

Florida Department of Education

# Legislative Review

## 2008

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Regular Session





# FLORIDA DEPARTMENT OF EDUCATION

STATE BOARD OF EDUCATION

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**Dr. Eric J. Smith**  
Commissioner of Education



May 12, 2008

Dear Friend:

Thank you for your interest in the results of the 2008 Legislative Session. After much deliberation, the legislature passed landmark legislation that will update the Sunshine State Standards, change the High School Accountability System, and strengthen Florida's ability to maintain high ethical standards for teachers.

This book includes information on the legislation mentioned above, as well as other bills and the budget that passed this session relating to education. Each entry in the book includes a summary, as well as a general implementation timeline, if one was stipulated in the legislation.

I look forward to working with you to implement these pieces of legislation as they are signed into law by Governor Charlie Crist.

If I can be of assistance to you, please let me know.

Sincerely,

**Dr. Eric J. Smith**  
Commissioner



# Florida

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## Department of Education

**Bill Number:** House Bill 165

**Bill Title:** Agency Inspectors General

**Bill Sponsor:** Representative Bean

**Effective Date:** July 1, 2008

**DOE Contact:** Ed W. Jordan, Acting Inspector General, Office of the Inspector General, (850) 245-9418

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### Executive Summary:

The bill amends s. 20.055, F. S., Agency Inspector General as follows:

- Adds the definition of "individuals substantially affected" and "Entities contracting with the state."
- Requires the OIG to comply with the General Principles and Standards for Offices of Inspector General as published by the Association of Inspectors General.
- Requires for agencies under the direction of the Governor, the Chief Inspector General in addition to the Governor to be notified in writing at least 7 days prior to an offer of employment of the agency head's intention to hire an inspector general.
- For agencies under the direction of the Governor, requires the agency head to notify the Chief Inspector General in addition to the Governor in writing at least 7 days prior to the intention to terminate an inspector general.
- Prohibits agency staff from preventing the inspector general from performing any audit or investigation.
- Updates the title of professional auditing standards to be followed by the OIG in conducting audits.
- Requires when the subject of an audit or investigation is an entity contracting with the state or an individual substantially affected, the audit or investigative findings, if not confidential or otherwise exempt from disclosure by law; must be submitted to the contracting entity or individual, who will be advised in writing that they may submit a written response within 20 working days after receipt of the findings. The response and the OIG's rebuttal to the response, if any, must be included in the final audit or investigative report.
- Requires that OIG audit and investigative reports distributed to the Public Service Commission be provided to each member of the commission.
- Clarifies that the inspector general in each state agency is responsible for receiving complaints, coordinating and conducting investigations, considering Whistleblower Act activities, and reporting to law enforcement agencies whenever there are reasonable grounds to believe there has been a violation of criminal law.
- Requires the OIG to provide the agency head, upon receipt, all written complaints concerning the duties and responsibilities in this statute or any allegations of misconduct related to the OIG or its employees, if received from subjects of audits or investigations who are individuals substantially affected or entities contracting with the state, as defined in the statute. The inspector general also shall provide the complaint to the Chief Inspector General.

### **General Implementation Timeline:**

July 1, 2008      The act will become effective.



**Bill Number:** Senate Bill 242

**Bill Title:** Schools/Single-gender Classes

**Bill Sponsor:** Senator Wise

**Effective Date:** July 1, 2008

**DOE Contact:** Dr. Frances Haithcock, Chancellor, Division of Public Schools, (850) 245-0509

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**Executive Summary:**

The bill creates s. 1002.311, F.S., allowing district school boards to establish and maintain specified single-gender programs subject to s. 1003.311(2), F.S., and in accordance with 34 C.F.R. s. 106.34.

- The bill allows district school boards to establish and maintain a nonvocational class, extracurricular activity, or school in which enrollment is limited to pupils of a single gender if the school district also makes available to students a coeducational class, activity, or school that is substantially equal and a class, activity, or school for students of the other gender that is substantially equal.
- This section also requires school districts to evaluate such programs in their district at least once every 2 years in order to ensure that they are in compliance with s. 1002.311, F.S., and 34 C.F.R. s. 106.34.
- The bill requires that pupils' participation in single-gender classes, extracurricular activity or school to be voluntary.

The bill amends s. 1000.05, F.S., providing that students may be separated by gender for specified single-gender programs.

The bill amends s. 1002.20, F.S., providing that public school choice options may include single-gender programs.

**General Implementation Timeline:**

July 1, 2008      The act will become effective.





