

2011

Legislative Review



**Florida
Department of Education
Regular Session**





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2011 Legislative Summaries

The bill summaries included in this book are of education related bills that passed both House and Senate chambers and have been acted on by the Governor. The bills the Governor has approved are identified by the Chapter law.

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Bill Number: Chapter 2011-180 (House Bill 75)

Bill Title: Offense of Sexting

Bill Sponsor: Representatives Abruzzo

Effective Date: October 1, 2011

DOE Contact: Dr. Michael Grego, Chancellor, Division of Public Schools, (850) 245-0509

Executive Summary:

The bill creates an un-numbered section of statute called Sexting; prohibited acts; penalties, to:

- Define sexting for minors as:
 - Knowingly using a computer, or any other device capable of electronic data transmission or distribution, to transmit or distribute to another minor any photograph or video which depicts nudity and is harmful to minors.
 - Knowingly possessing a photograph or video that was transmitted or distributed by another minor as described above.
- Provide exceptions to the definition of sexting. There is no sexting violation if all of the following apply:
 - The minor did not solicit the image(s).
 - The minor took reasonable steps to report the image(s).
 - The minor did not transmit or distribute the image(s).
- Specify that transmission/possession of multiple images will be limited to a single offense of sexting if all images were transmitted within the same 24-hour period.
- Provide the following penalties:
 - First offense – noncriminal: 8 hours of community service or a \$60 fine.
 - Second offense: first degree misdemeanor.
 - Third offense: third degree felony.
- Allow a minor to be prosecuted under any applicable state laws (including stalking) if the images depict sexual conduct or excitement.
- Define "found to have committed" as a determination of guilt that is the result of a plea or trial, or a finding of delinquency that is the result of a plea or an adjudicatory hearing, regardless of whether adjudication is withheld.

General Implementation Timeline:

October 1, 2011 The act becomes effective.

Florida Department of Education

Bill Number: Chapter 2011-102 (Senate Bill 84)

Bill Title: Community Colleges

Bill Sponsor: Senator Lynn

Effective Date: July 1, 2011

DOE Contact: Dr. Willis Holcombe, Chancellor, Division of Florida Colleges, (850) 245-9449

Executive Summary:

This legislation changes the names of four Florida College System institutions; Gulf Coast Community College to Gulf Coast State College, Pensacola Junior College to Pensacola State College, St. Johns River Community College to St. Johns River State College, and Valencia Community College to Valencia College, as voted on by the respective colleges' district boards of trustees.

This legislation revises s.1001.21, F.S., s.1004.74, F.S., and s.1004.75, F.S., by changing the references of the following Florida College System institutions as voted on by the respective colleges' district boards of trustees:

- Gulf Coast Community College to Gulf Cost State College;
- Pensacola Junior College to Pensacola State College;
- St. Johns River Community College to St. Johns River State College;
- Valencia Community College to Valencia College.

General Implementation Timeline:

July 1, 2011 The act becomes effective.

Florida Department of Education

Bill Number: Chapter 2011-143 (Senate Bill 88)

Bill Title: Public Employee Compensation

Bill Sponsor: Senator Gaetz

Effective Date: July 1, 2011

DOE Contact: Linda Champion, Deputy Commissioner, Finance and Operations, (850) 245-0406

Executive Summary:

The bill prohibits bonuses paid to public employees unless the bonus is awarded to the employee of a public hospital from private funds or is awarded to government employees based on statutorily specified bonus criteria. The bill requires that, any policy, ordinance, rule, or resolution designed to implement a bonus scheme must:

- Base the award of a bonus on work performance;
- Describe the performance standards and evaluation process by which a bonus will be awarded;
- Notify all employees of the policy, ordinance, rule, or resolution before the beginning of the evaluation period on which a bonus will be based; and
- Consider all employees for the bonus.

This bill prohibits severance pay unless the severance pay is:

- Paid to the employee of a public hospital from private funds;
- Paid in an amount not greater than 20 weeks of compensation; or
- Paid as the result of a settlement agreement in an amount not to exceed six weeks of compensation.

The bill requires contracts for severance pay to include a provision stating that severance pay is not paid in cases of employee misconduct. The bill defines severance pay as actual or constructive compensation including salary, benefits, or perquisites for employment services yet to be rendered, which is provided to an employee who has recently been or is about to be terminated. The term does not include compensation for leave time, early retirement, or insurance subsidies.

The bill prohibits confidentiality clauses in agreements for extra compensation that are entered into after July 1, 2011.

General Implementation Timeline:

July 1, 2011 The act becomes effective.



Bill Number: Chapter 2011-111(House Bill 97)

Bill Title: Health Insurance

Bill Sponsor: Representative Gaetz

Effective Date: July 1, 2011

DOE Contact: Linda Champion, Deputy Commissioner, Finance and Operations, 245-0406

Executive Summary:

The bill makes substantial changes to the insurance code by creating three new sections and amending one section of Florida law to prohibit the sale of insurance policies covering abortions, offered through a health insurance exchange created by the federal Patient Protection and Affordable Care Act (PPACA). The bill prohibits any individual, group, or out-of-state group health insurance policy or health maintenance contract, purchased with any amount of state or federal funds through an exchange, from providing coverage for an abortion unless the pregnancy is the result of an act of rape or incest or in cases where a woman suffers from a physical disorder, physical illness, or physical injury, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would, as certified by a physician, place the woman in danger of death.

Under the PPACA, which was signed into law on March 23, 2010, every state is required to create an insurance exchange by 2014. If the state does not take the necessary steps to create the exchange, the United States Department of Health and Human Services (HHS) is required to establish and operate the exchange. An exchange is not an insurer; however, it is designed to provide eligible individuals and businesses with access to health insurance coverage. Under the PPACA, most citizens will be required to purchase health insurance, or will be required to pay a tax penalty. Certain individuals who meet certain income thresholds will be given premium tax credits and cost sharing subsidies to help them purchase their health insurance.

House Bill 97 provides that health insurance coverage in Florida is deemed to be purchased with state or federal funds if any tax credit or cost-sharing credit is applied to the cost of the policy. The bill clarifies that it does not prohibit insurance plans from providing separate coverage for abortion, as long as that coverage is not purchased in whole or in part with any federal or state funds. The bill defines "state" to mean the State of Florida or any political subdivision of the state.

General Implementation Timeline:

July 1, 2011 The act becomes effective.

Florida Department of Education

Bill Number: Chapter 2011-207 (Senate Bill 146)

Bill Title: Criminal Justice

Bill Sponsor: Senator Smith

Effective Date: Upon becoming law, except as otherwise provided

DOE Contact: Linda Champion, Deputy Commissioner, Finance and Operations, (850) 245-0406

Executive Summary:

The bill, which is cited as the "Jim King Keep Florida Working Act," requires state entities to identify and report disqualifying policies on the employment or licensure of ex-offenders. Each state agency, including professional and occupational regulatory boards, must submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 31, 2011, and every four years thereafter. The report must include the following:

- A list of all agency or board statutes or rules that disqualify from employment or licensure persons who have been convicted of a crime and have completed any incarceration and restitution to which they have been sentenced for such crime.
- A determination of whether the disqualifying statutes or rules are readily available to prospective employers and licensees.
- The identification and evaluation of alternatives to the disqualifying statutes or rules which protect the health, safety, and welfare of the general public without impeding the gainful employment of ex-offenders.

The bill also provides that, effective January 1, 2012, a state agency may not deny an application for a license, permit, certificate, or employment based solely on the applicant's lack of civil rights.

General Implementation Timeline:

Effective date	Upon becoming law.
December 31, 2011,	State agencies and occupations regulatory board submit reports to the
Every four years	Governor, Senate President, and Speaker of the House of Representatives.
January 1, 2012	State agencies may not deny an application based solely on an applicant's lack of civil rights.



Bill Number: Chapter 2011-144 (Senate Bill 224)

Bill Title: Local Government Accountability

Bill Sponsor: Senator Dean

Effective Date: October 1, 2011

DOE Contact: Linda Champion, Deputy Commissioner, Finance and Operations, (850) 245-0406

Executive Summary:

Senate Bill 224 requires the budget of each county, municipality, special district, water management district, school district, and certain county officers to be posted on the government entity's website. The bill requires counties, municipalities, and special districts to file their annual financial report and annual financial audit report with the Department of Financial Services and the annual financial audit report with the Office of the Auditor General within nine months of the end of the fiscal year. The bill also amends the reporting process used by the Legislative Auditing Committee and the Department of Community Affairs, to compel special districts to file certain required financial reports.

The bill amends s. 218.39, F.S., related to annual financial audit reports, to:

- Change the time frame for completing the district school board, charter school, or charter technical center from within 12 months to within 9 months after the end of the fiscal year, if the audit is performed by an independent certified public accountant.

The bill amends s. 1011.03, F.S., related to the requirement that each school district shall hold public hearings regarding budgets and proposed tax levies, to:

- Update the term "online" to read "on the district's official website."
- Require the tentative budget to be posted on the district's official website at least two days before the budget hearing.
- Require the final adopted budget to be posted on the district's official website within 30 days after adoption.
- Require an adopted amendment to the budget to be posted on the district's official website within five days after adoption of the amendment.

The bill amends s. 1011.051, F.S., Guidelines for general funds, and s. 1011.64(3)(a)1., F.S., School district minimum classroom expenditure requirements, to:

- Conform fund balance terminology to the new fund balance classifications implemented by the Governmental Accounting Standards Board Statement No. 54, Fund Balance Reporting and Governmental Fund Type Definitions.
- Revise the term "unreserved general fund balance" to the "portion of the general fund's ending fund balance not classified as restricted, committed, or nonspendable."

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General Implementation Timeline:

October 1, 2011 The act becomes effective.

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Bill Number: Chapter 2011-103 (Senate Bill 228)

Bill Title: Code of Student Conduct

Bill Sponsor: Senator Siplin

Effective Date: July 1, 2011

DOE Contact: Dr. Michael Grego, Chancellor, Division of Public Schools, (850) 245-0509

Executive Summary:

The bill revises s. 1006.07(2), F.S., Code of Student Conduct, to:

- Require that school districts' codes of conduct include specific language on students' responsibilities regarding appropriate dress and respect for self and others.
- Require school boards to "adopt a dress code policy that prohibits a student, while on the grounds of a public school during the regular school day, from wearing clothing that exposes underwear or body parts in an indecent or vulgar manner or that disrupts the orderly learning environment."
- Provide penalties ranging from a verbal warning/parental notification to three days of in-school suspension in addition to a maximum 30-day suspension from extracurricular activities.

The bill revises s. 1006.15(3)(a)4., F.S., Student standards for participation in interscholastic and intrascholastic extracurricular student activities, to:

- Include "adherence to appropriate dress and other codes of student conduct policies..." as a condition of eligibility to participate in extracurricular activities.

General Implementation Timeline:

July 1, 2011 The act becomes effective.

Florida Department of Education

Bill Number: Chapter 2011-220 (House Bill 251)

Bill Title: Sexual Offenses

Bill Sponsor: Representative Dorworth

Effective Date: July 1, 2011

DOE Contact: Dr. Michael Grego, Chancellor, Division of Public Schools, (850) 245-0509

Executive Summary:

This bill focuses on sexual offenses. The specific impact on the Department of Education occurs in Sections 13 and 14.

The bill appropriates \$1.5 million to the Department of Legal Affairs for Lauren's Kids, a non-profit organization, to:

- Provide education to adults and children on sexual abuse topics.
- Provide in-school curriculum and operate a 24-hour Crisis hotline.

The bill amends 1003.42, F.S., Required Instruction, to:

- Include Internet Safety as a part of comprehensive health education.

General Implementation Timeline:

July 1, 2011 The act becomes effective.

Florida Department of Education

Bill Number: Chapter 2011-079 (House Bill 281)

Bill Title: Value Adjustment Boards

Bill Sponsor: Finance and Tax Committee

Effective Date: July 1, 2011

DOE Contact: Linda Champion, Deputy Commissioner, Finance and Operations, (850) 245-0406

Executive Summary:

House Bill 281 changes the process and payment requirements for petitioners challenging the assessed value of property before a value adjustment board (VAB). The bill provides that a petitioner before a VAB challenging an assessment of property for property tax purposes must make a partial payment of at least 75 percent of ad valorem taxes before those taxes become delinquent, less any applicable discount. A petitioner before a VAB challenging the denial of a classification or an exemption must make a payment of the amount of tax which the taxpayer admits in good faith to owe before such taxes become delinquent, less any applicable discount. If the good faith payment made is grossly disproportionate to the amount found to be due by the VAB, a 10% per year penalty applies.

The bill provides that if the VAB determines that the petitioner owes ad valorem taxes in excess of the amounts paid, the unpaid amount accrues interest at the rate of 12 percent per year from April 1. If the VAB determines that the petitioner is owed a refund, the amount paid in excess of the amount due accrues interest at the rate of 12 percent per year from April 1.

The provisions of the bill do not apply to petitions for tax deferrals. This bill further provides that the current 4 percent property tax discount for early payment shall apply, but only if the corrected tax notice is mailed prior to the date the taxes become delinquent.

General Implementation Timeline:

July 1, 2011 The act is effective and is effective for VAB petitions filed on or after July 1, 2011.

Although the provisions of the bill could impact local revenue available to school districts, implementation responsibility is with the Florida Department of Revenue.



Bill Number: Chapter 2011-079 (House Bill 331)

Bill Title: Firesafety

Bill Sponsor: Representative Weinstein

Effective Date: July 1, 2011

DOE Contact: Linda Champion, Deputy Commissioner, Finance and Operations, (850) 245-0406

Executive Summary:

The bill clarifies procedures for firesafety inspection of Florida's educational facilities and defines the duties and responsibilities of school district firesafety inspectors and county, municipal, or special independent fire district firesafety inspectors. The bill streamlines annual firesafety inspection requirements for public and charter school educational facilities. The bill also establishes requirements for annual inspections of charter schools, including those not located on property owned, leased, or operated by a district school board, and public postsecondary education facilities. The bill removes the requirement for an annual statewide firesafety report that documents the status of each district school board's firesafety program. The bill ensures that fire code requirements are met prior to issuance of a certificate of occupancy. For each new facility exceeding 2,500 square feet, a district school board is required to submit for review a copy of the site plan to the local fire control district that provides fire protection services to the facility.

The bill revises ss. 633.01, 633.021, and 633.081, F.S., related to fire prevention and control, to:

- Require the State Fire Marshal to consult with the Department of Education when adopting rules prescribing standards for the safety and health of educational and ancillary facilities.
- Designate the State Fire Marshal to assume the duties of a county, municipal, or independent special fire control district (as defined in s. 191.003, F.S.) with respect to inspecting educational facilities and taking corrective action, if the county does not employ or appoint a firesafety inspector certified by s. 633.081, F.S.
- Revise the definition of "firesafety inspector" as "an individual certified by the State Fire Marshal under s. 633.081, F.S., who is officially assigned the duties of conducting firesafety inspections of buildings and facilities on a recurring or regular basis."
- Clarify that the minimum firesafety code is the one adopted by the State Fire Marshal.
- Clarify that the inspection of equipment, vehicles, and chemicals includes those that are on or within the premises of any building or structure.
- Abolish the classification of a "special state firesafety inspector" and extinguish all such certifications, effective July 1, 2013.
- Establish minimum criteria and examination requirements for a previous "special state firesafety inspector" to become a "certified firesafety inspector" under s. 633.081, F.S.

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The bill also revises ss. 1013.12, 1013.371, and 1013.38, F.S., related to firesafety standards and building and life safety codes for education facilities, to:

- Clarify that the uniform firesafety standards and an alternate firesafety evaluation system are administered and enforced by a fire official that is certified by the State Fire Marshal.
- Clarify that the uniform firesafety standards established pursuant to ss. 1013.37 and 633.022(1)(b), F.S., are to be used by county, municipal, or independent special fire control inspectors when performing firesafety inspections of public educational and ancillary facilities.
- Require firesafety inspection of each educational and ancillary plant by an official appointed by a district school board within one year after the issuance of a certificate of occupancy and annually thereafter. Such inspections are to be made by individuals certified by the State Fire Marshal.
- Require a school board or a college board to deliver immediately a copy of the firesafety inspection report to the county, municipal, or independent special fire control district providing fire-protection services if immediate, life-threatening deficiencies are noted. Otherwise, an inspection report must be delivered within 10 business days after the date of inspection, or unless an alternate delivery date is mutually agreed to due to a natural disaster.
- Require a board or other authority conducting firesafety inspections to electronically certify to the State Fire Marshal that the annual inspection has been completed.
- Delete the requirement for a corrective action plan to be formulated in consultation with the local fire control authority.
- Provide that a firesafety inspection of each educational and ancillary plant may be conducted by the county, municipality, or independent special fire control district within one year after the issuance of a certificate of occupancy and annually thereafter. Such inspections are to be made by individuals certified by the State Fire Marshal. Clarify that the county, municipality, or independent special fire control district is to prepare any reports in conjunction with a school board or college board and is to work with the school board or college board to correct promptly a deficiency cited in the report or to withdraw the plant from use until deficiencies are corrected.
- Require a board-appointed fire official to take action to correct promptly an immediate, life-threatening deficiency noted during an inspection or withdraw the educational facility from use until the deficiency is corrected. The board-appointed fire official shall work in conjunction with the county, municipal, or independent fire control district when taking such action for an immediate, life-threatening deficiency.
- Add a new subsection relating to the inspection of charter schools not located on board-owned or leased property or otherwise operated by a school board. The section provides that a safety and sanitation inspection of any educational or ancillary plant may be made at any time by a state or local agency authorized or required to conduct such inspections by general or special law. The agency shall submit a copy of the inspection report to the charter school sponsor. Further, a firesafety inspection of each charter school that is not

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located in facilities owned or leased by the board or a public college must be conducted each fiscal year by the county, municipality, or independent special fire control district in which the charter school is located using the standards adopted by the State Fire Marshal. By request, a copy of the report shall be provided to the district school board in which the charter school is located. Each firesafety report is to be formulated in consultation with the charter school and the inspecting authority shall include a plan of action and schedule for the correction of each deficiency. If any immediate, life-threatening deficiency is noted in any inspection, the inspecting authority shall take action or withdraw the educational or ancillary plant from use until the issues are corrected. If the charter school fails to take timely corrective action, the local fire control district shall report the deficiency to the State Fire Marshal and the district school board (charter school sponsor). The new section vests firesafety enforcement authority with the State Fire Marshal.

- Amend requirements for firesafety inspections of postsecondary education facilities including public colleges, charter schools located in board-owned or board-leased facilities or otherwise operated by public college boards, to require inspections in accordance with the Florida Fire Prevention Code as adopted by the State Fire Marshal. Provisions of the code relating to inspection may not be subject to any local amendments as provided in s. 1013.371, F.S. Each public college facility shall be inspected annually by a certified firesafety inspector. After each firesafety inspection, the inspecting authority shall develop a plan of action to correct each deficiency identified. The public college is required to provide a copy of the firesafety inspection report to the county, municipal, or independent fire control district in which the facility is located.
- Replace the rules for firesafety inspections adopted by the Board of Governors with the Florida Fire Prevention Code adopted by the State Fire Marshal.
- Provide that when a public school, public college board, or charter school fails to correct timely any firesafety deficiency, the inspecting authority shall immediately report the deficiency to the State Fire Marshal, who has enforcement authority for educational facilities pursuant to Chapter 633, F.S.
- Delete the requirement for the State Fire Marshal to publish an annual report documenting the status of each board's firesafety program.
- Require each board to provide for periodic inspections of a proposed educational plant during each phase of construction to determine compliance with the Florida Building Code, the Florida Fire Prevention Code, and the State Requirements for Educational Facilities.
- Authorize each board to employ a chief building official (the term "inspector" is deleted), fire official, other inspectors, including ones that have been certified by the State Fire Marshal, and other personnel to enforce the Florida Building Code and the State Requirements for Educational Facilities. A board may also use county, municipal, or independent special fire control district firesafety inspectors who are certified by the State Fire Marshal to conduct reviews of site plans and inspections and to enforce the Florida Fire Prevention Code.
- Require a board to submit to the local county, municipal, or independent special fire control district for review, a copy of the site plan for each proposed new facility or addition exceeding 2,500 square feet. Authorize such entities to review the site plan for compliance

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with the Florida Fire Prevention Code for fire department access roads, fire-protection system connection locations, and fire hydrant spacing. Specify that such site plans are not subject to local amendments or ordinances. Require that such reviews be performed at no charge to a school board or state college board. Provide that the site plan shall be deemed approved unless within 15 days, the county, municipal, or independent special fire control district identifies any deficiencies in writing. The board-appointed fire official shall incorporate such comments into the review and subsequent inspections.

- Authorize the referral of disagreements between the parties regarding the requirements or application of the Florida Fire Prevention Code to the State Fire Marshal for resolution; the State Fire Marshal shall have final administrative authority to resolve the dispute.
- Require boards to use firesafety inspectors certified by the State Fire Marshal to review construction documents for compliance with the Florida Fire Prevention Code.
- Clarify that a board is to have construction documents approved for compliance with the Florida Building Code, the Florida Fire Prevention Code, and all applicable firesafety codes and standards before any new construction, renovation, or remodeling is commenced.
- Clarify that a certificate of occupancy cannot be issued until a board's building official has determined the building or structure and its site conditions comply with all applicable statutes and rules.
- Require the method of compliance with the Florida Building Code and Florida Fire Prevention to be documented and maintained as part of the construction record.
- Allow the local county, municipal, or independent special fire control district to have reasonable access to all construction documents.

General Implementation Timeline:

July 1, 2011	The act becomes effective.
June 30, 2013 (midnight)	Special state firesafety inspection certificates expire.
July 1, 2013	After this date, all firesafety inspections must be completed by a firesafety inspector certified by the State Fire Marshal pursuant to s. 633.081, F.S.

Florida Department of Education

Bill Number: House Joint Resolution 381

Bill Title: Additional Homestead Exemption; Property Value Decline; Reduction for Non-homestead Assessment Increases; Abrogation of Scheduled Repeal

Bill Sponsors: Representative Dorworth

Effective Date: Upon approval by electorate

DOE Contact: Linda Champion, Deputy Commissioner, Finance and Operations, (850) 245-0406

Executive Summary:

The joint resolution proposes amendments to the Florida State Constitution on the subject of the assessed value of property. If approved by voters, the amended language would shield first-time homebuyers from property taxes and would cap the annual change in assessed value for non-homestead property to five percent.

The resolution also proposes amendments to the State Constitution to allow the Florida Legislature, by general law, to:

- Prohibit increases in the assessed value of homestead and specified non-homestead property, if the just value of the property decreases.
- Reduce limitation on annual assessment increases applicable to non-homestead real property.
- Provide additional homestead exemption for owners of homestead property who have not owned homestead property for a specified time before the purchase of their current homestead property.
- Delete future repeal of provisions limiting annual assessment increases for specified non-homestead real property.
- Provide effective dates.

General Implementation Timeline:

If the amendment is submitted to the electors for approval or rejection at a special election authorized by law to be held on the date of the 2012 presidential primary, the amended language will operate retroactively to January 1, 2012, or, if submitted for the 2012 general election, shall take effect on January 1, 2013.

The Florida Department of Revenue will be responsible for implementing the bill.



Bill Number: Chapter 2011-236 (Senate Bill 404)

Bill Title: Transition-to-Adulthood Services

Bill Sponsor: Senator Wise

Effective Date: July 1, 2009

DOE Contact: Mike Kooi, Executive Director Office of Independent Education and Parental Choice, 850-245-0502

Executive Summary:

This bill creates a College-Preparatory Boarding Academy Pilot Program to provide unique educational opportunities for dependent or at-risk children who are academic underperformers but who have the potential to progress from at-risk to college-bound. It requires the State board of Education to implement the program and select, through a Request for Proposal, a private non-profit corporation that meets specified qualifications to operate the program. Requires the Department of Education (DOE), Department of Juvenile Justice (DJJ) and the Department of Children and Families (DCF) to develop a plan related to funding. Also requires the State Board of Education to annually report on the program.

Section 4 Creates the College Preparatory Boarding Academy Pilot Program (CPBAP) for dependent or at-risk students.

- Defines eligible student as a state resident who is entitled to attend school in a participating district and who is:
 - Currently enrolled in grade 5 or 6, is from a family whose income is below 200% of federal poverty limits, and who meets at least one of the following:
 - In foster care or declared an adjudicated dependent by court.
 - Head of household is not student's parent.
 - Resides in household that receives housing voucher or eligible for public housing assistance.
 - Member of immediate family has been incarcerated.
- Defines "Operator" as a private non-profit corporation.
- Defines program as a college prep boarding academy for at-risk students which includes:
 - Remedial curriculum for middle school grades.
 - College prep curriculum for high school grades.
 - Extracurricular activities, including athletics and cultural events.
 - College admission counseling.
 - Health and mental health services.
 - Tutoring.
 - Community service and service learning opportunities.

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- Residential student life program.
- Extended school days and supplemental programs.
- Professional services focused on language arts, reading, math, science, technology and life skills standards.
- Requires State Board of Education (SBE) to select an Operator that meets the following:
 - Operator must receive authorization to operate a grade 6-12 charter school or have a partnership with a district to operate a school.
 - Has experience in operating similar program.
 - Has demonstrated success operating similar program.
 - Has capacity to finance and secure private funds for development of campus.
- Requires SBE to issue RFP within 60 days of July 1, and to select operator within 120 days of issuance of RFP.
- Requires minimum components for proposals to include:
 - Proposed location.
 - Plan for offering grade 6 in initial year, with plan for expanding to include additional grades in subsequent years.
 - Any other information deemed necessary by SBE.
- Requires SBE and operator to enter into a contract that includes the following stipulations:
 - Academy may operate only if it holds a valid charter under s. 1002.33, F.S.
 - Operator must finance and oversee acquisition of facility
 - Operator operates the academy in accordance with terms of proposal
 - Operator complies with applicable state statute, terms of contract, and SBE rules
 - Operator complies with its bylaws
 - Operator complies with admissions and dismissal standards in contract
 - Operator meets academic goals and other performance standards as described in contract
 - Either party may terminate contract by following termination procedure
- Requires Operator to adopt bylaws that include, at a minimum, a procedure to appoint board members, 5 of whom shall be appointed by the Governor with the advice and consent of the Senate. Bylaws are subject to approval of SBE
- Requires Operator to conduct outreach efforts with the school district and community, which must focus on recruitment of eligible children who are academic underperformers
- Requires school to be a public school
- Requires SBE to coordinate, streamline, and simplify duplicative or redundant requirements due to multiple funding sources
- Requires that funding be contingent upon development of plan by DOE, DJJ, and DCF which details how educational and non-educational funds that would otherwise be committed to the students and their families can be repurposed to provide for the operation of the school and related services.
 - Plans must be based on federal and state funding streams for children and families meeting the eligibility criteria and include recommendations for modifications to the criteria for eligible students which will further the programs goals

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- Plan shall be submitted, with budget requests, through the Legislative Budget Request process under s. 216.023, F.S., or through requests for budget amendments to the Legislative Budget Commission as described in s. 216.181, F.S.
- Requires students who have been adjudicated dependent to remain under the case management and supervision of the lead agency and its providers
- Allows Operator to contract with providers to provide services to students
- Requires parents of a foster child that is enrolled in the program to receive approval from state agency to withdraw student from program
- Allows Operator to bill Medicaid when appropriate and to receive other state and federal funds for services provided
- Requires Operator to utilize admission lottery if oversubscribed
- Allows Operator to house and educate students
- Requires SBE to issue annual report for each academy operated under this section
- Requires Operator to report to the FDOE all information applicable to public schools
- Requires Operator to comply with all provisions applicable to public schools
- Requires Operator provide student's legal guardians with sufficient information to determine if student is reading at grade level and has gains at least a year worth of learning for each year in program

General Implementation Timeline:

July 1, 2011	The act becomes effective.
August 30, 2011	State Board issues RFP.
December 28, 2011	State Board selects Operator (120 days from issuance of RFP).



Bill Number: Chapter 2011-149 (Senate Bill 410)

Bill Title: Impact Fees

Bill Sponsor: Senator Bennett

Effective Date: Upon becoming a law, and shall operate retroactively to July 1, 2009

DOE Contact: Linda Champion, Deputy Commissioner, Finance and Operations, (850) 245-0406

Executive Summary:

Senate Bill 410 reenacts portions of existing law related to impact fees amended by Chapter 2009-49, Laws of Florida (House Bill 227 passed by the Florida Legislature in the 2009 Regular Session). The 2009 law created the "preponderance of the evidence" standard of judicial review of government approval of an ordinance adopted to impose an impact fee on development or set the amount of an impact fee. Since that time, the 2009 law has been the subject of ongoing litigation regarding its constitutionality, which created uncertainty among local governments, developers, and private interests regarding the provisions of law amended by House Bill 227 (2009).

Because the bill reenacts portions of existing law, it does not change current operations of Florida district school boards or the Florida Department of Education.

General Implementation Timeline:

The bill provides that it becomes effective upon becoming law, and shall operate retroactively to July 1, 2009. If a court of last resort finds retroactive application unconstitutional, the bill applies prospectively from the date it became law.

Florida Department of Education

Bill Number: Chapter 2011-104 (Senate Bill 444)

Bill Title: Scrutinized Companies

Bill Sponsor: Senator Ellyn Bogdanoff

Effective Date: July 1, 2011

DOE Contact: Linda Champion, Deputy Commissioner, Finance and Operations, (850) 245-0406

Executive Summary:

Senate Bill 444 prohibits a state agency or local governmental entity from contracting with companies included on the Scrutinized Companies with Activities in Sudan List or the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List. The bill's provisions make such companies ineligible to submit bids for any contract for goods or services in the amount of \$1 million or greater. However, the bill provides an exception to the prohibition under specified circumstances. The bill requires a company to certify that it is not on either list before it submits a bid or proposal for or enters into or renews such a contract. Any such contract entered into or renewed on or after July 1, 2011, must contain a provision that allows for termination of the contract if the company is found to have submitted a false certification.

The bill also provides a process through which an agency or local government that makes a determination of false certification must provide notice to the company, and through which the company may respond to and challenge the determination. The bill further requires the agency or local government to bring a civil action if the company does not disprove the determination of false certification within a specified time, and specifies penalties for a company that a court determines has made a false certification. Only the agency or local governmental entity that is a party to the contract is authorized to bring such a civil action.

The bill also:

- Specifies that the section of law created by the bill preempts any ordinance or rule or any agency or local governmental entity involving public contracts for goods or services of \$1 million or more with a company engaged in scrutinized business operations.
- Requires the Department of Management Services to submit a written notice describing the section to the Attorney General of the United States within 30 days after July 1, 2011.
- Provides that the section becomes inoperative on the date that federal law ceases to authorize states to adopt and enforce the contracting prohibitions of the type provided for in the section.

General Implementation Timeline:

July 1, 2011 The act becomes effective.

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July 31, 2011

A written notice describing the section of law shall be submitted by the Florida Department of Management Services to the Attorney General of the United States.

Florida Department of Education

Bill Number: Chapter 2011-151 (Senate Bill 478)

Bill Title: Property Taxation

Bill Sponsor: Senator Thrasher

Effective Date: July 1, 2011

DOE Contact: Linda Champion, Deputy Commissioner, Finance and Operations, (850) 245-0406

Executive Summary:

Senate Bill 478 revises, updates, and consolidates provisions of Chapter 197, Florida Statutes, relating to property tax collections, sales, and liens.

- The bill tolls (announces) the statute of limitations relating to proceedings involving tax lien certificates or tax deeds during the period of an intervening bankruptcy.
- The bill amends requirements for tax deed applications and the purchase of tax certificates to provide definitions and include interest, fees, and costs in the face value of the certificate.
- The bill provides for electronic notice with consent of the property owner for programs, sales, and fees.
- The bill also authorizes tax collectors to issue certificates of correction to the tax rolls for uncollectable personal property accounts.
- The bill consolidates provisions relating to the payment of deferred taxes.
- The bill substantially amends Chapter 197, Florida Statutes, relating to tax collections, sales, and liens.
- The bill creates the following sections of the Florida Statutes: 95.051(1)(h), 197.146, 197.2421, 197.2423, 197.332(2), 197.4725, and 197.603.
- The bill repeals the following sections of the Florida Statutes: 197.202, 197.242, 197.304, 197.3041, 197.3042, 197.3043, 197.3044, 197.3045, 197.3046, 197.3047, 197.307, 197.3072, 197.3073, 197.3074, 197.3075, 197.3076, 197.3077, 197.3078, and 197.3079.

General Implementation Timeline:

July 1, 2011

The act becomes effective.

Implementation responsibility is primarily with the Florida Department of Revenue.

Florida Department of Education

Bill Number: Senate Joint Resolution 592

Bill Title: Veteran's Property Tax Discount

Bill Sponsor: Senator Bennett

Effective Date: January 1, 2013, if the joint resolution is approved by voters

DOE Contact: Linda Champion, Deputy Commissioner, Finance and Operations, (850) 245-0406

Executive Summary:

Senate Joint Resolution (SJR) 592 proposes an amendment to Article VII, Section 6 of the Florida Constitution, to allow partially or totally disabled veterans to qualify for the combat-related disabled veterans' ad valorem tax discount on homestead property. The amendment deletes the current provisions requiring Florida residency at the time of entering military services of the United States.

If approved by voters, the joint resolution includes an effective date of January 1, 2013, by creating Section 32 within Article XII of the Florida Constitution.

General Implementation Timeline:

January 1, 2013 The constitutional amendment becomes effective if approved by voters.

Implementation responsibility is with the Department of Revenue.

Florida Department of Education

Bill Number: Chapter 2011-085 (House Bill 597)

Bill Title: Pub. Rec./Agency Emergency Notification Info.

