

2012

Florida Department of Education
Legislative Review



Florida Department of Education
5/14/2012



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FLORIDA DEPARTMENT OF EDUCATION



Gerard Robinson
Commissioner of Education

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May 14, 2012

Dear Friends:

The 2012 Legislative Session was significant for education in the Sunshine State. From opening session on January 10 to *sine die* on March 9, much of the attention and focus was on education - pre-kindergarten through postsecondary.

On January 10 when legislators gathered to convene, Florida Governor Rick Scott used his State of the State message to urge support for a substantial increase in state education funding. Working collaboratively, lawmakers approved allocating \$1 billion to education and passed many of the State Board of Education's priorities.

Two of those priorities are House Bills 7127 and 7063. House Bill 7127 titled "School Improvement and Education Accountability" provides more clarity while maintaining effective school accountability by aligning Florida's Differentiated Accountability system with changes to the state's school grading system and Florida's Elementary and Secondary Education Act (ESEA) flexibility waiver. The changes strategically target struggling schools and increase support to school districts in closing achievement gaps for all students.

House Bill 7063 titled "Digital Learning" continues to expand access to digital learning options for students in public schools by allowing students in grades K-5 to enroll on a part-time basis in the Florida Virtual School (FLVS) and expanding part-time options for students in grades K-8 in district virtual instruction programs.

As you review this document, you will find a comprehensive reporting of all of the education-related legislation that impacts Florida students today and in the future.

I want to thank the members of the Florida Legislature and the Governor for their hard work to ensure that our children continue to have the opportunity to compete on a global level. Improving education must be a high priority for our students and for Florida taxpayers. With this increase in funding and a streamlined accountability system, we will remain on the path of intelligent reform so that Florida may continue to lead the nation.

Take care,

A handwritten signature in blue ink that reads "Gerard Robinson".

Gerard Robinson

INTRODUCTION

This document is an overview of legislation passed by the Florida Legislature during the 2012 Regular Legislative Session affecting the Department of Education. The bills the Governor has approved are identified by the Chapter law.

At the time this publication was finalized, some of the legislation was pending the Governor's approval; therefore, please verify that the legislation has been enacted into law and has not received a veto by the Governor.

Access to all bills, their final action, legislative staff analyses, floor amendments, bill history and Florida Statutes citations are available through the Internet. The Internet address for the Florida Legislature Online Sunshine web site is <http://www.leg.state.fl.us>

For additional information on legislation passed by the Florida Legislature you may contact the Commissioner's Office of Governmental Relations at (850) 245-0507.

SB 2 - RELIEF OF WILLIAM DILLON BY STATE OF FLORIDA

Bill Sponsor: Senator Haridopolos

Effective Date: March 1, 2012

DOE Contact: Randy Hanna, Chancellor, Division of Florida Colleges, (850) 245-9499

Executive Summary:

This bill provides for the relief of William Dillon, who was wrongfully incarcerated for 27 years, through an appropriation to compensate for his wrongful incarceration. Included in the relief package is a waiver of tuition and fees for up to 120 hours at a public postsecondary institution.

The bill provides a tuition and fee waiver to William Dillon with the following stipulations:

Section 5

- Tuition and fees shall be waived for up to 120 hours.
- May be used at a career center, Florida College System institution or state university.
- Continued eligibility requires that William Dillon meet and maintain regular admission requirements.
- Also requires William Dillon to meet satisfactory academic progress standards at the institution of enrollment.

General Implementation Timeline:

March 1, 2012 The act becomes effective.

After March 1, 2012 William Dillon is eligible for a tuition and fee waiver at a career center, Florida College System institution or state university.



HB 45 - POSTSECONDARY EDUCATION COURSE REGISTRATION FOR VETERANS (CH 2012-162)

Bill Sponsor: Senator Smith

Effective Date: July 1, 2012

DOE Contact: Randy Hanna, Chancellor, Division of Florida Colleges, (850) 245-9499

Executive Summary:

The bill creates and amends provisions of law relating to current and former military personnel in the state of Florida. Related to The Florida College System (FCS), the bill requires public postsecondary educational institutions that offer priority course registration for any segment of the student population to provide priority course registration for veterans.

The bill creates s. 1004.075, F.S., to:

- Require Florida College System institutions and state universities that offer priority course registration for any segment of the student population to provide priority course registration for veterans of the U.S. Armed Forces, or their spouses and dependents to whom they have transferred benefits, who receive GI Bill educational benefits. The eligible veteran, or spouse or dependent, shall be granted priority course registration until the expiration of GI Bill education benefits.

Section 2 creates s. 1005.09, F.S., to:

- Encourages independent postsecondary institutions that are under the jurisdiction of the Commission for Independent Education, or exempt from the jurisdiction of the Commission and offer priority course registration for any segment of the student population, to provide priority course registration for veterans of the U.S. Armed Forces, or their spouses and dependents to whom they have transferred benefits, who receive GI Bill educational benefits. The eligible veteran, or spouse or dependent, may be granted priority course registration in accordance with s. 1004.075, F.S.

General Implementation Timeline:

July 1, 2012	The bill becomes effective.
Summer 2012	FCS institutions (with priority registration for some segment of the population) that offer summer courses beginning after July 1, 2012, must offer veterans priority registration.
Summer 2012	For fall 2012 enrollment, FCS institutions must consider veteran status when determining residency for tuition purposes.



HJR 93 - PROPERTY TAX EXEMPTION FOR SURVIVING SPOUSE OF MILITARY VETERAN OR FIRST RESPONDER

Bill Sponsor: Representative Harrison

Effective Date: January 1, 2013

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

Executive Summary:

The joint resolution proposes an amendment to Section 6 of Article VII and the creation of Section 32 of Article XII of the State Constitution to allow the Legislature by general law to provide ad valorem homestead property tax relief to the surviving spouse of a military veteran who died from service-connected causes while on active duty or a first responder who died in the line of duty; provides definitions of the new terms "first responder" and "in the line of duty."

General Implementation Timeline:

- | | |
|-----------------|---|
| November 2012 | The amendment will be submitted to the electors for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose. |
| January 1, 2013 | The amendment is effective if approved by the voters. |

HB 95 - HOMESTEAD PROPERTY TAX EXEMPTIONS (CH 2012-54)

Bill Sponsor: Representative Harrison

Effective Date: Effective date of House Joint Resolution 93 after voter approval in the next election

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

Executive Summary:

The bill creates a short title for and amends statutory law related to ad valorem homestead property tax relief for disabled veterans and surviving spouses of veterans.

Section 1:

- Cites the act as the “Fallen Heroes Family Tax Relief Act.”

Section 2:

Amends s. 196.081, F.S., Exemption for certain permanently and totally disabled veterans and for surviving spouses of veterans to:

- Add an exemption for surviving spouses of first responders who die in the line of duty, if certain conditions are met.
- Specify conditions under which a surviving spouse would be eligible for property tax exemption.

Section 3:

- Specifies that revisions relate to the 2013 tax roll and do not provide a basis for relief for tax issues arising before January 1, 2013.
- Specifies that the exemption is available to the surviving spouse of a first responder whose death occurs before, on, or after the effective date of the act.

Section 4:

- Appropriates nonrecurring funds to the Department of State, effective July 1, 2012, for publishing the proposed constitutional amendment in House Joint Resolution 93, Homestead Property Tax Exemptions.

Section 5:

- Provides for the effective date of the act to be the same as the effective date of the similar joint resolution, if the joint resolution is approved by the electors in the November 2012 general election, or in an earlier special election specifically authorized by law for that purpose.

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General Implementation Timeline:

July 1, 2012	Appropriation of nonrecurring funds for publishing the proposed constitutional amendment in House Joint Resolution 93 is effective.
November 2012	The proposed constitutional amendment will be submitted to electors for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose.
January 1, 2013	Effective date of amendment, if approved by the voters.

SB 98 – EDUCATION (CH 2012-9)

Bill Sponsor: Senator Siplin

Effective Date: July 1, 2012

DOE Contact: Pam Stewart, Chancellor, Division of Public Schools, (850) 245-0509

Executive Summary:

The bill creates a new provision of Florida Statutes that authorizes a school board to adopt a policy allowing an inspirational message to be delivered by students at a student assembly. Any such policy must provide that:

- Students responsible for organizing the student-led portion of a student assembly shall have sole discretion in determining whether an inspirational message is to be delivered and choose the student volunteers who will deliver an inspirational message. The student volunteers shall be solely responsible for the preparation and content of the message.
- School district personnel may not participate or influence the determination of whether an inspirational message is to be delivered or select the student volunteers who will deliver it. They may not monitor or review the content of a student volunteer's message.

The purpose of this new provision is stated as providing students with the opportunity for formal or ceremonious observance of an occasion or event.

General Implementation Timeline:

July 1, 2012 The act becomes effective.

HJR 169 - ADDITIONAL HOMESTEAD TAX EXEMPTION FOR SENIORS

Bill Sponsor: Representative Oliva

Effective Date: Not specified

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

Executive Summary:

The joint resolution proposes an amendment to Section 6 of Article VII of the State Constitution to authorize the Legislature, by general law, to allow counties and municipalities to grant an additional homestead tax exemption to certain senior property owners. The exemption may be granted provided that:

- The fair value of the property is less than \$250,000.
- The exemption is equal to the assessed value of the property.
- The property owner has been a permanent resident on the property for at least 25 years.
- The property owner is at least 65 years of age and has a household income that does not exceed \$20,000 per year.

General Implementation Timeline:

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

The effective date of the amendment depends on the outcome of the next general or special election.

HB 285 - SICK LEAVE FOR SCHOOL DISTRICT EMPLOYEES (CH 2012-166)

Bill Sponsor: Representative Harrell

Effective Date: July 1, 2012

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

Executive Summary:

This bill amends s. 1012.61, F.S.

The bill authorizes, but does not require, school districts to create policies that extend the opportunity for district employees to donate their unused sick leave to a specific, non-relative district employee. If a school district chooses to provide a sick leave transfer program among employees, the district policy must:

- Require that the recipient provide documentation by the treating physician of the illness, accident, or injury for which the leave is authorized;
- Establish a minimum number of sick leave days needed before an employee may participate in the sick leave program;
- Require that any unused transferred sick leave be returned to the authorizing employee whose donated sick leave has not yet been used; and
- Establish the minimum number of sick leave days an authorizing employee must retain.

In developing the policy, the district school board must provide that the recipient may not use the donated sick leave until all of his or her sick leave has been depleted, excluding sick leave from a sick leave pool if the recipient participates in a sick leave pool. In addition, donated sick leave under the policy shall have no terminal value.

General Implementation Timeline:

July 1, 2012 The act becomes effective.

HB 291 - YOUTH ATHLETES (CH 2012-167)

Bill Sponsor: Representative Renuart

Effective Date: July 1, 2012

DOE Contact: Pam Stewart, Chancellor, Division of Public Schools, (850) 245-0509

Executive Summary:

The bill amends s. 943.0438, F.S., Athletic coaches for independent sanctioning authorities, to require independent youth athletic sanctioning authorities to:

- Adopt guidelines to inform youth athletes and others involved in youth athletic programs about the nature and risk of concussion and head injury;
- Adopt bylaws or policies that require the parent or guardian of youth athletes to sign and return an informed consent about the nature and risk of concussion and head injury; and
- Adopt bylaws or policies that require each youth athlete who is suspected of sustaining a concussion or head injury to be immediately removed from the activity until he or she receives written medical clearance to return. The medical clearance must be authorized by an appropriate health care professional trained in the diagnosis, evaluation, and management of concussions as defined by the Sports Medicine Advisory Committee of the Florida High School Athletic Association (FHSAA).

The bill amends s. 1006.20, F.S., Athletics in public K-12 schools, to require the FHSAA to:

- Adopt guidelines to educate athletic coaches, officials, administrators, student athletes, and parents of student athletes involved in high school athletics about the nature and risk of concussion and head injury;
- Adopt bylaws or policies that require the parent of a student athlete to sign and return an informed consent that explains the nature and risk of concussion and head injury before athletic participation; and
- Adopt bylaws or policies that require a student athlete who is suspected of sustaining a concussion or head injury to be removed immediately from the activity until cleared by a health care professional who has been trained in the diagnosis, evaluation, and management of concussions as defined by the Sports Medicine Advisory Committee of the FHSAA.
- Adopt bylaws for the establishment and duties of a sports medicine advisory committee.

General Implementation Timeline:

July 1, 2012 The act becomes effective.

HB 347 - COLLEGE CREDIT FOR MILITARY TRAINING AND EDUCATION COURSES (CH 2012-169)

Bill Sponsor: Representative Harrell

Effective Date: July 1, 2012

DOE Contact: Randy Hanna, Chancellor, Division of Public Schools, (850) 245-9499

Executive Summary:

The bill creates provisions of law relating to current and former military personnel in the state of Florida. Related to The Florida College System (FCS), the bill requires the State Board of Education to adopt rules that enable members of the armed forces to earn college credit public postsecondary educational institutions that offer priority course registration for any segment of the student population to provide priority course registration for veterans.

The bill creates s. 1004.096, F.S., to:

- Require the State Board of Education to adopt rules to provide guidance to Florida College System institutions in evaluating and awarding college credit for training and education acquired in the military.

General Implementation Timeline:

July 1, 2012 The bill becomes effective.

Summer 2012 The State Board of Education will propose rules for credential evaluation and awarding of academic credit by Florida College System institutions.

HB 357 - HOMESTEAD EXEMPTIONS FOR SENIORS (CH 2012-57)

Bill Sponsor: Representative Oliva

Effective Date: Upon approval of House Joint Resolution 169 after voter approval in the next election

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

Executive Summary:

The bill amends two sections of the statutes to authorize the board of county commissioners or governing authority of any municipality to adopt an ordinance that grants an additional homestead tax exemption for certain senior property owners, and appropriates funds for publishing the related proposed constitutional amendment.

Section 1:

Amends Section 196.075, F.S., Additional homestead exemption for persons 65 and older, to:

- Add a specific exemption that is based on a maximum assessed property value of \$250,000 for property owners who are at least 65 years of age, have lived on the property for a minimum of 25 years, and meet the household income limit of \$20,000.
- Specify that a super majority vote is needed by the county or municipality in order to authorize the exemption.

Section 2:

- Amends Section 196.031, F.S., Exemption of homesteads, to delete the \$50,000 maximum for the low-income senior exemption.

Section 3:

- Reenacts Section 197.252, F.S., Homestead tax deferral, in order to incorporate the amendment to Section 196.075, F.S., in a reference.

Section 4:

- Appropriates \$93,403 in nonrecurring funds to the Department of State, effective July 1, 2012, for publishing the proposed constitutional amendment in House Joint Resolution 169, Additional Homestead Tax Exemption for Seniors.

Section 5:

- Specifies that the act will take effect upon approval of House Joint Resolution 169 during the next general election.
- Indicates that the act will first apply to the 2013 tax roll.

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General Implementation Timeline:

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| July 1, 2012 | Appropriation of nonrecurring funds to publish the proposed constitutional amendment in House Joint Resolution 169 is effective. |
| November 2012 | If the constitutional amendment, House Joint Resolution 169, is approved by the voters in the next general election or an earlier special election, then the act implements the amendment in general law. |

SB 368 - FINANCIAL EMERGENCIES (CH 2012-38)

Bill Sponsor: Senator Gaetz

Effective Date: July 1, 2012

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

Executive Summary:

The bill creates s. 218.39(b), F.S., relating to annual financial audit reports for local governmental entities, district school boards, charter schools, and charter technical career centers by deleting s. 218.503(1)(c), F.S., and adding the fund balance deficit language to the discussion of audit findings by the auditor general. Currently, the entities are subject to review and oversight by the Governor, the charter school sponsor, the charter technical career center sponsor, or the Commissioner of Education (Commissioner), as appropriate, if one or more of five financial conditions occur as specified in s. 218.503, F.S., relating to the determination of a financial emergency. The bill removes a fund balance deficit and net assets deficit from the list of specified statutory conditions for which review and oversight would be required. Instead, the bill requires independent auditors of applicable entities to consider, during each annual audit, a fund balance deficit or net assets deficit. If a deficit exists and sufficient resources are not available to cover the deficit, the auditor must notify each governing board member of the applicable entity.

When notified that one or more of the statutory conditions related to a financial emergency has occurred in an entity, the Governor or Commissioner, as appropriate, must request additional information to determine if state assistance is necessary to resolve or prevent the condition. The bill requires entities to respond to the Governor's or Commissioner's request for additional information within 45 days. If the entity does not submit a timely response, the Governor or the Commissioner, or their respective designees, must notify the Legislative Auditing Committee, which may then take action pursuant to s. 11.40, F.S.

The bill amends paragraphs (g) and (h) of s. 218.503(3), F.S., regarding measures to resolve financial emergencies. The bill authorizes financial emergency boards appointed by the Governor or Commissioner to consult with other governmental entities for the consolidation of all administrative direction and support services.

Lastly, the bill creates s. 218.503(6), F.S., which explicitly provides that "failure of the members of the governing body of a local governmental entity or the failure of the members of a district school board to resolve a state of financial emergency constitutes malfeasance, misfeasance, and neglect of duty" for purposes of Article IV, Section 7, of the Florida Constitution.

General Implementation Timeline:

July 1, 2012 The act becomes effective.

HB 435 - GILCHRIST COUNTY (CH 2012-232)

Bill Sponsor: Representative Porter

Effective Date: Upon becoming law

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

Executive Summary:

The bill amends Chapter 90-467, Laws of Florida, to expand the purposes for which the Gilchrist County School Board may issue bonds by removing the references to classrooms for Bell High School and authorizing the district school board to finance and refinance educational facilities and equipment within the district. The bill authorizes the district school board to issue these bonds for constructing capital improvements or repairs to educational facilities throughout the county, and to purchase equipment for these facilities.

Additionally, the bill:

- Increases the cap on the aggregate principal amount of the issuance of revenue bonds from \$1,000,000 to \$2,000,000;
- Extends the maximum maturity date of the bonds from 20 years to 30 years;
- Deletes language specifying an annual \$100,000 pledge of the funds that are accrued pursuant to s. 212.20(6)(d)6.a, F.S., and replaces it with a requirement that the school board annually pledge "all or a portion of" such moneys;
- Removes the \$1,000,000 cap on the cost of the projects for which the bonds may be issued and provides that eligible projects include acquiring, constructing, installing, and equipping education facilities;
- Removes outdated provisions related to the place of bond redemption and use of coupons; and
- Clarifies the methods by which bonds may be sold either at public or private sale by specifying that such bonds may be sold by competitive or negotiated sale.

General Implementation Timeline:

April 6, 2012 The Governor signed the bill into law.

HB 465 - DISTRICT SCHOOL BOARD BONDS (CH 2012-52)

Bill Sponsor: Representative Diaz

Effective Date: July 1, 2012

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

Executive Summary:

The bill revises provisions related to issuance and retirement of bonds by district school boards.

The bill revises s. 1010.49, F.S., relating to the form and denomination of district school boards, to:

- Increase the period within which district school board bonds must be retired without approval from the Department of Education from 20 years to 30 years (a bond schedule longer than 30 years must be approved by the department); and
- Remove the requirement that certain bonds are callable within 10 years from the date of issuance and allow a district school board to determine the callable term of bonds.

General Implementation Timeline:

July 1, 2012 The act becomes effective.

HB 541 - ADMINISTRATIVE PROCEDURES (CH 2012-63)

Bill Sponsor: Representative Brandes

Effective Date: October 1, 2012

DOE Contact: Brent McNeal, Assistant General Counsel, Office of General Counsel, (850) 245-0442

Executive Summary:

This bill revises statutory provisions relating to the Florida Administrative Code and the Florida Administrative Weekly. The bill directs agencies under the Administrative Procedure Act to send written notice of certain rules affecting small businesses to the rules ombudsman in the Executive Office of the Governor rather than to the Department of Economic Opportunity; amends s. 120.55, F.S.; revises provisions with respect to the revision and publication of the Florida Administrative Code to provide that the Department of State is not required to publish a printed version of the code but may contract with a publishing firm for a printed publication; provides that the electronic version of the code is the official compilation of the administrative rules of the state; provides for adopted rules and material incorporated by reference to be filed in electronic forms; renames the "Florida Administrative Weekly" as the "Florida Administrative Register"; requires a continuous revision and publication of the Florida Administrative Register on an Internet website managed by the Department of State; revises content and website search requirements; deletes a requirement to provide printed copies of the Florida Administrative Register to certain federal and state entities; provides a directive to the Division of Statutory Revision; provides an effective date.

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

- Provide that if an agency determines that a proposed action will impact small businesses, the agency must send written notice of the rule to the rules ombudsman in the Executive Office of the Governor at least 28 days before the intended action – rather than provide notice to the Department of Economic Opportunity.

The bill revises 120.55, F.S., Publication, to:

- Provide that the electronic version of the Florida Administrative Code is the official version of the state.
- Remove the requirement that the Department of State must:
 - Publish a printed version of the Florida Administrative Code.
 - Review notices for compliance with format and numbering requirements before publishing them on the Florida Administrative Weekly website.
 - Correct grammatical, typographical, and like errors not affecting the construction or meaning of the rules, after having obtained the advice and consent of the appropriate agency, and insert history notes.
 - Furnish the Florida Administrative Weekly, without charge and upon request, to various state and federal government entities.

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- Require that adopted rules and material incorporated by reference be filed in an electronic format.
- Change the name of the Florida Administrative Weekly to the Florida Administrative Register.
- Require the Department of State to continually revise the Florida Administrative Register.
- Provide that the electronic version of the Florida Administrative Register is the official version of the state.
- Allow the Department of State to contract with a publisher to provide printed publications of the Florida Administrative Code and the Florida Administrative Register.
- Remove the requirements that the Florida Administrative Register must contain:
 - Notice of adoption of, and an index to, all rules filed during the preceding week.
 - A cumulative list of all rules that have been proposed but not filed for adoption.

The bill requests that the Division of Statutory Revision prepare a reviser's bill for the 2013 Regular Session to substitute the term "Florida Administrative Register" for the term "Florida Administrative Weekly" throughout the Florida Statutes.

General Implementation Timeline:

October 1, 2012 The act becomes effective.

SB 704 - BUILDING CONSTRUCTION AND INSPECTION (CH 2012-13)

Bill Sponsor: Senator Bennett

Effective Date: July 1, 2012

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

Executive Summary:

The bill amends a number of provisions related to building construction and inspection in Florida. Provisions of the bill that may affect school district operations or facilities are summarized below.

The bill revises s. 255.0518, F.S., related to sealed bids. The bill provides that sealed bids that are received pursuant to a competitive solicitation for the construction or repair of a public building are to be opened at a public meeting and the name of the bidder and price of the submitted bid are to be read aloud.

The bill revises s. 468.604, F.S., related to responsibilities of building code administrators, plans examiners, and inspectors. The bill authorizes building code administrators or building officials to accept electronically transmitted construction plans and related documents for permit approval purposes.

The bill revises s. 468.609, F.S., related to certification standards for building code inspectors or plans examiners. The bill includes fire safety inspectors licensed pursuant to Chapter 633, F.S., with a minimum of five years of verifiable full-time experience in inspection or plan review among those eligible to take the building code inspector or plans examiner certification exam. The bill also revises the law related to provisional certificates for newly employed or promoted building code inspectors and plans examiners. The revisions permit the Florida Building Code Administrators and Inspectors Board to issue provisional certificates, which are valid for one year (shortened from three years), and to renew provisional certificates for just cause. The bill limits validity of a provisional certificate to no more than three years.

The bill revises s. 481.329(7), F.S., related to exemptions from licensing requirements for landscape architecture. The bill allows any person to engage in the practice of landscape design, and clarifies that persons providing landscape design services may not use terms tending to convey the impression that he or she is registered as provided in Chapter 481, Part II, F.S., which regulates landscape architecture.

The bill revises s. 489.105(3), F.S., related to definitions for the regulation of construction contracting. The bill expands the definition of “contractor” to include those persons or businesses that contract to demolish any building; eliminates the glass and glazing contractor as a required licensed contractor; and expands the scope of work of certain contractors without the requirement for specialty licenses, as follows:

- Roofing contractors – adds installing skylights and related work;
- Air-conditioning contractors (Class A and Class B) – adds testing and evaluating central air-conditioning, heating, and ventilation systems;

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- Mechanical contractors – adds testing and evaluating central air-conditioning, refrigeration, heating, and ventilation systems; and
- Plumbing contractors – adds cleaning drains, clearing drains, and installing or repairing rainwater catchment systems.

The bill, in section 10, clarifies that amendments to s. 489.105(6), F.S. (which defines contracting), as enacted by s. 30, Chapter 2008-240, Laws of Florida, were intended to protect the sanctity of contracts for the sale of manufactured or factory-built buildings that will be completed on site, to be remedial in nature, clarify existing law, and to apply retroactively.

The bill revises s. 553.79, F.S., related to building permits, applications, issuance and inspections. The bill requires a local enforcing agency that finds plans are not in compliance with the Florida Building Code or denies or revokes a permit due to deficiencies in meeting building code requirements, to identify to the permit applicant the specific feature that does not comply with applicable codes and the specific code chapter and section upon which the finding is based.

The bill revises s. 553.844, F.S., related to windstorm loss mitigation, requirements for roofs, and opening protection. The bill extends the expiration date for the exception provided for mechanical equipment mounted on roofs or installed on the ground that meets the wind resistance requirements found in the 2007 Florida Building Code from 2010 to the effective date of the 2013 Florida Building Code. [Note: This exception does not apply to mechanical equipment serving or on enhanced hurricane protection areas pursuant to section 423.25 of the Florida Building Code.]

The bill revises s. 633.0215, F.S., related to the Florida Fire Prevention Code. The bill authorizes fire code administrators or fire officials to accept electronically transmitted construction plans and related documents for permit approval purposes.

The bill also revises the following sections and creates an undesignated section of law, which are unrelated to school board operations and facility construction:

- s. 162.12, F.S., regarding serving violation notices by local code enforcement boards;
- s. 468.841, F.S., regarding exemptions from compliance with provisions of Chapter 468, Part XVI, F.S., relating to mold assessment;
- s. 489.103, F.S., regarding construction contracting licensing exemptions for property owners acting as their own contractor;
- s. 489.113(2), F.S., regarding construction subcontractor qualifications and restrictions;
- s. 553.5041(5)(e), F.S., correcting a cross reference in the section regarding parking spaces for persons who have disabilities;
- s. 553.721, F.S., regarding allocation of surcharges on building permit fees;
- s. 553.73, F.S., exempting hunting structures from the Florida Building Code;
- s. 713.135, F.S., removing notary requirement for certain solar project documents in the section regarding notice of commencement and applicability of lien; and
- undesignated section, requiring the Florida Building Commission to establish a screen enclosure workgroup.

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General Implementation Timeline:

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| March 23, 2012 | Signed by the Governor, Chapter 2012-13, Laws of Florida. |
| July 1, 2012 | The act becomes effective, with the exception of sections 11 and 20. These two sections take effect upon the act being signed into law. |

SB 800 - COUNTY BOUNDARY LINES (CH 2012-45)

Bill Sponsor: Senator Negrón

Effective Date: July 1, 2013, except for Section 5 that takes effect upon becoming a law.

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

Executive Summary:

The bill substantially amends sections 7.43 and 7.59, Florida Statutes, relating to legal descriptions of the geographical boundaries for Martin and St. Lucie Counties. The bill moves a 129-acre area from the jurisdiction of St. Lucie County to Martin County, subject to the approval of the affected voters in a referendum.

The bill further authorizes the governing bodies of the two counties to enter into an interlocal agreement for transferring services, personnel, waterways, and public infrastructure. The bill provides for a gradual shift of tax and assessment revenues from the transferred land to be shifted to Martin County over a five-year period, subject to the approval of the affected voters in a referendum. If the bill is approved by the Governor, these provisions take effect July 1, 2013, upon its approval by a majority vote of certain qualified voters in conjunction with the next general election in St. Lucie County, except for section 5 which shall take effect upon becoming a law. Section 5 provides guidance for the voter referendum required in the bill.