**Bill Number:** House Bill 251

**Bill Title:** Reserve Officers' Training Corps Programs

**Bill Sponsor:** Representative Jordan

**Effective Date:** July 1, 2008

**DOE Contact:** Dr. Frances Haithcock, Chancellor, Division of Public Schools, (850) 245-0509,  
Dr. Willis Holcombe, Chancellor, Division of Community Colleges, (850) 245-0407

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### **Executive Summary:**

The bill creates s. 1003.451, F.S., prohibiting school districts from banning any branch of the U.S. Armed Forces or U.S. Department of Homeland Security from establishing, maintaining, or operating a unit of the Junior Reserve Officers' Training Corps (JROTC) at public high schools.

- The bill allows a public high school student to enroll in JROTC at another public high school in the district unless JROTC is already offered at the student's school, the student does not meet JROTC minimum enrollment qualifications, or scheduling of the student's courses prevents the student from attending the JROTC course at the other school. The district is not required to provide transportation.
- The bill requires school districts to grant military recruiters of the U.S. Armed Forces and U.S. Department of Homeland Security the same access to secondary school students, and to school facilities and grounds, that the district grants to postsecondary educational institutions or prospective employers of students.
- The bill requires school districts to grant military recruiters access to the names, addresses, and telephone listings of secondary school students per federal law. The district shall comply with a student's or parent's request not to release the student's information without prior written parental consent per federal law. The bill gives the State Board of Education authority to enforce this policy under s. 1008.32, F.S., and rulemaking authority.

The bill creates s. 1004.09, F.S., prohibiting community colleges or state universities from banning any branch of the U.S. Armed Forces from establishing, maintaining, or operating a unit of the Senior Reserve Officers' Training Corps (ROTC) at the college or university.

- The bill requires community colleges and state universities to grant military recruiters of the U.S. Armed Forces and U.S. Department of Homeland Security the same access to students, and to campus facilities and grounds, that the institutions grant to other employers.
- The bill requires community colleges and state universities to grant military recruiters access to the names, addresses, telephone listings, dates and places of birth, levels of education, academic

majors, degrees received, and most recent educational institutions enrolled in by the college's or university's students per federal law.

**General Implementation Timeline:**

July 1, 2008     The act will become effective.

# Florida

## Department of Education

**Bill Number:** Senate Bill 370

**Bill Title:** Personal Care Attendant Program

**Bill Sponsor:** Senator Wise

**Effective Date:** July 1, 2008

**DOE Contact:** Bill Palmer, Director, Division of Vocational Rehabilitation, (850) 245-3311

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### **Executive Summary:**

This act combines two existing programs designed to provide individuals with disabilities a personal care attendant for the purpose of obtaining or maintaining employment. The "James Patrick Memorial Work Incentive Personal Attendant Services Program" receives 50 percent of the un-remitted taxes collected by the Tax Collection Enforcement Diversion Program. The funds are deposited in the Florida Endowment Foundation for Vocational Rehabilitation who will contract with the Florida Association of Centers for Independent Living to administer the program. It is estimated that approximately 50 people will be served. The Division of Vocational Rehabilitation will continue with representation on the oversight group.

### **General Implementation Timeline:**

July 1, 2008                      The act will become effective.

October 1, 2008                Agreement between the Florida Endowment Foundation for Vocational Rehabilitation with the Florida Association of Centers for Independent Living.



# Florida

## Department of Education

**Bill Number:** House Bill 503

**Bill Title:** Preservation & Protection of the Right to Keep & Bear Arms in Motor Vehicles Act

**Bill Sponsor:** Environment & Natural Resources Council and Representative Evers

**Effective Date:** July 1, 2008

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

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### **Executive Summary:**

The bill amends s. 790.251, F.S. to:

- Allow persons who are properly licensed to possess weapons in their vehicles while on their employers' property, whether privately or publicly employed.
- Prohibit specified employer sanctions against them pursuant to such licensure.

The act retains the current prohibition of weapons in schools, on school grounds, and in school buses that is provided in s. 790.115, F.S. Other than maintaining the provisions of s. 790.115, F.S., the bill does not apply to school district employers or employees.

### **General Implementation Timeline:**

July 1, 2008                      The act will become effective.