Bill Sponsor: Representative Taylor

Effective Date: July 1, 2011

DOE Contact: Lois Tepper, Interim General Counsel, Office of General Counsel, (850) 245-0442

Executive Summary:

The bill creates a public records exemption for information furnished by a person to an agency for purposes of being provided emergency notifications by that agency. The bill provides a statement of public necessity for the exemption.

The bill revises s. 119.071, F.S., General exemptions from inspection or copying of public records, to:

- Provide that any information furnished by a person to an agency for purpose of being provided with emergency notification by the agency, including the person's name, address, telephone number, email address, or other electronic communication address, is exempt from s. 119.071(1), F.S., and s. 24(a), Art. I of the State Constitution.
- Provide that the exemption applies to information held before, on, or after the effective date of the exemption.
- Provide that this exemption is subject to Open Government Sunset Review and shall stand repealed on October 2, 2016, unless reenacted.

General Implementation Timeline:

July 1, 2011 The act becomes effective.

October 2, 2016 The act shall stand repealed unless reviewed and saved from repeal through reenactment by the Legislature.



Bill Number: Chapter 2011-170 (House Bill 599)

Bill Title: Corporations Not for Profit

Bill Sponsor: Economic Affairs Committee, Representative Passidomo

Effective Date: July 1, 2012

DOE Contact: Dr. Will Holcombe, Chancellor, Division of Florida Colleges, (850) 245-9475

Executive Summary:

This bill creates s. 617.2104, Florida Statutes, the Florida Uniform Prudent Management of Institutional Funds Act (UPMIFA) to replace the Florida Uniform Management of Institutional Funds Act (UMIFA) to:

- Enhance provisions currently contained in the Florida Uniform Management of Institutional Funds Act.
- Apply to all charitable institutions, not just those associated exclusively with educational purposes.
- Expand the types of assets which can be in a charitable organization's portfolio.
- Allow pooling of institutional funds for purposes of managing and investing.
- Delineate factors to be considered prior to expenditure of funds.
- Provide new procedures for releasing restrictions on small institutional funds.
- Provide for modification of restrictions on the use of endowment funds.
- Provides for reversion of real property back to the Board of Trustees of the Internal Improvement Trust Fund if a not-for-profit entity holding a deed subject to a reverter clause violates the deed restrictions.

Currently, university direct-support organizations operate in accordance with the Florida Uniform Management of Institutional Funds Act. The Florida College System direct-support organizations are incorporated, organized and operated in a similar manner. Direct-support organizations are incorporated under the provisions of Chapter 617, F.S., and approved by the Department of State. All 28 Colleges have one or more direct support organizations.

General Implementation Timeline:

July 1, 2012 The act becomes effective.

Florida Department of Education

Bill Number: Chapter 2011-087 (House Bill 667)

Bill Title: Pub. Rec./Local Government Inspector General

Bill Sponsor: Government Operations Subcommittee; Representative Clemens

Effective Date: October 1, 2011

DOE Contact: Lois Tepper, Interim General Counsel, Office of General Counsel, (850) 245-0442

Executive Summary:

The bill expands the public records exemption for investigative reports of local government agency inspectors general to include certain records related to reports and investigations. The bill provides a statement of public necessity for the exemption.

The bill revises s. 119.0713, F.S., Local government agency exemptions from inspection or copying of public records, to:

- Provide that audit reports of an internal auditor and the investigative report of the inspector general prepared for or on behalf of a unit of local government becomes a public record when the audit or investigation becomes final.
- Provide that an audit or investigation becomes final when the audit report or investigative report is presented to the local government.
- Provide that audit workpapers and notes related to such audits and information received, produced, or derived from an investigation are confidential and exempt from public records disclosure until the audit or investigation is complete and the audit becomes final, or when the investigation is no longer active.
- Provide that an investigation is active if it is continuing with a reasonable, good faith, anticipation of resolution and with reasonable dispatch.
- Provide that the exemption is subject to Open Government Sunset Review and shall stand repealed on October 2, 2016, unless reenacted.

General Implementation Timeline:

October 1, 2011 The act becomes effective.

October 2, 2016 The exemption shall stand repealed unless reviewed and saved from repeal through reenactment by the Legislature.

Florida Department of Education

Bill Number: Chapter 2011-171 (House Bill 723)

Bill Title: Extraterritorial Reciprocity in Workers' Compensation

Bill Sponsor: Representative Weinstein

Effective Date: July 1, 2011

DOE Contact: Linda Champion, Deputy Commissioner, Finance and Operations, (850) 245-0406

Executive Summary:

House Bill 723 creates s. 440.094, F.S., establishing extraterritorial reciprocity under Florida's Workers' Compensation Law. Employees who work for an employer in a state other than their primary state of employment for no more than 10 consecutive days or a maximum of 25 total days in a calendar year are considered to be "temporarily working" in that state. Florida employees injured while temporarily working in another state are to receive benefits under Florida's Workers' Compensation Law. Out-of-state employees injured while temporarily working in Florida (and their employers) are exempted from Chapter 440, F.S., and will receive benefits under the law of their home state, which will be the employee's exclusive remedy, if the following conditions are met:

- The employer has furnished coverage under the workers' compensation law (or similar law) of the employer's home state that covers the employee's employment while in Florida.
- The extraterritorial provisions of Florida's Workers' Compensation Law are recognized in the employer's home state.
- Florida employees and employers are exempted from the workers' compensation law (or similar law) of the employer's home state for injuries that occur while Florida employees are temporarily working in the employer's home state.

General Implementation Timeline:

July 1, 2011	The act becomes effective, and applies to any claim made on or after this date, regardless of the date of the accident.
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Bill Number: Chapter 2011-001 (Senate Bill 736)

Bill Title: Student Success Act

Bill Sponsor: Senator Wise

Effective Date: July 1, 2011

DOE Contact: Dr. Michael Grego, Chancellor, Division of Public Schools, (850) 245-0509

Executive Summary:

The bill revises s. 1012.34, F.S., assessment procedures and criteria, to:

- Require the Department of Education (DOE) to approve and monitor district evaluation systems for instructional personnel and school administrators.
- Require that district evaluation systems for instructional personnel and school administrators:
 - Be designed to support effective instruction and student learning growth and be used to develop district and school-level improvement plans;
 - Include a mechanism to examine performance data from multiple sources, including parent input, when appropriate;
 - Differentiate among four performance levels: highly effective, effective, needs improvement (developing for instructional personnel in the first 3 years of employment who need improvement), and unsatisfactory;
 - Include a process for monitoring and evaluating the consistent use of the evaluation criteria by employees with evaluation responsibilities;
 - Include a process for monitoring and evaluating the effectiveness of the evaluation system based upon improvement in instruction and student learning;
 - Use performance evaluation results to identify professional development needs; and
 - Allow the establishment of a peer assistance process as part of the evaluation system or to support employees that need or request assistance.
- Require a newly hired classroom teacher to be observed and evaluated at least twice during the first year of teaching in the school district. Newly hired classroom teachers include teachers new to the profession and new to the district.
- Require at least 50 percent of a school administrator and a classroom teacher's performance evaluation be based upon student learning growth assessed annually by statewide assessments or, for subjects and grade levels not measured by statewide assessments, by school district assessments.
- Require the student learning growth portion of a performance evaluation include learning growth data for students assigned to the person over the course of at least 3 years.

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- For a school administrator, if less than 3 years of data are available for students assigned to the school, the school district must include the years for which data are available and may reduce the percentage of the administrator's performance evaluation based upon student learning growth from 50 percent to not less than 40 percent.
- For a classroom teacher, if less than 3 years of data are available for students assigned to the teacher, the years for which data are available must be used and the student learning growth portion of the teacher's evaluation may be reduced from 50 percent to 40 percent.
- Require that for instructional personnel who are not classroom teachers, the student learning growth portion of the performance evaluation include growth data on statewide assessments for students assigned to the instructional personnel over the course of at least 3 years, or may include a combination of student learning growth data and other measureable student outcomes that are specific to the assigned position. The growth data must account for not less than 30 percent of the performance evaluation, except if less than 3 years of data are available then the years for which data are available must be used and the percentage of the performance evaluation based upon student learning growth may be reduced to not less than 20 percent.
- Modify the components of a classroom teacher and a school administrator performance evaluation to include the Educator Accomplished Practices and the Principal Leadership Standards, respectively.
- Require an annual evaluation report by districts to the DOE on the performance evaluation results for instructional personnel and school administrators.
- Require the Commissioner of Education (Commissioner) by December 1 of each year beginning in 2012 to provide a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives on the approval and implementation status of each district's evaluation system, as well as the status of any evaluation system revisions requested by a district, and performance evaluation results for instructional personnel and school administrators.
- Allow the evaluator to amend a performance evaluation if assessment data become available within 90 days after the close of the school year.
- Add school administrators to the existing requirement that superintendents - annually notify DOE of any instructional personnel who receive two consecutive unsatisfactory evaluations, and to notify DOE of intent to terminate or not renew their employment. Continue to require school board annual review of evaluation systems for compliance.
- Require the Commissioner to approve a formula for measuring individual student learning growth on the Florida Comprehensive Assessment Test (FCAT) by June 1, 2011. The Commissioner must also select formulas for other statewide assessments as those assessments become available; e.g., Algebra I end-of-course (EOC) assessment, Geometry EOC, Biology I EOC, and middle school Civics EOC. The State Board of Education must adopt the formulas into rule.
- Require districts to use the Commissioner's formula for student growth on the FCAT by the beginning of the 2011-2012 school year, and to implement the other formulas approved by

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- the Commissioner as they become available. Beginning with the 2014-2015 school year, districts must measure student learning growth for other grades and subjects for which districts have selected appropriate student assessments. The DOE shall provide model student learning growth formulas for district assessments.
- Allow districts to request approval from DOE to use student achievement measures rather than student learning growth, or a combination of both, if appropriate for courses not measured by statewide assessments.
 - Allow districts to request approval from DOE to use student learning growth on FCAT Reading or FCAT Mathematics for a course not measured by statewide assessment, but is measured by a district assessment. The classroom teacher's performance evaluation must give greater weight to student learning growth on the district assessment.
 - For classroom teachers of courses for which the district has not implemented an appropriate assessment under s. 1008.22, F.S., or for which the district has not adopted an appropriate measure of student learning growth for that assessment, require the district to use student learning growth on statewide assessments. For courses in which enrolled students do not take statewide assessments, establish learning targets based on goals set forth in the school improvement plan and approved by the principal. This provision expires in 2015.
 - Allow district superintendents to assign instructional personnel in an instructional team the student learning growth of the team's students on statewide assessments. This provision expires in 2015.
 - Require the Commissioner to consult with experts, instructional personnel, school administrators, and education stakeholders in developing the criteria for the performance levels.
 - Require the State Board of Education to adopt rules identifying specific, discrete standards for each of the four performance levels that are sufficient for differentiation among those levels and consistency in meaning across districts. The rules must also establish a process to permit instructional personnel to review class rosters for accuracy and correct any mistakes and a process to monitor district implementation of the evaluation system.
 - Require the State Board of Education to adopt rules establishing student learning growth standards required to be met in order to receive an "effective," or "highly effective" performance evaluation rating and establish learning growth standards that if not met will result in an unsatisfactory performance evaluation rating.

The bill revises s. 1008.22, F.S., student assessment program for public schools, to:

- Require school districts to administer student assessments that measure mastery of course content for each course offered, beginning the 2014-2015 school year. Assessments may include:
 - Statewide assessments;
 - Other standardized assessments including nationally recognized standardized assessments;
 - Industry certification examinations; and
 - District-developed or district-selected EOC assessments.

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- Require the Commissioner to identify methods to assist and support districts in the development and acquisition of the student assessments.
 - Methods the Commissioner may use to assist and support the districts may include the development of item banks, sharing of assessments among districts, acquiring assessments from state and national curriculum-area organizations, and technical assistance in best practices of test development, administration, and security.

The bill revises s. 1012.22, F.S., public school personnel; powers and duties of the district school board, to:

- Prohibit districts from using advanced degrees in setting a salary schedule for instructional personnel or school administrators hired on or after July 1, 2011, unless the degree is held in the individual's area of certification and is only a salary supplement.
- Require districts to establish a grandfathered salary schedule for school employees hired before July 1, 2014, that is partially based upon an employee's performance and includes differentiated pay based upon district-determined factors such as additional responsibilities, school demographics, critical shortage areas, and level of job-performance difficulties. This salary schedule is a continuation of these two salary components currently in law.
- Require each district school board to establish a performance salary schedule for instructional personnel and school administrators hired on or after July 1, 2014. The performance salary schedule includes salary adjustments for performance which become a lasting part of the employee's base salary under s. 121.021(22), F.S., and includes salary supplements for specified job assignment or duties, which are considered salary under s. 121.021(22), F.S., but only remain in effect while the employee is performing those duties or assignments. Neither an adjustment nor a supplement is considered a bonus. The performance salary schedule must:
 - Require that any salary adjustments for instructional personnel or school administrators that occur be made only for employees with highly effective or effective performance evaluation ratings.
 - Not reduce the level of funding for the performance salary schedule in greater proportion than other salary schedules, if budget constraints limit the amount of funding that is available.
 - Require that recommendations for promotions be based primarily upon the person's demonstrated effectiveness under s. 1012.34, F.S.; i.e., performance evaluations.
- Allow any instructional personnel on continuing contract or professional service contract to opt out of the grandfathered salary schedule into the performance salary schedule if they agree to be employed on an annual contract. Any employee who opts into the performance salary schedule may not return to the grandfathered salary schedule.

The bill creates s.1012.335, F.S., contracts with instructional personnel hired on or after July 1, 2011, to:

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- Provide that instructional personnel hired on or after July 1, 2011, receive either a probationary contract, for instructional personnel new to the profession or new to the district, or an annual contract for personnel who have completed a probationary contract with the district and as if July 1, 2011, are already under an annual contract. Accordingly, no professional service contract may be awarded on or after July 1, 2011; however, personnel with a professional service contract on July 1, 2011, may retain that contract, and, if certain criteria are met, have that contract renewed. See also, CH. 2011-37.
- Provide requirements for awarding an annual or probationary contract.
- Provide just cause reasons, and process, for suspension or dismissal of instructional personnel during the term of an annual contract awarded on or after July 1, 2011.
- Require the State Board of Education to adopt rules to define the just cause reasons for suspension or dismissal.
- Clarify that individuals newly hired under this section as instructional personnel are ineligible for any contract issued under s. 1012.33, F.S.

The bill revises s. 1002.33, F.S., charter schools, to provide that the bill's provisions regarding the following are applicable to charter schools:

- Compensation and salary schedules.
- Workforce reductions.
- Contracts for instructional personnel hired on or after July 1, 2011.
- Substantive requirements for performance evaluations for instructional personnel and school administrators.

The bill revises s. 1003.621, F.S., academically high-performing school districts, to:

- Require high-performing school districts to comply with compensation and salary schedules, personnel evaluations, and employee contracts under the law.

The bill revises s. 1006.09, F.S., duties of school principal relating to student discipline and school safety, to:

- Conform language to bill's provisions; i.e., changing "incentive pay" to "performance pay."

The bill revises s. 1012.07, F.S., identification of critical teacher shortage areas, to:

- Clarify the definition of critical teacher shortage areas to align with workforce demands.

The bill revises s. 1012.2315, F.S., assignment of teachers, to:

- Require DOE to annually report by July 1, 2012, on its website, the percentage of classroom teachers, other instructional personnel, and school administrators ranking at each of the four performance ratings, aggregated by district and by school.
- Require districts to annually report to the parents of students that have a classroom teacher or school administrator that has earned two consecutive annual performance ratings of unsatisfactory; two annual performance ratings of unsatisfactory within a three-year period; and three consecutive annual performance evaluation ratings of needs

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improvement, or a combination of needs improvement and unsatisfactory under s. 1012.34, F.S.

The bill revises s. 1012.27, F.S., public school personnel; powers and duties of district school superintendent, to:

- Allow a principal to review a teacher's student performance records, when determining whether or not to accept the placement of the teacher in the school.

The bill revises s. 1012.28, F.S., public school personnel; duties of school principals, to:

- Allow a principal to refuse the placement or transfer of instructional personnel unless the person is rated "effective" or "highly effective."

The bill revises s. 1012.33, F.S., contracts with instructional staff, supervisors, and school principals, to:

- Include as just cause for dismissal of instructional staff holding a professional service contract, two consecutive annual performance ratings of "unsatisfactory;" two annual performance ratings of "unsatisfactory" within a 3-year period; or three consecutive annual performance ratings of needs improvement, or a combination of needs improvement and unsatisfactory.
- Remove the requirement that an existing professional service contract must be renewed when an employee receives two consecutive annual performance evaluation ratings of unsatisfactory, two evaluation ratings of unsatisfactory within a 3-years period, or 3 consecutive ratings of needs improvement or a combination of needs improvement and unsatisfactory.
- Remove expired, superseded contract language.
- Require a district, if it must implement a workforce reduction, to base the decision on employee performance as demonstrated under s. 1012.34, F.S., with primary consideration given to those personnel within the affected area whose students' learning growth is greater. A district may not prioritize retention of employees based upon seniority.

The bill repeals s. 1012.52, F.S., teacher quality; legislative findings.

- This section provided the qualities of effective teachers which have been replaced by the Educator Accomplished Practices in s. 1012.34, F.S.

The bill revises 1012.795, F.S., Education Practices Commission; authority to discipline, to:

- Include new s. 1012.335, F.S., as reference to breach of contract.

The bill allows any district receiving an exemption under Florida's Race to the Top Memorandum of Understanding for Phase 2 to reduce the student learning growth percentage used in instructional personnel and school administrator performance evaluations from 50 percent to 40 percent and exempts the district from the revisions made to s. 1012.22(1)(c), F.S., (new compensation and salary schedules requirements). The bill also outlines additional criteria for approval of the exemptions.



The bill indicates that Chapter 2010-279, Laws of Florida, (legislative ratification) does not apply to any rulemaking required to administer this act.

The bill repeals any special act or general law of local application relating to contracts for instructional personnel or school administrators in public schools or districts in effect on or before July 1, 2011.

General Implementation Timeline:

June 1, 2011	Commissioner must approve a student learning growth formula for the FCAT.
July 1, 2011	The award- of new professional service contracts is discontinued. Districts may not use advanced degrees in setting a salary schedule for instructional personnel or school administrators newly hired, unless the degree is held in the individual's area of certification and are only a salary supplement.
2011-2012 school year	School districts begin measuring student learning growth using the formula approved by the Commissioner for courses associated with FCAT.
July 1, 2012	DOE to report annually on its website the percentage of classroom teachers, other instructional personnel, and school administrators receiving each of the 4 performance ratings, aggregated by district and by school.
December 1, 2012	Commissioner must report to Governor, President of the Senate, and Speaker of the House the approval and implementation status of each district's evaluation system for instructional personnel and school administrators and performance evaluation results; and, by December 1 each year thereafter, the status of any evaluation system revisions and performance evaluation results.
July 1, 2014	School districts and charter schools must adopt a performance salary schedule to be used for all instructional personnel hired on or after July 1, 2014, and for personnel holding a professional service contract or continuing contract who chose to switch from the grandfathered salary schedule to the performance salary schedule.

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2014-2015 school year	All school districts will administer assessments for all courses the district offers.
July 1, 2015	Phase-in of student assessment and learning growth formulas ends.
August 1, 2017	Race to the Top exemptions repealed unless reviewed and reenacted by the Legislature.



Bill Number: Chapter 2011-117 (House Bill 797)

Bill Title: Interscholastic and Intrascholastic Sports

Bill Sponsor: Representative Perry

Effective Date: Upon becoming law

DOE Contact: Linda Champion, Deputy Commissioner, Finance and Operations, (850) 245-0406

Executive Summary:

The bill provides for statewide implementation of a program to allow middle school or high school students in certain private schools to participate in athletics at a public school that is zoned for the physical address at which the student resides if the private school does not offer an athletic program and is not a member of the Florida High School Athletic Association (FHSAA). The bill limits participation in the athletic program to students from non-FHSAA member private schools that have 125 or fewer students in any given year.

The bill amends s. 1006.15, F.S., student standards for participation in interscholastic and intrascholastic extracurricular student activities, to:

- Repeal the pilot program in Bradford, Duval, and Nassau Counties in which a middle school or high school student who attended a private school was eligible to participate in sports at a public high school. The pilot program expired at the end of the 2009-2010 academic year.
- Provide for statewide implementation of the program to allow a middle school student or a high school student in a private school to participate in athletics at a public school.
- Require that the private school in which the student is enrolled not be a member of the FHSAA and not offer an interscholastic athletic program.
- Require the FHSAA board of directors to develop guidelines for the statewide program.
- Limit eligibility for participation to students who are enrolled in non-FHSAA member private schools with 125 or fewer students.
- Require the athletic director of each participating FHSAA member public school to maintain student records necessary for eligibility, compliance, and participation in the program.
- Require any non-FHSAA member private school that has a student who wishes to participate in the program to make all student records, including, but not limited to, academic, financial, disciplinary, and attendance records available upon request of the FHSAA.
- Require students desiring to participate in the program to apply through the FHSAA application process.



General Implementation Timeline:

Effective date Upon becoming a law.

Florida Department of Education

Bill Number: Chapter 2011-222 (House Bill 849)

Bill Title: Building Construction and Inspection

Bill Sponsor: Representative Davis

Effective Date: July 1, 2011, except as otherwise expressly provided in the act

DOE Contact: Linda Champion, Deputy Commissioner, Finance and Operations, (850) 245-0406

Executive Summary:

House Bill 849 amends provisions relating to the Florida Building Code and provisions relating to fire safety, construction standards, and inspection guidelines. The bill exempts rules adopting federal standards, updates, or modifications of the Florida Building Code, and updates or modifications of the Florida Fire Prevention Code from the requirement for legislative ratification. The bill also prohibits the Florida Building Commission from adopting rules that limit any of the statutory exceptions or exemptions to coastal construction control and erosion projection requirements.

The bill deletes references to the specified energy efficiency and sustainable materials rating standards and redefines the term “sustainable building rating or national model green building code” to include the International Green Construction Code. The bill also expands the categories of persons who may be certified as qualified for licensure by endorsement as a home inspector, and requires at least two hours of hurricane mitigation training, as approved by the Construction Industry Licensing Board, to be included as part of a home inspector’s continuing education requirements.

The bill also includes the following provisions:

- Requires compliance with minimum separation distances for liquefied petroleum gas tanks as provided in the 2011 National Fire Protection Association Standard 58.
- Clarifies that Habitat for Humanity International, Inc., or its local affiliates, are exempt from contracting licensing requirements for the rehabilitation of certain family residences.
- Revises provisions relating to the Florida Americans with Disabilities Accessibility Implementation Act to incorporate the 2010 Americans with Disabilities Act Standards for Accessible Design, and to conform the Florida-specific provisions to those standards.
- Amends s. 553.73, F.S., to require the Florida Building Commission to use the International Codes published by the International Code Council, the National Electric Code, or other nationally-adopted model codes and standards to develop the base building code that is the foundation for the Florida Building Code. This requirement becomes effective January 1, 2012.
- Creates a license classification for “glass and glazing contractor.”

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- Provides for state agency compliance with the 2011 version of the National Fire Protection Association standard for LP gas tank separation, and replaces specific references to energy efficiency requirements with a reference to the Florida Energy Efficiency Code for Building Construction.
- Requires products advertised as hurricane windstorm or impact protection from wind-borne debris to be approved as such under Florida's product approval program.
- Repeals current statutory provisions relating to requirements for scheduled increases in the energy performance of buildings subject to the Florida Energy Efficiency Code for Building Construction.
- Requires certain public swimming pools and spas to be equipped with specified safety features.

General Implementation Timeline:

July 1, 2011 The bill becomes effective, except as otherwise provided.

Florida Department of Education

Bill Number: Chapter 2011-003 (Senate Bill 924)

Bill Title: Reviser's Bill

Bill Sponsor: Senator Thrasher

Effective Date: 60 days after sine die

DOE Contact: Dr. Michael Grego, Chancellor, Division of Public Schools, (850) 245-0509

Executive Summary:

The bill repeals subsection (8) of section 1006.15, F.S., Student standards for participation in interscholastic and intrascholastic extracurricular student activities; regulation, to:

- Eliminate a two-year pilot project in Bradford, Duval, and Nassau counties that was authorized for the 2008-2009 and 2009-2010 academic years. It allowed private middle or high school students to participate in interscholastic or intrascholastic sports at a public school, and was repealed by its own terms on June 30, 2010.

General Implementation Timeline:

60 days after sine die The act becomes effective.

Florida Department of Education

Bill Number: Chapter 2011-231 (Senate Bill 926)

Bill Title: Liability/Employers of Developmentally Disabled

Bill Sponsor: Senator Storms

Effective Date: July 1, 2011

DOE Contact: Linda Champion, Deputy Commissioner, Finance and Operations, (850) 245-0406

Executive Summary:

This bill creates a new section of the Florida Statutes providing an employer who employs an individual who has a developmental disability immunity from liability for negligent or intentional acts or omissions by that individual if:

- The employee receives or has received supported employment services through a supported employment service provider; and
- The employer does not have actual notice of the employee's actions that created the unsafe conditions in the workplace.

The bill also allows a supported employment service provider that has provided employment services to a person with a developmental disability to be immune from liability for the actions or conduct of the person that occur within the scope of the person's employment.

This bill creates s. 768.0895, F.S. Definitions for "developmental disability" and "supported employment service provider" are provided within the newly-created section.

General Implementation Timeline:

July 1, 2011 The act becomes effective.

Florida Department of Education

Bill Number: Chapter 2011-005 (Senate Bill 946)

Bill Title: Florida Statutes

Bill Sponsor: Senator Thrasher

Effective Date: 60 days after sine die

DOE Contact: Dr. Willis Holcombe, Chancellor, Division of Florida Colleges, (850) 245-9449

Executive Summary:

This bill revises several sections of statute to substitute the term "Florida College System Institution" for the terms "Florida College", "Community College" and "Junior College" where the terms appear in the Florida K-20 Education Code.

General Implementation Timeline:

60 Days after sine die The act becomes effective.

Florida Department of Education

Bill Number: Senate Joint Resolution 958

Bill Title: State Revenue Limitation

Bill Sponsor: Senator Bogdanoff

Effective Date: Upon approval by electors and applies beginning in the 2014-2015 state fiscal year

DOE Contact: Linda Champion, Deputy Commissioner, Finance and Operations, (850) 245-0406

Executive Summary:

This joint resolution proposes an amendment to Section 1, Article VII and creates Section 19, Article VII and Section 32, Article XII, of the Florida Constitution. The joint resolution:

- Replaces the existing state revenue limitation based on Florida personal income growth with a new state revenue limitation based on changes in population and inflation.
- Requires excess revenues to be deposited into the Budget Stabilization Fund until the fund reaches the maximum balance, and, thereafter, used to support public schools by reducing the required (minimum financial) local effort from property taxes, or if the minimum financial effort is no longer required, returned to the taxpayers.
- Adds fines and revenues used to pay debt service on bonds issued after July 1, 2012, to the state revenues, subject to the limitation.
- Authorizes the Legislature to increase the revenue limitation by a super majority vote.
- Authorizes the Legislature to place a proposed increase before the voters, requiring approval by 60 percent of the voters.

General Implementation Timeline:

The proposed amendment will be submitted to the electors at the general election in 2012 or at an earlier election specifically authorized by law, and, if approved, will take effect upon approval by the electors. The new state revenue limitation will first apply to state fiscal year 2014-15.

Florida Department of Education

Bill Number: Chapter 2011-123 (House Bill 965)

Bill Title: Florida Tax Credit Scholarship Program

Bill Sponsor: Representative Homer

Effective Date: July 1, 2011

DOE Contact: Mike Kooi, Executive Director, Office of Independent Education and Parental Choice, (850) 245-0502

Executive Summary:

The bill revises s. 1002.395, F.S., Florida Tax Credit Scholarship Program, to:

- Remove the cap which currently limits to 75 percent the amount of tax credit available, allowing an individual corporation that contributes to a scholarship funding organization to receive a tax credit for up to 100 percent of its corporate income tax and insurance premium tax liability.
- Increase the length of time that the unused amount of a tax credit may be carried forward from three to five years.
- Remove the limitation on the number of times a company may rescind its tax reservation, so that when a rescindment is made and accepted by the Department of Revenue, the rescinded amount will become available for that state fiscal year to another eligible taxpayer.

General Implementation Timeline:

July 1, 2011 The act becomes effective.

Florida Department of Education

Bill Number: Chapter 2011-225 (House Bill 993)

Bill Title: Rulemaking

Bill Sponsor: Representative K. Roberson

Effective Date: Upon becoming law

DOE Contact: Lois Tepper, Interim General Counsel, Office of General Counsel, (850) 245-0442

Executive Summary:

The bill requires that an agency include in its notice of intended rulemaking statement whether proposed rule will require legislative ratification, provides for withdrawal of adopted rule that is not ratified by Legislature, clarifies that certain proposed rules are effective only when ratified by Legislature, reduces time before agency files rule for adoption within which agency must notify person who submitted lower cost alternative and the Joint Administrative Procedures Committee (the "committee"), requires agencies to file with the Legislature a regulatory plan no later than July 1 of each year identifying rules the agency proposes to adopt for the following twelve month period, and provides for enhanced agency and legislative review of rules in effect on or before November 16, 2010, for economic impact.

The bill amends s. 120.54, F.S., Rulemaking, to:

- Require that in a notice of propose rulemaking; the agency must include a statement as to whether the rule is expected to require legislative ratification pursuant to s. 120.541(3), F.S.
- Provide that after a rule becomes effective, the rule may be modified or withdrawn when the committee objects to the rule; when a final order not subject to appeal is entered in a rule challenge after the adoption date but before the effective date; when the rule requires ratification and more than 90 days have passed since the rule was filed for adoption, in which case the rule may be withdrawn but not modified; or when the committee notifies the agency an objection is being considered, in which case the rule may be modified to extend the effective date by not more than 60 days.
- Provide that if a rule requires ratification, the rule becomes effective upon ratification.

The bill amends s. 120.541, F.S., Statement of estimated regulatory costs, to:

- Require that at least 21 days before filing a rule for adoption, an agency required to revise a statement of estimated regulatory costs shall provide the statement to a person who submitted a lower cost alternative and to the committee, and require notice on the agency's website that the revised statement is available.
- Provide that s. 120.541, F.S., does not apply to emergency rules.

The bill amends s. 120.56, F.S., Challenges to rules, to:

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- Provide that a substantially affected person challenging the validity of a proposed rule must file a petition within 20 days after a statement of regulatory costs or a revised statement has been prepared and made available pursuant to s. 120.541(1)(d), F.S.

The bill amends s. 120.74, F.S., Agency review, revision, and report, to:

- Require that beginning in 2012, and no later than July 1 of each year, each agency must file with the Legislature a regulatory plan identifying each rule the agency proposes to adopt for the following twelve month period, excluding emergency rules.
- Provide that for the year 2011, the certification required by s. 120.541(2), F.S., may omit information included in reports provided pursuant to requirements of section 120.745, F.S., and that biennial reporting required by s. 120.74(1), F.S., is suspended for the year 2013 and will resume in 2015.

The bill creates s. 120.745, F.S., Legislative review of agency rules in effect on or before November 16, 2010, to:

- Require that by December 1, 2011, each agency must complete an enhanced biennial review of the agency's existing rule, to include:
 - An explanation of how the agency has accomplished requirements of s. 120.74(1), F.S. The October 1 deadline in s. 120.74(2), F.S., is extended to December 1, 2011.
 - A review of each rule to determine whether the rule has been reviewed by the Office of Fiscal Accountability and Regulatory Reform pursuant to Executive Order 2011-01.
 - A review of each rule to determine whether the rule is a revenue rule, as defined in that section, to identify the statute authorizing the collection of revenue, the fund in which the revenue is deposited, and whether the rule imposes certain requirements or fees.
 - A review of each rule to determine whether the rule is a data collection rule, identifying the authority for the rule, the use of the data, and the applicability of public records exemptions.
 - Identification of rules the agency plans to repeal.
 - Identification of each entire rule or subpart the agency plans to amend to reduce the economic impact.
 - Identification of each rule for which the agency will need to prepare a compliance economic review.
 - A listing of all rules identified for compliance economic review divided into two groups.
 - A written certification of the agency head to the committee verifying completion of the report for all rules of the agency.
- Require that no later than December 1, 2011, each agency shall publish a report of the enhanced biennial review including the results of the review, a list of group 1 and 2 rules, and contact information for the person designated as receiving all public comments and objections.

