students who are retained must be provided intensive interventions in reading to ameliorate the student's specific reading deficiency, as identified by a valid and reliable diagnostic assessment. This section also specifies that the intensive intervention must include effective instructional strategies, participation in the district's summer reading camp and appropriate teaching methodologies necessary to assist these students in becoming successful readers, able to read at or above grade level, and ready for promotion to the next grade and requires that, beginning with the 2004-05 school year, each district shall conduct a review of the Academic Improvement Plans (AIPs) of all third grade students who did not score above Level 1 on the reading portion of the FCAT and did not meet the criteria for one of the good cause exemptions, address additional supports and services needed to remediate the identified areas of reading deficiency, and require a student portfolio to be completed for each student and provide third grade students who are retained with intensive instructional services and supports, including a minimum of 90 minutes of daily uninterrupted scientifically-based reading instruction and other strategies which may include, but are not limited to:

- Small group instruction.
- Reduced teacher-student ratios.
- More frequent progress monitoring.
- Tutoring or mentoring.
- Transition classes with third and fourth grade students.
- Extended school day, week, or year.
- Summer reading camps.

They must also provide written notice to the parent of third grade students who are retained which states that the child has not met the proficiency level required for promotion and included the reasons that the child is not eligible for a good cause exemption. This notice must comply with the provisions of newly created s. 1002.20(14), F.S. (K-12 student and parents rights.-), that requires that parents receive immediate notification of a student's reading deficiency. This notice must also include a description of proposed interventions and supports that will be provided to the child to remediate the identified areas of reading deficiency. This provision implements a policy for the mid-year promotion of any third grade student retained who can demonstrate that he or she is a successful and independent reader, reading at or above grade level, and is ready to be promoted to grade 4.

This section of the bill provides that any student promoted after November 1 must demonstrate proficiency above that required to score at Level 2 on the grade 3 FCAT, as determined by the State Board of Education. The State Board of Education shall adopt standards that provide a reasonable expectation that the student's progress is sufficient to master appropriate fourth grade level reading skills; provide retained third graders with a high-performing teacher as determined by student performance data and above-satisfactory performance appraisals; and provide parents of retained third graders with at least one of the following instructional options, in addition to the required reading enhancement and acceleration strategies:

- Supplemental tutoring in scientifically research-based reading services in addition to the regular reading block, including tutoring before and/or after school.
- A "Read at Home" plan outlined in a parental contract including participation in "Families Building Better Readers Workshops" and regular parent-guided home reading.
- A mentor or tutor with specialized reading training.
- Establish a "Reading Enhancement and Acceleration Development (READ) Initiative" to prevent the retention of third graders, and to offer intensive accelerated reading instruction to third grade students who failed to meet standards for promotion and to each K-3 student who is assessed as exhibiting a reading deficiency.

The READ Initiative shall be provided to all K-3 students at risk of retention as identified by the statewide assessment system used in Reading First Schools; requires that the assessment must measure phonemic awareness, phonics, fluency, vocabulary, and comprehension; be provided during regular school hours in addition to the regular reading instruction; provide a state-identified reading curriculum that has been reviewed by the Florida Center for Reading Research and meets, at a minimum, the following specifications:

- Assists students assessed as exhibiting a reading deficiency in developing the ability to read at grade level.
- Provides skill development in phonemic awareness, phonics, fluency, vocabulary, and comprehension.

- Provides scientifically based and reliable assessment.
- Provides initial and ongoing analysis of each student's reading progress.
- Is implemented during regular school hours.
- Provides a curriculum in core academic subjects to assist the student in maintaining or meeting proficiency levels for the appropriate grade in all academic subjects.
- Establish at each school, where applicable an Intensive Acceleration Class for retained third graders who subsequently score at Level 1 on the reading portion of the FCAT, to increase a child's reading level at least two grade levels in one year.
- Report to the State Board of Education, as requested, on the specific intensive reading interventions and supports implemented at the school level; requires the Commissioner of Education to annually prescribe the required components of the requested reports.
- Provide a student who has been retained in third grade and has received intensive instructional services but is still not ready for grade promotion the option of being placed in a transitional instruction setting that is designed to produce learning gains sufficient to meet grade four performance standards while continuing to remediate the areas of reading deficiency.

Section 7: Provides that this act will take effect upon becoming law.

Bill Number: HB 821
Short Title of Bill: Early Childhood Education/Voluntary Universal Prekindergarten Education Program

Effective Date: July 1, 2004, except as otherwise provided in the bill

Contact: Jim Warford, Chancellor, K-12 Public Schools, (850) 245-0509
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Summary:

Overview: On November 5, 2002, Florida voters passed Amendment No. 8 to Article IX of the Florida Constitution creating a voluntary universal prekindergarten program. Subsequently, the Legislature passed Ch. 2003-93, Laws of Florida, creating the voluntary universal prekindergarten education program, free for every Florida child four years of age beginning with the September 2005 school year. The program is to be voluntary, high quality, free, and delivered according to professionally accepted standards.

This bill establishes the Voluntary Prekindergarten Education Program within the Department of Education (DOE) and applicable terms are defined. It establishes requirements for programs delivered by public schools and child development providers. Included are provisions for student eligibility and enrollment; provider eligibility, including licensure and personnel requirements, and registration; interagency agreements; a prekindergarten director credential; an emergent literacy training course; a summer 2004 public school prekindergarten demonstration program in 10 school districts; DOE-adopted performance standards and curriculum and accountability; statewide kindergarten screening; a categorical fund and payment procedures. The Florida Child Development Advisory Council is created within DOE, and the State Board of Education is required to adopt rules. Unauthorized transfers are prohibited from the Department of Children and Family Services (DCF) to DOE, and DOE must recommend appropriate professional development programs. The bill requires a 5-year program cost projection and appropriates funds for 2004 summer program and nonrecurring program startup costs, while other changes are conforming.

The bill abolishes the Florida Partnership for School Readiness and all powers associated with the Partnership to the Agency for Workforce Innovation are transferred via type II transfer. Local coalitions are re-designated as regional child development boards with a maximum of 30 boards statewide, and membership of regional boards is changed. The requirement for a uniform school readiness screening and a system for measuring a child's progress through third grade is removed. The bill requires and defines a single point of entry and provides more explicit direction for school readiness plans. The Agency for Workforce Innovation (AWI) is required to adopt a new funding formula to allocate funds to regional board

Summary by Bill Section:

Voluntary Prekindergarten Education Program

Section 1: Creates Part V, Chapter 1002, Florida Statutes, "Voluntary Prekindergarten Education Program," creates 11 sections of statute.

Creates s. 1002.51, F.S. (*Definitions*) - Gives definitions for: advisory council, child development provider, department, kindergarten eligibility, prekindergarten director, and regional child development board for the operation of universal prekindergarten.

Creates s. 1002.53, F.S. (*Voluntary Prekindergarten Education Program; eligibility and enrollment*) - Creates the universal voluntary prekindergarten program beginning in the 2005-06 school year for children who are 4 years of age by Sept. 1. Children may receive services from a child development provider or a public school provider. Parents must submit an application through a single point of entry for services on forms prescribed by DOE. Regional boards shall provide parents with profiles of every provider in the region.

Creates s. 1002.55, F.S. (*Prekindergarten program delivered by child development providers*), The regional boards will administer the VPK program at the regional level for students enrolled in a program delivered by child development providers. To be eligible to deliver the program, providers must be accredited or meet the accreditation standards as verified by the regional board. Teachers are required to have a Child Development Associate credential or equivalent. Teachers are also

required to complete emergent literacy training; and directors are required to complete a director's course. Every child development provider must register with the regional boards.

Creates s. 1002.57, F.S. (*Prekindergarten director credential*) - By July 1, 2005, DOE must adopt minimum standards for a director credential course that will include strategies on working with children with disabilities. The course must also include instruction on program administration and operations, such as management, organizational leadership, and financial and legal issues.

Creates s. 1002.59, F.S. (*Emergent literacy training coursework*) - By Jan. 1, 2005, DOE must adopt minimum standards for a training course in emergent literacy for teachers and child care personnel of VPK. The course will comprise 5 clock hours and instruction in emergent literacy skills including: oral communication, knowledge of print and letters, phonemic and phonological awareness, and vocabulary and comprehension development.

Creates s. 1002.61, F.S. (*Summer prekindergarten program delivered by public schools; demonstration program*) - Each school district is required to deliver a summer pre-K program at the district level using educational facilities available in the public schools. The summer pre-K programs are required to have one certified teacher for every 10 students. Priority for teaching staff shall be given to teachers who have experience or coursework in early childhood education. In addition, each public school delivering the program must register with the regional board. This section also creates a summer demonstration project.



Creates s. 1002.63, F.S. (*School-year prekindergarten program delivered by public schools*) - School districts may administer VPK if they meet the following requirements: 1) they must be able to certify to the State Board of Education (SBE) that the district has reduced the average class size in accordance with s. 1003.03 and the schedule in s. 1(a), Art. IX of the State Constitution; 2) the school district must have sufficient educational facilities and capital outlay funds to continuing reducing the average class size. The Commissioner must certify the school districts eligibility to the SBE. Public schools must also register with the regional child development boards.

Creates s. 1002.65, F.S. (*Performance standards; curriculum and accountability*) – Establishes that by January 1, 2005, DOE, with the advice of the advisory council, shall develop and adopt performance standards for students in the prekindergarten program which address the age-appropriate progress of students in the development of skills required in the State Constitution and emergent literacy skills. Each provider and school (except those on probation) may select or design the curriculum it uses; the curriculum must be developmentally appropriate, must be based on reading research, must enhance the age-appropriate progress of students in attaining the performance standards adopted by the DOE; and must prepare students to be assessed for kindergarten readiness, based upon the statewide kindergarten screening.

The bill establishes that DOE shall review, approve, and maintain a list of curricula for use by providers and public schools that are placed on probation. Each regional child development board and school district shall verify program providers or public schools' compliance with performance standards and curriculum. A regional child development board or DOE may remove a child development provider, and a school district or DOE may remove a public school from eligibility to deliver the program and receive state funds for the program, for non-compliance with these provisions. Every provider must meet an 85 percent readiness rate as assessed in the kindergarten assessment. Providers who fail to meet this rate must implement an improvement plan. Providers who fail to meet the rate two years in a row are required to use a DOE approved curriculum.

Creates s. 1002.67, F.S. (*Statewide kindergarten screening*) - The DOE, with the advice of the advisory council, shall adopt a statewide kindergarten screening that assesses the readiness of each student for kindergarten based upon the performance standards adopted under s. 1002.65(1), F.S., for the Voluntary Prekindergarten Education Program. DOE must adopt procedures for the calculation of each provider's kindergarten readiness rate. From 2004-05 through 2006-07, DOE must continue the statewide administration of the Early Screening Inventory-Kindergarten (ESI-K). Additional instruments can be administered, but only if they are given statewide. The ESI-K shall be used to calculate the readiness rate. By Jan. 15, 2006, DOE shall recommend to the Legislature a reliable screening instrument and the Legislature will adopt an instrument for the statewide screening. The 2007 Legislature will review baseline data from the new assessment and the old.

Creates s. 1002.69, F.S. (*Funding; financial and attendance reporting*) - Creates categorical funds for the administration of VPK. A full-time student is equivalent to a 540-hour year-long program or a 300-hour summer program. A student may not be reported for more than 1 FTE and the base student allocation shall be the same regardless of whether the program is operated by a child development provider or a public school.

- Each county's allocation per full-time equivalent student in VPK shall be calculated annually by multiplying the base student allocation provided in the General Appropriations Act by the county's district cost differential provided in s.1011.62(2).
- Each regional child development board shall maintain through the single point of entry established under s. 411.01, F.S., a current database of the students enrolled in the prekindergarten program for each county within the board's region.
- DOE shall adopt procedures for payments which provide for advance payments, the certification of student attendance, and the reconciliation of advance payments based upon the certified student attendance.
- Funds will be distributed by DOE to the regional child development boards. A regional child development board may not withhold any portion of the funds distributed to the board for payment to child development providers and public schools for administrative costs.

Each parent enrolling a child in the program must agree to comply with the attendance policy of the child development provider or district school board; upon enrollment of the child, the child development provider or public school must provide a copy of the provider's or school district's attendance policy to the parent.

- Each child development provider's and district school board's attendance policy must require the parent of each student in the prekindergarten program to verify, each month, the student's attendance on the prior month's certified student attendance.
- The parent must submit the verification of the student's attendance to the child development provider or public school on forms prescribed by DOE.
- The child development provider or school district may dismiss a student who does not comply with the provider's or district's attendance policy. A dismissed student is not dismissed from the program and may continue in the program through reenrollment with another child development provider or public school. Notwithstanding s. 1002.53(6)(b), F.S., a school district is not required to provide for the admission of a dismissed student.

Except as otherwise expressly authorized by law, a child development provider or public school may not impose or collect a fee or charge for services provided for a child enrolled in the prekindergarten program during a period reported for funding purposes, or require a child to enroll for, or require the payment of any fee or charge for, supplemental services as a condition of admitting a child for enrollment in the prekindergarten program. State funds provided for the Voluntary Prekindergarten Education Program may not be used for the transportation of students to and from the program. The bill also states that a parent is responsible for the child's transportation to and from the program, regardless of who provides the program.

Creates s. 1002.71, F.S. (*Department of Education; powers and duties*) - Provides that the DOE, with the advice of the advisory council, shall administer the Voluntary Prekindergarten Education Program at the state level. DOE shall adopt procedures for:

- Student enrollment and eligibility determination for the prekindergarten program under s. 1002.53, F.S.
- Providing to parents provider and school profiles under s. 1002.53, F.S.
- Registering and determining the eligibility of providers under s. 1002.55, F.S.
- Verifying Gold Seal Quality Care program standards under s. 1002.55, F.S.
- Certifying the eligibility of school districts to deliver the school-year prekindergarten program under s. 1002.63, F.S.
- Approving director credentials under ss. 1002.55 and 1002.57, F.S.
- Approving emergent literacy training courses under ss. 1002.55 and 1002.59, F.S.
- Certifying the eligibility of school districts to deliver the school-year program under s. 1002.63, F.S.
- Verifying compliance of providers and public schools and removing them from eligibility for noncompliance under s. 1002.65, F.S.
- Approving improvement plans of child development providers and public schools under s. 1002.65, F.S.
- Placing child development providers and public schools on probation and requiring corrective actions under s. 1002.65, F.S.
- Administering the statewide screening and calculating kindergarten readiness rates under s. 1002.67, F.S.

- Distributing funds to regional child development boards under s. 1002.69, F.S.
- Paying child development providers and public schools under s. 1002.69, F.S.
- Documenting and certifying student enrollment and student attendance under s. 1002.69, F.S.
- Reconciling advance payments in accordance under s.1002.69, F.S.
- Reenrolling students dismissed for noncompliance with the provider's or school district's attendance policy under s. 1002.69, F.S.
- Allocating administrative funds among regional child development boards under s. 1002.69, F.S.

Notwithstanding ss. 402.265 and 411.01(10), F.S., DOE, AWI, DCF, and the regional child development boards may enter into interagency agreements that provide for the integration of, and shall provide interagency access among these agencies to, databases containing records, data, or other information relating to VPK, school readiness programs, and licensure or registration.

Except as otherwise provided by law, DOE does not have authority to:

- Impose requirements on a child development provider that does not deliver the Voluntary Prekindergarten Education Program or receive state funds under this part.
- Impose requirements on a regional child development board which are not necessary for the administration of the Voluntary Prekindergarten Education Program.
- Administer powers and duties assigned to the Agency for Workforce Innovation (AWI) or a regional child development board under s. 411.01, F.S.

The Florida Child Development Advisory Council is created in s. 1002.73, F.S., within DOE to advise both DOE and AWI on child development policy, the administration of the prekindergarten program, and the school readiness. The council shall be composed of the eleven members appointed by the Governor. The advisory council shall meet at least quarterly but may meet as often as necessary to carry out its duties. Each member shall serve without compensation but is entitled to per diem and travel expenses for council meetings. DOE shall provide staff and administrative support for the council.

Creates s. 1002.73, F.S. (*Rulemaking Authority*) - Provides that the SBE shall adopt rules under ss. 120.536(1) and 120.54, F.S., to administer its duties, with initial rules for the prekindergarten program adopted by January 1, 2005.

Section 4: Amends s. 20.15(6), F.S., (*DOE/Councils and Committees.-*) is amended with conforming changes.

Section 7: Amends s. 216.133, F.S., effective July 1, 2004, to make conforming changes regarding the consensus estimating conference.

Section 8: Amends s. 216.36(1), F.S., to re-designate an estimating conference as the Child Development Programs Estimating Conference, with additional responsibility for estimates and forecasts of children eligible for the Voluntary Prekindergarten Education Program. AWI shall provide information for school readiness programs, and DOE shall provide information on needs for prekindergarten education in a timely manner.

Section 9: Creates s. 402.265, F.S. (Unauthorized transfers), which prohibits the Department of Children and Families (DCF) from transferring to DOE, though an interagency agreement or through any other means, any powers, duties, functions, rules, records, personnel, property or unexpended balances of appropriations, allocations, or other funds held by DCF, any of which have been or which may be authorized for the Child Care Services Program Office or for administration of ss. 402.25 - 402.319, F.S., without specific legislative authority by express reference to this section.

Section 15: Amends s. 1001.23, F.S. (Specific duties and powers of the DOE), is amended to make conforming changes regarding the statewide kindergarten screening.

Section 16: Amends s. 1002.22(3)(d), F.S. (*Student records and reports; rights of parents and students; notification; penalty.*), to include regional child development boards and AWI, in order to carry out their assigned duties, as organizations to which personally identifiable records or reports of a student may be released without the consent of the student or the student's parent. This section takes effect July 1, 2004.

Section 17: Amends s. 1003.54(3)(c), F.S. (Teenage parent program), to make conforming changes, including regional child development boards as providers of ancillary services, through joint agreements with district school boards.

Section 18: By January 15, 2005, DOE, with the advice of the Florida Child Development Advisory Council, shall submit recommendations to the Legislature on professional development programs for the Voluntary Prekindergarten Education Program.

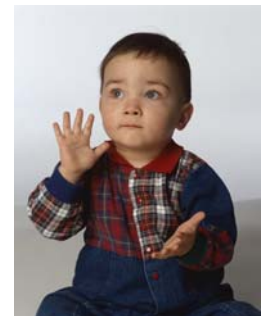
The recommendations must comprise options for the professional development of prekindergarten directors, teachers, and child care personnel and shall address curricula and appropriate delivery systems for the programs and shall consider the use of Internet-based applications for instruction or assessment. Under provisions in the bill, they must also include the estimated costs of the professional development programs, including nonrecurring startup costs and recurring operational costs.

Section 19: Notwithstanding ss. 216.162 - 216.168, F.S., and under s. 216.351, F.S., the Governor shall submit to the Legislature, as part of the recommended budget for the 2005-2006 fiscal year, the annual cost projections for the Voluntary Prekindergarten Education Program for the 5-year period ending with the 2009-2010 fiscal year.

The cost projections must be based upon the Governor's estimate of the number of children to be served annually in the prekindergarten program, including annual estimates for the potential shift of children to the program from school readiness programs provided under s. 411.01, F.S.

Section 21: Repeals ss. 411.012 and 1008.21, F.S.

Section 22: The bill appropriates from the General Revenue Fund to DOE the sum of \$7 million in nonrecurring funds for implementation of the summer prekindergarten demonstration program during the 2003-04 fiscal year, and for nonrecurring startup costs for the Voluntary Prekindergarten Education program during fiscal year 2004-2005. DOE may use any funds remaining after implementation of the summer prekindergarten demonstration program in accordance with the research design developed under s. 1002.61(5)(b), F.S., for nonrecurring startup costs for the prekindergarten program, subject to approval by the Legislative Budget Commission of the allocation among specific appropriation categories of funds for these nonrecurring startup costs.



Notwithstanding s. 1002.69, F.S., each demonstration district's allocation of funds shall be based upon the district's student enrollment in the demonstration program. The program shall be for 300 hours and the base allocation is \$2,500 per student. Each demonstration district must submit all information requested by DOE for reporting and funding purposes. Any unexpended balance at the end of the 2003-2004 fiscal year shall be certified forward to the 2004-2005 fiscal year and shall be used to continue implementation of the demonstration program during summer 2004.

Section 23: Establishes that this section has an effective date upon becoming law, except as otherwise expressly provided.

Abolition of the Florida Partnership Board for School Readiness (Partnership)

Section 2: Amends 411.01, FS, Abolishing the Florida Partnership Board for School Readiness (Partnership) and the local school readiness coalitions and transfers authority, function and administration to the Agency for Workforce Innovation lead and rulemaking authority, effective July 1, 2004.

All references to the Partnership Board are deleted and replaced with the Agency for Workforce Innovation. Local coalitions are renamed to Regional Child Development Boards throughout the section, and the executive director for the school readiness programs is eliminated. Under the bill AWI is provided the ability to be the lead agency for federal Child Care Development Funds (CCDF), but the requirement for a school readiness measuring system, which evaluates the performance of students through third grade, is eliminated. There is language which states that the requirements of this section on child care facilities does not apply to providers who are not receiving state or federal funds. Additionally, AWI cannot administer any powers or duties assigned to DOE or a regional child development board for the administration of the voluntary universal prekindergarten program.