General Implementation Timeline:

April 6, 2012	Bill approved by the Governor, April 6, 2012, Chapter 2012-45, Laws of Florida.
November 6, 2012	Next general election in St. Lucie County.
July 1, 2013	Bill's provisions take effect if approved by a majority vote of qualified electors residing in the area being transferred from St. Lucie County to Martin County.

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HB 801 - EMERGENCY 911 SERVICE (CH 2012-177)

Bill Sponsor: Representative Steube

Effective Date: July 1, 2012

DOE Contact: Pam Stewart, Chancellor, Division of Public Schools, (850) 245-0509

Executive Summary:

The bill amends s. 365.171, F.S., Emergency communications number E911 state plan, to:

- provide an exception to certain confidentiality provisions for a 911 public safety telecommunicator when a confirmed coronary emergency call is taking place.
- allow 911 public safety telecommunicators (emergency dispatchers) the discretion to disclose the location of a confirmed coronary emergency to any private person or entity that owns an automated external defibrillator (AED) nearby.
- limit this disclosure to providing the location of the confirmed coronary emergency.

General Implementation Timeline:

July 1, 2012 The act becomes effective.

HB 809 - COMMUNICATIONS SERVICES TAXES (CH 2012-70)

Bill Sponsor: Representative Grant

Effective Date: July 1, 2012

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

Executive Summary:

The bill revises legislative intent and updates a number of provisions regarding the manner in which the communications services tax is levied. The bill makes several definitional and terminology updates, including:

- Replacing “cable service” with “video service.”
- Defining “Internet access” and “Internet access service” to have the same meaning as used in relevant federal statute.
- Revising the definition of “sales price” to allow additional nontaxable items to be billed together in a single line item on a customer’s invoice without the entire amount of the line item being taxable.

The communications services tax is one source of revenue for the gross receipts tax on utilities that fund the Public Education Capital Outlay (PECO) program. As cited in the Legislature’s final analysis of the bill, the changes in law will have the following impact:

- The cash impacts to fiscal year 2012-13 are indeterminate.
- The recurring annual impact to the gross receipts tax would be at least a reduction of \$11.3 million.
- The recurring annual impact to the state communications services tax would be at least a reduction of \$2.9 million.
- The recurring annual impact to the local communications services tax would be at least a reduction of \$21.3 million.

The bill revises statutory provisions that govern the liability of a communications services tax dealer in cases of incorrect assignment of customers to local taxing jurisdictions for the purpose of imposing the applicable local communications services tax. The bill allows a dealer of communications services to exclude charges for any good or service that is exempt from the communications services tax, with specified exceptions, so long as those exempt items can be reasonably identified from the selling dealer’s books and records;

Section 202.22, F.S., Determination of local tax situs, is amended by the bill to provide that a dealer may be held liable for net aggregate underpayment of tax, including interest and penalties, which is due as a result of assigning one or more service addresses to an incorrect local taxing jurisdiction if:

- The dealer failed to use one or more of the specified methods for making such assignments; and if:
- The dealer’s failure results in a net aggregate underpayment of the local communications services taxes with respect to one or more tax periods that are being examined by the department; and

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- The Department of Revenue has determined the misallocations between jurisdictions for all taxes levied and collected by the dealer with respect to any tax period being examined by the department.

The bill clarifies that communications taxes do not apply to digital services such as home monitoring if they are bundled with other items on customers' bills that are subject to those taxes. The bill also creates the Communications Services Tax Working Group within the Department of Revenue to:

- Review national and state tax policies relating to the communications industry;
- Review the historical amount of tax revenue that has been generated by the communications services taxes for the purposes of determining the effect that laws passed in the past 5 years have had on declining revenues;
- Review the extent to which this revenue has been relied on to secure bonded indebtedness;
- Review the fairness of the state's communications tax laws and the administrative burdens it contains, including whether the applicability of the tax laws is reasonably clear to communications services providers, retailers, customers, local government entities and state administrators;
- Identify options for streamlining the administrative system;
- Identify options that remove competitive advantages within the industry as it relates to the state's tax structure without unduly reducing revenue to local governments; and
- Prepare a report addressing these issues and submit it to the Governor, the President of the Senate, and the Speaker of the House of Representatives by February 1, 2013.

General Implementation Timeline:

April 6, 2012	The act is approved by Governor; Chapter No. 2012-70
July 1, 2012	The act becomes effective.
February 1, 2013	The Communications Services Tax Working Group within the Department of Revenue reports to the Governor, President of the Senate, and Speakers of the House of Representatives regarding the issues to be addressed.

HB 859 - FLORIDA TAX CREDIT SCHOLARSHIP PROGRAM (CH 2012-22)

Bill Sponsor: Representative Corcoran

Effective Date: Upon becoming law

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

Executive Summary:

Section 1:

- The bill revises s. 1002.395(3), F.S., regarding student eligibility requirements for the FTC program, eliminating the requirement that a student be enrolled in and counted as a full-time student in a Florida public school for the previous year in order to receive a scholarship for all K-5 students rather than just kindergarten and 1st graders as provided in current law.
- The bill increases the tax credit cap to \$229 million for the 2012-2013 school year and conforms school year references, revising s.1002.395(5)(a), F.S. This increase will allow more students to participate in the program.
- The bill requires participating schools to report required norm-referenced testing information by August 15 revising s. 1002.395(8)(c)2., F.S.
- The bill eliminates the requirement that the Department's selection of participating private schools for site visits be random and allows additional site visits where schools have received a notice of noncompliance or notice of proposed action, revising s. 1002.395(9)(n)1., F.S.
- The bill provides that a participating private school may offer the FCAT, FCAT 2.0, and/or end-of-course assessments at the private school. An FTC student from a private school that has chosen not to offer the FCAT, FCAT 2.0, and/or end-of-course assessments continues to be allowed to take the state assessment through the public school district at an assessment site designated by the school district, in accordance with s. 1002.395(8)(c)3, F.S.
- If a private school chooses to administer the FCAT, FCAT 2.0, and/or end-of-course assessments, they would be required to meet the same requirements for test administration and security as all other schools. For example, there would need to be a process established to ensure the test storage and testing rooms are within the guidelines set forth in the test administration manuals and that all test administrators at the private school are certified educators and are thoroughly trained on the test administration requirements. In addition, if the private school elected to administer the end-of-course assessments, there would need to be a process established to ensure the computers and Internet connections meet minimum specifications, as set-forth by the Department, for computer-based testing.

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- The bill revises s. 1002.395(9)(p), F.S., stating that the Department must provide at no cost, the FCAT, FCAT 2.0, and/or end-of-course assessments to private schools at their request provided that the request does not cause the Department to exceed its contractual cap on such assessments. It also requires the private school to follow the laws and rules and district-level testing policies required for the administration of the tests.
- The bill creates s. 1002.395(10)(b), F.S., requiring that school districts provide the FCAT, FCAT 2.0 and/or end-of-course assessments and any related materials for administering the assessment to a participating private school upon request. The district must provide the necessary training on test security and administration, must distribute and retrieve the test materials, must provide the proper format for submission of information relating to administration of the test, and must monitor and investigate as necessary.
- The bill revises s. 1002.395(11)(a)2., F.S. to add additional factors for which the Commissioner of Education may deny, suspend, or revoke a private school's participation in the FTC scholarship program including: failure to reimburse an eligible nonprofit scholarship-funding organization, prior criminal sanction, administrative fine, license revocation or suspension, program eligibility suspension, and termination or revocation related to an owner's or operator's management of an educational institution.
- The bill revises s. 1002.395(11)(c)2., F.S., adding to factors for which the Commissioner of Education may immediately suspend payment of scholarship funds, a previous pattern of failure to comply with the requirements to participate in the FTC scholarship program pursuant to s. 1002.395, F.S., or s. 1002.421, F.S.

Section 2:

- Revises s. 1002.20(6)(b)2., F.S., to align with existing provisions to allow a student who is currently placed, or during the previous state fiscal year was placed, in foster care as defined in s. 39.01, F.S., to seek a scholarship from an eligible nonprofit scholarship-funding organization in accordance with s. 1002.395, F.S.

Section 3:

- Establishes an effective date of upon becoming law

General Implementation Timeline:

March 23, 2012	The act became effective upon the Governor signing it into law.
August 15, 2012	All private schools participating in the FTC program must submit norm-referenced testing information.

SB 878 - FLORIDA COLLEGE SYSTEM PERSONNEL RECORDS (CH 2012-46)

Bill Sponsor: Senator Benaquisto

Effective Date: July 1, 2012

DOE Contact: Randy Hanna, Chancellor, Division of Florida Colleges, (850) 245-9499

Executive Summary:

Senate Bill 878 amends the public records exemption for Florida College System (FCS) institution limited-access personnel records to mirror those for State University System institution. The bill maintains the current public records exemption for limited-access records, but provides that records relating to a performance evaluation of a president of an FCS institution are not confidential and exempt from public records requirements.

The bill amends s. 1012.81, F.S., personnel records, to include the following as limited-access records:

- Records containing information reflecting academic evaluations of employee performance. The employee and officials responsible for the employee's supervision have access to the records.
- Records maintained for the purposes of any investigation of employee misconduct, including, but, a complaint against an employee and all information obtained pursuant to the investigation. Such records become public once the investigation ceases to be active or when the institution provides a written notice to the employee who is that the institution has concluded the investigation with a finding not to proceed with disciplinary action; concluded with the finding to proceed with disciplinary action, or issued a letter of discipline.
- The bill defines an investigation as being active as long as it is continuing with a reasonable, good faith anticipation that a finding will be made in the foreseeable future. If no finding is made within 90 days of the filed complaint, the investigation is presumed inactive.
- Records maintained for any disciplinary proceeding brought against the employee (the employee may inspect these records). The records become public once a final decision is made.
- Records maintained for the purposes of any grievance proceeding by the employee for enforcement of a collective bargaining agreement or contract. The employee and officials of the institution conducting the grievance proceeding shall have access to these records, and the records become public when a final decision is reached in the proceeding.

General Implementation Timeline:

July 1, 2012 The act becomes effective

HB 897 - CONSTRUCTION CONTRACTING (CH 2012-11)

Bill Sponsor: Representative Moraitis

Effective Date: October 1, 2012

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

Executive Summary:

The bill revises requirements related to construction payment and performance bonds for public projects and creates new requirements for public bid opening. It also revises the construction lien law and reenacts and amends contractor certification and grandfathering provisions. Revisions to construction bond requirements may affect school district construction procedures and are summarized below.

The bill revises s. 95.11, F.S., to establish a uniform time period of five years to initiate an action to enforce a claim against a payment bond.

The bill revises s. 255.05, F.S., related to bonds for public building construction projects as follows:

- Requires the bond number assigned by the surety to be listed on the front page of the bond and clarifies that payment bonds must reference s. 255.05, F.S., and its notice and time limitation provisions.
- Requires a contractor to deliver to the public entity owner a certified copy of the bond recorded in the public records of the county where the improvement is located.
- Prohibits a public entity owner from making payment to the contractor until the contractor has delivered the certified copy of the recorded bond, notwithstanding contractual provisions to the contrary or the prompt-payment law.
- Specifies that any provision in a payment bond issued on or after October 1, 2012, which limits or expands the duration of a bond, or which adds conditions precedent to the enforcement of the claim against the bond is unenforceable.
- Requires the contractor or the contractor's attorney, rather than the clerk of the court, to serve to a public entity owner a notice of a contest of claim against a payment bond and to record the notice, and clarifies that no action may be instituted by a public entity owner against the contractor or the surety unless the notice to the contractor and notice of nonpayment have been served, if required by s. 255.05, F.S.
- Provides that if a contractor furnishes and records a payment and performance bond, the public entity owner may not condition its payments to the contractor on the production of a waiver from a claimant showing that such claimant does not have an outstanding claim for payments due on the project.

The bill creates s. 255.0518, F.S., relating to public bids and bid opening. The new section provides that sealed bids that are received pursuant to a competitive solicitation for the construction or repair of a public

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building are to be opened at a public meeting pursuant to s. 286.011, F.S.; the name of the bidder and the price of the submitted bid are to be announced at the meeting; and the name of each bidder and the price submitted are to be made available upon request.

The bill revises ss. 713.10, 713.13, 713.132, 713.16, 713.18, 713.22, and 713.23, F.S., relating to construction liens. These revisions should have no effect on public education construction contracting.

The bill reenacts and amends s. 489.118, F.S., to authorize a contractor to satisfy certain grandfathering provisions for certification as a contractor by 2015.

General Implementation Timeline:

October 1, 2012 Subject to approval by the Governor, the act becomes effective.



SB 922 - CURRENT AND FORMER MILITARY PERSONNEL (CH 2012-159)

Bill Sponsor: Criminal Justice Committee, Military Affairs, Space, and Domestic Security Committee, and Senator Bennett

Effective Date: July 1, 2012, except as otherwise expressly provided

DOE Contact: Randy Hanna, Chancellor, Division of Florida Colleges, (850) 245-9499

Executive Summary:

The bill creates and amends provisions of law relating to current and former military personnel in the state of Florida. Related to The Florida College System (FCS), the bill requires public postsecondary educational institutions that offer priority course registration for any segment of the student population to provide priority course registration for veterans.

The bill creates s. 1004.075, F.S., Priority course registration for veterans, to:

- Require each Florida College System institution and state university that offers priority course registration for a segment of the student population, or upon implementation of priority course registration for a segment of the student population, shall provide priority course registration for each veteran of the United States Armed Forces. Priority registration shall be given to the spouse or a dependent child of the veteran to whom GI Bill educational benefits have been transferred. Each eligible veteran shall be granted priority for course registration for the duration of his or her attendance at a Florida College System institution and state university if priority registration is offered. A spouse or dependent child shall also be granted priority for registration until the expiration of the GI Bill educational benefits.

General Implementation Timeline:

July 1, 2012	The bill becomes effective.
Summer 2012	FCS institutions (with priority registration for some segment of the population) that offer summer courses beginning after July 1, 2012, must offer veterans priority registration.
Summer 2012	For fall 2012 enrollment, FCS institutions must consider veteran status when determining residency for tuition purposes.

HB 937 - LEGAL NOTICES (CH 2012-212)

Bill Sponsor: Representative Workman

Effective Date: July 1, 2012, except as otherwise expressly provided

DOE Contact: Brent McNeal, Assistant General Counsel, Office of General Counsel, (850) 245-0442

Executive Summary:

Current law provides requirements for publishing legal notices and official advertisements. Publications must be in a newspaper that is printed and published at least once a week and that contains at least 25 percent of its words in the English language. In addition, the newspaper must qualify or be entered to qualify as periodicals matter at the post office in the county where published, and be generally available to the public for the purpose of publication of official or other notices.

The bill creates s. 50.0211, F.S., Internet website publication, to:

- Apply to legal notices that must be published in accordance with Chapter 50, unless otherwise specified.
- Require that each such legal notice be placed on a newspaper's website on the same day that the print notice appears, at no additional charge.
- Require that a link to legal notices be provided on the front page of the newspaper's website.
- Require that the size and placement of an online notice optimize its online visibility in keeping with print requirements.
- Require that the web pages that contain the legal notices present the legal notices as the dominant subject matter of the pages.
- Require that the newspaper's website include a search function for searching legal notices.
- Require that a newspaper publishing a legal notice also post the notice on the website www.floridapublicnotices.com.
- Require that a newspaper that publishes legal notices must, upon request, provide e-mail notification of new legal notices when they are printed, free of charge, and must provide notice of such an e-mail registry on the front page of the legal notices section of the newspaper's website.
- Provide that an error in a legal notice posted on the website shall be considered a harmless error and that proper legal notice requirements have been met if the notice published in the newspaper is correct.

The bill revises s. 50.041, F.S., Proof of publication; uniform affidavits required, to:

- Omit the requirement that the paper upon which affidavits are printed must contain at least 25 percent rag material.
- Provide that an affidavit may be provided in electronic rather than paper form, provided the notarization of the affidavit complies with requirements found in s. 117.021, F.S.

The bill revises s. 50.061, F.S., Amounts chargeable, to:

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- Limit the rate that may be charged for certain government notices required to be published more than once.
- Require that if such notice is published in the newspaper, it must be posted on the newspaper's website at no additional charge.

The bill revises s. 215.68, F.S., Issuance of bonds; form; maturity date, execution, sale, to:

- Amend requirements relating to the publication of certain notices relating to the sale of bonds by the Division of Bond Finance within the State Board of Administration.

The bill revises s. 120.60, F.S., Licensing, to:

- Omit the provision allowing/requiring notice to an out-of-state licensee to be published in Leon County.

General Implementation Timeline:

July 1, 2012	The act becomes effective. The act applies to legal notices published on or after that date.
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HB 943 - BACKGROUND SCREENING (CH 2012-73)

Bill Sponsor: Representative Doug Holder

Effective Date: July 1, 2012, Unless Otherwise Provided

DOE Contact: Lucy Mohs, Public Affairs Director, Division of Vocational Rehabilitation, (850) 245-3335

Executive Summary:

In 2010, the Legislature substantially rewrote the requirements and procedures for background screening of individuals and businesses that deal primarily with vulnerable populations. In 2011, the Legislature passed CS/SB 1992, which further implemented the 2010 legislation, however, this bill was vetoed by the Governor. The bill contains many of the provisions contained in the vetoed bill, while addressing the concerns of the Governor.

The bill also:

- Requires electronic fingerprinting vendors to use technology systems that are compliant with the systems used by the Florida Department of Law Enforcement.
- Allows employers to hire an employee for training and orientation before the screening is complete, provided the employee does not have any contact with clients until successful completion of the screening; and
- Creates background screening requirements related to the Division of Vocational Rehabilitation within the Department of Education (VR) for service providers.
- The VR vendor certification process is changed to a registration process to clarify that the division does not certify vendors or providers.

The bill creates the Care Provider Background Screening Clearinghouse (Clearinghouse) to create a single “program” of screening individuals and will allow for the results of criminal history checks of persons acting as covered care providers to be shared among the specified agencies. VR is included in the definition of “specified agency” for purposes of participating in the Care Provider Background Screening Clearinghouse.

Once a person’s screening record is in the Clearinghouse, that person will avoid the need for many future state screens and related fees. The Clearinghouse is created under Agency for Healthcare Administration (AHCA) and is to be implemented in consultation with Florida Department of Law Enforcement (FDLE). The Clearinghouse is a secure internet web-based system and is to be implemented by September 30, 2013. The Clearinghouse allows for the results of criminal history checks of persons acting as covered care providers to be shared among the specified agencies.

The bill does not appear to have a fiscal impact on state or local government.

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The bill is effective upon becoming a law, except the provisions relating to DVR take effect on October 1, 2012.

The bill amends s. 394.4572(1), F.S., relating to screening of mental health personnel.

- Restores an exemption from screening removed in 2010 for mental health personnel with 15 hours or less direct contact with patients per week in a hospital licensed pursuant to ch. 395, F.S., provided that the person is not listed on the FDLE Career Offender database or the Dru Sjodin National Sex Offender Public Website. The exemption is not available to persons working in a mental health facility where the primary purpose of the facility is the treatment of minors.

The bill amends s. 408.809, F.S., relating to background screening; prohibited offenses.

- Adds the rescreening staggered schedule to statute, thereby eliminating the need for a rule. The bill also amends this statute to limit an exemption from the screening process to persons whose background screening results have not been retained in the Care provider Background Screening Clearinghouse created by this bill.

The bill amends s. 409.1757, F.S., relating to persons not required to be refingerprinted or rescreened.

- Adds law enforcement officers with active certification to those licensed persons who do not have to be screened for purposes of ch. 409, F.S. The exemption applies to active sworn law enforcement officers who work or volunteer in summer camps and other facilities regulated under ch. 409, F.S., such as foster group homes and residential child-caring agencies.

The bill amends s. 409.221(4)(i), F.S., relating to the consumer-directed care (CDC) program.

- Provides that persons providing services under the CDC Program will be background screened pursuant to ch. 435, F.S., **and** s. 408.809, F.S.

The bill amends s. 413.20, F.S., relating to Division of Vocational Rehabilitation service providers.

- Defines the term “service provider” as it relates to the Division of Vocational Rehabilitation (DVR) and provides background screening requirements that would allow DVR to appropriately screen its service providers who are providing one-on-one services to vulnerable clients;

The bill amends s. 413.208, F.S., relating to Division of Vocational Rehabilitation service providers.

- Provides that service providers must register with VR. The Division maintains a registry of direct service providers to make effective consumer referrals for necessary services and to authorize payments to providers for services rendered. Section 413.208, F. S., requires the division to “certify” providers of direct services to VR customers. This language is confusing in that some statutory certification standards for other professions and occupations may include examinations, licensure and fee requirements. This technical amendment to change certify to “registration” codifies current practice and clarifies that VR is not providing more extensive qualification standards.
- Provides that Level 2 background screening must be conducted on specified service providers as a condition of registration.
- Provides for exemptions, screening standards and disqualifying offenses.

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- Provides that the background screening requirements do not apply to existing registrants with DVR in effect before October 1, 2012.

The bill amends s. 430.0402, F.S., relating to screening of Department of Elderly Affairs direct service providers.

- Provides for exemptions; provides time frames for screenings

The bill amends s. 435.02, F.S., relating to general Employment Screening definitions.

The bill amends s. 435.04, F.S., relating to Level 2 screening standards.

The bill amends s. 435.06(2), F.S., relating to exclusion from employment.

- Provides that an employer may hire an employee to a position that requires background screening before the employee completes the screening process for training and orientation purposes. However, the employee may not have direct contact with vulnerable persons until the screening process is successfully completed.

The bill creates s. 435.12, F.S., relating to the Care Provider Background Screening Clearinghouse.

- Creates a single “program” of screening individuals and will allow for the results of criminal history checks of persons acting as covered care providers to be shared among the specified agencies. Once a person’s screening record is in the Clearinghouse, that person will avoid the need for many future state screens and related fees.

The bill creates s. 456.0135, F.S., relating to general background screening provisions for Health Professions and Occupations.

- Provides that after January 1, 2013, such fingerprints must be submitted electronically under FDLE procedures and through an approved vendor. For subsequent renewals, FDLE will submit the retained fingerprints to the FBI for a national criminal history check, avoiding the need for the professional to have her or his fingerprints taken again.

The bill amends s. 464.203(1), F.S., relating to certified nursing assistants (CNA); certification requirements.

- Provides that if an applicant for CNA certification has successfully passed the background screening required by s. 400.215, F.S., or s. 408.809, F.S., within 90 days of applying for the certification, and the person's background screening results are not retained in the Clearinghouse, the Board of Nursing shall waive the requirement that the applicant pass another background screening.

The bill amends s. 943.05(2)(h)2., F.S., relating to Criminal Justice Information Program; duties; crime reports.

- Provides that qualified entities electing to participate in the fingerprint retention and search process must timely remit fees by a payment mechanism approved by the FDLE. Failure to pay the fees on a timely basis may result in the refusal by FDLE to permit the qualified entity to continue to participate in the fingerprint retention and search process until all fees owed are paid.

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The bill amends s. 943.053, F.S., relating to dissemination of criminal justice information; fees.

- Requires fingerprints submitted for background checks be taken by a law enforcement agency employee, a government agency employee, a qualified electronic fingerprint service provider, or a private employer. Such prints may not be taken by the subject of the criminal history check.
- Provides that a vendor, entity, or agency (except for criminal justice agencies) submitting fingerprints must enter into an agreement with FDLE. Such agreements must require:
 - Compliance with FDLE specified standards;
 - Persons with responsibility for submitting fingerprints to be qualified to do so; and
 - Collection and timely submission of fees.

The bill amends s. 943.0585, F.S., relating to court-ordered expunction of criminal history records.

- Adds VR to the list of agencies in which individuals must disclose the existence of expunged criminal history records for licensing, access authorization, and employment purposes.

The bill amends s. 943.059, F.S., relating to court-ordered sealing of criminal history records.

- Adds VR to the list of agencies in which individuals must disclose the existence of sealed criminal history records for licensing, access authorization, and employment purposes.

The bill provides an effective date of upon becoming a law, except as otherwise noted.

General Implementation Timeline:

October 1, 2012 Provisions relating to the Division of Vocational Rehabilitation take effect



HJR 1003 - TANGIBLE PERSONAL PROPERTY TAX EXEMPTIONS

Bill Sponsor: Representative Eisnaugle

Effective Date: If adopted by the voters at the 2012 General Election, this resolution will take effect January 1, 2013.

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

Executive Summary:

The joint resolution proposes an amendment to Section 3 of Article VII and the creation of Section 32 of Article XII of the State Constitution to provide an additional exemption from ad valorem taxes on tangible personal property valued at more than \$25,000, but less than \$50,000. In addition, the constitutional amendment proposed by the joint resolution would authorize the legislature to permit counties and municipalities, pursuant to general law, to provide additional exemptions from ad valorem taxes on tangible personal property by ordinance.

General Implementation Timeline:

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| November 2012 | The proposed constitutional amendment will be submitted to electors for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose. |
| January 1, 2013 | The resolution will take effect if adopted by voters at the 2012 General Election. |

HB 1037 - EMINENT DOMAIN (CH 2012-78)

Bill Sponsor: Representative Broxson

Effective Date: July 1, 2012

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

Executive Summary:

This bill amends s. 1012.61, F.S., to grant eminent domain power to the board of trustees of the Florida School for the Deaf and the Blind (FSDB), a state-supported residential public school located in the City of St. Augustine for hearing-impaired and visually impaired students in preschool through 12th grade and the school's postsecondary program. The bill provides that the board of trustees of the FSDB would be required to get approval prior to any eminent domain action from the Administration Commission, which consists of the Governor and Cabinet. The eminent domain power granted to the board of trustees of the FSDB in this bill is the same as the power currently granted to boards of trustees for the State University System and the Florida College System, which also must seek approval from the Administration Commission before exercising eminent domain powers and must exercise the power in the manner provided by Chapter 73 or Chapter 74, F.S.

Currently, all 67 Florida school districts and the boards of trustees for the State University System and the Florida College System have been granted legislative authorization to exercise eminent domain powers. This bill provides parity to the FSDB.

General Implementation Timeline:

April 6, 2012 The bill is approved by the Governor, Chapter 2012-78.

July 1, 2012 The act becomes effective.

HB 1205 - DRUG-FREE WORKPLACES (CH 2012-8)

Bill Sponsor: Representative Smith

Effective Date: July 1, 2012

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

Executive Summary:

The bill revises statutory provisions relating to employee drug testing, including drug-free workplace provisions in s. 112.0455, F.S., concerning state agency employees, and s. 440.102, F.S., concerning employers and employees covered under the Workers' Compensation Law. The bill authorizes state agencies to conduct random drug testing on all employees every three months and allows state agencies to administer drug tests to all job applicants.

Section 1 of the bill revises s. 112.0455(5), F.S., Drug-Free Workplace Act, as follows:

- Amends s. 112.0455(5)(f), F.S., by expanding the authorization of state agencies to drug test job applicants to allow for the blanket drug testing of all applicants, regardless of the duties of the position, by removing the stipulation that testing could only be performed for those in "special risk or safety sensitive positions."
- Amends s. 112.0455(5)(j), F.S., by adding a definition for "random testing."
- Amends s. 112.0455(5)(m), F.S., by deleting the definition for "safety-sensitive position."
- Amends s. 112.0455(7), F.S., by adding the requirement that "drug testing must be conducted within each agency's appropriation." It also states that the "employer may conduct, but is not required to conduct, the following: (a) Job applicant testing; (b) reasonable suspicion testing; (c) random testing; (d) routine fitness for duty; and (e) follow-up testing."
- Amends s. 112.0455(7)(c), F.S., regarding random testing, by stating that an employer may conduct random testing once every three months. The random sample of employees chosen for testing must be computer-generated by an independent third party. A random sample may not constitute more than 10 percent of the total employee population.
- Amends s. 112.0455(7)(m), F.S., by providing that no employer may discharge, discipline, refuse to hire, discriminate against, or request or require rehabilitation of an employee or job applicant on the sole basis of a positive test result that has not been verified by a confirmation test.
- Deletes s. 112.0455(7)(n), F.S., regarding discipline, treatment, and continued employment of an employee who receives a confirmed positive drug test result.
- Amends s. 112.0455(10)(h), F.S., by revising requirements for the discipline, treatment, and continued employment of an employee who receives a confirmed positive drug test result. The amendment makes the following substantive changes to such requirements: Removes a provision prohibiting a state agency from discharging, disciplining, or discriminating against an employee (other than a special-risk employee) on the sole basis of the employee's first positive confirmed drug test under certain conditions.