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- Provide that public comments on the biennial review may be provided by stating an objection and identifying the portion of the rule to which the objection relates, and may be submitted in writing or electronically.
- Provide that an objection to a report stating that an entire rule probably will not have any of the economic impacts in s. 120.541(2)(a), F.S., must include allegations of fact upon which the objection is based and stating precise information on which a contrary determination may be made.
- Require that objections must be submitted by any interested person no later than June 1, 2012.
- Provide that no later than 20 days after receiving an objection, the agency head must publish its determination of the objection in the manner prescribed, and that the determination is final but not a final agency action subject to further proceedings or judicial review.
- Provide that if an objection is sustained, the report must be amended within 10 days after the determination and publish the amended portions of the report.
- Require that by July 1, 2012, the agency must deliver a written certification of the agency head or designee to the committee verifying completion of all determinations on objections and of any amendments to the report.
- Require that each agency prepare a compliance economic review and report for all rules in groups 1 and 2. Group 1 rules shall be reviewed and reported on in 2012 and Group 2 rules in 2013.
 - No later than May 1, each agency shall complete a compliance economic review for each rule or subpart, file a certification of the agency head verifying the completion of the review for the respective year, publish a copy of the review and directions on how interested parties may submit lower cost alternatives to the agency, and submit the review to the Small Business Regulatory Advisory Council for review.
 - Rules reviewed pursuant to Executive Order 11-01 are exempt from this review if the review determined that the rule does not have adverse economic impacts.
 - By August 1, the Small Business Regulatory Advisory Council may submit lower cost alternatives. By June 15, other interested parties may submit lower cost alternatives.
 - By December 1, the agency must publish a final report of the agency's review, including certain information, and must begin proceedings to amend or repeal rules designated in the report as requiring amendment or repeal. Those proceedings are exempt from statement of regulatory cost requirements.
- Provide that for a rule identified for retention without amendment in the compliance economic review, the Legislature may consider specific legislation nullifying the rule or altering the statutory authority for the rule.
- Require that the agency must publish each notice, determination, and complete report required under s. 120.745, F.S., on its website in a specific format.
 - For notices, once each week a copy of all notices published must be delivered to the Department of State for publication in the next available Florida Administrative Weekly and delivered to the committee.

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- Provide that publication of notices, determinations, and complete reports are considered complete as of the date they are posted on the agency's website.
- Provide that failure to timely complete and file any written certification required shall result in the entire rulemaking authority delegated to the agency by the Legislature under any statute or law being suspended as of the due date of the required certification and continuing until the date the agency files the required certification with the committee.
 - This suspension shall toll the time for any rulemaking proceeding initiated before the date of suspension, and time requirements resume on the date the agency files the written certification.
- Provide that failure to timely complete and file any required certification tolls the time for public response, which is extended by the number of days equivalent to the period of suspension.
- Provide that failure to timely complete and file any certification tolls the deadline for submission of lower cost alternatives for any rule or subpart for which a compliance economic review has not been published. The tolling equals the number of days after May 1 until the date the certification is published.
- Provide that an agency is exempt from the enhanced biennial and compliance economic reviews, (ss. 120.745(1)-(8), F.S.) if it has cooperated with the Office of Fiscal Accountability and Regulatory Reform (OFARR) in a review of the agency's rules pursuant to 11-01, or any alternative review directed by OFARR; if the agency or OFARR identifies each data collection rule and revenue rule, and if the information developed becomes publicly available by December 1, 2011. Each such agency is exempt from the biennial review required in s. 120.74(2), F.S., for 2011. The exemption under that section does not apply unless the agency head certifies in writing to the committee, on or before October 1, 2011 that the agency has chosen that exemption and has cooperated with OFARR.
 - For each rule reviewed under this subsection, OFARR may identify whether the rule imposes a significant economic impact and may direct an economic estimate of costs and impacts for each rule identified. A report on each estimate must be published by December 31, 2013.
 - Provide that an agency head must certify on or before October 1, 2013, to the committee that the agency has completed each economic estimate for each rule identified. The agency is then exempt from the biennial review under s. 120.74(2), F.S., for the year 2013.
- Provide that s. 120.745, F.S., stands repealed on July 1, 2014.

The bill creates s. 120.7455, F.S., Legislative survey of regulatory impacts, to:

- Provide that for a three year period beginning July 1, 2011, the Legislature may establish an internet based public survey of regulatory impact and solicit information from the public regarding statutes and rules affecting them.
- Provide that any person reporting or providing information solicited by the survey is immune from any enforcement action or prosecution that is instituted on account of or in reliance on the fact of reporting or nonreporting, or that uses information provided in response to the solicitation.

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- Provide that any violator against whom an enforcement is brought may object to any proposed penalty in excess of the minimum provided by law or rule on the basis that the action is in retaliation for providing information to the Legislature.

The bill amends s. 120.80, F.S., Exceptions and special requirements; agencies, to:

- Provide that legislative ratification pursuant section 120.541(3), F.S., does not apply to the adoption of amendments and the triennial update to the Florida Building Code, the Florida Fire Prevention Code, or the adjustment of tolls by the Department of Transportation.

The bill amends s. 120.81, F.S., Exceptions and special requirements; general areas, to:

- Provide that the requirements for statements of estimated regulatory costs and ratification requirements under ss. 120.54(3)(b), F.S., and 120.54, F.S., do not apply to rules adopted by the Education Practices Commission pursuant to s. 1012.795, F.S., and rules of school districts or the State Board of Education regarding district assessment procedures and personnel issues pursuant to ss. 1012.22, 1012.27, 1012.34, and 1012.335, F.S.

The bill amends s. 120.569, F.S., Decisions which affect substantial interests, to:

- Amend standards of proof for proceedings involving licensing and permitting pursuant to certain environmental protection laws.

General Implementation Timeline:

Upon becoming law	The act becomes effective.
July 1, 2010 and each each rule the following year	Agency must file with the Legislature a regulatory plan identifying agency proposes to adopt for the following twelve month period.
Biennial review of rules:	
December 1, 2011	Enhanced biennial review and report to Legislature must be completed.
June 1, 2012	Deadline for submitting comments and objections to rules under the biennial review by interested persons.
July 1, 2012	Deadline for delivering a written certification of the agency head or designee to the committee verifying the completions of all determinations on objections to rules in the biennial report.

Compliance economic review of rules:

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May 1, 2012	Compliance economic review of Group 1 rules must be completed.
June 15, 2012	By this date, interested parties may submit lower regulatory cost alternatives in response to the compliance economic review completed on May 1, 2012.
August 1, 2012	By this date, the Small Business Regulatory Advisory Council may submit lower cost alternatives.
December 1, 2012	By this date, the agency must publish its final report of the compliance economic review and begin proceedings to amend or repeal rules identified as requiring amendment or repeal.
May 1, 2013	Compliance economic review of Group 2 rules must be completed.
June 15, 2013	By this date, interested parties may submit lower regulatory cost alternatives in response to the compliance economic review completed on May 1, 2012.
August 1, 2013	By this date, the Small Business Regulatory Advisory Council may submit lower cost alternatives.
December 1, 2013	By this date, the agency must publish its final report of the compliance economic review and begin proceedings to amend or repeal rules identified as requiring amendment or repeal.
Exemption from s. 120.745(1)-(8), F.S.:	
October 1, 2011	An agency may be exempted from the requirements of s. 120.745(1)-(8), F.S., if it cooperates with OFARR in a review of the agency's rules.
July 1, 2014	S. 120.745, F.S., is repealed.

Florida Department of Education

Bill Number: Chapter 2011-093 (House Bill 1141)

Bill Title: Ad Valorem Tax Exemption for Deployed Servicemembers

Bill Sponsor: Representative Steube

Effective Date: Effective upon becoming law and first applies to the ad valorem tax rolls for 2011

DOE Contact: Linda Champion, Deputy Commissioner, Finance and Operations, (850) 245-0406

Executive Summary:

House Bill 1141 implements s. 3(g), Article VII of the Florida Constitution, providing a partial ad valorem tax exemption on homestead property for Florida military personnel who are deployed outside the United States in support of military operations designated by the Florida Legislature. The 2009 Florida Legislature approved the placement of an amendment to s. 3, Article VII of the Florida Constitution on the 2010 general election ballot (Amendment 2). On November 2, 2010, 77.82% of voters in Florida approved the amendment.

The bill creates s. 196.173, F.S., making exemptions available to servicemembers who were deployed during the preceding calendar year on active duty outside the continental United States, Alaska, or Hawaii in support of military operations designated by the Florida Legislature in a concurrent resolution. These operations are designated: Operation Enduring Freedom, Operation Iraqi Freedom, and Operation New Dawn. The amount of the exemption is equal to the taxable value of the homestead of the servicemember on January 1 of the year in which the exemption is sought, multiplied by the number of days that the servicemember was on a qualifying deployment in the preceding calendar year, and divided by the number of days in that year.

The bill authorizes the Department of Revenue to adopt emergency rules to administer the provisions of the act. The bill also provides conditions under which the property appraiser may grant an exemption to applicants who demonstrate that they were unable to apply for the exemption in a timely manner or that there were extenuating circumstances. The bill also describes conditions under which an applicant may petition the value adjustment board for the exemption.

General Implementation Timeline:

Effective date	Upon becoming law and first applies to ad valorem tax rolls for 2011.
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Florida Department of Education

Bill Number: Chapter 2011-125 (House Bill 1163)

Bill Title: Ad Valorem Taxation, Implementing Bill for House Joint Resolution (HJR) 381

Bill Sponsor: Economic Affairs and Other Committees

Effective Date: Upon becoming law, subject to approval by the electorate in a general or special election

DOE Contact: Linda Champion, Deputy Commissioner, Finance and Operations, (850) 245-0406

Executive Summary:

The bill provides the administrative structure for the implementation of HJR 381. Depending on if and when the constitutional amendment is approved, s. 193.1554, F.S. would be amended and would decrease the annual assessment increase limitation for non-homestead property from 10 percent to 5 percent.

The law creates s. 196.078, F.S., to provide an additional homestead exemption for first-time Florida homesteaders for which they will be eligible for homestead exemption and who have not owned property that received the homestead exemption within the last three years. The first-time homesteader exemption will be equal to 50 percent of the homestead property's just value on January 1 of the year the homestead is established, for all millage levies other than school district levies. The additional exemption applies for a period of five years or until the property is sold, which ever occurs first.

General Implementation Timeline:

The Department of Revenue would be responsible for implementation of the law. The law becomes effective depending on whether the Constitutional amendment is approved in the 2012 General Election or in a special election held concurrent with the presidential preference primary in 2012.

Florida Department of Education

Bill Number: Chapter 2011-175 (House Bill 1255)

Bill Title: Public School Accountability

Bill Sponsor: Representative Adkins

Effective Date: July 1, 2011

DOE Contact: Dr. Michael Grego, Chancellor, Division of Public Schools, (850) 245-0509
Loretta Costin, Chancellor, Division of Career & Adult Education, (850) 245-9463

Executive Summary:

This legislation amends various provisions of the law related to public accountability in the K-12 public education system.

Section 1 amends s. 1001.20, F.S., Department under direction of state board, to:

- Remove obsolete language indicating the Florida Virtual School (FLVS) is administratively housed in the Department of Education (Department).

Section 2 amends s. 1001.42, F.S., Powers and duties of district school boards, to:

- Clarify current intent that students are able to take FLVS courses at any time – during the school day, beyond the school day, and during the summer.
- Clarify that the required access is to take the courses, not just to enroll in the courses.

Section 3 creates s. 1001.421, F.S., Gifts, to provide that:

- Notwithstanding any other provision of law, district school board members and their relatives may not directly or indirectly solicit any gift as defined in s. 112.312(12), F.S., or directly or indirectly accept any gift in excess of \$50, from any person, vendor, potential vendor, or other entity doing business with the school district.

Section 4 amends s. 1002.20, F.S., K-12 student and parent rights, to:

- Expand public school choice options that are available to students within school districts to include auditory-oral education programs.

Section 5 amends s. 1002.37, F.S., The Florida Virtual School, to:

- Remove obsolete language indicating the FLVS is administratively housed in the Department.

Section 6 revises s. 1002.38, F.S., Opportunity Scholarship Program, directing that:

- For the purpose of the Opportunity Scholarship Program, school grades will be based on the statewide assessments conducted pursuant to s. 1008.22, F.S.

Section 7 amends s. 1002.39, F.S., The John M. McKay Scholarships for Students with Disabilities Program, to:

- Clarify that a scholarship student who enrolls in a public school or public school program is considered to have returned to a public school for the purpose of determining the end of the scholarship's term.
- Provide that if a student enters a Department of Juvenile Justice detention center for a period of no more than 21 days, the student is not considered to have returned to a public school.

Section 8 creates s. 1002.391, F.S., Auditory-oral education programs, to:

- Provide that an "auditory-oral education program" means a program that develops and relies solely on listening skills and uses an implant or assistive hearing device for the purpose of relying on speech and spoken language skills as the method of communication.
- Provide that "deaf or hard of hearing" means aided or unaided hearing loss that affects the processing of linguistic information and adversely affects performance in the educational environment. The degree of loss may range from mild to profound.
- Provide that "school" means a public or private school located in this state which can teach children who have obtained an implant or assistive hearing device, using faculty certified as listening and spoken language specialists.
- Provide that the parent of a child who is deaf or hard of hearing and who meets the following requirements may enroll the child in an auditory-oral education program as a school of choice. The child may continue attending the school and complete the development of listening and spoken language skills at the school. In order to enroll and attend, the child must:
 - Have received an implant or assistive hearing device
 - Be between the ages of 3 and 7 years, or between the ages of 2 and 7 years when the school district elects to serve children with disabilities who are under the age of 3 years
 - Be a resident of the state
- Provide the level of services to be determined by the individual educational plan (IEP) team or individualized family support plan team, which includes the child's parent.
- Provide that a child is eligible for services until the end of the school year in which he or she reaches the age of 7 years or after grade 2, whichever comes first.

Section 9 amends s. 1002.45, F.S., School district virtual instruction programs, to:

- Clarify provider approval is for the following three school years rather than the beginning and ending at the date of approval, which is in the middle of the second semester of the school year.

Section 10 adds paragraph (e) to s. 1002.66, F.S., Specialized instructional services for children with disabilities, to:

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- Expand specialized instructional services available for prekindergarten children who are deaf or hard of hearing who have received an implant or assistive hearing device, consistent with their IEP, to include listening and spoken language specialists and an appropriate acoustical environment.

Section 11 amends s. 1002.67, F.S., Performance standards; curricula and accountability, to:

- Require the State Board of Education to periodically review and revise the performance standards for the statewide kindergarten screening administered under s.1002.69, F.S., and align the standards to the standards established by the State Board of Education for student performance on the statewide assessments administered pursuant to s. 1008.22, F.S.
- Delete the language “for 2 consecutive years” with respect to the requirement for the early learning coalition or school district to place a private prekindergarten provider or public school on probation if the provider or school fails to meet the minimum rate adopted by the State Board of Education as satisfactory under s. 1002.69(6), F.S.

Section 12 amends s. 1002.69, F.S., Statewide kindergarten screening; kindergarten readiness rates; state-approved prekindergarten enrollment screening; good cause exemption, to:

- Provide that nonpublic schools may administer the statewide kindergarten screening to each kindergarten student in a nonpublic school who was enrolled in the Voluntary Prekindergarten Education Program.
- Require that the methodology for calculating each Voluntary Prekindergarten Education Program provider's kindergarten readiness rate must include the percentage of students who meet all state readiness measures.
- Delete the language requiring the minimum rate to not exceed the rate at which more than 15 percent of the kindergarten readiness rates of all private prekindergarten providers and public schools delivering the Voluntary Prekindergarten Education Program would fall below the minimum rate.
- Add the requirement as part of a private prekindergarten provider's or public school's request for a good cause exemption, or renewal of such an exemption, the submission of data which documents the achievement and progress of the children served as measured by the state-approved prekindergarten enrollment screening and the standardized post-assessment approved by the Department pursuant to subparagraph (c)1.
- Require that a provider seeking a good cause exemption shall have the early learning coalition or a Department-approved second party administer the state-approved prekindergarten enrollment screening to each child in the prekindergarten provider's program within the first 30 days of each school year for which a good cause exemption is sought, and the provider shall administer the standardized post-assessment approved by the Department to measure the student's learning gains for the year or summer, as appropriate. All data must be submitted to the Department within 30 days after the administration of each assessment. Each parent who enrolls his or her child in a Voluntary Prekindergarten Education Program offered by a provider seeking a good cause

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exemption must submit the child for the state-approved prekindergarten enrollment screening.

- Delete the requirement of verification for a good cause exemption that the private prekindergarten provider or public school serve at least twice the statewide percentage of children with disabilities as defined in s. 1003.01(3)(a), F.S., or children identified as limited English proficient as defined in s. 1003.56, F.S.

Section 13 amends s. 1002.71, F.S., Funding; financial and attendance reporting, to:

- Require that a child who reenrolls in a prekindergarten program under this subsection may not subsequently withdraw from the program and reenroll, unless the child is granted a good cause exemption under this subsection.

Section 14 amends s. 1002.73, Department of Education; powers and duties; accountability requirements, to:

- Require that the Department adopt procedures for implementation of, and determination of costs associated with, the state-approved prekindergarten enrollment screening and the standardized post-assessment approved by the Department, and determination of the learning gains of students who complete the state-approved prekindergarten enrollment screening and the standardized post-assessment approved by the Department.
- Require the annual reporting of the percentage of kindergarten students who meet all state readiness measures.

Section 15 amends s. 1003.01, F.S., Definitions, to:

- Expand the definition of "special education services" to include services provided by a certified listening and spoken language specialist.

Section 16 amends s. 1003.4156, F.S., General requirements for middle grades promotion, to:

- Provide that a student with a disability, as defined in s. 1007.02(2), F.S., for whom the IEP team determines that an end-of-course assessment cannot accurately measure the student's abilities, taking into consideration all allowable accommodations, shall have the end-of-course assessment results waived for purposes of determining the student's course grade and completing the requirements for middle grades promotion.
- Delete reference that requirements are effective beginning with students entering grade 6 in the 2006-2007 school year.
- Require that a student with a disability, as defined in s. 1007.02(2), F.S., for whom the individual education plan team determines that an end-of-course assessment cannot accurately measure the student's abilities, taking into consideration all allowable accommodations, shall have the end-of-course assessment results waived for purposes of determining the student's course grade and completing the requirements for middle grades promotion.
- Require that a middle grades student who scores at Level 1 or Level 2 on FCAT Reading but who did not score below Level 3 in the previous 3 years may be granted a 1-year exemption from the reading remediation requirement; however, the student must have an

approved academic improvement plan already in place, signed by the appropriate school staff and the student's parent, for the year for which the exemption is granted.

Section 17 creates s. 1003.4203, F.S., Digital curriculum, to:

- Authorize districts to develop and implement a digital curriculum, either integrated or as a separate course, for students in grades 6 through 12 in order to enable students to attain competencies in web communications and web design.
- Direct the Department to develop a model digital curriculum to serve as a guide for district school boards in the development of a digital curriculum.
- Authorize district school boards to seek partnerships with private businesses to offer classes and instruction to teachers and students to assist the school district in providing digital curriculum instruction.

Section 18 amends s. 1003.428, F.S., General requirements for high school graduation, to:

- Require that a high school student who scores at Level 1 or Level 2 on FCAT Reading but who did not score below Level 3 in the previous 3 years may be granted a 1-year exemption from the reading remediation requirement; however, the student must have an approved academic improvement plan already in place, signed by the appropriate school staff and the student's parent, for the year for which the exemption is granted.

Section 19 amends subsections s. 1003.429, F.S., Accelerated high school graduation options, to:

- Allow a student to select an accelerated graduation option without written parental consent if efforts to meet with the student's parent fail and that effort has been documented by designated school personnel, or if the student is 18 years of age or older.
- Require each district school board to provide each student in grades 6 through 12 and their parents with information concerning the 3-year and 4-year high school graduation options.
- Allow the selection of one of the accelerated graduation options at any time during grades 9 through 12
- Require the school to notify both student and parent if, at the end of each grade, a student is not on track to meet the requirements of the accelerated graduation option selected.

Section 20 amends s. 1003.491(2), (3) and (5), F.S., Florida Career and Professional Education Act, to:

- Require each district school board to develop, in collaboration with regional workforce boards, economic development agencies and postsecondary institutions approved to operate in the state, a strategic five-year plan to address and meet local and regional workforce demands.
- Direct the strategic plan to describe in detail provisions for:
 - The efficient transportation of students;
 - The maximum use of shared resources;

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- Access to courses aligned to state curriculum standards through virtual education providers legislatively authorized to provide part-time instruction to middle-school students; and
- Provide for an objective review of career and professional academy courses to determine if the courses will lead to the attainment of industry certifications included on the Industry Certified Funding List pursuant to rules adopted by the State Board of Education.
- Require the strategic five-year plan developed jointly by the local school district, regional workforce boards, economic development agencies and state-approved postsecondary institutions to be constructed and based on:
 - The alignment of requirements for:
 - Middle school career exploration;
 - Middle and high school career and professional academies leading to industry certification; and
 - High school graduation requirements.
 - Strategies to improve the passage rate for industry certification examinations if the rate falls below 50 percent; and
 - Strategies to implement career and professional academy training that leads to industry certification at Department of Juvenile Justice facilities.

Section 21 amends s. 1003.493(2), (4), (5) and (6), F.S., Career and professional academies, to:

- Require that each career and professional academy must include a plan to sustain career and professional academies.
- Eliminate the requirement of having to provide opportunities for students to obtain the Florida Ready to Work Certification.
- Eliminate the requirement for evaluation plans.
- Require that if the passage rate on an industry certification examination associated with the career and professional academy falls below 50 percent, the academy must discontinue enrollment of new students the following school year and each year thereafter until such time as the passage rate is above 50 percent or the academy is discontinued.
- Require Workforce Florida, Inc., through the Banner Center for Secondary Career Academies, to serve in an advisory role and offer technical assistance in the development and deployment of newly-established career and professional academies. Replaces Okaloosa County School District CHOICE Institutes in that capacity.

Section 22 creates s. 1003.4935, F.S., Middle School Career and Professional Academy Courses to:

- Require that beginning with the 2011-2012 school year, each district school board, in collaboration with regional workforce boards, economic development agencies, and state-approved postsecondary institutions, shall include plans, as part of the five-year strategic plan pursuant to s. 1003.491(2), F.S., to implement a career and professional academy in at least one middle school in the district.

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- Require the middle school career and professional academy component of the strategic plan to ensure the transition of middle school academy students to a high school career and professional academy currently operating within the school district.
- Require students who complete a middle school career and professional academy must have the opportunity to earn an industry certificate and high school credit and participate in career planning, job shadowing, and business leadership development activities.
- Require each middle school career and professional academy must be aligned with at least one high school career and professional academy offered in the district and maintain partnerships with local business and industry and economic development boards.
- Require middle school career and professional academies must:
 - Provide instruction in courses leading to careers in occupations designated as high growth, high demand, and high pay in the Industry Certification Funding List approved under rules adopted by the State Board of Education;
 - Offer career and professional academy courses that integrate content from core subject areas;
 - Offer courses that integrate career and professional academy content with intensive reading and mathematics pursuant to s. 1003.428, F.S.;
 - Coordinate with high schools to maximize opportunities for middle school career and professional academy students to earn high school credit;
 - Provide access to virtual instruction courses provided by virtual education providers legislatively authorized to provide part-time instruction to middle school students which are aligned to state curriculum standards for middle school career and professional academy students, with priority to students who have required course deficits;
 - Provide instruction from highly-skilled professionals who hold industry certificates in the career area in which they teach;
 - Offer Externships; and
 - Provide personalized student advisement that includes a parent-participation component.
- Indicate beginning with the 2012-2013 school year, if a school district implements a middle school career and professional academy, the Department of Education shall collect and report student achievement data pursuant to performance factors identified under s. 1003.492(3), F.S., for academy students.

Section 23 amends s. 1003.573, F.S., Use of restraint and seclusion on students with disabilities, to:

- Add requirements for the incident report of restraint or seclusion, including the following:
 - The student's age, grade, ethnicity, and disability of the student restrained or secluded.
 - A description of the type of restraint used in terms established by the Department.
- Require the Department to maintain aggregate data of incidents of manual or physical restraint and seclusion, including the type and method of restraint or seclusion used.
- Require the Department to establish standards for documenting, reporting, and monitoring the use of manual and physical restraint, and occurrences of seclusion.

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- Require the standards be provided to school districts by October 1, 2011.
- Require revision of districts' policies and procedures to include the following:
 - Data collection and monitoring, including when, where, and why students are restrained or secluded; the frequency of occurrences of such restraint or seclusion; and the prone or mechanical restraint that is most used.
 - Training programs relating to manual or physical restraint and seclusion.
 - The district's plan for selecting personnel to be trained.
 - The district's plan for reducing the use of restraint and seclusion particularly in settings in which it occurs frequently or with students who are restrained repeatedly, and for reducing the use of prone restraint and mechanical restraint.
 - The district's plan must include a goal for reducing the use of restraint and seclusion and include activities, skills, and resources needed to achieve the goal.
 - Activities in the district's plan may include the following:
 - Additional training in positive behavioral support and crisis management
 - Parental involvement
 - Data review
 - Updates of students' functional behavioral analysis and positive behavior intervention plans
 - Additional student evaluations
 - Debriefing with staff
 - Use of school-wide positive behavior support
 - Changes to the school environment
- Require revisions to the district's policies and procedures, which are part of the district's special policies and procedures, to be submitted to the Bureau of Exceptional Education and Student Services no later than January 31, 2012.

Section 24 amends s. 1003.575, F.S., Assistive technology devices; findings; interagency agreements, to:

- Require an assistive technology assessment within 60 school days if an IEP team makes a recommendation for a student with a disability, as defined in s. 1003.01(3), F.S., to receive such assessment.

Section 25 amends s. 1008.22, F.S. Student assessment program for public schools, to:

- Allow the Commissioner of Education to direct school districts to participate in international assessments.
- Provide the Commissioner of Education with limited flexibility to extend the schedule for reporting student results on statewide assessments.
- Eliminate the 3 week end-of-course assessment window and authorizes the commissioner to establish an assessment schedule for end-of-course assessments.
- Delete the requirement that students who earned a high school credit in Algebra 1 while in grades 6 through 8 during the 2007 – 2008 through 2009 – 2010 school years and who have not taken Grade 10 FCAT Mathematics take the Algebra 1 end-of-course assessment during the 2010 - 2011 school year. This means that students who took

Algebra 1 while in middle school before this year will not have to take an end-of-course assessment more than a year after they took the course.

- Require that beginning in the 2014-2015 school year a student must earn a passing score on the end-of-course assessment in civics education in order to pass the course and be promoted from the middle grades. Also, requires the school principal of a middle school to determine, in accordance with State Board of Education rule, whether a student who transfers to the middle school and who has successfully completed a civics education course at the student's previous school must take an end-of-course assessment in civics education.

Section 26 amends s. 1008.30, F.S., Common placement testing for public postsecondary education, to:

- Require evaluation of college readiness for all students scoring certain levels on the FCAT before 12th grade.
- Require the State Board of Education to identify the assessments for such evaluation in rule.
- Prohibit required retesting or remedial coursework when a student is admitted to community college if they have demonstrated readiness and enrolled in a community college within 2 years of demonstrating readiness.
- Require certain 12th grade students to complete appropriate postsecondary preparatory instruction.
- Require such instruction to be identified in State Board of Education rule and encompass Florida's Postsecondary Readiness Competencies.
- Prohibit substitution of elective courses for such instruction unless the same competencies are included in both courses.

Section 27 amends s. 1008.33, F.S., Authority to enforce public school improvement, to:

- Categorize schools for the purpose of school improvement based on a school's performance on statewide assessments only, beginning with the 2010-11 school year.

Section 28 amends s. 1008.331, F.S., Supplemental educational services in Title I schools; school district, provider, and department responsibilities, to:

- Allow LEAs to select acceptable pre and postmethods used by providers to measure student learning gains.
- Clarify that the Department shall approve pre and postmethods selected by districts.

Section 29 amends s. 1008.34(3)(b) and (c), F.S., School grading system; school report cards; district grade, to:

- Require that beginning with the 2011-2012 school year, the calculation of the school grade, for schools comprised of middle school grades 6 through 8 or grade 7 and 8, to include performance and participation of its students enrolled in high school level courses with end-of-course assessments. The performance and participation of students in these courses must be weighted equally.

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- Require that as valid data becomes available, the calculation of the school grade, for schools comprised of middle school grades 6 through 8 or grade 7 and 8, shall include the students' attainment of national industry certification identified in the Industry Certification Funding List pursuant to rules adopted by the State Board of Education.
- Require that the achievement scores and learning gains of students designated as hospital or homebound be assigned to the school to which the student would be assigned if the student were not assigned to a hospital or homebound program.

Section 30 amends s. 1011.01, F. S. to:

- Eliminate the requirement that the Commissioner of Education review the annual operating budgets for school districts and Florida Colleges.

Section 31 amends s. 1011.03, F.S., to:

- Eliminate the requirement that the Commissioner of Education approve the adopted budget of each school district.

Section 32 creates s. 1011.035, F.S., to:

- Require school districts to post each proposed, tentative, and official budget on their websites and encourages school districts to provide additional information on their websites (e.g., budget hearing schedule, contracts with teacher unions, contracts with vendors, recordings of school board meetings).

Section 33 amends s. 1011.62, F.S., Funds for operation of schools, to:

- Require the Department to review and revise the descriptions of the services and supports included in the matrix of services for exceptional students and implement the revisions before the beginning of the 2012-2013 school year.

Section 34 amends s. 1012.39(1)(c), F.S., Employment of substitute teachers, teachers of adult education, non-degreed teachers of career education, and career specialists; students performing clinical field experience, to:

- Require that notwithstanding ss. 1012.32, 1012.55, 1012.56 and 1012.57, F.S., or any other provision of law or rule to the contrary, each district school board shall establish the minimal qualifications for part time and full time teachers of career programs. Qualifications shall be established for non-degreed teachers of career and technical education courses for program clusters that are recognized in the state and based primarily on successful occupational experience rather than academic training.
- Indicate a district school board may establish alternative qualifications for teachers with an industry certification in the career area in which they teach.
- Require documentation of industry certification when state or national industry certifications are available and applicable.

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General Implementation Timeline:

Upon Becoming Law	The section amending s. 1008.22, F.S. is effective upon becoming law.
July 1, 2011	The act becomes effective.
2011-2012 performance (School Year) courses with end-co-	The calculation of the school grades for middle schools to include and participation of its students enrolled in high school level course assessments.
2014 – 2015 end-of-course (School Year)	Students in the middle grades will be required to pass the civics assessment to receive course credit and be promoted.

Florida Department of Education

Bill Number: Chapter 2011-044 (Senate Bill 1292)

Bill Title: Chief Financial Officer

Bill Sponsor: Senator Alexander

Effective Date: July 1, 2011

DOE Contact: Linda Champion, Deputy Commissioner, Finance and Operations, (850) 245-0406

Executive Summary:

The bill requires the Chief Financial Officer (CFO) to conduct workshops with state agencies, local governments, educational entities, and entities of higher education to gather information for the development of a uniform chart of accounts. The workshops are required to begin by October 1, 2011. The CFO will provide to state agencies, local governments, educational entities, and entities of higher education, a draft chart of accounts by July 1, 2013. In addition, the CFO shall accept comments and input from state agencies, local governments, educational entities, and entities of higher education regarding the draft chart of accounts through November 1, 2013.

By January 15, 2014, the CFO will present a report to the Governor, President of the Senate, and Speaker of the House of Representatives recommending a uniform chart of accounts which requires specific enterprise-wide information related to revenues and expenditures of state agencies, local governments, educational entities, and entities of higher education. The report will include the estimated cost of adopting and implementing a uniform enterprise-wide chart of accounts.

General Implementation Timeline:

July 1, 2011	The act becomes effective.
October 1, 2011	The CFO will conduct workshops to gather information and input for the development of a uniform chart of accounts.
July 1, 2013	The CFO will provide a draft chart of accounts for review by state agencies, local governments, educational entities, and entities of higher education.
July 1 - November 1, 2013	State agencies, local governments, educational entities, and entities of higher education provide comments and input regarding the draft chart of accounts.

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January 15, 2014

The CFO will report to the Governor, Senate President, and House Speaker.

Florida Department of Education

Bill Number: Chapter 2011-217 (Senate Bill 1312)

Bill Title: School Nutrition Programs

Bill Sponsor: Senator Siplin

Effective Date: Upon becoming a law, except as otherwise provided

DOE Contact: Linda Champion, Deputy Commissioner, Finance and Operations, (850) 245-0406

Executive Summary:

Cited as the "Healthy Schools for Healthy Lives Act," the bill reassigns functions and statutory responsibilities for the National School Lunch Program and related child nutrition programs, to:

- Transfer the National School Lunch Program and related school food and child nutrition programs by a type two transfer, as defined in s. 20.06(2), F.S., from the Florida Department of Education (DOE) to the Florida Department of Agriculture and Consumer Services (DOACS).
- Create s. 570.98, F.S., directing DOACS to administer all school food and nutrition programs, to cooperate with the United States Government and its agencies and instrumentalities to receive the benefit of federal financial allotments, and to act as an agent of or contract with, the federal government, another state agency, or any county or municipal government for the administration of the school food and nutrition programs.
- Transfer s. 1006.06, F.S., school food service programs, to s. 570.981, F.S., and make conforming provisions required by the act.
- Transfer s. 1006.0606, F.S., children's summer nutrition program, to s. 570.982, F.S., and make conforming provisions required by the act.
- Transfer s. 1010.77, F.S., Food and Nutrition Services Trust Fund, to s. 570.983, F.S., and make conforming provisions required by the act.
- Amend s. 1003.453, F.S., requiring a link from the DOACS website to each school district's wellness policy and physical education policy.
- Create the Healthy Schools for Healthy Lives Council, to consist of 11 members appointed by the Commissioner of Agriculture. The council shall be coordinated by the DOACS and governed by s. 570.0705, F.S., relating to advisory committees.
- Require the DOE, in consultation with the DOACS, to develop and submit to the United States Department of Agriculture a request for a waiver to transfer the child nutrition programs. Upon receipt of the approval or denial, the DOE shall immediately notify the Governor, the President of the Senate, and the Speaker of the House of Representatives regarding the decision.

General Implementation Timeline:

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Department of Education

January 1, 2012

The act shall take effect, if the United States Department of Agriculture approves the request for a waiver, pursuant to section 9 of the act, on or before November 1, 2011.