**Bill Number:** Senate Bill 526

**Bill Title:** Interscholastic and Intrасcholastic Sports

**Bill Sponsor:** Senator Wise

**Effective Date:** Upon becoming a law

**DOE Contact:** Jean Miller, Acting Executive Director, Office of Independent Education and Parental Choice, (850) 245-0502

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### **Executive Summary:**

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

- Require the Florida High School Athletic Association (FHSAA), to establish a 2-year pilot program in three school districts (Bradford, Duval, and Nassau), during in the 2008-2009 and 2009-2010 school year to permit a student enrolled in a private school to participate in an interscholastic or intrасcholastic sport at a public school, if the private school does not provide an interscholastic or intrасcholastic program and is not a member of the FHSAA.
- Stipulate that in order for a private school student to be eligible to participate at a public high school, public middle school, or a 6-12 public school, a student must meet the guidelines for the pilot program established by the FHSAA's board of directors and the participating district school boards. At a minimum the guidelines shall include a deadline for each sport by which the private school student's parent must register their child's intent to participate with the public school and the private school student must meet the same standards of eligibility, acceptance, behavior, educational progress, and performance that apply to other students participating in interscholastic or intrасcholastic sports at a public school or FHSAA member private school.
- Establish that the parents of a private school student participating in a public school sport are responsible for transporting their child to and from the public school at which the student participates. The bill provides an exemption for the private school, the public school at which the student participates, the district school board, and the FHSAA, from civil liability arising out of an injury that occurs during such transportation.
- Establish that for each academic year, a private school student may only participate at the public school in which the student is first registered or makes himself or herself a candidate for an athletic team by engaging in a practice.
- Require the FHSAA and the participating district school board to submit a copy of the guidelines established for the pilot program to the Governor and the Legislature by August 1, 2008, and must submit a report on the progress of the pilot program to the Governor, the President of the Senate and the Speaker of the house of Representatives by January 1, 2010.

### General Implementation Timeline:

Effective date	Upon becoming law.
August 1, 2008	FHSAA and participating district school boards must submit guidelines for the pilot program to the Governor and Legislature.
January 1, 2010	FHSAA and participating district school boards must submit a report on the progress of the pilot program to the Governor and Legislature.
June 30, 2010	Pilot program will be repealed unless reviewed and reenacted.

# Florida

## Department of Education

**Bill Number:** House Bill HB 537

**Bill Title:** Offense of Voyeurism

**Bill Sponsor:** Representative Dorworth

**Effective Date:** July 1, 2008

**DOE Contact:** Dr. Frances Haithcock, Chancellor, Division of Public Schools, (850) 245-0509

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### **Executive Summary:**

This bill amends s. 810.145, F.S., to:

- Indicate that if an employee of a public or private school or VPK provider who is responsible for the welfare of a child younger than 16 years of age, commits the offense of video voyeurism against a student of a public, private, or VPK system, he/she commits a third-degree felony. A person who violates this subsection and has been previously convicted or adjudicated delinquent for any violation of this section commits a second degree felony.

### **General Implementation Timeline:**

July 1, 2008      The act will become effective.



# Florida

## Department of Education

**Bill Number:** House Bill 603

**Bill Title:** Textbook Affordability

**Bill Sponsor:** Representative Flores

**Effective Date:** July 1, 2008

**DOE Contact:** Dr. Willis Holcombe, Chancellor, Division of Community Colleges, (850) 245-0407

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### **Executive Summary:**

This bill creates s. 1004.09, F.S., Textbook Affordability, prohibiting a community college or state university employee from receiving any financial benefits in exchange for requiring students to purchase a specific textbook. It also outlines allowable employee benefits related to textbook sales and distribution.

- The bill requires community colleges and state universities to post on their websites a list of textbooks required for each course at least 30 days before the first day of class for each term. The State Board of Education and the Board of Governors are required to create policies, procedures, and guidelines for certain exceptions to the notification requirement for classes added after the notification deadline.
- By March 1, 2009, the State Board of Education and the Board of Governors are to adopt policies, guidelines, and procedures to minimize the cost of textbooks. The policies, guidelines, and procedures shall include: timely textbook adoptions enabling bookstores to ensure availability of used textbooks; instructor or department confirmation on bundled packages prior to adoption; instructor or department determination of the value of requiring new editions of a textbook, and provisions for students who cannot afford required textbooks.

### **General Implementation Timeline:**

July 1, 2008     The act will become effective.

March 1, 2009     The State Board of Education and the Board of Governors will be required to adopt policies, procedures, and guidelines aimed at minimizing the cost of textbooks.