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- Updates ss. 112.0455(10)(h)(2)-(4), F.S., by specifying that employees whose positions require a background screening are deemed unable to safely and effectively perform the job duties assigned to the employee while the employee participates in the employee assistance program or the alcohol and drug rehabilitation program. The employee will be placed in leave status during the treatment period.

Section 2 amends s.440.102, F.S., of the Workers' Compensation statutes regarding drug-free workplace program requirements, including:

- Amends s. 440.102(1)(j), F.S., by redefining "job applicants" as "only a person who has applied for a special-risk or mandatory-testing position. "Mandatory testing position" replaces the deleted "safety-sensitive position." This subsection also states that all job applicants who have received a conditional offer of employment must be drug tested.
- Amends s. 440.102(1)(o), F.S., by adding the definition for "mandatory-testing positions," and includes those positions requiring an employee security background check, pursuant to s. 110.1127, F.S.
- Amends s. 440.102(2), F.S., Drug testing, by adding the language "at a minimum" as follows: "In order to qualify as having established a drug-free workplace program under this section and to qualify for the discounts provided under s. 627.0915, F.S., and deny medical and indemnity benefits under this chapter, an employer must, at a minimum, implement drug testing that conforms to the standards and procedures established in this section and all applicable rules adopted pursuant to this section as required in subsection (4)." This subsection also adds language regarding discounts under s. 627.0915, F.S., Rate filings; workers' compensation, drug-free workplace, and safe employers, as follows: "an employer qualifies for discounts under s. 627.0915, F.S., if the employer maintains a drug-free workplace program that is broader in scope than that provided for by the standards and procedures established in this section." The insurer must annually report to the department, all employers who qualify for and receive discounts provided under s. 627.0915. F.S.
- Amends s. 440.102(7), F.S., regarding employer protections, by deleting "safety-sensitive" and replacing the term with "mandatory-testing" as follows: "A public employer may, through the use of an unbiased selection procedure, conduct random drug tests of employees occupying mandatory-testing or special-risk positions if the testing is performed in accordance with drug-testing rules adopted by the Agency for Health Care Administration and the department." This subsection also deletes the provision stating that "random drug testing must be specified in a collective bargaining agreement as negotiated by the appropriate certified bargaining agent before such testing is implemented."
- Amends s. 440.102(11), F.S., by deleting the term "safety-sensitive" and replacing it with the term "mandatory-testing" positions. The section states that mandatory-testing employees are deemed unable to safely and effectively perform the job duties assigned to the employee while the employee participates in the employee assistance program or the alcohol and drug rehabilitation program. The employee will be placed in leave status during the treatment period. The employee may use accumulated annual leave credits before leave may be ordered without pay.

General Implementation Timeline:

July 1, 2012 The act becomes effective.



HB 1223 - HIGHWAY SAFETY AND MOTOR VEHICLES (CH 2012-181)

Bill Sponsor: Economic Affairs Committee; Transportation and Highway Safety Subcommittee;
Representative Albritton

Effective Date: January 1, 2013

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

Executive Summary:

The bill contains numerous changes to highway safety and motor vehicle laws administered by the Department of Highway Safety and Motor Vehicles (DHSMV).

The bill revises numerous sections of Florida Statutes relating to highway safety and includes the following provisions that may affect students, schools, school bus operators, or student transportation operations:

- The bill revises s. 316.183, F.S., Unlawful Speed, to remove the provision prohibiting a school bus from exceeding 55 miles per hour. A school bus must still obey all posted speed limits.
- Effective October 1, 2012, requires compliance with the federal safety standard for bicycle helmets contained in 16 C.F.R., part 1203. Helmets purchased prior to October 1, 2012, in compliance with the existing statutory standards, may continue to be worn legally by riders or passengers until January 1, 2016.
- Clarifies situations in which a bicyclist is not required to ride in the marked bicycle lane (if the roadway is marked for bicycle use) or as close as practicable to the right-hand curb or edge of the roadway. The bill clarifies that a bicyclist is exempt from this requirement when a "potential conflict" or a turn lane interrupts the roadway or bicycle lane.
- Allows law enforcement officers to issue bicycle safety brochures and verbal warnings to bicycle riders and passengers who violate bicycle lighting equipment standards in lieu of issuing a citation.
- Specifies that a child under six years of age may not be left unattended or unsupervised in a motor vehicle for any period of time if the child appears in distress.
- Provides that persons with a valid current student identification card issued by an education institution in this state are presumed not to have changed their legal residence or mailing address.
- Complies with requested modifications from the Federal Motor Carrier Safety Administration to comply with federal commercial motor vehicle and licensing regulations. Specifically, the bill:
 - Authorizes the Office of Commercial Vehicle Enforcement to enforce the most current regulations (as of October 1, 2011) applicable to owners and operators of commercial motor vehicles, thereby ensuring safety within the state.
 - Complies with a federal regulation denying eligibility for elective withholding of adjudication to persons cited for traffic violations that either (i) hold a commercial driver license (CDL), regardless of the vehicle being driven, or (ii) hold a regular operator license, but are cited while driving a vehicle requiring a CDL. The bill provides that eligibility for the withholding

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of adjudication is restricted to drivers who have noncommercial driver licenses and were not driving a commercial motor vehicle when cited.

- Requires that the applicant hold a valid Florida driver license before being issued a temporary commercial instruction permit.
- Includes the motor vehicle's gross vehicle weight to be used in the determination of the class of CDL required.
- Provides that the DHSMV may not issue a CDL to a person who is required by the laws of this state or by federal law to possess a medical examiner's certificate, unless the person presents a valid certificate, as described in 49 C.F.R. s. 383.71, before licensure.
- Requires the DHSMV to disqualify a driver holding a CDL who fails to comply with the medical certification requirements described in 49 C.F.R. s. 383.71, from commercial motor vehicle operation. The bill also allows for a person who is disqualified from operating a commercial motor vehicle to be issued a Class E driver license if otherwise qualified.
- Provides that any holder of a CDL who is convicted of two violations of specified offenses listed in s. 322.61(3), F.S., which were committed while operating any motor vehicle arising in separate incidents, shall be permanently disqualified from operating a commercial motor vehicle.

General Implementation Timeline:

January 1, 2013 The act becomes effective, except where specified otherwise.

HB 1261 - STATE EMPLOYMENT (CH 2012-215)

Bill Sponsor: Representative Mayfield

Effective Date: July 1, 2012

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

Executive Summary:

The bill makes substantive and conforming changes to provisions in Chapter 110, F.S., governing state employees. Substantive changes relating to public employees include the following:

- Revises requirements for fingerprinting conducted as part of a background screening.
- Revises the process for implementation of agency furloughs.
- Revises provisions related to telework.
- Revises duties of state agencies with respect to employment of Other Personal Services (OPS) employees and removes the annual hourly cap for other-personal-services employees.
- Requires employees to designate a charity when donating to the Florida State Employees' Charitable Campaign (FSECC).
- Limits a career service employee's probationary period to no more than 18 months and clarifies provisions related to employees who have been promoted and are in probationary status.

Section 1:

Revises s. 110.105, F.S., Employment Policy of the State, to:

- Add section (2)(b), which reads: "To support employees in balancing their personal needs and work responsibilities. This policy is designed to enhance the employee's ability to blend the competing demands of work and personal life and produce a more skilled, accountable, and committed workforce for the system. Provisions may include, but need not be limited to, flexible work schedules, telework, part-time employment, and leaves of absence with or without pay."

Section 2:

Revises s. 110.1127, F.S., Employee Background Screening and Investigations, to:

- Revise requirements for fingerprinting conducted as part of a background screening as follows:
 - Revises the entities which may take fingerprints to authorize anyone representing a law enforcement agency to take fingerprints, instead of an authorized law enforcement officer. The bill also authorizes certain vendors to take fingerprints.
 - Specifies that the agency or vendor that takes the fingerprints must remit the processing fees to the Florida Department of Law Enforcement (FLDE).
 - Replaces the United States Department of Justice with the Federal Bureau of Investigation (FBI) as the federal agency to which fingerprints are forwarded.
 - Requires the FDLE to automatically forward fingerprints to the FBI, instead of at the request of the employing agency, and make clear that such forwarding is for national processing.

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Section 3:

Revises s. 110.119, F.S., Administrative Leave for Military-Service-Connected Disability, to:

- Restructure such administrative leave from six days to 48 hours a year.

Section 4:

Revises s. 110.1225, F.S., Furloughs, to:

- Remove the requirement that the Administration Commission submit a furlough plan to the Legislature.
- Authorize the Governor or the Chief Justice of the Supreme Court, as appropriate, to propose a furlough plan for consideration by the Legislative Budget Commission.

Section 5:

Revises s. 110.126, F.S., Oaths, Testimony, Records, Penalties, to:

- Include other records, in written or electronic form, that may be compelled in an investigation of personnel practices.

Section 6:

Revises s. 110.131, F.S., Other-Personal-Services (OPS), to:

- Eliminate the annual hourly cap and the corresponding requirement that agencies seek approval for extensions to OPS temporary employees.
- Require agencies to review and document the mission-critical need for any continuing OPS position by June 30 of each year.
- Require each agency employing an OPS employee to annually report the following information to the Executive Office of the Governor and to the chairs of the legislative appropriations committee by August 15 of each year:
 - The total number of individuals serving in OPS employment; and
 - The type of employment, average pay, and total number of hours worked for each individual serving in OPS employment.

Section 7:

Revises s. 110.1315, F.S., Alternative Retirement Benefits; Other-Personal-Services Employees, to:

- Move the alternative retirement income security program for OPS employees from the Department of Management Services (DMS) to the Department of Financial Services (DFS).
- Authorize the DFS to contract with a private vendor or vendors to administer the program.

Section 8:

Revises s. 110.171, F.S., State Employee Telework Program, to:

- Revise terminology from the “telecommuting” program to the “telework” program.
- Update the definition of “telework” by removing the references to computers and telecommunications, and clarify that telework does not include the performance of required work duties away from the official worksite on an occasional basis or duties and responsibilities that are by their nature performed routinely in the field.
- Remove the DMS responsibility for establishing and coordinating the telework program and for appointing a statewide telecommuting coordinator.

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- Require agencies with a telework program to develop an agency plan that addresses policies and procedures for teleworking.
- Require agencies to report telework performance measure tracking data to the DMS on an annual basis, to correspond with the DMS transition from an implementation to a monitoring role.
- Specify that OPS employees may participate in a telework program.
- Authorize an agency to require an employee's participation. If an agency requires an employee to telework, the agency must provide 30 days written notice to the affected employee, include the requirement to telework and the terms and conditions in the employee's job description, and provide 15 days written notice of any change to such terms and conditions.

Section 9:

Revises s. 110.181, F.S., Florida State Employees' Charitable Campaign, to:

- Require state officers and contributing employees to designate a charitable organization.

Section 10:

Revises s. 110.2035, F.S., Classification and Compensation Program, to:

- Rename existing pay additives.
- Add Temporary Special Duties – Absent Coworker additive.

Require agencies to include a proposed written plan for implementing temporary special duties- general pay additives in its annual Legislative Budget Request.

- Require the employing agency to notify the Department of Management Services, the Executive Office of the Governor, and the Legislature by writing of the plan to implement any pay additives before any scheduled start date.
- Allow agencies to implement shift differential additives, on-call additives, hazardous duty additives, lead-worker additives, temporary special duty – absent coworker additives, and trainer duty additives as necessary to accomplish the agency's mission and in accordance with department rules, instructions contained in the General Appropriations Act, and applicable collective bargaining agreements.
- Require DMS to annually provide to the Executive Office of the Governor and the Legislature, a summary report of the pay additives implemented.

Section 11:

Revises s. 110.205, F.S., Career Service; Exemptions, to:

- Remove option for employee to carry forward unused compensatory leave when being transferred or moving from the Career Service System into the Select Exempt Service.

Section 12:

Revises s. 110.217, F.S., Appointment Actions and Status, to:

- Limit a probationary period to no more than 18 months.
- Indicate that if an employee who has received an internal agency promotion from a position in which the employee held permanent status is to be dismissed from the promotional position for failure to meet the established performance standards of the promotional position while in a probationary status, the agency, before dismissal, shall return the employee to his or her former

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position, or to a position with substantially similar duties and responsibilities as their former position, if such position is vacant.

- Indicate that such decisions are not appealable to the Public Employees Relations Commission (PERC).

Section 13:

Revises s. 110.227, F.S., Suspensions, Dismissals, Reductions in Pay, Demotions, Layoffs, Transfers and Grievances, to:

- Delete language regarding a permanent career service employee who is promoted and placed back in probationary status, as new language was added in Section 12 of the bill, amending Chapter 110.217, F.S.

Sections 14 – 19: Conform and correct cross references.

Section 20: Establishes an effective date.

General Implementation Timeline:

July 1, 2012	The act becomes effective.
August 15, 2012	Each state agency employing OPS staff submits a report to the Executive Office of the Governor and chairs of the legislative appropriations committees containing information for the previous fiscal year ending June 30, 2012.
September / October of Each Year	Each state agency includes in its annual legislative budget request a proposed written plan for implementing temporary special duties - general pay additives during the next fiscal year.
June 30 of Each Year	Each state agency reviews and documents the mission-critical need for any continuing OPS position.
August 15 of Each Year	Each agency employing OPS staff submits a report to the Executive Office of the Governor and chairs of the legislative appropriations committees containing information for the previous fiscal year ending June 30.

HB 1263 - DEPARTMENT OF HEALTH (CH 2012-184)

Bill Sponsor: Representative Hudson

Effective Date: Upon Becoming Law

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

Executive Summary:

The bill revises the purposes and structure of the Department of Health (DOH), streamlining divisions by combining and renaming titles of current divisions. Sections 113, 114, and 115 of the bill provides for the transfer of the Nursing Student Loan Forgiveness Program and the Nursing Scholarship Program from the DOH to the Department of Education (DOE).

Section 113:

Revises s. 1009.66, F.S., Nursing Student Loan Forgiveness Program, to:

- Transfer the program and the associated trust fund from the DOH to the DOE.

Section 114:

Revises s. 1009.67, F.S., Nursing Scholarship Program, to:

- Transfer the program and the associated trust fund from the DOH to the DOE.

Section 115:

- Provides for all powers, duties, functions, records, offices, personnel, associated administrative support positions, property, pending issues, existing contracts, administrative authority, administrative rules, and unexpended balances of appropriations, allocations, and other funds relating to the Nursing Student Loan Forgiveness Program and the nursing scholarship program to be transferred via a type-two transfer to the DOE from the DOH, effective July 1, 2012.
- Provides for any contracts or interagency agreements related to the Nursing Student Loan Forgiveness Program existing before July 1, 2012, between the DOH and other entities to continue as a binding contract or agreement for the remainder of the term of such contract with the DOE.

General Implementation Timeline:

Upon Becoming Law The act becomes effective.

July 1, 2012 Nursing Student Loan Forgiveness Program and the nursing scholarship program transferred from the DOH to the DOE.

HB 1351 - HOMELESS YOUTH (CH 2012-186)

Bill Sponsor: Representative Glorioso

Effective Date: July 1, 2012

DOE Contact: Pam Stewart, Chancellor, Division of Public Schools, (850) 245-0509

Executive Summary:

The bill amends s. 382.002, F.S., Definitions, to:

- Define the term “certified homeless youth” as a minor who is a homeless child or youth, including an unaccompanied youth, as defined in 42 U.S.C. s. 11434a, and has been certified as homeless or unaccompanied by:
 - a. A school district homeless liaison;
 - b. The director of an emergency shelter program funded by the United States Department of Housing and Urban Development, or the director’s designee; or
 - c. The director of a runaway or homeless youth basic center or transitional living program funded by the United States Department of Health and Human Services, or the director’s designee.

This bill amends s. 382.025, F.S., Certified copies of vital records; confidentiality; research, to:

- Expand instances where the Department of Health (DOH) must provide an individual with a copy of an original, new, or amended birth certificate or affidavits thereof.
- Require DOH provide such birth certificate or affidavits to the registrant if he or she is a certified homeless youth or is a minor who has had the disabilities of nonage removed under s. 743.01, F.S., or s. 743.015, F.S.

The bill creates s. 743.067 F.S., Unaccompanied Youth, to:

- Provide that an unaccompanied youth, as defined in 42 U.S.C. s. 11434a, who is also a certified homeless youth, as defined in s. 382.002, F.S., and is 16 years of age or older, may petition the circuit court to have the disabilities of nonage removed under s. 743.015, F.S.
- Qualify the youth as a person not required to prepay costs and fees provided in s. 57.081, F.S.
- Require the court to advance the cause on the calendar.

General Implementation Timeline:

July 1, 2012 The act becomes effective.



HB 1355 - PROTECTION OF VULNERABLE PERSONS (CH 2012-155)

Bill Sponsor: Representative Dorworth

Effective Date: October 1, 2012

DOE Contact: Randy Hanna, Chancellor, Division of Florida Colleges, (850) 245-9499

Executive Summary:

This bill addresses child abuse, neglect and abandonment, relocation assistance for sexual battery victims, and assistance for child abuse victims. The bill revises language concerning child abuse reporting. It requires any person to report known or reasonably suspected physical or emotional abuse of a child by any adult person. The bill also requires any person to report known or reasonably suspected sexual abuse of a child by any person. Any report of child abuse, abandonment, or neglect by a person other than a child's caregiver, as defined in statute, must be accepted by the Florida Abuse Hotline (hotline), maintained by the Department of Children and Families and forwarded to the appropriate sheriff's office.

The bill provides financial penalties for violations; increases penalties for certain reporting offenses; provides for upward reclassification of certain prostitution offenses involving minors; provides for denial of relocation payment for domestic violence claim if claimant has been paid sexual battery relocation claim for same incident; provides for relocation assistance payments to victims of sexual battery; provides criteria for awards; and provides for denial of relocation payment for sexual battery claim if claimant has previously been paid domestic violence relocation claim for same incident.

The bill requires any Florida College System institution, state university, or nonpublic college, university or school and their law enforcement agencies to report known or suspected child abuse, abandonment, or neglect committed on the property of the institution, university, college, or school, or during an event or function sponsored by the institution, university, college, or school. The bill also states that any Florida College System institution, state university, or nonpublic college, university or school and their law enforcement agencies that knowingly and willfully prevent another person from doing so, to be subject to fines. The bill imposes a \$1,000,000 fine on public and private colleges, universities and schools whose administrators knowingly and willfully, upon receiving information from faculty, staff or other institution employees, fail to report known or suspected child abuse, abandonment, or neglect committed on school property or during a school-sponsored event or function, or who knowingly and willfully prevent another person from doing so. The bill also imposes the fine on law enforcement agencies that fail to report certain child abuse taking place on campus or at an event or function sponsored by the college, university, or school.

The bill specifies that the fine shall be assessed as follows:

- A Florida College System institution subject to a fine shall be assessed by the State Board of Education.

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- A state university subject to a fine shall be assessed by the Board of Governors.
- A nonpublic college, university, or school subject to a fine shall be assessed by the Commission for Independent Education.

The bill provides that the university, college, etc., has the right to challenge the determination of a violation in an administrative hearing; however, if it is found that actual knowledge and information of known or suspected child abuse was in fact received by the institution's administrators and this information was not reported, a presumption of a knowing and willful act will be established.

The bill directs the Department of Children and Family Services to enable the hotline to accept reports of known or suspected child abuse, abandonment, or neglect through web-based chat. The bill requires the Department of Children and Family Services to partner with community-based organizations and public service campaigns to promote public awareness of the hotline. It requires the Department of Children and Family Services to collect and analyze reports of child abuse and sexual abuse reported from or occurring on the campus of any Florida College System institution, state university, or nonpublic college, university, or school, as defined in s. 1001.21, F.S., or s. 1005.02, F.S.

The bill changes from a first degree misdemeanor to a third degree felony the current offense of knowing and willful failure to report known or suspected child abuse, etc., and authorizes repeat offender sanctions under s. 775.084, F.S., if applicable.

The bill expands the scope of victims who are eligible to receive monetary relocation assistance to include a victim of sexual battery, and appropriates \$1.5 million from the General Revenue Fund for that purpose. The bill increases criminal penalties by reclassifying certain violations involving sexual conduct with minors. The bill also requires teachers in grades 1-12 to participate in continuing education training provided by the Department of Children and Family Services on identifying and reporting child abuse and neglect. The bill will have a significant impact on state Government.

Statutory References:

The bill revises s.39.201, F.S., relating to language concerning child abuse reporting, to:

- Require the Department of Children and Family Services to provide for web-chat and update other web-based forms for reporting child abuse, abandonment, or neglect;
- Requires a study on the use of short message format for the central abuse hotline;
- Requires the development of a public awareness campaign for the central abuse hotline;
- Requires the collection of statistical reports on child abuse and child sexual abuse on campuses of colleges and universities.

The bill amends s.39.205, F.S., to:

- Increase criminal penalties for knowingly and willfully failing to report known or suspected child abuse, abandonment, or neglect, or knowingly and willfully preventing another person from doing so.
- Require specified educational institutions and their law enforcement agencies to report known or suspected child abuse, abandonment, or neglect in certain circumstances.
- Provide financial penalties for violations.

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- Provide for challenges to findings of determinations.
- Provide for a presumption in certain circumstances.

The bill creates s.796.036, F.S., to provide for upward reclassification of certain prostitution offenses involving minors.

The bill amends s.960.198, F.S., to provide for denial or relocation payment for a domestic violence claim if the Department of Legal Affairs has previously paid a sexual battery relocation claim to the same victim for the same incident.

The bill creates s.960.199, F.S., to:

- Provide for relocation assistance payments to victims of sexual battery.
- Provide criteria for awards.
- Provide for denial or relocation payment for a sexual battery claim if the department has previously paid a domestic violence relocation claim to the same victim for the same incident.
- Provides an appropriation.

The bill amends s.1012.98, F.S., to:

- Provide a continuing education requirement for teachers, grades 1-12, on identifying and reporting child abuse and neglect. Training will be provided by the Department of Children and Family Services.
- Provide an appropriation to the Department of Children and Family Services.
- Authorizing a specified numbers of full-time equivalent positions with associated salary rates within the Department of Children and Family Services.

The bill amends s.827.03, F.S., to:

- Define the term “mental injury” with respect to the offenses of abuse, aggravated abuse, and neglect of a child.
- Require that a physician or psychologist acting as an expert witness in certain proceedings have certain credentials.

The bill amends ss.775.084, 775.0877, 782.07, 921.0022, and 948.062, F.S. to conform cross-references.

The bill amends s.960.03, F.S., to:

- Redefine the term “crime” for purposes of crime victims’ compensations to include additional forms of injury.
- Redefine the term “victim” to conform to the modified definition of the term “crime”.
- Provide an effective date.

General Implementation Timeline:

October 1, 2012 The act becomes effective.

HB 1403 - HIGH SCHOOL ATHLETICS (CH 2012-188)

Bill Sponsor: Representative Stargel

Effective Date: July 1, 2012

DOE Contact: Pam Stewart, Chancellor, Division of Public Schools, (850) 245-0509

Executive Summary:

The bill revises s. 1002.20, F.S., K-12 student and parent rights, to:

- Allow a student to be eligible for high school athletic competition at the school in which the student has transferred with approval of the district school board.

The bill revises s. 1006.20, F.S., Athletics in public K-12 schools, to:

- Authorize high schools, including charter schools, virtual schools, and home education cooperatives, to become members of the Florida High School Athletic Association (FHSAA).
- Prohibit the FHSAA from denying or discouraging interscholastic competition between its member schools and non-FHSAA member Florida schools, including members of another athletic governing organization.
- Prohibit the FHSAA from taking retributory or discriminatory action against any of its member schools that participate in interscholastic competition with non-FHSAA member Florida schools.
- Prohibit the FHSAA from withholding approval of an application to become an affiliate member of the National Federation of State High School Associations by any other organization that governs athletic competition in the state.
- Require the FHSAA to adopt bylaws to allow a student who transfers schools to be eligible to participate in athletics if certain conditions are met.
- Authorize certain penalties for a recruiting violation.
- Require the FHSAA to adopt bylaws to regulate investigators and sanction coaches who commit major violations.
- Specify sanctions and procedures for any coach who has committed major violations of the FHSAA's bylaws and policies.
- Require the FHSAA to adopt bylaws establishing the process and standards by which determinations of eligibility are made.
- Authorize the FHSAA to adopt bylaws providing certain procedural safeguards.
- Prohibit FHSAA bylaws from prospectively limiting the competition of certain student athletes and from unfairly punishing student athletes for violations perpetrated by a teammate, coach, or administrator.
- Provide requirements for the forfeiture of contests under certain conditions.
- Require an expedited appeals process on determinations of ineligibility.
- Authorize a school or student athlete filing an appeal to present information and evidence.
- Provide requirements for de novo decisions on appeal.

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- Delete provisions relating to rule adoption.

The bill revises s. 1012.468, F.S., Exceptions to certain fingerprinting and criminal history checks, to:

- Provide background screening exceptions for certain investigators for the FHSA.

General Implementation Timeline:

July 1, 2012 The act becomes effective.

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HB 5001 - 2012-2013 GENERAL APPROPRIATIONS ACT (CH 2012-118)

Bill Sponsor: Appropriations Conference Committee

Effective Date: July 1, 2012, except as otherwise provided. If the act becomes law after July 1, 2012, it shall operate retroactively to July 1, 2012.

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, 2012, and ending June 30, 2013, 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 2011-12 and 2012-13 education budget line item detail for both operating and fixed capital outlay budgets.

OPERATING BUDGET

The \$15.2 billion in General Revenue, Lottery, and Other Trust Funds appropriated for the budget entities under the supervision of the State Board of Education (excludes the State University System) authorizes operating resources for the Department of Education to continue providing a high-quality education for Florida students. The 2012-13 appropriations reflect an increase of \$571.3 million over the 2011-12 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 \$1.013 billion is provided for Early Learning Services as a result of the transfer of the Office of Early Learning from the Agency for Workforce Innovation to the Department of Education pursuant to Chapter 2011-142, LOF.

An appropriation of \$413.3 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 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 2012-13 is

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\$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 78). This funding is provided to support an estimated enrollment of 183,514 students or 85 percent of the total number of four-year-old children.

An appropriation of \$4.46 million is provided for early learning standards and accountability (Line Item 68).

K-12 EDUCATION

The total 2012-13 appropriation for K-12 Education is \$12.1 billion, which is an overall decrease of \$60.9 million from the 2011-12 appropriation. However, during the 2011-12 fiscal year, the transfer of two programs and their corresponding budget to other agencies, Food and Nutrition (\$959.2 million) and Ready to Work (\$5.0 million) result in a misleading comparison of the 2012-13 appropriations to the 2011-12 appropriations. After adjusting for these two agency reorganizations, there is a true overall increase of \$903.3 million.