Florida Department of Education

Bill Number: Chapter 2011-045 (Senate Bill 1314)

Bill Title: State Financial Matters

Bill Sponsor: Senator Alexander

Effective Date: July 1, 2011

DOE Contact: Linda Champion, Deputy Commissioner, Finance and Operations, (850) 245-0406

Executive Summary:

Senate Bill 1314 increases state agency accountability with respect to certain contracting actions. Specifically, the bill defines “lease or lease-purchase of equipment” as a new budget category in s. 216.011, F.S., for the Legislature to better track state expenditures for equipment, fixtures, and other tangible personal property.

The bill also requires each state agency to provide certain contract information in its Legislative Budget Request when granting a concession contract in excess of \$10 million under the contract period. The following information must be included:

- Vendor’s name;
- Services to be provided;
- Contract term and years remaining on the contract;
- Amount of revenue generated or expected to be generated;
- Value of capital improvement;
- Remaining amount of capital improvements; and
- Amount, if any, of state appropriations made to the state agency to pay for services provided by the vendor.

For contracts in excess of \$5 million, the bill requires state agencies to identify the specific appropriation of state funds that will be used to make payment for the first year of the contract, unless the Legislature specifically authorizes the agency or the judicial branch to enter into such contract absent a specific appropriation of funds. The bill deletes a provision relating to an option to purchase commodities or contractual services from state term contracts and provides that contracts for academic program reviews, auditing services, health services, or Medicaid services are subject to transaction fees under ss. 287.042(1)(h) and 287.057(22), F.S.

The effective date of the bill is July 1, 2011, and applies to initial contracts and agreements, amendments to a contract or agreement, and extensions or renewals of a contract or agreement which are executed on or after that date.

General Implementation Timeline:

Florida

Department of Education

July 1, 2011

The act becomes effective.

Florida Department of Education

Bill Number: Chapter 2011-098 (House Bill 1319)

Bill Title: Certificates and Licenses for Certain Health Care Practitioners

Bill Sponsor: Representative Harrell

Effective Date: Upon becoming law

DOE Contact: Dr. Will Holcombe, Chancellor, Division of Florida Colleges, (850) 245-9499

Executive Summary:

The bill revises s. 456.024, F.S., Members of Armed Forces in Good standing with the Department of Health to authorize the Department of Health to issue a temporary license to a health care practitioner whose spouse is stationed in Florida on active duty with the Armed Forces if the applicant meets the eligibility requirements for a full license and is qualified to take the licensure exam.

The bill revises s. 458.315, F.S. and s. 459.0076, Temporary Certificate for Practice in areas of critical need to name the temporary certificate to physicians who practice in areas of critical need after Rear Admiral Leroy Collins, Jr.

The bill revises s. 466.033, F.S., Definitions to:

- Amend the term "health access setting"
- Add "school-based prevention program" relating to dentistry

The bill revises s. 466.023, F.S., s. 466.0235, F.S., and s. 466.024, F.S., Dental Hygienists, to amend a dental hygienists' scope, area of practice, and expanded delegation of duties.

The bill revises s. 466.006, F.S., Examination of Dentists, to:

- Replace the current state dental exam, administered through the Department of Health, with a national exam, the American Dental Licensure Examination (ADLEX).
- Require an individual relocating to Florida to meet additional criteria for licensure if the ADLEX exam was taken more than a year ago.
- Require an individual relocating to Florida to practice dentistry to engage in the full-time practice of dentistry within one year of receiving a dental license.
- Requires the Board of Dentistry to develop rules.
- Make it a third degree felony to use or attempt to use a license that is expired or has been revoked.

The bill revises s. 468.701, F.S. and s. 468.703, F.S., Athletic Trainers to:

- Require that members of the Board of Athletic Training be certified by the Board;

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- Require athletic trainers to be certified in the use of automated external defibrillators (AED's) and meet additional continuing education requirements in the use of AED's.

This bill provides a severability clause.

General Implementation Timeline:

Effective date Upon becoming a law.

Florida Department of Education

Bill Number: Chapter 2011-127 (House Bill 1329)

Bill Title: John M. McKay Scholarships for Students with Disabilities Program

Bill Sponsor: Representative Bileca

Effective Date: July 1, 2011

DOE Contact: Michael Kooi, Executive Director, Office of Independent Education and Parental Choice, (850) 245-0502

Executive Summary:

The bill amends s. 1002.39, F.S., related to the John M. McKay Scholarships for Students with Disabilities Program, by revising the current eligibility requirements to allow a public school student for whom a 504 accommodation plan has been issued to request and receive a McKay Scholarship to attend a private school.

The bill revises s. 1002.39, F.S., John M. McKay Scholarships for Students with Disabilities Program, to:

- Expand the option for a McKay Scholarship to include students with disabilities for whom a 504 accommodation plan has been issued.
- Expand the eligibility for a McKay Scholarship to include students having a 504 accommodation plan during the previous year.
- Expand the exceptions to eligibility for a McKay Scholarship to include a student who has been issued a temporary 504 accommodation plan under Section 504 for six months or less.
- Require school districts to notify parents of all parental options by April 1 of each year and within ten days after a 504 accommodation plan is issued.
- Expand parental choice options for students with 504 accommodation plans to attend school in another public school in the district or enroll in an adjacent school district which has available space and has a program with the services agreed to in the student's 504 accommodation plan.
- Clarifies that the scholarship amount for a student eligible under s. 504 of the Rehabilitation Act shall be based on the program cost factor the student currently generates through the Florida Education Finance Program.

General Implementation Timeline:

July 1, 2011 The act becomes effective.

Florida Department of Education

Bill Number: Chapter 2011-128 (House Bill 1331)

Bill Title: School Choice

Bill Sponsor: Representative Bileca

Effective Date: July 1, 2011

DOE Contact: Mike Kooi, Executive Director, Office of Independent Education and Parental Choice, (850) 245-0502

Executive Summary:

The bill revises s. 1002.38, F.S., Opportunity Scholarship Program, to eliminate provisions relating to the private school option in the Opportunity Scholarship Program to comply with existing case law that found the private school option unconstitutional. The option to attend a higher-performing public school remains in effect.

The bill also revises s. 1002.38, F.S. to:

- Define an eligible school as one that receives a performance grade category "D" or "F" in the prior year and is in one of the two lowest-performing categories under the Department of Education's Differentiated Accountability plan.
- Expand parental options for public school choice to include any higher-performing public school in the state that has space available.
- Allow a student participating in the Opportunity Scholarship Program to continue attending in the higher-performing public school feeder pattern until the student graduates from high school.

The bill amends s. 1001.42, F.S., Powers and Duties of District School Board, to conform the definition of eligible schools to the revisions of s.1002.38, F.S.

The bill revises s. 1002.20, F.S., to eliminate the Opportunity Scholarship Program as one under which a private school choice option is available to parents of public school students.

General Implementation Timeline:

July 1, 2011 The act becomes effective.

Florida Department of Education

Bill Number: Chapter 2011-213 (Senate Bill 1346)

Bill Title: Obsolete References and Programs

Bill Sponsor: Commerce and Tourism

Effective Date: July 1, 2011

DOE Contact: Loretta Costin, Chancellor, Division of Career and Adult Education, (850)245-9463

Executive Summary:

The bill repeals provisions related to obsolete programs and amends obsolete references in the Florida Statutes that relate to the former Departments of Labor and Employment Security and Commerce.

The bill revises s. 450.161, F.S., Chapter not to affect career education of children; other exceptions:

- Replaces the reference from the Division of Jobs and Benefits to the Department of Education in terms of the approval of an apprentice plan.

The bill revises s. 464.203, F.S., Certified nursing assistants; certification requirement:

- Replaces the directive from Enterprise Florida Jobs and the Education Partnership Grant to the Department of Education in regards to the development of the curriculum.

The bill revises s. 489.1455, F.S., Journeyman; reciprocity; standards:

- Replaces the Department of Labor and Employment Security with "registration agency as defined in 29 C.F.R.29.2", which is the Florida Department of Education.

The bill revises s. 489.5335, F.S., Journeyman; reciprocity; standards:

- Replaces the Department of Labor and Employment Security with "registration agency as defined in 29 C.F.R.29.2", which is the Florida Department of Education.

General Implementation Timeline:

July 1, 2011 The act becomes effective.

Florida Department of Education

Bill Number: Chapter 2011-108 (Senate Bill 1430)

Bill Title: Regulation of Smoking

Bill Sponsor: Senator Altman

Effective Date: July 1, 2009

DOE Contact: Dr. Michael Grego, Chancellor, Division of Public Schools, (850) 245-0509

Executive Summary:

The bill revises s. 386.209, F.S., Regulation of smoking, to:

- Provide an exception to the state's preemption of smoking regulation to authorize district school boards to restrict smoking by persons on school district property.

General Implementation Timeline:

July 1, 2011 The act becomes effective.

Florida Department of Education

Bill Number: House Joint Resolution 1471

Bill Title: Religious Freedom

Bill Sponsor: Representatives Plakon

Effective Date: Not applicable

DOE Contact: Lois Tepper, Interim General Counsel, Office of General Counsel, (850) 245-0442

Executive Summary:

The joint resolution proposes an amendment to Section 3, Art. I of the State Constitution to provide that, consistent with the U.S. Constitution, neither the government nor an agency of the government may deny an individual or entity governmental benefits, funding, or other support on the basis of religious identity or belief. The proposed amendment would delete a prohibition against using revenues from the public treasury directly or indirectly in aid of any church, sect, or religious denomination or in aid of any sectarian institution.

General Implementation Timeline:

The amendment shall be submitted to the electors for approval or rejection at the next general election or at an earlier special election authorized for that purpose.

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Bill Number: Chapter 2011-232 (Senate Bill 1546)

Bill Title: School Choice

Bill Sponsor: Senator Thrasher

Effective Date: July 1, 2011

DOE Contact: Michael Kooi, Executive Director, Office of Independent Education and Parental Choice 850-245-0502

Executive Summary:

The bill creates a definition for high-performing charter school and high-performing charter school system and provides benefits to those schools and systems. The bill requires sponsors to provide hearings for any proposed charter termination or non-renewal. The bill requires every charter school to appoint a representative to facilitate information sharing with parents and requires that representative to live in the district. The bill grants LEA status to certain charter school systems for purposes of federal funding. The bill requires the Department to analyze and report on issues related to capital improvement millage, federal funding, and administrative costs of sponsors.

The bill creates s. 1002.331, F.S., to:

- Create a definition of a high-performing charter school as:
 - Received two “A” grades and nothing lower than “B” grade for last three years.
 - Received and unqualified financial audit opinion for three most recent audits.
 - Three most recent audits that do not contain finding that school met a financial emergency condition in s. 218.503(1), F.S.
 - Exception for charter-in-workplace if audit includes finding that schools has resources to cover deficiency or if deficiency is not a result of deteriorating financial condition.
- Provide benefits for high-performing charter schools to include:
 - Increased student enrollment annually by 15% above capacity indentified in the contract,
 - Expand grade levels within K-12.
 - Submit quarterly financial reports instead of monthly.
 - Consolidate under a single charter the charters of multiple high-performing schools within district if operated by same governing board.
 - Receive contract modification extending term of contract to 15 years, or receive 15 year renewal.
 - May replicate high-performing school once in any district in the state by submitting an application that may only be denied for specified reasons.
 - Replication may not be a virtual charter school.

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- Prohibits enrollment increase if school receives a “C” lower.
- Allows 15 year contract to be shortened if school receives two “C”s in any two years.
- Prohibit virtual charter schools from being designated as high-performing charter schools.
- Require Commissioner of Education, upon request, to verify high-performing criteria have been met.

The bill creates s. 1002.331, F.S., to:

- Create a definition of a high-performing charter school system as an entity that:
 - Operates at least three high-performing charter schools in the state.
 - Operates a system of charter schools in which at least 50 percent are high-performing, with no “D” or “F” schools.
 - If entity assumes operation of a “D” or “F” school pursuant to s.1008.33(5)(a)3., F.S., school grade not considered for three years.
 - If entity starts new charter school in the feeder zone of a school that is on the list of lowest performing schools (s.1008.34(4)(b), F.S.), the new charter school’s grade is not considered if the school attains and maintains a school grade that is higher than that of the public school serving that zone.
 - Operates no schools that received a financial audit that reveals an emergency financial condition.
- Provide benefits to high-performing charter school systems.
 - Entity may replicate its high-performing charter schools once in any district in state by submitting an application that may only be denied for specified reasons
- Require Commission of Education, upon request, to verify high-performing criteria have been met.

The bill amends s. 1002.33, F.S., to:

- Allow charter school applicants opportunity to make technical corrections to an application after it has been submitted.
- Specify that a sponsor may deny an application submitted by a high-performing charter school only if there is clear and convincing evidence that:
 - The application does not materially comply with requirements in s.1002.33 (6)(a), F.S.
 - The charter school will not materially comply with requirements in s. 1002.33(9)(a)-(f), F.S.
 - The proposed school does not substantially replicate an education program of the high-performing school submitting the application.
 - The applicant makes a material misrepresentation or false statement
 - The proposed program does not materially comply with s. 1002.33, F.S.
- Define “material noncompliance.”
- Set a standard for determining if a proposed school is a replication.

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- Require sponsor to specify reasons for denial of a high-performing charter school and allows applicant to appeal directly to the State Board of Education, bypassing the Appeals Commission.
 - State Board of Education must determine if District has shown, by clear and convincing evidence, that the application met one or more of the reasons for denial as described in s. 1002.33(6)(b)3.b., F.S.
- Requires the Commissioner to appoint a sufficient number of members to the Charter Schools Appeals Commission to ensure that no conflict of interest exists for any decision.
- Allow Commission to seat members to hear individual appeals in a manner to ensure that the commission is represented by an equal number of members representing districts and charters, and that no member has a conflict of interest.
- Require the Department to provide post-applicant training to applicants whose charter applications have been approved by a sponsor (instead of pre-applicant training).
 - The applicant must complete the training at least 30 days before the first day of class.
 - District may offer training in lieu of state training, but may not require training to be completed 30 days before beginning of classes.
 - Prohibits districts from requiring high-performing charter schools or high-performing systems to attend the training more than once.
- Require contract to include process for increasing enrollment at high-performing schools.
- Require every charter school governing board to appoint a representative to facilitate parental involvement, provide access to information, assist parents with questions, and resolve disputes.
 - Representative must reside in the district and may be a governing board member, charter school employee, or individual contracted to represent the governing board.
 - If governing board oversees multiple schools, each school must have individual representative.
 - Representative's contact information must be provided in writing to parents (annually) and posted on school's web site, if one exists.
 - Sponsor may not require governing board members to reside in district if above requirements met.
- Require minimum of two public meetings of the governing board that are held in the district.
 - Meeting must be noticed, open, and accessible to public.
 - Appointed representative and school's principal or equivalent must be physically present.
- Require Sponsor to conduct hearings when proposing either termination or non-renewal of charter school contract.
 - Sponsor may elect one of the following procedures:
 - Direct hearing conducted in accordance with ss. 120.569 and 120.57, F.S., within 60 days.

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- Hearing conducted by an administrative law judge assigned by the Division of Administrative Hearings (DOAH) within 60 days.
 - DOAH judge issues recommended order to Sponsor.
 - Sponsor must adopt or modify the DOAH order and issue final order after vote.
- Charter school may appeal Sponsor's final order pursuant to s. 120.68, F.S.
- Sponsor may immediately terminate charter if the particular facts and circumstances indicate an immediate and serious danger to the health, safety, or welfare of the charter school's students exists.
 - Sponsor must provide for a hearing as set above, with the exception that the hearing may take place after the termination.
 - Hearing must be expedited with final order issued within 60 days of request for hearing.
 - Sponsor must assume operation during pendency of appeal, unless doing so would materially threaten the health, safety, or welfare of students.
 - Failure to assume and continue operation of school shall result in awarding of reasonable costs and attorney's fees to charter school if school prevails on appeal.
 - Allow high-performing charter schools to submit quarterly financial statements instead of monthly.
- Allow charter schools to offer enrollment preference to:
 - Students who are children of employee of business partner of charter-school-in-workplace, or resident of municipality in which charter school is located.
 - Students who are children of a resident of municipality that operates a charter school-in-a-municipality.
 - Students who have successfully completed a voluntary prekindergarten education program under ss. 1002.51-1002.79, F.S. that is provided by charter school or charter school's governing board during the previous year.
 - Students who are children of an active-duty member of military.
- Allow high-performing charter school to determine annual enrollment capacity and require notification of enrollment increases be provided to sponsor by March 1.
- Prohibit local government from imposing any local building requirements or site-development restrictions that are addressed by and more stringent than those found in State Requirement for Educational Facilities and requires local governing authority to treat charter schools equitably.
- Require charter schools that share facilities to ensure that any and all equipment purchased with federal CSP funds is maintained by the school receiving the grant, and if the school moves to a new facility that all equipment purchased with CSP funds be transferred with the school to the new facility.
 - School must provide for an audit for equipment and submit audit to Department within 60 days of completion.
- Prohibit charter schools from transferring enrolled students to a separate charter school without written parental consent.

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- Confer Local Education Agency (LEA) status to certain charter school systems, if requested, for the purpose of receiving federal funds in the same manner as if the charter school system was a school district.
 - Charter school systems is defined as a system of schools that:
 - Includes both conversion and non-conversion charter schools.
 - Has all schools within same district.
 - Has total enrollment that exceeds the total enrollment of at least one school district in the state.
 - Has the same governing board.
 - Does not contract with a for-profit service provider.
 - Governing board must adopt and file a resolution with sponsoring district school board and Department accepting full responsibility for all LEA requirements.
- Require the Department to report findings to the Governor, President of the Senate, and Speaker of the House by January 1, 2012 related to the following directives:
 - Identify school districts that distribute funds or provide facilities, renovation, or new construction with funds generated by the capital improvement millage authorized under s. 1011.71(2), F.S. to charter schools, and the use of such funds.
 - Examine sponsor's 5% administrative fee and determine if fee covers the costs associated with providing the required supervisory and monitoring services.
 - Examine distribution of federal education funding to eligible students enrolled in charter schools, including but not limited to Title I and IDEA.
 - Examine impact of requiring districts to distribute capital improvement millage funds (s.1011.72, F.S.) to charter schools-in-a-municipality.

General Implementation Timeline:

July 1, 2011

The act becomes effective.

Florida Department of Education

Bill Number: Senate Memorial 1654

Bill Title: Educational Programs Beyond the Secondary Level

Bill Sponsor: Senator Wise

Effective Date: N/A

DOE Contact: Matthew Bouck, Acting Director, Office of Articulation, (850) 245-9544

Executive Summary:

This Senate Memorial would inform the U.S. Department of Education of nonpublic institutions (that are exempt from licensure) that are authorized to operate postsecondary education programs in Florida. This notice is required under newly adopted federal regulations governing postsecondary institutions' participation in federal financial aid programs.

This Senate Memorial does not amend, create, or repeal any provisions of the Florida Statutes.

General Implementation Timeline:

No dates specified.

Florida Department of Education

Bill Number: Chapter 2011-069 (SB 2000)

Bill Title: 2011-12 General Appropriations Act

Bill Sponsor: Appropriations Conference Committee

Effective Date: July 1, 2011, except as otherwise provided. If the act becomes law after July 1, 2011, it shall operate retroactively to July 1, 2011.

DOE Contact: Linda Champion, Deputy Commissioner, Finance and Operations, (850) 245-0406

Executive Summary:

The act appropriates monies for the annual period beginning July 1, 2011, and ending June 30, 2012, and is the budget for the state. It authorizes state, federal, and local funding for school districts, state colleges, other education units through the Department of Education, and state universities. Although current economic conditions continue to challenge Florida's education community, it is imperative to build on recent years' gains in student performance. An educated workforce is important to the economic future of our state and will be shaped by an ongoing commitment to and investment in Florida's K-20 students.

A chart is included that displays the 2010-11 and 2011-12 education budget line item detail for both operating and fixed capital outlay budgets.

OPERATING BUDGET

The \$14.6 billion in General Revenue, Lottery, and Other Trust Funds appropriated for the budget entities under the supervision of the State Board of Education, excluding the State University System, authorizes operating resources for the Department of Education to continue providing a high-quality education for Florida students. The 2011-12 appropriations reflect a decrease of \$1.98 billion from the 2010-11 budget.

Funds provided as 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 conference documents. For specified line items for student financial assistance, 60 percent of the funds are to be released at the beginning of the first quarter and the balance of the funds at the beginning of the third quarter.

EARLY LEARNING / PREKINDERGARTEN EDUCATION

An appropriation of \$384.6 million is provided to implement the Voluntary Prekindergarten Education Program as provided in ss. 1002.51 through 1002.79, F.S., and shall be initially

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allocated to Early Learning Coalitions as specified in proviso. Pursuant to the provisions of s. 1002.71(3)(a), F.S., the base student allocation (BSA) per full-time equivalent student in the school year program for Fiscal Year 2011-12 is \$2,383, and the summer program BSA is \$2,026. The allocation includes 4.0 percent in addition to the BSA to fund administrative and other program costs of the Early Learning Coalitions related to the Voluntary Prekindergarten Education Program (Line Item 66). This funding is provided to support an estimated enrollment of 172,344 students or 75 percent of the total number of four-year-old children.

An appropriation of \$192,000 is provided for early learning standards and accountability (Line Item 67).

K-12 EDUCATION

The total 2011-12 appropriations for K-12 Education, including the budget entities of State Grants/K-12 Program – FEFP, \$8.7 billion; State Grants/K-12 Program - Non – FEFP, \$211.8 million; K-12 Program - Federal Grants, \$2.7 billion; Educational Media and Technology Services, \$3.2 million; and Workforce Education, \$493.2 million, is \$12.1 billion, which is a decrease of \$1.7 billion from the 2010-11 appropriations. Much of the decrease in funds is attributable to the loss of nonrecurring federal funds appropriated in 2010-11 and the 2011-12 changes to the Florida Retirement System.

Florida Education Finance Program (FEFP)

Funds are provided in the FEFP to serve 12,362 additional full-time equivalent (FTE) students in 2011-12 (2,654,454 students projected to be served). In funding the FEFP, the Legislature authorized state and potential local revenue of \$16.64 billion, a decrease of \$1.35 billion or 7.53 percent from 2010-11. Potential FEFP funds per student for 2011-12 will be \$6,267.97, a decrease of \$542.03 or 7.96 percent from 2010-11 (Line Items 6 through 8, 68, and 69).

The Legislature's Conference Report FEFP included the following adjustments to the funding decrease described above. When accounting for the \$554.8 million Education Jobs Fund allocation, the Florida Retirement System Cost Reduction Adjustment of \$859.1 million, and the reduction of \$200.7 million for the 37 districts that can no longer levy the 0.25 critical operating millage, the adjusted FEFP funds per student for 2011-12 will be \$6,725.03, a decrease of \$84.97 or 1.25 percent from 2010-11.

Of the state appropriation, the amount of \$150.0 million is a transfer from the State Transportation Trust Fund to the State School Trust Fund (Section 110).

A summary chart of the components of the Florida Education Finance Program (FEFP) from the official legislative calculation is included.

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Base Funding (weighted FTE students (WFTE) X Base Student Allocation (BSA) X District Cost Differential (DCD)) is \$9.97 billion for 2011-12, a decrease of \$356.7 million or 3.45 percent from 2010-11. The BSA was reduced by \$144.54 or 3.99 percent to \$3,479.22.

The program cost factors, when multiplied by the unweighted FTE students, result in the WFTE students for funding. Program cost factors (weights) for 2010-11 and 2011-12 legislated educational programs within the FEFP are as follows:

	<u>2010-11</u>	<u>2011-12</u>
Basic K-3	1.089	1.102
Basic 4-8	1.000	1.000
Basic 9-12	1.031	1.019
Exceptional Student Education Level 4	3.523	3.550
Exceptional Student Education Level 5	4.935	5.022
English for Speakers of Other Languages	1.147	1.161
Career Education (9-12)	1.035	0.999

The total Required Local Effort (RLE) for 2011-12 is \$6.94 billion, a decrease of \$261.1 million from 2010-11. The statewide average RLE millage rate is 5.380 mills, the same rate as 2010-11. In addition to the RLE millage described above, at the time of the second FEFP calculation in July, the Commissioner will provide districts with a Prior Period Funding Adjustment Millage rate. The purpose of the adjustment is to provide districts with the unrealized revenue attributable to changes to the prior year's school taxable value from the July estimate to the final adjusted tax roll. The district's millage rate is calculated by dividing the amount of the prior period unrealized RLE by the current year school taxable value. The prior period millage is added to the RLE millage, but the revenue is not included in the current year FEFP calculation (Line Item 68).

For 2011-12, the authorized non-voted discretionary local millage is 0.748 and is compressed to ensure that the combined state funds and local revenue provide funds to each district that is equal to the statewide average funds per student from the 0.748 mill levy. The estimated cost of the 0.748 mill compression is \$137.4 million. If a district levies between 0.498 and 0.748 mill, the funds are compressed to the statewide average per student for the 0.498 mill levy. In addition, the sixteen districts that received voter approval in the 2010 General Election to allow a district school board by a super majority (2/3) vote to levy an additional 0.25 mill for critical operating or capital outlay needs may continue to do so for an additional two years. If the 0.25 mill is levied for operations, it is compressed to the statewide average value of 0.25 mill per student (Line Item 68) at an estimated cost of \$8.24 million. (See the summary of SB 2120 for a description of the millage policy changes for school districts for 2011-12.)

The Virtual Education Contribution component was added to the FEFP and provides for \$4,800 per FTE for students who participate in virtual instruction. The estimated cost of the Virtual Education Contribution is \$21.6 million for 2011-12.

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Total funding provided for year nine implementation of the Class Size Constitutional Amendment (ss. 1003.03 and 1011.685, F.S.) is \$2.93 billion, an increase of \$13.6 million over 2010-11. 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 7 and 69).

The School Recognition Program provides individual schools with up to \$70 per student, a decrease of \$5 per student from 2010-11, for sustained superior performance (school grade of "A") or for an increase in performance by a school letter grade from one year to the next, for a total of \$119.6 million (Line Item 8). If funds remain after payment to the recognized schools, up to \$5 per student is allocated to school advisory councils.

Non-FEFP

An appropriation of \$1.1 million is provided for Instructional Materials, a decrease of \$598,849, which is attributed primarily to the loss of nonrecurring federal funds appropriated in 2010-11. Of the \$1.1 million, \$50,000 is for the College Center for Library Automation (CCLA) to complete the transfer of the K-12 public school bibliographic database from the Department of Education and \$35,000 is for the development of a process to allow for electronic updating of the database (Line Item 70).

The North East Florida Educational Consortium (NEFEC) and the Panhandle Area Educational Consortium (PAEC) are appropriated \$750,000 for reading grants to focus on non-phonemic reading instruction for students scoring Level 1 or Level 2 in Reading on the Florida Comprehensive Assessment Test (FCAT) (Line Item 71). This is in addition to the \$97.7 million Reading Instruction Allocation authorized in the FEFP (Line Items 6 and 68).

Assistance to Low Performing Schools is funded at \$3.5 million. Funding may be used to contract for the operation of the Florida Partnership for Minority and Underrepresented Student Achievement and to achieve the partnership's mission as provided in s. 1007.35, F.S., to prepare, inspire, and connect students to postsecondary success and opportunity (Line Item 72).

Mentoring/Student Assistance funding totals \$8.8 million. There are six organizations specified in proviso, including the addition of Teen Trendsetters. Funding is not provided for the Governor's Mentoring Initiative or Competitive Bid (Line Item 73).

The College Reach Out Program is funded at \$1.0 million, a decrease of \$1.2 million, from 2010-11. Of this decrease, \$411,060 is attributed to the loss of nonrecurring federal funds appropriated in 2010-11 (Line Item 74).

An appropriation of \$1.98 million is provided for the five university-based Florida Diagnostic and Learning Resources Centers (Line Item 75).

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The New World School of the Arts is appropriated \$400,000, a decrease of 49.3 percent from 2010-11 (Line Item 76).

Funds for the School District Matching Grants Program are decreased by \$245,981, for an appropriation of \$1.4 million (Line Item 77).

Funds appropriated for Teacher and School Administrator Death Benefits total \$18,000 (Line Item 78).

The seven university-based Autism Centers were funded at \$4.98 million (Line Item 80).

The Regional Education Consortium Services funding is decreased by \$166,075 from \$1.6 million in 2010-11 to \$1.4 million in 2011-12. This decrease is a result of the loss of nonrecurring federal funds appropriated in 2010-11 (Line Item 81).

Teacher Professional Development is funded at \$134.8 million and includes funds for superintendent's training, Teacher of the Year, Principal of the Year, and School Related Personnel of the Year activities (Line Item 82).

For School and Instructional Enhancements, the appropriation is \$1.97 million. Funds are appropriated for seven grants specified in proviso. Funding is not provided for the Florida Holocaust Museum (Line Item 83).

Exceptional Education Services is funded at \$3.3 million, a decrease of \$724,966 from 2010-11. A portion of these funds shall be allocated to the Florida Diagnostic Learning Resources Centers (FDLRS) Associate Centers and the Florida Instructional Materials Center for the Visually Impaired (Line Item 84).

The Florida School for the Deaf and the Blind is funded at \$45.6 million (Line Item 85).

In 2010-11, the Dale Hickam Excellent Teaching Program was appropriated \$21.2 million from nonrecurring General Revenue. Funding is not provided for this program in 2011-12; however, the program retains statutory authority allowing districts to continue to provide funds to Florida teachers for participation in the certification process managed by the National Board for Professional Teaching Standards (NBPTS) from other sources.

K-12 Federal Programs

An appropriation of \$2.71 billion is provided for K-12 Federal Programs, a decrease of \$579.9 million or 17.6 percent from 2010-11.

Of this appropriation, \$1.5 billion is provided for Federal Grants and Aids, a decrease of \$945.9 million from 2010-11 due primarily to the loss of nonrecurring federal funds (Line Item 88). This decrease is offset by the appropriation of \$5.4 million for Domestic Security (Line Item 90A),

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\$196.9 million for Strategic Education Initiatives for Race to the Top and the Statewide Longitudinal Data Systems (Line Item 90B), and \$28.3 million for the Partnership for Assessment of Readiness for College and Careers (PARCC) grant awards (Line Item 90C).

Educational Media and Technology Services

Funding for Educational Media and Technology Services totals \$3.2 million, a decrease of \$7.7 million or 70.7 percent from 2010-11. This appropriation includes \$149,624 for the Capitol Technical Center (Line Item 91), \$400,000 for Instructional Technology programs (Line Item 91A), and \$2.6 million for Public Broadcasting services (Line Item 93).

Federal Equipment Matching Grant funds are not reappropriated from 2010-11.

Workforce Education Programs

Adult Basic Education funding is decreased by \$6.1 million to \$41.6 million (Line Item 95).

An allocation of \$4.99 million is provided to school districts for Performance Based Incentives (Line Item 94).

Workforce Development funds for school districts remain at the 2010-11 level of \$369.5 million (Line Items 9 and 96). Federal Vocational Formula funds are decreased by \$5.0 million, resulting in a 2011-12 appropriation of \$72.1 million (Line Item 97).

The standard tuition specified in s. 1009.26(1), F.S., for school district workforce programs is increased by 8 percent. For adult general education programs, block tuition is assessed at \$45 per half year or \$30 per term for in-state students (Line Item 96). Additionally, the standard fee exemption for adult general education is discontinued, requiring all adult general education students to pay the newly established block tuition (Section 11, SB 2150).

Funds in the amount of \$5.0 million are provided to continue the Ready to Work Initiative. The initiative provides pre- and post-assessments to identify specific skills that indicate a competence level to enter a specific occupation and to provide targeted instruction in the specific skills for which a student has not demonstrated mastery (Line Item 98). The Ready to Work program is to be transferred from the Department of Education to the newly created Department of Economic Opportunity (Section 5, SB 2156).

POSTSECONDARY EDUCATION

Florida Colleges

Funding is provided for the enrollment of 377,832 students at \$2,663 per full-time equivalent (FTE) student.

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The total state appropriation to the system is \$1.03 billion, a decrease of \$92.4 million from 2010-11.

Of the \$1.03 billion, \$1.02 billion is provided directly for the operation of the colleges, a decrease of \$90.7 million or 8.1 percent from 2010-11. This decrease includes \$57.7 million associated with the changes to the Florida Retirement System with the balance of the reduction primarily related to the loss of nonrecurring state and federal funds. The decrease is offset by the authorized tuition increase of 8 percent, which is estimated to generate an additional \$67.7 million, bringing total estimated tuition revenue to \$907.8 million. Including state funds and estimated tuition revenue, the total funding per FTE student is \$5,066 (Line Items 10 and 99).

An appropriation of \$3.0 million is provided for Florida's Two Plus Two Public and Private Partnerships, a decrease of \$2.0 million from 2010-11 (Line Item 101A). From these funds, \$2.25 million is to be awarded to eligible public colleges and public universities with partnership articulation agreements to provide 2 + 2 baccalaureate degree programs at a college during the 2011-12 academic year. Applications for funding are due April 15, 2012, and the funds are to be distributed by June 1, 2012. The remaining \$750,000 is for incentive grants to eligible public colleges and public universities for new partnership agreements during the 2011-12 and 2012-13 academic years. The funds must be used for new students and new programs.

An appropriation of \$611,675 is provided for distance learning initiatives, an increase of \$295,000 from 2010-11 (Line Item 101). The increase in funds is specifically designated for the Florida Academic Counseling and Tracking for Students system (FACTS.org) to carry out its duties pursuant to s. 1007.28, F.S., and to develop and implement the transient student admissions application process required by s. 1004.091, F.S.