AWI, with the advisory council, must adopt a quality-assurance system to monitor and evaluate the performance of each regional child development board in administering the program and implementing their school readiness plan. AWI, with the advisory council, must identify best practices for regional boards.

Regional Child Development Boards

Stronger restrictions are imposed on the number of regional boards allowed. AWI may permit no more than 30 regional boards statewide; each board must serve at least 2,000 children per month. AWI is to adopt procedures for the merging of boards and for early termination of board members. Merger procedures must be in place no later than Jan 1. and must be completed by June 30, 2005.

Changes are made to memberships of local boards. Boards must be composed of at least 18 members and no more than 35 members. The Governor will appoint the chair of each board and two other members who must meet the qualifications of a private-sector business member.

Program Expectations

Each program must enhance age-appropriate progress of each child in the development of school readiness skills, as measured by performance standards and outcome measures adopted by AWI.

AWI must maintain a statewide single point of entry that integrates with each regional board's system. Language is deleted that required at least as many children to be served as in prior years. Payment rates to providers may be increased when waiting lists are considered by AWI.

School Readiness Plans

Regional boards must have an implementation plan approved through AWI to operate. Plans must include how instruction will enhance a child's age-appropriate progress towards attaining the performance standards. AWI must review plans at least annually. If AWI determines that the board has not substantially implemented its plan, AWI may reject the plan and contract with a qualified entity to continue services.

Program Eligibility

Children younger than kindergarten age are eligible for school readiness services. Children at risk of abuse, neglect, or exploitation who are clients of the Family Safety Program Office are eligible for services (this language had been accidentally deleted last year under changes associated with the Rilya Wilson Act). This bill does not address making all children at risk of abuse a priority for services.

Funding School Readiness

AWI must adopt a funding formula for allocations among regional boards. For fiscal year 2004-05, AWI must allocate funds consistent with 2003-04 funding allocations. All federal funds, including matching or maintenance-of-effort must be used to implement school readiness programs. Total administration expenditures must not exceed 5 percent unless specifically waived by AWI. Funds should be awarded to regional boards in block grants to the maximum extent practicable. Language stating that the Partnership may provide financial awards to coalitions demonstrating success in merging is deleted.

Unauthorized Transfers

Portions are deleted of paragraph (10) of section 411.01, FS, requiring a school readiness uniform screening. Renames paragraph (10) as "Unauthorized transfers." AWI may not transfer any of its duties, functions, personnel, rules, records, property, or unexpended balances to the DOE through an interagency agreement or any other means without specific legislative authority.

Placement – Cash Assistance Families

Children from families that are receiving cash assistance are to be the first children served in school readiness programs. Historically, this would include school age children.

Section 3: Amends s. 11.45, F.S., to provide an effective date of July 1, 2004. The Auditor General is provided authority to review the school readiness system, including regional boards. Technical revisions are included.

Section 5: Amends s. 20.50, F.S., to provide an effective date of July 1, 2004. An Office of Child Development is created within AWI, led by a Deputy Director, to administer school readiness programs. Technical revisions are included.

Section 6: Amends s. 125.901, F.S., to provide an effective date of July 1, 2004. Reference to local coalition is replaced with regional child development board.

Section 10: Amends s. 402.3016, F.S., to provide an effective date of July 1, 2004. References to the Florida Partnership Board are replaced with AWI.

Section 11: Amends s. 411.011, F.S., to provide an effective date of July 1, 2004. References to the Florida Partnership Board are replaced with AWI. References to local coalitions are replaced with regional child development board.

Section 12: Amends s. 411.226, F.S., to provide an effective date of July 1, 2004. Reference to the Florida Partnership Board is replaced with AWI.

Section 13: Amends s. 411.227, F.S., to provide an effective date of July 1, 2004. References to the Florida Partnership Board are replaced with AWI.

Section 14: Amends s. 624.91, F.S., to provide an effective date of July 1, 2004. References to the Florida Partnership Board are replaced with AWI.

Section 20: Effective July 1, 2004, the Florida Partnership Board is abolished. All functions are transferred to AWI through a type II transfer. Effective July 1, 2004, all coalitions are redesignated as regional child development boards. Effective January 1, 2004, a reduction in boards is required.

Bill Number: HB 963
Short Title of Bill: Hillsborough County School District -Repeal of Laws
Effective Date: Upon becoming law
Contact: Ray Monteleone, Deputy Commissioner/ Chief Operating/Chief Education Financial Officer, (850) 245-0456
ray.monteleone@fldoe.org

Summary:

This is a Repealer bill regarding the Hillsborough County School District which repeals 21 special acts, some dating back to the 1920s, which are either obsolete or have been superseded by general law enactments. The bill has no impact to the state budget according to the Economic Impact Statement.

Summary by Bill Section:

Section 1: Section 1 identifies the repealed chapters and dates.

- Ch. 8705 (1921), L.O.F., relating to issuing and selling interest-bearing time warrants. Obsolete.
- Ch. 9464 (1923), L.O.F., relating to the procurement of a loan for \$200,000. Obsolete.
- Ch. 12847 (1927), L.O.F., relating to borrowing money for use by public free schools of any special tax school district. Obsolete.
- Ch. 12860 (1927), L.O.F., relating to exercising the right of eminent domain to acquire certain property. Superseded. District now uses provisions of general law for this purpose (ss. 74.011 and 1013.24, F.S.).
- Ch. 12862 (1927), L.O.F., conferring additional powers to borrow money and sell interest-bearing time warrants. Obsolete.
- Ch. 24570 (1947), L.O.F., consolidating all school districts into one. Obsolete.
- Ch. 24575 (1947), L.O.F., transferring property from the board of county commissioners to the board of public instruction. Obsolete.
- Ch. 24576 (1947), L.O.F., authorizing the board of county commissioners to acquire land from the board of public instruction. Obsolete.
- Ch. 24582 (1947), L.O.F., relating to the selection of school trustees for each public school. Superseded. District is bound by general law, s. 1001.452, F.S.
- Ch. 27606 (1951), L.O.F., conveying certain land between the board of county commissioners and the board of public instruction. Obsolete.
- Ch. 27611 (1951), L.O.F., disbursing capital outlay to the credit of the Gillette Special Tax School District. Obsolete.
- Ch. 30832 (1955), L.O.F., creating school crossing zones in unincorporated Hillsborough County. Superseded. District now uses the provisions of general law for this purpose (ss. 316.1985 and 316.75, F.S.).
- Ch. 59-1351, L.O.F., relating to the leasing of certain lands for recreational, park, or similar purposes. Obsolete.
- Ch. 59-1366, L.O.F., validating the conveyance of certain lands from the trustees of Special Tax School District No. 1 to the board of public instruction. Obsolete.

- Ch. 63-1405, L.O.F., relating to the conveyance of certain lands between the board of public instruction and municipalities in Hillsborough County. Obsolete.
- Ch. 67-1501, L.O.F., providing for an internal auditing department and internal auditor. Superseded. District now uses provisions of general law for this purpose (s. 218.391, F.S., et al.).
- Ch. 71-495, L.O.F., allowing the district school board to expend moneys for per diem and travel expenses. Superseded. District now uses the provisions of general law for this purpose (s. 112.061, F.S.).
- Ch. 71-676, L.O.F., providing for the payment of terminal pay to noninstructional personnel upon death or retirement. Superseded. District now uses the provisions of general law for this purpose (s. 121.091, F.S.).
- Ch. 71-687, L.O.F., permitting entering into agreements for group insurance for the benefit of retired employees. Superseded. District now uses the provisions of general law for this purpose (s. 112.0801, F.S.).
- Ch. 73-489, L.O.F., relating to group insurance for retired employees. Superseded. District now uses the provisions of general law for this purpose (s. 112.0801, F.S.).
- Ch. 80-505, L.O.F., relating to the employment of an internal auditor. Superseded. District now uses the provisions of general law for this purpose (s. 218.391, F.S., et al.).

Section 2: Specifies that this repeal will not affect the prosecution of actions before the repeal, nor rules, regulations, policies, actions, decisions, contracts, agreements, obligations, and properties of the Hillsborough County School District or the School Board of Hillsborough County which existed prior to the effective date of the act.

Section 3: Provides that the act shall take effect upon becoming law.

Bill Number: CS /SB 1212
Short Title of Bill: Two-Mill Tax Levy

Effective Date: July 1, 2004

Contact: Ray Monteleone, Deputy Commissioner/ Chief Operating/Chief Education Financial Officer, (850) 245-0456
ray.monteleone@fldoe.org

Summary:

The bill authorizes continuation of a provision that allows school districts to use a portion of the two mill taxes levied under Section 1011.71, Florida Statutes, to pay for up to ten percent of the state bid cost of new school buses purchased by private contractors for daily transportation of public school students. The bill requires the use of such funds for this purpose to be included in the school board's statutorily required public notice of its intent to levy the tax millage.

Summary by Bill Section:

Section 1: Amends s. 1011.71(2) F.S., to continue indefinitely provisions, currently limited to the 2003-04 school year, that would allow school districts to use a portion of the two-mill taxes they may levy to pay private contractors no more than ten percent of the state bid cost of new school buses that the contractors purchase, lease-purchase, or lease for daily transportation of public school students. To qualify for the payments from the school district, the contractors' buses must meet the requirements of Florida School Bus Specifications adopted pursuant to Section 1006.25, F.S. This provision provides a transportation financing option for school districts that contract for their transportation services similar to that which already exists for districts that purchase, own, and operate their own buses.

Section 2: Amends s. 200.065(9), F.S., to require, if the two mill tax levy option is used, that the school board includes the payment in its required public notice and prioritization of projects.

Bill Number: SB 2184
Short Title of Bill: Florida Partnership for Minority and Underrepresented Student Achievement
Effective Date: July 1, 2004
Contact: Jeanine Blomberg, Deputy Chief of Staff, (850) 245-0437
jeanine.blomberg@fldoe.org

Signed by Governor

Summary:

This bill creates the "Florida Partnership for Minority and Underrepresented Student Achievement" and authorizes the Department of Education to contract for the operation of the partnership. A major requirement of this bill is that each public high school in Florida is required to provide for the administration of the Preliminary Scholastic Aptitude Test/National Merit Scholarship Qualifying Test (PSAT/NMSQT) or PLAN to all enrolled 10th-grade students. Test results will be used by guidance counselors to identify students ready to enroll in advanced courses, as well as those needing additional assistance. In addition, the partnership will provide: teacher training and professional development for teachers of Advanced Placement (AP) and other advanced courses; professional development for middle school teachers and administrators; teacher training and materials that are aligned with the Sunshine State Standards; assessment of individual student strengths and weaknesses, through the use of the 10th-grade assessment; college entrance exam preparation activities; and a communications plan designed to enhance the goals of the partnership. The partnership will allow for outreach to community-based endeavors to support their efforts. By September 30th of each year, the partnership is required to submit an evaluation report. Funding for the partnership is contingent upon annual funding in the General Appropriations Act.



Summary by Bill Section:

Section 1: Creates s. 1007.35, F.S. (*Florida Partnership for Minority and Underrepresented Student Achievement*), to increase access to high quality, rigorous academics through strengthening the content knowledge of teachers and providing instructional resources. Establishes that the mission of the partnership is to prepare, inspire, and connect students to postsecondary success and opportunity, with a particular focus on minority students and students who are underrepresented in postsecondary education. Authorizes the Department to contract for the operation of the partnership, with the partner required to match at least one-third of the allocation provided to the partnership in the General Appropriations Act.

Requires each public high school to provide for the administration of the PSAT/NMSQT or PLAN to all enrolled 10th-grade students and subsequently use the results to identify students who are prepared or who need additional work to be prepared to enroll in advanced courses. School districts must choose either the PSAT/NMSQT or PLAN for district-wide administration, with funding contingent upon the General Appropriations Act.

Establishes specific partnership activities that include providing teacher training and professional development for high school teachers of advanced courses, as well as middle school teachers and administrators preparing students for these courses; teacher training and materials that are aligned with the Sunshine State Standards; assessment of individual student strengths and weaknesses; and college entrance exam preparation.

In addition to the above activities, the bill requires the partnership to provide a communications plan to provide information to stakeholders, as well as coordinate efforts with community colleges and the Florida Virtual School. The bill also specifies the indicators that must be addressed in the annual evaluation of the partnership, and requires the Department to provide data to assist in this process.

Section 2: Establishes the effective date of July 1, 2004.

Bill Number: SB 2372
Short Title of Bill: Physical Fitness and Health

Effective Date: July 1, 2004

Contact: Jim Warford, Chancellor, K-12 Public Schools, (850) 245-0509
jim.warford@fldoe.org

Summary:

This bill directs the Department of Health (DOH) to promote healthy lifestyles; to reduce the prevalence of overweight and obesity by implementing appropriate physical activity and nutrition programs that target all Floridians; provides rulemaking authority to DOH; provides for implementation contingent on appropriations; requires the Florida Sports Foundation to use proceeds from the Florida Professional Sports Team license plate to promote education programs in schools related to school fitness and nutrition programs.

Summary by Bill Section:

Section 1: Creates a new section of law. Provides that the Department of Health shall promote healthy lifestyles to reduce the prevalence of overweight and obesity in Florida by implementing appropriate physical activity and nutrition programs that target all Floridians in several ways, including partnering with the Department of Education (DOE) and local school districts. Local communities and other entities will be engaged with the DOE and local school boards to encourage Florida schools to promote activities during and after school to help students meet a minimum goal of 60 minutes of activity a day. Along with the Florida Sports Foundation, the Department of Education and local school boards will partner with the Department of Health to develop a program that recognizes schools whose students demonstrate excellent physical fitness or fitness improvement.

Section 2: Amends s. 320.08058, F.S., and provides that a portion of the proceeds the Florida Sports Foundation receives from the sale of Florida Professional Sports Team logo license plates will go to promoting education programs in Florida schools that provide an awareness of the benefits of physical activity and nutrition standards and to partner with the Department of Education and the Department of Health to develop a program that recognizes schools whose students demonstrate excellent physical fitness or fitness improvement.

Section 3: Provides an effective date of July 1, 2004.

Bill Number: SB 2986
Short Title of Bill: Education Personnel
Effective Date: Upon becoming law
Contact: Jim Warford, Chancellor K-12 Public Schools, (850) 245-0509
jim.warford@fldoe.org

Signed by Governor

Summary:

In keeping with Florida's goals to provide every child with a high quality teacher and principal in a safe classroom environment, this bill targets aspects of educator preparation, certification, retention, and discipline that will further these goals. The bill eliminates the duplication of the basic skills examinations currently required for teacher preparation program completers; expands the alternative certification program to allow community colleges, colleges, and universities to offer competency-based alternative certification programs to individuals who hold a bachelor's degree; establishes a minimum educational level for substitute teachers, an initial substitute orientation and training program, and an assessment to measure substitute teacher performance.



The bill also has provisions which allow all certification application components to be completed on-line; provides State Board of Education with authority to review national certificates for use toward initial certification requirements; provides for the banking of inservice points for the successful completion of scientifically-based reading research programs.

The bill establishes a statewide Educator Appreciation Week; requires the Department to create guidelines and identify best practices for mentoring first-time teachers and to design an on-line teacher toolkit that more directly connects teachers with the latest research-based information in reading and in their fields of study; expands employees eligible to receive consideration for years of experience for salary purposes to include individuals who were employed in a district June 30, 2001, left the district for at least one school year, and returned to the same district as an instructional employee; requires the Department to email teachers information that affect them in legislation and the General Appropriations Act.

The bill requires the Education Practices Commission (EPC) to permanently revoke the certificate of an educator with two previous certificate sanctions; streamlines and codifies EPC's processing of show cause orders; provides more flexibility for educators and potential educators to utilize the Recovery Network; provides authority for the DOE to communicate with private, charter and lab schools concerning employees' investigations, provides same schools with authority to view employees sealed and expunged criminal history records.

Changes the date for the implementation of the BEST Career Ladder to the 2005-2006 school year; clarifies the definition of instructional personnel as K-12 personnel; expands the group of employees eligible to receive consideration for years of teaching experience for salary purposes; clarifies language in the area of teacher performance assessment.

Summary by Bill Section:

Sections 4, 5, 12, 13: Creates s. 1004.85 F.S. (*Educator Preparation*) – Under this provision colleges, universities, and community colleges will be permitted to offer competency-based alternative certification programs to bachelor's degree. These programs will be available both "on the job" to teachers employed under Temporary Certificates and to individuals interested in teaching who would like to complete all of their preparation prior to entering the classroom. Participants must meet qualifications for a Florida Temporary Certificate and will be provided supervised field experiences and a certification ombudsman. Participants will be required to pass the Professional Education Test of the Florida Teacher Certification Examination as an exit requirement, and completion of the program will satisfy the requirement for demonstration of mastery of professional preparation and education competence required for a Professional Certificate. The Department of Education will approve all programs offered and will implement continued program approval based upon annual performance evaluations submitted by the institutions. Approved programs may be used by districts in addition to their district-developed alternative certification program and by other eligible postsecondary institutions.

Authorizes institutions under s. 1004.04, F.S., to offer short term field experiences as teacher assistants to individuals who are considering teaching as a career, but who wish to experience the classroom on a limited basis before entering a preparation program. Language is also updated under the teacher preparation program requirements to allow students to pass the

General Knowledge Test of the Florida Teacher Certification Examination only one time as both a program entrance and exit requirement.

Establishes under ss. 1012.35 and 1012.39, F.S., a minimum education level of a high school diploma and new training requirements are established for substitute teachers. Training requirements include school safety and security, classroom management, instructional strategies, district policies and procedures, professional responsibilities, and ethics. Training will be differentiated for new and experienced substitutes, may be offered by community colleges, colleges of education, educational consortia, district school board, or commercial vendors, resources for which will be made available online by the Department. Substitute teachers who remain in a classroom for more than 30 days will receive a performance evaluation developed by the district.

Sections 16, 19: Codifies in s. 1012-05, F.S., relating to Educator Certification that the requirement for a handwritten application signature and notary has been changed in s. 1012.56, F.S., to the widely-used affidavit or electronic authentication, so that Florida can provide a completely online application process for educator certification. The department is authorized to issue a Professional Certificate to an individual who meets all qualifications for the certificate, including fingerprinting, prior to the individual being employed in a Florida school.

The State Board of Education is granted authority to review certificates issued by national educator credentialing boards for meeting initial certification requirements through reciprocity. This will expand the opportunities to bring high quality teachers to Florida while maintaining rigorous standards for demonstration of essential competencies.

To encourage and reward teachers for updating their skills in scientifically-based reading research and instructional practices, certified teachers are permitted in s. 1012.585, F.S., to bank courses and Master Inservice Plan points earned in reading for future certificate renewals.

Sections 7, 10: Codifies in S. 1012.05, F.S., relating to Educator Retention that recent research has shown that school environment and professional support are key factors in teacher retention, and the bill codifies in s. 1012.05, F.S., that teacher retention is a focus of the Department of Education. The Department is required to provide guidelines and best practices to school districts for their use in providing support programs and mentors for first-time teachers. The Department will also make available an online teacher toolkit of instructional methods and lessons based upon the Sunshine State Standards, so that teachers can access this information anytime it is needed.

The Commissioner is directed to pursue a plan for a High, Objective, and Uniform State System of Evaluation (HOUSSE) for experienced teachers to use in meeting the highly-qualified teacher requirements of No Child Left Behind.

Teachers will be notified by email from the Department of items in legislation and the General Appropriations Act that affect them, and school districts will provide the Department with updated public school email addresses for all teachers and administrators twice per year. In addition, certified educators must maintain an accurate mailing address either with their employing school district or directly with the Department in the Bureau of Educator Certification. Address changes must be submitted to the Department either by the individual or the employing school district within 30 days of the change, so that up-to-date communication is maintained.

Modification is made to the provision for recognition of teaching experience for salary purposes in s. 1012.231, F.S., to allow individuals to be included who were employed in a district on June 30, 2001, and who have returned to the same district for instructional employment after a break in service of at least one school year.

Sections 1, 2, 3, 9, 14, 15, 16, 17, 18, 20, 21, 22, 23: *Educator Investigation, Discipline, Recovery Assistance, and Background Screening* - Investigation, discipline, recovery assistance, and background screening procedures for certified personnel receive additional flexibility, clarity, and strength in this bill. These changes foster a safer learning environment for the whole school community, maintain fairness and improve the process for educators who are being reviewed for disciplinary action, and increase the availability of assistance provided by the Recovery Network for Educators.

Investigation and Discipline Procedures - To improve efficiency while maintaining fairness, the number of members on the Education Practices Commission (EPC) subcommittees who hear complaints against teachers and administrators is modified from seven to five so that concurrent panels may be run. The Department is given authority to combine show cause cases, dismiss them prior to entering a final order, and present them before the EPC. The Department is authorized to communicate with private schools, charter schools, and lab schools in the same manner as with public schools concerning complaints

against certified staff. Other agencies are directed to provide the Department's investigative office with unredacted reports so that investigations may be concluded more quickly and in some cases without having to take action against the educator's certificate so that unredacted information may be requested. When unredacted information is received from other agencies, the bill maintains that the Department must again redact information if it is requested to provide the information pursuant to a public records request as authorized by law. Statute sections that were modified to effect these changes are ss. 943.0585, 943.059, 1012.79, 1012.795, and 1012.796, F.S.