The true increase from the 2011-12 appropriation of \$903.3 million is primarily the result of the following:

- An additional \$844.4 million in state funds in the Florida Education Finance Program (FEFP)
- An additional \$51.9 million for federal Race to the Top (RTTT) and Partnership Assessment of Readiness for Colleges and Careers (PARCC)
- An additional \$4.0 million for public television stations
- An additional \$2.6 million in Non-FEFP programs.

The appropriated amounts for the K-12 budget entities are as follows: State Grants/K-12 Program – FEFP, \$9.6 billion; State Grants/K-12 Program - Non – FEFP, \$214.3 million; K-12 Program - Federal Grants, \$1.8 billion; Educational Media and Technology Services, \$7.8 million; and Workforce Education, \$488.2 million.

Florida Education Finance Program (FEFP)

The Florida Education Finance Program (FEFP) is provided \$9.6 billion, an increase of \$844.4 million over the 2011-12 appropriation. In addition, \$224 million in nonrecurring state funds provided in 2011-12 were restored, for a total increase of approximately \$1.1 billion.

Funds are provided in the FEFP to serve 30,873 additional full-time equivalent (FTE) students in 2012-13 (2,694,617 students projected to be served). In funding the FEFP, the Legislature authorized state and potential local revenue of \$17.18 billion, an increase of \$597.1 million or 3.6 percent over 2011-12. Potential FEFP funds per student for 2012-13 will be \$6,375.18, an increase of \$150.26 or 2.41 percent over 2011-12 (Line Items 6 through 8, 84, and 85).

A summary chart of the components of the FEFP from the official legislative calculation is included.

Base Funding (weighted FTE students (WFTE) X Base Student Allocation (BSA) X District Cost Differential (DCD)) is \$10.48 billion for 2012-13, an increase of \$470.8 million or 4.71 percent over 2011-12. The BSA was increased by \$103.76 or 2.98 percent to \$3,582.98.

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The program cost factors, when multiplied by the unweighted FTE students, result in the WFTE students for funding. Program cost factors (weights) for 2011-12 and 2012-13 legislated educational programs within the FEFP are as follows:

	<u>2011-12</u>	<u>2012-13</u>
Basic K-3	1.102	1.117
Basic 4-8	1.000	1.000
Basic 9-12	1.019	1.020
Exceptional Student Education Level 4	3.550	3.524
Exceptional Student Education Level 5	5.022	5.044
English for Speakers of Other Languages	1.161	1.167
Career Education (9-12)	0.999	0.999

The total Required Local Effort (RLE) for 2012-13 is \$6.72 billion, a decrease of \$214.8 million from 2011-12. The statewide average RLE millage rate is 5.446 mills, the same rate as 2011-12. 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 84).

For 2012-13, 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 \$132.5 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. 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 84) at an estimated cost of \$9.17 million.

The Virtual Education Contribution component provides for \$5,200 per FTE for students who participate in virtual instruction. The estimated cost of the Virtual Education Contribution is \$37.4 million for 2012-13.

Beginning in 2012-13, proviso requires that funds provided for educational programs and services for exceptional students through the Exceptional Student Education (ESE) Guaranteed Allocation must focus primarily on advanced mathematics and science curriculum and enrichment.

Supplemental Academic Instruction and K-12 Comprehensive Reading Instruction were provided \$637.0 million and \$130.0 million, respectively. From the total of these allocations, no less than \$15.0 million must be used by districts with one or more of the 100 lowest performing elementary schools for extended day, intensive reading instruction. The 100 lowest performing elementary schools are determined based on the state reading assessment and excludes ESE centers. The additional hour of instruction must be beyond the normal school day for each day of the entire school year and be provided by effective reading teachers or reading specialists. Participation by students with a level 5 reading assessment score is optional. The Department of Education is to provide guidance on the documentation of expenditures which are to be

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reported by each school district for submission by the department to the Legislature by September 30, 2013. The State Board of Education shall withhold funds from districts that fail to comply.

For 2012-13, \$64.5 million is provided for Safe School activities, which have been expanded to include middle and high school programs for correction of discipline problems, behavior driven intervention programs that include anger and aggression management strategies, bullying prevention and intervention, and school resource officers. The Department of Education is required to monitor compliance with already-established reporting requirements and shall withhold and reallocate funds from those districts that fail to comply.

Total funding provided for year ten implementation of the Class Size Constitutional Amendment (ss. 1003.03 and 1011.685, F.S.) is \$2.98 billion, an increase of \$56.3 million over 2011-12. 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 85).

The School Recognition Program is provided \$134.6 million. These funds provide individual schools that earn an "A" grade, improve at least one performance grade from the previous year, or sustain the previous year's improvement of more than one letter grade, with up to \$100 per student, an increase of \$30 per student from 2011-12. If funds remain after payment to the recognized schools, up to \$5 per student is allocated to school advisory councils (Line Item 8).

Non-FEFP

An appropriation of \$760,000 is provided for Instructional Materials, a decrease of \$385,000, which is attributed to the veto of funds for the Panhandle Area Education Consortium (PAEC) and the transfer of the Sunlink Library Database (Line Item 87).

Funding in the amount of \$750,000 provided to the PAEC 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) was vetoed (Line Item 88). The appropriation of \$130.0 million for Reading Instruction Allocation authorized in the FEFP remains (Line Items 6 and 84).

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 87B).

Mentoring/Student Assistance funding totals \$11.1 million, of which \$1.02 million is nonrecurring. This represents an increase of \$2.3 million or 25.9 percent over 2011-12. There are seven organizations specified in proviso, including the addition of AVID Highlands County International Baccalaureate Program. Also, the Take Stock in Children program received an increase of \$1.0 million, for a total of \$4.8 million in 2012-13. Funding is not provided for the Governor's Mentoring Initiative or Competitive Bid (Line Item 87C).

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Funding provided for the College Reach-Out Program remains at the 2011-12 level of \$1.0 million (Line Item 87D).

An appropriation of \$1.98 million is provided for the five university-based Florida Diagnostic and Learning Resources Centers (Line Item 88).

The New World School of the Arts is appropriated \$400,000, a continuation of the 2011-12 funding level (Line Item 88A).

Funds for the School District Matching Grants Program are increased by \$913,255, for an appropriation of \$2.3 million. Of these funds, \$500,000 are nonrecurring (Line Item 89).

Funds appropriated for Teacher and School Administrator Death Benefits total \$18,000 (Line Item 89A).

The seven university-based Autism Centers were funded at \$5.47 million, an increase of \$497,542 over 2011-12 (Line Item 80).

Funding for the Regional Education Consortium Services in the amount of \$1.4 million was vetoed (Line Item 91A).

Teacher Professional Development is funded at \$134.9 million. Of these funds, \$134.6 million in federal funds is provided for Improving Teacher Quality and \$272,051 in General Revenue funds is provided for superintendent's training, Teacher of the Year, Principal of the Year, and School Related Personnel of the Year (Line Item 92).

For School and Instructional Enhancements, the appropriation is \$4.6 million, of which \$2.2 million is nonrecurring. Funds are appropriated for thirteen grants specified in proviso, including the addition of the Florida Holocaust Museum, Governor's School for Space Science and Technology, Valparaiso STEM Middle School, and Integrated Technology Pilot Project. Also included are funds for the African American and Holocaust Task Forces, which were transferred from the K-12 Federal Grants and Aids category (Line Item 92A).

Exceptional Education Services funding remained at \$3.3 million. A portion of the 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 93).

The Florida School for the Deaf and the Blind is funded at \$44.1 million (Line Item 94).

K-12 Federal Programs

An appropriation of \$1.8 billion is provided for K-12 Federal Programs, a decrease of \$907.5 million or 33.5 percent from 2011-12. However, during the 2011-12 fiscal year, the transfer of the Food and Nutrition Program and its corresponding budget (\$959.2 million) results in a misleading comparison of the 2012-13

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appropriations to the 2011-12 appropriations. After adjusting for state agency reorganization, there is a true overall increase of

\$51.7 million. This increase is the result of \$51.9 million in additional funds for federal programs Race to the Top (RTTT) and Partnership Assessment of Readiness for College and Careers (PARCC) and the transfer of \$200,000 to the Non-FEFP budget entity for the African American and Holocaust Task Forces.

Included in the funding for the K-12 Federal Programs is \$5.4 million for Domestic Security (Line Item 98), \$212.7 million for Strategic Education Initiatives for Race to the Top and the Statewide Longitudinal Data Systems (Line Item 99), and \$64.4 million for the Partnership for Assessment of Readiness for College and Careers (PARCC) grant awards (Line Item 100).

Educational Media and Technology Services

Funding for Educational Media and Technology Services totals \$7.8 million, an increase of \$4.6 million or 144 percent from 2011-12. Public Broadcasting services funding is increased \$4.0 million or 151 percent, from \$2.6 million in 2011-12 to \$6.6 million in 2012-13. This increase is a result of funding provided for public television stations. Additionally, each public broadcasting station, in conjunction with the school district superintendent, must report data to the department to measure the learning gains of students with school-day contact with public broadcasting educational material.

Also included is \$1.15 million for the Capitol Technical Center, which includes an increase of \$1.0 million in nonrecurring funds provided for equipment replacement (Line Item 101) and \$6.6 million for Public Broadcasting services (Line Item 103).

Funding previously provided for Instructional Technology programs was vetoed (Line Item 102).

Workforce Education Programs

Adult Basic Education funding remained constant at \$41.6 million (Line Item 105).

An allocation of \$4.99 million is provided to school districts for Performance Based Incentives (Line Item 104).

Workforce Development funds for school districts remain at the 2011-12 level of \$369.5 million (Line Items 9 and 106). Federal Vocational Formula funds also remain at the 2011-12 level of \$72.1 million (Line Item 107).

The standard tuition specified in s. 1009.22 (3), F.S., for school district workforce programs is increased by 5 percent. For adult general education programs, block tuition remains at \$45 per half year or \$30 per term for in-state students (Line Item 106).

The reduction of \$5.0 million in the budget entity is a result of the transfer of the Ready to Work program to the Department of Economic Opportunity, pursuant to Chapter 2011-142, L.O.F.



POSTSECONDARY EDUCATION

Florida Colleges

Funding is provided for the enrollment of 373,792 students at \$2,761 per full-time equivalent (FTE) student.

The total state appropriation to the system is \$1.07 billion, an increase of \$38.6 million over 2011-12.

Of the \$1.07 billion, \$1.05 billion is provided directly for the operation of the colleges, an increase of \$28.3 million or 2.8 percent over 2011-12. This increase is attributed primarily to appropriations for college specific projects and is offset by the transfer for funds for the College Center for Library Automation (CCLA) to the new Florida Virtual Campus (Line Item 110A and Section 14, HB 5201) and investment and optional retirement plan rate changes. Additional funds are provided by the authorized tuition increase of 5 percent, which is estimated to generate an additional \$45.5 million, bringing total estimated tuition revenue to \$949.0 million. Including state funds and estimated tuition revenue, the total funding per FTE student is \$5,300 (Line Items 10 and 108).

An appropriation of \$3.0 million is continued for Florida’s Two Plus Two Public and Private Partnerships from 2011-12 (Line Item 110B). 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 2012-13 academic year. Applications for funding are due April 15, 2013, and the funds are to be distributed by June 1, 2013. The remaining \$750,000 is for incentive grants to eligible public colleges and public universities for new partnership agreements during the 2012-13 and 2013-14 academic years. The funds must be used for new students and new programs.

Funds provided in 2011-12 for distance learning initiatives are transferred to the new Florida Virtual Campus (Line Item 110A). Section 14 of HB 5201 establishes the Florida Virtual Campus.

Student Financial Aid

The Florida Bright Futures Scholarship Program, which is a merit-based scholarship program, is funded at \$329.4 million (Line Item 3), a decrease of \$20.6 million from the 2011-12 appropriation of \$350.0 million. When accounting for the reversion of \$10.8 million in Educational Enhancement Trust Fund (Lottery) funds provided in 2011-12, the decrease is \$9.8 million from the adjusted 2011-12 appropriation of \$339.2 million (Section 28, HB 5001). Sections 25 through 29 of HB 5201 amended the substantive law for the scholarship program. The summary of HB 5201 provides details about the changes to the law and program. The program funding is based on an estimated 170,808 eligible students. The award amounts, as specified in proviso, are as follows:

	<u>2011-12</u>	<u>2012-13</u>
Academic Scholars		
Four-Year Institutions	\$101	\$100
Two-Year Institutions	\$ 62	\$ 61
Upper-Division Programs at Florida Colleges	\$ 70	\$ 69
Career/Technical Centers	\$ 51	\$ 50

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	<u>2011-12</u>	<u>2012-13</u>
Medallion Scholars		
Four-Year Institutions	\$ 76	\$ 75
Two-Year Institutions	\$ 62	\$ 61
Upper-Division Programs at Florida Colleges	\$ 52	\$ 51
Career/Technical Centers	\$ 38	\$ 38
	<u>2011-12</u>	<u>2012-13</u>
Gold Seal Vocational Scholars		
<u>Returning Students</u>		
Four-Year institutions	\$ 76	\$ 75
Two-Year Institutions	\$ 62	\$ 61
Upper-Division Programs at Florida Colleges	\$ 52	\$ 51
Career Certificate Program	\$ 38	\$ 38
Applied Technology Diploma Program	\$ 38	\$ 38
Technical Degree Education Program	\$ 47	\$ 47
<u>New 2012-13 Students</u>		
Career Certificate Program	\$ 38	\$ 38
Applied Technology Diploma Program	\$ 38	\$ 38
Technical Degree Education Program	\$ 47	\$ 47
Top Scholars Stipend	\$ 43	\$ 43

The Student Financial Aid item funding is increased by \$453,131 or 0.34%, from \$134.1 million in 2011-12 to \$134.6 million in 2012-13. This item includes the need-based programs such as Florida Work Experience, Rosewood Family Scholarships, Children/Spouses of Deceased and Disabled Veterans/ Servicemembers, and all sectors (Public full- or part-time, Private, Postsecondary, and Career Education) of the Florida Student Assistance Grants (FSAG). The maximum FSAG award is set at \$2,534 (Line Items 5 and 61). Any institution that receives 2011-12 state funding in the form of student scholarships or grants administered by the Office of Student Financial Assistance, is required to report to the Department of Education prior to September 1, 2012, 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 \$7.0 million reflects an increase of \$2.4 million from 2011-12. 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 57).

Of the \$5.3 million appropriated for the First Generation in College Matching Grant Program, \$1.3 million is allocated to Florida colleges. If the required matching funds are not raised by participating Florida colleges or state universities by December 1, 2012, 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 \$3.3 million is appropriated for the Minority Teacher, Mary McLeod Bethune, Jose Marti, and Florida Education Fund Scholarship Programs (Line Items 58, 60, 62, and 63). HB 5201 (Sections 33 and

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34) amended substantive law regarding the match requirements for the Mary McLeod Bethune and Jose Marti Scholarship Programs. The summary of HB 5201 provides additional details related to these changes.

Federal Student Financial Aid Programs (Line Items 64 through 66) is provided \$7.6 million in federal funds, a decrease of \$4.5 million from 2011-12. This decrease is due to the suspension of the Special/Leveraging Educational Assistance Partnership (S/LEAP) and Robert C. Byrd Honors Scholarship Programs by the federal government.

The Florida Resident Access Grant (FRAG) provides tuition assistance for qualified Florida residents who enroll in eligible Florida private colleges and universities. The 2012-13 appropriation is \$79.0 million for 37,965 students. Of these funds, \$73.1 million will support 34,009 eligible students at institutions that participated in the program in 2010-11 (\$2,150 per student). The remaining \$5.9 million will support 3,956 eligible students at institutions that participated in the program beginning in 2011-12 (\$1,476 per student). The appropriation is a decrease of \$1.8 million from 2011-12 funding (Line Item 56).

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 \$2.3 million. The appropriation will support 2,877 students at \$803 per student. The appropriation is a decrease of \$109,208 from 2011-12 (Line Item 55).

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 Assessment (testing) Program is appropriated \$85.5 million, a decrease of \$1.14 million from 2011-12 (Line Item 115). Included in this appropriation is the restoration of \$10.8 million that was provided in 2011-12.

Vocational Rehabilitation is appropriated \$201.3 million, \$6.1 million more than in 2011-12 (Line Items 21 through 34). The operating budget has a reduction of 20 positions, which is attributed to the transfer of the Injured Workers Program to the Department of Financial Services. Additionally, as a result of the transfer of the Injured Workers Program, the division is prohibited from using appropriated funds to pay for leased office space utilized by the Bureau of Rehabilitation and Reemployment Services and shall cancel associated leases. The summary of HB 5203 provides details about the changes to the law and program.

Blind Services appropriations were decreased by \$156,563 from 2011-12, for total funding of \$52.6 million (Line Items 36 through 53).

The operating budget for the State Board of Education has a reduction of 45.5 positions for the 2012-13 fiscal year, all of which are attributed to the transfer of the Food and Nutrition programs to the Department of Agriculture and Consumer Services, pursuant to chapter 2011-217, L.O.F. (Line Items 111-126).

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Appropriated operating funds must also be used to support the K-12 Public School Facility Task Force and the Digital Instructional Materials Work Group, as authorized in sections 20 and 21 of HB 5101.

FIXED CAPITAL OUTLAY BUDGET

The Legislature appropriated \$1.64 billion for capital outlay projects and debt service on bonds for Florida public schools, colleges, universities, and other education agencies. The total includes \$1.05 billion from Public Education Capital Outlay (PECO) sources, \$420.8 million from the Lottery bond proceeds and revenues, \$9.4 million from General Revenue, and \$160.5 million from other trust funds.

Maintenance, renovation, and repair projects are appropriated \$67.6 million in PECO. Of the \$67.6 million, \$5.4 million is for the Florida College System and \$7.0 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 16).

For Public School Survey Recommended Needs (new construction), \$4.3 million in PECO funds are appropriated. Of this amount, up to \$4.3 million is allocated to university developmental research schools and represents the capital improvement millage equivalent funds (Line Item 16A). 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 \$69.1 million (Line Item 17) and for state universities in the amount of \$30.9 million (Line Item 17A).

No funds are appropriated for the Community College Facility Matching Program or the State University System Facility Enhancement Challenge Grant Program.

Several projects small school districts are eligible to be funded from General Revenue. The total appropriation for these projects is \$450,000 (Line Items 19B and 19C). Also funded from General Revenue is a non-public higher education project totaling \$8.97 million (Line Item 20).

Other items funded from PECO include \$1.7 million for building maintenance at the Florida School for the Deaf and the Blind (Line Item 19A).

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 132, which are often referred to as “back-of-the-bill items.” Specific sections of note are cited below.

Section 13:

- Revokes unused bonding authority of \$250 million which remained to fund capital outlay projects authorized in the 2008-09 and 2010-11 General Appropriations Acts from the Public Education Capital Outlay (PECO) Trust Fund. Alternatively, \$120 million in nonrecurring General Revenue and \$130 million in nonrecurring Educational Enhancement Trust Fund (Lottery) shall be

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transferred to the PECO Trust Fund to pay for obligations authorized from the trust fund. This section takes effect upon becoming law.

Section 14:

- Reverts and reappropriates the unexpended balance of funds provided in fiscal year 2011-12 for the Early Learning Information System for the same purpose in fiscal year 2012-13.

Section 15:

- Reverts and reappropriates the unexpended balance of funds provided in fiscal year 2011-12 for the State Early Childhood Advisory Council for the same purpose in fiscal year 2012-13.

Section 16:

- Reverts and reappropriates the unexpended balance of funds provided in fiscal year 2011-12 for the State Early Childhood Advisory Council for the same purpose in fiscal year 2012-13.

Section 17:

- Reverts and reappropriates the unexpended balance of funds provided in fiscal year 2011-12 for statewide quality enhancements in the Early Learning Program for the same purpose in fiscal year 2012-13.

Section 18:

- Appropriates \$10.3 million in nonrecurring General Revenue funds to the Department of Education, Office of Early Learning for fiscal year 2011-12 costs in the Voluntary Prekindergarten Program. This section takes effect upon becoming law.

Section 19:

- Adopts by reference the operating budget changes made as a result of budget amendment EOG #B2012-0358, transferring the Office of Early Learning from the Agency for Workforce Innovation to the Department of Education.

Section 20:

- Reverts and reappropriates the unexpended balance of funds provided in fiscal year 2011-12 for the Early Learning Information System for the same purpose in fiscal year 2012-13.

Section 21:

- Adopts by reference the operating budget changes made as a result of budget amendment EOG B#2012-0366, transferring the Office of Early Learning from the Agency for Workforce Innovation to the Department of Education. This section takes effect upon becoming law.

Section 22:

- 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 2011-12 by the American Recovery and Reinvestment Act of 2009 for the same purpose in fiscal year 2012-13.

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This allows the Department of Education to expend the remaining funds within the federal fiscal year.

Section 23:

- Reverts and reappropriates the unexpended balance of funds provided in fiscal year 2011-12 for the Race to the Top, Strategic Education Initiatives and Statewide Longitudinal Data Systems for the same purpose in fiscal year 2012-13.

Section 24:

- Reverts and reappropriates the unexpended balance of funds provided in fiscal year 2011-12 for the Partnership for Assessment of Readiness for Colleges and Careers (PARCC) for the same purpose in fiscal year 2012-13.

Section 25:

- Reverts and reappropriates the unexpended balance of funds provided in fiscal year 2011-12 for the Florida Education Finance Program (FEFP) Supplement for Education Jobs for the same purpose in fiscal year 2012-13.

Section 26:

- Adopts by reference the operating budget changes made as a result of budget amendment EOG B#2012-0345, providing budget authority for the receipt of Education Jobs funds in fiscal year 2011-12. This section takes effect upon becoming law.

Section 27:

- Reverts and reappropriates the unexpended balance of funds provided in fiscal year 2011-12 to the Division of Florida Colleges and the State University System for Florida Academic Counseling and Tracking for Students (FACTS.org) for the same purpose in fiscal year 2012-13.

Section 28:

- Reverts the unexpended balance, up to \$10.8 million, of the Educational Enhancement Trust Fund (Lottery) funds provided for the Florida Bright Futures Scholarship Program in fiscal year 2011-12.

Section 29:

- Reappropriates the unexpended balance, following the reversion requirement, of the Educational Enhancement Trust Fund (Lottery) funds provided for the Florida Bright Futures Scholarship Program in fiscal year 2011-12 for the same purpose in fiscal year 2012-13.

Section 30:

- Reverts the unexpended balance, up to \$100,000, of the General Revenue funds provided for the Access to Better Learning and Education (ABLE) program in fiscal year 2011-12.

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Section 31:

- Reverts the unexpended balance, up to \$6.7 million, of the General Revenue funds provided for the Florida Resident Access Grant (FRAG) program in fiscal year 2012-13.

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The Department of Education 2012-13 Appropriation after Vetoes Comparison to 2011-12 Appropriation Prepared by the Dept. of Education Budget Office 04/17/2012	2011-12 Appropriation after Vetoes 5-26-11	2012-13 Appropriation after Vetoes 4-17-12	2012-13 Appropriation after Vetoes over/(under) 2011-12
	TOTAL ALL FUNDS	TOTAL ALL FUNDS	TOTAL ALL FUNDS
Vocational Rehabilitation			
Positions	951.00	931.00	(20.00)
Salaries and Benefits	47,791,704	44,806,557	(2,985,147)
Other Personal Services	902,848	819,103	(83,745)
Expenses	10,102,465	9,964,196	(138,269)
Adults with Disabilities Funds	11,757,040	9,993,484	(1,763,556)
Florida Endowment Foundation for Vocational Rehabilitation	315,160	315,160	-
Operating Capital Outlay	510,914	480,986	(29,928)
Koger Executive Center Tallahassee Lease Rent Pmt	-	-	-
Contracted Services	11,351,767	11,003,381	(348,386)
Independent Living Services	5,814,363	5,814,363	-
Purchased Client Services	104,733,465	116,116,000	11,382,535
Risk Management Insurance	373,232	382,696	9,464
Tenant Broker Commissions	35,366	97,655	62,289
Transfer to Department of Management Services -Human Resources Services Purchased per Statewide Contract	339,909	289,020	(50,889)
Other Data Processing Services	670,078	670,078	-
Education Technology and Information Services	326,549	317,686	(8,863)
Southwood Shared Resource Center	-	-	-
Northwest Regional Data Center (NWRDC)	145,450	214,418	68,968
Transfer to Southwood Shared Resource Center -Electronic Mail Services	-	-	-
Total Vocational Rehabilitation	195,170,310	201,284,783	6,114,473
Blind Services			
Positions	299.75	299.75	-
Salaries and Benefits	13,753,853	13,156,493	(597,360)
Other Personal Services	446,202	446,202	-
Expenses	3,048,965	2,973,667	(75,298)
Community Rehabilitation Facilities	5,369,554	5,369,554	-
Operating Capital Outlay	289,492	289,492	-
Food Products	200,000	200,000	-
Acquisition of Motor Vehicles	100,000	100,000	-
Koger Executive Center Tallahassee Lease Rent Pmt	-	-	-
Client Services	25,281,253	25,822,144	540,891
Contracted Services	481,140	481,140	-

Florida Department of Education

G/A -Contracted Services	-	-	-
Risk Management Insurance	331,007	240,558	(90,449)
Library Services	189,735	189,735	-
Vending Stands -Equipment and Supplies	2,095,000	2,095,000	-
Tenant Broker Commissions	11,150	18,158	7,008
Transfer to Department of Management Services -Human Resources Services Purchased per Statewide Contract	102,661	94,854	(7,807)
Other Data Processing Services	686,842	686,842	-
Regional Data Centers -State University System	5,838	-	(5,838)
The Department of Education 2012-13 Appropriation after Vetoes Comparison to 2011-12 Appropriation Prepared by the Dept. of Education Budget Office 04/17/2012	2011-12 Appropriation after Vetoes 5-26-11	2012-13 Appropriation after Vetoes 4-17-12	2012-13 Appropriation after Vetoes over/(under) 2011-12
	TOTAL ALL FUNDS	TOTAL ALL FUNDS	TOTAL ALL FUNDS
Education Technology and Information Services	168,689	234,949	66,260
Southwood Shared Resource Center	-	580	580
Northwest Regional Data Center (NWRDC)	182,460	187,910	5,450
Transfer to Southwood Shared Resource Center -Electronic Mail Services	-	-	-
Total Blind Services	52,743,841	52,587,278	(156,563)
Private Colleges & Universities			
Medical Training and Simulation Laboratory	2,777,493	-	(2,777,493)
ABLE Grants (Access to Better Learning and Education)	2,419,439	2,310,231	(109,208)
Historically Black Private Colleges	8,773,331	9,361,543	588,212
First Accredited Medical School University of Miami	4,621,644	-	(4,621,644)
Academic Program Contracts	586,374	1,662,734	1,076,360
Regional Diabetes Center -University of Miami	305,015	-	(305,015)
Florida Resident Access Grant	80,761,255	78,958,406	(1,802,849)
Nova Southeastern University -Health Programs	4,260,832	-	(4,260,832)
LECOM / Florida -Health Programs	925,500	1,018,050	92,550
Total Private Colleges & Universities	105,430,883	93,310,964	(12,119,919)
Student Financial Aid Program (State)			
Florida's Bright Futures Scholarship Program	350,000,000	329,408,935	(20,591,065)
First Generation in College Matching Grant Program	5,588,066	5,308,663	(279,403)
Prepaid Tuition Scholarships	4,618,528	7,000,000	2,381,472
Minority Teacher Scholarship Program	985,468	885,468	(100,000)