Student Financial Aid

The Florida Bright Futures Scholarship Program, which is a merit-based scholarship program, is funded at \$350.0 million (Line Item 3), a decrease of \$87.3 million from the 2010-11 appropriation of \$437.3 million. When accounting for the reversion of \$12.0 million in General Revenue funds provided in 2010-11, the decrease is \$75.3 million from the adjusted 2010-11 appropriation of \$425.3 million (Section 14, SB 2000). Sections 17 through 20 of SB 2150 amended the substantive law for the scholarship program. The summary of SB 2150 provides details about the changes to the law and program. The program funding is based on an estimated 180,862 eligible students. The award amounts, as specified in proviso, are as follows:

	<u>2010-11</u>	<u>2011-12</u>
Four Year Institutions		
Academic Scholars	\$125	\$101
Medallion Scholars	\$ 94	\$ 76
Gold Seal Vocational	\$ 94	\$ 76
Two Year Institutions		

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Academic Scholars	\$ 77	\$ 62
Medallion Scholars	\$ 77	\$ 62
Gold Seal Vocational	\$ 58	\$ 47
Upper Division Programs		
Academic Scholars	\$ 86	\$ 70
Medallion Scholars	\$ 64	\$ 52
Gold Seal Vocational	\$ 64	\$ 52
 Top Scholars Stipend	 \$ 53	 \$ 43

The Student Financial Aid item funding is continued at the 2010-11 appropriated amount of \$134.1 million. This item includes the need-based programs such as Florida Work Experience, Rosewood Family Scholarships, and all sectors (Public full- or part-time, Private, Postsecondary, and Career) of the Florida Student Assistance Grants (FSAG). The maximum FSAG award is set at \$2,413 (Line Items 5 and 59). Any institution that receives state funding in the form of scholarships or grants for students administered by the Office of Student Financial Assistance is required to report to the Department of Education prior to September 1, 2011, for funds received in the 2010-11 fiscal year, the following federal loan information: total loan amounts disbursed and total number of students receiving loan funds by institution, in the format specified by the Department of Education.

Funding for Prepaid Tuition Scholarships in the amount of \$4.6 million reflects an increase of \$597,941 from 2010-11. Project STARS – Scholarship Tuition for At-Risk Students – is a Foundation program for children from low-income families who are at risk of dropping out of school. Many of these children are the first in their families to have the opportunity to attend college (Line Item 56).

Of the \$5.6 million appropriated for the First Generation in College Matching Grant Program, \$1.4 million is allocated to Florida colleges. If the required matching funds are not raised by participating Florida colleges or state universities by December 1, 2011, the remaining funds shall be reallocated to programs at Florida colleges or state universities that have remaining unmatched private contributions (Line Item 4).

A total of \$3.4 million is appropriated for the Minority Teacher, Mary McLeod Bethune, Jose Marti, and Florida Education Fund Scholarship programs (Line Items 57, 58, 60, and 61), and \$12.1 million in federal funds is provided for federal student financial aid programs (Line Items 62 through 65).

The Florida Resident Access Grant (FRAG) provides tuition assistance for qualified Florida residents who enroll in eligible Florida private colleges and universities. The 2011-12 appropriation is \$80.8 million for 40,991 students. Of these funds, \$76.4 million will support 35,529 eligible students at institutions that participated in the program in 2010-11 (\$2,149 per student). The remaining \$4.4 million will support 5,462 eligible students at newly eligible institutions (\$803 per student). The appropriation is a decrease of \$3.1 million from 2010-11 funding (Line Item 53).

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The Access to Better Learning and Education (ABLE) Grant provides tuition assistance to students enrolled in eligible Florida for-profit colleges and universities, and is appropriated \$2.4 million. The appropriation will support 3,013 students at \$803 per student. The decrease in students is a result of Keiser University becoming a not-for-profit institution and, therefore, FRAG eligible. The appropriation is a decrease of \$1.6 million from 2010-11 (Line Item 48).

OTHER EDUCATION ISSUES

From the funds provided for the functions of the State Board of Education (Department of Education), there are two categories of items: funds for operations of the Department and funds for special services that support the state education system. Following are examples of special services.

The State Student Assessment (testing) Program is appropriated \$86.6 million, an increase of \$2.97 million from 2010-11 (Line Item 106).

Vocational Rehabilitation is appropriated \$195.2 million, \$24.6 million less than in 2010-11, which is primarily a result of the loss of nonrecurring federal funds (Line Items 18 through 30A). The operating budget has a reduction of 56 positions, of which 55 are attributed to a reduction to the Injured Worker Program. The Injured Worker Program is decreased by a total of \$5.2 million in operating funds.

Blind Services appropriations were decreased by \$4.7 million from 2010-11, for total funding of \$52.7 million (Line Items 31 through 46A). This decrease is primarily a result of the loss of nonrecurring federal funds.

The operating budget for the State Board of Education has a reduction of 54 positions for the 2011-12 fiscal year (Line Item 102).

FIXED CAPITAL OUTLAY BUDGET

The Legislature appropriated \$1.6 billion for capital outlay projects and debt service on bonds for Florida public schools, colleges, universities, and other education agencies.

The Legislature does not include 2011-12 funds for class size reduction fixed capital outlay projects.

Maintenance, renovation, and repair projects are appropriated \$25.8 million in General Revenue and \$51.3 million in PECO for a total of \$77.1 million. Of the \$77.1 million, \$8.1 million is for the Florida College System and \$13.8 million is for the State University System. Also included is \$55.2 million for charter schools. No funds are provided for school districts (Line Item 15A).

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For Public School Survey Recommended Needs (new construction), \$4.4 million in PECO funds are appropriated. Of this amount, up to \$4.4 million is allocated to university developmental research schools and represents the capital improvement millage equivalent funds (Line Item 15B). Any remaining funds are to be transferred to charter schools for allowable fixed capital outlay expenditures pursuant to the provisions of s. 1013.62, F.S.

Specific institutional capital outlay projects are funded for colleges in the amount of \$18.6 million (Line Item 15C) and for state universities in the amount of \$43.5 million (Line Item 15D).

No funds are appropriated for the Community College Facility Matching Program or the State University System Facility Enhancement Challenge Grant Program. State match eligibility is suspended for donations received on or after June 30, 2011, for these programs until at least \$200 million of the current \$517 million backlog for all college and state university matching grant programs has been matched by the state (Sections 33, 37, 38, and 45, SB 2150).

Other items funded from PECO include: \$5.2 million for the Florida School for the Deaf and the Blind (Line Item 17A) and \$162,750 for Public Broadcasting Projects (Line Item 17B).

OTHER SECTIONS OF THE BILL

Items funded for education may be found mainly in Sections 1 and 2 of the Bill, summarized above; however, there are general policy statements and funding authorizations, including some items for education in Sections 8 through 110, which are often referred to as "back-of-the-bill items." Included are provisions for state employee compensation, benefits (health, life, and disability insurance), and authorization for several college and university construction projects. Specific sections of note are cited below.

Section 13:

- Reverts and reappropriates the unexpended balance of funds from the Federal Grants Trust Fund and the Federal Rehabilitation Trust Fund for grants provided in fiscal year 2010-11 by the American Recovery and Reinvestment Act of 2009 for the same purpose in fiscal year 2011-12. This allows the department to expend the remaining funds within the federal fiscal year.

Section 14:

- Reverts the unexpended balance, up to \$12.0 million, of the General Revenue funds provided for the Florida Bright Futures Scholarship Program in fiscal year 2010-11.

Section 15:

- Reverts the unexpended balance of \$14.1 million of the General Revenue funds provided for Class Size Reduction in fiscal year 2010-11.

Section 16:

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- Reverts and reappropriates the unexpended balance of funds provided in fiscal year 2010-11 for the Florida Education Finance Program (FEFP) Supplement for Education Jobs for the same purpose in fiscal year 2011-12.

Section 17:

- Reverts and reappropriates the unexpended balance of funds provided in fiscal year 2010-11 for the Race to the Top, Strategic Education Initiatives for the same purpose in fiscal year 2011-12.

Section 18:

- Reverts and reappropriates the unexpended balance of funds provided in fiscal year 2010-11 for the Partnership for Assessment of Readiness for Colleges and Careers (PARCC) for the same purpose in fiscal year 2011-12.

Section 19:

- Reverts and reappropriates the unexpended balance of funds provided in fiscal year 2010-11 for Adult Basic Education Federal Flow-Through Funds for the same purpose in fiscal year 2011-12.

Section 20:

- Appropriates \$3.9 million in nonrecurring funds from the Administrative Trust Fund for the Florida Comprehensive Assessment Test (FCAT) Liquidated Damages for fiscal year 2010-11 to be provided to public schools for costs associated with delayed FCAT results. This section takes effect upon becoming law.

Section 110:

- Transfers \$150.0 million from the State Transportation Trust Fund to the State School Trust Fund to be paid in equal installments in September and December of 2011, and January and April of 2012.

General Implementation Timeline:

July 1, 2011

The act becomes effective, except as otherwise provided. If the act becomes law after July 1, 2011, it shall operate retroactively to July 1, 2011.

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The Department of Education 2011-12 Legislative Budget Request GAA -Conference Committee Report after Vetoes	2010-11 Appropriations	2011-12 GAA Conference Report SB 2000 after Vetoes 5-26-11	2011-12 GAA over/under 2010- 11 Appropriations	%2011-12 GAA over/under 2010-11 Appropriations
Prepared by the Dept. of Education Budget Office 5/26/2011	TOTAL ALL FUNDS	TOTAL ALL FUNDS	TOTAL ALL FUNDS	TOTAL ALL FUNDS
Vocational Rehabilitation				
Salaries and Benefits	50,172,239	47,791,704	(2,380,535)	-4.74%
Other Personal Services	1,802,195	902,848	(899,347)	-49.90%
Expenses	11,346,123	10,102,465	(1,243,658)	-10.96%
Adults with Disabilities Funds	13,831,812	11,757,040	(2,074,772)	-15.00%
Florida Endowment (The Able Trust)	315,160	315,160	-	0.00%
Operating Capital Outlay	530,587	510,914	(19,673)	-3.71%
Contracted Services	9,014,462	11,351,767	2,337,305	25.93%
Independent Living Service	5,814,363	5,814,363	-	0.00%
Purchased Client Services	125,139,676	104,733,465	(20,406,211)	-16.31%
Risk Management Insurance	351,633	373,232	21,599	6.14%
Tenant Broker Commissions	-	35,366	35,366	100.00%
Transfer to Department of Management Services - Human Resource Services/State Contract	389,832	339,909	(49,923)	-12.81%
Other Data Processing Services	739,416	670,078	(69,338)	-9.38%
Education Technology and Information Services	336,838	326,549	(10,289)	-3.05%
Northwest Regional Data Center		145,450	145,450	100.00%
Total Vocational Rehabilitation	219,784,336	195,170,310	(24,614,026)	-11.20%
Blind Services				
Salaries and Benefits	13,566,567	13,753,853	187,286	1.38%
Other Personal Services	446,202	446,202	-	0.00%
Expenses	3,115,129	3,048,965	(66,164)	-2.12%
Community Rehabilitation Facilities	5,369,554	5,369,554	-	0.00%
Operating Capital Outlay	289,492	289,492	-	0.00%
Food Products	200,000	200,000	-	0.00%
Acquisition of Motor Vehicles	100,000	100,000	-	0.00%
Client Services	30,169,024	25,281,253	(4,887,771)	-16.20%
Contracted Services	481,140	481,140	-	0.00%
Risk Management Insurance	229,320	331,007	101,687	44.34%
Library Services	189,735	189,735	-	0.00%
Vending Stands - Equipment and Supplies	2,095,000	2,095,000	-	0.00%

Florida Department of Education

The Department of Education 2011-12 Legislative Budget Request GAA -Conference Committee Report after Vetoes	2010-11 Appropriations	2011-12 GAA Conference Report SB 2000 after Vetoes 5-26-11	2011-12 GAA over/under 2010- 11 Appropriations	%2011-12 GAA over/under 2010-11 Appropriations
Prepared by the Dept. of Education Budget Office 5/26/2011	TOTAL ALL FUNDS	TOTAL ALL FUNDS	TOTAL ALL FUNDS	TOTAL ALL FUNDS
Tenant Broker Commissions	-	11,150	11,150	100.00%
Transfer to Department of Management Services - Human Resource Services/State Contract	117,700	102,661	(15,039)	-12.78%
Other Data Processing Services	923,280	686,842	(236,438)	-25.61%
Regional Data Centers - State University System	5,838	5,838	-	0.00%
Education Technology and Information Services	167,669	168,689	1,020	0.61%
Northwest Regional Data Center		182,460	182,460	100.00%
Total Blind Services	57,465,650	52,743,841	(4,721,809)	-8.22%
Private Colleges & Universities				
Medical Training and Simulation Laboratory	2,777,493	2,777,493	-	0.00%
Access to Better Learning and Education (ABLE) Grants	4,053,105	2,419,439	(1,633,666)	-40.31%
Historically Black Private Colleges	9,439,213	8,773,331	(665,882)	-7.05%
First Accredited Medical School University of Miami	6,865,188	4,621,644	(2,243,544)	-32.68%
Academic Program Contracts	586,374	586,374	-	0.00%
Regional Diabetes Center - University of Miami	400,018	305,015	(95,003)	-23.75%
Florida Resident Access Grant	83,856,500	80,761,255	(3,095,245)	-3.69%
Nova Southeastern University Health Programs	4,935,832	4,260,832	(675,000)	-13.68%
LECOM / Florida - Health Programs	1,072,422	925,500	(146,922)	-13.70%
Total Private Colleges & Universities	113,986,145	105,430,883	(8,555,262)	-7.51%
Student Financial Aid Program (State)				
Florida's Bright Futures Scholarship Program	437,282,546	350,000,000	(87,282,546)	-19.96%
First Generation in College Matching Grant Program	6,574,195	5,588,066	(986,129)	-15.00%
Prepaid Tuition Scholarships	4,020,587	4,618,528	597,941	14.87%
Minority Teacher Scholarship Program	1,543,624	985,468	(558,156)	-36.16%
Mary McLeod Bethune Scholarship	583,859	290,071	(293,788)	-50.32%

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The Department of Education 2011-12 Legislative Budget Request GAA -Conference Committee Report after Vetoes	2010-11 Appropriations	2011-12 GAA Conference Report SB 2000 after Vetoes 5-26-11	2011-12 GAA over/under 2010- 11 Appropriations	%2011-12 GAA over/under 2010-11 Appropriations
Prepared by the Dept. of Education Budget Office 5/26/2011	TOTAL ALL FUNDS	TOTAL ALL FUNDS	TOTAL ALL FUNDS	TOTAL ALL FUNDS
Student Financial Aid	134,050,405	134,104,716	54,311	0.04%
Jose Marti Scholarship Challenge Grant	96,210	82,500	(13,710)	-14.25%
Transfer to the Florida Education Fund	2,007,694	2,000,000	(7,694)	-0.38%
Student Financial Aid Program (State)	586,159,120	497,669,349	(88,489,771)	-15.10%
Student Financial Aid Program (Federal)				
College Access Challenge Grant Program	7,011,133	7,011,133	-	0.00%
Student Financial Aid	2,563,089	2,563,089	-	0.00%
Transfer Default Fees to the Student Loan Guaranty Reserve Trust Fund	6,500,000	100,000	(6,400,000)	-98.46%
Robert C. Byrd Honors	2,391,530	2,391,530	-	0.00%
Total Student Financial Aid Program (Federal)	18,465,752	12,065,752	(6,400,000)	-34.66%
Prekindergarten Education				
Transfer Voluntary Prekindergarten Funds to Agency for Workforce Education Innovation	404,372,806	384,606,382	(19,766,424)	-4.89%
Voluntary Prekindergarten (VPK) Early Learning Standards and Accountability	384,000	192,000	(192,000)	-50.00%
Total Early Learning Prekindergarten Education	404,756,806	384,798,382	(19,958,424)	-4.93%
State Grants/K-12 Program/FEFP				
Florida Education Finance Program	6,743,234,979	5,661,790,790	(1,081,444,189)	-16.04%
Class Size Reduction	2,927,921,474	2,927,464,879	(456,595)	-0.02%
District Lottery and School Recognition Program	129,914,030	119,596,643	(10,317,387)	-7.94%
Total State Grants/K-12 Program/FEFP	9,801,070,483	8,708,852,312	(1,092,218,171)	-11.14%
State Grants/K-12 Program/Non-FEFP				
Instructional Materials	1,743,849	1,145,000	(598,849)	-34.34%
Excellent Teaching	21,244,177	-	(21,244,177)	-100.00%
Grants to Public Schools for Reading Programs	7,300,000	750,000	(6,550,000)	-89.73%
Assistance to Low Performing Schools	3,935,180	3,500,000	(435,180)	-11.06%

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The Department of Education 2011-12 Legislative Budget Request GAA -Conference Committee Report after Vetoes	2010-11 Appropriations	2011-12 GAA Conference Report SB 2000 after Vetoes 5-26-11	2011-12 GAA over/under 2010- 11 Appropriations	%2011-12 GAA over/under 2010-11 Appropriations
Prepared by the Dept. of Education Budget Office 5/26/2011	TOTAL ALL FUNDS	TOTAL ALL FUNDS	TOTAL ALL FUNDS	TOTAL ALL FUNDS
Mentoring - Student Assistance Initiatives	15,229,496	8,820,147	(6,409,349)	-42.09%
College Reach Out Program	2,236,166	1,000,000	(1,236,166)	-55.28%
Florida Diagnostic and Learning Resources Centers	2,485,019	1,982,626	(502,393)	-20.22%
New World School of the Arts	788,562	400,000	(388,562)	-49.27%
School District Matching Grants Program	1,639,872	1,393,891	(245,981)	-15.00%
Teacher and School Administrator Death Benefits	20,000	18,000	(2,000)	-10.00%
Risk Management Insurance	396,914	568,394	171,480	43.20%
Autism Program	6,236,191	4,975,425	(1,260,766)	-20.22%
Regional Education Consortium Services	1,611,465	1,445,390	(166,075)	-10.31%
Teacher Professional Development	134,853,028	134,802,957	(50,071)	-0.04%
School and Instructional Enhancements	2,988,092	1,969,592	(1,018,500)	-34.09%
Exceptional Education	4,072,046	3,347,080	(724,966)	-17.80%
Florida School for the Deaf and Blind	46,166,818	45,620,827	(545,991)	-1.18%
Transfer to Department of Management Services - Human Resource Services/State Contract	29,034	25,425	(3,609)	-12.43%
State Grants/K-12 Program/Non-FEFP	252,975,909	211,764,754	(41,211,155)	-16.29%
Federal Grants K-12 Program				
Projects, Contracts and Grants	4,099,420	3,999,420	(100,000)	-2.44%
Federal Grants and Aids	2,458,835,191	1,512,912,755	(945,922,436)	-38.47%
Domestic Security		5,409,971	5,409,971	100.00%
School Lunch Program	804,333,624	942,307,194	137,973,570	17.15%
School Lunch Program - State Match	19,418,953	16,886,046	(2,532,907)	-13.04%
Strategic Education Initiatives		196,922,877	196,922,877	100.00%
PARCC		28,333,892	28,333,892	100.00%
Total Federal Grants K-12 Program	3,286,687,188	2,706,772,155	(579,915,033)	-17.64%
Educational Media & Technology Services				
Capitol Technical Center	203,964	149,624	(54,340)	-26.64%
Instructional Technology	1,030,000	400,000	(630,000)	-61.17%

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The Department of Education 2011-12 Legislative Budget Request GAA -Conference Committee Report after Vetoes	2010-11 Appropriations	2011-12 GAA Conference Report SB 2000 after Vetoes 5-26-11	2011-12 GAA over/under 2010- 11 Appropriations	%2011-12 GAA over/under 2010-11 Appropriations
Prepared by the Dept. of Education Budget Office 5/26/2011	TOTAL ALL FUNDS	TOTAL ALL FUNDS	TOTAL ALL FUNDS	TOTAL ALL FUNDS
Federal Equipment Matching Grant	627,356	-	(627,356)	-100.00%
Public Broadcasting	9,045,569	2,645,060	(6,400,509)	-70.76%
Total Educational Media & Technology Services	10,906,889	3,194,684	(7,712,205)	-70.71%
Career and Adult Education				
Performance Based Incentives	5,152,850	4,986,825	(166,025)	-3.22%
Adult Basic Education	47,625,538	41,552,472	(6,073,066)	-12.75%
Workforce Development	369,488,374	369,488,374	-	0.00%
Vocational Formula Funds	77,144,852	72,144,852	(5,000,000)	-6.48%
Business Partnerships/Skill Assessment and Training	5,300,000	5,000,000	(300,000)	-5.66%
Total Career and Adult Education	504,711,614	493,172,523	(11,539,091)	-2.29%
Total FEFP, Non-FEFP, K-12 Fed, Ed Media & CAE	13,856,352,083	12,123,756,428	(1,732,595,655)	-12.50%
Florida Colleges				
Community College Lottery Funds	126,959,158	130,359,158	3,400,000	2.68%
Community College Program Fund	987,164,904	893,092,474	(94,072,430)	-9.53%
Program Challenge Grant	-	-	-	0.00%
Commission on Community Service	566,251	509,626	(56,625)	-10.00%
Distance Learning	316,675	611,675	295,000	93.16%
G/A - 2+2 Public and Private Partnership	5,000,000	3,000,000	(2,000,000)	-40.00%
Northwest Regional Data Center		-	-	0.00%
Total Florida Colleges	1,120,006,988	1,027,572,933	(92,434,055)	-8.25%
State Board of Education				
Salaries and Benefits	72,332,907	69,253,845	(3,079,062)	-4.26%
Other Personal Services	2,254,281	2,242,305	(11,976)	-0.53%
Expenses	21,443,955	17,524,781	(3,919,174)	-18.28%
Operating Capital Outlay	1,717,692	1,715,272	(2,420)	-0.14%
Assessment and Evaluation	83,637,725	86,611,665	2,973,940	3.56%
Transfer to Division of Administrative Hearings	282,410	260,822	(21,588)	-7.64%
Contracted Services	21,058,099	19,736,111	(1,321,988)	-6.28%
Choice Product Sales	400,000	200,000	(200,000)	-50.00%
Educational Facilities Research and	200,000	200,000	-	0.00%

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The Department of Education 2011-12 Legislative Budget Request GAA -Conference Committee Report after Vetoes	2010-11 Appropriations	2011-12 GAA Conference Report SB 2000 after Vetoes 5-26-11	2011-12 GAA over/under 2010- 11 Appropriations	%2011-12 GAA over/under 2010-11 Appropriations
Prepared by the Dept. of Education Budget Office 5/26/2011	TOTAL ALL FUNDS	TOTAL ALL FUNDS	TOTAL ALL FUNDS	TOTAL ALL FUNDS
Development Projects				
Student Financial Assistance	484,993	460,220	(24,773)	-5.11%
Management Information System				
Risk Management Insurance	561,531	729,728	168,197	29.95%
Transfer to Department of Management Services - Human Resource Services/State Contract	512,668	444,954	(67,714)	-13.21%
Education Technology and Information Services	10,074,056	9,007,265	(1,066,791)	-10.59%
Southwood Shared Resource Center	17,327	17,327	-	0.00%
Northwest Regional Data Center		1,152,331	1,152,331	100.00%
Total State Board of Education	214,977,644	209,556,626	(5,421,018)	-2.52%
Total Operating DOE	16,591,954,524	14,608,764,504	(1,983,190,020)	-11.95%
Fixed Capital Outlay				
Maintenance, Repair, Renovation, and Remodeling	254,269,869	77,145,106	(177,124,763)	-69.66%
Survey Recommended Needs - Public Schools	4,717,433	4,367,627	(349,806)	-7.42%
Community College Projects	261,199,752	18,636,486	(242,563,266)	-92.87%
State University System Projects	339,418,539	43,490,167	(295,928,372)	-87.19%
Special Facilities Construction Account	12,274,731	-	(12,274,731)	-100.00%
Debt Service	1,125,722,701	1,137,186,052	11,463,351	1.02%
Classrooms First And 1997 School Capital Outlay Bond Programs - Operating Funds and Debt Service	164,766,967	162,109,596	(2,657,371)	-1.61%
School District And Community College	28,000,000	28,000,000	-	0.00%
Debt Service - Class Size Reduction Lottery Capital Outlay Program	154,721,252	154,883,241	161,989	0.10%
Educational Facilities	-	-	-	0.00%
Florida School for the Deaf and Blind - Capital Projects	5,032,566	5,151,271	118,705	2.36%
Blind Services - Capital Projects	1,192,490	-	(1,192,490)	-100.00%
Public Broadcasting Projects	2,294,620	162,750	(2,131,870)	-92.91%
Liberty County Public School	-	-	-	0.00%

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The Department of Education 2011-12 Legislative Budget Request GAA -Conference Committee Report after Vetoes	2010-11 Appropriations	2011-12 GAA Conference Report SB 2000 after Vetoes 5-26-11	2011-12 GAA over/under 2010- 11 Appropriations	%2011-12 GAA over/under 2010-11 Appropriations
Prepared by the Dept. of Education Budget Office 5/26/2011	TOTAL ALL FUNDS	TOTAL ALL FUNDS	TOTAL ALL FUNDS	TOTAL ALL FUNDS
SUS Concurrency Requirements	-	-	-	0.00%
Total Fixed Capital Outlay	2,353,610,920	1,631,132,296	(722,478,624)	-30.70%
Total Operating DOE and Fixed Capital Outlay	18,945,565,444	16,239,896,800	(2,705,668,644)	-14.28%
State University System				
Moffitt Cancer Center and Research Institute	10,889,781	9,583,007	(1,306,774)	-12.00%
Education and General Activities	3,086,959,761	2,960,191,911	(126,767,850)	-4.11%
IFAS (Institute of Food and Agricultural Science)	130,631,590	131,486,671	855,081	0.65%
University of South Florida Medical Center	103,740,426	109,479,121	5,738,695	5.53%
University of Florida Health Center	140,738,080	134,897,167	(5,840,913)	-4.15%
Florida State University Medical School	49,174,139	45,468,734	(3,705,405)	-7.54%
University of Central Florida Medical School	23,643,914	26,913,712	3,269,798	13.83%
Florida International University Medical School	27,899,871	31,004,579	3,104,708	11.13%
Student Financial Assistance	16,800,890	7,140,378	(9,660,512)	-57.50%
Institute for Human and Machine Cognition	1,502,953	1,457,864	(45,089)	-3.00%
Challenge Grants	-	-	-	0.00%
Risk Management Insurance	17,096,258	20,987,496	3,891,238	22.76%
Distance Learning	278,859	573,859	295,000	105.79%
Total State University System	3,609,356,522	3,479,184,499	(130,172,023)	-3.61%
Board Of Governors				
Salaries and Benefits	5,014,722	4,794,877	(219,845)	-4.38%
Other Personal Services	40,673	34,373	(6,300)	-15.49%
Expenses	988,695	775,776	(212,919)	-21.54%
Operating Capital Outlay	55,112	52,732	(2,380)	-4.32%
Contracted Services	84,982	54,982	(30,000)	-35.30%
Transfer to Department of Management Services - Human	25,015	21,903	(3,112)	-12.44%

Florida

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The Department of Education 2011-12 Legislative Budget Request GAA -Conference Committee Report after Vetoes	2010-11 Appropriations	2011-12 GAA Conference Report SB 2000 after Vetoes 5-26-11	2011-12 GAA over/under 2010- 11 Appropriations	%2011-12 GAA over/under 2010-11 Appropriations
Prepared by the Dept. of Education Budget Office 5/26/2011	TOTAL ALL FUNDS	TOTAL ALL FUNDS	TOTAL ALL FUNDS	TOTAL ALL FUNDS
Resource Services Purchased per Statewide Contract				
Total Board Of Governors	6,209,199	5,734,643	(474,556)	-7.64%
Total DOE including FCO, SUS, and BOG	22,561,131,165	19,724,815,942	(2,836,315,223)	-12.57%

Florida Department of Education

2011-12 FEFP - FINAL CONFERENCE REPORT, MAY 3, 2011
Public Schools Funding Summary, Comparison with 2010-11
Total All Districts

	2010-11 4th Calculation	2011-12 Final Conference Report	Difference	Percentage Difference
	-1-	-2-	-3-	-4-
<u>Major FEFP Formula Components</u>				
Unweighted FTE	2,642,091.49	2,654,453.94	12,362.45	0.47%
Weighted FTE	2,848,583.50	2,863,874.61	15,291.11	0.54%
School Taxable Value (Tax Roll)	1,445,620,545,163	1,407,824,467,012	(37,796,078,151)	-2.61%
Required Local Effort Millage	5.380	5.380	0.000	0.00%
Discretionary Millage	0.748	0.748	0.000	0.00%
Total Millage	6.128	6.128	0.000	0.00%
Base Student Allocation	3,623.76	3,479.22	(144.54)	-3.99%
<u>FEFP Detail</u>				
WFTE x BSA x DCD (Base FEFP)	10,329,335,862	9,972,667,883	(356,667,979)	-3.45%
Declining Enrollment Allocation	6,417,244	6,036,068	(381,176)	-5.94%
Sparsity Supplement	35,754,378	35,754,378	0	0.00%
State Funded Discretionary Contribution	10,998,726	11,999,791	1,001,065	9.10%
Voted .25 Mill Discretionary Compression	33,865,347	8,238,463	(25,626,884)	-75.67%
.748 Mill Compression	140,953,005	137,397,555	(3,555,450)	-2.52%
Safe Schools	67,133,784	64,456,019	(2,677,765)	-3.99%
Supplemental Academic Instruction	639,315,534	615,924,773	(23,390,761)	-3.66%
Reading Allocation	101,731,186	97,673,434	(4,057,752)	-3.99%
ESE Guaranteed Allocation	980,571,070	943,167,996	(37,403,074)	-3.81%
Merit Award Program Allocation	19,656,344	18,872,311	(784,033)	-3.99%
DJJ Supplemental Allocation	8,456,213	8,231,987	(224,226)	-2.65%
Transportation	430,693,345	415,449,129	(15,244,216)	-3.54%
Instructional Materials	216,918,478	209,240,737	(7,677,741)	-3.54%
Teachers Lead	33,220,437	31,895,373	(1,325,064)	-3.99%
Virtual Education Contribution	0	21,643,042	21,643,042	
State Fiscal Stabilization Allocation	872,664,689	0	(872,664,689)	-100.00%
Minimum Guarantee	2,377,135	0	(2,377,135)	-100.00%
Total FEFP	13,930,062,777	12,598,648,939	(1,331,413,838)	-9.56%
Less: Required Local Effort	7,197,944,104	6,936,892,794	(261,051,310)	-3.63%
Less: State Fiscal Stabilization Allocation	872,664,689	0	(872,664,689)	-100.00%
Net State FEFP Funds	5,859,453,984	5,661,756,145	(197,697,839)	-3.37%
<u>State Categorical Programs</u>				
Discretionary Lottery/School Recognition	129,914,030	119,596,643	(10,317,387)	-7.94%
Class Size Reduction Allocation	2,913,825,383	2,927,464,879	13,639,496	0.47%
Total Categorical Funding	3,043,739,413	3,047,061,522	3,322,109	0.11%
Total State Funding	8,903,193,397	8,708,817,667	(194,375,730)	-2.18%
<u>Local Funding</u>				
Total Required Local Effort	7,197,944,104	6,936,892,794	(261,051,310)	-3.63%
.748 Mill Discretionary Local Effort	1,018,844,954	992,332,415	(26,512,539)	-2.60%
Total Local Funding	8,216,789,058	7,929,225,209	(287,563,849)	-3.50%
Total Funding	17,992,647,144	16,638,042,876	(1,354,604,268)	-7.53%
Total Funds per UFTE	6,810.00	6,267.97	(542.03)	-7.96%

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2011-12 FEFP - FINAL CONFERENCE REPORT, MAY 3, 2011
Public Schools Funding Summary, Comparison with 2010-11
Total All Districts

Florida Education Finance Program Informational Calculations	2010-11 4th Calculation -1-	2011-12 Final Conference Report -2-	Difference -3-	Percentage Difference -4-
<u>Total Formula Funding</u>	<u>17,992,647,144</u>	<u>16,638,042,876</u>	<u>(1,354,604,268)</u>	<u>-7.53%</u>
Total Formula Funds per FTE	6,810.00	6,267.97	(542.03)	-7.96%
<u>Education Jobs Reserve</u>	<u>0</u>	<u>554,821,008</u>	<u>554,821,008</u>	
<u>Total Funding with Reserve</u>	<u>17,992,647,144</u>	<u>17,192,863,884</u>	<u>(799,783,260)</u>	<u>-4.45%</u>
Total Funds per FTE with Ed Jobs	6,810.00	6,476.99	(333.01)	-4.89%
<u>FRS Adjustment Cost Reduction</u>	<u>0</u>	<u>859,100,000</u>	<u>859,100,000</u>	
<u>Total Funding with FRS Cost and Ed Jobs</u>	<u>17,992,647,144</u>	<u>18,051,963,884</u>	<u>59,316,740</u>	<u>0.33%</u>
Total Funds per FTE with FRS Cost and Education Jobs Reduction	6,810.00	6,800.63	(9.37)	-0.14%
<u>Reduction/Adjustment for .25 Mill Revenue</u>	<u>0</u>	<u>(200,675,126)</u>	<u>(200,675,126)</u>	
<u>Total Funds with .25 Mill Reduction</u>	<u>17,992,647,144</u>	<u>17,851,288,758</u>	<u>(141,358,386)</u>	<u>-0.79%</u>
Total Funds per FTE with .25 Mill Reduction, Education Jobs, and FRS Cost Reduction	6,810.00	6,725.03	(84.97)	-1.25%

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Florida Department of Education

Bill Number: Chapter 2011-047 (Senate Bill 2002)

Bill Title: Implementing the 2011-2012 General Appropriations Act

Bill Sponsor: Conference Committee on Appropriations

Effective Date: July 1, 2011

DOE Contact: Linda Champion, Deputy Commissioner, Finance and Operations, (850) 245-0406

Executive Summary:

The act provides implementing and administering provisions that apply to the General Appropriations Act (GAA) for fiscal year 2011-12. Only those sections of the bill that apply directly to education programs under the jurisdiction of the Department of Education or to all state functions are cited in the section summary below.