Creates s. 1012.561, F.S., to require certified staff and applicants for certification to provide the Department, either directly or through their employing school district, with any changes to their current mailing address. Address changes must be submitted to the Department within 30 days.

Requirements for certified educators placed on probation are codified in s. 1012.795, F.S., based upon current practice. The limit for the number of years an educator can be suspended is increased from three to five, and district and charter school procedures are clarified to ensure that an individual who has a suspended or revoked certificate may not be employed in any capacity that requires direct contact with students. Behaviors that may be considered by the Education Practices Commission are amended to include attempting to obtain a certificate by fraudulent means, certificate penalties imposed by other states (including revocation, suspension, and surrender), and surrender of a certificate based upon a court order or plea agreement.

Three Strikes Certificate Sanction (section 21) – Amends s. 1012.795, F.S., to be further modified to provide that when a certified educator has received two certificate sanctions, his or her certificate will be permanently revoked when he or she is called before the EPC for a third time. Administrative violations, such as nonpayment of probation fees, and the first action taken against an individual when s/he is an applicant for certification (not yet certified), are not included in the three “strikes.”

Recovery Assistance (section 23) – Amends to s. 1012.798, F.S., to permit applicants for certification to access the Recovery Network Program and allow certified educators to voluntarily enroll in the Recovery Network Program, regardless of whether they are under investigation by the Department of Education. The process of declaring an educator ineligible for the Recovery Network Program is modified so that the program director, who is the individual most familiar with the case, may make the referral to or declare the individual ineligible for the program.

Background Screening (sections 3, 9, 14, 15, 16) -

The Florida Department of Law Enforcement (FDLE) will institute a new database to retain fingerprints and background screening information of all instructional and noninstructional staff who have direct contact with students or control of school funds. This will include such staff who are employed by the school district, contracted with the school district, employed by an entity that contracts with the school district, employed by or contracted with a lab school for employment, employed by or contracted with a charter school for employment, or who sit on the governing board of the charter school. The bill requires that each of these groups of staff members complete the background screening process upon employment (certified staff no earlier than within 12 months prior to receiving a certificate), and that each will be required to undergo a background screening every five years thereafter. Retention of records will provide for immediate notification to the school district by FDLE of criminal offenses of included staff, and will allow the school district to meet this new requirement by requesting an FBI background check from FDLE, without the staff member needing to be re-fingerprinted. Prints would only be eliminated from the database in instances where the staff member severs employment for a position that does not require the background check. Re-fingerprinting would then be required if the staff member returned to an included position. Statute sections modified to effect these changes are ss. 1002.33, 1012.32, 1012.55, 1012.56, and 1012.57, F.S. Section 1012.465, F.S., is a new section created to address background screening of noninstructional personnel.

Section 6: Amends s. 1012.01, F.S., relating to the definition of instructional personnel and clarifies section to pertain specifically to K-12 staff.

Section 8: Amends s. 1012.231, F.S., to redefine the beginning date for implementation of the BEST Salary Career Ladder program and changes it from 2004-2005 to the 2005-2006 school year.

Section 11: Amends language in s. 1012.34, F.S., to clarify that a teacher's performance assessment is not solely based upon student performance, but may include other criteria approved in statute or by the district.

Section 15: Amends s. 1012.55, F.S., to add an additional reference to the Department's responsibilities to publish the Course Code Directory.



Florida Department of Education

Governmental Relations

Jim Home, Commissioner



Community Colleges and Workforce Education

2004 Legislative Review

Bill Number: CS/HB 769
 Short Title of Bill: Career and Technical Education

Effective Date: July 1, 2004

Contact: David Armstrong, Chancellor of Community Colleges & Workforce Education, (850) 245-0407
david.armstrong@fldoe.org

Signed by Governor

Summary:

This bill revises a number of provisions relating to career education. It requires that Charter Technical Career Centers' agreements must specify the delivery system in which the instruction will take place and states that the rules governing that system will be followed. FTE funding is provided for each sponsor. The bill contains provisions which amend the requirements established for a student to receive a career education certification on the high school diploma. Industry certified career education programs are provided for, and a study on the effectiveness of industry certified programs is required. School districts are required to have a district guidance plan and to report to the Commissioner annually. References to the Workforce Development Education Fund are removed, and the Department of Education is required develop comparable processes for funding and reporting data from programs conducted by school districts and community colleges. A comprehensive study on workforce education is required. The Commissioner is to appoint a study commission to make recommendations on funding and allocation models, improvement to articulation, implementation of innovative programs and to guidance and career counseling programs. In addition, nomenclature changes are made throughout the bill such as: "career and technical" to "career"; "vocational" into "career"; "technical centers" becomes "career centers"; and, "workforce development education" changes to "workforce education."

Summary by Bill Section:

Section 1: Amends s. 1002.34, F.S. (*Charter technical career centers*), and establishes the charter agreement must specify the delivery system in which the instruction will take place. The rules governing that system will be followed. Each sponsor will earn FTE funding for each student.

Section 2: Creates s. 1003.431, F.S. (*Career education certification*), and establishes a career education certification on the high school diploma is created. To receive this certification the student must complete the requirements for high school graduation, and obtain a passing score on the college entry-level placement test (CPT) or equivalent test adequate to enter a public postsecondary program without remediation.



A comprehensive program of study in career education shall be designed to prepare the student to either continue his or her education or obtain employment. Each student must:

- Earn all academic credits in math, science, and communication at level two or above
- Earn at least one occupational completion point (OCP) in an industry-certified career education program or at least two courses in a technology education program
- Complete a one-credit course in workplace readiness skills
- Participate in work-based learning experiences, and
- Participate in a capstone activity that includes a project related to a career.

The career education certificate indicates that the student is prepared to continue to postsecondary education without the need for remediation and that the student has marketable skills. The school district is NOT required to offer a comprehensive career education program according to this section. However, for each student who receives the certificate, the school district may receive incentive funding if appropriated.

Section 3: Amends s. 1003.491, F.S. to change "Career and technical education" to "career education," and "technical center" to "career center."

Section 4: Creates s. 1003.492, F.S. (*Industry-certified career education programs*), to require the establishment of industry-certified career education programs in comprehensive high schools.

- Program must be coordinated with appropriate industry certifying that the program is relevant.
- The State Board of Education will adopt rules for implementation and requirements for business and industry involvement in curriculum oversight and equipment purchases.
- The Department of Education will study student performance in current industry-certified programs including graduation rates, retention rates, articulation to postsecondary and earnings. The study must be completed by December 31, 2004.
- The Department of Education will do a study to determine if a cost factor should be applied to these programs and review the need for start-up funding. The study must be completed by December 31, 2004.

Section 5: Creates s. 1006.025, F. S. (*Guidance Services*), to require that each school district submit a district guidance report by June 30. The report must include:

- Student access to guidance counselors
- Degree to which a district has adopted or implemented a model guidance program
- Evaluation of the information and training available to counselors and career specialists
- Progress toward incorporation of best practices for advisement
- Consideration of alternative guidance systems such as a teacher-advisor model
- School –to-work transition information provided to students
- A district guidance plan

The Department of Education will provide resources to the districts.

Section 6: Amends s. 1012.01(2)(b), F.S., by deleting reference to occupational/placement specialists and replacing with career specialists.

Section 7: Amends s. 1011.80, F.S., to delete references to the Workforce Development Education Fund. If the General Appropriations Act does not provide for the distribution of funds, a methodology is laid out:

- Base funding will be allocated based on weighted enrollment and will not exceed 90% of the allocation. The Department of Education will develop a funding process for school district workforce education that is comparable with community college workforce education.
- Performance funding will be at least 10% of the allocation.
- Money received must be used to benefit workforce education programs, and money cannot be withheld from performance funding for indirect costs.

It is specified how school districts will report FTE students and requires that annual financial reports be submitted that accurately report on student fee revenues by fee type. The Department of Education will develop a plan for comparable reporting of program, student, facility, personnel, and financial data between the community college and school district workforce education programs.

Section 8: Amends s. 1009.22(1)(2)(5)(12) & (13), F. S., to delete references to the Workforce Development Education Fund and makes other name changes.

Section 9: Amends s. 1011.83, F.S., to delete references to the Workforce Development Education Fund and changes workforce development education to workforce education.

Section 10: Directs the Agency for Workforce Innovation (AWI) and the Council for Education Policy Research and Improvement (CEPRI) to conduct a joint study on the need for new and expanded apprenticeship and other workforce education programs within each workforce region. A specific emphasis will be placed on apprenticeship programs in construction, and education programs in biotechnology, information technology, allied health, or other areas of critical need. The report is due December 31, 2004.

Section 11: The Commissioner of Education is required to convene a study group to conduct a comprehensive study of workforce education with a report due by October 1, 2004. The Commissioner shall make recommendations to the Governor

and Legislature by December 1, 2004. The bill establishes that members of the study group will include: School districts; community colleges; universities; private postsecondary institutions; Agency for Workforce Innovation (AWI); Workforce, FL, Inc. (WFI); Enterprise Florida; and business and industry partners.

The study group will make recommendations on:

- A funding model that includes both enrollment and performance and provides for the growth and development of new programs.
- A recommended allocation model based on occupational completion points (OCPs), literacy completion points (LCPs), and program length.
- Performance outcomes of program completion, job placement, and successful articulation to another postsecondary institution.
- Performance outcomes may be weighted for hard-to-serve populations based on scientific evidence.
- Performance outcomes should be evaluated over time rather than relative to other institutions.
- The improvement of articulation between workforce education programs and advanced degrees.
- The implementation of innovative programs such as career academies and charter technical career centers, and expanded dual enrollment.
- The implementation of innovative options or expanded use of existing resources for the delivery of postsecondary workforce education such as distance learning and agreements for use of facilities.
- The improvement of guidance counseling and advising and a timeline for implementation no later than July 1, 2005.

Sections 12 – 138: Makes name changes as follows:

- Career and technical education to career education
- Vocational education to career education
- Workforce development education to workforce education
- Technical Centers to career centers

Note that **Section 133** deals with s. 1012.41, F. S. This section was repealed in 2003.

Section 139: This bill is effective July 1, 2004.

Bill Number: CS/SB 1090
Short Title of Bill: Apprenticeship Training

Effective Date: Upon becoming law

Contact: David Armstrong, Chancellor of Community Colleges & Workforce Education, (850) 245-0407
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Summary:

This bill amends statute to streamline the process for filling vacancies on the Apprenticeship Advisory Council. The bill deletes the requirement that the Governor appoint two nominating committees; representing sponsors of both joint (union) and non-joint (non-union) employers and allows the Governor to directly appoint Council members. Outdated references to the Division of Workforce Development and the Director are removed and replaced with the Department of Education and the Commissioner of Education throughout the statute.

Summary by Bill Section:

Section 1: Amends s. 446.011, F.S., to delete references to the Division of Workforce Development.

Section 2: Amends s. 446.021, F.S., to delete references to the Division of Workforce Development and makes other technical changes.

Section 3: Amends s. 446.032, F.S., to delete references to the Division of Workforce Development and makes other technical changes.

Section 4: Amends s. 446.041, F.S., to delete references to the Division of Workforce Development.

Section 5: Amends s. 446.045, F.S., to clarify that the State Apprenticeship Advisory Council is composed of 10 voting members appointed by the Governor and two ex officio nonvoting members. It establishes that the Commissioner of Education or the commissioner's designee shall serve ex officio as chair of the Council but may not vote. It also clarifies that the state director of the Bureau of Apprenticeship and Training of the United State Department of Labor shall serve as an ex officio, nonvoting member of the Council. The Governor is directed to appoint five members that represent sponsors of joint employee organizations and five members representing sponsors of non-joint employer organizations. Each member must represent industries that have registered apprenticeship programs. Terms are set as 4 years and are staggered.

Section 6: Amends s. 446.052, F.S., to delete references to the Division of Workforce Development and makes other technical changes.

Section 7: Amends s. 446.061, F.S., to delete references to the Division of Workforce Development.

Section 8: Amends s. 446.071, F.S., to delete references to the Division of Workforce Development and makes other technical changes.

Section 9: Amends s. 446.075, F.S., to delete references to the Division of Workforce Development and makes other technical changes.

Section 10: Amends s. 446.081, F.S., to delete references to the Division of Workforce Development.

Section 11: Amends s. 446.091, F.S., to delete obsolete reference to the Division of Jobs and Benefits.

Section 12: Provides that the amendments made to s. 446.045, F.S., shall apply to future appointments that fill current and future vacancies on the State Apprenticeship Advisory council and do not affect the terms of members currently serving before the effective date.

Section 13: Provides that this act shall take effect upon becoming law.

Bill Number: CS/SB 1258
Short Title of Bill: Workforce Development Education Programs

Effective Date: July 1, 2004

Contact: David Armstrong, Chancellor of Community Colleges & Workforce Education, (850) 245-0407
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Vetoed by Governor

Summary:

This bill revises the criteria for funding of workforce education programs offered by community colleges and school districts and provides that workforce development programs should be funded using an allocation model that considers both weighted enrollments and performance. References to the Workforce Development Education Fund are deleted.

Summary by Bill Section:

Section 1: Amends s. 1011.80, F. S., to delete references to the Workforce Development Education Fund. It provides that workforce education programs offered by school districts and community colleges must be funded on a weighted enrollment plus performance basis. The Department of Education is directed to develop a funding process for school district workforce education programs that is comparable with community colleges workforce education programs. The maximum percentage that base funding (based on enrollment) may constitute of the total allocation for workforce education programs is changed from 85% to 90%. At least 10% of the funding for workforce education programs must be based on performance.

School districts shall report full-time equivalent students by discipline category for the programs specified in law and there shall be an annual cost analysis for the school district workforce education programs that reports cost by discipline category consistent with the reporting for full-time equivalent students.

The Department of Education is directed to develop a plan for comparable reporting of program, student, facilities, personnel, and financial data between the community colleges and the school districts.

Section 2: Amends s. 1011.83, F.S., to delete reference to the Workforce Development Education Fund.

Section 3: This act shall take effect July 1, 2004.





Florida Department of Education

Governmental Relations

Jim Home, Commissioner



State University System 2004 Legislative Review

Bill Number: HB 951
Short Title of Bill: Florida Institute for Human and Machine Cognition – Public Records and Meetings Exemptions
Effective Date: July 1, 2004
Contact: Debra Austin, Chancellor of Colleges and Universities, (850) 245-0466
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Signed by Governor

Summary:

This bill creates an exemption from public records requirements for certain materials and portions of meetings of the corporation or a subsidiary of the University of West Florida Institute of Human and Machine Cognition, Inc., at which confidential and exempt records are discussed.

Summary by Bill Section:

Section 1: Creates s. 1004.4472, F.S., as public records and public meetings exemptions for the University of West Florida Institute of Human and Machine Cognition, Inc. The specific exemptions from s. 119.07(1), F.S., and s. 24(a), Art. I of the State Constitution are provided. Any governmental entity is allowed to inspect or copy confidential and exempt information held by the corporation or its subsidiary which is necessary for that governmental entity to perform its duties and responsibilities, but they are also bound to maintain the confidentiality of the information. This section sunsets and is repealed on October 2, 2009, unless reviewed and saved from repeal by legislative action.

Section 2: Provides statements of public necessity for such exemptions.

Bill Number: SB 2002
Short Title of Bill: Health Care Initiatives
Effective Date: Upon becoming law with some sections taking effective July 1, 2004
Contact: Debra Austin, Chancellor Colleges and Universities, (850) 245-0466
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Signed by Governor

Summary:

The bill authorizes the Department of Health to issue faculty certificates in chiropractic medicine without examination to qualified individuals. It authorizes a program in chiropractic medicine at Florida State University, and provides for \$9 million annually to FSU for a chiropractic school.

The bill authorizes the establishment of for-profit subsidiaries of governing corporations of the H. Lee Moffitt Cancer Center and Research Institute and the Florida Alzheimer's Center and Research Institute (both are at the University of South Florida). It renames the Florida Alzheimer's Center as the Johnnie B. Byrd, Sr., Alzheimer's Center and Research Institute. It directs that \$15 million annually, beginning July 1, 2004, be distributed to the Grants and Donations Trust Fund within the Department of Elder Affairs, to support the work of the Johnnie B. Byrd, Sr., Alzheimer's Center and Research Institute.

The bill renames the Life Sciences Building at FSU as the James E. "Jim" King, Jr., Building. It enlarges the scope of the James and Esther King Biomedical Research Program and, beginning July 1, 2004, provides \$6 million annually for the program. It creates within the Department of Health the Florida Center for Universal Research to Eradicate Disease and provides \$250,000 annually from the James and Esther King Biomedical Research Program.

The bill creates the Florida Cancer Research Council, effective July 1, 2004, within the Department of Health. Its purpose is to make the state a center of excellence for cancer research and to dramatically improve cancer research and treatment in Florida.

The bill creates the Florida Public Health Foundation, Inc., to disseminate breakthroughs in biomedical research, to make patients and treatment providers aware of specific diseases and means of prevention and treatment, and to be the leading voice in Florida promoting greater awareness of health issues.

The bill establishes within the Department of Health a Prostate Cancer Awareness Program, to implement the January 2000 recommendations of the Florida Prostate Cancer Task Force with outreach and education to foster awareness and early detection. It also creates the Cervical Cancer Elimination Task Force, effective July 1, 2004, to do research, gather testimony and provide a comprehensive report on recommended ways to increase awareness of the disease and improve treatment and to promote prevention and early detection. And it broadens the fields of study supported by the Lawton Chiles Endowment Fund to include biomedical research into cures for specific diseases.

Summary by Bill Section:

Section 1: Creates s. 460.4062, F.S., authorizing the Department of Health to issue a chiropractic medicine faculty certificate without examination if certain conditions are met. The most significant condition relative to education is that the individual has been offered and has accepted a full-time faculty appointment to teach in a program of chiropractic medicine at a publicly funded state university or college and provides a certification from the dean of the appointing college acknowledging the appointment. The certificate only authorizes the holder to practice in conjunction with that faculty position in the institution's registered affiliated clinics. The certificate expires after two years or upon termination of the holder with the school, whichever comes first. The certificate is renewable every two years if the same conditions continue to be met.

Section 2: Creates s. 1004.383, F.S., which authorizes a chiropractic medicine degree program at Florida State University.

Section 3: Amends s. 561.121, F.S., to direct that \$15 million annually be distributed to the Grants and Donations Trust Fund within the Department of Elder Affairs to support the work of the Johnnie B. Byrd, Sr., Alzheimer's Center and Research Institute. These annually appropriated funds are to support a contract with the Alzheimer's Center and Research Institute with the University of South Florida. Direct that \$6 million annually be distributed to the Biomedical Research Trust Fund within the Department of Health, and these funds are annually appropriated to the James and Esther King Biomedical Research Program; up to \$250,000 shall be available annually for the operating costs of the Florida Center for Universal Research to Eradicate Disease. And to direct that \$9 million annually be distributed to be paid by warrant drawn by the Chief



Financial Officer upon the State Treasury to Florida State University for the School of Chiropractic Medicine; these funds may be used for any purpose by the university until the School of Chiropractic Medicine is completely staffed and fully operational. Each of the three distributions are to begin on July 1, 2004.

Section 4: Amends s. 1004.43, F.S., to allow for-profit corporate subsidiaries to be created by the H. Lee Moffitt Cancer Center and Research Institute. Such for-profit subsidiaries of the not-for-profit corporation are prohibited from competing with for-profit health care providers in the delivery of radiation therapy services to patients. Revises the provisions of the agreement between the State Board of Education and the not-for-profit corporation to include lands and removes the modifier "hospital" for facilities and personnel such that it is now more encompassing, but clarifies that such must be for the purpose of research, education, treatment, prevention, and the early detection of cancer. Permits the not-for-profit corporation and its subsidiaries to be exempt from participation in any property insurance trust fund established in law, including that found in chapter 284, F.S., as long as the corporation and its subsidiaries maintain property insurance protection with comparable or greater coverage limits. Removes the appointment authority of the State Board of Education for 5 appointees to the board of directors. Requires that any appropriation to the institute provided in a general appropriations act shall be paid directly to the board of directors of the not-for-profit corporation by warrant drawn by the Chief Financial Officer from the State Treasury.

Section 5: Amends s. 1004.445, F.S., to rename the Florida Alzheimer's Center and Research Institute to the Johnnie B. Byrd, Sr., Alzheimer's Center and Research Institute. Allows for-profit corporate subsidiaries to be created by the Center and Research Institute. Revises the provisions of the agreement between the State Board of Education and the not-for-profit corporation to include lands and removes the modifier "hospital" for facilities and personnel such that it is now more encompassing, but clarifies that such must be for the purpose of research, education, treatment, prevention, and the early detection of Alzheimer's disease. Permits the not-for-profit corporation and its subsidiaries to be exempt from participation in any property insurance trust fund established in law, including that found in chapter 284, F.S., as long as the corporation and its subsidiaries maintain property insurance protection with comparable or greater coverage limits. Removes the appointment authority of the State Board of Education for 5 appointees to the board of directors. Requires that any appropriation to the institute provided in a general appropriations act shall be paid directly to the board of directors of the not-for-profit corporation by warrant drawn by the Chief Financial Officer from the State Treasury.