# Florida

## Department of Education

**Bill Number:** Senate Bill 610

**Bill Title:** Physical Education/Grades 6-8

**Bill Sponsor:** Senator Constantine

**Effective Date:** July 1, 2008

**DOE Contact:** Dr. Frances Haithcock, Chancellor, Division of Public Schools, (850) 245-0509

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### **Executive Summary:**

This bill creates the "Don Davis Physical Education Act" and amends s. 1003.455, F.S., Physical Education; assessment, to require each district school board to do the following:

- Include in its written physical education policy the benefits of such education and the availability of one-on-one counseling concerning these benefits.
- Provide 150 minutes of physical education each week for students for students in grade 6 who are enrolled in a school that contains one or more elementary grades.
- Provide at least 30 consecutive minutes of physical education instruction on any day during which it is conducted for students in grades kindergarten through grade 5, and for students in grade 6 who are enrolled in a school that contains one or more elementary grades.
- Provide the equivalent of one class period per day of physical education for one semester of each year for students enrolled in grades 6 through 8, beginning with the 2009-2010 school year.
- Notify the parents of students of the waiver options available before scheduling the student to participate in physical education.

The following waiver options are available for students enrolled who meet the following criteria:

- The student is enrolled or required to enroll in a remedial course.
- The student's parent indicates in writing to the school that:
  1. The parent requests that the student enroll in another course from among those courses offered as options by the school district; or
  2. The student is participating in physical activities outside the school day which are equal to or in excess of the mandated requirement.

### **General Implementation Timeline:**

July 1, 2008      The act will become effective; however, the requirements for students in grades 6 through 8 begin with the 2009-2010 school year.



# Florida

## Department of Education

**Bill Number:** House Bill 623

**Bill Title:** School Food Service Programs

**Bill Sponsor:** Schools & Learning Council and Representative Kendrick

**Effective Date:** July 1, 2008

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

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### **Executive Summary:**

The bill amends s. 1006.06, F.S., School Food Service Programs to:

- Expand school district breakfast programs to all middle and high schools by the beginning of the 2010-2011 school year.
- Direct school districts, beginning in 2009-2010, to set prices for breakfast that cover the costs of breakfast when combined with federal reimbursements. Allocations from the district's operating funds should not be required to cover the breakfast costs; however, the district school board may approve lower rates.
- Encourage each district school board to provide universal-free school breakfast to all students.
- Require district school boards to consider a policy for providing universal-free school breakfast for all students in schools in which 80 percent or more of the students are eligible for free or reduced-price meals.
- Require each school to serve breakfast meals at alternative sites, to the maximum practical extent.
- Require schools, beginning with the 2009-2010 school year, to allow a student at least 15 minutes to consume breakfast if the student arrives at school on a school bus less than 15 minutes before the first bell rings.
- Require districts to provide students and parents annual information regarding the school breakfast program.
- Direct OPPAGA to issue a report that estimates the costs of universal-free school breakfast; examines the efficiency and effectiveness of school district food service programs; identifies best practices and strategies for reducing food service costs; evaluates the state reporting of food service revenues and costs; and assesses the methodology used for allocating state funds for food service programs.
- Delete obsolete provisions regarding the school breakfast supplement in the General Appropriations Act requiring the appropriation of funds based on federal reimbursement rates for free and reduced-price breakfasts; district funding allocations will be based upon the total number of free and reduced-price breakfasts served.

### **General Implementation Timeline:**

July 1, 2008     The act will become effective.

By the beginning of school year 2008-2009, each district school board must:

- Consider a policy for providing universal-free school breakfast for all students in schools in which 80 percent or more of the students are eligible for free or reduced-price meals.
- Consider the extent to which breakfast meals may be served at alternative sites.
- Provide all students in each elementary, middle, and high school with information prepared by the district's food service administration regarding its school breakfast programs. The information shall be communicated through school announcements and written notice sent to all parents.

By the beginning of school year 2010-2011, each district school board must:

- Make breakfast meals available to all students in each elementary, middle and high school.
- Set prices for breakfast that cover the costs of breakfast when combined with federal reimbursements, unless the district school board approves lower prices.
- Consider a policy for providing universal-free school breakfast for all students in schools in which 80 percent or more of the students are eligible for free or reduced-price meals, after receiving public testimony at two or more regular meetings.