Summary by Bill Section:

Section 2:

- Incorporates the 2011-12 Florida Education Finance Program (FEFP) work papers by reference for the purpose of displaying the calculations used by the Legislature.

Section 3:

Amends s. 216.292, F.S., Appropriations nontransferable; exceptions:

- For fiscal year 2011-12 only, amends s. 216.292, F.S., to authorize the transfer of Fixed Capital Outlay appropriations for university developmental research schools and charter schools between appropriation categories upon approval of the Executive Office of the Governor.

Section 4:

- Authorizes funds provided to Workforce Education for Skills Assessment and Training programs in the Workers' Compensation Administration Trust Fund be used for the Ready to Work Program.

Section 37:

To implement Specific Appropriation 1703AA in the 2011-12 GAA:

- Provides \$2.4 million for solid waste management grants to be awarded equally to counties having populations fewer than 100,000 for waste tire and litter prevention, recycling education, and general solid waste programs.

Section 39:

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To implement Specific Appropriation 1578A in the 2011-12 GAA:

- Exempts the acquisition and disposition of state-owned lands from appraisal requirements if conveyance will be used to purchase state-owned lands for preservation, conservation, or recreational purposes.
- Requires agencies to submit a list by October 1, 2011, of state-owned lands that are available for lease or are surplus lands to the Board of Trustees of the Internal Improvement Trust.

Section 45:

Amends s. 339.08, F.S., Use of moneys in State Transportation Trust Fund:

- Allows funds to be transferred from the State Transportation Trust Fund to the State School Trust Fund.

Section 48:

To implement Specific Appropriation 1498 in the 2011-12 GAA:

- Reenacts s. 163.3247(3)(d) F.S., related to the Century Commission for a Sustainable Florida, a standing body to help citizens envision and plan for their collective future with an eye towards 25-year and 50-year horizons. This body includes representation for school boards.

Section 57:

To implement the appropriation of funds in Special Categories-Risk Management Insurance of the 2011-12 GAA:

- For fiscal year 2011-12 only, allows the Executive Office of the Governor to transfer funds appropriated for the payment of risk management insurance premiums between departments. The amendment to the approved operating budget is subject to the notice and objection procedures of s. 216.177, F.S.

Section 58:

To implement the appropriations of funds in Special Categories-Transfer to Department of Management Services-Human Resources Services Purchased Per Statewide Contract of the 2011-12 GAA:

- For fiscal year 2011-12 only, allows the Executive Office of the Governor to transfer funds appropriated for the payment of human resource management assessments between departments. The amendment to the approved operating budget is subject to the notice and objection procedures of s. 216.177, F.S.

Section 59:

Amends s. 110.123, F.S., State group insurance program:

- For fiscal year 2011-12 only, extends the authorization of payments into the state employee health savings accounts.

Section 60:

Amends s. 110.123, F.S., State group insurance program:

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- Provides that notwithstanding the provisions of paragraph s.110.123(3)(f), F.S., requiring uniform contributions, and for fiscal year 2011-12 only, the state contribution toward the cost of any plan in the state group insurance plan shall be the difference between the overall premium and the employee contribution.

Section 61:

Amends s. 112.24, F.S., Intergovernmental interchange of public employees:

- For fiscal year 2011-12 only, extends the authorization to assign an employee from one agency to another agency if recommended by the Governor and approved by the chairs of the respective legislative appropriations committees.

Section 62:

To implement Specific Appropriations 2536 and 2537 in the 2011-12 GAA:

- Authorizes that salaries for members of the Legislature for 2011-12 be set at the same level in effect on July 1, 2010.

Section 65:

Amends s. 215.32, F.S., State funds; segregation:

- Amends s. 215.32, F.S., to expand the Legislature's authority to transfer in the General Appropriations Act, unappropriated cash balances to include the State School Trust Fund. Previously, this transfer was only authorized for the Budget Stabilization Fund and the General Revenue Fund.

Section 66:

- Establishes that amendments to s. 215.32, F.S., remain in effect for fiscal year 2011-12 only.

Section 69:

To implement the issuance of new debt authorized in the 2011-12 GAA:

- Provides a legislative determination that the authorization and issuance of state debt for fiscal year 2011-12 is in the best interest of the state and is necessary to address a critical state emergency.

Section 70:

To implement the funds appropriated in the 2011-12 GAA for State Employees Travel:

- Limits the use of state funds for travel by state employees during fiscal year 2011-12.
- Requires the agency head to approve, in writing, that certain travel such as out-of-state, conferences, and training, are mission critical.

Section 71:

To implement the appropriations authorized in the 2011-12 GAA for each state's designated primary data centers:

- For fiscal year 2011-12 only, provides that the Executive Office of the Governor is authorized to transfer funds appropriated in any appropriation category used to pay for

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data processing in the General Appropriation Act between agencies in order to align the budget authority granted with the utilization rate of each department.

Section 72:

To implement the appropriations authorized in the 2011-12 GAA:

- Allows agencies that are required to begin planning for data center consolidation to accelerate their consolidation into fiscal year 2011-12 with Legislative Budget Commission approval.

Section 73:

To implement Specific Appropriation 2690 of the 2011-12 GAA:

- For fiscal year 2011-12, provides that the Executive Office of the Governor is authorized to transfer funds appropriated in the "Expenses" category between agencies in order to allocate a reduction relating to SUNCOM Services.

Section 74:

Amends s. 110.12315, F.S., Prescription drug program:

- Reenacts s. 110.12315, F.S., to continue current copayment amounts for prescriptions under the State Group Health Insurance Program.

Section 75:

- Establishes that amendments to s. 110.12315, F.S., remain in effect for fiscal year 2011-12 only. Language related to the prescription drug program will revert to the December 31, 2010, version, which contains lower rates, unless otherwise changed.

Section 76:

To implement Specific Appropriations 2587 through 2597 of the 2011-12 GAA:

- Requires the Department of Management Services (DMS) use of tenant broker services to renegotiate all private lease agreements more than 150,000 square feet.
- Requires DMS to report by September 1, 2011, the projected cost savings, implementation costs, and recommendations for leases to terminate.
- Requires agencies to propose budget amendments to place budget authority associated with cost savings into reserve.
- Requires leases identified by DMS as non-compliant with state law to be made compliant by June 30, 2012.

Section 77:

To implement the appropriations authorized in the 2011-12 GAA for the payments of existing lease contracts:

- Requires the Department of Management Services (DMS) and state agencies to seek to renegotiate private lease agreements in excess of 2,000 square feet expiring before June 30, 2013, to achieve cost savings.
- Requires DMS to report data regarding such existing leases and the achieved cost savings by March 1, 2012.

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Section 78:

To implement the appropriations authorized in the 2011-12 GAA for the purchase of pharmacy products:

- Requires the Department of Management Services (DMS) to issue a competitive solicitation for a pharmaceutical purchasing arrangement or a state-term contract.

Section 79:

To implement Specific Appropriation 193 of the 2011-12 GAA:

- Requires the Agency for Health Care Administration (AHCA) to competitively repro cure a Florida Discount Drug Card Program to provide market competitive discounts through a broad network of retail and mail order pharmacies.

Section 80:

Amends s. 946.515, F.S., Use of goods and services produced in correctional work programs:

- Requires each state agency to report, by June 30, 2012, regarding purchases which could have been made from Prison Rehabilitative Industries and Diversified Enterprises, Inc. (PRIDE), and were made from another vendor.

Section 81:

- Specifies that no section will take effect if the appropriations and/or proviso to which it relates are vetoed.

Section 82:

- Provides that a permanent change made by another law to any of the same statutes amended by this bill takes precedence over the provision in this bill.

Section 83:

- Provides for a severability clause.

Section 84:

- Provides an effective date.

General Implementation Timeline:

July 1, 2011 The act becomes effective.

Florida Department of Education

Bill Number: Chapter 2011-049 (Senate Bill 2096)

Bill Title: State Financial Information

Bill Sponsor: Senate Budget Committee

Effective Date: July 1, 2011

DOE Contact: Linda Champion, Deputy Commissioner, Finance and Operations, (850) 245-0406

Executive Summary:

The bill makes changes to the Transparency Florida Act, created by Chapter 2009-74, Laws of Florida, to provide ready access to state government information. Provisions in the bill incorporate suggested changes in statute provided by the Joint Legislative Auditing Committee's March 1, 2010, report. In addition to those changes, the bill requires that additional data be posted to the Transparency Florida Website relating to state contracts management and water management district expenditures. The bill also shifts design and management of the website from the Joint Legislative Auditing Committee to the Department of Financial Services.

The bill revises s. 11.45, F.S., relating to definitions; duties; authorities; reports; and rules for legislative reporting and staffing, to:

- Require the Auditor General to annually submit to the Florida Legislature a list of any school districts, charter schools, charter technical career centers, colleges, state universities, and water management districts that have failed to comply with the transparency requirements.

The bill revises s. 215.985, F.S., relating to transparency in government spending, to:

- Require charter schools and charter technical career centers to post their financial information on the Transparency Florida website.
- Change the exemption criteria for municipalities or special districts from a population threshold (fewer than 10,000) to a revenue threshold (less than \$10 million in total annual revenues).
- Require water management districts to post their financial statements on their websites by September 1, 2011.
- Require the Chief Financial Officer to make a state contract management system publicly available that includes information and documentation relating to contracts procured by state governmental entities.
- Require agency procurement staff to update information within 30 days of any major change to a contract or the execution of a new contract. A major change includes a contract renewal, extension, termination, or amendment.

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General Implementation Timeline:

July 1, 2011

The act becomes effective.

Florida Department of Education

Bill Number: Chapter 2011-050 (Senate Bill 2098)

Bill Title: Consolidation/State Information Technology Services

Bill Sponsor: Budget

Effective Date: Upon becoming a law

DOE Contact: Linda Champion, Deputy Commissioner, Finance and Operations, (850) 245-0406

Executive Summary:

The bill provides for the consolidation of state information technology services and establishes the Agency for Enterprise Information Technology (AEIT) in the Department of Management Services, rather than the Executive Office of the Governor. The bill clarifies the duties of the AEIT pertaining to the state data center system and provides rulemaking authority for the agency relative to its operation. The bill establishes in statute the state agency schedule for data center consolidations. It also provides requirements for the development and submission of appropriate transition plans, provides requirements for the execution of new or updated service level agreements, and establishes agency limitations pertaining to agency data centers and e-mail services.

The bill includes the following statutory provisions:

- Amends s. 14.204, F.S., to revise duties of the AEIT to include planning and project management of the state data center system service established in s. 282.201, F.S., the information technology security service established in s. 282.318, F.S., and the statewide e-mail service established in s. 282.34, F.S.
- Provides that approval to transition to a statewide e-mail system is contingent on approval by the Legislative Budget Commission.
- Amends s. 20.315, F.S., to require the Department of Corrections' Office of Information Technology to manage the department's data system for the joint use of the department and the Parole Commission.
- Amends s. 282.0041, F.S., to revise definitions for Chief Information Officer, Agency Chief Information Officers Council, e-mail messaging and calendaring service, and primary data center.
- Amends s. 282.0056, F.S., to revise provisions relating to AEIT's annual work plan to include responsibility for planning and implementing all enterprise information technology services.
- Amends s. 282.201, F.S., to require the AEIT to submit recommendations to improve the efficiency and cost-effectiveness of computing services provided by state data center system facilities to the Legislature, the Executive Office of the Governor, and the primary data centers.

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- Amends s. 282.203, F.S., to delete obsolete provisions and revise duties of primary data centers relating to state agency resources and equipment relinquished to the centers. State agencies are required to relinquish all administrative access rights to certain resources and equipment upon consolidation. The bill revises provisions relating to state agency representation on data center boards and conforms a cross-reference.
- Amends s. 282.204, F.S., to establish the Northwood Shared Resource Center in the Department of Management Services rather than the Department of Children and Families.
- Repeals s. 282.3055, F.S., to eliminate the requirement for each state agency to appoint an agency chief information officer.
- Repeals s. 282.315, F.S., to eliminate the Agency Chief Information Officers Council.
- Amends s. 282.318, F.S., to delete references to the Office of Information Security with respect to responsibility for enterprise security.
- Amends s. 282.33, F.S., to delete an obsolete provision and revise the schedule for the AEIT to submit certain recommendations to the Legislature.
- Amends s. 282.34, F.S., to revise provisions relating to the statewide e-mail service. AEIT is required to develop and submit a plan to the Legislative Budget Commission for the migration of state agencies to the service.
- Amends s. 287.042, F.S., to conform provisions to changes made by the act.

General Implementation Timeline:

Effective date	Upon becoming a law.
June 30, 2011	AEIT, in cooperation with state agencies, prepares and submits for approval by the Legislative Budget Commission, a proposed plan for the migration of all state agencies to the statewide e-mail service.
July 31 (annually)	State agencies submit strategic and operational information security plans to AEIT.
September 1, 2011	AEIT provides a status report to the Executive Office of the Governor and chairs of the legislative appropriations committees describing the progress made by agencies required to migrate to the statewide e-mail service by the required migration date. The status report must be provided every six months, beginning September 1, 2011, until implementation is complete.
September 30 (annually)	AEIT recommends to the Legislature, the Governor, and the primary data centers strategies, to improve the efficiency and

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cost-effectiveness of computing services provided by state data center system facilities.

October 1, 2011	AEIT publishes notice of rule development in the Florida Administrative Weekly.
October 1 (annually)	AEIT provides recommendations to the Governor and Legislature relating to schedule changes for the consolidations of state agency data centers.
December 31, 2011	Department of Education organizational entities to be consolidated into the Northwest Regional Data Center include: <ul style="list-style-type: none">• Knott Data Center in the Turlington Building;• Division of Vocational Rehabilitation;• Division of Blind Services, except for the disaster recovery site in Daytona Beach;• FCAT Explorer; and• FACTS.org.
December 31 (annually)	AEIT recommends techniques for consolidating information technology commodities and services purchases that could result in cost savings for the state.

Bill Number: Chapter 2011-068 (Senate Bill 2100)

Bill Title: Retirement

Bill Sponsor: Budget Committee

Effective Date: July 1, 2011

DOE Contact: Linda Champion, Deputy Commissioner, Finance and Operations, (850) 245-0406

Executive Summary:

This bill makes the following changes to the Florida Retirement System (FRS):

- Changes the name of the FRS defined benefit program to the Florida Retirement System Pension Plan (pension plan), and changes the name of the FRS defined contribution program from the Public Employee Optional Retirement Program to the Florida Retirement System Investment Plan (investment plan).
- For employees, initially enrolled on or after July 1, 2011, increases the normal retirement age and years of service requirements, as follows:
 - For Special Risk Class: Increases the age from 55 to 60 years of age; and increases the years of creditable service from 25 to 30.
 - For all other classes: Increases the retirement age requirements from 62 to 65 years of age; and increases the years of creditable service from 30 to 33 years.
- Raises vesting requirements to eight years for new enrollees in the pension plan on or after July 1, 2011.
- Changes the FRS from a noncontributory system to a contributory system and requires each active member of the FRS to contribute 3 percent of pre-tax gross salary to fund retirement benefits, effective July 1, 2011.
- Eliminates the cost-of-living adjustment (COLA) for service earned on or after July 1, 2011. Subject to the availability of funding and the Legislature enacting sufficient employer contributions specifically for the purpose of funding the reinstatement of the COLA, the new COLA formula will expire effective June 30, 2016, and the current 3 percent cost-of-living adjustment will be reinstated.
- Changes Average Final Compensation from the highest five years to the highest eight years for members enrolled on or after July 1, 2011.
- Maintains DROP; however, employees entering DROP on or after July 1, 2011, will earn interest at 1.3%. Those in DROP prior to July 1, 2011, will continue to earn 6.5%.
- Retains inclusion of up to 500 hours of annual leave payments in calculation of average final compensation, as well as all payments defined as compensation in Chapter 121.021, F.S.

The bill also includes the following provisions:

- Establishes the required employer payroll contribution rates for each membership class and subclass of the FRS retirement plan for the fiscal year beginning July 1, 2011.

- Requires each active member of the Senior Management Service Optional Annuity Program, the State University System Optional Retirement Program, and the Community College Optional Retirement Program to contribute the same percentage of gross salary to fund retirement benefits as those contributed by FRS employees, effective July 1, 2011.
- Provides that during the 90-day period beginning on the effective date of the bill, a FRS employer may contribute to the retirement account of a current employee who is retired from the FRS the amount that would have been contributed had the employee been allowed to reenroll in the FRS during the 2010-2011 fiscal year.

The following statutes are affected as a result of this change:

ss. 110.123, 112.0801, 112.363, 121.011, 121.021, 121.051, 121.0515, 121.052, 121.053, 121.055, 121.071, 121.081, 121.091, 121.1001, 121.101, 121.121, 121.122, 121.125, 121.35, 121.355, 121.4501, 121.4502, 121.4503, 121.571, 121.591, 121.5911, 121.70, 121.71, 121.72, 121.73, 121.74, 121.75, 121.77, 121.78, 175.121, 175.341, 185.10, 185.23, 250.22, and 1012.875, F.S.

General Implementation Timeline:

July 1, 2011 The act becomes effective.



Bill Number: Chapter 2011-052 (Senate Bill 2110)

Bill Title: Auditor General

Bill Sponsor: Budget

Effective Date: July 1, 2011

DOE Contact: Linda Champion, Deputy Commissioner, Finance and Operations, (850) 245-0406

Executive Summary:

The bill amends various sections of the Florida Statutes to clarify the definitions of financial and operational audits and repeal sections of the Florida Statutes that are outdated. Additionally, the bill amends requirements for conducting audits, to:

- Revise the requirement that, once every three years, a financial audit must be completed on all district school boards in counties that have populations of 125,000 or more to counties that have populations of 150,000 or more.
- Remove the requirement to annually conduct an audit of the Wireless Emergency Telephone Fund.
- Add the requirement that operational audits of the Florida School for the Deaf and the Blind be completed at least every three years.
- Revise the requirement for operational audits to be completed at least every two years to every three years. Include state colleges, school boards, the Florida Clerks of Court Operations Corporation, and water management districts within the scope of state agencies to be audited.
- Revise the requirement for performance audits to be completed at least every two years to at least every three years.
- Revise the requirement for a performance audit of the Department of Revenue's administration of ad valorem tax laws to be completed once every three years to at least every three years. Remove the requirement for the Auditor General to conduct audits of the Investment Fraud Restoration Financing Corporation.
- Add the requirement for the Auditor General to conduct audits of the virtual education providers receiving state funds or funds from local ad valorem taxes.
- Add the requirement for the Auditor General to annually submit a work-plan report to the legislature that identifies the audits and anticipated activities of the Auditor General for the next two years.
- Remove the requirement for the Auditor General to audit reports made to the Supreme Court.
- Amend the audit requirements for the Florida Bright Futures Scholarship Program to include the requirement that an audit be completed for each fiscal year that a participating

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institution spends program moneys in excess of \$100,000. At least every two years, the audit must be performed to include examination of the institution's administration and accounting of the moneys for the Florida Bright Futures Scholarship Program.

General Implementation Timeline:

July 1, 2011 The act becomes effective.

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Bill Number: Chapter 2011-055 (Senate Bill 2120)

Bill Title: Prekindergarten through Grade 12 Education Funding Conforming Act

Bill Sponsor: Conference Committee on Appropriations

Effective Date: July 1, 2011, except as otherwise provided

DOE Contact: Linda Champion, Deputy Commissioner, Finance and Operations, (850) 245-0406

Executive Summary:

The act amends statutory law to align with funding authorized in the 2011 General Appropriations Act.

Section 1:

- Creates s. 213.053(8)(dd), F.S., for the Department of Revenue to provide information relative to s. 215.61(6), F.S., regarding bonds funded by the gross receipts tax to the State Board of Education, the Division of Bond Finance, and the Office of Economic and Demographic Research.

Section 2:

- Creates s. 215.61(6), F.S., so that the State Board of Education shall disregard the effects on the reported gross receipts tax revenues collected during a tax period of any refund resulting from a refund request made pursuant to the AT&T Mobility Wireless Data Services Sales Litigation settlement.

Section 3:

- Amends s. 1001.10(6)(o), F.S., requiring the Commissioner of Education to provide criteria for evaluating instructional materials to instructional materials "reviewers" instead of "committees."

Section 4:

- Amends s. 1001.25(2)(b), F.S., to allow the Department of Education flexibility in using other electronic media to publish Florida Knowledge Network materials instead of through a television broadcast.

Section 5:

- Amends s. 1001.271, F.S., to:
 - Remove the requirement for the Commissioner of Education to purchase Florida Information Resource Network (FIRN) services on behalf of users; and

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- Require the Commissioner of Education to continue to coordinate and facilitate the use of FIRN.

Section 6:

- Amends s. 1001.28(2), F.S., removing a reference to the Florida Knowledge Network as a resource for distance learning.

Section 7:

- Amends s. 1001.451(2)(a), F.S., making incentive grants for regional consortia subject to funds provided in the General Appropriations Act.
- Creates s. 1001.451(5), F.S., authorizing the board of regional consortia to generate revenue to support its activities. The board may use patents, copyrights, trademarks, licenses, and other rights or interests.

Section 8:

- The following changes are made regarding charter schools:
 - Creates s. 1002.33(10)(e)(7), F.S., making students living in a development with a charter school eligible to fill up to 50% of the school's student stations, if the developer provides the charter school facilities and related property worth at least \$10 million;
 - Amends s. 1002.33(19), F.S., to refer to s. 1013.62, F.S., regarding capital outlay for charter schools-in-the-workplace;
 - Creates s. 1002.33(20)(a)(3), F.S., so that sponsors may withhold an administrative fee of 2 percent for high-performing charter schools with an enrollment of up to 250 students; and
 - Creates s. 1002.33(25), F.S., to allow certain charter schools to be designated as a local education agency for the purpose of receiving federal funds, if certain requirements are met.

Section 9:

- Amends s. 1002.34(13), F.S., to make a technical revision related to charter technical career centers.

Section 10:

- Creates s. 1002.45(1)(e)1., F.S., requiring school districts to provide the contracts and amounts paid per student to district virtual instruction programs by October 1 of each year.
- Creates s. 1002.45(1)(e)2., F.S., requiring districts to expend the difference between funds received for virtual instruction students and the price paid for the contracted services pursuant to the district's local instructional improvement system or other tools to help access electronic and digital instructional materials.

Sections 11 and 12:

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- Amends ss. 1002.55(3) and 1002.63(2), F.S., requiring for school-year prekindergarten classes for public and private providers:
 - Each class of 12 or more students, instead of 11 or more students, to have at least one prekindergarten instructor in addition to the instructor that has a child development associate credential; and
 - Prekindergarten classes are to not exceed 20 students instead of 18 students.

Section 13:

- Amends s. 1002.71(7), F.S., reducing the early learning coalition administrative fee from 4.50 percent to 4.0 percent.

Section 14:

- Amends s. 1003.01(14), F.S., establishing a definition of core-curricula courses for each grade group. Extracurricular courses are not considered core courses. All ESE and ESOL education courses are considered core courses. The grade-level definitions are as follows:
 - Grades PK-3 are courses in language arts/reading, mathematics, social studies, and science;
 - Grades 4-8 are courses in subjects that are measured by state assessment at any grade level and courses required for middle school promotion; and
 - Grades 9-12 are courses in subjects that are measured for state assessment at any grade level and courses that are specifically identified by name in statute as required for high school graduation that are not measured by state assessment.
- Amends s. 1003.01(15), F.S., to include in the definition of “extracurricular courses” any course that may result in college credit.

Section 15:

- Amends ss. 1003.03(1) and (2), F.S., with the following additional class size maximum stipulations:
 - The maximum number of grades 4-8 students in a core-curricula high school course shall be the same as the maximum for grades 9-12.; and
 - Maximums must be maintained after the October FTE survey, except for the following:
 - An extreme emergency beyond the control of the district school board;
 - If students enroll after the October survey and the district school board determines that not placing the students in a class is impractical, educationally unsound, or disruptive to learning, they may place up to three additional students above the maximum in a kindergarten through grade 3 class and up to five additional students in a grade 4 through grade 12 class.
 - If additional students are placed in a class, the district school board shall develop a plan that provides that the school will be in full compliance by the next October survey.

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- Creates s. 1003.03(6), F.S., directing the Department of Education to identify the core-curricula courses from the Course Code Directory for the purpose of calculating class size requirements.

Section 16:

- Creates s. 1003.4935, F.S., requiring each district to implement a career and professional academy in at least one middle school and that students who complete the academy have the opportunity to continue in high school and earn an industry certification and high school credit. Beginning with the 2012-13 school year, the Department of Education shall collect and report student achievement data.

Section 17:

- Amends s. 1004.02(6), F.S., revising the definition of “adult student” to not include high school students who are taking adult courses required for high school graduation.

Section 18:

- Amends s. 1006.28(1), F.S., replacing the word “textbooks” with “student or site licenses” within the definition of “adequate instructional materials” to allow for alternative delivery options. Removes the need for the school advisory council’s approval of programs that do not include a textbook.
- Amends s. 1006.28, F.S., to replace the words “textbook” and “books” with “instructional materials” to allow for multiple delivery options for instructional materials.

Section 19:

- Amends s. 1006.281, F.S., by:
 - Establishing the definition of “local instructional improvement system;”
 - Requiring districts to provide teachers, administrators, students, and parents with access to the local instructional improvement system;
 - Expanding the functionality of the instructional improvement system to connect student assessment with electronic and digital instruction and staff development;
 - Requiring school districts to meet minimum instructional system standards set by the Department of Education by June 30, 2014; and
 - Authorizing the State Board of Education to adopt rules to establish minimum standards for a local instructional improvement system.

Section 20:

- Creates s. 1006.282, F.S., authorizing a district to create pilot program schools for the transition to electronic and digital instructional materials, with the following provisions:
 - The district must implement a local instructional improvement system;
 - Fifty percent of the pilot school’s annual instructional materials allocation must be used for the purchase of electronic or digital instructional materials on the state-adopted list;
 - The school is exempt from providing textbooks or other materials as a major tool for instruction; and

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- The district is exempt from purchasing materials from the publisher's depository for pilot schools.
- Requires districts to report to the Department of Education, the list of schools designated as pilot program schools by August 1 of each year. The Department of Education shall publish the list of pilot program schools on the department's website along with program information.
- Requires by September 1 of each year, beginning in 2012, that each district school board participating in the pilot program provide to the Department of Education, the Executive Office of the Governor, and the chairs of the appropriations committees of the Senate and House of Representatives, a review of the pilot program schools that must include successful practices, time needed to access digital content, lessons learned, level of investment and cost effectiveness, and the impact on student performance.

Section 21:

- Amends s. 1006.29, F.S., to include:
 - Replacing the instructional materials committee with three state or national experts appointed by the Commissioner of Education by April 15 of each year, and requiring the national experts to review the instructional materials, evaluate content, and independently make recommendations;
 - Directing the Commissioner of Education to request each district superintendent to nominate a classroom teacher or content supervisor to review two or three of the recommendations and rate the recommended submissions on the instructional usability of the resources;
 - Requiring all adopted instructional materials for students in grades K-12 to be provided in electronic or digital format beginning in the 2015-16 academic year; and
 - Establishing a definition of digital and electronic formats.

Sections 22-24:

- Amends ss. 1006.30, 1006.31, and 1006.32, F.S., making technical revisions to align terminology with the restructuring of the instructional materials review process.

Section 25:

- Amends s. 1006.33, F.S., making technical revisions related to the procurement of instructional materials.

Sections 26 and 27:

- Amends ss. 1006.34 and 1006.35(2), F.S., making technical revisions to align terminology with the restructuring of the instructional materials review process.

Section 28:

- Amends s. 1006.36, F.S., revising the instructional materials adoption cycle from six years to five years.

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Sections 29 and 30:

- Amends ss. 1006.38 and 1006.39(5), F.S., making technical revisions relating to the transition to instructional materials in electronic and digital format and modifying the duties, responsibilities, and requirements of instructional materials publishers and manufacturers.

Section 31:

- Amends s. 1006.40, F.S., making technical revisions and requiring school districts to use 50 percent of the instructional materials categorical in the Florida Education Finance Program (FEFP) for the purchase of electronic or digital materials on the state-adopted list by the 2015-16 school year. The bill continues to provide flexibility in the materials purchased with the remaining 50 percent of funding.

Section 32:

- Repeals s. 1006.43, F.S., deleting the requirement that the Department of Education include a request for instructional materials funding in the legislative budget request.

Section 33:

- Amends s. 1011.62(1)(j), F.S., deleting the requirement for reimbursement to a community college for high school student coenrollment.
- Amends s. 1011.62(1)(o), F.S., establishing FEFP bonus weights of 0.1, 0.2, or 0.3 for the successful completion of industry-certified career and professional academy programs. The assignment of a specific weight to a program is to be based 50 percent on the difficulty of obtaining the industry certification and 50 percent on the value of having the industry certification in terms of employment and earning potential. Maintains the maximum full-time equivalent (FTE) student membership value earned per student at 0.3.
- Deletes the Virtual School Add-On FTE Bonus of 0.114.
- Creates s. 1011.62(11), F.S., establishing the Virtual Education Contribution in the FEFP, which provides a minimum per FTE funding amount for each virtual education student. The Virtual Education Contribution established in the General Appropriations Act for 2011-12 is \$4,800 per student.

Section 34:

- Creates s. 1011.621, F.S., authorizing a pro rata transfer of FEFP funds between school districts when Department of Juvenile Justice (DJJ) students transfer after the FTE membership survey during a survey period.

Section 35:

- Amends s. 1011.685(2), F.S., providing flexibility to school districts in the use of class size reduction categorical operating funds only if class size accountability requirements are met.

Section 36:

- Amends s. 1011.71, F.S.:

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- Removes provision that allows the general electorate to approve a 0.25 critical operating or critical capital millage, effective June 30, 2011;
- For the 2011-12 and 2012-13 fiscal years, allows the 16 districts that passed a referendum at the 2010 general election to levy the 0.25 mills and maintains school board super majority approval to levy the 0.25 millage;
- Excludes from the FEFP the revenue from 0.25 critical operating millage levy;
- Authorizes the compression adjustment of the 0.25 millage levy to be included in the FEFP for the 2011-12 and 2012-13 fiscal years for eligible districts; and
- Defines property and casualty insurance for educational and ancillary facilities for purposes of school district expenditure of capital improvement millage revenues.

Section 37:

- Authorizes the Commissioner of Education to waive the equal-dollar reduction penalty of FEFP funds required in s. 1011.71, F.S., for audit findings related to the payment of premiums for property and casualty insurance for the 2009-10 fiscal year and for expenditures made prior to January 1, 2011.

Section 38:

- Discontinues state funding for the Merit Award Program for instructional personnel and school-based administrators after payment of 2010-11 awards in the 2011-12 fiscal year.

Section 39:

- Amends s. 1013.737, F.S., revising the name of the "Class Size Reduction Lottery Revenue Bond Program" to the "Class Size Reduction and Educational Facilities Lottery Revenue Bond Program."
- Authorizes the issuance of educational facilities bonds, in addition to class size reduction lottery revenue bonds.

Section 40:

- Extends to June 30, 2012, educational facility exemptions for the demolition and replacement of school buildings identified in accordance with Charter School District Addendum Number 2 and approved by the district school board prior to June 30, 2010.

Section 41:

- Adopts the Commissioner of Education's 2010-11 alternate class size compliance calculation amounts submitted to the Legislative Budget Commission on March 2, 2011, for the class size reduction operating categorical allocation and authorizes the Commissioner to adjust payments. This provision is effective upon the act becoming a law.

General Implementation Timeline:

July 1, 2011 The act becomes effective, except as otherwise provided.

Florida Department of Education

Bill Number: Chapter 2011-059 (Senate Bill 2132)

Bill Title: Department of Financial Services

Bill Sponsor: Budget Committee

Effective Date: July 1, 2011

DOE Contact: Linda Champion, Deputy Commissioner, Finance and Operations, (850) 245-0406

Executive Summary:

Senate Bill 2132 eliminates the Chief Financial Officer's authority to operate a check-cashing service or remote financial service unit at the state capitol. Removal of the check-cashing service conforms to the budget and provides a cost savings with the elimination of three staff positions. The bill further revises the responsibilities of the Division of Consumer Services within the Department of Financial Services (DFS) to reflect organizational changes.

Additional provisions in the bill include the following:

- Requires the DFS and all state agencies and state universities with 3,000 or more employees who are provided insurance coverage from the Division of Risk Management to establish and maintain a return-to-work program for injured state workers who are receiving workers' compensation benefits. The primary goal of the program is to enable injured workers to remain at work or return to work to perform job duties within the physical or mental functional limitations and restrictions established by the workers' treating physicians.
- Requires the Division of Risk Management to evaluate each agency's risk management program at least once every five years and to produce reports recommending improvements. In addition, the bill outlines a process for each agency's response to the division's evaluation and recommendations.
- Requires the Division of Risk Management to utilize agency loss prevention results in addition to claims history as criteria for calculating state agency risk management premiums.
- Requires that all unencumbered and undisbursed funds transferred to other state agencies from the Workers' Compensation Administration Trust Fund for program activities to revert to the fund at the end of each year. Agencies identified in the bill include the Department of Education, the Agency for Health Care Administration, the Department of Business and Professional Regulation, the Department of Management Services, the First District Court of Appeal, and the Justice Administrative Commission.
- Authorizes the DFS to accept donations, grants of property, or moneys from certain entities for anti-fraud efforts carried out by the Division of Insurance Fraud within the department.