Section 6: Creates the Florida Center for Universal Research to Eradicate Disease (CURED) within the Department of Health. The bill defines the purpose of the center to be coordinating, improving, expanding, and monitoring all biomedical research programs with the state, facilitating funding opportunities, and fostering improved technology transfer or research findings into clinical trials and widespread public use. Establishes the goal to find cures for diseases such as cancer, heart disease, lung disease, diabetes, autoimmune disorders, and neurological disorders, including Alzheimer's disease, epilepsy and Parkinson's disease. Requires an annual biomedical technology summit to be held in Florida by the center. Requires the center to encourage clinical trials in Florida on research that holds promise of curing a disease or condition. Requires the center to facilitate various partnerships, in order to share new techniques and new research findings, and to coordinate voluntary donation to ensure an adequate supply of adult stem cells, placentas, or cord blood, and work with rare plants or animals that could lead to cures, and that involve developed and developing countries. Requires the center to encourage agricultural colleges and agricultural businesses in Florida to be active in the search for cures and providing information to the public about disease prevention. Requires the center to serve as a registry for biomedical grants, maintain a website with links to peer-reviewed biomedical research. Requires an annual report to the Governor and the Legislature no later than January 15 with recommendations for legislative changes necessary to foster a positive climate for biomedical research in Florida. Allows the Department of Health to outsource the duties of the center to a private entity or state university. Establishes an advisory council required to meet at least annually, comprised of the board of directors of the Florida Research Consortium and at least one representative from 17 other specified organizations.

Section 7: This section is not relevant to education, state employees, or the agency.

Section 8: Amends s. 215.5602(1)(a)(b), (2), (10) F.S., to add the concept of cures to the mission of the James and Ester King Biomedical Research Program. Establishes that research designed to prevent or cure disease will be the priority for the awarding of grants and fellowships. Adds the requirement for the council's report to also be submitted to the Florida Center for Universal Research to Eradicate Disease.

Section 9: Names the Life Sciences Building at Florida State University in Tallahassee the James E. "Jim" King, Jr., Building and authorizes the university to erect markers.

Section 10: Establishes the Florida Cancer Council within the Department of Health effective July 1, 2004, for the purpose of making the state a center of excellence for cancer research. The council's membership is to include representatives from the H. Lee Moffitt Cancer Center, the University of Florida Shands Cancer Center, and the University of Miami Sylvester Comprehensive Cancer Center, as well as numerous other representatives from the state's cancer centers, hospitals, and patient groups; the Governor and the President of the Senate and the Speaker of the House of Representatives make some of the appointments. Requires the council to make an annual report to the Center for Universal Research to Eradicate Disease, to the Governor and the Legislature by December 15 that contains policy and funding recommendations regarding cancer research capacity in Florida and related issues.

Section 11: Charges the Florida Cancer Council to work in concert with the Florida Center for Universal Research to Eradicate Disease to ensure that the goals of the center are advanced and that cancer research and treatment in this state are dramatically improved. A variety of approaches to this are delineated.

Section 12: Establishes the Florida Public Health Foundation, Inc., as a 501(c)(3), Internal Revenue Code, not-for-profit corporation. Defines the purpose to be disseminating breakthrough findings in biomedical research and promoting health awareness in Florida. Requires it to operate exclusively for charitable, scientific, and educational purposes, to protect and improve the health and well-being of Florida's people and environment through partnerships committed to program innovation, education, applied research, and policy development; and to engage in charitable programs dedicated to improving the health of Floridians. Designates the lead corporation in Florida for promoting public health awareness. Establishes the membership of its large board of directors. Requires an annual report on its activities and finances to the Florida Center for Universal Research to Eradicate Disease with copies to the Governor and legislature.

Section 13: Requires the Florida Public Health Foundation, Inc., in consultation with the Department of Health to coordinate monthly health awareness campaigns with national, state, and local health care organizations and government entities targeting a wide range of the public specifically including parents, teachers and other school employees, students in 4th through 12th grades, colleges, and universities, state agency employees, county and local government employees, patients of county health departments, Medicaid recipients, health care professionals and providers, and the public in general. Specifies 21 categories of diseases or conditions that must be included in an awareness campaign during at least one month in any 24-month period.

Section 14: Establishes the Prostate Cancer Awareness Program in the Department of Health if funds are specifically made available for this. Establishes that the program's purpose is to implement the recommendations of the January 2000 report of the Florida Prostate Cancer Task Force relative to statewide outreach and health education to assist in early detection. Creates an advisory council including three persons who are scientists or clinicians from public universities or research organizations. Requires coordination with the Florida Public Health Foundation, Inc.

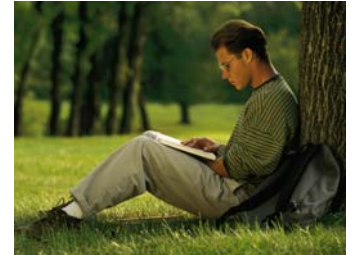
Section 15: Establishes the Cervical Cancer Elimination Task Force effective July 1, 2004, for the purpose of recommending strategies and actions to reduce the costs and burdens of cervical cancer in Florida. Requires interim reports to the Florida Public Health Foundation, Inc., the Florida Cancer Council, the Center for Universal Research to Eradicate Disease, to the Governor, and the Legislature on January 1, 2006, and July 1, 2007, and a final report on June 30, 2008. Dissolves the task force after the submission of its final report and no later than June 30, 2008. Identifies six activities for the council. Provides for the membership of the council which includes representatives from H. Lee Moffitt Cancer Center and Research Institute, the University of Florida Shands Cancer Center, and the University of Miami Sylvester Comprehensive Cancer Center.

Bill Number: SB 2810
Short Title of Bill: State University Student Athletic Fees
Effective Date: Upon becoming law
Contact: Debra Austin, Chancellor of Colleges and Universities, (850) 245-0466
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Signed by Governor

Summary:

This bill authorizes a state university to increase its student athletic fee to defray the costs of the institution changing competitive sports divisions. It overrides the usual limits on such fee increases, but does limit the increase to no more than \$2 per credit hour. Provisions in the bill also require the athletic fee committee to approve such fee increases. It does not allow the increases which exceed the usual limits to be included in calculating the amount of Bright Futures awards.



Summary by Bill Section:

Section 1: Amends s. 1009.24, F.S., to allow a state university to increase its athletic fee in order to defray the costs of meeting the new requirements if it is changing competitive National Collegiate Athletic Association (NCAA) sports divisions. It exempts such an increase from both the 40% tuition cap and the 5% cap on yearly increases established in s. 1009.24, F.S., and limits the increase to no more than \$2 per credit hour. It requires the increase to go before the university's athletic fee committee for approval. That committee is comprised of 50% of students who are appointed by the student body president and the remaining members appointed by the president.

Section 2: Establishes that the effective date is upon becoming law.



Florida Department of Education

Governmental Relations

Jim Home, Commissioner



Independent Education and Parental Choice

2004 Legislative Review

Bill Number: CS/SB 3000
Short Title of Bill: Charter Schools

Effective Date: July 1, 2004, except as otherwise provided

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Signed by Governor

Summary:

This bill adds the mitigation of the educational impact from the development of new residential units as a fourth purpose for charter schools. It expands the role of the Charter School Appeal Commission by adding additional grounds for appeal. Unencumbered capital outlay funds will now be reverted to the Department of Education. If municipalities apply for and are granted approval for a feeder pattern of charter schools, the schools are designated as one charter school. The bill revises the compliance provisions for building construction standards for charter school facilities, exempts charter schools from building licenses, and clarifies the Florida Fire Prevention Code requirement for charter schools. Impact fees specifically charged to new developments can be used for the construction of charter schools when the purpose of the charter school is to mitigate the impact of new residential developments. The bill clarifies the administrative and educational services included in the 5% administration fee and allows for an option other than the school district rate requirement for goods and services under certain conditions. The Department of Education is required to conduct a study of transportation issues as they relate to charter schools. The bill corrects the name of the FSU Charter School and clarifies the allocation of lab school funding. A severability clause has been added.

Summary by Bill Section:

Section 1: Amends s.1002.33 (2), F.S., by adding the mitigation of the educational impact created by new residential developments to the list of purposes for charter schools.

Amends s.1002.33(8)(e), F.S., to expand the role of the Charter School Appeal Commission to hear disputes over contracts between the sponsor and the charter school when mediation between the two has failed. It also authorizes an appeal to the Charter School Appeal Commission when mediation has not resolved disputes over contracted services or contractual matters not included in the charter.

Amends s. 1002.33(8)(e), F.S., requiring that any unencumbered state capital outlay funds available upon a charter school's dissolution or termination to revert to the Department of Education, not the school district, to be redistributed among eligible charter schools.

Amends s. 1002.33(15)(c), F.S., so that when municipalities have received approval for a feeder pattern of charter schools consisting of elementary, middle and senior high schools, they will be considered as one charter school for all purposes listed in charter school law. The charter school will pay the sponsor a 5% administrative fee.

Amends s. 1002.33(18)(a), F.S., to provide charter schools the option of using facilities that comply with the State Education Facilities Requirements or the Florida Building Code. The local governing authority shall not adopt or impose local building requirements or restrictions that are more stringent than those of the Florida Building Code. The agency having jurisdiction for inspection of a charter school facility shall be the local municipality or, if in an unincorporated area, the county governing authority.

Adds s. 1002.33(18)(b), F.S., which requires charter schools to use facilities that comply with the Florida Fire Prevention Code as adopted by the authority in whose jurisdiction the facility is located.

Amends s. 1002.33(18)(d), F.S., to exempt charter schools from fees for building licenses.



Adds s. 1002.33(18)(f), F.S., allowing educational impact fees from new residential housing developments to be used for the construction of charter schools specifically created to mitigate the educational impact of these developments. Such facilities must be built to the State Requirements for Educational Facilities and must be owned by a public or nonprofit entity. The local school district retains the right to monitor and inspect the charter school facilities. If the charter school ceases to be used for educational purposes, the facility will revert (1) to the school district subject to any debt owed or (2) to the owner of the facility if he or she refunds all of the educational impact fees used for the facility. The school district and owner of the facility may contractually agree to another arrangement.

The party responsible for the payment of impact fees and the entity levying educational impact fees are required to enter into an agreement designating the educational impact fees that will be allocated for the charter school facility and ensuring the concurrent construction of the charter school student stations and the residential dwellings. The application for use of the educational impact fees will include an approved charter application. To assist the school district in forecasting student station needs, the entity levying the impact fees will notify the affected district of any agreements it has approved for the purpose of mitigating student station impact from the new residential dwelling units.

Amends s. 1002.33(20)(a), F.S., clarifying the services the school district provides to the charter school for the 5% administrative fee. The school district will provide to the charter school statewide or district-wide assessments and equal access to the student information systems within the school district in which the charter school is located. Sponsors will not charge charter schools any additional fees or surcharges for the administrative and educational services outlined in this subsection.

Amends s. 1002.33(20)(b), F.S., relating to the rate the school district can charge a charter school for goods and services. If the goods and services are made available through the charter school's contract with the school district, the rate cannot be greater than the district's actual cost. However, if both parties agree, the district and charter school are now allowed to negotiate this rate in a contract separate from the charter contract. If both parties cannot agree on the rate and if mediation fails to resolve the dispute, an appeal may be made to the Charter School Appeal Commission.

Section 2: Requires the Department of Education to conduct a study of transportation issues as it relates to charter schools and how transportation impacts both the districts and the charter schools. The study will bring clarification to the district/charter school transportation issue and provide an opportunity to make transportation for charter schools more equitable. Recommendations, including the modification to the funding formula and bus leasing for charter schools, will be reviewed. Proposed solutions will be made available for consideration in the 2005 legislative session.

The study shall include, but will not be limited to, full-time equivalent and data reporting services with respect to transportation, the impact that transporting charter school students has on a school district's average bus occupancy, the feasibility of calculating average bus occupancy separately for charter schools and school districts, and the additional cost of transporting students who choose not to attend conversion charter schools. The results of the study will be presented to the President of the Senate, the Speaker of the House of Representatives, and the Charter School Appeal Commission no later than November 1, 2004 for a public hearing and development of legislative recommendations.

Section 3: Amends s. 1002.32(2), F.S., authorizing the Florida State University Charter Lab Elementary School in Broward County to be renamed the Florida State University Charter Lab K-12 School in Broward County.

Amends s. 1002.33(9)(a) F.S., to base funding for state university lab schools on the county in which the lab schools are located rather than the county location of the sponsor.

The bill provides for the creation of a severability clause specifying that if any part of Section 1002.33, Florida Statutes, is determined to be invalid, it does not make the entire law invalid.



Florida Department of Education

Governmental Relations

Jim Home, Commissioner



Other Bills of Interest 2004 Legislative Review

Bill Number: CS/CS SB 206
Short Title of Bill: Florida Coordinating Council for the Deaf and Hard of Hearing

Effective Date: Upon Becoming Law

Contact: Ray Monteleone, Deputy Commissioner/ Chief Operating/Chief Education Financial Officer, (850) 245-0456
ray.monteleone@fldoe.org

Signed by Governor

Summary:

This bill creates the Florida Coordinating Council for the Deaf and Hard of Hearing, which is assigned to the Department of Health. The bill defines the responsibilities of the Council as an advisory and policy recommending body with regard to the deaf, hard-of-hearing, and late-deafened persons. The bill includes that the Commissioner of Education or his designee has a seat on the Council.

Summary by Bill Section:

Section 1: Creates the Florida Coordinating Council for the Deaf and Hard of Hearing and provides definitions, outlines membership and length of appointment, establishes the roles of the council, requires reports of the council, and provides that all state agencies will assist the Council.

Section 2: Establishes that the effective date is upon becoming a law.



Bill Number: HB 1823
Short Title of Bill: Developmental Services and Mental Health

Effective Date: Effective July 1, 2004, Except as Otherwise Noted

Contact: Ray Monteleone, Deputy Commissioner/ Chief Operating/Chief Education Financial Officer, (850) 245-0456
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Signed by Governor

Summary:

This bill creates the Agency for Persons with Disabilities that will be housed within the Department of Children and Family Services for administrative purposes. The agency will be responsible for providing services to the persons who are developmentally disabled. The bill also establishes requirements that protect the safety of persons who have mental or developmental disabilities.

Summary by Bill Section:

Sections 1-69: These sections are not relevant to education, the agency, or any of its subdivisions.

Section 70: Creates s. 20.197, F.S., that creates the Agency for Persons with Disabilities and defines the roles and responsibilities of the agency. While housed within the Department of Children and Family Services for administrative purposes, the Governor will appoint the head of the agency. The agency will be responsible for all services provided to persons with developmental disabilities outlined in Chapter 393.

Section 87: The effective date for the Agency for Persons with Disabilities will be October 1, 2004.

Bill Number: SB 2918
Short Title of Bill: Florida School for the Deaf and Blind

Effective Date: July 1, 2004

Key Contacts: Ray Monteleone, Deputy Commissioner/ Chief Operating/Chief Education Financial Officer, (850) 245-0456
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Signed by Governor

Summary:

This bill clarifies policies for operation and facilities construction for the Florida School for the Deaf and Blind. In addition, this bill requires the Division of Blind Services to develop and implement a state plan for vocational rehabilitation services and independent living services; provides for division to purchase and distribute specialized equipment without using state centralized purchasing procedures; creates children's program; authorizes division to create blind services direct-support organization; provides purposes and objectives, etc.

Summary by Bill Section:

Section 1: Amends s. 11.45, F.S., and provides for an annual audit of the School for the Deaf and Blind by the Auditor General.

Section 2: Amends s. 1001.20, F.S., and adds the School for the Deaf and Blind to the list of entities subject to review by the Inspector General of the Department of Education (DOE).

Section 3: Amends s. 1002.36, F.S., and provides that, unless otherwise provided by law, the School for the Deaf and Blind and its Board of Trustees shall comply with all laws and rules applicable to state agencies. Further provides for annual audits by the Auditor General and authorizes the DOE Inspector General to investigate the school. The bill changes the authority of the State Board to approve rules for the school and clarifies the power and authority of the Board of Trustees, including policies for the preparation of the legislative budget request and coordination of planning between the school and local governing bodies.

Section 4: Amends s. 1011.55, F.S., relating to the procedures for the submission of the legislative budget request for operations and fixed capital outlay. This section requires that the School for the Deaf and Blind submit its legislative budget request to the Department of Education for review and approval, including request for Fixed Capital Outlay.

Section 5: Creates s. 1013.351, F.S., for the coordination of planning between the school and local governing bodies. Extensive new policy in law for the school. This section also establishes requirements for a minimum, an interlocal agreement, and requires that it must address the following issues:

- The process by which each local government and the Board of Trustees will agree and base their plans on consistent projections of the growth and needs of the school's student enrollment.
- The process to coordinate and share information relating to planned expansions of the school's facilities.
- The participation by affected local governments when the Board of Trustees is evaluating potential land acquisitions before the land acquisition occurs and when the Board of Trustees proposes uses for property acquired by the Board of Trustees on or after January 1, 1998.
- A process for determining the need for and timing of onsite and offsite improvements to support new facilities that are to be located on property acquired by the Board of Trustees on or after January 1, 1998, except new facilities for which a construction contract was entered on or before the effective date of this act.
- A process for the Board of Trustees to inform local governments of the school's enrollment demographics and its capacity to meet it.
- A process for determining where and how joint use of the school or local government facilities can be shared for mutual benefit and efficiency.
- A procedure for resolving disputes between the Board of Trustees and local governments, which may include the dispute resolution processes contained in chapters 164 and 186.

Section 6: Creates s. 1002.361, F.S., and establishes a direct support organization for the school to help with the coordination of planning between the Florida School for the Deaf and the Blind and local governing bodies.

Section 7: Amends s. 413.011, F.S., and establishes a Rehabilitation Council for the Blind within the Division of Blind Services and specifies the Council responsibilities. Creates a children's program to serve children who are blind from 5 years of age through transition to the Vocational Rehabilitation Program

This bill amends 413.011, F.S., Division of Blind Services, legislative policy, intent, internal organizational structure and powers; re-designates Rehabilitation Council for the Blind.

It is the policy of the Legislature that all programs, projects, and activities of the division are to be carried out in a manner consistent with the following principles:

- Respect for individual dignity, personal responsibility, self-determination to live independently, and pursuit of meaningful careers, based on informed choice;
- Support for the involvement of an individual's representative if an individual requests, desires, or needs such support;
- Respect for the individual's privacy and equal access, including the use of information in accessible formats; and
- Integration and full participation in society on equal terms with others individuals who are blind.

It is the intent of the Legislature to establish a coordinated program of services which will be available to individuals throughout this state who are blind. The program must be designed to maximize employment opportunities for such individuals and to increase their independence and self-sufficiency.

The division is charged with the following responsibilities:

- Developing and implementing a state plan for vocational rehabilitation services for individuals who are blind, pursuant to section 101 of the Rehabilitation Act of 1973, as amended;
- Developing and implementing, in conjunction with the Florida Independent Living Council, a 3-year state plan for independent living services, independent living services for the blind and visually impaired individuals, and services for the elder blind, pursuant to Title VII, chapter 2 of the Rehabilitation Act of 1973, as amended;
- Providing services that contribute to the maintenance of or the increased independence of the elder blind;
- Establishing, equipping, and maintaining an orientation and adjustment center or centers to provide independent living skills training and other training including instruction in Braille, use of the long white cane for independent travel, homemaking and home-management skills, communication skills, and use of computer technology to prepare blind or visually impaired individuals for eventual vocational training, job placement, and independence;
- Establishing and implementing a small business enterprises program and serving as the state licensing agency for individuals who are blind, pursuant to the Randolph-Sheppard Act;
- Purchasing and distributing specialized equipment, devices, and technology, including low-vision aids, obtained directly from specialty vendors without using state centralized purchasing procedures;
- A state agency may use funds from all possible sources to make accommodations for blind individuals;
- Providing, in cooperation with the Library of Congress, library services to persons who are blind and persons who have other print-related disabilities;
- Providing, in cooperation with other appropriate agencies, to employers, the state education agency, and local education agencies technical assistance in the provision of auxiliary aids and services to blind people, students, and their parents in compliance with the Americans with Disabilities Act and the Individuals with Disabilities Education Act, as amended;
- Providing technical assistance to agencies within the state in order to assure that information technology purchased or used by such agencies is accessible and usable by blind individuals at the time the technology is purchased or used;

- Participating, through the designation of the director or an appropriate staff member of the division, on boards, divisions, or bodies in this state for the purpose of coordinating and planning services;
- Adopt rules for administering the programs of the division.
- Applying for and receiving money from any state or federal agency to support the programs of the division;

A children's program is created within the division to serve blind children from five years of age through transition to the Vocational Rehabilitation Program. The program must supplement services offered by the school system to foster the child's learning and ability to function independently. The child's parents, guardian, and family members should be an integral part of the program in order to foster independence.

The division is directed to provide vocational rehabilitation services and independent living services to blind individuals in this state, pursuant to the Rehabilitation Act of 1973, as amended.