January 15, 2009:

- OPPAGA report due that may recommend changes in reporting and administration of school food service programs. The report will include:
  - Estimated district-by-district cost to implement a universal-free breakfast
  - Participation rates and the effect on costs
  - Best practices of implementation of universal-free breakfast programs
  - Fiscal self-sufficiency of district food service programs
  - Examination of meal prices and the relationship to costs over the previous five years
  - Best practices of district programs to reduce costs without sacrificing nutritional quality
  - Information submitted by districts to the department to allow equitable comparison of cost per meal
  - Methodology for allocation of funds provided in General Appropriation
  - Organizational structure for programmatic management of federal food and nutrition programs in Florida



**Bill Number:** Senate Bill 642

**Bill Title:** School/Multiple Birth Siblings/Classroom Placement

**Bill Sponsor:** Senator Siplin

**Effective Date:** July 1, 2008

**DOE Contact:** Dr. Frances Haithcock, Chancellor, Division of Public Schools, (850) 245-0509

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### **Executive Summary:**

The bill creates s. 1003.06, F.S., Classroom placement of multiple birth siblings.

- Allows the parent of multiple birth siblings who are assigned to the same grade level and school to request in writing that the school place the siblings in the same classroom or in separate classrooms. This must be done within 5 days before the first day of each school year or 5 days after the first day the student enrolls in the school if they transfer during the school year.
- The school may recommend appropriate placement and may provide professional educational advice to assist the parent in their decision-making.
- This section also requires a school to grant the parent's request unless the student's performance indicates otherwise or if it would require the district to add another class to the students' grade level. The bill provides for a principal to change the student's placement if his or her behavior is disruptive to the school. Should this occur, a parent retains the right to appeal the principal's decision.
- Section 1003.06(6), F.S., specifies that the provisions of this section do not apply to the rights or obligations of students with disabilities under s. 1003.57, F.S., or under the Individuals with Disabilities Education Act (IDEA), regarding the individual placement decisions of the school district, or the removal of students pursuant to disciplinary policies.

### **General Implementation Timeline:**

July 1, 2008     The act will become effective.



# Florida

## Department of Education

**Bill Number:** House Bill 653

**Bill Title:** Corporate Income Tax Credit Scholarship Program

**Bill Sponsor:** Representative Traviesa

**Effective Date:** June 30, 2008

**DOE Contact:** Jean Miller, Acting Executive Director, Office of Independent Education and Parental Choice, (850) 245-0502

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### Executive Summary:

The bill amends s. 220.187, F.S., Credits for contributions to nonprofit scholarship-funding organizations to:

- Provide legislative findings and revises the purpose of the Corporate Income Tax Credit Scholarship Program.
- Extend scholarship eligibility to a student who is currently placed, or during the previous state fiscal year was placed, in foster care.
- Provide eligibility for a sibling of a student who is continuing in the program and resides in the same household as the student, as long as the student's and sibling's household income level does not exceed 200 percent of the federal poverty level.
- Provide beginning July 1, 2008 and thereafter the total amount of tax credits which may be granted each state fiscal year is increased to \$118 million.
- Revise the authorized uses of scholarship funds to include tuition and fees for an eligible private school.
- Allow scholarship-funding organizations to be authorized to use up to 3 percent of eligible contributions for administrative expenses if the organization has operated for at least 3 state fiscal years without negative financial findings. No more than one-third of the funds authorized for administrative expenses may be used for recruitment of contributions.
- Revise the amount of contributions that must be expended and the amount of contributions that may be carried forward each fiscal year.
- Increase the annual scholarship limit for a student for a single school year to \$3,950.
- Provide for the preservation of a tax credit in the case of a determination of unconstitutionality or invalidity.
- Require the Office of Program Policy Analysis and Government Accountability to submit a report on funding for the scholarship program to the Governor, the Speaker of the House, and the President of the Senate by December 1, 2008. OPPAGA may request that the Revenue Estimating Conference and the Education Estimating Conference evaluate its findings and recommendations.

### General Implementation Timeline:

June 30, 2008                      The act will become effective.

July 1, 2008                      The amount of tax credits which may be granted each state fiscal year is

increased to \$118 million.

2008-2009 school year

The annual scholarship limit for a student is increased to \$3,950.

December 1, 2008

OPPAGA must submit a report on funding for the scholarship program to the Governor and the Legislature.

# Florida

## Department of Education

**Bill Number:** House Bill 669

**Bill Title:** School Safety

**Bill Sponsor:** Representatives N. Thompson, Bogdanoff, and Aubuchon

**Effective Date:** Upon becoming law

**DOE Contact:** Dr. Frances Haithcock, Chancellor, Division of Public Schools, (850) 245-0509

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### Executive Summary:

The bill creates s. 1006.147, F.S., prohibiting bullying and harassment, also cited as the "Jeffrey Johnston Stand Up for All Students Act," and expresses legislative intent that school districts take every reasonable precaution to protect students and school employees from the irreparable physiological, physical, emotional, mental, and social harm of bullying and harassment. It further expresses the intent of the Legislature that nothing in the bill be construed to abridge the rights that are protected by the First Amendment to the U.S. Constitution.