Florida Department of Education

Grants and Aid -Nursing Student Loan Reimbursement/Scholarships	-	-	-
Mary McLeod Bethune Scholarship	290,071	321,674	31,603
Student Financial Aid	134,104,716	134,557,847	453,131
Jose Marti Scholarship Challenge Grant	82,500	99,000	16,500
Transfer to the Florida Education Fund	2,000,000	2,000,000	-
Total Student Financial Aid Program (State)	497,669,349	479,581,587	(18,087,762)
Student Financial Aid Program (Federal)			
College Access Challenge Grant Program	7,011,133	7,011,133	-
Student Financial Aid	2,563,089	500,000	(2,063,089)
Transfer Default Fees to the Student Loan Guaranty Reserve Trust Fund	100,000	50,000	(50,000)
Robert C. Byrd Honors Scholarship	2,391,530	-	(2,391,530)
Total Student Financial Aid Program (Federal)	12,065,752	7,561,133	(4,504,619)
Prekindergarten Education			
Early Learning Standards and Accountability	192,000	4,458,892	4,266,892
Total Prekindergarten Education	192,000	4,458,892	4,266,892
Early Learning Services			
Positions	97.00	97.00	-
Salaries and Benefits	-	6,974,545	6,974,545
Other Personal Services	-	89,000	89,000
Expenses	-	1,879,090	1,879,090
Projects, Contracts and Grants	-	500,000	500,000
The Department of Education 2012-13 Appropriation after Vetoes Comparison to 2011-12 Appropriation Prepared by the Dept. of Education Budget Office 04/17/2012	2011-12 Appropriation after Vetoes 5-26-11	2012-13 Appropriation after Vetoes 4-17-12	2012-13 Appropriation after Vetoes over/(under) 2011-12
	TOTAL ALL FUNDS	TOTAL ALL FUNDS	TOTAL ALL FUNDS
Operating Capital Outlay	-	20,785	20,785
Contracted Services	-	548,399	548,399
School Readiness Services	-	581,484,629	581,484,629
Data Systems for School Readiness	-	1,108,998	1,108,998
Risk Management Insurance	-	13,556	13,556
Voluntary Prekindergarten Program	384,606,382	413,312,552	28,706,170
Transfer to Department of Management Services -Human Resources Purchased per Statewide Contract	-	23,732	23,732
State Operations -American Recovery and Reinvestment Act of 2009	-	51,075	51,075

Florida Department of Education

Contracted Services -American Recovery and Reinvestment Act of 2009	-	1,181,868	1,181,868
Salaries and Benefits -American Recovery and Reinvestment Act of 2009	-	179,462	179,462
Early Learning Info System Development (ELIS)	-	5,882,783	5,882,783
Southwood Shared Resource Center	-	10,085	10,085
Northwest Regional Data Center (NWRDC)	-	50,116	50,116
Total Early Learning Services	384,606,382	1,013,310,675	628,704,293
State Grants/K-12 Program/FEFP			
Florida Education Finance Program	5,661,790,790	6,434,902,469	773,111,679
Class Size Reduction	2,927,464,879	2,983,788,477	56,323,598
District Lottery and School Recognition Program	119,596,643	134,582,877	14,986,234
Total State Grants/K-12 Program/FEFP	8,708,852,312	9,553,273,823	844,421,511
State Grants/K-12 Program/Non-FEFP			
Information Technology Enhancement Grants	-	-	-
Projects, Contracts and Grants	-	-	-
Instructional Materials	1,145,000	760,000	(385,000)
Excellent Teaching	-	-	-
Grants to Public Schools for Reading Programs	750,000	-	(750,000)
Assistance to Low Performing Schools	3,500,000	3,500,000	-
Mentoring/Student Assistance Initiatives	8,820,147	11,103,873	2,283,726
College Reach Out Program	1,000,000	1,000,000	-
Interstate Compact on Educational Opportunity for Military Children	-		-
Florida Diagnostic and Learning Resources Centers	1,982,626	1,982,626	-
New World School of the Arts	400,000	400,000	-
School District Matching Grants Program	1,393,891	2,307,146	913,255
Teacher and School Administrator Death Benefits	18,000	18,000	-
Risk Management Insurance	568,394	626,488	58,094
Autism Program	4,975,425	5,472,967	497,542
Regional Education Consortium Services	1,445,390	-	(1,445,390)
Teacher Professional Development	134,802,957	134,852,957	50,000
School and Instructional Enhancements	1,969,592	4,599,417	2,629,825
Exceptional Education	3,347,080	3,347,080	-
Florida School for the Deaf and the Blind	45,620,827	44,094,809	(1,526,018)

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Department of Education

The Department of Education 2012-13 Appropriation after Vetoes Comparison to 2011-12 Appropriation Prepared by the Dept. of Education Budget Office 04/17/2012	2011-12 Appropriation after Vetoes 5-26-11	2012-13 Appropriation after Vetoes 4-17-12	2012-13 Appropriation after Vetoes over/(under) 2011-12
	TOTAL ALL FUNDS	TOTAL ALL FUNDS	TOTAL ALL FUNDS
Transfer to Department of Management Services -Human Resource Services Purchased per Statewide Contract	25,425	252,926	227,501
State Grants/K-12 Program/Non-FEFP	211,764,754	214,318,289	2,553,535
Federal Grants K-12 Program			
Projects, Contracts and Grants	3,999,420	3,999,420	-
Federal Grants and Aids	1,512,912,755	1,512,712,755	(200,000)
School Lunch Program	942,307,194	-	(942,307,194)
School Lunch Program -State Match	16,886,046	-	(16,886,046)
Domestic Security	5,409,971	5,409,971	-
Strategic Education Initiatives	196,922,877	212,741,302	15,818,425
Partnership for Assessment of Readiness for College and Careers (PARCC)	28,333,892	64,410,773	36,076,881
Total Federal Grants K-12 Program	2,706,772,155	1,799,274,221	(907,497,934)
Educational Media & Technology Services			
Capitol Technical Center	149,624	1,149,624	1,000,000
Instructional Technology	400,000	-	(400,000)
Federal Equipment Matching Grant	-	-	-
Public Broadcasting	2,645,060	6,641,871	3,996,811
Total Educational Media & Technology Services	3,194,684	7,791,495	4,596,811
Career and Adult Education			
Performance Based Incentives	4,986,825	4,986,825	-
Adult Basic Education Federal Flow-Through Funds	41,552,472	41,552,472	-
Workforce Development	369,488,374	369,488,374	-
Vocational Formula Funds	72,144,852	72,144,852	-
Business Partnerships/Skill Assessment and Training	5,000,000	-	(5,000,000)
Total Career and Adult Education	493,172,523	488,172,523	(5,000,000)
Florida Colleges			
Community College Lottery Funds	130,359,158	180,808,060	50,448,902
Community Colleges Program Fund	893,092,474	870,982,214	(22,110,260)
Program Challenge Grants	-	-	-
Commission on Community Service	509,626	433,182	(76,444)
Distance Learning	611,675	-	(611,675)
Florida Virtual Campus	-	10,963,647	10,963,647
Florida's Two Plus Two Public and Private Partnerships	3,000,000	3,000,000	-

Florida Department of Education

Total Florida Colleges	1,027,572,933	1,066,187,103	38,614,170
State Board of Education			
Positions	1,074.00	1,028.50	(45.50)
Salaries and Benefits	69,253,845	63,545,003	(5,708,842)
Other Personal Services	2,242,305	2,162,445	(79,860)
Expenses	17,524,781	14,257,586	(3,267,195)
Operating Capital Outlay	1,715,272	1,613,168	(102,104)
Assessment and Evaluation	86,611,665	85,465,695	(1,145,970)
Transfer to Division of Administrative Hearings	260,822	232,822	(28,000)
Contracted Services	19,736,111	16,040,407	(3,695,704)
The Department of Education 2012-13 Appropriation after Vetoes Comparison to 2011-12 Appropriation Prepared by the Dept. of Education Budget Office 04/17/2012	2011-12 Appropriation after Vetoes 5-26-11	2012-13 Appropriation after Vetoes 4-17-12	2012-13 Appropriation after Vetoes over/(under) 2011-12
	TOTAL ALL FUNDS	TOTAL ALL FUNDS	TOTAL ALL FUNDS
Choices Product Sales	200,000	153,426	(46,574)
Teacher and School Administrator Death Benefits	-	-	-
Educational Facilities Research and Development Projects	200,000	200,000	-
Student Financial Assistance Management Information System	460,220	259,845	(200,375)
Risk Management Insurance	729,728	575,888	(153,840)
Transfer to Department of Management Services -Human Resources Services Purchased per Statewide Contract	444,954	397,916	(47,038)
Education Technology and Information Services	9,007,265	9,775,894	768,629
Southwood Shared Resource Center	17,327	387,405	370,078
Northwest Regional Data Center (NWRDC)	1,152,331	3,918,781	2,766,450
Transfer to Southwood Shared Resource Center -Electronic Mail Services	-	-	-
Total State Board of Education	209,556,626	198,986,281	(10,570,345)
Total Department of Education -Operating	14,608,764,504	15,180,099,047	571,334,543
Fixed Capital Outlay			
Maintenance, Repair, Renovation, and Remodeling	77,145,106	67,586,594	(9,558,512)
Survey Recommended Needs -Public Schools	4,367,627	4,261,693	(105,934)
Community College Projects	18,636,486	69,098,805	50,462,319
State University System Projects	43,490,167	30,901,195	(12,588,972)
Debt Service	1,137,186,052	1,107,947,400	(29,238,652)

Florida Department of Education

Classrooms First And 1997 School Capital Outlay Bond Programs -Operating Funds and Debt Service	162,109,596	156,801,400	(5,308,196)
School District And Community College	28,000,000	28,000,000	-
Debt Service -Class Size Reduction Lottery Capital Outlay Program	154,883,241	154,482,900	(400,341)
Non-Public Higher Education Project	-	9,500,000	9,500,000
Community College Facilities Matching	-	8,970,000	8,970,000
Embry-Riddle Aerospace Research and Technology Park	-	-	-
Florida School for the Deaf and Blind -Capital Projects	5,151,271	1,651,713	(3,499,558)
Division of Blind Services -Capital Projects	-	-	-
Public Broadcasting Projects	162,750	-	(162,750)
State University System Facility Enhancement Challenge Grants	-	-	-
Liberty County Public School	-	150,000	150,000
Calhoun County School District -Carr Elementary and Middle School	-	300,000	300,000
Total Fixed Capital Outlay	1,631,132,296	1,639,651,700	8,519,404
Total DOE Operating and Fixed Capital Outlay	16,239,896,800	16,819,750,747	579,853,947
Total Positions (Operating & FCO)	2,421.75	2,356.25	(65.50)
State University System			
Moffitt Cancer Center and Research Institute	9,583,007	10,576,930	993,923
The Department of Education 2012-13 Appropriation after Vetoes Comparison to 2011-12 Appropriation Prepared by the Dept. of Education Budget Office 04/17/2012	2011-12 Appropriation after Vetoes 5-26-11	2012-13 Appropriation after Vetoes 4-17-12	2012-13 Appropriation after Vetoes over/(under) 2011-12
	TOTAL ALL FUNDS	TOTAL ALL FUNDS	TOTAL ALL FUNDS
Education and General Activities	2,960,191,911	2,875,644,395	(84,547,516)
IFAS (Institute of Food and Agricultural Science)	131,486,671	135,992,563	4,505,892
University of South Florida Medical Center	109,479,121	111,972,346	2,493,225
University of Florida Health Center	134,897,167	131,487,068	(3,410,099)
Florida State University Medical School	45,468,734	44,750,688	(718,046)
University of Central Florida Medical School	26,913,712	31,143,567	4,229,855
Florida International University Medical School	31,004,579	36,379,991	5,375,412
Florida Atlantic University Medical School	-	16,975,383	16,975,383
Student Financial Assistance	7,140,378	7,140,378	-
Institute for Human and Machine Cognition	1,457,864	2,739,184	1,281,320
Challenge Grants	-	-	-
Risk Management Insurance	20,987,496	20,194,425	(793,071)

Florida Department of Education

Distance Learning	573,859	-	(573,859)
Florida Virtual Campus	-	10,963,647	10,963,647
Total State University System	3,479,184,499	3,435,960,565	(43,223,934)
Board Of Governors			
Positions	52.00	52.00	-
Salaries and Benefits	4,794,877	4,938,488	143,611
Other Personal Services	34,373	69,373	35,000
Expenses	775,776	820,776	45,000
Operating Capital Outlay	52,732	17,732	(35,000)
Contracted Services	54,982	428,567	373,585
Lease or Lease-Purchase of Equipment	-	-	-
Transfer to Department of Management Services -Human Resources Services Purchased per Statewide Contract	21,903	20,837	(1,066)
Northwest Regional Data Center (NWRDC)	-	25,177	25,177
Total Board Of Governors	5,734,643	6,320,950	586,307
Total DOE including FCO, SUS, and BOG	19,724,815,942	20,262,032,262	537,216,320
Positions	2,473.75	2,408.25	(65.50)

FLORIDA EDUCATION FINANCE PROGRAM
2012-2013 FEFP - CONFERENCE CALCULATION

Statewide Summary
Comparison to 2011-2012 Third Calculation

	2011-2012 Third Calculation	2012-2013 Conference Calculation	Difference	Percentage Difference
MAJOR FEFP FORMULA COMPONENTS				
Unweighted FTE	2,663,743.54	2,694,617.29	30,873.75	1.16%
Weighted FTE	2,873,398.00	2,921,483.45	48,085.45	1.67%
School Taxable Value	1,385,846,696,347	1,335,847,393,896	(49,999,302,451)	-3.61%
Required Local Effort Millage	5.446	5.446	0.000	0.00%
.748 Discretionary Millage	0.748	0.748	0.000	0.00%
Total Millage	6.194	6.194	0.000	0.00%
Base Student Allocation	3,479.22	3,582.98	103.76	2.98%
FEFP DETAIL				
WFTE x BSA x DCD	10,006,422,249	10,477,256,857	470,834,608	4.71%
Declining Enrollment Supplement	3,420,701	1,980,577	(1,440,124)	-42.10%
Sparsity Supplement	35,754,378	35,754,378	0	0.00%
State Funded Discretionary Contribution	11,537,745	12,855,308	1,317,563	11.42%
.250 Millage Compression	9,379,752	9,169,439	(210,313)	-2.24%
.748 Millage Compression	138,572,722	132,535,250	(6,037,472)	-4.36%
Safe Schools	64,456,019	64,456,019	0	0.00%
Supplemental Academic Instruction	615,924,773	636,958,373	21,033,600	3.41%
Reading Instruction Allocation	97,673,434	130,000,000	32,326,566	33.10%
ESE Guaranteed Allocation	943,167,996	947,950,732	4,782,736	0.51%
Merit Award Program (MAP)	18,872,311	0	(18,872,311)	-100.00%
DJJ Supplemental	7,582,953	7,530,646	(52,307)	-0.69%
Student Transportation	415,449,129	420,264,335	4,815,206	1.16%
Instructional Materials	209,240,737	211,665,913	2,425,176	1.16%
Teachers Lead Program	31,895,373	31,895,373	0	0.00%
Virtual Education Contribution	21,869,687	37,406,930	15,537,243	71.04%
TOTAL FEFP	12,631,219,959	13,157,680,130	526,460,171	4.17%
ADJUSTMENTS				
Required Local Effort Taxes	6,937,607,602	6,722,802,030	(214,805,572)	-3.10%
Proration to Funds Available	31,294,199	0	(31,294,199)	-100.00%
LESS ADJUSTMENTS	6,968,901,801	6,722,802,030	(246,099,771)	-3.53%
STATE FEFP	8,709,379,680	9,553,249,454	843,869,774	9.69%
STATE CATEGORICAL PROGRAMS				
District Lottery/School Recognition Funds	119,596,643	134,582,877	14,986,234	12.53%
Class Size Reduction Allocation	2,927,464,879	2,983,788,477	56,323,598	1.92%
TOTAL STATE CATEGORICAL FUNDING	3,047,061,522	3,118,371,354	71,309,832	2.34%
TOTAL STATE FUNDING	8,709,379,680	9,553,249,454	843,869,774	9.69%
LOCAL FUNDING				
Total Required Local Effort	6,937,607,602	6,722,802,030	(214,805,572)	-3.10%
.748 Discretionary Local Effort	934,603,814	902,631,451	(31,972,363)	-3.42%
TOTAL LOCAL FUNDING	7,872,211,416	7,625,433,481	(246,777,935)	-3.13%
TOTAL FUNDING (State, Local & Federal)	16,581,591,096	17,178,682,935	597,091,839	3.60%
Total Dollars per Unweighted FTE	6,224.92	6,375.18	150.26	2.41%

Florida

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General Implementation Timeline

July 1, 2012	The act becomes effective, except as otherwise provided. If the act becomes law after July 1, 2012, it shall operate retroactively to July 1, 2012.
September 1, 2012	Institutions that receive state funding in the form of scholarships or grants for students that are administered by the Office of Student Financial Assistance must report loan information as specified by the Department of Education prior to September 1, 2012, for funds received in the 2011-12 fiscal year.
December 1, 2012	First Generation in College Matching Grant Program matching funds must be raised by participating Florida colleges or state universities or appropriated funds will be reallocated to programs at Florida colleges or state universities that have remaining unmatched private contributions.
September 30, 2013	The Department of Education submits a report of funds used for an additional hour of instruction in the 100 lowest performing schools to the House Speaker, Senate President, and Governor.

HB 5003 - IMPLEMENTING THE 2012-2013 GENERAL APPROPRIATIONS ACT (CH 2012-119)

Bill Sponsor: Conference Committee on Appropriations

Effective Date: July 1, 2012

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 2012-13 (see House Bill 5001, Conference Committee Report). Only those sections of the bill that apply directly to education programs under the jurisdiction of the Commissioner of Education and the State Board of Education or to all state functions are cited in the section summary below.

Summary by Bill Section:

Section 2:

- Incorporates the 2012-13 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 2012-13 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:

To implement Specific Appropriation 129 in the 2012-13 GAA:

- Allows a university board of trustees to expend reserve or carry forward balances from previous years' operational and programmatic appropriations for legislatively approved fixed capital outlay projects authorized for the establishment of a new campus.

Section 7:

Amends s. 20.04, F.S., Structure of executive branch:

- Creates organizational units called "circuits" and "regions" within the Department of Children and Families.
- Requires "circuits" to be geographically aligned with each judicial circuit and "regions" to be comprised of multiple circuits in geographical proximity to each other.

Section 10:

To implement Specific Appropriation 587A in the 2012-13 GAA:

Florida Department of Education

- Requires budget amendments recommending the release of funds to the Crestview Education Center at Florida A & M University be provided at least 14 days before the effective date of the action and be subject to objection procedures in s. 216.177(2)(b), F.S.

Section 23:

To implement the appropriations authorized in the 2012-13 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 between July 1, 2013, and June 30, 2015, to achieve cost savings.
- Authorizes DMS to use tenant broker services to explore possibilities of collocation, review space needs of each agency, and review length and terms of potential renewals or renegotiations.
- Requires DMS to report by March 1, 2013, each lease contract for private office or storage space, status of renegotiations, and savings achieved.

Section 28:

To implement Specific Appropriation 1714 in the 2012-13 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 37:

To implement the appropriation of funds in Special Categories-Risk Management Insurance of the 2012-13 GAA:

- For fiscal year 2012-13 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 38:

To implement the appropriations of funds in Special Categories-Transfer to Department of Management Services-Human Resources Services Purchased Per Statewide Contract of the 2012-13 GAA:

- For fiscal year 2012-13 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 39:

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

- For fiscal year 2012-13 only, extends the authorization of payments into the state employee health savings accounts.

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Section 40:

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

- For fiscal year 2012-13 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 41:

To implement Specific Appropriations 2710 and 2711 in the 2012-13 GAA:

- Authorizes that salaries for members of the Legislature for 2012-13 be set at the same level in effect on July 1, 2010.

Section 42:

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

- Amends s. 215.32, F.S., to remove the Legislature's authority to transfer in the GAA, unappropriated cash balances to include the State School Trust Fund and return to previous authorization for the Budget Stabilization Fund and the General Revenue Fund.

Section 43:

- Establishes that amendments to s. 215.32, F.S., remain in effect for fiscal year 2012-13 only.

Section 47:

To implement the issuance of new debt authorized in the 2012-13 GAA:

- Provides a legislative determination that the authorization and issuance of state debt for fiscal year 2012-13 is in the best interest of the state and is necessary to address a critical state emergency.

Section 48:

To implement the funds appropriated in the 2012-13 GAA for State Employees Travel:

- Limits the use of state funds for travel by state employees during fiscal year 2012-13.
- Requires the agency head to approve, in writing, that certain travel such as out-of-state, conferences, and training, are mission critical.

Section 49:

To implement the appropriations authorized in the 2012-13 GAA for data center services scheduled for consolidation in the 2012-13 fiscal year:

- For fiscal year 2012-13 only, the consolidating agencies may request the transfer of resources between Data Processing Services categories and the appropriation categories for operations based upon changes to the consolidation schedule.

Section 50:

To implement the appropriations authorized in the 2012-13 GAA for each state's designated primary data centers:

- For fiscal year 2012-13 only, provides that the Executive Office of the Governor is authorized to transfer funds appropriated in any appropriation category used to pay for data processing in the GAA between agencies in order to align the budget authority granted with the utilization rate of each department.

Section 51:

To implement Specific Appropriation 2876 of the 2012-13 GAA:

- For fiscal year 2012-13, 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 52:

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

- Authorizes DMS to implement a 90-day supply limit program for certain maintenance drugs at participating retail pharmacies, if in best financial interest of the state.
- Reenacts s. 110.12315, F.S., to continue current copayment amounts for prescriptions under the State Group Health Insurance Program.

Section 53:

- Establishes that amendments to s. 110.12315, F.S., remain in effect for fiscal year 2012-13 only. Language related to the prescription drug program will revert to the December 31, 2010, version, which contains lower rates, unless otherwise changed.

Section 54:

To implement Specific Appropriation 209 of the 2012-13 GAA:

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

Section 55:

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

Section 56:

- 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 57:

- Provides for a severability clause.

Section 58:

- Provides an effective date.

General Implementation Timeline:

July 1, 2012 The act becomes effective; or, if the act fails to become a law until after that date, it shall take effect upon becoming a law and shall operate retroactively to July 1, 2012.



HB 5005 – Retirement (CH 2012-146)

Bill Sponsor: Appropriations Committee, Representative Grimsley

Effective Date: July 1, 2012

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

Executive Summary:

The bill reduces the employer share of the amount paid into Florida Retirement System (FRS) Investment Plan members' accounts effective July 1, 2012. The bill:

- Amends ss. 121.051 and 1012.875, F.S., to reduce the employer contribution rates into the Community College System Optional Retirement Program for employees of public community colleges or charter technical career centers sponsored by public community colleges.
- Amends s. 121.055, F.S., to reduce the employer contribution rates into the Senior Management Service Optional Annuity Program.
- Amends s. 121.35, F.S., to reduce the employer contribution rates into the State University System Optional Retirement Program.

The bill does not change the 3 percent contribution rate paid by employees; however, the Legislature reduced the contributions paid by employers, which results in an overall reduction of 30 percent in total contributions paid into FRS Investment Plan member accounts. The bill adjusts the employer-paid contribution rates for normal cost and unfunded actuarial liability for the Florida Retirement System (FRS), based on the 2011 Actuarial Valuation, as adjusted by the changes to the FRS Investment Plan allocations.

Table 1 below shows the current required employer retirement employer contribution rates for members of each membership class of the FRS Investment Plan. Table 2 shows the employer contribution rates that will become effective July 1, 2012, if the bill is signed by the governor.

Table 1: Current Investment Plan Contributions

Membership Class	Paid by Employee	Paid by Employer	Total to Employee Account
Regular Class	3.00%	6.00%	9.00%
Special Risk Class	3.00%	17.00%	20.00%
Special Risk Administrative Support Class	3.00%	8.35%	11.35%
Elected Officers' Class – (Judges)	3.00%	15.90%	18.90%
Elected Officers' Class (Legislature/ Cabinet/Public Defender/State Attorney)	3.00%	10.40%	13.40%
Elected Officers' Class – (County and Local)	3.00%	13.20%	16.20%
Senior Management Service Class	3.00%	7.95%	10.95%

Table 2: Current Investment Plan Contributions Effective July 1, 2012

Membership Class	Paid by Employee	Paid by Employer	Total to Employee Account
Regular Class	3.00%	3.30%	6.30%
Special Risk Class	3.00%	11.00%	14.00%
Special Risk Administrative Support Class	3.00%	4.95%	7.95%
Elected Officers' Class – (Judges)	3.00%	10.23%	13.23%
Elected Officers' Class (Legislature/ Cabinet/Public Defender/State Attorney)	3.00%	6.38%	9.38%
Elected Officers' Class – (County and Local)	3.00%	8.34%	11.34%
Senior Management Service Class	3.00%	4.67%	7.67%

The bill states that the Legislature determines that the act fulfills an important state interest in that a proper and legitimate state purpose is served when employees and retirees of the state and its political subdivisions are extended the basic protections afforded by governmental retirement systems.

General Implementation Timeline:

July 1, 2012 The bill becomes effective.

HB 5101 - PreK-12 Education Conforming Bill (CH 2012-133)

Bill Sponsor: Representative Coley

Effective Date: July 1, 2012

DOE Contact: Linda Champion, Deputy Commissioner, 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 2012-13 (see HB 5001).

Section 1:

Amends s. 496.404(8), F.S., Definition of “educational institutions:”

- Clarifies definition of “educational institutions.” Radio network systems are no longer considered educational institutions.

Section 2:

Amends s. 1001.25(2)(c), F.S., Educational Television. Powers of Department:

- Deletes provisions that authorize the Department of Education to provide equipment, funds, and other services to extend and update existing and proposed educational radio systems.
- Deletes references to radio systems clarifying that public broadcasting funds may only be used for television stations.

Section 3:

Amends ss. 1001.26(1)(a), 1001.26(1)(d)-(e), and 1001.26(2)(c), F.S., Public broadcasting program system:

- Makes a technical revision to the resource services available for education to remove Instructional Television Fixed Service (ITFS) and include Educational Broadband Service (EBS). As part of the Wireless Telecommunications Bureau of the Federal Communication Commission, the ITFS was renamed the EBS in 2005.
- Deletes provisions that authorize department support and funding for public broadcasting program system educational radio stations.
- Deletes references to radio systems, clarifying that public broadcasting funds may only be used for television stations.

Section 4:

Amends s. 1001.42(24), F.S., Powers and duties of district school board. EMPLOYMENT CONTRACTS:

- Requires that school district employment contracts with severance payment terms must include the provisions of Section 215.425, F.S., which limits severance pay to no more than 20 weeks of compensation. Severance pay does not include earned or accrued annual, sick, compensatory, or administrative leave.

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Renumbers s. 1001.42(24), F.S., Powers and duties of district school board. ADOPT RULES:

- Renumbers subsection (25) as subsection (26).

Creates s. 1001.42(25), F.S., Powers and duties of district school board. INTERLOCAL AGREEMENTS:

- Requires each school district to enter into an interlocal agreement for the purpose of establishing a School District Consortium to maximize purchasing power for goods and services.
- Consortiums may be statewide or regional, as appropriate, to achieve lowest cost.
- Entering into an interlocal agreement does not prohibit a district school board from using a state contract.

Section 5:

Amends s. 1001.50(2), F.S., Superintendents employed under Article IX of the state constitution:

- Requires that school district superintendent employment contracts with severance payment terms must include the provisions of s. 215.425, F.S., which limits severance pay to no more than 20 weeks of compensation. Severance pay does not include earned or accrued annual, sick, compensatory, or administrative leave.

Section 6:

Amends s. 1002.33(20)(a), F.S., Charter Schools. SERVICES:

- Requires that when 75 percent or more of the students enrolled in a charter school are exceptional students, the 5 percent administrative fee shall be based on unweighted full-time equivalent (FTE) students, instead of 5 percent of the funds generated in the Florida Education Finance Program (FEFP) by the charter school.

Section 7:

Amends s. 1002.67(2)(a) and (c), F.S., Performance standards; curricula, and accountability:

- Conforms cross-references.

Renumbers s. 1002.67(3), F.S., Performance standards; curricula, and accountability:

- Renumbers subsection (3) as subsection (4).