The division shall require all employees and applicants for employment to undergo personnel screening and security background investigations as provided in chapter 435, using the level two standards for screening set forth in that chapter, as a condition of employment and continued employment. (Fiscal impact)

Section 8: Amends s. 413.014, F.S., by changing terminology for community based rehabilitation programs to community rehabilitation programs. The bill establishes that the Division of Blind Services shall enter into cooperative agreements with community-based rehabilitation programs as defined by the Rehabilitation Act of 1973, as amended, to be the service providers for the blind citizens of their communities.

Section 9: Amends s. 413.014, F.S., and makes technical amendments in reference to the division.

Section 10: Amends s. 413.051, F.S., and now requires the division to conduct a periodic survey of state properties.

Section 11: Amends s. 413.091, F.S., and makes changes related to the Division of Blind Services authority to issue identification cards for blind or partially sighted persons.

Section 12: Creates new section authorizing the division to create a blind services direct-support organization:

- The term "direct-support organization" means a not-for-profit corporation incorporated under chapter 617, Florida Statutes, and organized and operated to conduct programs and activities; initiate developmental projects; raise funds; request and receive grants, gifts, and bequests of moneys; acquire, receive, hold, invest, and administer, in its own name, securities, funds, objects of value, or other property, real or personal; and make expenditures to or for the direct or indirect benefit of the state and for blind persons in this state.
- The Division is authorized to organize and incorporate a direct-support organization pursuant to the requirements of this section and chapter 617, Florida Statutes, to accomplish the purposes and objectives set forth in this section.
- The first board of seven members of the direct-support organization shall be appointed by the Governor. Two members shall be appointed to serve 2-year terms, three members shall be appointed to serve 3-year terms, and two members shall be appointed to serve 4-year terms. Thereafter, the board shall be self-appointed according to the established by-laws.
- The director of the division, or his or her designee, shall serve as an ex officio member of the board of the direct-support organization.
- The direct-support organization is subject to the requirements of Section 24 of Article I of the State Constitution, chapter 119, Florida Statutes, and section 286.011, Florida Statutes.
- Upon the dissolution of the corporation, all properties of the corporation revert to the division.
- The direct-support organization shall maintain donations and direct service expenditures in a bank account outside of the State Treasury.

- Any administrative costs of running and promoting the purposes of the corporation must be paid by private funds.
- The purposes and objectives of the direct-support organization must be consistent with the priority issues and objectives of the Department of Education and must be in the best interests of the state, though the Division of Blind Services may permit, without charge, the appropriate use of property and facilities of the state by the direct-support organization subject to this section. Such use must be directly in keeping with the approved purposes of the direct-support organization.
- Funds designated for the direct-support organization must be used for the enhancement of programs and projects of the Division of Blind Services. All moneys received by the direct-support organization must be deposited into an account of the direct-support organization and must be used by the organization in a manner consistent with the purposes and goals of the direct-support organization.
- The direct-support organization shall comply with the audit requirements of section 215.981, Florida Statutes.
- The director of the Division of Blind Services may designate employees of the division to solicit donations from public or private sources to fund the authorized purposes of the direct-support organization.

Section 13: Repeals ss. 413.061, 413.062, 413.063, 413.064, 413.065, 413.066, 413.067, 413.068, and 413.069, F.S., relating to permits for soliciting funds to benefit the blind;

Section 14: Provides for an effective date upon becoming law except as otherwise provided.

Bill Number: SB 124
Short Title of Bill: Domestic Security Initiatives Chief

Effective Date: Upon becoming law

Contact: Ray Monteleone, Deputy Commissioner/ Chief Operating/Chief Education Financial Officer, (850) 245-0456
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Signed by Governor

Summary:

Modifies the powers and duties of the Chief of Domestic Security Initiatives within the Florida Department of Law Enforcement (FDLE) to include: requiring that state agencies, rather than the Chief of Domestic Security Initiatives, conduct the initial security assessments of buildings and facilities, with submission of the assessment to the Chief by November 1, 2004; requiring that state universities and communities colleges conduct initial security assessments of their facilities; deleting the requirement that the Chief of Domestic Security Initiatives conduct security assessments of buildings owned by local governments; requiring the Chief of Domestic Security Initiatives to communicate to water management districts options to consider in obtaining security assessments.

Summary by Bill Section:

Section 1: Amends s. 943.0311, F.S., to modify the powers and duties of the Chief of Domestic Security Initiatives (chief) within FDOE. These changes:

- Require that state agencies, rather than the Chief of Domestic Security, conduct the initial security assessments of buildings and facilities, and submit these assessments to the chief by November 1, 2004;
- Specify that state universities and community colleges conduct the initial security assessments of buildings and facilities, and submit these assessments to the chief by November 1, 2004;
- Authorize the chief to request subsequent assessments be conducted by state agencies, state universities and community colleges, or that such entities provide the assistance of their employees in the production of requested information for security assessments;
- Delete the requirement that the chief conduct security assessments of buildings owned by local governments;
- Require the chief to communicate to water management districts options to consider in obtaining security assessments. If the state agencies, universities and community colleges "substantially" fail to cooperate with the chief in the production of these assessments, the chief is required to report such noncompliance to the Governor, the President of the Senate, and the Speaker of the House of Representatives.



By November 1 of each year, the Chief of Domestic Security is required to submit a report of prioritized suggestions for specific security enhancements of state agency, state university and community college facilities to the Governor and the Legislature; the chief is required to encourage local governments and water management districts to conduct security assessments of their buildings and advise those governments and districts of options to consider in obtaining assessments; local governments and water management districts must bear the costs of assessing buildings and facilities owned or leased by local governments and water management districts.

Section 2: Provides that the bill will take effect upon becoming a law.

Bill Number: HB 129
Short Title of Bill: Emergency Elevator Access

Effective Date: Section 1: 10/01/2004; Sections 2-5: 04/06/2004 Approved by Governor

Contact: Ray Monteleone, Deputy Commissioner/ Chief Operating/Chief Education Financial Officer, (850) 245-0456
ray.monteleone@fldoe.org

Signed by Governor

Summary:

Requires any building in Florida that is six or more stories and has elevators, which was built after June 30, 2004 to have the elevators keyed with one master key to allow emergency elevator access in fire emergencies; the bill also requires buildings six or more stories that have undergone "substantial improvement" are also required to be keyed with one master key; compliance for existing buildings six or more stories is required by July 1, 2007; provides for an administrative fine no greater than \$1,000 in addition to any other penalty provided by law for non-compliance; waives permit requirements and fees for compliance with the master key requirements; requires elevator owners to report on their compliance; creates the Elevator Safety Technical Advisory Council in order to replace the Elevator Safety Technical Advisory Committee which was terminated by operation of statute on December 31, 2003; sets forth the membership, appointment, terms, purpose, reimbursement, and consulting powers; repeals the provisions related to the Elevator Safety Technical Advisory Committee; permits fees for inspections by municipalities and counties, but limits disciplinary actions by counties and municipalities; allows for enforcement, fees, and fines by counties; sets forth a legislative finding that its provisions fulfill an important state interest.

Summary by Bill Section:

Section 1: Establishes requirements for implementation of master key requirements for emergency elevator access.

Section 2: Amends s. 399.03(1), F.S., to waive permit requirements, waive fees, and require an emergency access notification for compliance.

Section 3: Creates s. 399.1061, F.S., providing for the Elevator Safety Technical Advisory Council, the precursor of which was the Elevator Safety Technical Advisory Committee, which terminated on December 31, 2003.

Section 4: Amends s. 399.13, F.S., to provide fees for inspections by municipalities and counties; to permit enforcement, fees, and fines by counties; and to limit disciplinary actions by counties and municipalities.

Section 5: Repeals s. 399.106, F.S., relating to the Elevator Safety Technical Advisory Committee, which terminated on December 31, 2003.

Section 6: Provides that the Legislature finds that the provisions of this act fulfill an important state interest.

Section 7: Provides for an effective date of October 1, 2004, for section 1; provides sections 2-5 are effective upon becoming law.

Bill Number: HB 317
Short Title of Bill: Public Records Requirement/Exemption

Effective Date: 03/29/2004

Contact: Ray Monteleone, Deputy Commissioner/ Chief Operating/Chief Education Financial Officer, (850) 245-0456
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Signed by Governor

Summary:

Current law provides public records exemptions for building plans, blueprints, schematic drawings, and diagrams of buildings or other structures owned or operated by a government agency. The exemption does not apply to privately owned buildings or structures.

The bill creates a public records exemption for building plans, blueprints, etc. when it depicts the internal layout or structural elements of a privately owned facility, complex, or development; the bill authorizes the release of exempt information to other governmental entities, to the owner of the structure or the owner's legal representative, or upon a showing of good cause; the exemption does not apply to comprehensive plans or site plans submitted for approval or that have been approved under local land development regulations, local zoning regulations, or development-of-regional-impact review; exemption requires a two-thirds vote of the members present and voting for passage.

Summary by Bill Section:

Section 1: Amends s. 119.07(3)(ff), F.S., creating a public records exemption for building plans, blueprints, schematic drawings, and diagrams of certain privately owned facilities; provides exceptions to the exemption; and provides definitions of certain facilities.

Section 2: Provides for future review and repeal of the exemption.

Section 3: Provides a statement of public necessity.

Section 4: Provides an effective date of "upon becoming a law."

Bill Number: SB 340
Short Title of Bill: School Code Re-write Corrections

Effective Date: Upon becoming law

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Signed by Governor

Summary:

Overview: Following the changes made in 1998 to the Governance structure for the state's education system, in 2002 the Florida Legislature took the final step in the process to reorganize the entire education system for the state of Florida. Chapter 2002-387, L.O.F., created a new Education code reflecting a K-20 seamless system of public education. For the most part, the new code included the existing education laws; however, the statutes were reorganized with new chapter and section numbers. In addition to reorganizing the code, the act made major revisions in the laws affecting the governance of state universities, the organization and operation of the new State Board of Education, and the Department of Education.

This bill was created primarily to correct and delete obsolete references in the K-20 School Code and make technical changes. The specified provision regarding confidentiality of direct deposit records is saved from reversion on July 1, 2004. The superintendent's annual performance salary incentive and special qualification salary is reinstated to be added to the adjusted salary rate. Developmental research schools are redesignated as lab schools. Immunization documentation requirements for private schools are revised. Implementation and application of FCAT scores is codified.

Summary by Bill Section:

Section 1: Amends s. 17.076, F.S., to require that wording regarding confidentiality of records remains in effect after July 1, 2004, so that this provision remains in effect.

Section 2: Amends s. 20.055, F.S., to delete reference to the defunct Board of Regents in s. 20.055(1)(a).

Section 3: Amends s. 112.215, F.S. (Government employees; deferred compensation program) to remove the expiration of the provision that "employee" means "any state university board of trustees" relative to the state's deferred compensation program, so that this provision will remain in effect.

University employees are no longer state employees as of January 7, 2003, but had been participating in the state's deferred compensation program. The reversion of the expiration provision allows the university employees to continue to participate.

Section 4: Amends s. 145.19, F.S., to correct an omission in the statutes reflecting the annual percentage increase in salaries of elected superintendents. In 1993 the calculation of the salaries for elected district school superintendents was moved from chapter 145 to s. 230.303, F.S. However, s. 145.19, F.S., failed to include the appropriate cross-reference to chapter 230 for calculating the annual increases in salary.

- Corrects the cross-reference to refer to s. 1001.47, F.S., the provision in law that provides the method for calculating the salaries of elected district school superintendents.
- Conforms s. 145.19, F.S., to s. 1001.47, F.S., with respect to adding the special qualification salary and annual incentive salary of elected district school superintendents to the salary calculation methodology. This provision clarifies existing law and codifies existing practice.



Section 5: Amends s. 159.27, F.S. (Definitions), to change the name of a "developmental research" school to "lab" school in conformance with s. 1002.32, F.S., which establishes and defines this category of public schools.

Section 6: Amends s. 212.055, F.S. (Discretionary sales surtaxes; legislative intent; authorization and use of proceeds), to delete reference to the Florida Frugal Schools Program, which was eliminated in 2001.

Section 7: Amends s. 216.136, F.S. (Consensus estimating conferences; duties and principals) to eliminate positions from the Conference that no longer exist: Executive Director of State Board of Community Colleges and chair of the State Board of Nonpublic Career Education.

- Adds position on the Conference for the Commission for Independent Education

The amendment to s. 216.136, F.S., the Workforce Estimating Conference, reduces the number of board members by removing the Executive Director of the defunct State Board of Community Colleges. Thus, the community colleges will not have a representative on the Workforce Estimating Conference.

Section 8: Amends s. 287.064, F.S. (Consolidating financing of deferred-payment purchases), to remove the expiration of the provision that had added the universities for participation in the consolidated financing of deferred-payment purchases.

This preserves the ability of the universities as non-state agencies to continue participation in the consolidated financing of deferred-payment purchases without expiration.

Section 9: Amends s. 316.615, F.S. (School buses; physical requirements of drivers), to make conforming changes to rulemaking by vesting rulemaking authority solely in the hands of the State Board of Education as head of the Department of Education. This provision conforms this section to the school code rewrite, chapter 2002-387, L.O.F.

Section 10: Amends s. 402.305, F.S. (Licensing standards; child care facilities), to make conforming changes to rulemaking by vesting rulemaking authority solely in the hands of the State Board of Education as head of the Department of Education. This provision conforms this section to the school code rewrite, chapter 2002-387, L.O.F.

Section 11: Amends s. 440.38, F.S. (Security for compensation; insurance carriers and self-insurance), regarding the state and its subdivisions as self-insurers, unless they elect otherwise, and authorizing same to pay for insurance; shall not revert on July 1, 2004, and shall continue in full force and effect.

Section 12: Amends s. 445.0124, F.S. (Eligible programs), to delete reference to State Board of Community Colleges which no longer exists and replaces with State Board of Education.

Section 13: Amends s. 445.2125, F.S. (Consultation with postsecondary education boards prior to adoption of changes to training requirements), to replace references to the State Board of Independent Colleges and Universities and the State Board of Nonpublic Career Education with the Commission for Independent Education, and replaces the State Board of Community Colleges with the State Board of Education pursuant to s. 3, chapter 2002-321, L.O.F., and s. 3, chapter 2001-170, L.O.F. This requires any state agency or board that has jurisdiction over the regulation of a profession or occupant to consult with the Commission for Independent Education, The Board of Regents, and the State Board of Education prior to adopting changes to training requirements relating to entry into the profession or occupation. (NOTE: Provision still refers to the Board of Regents; however, reference should reflect current governance structure which includes the Board of Governors, which has replaced the Board of Regents.)

Section 14: Amends s. 456.028, F.S. (Consultation with postsecondary education boards prior to adoption of changes to training requirements), to replace references to the State Board of Independent Colleges and Universities and the State Board of Nonpublic Career Education with the Commission for Independent Education, and replaces the State Board of Community Colleges with the State Board of Education pursuant to s. 3, chapter 2002-321, L.O.F., and s. 3, chapter 2001-170, L.O.F. This requires any state agency or board that has jurisdiction over the regulation of a profession or occupant to consult with the Commission for Independent Education, The Board of Regents, and the State Board of Education prior to adopting changes to training requirements relating to entry into the profession or occupation. (NOTE: Provision still refers to the Board of Regents; however, reference should reflect current governance structure which includes the Board of Governors, which has replaced the Board of Regents.)

Section 15: Amends s. 458.347, F.S. (Physician assistants), to delete reference to State Board of Community Colleges which no longer exists and replaces with State Board of Education.

Section 16: Amends s. 467.009, F.S. (Midwifery programs; education and training requirements), to replace reference to the State Board of Nonpublic Career Education with the Commission for Independent Education.

Section 17: Amends s. 488.01, F.S. (License to engage in business of operating a driver's license school required), to replace reference to the State Board of Nonpublic Career Education with the Commission for Independent Education.

Section 18: Amends s. 489.125, F.S. (Prequalification of certificate holders), to make conforming changes to rulemaking by vesting rulemaking authority solely in the hands of the State Board of Education as head of the Department of Education and as opposed to the Commissioner of Education. This provision conforms this section to the school code rewrite, chapter 2002-387, L.O.F.

Section 19: Amends s. 784.081, F.S. (Assault or battery on specified officials or employees; reclassification of offenses), to change the name of a "developmental research" school to "lab" school in conformance with s. 1002.32, F.S., which establishes and defines this category of public schools.

Section 20: Amends s. 817.566, F.S. (Misrepresentation of association with, or academic standing at, postsecondary education institution), to replace reference to the State Board of Independent Colleges and Universities with the Commission for Independent Education.

Section 21: Amends s. 817.567, F.S. (Making false claims of academic degree or title), to replace reference to the State Board of Independent Colleges and Universities with the Commission for Independent Education, and corrects reference from s. 246.085 to current s. 1005, F.S.

Section 22: Amends s. 943.17, F.S. (Basic recruit, advanced, and career development training programs; participation; cost; evaluation), to grant rulemaking authority solely to the State Board of Education as head of the Department of Education, pursuant to the school code rewrite, chapter 2002-387, L.O.F.

Section 23: Amends s. 1000.04, F.S. (Components for the delivery of public education within the Florida K-20 education system), and changes designation of "area technical centers" to "technical centers" to conform to s. 1001.44, F.S.

Section 24: Amends s. 1001.26, F.S. (Public broadcasting program system), to correct a statutory reference relating to implementation of the public broadcast system.



Section 25: Amends s. 1001.32, F.S. (Management, control, operation), to delete references to rules and minimum standards of the Commissioner.

Section 26: Amends s. 1001.372, F.S. (District school board meetings), to correct an erroneous internal cross-reference, substitution the word "subsection" for "section."

Section 27: Amends s. 1001.42, F.S. (Powers and duties of district school board), to correct a reference from chapter 1006 to s. 1003.58.

Section 28: Amends s. 1001.47, F.S. (District school superintendent; salary), to codify existing practice by the Legislative Committee on Intergovernmental Relations (LCIR) in the methodology used to calculate elected district school superintendent salaries. The codification is necessary, because the school code rewrite unintentionally repealed the base salary population chart in s. 230.303, F.S. (2001).

Section 29: Amends s. 1001.50, F.S. (Superintendents employed under Art. IX of the State Constitution), to eliminate age as a factor that may be considered by the school board in determining the superintendent's compensation.

Section 30: Amends s. 1001.51, F.S. (Duties and responsibilities of district school superintendent), to eliminate the reference to "patrons" in the school code as a group of persons to be advised by district school superintendents, as that term is not defined.

Section 31: Amends s. 1001.74, F.S. (Powers and duties of university boards of trustees), and corrects reference concerning divisions of sponsored research (was s. 1011.411) to s. 1004.22 (Divisions of sponsored research at state universities).

Section 32: Amends s. 1002.01, F.S., to replace an erroneous cross-reference to s. 1003.01 (14), F.S., with the correct reference to s. 1003.01 (13), F.S., related to regular school attendance.

Section 33: Amends s. 1002.02, F.S. (K-12 student and parent rights), to replace an erroneous cross-reference to s. 1003.01 (14), F.S., with the correct reference to s. 1003.01 (13), F.S., related to regular school attendance.

Section 34: Amends s. 1002.32, F.S. (Developmental research (laboratory) schools), to change the name of a "developmental research" school to "lab" school, and eliminate an erroneous cross-reference to s. 1013.77, F.S., which does not exist.

Section 35: Amends s. 1002.33, F.S. (Charter schools), adds cross-references to s. 1012.45, F.S., with respect to requirements for charter school transportation. The school code rewrite separated the provisions relating to education personnel into chapter 1012. The provision only cross-references chapter 1006.

Section 36: Amends s. 1002.42, F.S. (Private schools), to replace an erroneous cross-reference to s. 1003.01 (14), F.S., with the correct reference to s. 1003.01 (13), F.S., related to regular school attendance and correct an erroneous cross-reference to s. 1006.26, F.S. The appropriate cross-reference is to s. 1012.45(4), F.S., related to school bus driver training.

Section 37: Amends s. 1002.43, F.S. (Private tutoring programs), to replace an erroneous cross-reference to s. 1003.01 (14), F.S., with the correct reference to s. 1003.01 (13), F.S., related to regular school attendance.

Section 38: Amends s. 1003.22, F.S. (School entry health examinations' immunization against communicable diseases; exemptions; duties of Department of Health), to require that a certification of immunization for the prevention of the communicable diseases is on file for each child in public or private school "prior to any initial entrance into a Florida public or private school" (currently "prior to admittance to or attendance in grades K-12")

- Amends 1003.22(7), F.S., to add that parents of prekindergarten students are also responsible for assuring that the child is in compliance with the provisions of this section of law (currently "kindergarten through grade twelve").
- Note: The school code rewrite, s. 117, chapter 2002-387, L.O.F., unintentionally amended the section to reflect kindergarten only.

This section clarifies that school immunization requirements apply to any initial entrance into a Florida public or private school. This is consistent with the school-entry health examination requirement. The language "any initial entrance" will include school entry of public or private prekindergarten student as compared to current requirements for students in kindergarten through twelfth grade. School staff is responsible for monitoring and tracking all students with Temporary Exemptions until parents complete students' required school immunizations. The increased number of prekindergarten students with Temporary Exemptions will increase the time and effort of school staff to meet school immunization requirements. Adding prekindergarten to the school-entry health examination and school immunization requirements clarifies that prekindergarten parents have the same responsibility for compliance with these requirements as parents of students in kindergarten through twelfth grade.