- The bill defines "bullying" and "harassment" and incorporates the definitions relating to computer-related crimes found in s. 815.03, F.S., and stalking found in s. 784.048, F.S., into this bill.
- The bill specifies certain acts that are included in "bullying" and "harassment" and requires school districts to adopt a policy prohibiting bullying and harassment during any education program or activity conducted by a public K-12 educational institution, at a school-related or school-sponsored program or activity, on a school bus, or through the use of data or computer software that is accessed through a computer, computer system, or computer network within the scope of the district school system.
- The bill requires specific stakeholders representing the school community, including local law enforcement, to be involved in adopting the policy and requires the policy to be implemented throughout the school year and integrated with a school's curriculum, discipline policies, and other violence prevention efforts.
- The bill requires the Department of Education to develop a model policy on bullying and harassment, and provide to school districts, by October 1, 2008. The bill requires school districts to adopt a district policy in substantial conformity with the Department of Education's model policy by December 1, 2008. Districts may establish separate discrimination policies that include categories of students.
- The bill requires the Department to approve district policies and makes the distribution of 2009-10 Safe Schools funds provided in the General Appropriations Act contingent upon the Department's approval of district policy.
- The bill further makes the distribution of Safe Schools funds contingent upon district compliance with all reporting procedures beginning in fiscal year 2010-11 and thereafter.
- The bill requires the Commissioner of Education to report on the implementation of the bill, including pertinent data such as incidences of bullying and harassment, to the Governor, the

President of the Senate and the Speaker of the House of Representatives on or before January 1 of each year.

- The bill provides immunity for damages arising out of the reporting or any failure to remedy a reported incident. It further prohibits the physical location or time of access of a computer-related incident to be raised as a defense in any disciplinary action.
- The bill exempts any person who uses data or computer software that is accessed through a computer, computer system, or computer network when acting within the scope of his or her lawful employment or investigating a violation in accordance with district policy.
- The bill declares the provisions of this act severable in the instance that any provision of this act or the application to any person or circumstance is held invalid.

#### **General Implementation Timeline:**

Effective date	Upon becoming law.
October 1, 2008	The Department shall provide a model policy to school districts.
December 1, 2008	Each district must adopt a policy prohibiting bullying and harassment or any student or employee of a public K-12 educational institution.
January 1 each year	The Commissioner shall report to the Governor, President of the Senate, and Speaker of the House of Representatives on the implementation of the provisions of this statute.

# Florida

## Department of Education

**Bill Number:** House Bill 687

**Bill Title:** Service-Disabled Veteran Business Enterprises

**Bill Sponsor:** Government Efficiency & Accountability Council; Representative Proctor

**Effective Date:** November 11, 2008

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

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### Executive Summary:

This act creates an unnumbered section of law to:

- Establish a certification process for small businesses owned and operated by service-disabled veterans and creates a tie-breaker contracting preference for certified service-disabled veteran business enterprises.
- Define a service-disabled veteran and a service-disabled veteran business enterprise and assigns duties to the Department of Management Services and the Department of Veterans' Affairs for administration.
- Indicate the certification process is substantially similar to the certification process implemented by the Department of Management Services for minority business enterprises. Potential benefits of certification include business promotion through the MyFloridaMarketPlace online purchasing system, first-tier referrals to state agencies, special email notices about purchasing opportunities, networking activities, and technical assistance training.

This act amends s. 288.705, Statewide contracts register to:

- Require the Small Business Development Center to include data regarding the percentage of service-disabled veteran business enterprises using the statewide contracts register in the annual report to the Agency for Workforce Innovation.

The act encourages but does not require local governments to offer a similar contracting consideration for certified disabled veteran business enterprises.

### General Implementation Timeline:

November 11, 2008      The act will become effective.