Creates s. 1002.67(3), F.S., Performance standards; curricula, and accountability:

- Requires, upon legislative appropriation, Voluntary Prekindergarten Education Program pre- and post-assessments.
- Requires assessment approval by rule of the State Board of Education.
- Requires assessments to be valid, reliable, developmentally appropriate, and designed to measure student progress.
- Requires assessments to be administered by individuals meeting requirements established by rule of the State Board of Education.

Section 8:

Amends ss. 1002.69(5), 1002.69(7)(a),(c),(e), and (f), F.S., Statewide kindergarten screening; kindergarten readiness rate; state-approved prekindergarten enrollment screening; good cause exemption:

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- Revises provisions for calculating the kindergarten readiness rate and criteria for good cause exemptions.
- Requires that the kindergarten readiness rate calculation include learning gains, when available.

Section 9:

Amends s. 1002.71(3)(c), F.S., Funding; financial, and attendance reporting:

- Requires that each early learning coalition report the enrollment of voluntary prekindergarten program students monthly.
- Establishes December 31 as the date by which early learning coalitions may amend prior year student enrollment counts.

Section 10:

Amends s. 1003.01(11)(b), F.S., Definitions. "Juvenile justice provider":

- Includes the sheriff as a juvenile justice provider.

Section 11:

Amends ss. 1003.03(4)(a) and 1003.03(4)(e), F.S., Maximum Class Size:

- Reverts the funding reduction methodology to what was in place for 2010-11, for fiscal years 2011-12 through 2013-14, so that 50 percent instead of 100 percent of the Base Student Allocation adjusted by the district cost differential is multiplied by the total FTE students in excess of class size maximums.
- Maintains the class size reduction penalty at the amount equal to 100 percent of the district's per FTE dollar amount of the class size categorical allocation.
- Requires, beginning in fiscal year 2014-15, that the funding reduction methodology include 100 percent of the Base Student Allocation.
- Requires each district that has not complied with the class size compliance requirements to submit to the Commissioner of Education by February 1, instead of February 15, a plan certified by the district school board that describes the specific actions the district will take to fully comply with the requirements by October of the following school year.

Section 12:

Amends s. 1003.52(12), F.S., Educational services in Department of Juvenile Justice programs:

- Clarifies, consistent with current practice, that school district FEFP funding provided to Department of Juvenile Justice (DJJ) students includes Base Funding, the DJJ Supplement, Exceptional Student Guarantee, Supplemental Academic Instruction, Instructional Materials, and a proportionate share of the district's proration to funds available, if necessary.
- Adds the requirement that funds provided by the district for DJJ students include the district's per FTE amount of discretionary operating levy proceeds and the Compression Supplement funds:
 - If the district levies the maximum discretionary local effort and the district's discretionary local effort per FTE is less than the state average potential discretionary local effort per FTE, the proportionate share shall include both the discretionary local effort and the compression supplement per FTE. If the district's discretionary local effort per FTE is greater than the state average per FTE, the proportionate share shall be equal to the state average; or
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- If the district does not levy the maximum discretionary local effort and the district's actual discretionary local effort per FTE is less than the state average potential discretionary local effort per FTE, the proportionate share shall be equal to the district's actual discretionary local effort per FTE. If the district's actual discretionary local effort per FTE is greater than the state average per FTE, the proportionate share shall be equal to the state average potential local effort per FTE.

Section 13:

Repeals s. 1003.61, F.S., Pilot attendance project.

Section 14:

Amends s. 1006.40(2), F.S., Use of instructional materials allocation; instructional materials, library books, and reference books; repair of books:

- Establishes that school districts using a comprehensive mathematics instructional materials program adopted in the 2009-10 adoption cycle are in compliance with the 2012-13 instructional materials requirements, if they provide each student with such additional state-adopted materials necessary to align with 2012-13 criteria.

Section 15:

Amends ss. 1011.61(1)(c) and 1011.61(4), F.S., Definitions:

- Removes the requirement that special program FTE be reported for funding prior to basic program FTE, for the purpose of determining the 1.0 FTE per student that is eligible for FEFP funding.

Section 16:

Amends ss. 1011.62(1)(f), 1011.62(6)(b), 1011.62(9), and 1001.62(13)(b), F.S., Funds for operation of schools:

- Requires, for the 2012-13 and 2013-14 fiscal years, that the first use of Supplemental Academic Instruction funds, together with the funds provided in the school district's Research-Based Reading Instruction Allocation and other available funds, shall be to provide an additional hour of instruction beyond the normal school day for each day of the entire school year to provide intensive reading instruction for the students in each school district that has one or more of the 100 lowest-performing elementary schools, based on the state reading assessment.
- Requires that the additional hour of instruction be provided only by teachers or reading specialists who are effective in teaching reading.
- Excludes exceptional student education centers from the 100 lowest-performing elementary schools.
- Requires, for the 2012-13 and 2013-14 fiscal years, that the first use of Research-Based Reading Instruction Allocation funds, shall be to provide an additional hour of instruction beyond the normal school day for each day of the entire school year to provide intensive reading instruction for the students in each school district that has one or more of the 100 lowest-performing elementary schools, based on the state reading assessment.
- Authorizes the option for exemption from the additional hour of instruction for students with Level 5 assessment scores.

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- Specifies, for the 2012-13 and 2013-14 fiscal years, that a school district may not hire more reading coaches than were hired during the 2011-12 fiscal year, unless all students in kindergarten through grade 5 who demonstrate a reading deficiency, as determined by district and state assessments, including students scoring Level 1 or Level 2 on FCAT Reading, are provided an additional hour per day of intensive reading instruction beyond the normal school day for each day of the entire school year.
- Requires that the Department of Education monitor and track the implementation of each school district's comprehensive reading plan and report its findings to the Legislature by February 1 of each year.
- Specifies, that beginning with the 2011-12 fiscal year, if a special program cost factor is less than the basic program cost factor, an audit adjustment may not result in the reclassification of the special program FTE to the basic program FTE.

Section 17:

Amends s. 1011.71(2)(e), F.S., District school tax:

- Reauthorizes the waiver to exclude lease-purchase agreements entered into before June 30, 2009, from the requirement that no more than three-fourths of the capital outlay millage proceeds may be expended on lease-purchase payments.

Section 18:

Amends s. 1013.03(10)(a)1., F.S., Functions of the department and the Board of Governors:

- Authorizes the Commissioner of Education to grant a waiver of the requirement for the department to validate a district school board's educational plant survey in accordance with the space utilization and cost standards in Chapter 1013, F.S., and related rules, if a district school board determines that such waiver will make possible a substantial savings of funds or will be advantageous to the welfare of the educational system. A district school board must document the facts supporting the waiver to the Commissioner. If the Commissioner denies a request for a waiver, the district school board may appeal such decision to the State Board of Education.

Section 19:

Amends s. 1013.35(2)(f), F.S., School district educational facilities plan; definitions; preparation, adoption, and amendment; long-term work plans:

- Deletes the requirement that a qualified, independent third party conduct the financial management and performance audit of the educational planning and construction activities of the district, which is required every five years. (An audit conducted by the Office of Program Policy Analysis and Government Accountability and the Auditor General pursuant to Section 1008.35, F.S., satisfies this requirement.)

Section 20:

- Creates the K-12 Public School Facility Task Force.
- Requires the Department of Education to provide staff and administrative support to the task force.
- Requires all appointments to the task force be made by July 15, 2012.
- Requires the task force to convene no later than July 31, 2012, to make recommendations for more equitable facility funding for charter schools and schools operated by a school district.

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- Requires the Department of Education to coordinate with the task force to compile any necessary data needed to make recommendations.
- Requires the task force to complete its work and submit its recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives, by December 1, 2012.
- Abolishes the task force on June 30, 2013.

Section 21:

- Requires the Commissioner of Education to create a Digital Instructional Materials Transition Work Group to plan and monitor the implementation of the transition to digital instructional materials.
- Requires the first work group meeting to take place by October 1, 2012.
- Requires the majority of the work group meetings to be conducted virtually.
- Requires the work group to submit a report including an implementation plan for meeting the deadline of transition to digital instructional materials to the Governor, the President of the Senate, the Speaker of the House of Representatives, and State Board of Education by March 1, 2013.

Section 22:

- Delays the increased class size penalty (from 50 percent to the full amount of the base student allocation) until 2014-15, including a retroactive adjustment of the 2011-12 penalty calculations.
- Requires this section to take effect upon this act becoming a law.

Section 23:

- Approves the Commissioner's recommendation for a reduction of an alternate amount of funds from districts' class size operating categorical allocations for the 2011-12 fiscal year. The alternative amount must be based on 50 percent instead of 100 percent of the Base Student Allocation for the 2011-12 fiscal year.
- Requires that this section take effect upon this act becoming a law.

Section 24:

- Provides an effective date.

General Implementation Timeline:

July 1, 2012	The act becomes effective.
July 1, 2012	Recalculation of the 2011-12 class size funding reduction methodology, reverting to what was in place for 2010-11, which required that 50 percent of the Base Student Allocation adjusted by the district cost differential be multiplied by the total FTE students in excess of class size maximums (Sections 22 and 23).
July 15, 2012	Department of Education appointment of staff to the K-12 Public School Facility Task Force (Section 20).
July 31, 2012	Date by which the K-12 Public School Facility Task Force must hold its first meeting (Section 20).
October 1, 2012	Date by which the Digital Instructional Materials Transition Work Group must hold its first meeting (Section 21).
December 1, 2012	The K-12 Public School Facility Task Force must submit recommendations to the Legislature (Section 20).
December 31 (annual)	Date by which early coalitions may amend their voluntary prekindergarten program student enrollment (Section 9).
February 1 (annual)	Deadline for district and charter school submission of class size compliance plans to the Commissioner of Education (Section 11).
February 1 (annual)	Department of Education submission of findings on the implementation of each school district's comprehensive reading plans to the Legislature (Section 16).
March 1, 2013	Digital Instructional Materials Transition Work Group's submission of report on digital instructional materials implementation plans to the Legislature (Section 21).
June 30, 2013	The K-12 Public School Facility Task Force is abolished (Section 20).
Monthly	Early learning coalitions report voluntary prekindergarten program student enrollment (Section 9).

HB 5201 - POSTSECONDARY EDUCATION FUNDING (CH 2012-134)

Bill Sponsor: Higher Education Appropriations Subcommittee and Representative O'Toole

Effective Date: July 1, 2012 (except as otherwise provided in the bill)

DOE Contact: Linda Champion, Deputy Commissioner, 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 2012-13 (see House Bill 5001, Conference Committee Report).

Section 1:

The bill amends s. 11.45, F.S., Auditor General Reporting Requirements, to:

- Require the Auditor General to notify the Legislative Auditing Committee if any state university or Florida College System (FCS) institution fails to take full corrective action in response to an audit recommendation that was included in the two preceding financial or operational audit reports.
- Authorize the committee to request the college or university to provide a written explanation. If the explanation is insufficient, the committee may require the chair of the governing body, or the chair's designee, to appear before the committee.
- Authorize the Department of Financial Services to withhold funds until the college or university complies with the law.

Section 2:

The bill amends s. 282.201, F.S., State data center system; agency duties and limitations, to:

- Delete obsolete language.

Section 3:

The bill amends s. 1000.21, F.S., System wide definitions, to:

- Rename South Florida Community College as South Florida State College, contingent upon the college receiving Southern Association of Colleges and Schools (SACS) accreditation to offer baccalaureate degrees.

Section 4:

The bill amends s. 1001.64, F.S., FCS institution boards of trustees; powers and duties, to:

- Require severance pay provisions included in employment contracts to conform to s. 215.425, F.S., which limits such pay to 20 weeks of compensation and prohibits severance pay for employees who are fired for misconduct.
- Repeal existing provisions relating to severance pay for FCS institution presidents.
- Require boards to use purchasing agreements or state term contracts pursuant to s. 287.056, F.S., or enter into statewide, regional, or multi-institutional consortia and cooperative agreements in order to achieve a 5 percent savings on existing contract prices.

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Section 5:

The bill amends s. 1001.706, F.S., Powers and duties of the Board of Governors, to:

- Require the Board of Governors (BOG) to adopt regulations requiring state universities to use purchasing agreements or state term contracts pursuant to s. 287.056, F.S., or enter into statewide, regional, or multi-institutional consortia and cooperative agreements in order to achieve a 5 percent savings on existing contract prices.
- Authorize the BOG to transfer unused budget authority from the Education/General Student and Other Fees Trust Fund between institutions.
- Require severance pay provisions included in employment contracts to conform to s. 215.425, F.S., which limits such pay to 20 weeks of compensation and prohibits severance pay for employees who are fired for misconduct.
- Repeal existing provisions relating to severance pay for university employees.

Section 6:

The bill amends s. 1001.73, F.S., University board empowered to act as trustee, to:

- Codify and cap previous proviso language to allow boards to transfer up to \$1 million from the General Revenue Fund, the Educational Enhancement Trust Fund, or the Education/General Student and Other Fees Trust Fund appropriations among program categories. The BOG must approve and may request a budget amendment, subject to review and approval by the Legislative Budget Commission, for any transfers over \$1 million.

Section 7:

The bill amends s. 1003.4156, F.S., General requirements for middle grades promotion, to:

- Repeal the requirement for FACTS.org to provide educational planning to K-12 students.

Section 8:

The bill repeals s. 1004.09, F.S., Florida Higher Education Distance Learning Catalog, to:

- Repeal the authorizing statute and transfer responsibilities to the new Florida Virtual Campus (FVC).

Section 9:

The bill repeals s. 1004.091, F.S., Florida Distance Learning Consortium, to:

- Repeal the authorizing statute and transfer responsibilities to the new FVC.

Section 10:

The bill amends s. 1004.39, F.S., College of law at Florida International University, to:

- Delete obsolete language relating to the Florida Education Fund law school scholarship program.

Section 11:

The bill amends s. 1004.40, F.S., College of law at Florida A&M University, to:

- Delete obsolete language relating to the Florida Education Fund law school scholarship program.

Section 12:

The bill creates 1004.935, F.S., Adults with Disabilities Workforce Education Pilot Program, to:

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- Create a two-year pilot program in Hardee, DeSoto, Manatee and Sarasota counties to provide scholarships for instruction at private schools for up to 30 students who have a disability and meet other specified criteria.
- Require that funds for the scholarships be provided from Workforce Development appropriations for the affected counties and specify the calculation of the award.

Section 13:

The bill amends s. 1006.72, F.S., Licensing electronic library resources, to:

- Replace references to the Florida Center for Library Automation (FCLA) and the College Center for Library Automation (CCLA) with references to the new FVC.

Section 14:

The bill creates s. 1006.73, F.S., Florida Virtual Campus, to:

- Establish the FVC, which consolidates FCLA, CCLA, the Florida Distance Learning Consortium, and FACTS.org.
- Specify the primary responsibilities of the FVC are to provide access to online student and library support services, serve as a statewide resource and clearinghouse for postsecondary education distance learning courses and degree programs, and increase student access and completion of degrees.
- Provide for joint oversight by the FCS and State University System (SUS) Chancellors who shall establish the FVC governance and reporting structure, staffing, and operating budget.
- Delay the requirement for FCS and SUS institutions to interface with FACTS.org from July 1, 2012, until December 1, 2012.
- Require an annual report of FVC activities, beginning September 30, 2013.

Section 15:

The bill creates s. 1006.735, F.S., Degree Completion Pilot Program, to:

- Create a pilot program to recruit, recover, and retain Florida's adult learners and assist them in obtaining degrees aligned to high-wage, high-skill workforce needs.
- Establish the pilot with four public institutions: University of West Florida (UWF) as the lead institution, University South Florida, Florida State College at Jacksonville, and St. Petersburg College.
- Require UWF to submit a plan to the Legislature by June 1, 2012, to implement the pilot in the 2012-13 academic year.
- Require participating institutions to transfer administration of the pilot to the FVC by June 30, 2013.
- Require the FCS and SUS Chancellors to submit a report to the Legislature by December 31, 2013, on the need for a differentiated tuition and fee structure for the development and delivery of distance learning courses.

Section 16:

The bill amends s. 1007.01, F.S., Articulation; legislative intent; purpose; role of the State Board of Education and the BOG; Articulation Coordinating Committee, to:

- Update a cross-reference.

Section 17:

The bill amends s. 1007.27, F.S., Articulated acceleration mechanisms, to:

- Replace references to FCLA and CCLA with references to the new FVC.

Section 18:

The bill repeals s. 1007.28, F.S., Computer-assisted student advising system, to:

- Repeal the authorizing statute for the advising system (FACTS.org) and transfer responsibilities to the new FVC.

Section 19:

The bill amends s. 1007.33, F.S., Site-determined baccalaureate degree access, to:

- Repeal the current authorization for eligible colleges to apply for an exemption from SBE approval for new baccalaureate programs.

Section 20:

The bill amends s. 1009.215, F.S., Student enrollment pilot program for the spring and summer terms, to:

- Clarify that students enrolled in the Spring/Summer University of Florida pilot program are authorized to receive a Bright Futures Scholarship award for only two semesters or the equivalent each fiscal year, including the summer term.

Section 21:

The bill amends s. 1009.23, F.S., FCS institution student fees, to:

- Increase the Capital Improvement Fee from 10 percent to 20 percent of tuition, while maintaining the existing \$2 per credit hour cap on annual increases for resident students.
- Expand the currently authorized \$5 per course transient student fee to include all courses, not just distance learning courses.
- Update cross-references.

Section 22:

The bill amends s. 1009.24, F.S., State university student fees, to:

- Increase the Capital Improvement Trust Fund Fee from \$4.76 per credit hour to 10% of tuition per credit hour and limit annual increases to the fee to \$2 per credit hour for resident students.
- Require a Capital Improvement Trust Fund committee, at least half of whom must be students, to approve any increases to the Capital Improvement Trust Fund Fee.
- Require the Division of Bond Finance to review and the BOG to approve any reductions to the Capital Improvement Trust Fund Fee.
- Expand the currently authorized \$5 per course transient student fee to include all courses, not just distance learning courses.
- Update cross-references.

Section 23:

The bill amends s. 1009.25, F.S., Fee exemptions, to:

- Clarify that the fee exemptions authorized in s. 1009.25, F.S., apply to students enrolled in school district workforce education programs.

Section 24:

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

- Strengthen excess hour surcharge requirements by reducing the number of allowable credit hours from 115 percent to 110 percent of credit hours required to complete the baccalaureate degree, beginning with students who enter a state university for the first time in the 2012-13 academic year.
- Clarify existing excess hour surcharge provisions for students who enrolled in a state university for the first time in 2009-10, 2010-11, or 2011-12, and maintain continuous enrollment.

Section 25:

The bill amends s. 1009.531, F.S., Florida Bright Futures Scholarship Program; student eligibility requirements for initial awards, to:

- Shorten the length of time from three years to two years, beginning with 2012-13 high school graduates, to accept an initial Bright Futures Scholarship award.
- Clarify that students must submit a Free Application for Federal Student Aid prior to receiving an initial or renewal award.

Section 26:

The bill amends s. 1009.532, F.S., Florida Bright Futures Scholarship Program; student eligibility requirements for renewal awards, to:

- Limit allowable uses of the Gold Seal Vocational Scholars award, beginning with 2011-12 high school graduates, to an applied technology diploma, a technical degree education program, or a career certificate program.

Section 27:

The bill amends s. 1009.534, F.S., Florida Academic Scholars award, to:

- Delete obsolete language tying award amounts to tuition and fees at public institutions and codify that award amounts shall be as specified in the GAA.

Section 28:

The bill amends s. 1009.535, F.S., Florida Medallion Scholars award, to:

- Delete obsolete language tying award amounts to tuition and fees at public institutions and codify that award amounts shall be as specified in the GAA.
- Clarify Department of Education approval of community service work for home education program students.

Section 29:

The bill amends s. 1009.536, F.S., Florida Gold Seal Vocational Scholars award, to:

- Eliminate the requirement for Gold Seal Vocational Scholars to take their secondary school career credits over at least two academic years.
- Clarify Department of Education approval of community service work for home education program students.
- Delete obsolete language tying award amounts to tuition and fees at public institutions and codify that award amounts shall be as specified in the GAA.

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Section 30:

The bill amends s. 1009.60, F.S., Minority Teacher Education Scholars Program, to:

- Require a contingency collections agency to collect repayments of defaulted scholarships.

Section 31:

The bill amends s. 1009.605, F.S., Florida Fund for Minority Teachers, Inc., to:

- Require reporting of the annual balance of assets and cash reserves to the Department of Education.

Section 32:

The bill amends s. 1009.70, F.S., Florida Education Fund, to:

- Revise matching requirements to a \$1 state/\$1 private match (instead of the current \$1 state/ \$2 private).
- Clarify eligible private sources for matching contributions.
- Specify reporting requirements for the Florida Education Fund.
- Eliminate a law scholarship program that is no longer funded, and for which the Florida Education Fund no longer provides scholarships.

Section 33:

The bill amends s. 1009.72, F.S., José Martí Scholarship Challenge Grant Program, to:

- Increase matching requirements from \$5,000 state/\$2,500 private to \$5,000 state/\$5,000 private.

Section 34:

The bill amends s. 1009.73, F.S., Mary McLeod Bethune Scholarship Program, to:

- Increase matching requirements from \$2,000 state/\$1,000 private to \$2,000 state/\$2,000 private.

Section 35:

The bill amends s. 1010.30, F.S., Audits required, to:

- Require district school boards, FCS institution boards of trustees, and state university boards of trustees to conduct an audit overview during a public meeting if an audit contains significant findings.

Section 36:

The bill amends s. 1011.80, F.S., Funds for operation of workforce education programs, to:

- Extend the authorization to report certain co-enrolled students for state funding through 2012-13, provided the student does not have a pattern of excessive absenteeism, habitual truancy, or a history of disruptive behavior in school.

Section 37:

The bill amends s. 1012.83, F.S., Contracts with administrative and instructional staff, to:

- Require severance pay provisions included in employment contracts for FCS institution employees to conform to s. 215.425, F.S., which limits such pay to 20 weeks of compensation and prohibits severance pay for employees who are fired for misconduct.
- Repeal existing provisions relating to severance pay for FCS institution employees.

Section 38:

The bill amends s. 1012.885, F.S., Remuneration of FCS institution presidents; limitations, to:

- Extend the current \$200,000 cap on appropriated state funds that may be used for remuneration of presidents through the 2012-13 fiscal year.

Section 39:

The bill reenacts and amends s. 1012.886, F.S., Remuneration of FCS institution administrative employees; limitations, to:

- Extend the current \$200,000 cap on appropriated state funds that may be used for remuneration of administrative employees (not including teaching faculty) through the 2012-13 fiscal year.

Section 40:

The bill amends s. 1012.975, F.S., Remuneration of state university presidents; limitations, to:

- Extend the current \$200,000 cap on public funds that may be used for remuneration of presidents through the 2012-13 fiscal year.

Section 41:

The bill reenacts and amends s. 1012.976, F.S., Remuneration of state university administrative employees; limitations, to:

- Extend the current \$200,000 cap on public funds that may be used for remuneration of administrative employees (not including teaching faculty or medical school faculty or staff) through the 2012-13 fiscal year.

Section 42:

The bill authorizes an exemption for the University of Florida to exceed the current 5 percent bonding limitation on Activity and Service Fee revenues to finance the renovation and expansion of the student union. The amount that may be used for this purpose is capped at \$3.5 million.

Section 43:

The bill authorizes state universities to make transfers up to \$2 million between the Education and General Activities category and other program categories for the 2011-12 fiscal year.

Section 44:

The bill authorizes an exemption from campus development statutes for the 2012-13 fiscal year to allow state universities to enter into local development agreements to identify and negotiate plans to mitigate the impact of specific projects on local governments.

Section 45:

The bill provides an effective date of July 1, 2012, unless otherwise provided in the bill.

General Implementation Timeline:

Upon Becoming Law	Degree Completion Project (Section 15) and SUS transfers for 2011-12 (Section 43) take effect.
June 1, 2012	Degree Completion Pilot Project institutions submit a detailed project plan to the chairs of the legislative appropriations committees (Section 15).
July 1, 2012	The act becomes effective.
December 1, 2012	FCS and SUS institutions complete interface with FACTS.org (delayed from July 1, 2012) (Section 14).
June 30, 2013	Degree Completion Pilot Project institutions transfer administration of the pilot project to the FVC (Section 15).
September 30, 2013 (annual thereafter)	FCS and SUS Chancellors publish a report on activities of the FVC (Section 14).
December 31, 2013	The FCS and SUS Chancellors submit a report to the chairs of the legislative appropriations committees on the need for a differentiated tuition and fee structure for the development and delivery of distance learning courses (Section 15).



HB 5203 - REEMPLOYMENT SERVICES (CH 2012-135)

Bill Sponsor: Representative O'Toole

Effective Date: July 1, 2012 (Unless otherwise provided)

DOE Contact: Lucy Mohs, Public Affairs Director, Division of Vocational Rehabilitation (850) 245-3335

Executive Summary:

The bill provides substantive changes in the laws relating to the Division of Vocational Rehabilitation (VR), Bureau of Rehabilitation and Reemployment Services (BRRS) in the Department of Education to conform to budgetary reductions in the Fiscal Year 2012-2013 General Appropriations Act (GAA). Significant reductions to the program were also made during the 2011 Legislative Session.

The BRRS provides reemployment services to injured workers who are not able to return to their usual and customary occupation due to their work injury and require additional services. Services provided include vocational counseling; job-seeking training skills; transferable skills analysis; job placement; labor market information; and, if qualified, training and education, which includes payment for books, tuition, tools, uniforms, and authorized supplies.

The bill amends s. 440.491, F.S., relating to reemployment of injured workers, effective July 1, 2012, to eliminate duties of the BRRS. By removing the definition of "Department" to mean Department of Education (DOE) in this section of statute, program responsibilities shift to the Department of Financial Services (DFS). Additionally, DFS is provided authorization to contract with one or more third parties to administer services of the program.

Effective June 30, 2013, the Workers' Compensation Administration Trust Fund (WCATF) within the DOE is repealed and terminated. The remaining fund balance and all revenues of the trust fund are transferred to the WCATF within the DFS.

The GAA for Fiscal Year 2012-2013 includes a reduction of 27 full-time equivalent positions and \$2.3 million from the Workers' Compensation Administration Trust Fund (WCATF) from VR appropriations. Budget authority of approximately \$200,000 remains in the trust fund at DOE to allow for the payment of anticipated program expenditures in Fiscal Year 2012-2013.

An appropriation of \$350,000, five full-time equivalent positions and associated salary rate of 260,000 is appropriated in CS/House Bill 5203 to DFS from the WCATF to carry out provisions of the bill.

Subject to the Governor's veto powers, the effective date of the bill is July 1, 2012, except as otherwise expressly provided.

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The bill repeals s. 1010.87, F.S., relating to the WCATF in the Department of Education, providing an effective date of June 30, 2013.

The bill terminates the WCATF in the Department of Education and provides for the transfer the balance remaining in, and all revenues of, the terminated fund.

The bill amends s. 440.015, F.S., to:

- revise legislative intent to remove the Department of Education's duty to administer the Workers' Compensation Law.

The bill amends s. 440.125, F.S., to:

- remove the authorization of the Department of Financial Services to share confidential and exempt records, reports or information with the Department of Education.

The bill amends s. 440.44, F.S., to:

- revise legislative intent and delete certain powers and duties of the Department of Education relating to workers' compensation.

The bill amends s. 440.491, F.S., relating to reemployment of injured workers and rehabilitation to:

- remove the definition of the term "department" as it relates to the Department of Education and authorize the Department of Financial Services to contract with third parties to administer training and education screenings, reemployment assessments, vocational evaluations, and reemployment services; providing requirements of third parties.

The bill amends s. 440.50, F.S., to:

- delete a reference related to the WCATF in the Department of Education for conforming purposes.