Section 39: Amends s. 1003.43, F.S. (General requirements for high school graduation), to eliminate State Board of Education authority to waive laws with respect to laboratory requirements in accordance with the school code rewrite, chapter 2002-387, L.O.F. Provision also amends the times and designation of the "Korean Conflict" to conform to s. 1.01 (14), F.S., as it relates to eligibility for certain veterans to receive a standard high school diploma. Amended dates read June 27, 1950, and January 31, 1955.

This flexibility was originally enacted to provide district school boards that may not have had appropriate and adequate laboratory facilities the time and resources to build or renovate current space to provide for students to take a minimum of two science courses that have a laboratory component. At this time, all school districts are providing laboratory facilities that enable all high school students to comply with the requirements for graduation.

Section 40: Amends s. 1003.52, F.S. (Educational services in Department of Juvenile Justice), to correct reference to 1003.01 (Definitions) from paragraph (12) to (11).

Section 41: Amends s. 1003.63, F.S. (Deregulated public schools pilot program), to eliminate the requirement for deregulated schools to request from the district school board and the school board to apply to the State Board of Education for a waiver of eligible laws listed in this section. Also, provides that the deregulated school is not eligible for a waiver of chapters 1010 and 1011 if the waiver would affect funding allocations or create inequity in public school funding. (Note: All waivers for Deregulated public schools will no longer be made after 2003-04 year.)

Section 42: Amends s. 1004.24, F.S. (State Board of Education authorized to secure liability insurance), to require financial audits as defined by this section relative to the Auditor General's statute concerning definitions and authority for financial and compliance audits.

Section 43: Amends s. 1004.26, F.S. (University student governments), to add sentence that is being deleted in the deletion of s. 1004.26(5), F.S. The deletion of s. 1004.26(5), F.S., eliminates a student organization appeal of the university president's decisions on the internal procedures of student organizations to the university board of trustees.

Section 44: Amends s. 1004.445, F.S. (Florida Alzheimer's Center and Research Institute), to require financial audits as defined by this section relative to the Auditor General's statute concerning definitions and authority for financial and compliance audits.

Section 45: Amends s. 1005.04, F.S. (Fair consumer practices), to correct a punctuation error.

Section 46: Amends s. 1006.14, F.S. (Secret societies prohibited in public K-12 schools), to correct a punctuation error.

Section 47: Amends s. 1006.21, F.S. (Duties of district school superintendent and district school board regarding transportation), to eliminate superfluous references to regulations when referencing rules of the State Board of Education and the district school boards.

Section 48: Amends s. 1007.21, F.S. (Readiness for postsecondary education and the workplace), and eliminates references to "guardian," which are unnecessary since that term is encompassed within the definition of "parent" in s. 1001.21 (5), F.S.

Section 49: Amends s. 1005.22, F.S. (Student assessment program for public schools), and amends (3)(c)5 such that only students who took the FCAT reading and math for the first time in March 2002 must achieve passing scores established for the March 2002 administration. Provision also provides that rules made by the State Board of Education that raise the FCAT passing scores shall only apply to students taking the grade 10 FCAT for the first time after such rules are adopted by the state board.



Section 50: Amends s. 1008.29, F.S. (College-level communication and mathematics skills examination (CLAST)), to remove an erroneous statutory reference of s. 1008.345(3) in s. 1008.29(1), F.S.

Section 51: Amends s. 1008.32, F.S. (State Board of Education oversight enforcement authority), and clarifies that the Commissioner shall report determinations of probable cause found to the State Board of Education after the Commissioner has investigated allegations against a district school board or public postsecondary institution and determined probable cause.

Section 52: Amends s. 1008.37, F.S. (Postsecondary feedback of information to high schools), to correct date from November 31 (which does not exist) to November 30.

Section 53: Amends s. 1009.29, F.S. (Increased fees for funding financial aid program), and corrects the number of public universities from nine to eleven in s. 1009.29(1), F.S.

Section 54: Amends s. 1009.531, F.S. (Florida Bright Futures Scholarship Program; student eligibility requirements for initial awards), to replace the word "plead" with "entered a plea of."

Section 55: Amends s. 1009.532 F.S. (Florida Bright Futures Scholarship Program; student eligibility requirements for renewal awards), to replace terminology for correct usage from "reinstatement only once" to "restoration one time."

Section 56: Amends s. 1009.534, F.S. (Florida Academic Scholars award), to grant rulemaking authority solely to the State Board of Education as head of the Department of Education. This provision conforms this section to the school code rewrite, chapter 2002-387, L.O.F.

- Replaces terminology for correct usage from "reinstatement only once" to "restoration one time."

Section 57: Amends s. 1009.535, F.S. (Florida Medallion Scholars award), to grant rulemaking authority solely to the State Board of Education as head of the Department of Education. This provision conforms this section to the school code rewrite, chapter 2002-387, L.O.F., and replaces terminology for correct usage from "reinstatement only once" to "restoration one time."

Section 58: Amends s. 1009.536, F.S. (Florida Gold Seal Vocational Scholars award), to replace terminology for correct usage from "reinstatement" to "restoration."

Section 59: Amends s. 1009.58, F.S. (Critical teacher shortage tuition reimbursement program), to designate a developmental research school as a lab school in conformance with s. 1002.32, F.S.

Section 60: Amends s. 1009.61, F.S. (Teacher/Quest Scholarship Program), and designates a developmental research school as a lab school in conformance with s. 1002.32, F.S.

Section 61: Amends s. 1009.765, F.S. (Ethics in Business scholarships for community colleges and independent postsecondary educational institutions), to grant rulemaking authority solely to the State Board of Education as head of the Department of Education, pursuant to the school code rewrite, chapter 2002-387, L.O.F.

Section 62: Amends s. 1009.77, F.S. (Florida Work Experience Program), to grant rulemaking authority solely to the State Board of Education as head of the Department of Education, pursuant to the school code rewrite, chapter 2002-387, L.O.F.

Section 63: Amends s. 1010.215, F.S. (Educational funding accountability), and changes description of school money from "revenues" to "funds".

Section 64: Amends s. 1010.75, F.S. (Teacher Certification Examination Trust Fund), to correct grammar error.

Section 65: Amends s. 1011.24, F.S. (Special district units), and designates a developmental research school as a lab school in conformance with s. 1002.32, F.S.

Section 66: Amends s. 1011.47, F.S. (Auxiliary enterprises; contracts, grants, and donations), and designates a developmental research school as a lab school in conformance with s. 1002.32, F.S.

Section 67: Amends s. 1011.60, F.S. (Minimum requirements of the Florida Education Finance Program), to eliminate an incorrect reference, "as prescribed in s. 1003.01(14)."

Section 68: Amends s. 1011.62, F.S. (Funds for operation of schools), and designates a developmental research school as a lab school in conformance with s. 1002.32, F.S.

Section 69: Amends s. 1011.70, F.S. (Medicaid certified school funding maximization), by changing references to "developmental research" school to "lab" school in conformance with s. 1002.32, F.S. Also, clarifies lab schools participation in the Medicaid certified school match program.

Section 70: Amends s. 1012.585, F.S. (Process for renewal of professional certificates), to correct a trust fund name (Educational Certification and Service Trust Fund) and corrects a cross-reference.

Section 71: Amends s. 1012.62, F.S. (Transfer of sick leave and annual leave), to correct a cross-reference from 1001.42(4)(n) to 1001.42(4)(m), regarding employees in DCF residential care facilities.

Section 72: Amends s. 1012.79, F.S. (Education Practices Commission; organization) - Deletes a cross-reference to 1012.56 and replaces with 1012.795, relative to the authority of the Education Practices Commission to discipline certified educators.

This provision deletes reference to section 1012.56 and simply replace it with a reference to section 1012.795, Florida Statutes. The addition of section 1012.795, FS, makes the list of references more complete. Striking the reference to 1012.56, FS, the cross reference to denying an application for certification, is technical since the requirement for this review is still listed in 1012.56, FS.

Section 73: Amends s. 1012.795, F.S. (Education Practices Commission; authority to discipline), and clarifies that a representative duly appointed by a district school superintendent is a representative of the same district school superintendent for purposes of receipt of certain information regarding revocation of a teaching certificate under the Education Practices Commission.

Section 74: Amends s. 1012.796, F.S. (Complaints against teachers and administrators), to correct a cross-reference from 1001.51(13) to 1001.51(12), regarding penalties to district school superintendents who fail to fulfill certain responsibilities.

Section 75: Amends s. 1012.98, F.S. (School Community Professional Development Act), to clarify that the reference to university faculty is "state" university faculty in subsection (4)(b).

Section 76: Amends s. 1013.73, F.S. (Effort index grants for school district facilities), to correct an internal cross-reference. Deletes "(2)(b)" and replaces it with "(3)(b)."

Section 77: Amends s. 1013.74, F.S. (University authorization for fixed capital outlay projects), to correct a cross-reference to chapter 235, which was repealed by the school code rewrite (chapter 2002-387, L.O.F.)

Section 78: Amends s. 445.049, 1002.33, and 1006.57, F.S., to revise the membership of the Digital Divide Council to eliminate representation of the State Board of Community Colleges and the State Board for Career Education as these boards were abolished in rewrite. In addition, the bill repeals the obsolete conversion charter school pilot program as the program has never been implemented within the established timeframes. Finally, the bill eliminates the requirement that the Clerk of the Supreme Court of Florida furnish certain law school libraries with the Florida Supreme Court Reporter. This reporter is not currently published.

Section 79: The bill makes permanent the changes with respect to The Uniform Management of Institutional Funds Act (UMIFA). This provision is necessitated by the unintentional repeal of UMIFA in the school code rewrite and by the decrease in endowment values of certain universities as a consequence of the decline in the value of investments occasioned by the markets.

Section 80: This act takes effect upon becoming a law.

Bill Number: SB 348
Short Title of Bill: Public record exemption for agency employees
Effective Date: July 1, 2004
Contact: Daniel Woodring, General Counsel, (850) 245-0442
daniel.woodring@fldoe.org

Signed by Governor

Summary:

The bill provides a public record exemption for social security numbers of agency employees maintained by an agency that is not the employer of such individuals. The employee or employing agency must request the exemption in writing to the custodial agency. It also provides public record exemptions for personally identifiable information for U.S. attorneys, assistant U.S. attorneys, U.S. Court of Appeal judges, U.S. district court judges and U.S. magistrate judges and their spouses and children.

Summary by Bill Section:

Section 1: Amends s. 119.07(3)(i), F.S., to provide public record exemptions for personally identifiable information for U.S. attorneys, assistant U.S. attorneys, U.S. Court of Appeal judges, U.S. district court judges and U.S. magistrate judges and their spouses and children.

Section 2: Provides a statement of public necessity for section one.

Section 3: Amends s. 119.07(3)(x), F.S., to provide a public record exemption for social security numbers of agency employees maintained by an agency that is not the employer of such individuals. This exemption is only available if the employee or employing agency submits a request in writing to the custodial agency. The amendment also provides an exception to this exemption whereby a commercial entity may request and receive the last four digits of the exempt social security number. The exemption sunsets on October 2, 2009.

Section 4: Provides a statement of public necessity for section three.

Bill Number: CS/SB 1096
Short Title of Bill: Requirements for High School Graduation (Korean War Veterans)

Effective Date: July 1, 2004

Contact: David Armstrong, Chancellor of Community Colleges & Workforce Education, (850) 245-0407
david.armstrong@fldoe.org

Signed by Governor

Summary:

This bill amends the military service prerequisites for Korean War veterans who were honorably discharged to receive a standard high school diploma. The dates of high school attendance and the dates of induction into the U. S. Armed Forces are extended.

Summary by Bill Section:

Section 1: Amends s. 1003.43(13), F.S., to allow the Commissioner of Education to award a standard high school diploma to honorably discharged veterans of the Korean War who started high school between 1946 and 1950 and were scheduled to graduate between 1949 and 1955, but were inducted into the U. S. Armed Forces between June 1949 and January 1955 to be awarded a standard high school diploma.

This allows two years of additional eligibility to those Korean War veterans who qualify and makes the dates of the Korean War in the school code consistent with Title 38 of the U. S. Code and other sections of Florida Statute.



Bill Number: CS/SB 1572
Short Title of Bill: Child Care Personnel Training
Effective Date: Upon becoming law
Contact: Jim Warford, Chancellor, K-12 Public Schools, (850) 245-0509
jim.warford@fldoe.org

Signed by Governor

Summary:

This Bill amends statute to require that child care personnel in child care facilities receive training relative to shaken baby syndrome, sudden infant death syndrome and early childhood brain development as part of the approved 40-clock-hour introductory course in child care.

Summary by Bill Section:

Section 1: Amends s. 402.305(3), F.S., to add the following training to the statutory requirements for the 40-hour course that personnel in child care facilities receive:

- Recognizing and preventing shaken baby syndrome
- Preventing sudden infant death syndrome, and
- Understanding early childhood brain development.

These topics are already included in the Department of Education statewide curriculum frameworks and program standards for Early Childhood Education. The frameworks have been revised for 2004- 2005 so that this content is part of Occupational Completion Point (OCPA).

Section 2: This act shall take effect upon becoming law.

Signed by Governor

Bill Number: SB 1604
Short Title of Bill: Military Affairs
Effective Date: Upon becoming law
Contact: Jim Warford, Chancellor K-12 Public Schools, (850) 245-0509
jim.warford@fldoe.org

Summary:

This bill relates to military affairs and addresses quality of life issues impacting Florida's military families. It incorporates the recommendations contained in the Senate Committee's Interim Project Report 2004-153, *Programs to Assist and Support Florida's Military Families*. It addresses compatible land use among counties, local government, and military installations; scholarships for children of deceased veterans; unemployment compensation benefits for military spouses; military representatives to regional workforce boards; licensure by endorsement of certain nurses; McKay Scholarship requirements for military dependents; memoranda of agreement between school districts and military installations; priority admission to special academic programs; alternate assessments for grade 10 FCAT; residency for tuition purposes; employment advocacy and assistance; and assessment of housing needs.



The education issues are as follows:

- Children of deceased or disabled veterans whose parents died *as a result of* service-connected injuries, disease, or disability sustained while on active duty, are provided educational opportunity (scholarships) at state expense
- The John M. McKay Scholarships for Students with Disabilities Program is amended to exempt a child with a disability from the eligibility requirement of having to spend the prior school year in attendance in a Florida public school, if the child is a dependent child of a member of the United States Armed Forces and transfers to a school in Florida from out of state or from a foreign country pursuant to a parent's permanent change of station orders.
- The Florida Department of Education is required to facilitate the development and implementation of memoranda of agreement between school districts and military installations that address strategies for assisting military students in their transition to Florida schools.
- A dependent child of a member of the United States Armed Forces who enters a Florida public high school at the 12th grade from out of state or from a foreign country shall satisfy the assessment requirement for a standard high school diploma if he or she provides satisfactory proof of attaining a score on the SAT or the ACT that is concordant to a passing score on the grade 10 Florida Comprehensive Assessment Test (FCAT).
- An individual will be classified as a resident for tuition purposes if he or she is an active duty member of a foreign nation's military serving as a liaison officer and residing or stationed in Florida when attending a community college or state university within 50 miles of the military establishment where the foreign liaison officer is stationed. This provision includes the active duty member's spouse and dependent child(ren).

Summary by Bill Section:

Section 6: Amends s. 295.01, F.S. (Children of deceased or disabled veterans; education), which currently provides educational opportunity at state expense for dependent children of a parent who was a resident of the state at the time such parent entered the United States Armed Forces and who either died from injuries sustained or disease contracted during a period of wartime, or who subsequently died or may die from diseases or disability resulting from wartime service. The bill changes the eligibility for the scholarships to those dependent children whose parent died a result of service-connected injuries, disease, or disability sustained while on active duty.

Section 11:

Amends s. 1002.39, F.S. (The John M. McKay Scholarships for Students with Disabilities Program), to exempt a child with a disability, who is also a dependent child of a member of the United States Armed Forces, who transfers to a school in Florida from out of state or from a foreign country pursuant to a parent's permanent change of station orders, from the eligibility requirement that the student spend the prior school year in attendance at a Florida public school. A dependent child of a member of the United

States Armed Forces who transfers to a school in this state from out of state or from a foreign country pursuant to a parent's permanent change of station orders must meet all other eligibility requirements to participate in the program.

The bill requires the State Board of Education to adopt rules to require school districts to expedite the development of a matrix of services based on a current individual education plan from another state or foreign country for a transferring student with a disability who is a dependent child of a member of the United States Armed Forces. The rules must identify the appropriate school district personnel who must complete the matrix of services. For purposes of these rules, a transferring student with a disability is one who was previously enrolled as a student with a disability in an out-of-state or an out-of-country public or private school or agency program and who is transferring from out of state or from a foreign country pursuant to a parent's permanent change of station orders.

Section 12:

Amends s. 1003.05, F.S. (Assistance to transitioning students from military families):

- Requires that the Department of Education shall facilitate the development and implementation of memoranda of agreement between school districts and military installations which address strategies for assisting students who are the children of active-duty military personnel in their transition to Florida schools. The bill deletes references to the requirement that the Department identify efforts and strategies for assisting military-connected students and report findings to the Governor, President of the Senate, and Speaker of the House during 2003.
- Provides that dependent children of active-duty military personnel who otherwise meet the eligibility criteria for special academic programs offered through public schools shall be given first preference for admission to such programs even if the program is being offered through a public school other than the school to which the student would generally be assigned and the school at which the program is being offered has reached its maximum enrollment. If such a program is offered through a public school other than the school to which the student would generally be assigned, the parent or guardian of the student must assume responsibility for transporting the student to that school. Special academic programs include charter schools, magnet schools, advanced studies programs, advanced placement, dual enrollment, and International Baccalaureate.

Section 13:

Creates s. 1008.221, F.S. (Dependent children of military personnel transferring to Florida schools; equivalencies for standardized tests.--), to provide that a dependent child of a member of the United States Armed Forces who enters a public school at the 12th grade from out of state or from a foreign country and provides satisfactory proof of attaining a score on an approved alternative assessment that is concordant to a passing score on the grade 10 Florida Comprehensive Assessment Test (FCAT) shall satisfy the assessment requirement for a standard high school diploma as provided in section 1003.45(5)(a), Florida Statutes (General requirements for high school graduation.--). For purposes of this section, approved alternative assessments are the SAT and ACT.

Section 14:

Amends s. 1009.21, F.S. (Determination of resident status for tuition purposes), to classify as residents for tuition purposes those active duty members of a foreign nation's military who are serving as liaison officers and are residing or stationed in Florida, and their spouses and dependent children, when attending a community college or state university within 50 miles of the military establishment where the foreign liaison officer is stationed. Such classification is also extended to dependents of active duty members of the U.S. Armed Forces attending a public community college or state university within 50 miles of the military establishment where they are stationed, if such military establishment is within a county contiguous to Florida.

Bill Number: HB 1757
Short Title of Bill: Carey Baker Freedom Flag Act

Effective Date: July 1, 2004

Contact: Jim Warford, Chancellor, K-12 Public Schools, (850) 245-0509
jim.warford@fldoe.org

Signed by Governor

Summary:

This bill requires a United States flag to be displayed in each classroom in all public K-20 educational institutions in the state. Provisions in the bill provide for the procurement of the flags.

Summary by Bill Section:

Section 1: Provides the popular name of the act to be the "Carey Baker Freedom Flag Act."

Section 2 – Amends s. 1000.06, F.S., and establishes by August 1, 2005, every public K-20 educational institution classroom is required to have a properly displayed flag of the United States of America. The flag must be made in the United States and must be at least 2 feet by 3 feet in size. Each educational institution shall acquire the necessary number of flags to have one in every classroom. The principal, director, or president of each institution shall attempt to acquire flags through donations or fundraising for one year before securing other funding sources or allocating funds for the purchase of flags.

Section 3: Provides an effective date of July 1, 2004.



Bill Number: SB 1820
Short Title of Bill: Seaport Security Standards

Effective Date: Upon becoming a law

Contact: Debra Austin, Chancellor of Colleges and Universities, (850) 245-0466
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Signed by Governor

Summary:

This bill makes additions to seaport security standards by creating the Florida Institute for Nuclear Security at the University of Florida to research, develop, and test projects that address critical nuclear detection and security needs. Establishes a governing board and authorizes appointment of a director by the Dean of the College of Engineering. The bill also requires the institute to submit annual progress and financial reports to state and federal entities.

Summary by Bill Section:

Section 1: This section on Seaport Security Standards is not relevant to education.

Section 2: Creates s. 1004.63, F.S., establishing a Florida Institute for Nuclear Detection and Security (FINDS) at the University of Florida within the Department of Nuclear Engineering and Radiological Sciences. The institute will be a design-basis center for research, development, testing, and engineering projects on critical nuclear detection and security needs facing the state and the nation. FINDS activities include, but are not limited to, three areas; 1) design and test innovative interrogation, detection, and assessment devices for monitoring nuclear material; 2) explore development of devices for identification of isotopes and materials in structural, agricultural, and biological systems of various types; and 3) contribute to the education and training of high-quality scientists and engineers in the application of engineering solutions.