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- Authorizes the use of funds collected for anti-fraud efforts to be used by the Division of Insurance Fraud to carry out its duties and responsibilities or for the sub-granting of funds to the state attorneys for funding or defraying the cost of dedicated fraud prosecutors.

General Implementation Timeline:

July 1, 2011 The act becomes effective.

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Department of Education

Bill Number: Chapter 2011-063 (Senate Bill 2150)

Bill Title: Postsecondary Education Funding

Bill Sponsor: Budget Committee

Effective Date: July 1, 2011

DOE Contact: Linda Champion, Deputy Commissioner, Division of Finance and Operations,
(850) 245-0406

Executive Summary:

The bill amends statutory laws to align policies with funding authorized in the General Appropriations Act (GAA) for Fiscal Year 2011-12.

Section 1:

Amends s. 213.053, F.S., Confidentiality and information sharing:

- Authorizes the Department of Revenue to provide information regarding gross receipts taxes to the State Board of Education, the Division of Bond Finance, and the Office of Economic and Demographic Research.

Section 2:

Amends s. 215.61, F.S., State system of public education capital outlay bonds:

- Requires the State Board of Education to disregard the effects of any refund relating to the AT&T Mobility Wireless Data Services Sales Litigation in making the determination of the amount of bonds that can be serviced by the gross receipts tax.
- Requires the Department of Revenue to provide to the State Board of Education, the Division of Bond Finance, and the Office of Economic and Demographic Research the amount of any such refund and the tax period in which the refund is included.

Section 3:

Amends s. 440.491, F.S., Reemployment of injured workers; rehabilitation:

- Repeals the requirement for the Department of Education to approve rehabilitation providers and establishes criteria for such providers.
- Repeals requirements for the Department to monitor carrier activity in providing rehabilitation services.

Section 4:

Amends s. 413.011, F.S., Division of Blind Services, legislative policy, intent; internal organizational structure and powers; Rehabilitation Council for the Blind:

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- Authorizes the Division of Blind Services to lease property that is received by gift or bequest.
- Authorizes the Department of Education to enter into leases of property and sublease property on behalf of the Division of Blind Services.
- Provides that such leases and subleases may be to governmental, public, or nonprofit entities for the provision of blind, education, health, and other social service programs.

Section 5:

Amends s. 1004.091, F.S., Florida Distance Learning Consortium:

- Requires the Distance Learning Consortium (Consortium), beginning with the 2011-12 academic year, to work with the Florida College System and State University System to implement an online transient student admissions application process through the Florida Academic Counseling Tracking for Students system (FACTS.org) for transient students who enroll in a course listed in the Florida Higher Education Distance Learning Catalog.
- Provides requirements for Florida colleges and state universities relating to the transient student admissions application, financial aid procedures, and transfer of credit.
- Requires Florida colleges and state universities to interface their systems with FACTS.org by July 1, 2012, in order to automate the transient student admissions application process.
- Requires the Consortium to expand its central instructional content repository to allow public school and postsecondary educational institution users to search, locate, use, and contribute digital and electronic instructional resources and content.
- Requires the Consortium to provide to the chancellors of the Florida College System and State University System recommendations for promoting and increasing the use of open access textbooks.

Section 6:

Creates s. 1004.649, F.S., Northwest Regional Data Center:

- Designates Northwest Regional Data Center as a primary data center for the purpose of serving its state agency customers.
- Provides requirements relating to governance structure; cost-allocation methodology; service-level agreements; annual budgets; and criteria for termination of the primary data center designation.

Section 7:

Amends s. 1006.72, F.S., Licensing electronic library resources:

- Requires the chancellors and vice chancellors of the Florida College System and State University System to provide an annual report to the Executive Office of the Governor and the chairs of the legislative appropriations committees on the cost savings realized from the collaborative licensing of electronic library resources as provided in s. 1006.72, F.S.

Section 8:

Amends s. 1007.28, F.S., Computer-assisted student advising system:

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- Requires FACTS.org to provide the admissions application for transient students who enroll in a course listed in the Florida Higher Education Distance Learning Catalog.
- Requires the system to process electronic information and records for admissions and readmissions, financial aid, and transfer of credit.

Section 9:

Amends s. 1009.605, F.S., Florida Fund for Minority Teachers, Inc.:

- Authorizes the Florida Fund for Minority Teachers, Inc., to expend annually for administration up to \$100,000 from other available funds, in addition to the currently authorized 5 percent of funds appropriated.

Section 10:

Creates s. 1009.215, F.S., Student enrollment pilot program for the spring and summer terms:

- Authorizes, subject to Board of Governors approval, a spring and summer term student enrollment pilot program at the University of Florida (UF) for the purpose of aligning enrollment and available instructional facilities.
- Authorizes Bright Futures Scholarships spring and summer funding for students enrolled in the pilot. Such students will not be eligible to receive the scholarship for attendance during the fall term.
- Requires UF to report by January 31, 2013, the result of the pilot program to the Board of Governors, the President of the Senate, and the Speaker of the House of Representatives.

Section 11:

Amends s. 1009.22, F.S., Workforce education postsecondary student fees:

- Requires residency of students enrolled in workforce education programs who are reported for state funding to be determined as required in s. 1009.21, F.S.
- Requires fees for vocational-preparatory instruction to equal fees charged for adult general education programs, rather than certificate career education instruction as provided in current law.
- Provides an 8 percent increase for the standard tuition and out-of-state fee, effective July 1, 2011, for career certificate and applied technology diploma programs.
- Establishes a block tuition and out-of-state fee for adult general education programs.
- Requires district school boards and Florida college boards of trustees to adopt policies and procedures for the collection and accounting of adult general education block tuition and requires that block tuition revenue shall be used only for adult general education programs.
- Exempts students enrolled in adult general education programs from paying financial aid, capital improvement, or technology fees.
- Expands the authorized uses of capital improvement fees to include the acquisition of improved real property.
- Authorizes school districts and Florida colleges to assess a convenience fee for automated or online credit card payments.

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- Authorizes the Board of Trustees of Santa Fe College to establish a transportation access fee that cannot exceed \$6 per credit hour, subject to approval through a student referendum. The fee is not covered by the Bright Futures Scholarship.

Section 12:

Amends s. 1009.23, F.S., Community college student fees:

- Provides an 8 percent increase for the standard tuition and out-of-state fee, effective July 1, 2011.
- Expands the authorized uses of capital improvement fees to include the acquisition and renovation or remodeling of improved real property.
- Authorizes Florida colleges to establish a transient student fee not to exceed \$5 per distance learning course for processing the transient student admissions application pursuant to s. 1004.091, F.S.
- Authorizes the Board of Trustees of Santa Fe College to establish a transportation access fee that cannot exceed \$6 per credit hour, subject to approval through a student referendum. The fee is not covered by the Bright Futures Scholarship.

Section 13:

Amends s. 1009.24, F.S., State university student fees:

- Provides an 8 percent increase for resident undergraduate tuition effective July 1, 2011.
- Authorizes state universities to establish a transient student fee not to exceed \$5 per distance learning course for processing the transient student admissions application pursuant to s. 1004.091, F.S.
- Provides an exception from the 30 percent need-based financial aid expenditure requirement of tuition differential fee revenue for state universities which have met the entire tuition and fee costs of all need-based resident students. Authorizes such universities to expend the excess portion of the 30 percent revenue in the same manner as required for the other 70 percent of the tuition differential revenue.

Section 14:

Amends s. 1009.25, F.S., Fee exemptions:

- Repeals fee exemptions for students enrolled in adult general education or career preparatory instruction who do not have a high school diploma or whose academic skills are determined to be at or below the eighth grade level.

Section 15:

Amends s. 1009.26, F.S., Fee waivers:

- Authorizes the use of documentation other than the DD-214 form to qualify for the Purple Heart fee waiver, provided such documentation is recognized by the United States Department of Defense or the United States Department of Veterans Affairs.

Section 16:

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Amends s. 1009.286, F.S., Additional student payment for hours exceeding baccalaureate degree program completion requirements at state universities:

- Increases the excess hour surcharge from 50 percent to 100 percent of tuition for each credit hour in excess of 115 percent, rather than the current 120 percent, of credit hours required to complete the baccalaureate degree program in which the student is enrolled. Applies to students who enter a Florida college or state university for the first time in the 2011-12 academic year and thereafter.

Section 17:

Amends s. 1009.531, F.S., Florida Bright Futures Scholarship Program; student eligibility requirements for initial awards:

- Increases the Florida Medallion Scholarship test scores for high school students graduating in 2013-14 and thereafter, from 1050 to 1170 SAT and from 23 to 26 ACT. For home education students unable to document a college preparatory curriculum, the scores increase from 1100 to 1220 SAT and from 24 to 27 ACT.
- Requires Bright Futures students to submit a Free Application for Federal Student Aid (FAFSA) that is complete and error free prior to disbursement.

Section 18:

Amends s. 1009.534, F.S., Florida Academic Scholars award:

- Increases community service hour requirements from 75 to 100 hours for high school students graduating in the 2011-12 academic year and thereafter.

Section 19:

Amends s. 1009.535, F.S., Florida Medallion Scholars award:

- Establishes a community service hour requirement of 75 hours for high school students graduating in the 2011-12 academic year and thereafter.
- Requires students to identify a social problem, develop a plan for personal involvement in the problem, and evaluate and reflect on the experience, as currently required for an Academic Scholars award.

Section 20:

Amends s. 1009.536, F.S., Florida Gold Seal Vocational Scholars award:

- Establishes a community service hour requirement of 30 hours for high school students graduating in the 2011-12 academic year and thereafter.
- Requires students to identify a social problem, develop a plan for personal involvement in the problem, and evaluate and reflect on the experience, as currently required for an Academic Scholars award.

Section 21:

Amends s. 1009.55, F.S., Rosewood Family Scholarship Program:

- Provides that funding for the program shall be as provided in the GAA.



Section 22:

Amends s. 1009.56, F.S., Seminole and Miccosukee Indian Scholarships:

- Provides that funding for the scholarships shall be as provided in the GAA.

Section 23:

Amends s. 1009.57, F.S., Florida Teacher Scholarship and Forgivable Loan Program:

- Provides that funding for the program shall be as provided in the GAA. (CS/HB 7087, signed by the Governor on May 5, 2011, repeals this program.)

Section 24:

Amends s. 1009.60, F.S., Minority teacher education scholars program:

- Provides that funding for the program shall be as provided in the GAA.

Section 25:

Amends s. 1009.68, F.S., Florida Minority Medical Education Program:

- Provides that funding for the program shall be as provided in the GAA.

Section 26:

Amends s. 1009.69, F.S., Virgil Hawkins Fellows Assistance Program:

- Provides that funding for the program shall be as provided in the GAA.

Section 27:

Amends s. 1009.701, F.S., First Generation Matching Grant Program:

- Requires students to submit a FAFSA that is complete and error free prior to disbursement.
- Requires first priority funding to be given to students who demonstrate need by qualifying and receiving the Pell Grant up to the full cost of tuition and fees.

Section 28:

Amends s. 1009.73, F.S., Mary McLeod Bethune Scholarship Program:

- Provides that funding for the program shall be as provided in the GAA.

Section 29:

Amends s. 1009.74, F.S., The Theodore R. and Vivian M. Johnson Scholarship Program:

- Provides that funding for the program shall be as provided in the GAA.

Section 30:

Amends s. 1009.77, F.S., Florida Work Experience Program:

- Requires students to submit a FAFSA that is complete and error free prior to disbursement.
- Requires first priority funding to be given to students who demonstrate need by qualifying and receiving the Pell Grant up to the full cost of tuition and fees.
- Provides that funding for the program shall be as provided in the GAA.

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Section 31:

Amends s. 1009.89, F.S., The William L. Boyd, IV, Florida Resident Access Grants (FRAG) Program:

- Requires students to submit a FAFSA that is complete and error free prior to disbursement.
- Provides that funding for the program shall be as provided in the GAA.

Section 32:

Amends s. 1009.891, F.S., The Access to Better Learning and Education (ABLE) Grant Program:

- Requires students to submit a FAFSA that is complete and error free prior to disbursement.
- Provides that funding for the program shall be as provided in the GAA.

Section 33:

Amends s. 1011.32, F.S., Community College Facility Enhancement Challenge Grant Program:

- Suspends state matching funds for donations received for the program on or after June 30, 2011, and authorizes the program to restart after \$200 million of the backlog for college and university matching programs under ss. 1011.32, 1011.85, 1011.94, and 1013.79, F.S., has been matched.

Section 34:

Amends s. 1011.61, F.S., Definitions (Florida Education Finance Program):

- Repeals obsolete language.

Section 35:

Amends s. 1011.80, F.S., Funds for operation of workforce education programs:

- Requires the Department of Education to use the funding model developed by the District Workforce Education Funding Steering Committee to determine each district's workforce education funding needs.
- Requires the funding model to be provided annually to the legislative appropriations committees no later than March 1 to assist the Legislature in allocating workforce education funds in the GAA.
- Codifies proviso language prohibiting the use of state funds for the education of state or federal inmates.
- Provides that a student co-enrolled in a K-12 education program and an adult education program may not be reported for purposes of funding in an adult education program, except for students who are co-enrolled in core curricula courses for credit recovery or dropout prevention. Such students may be reported for funding for up to two courses per student for the 2011-12 fiscal year only.
- Exempts co-enrolled students from payment of the block tuition for adult general education programs.

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Section 36:

Amends s. 1011.81, F.S., Community College Program Fund:

- Codifies proviso language prohibiting the use of state funds for the education of state or federal inmates.

Section 37:

Amends s. 1011.85, F.S., Dr. Philip Benjamin Matching Grant Program for Community Colleges:

- Eliminates state matching eligibility for funds received from community events and festivals.
- Suspends state matching funds for donations received for the program on or after June 30, 2011, and authorizes the program to restart after \$200 million of the backlog for college and university matching programs under ss. 1011.32, 1011.85, 1011.94, and 1013.79, F.S., has been matched.

Section 38:

Amends s. 1011.94, F.S., University Major Gifts Program:

- Suspends state matching funds for donations received for the program on or after June 30, 2011, and authorizes the program to restart after \$200 million of the backlog for college and university matching programs under ss. 1011.32, 1011.85, 1011.94, and 1013.79, F.S., has been matched.

Section 39:

Amends s. 1012.885, F.S., Remuneration of community college presidents; limitations:

- Reduces from \$225,000 to \$200,000 the amount a president may receive in remuneration from appropriated state funds during the 2011-12 fiscal year.

Section 40:

Creates s. 1012.886, F.S., Remuneration of Florida College System institution administrative employees; limitations:

- Prohibits an administrative employee from receiving more than \$200,000 in remuneration annually from appropriated state funds.
- Provides an exemption from this requirement for teaching faculty.
- Provides a repeal date of June 30, 2012, for this section of law.

Section 41:

Amends s. 1012.975, F.S., Remuneration of state university presidents; limitations:

- Reduces from \$225,000 to \$200,000 the amount a president may receive in remuneration from public funds during the 2011-12 fiscal year.

Section 42:

Creates s. 1012.976, F.S., Remuneration of state university administrative employees; limitations:

- Prohibits an administrative employee from receiving more than \$200,000 in remuneration annually from appropriated state funds.

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- Provides an exemption from this requirement for teaching faculty or medical school faculty or staff.
- Provides a repeal date of June 30, 2012, for this section of law.

Section 43:

Amends s. 1013.33, F.S., Coordination of planning with local governing bodies:

- Deletes a cross-reference.

Section 44:

- Repeals s. 1013.63, F.S., University Concurrency Trust Fund.

Section 45:

Amends s. 1013.79, F.S., University Facility Enhancement Challenge Grant Program:

- Suspends state matching funds for donations received for the program on or after June 30, 2011, and authorizes the program to restart after \$200 million of the backlog for college and university matching programs under ss. 1011.32, 1011.85, 1011.94, and 1013.79, F.S., has been matched.

Section 46:

Amends s. 1013.737, F.S., The Class Size Reduction Lottery Revenue Bond Program:

- Expands the class size reduction lottery revenue bond program to include other educational facilities.

Section 47:

- Requires the Department of Education to work with the College Center for Library Automation (CCLA) to transfer the K-12 public school bibliographic database to CCLA for inclusion in its online discovery tool and make it searchable no later than September 1, 2011.
- Requires the Department to develop an ongoing process to update school district library holdings data.

Section 48:

- Requires the chancellors of the State University System and Florida College System to submit a plan by January 1, 2012, to the Executive Office of the Governor and the legislative appropriations committees for establishing a joint library organization to address the needs of academic libraries in the universities and colleges.
- Requires the plan to address, at a minimum, the following: governance, staffing, software acquisition, data center consolidation, operating budget, proposed policy changes, and a timeline and implementation strategies for establishing the new organization.

Section 49:

- Authorizes university boards of trustees, for the 2011-12 fiscal year only, to expend reserve or carry-forward balances from prior year operational and programmatic

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appropriations on legislatively approved fixed capital outlay projects authorized for the establishment of a new campus.

Section 50:

- Requires the Florida College System Council of Presidents to develop and recommend an equitable funding formula for the distribution of Public Education Capital Outlay (PECO) funds to the colleges.
- Requires a report with recommendations to be submitted to the State Board of Education, the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 31, 2011.
- Provides that the report must include a proposed funding formula for consideration by the Legislature for implementation in the 2012-13 fiscal year.

Section 51:

- Provides an effective date.

General Implementation Timeline:

July 1, 2011	The act becomes effective.
September 1, 2011 Schools	The Department and CCLA make available the K-12 Public Bibliographic Database (section 47).
December 31, 2011 on a (section 50).	The Council of Presidents submits a report and recommendations new PECO funding formula for the Florida College System
January 1, 2012 University (section	The chancellors of the Florida College System and State System submit a report on establishing a joint library organization 48).
July 1, 2012 complete	Florida College System and State University System institutions interfaces with FACTS.org (section 5).
January 31, 2013 and	University of Florida submits a report on the result of the spring summer term enrollment pilot program (section 10).
March 1 (annual) to the	The Department provides the workforce education funding model legislative appropriations committees (section 35).
July 30 (annual) Governors the	Northwest Regional Data Center provides to the Board of total annual budget for the data center (section 6).

Florida Department of Education

Annual
System and
collaborative

The chancellors and vice chancellors of the Florida College State University System report on savings resulting from licensing of electronic library materials (section 7).

Florida Department of Education

Bill Number: Chapter 2011-142 (Senate Bill 2156)

Bill Title: Governmental Organization

Bill Sponsor: Senator Gaetz, Budget Committee

Effective Date: July 1, 2011

DOE Contact: Linda Champion, Deputy Commissioner, Finance and Operations, (850) 245-0406

Executive Summary:

Senate Bill 2156 creates the Department of Economic Opportunity. The head of the department is the executive director, who shall be appointed by the Governor, subject to confirmation by the Senate. The executive director shall serve at the pleasure of and report to the Governor. The following divisions of the Department of Economic Opportunity are established: (a) the Division of Strategic Business Development; (b) the Division of Community Development; (c) the Division of Workforce Services; and (d) the Division of Finance and Administration. The purpose of the department is to assist the Governor in working with the Legislature, state agencies, business leaders, and economic development professionals to formulate and implement coherent and consistent policies and strategies designed to promote economic opportunities for all Floridians.

The bill transfers functions, duties, and programs of several state agencies to the newly-created department and to other agencies. The bill amends several statutes to conform to changes made by the act, conforms cross-references, and deletes obsolete provisions. The bill provides for the reorganization of the Office of Early Learning and the Ready to Work Certification Program, both of which will have an effect on the Department of Education.

Office of Early Learning

The bill transfers the Office of Early Learning, including all related policies and procedures, from the Agency for Workforce Innovation to the Department of Education.

- Establishes the Office of Early Learning as a division in the Department of Education to administer the school readiness system in accordance with s. 411.01, F.S., and the operational requirements of the Voluntary Prekindergarten Education Program in accordance with Part V of Chapter 1002, Laws of Florida.
- Authorizes the office as a separate budget entity that is not subject to control, supervision, or direction by the Department of Education or the State Board of Education. The Department may not impose requirements or standards on early learning programs beyond those authorized in law for voluntary prekindergarten (VPK).
- Provides for the office director to be appointed by the Governor and confirmed by the Senate.

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- Transfers the Child Care and Development Block Grant Trust Fund from the Agency for Workforce Innovation to the Department of Education.
- Amends s. 1002.73, F.S., to incorporate the operational and administrative responsibilities of the Agency for Workforce Innovation for the Voluntary Prekindergarten Program. This also includes requiring the Department of Education to adopt procedures for the distribution of funds to early learning coalitions.
- Requires the office to enter into a service agreement with the department for professional, technological, and administrative support services. The office shall be subject to review and oversight by the Chief Inspector General or his or her designee.
- Requires the Auditor General to conduct a financial and performance audit, as defined in s. 11.45, F.S., of the Office of Early Learning. The audit, which will include early learning coalitions, must be conducted before December 31, 2011.

Ready to Work Certification Program

The bill transfers the Florida Ready to Work Certification Program from the Department of Education to the Department of Economic Opportunity:

- Requires all powers, duties, functions, records, pending issues, existing contracts, and unexpended balances of appropriations, allocations, and other funds relating to the Ready to Work Certification Program within the Department of Education to be transferred by a type two transfer, as defined in s. 20.06(2), F.S., to the Department of Economic Opportunity.
- Transfers the Florida Ready to Work Certification Program statute from s. 1004.99, F.S. to s. 445.06, F.S., and makes conforming changes by replacing the Agency for Workforce Innovation to the Department of Economic Opportunity.
- Provides that the Department of Economic Opportunity, in consultation with the Department of Education, may adopt rules relating to the Florida Ready to Work Certification Program.
- Revises s. 1003.493, F.S., Career and professional academies existing language to conform to Florida's new jobs organizational structure.

The bill includes the following provisions:

- States the intent of the Legislature is for changes made by the act to be accomplished with minimal disruption of services provided to the public and with minimal disruption to employees of any organization. To that end, the Legislature directs all applicable units of state government to contribute to the successful implementation of the act, and the Legislature believes that a transition period between the effective date of this act and October 1, 2011, is appropriate and warranted.
- Requires the Agency for Workforce Innovation, the Department of Community Affairs, the Department of Education, and the Office of Tourism, Trade, and Economic Development in the Executive Office of the Governor to coordinate the development and implementation of a transition plan that supports the implementation of the act. A transition coordinator shall be appointed for each of the agencies to serve as the primary representative on matters related to implementation and transition plans.

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- Requires the transition coordinators to submit a joint progress report by August 15, 2011, to the Governor, the President of the Senate, and the Speaker of the House of Representatives, on the implementation of the act and the transition plans. The report shall include any adverse impact or negative consequences on programs and services, of meeting any deadline imposed by this act, and any difficulties experienced by the agencies that involved.
- Provides for the submission of budget amendments, in accordance with Chapter 216, F.S., which may be necessary to implement the act. Upon approval by the Legislative Budget Commission, the Executive Office of the Governor may transfer funds and positions between agencies to implement the act.
- Authorizes the submission to the applicable federal departments or agencies, any necessary amendments or supplemental information concerning plans that the state is required to submit to the Federal Government in connection with any federal or state program. The Governor shall seek any waivers from the requirements of Federal law or rules which may be necessary to administer the provisions of the act.
- States the transfer of any program, activity, duty, or function under the act includes the transfer of any records and unexpended balances of appropriations, allocations, or other funds related to such program, activity, duty, or function. Unless otherwise provided, the successor organization to any program, activity, duty, or function transferred under the act shall become the custodian of any property of the organization that was responsible for the program, activity, duty, or function immediately prior to the transfer.
- Amends s. 282.34, F.S., to conform the schedule for agency migration to statewide e-mail service consistent with agency transfers specified in other sections of the law. For example, the Office of Early Learning, which would have been migrated with the Agency for Workforce Innovation in Phase 4 by June 30, 2014, will now be a part of the Phase 2 migration with the Department of Education scheduled for June 30, 2013.

General Implementation Timeline:

July 1, 2011	The act becomes effective.
July 1 – October 1, 2011	Transition window for agency transfers.
December 31, 2011	The Auditor General conducts a financial and performance audit of the Office of Early Learning.

Florida Department of Education

Bill Number: Chapter 2011-157 (Senate Bill 2162)

Bill Title: Welfare Transition Trust Fund/Department of Education

Bill Sponsor: Budget Committee

Effective Date: July 1, 2011

DOE Contact: Linda Champion, Deputy Commissioner, Finance and Operations, (850) 245-0406

Executive Summary:

Senate Bill 2162 creates the Welfare Transition Trust Fund within the Department of Education. The trust fund is necessary to implement the transfer of programs to the Department of Education from the Agency for Workforce Innovation, as required by Senate Bill 2156, Governmental Reorganization. The School Readiness Program being transferred is partially funded with federal funds derived from the Temporary Assistance for Needy Families (TANF) Block Grant.

The trust fund is established for use as a depository for receiving federal funds under the TANF Program. Trust fund monies shall be used exclusively for the purpose of providing services to individuals eligible for TANF pursuant to the requirements and limitations of Part A, Title IV, of the Social Security Act, as amended, or any other applicable federal requirement or limitation. Funds credited to the trust fund consist of those funds collected from the TANF Block Grant.

In accordance with Section 19(f)(2), Article III, of the State Constitution, the trust fund shall, unless terminated sooner, be terminated on July 1, 2015. Before its scheduled termination, the trust fund shall be reviewed as provided in ss. 215.3206(1) and (2), F.S.

General Implementation Timeline:

July 1, 2011	The act becomes effective.
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Florida Department of Education

Bill Number: Chapter 2011-014 (House Bill 7001)

Bill Title: Growth Management

Bill Sponsor: Representative Workman Subcommittee

Effective Date: April 27, 2011

DOE Contact: Linda Champion, Deputy Commissioner, Finance and Operations, (850) 245-0406

Executive Summary:

House Bill 7001 reenacts portions of existing law most closely related to comprehensive planning and land development amended by Chapter 2009-96, Laws of Florida. The 2009 law revised certain provisions related to implementation procedures for school concurrency. Since that time, the 2009 law has been the subject of ongoing litigation regarding its constitutionality, which created uncertainty among local governments, developers, and private interests regarding the provisions of law amended by CS/CS/SB 360.

Because the bill reenacts portions of existing law, it does not change current operations of Florida District School Boards or the Florida Department of Education.

General Implementation Timeline:

April 27, 2011 The act became effective.

The law became effective April 27, 2011, and those portions amended or created by Chapter 2009-96, Laws of Florida, are retroactive to June 1, 2009. If a court of last resort finds retroactive application unconstitutional, the bill applies prospectively from the date it became law.

Florida

Department of Education

Bill Number: Chapter 2011-235 (House Bill 7005)

Bill Title: Unemployment Compensation

Bill Sponsors: Representative Gaetz

Effective Date: Upon becoming law, except as otherwise provided

DOE Contact: Linda Champion, Deputy Commissioner, Finance and Operations, (850) 245-0406

Executive Summary:

House Bill 7005 is a comprehensive revision of the state's unemployment compensation system. The bill addresses aspects of the state's unemployment compensation system related to a claimant's state and federal benefits, qualifications to receive state benefits, appeal of a benefit determination, and employer unemployment compensation taxes.

Relating to an unemployment compensation claimant's state and federal benefits, the bill:

- Creates closer ties between claimants and the workforce system by requiring each claimant, after benefits eligibility is established, to complete an initial skills review using an online education or training program as part of reporting to the workforce system for further benefits;
- Requires claimants to actively seek work through at least five work search activities a week or report in person to a one-stop career center to meet with a representative for reemployment services;
- Matches state law to federal law changes to allow for federally-funded extended benefits to be drawn down to the unemployed; and
- Creates a sliding scale for benefits beginning in 2012 by reducing the number of available benefit weeks and correlating the number of available benefit weeks to the unemployment rate. If the state's unemployment rate is 5 percent or lower, the number of available weeks is 12, and if the unemployment rate is 10.5 percent or higher, the number of available weeks is 23.

Relating to qualification for benefits, the bill:

- Revises the legal standard for determining and defining employee misconduct by revising the language of statutory construction and review, and specifying certain forms of misconduct such as chronic absenteeism or tardiness;
- Adds a disqualification for any weeks in which an individual receives severance pay from an employer (effective August 1, 2011).
- Revises an employee's benefit disqualification for commission of a crime so that the crime does not have to be punishable by imprisonment; and
- Specifies that a claimant in prison is disqualified from benefits while in prison.



Regarding appeals of benefit determinations, the bill:

- Codifies certain agency rules related to the exclusion of evidence that is irrelevant or repetitious, and revises the admissibility of hearsay evidence to allow it to be used to establish a fact under certain circumstances (effective August 1, 2011);
- Allows a claimant to file an appeal of a benefit determination made by the Unemployment Appeals Commission in the appellate court near the claimant.

Relating to employer taxes, the bill:

- Reduces most employers' tax rates starting in 2012 by revising their benefit ratio calculation downward 10 percent which is used to compute their ultimate tax rate; and
- Allows employers to continue to have the option to pay their Unemployment Compensation taxes in installments in 2012, 2013, and 2014.

Relating to employee records, the bill:

- Permits the Agency for Workforce Innovation to contract with consumer reporting agencies to access wage records and requires that any revenues from the contract be used for administration of the unemployment compensation system.

General Implementation Timeline:

Effective date Upon becoming a law, unless otherwise specified.

Florida

Department of Education

Bill Number: Chapter 2011-037 (House Bill 7087)

Bill Title: Education Law Repeals

Bill Sponsor: K-20 Innovation Subcommittee

Effective Date: Upon becoming law

DOE Contact: Dr. Michael Grego, Chancellor, Division of Public Schools, (850) 245-0509
Dr. Willis Holcombe, Chancellor Division of Florida Colleges, (850) 245-0407
Kris Ellington, Deputy Commissioner, Division of Accountability, Research, and Measurement, (850) 245-0437
Loretta Costin, Chancellor, Career and Adult Education, (850) 245-0446

Executive Summary:

Section 1 repeals s. 445.049, F.S., Digital Divide Council.

- Eliminates the Digital Divide Council.
- The Digital Divide Council was established in its current form under the Department of Education in July 2007. The Council currently met every 90 days to discuss plans for a possible pilot program and hear from Council members and presenters about unique ideas for enabling technology access for low-income students and families. Members from the legislature, state agencies, and interested vendors and citizens participate in the meetings.

Section 2 repeals s. 817.567, F.S., Making false claims of academic degree or title.

- Prior to the repeal, it was a first degree misdemeanor for claiming to possess a degree or title without meeting the academic requirements. In addition to penalties imposed, violators will have their occupational license or certification suspended or revoked.

Section 3 repeals s. 1001.291, F.S., Discounted computers and Internet access for low-income students.

- This eliminates the pilot project to assist low-income students to purchase discounted computers and Internet access services.
- In 2007, a pilot project in the amount of \$300,000 was granted to Miami-Dade's 5000 Role Models of Excellence program. The purpose of the grant was to develop a pilot program for offering computers and Internet access at discounted prices, as well as training that includes parents, to students enrolled in grades 5 to 12. No actions were taken to scale the project statewide.

Section 4 repeals s. 1004.50, F.S., Institute on Urban Policy & Commerce.

- Eliminates the Institute on Urban Policy and Commerce at Florida Agricultural and Mechanical University.



Section 5 repeals s. 1004.51, F.S., Community and Faith-based Organizations Initiative; Community and Library Technology.

- Eliminates the Community and Faith-based Organizations Initiative at Florida Agricultural and Mechanical University and the Community and Library Technology Access Partnership administered by the Division and Information Services of the Department of State.

Section 6 repeals s. 1004.52, F.S., Community computer access grant program.

- Eliminates the Community High-Technology Investment Partnership (CHIP) program at Florida Agricultural and Mechanical University.

Section 7 repeals s. 1004.95, F.S., Adult Literacy Centers.

- The repeal does not have any impact as these statutorily defined adult literacy centers have not been funded or in operation since fiscal year 1999-2000.

Section 8 repeals s. 1004.97, F.S., Florida Literacy Corps.

- The Florida Literacy Corps was created to provide eligible postsecondary students an opportunity to perform public service by serving as volunteer tutors for adults who do not possess basic or functional literacy skills. The Florida Literacy Corps is an inactive program.

Section 9 repeals subsection (11) and (12) of section 1004.04, F.S., Public accounting and state approval for teacher preparation programs.

Section 10 repeals s. 1009.54, F.S., Critical Teacher Shortage Program, s. 1009.57, F.S., Florida Teacher Scholarship and Forgivable Loan Program, s. 1009.58, F.S., Critical Teacher Shortage tuition reimbursement program and s. 1009.59, F.S., Critical Teacher Shortage Student Loan Forgiveness Program.

Section 11 repeals ss.1012.225, F.S., Merit Award Program for Instructional Personnel and School-Based Administrators and 1012.2251, F.S., End-of-course examinations for Merit Award Program.

- Eliminates the Merit Award Program for Instructional Personnel and School-Based Administrators.
- Eliminates the administration of end-of-course examinations for the Merit Award Program.
- The Merit Award Program was established in 2007 and provides merit-based pay supplements for high performing school employees in participating school districts. Eligible participating districts must administer end-of-course examinations in all grades and subjects for any year in which the district participates in the program. In 2010-11, only three school districts are participating, along with the Florida Virtual School and approximately 150 charter schools.

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- The enactment of SB 736 in 2011 will restructure teacher evaluations based on student growth and, ultimately, district salary schedules in all districts.