The bill amends s. 440.591, F.S.; to:

- remove rulemaking authority of the Department of Education with respect to the WCATF.

The bill provides an appropriation to implement the program and authorizes additional positions for the Department of Financial Services to assist with this effort.

The bill provides effective dates.

General Implementation Timeline:

Unless otherwise provided, the act becomes effective July 1, 2012.



HB 5509 - STATE DATA CENTER SYSTEM CONFORMING ACT (CH 2012-142)

Bill Sponsor: Conference Committee on Appropriations

Effective Date: July 1, 2012, except as otherwise provided

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

Executive Summary:

The act amends various provisions of law related to the consolidation of state agency data centers and computing facilities to conform to the Fiscal Year 2012-13 General Appropriations Act. Currently, s. 282.201, F.S., establishes a state data center system and requires all agency data centers and computing facilities to be consolidated into a primary data center by 2019. This act amends the schedule for agency data center consolidations and exempts certain agencies from consolidating to a primary data center.

Section 1:

- Amends s. 282.201, F.S., to delete the requirement for state agencies to submit information relating to their data centers and computing facilities to the Agency for Enterprise Information Technology.
- Amends the schedule for state agency data center consolidations.
- Exempts the Florida Department of Law Enforcement, Department of Lottery's Gaming System, Systems Design and Development in the Office of Policy and Budget, state attorneys, public defenders, criminal conflict and civil regional counsel, capital collateral regional counsel, Florida Clerks of Court Operations Corporation, Florida Housing Finance Corporation, and the State Board of Administration consolidating into a primary data center.

Section 2:

- Amends s. 282.203, F.S., relating to primary data centers to delete the requirement for the Agency for Enterprise Information Technology to submit a comprehensive transition plan.
- Specifies that any administrative overhead costs charged must be included in a specific appropriation and any changes in rates that increase an agency charge must be approved by the Legislative Budget Commission.

Section 3:

- Amends s. 1004.649, F.S., by clarifying certain duties and responsibilities of a primary data center, to include the Northwest Regional Data Center.

Section 4:

- The act takes effect July 1, 2012, except as otherwise provided.

General Implementation Timeline:

July 1, 2012 The act becomes effective.

HB 7029 - NULLIFICATION AND REPEAL OF ADMINISTRATIVE RULES (CH 2012-31)

Bill Sponsor: Representative Rooney

Effective Date: 60 days after becoming law

DOE Contact: Brent McNeal, Assistant General Counsel, Office of General Counsel, (850) 245-0442

Executive Summary:

The bill amends the Administrative Procedure Act by codifying the legal rule that the repeal of a substantive statute also acts to repeal the administrative rules adopted to implement that statute. The bill also creates a summary process for the Department of State to repeal rules which are no longer in full force and effect. This process includes legal review by the Attorney General, notice requirements, and an opportunity for anyone to challenge a proposed summary rule repeal, which cannot be effective until the challenge has been resolved.

The bill provides for the nullification and repeal of 270 existing rules which are no longer needed or for which the specific law implemented has been repealed.

The bill revises s. 120.536, F.S., Rulemaking authority; repeal; challenge, to:

- Provide that, unless otherwise provided by law, the repeal of one or more provisions of law implemented by a rule that, on its face, implements only the provision or provisions repealed, nullifies the rule.
- Provide that, unless otherwise provided by law, whenever notification of the rule nullification is received, the Department of State shall remove the rule from the Florida Administrative Code as of the effective date of the law effecting nullification of the rule, and update the historical notes to show that the rule was repealed by operation of law.
- Provide that, unless otherwise provided by law, the repeal of one or more provisions of law implemented by a rule that, on its face, implements the provision or provisions repealed and other provisions of law, nullifies the rule or applicable portion of the rule to the extent that it implements the repealed law.
- Require the agency having authority to repeal or amend the rule to, within 180 days of the effective date of the repealing law, publish a notice of rule development identifying all portions of rules affected by the repealing law, and if no notice is timely published, the operation of each rule implementing a repealed provision of law shall be suspended until such notice is published.
- Provide that the repeal of a provision of law that, other than as provided above, causes a rule or portion of a rule to be of uncertain enforceability requires the Department of State to treat the rule as provided by the new section 120.555, outlined below. A rule shall be considered to be of uncertain enforceability if the Division of Administrative Hearings notifies the Department of State that a rule or a portion of the rule has been invalidated in a division proceeding based upon a repeal of law, or the Administrative Procedures Committee gives written notification to the

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Department of State and the agency having power to amend or repeal the rule that a law has been repealed creating doubt about whether the rule is still in full force and effect.

The bill creates section 120.555, F.S., Summary removal of published rules no longer in force and effect, to:

- Provide a procedure to be employed when the Department of State is in doubt as to whether a rule is still in full force and effect, under which:
 - The Department of State shall submit to the relevant agency head (or to the Governor, if an appropriate agency head cannot be identified), a written request for a statement as to whether the rule is still in full force and effect.
 - A copy of the request shall be delivered to the Administrative Procedures Committee and the Attorney General, and shall be published in the Florida Administrative Register.
 - No later than 90 days after the notice is published, the agency or Governor shall file a written response with the Department of State stating whether the rule is in full force and effect and under the jurisdiction of an agency with authority to amend or repeal it.
 - Failure to timely respond constitutes acknowledgment that the rule is no longer in effect and is subject to summary repeal.
 - The Department of State shall publish a notice of the timely response or acknowledgment in the Florida Administrative Register.
 - If the response states that the rule is no longer in effect, or if no response is timely filed, the notice shall also:
 - State that the rule will be repealed summarily and removed from the Florida Administrative Code.
 - State that any objection to the summary repeal must be filed as a petition challenging a proposed rule under 120.56, F.S. and must be filed no later than 21 days after the date the notice is published in the Florida Administrative Register. The agency with authority to repeal the rule shall be named as respondent and shall be a proper party in interest. If no agency has authority to repeal the rule, the Department of State shall be named as respondent.
 - Upon the expiration of the 21-day period to file an objection to a published notice of summary repeal, if no timely objection is filed, or, if a timely objection is filed, on the date a decision finding the rule is no longer in effect becomes final, the Department of State shall update the Florida Administrative Code to remove the rule and shall provide historical notes identifying the manner in which the rule ceased to have effect.

Effective July 1, 2013, the bill nullifies rules 38J-1.001 through 1.009. These rules were adopted by the former Department of Labor and Employment Security to govern the Division of Vocational Rehabilitation.

The Department of Labor and Employment Security was abolished and the Division of Vocational Rehabilitation was placed under the Department of Education without a clear accompanying transfer of the rules, leaving the rules out of conformity with the law to be implemented.

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The bill directs the Department of Education to, before July 1, 2013, initiate rulemaking to readopt or revise those portions of the rules which remain necessary to implement the affected statutes.

General Implementation Timeline:

If approved by the Governor, the provisions take effect 60 days after becoming law, unless otherwise specified.



HB 7059 - ACCELERATION OPTIONS IN PUBLIC EDUCATION (CH 2012-191)

Bill Sponsor: Education Committee; PreK-12 Appropriations Subcommittee; K-20 Innovation Subcommittee; Representative Stargel

Effective Date: July 1, 2012

DOE Contact: Pam Stewart, Chancellor, Division of Public Schools, (850) 245-0509
Randy Hanna, Chancellor, Division of Florida Colleges, (850) 245-9499
Rod Duckworth, Chancellor, Division of Career and Adult Education, (850) 245-0446
Jane Fletcher, Interim Deputy Commissioner, Accountability, Research, and Measurement, (850) 245-0437
Linda Champion, Deputy Commissioner, Finance and Operations, (850) 245-0406

Executive Summary:

The bill creates s. 1002.3105, F.S., Academically Challenging Curriculum to Enhance Learning (ACCEL) options, to:

- Establish Academically Challenging Curriculum to Enhance Learning (ACCEL) options that provide academically challenging curriculum or accelerated instruction to eligible public school students in kindergarten through grade 12.
- Require schools to offer, at a minimum, specific ACCEL options.
- Require each school principal to establish student eligibility requirements.
- Specify that each school district must establish student eligibility and procedural requirements.
- Require principals and school districts to establish student eligibility requirements with consideration to certain factors.
- Provide that each principal must inform parents and students of the available ACCEL options and the student eligibility requirements.
- Require that each principal establish a process by which a parent may request student participation in an ACCEL option.
- Require each school district to establish a process by which a parent may request student participation in an ACCEL option that would result in the student attending a different school.
- Specify that a performance contract must be executed if a student participates in an ACCEL option by parent request. A performance contract is optional if a principal initiates a student's participation in an ACCEL option.

The bill amends s. 1001.64, F.S., Florida College System institution boards of trustees; power and duties, to:

Revise district interinstitutional articulation agreements reference to dual enrollment articulation agreements.

The bill amends s. 1001.65, F.S., Florida College System institution presidents; powers and duties, to:

- Revise district interinstitutional articulation agreements reference to dual enrollment articulation agreements.

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

- Specify that instructional materials purchased for dual enrollment students by a district school board must be made available to dual enrollment students in accordance with s. 1007.271(17), F.S. Eliminates the reference to the provisions of ss. 1007.271(14) and (15), F.S.

The bill amends s. 1002.41, F.S., Home education programs, to:

- Specify that home education students may participate in dual enrollment programs in accordance with s. 1007.27(4), F.S. and adds in accordance with s.1007.271(13), F.S. Eliminates references to the provisions of s. 1007.271(10), F.S.

The bill amends s. 1003.02, F.S., District school board operation and control of public K-12 education within the school district, to:

- Require school districts to notify parents of students in or entering high school of the options for early or accelerated high school graduation in addition to other acceleration options.

The bill amends s. 1003.4156, F.S., General requirements for middle grades promotion, to:

- Adds 6th grade to the levels in which the career and education planning course may be offered
- Specifies that the course must:
 - Result in a completed personalized academic and career plan.
 - Emphasize technology or the application of technology in career fields.
 - Beginning with the 2014-15 academic year, include information from the Department of Economic Opportunity's economic security report as described in s. 445.07, F.S.
- Removes statutory references to Florida CHOICES and FACTS.org.
- Adds "career-themed courses" to the information requirement in the personalized academic and career plan.

The bill amends s. 1003.428, F.S., General requirements for high school graduation; revised, to:

- Eliminate the reference to a district interinstitutional articulation agreement pursuant to s. 1007.235, F.S., with regard to the online dual enrollment course option to satisfy the online course graduation requirement.

The bill creates s. 1003.4281, F.S., Early high school graduation, to:

- Establish an early graduation option if the student has completed a minimum of 24 credits and meets other requirements specified in s. 1003.428, F.S.
- Define "early graduation" to mean graduation from high school in less than eight semesters or the equivalent.
- Require each district school board to adopt a policy that provides a high school student an early graduation option.
- Require each school district to notify the parent of a student who is eligible to graduate early.

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- Provide that a school district may not prohibit an eligible student from graduating early.
- Require provisions for a student who graduates early to continue to participate in school and social events and other specifically named events as part of the student's cohort.
- Authorize eligible students who graduate from high school mid-year to receive a Bright Futures Scholarship award during the spring term.
- Define that, for purposes of this section, a credit is equal to 1/6 Full-Time Equivalent (FTE) and provides that a student may earn up to six paid high school credits equivalent to one FTE per school year in grades 9-12.
- Define that, for purposes of this section, unpaid credits earned by the student as in excess of six credits per year for FTE.

The bill amends s. 1003.4295, F.S., Acceleration options, to:

- Require that each high school advise each student of programs through which a high school student can earn college credit including early admission courses.
- Provide that students shall be advised of the early and accelerated graduation options under ss. 1003.4281 and 1003.429, F.S.
- Specify that the Credit Acceleration Program (CAP) allow a student to earn high school credit in a course that requires a statewide, standardized end-of-course (EOC) assessment if the student attains a specified score on the assessment. Eliminates the reference to "secondary" student.
- Require that a school district must award credit to a student who attains a passing score on the corresponding statewide, standardized EOC. Eliminates the reference to satisfactory performance as defined in s. 1008.22(3)(c)5, F.S.

The bill amends s. 1003.436, F.S., "Definition of credit", to:

- Specify a reference to dual enrollment articulation agreement in the definition of "credit." Eliminates reference to a district's interinstitutional articulation agreement.
- Deletes reference to s. 1007.235, F.S., and replaces it with reference to s. 1007.271(21), F.S., created with this bill.
- Deletes reference to s. 1007.271(6), F.S., and replaces it with reference to s. 1007.271(9), F.S.

The bill amends s. 1003.437, F.S., Middle and high schools grading system, to:

- Specify that the grading system and interpretation of letter public school grades is used to measure student success in grade 6 through grade 12 courses for students in public schools.

The bill amends s. 1003.491, F.S., Florida Career and Professional Education Act, to:

- Specify that districts must develop a three-year strategic plan, instead of a five-year plan, and adds "career-themed courses" as an element in the plan.
- Modify language on elements on which the strategic plan shall be constructed.
- Update language on the curriculum review process for newly proposed core secondary courses and existing courses requested to be considered as core courses.
 - Specifies that the curriculum review committee shall approve or deny each proposed core courses within 30 days after submission by a district school board or regional workforce board

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The bill amends s. 1003.492, F.S., Industry-certified career education programs, to:

- Add secondary schools offering “career-themed courses” to the industry certified career education programs section.
- Specify that a school principal, instead of a career and professional academy, may apply to Workforce Florida, Inc. to request additions to the list of approved certifications based on high skill, high wage, and high demand requirements in the regional economy.
- Add “career-themed courses” to the student achievement and performance data collection requirements of the Department of Education.

The bill amends s. 1003.493, F.S., Career and professional academies and career-themed courses, to:

- Rename s. 1003.493, F.S., to include “career-themed courses” in addition to career and professional academies.
- Add reference to the Department of Economic Opportunity to the definition of “career and professional academy.”
- Define “career-themed course” as a course, or a courses in a series of courses, that leads to an industry certification on the Industry Certification Funding List; require that school districts shall offer at least two career-themed courses and each secondary school and the Florida Virtual School are encouraged to offer at least one career-themed course; specify that students completing a career-themed course must be provided with opportunities to earn postsecondary credit.
- Add “career-themed courses” to the goals section on career and professional academies; remove reference to occupational completion points; specify that goal on meeting industry needs should be for high-skill, high wage and high demand occupations.
- Create required elements for secondary schools offering career-themed courses and makes them the same as those required for career and professional academies.
- Remove the following requirements for career and professional academies:
 - Providing shared, maximum use of private sector facilities and personnel,
 - Providing personalized student advisement and coordinate with middle schools to provide information to middle school students about secondary and postsecondary programs and academies,
 - Include a plan to sustain career and professional academies, and
 - Redirect appropriated career funding to career and professional academies.
- Modify accountability requirements by specifying that failure to meet a 50 percent pass rate on an industry certification exam requires amendment of the three-year strategic plan on specific strategies to improve the passage rate (removes requirement about discontinuing enrollment in the academy).

The bill amends s. 1003.4935, F.S., Middle school career and professional academy courses and career-themed courses, to:

- Amend s. 1003.4935, F.S., to include “career-themed courses.”
- Rename s. 1003.4935, F.S., to include “career-themed courses” in addition to middle school career and professional academies.
- Require the State Board of Education to adopt rules to identify industry certifications in science, technology, engineering, and mathematics on the Industry Certification Funding List.

The bill repeals s. 1007.235, F.S., District interinstitutional articulation agreements.

The bill amends s.1007.263, F.S., Florida College System institutions; admissions of students, to:

- Eliminate an exemption from Florida College System associate degree admission requirements for secondary students enrolled in college-level instruction not creditable toward the high school diploma.

The bill amends s.1007.27, F.S., Articulated acceleration mechanisms, to:

- Delete duplicative language relating to early admission.

The bill amends s. 1007.271, F.S., Dual enrollment programs, to:

- Authorize students to pay for postsecondary tuition and fees if high school graduation will occur prior to the completion of the postsecondary course.
- Provide student eligibility requirements and restrictions for enrollment and continued enrollment in dual enrollment courses.
- Authorize a participation limit based on capacity.
- Provide requirements for faculty members providing instruction in college credit dual enrollment courses.
- Provide curriculum standards for college credit dual enrollment.
- Prohibits school districts from combining dual enrollment courses with high school courses.
- Clarify district school board duties.
- Establish a minimum and maximum number of college credit hours for participation in an early admission program.
- Provide home education student eligibility requirements for enrollment in dual enrollment courses.
- Require a home education articulation agreement.
- Provide requirements for the development and contents of a school district and Florida College System institution dual enrollment articulation agreement.
- Require the Department of Education to develop an electronic submission system for dual enrollment articulation agreements and to review agreements for compliance.
- Authorize dual enrollment articulation agreements with state universities, eligible independent colleges and universities, and private secondary schools.

The bill repeals s.1007.272, F.S., Joint dual enrollment and advanced placement instruction.

The bill amends s. 1008.22, F.S., Student assessment program for public schools, to:

- Require that beginning with the 2012-2013 school year, the Algebra 1 End-of-Course (EOC) Assessment shall be administered at least four times annually.

The bill amends s. 1008.25, F.S., Public school student progression; remedial instruction; reporting requirements, to:

- Specify that it is the intent of the Legislature that each student's progression from one grade to another be determined, in part, upon satisfactory performance in certain subjects and that

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district school board policies facilitate student achievement. Eliminates references to proficiency.

- Specify that it is the intent of the Legislature that students have access to educational options that provide academically challenging coursework or accelerated instruction (ACCEL program).
- Change the subtitle name from “Comprehensive Program” to “Comprehensive Student Progression Plan.”
- Require a school district’s student progression plan to include information about ACCEL options, early and accelerated graduation options, and dual enrollment courses included in the dual enrollment articulation agreement.
- Specify rulemaking requirements for the administration of s. 1008.25, F.S. Delete requirement that the Department of Education shall provide technical assistance as needed to aid district school boards in administration of this section.

The bill amends s. 1009.25, F.S., Fee exemptions, to:

- Exempt a student enrolled in a dual enrollment or early admission program pursuant to s. 1007.271, F.S., *dual enrollment programs*, from the payment of tuition and fees. Deletes the exemption from payment of tuition and fees pursuant to s. 1007.27, F.S., *articulated acceleration mechanisms*.

The bill amends s. 1009.531, F.S., Florida Bright Futures Scholarship Program; student eligibility requirements for initial awards, to:

- Authorize a student who graduates from high school midyear to receive an initial Bright Futures Scholarship award during the spring term following the student’s graduation, as long as the student applies for the scholarship award no later than August 31 of the student’s graduation year.

The bill amends s. 1009.532, F.S., Florida Bright Futures Scholarship Program; student eligibility requirements for renewal awards, to:

- Provide that a student who receives an initial award during the spring term will be evaluated for scholarship renewal after the completion of a full academic year, which begins with the fall term.

The bill amends s. 1011.61, F.S., Definitions, to:

- Provide reporting requirements for school districts for a full-time equivalent student in courses requiring certain statewide, standardized end-of-course assessments and for a student who passes a statewide, standardized end-of-course assessment without being enrolled in the corresponding course.

The bill amends s. 1011.62, F.S., Funds for operation of schools, to:

- Provide for additional FTE membership for students who earn industry certifications as follows:
 - Add students who complete career themed-courses to the eligibility requirements for add-on FTE.
 - Allow an add-on FTE with a value of 0.1 to be calculated for middle school students to be included in the FEFP when the student is promoted to the 9th grade (instead of only

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when the student earns a high school diploma) and completes career-themed courses or career and professional academy program and earns the highest level of industry certification in science, technology, engineering and mathematics.

General Implementation Timeline:

- | | |
|--------------|--|
| July 1, 2012 | The act becomes effective. |
| 2012-13 | The end-of-course assessment in Algebra I shall be administered four times annually. |
| 2014-15 | The middle grades career and education planning course must include information from the Department of Economic Opportunity's economic security report as described in s. 445.07, F.S. |

HB 7063 - DIGITAL LEARNING (CH 2012-192)

Bill Sponsor: Representative Stargel

Effective Date: July 1, 2012

DOE Contact: Pam Stewart, Chancellor, Division of Public Schools, (850) 245-0509
Sally Roberts, Educational Policy Consultant, Division of Public Schools, (850) 245-9617

Executive Summary:

The bill expands part-time virtual education options at the state and district levels, student eligibility to participate in full-time virtual programs and opportunities for exceptional education students and students in ESOL programs to participate and be funded in virtual education programs. It prohibits a person from taking an online course or examination on behalf of another person for compensation and provides a penalty. Virtual instruction program providers must meet an additional qualification to obtain DOE approval. The bill provides exceptions for students who have to meet the online course graduation requirement and specifies that districts may not require students to take the online course outside of the school day. The bill provides eligibility for Florida Virtual School (FLVS) full-time students to participate in interscholastic extracurricular activities. The bill specifies responsibilities and requirements for enrolling exceptional education students in full-time virtual programs and revises the definitions of a Full-Time-Equivalent (FTE) student for virtual instruction programs, virtual charter schools and FLVS.

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

- Specify that a full-time FLVS student who meets specified conduct and academic requirements is eligible to participate in extracurricular activities at the district public school to which the student would be assigned or could choose to attend.

The bill amends s. 1002.321, F.S., Digital learning, to:

- Revise provisions related to virtual instruction through blended learning opportunities provided by school districts in a traditional setting.
- Prohibit a person from taking an online course or examination on behalf of another person for compensation and specify that a person who violates this subsection commits a misdemeanor of the second degree.

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

- Authorize FLVS to provide full-time and part-time instruction for students in grades K-12 (this expands part-time instruction to include students in grades K-3).
- Removes restriction that grades 4-5 students may only take middle school courses and removes the associated parental notification requirements for students scoring Levels 4 and 5 on FCAT Reading or Mathematics.
- Require part-time students in grades K-5 to meet at least one of the eligibility criteria in s. 1002.455, F.S.
- Limit the combined total of FTE reported by FLVS and the school district to 1.0 FTE for full-time

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- students in grades K-12 and for part-time students in grades K-5.
- Require all statewide assessments for FLVS students to be taken at the school to which the student would be assigned according to district school board attendance areas.

The bill revises s. 1002.45, F.S., Virtual instruction programs, to:

- Clarify that districts eligible for the Sparsity Supplement component of the Florida Education Finance Program (FEFP) before the wealth adjustment are required to offer one option for district virtual instruction programs.
- Clarify that districts must provide at least one enrollment period of 90 days or more which ends 30 days before the first day of school.
- Expand part-time virtual instruction programs to include students enrolled in grades K-8 courses measured by FCAT, End-of-Course (EOC) assessments and Advanced Placement (AP) exams. This part-time program was limited to grades 9-12 previously.
- Require applicants for approval as a virtual instruction program provider to perform an annual financial audit by an independent certified public accountant in accordance with rules of the Auditor General and to provide financial statements presented in accordance with generally accepted accounting principles.
- Conform funding provisions to changes made by the act and to require the school district providing virtual instruction to report the FTE for students residing in another district.

The bill amends s. 1002.455, F.S., Student eligibility for K-12 virtual instruction, to:

- Allow students eligible to enter grades 2-5 to enroll in full-time virtual instruction programs offered by school districts, virtual charter schools and FLVS without having to meet one of the other eligibility criteria.
- Remove requirement for students taking online and blended courses in a traditional setting from having to meet one of the eligibility criteria specified in this section of law.

The bill amends s. 1003.428, F.S., General requirements for high school graduation; revised, to:

- Prohibit a school district from requiring a student to take the online course to meet graduation requirements outside of the school day or in addition to a student's full schedule of courses for a given semester.
- Provide exemptions for meeting the online course graduation requirement for students who have individual education plans (IEPs) which indicate an online course would not be appropriate or for students who have been enrolled in a Florida high school for one year or less.

The bill amends s. 1003.498, F.S., School district virtual course offerings, to:

- Clarify that school districts may deliver online and blended learning courses in a traditional setting.
- Specify that students in blended learning courses must be full-time students of the school and receive the online instruction in a classroom setting. The funding, performance and accountability requirements are the same as for traditional courses.

The bill amends s. 1003.57, F.S., Exceptional students instruction, to:

- Require full-time virtual instructions programs offered by school districts and FLVS to fulfill the obligations of a school district for their full-time exceptional education students.

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- Allow a student whose IEP states that full-time virtual instruction is appropriate to enroll in a full-time virtual instruction program.

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

- Provide conditions for eligibility for FLVS full-time students and for students who transfer to and from FLVS to participate in extracurricular activities.
- Specify these students may participate at the school to which they would have been assigned or could choose to attend based on district policies.
- Require these students to meet the same residency requirements and standards of acceptance, behavior and performance as required for other students.
- Require these students to register their intent at the district school before the beginning date of the season for the activity.
- Authorize FLVS full-time students to participate in curricular activities if required by the extracurricular activity.
- Specify that a student who transfers from FLVS to a district school during the first grading period is eligible to participate if he or she had a successful evaluation from their previous school.
- Specify that a public or private school student who has been unable to maintain academic eligibility is ineligible to participate as an FLVS full-time student until the student successfully completes one grading period.

The bill amends s. 1011.61, F.S., Funds for operation of schools, to:

- Revise the definition of a full-time equivalent (FTE) student for full-time students in virtual instruction programs offered by school districts, virtual charter schools and FLVS to include funding in all FEFP funding categories. This adds the ESE and ESOL funding programs.
- Specify that funding for part-time students in district and FLVS virtual programs is limited to FEFP Basic Education and Career Education funding programs.
- Revise the FTE definition for full-time elementary students (grades K-5) enrolled in district virtual instruction programs and virtual charter schools to consist of six full credit completions or the prescribed level of content that counts toward promotion to the next grade. This removes the requirement that elementary students complete an entire basic education program and be promoted to a higher grade level to earn any funding and allows students to earn partial FTE for courses or prescribed content they have successfully completed.

The bill amends s. 1011.62, F.S., Funds for operation of schools, to:

- Allow full-time virtual instruction programs to report FTE membership in ESOL programs provided the full-time virtual program has a plan approved by the Department.
- Specify that virtual programs and options offered through district virtual instruction programs, virtual charter schools, FLVS and franchises of FLVS are to be included in the Virtual Education Contribution calculation.

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General Implementation Timeline:

July 1, 2012	The act becomes effective.
April-September 2012	Revision of State Board of Education Rule 6A-6.0981, F.A.C., and application for provider approval
April-September 2012	Revision of provider approval process and team
April-September 2012	Development of new online application for provider approval
Summer 2012	New reporting instructions for new part-time elementary virtual instruction programs
2014-15	Funding for virtual programs to be adjusted by student performance on end-of-course exams

HB 7079 - STATE RETIREMENT (CH 2012-222)

Bill Sponsor: Representative Patronis

Effective Date: July 1, 2012

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

Executive Summary:

The bill corrects drafting errors and makes other conforming and clarifying changes that are necessary as a result of the passage of SB 2100 during the 2011 Legislative Session, relating to the Florida Retirement System (FRS).

Section 1:

Creates s. 121.012, F.S., Inclusive provisions, to clarify that the provisions of Part I of Chapter 121, F.S., (the Florida Retirement System Act), are applicable to Parts II and III of the act. Part II of Chapter 121, F.S., pertains to the Public Employee Optional Retirement Program, which is the investment plan. Part III pertains to the Florida Retirement System Contribution Rates.

Section 2:

Revises s. 121.021, F.S., Definitions, to clarify the terms “normal retirement date” and “vesting.”

- For pension plan members, “normal retirement age” is attained on the “normal retirement date.”
- For investment plan members, normal retirement age is the date a member attains his or her normal retirement date as provided, or the date a member is vested under the investment plan as provided in s. 121.4501(6), F.S., whichever is later.

Section 3:

Revises s. 121.0515, F.S., Special Risk Class, to correct a cross-reference from (2)(f) to (2)(i) in (3)(k)(1).