FINDS' activities will be guided by a director and an uncompensated advisory board. The Dean of the College of Engineering will appoint a director who has a national reputation in the field of nuclear sciences. An eight-member board of advisors will consist of a citizen, a faculty member, a scientist, industry representatives, a federal government representative and two legislators appointed because of their interest or expertise in security, nuclear science, or the nuclear energy industry.

FINDS must file an annual report on its progress with recommendations on nuclear security and detection to the Governor, the Senate, the House of Representatives, the U.S. National Nuclear Security Administration, and the U.S. Department of Homeland Security. The report also must include financial statements that include an accounting of all state, federal, and private funds received and expended. The financial statement must also be filed with the Auditor General.

Bill Number: HB 1989
Short Title of Bill: Juvenile Justice Education

Effective Date: July 1, 2004

Contact: Jim Warford, Chancellor K-12 Public Schools, (850) 245-0509
jim.warford@fldoe.org

Signed by Governor

Summary:

Under this bill gender-specific programs are defined as unique program models and services that comprehensively address the needs of a targeted gender group. Expectations for these programs are defined in the bill, and the Office of Program Policy Analysis and Governmental Accountability (OPPAGA) is required to review and analyze gender-specific programs for young females within the Department of Juvenile Justice.

School districts are required to spend a minimum of 90% of Florida Education Finance Program (FEFP) funds generated by students served through the Department of Juvenile Justice on instructional costs for these students. The current minimum is 80%. The bill emphasizes that juvenile justice programs must receive all funds for which they are eligible through the school district.

By January 1, 2005, the Department of Education is required to select and implement a common assessment instrument and protocol for measuring student achievement of students in juvenile justice programs. In addition, the Department of Education will work with school district to ensure that students in juvenile justice programs have access to Florida Virtual School courses.

The bill calls for multi-agency work groups to develop plans for career and technical education in juvenile justice programs and to suggest strategies for meeting No Child Left Behind requirements, respectively.

Summary by Bill Section:

The bill conforms language throughout the Florida School Code that refers to juvenile justice programs, deleting references to "detention or commitment facilities," and replacing it as necessary to the word "programs" or the phrase "Department of Juvenile Justice programs."

Section 1: Amends s. 985.02, F.S., to add gender-specific programming and gender-specific program models and services to the list of general protections for children as a purpose of the Legislature. A new subsection is created to specify the legislature's intent under this provision. The subsections states that:

- The Legislature finds that the prevention, treatment, and rehabilitation needs of youth served by the juvenile justice system are gender-specific.
- Gender-specific programming refers to unique program models and services that comprehensively address the needs of a targeted gender group. Gender-specific services require the adherence to the principle of equity to ensure that the different interests of young women and men are recognized and varying needs are met, with equality as the desired outcome. Gender-specific programming focuses on the differences between young females' and young males' roles and responsibilities, positions in society, access to and use of resources, and social codes governing behavior. Gender-specific programs increase the effectiveness of programs by making interventions more appropriate to the specific needs of young women and men and ensuring that these programs do not unknowingly create, maintain, or reinforce gender roles or relations that may be damaging.
- The Office of Program Policy Analysis and Government Accountability shall conduct an analysis of programs for young females within the Department of Juvenile Justice. The analysis shall address the nature of young female offenders in this state, the percentage of young females who are incarcerated in the juvenile justice system for status offenses and violations of probation, and whether these young females could be better served in less costly community-based programs. In addition, the review shall analyze whether existing juvenile justice programs are designed to meet the gender-specific needs of young females and an analysis of the true cost of providing gender-specific services to young females.

Section 2: Reenacts s. 985.3045(1) and (3), F.S., (Prevention service program; monitoring, report; uniform performance measures), for the purpose of incorporating the amendment to section 985.02.

Section 3: The percentage of FEFP funding generated by students in Department of Juvenile Justice programs which must be spent on instructional costs for these students is increased from 80% to 90% through an amendment to s. 1003.51(2)(g), FS.

Section 4: Amends s. 1003.52, F.S., relating to Educational services in Department of Juvenile Justice programs to include the following provisions:

- School districts shall provide the GED exit option for all juvenile justice programs.
- By October 1, 2004, the Department of Education, with the assistance of the school districts, shall select a common student assessment instrument and protocol for measuring student learning gains and student progression while a student is in a juvenile justice education program. The assessment instrument and protocol must be implemented in all juvenile justice education programs in this state by January 1, 2005.
- Students in juvenile justice education programs shall have access to Florida Virtual School courses. The Department of Education and the school districts shall adopt policies necessary to ensure such access.
- Full-time teachers working in juvenile justice schools, whether employed by a district school board or a provider, shall be eligible for other teacher recruitment and retention programs, in addition to the critical teacher shortage tuition reimbursement program as defined in s. 1009.58, FS.
- Each juvenile justice education program must receive all federal funds for which the program is otherwise eligible.
- A reference to designation of juvenile justice education programs as second chance schools is eliminated.
- Requirements for multi-agency plans for career and technical education are revised to add Workforce Florida, Inc., and community colleges as joint developers, with the Department of Juvenile Justice and the Department of Education to add funding and transfer of credits to other required components; and to require that the plan must be reviewed annually.

Section 5: Amends s. 1010.20, F.S., to conform to amended language in s. 1003.51, F.S., regarding the requirement that a minimum of 90% of the FEFP funding generated by juvenile justice students be spent on instructional costs for these students; further amends s. 1010.20, F.S., to conform to statutory reference.

Section 6: Creates a new section of law (no section number provided in the bill) which requires that the Department of Education and the Department of Juvenile Justice, in collaboration with the school districts, juvenile justice education providers, and the Florida Juvenile Justice Association, shall convene a workgroup to suggest strategies for meeting the requirements of the federal No Child Left Behind Act and for rewarding juvenile justice education programs for high performance based on positive student outcomes. The Department of Education shall report the findings of the workgroup to the President of the Senate and the Speaker of the House of Representatives by December 1, 2004.

Sections 7 and 8: Amends ss. 985.412 and 1001.42, F.S., to conform sections of the bill based upon changes elsewhere in the bill.

Bill Number: SB 2572
Short Title of Bill: Airport Zoning/Education Facilities

Effective Date: 07/01/2004

Contact: Ray Monteleone, Deputy Commissioner/ Chief Operating/Chief Education Financial Officer, (850) 245-0456
ray.monteleone@fldoe.org

Vetoed by Governor

Summary:

The bill provides exceptions from certain airport zoning prohibitions regarding the placement of educational facilities and the purchase of land for constructing educational facilities in certain counties.

Summary by Bill Section:

Section 1: Amends ss. 333.03(2) and (3), F.S., to provide, for qualified counties, a less restrictive prohibition on the placement of educational facilities adjacent to or near airport facilities. Paragraph (2)(d) is amended to stipulate, "any county as defined in s. 125.011(1)," and provides for public hearings by the school board for any educational facility located in the defined area. Subsection (3) is amended to provide that "in any county as defined in s. 125.011(1)," and provides for public hearings by the school board prior to site acquisition for any educational facility to be located in the defined area.

Section 2: Amends s.1013.36(3), F.S., to include the exception as provided in s. 333.03(2)(d) and (3), relating to the Powers to adopt airport zoning regulations.

Section 3: Provides this act shall take effect July 1, 2004.

Bill Number: SB 2696
Short Title of Bill: Insurance/Public Construction

Effective Date: 10/01/2004

Contact: Ray Monteleone, Deputy Commissioner/ Chief Operating/Chief Education Financial Officer, (850) 245-0456
ray.monteleone@fldoe.org

Signed by Governor

Summary:

The bill creates new statutes which define specific insurance terms; establishes limits on the authority of certain public agencies to purchase owner-controlled insurance programs for public construction projects; establishes purchasing requirements; provides exemptions for certain projects; requires insurers issuing commercial general liability policies to offer coverage for completed operations liability for certain contractors to the extent that coverage is not provided under an owner-controlled insurance program.

Summary by Bill Section:

Section 1: Creates s. 255.0517, F.S., which limits the authority of certain public agencies to purchase owner-controlled insurance programs in connection with a public construction project, except under specified conditions; provides that public agencies include state agencies, political subdivisions, state universities, community colleges, airport authorities, and other public agencies in this state; defines "owner-controlled-insurance program" (OCIP) as a consolidated insurance program or series of insurance policies issued to a public agency which may provide one or more types of insurance coverage for any contractor or subcontractor working at specified or multiple contracted work sites of a public construction project: general liability, property damage, workers' compensation, employer's liability, builder's risk, or pollution liability coverage; defines a "specified contracted work site" as construction being performed during one or more fiscal years at one site or a series of contiguous sites separated only by a street, roadway, waterway, or railroad right-of-way, or along a continuous system for the provision of water and power; defines a "multiple contracted work site" as construction being performed at multiple sites during one or more fiscal years that is part of an ongoing capital infrastructure improvement program, or involves the construction of one or more public schools; requires each OCIP to maintain insurance coverage with respect to completed operations for a term that is reasonably commercially available, but for at least 5 years; requires liability insurers to offer insurance coverage at an appropriate additional premium for liability arising out of current or completed operations under an OCIP for the period beyond the period covered by the OCIP; provides that certain conditions must be met in order for a public agency to purchase an OCIP.

Section 2: Creates s. 627.441 F.S., which specifies that the period of additional coverage to be offered by liability insurers must be sufficient to protect against liability arising out of an action that is brought within the legal time limits for commencing the action; specifies period of coverage.

Section 3: Provides that the bill is effective October 1, 2004.

Bill Number: SB 3010
Short Title of Bill: Reemployment after Retirement
Effective Date: Upon becoming law, except as provided in specific portions of the bill
Contact: Ray Monteleone, Deputy Commissioner/ Chief Operating/Chief Education Financial Officer, (850) 245-0456
ray.monteleone@fldoe.org

Signed by Governor

Summary:

The bill permits retired members of the now closed Teachers' Retirement System (TRS), one of the predecessors to the current Florida Retirement System (FRS), to be reemployed on an annual contractual basis after a retirement period of one calendar month without further suspension of benefits for the first year. Members of the TRS who were reemployed without benefits for the first twelve months will now be considered members of the FRS and will receive a refund of the benefit amount. Charter schools that participate in the FRS may reemploy retired FRS members after one calendar month of retirement on a contractual basis.

Additionally, language is corrected to provide instructional personnel employed in Florida laboratory schools, as afforded to all other instructional personnel, with the supervisory permission procedures necessary to request an extension of time in the DROP program beyond 60 months.

Summary by Bill Section:

Section 1: Amends s. 238.181(2)(c), F.S., so that beginning July 1, 2003, any member of the Teachers Retirement System (TRS) who has been retired for one month may be reemployed by a school district as a substitute teacher, hourly teacher or as instructional personnel as defined in s. 1012.01, F.S., on an annual contractual basis. Other retired members who are reemployed shall void their retirement benefits. All retirees reemployed under this provision will be renewed as members of the Florida Retirement System (FRS), and employing districts will be subject to the contributions as provided for renewed membership. Other existing requirements/restrictions for reemployment of retired TRS members are deleted from this section.

Section 2: Provides for legislative intent which summarizes the Legislature's findings that the potential costs for reemploying members of the TRS is minimal and adequately funded by section 9 of chapter 2003-260, Laws of Florida. The Legislature gave the provision retroactive effect, so that any retiree of the TRS who was reemployed by a school district on the basis of chapter 2003-260 (misunderstanding that s/he was not included in that section), and thus was required to suspend benefits for the first twelve months would be refunded for any amount suspended or repaid from July 1, 2003, until the effective date of this act. Additionally, any district held liable for this amount would receive a full refund for benefits paid as the employer.



Section 3: Provides that all other laws notwithstanding, this newly-created section of Florida Statutes provides that instructional personnel as defined in s. 1012.01, F.S., employed by a developmental research school or the Florida School for the Deaf and Blind are eligible for reemployment after retirement in the same manner as classroom teachers employed by the district school board, as described in ss. 121.091(9)(b)3. and 238.181(2)(c), F.S. (Note: these are the retirement provisions addressed in earlier sections of the bill.)

Instructional personnel employed by a developmental research school may extend their DROP period past the 60 months if they receive authorization from the school's director, or, if there is no director, by the school's principal. This provision is described in a manner similar to instructional personnel who receive such authorization from their superintendent.

Section 4: In a newly-created section of statute, effective July 1, 2004, the director of a charter school that is participating in the FRS may reemploy a retired FRS member as a substitute teacher, hourly teacher, or instructional personnel on an annual contractual basis after the member has been retired for one calendar month in accordance with s. 121.021(39), Florida Statutes.

Section 5: The effective date of this act is upon becoming upon law, with sections 1 and 2 applying retroactively to July 1, 2003.



Florida Department of Education

Governmental Relations

Jim Home, Commissioner



Appendixes

2004 Legislative Review

2004 Legislative Review
Appropriations Comparison

	2003-2004 Appropriations	2004-2005 Conference Report HB 1835	Difference	
VOCATIONAL REHABILITATION				
1	Salaries and Benefits	42,954,076	43,806,102	852,026
2	Other Personal Services	942,235	942,235	0
3	Expense	12,889,605	12,666,702	-222,903
4	Adult Disabilities Funds	18,508,431	18,508,431	0
5	Operating Capital Outlay	980,587	530,587	-450,000
6	Contracted Services	7,337,953	9,990,452	2,652,499
7	Independent Living Service	5,130,633	5,130,633	0
8	Purchased Client Services	73,413,793	94,050,460	20,636,667
9	Risk Management Insurance	533,933	535,513	1,580
10	Transfer to DMS-Human Resources Serv./Statewide Contract	412,949	391,211	-21,738
11	Data Processing Services-State Technology Office	1,498,624	1,498,624	0
	TOTALS	164,602,819	188,050,950	23,448,131
BLIND SERVICES				
12	Salaries & Benefits	11,758,643	11,930,159	171,516
13	Other Personal Services	277,992	277,992	0
14	Expenses	2,739,779	2,724,420	-15,359
15	G/A-Comm Rehab Facilities	5,740,705	5,740,705	0
16	Operating Capital Outlay	183,788	183,788	0
17	Food Products	79,920	200,000	120,080
18	Acquisition of Motor Vehicles	100,000	100,000	0
19	G/A - Client Services	3,395,705	3,395,705	0
20	G/A-Vocational Rehab	11,091,365	12,898,026	1,806,661
21	Risk Management Insurance	115,201	115,201	0
22	Library Services	50,000	50,000	0
23	Vending Stands-Equip & Supp	1,897,707	1,897,707	0
24	Transfer to DMS-Human Res. Services /Statewide Contract	129,821	118,116	-11,705
25	Data Processing Services-Knott Data Center	429,792	429,792	0
26	Other Data Processing Services	1,123,280	923,280	-200,000
27	Regional Data Centers	120,000	120,000	0
	TOTALS	39,233,698	41,104,891	1,871,193
PRIVATE COLLEGES AND UNIVERSITIES				
28	Medical Training & Simulation Laboratory	2,425,001	2,425,001	0
29	Access to Better Learning and Education (ABLE) Grants		1,800,000	1,800,000
30	Historically Black Private Colleges	8,974,038	8,974,038	0
31	First Accredited Medical School	18,401,657	12,001,657	-6,400,000
32	Academic Program Contracts	1,052,768	2,552,768	1,500,000
33	Regional Diabetes Center	596,094	596,094	0
34	Florida Resident Access Grant	79,841,350	79,841,350	0
35	Nova Southeastern University - Health Programs	5,190,750	5,190,750	0
	TOTALS	116,481,658	113,381,658	-3,100,000
STUDENT FINANCIAL AID				
STUDENT FINANCIAL AID PROGRAM/STATE				
36	Florida Bright Futures	235,688,631	269,165,288	33,476,657
37	Prepaid Tuition Scholarship	3,600,000	5,975,000	2,375,000

2004 Legislative Review Appropriations Comparison

38	Minority Teacher Scholarship	2,109,600	2,109,600	0
39	Ethics/Business Scholarship	500,000	500,000	0
40	Mary McCleod Bethune Scholarship	679,328	679,328	0
41	Student Financial Aid	88,897,324	93,848,367	4,951,043
43	Jose Marti Scholarship Challenge Grant	296,000	296,000	0
44	Transfer/FI Education Fund	937,600	937,600	0
	TOTALS	332,708,483	373,511,183	40,802,700

STUDENT FINANCIAL AID

STUDENT FINANCIAL AID PROGRAM/FEDERAL

45	Financial Assistance Payment	2,095,655	2,095,655	0
46	Robert Byrd Honors Scholarship	2,043,000	2,043,000	0
	TOTALS	4,138,655	4,138,655	0

DIVISION OF PUBLIC SCHOOLS

State Grants/K-12 Programs - FEFP

47	FEFP	6,791,118,439	6,806,297,332	15,178,893
48	Class Size Reduction	468,198,634	978,825,375	510,626,741
49	District Lottery/School Recognition	263,449,842	263,449,842	0
50	Instructional Material	227,939,157	234,404,200	6,465,043
51	Public School Technology	49,914,766	49,914,766	0
52	Student Transportation	430,326,357	440,240,964	9,914,607
53	Teacher Training	36,000,000	36,000,000	0
54	Florida Teachers Lead Program	16,099,730	16,470,777	371,047
	TOTALS	8,283,046,925	8,825,603,256	542,556,331

DIVISION OF PUBLIC SCHOOLS

STATE GRANTS/K-12 PROGRAMS - NON FEFP

55	BEST Teacher Compensation	25,000,000	0	-25,000,000
56	District Cost Differential (DCD) Transition Supplement	0	22,100,000	22,100,000
57	Small County DCD Transition Supplement	0	529,656	529,656
58	Instructional Materials	1,078,240	2,078,240	1,000,000
59	Excellent Teaching	69,522,028	67,748,649	-1,773,379
60	Professional Practices Substitutes	3,507	3,507	0
61	Public School Technology	2,250,000	0	-2,250,000
62	Reading Initiatives	75,648,965	90,650,211	15,001,246
63	Assistance to Low Performing Schools	5,500,000	5,500,000	0
64	Mentoring/Student Assistance Initiatives	12,250,000	15,470,000	3,220,000
65	Education Partnerships	5,500,000	4,000,000	-1,500,000
66	K-8 Virtual Education	4,800,000	4,640,000	-160,000
67	College Reach Out Program	3,199,990	3,199,990	0
68	Diagnostic/Learning Resource Centers	3,039,494	3,039,494	0
69	Transfer To Excellent Teaching Trust Fund	53,505,642	41,722,477	-11,783,165
70	New World School Of The Arts	928,445	928,445	0
71	School District Matching Grants Program	700,000	850,000	150,000
72	Educator Liability Insurance	1,200,000	1,200,000	0
73	Teacher Death Benefits	165,000	165,000	0
74	Autism Program	4,975,000	4,975,000	0
75	Regional Education Consortium Services	775,000	825,000	50,000
76	Teacher Professional Development	129,712,009	130,312,009	600,000
77	School and Instructional Enhancements	1,825,634	2,945,634	1,120,000
78	Exceptional Education	4,976,958	4,976,958	0
79	Florida School for the Deaf and Blind	37,321,673	39,516,447	2,194,774

2004 Legislative Review
Appropriations Comparison

	TOTALS	443,877,585	447,376,717	3,499,132
	DIVISION OF PUBLIC SCHOOLS			
	FEDERAL GRANTS K/12 PROGRAM			
80	Aid to Local Governments	5,000,000	5,000,000	0
81	Federal Grants & Aids	1,411,709,181	1,411,709,181	0
82	School Lunch Program	497,769,836	511,289,847	13,520,011
83	School Lunch Program/State Match	16,886,046	16,886,046	0
	TOTALS	1,931,365,063	1,944,885,074	13,520,011
	DIVISION OF PUBLIC SCHOOLS			
	EDUCATIONAL MEDIA & TECHNOLOGY SERVICES			
84	Capitol Technical Center	90,944	90,944	0
85	Instructional Technology	214,290	1,214,290	1,000,000
86	Federal Equipment Matching Grant	239,650	523,009	283,359
87	Fl. Info. Resource Network	5,649,779	21,350,221	15,700,442
88	Public Broadcasting	10,738,361	11,176,611	438,250
89	Fl Ed & Training Placement Info Program (FETPIP)	190,000	190,000	0
90	Radio Reading Services for the Blind	407,914	407,914	0
	TOTALS	17,530,938	34,952,989	17,422,051
	WORKFORCE EDUCATION GRANT PROGRAMS			
91	Adult Basic Education	23,457,545	23,457,545	0
92	Adult Handicapped Funds	0		0
93	Vocational Formula Funds	77,144,852	77,144,852	0
	TOTALS	100,602,397	100,602,397	0
	WORKFORCE EDUCATION ADMINISTERED FUNDS			
94	Workforce Development	378,849,510	388,695,114	9,845,604
	TOTALS	378,849,510	388,695,114	9,845,604
	STATE BOARD OF EDUCATION			
95	Salaries & Benefits	69,507,759	69,413,502	-94,257
96	Other Personal Services	4,859,862	4,814,929	-44,933
97	Expenses	34,953,862	34,039,017	-914,845
98	Operating Capital Outlay	2,596,352	2,860,022	263,670
99	Assessment and Evaluation	57,038,181	66,279,953	9,241,772
100	Transfer to Division of Administrative Hearings	442,771	641,166	198,395
101	Financial Aid Contractual Services	38,924	0	-38,924
102	Contracted Services	6,878,338	11,878,338	5,000,000
103	Choice Product Sales	340,788	340,788	0
104	Cost-Of-Living Price Survey	144,734	69,734	-75,000
105	Fl Academic Counsel & Tracking System for Students (FACTS)	4,342,837	4,342,837	0
106	Litigation Expense	23,029	23,029	0
107	Educational Facilities Research and Development Projects	200,000	200,000	0
108	Provision of Contracted Services	375,000	375,000	0
109	Student Financial Assistance Management Information System	1,485,105	1,485,105	0
110	Risk Management Insurance	1,258,486	1,256,906	-1,580
111	Program Review and Special Studies	398,480	0	-398,480
112	Transfer To DMS/HRS Purchased per Statewide Contract	318,926	495,624	176,698
113	Data Processing-Knott Data Center	2,534,711	2,855,339	320,628
114	Data Processing-State University System	936,435	936,435	0
	TOTALS	188,674,580	202,307,724	13,633,144