Section 12 repeals s. 447.403(2)(c), F.S., Resolution of impasses.

- Eliminates subsection relating to resolution of an impasse involving dispute of a Merit Award Program plan.
- Current law provides for an expedited impasse hearing for disputes between a school board and teacher's union regarding the Merit Award Program.

Section 13 amends s. 1002.33(20)(a), F.S., Charter schools, to:

- Deletes provision for each charter school to receive 100 percent of funds awarded to that school as part of the Merit Award Program.
- Currently approximately 150 charter schools participate in the Merit Award Program.

Section 14 amends s. 1003.52(10), F.S., Education Services in Department of Juvenile Justice programs, to:

- Removes the reference to the critical teacher shortage tuition reimbursement program for teachers in Juvenile Justice programs.

Section 15 amends s. 1009.40(10)(a), F.S., General requirements for student eligibility for state financial aid awards and tuition assistance grants, to:

- Removes reference to the Critical Teacher Shortage Program and the Florida Teacher Scholarship and Forgivable Loan Program.

Section 16 amends s. 1009.94(2)(c), F.S., Student Financial Assistance database, to:

- Remove reference to the Critical Teacher Shortage Program and the Florida Teacher Scholarship and Forgivable Loan Program.

Section 17 amends s. 1011.62(7)(d), F.S., Funds to operation of Schools, to:

- Remove reference to the Merit Award Program.

Section 18 amends s. 1012.07, F.S., Identification of critical teacher shortage areas, to:

- Remove reference to the Florida Teacher Scholarship and Forgivable Loan Program, Critical teacher shortage tuition reimbursement program and the Critical Teacher Shortage Student Loan Forgiveness Program.

Section 19 repeals s. 1012.33(3)(a)(b)(c), F.S., Contracts with instructional staff, supervisors, and school principals.

- As of July 1, 2011, district school boards would no longer issue a professional service contract to instructional staff.
- The enactment of SB 736 supersedes the repealed provisions.

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Section 20 revises s. 1008.22, F.S., Student assessment program for public schools, to:

- Deletes the requirement that students who earned a high school credit in Algebra 1 while in grades 6 through 8 during the 2007 – 2008 through 2009 – 2010 school years and who have not taken Grade 10 FCAT Mathematics take the Algebra 1 end-of-course assessment during the 2010 - 2011 school year. This means that students who took Algebra 1 while in middle school before this year will not have to take an end-of-course assessment more than a year after they took the course.

General Implementation Timeline:

Effective date	Upon becoming law.
July 1, 2011	District school boards must no longer issue a professional service contract to instructional staff.
Upon becoming law	Repeal of Algebra 1 End-of-Course requirement

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Bill Number: Chapter 2011-177 (House Bill 7151)

Bill Title: Postsecondary Education

Bill Sponsor: Representative Stargel

Effective Date: July 1, 2011

DOE Contact: Dr. Willis Holcombe, Chancellor, Division of Florida Colleges, (850) 245-0407

Executive Summary:

This bill amends the following statutes:

- Section 467.009, F.S., deleting a reference to the College-Level Academic Skills Test (CLAST).
- Section 705.18, F.S., allowing the disposal of personal property lost on university or Florida College System institution campuses and the establishment of institutional policies and procedures.
- Section 1000.07, F.S., repealing the Florida Business and Education Collaborative.
- Section 1001.64, F.S., requiring a Florida College System institution board of trustees to ask the Commissioner of Education to authorize an investigation of a college president by the Department of Education's inspector general in specified circumstances; requiring a report and recommendations; requiring the inspector general to refer potential legal violations to the Commission on Ethics, the Department of Law Enforcement, the Attorney General, or other appropriate authorities.
- Section 1004.015, F.S., requiring the Higher Education Coordinating Council to make recommendations and submit a report by December 31, 2011 on the core mission of postsecondary education institutions, performance outputs and outcomes, articulation policies, and workforce development education.
- Section 1004.68, F.S., deleting provisions relating to the use of test scores for assessment of college-level communication and computation skills.
- Section 1007.01, F.S., providing legislative intent and requirements relating to articulation; establishing the Articulation Coordinating Committee and providing its responsibilities.
- Section 1007.264, F.S., deleting provisions that exclude students with intellectual disabilities for eligibility for substitute requirements for admission to or graduation from a public postsecondary educational institution.
- Section 1007.265, F.S., deleting provisions that exclude students with intellectual disabilities for eligibility for substitute requirements for admission to or graduation from a public postsecondary educational institution.
- Section 1007.27, F.S., requiring the Department of Education to use student performance data to determine appropriate credit-by-examination scores and courses; deleting an

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exemption from summer-term enrollment in a public postsecondary education institution for students earning accelerated credits.

- Section 1001.64, F.S., requiring community college boards of trustees to submit a request for fixed capital outlay and an operating budget to the State Board of Education for review.
- Section 1011.30, F.S., requiring community colleges boards of trustees to submit a budget of income and expenditures to the Department of Education for review.
- Section 1008.30, F.S. relating to common placement testing for public postsecondary education; deleting a reference to the CLAST; requiring rules for remediation opportunities, retesting policies and academic competencies; requiring that students be advised of academic requirements, financial aid eligibility, and certain costs.
- Section 1008.345, F.S., deleting Department of Education duties relating to tests and assessment procedures that measure student achievement of college-level communication and computation skills.
- Section 1008.38, F.S., revising and conforming provisions relating to the articulation accountability process.
- Section 1009.534, F.S., revising provisions relating to approval of community service work for eligibility for the Florida Academic Scholars award.
- Section 267.062, F.S., revising terminology rule to regulation regarding the naming of state buildings and other facilities.
- Section 1004.23, F.S., revising terminology rule to regulation regarding university patents, copyrights and trademarks.
- Section 1010.03, F.S., revising terminology from rule to regulation regarding delinquent accounts.
- Section 1010.04, F.S., revising terminology from rule to regulation regarding purchasing.
- Section 1010.07, F.S., revising terminology from rule to regulation regarding bonds or insurance.
- Section 1013.171, F.S., revising terminology from rule to regulation regarding university lease agreements.
- Section 1013.33, F.S., regarding coordination with local governing bodies revising a statutory reference.
- Section 1013.63, F.S., repealing the University Concurrency Fund.

General Implementation Timeline:

July 1, 2011	The act becomes effective.
December 31, 2011	The Higher Education Coordinating Council must submit a report of recommendations to the Governor, President of the Senate, Speaker of the House of Representatives, the Board of Governors and the State Board of Education.



Bill Number: Chapter 2011-100 (House Bill 7155)

Bill Title: State Financial Matters

Bill Sponsor: Representative Patronis

Effective Date: July 1, 2011

DOE Contact: Linda Champion, Deputy Commissioner, Finance and Operations, (850) 245-0406

Executive Summary:

The bill authorizes the State Board of Administration to invest the assets of participating government entities in the Local Government Surplus Funds Trust Fund upon completion of enrollment materials supplied by the Board. A separate trust agreement is no longer needed by the State Board of Administration to manage and invest funds in the Local Government Surplus Funds Trust Fund.

The bill further provides that when the government entity opts for a trust agreement, the investments are subject only to the limitations or restrictions of that agreement. The bill clarifies that officers and employees involved in the investment process must refrain from personal transactions with the individual employee at the broker-dealer firm involved in business conducted with the State Board of Administration. The bill also clarifies the conflict of interest provision applicable to the investment advisor and manager.

General Implementation Timeline:

July 1, 2011 The act becomes effective.



Bill Number: Chapter 2011-139 (House Bill 7197)

Bill Title: Digital Learning

Bill Sponsor: Representative Stargel

Effective Date: July 1, 2011

DOE Contact: Dr. Michael Grego, Chancellor, Division of Public Schools, (850) 245-0509

Executive Summary:

The bill increases the availability of digital learning options through Florida Virtual School, school districts, charter schools and newly-authorized virtual charter schools. The bill clarifies funding and accountability for all virtual instruction options. The Department of Education is to develop an approval process and evaluation for part-time virtual programs and to issue a report identifying and explaining the best methods and strategies for increasing student access to digital learning at the most reasonable rates. The bill also requires students entering the ninth grade in 2011-12 to complete at least one online course to meet graduation requirements and that all statewide end-of-course assessments be administered online by the 2014-15 school year.

The bill creates s. 1002.321, F.S., Digital Learning Now Act, to:

- Specify legislative finding that all students should have access to a high-quality digital learning environment that includes all 10 elements of high-quality digital learning (elements are listed)
- Provide digital preparation requirement that each student graduate from high school having taken at least one online course.
- Provide for customized and accelerated learning by requiring multiple options for student participation in full-time and part-time virtual instruction.

The bill revises s. 1002.33, F.S., Charter Schools, to:

- Authorize full-time K-12 virtual charter schools.
- Require virtual charter schools to contract with Florida Virtual School or a Department of Education-approved provider and to submit an application to the school district in which it is located.
- Specify the virtual charter school is subject to the requirements of this section of law except for the requirements related to facilities and transportation and is not subject to class size requirements.
- Authorize charter schools to provide blended learning opportunities for their full-time students in classrooms located in the charter school.
- Require online teachers for charter schools to be Florida-certified or hold an adjunct certificate issued by the school district.

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- Require each charter school's governing board to appoint a representative who resides in the school district to facilitate parental involvement, provide information and assistance to parents and others and to resolve disputes.
- Require each charter school's governing board to hold at least two public meetings per school year in the school district.
- Provide funding for virtual charter schools based on successful completions and limited to 1.0 FTE per student per school year as specified in s. 1002.45(7), F.S.
- Allow the sponsor of a virtual charter school to withhold a fee up to five percent to cover the costs of services provided and for the district's local instructional improvement system or other technological tools.

The bill revises s. 1002.37, F.S., The Florida Virtual School, to:

- Define a full-time equivalent student for grades 9-12 and for grades K-8.
- Require funding to be adjusted beginning in 2014-15 for public school students after completing the end-of-course assessment.
- Authorize Florida Virtual School to provide full-time instruction for students in grades K-12 and part-time instruction for students in grades 4-12.
- Require students in grades 2-5 to meet at least one of the eligibility criteria in s. 1002.455(2), F.S., and funding for the part-time program in grades 4-5 may only be provided for public school students taking middle school courses.
- Limit the combined total of all FTE reported by Florida Virtual School and the school district for the grades 4-5 part-time program and the full-time grades K-12 program to 1.0 FTE per student per year.
- Require elementary principals to inform advanced fourth and fifth grade students about the opportunity to take middle school online courses from Florida Virtual School.
- Require students enrolled in the Florida Virtual School full-time program to take state assessments and Florida Virtual School to receive a school grade for their performance.
- Require part-time students taking online courses with end-of-course exams from Florida Virtual School to take the end-of-course assessments in the school districts in which the students reside.

The bill revises s. 1002.45, F.S., Virtual Instruction Programs, to:

- Require school districts eligible for the sparsity supplement to provide an option for part-time and full-time virtual instruction programs and all other school districts not eligible for the sparsity supplement to provide at least three such options.
- Require school districts to timely notify parents about an open enrollment window of at least 90 days that ends no later than 30 days prior to the first day of school.
- Add a part-time grade 9-12 program which includes FCAT-related and Advanced Placement courses and courses with end-of-course exams.
- Allow full-time or part-time instruction for students in dropout prevention, academic intervention and DJJ programs and in core courses to meet class size requirements or community college courses under this section to include grade levels other than 9-12.

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- Clarify school districts may operate their own virtual instruction programs.
- Add virtual charter schools as an option for districts to offer virtual instruction for their students and allow charter school students to participate in district virtual instruction programs.
- Require school districts to submit contracts entered into with Florida Virtual School or approved providers to the Department of Education by October 1 each year.
- Require districts to expend the difference in the contract price and funds received through the Florida Education Finance Program for the district's local instructional improvement system or other technological tools.
- Require districts to provide a report to the Department of Education by September 1 listing the technological tools purchased with these funds
- Add the following requirements for provider approval:
 - Provide student performance results for each subject area and grade level provided for consideration for the virtual instruction program.
 - Provide detailed curriculum and student performance accountability plan (courses and programs that meet state and national standards, measures of student attainment in virtual courses, and mechanisms for promotion and graduation).
 - Publish and disclose information related to curriculum, school policies and procedures, certification and location of administrative and instructional personnel, hours of availability for instructional personnel, student-teacher ratios, completion and performance rates and student, educator and school performance accountability outcomes.
- Require providers approved for 2011-12 to reapply for the new grade 9-12 part-time program (FCAT-related, AP and EOC courses).
- Specify the district will provide computer and Internet access for full-time virtual students who are eligible for free or reduced-price lunches and do not have the necessary technology and access in their homes.
- Require provider's curriculum plan to be provided as part of their contract with a school district and add requirement that the plan include information about how students will be measured for attainment of state standards for each subject and grade-level.
- Specify that virtual charter school students must meet the same eligibility and participation requirements as students in district virtual instruction programs.
- Specify that funding is through the Florida Education Finance Program, but cannot include class-size funding. Funding is limited to 1.0 FTE and beginning in 2014-15 will be adjusted for public school student performance on end-of-course exams.
- Require the Department of Education to develop an evaluation method for part-time providers.
- Require provider contracts to be terminated for low performance or for violating any qualifications outlined in this section for provider approval.

The bill creates s. 1002.455, F.S., Student eligibility for K-12 virtual instruction, to:

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- Delineate student eligibility criteria for K-12 virtual instruction. These criteria apply to district virtual instruction programs, virtual charter schools and virtual courses offered by school districts under s. 1003.498, F.S. A student is eligible to enroll if he or she:
 - Meets current eligibility requirements for the district virtual instruction programs related to prior-year public school enrollment, military dependents and siblings
 - Is eligible to enroll in kindergarten and first grade (does not need prior public school enrollment)

The bill revises s. 1003.428, F.S., General requirements for high school graduation; revised, to:

- Add an online course as a graduation requirement for students entering ninth grade in 2011-12.
- Allow an online course taken by a student in grades 6-8 or enrollment in a full-time or part-time virtual instruction program to meet the requirement.
- Specify the online course graduation requirement can be met by an online course offered by Florida Virtual School, a district high school, or an online dual enrollment course.

The bill creates s. 1003.498, F.S., School district virtual course offerings, to:

- Authorize school districts to deliver online courses to students in traditional schools.
- Authorize school districts to offer virtual courses included in the Course Code Directory to eligible students enrolled in the district or to eligible students in other districts if their district or school does not offer the course or the student cannot take to course due to a scheduling conflict. It further specifies that:
 - The district of instruction is to report the student for funding upon successful completion of the course
 - The combined total of FTE reported by all school districts for the student cannot exceed 1.0
 - The Department of Education is to establish procedures for the interdistrict delivery and funding of online courses

The bill amends s. 1008.22, F.S., Student assessment program for public schools, to:

- Require all end-of-course assessments to be administered online beginning in 2014-15.

The bill amends s. 1011.61, F.S., Definitions, to:

- Specify that funding of virtual charter schools is the same as for district virtual instruction programs.
- Specify funding for all grade levels for Florida Virtual School.
- Require funding to be adjusted by student performance on end-of-course exams.
- Define FTE for virtual courses offered by a district other than the one in which the student resides.

The bill amends s. 1012.57, F.S., Certification of adjunct educators, to:

- Allow districts to issue adjunct certificates to Florida residents with expertise in a desired subject or area to provide online instruction.

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- Specify the validity period of the adjunct certificate to coincide with the annual contract with the district. The district may award an additional annual contract and certification if the applicant is rated effective or highly effective.

The bill revises s. 1000.04, F.S., Components for the delivery of public education within the Florida K-20 education system, to:

- Specify virtual instruction programs, instead of school district virtual instruction programs, are components of the K-20 public education system in Florida.

The bill revises s. 1002.20, F.S., K-12 student and parent rights, to:

- Specify virtual instruction programs rather than school district virtual instruction programs are educational choice options.

The bill revises s. 1003.03, F.S., Maximum class size, to:

- Include all virtual instruction options under s. 1002.45, F.S., as implementation options to meet class size requirements.

The bill requires the Department of Education to submit a report to the Governor and Legislature by December 1, 2011 to include:

- The best methods and strategies the Department can use to assist districts in acquiring digital learning at the most reasonable rates and a plan districts can use to pool their resources.
- Criteria that will enable district school boards to differentiate between the level of service and pricing based on specified factors.
- The best methods for implementing part-time virtual instruction in grades K-5.

General Implementation Timeline:

July 1, 2011	The act becomes effective.
Summer 2011	Department of Education approval process for already-approved providers for the new part-time grade 9-12 program (End-of-Course, Advanced Placement and FCAT-related courses)
2011-12 school year	Completion of online course added to graduation requirements for students entering the ninth grade
October 1, 2011	Districts to submit provider contracts to the Department of Education for analysis of the costs of various online services
Summer-Fall 2011	Revision and creation of State Board of Education Rules, applications for approval of full-time and part-time programs and evaluation methodology for part-time programs

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December 1, 2011	The Department of Education report due to the Legislature
Fall-Spring 2011	Department of Education new and revised provider approval processes for full-time and part-time virtual instruction programs for three-year approval beginning in 2012-13
September 1, 2012	Districts to provide a report with an itemized list of technological tools purchased with specified funds
2014-15	Funding for virtual programs to be adjusted by student performance on end-of-course exams
2014-15	All end-of-course assessments are to be administered online

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Bill Number: Chapter 2011-139 (House Bill 7207)

Bill Title: Growth Management

Bill Sponsor: Select Committee on Government Reorganization

Effective Date: June 2, 2011

DOE Contact: Linda Champion, Deputy Commissioner, Finance and Operations, (850) 245-0406

Executive Summary:

The bill substantially revises Florida's growth management laws, including repealing the state mandate to implement school concurrency and replacing it with provisions to implement school concurrency by local option. The bill allows local governments and school boards to continue implementing school concurrency without taking any action. The comprehensive bill includes provisions that affect Florida's school districts, in both their educational facilities planning programs and their roles as members of the local planning agencies, which are summarized below.

The bill amends s. 163.3161, F.S., Short title; intent and purpose, to:

- Rename the Local Government Comprehensive Planning and Land Development Regulation Act as the Community Planning Act; and
- Express legislative intent that new plan amendments must comply with the Act, but amendments to an existing, compliant plan needed to conform to new requirements in the Act are not required until the evaluation and appraisal period provided in s. 163.3191, F.S.

The bill amends s. 163.3164, F.S., Community Planning Act, definitions, to:

- Add and clarify definitions, primarily to include terms as defined in Rule Chapter 9J-5, FAC (which is repealed by the Act); and
- Repeal the definitions of financial feasibility and dense urban land area.

The bill amends s. 163.3167, F.S., Scope of act, to:

- Delete obsolete provisions related to initial adoption of local government comprehensive plans;
- Repeal provisions that encourage a local government to include a vision of the future physical appearance and qualities of its community in the local comprehensive plan; and
- Prohibit local referenda on plan amendments and development orders.

The bill creates s. 163.3168, F.S., Planning innovations and technical assistance, to:

- Recognize the need for innovative planning;

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- Direct state agencies to help communities find creative solutions to foster vibrant communities and protect important state resources and facilities;
- Authorize the state land planning agency to coordinate multi-agency technical assistance to local governments upon request to address impacts to state resources or facilities; and
- Authorize the state land planning agency to provide guidance on submitting plan amendments and exempt the guidance from the rulemaking process.

The bill amends s. 163.3171, F.S., Areas of authority under this act, to:

- Clarify that local governments have authority to enter into agreements with each other, landowners, developers, and governmental agencies to carry out community planning programs;
- Express legislative intent that such agreements be liberally, broadly, and flexibly construed to facilitate intergovernmental cooperation; and
- Provide that the state land planning agency may not interpret or invalidate such agreements or base a plan amendment compliance determination on the validity of the agreements.

The bill amends s. 163.3174, F.S., Local planning agency, to:

- Repeal obsolete provisions; and
- Clarify legislative intent related to coordination with and compatibility of plans with military installations and private property rights.

Note: The bill preserves the requirement for a local government to include a non-voting representative of the school district that is appointed by the district school board.

The bill amends s. 163.3177, F.S., Required and optional elements of comprehensive plan; studies and surveys, to, among other things:

- Update data and analysis requirements—all mandatory and optional elements of a comprehensive plan must be based upon relevant and appropriate data and analysis and where data are relevant to several elements, consistent data must be used;
- Update capital improvements element requirements—annual review of the five-year capital improvements schedule must indicate whether projects are funded or unfunded, establish a level of priority for funding, and include projects necessary to maintain adopted levels of service for public facilities; modification of the capital improvements schedule may be by ordinance and is not a plan amendment subject to state review;
- Update future land use element and map requirements—preserves the requirement that future land use map amendments be based on analysis of the availability of facilities and services, including educational facilities;
- Update intergovernmental coordination element requirements—preserves the requirement to coordinate land use planning with school facilities planning through formal, interlocal agreement;
- Repeal public school facilities element requirements—allows a public school facilities element by local option and allows continued implementation of previously adopted

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element without further action (see further discussion in summary of s. 163.3180, F.S.); and

- Repeal Rule Chapter 9J-5, FAC, Minimum Criteria for Review of Local Government Comprehensive Plans and Determination of Compliance.

Note: the bill preserves the requirement for local governments, in coordination with district school boards, to identify the land use categories in which public schools are an allowable use and to designate sufficient land close to residential development to meet projected needs for schools.

The bill amends s. 163.31777, F.S., Public schools interlocal agreement, to:

- Update minimum requirements for provisions of the interlocal agreements between counties, municipalities, and district school boards (these provisions are also retained in s. 1013.33, F.S.);
- Repeal obsolete provisions related to the schedule for adoption of initial agreements and sanctions for failure to adopt the agreement;
- Repeal provisions to authorize the state land planning agency to waive the requirement for a local government and district school board to enter a public schools interlocal agreement;
- Repeal provisions requiring review and comment by the Department of Education, Office of Educational Facilities; and
- Repeal provisions for review and determination of consistency of a public school's interlocal agreement by the Department of Community Affairs and for appeal of the Department's finding.

Note: The bill preserves the legislative preference that local governments and the district school board adopt a single interlocal agreement to which all join as parties.

The bill revises s. 163.3180, F.S., Concurrency, to, among other things:

- Repeal the minimum requirement that concurrency be applied to schools on a statewide basis;
- Provide that school concurrency may be implemented as a local option if the local government comprehensive plan provides principles, guidelines, standards, and strategies, including adopted levels of service to guide its application and demonstrate the adopted levels of service can be reasonably met within the five-year period of the capital improvement schedule;
- Allow implementation of school concurrency without further action if agreement and plan provisions were previously adopted;
- Repeal the minimum requirement that concurrency be applied to transportation and parks and recreation facilities on a statewide basis but allows implementation as a local option;
- Provide that if a local government elects to rescind any optional concurrency provisions, it must amend its plan and that such an amendment is not subject to state review;

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- Create s. 163.3180(6)(a), F.S., to provide statewide, minimum standards related to implementation of optional school concurrency, that are substantially the same as current requirements and include the following additional provisions:
 - The failure of one or more municipalities to adopt the interlocal agreement and plan provisions does not preclude implementation by the county and other municipalities if they represent at least 80 percent of countywide population;
 - A school district must include the capacity of relocatable facilities purchased after 1998 and planned for continued long-term use in the calculation of available capacity;
 - School concurrency service areas are allowed subject to existing requirements; however, the revisions encourage application of school concurrency in a single, districtwide area;
 - When concurrency service areas are used and when development impacts must be shifted from a concurrency service area that lacks sufficient capacity to an adjacent concurrency service area with sufficient capacity, a district school board cannot require students from the development to attend school in the adjacent area unless it rezones the area where the development occurs;
 - To limit liability of local governments, the revisions allow a landowner to proceed with development—even if school concurrency is not satisfied—if the proposed development is consistent with the comprehensive plan, the local government's capital plan and school board's educational facilities plan include adequate capacity or the development includes a reasonable plan to provide school capacity, and the local government and school board have provided for the landowner to pay a proportionate share of the cost; and
 - A municipality exempted from school concurrency does not have to re-assess its continued eligibility at the time of the evaluation and appraisal of the comprehensive plan; and
- Repeal and revise other subsections of the concurrency law related to state land planning agency rulemaking, multimodal transportation districts, transportation proportionate fair share mitigation, and development of workforce housing.

The bill revises s. 163.3184, F.S., Process for adoption of comprehensive plan or plan amendment, to, among other things:

- Continue the role of the Florida Department of Education as a review agency for plan amendments relating to public school facilities;
- Provide an expedited state agency review process for local government comprehensive plan amendments, except those relating to small-scale amendments (fewer than 10 acres and housing density less than 10 units per acre) or that are subject to state coordinated review, including amendments that propose a policy or map change in an area of critical state concern (portions of Collier, Franklin, Lake, Monroe, and Polk Counties), propose a rural land stewardship area, propose a sector plan, propose an updated comprehensive plan based on an evaluation and appraisal report, or propose the initial plan for a new city;

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- Establish procedural requirements for expedited state review and for review by governmental agencies (including district school boards) that have filed written requests to review and comment;
- Establish requirements for coordinated state agency review of amendments not eligible for the small-scale amendment review exemption or the expedited process as described above;
- Create s. 163.3184(5), F.S., to establish procedures for administrative challenges to plans and plan amendments by affected persons and the state land planning agency; administrative challenges filed by the state land planning agency must be limited to determinations that an important state resource or facility will be adversely impacted;
- Create ss. 163.3184(6) and 163.3184(7), F.S., to provide for settlement of administrative challenge through a voluntary compliance agreement and mediation and expeditious resolution, respectively;
- Revise provisions related to the Administration Commission's action to impose sanctions on a local government for implementing a plan or amendment determined to be not in compliance; and
- Repeal the twice-per-year limit on plan amendments.

The bill revises s. 163.3191, F.S., Evaluation and appraisal of the comprehensive plan, to, among other things:

- Repeal the requirement for local governments to adopt an evaluation and appraisal report every seven years and replace it with a requirement for each local government to evaluate its plan at least every seven years to determine if plan amendments are needed to reflect changes in state planning requirements and notify the state land planning agency of its determination;
- Repeal the requirement that a local government assess the effectiveness of the coordination of the comprehensive plan with the existing and planned public school facilities, the coordination of the land use map and residential development on public schools and their capacities, and joint decision making processes with the district school board;
- Provide that, if needed, a local government must propose conforming plan amendments within one year of the determination;
- Provide that a local government that has not submitted the determination letter may not amend its plan until after it adopts necessary updates; and
- Provide that all local governments, regardless of previous failure to comply with due dates shall be governed by revised provisions of the section.

The bill revises s. 163.3245, F.S., Sector plans, to, among other things:

- Promote large-scale planning of areas at least 15,000 acres in area, unless located in an area of critical state concern;
- Provide that planning requirements of s. 380.06, F.S., related to developments of regional impact, are waived in areas subject to a sector plan's master plan and detailed specific area plans; and

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- Provide minimum considerations for the master plan and detailed area plans, including identification of policies to facilitate intergovernmental coordination, and impacts of future land uses on public facilities and identification of facilities needed to serve development.

The bill creates s. 163.3248, F.S., Rural land stewardship areas, to:

- Transfer current provisions of law relating to rural land stewardship areas pilot program into the section with modifications to apply lessons learned and to reduce state oversight.

The bill creates s. 380.06(19)(c)2., F.S., relating to development of regional impacts, to:

- Provide a developer the option to extend all commencement, phase, build out, and expiration dates for currently valid development of regional impact by four years.

The bill revises ss. 1013.30, 1013.33 and 1013.35, F.S., related to educational facilities planning, to:

- Conform cross references to changes made by the bill.

The bill also revises the following sections, which are unrelated to school board operations and facility planning:

- s. 163.2517(4), F.S., related to the designation of urban infill and redevelopment areas;
- s. 163.3162, F.S., related to agricultural lands and practices;
- s. 163.3178, F.S., related to coastal management;
- s. 163.3182, F.S., related to transportation deficiencies;
- s. 163.3187, F.S., related to the process for adoption of small-scale amendments;
- s. 163.3189, F.S., related to the process for the amendment of adopted comprehensive plan (repealed);
- s. 163.3217, F.S., related to municipal overlay for municipal incorporation;
- ss. 163.3220, 163.3221, 163.3225, 163.3229, and 163.3243, F.S., related to development agreements;
- s. 163.3246, F.S., related to local government comprehensive planning certification program;
- s. 163.32465, F.S., related to state review of local comprehensive plans in urban areas (repealed);
- s. 163.3247, F.S., related to Century Commission for a Sustainable Florida;
- ss. 380.06, 380.065, and 380.0651, F.S., related to developments of regional impact and statewide guidelines and standards; and
- s. 380.0685, F.S., related to admission surcharge for state parks in areas of critical state concern.

The bill, in Section 72, repeals Rule Chapter 9J-5 and Rule 9J-11.023, FAC, which establish minimum criteria for local comprehensive plans and procedures for designation of rural land stewardship areas.



The bill, in Section 73, renews and extends any permit or any other authorization extended for two years under Chapters 2009-96 and 2010-147, Laws of Florida, by an additional two years after its previously scheduled expiration date, subject to conditions and exceptions, and not to exceed a total of four years.

The bill, in Section 74, directs the state land planning agency to review administrative and judicial proceedings pending on the effective date of the act and determine if any issue raised in those proceedings is not consistent with the act, and if so, amend or dismiss the proceedings.

The bill, in Section 75, applies revisions of s. 163.3191, F.S., to all local governments regardless of previous failure to meet evaluation and appraisal due dates.

The bill, in Section 76, provides for readoption of plan amendments adopted pursuant to s. 163.32465, F.S., and subject to voter referendum without the requirement for review or being subject to challenge.

The bill, in Section 77, directs the Florida Department of Transportation to report to legislative leadership by December 15, 2011, on alternatives to the calculation of proportionate share contributions.

The bill, in Section 78, provides for severability.

The bill, in Section 79, extends and renews, subject to conditions and exceptions, local government-issued development orders and building permits, including certificates of levels of service and mitigation, by two years.

General Implementation Timeline:

Effective date: June 2, 2011

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Bill Number: Chapter 2011-140 (House Bill 7223)

Bill Title: OGSR/Competitive Solicitations

Bill Sponsor: Representative Patronis

Effective Date: Upon becoming law

DOE Contact: Lois Tepper, Interim General Counsel, Office of General Counsel, (850) 245-0442

Executive Summary:

The bill revises the public records exemption for bids, proposals, or replies submitted to an agency in response to competitive solicitations, and expands the exemption by extending its duration. The bill revises the public meetings exemption for meetings at which negotiations with vendors are conducted pursuant to competitive solicitations, including the recordings and records of such meetings, and expands the public meetings exemption to include negotiation team strategy meetings and any meetings where vendors make oral presentations or answer questions as part of a competitive solicitation. The bill provides statements of public necessity for the exemptions.

The bill revises s. 119.071, F.S., General exemptions from inspection or copying of public records, to:

- Provide a definition of "competitive solicitation," which includes sealed bids, proposals, or replies in accordance with the terms of a competitive process, regardless of the method of procurement.
- Provide that sealed bids, proposals or replies in response to any competitive solicitation are exempt from public records disclosure under s. 119.07(1), F.S., and s. 24(a), Art. I of the State Constitution until the agency issues an intended decision or until 30 days after opening bids, proposals or final replies, whichever is earlier.
- Provide that if an agency rejects all bids, proposals, or replies submitted in response to a competitive solicitation and the agency concurrently provides notice of intent to reissue the solicitation, the rejected bids, proposals, or replies remain exempt until the agency provides a notice of intended decision on the reissued solicitation or withdraws the reissued solicitation.
- Provide that a bid, proposal or reply is not exempt for longer than 12 months after the agency's initial notice rejecting all bids, proposals, or replies.
- Delete provisions specifically relating to sealed replies submitted in response to invitations to negotiate.
- Provide that this exemption is subject to Open Government Sunset Review and shall stand repealed on October 2, 2016, unless reenacted.

The bill revises s. 286.0113, F.S., General exemptions from public meetings, to:

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- Provide a definition of “competitive solicitation,” which includes sealed bids, proposals, or replies in accordance with the terms of a competitive process, regardless of the method of procurement.
- Provide a definition of “team,” which means a group of members established by an agency for the purpose of conducting negotiations as part of a competitive solicitation.
- Provide that any portion of a meeting at which a negotiation with a vendor is conducted pursuant to a competitive solicitation, at which a vendor makes an oral presentation as part of a competitive solicitation, or at which a vendor answers questions as part of a competitive solicitation is exempt from s. 286.011 and s. 24(b), Art. I of the State Constitution.
- Provide that any portion of a team meeting at which negotiation strategies are discussed is also exempt.
- Provide that a complete recording shall be made of any portion of an exempt meeting.
- Provide that the recording of, and any records presented at, the exempt meeting are exempt from public records disclosure until such time as the agency provides a notice of intended decision or until 30 days after opening the bids, proposals, or final replies, whichever occurs earlier.
- Provide that if the agency rejects all bids, proposals, or replies and concurrently provides notice of its intent to reissue a competitive solicitation, the recording and any records presented at the exempt meeting remain exempt from public records disclosure until the agency provides a notice of intended decision regarding the reissued solicitation or withdraws the reissued solicitation.
- Provide that a recording and any records presented at an exempt meeting are not exempt for longer than 12 months following the agency’s initial notice rejecting all bids.
- Provide that this exemption is subject to Open Government Sunset Review and shall stand repealed on October 2, 2016, unless reenacted.

General Implementation Timeline:

Upon becoming law

The act becomes effective.

October 2, 2016

The provisions shall stand repealed unless reviewed and saved from repeal through reenactment by the Legislature.