Section 4:

Revises s. 121.055, F.S., Senior Management Service Class, to:

- Clarify that a retiree of the Senior Management Service Optional Annuity Program (SMSOAP) who is re-employed on or after July 1, 2010, is prohibited from being re-enrolled as a renewed member of a state-administered retirement system.
- Allow members of the SMSOAP to receive a benefit distribution of up to 10 percent of their account balance one month after termination.
- Clarify that the current prohibition on hardship loans, for purposes of SMSOAP, does not apply in certain circumstances.

Section 5:

Revises s. 121.071, F.S., Contributions, to clarify that the current prohibition on hardship loans does not apply in certain circumstances.

Section 6:

Revises s. 121.091, F.S., Benefits payable under the system, to:

- Provide that a member initially enrolled in the FRS on or after July 1, 2011, who reaches his or her normal retirement date based on service before reaching age 65, or 60 for special risk members, may defer his or her election to participate in the Deferred Retirement Option Program (DROP) to the 12 months immediately following the date the member attains age 60, or 55 for special risk members.

Section 7:

Revises s. 121.122, F.S., Renewed membership in system, to clarify that a retiree of a state-administered retirement system who is initially reemployed in a regularly established position on or after July 1, 2010, may not be enrolled as a renewed member.

Section 8:

Revises s. 121.35, F.S., Optional retirement program for State University System, to:

- Clarify that members of the State University System Optional Retirement Program (SUSORP) may receive payment for benefits from either annuity contracts or investment contracts.
- Provide a definition of the term “benefit,” to clarify that when distributions are received by a member, such distributions shall prohibit enrollment as a renewed member in a state-administered retirement system.
- Allow members of the SUSORP to receive a benefit distribution of up to 10 percent of their account balance one month after termination.
- Clarify that the current prohibition on hardship loans, for purposes of SUSOPR, does not apply in certain circumstances.
- Members of the SUSORP may not receive benefits funded by voluntary personal contributions until after termination from employment for three calendar months.

Section 9:

Revises s. 121.4501, F.S., Florida Retirement System Investment Plan, to clarify that a retiree of a state-administered retirement system initially reemployed in a regularly established position on or after July 1, 2010, is not eligible to participate in a state-administered retirement system.

Section 10:

Revises s. 121.591, F.S., Payment of benefits, to clarify that the current prohibition on hardship loans, for purposes of the Investment Plan, does not apply in certain circumstances.

Section 11:

Revises s. 1012.875, F.S., State Community College System Optional Retirement Program, to:

- Include that members of the State Community System Optional Retirement Program (SCCSORP) may not receive benefits funded by voluntary contributions until after termination from employment for three calendar months.
- Clarify that the current prohibition on hardship loans, for purposes of SCCSORP, does not apply in certain circumstances.

General Implementation Timeline:

July 1, 2012 The act becomes effective.

HB 7081 - GROWTH MANAGEMENT (CH 2012-99)

Bill Sponsor: Representative Workman

Effective Date: Upon Becoming Law

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

Executive Summary:

The bill makes a number of technical and clarifying revisions to Chapter 2011-139, Laws of Florida, "The Community Planning Act." Several of these modifications affect sections of the act that relate to school district operations for facilities planning. These revisions are summarized below.

The bill revises s. 163.31777, F.S., related to interlocal agreements for school planning coordination. The bill restores the exemption criteria, inadvertently removed in the act, which a municipality must meet to show that it has no significant impact on school attendance and which required review of continued eligibility for the exemption during the periodic evaluation and appraisal of the comprehensive plan. If a municipality meets all four criteria listed below, it is exempt from the school interlocal agreement:

1. The municipality has issued development orders for fewer than 50 residential dwelling units during the preceding five years, or the municipality has generated fewer than 25 additional public school students during the preceding five years;
2. The municipality has not annexed new land during the preceding five years in land use categories that permit residential uses that will affect school attendance rates;
3. The municipality has no public schools located within its boundaries; and
4. At least 80 percent of the developable land within the boundaries of the municipality has been built upon.

The bill removes s. 163.3180(6)(i), F.S., which provides criteria that a municipality must meet to be exempt from the implementation of school concurrency. The criteria are no longer needed because school concurrency is implemented at the option of a local government.

The bill revises s. 163.3184(3), F.S., to clarify that an amendment rescinding any optional form of concurrency such as transportation, school, or parks and recreation must be processed using the expedited state review process. The bill clarifies that a local government is not required to transmit such an amendment to the state reviewing agencies for comments. The bill also adds the requirement for the local government to provide an informational copy of any adopted amendment rescinding optional concurrency to the state land planning agency, and if the amendment rescinds school concurrency, to the Department of Education.

The bill revises s. 1013.33, F.S., relating to school district coordination with local governments. The bill removes outdated language providing for state oversight and review of interlocal agreements, which is no

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longer required by the act, and replaces language that details the contents of an interlocal agreement with a reference to s. 163.31777, F.S.

The bill revises s. 1013.351, F.S., relating to coordination of planning between the Florida School for the Deaf and the Blind and local governing bodies. The bill removes outdated language providing for state oversight and review of the agreements, which is no longer required by the act.

The bill revises ss. 1013.33, 1013.35, and 1013.36, F.S., related to coordination with local governments, the educational facilities plan, and site planning and selection, respectively, to correct cross references.

The bill also makes technical, clarifying, and conforming revisions to the following sections, which are unrelated to the Department of Education or school district facility planning:

- s. 163.3167, F.S., relating to the scope of the act;
- s. 163.3174, F.S., relating to the local planning agency;
- s. 163.3177, F.S., relating to the required and optional elements of the comprehensive plan and studies and surveys;
- s. 163.3178, F.S., relating to coastal management;
- s. 163.3191, F.S., relating to evaluation and appraisal of the comprehensive plan;
- s. 163.3245, F.S., relating to sector plans;
- ss. 186.002 and 186.007, F.S., relating to the state planning process;
- ss. 186.505 and 186.506, F.S., relating to the powers of regional planning councils and strategic regional policy plans;
- s. 189.415, F.S., relating to special district public facilities reports;
- s. 288.975, F.S., relating to military base reuse plans; and
- ss. 380.06 and 380.115, F.S., relating to developments of regional impact.

General Implementation Timeline:

April 6, 2012

The bill was approved by the Governor; Chapter No. 2012-99.



HB 7097 - ADMINISTRATION OF PROPERTY TAXES (CH 2012-193)

Bill Sponsor: Representative Caldwell

Effective Date: Except for certain sections, upon becoming a law and shall apply to 2012 ad valorem tax rolls

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

Executive Summary:

The bill contains recommendations by the Department of Revenue for property tax oversight improvements. It also clarifies ambiguous language, deletes obsolete statutory provisions, and eliminates unneeded reporting requirements in the property tax statute.

Section 1:

Amends s. 192.001, F.S., to redefine “assess value of property” to make it consistent with Article VII of the Florida Constitution, as amended in 2008. The bill also amends the definition of “complete submission of the rolls” to conform to s. 193.114, F.S., as amended in 2008.

Section 2:

Amends s. 192.0105, F.S., for the value adjustment board procedures and hearing schedule to conform to the amendments in the Taxpayer’s Bill of Rights in s. 194.032, F.S., under Section 11 of the bill.

Section 3:

Repeals s. 192.117, F.S., related to the creation of the Property Tax Administration Task Force.

Section 4:

Amends s. 193.114, F.S., to replace the terms “sale price” with “recorded selling price” and “sale date” with “ownership transfer date.” The bill clarifies the decision of the basis for qualification or disqualification of an arms-length transaction; defines the term “ownership transfer date”; and deletes the name and address requirement of a fiduciary in place of the property owner.

Section 5:

Amends s. 193.155, F.S., to provide that a husband and wife who abandon a jointly-titled homestead property may designate the percentage attributed to each spouse of the differential between just (market) value and assessed value that is portable to a new homestead property.

Sections 6 and 7:

Amends ss. 193.1554 and 193.1555, F.S., to clarify that property is to be assessed at just value when it is subject to a new limitation. These statutes are also amended to provide that parcels combined or divided cannot be included as such on the tax notice until the following January 1, on which it is first assessed as a combined or divided parcel and provides for an increase in value due to dividing the property.

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Sections 8, 9, and 10:

Amends ss. 193.501, 193.503, and 193.505, F.S., to remove reporting requirements on reduced assessments for lands subject to a conservation easement or other developmental limitation, historic property used for commercial or certain nonprofit purposes, or historically significant property when development rights have been conveyed or historic preservation restrictions have been covenanted.

Section 11:

Amends s. 194.032, F.S., Taxpayer's Bill of Rights value adjustment board hearing procedures and limits the amount of time a petitioner may be required to wait for a hearing after the scheduled time from four hours to not to exceed two hours. If the hearing has not started within two hours of the scheduled time, the petitioner may leave and the clerk must reschedule the hearing. This rescheduling does not count as the petitioner's on-time right to reschedule for any reason.

Section 12:

Amends s. 194.034, F.S., by removing the clerk's duty to notify the Department of Revenue of every decision of the value adjustment board. The clerk must provide a copy of decisions upon the Department of Revenue's request.

Section 13:

Amends s. 195.072, F.S., to provide that the Department of Revenue shall render the aid and assistance of state agencies and departments as may be required during an active investigation of a property appraiser.

Section 14:

Amends s. 195.096, F.S., to allow the Department of Revenue to use ratio study standards that are generally accepted by professional appraisal organizations in lieu of the 95 percent confidence level required, when a 95 percent level of confidence is not attainable. Instead of being required to forward the findings to the Senate and House of Representatives committees with oversight responsibilities, the bill directs the Department of Revenue to publish its findings and notify legislative staff and county officials that such a publication has occurred. Copies of the data and findings will be provided upon request. The effective date for this section of the bill is July 1, 2012.

Section 15:

Repeals s. 195.0985, F.S., regarding annual ratio studies to eliminate redundancies.

Section 16:

Amends s. 195.099, F.S., removing the Department of Revenue's mandatory requirement to periodically review the assessments of new, rebuilt, and expanded businesses in designated enterprise zones or brownfield areas and, instead, permitting the Department of Revenue to review these assessments.

Section 17:

Amends s. 196.031, F.S., to require that the base \$25,000 homestead exemption and the additional \$25,000 non-school levy homestead exemption apply before all other homestead exemptions, which are then to be applied in a manner that results in the lowest taxable value.

Section 18:

Amends s. 196.061, F.S., to clarify that rental of all or substantially all of a homestead dwelling constitutes the abandonment of the property as a homestead.

Sections 19, 20, 21, 22, 27, and 28

Amends ss. 196.081, 196.082, 196.091, 196.101, 196.202, and 196.24, F.S., to allow disabled veterans, other disabled persons, widows, widowers, blind persons, persons permanently and totally disabled, and disabled servicemembers or surviving spouses to apply for property tax discounts and exemptions prior to and contingent upon the taxpayer receiving the necessary documentation instead of losing the ability to claim discounts and exemptions because the documentation had been delayed. Once the documentation is received by the property appraiser, the exemption is granted back to the date of the original application and a refund of excess tax payments is made. The refund is permitted for years that are within the normal four-year statute of limitations for property tax refunds.

Section 23:

Amends s. 196.121, F.S., removing the requirement that the Department of Revenue furnish hard-copy, printed forms to the property appraiser of each county for taxpayers to use when claiming a homestead exemption and requiring the Department of Revenue to provide the forms electronically or by other means.

Section 24:

Amends s. 196.173, F.S., to add Operation Noble Eagle and Operation Odyssey Dawn to the list of military operations for property tax exemptions extended to servicemembers who were deployed during or on active duty in support of the operation; and to add an end date of December 15, 2011, to Operation New Dawn.

Section 25:

Amends s. 196.198, F.S., to provide that land, buildings, and other improvements to real property used exclusively for educational purposes shall be deemed owned by an educational institution for the purpose of an ad valorem exemption if the entity owning 100 percent of the land is a nonprofit entity and the land is used, under a ground lease or other contractual arrangement, by an educational institution that owns the buildings and other improvements to the real property, is a nonprofit entity under s. 501(c)(3) of the Internal Revenue Code, and provides education limited to students in prekindergarten through grade 8.

Section 26:

Amends s. 196.199, F.S., to include all property of municipalities in the state exempt from ad valorem taxation, even when used as an essential ancillary function of a facility constructed with financing obtained in part by pledging proceeds from the tax authorized under s. 212.0305, F.S., for the levy of convention development taxes on transient rental transactions, which is on exempt or immune federal, state, or county property.

Section 29:

Amends s. 200.065, F.S., to replace the term "is adopted" with "was adopted," in referring to the prior year's millage rate and amends the required Notice of Tax for School Capital Outlay to include the intent to levy additional taxes under s. 1011.71(3), F.S. The effective date for this section of the bill is July 1, 2012.

Sections 30 and 31:

Amends ss. 218.12 and 218.125, F.S., to correct the statutory citation regarding the application process that directs the legislature to appropriate moneys to be distributed to fiscally constrained counties to offset reductions in ad valorem tax revenue as a result of amendments to Article VII of the Florida Constitution in 2008. The bill also corrects the calculation of the distributions from using the prior year's millage rate to the current year's millage rate. If a fiscally constrained county fails to apply for the distribution, its share shall revert to the fund from which the appropriation was made. The effective date for these sections of the bill is July 1, 2012.

Section 32:

Provides additional time for eligible servicemembers deployed during the 2011 calendar year to file for an exemption, changing the deadline from June 1, 2012, to the 25th day after the property appraiser mails the notice of proposed property tax. After the property appraiser determines that sufficient documentation supports the reason why the servicemember could not apply for the property tax exemption in a timely manner, the property appraiser may grant the exemption. If sufficient documentation does not support the reason why the servicemember could not apply for the exemption in a timely manner, the servicemember may petition with the value adjustment board. The petition must be filed during the taxable year on or before the 25th day after the property appraiser mails the notice of proposed property tax. The servicemember is not required to pay a filing fee for the petition.

Section 33:

Provides that sections 24, 25, 26, and 32 of the act relating to exemptions from property tax take effect upon the act becoming law and shall apply to the ad valorem tax rolls for 2012.

Section 34:

Provides that, except as otherwise expressly provided in the act, the act shall take effect upon becoming law.

General Implementation Timeline:

June 1, 2012	Deadline for an eligible service member to file for an additional ad valorem tax exemption (Section 32).
July 1, 2012	Effective date (Sections 14, 29-32).

HB 7127 - SCHOOL IMPROVEMENT AND EDUCATION ACCOUNTABILITY (CH 2012-194)

Bill Sponsor: Education Committee, Representative Fresen

Effective Date: July 1, 2012

DOE Contact: Pam Stewart, Chancellor, Division of Public Schools, (850) 245-0509
Jane Fletcher, Interim Deputy Commissioner, Accountability, Research, and Measurement, (850) 245-0437
Mike Kooi, Executive Director, Office of Independent Education and Parental Choice, (850) 245-0502

Executive Summary:

The bill revises s. 1001.42, F.S., Powers and duties of district school board, to:

- Require that if a school has a significant gap in achievement by one or more subgroups or has significantly decreased the percentage of students scoring below satisfactory on statewide assessments, or has significantly lower graduation rates for a subgroup compared to the state's graduation rate, the school's improvement plan must include strategies for improving these results.
- Require the state board to adopt rules establishing thresholds for determining compliance.
- Offer opportunity scholarships to students attending schools who have earned a grade of "F" or three consecutive grades of "D."

The bill revises s. 1002.33, F.S., Charter schools, to:

- Require the Director and a representative of the governing board of any charter school that receives a school grade of "D" or "F" to appear before the Sponsor to present information concerning each contract component having noted deficiencies.
- Require charter schools that receive a school grade of "D" or "F" to submit a school improvement plan to the sponsor for review and approval, and to appear annually before the sponsor to present information regarding the progress of the intervention and support strategies.
- Require charter schools that receive three consecutive "D" grades, two consecutive "D" grades followed by an "F" grade, or two non-consecutive "F" grades within a three-year period to choose one of the following corrective actions:
 - Contract for educational services to be provided directly to students, instructional personnel, and school administrators, as prescribed in state board rule;
 - Contract with an outside entity that has a demonstrated record of effectiveness to operate the charter school;
 - Reorganize the school under a new director or principal; or
 - Voluntarily close
- Require implementation of corrective action plan the year following the receipt of the grade that triggered the corrective action, and an annual appearance before the Sponsor to present information on the progress of intervention and support strategies.

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- Allow sponsor to annually waive a corrective action if it determines that the charter school is likely to improve a letter grade if additional time is provided to implement the school improvement plan.
- Allow charter school to discontinue corrective action if charter school improves at least one letter grade. Strategies in school improvement plan must continue to be implemented.
- Require Sponsor to annually review implementation of school improvement plan.
- Require charter school implementing corrective action that does not improve at least one letter grade after two full years to select another option, and require implementation to begin the year following the implementation period of the existing corrective action. Sponsor may waive requirement if improvement is likely.
- Requires sponsor to terminate a charter if charter school earns two consecutive school grades of “F” unless:
 - The charter school is established to turnaround the performance of a district public school.
 - The charter school serves a student population the majority of which resides in a school zone served by a district public school that earned a grade of “F” in the year before the charter school opened, and the charter school earns at least a grade of “D” in its third year of operation.
 - The State Board of Education grants the charter school a waiver of termination. Waiver may be granted if the charter school demonstrates that the learning gains of its students on statewide assessments are comparable to or better than the learning gains of similarly situated students enrolled in nearby district schools. Waiver is valid for one year, may only be granted once, and may not be granted to charter schools in operation for more than five years.

The bill revises s. 1002.332, F.S., High-performing charter school system, to:

- Change the criteria used in determining a High-Performing Charter School System so that a new charter school that serves a student population the majority of which resides in a school zone served by a public school that earned a grade of “F” or three consecutive “D”s may not be considered in determining high-performing charter school status if the school attains and maintains a school grade higher than that of the public school serving that school zone within three years after establishment.

The bill revises s. 1002.38, F.S., Opportunity Scholarship Program, to:

- Revise eligibility to students attending schools earning a grade of “F” or three consecutive “D”s.

The bill revises s. 1008.33, F.S. Authority to enforce public school improvement, to:

- Require the State Board of Education to adopt rules implementing the requirements for charter schools to develop and implement school improvement plans and corrective actions.
- Clarify that the Department’s differentiated matrix of intervention and support strategies applies only to traditional public schools.

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

- Eliminate the requirement that middle school students, who are enrolled in a high school Algebra 1, Geometry, or Biology I course with a statewide end-of-course (EOC) assessment, must also take the corresponding grade-level FCAT mathematics or science assessment.

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The bill revises s. 1008.33, F.S., Authority to enforce public school improvement, to:

- Require the state board to comply with and equitably enforce the ESEA flexibility waiver approved for Florida by the United States Secretary of Education.
- Establish that beginning with the 2011-12 school year all schools earning a grade of “D” or “F” are schools in need of intervention and support.
- Require the adoption by rule of a differentiated matrix of intervention and support strategies for assisting public and charter schools. The rule must include the roles of the district and department in supporting “D” and “F” schools. The rule will also differentiate among schools earning consecutive grades of “D” or “F,” or a combination, and provide for more intense monitoring, intervention, and support.
- Establish that the most intense level of support be provided to schools earning a grade of “F.”
- Require that in the first full year after a school earns a grade of “F” the school district must choose a turnaround option and submit an implementation plan for state board for approval to implement the following school year.
- Add to the four existing turnaround options a fifth option to implement a hybrid of turnaround options or other turnaround models that have demonstrated effectiveness.
- Provide that “F” schools implementing turnaround options have a planning year followed by two full years to implement the initial turnaround. Implementation is no longer required if the school improves by at least one letter grade.
- Require that a school earning a grade of “F” that improves its letter grade must continue to implement strategies outlined in its school improvement plan. The department will annually review implementation of the school’s improvement plan for three years.
- Provide that if a school that does not improve its letter grade after two years of implementing a turnaround option the district must select another turnaround option and submit another implementation plan to the state board for approval.
- Establish that a school that earns a grade of “F” within two years after raising its grade from a grade of “F” must implement another turnaround option.
- Establish that a school that earns a grade of “F” within two years after exiting the lowest-performing category (under s. 3, chapter 2009-144, Laws of Florida) must implement another turnaround option.
- Require that a school earning a grade of “D” for three consecutive years must implement the district-managed turnaround option. An implementation plan must be submitted to the department for state board approval.
- Provide that a school in the lowest-performing category before July 1, 2012 (under s. 3, chapter 2009-144, Laws of Florida), is not required to continue implementing any turnaround option unless the school earns a grade of “F” or a third consecutive “D” for the 2011-12 school year.
- Establish that a school that earns a grade of “F” or a third consecutive “D” for the 2011-12 school year may not restart the number of years it has been low performing.

The bill revises s. 1008.331, F.S., Supplemental educational services in Title I schools; school district, provider, and department responsibilities, to:

- Require that each school district use an amount equal to 15 percent of its Title I, Part A funds to provide supplemental educational services to students who are performing at Level 1 or Level 2 on FCAT in Title I schools.

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- Require that each school district contract with supplemental educational service providers that have been approved by the department.

The bill revises s. 1008.34, F.S., School grading system; school report cards; district grade, to:

- Provide statutory authority to the State Board of Education to increase the percentage of a high school's grade based upon statewide assessments above 50 percent. If the state board decides to increase the percentage above 50, the non-statewide assessment components of high school grades would comprise the remaining percentage.
- Change the postsecondary readiness measure of high school students to be based upon "on time graduates," rather than all graduates. In addition, the Postsecondary Education Readiness Test is added as a measurement tool for determining postsecondary readiness.
- Provide a one year delay for the use of student achievement data from EOC assessments to calculate school grades, which aligns use of these assessments for calculating school grades with the year in which passage of the EOC assessment is required to earn credit in the course.
- Revise the calculation of school district grades to include each student's performance and learning gains on statewide assessments, rather than averaging the grades of individual district schools.
- Revise the requirements of the commissioner's annual report to include the percent of students performing at or above grade-level and making a year's worth of progress in reading and mathematics.

The bill revises s. 1008.345, F.S., Implementation of school improvement and education accountability, to:

- Require that a community assessment team be assigned by the Commissioner to each school district or governing board with a school that earned a grade of "F" or three consecutive grades of "D."

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

- Establish that schools that earn a grade of "F" or three consecutive grades of "D" are high priority location areas.

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

- Provide salary supplements to personnel for assignment to a school that earned a grade of "F" or three consecutive grades of "D."

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

- Establish that school districts may not assign a higher percentage than the school district average of temporarily certified teachers, teachers in need of improvement, or out-of-field teachers to schools graded "D" or "F."

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General Implementation Timeline:

July 1, 2012	The act becomes effective.
2011-12 School Year	Schools graded “D” or “F” after this school year are considered schools in need of intervention and support.
2012-13 School Year	Districts shall use 15% of Title I, Part A funds allocated to Title I schools to meet the requirements for supplemental educational services.

HB 7135 - POSTSECONDARY EDUCATION (CH 2012-195)

Bill Sponsor: House Education Committee, Representative Proctor

Effective Date: Upon becoming a law

DOE Contact: Randy Hanna, Chancellor, Division of Florida Colleges, (850) 245-9499

Executive Summary:

The bill amends provisions of law relating to the State University System (SUS), the Florida College System (FCS), general education requirements, and various other provisions. It provides requirements for the State Board of Education (SBE) regarding planning for system and institution goals and objectives and identification of performance metrics; requires a unified state plan to improve science, technology, engineering and mathematics (STEM) education; authorizes the Commissioner of Education to review FCS institutions; requires the Higher Education Coordinating Council to report recommendations; requires associate in arts students to identify program of study at 30 hours; revises general education course requirements; provides additional requirements for baccalaureate degree programs' notices of intent and performance standards; deletes the exemption from State Board of Education approval of certain FCS baccalaureate degree programs; requires Department of Economic Opportunity to prepare economic security report of employment and earning outcomes for degrees or certificates earned at public postsecondary institutions.

The bill amends s. 1002.02, F.S., relating to general powers of the State Board of Education (SBE), to:

- Provide additional requirements for the SBE's coordinated 5-year plan for postsecondary enrollment and its strategic plan specifying goals and objectives.
- Provide the SBE a duty to require FCS institutions to provide students with electronic access to the Economic Security Report of employment and earning outcomes prepared by the Department of Economic Opportunity.
- Require the SBE rules to revise credit hour requirements in general education courses.

The bill amends s. 1001.03, F.S., relating to specific powers of the State Board of Education (SBE), to:

- Require the SBE to identify performance metrics for the FCS and develop a plan that specifies goals and objectives for each FCS institution.
- Require the SBE to adopt a unified state plan for science, technology, engineering, and mathematics in K-20 education.

The bill amends s. 1001.10, F.S., relating to Commissioner of Education; general powers and duties, to:

- Authorize the Commissioner of Education to conduct a review of certain practices, procedures, or actions at any FCS institution.

The bill amends s. 1001.64, F.S., relating to Florida College System institution boards of trustees; powers and duties, to:

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- Conform provisions related to general education.

The bill amends s. 1004.015, F.S. relating to Higher Education Coordinating Council, to:

- Require the Higher Education Coordinating Council to annually report recommendations for postsecondary education.

The bill amends s. 1007.23, F.S., relating to Statewide Articulation Agreement, to:

- Provide that the statewide articulation agreement must require FCS students seeking an associate in arts degree to indicate a baccalaureate degree program offered by an institution of interest by the time the student earns 30 semester hours. The institution in which the student is enrolled shall inform the student of any prerequisites offered in the program at the institution of interest.

The bill amends s. 1007.25, F.S., relating to general education courses; common prerequisites; other degree requirements, to:

- Revise provisions relating to general education course requirements and associate and baccalaureate degree requirements. Beginning with students entering public postsecondary institution in 2014-2015, an associate in arts degree shall require no more than 60 semester hours of college credit and must include 30 semester hours of general education coursework and foreign language competency. A baccalaureate degree program shall require no more than 120 semester hours of college credit and, beginning with students entering public postsecondary institution in 2014-2015, must include 30 semester hours of general education coursework.
- Provide requirements for general education core course options, including high-level academic and critical thinking skills and common competencies that students must demonstrate to successfully complete the course.

The bill amends s. 1007.33, F.S., relating to site-determined baccalaureate degree access, to:

- Provide additional requirements for notice of intent to propose a baccalaureate degree program at a FCS institution.
- Require an institution offering a baccalaureate degree program to report its status using specified performance and compliance standards.
- Delete provisions relating to exemption from state board approval of certain baccalaureate degree programs.

The bill creates s. 445.07, F.S., relating to Economic security report of employment and earning outcomes, to:

- Require the Department of Economic Opportunity to annually prepare, or contract with an entity to prepare, an Economic Security Report of employment and earning outcomes for degrees or certificates earned at public postsecondary educational institutions.

General Implementation Timeline:

Upon becoming law	The bill becomes effective.
Fall 2012*	SBE submits annual legislative budget request and 5-year plan.
December 31, 2012*	HECC submits annual report to legislature.
July 1, 2013	SBE identifies performance metrics for FCS and develops plan for FCS institutions.
Fall 2013*	SBE submits annual legislative budget request and 5-year plan.
Fall 2013	AA students at FCS institutions identify program of study and FCS institutions provide prerequisites for baccalaureate programs.
December 31, 2013*	HECC submits annual report to legislature.
December 31, 2013*	DEO prepares annual economic security report.
Fall 2014*	SBE submits annual legislative budget request and 5-year plan.
Fall 2014	FCS institutions provide each enrolled student electronic access to the economic security report of employment and earning outcomes prepared by DEO.
Fall 2014	General education changes and foreign language requirement in effect.
December 31, 2014*	HECC submits annual report to legislature.
December 31, 2014*	DEO prepares annual economic security report.

* Indicates annual requirement