2004 Legislative Review
 Appropriations Comparison

COMMUNITY COLLEGE PROGRAMS				
115	Performance Based Incentives	7,674,371	7,674,371	0
116	Community College Lottery Funds	93,900,000	98,900,000	5,000,000
117	Community Colleges Program Fund	783,552,967	852,287,576	68,734,609
118	CC Baccalaureate Programs	4,808,294	7,767,160	2,958,866
119	Matching Grants	30,179,148	50,786,235	20,607,087
120	Domestic Security	0	2,490,250	2,490,250
121	Library Automation	6,440,565	0	-6,440,565
122	Commission on Community Service	416,700	469,261	52,561
123	Distance Learning	315,397	315,397	0
	TOTALS	927,287,442	1,020,690,250	93,402,808

DIVISION OF UNIVERSITIES				
124	Education and General Activities	1,552,063,454	1,662,326,863	110,263,409
125	Institute of Food and Agricultural Science	114,832,906	120,286,086	5,453,180
126	University of South Florida Medical Center	49,432,796	50,080,634	647,838
127	University of Florida Health Center	88,313,759	82,765,229	-5,548,530
128	Florida State University Medical Center	23,054,587	27,989,770	4,935,183
129	Cancer Center Operations (Moffitt Center)	10,940,335	10,940,335	0
130	Student Financial Assistance	19,729,207	20,229,207	500,000
131	Challenge Grants	113,231,863	195,760,794	82,528,931
132	Risk Management Insurance	13,971,089	13,971,089	0
133	Financial Assistance Payments Scholarships	2,192,751	885,340	-1,307,411
134	Virgil Hawkins Fellowship Program	207,165	0	-207,165
	TOTALS	1,987,969,912	2,185,235,347	197,265,435

TOTAL K-20 EDUCATION 14,916,369,665 15,870,536,205 954,166,540

Voluntary Prekindergarten, HB 821 0 0 0

2003-2004 funds transferred to coincide with the 2004-2005 appropriation.

FIXED CAPITAL OUTLAY				
135	Debt Service - Classrooms First Capital Outlay Bonds	169,000,000	169,000,000	0
	Debt Service - Class Size Reduction Lottery Capital Outlay			
136	Bonds	56,000,000	43,902,077	-12,097,923
137	Class Size Reduction Projects	600,000,000	100,000,000	-500,000,000
138	Maintenance, Repair, Renovation, and Remodeling	206,809,646	282,585,649	75,776,003
139	Survey Recommended Needs - Public School/PECO	99,101,081	3,302,252	-95,798,829
140	Community College Projects/PECO	184,708,478	210,157,152	25,448,674
141	State University System Projects/PECO	182,432,946	288,625,613	106,192,667
142	Special Facility Construction Account/PECO	55,050,235	71,374,645	16,324,410
143	Fixed Capital Outlay Debt Service	778,200,000	845,635,000	67,435,000
	School District and Community College - Motor Vehicle License			
144	Bonds	29,000,000	30,000,000	1,000,000
145	Community College Facilities Matching Program	0	22,402,629	22,402,629
146	Florida School for the Deaf and Blind/PECO	12,486,200	12,311,740	-174,460
147	Division of Blind Services - Capital Projects	950,000	5,500,000	4,550,000
148	Public Broadcasting Projects/PECO	7,395,000	0	-7,395,000
149	Joint-Use Facilities Projects	0	2,164,188	2,164,188
	State University System Facility Enhancement Challenge			
150	Grants	0	18,184,146	18,184,146

2004 Legislative Review
Appropriations Comparison

151	State University System Concurrency Requirements	10,775,000	10,500,000	-275,000
152	IFAS Rec Consolidation	12,100,000	0	-12,100,000
	TOTALS	2,404,008,586	2,115,645,091	-288,363,495
	Total Operating and Fixed Capital Outlay Funds	17,320,378,251	17,986,181,296	665,803,045

2004 Legislative Review
 Appropriations Chart w/ Vetoes

	2004-2005 Conference Report HB 1835	HB 1835 Less Vetoes	Vetoed Amount	
VOCATIONAL REHABILITATION				
1	Salaries and Benefits	43,806,102	43,806,102	
2	Other Personal Services	942,235	942,235	
3	Expense	12,666,702	12,666,702	
4	Adult Disabilities Funds	18,508,431	18,508,431	
5	Operating Capital Outlay	530,587	530,587	
6	Contracted Services	9,990,452	9,990,452	
7	Independent Living Service	5,130,633	5,130,633	
8	Purchased Client Services	94,050,460	94,050,460	
9	Risk Management Insurance	535,513	535,513	
10	Transfer to DMS-Human Resources Serv./Statewide Contract	391,211	391,211	
11	Data Processing Services-State Technology Office	1,498,624	1,498,624	
	TOTALS	188,050,950	188,050,950	
BLIND SERVICES				
12	Salaries & Benefits	11,930,159	11,930,159	
13	Other Personal Services	277,992	277,992	
14	Expenses	2,724,420	2,724,420	
15	G/A-Comm Rehab Facilities	5,740,705	5,740,705	
16	Operating Capital Outlay	183,788	183,788	
17	Food Products	200,000	200,000	
18	Acquisition of Motor Vehicles	100,000	100,000	
19	G/A - Client Services	3,395,705	3,395,705	
20	G/A-Vocational Rehab	12,898,026	12,898,026	
21	Risk Management Insurance	115,201	115,201	
22	Library Services	50,000	50,000	
23	Vending Stands-Equip & Supp	1,897,707	1,897,707	
24	Transfer to DMS-Human Res. Services /Statewide Contract	118,116	118,116	
25	Data Processing Services-Knott Data Center	429,792	429,792	
26	Other Data Processing Services	923,280	923,280	
27	Regional Data Centers	120,000	120,000	
	TOTALS	41,104,891	41,104,891	
PRIVATE COLLEGES AND UNIVERSITIES				
28	Medical Training & Simulation Laboratory	2,425,001	2,425,001	
29	Access to Better Learning and Education (ABLE) Grants	1,800,000	1,800,000	
30	Historically Black Private Colleges	8,974,038	8,974,038	
31	First Accredited Medical School	12,001,657	9,001,657	3,000,000
32	Academic Program Contracts	2,552,768	1,052,768	1,500,000
33	Regional Diabetes Center	596,094	596,094	
34	Florida Resident Access Grant	79,841,350	79,841,350	
35	Nova Southeastern University - Health Programs	5,190,750	5,190,750	
	TOTALS	113,381,658	108,881,658	4,500,000
STUDENT FINANCIAL AID				
STUDENT FINANCIAL AID PROGRAM/STATE				
36	Florida Bright Futures	269,165,288	269,165,288	
37	Prepaid Tuition Scholarship	5,975,000	5,975,000	

2004 Legislative Review
 Appropriations Chart w/ Vetoes

38	Minority Teacher Scholarship	2,109,600	2,109,600	
39	Ethics/Business Scholarship	500,000	500,000	
40	Mary McCleod Bethune Scholarship	679,328	679,328	
41	Student Financial Aid	93,848,367	93,848,367	
43	Jose Marti Scholarship Challenge Grant	296,000	296,000	
44	Transfer/FI Education Fund	937,600	937,600	
	TOTALS	373,511,183	373,511,183	
STUDENT FINANCIAL AID				
STUDENT FINANCIAL AID PROGRAM/FEDERAL				
45	Financial Assistance Payment	2,095,655	2,095,655	
46	Robert Byrd Honors Scholarship	2,043,000	2,043,000	
	TOTALS	4,138,655	4,138,655	
DIVISION OF PUBLIC SCHOOLS				
State Grants/K-12 Programs - FEFP				
64	FEFP	6,806,297,332	6,806,297,332	
65	Class Size Reduction	978,825,375	978,825,375	
66	District Lottery/School Recognition	263,449,842	263,449,842	
67	Instructional Material	234,404,200	234,404,200	
68	Public School Technology	49,914,766	49,914,766	
69	Student Transportation	440,240,964	440,240,964	
70	Teacher Training	36,000,000	36,000,000	
71	Florida Teachers Lead Program	16,470,777	16,470,777	
	TOTALS	8,825,603,256	8,825,603,256	
DIVISION OF PUBLIC SCHOOLS				
STATE GRANTS/K-12 PROGRAMS - NON FEFP				
	District Cost Differential (DCD) Transition Supplement	22,100,000	22,100,000	
	Small County DCD Transition Supplement	529,656	529,656	
73	Instructional Materials	2,078,240	2,078,240	
74	Excellent Teaching	67,748,649	67,748,649	
75	Professional Practices Substitutes	3,507	3,507	
77	Reading Initiatives	90,650,211	90,650,211	
78	Assistance to Low Performing Schools	5,500,000	5,500,000	
79	Mentoring/Student Assistance Initiatives	15,470,000	14,570,000	900,000
80	Education Partnerships	4,000,000	4,000,000	
81	K-8 Virtual Education	4,640,000	4,640,000	
82	College Reach Out Program	3,199,990	3,199,990	
83	Diagnostic/Learning Resource Centers	3,039,494	3,039,494	
84	Transfer To Excellent Teaching Trust Fund	41,722,477	41,722,477	
85	New World School Of The Arts	928,445	928,445	
86	School District Matching Grants Program	850,000	850,000	
87	Educator Liability Insurance	1,200,000	1,200,000	
88	Teacher Death Benefits	165,000	165,000	
89	Autism Program	4,975,000	4,975,000	
90	Regional Education Consortium Services	825,000	825,000	
91	Teacher Professional Development	130,312,009	129,421,609	890,400
95	School and Instructional Enhancements	2,945,634	1,455,634	1,490,000
96	Exceptional Education	4,976,958	4,976,958	
97	Florida School for the Deaf and Blind	39,516,447	39,516,447	
	TOTALS	447,376,717	444,096,317	3,280,400

2004 Legislative Review
 Appropriations Chart w/ Vetoes

DIVISION OF PUBLIC SCHOOLS			
FEDERAL GRANTS K/12 PROGRAM			
98	Aid to Local Governments	5,000,000	5,000,000
99	Federal Grants & Aids	1,411,709,181	1,411,709,181
100	School Lunch Program	511,289,847	511,289,847
101	School Lunch Program/State Match	16,886,046	16,886,046
	TOTALS	1,944,885,074	1,944,885,074
 DIVISION OF PUBLIC SCHOOLS			
EDUCATIONAL MEDIA & TECHNOLOGY SERVICES			
103	Capitol Technical Center	90,944	90,944
104	Instructional Technology	1,214,290	1,214,290
105	Federal Equipment Matching Grant	523,009	523,009
106	Fl. Info. Resource Network	21,350,221	21,350,221
107	Public Broadcasting	11,176,611	11,176,611
108	Fl Ed & Training Placement Info Program (FETPIP)	190,000	190,000
109	Radio Reading Services for the Blind	407,914	407,914
	TOTALS	34,952,989	34,952,989
 WORKFORCE EDUCATION GRANT PROGRAMS			
110	Adult Basic Education	23,457,545	23,457,545
112	Vocational Formula Funds	77,144,852	77,144,852
113	Workforce Development	388,695,114	388,695,114
	TOTALS	489,297,511	489,297,511
 STATE BOARD OF EDUCATION			
114	Salaries & Benefits	69,413,502	69,413,502
115	Other Personal Services	4,814,929	4,814,929
116	Expenses	34,039,017	34,039,017
117	Operating Capital Outlay	2,860,022	2,860,022
118	Assessment and Evaluation	66,279,953	66,279,953
119	Transfer to Division of Administrative Hearings	641,166	641,166
121	Contracted Services	11,878,338	11,878,338
122	Choice Product Sales	340,788	340,788
123	Cost-Of-Living Price Survey	69,734	69,734
124	Fl Academic Counsel & Tracking System for Students (FACTS)	4,342,837	4,342,837
125	Litigation Expense	23,029	23,029
126	Educational Facilities Research and Development Projects	200,000	200,000
127	Provision of Contracted Services	375,000	375,000
128	Student Financial Assistance Management Information System	1,485,105	1,485,105
129	Risk Management Insurance	1,256,906	1,256,906
131	Transfer To DMS/HRS Purchased per Statewide Contract	495,624	495,624
132	Data Processing-Knott Data Center	2,855,339	2,855,339
133	Data Processing-State University System	936,435	936,435
	TOTALS	202,307,724	202,307,724
 COMMUNITY COLLEGE PROGRAMS			
134	Performance Based Incentives	7,674,371	7,674,371
135	Community College Lottery Funds	98,900,000	98,900,000
136	Community Colleges Program Fund	852,287,576	852,287,576
137	CC Baccalaureate Programs	7,767,160	7,767,160

2004 Legislative Review Appropriations Chart w/ Vetoes

138	Matching Grants	50,786,235	50,786,235	
140	Domestic Security	2,490,250	2,490,250	
141	Library Automation	0	0	
142	Commission on Community Service	469,261	469,261	
143	Distance Learning	315,397	315,397	
	TOTALS	1,020,690,250	1,020,690,250	
 DIVISION OF UNIVERSITIES				
145	Education and General Activities	1,662,326,863	1,662,076,863	250,000
146	Institute of Food and Agricultural Science	120,286,086	117,786,086	2,500,000
148	University of South Florida Medical Center	50,080,634	50,080,634	
149	University of Florida Health Center	82,765,229	82,765,229	
151	Florida State University Medical Center	27,989,770	27,989,770	
	Cancer Center Operations (Moffitt Center)	10,940,335	10,940,335	
153	Student Financial Assistance	20,229,207	20,229,207	
154	Challenge Grants	195,760,794	195,760,794	
156	Risk Management Insurance	13,971,089	13,971,089	
157	Financial Assistance Payments Scholarships	885,340	885,340	
158	Virgil Hawkins Fellowship Program	0	0	
	TOTALS	2,185,235,347	2,182,485,347	2,750,000
	 TOTAL K-20 EDUCATION	 15,870,536,205	 15,860,005,805	 10,530,400
	 Voluntary Prekindergarten, HB 821	 0	 0	
 2003-2004 funds transferred to coincide with the 2004-2005 appropriation.				
 FIXED CAPITAL OUTLAY				
	Debt Service - Classrooms First Capital Outlay Bonds	169,000,000	169,000,000	
	Debt Service - Class Size Reduction Lottery Capital Outlay Bonds	43,902,077	43,902,077	
	Class Size Reduction Projects	100,000,000	100,000,000	
	Maintenance, Repair, Renovation, and Remodeling	282,585,649	279,585,649	3,000,000
	Survey Recommended Needs - Public School/PECO	3,302,252	2,255,802	1,046,450
	Community College Projects/PECO	210,157,152	200,608,388	9,548,764
	State University System Projects/PECO	288,625,613	215,835,323	72,790,290
	Special Facility Construction Account/PECO	71,374,645	71,374,645	
	Fixed Capital Outlay Debt Service	845,635,000	845,635,000	
	School District and Community College - Motor Vehicle License Bonds	30,000,000	30,000,000	
	Community College Facilities Matching Program	22,402,629	22,402,629	
	Florida School for the Deaf and Blind/PECO	12,311,740	12,311,740	
	Division of Blind Services - Capital Projects	5,500,000	5,500,000	
	Joint-Use Facilities Projects	2,164,188	2,164,188	
	State University System Facility Enhancement Challenge Grants	18,184,146	18,184,146	
	State University System Concurrency Requirements	10,500,000	10,500,000	
	TOTALS	2,115,645,091	2,029,259,587	86,385,504
	 Total Operating and Fixed Capital Outlay Funds	 17,986,181,296	 17,889,265,392	 96,915,904

2004 Legislative Review
FLORIDA EDUCATION FINANCE PROGRAM

2004-05 FLORIDA EDUCATION FINANCE PROGRAM
 FINAL CONFERENCE REPORT, April 30, 2004

Statewide Summary
 Comparison of Public School Funding to 2003-04 Fourth Calculation

	2003-2004 Fourth Calculation	2004-2005 Final Conference Report	Difference	Percentage Difference
MAJOR FEFP FORMULA COMPONENTS				
Unweighted FTE	2,556,230.66	2,615,126.98	58,896.32	2.30%
Weighted FTE	2,811,118.32	2,888,702.44	77,584.12	2.76%
School Taxable Value	989,895,600,533	1,073,887,333,988	83,991,733,455	8.48%
Required Local Effort Millage	5.679	5.679	0.000	0.00%
Discretionary Millage	0.510	0.510	0.000	0.00%
Equalized Discretionary Millage	0.250	0.250	0.000	0.00%
Total Millage	6.439	6.439	0.000	0.00%
Base Student Allocation	3,630.03	3,670.26	40.23	1.11%
FEFP DETAIL				
WFTE x BSA x DCD	10,205,523,195	10,600,617,040	395,093,845	3.87%
Declining Enrollment Supplement	5,383,942	8,484,285	3,100,343	57.58%
Sparsity Supplement	31,000,000	31,000,000	0	0.00%
Lab School Discretionary Contribution	1,067,210	1,385,157	317,947	29.79%
Safe Schools	75,350,000	75,350,000	0	0.00%
Discretionary Equalization	1,658,335	1,546,716	(111,619)	-6.73%
Supplemental Academic Instruction	653,922,659	653,922,659	0	0.00%
Summer Reading Allocation	25,000,000	25,000,000	0	0.00%
ESE Guaranteed Allocation	976,490,414	1,008,383,988	31,893,574	3.27%
Minimum Guarantee	0	115,032	115,032	
TOTAL FEFP	11,975,395,755	12,405,804,877	430,409,122	3.59%
Prorated Amount	(61,333,574)	0	61,333,574	
Special Session E Supplemental Appropriation	38,000,000	0	(38,000,000)	
Net Proration	(23,333,574)	0	23,333,574	
LOCAL FEFP FUNDS				
Required Local Effort Taxes	5,198,380,821	5,599,518,131	401,137,310	7.72%
STATE FEFP FUNDS	6,753,681,360	6,806,286,746	52,605,386	0.78%
DISTRICT LOTTERY/SCHOOL RECOGNITION	263,449,842	263,449,842	0	0.00%

2004 Legislative Review
 FLORIDA EDUCATION FINANCE PROGRAM

STATE CATEGORICAL PROGRAMS				
Instructional Materials	227,939,157	234,404,200	6,465,043	2.84%
Student Transportation	430,326,357	440,240,964	9,914,607	2.30%
Public School Technology	49,914,766	49,914,766	0	0.00%
Class Size Reduction	468,198,634	978,825,375	510,626,741	109.06%
Teachers Lead Program	16,099,730	16,470,777	371,047	2.30%
Teacher Training	36,000,000	36,000,000	0	0.00%
TOTAL STATE CATEGORICAL FUNDING	1,228,478,644	1,755,856,082	527,377,438	42.93%
TOTAL STATE FUNDING	8,245,609,846	8,825,592,670	579,982,824	7.03%
LOCAL FUNDING				
Total Required Local Effort	5,198,380,821	5,599,518,131	401,137,310	7.72%
Discretionary Local Effort	479,412,812	520,298,414	40,885,602	8.53%
Equalized Discretionary Local Effort	125,233,214	129,222,423	3,989,209	3.19%
TOTAL LOCAL FUNDING	5,803,026,847	6,249,038,968	446,012,121	7.69%
TOTAL FUNDING	14,048,636,693	15,074,631,638	1,025,994,945	7.30%
TOTAL FUNDS PER UNWEIGHTED FTE	5,495.84	5,764.40	268.56	4.89%

Additional FEFP information and spread sheets maybe found online at:

<http://www.myfloridahouse.com/custFiles/39/3245.pdf>



Florida Department of Education

Governmental Relations

Jim Home, Commissioner

For additional information on the 2004 Legislative Session or to obtain a full version of the bill language, please refer to Online Sunshine at www.leg.state.fl.us or the Governmental Relations website at www.fldoe.org/gr



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Florida Department of Education

Jim Horne, Commissioner