# Florida

## Department of Education

**Bill Number:** Senate Bill 696

**Bill Title:** Community Colleges

**Bill Sponsor:** Senator Oelrich

**Effective Date:** July 1, 2008

**DOE Contact:** Dr. Willis Holcombe, Chancellor, Division of Community Colleges, (850) 245-0407

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### Executive Summary:

The bill revises s. 1001.64, F.S., Community College boards of trustees; powers and duties, to state community colleges' ability to enter into debt by:

- Authorizing a community college board of trustees to use any authorized available revenue to repay a debt for any loan, lease-purchase, or other financial contract for a term of up to five years.
- Authorizing a community college board of trustees to pledge capital improvement and parking fees to secure the repayment of a debt for a term up to seven years in duration.
- Maintaining the requirement to use the Division of Bond Finance to issue bonds up to 20 years in duration.
- Providing that revenue bonds may not be secured or paid from, directly or indirectly, tuition, financial aid fees, the Community College Program Fund, or any other operating revenue of a community college.

The bill revises s. 1004.70, F.S., Community College direct-support organizations, to:

- Require the community college board of trustees to authorize all debt incurred by its direct-support organizations.

The bill revises s. 1009.22, F.S., Workforce education secondary student fees to:

- State that capital improvement fee revenues and parking fees may be pledge by a board of trustees as a dedicated revenue source to the repayment of debt with an overall term of not more than 7 years, including renewals, extensions, and refunds.
- Indicate bonds shall be requested by the Community College board of trustees and shall be issued by the Division of Bonds Finance in compliance with the State Constitution.
- Indicate that the state will covenant with the holders of the bonds that it will not take any action that will materially and adversely affect the rights of the holders as long as the bonds authorized are outstanding.

The bill revises s. 1000.21, F.S., Systemwide definitions, to:

- Rename Daytona Beach Community College as Daytona Beach College and Indian River Community College as Indian River College.

### **General Implementation Timeline:**

July 1, 2008. The act will become effective.

# Florida

## Department of Education

**Bill Number:** House Bill 697

**Bill Title:** Building Code Standards

**Bill Sponsor:** Economic Expansion and Infrastructure Council, Representative Aubuchon, and others

**Effective Date:** July 1, 2008, or except as otherwise expressly provided in the act

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

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### Executive Summary:

The bill makes numerous changes to building standards and related regulations. Provisions that may affect educational facilities are discussed below.

The bill amends s. 553.36, F.S., Definitions to:

- Clarify that modular buildings and factory-built buildings fall under the same requirements as "manufactured buildings"; therefore, it becomes clear that a portable classroom is considered a manufactured building.

The bill amends s. 553.37, F.S., Rules, inspection and insignia to:

- Identify that no manufactured building – for instance, a relocatable classroom or storage building -- may be installed in Florida unless it is approved and bears the insignia of approval of the Department of Community Affairs and a manufacturer's date plate, thus verifying that the building complies with the Florida Building Code. Manufacturers of all mobile buildings must attach a data plate to each manufactured building. The Department of Community Affairs must prescribe the data that goes on each name plate.

The bill creates s. 533.9061, F.S., Scheduled increases in thermal efficiency standards to:

- Require scheduled increases in thermal efficiency standards.
- Stipulate that by 2010, standards must require an increase of at least 20 percent in the energy performance of new buildings, as compared to the energy efficiency provisions of the 2007 Florida Building Code adopted October 31, 2007.
- Increase energy requirements by the 2019 edition of the Florida Energy Efficiency Code for Building Construction by at least 50 percent as compared to the energy efficiency provisions of the 2007 Florida Building Code adopted October 31, 2007.

### General Implementation Timeline:

July 1, 2008      The act will become effective.

By 2010          Thermal energy efficiency standards must be increased for new buildings by 20 percent.

By 2013	Thermal energy efficiency standards must be increased for new buildings by 30 percent.
By 2016	Thermal energy efficiency standards must be increased for new buildings by 40 percent.
By 2019	Thermal energy efficiency standards must be increased for new buildings by 50 percent.

# Florida

## Department of Education

**Bill Number:** Senate Bill 704

**Bill Title:** Open Government Act/Administrative Procedures

**Bill Sponsor:** Senator Bennett

**Effective Date:** July 1, 2008, unless otherwise provided

**DOE Contact:** Deborah Kearney, General Counsel, Office of General Counsel, (850) 245-0442

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### Executive Summary:

The bill amends the Administrative Procedures Act, chapter 120, Florida Statutes, and names the act as the "Open Government Act" which governs the rulemaking process for state agencies. The following are significant changes to chapter 120:

- Definitions
  - The bill amends s. 120.52, F.S., by providing that language granting rulemaking authority to an agency is construed as extending no further than the powers and duties conferred by the enabling statute. "Law implemented" is defined as the language of the enabling statute being carried out.
  - "Rulemaking authority" is defined as language explicitly authorizing or requiring an agency to adopt rules.
  - "Unadopted rule" is defined as an agency statement meeting the definition of the term "rule" that has not been promulgated pursuant to chapter 120.
- Incorporation by reference
  - s. 120.54, F.S., is amended to provide that a rule that incorporates by reference another rule of the agency automatically incorporates subsequent amendments to the referenced rule.
  - Provides that after December 31, 2010, material cannot be incorporated by reference unless it has been submitted in electronic format to the Department of State and the full text of the material can be made available for free public access through a hyperlink in the rule posted in the Florida Administrative Code.
  - An agency must file, at least 21 days prior to proposed adoption date, a copy of any material incorporated by reference in the rule, along with the text of the rule, statement of facts and circumstances, statement of regulatory costs, etc.
  - Material that is to be incorporated by reference into an emergency rule must be submitted to the Florida Administrative Weekly along with the notice for the emergency rule.
- Delegation of rulemaking authority
  - Provides that an agency head may delegate authority to initiate rule development, but cannot delegate authority with regard to approval of notices of proposed rules and adoption of rules.

- Provides that if an agency head is a board or collegial body created under the Department of Business and Professional Regulation or the Department of Health, and one or more requested public hearings is scheduled, the board must conduct at least one of the hearings itself and may not delegate this responsibility without the consent of the persons requesting the hearing.
- Electronic publication
  - Amends s. 120.55, F.S., to require that the Department of State compile and publish electronically the Florida Administrative Code on the Internet. The website will display each rule chapter in effect in a browse mode and allow a full text search of the code and each rule chapter.
- Unadopted agency statements
  - s. 120.56, F.S., is amended to provide that in the event a petitioner has challenged an unadopted agency statement or policy, a notice prior to the final hearing that the agency has published notice of rulemaking shall operate as a stay of proceedings pending adoption of the statement in rule.
  - Provides that though an agency may not rely on a statement that violates chapter 120, if a final order is issued to that effect, contractual obligations in effect at the time a final order is issued are not to be impaired.
  - Provides that in hearings involving disputed issues of material fact, if an agency demonstrates that the statute being implemented directs it to adopt rules, that it has not had sufficient time to adopt rules, and that the agency has initiated rulemaking, the agency's action may be based upon unadopted rules.
- Attorney fees
  - The bill raises the maximum amount of attorney fees that may be awarded to a party in a chapter 120 proceeding from \$15,000 to \$50,000.
  - In challenges to unadopted agency statements, if the appellate court or ALJ determines that the statement is in violation, or that the agency must discontinue reliance on the statement, a judgment is entered against the agency, requiring it to pay reasonable costs and attorney fees.
  - If notice is provided to the ALJ prior to the final hearing that the agency has published notice of rulemaking, the notice acts as a stay of proceedings pending rule adoption. At that time, the ALJ will award reasonable costs and fees accrued by the petitioner prior to the date the agency published the notice. Costs and fees are awarded only if it is shown that the agency received notice that its statement may constitute an unadopted rule at least 30 days prior to the filing of the petition, and that the agency failed to initiate rulemaking to adopt the statement.
  - If the agency prevails in the proceedings, the court or ALJ shall award costs and fees against the petitioning party only if the court or ALJ finds that the party engaged in the challenge for an improper purpose, or if the party's attorney had some knowledge that a challenge was not supported by material facts.
- Appropriation
  - The appropriation to the Department of State for implementation is a sum of \$50,000 for the 2008-2009 fiscal year, and a sum of \$401,000 for the 2009-2010 fiscal year. The Department of State is also authorized one full-time position for carrying out the administrative and system requirements of the bill.

# Florida

## Department of Education

### General Implementation Timeline:

- July 1, 2008      The act will become effective.
- January 1, 2009    The provisions of sections 11 and 12 of the bill regarding section 120.56 rule challenges and section 120.57 hearings involving disputed issues of fact become effective.
- The provisions of section 13 with regard to attorney fees become effective.
- January 1, 2011    Beginning on this date, the Department must adhere to the new provisions regarding incorporation by reference and publication of incorporated material on the Florida Administrative Code website.





**Bill Number:** Senate Bill 756

**Bill Title:** Compensation for Wrongful Incarceration

**Bill Sponsor:** Criminal and Civil Justice Appropriations; Criminal Justice; Judiciary; and Senator Joyner

**Effective Date:** July 1, 2008

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

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**Executive Summary:**

This bill creates the "Victims of Wrongful Incarceration Compensation Act."

This act creates a program to compensate persons who were wrongfully convicted and incarcerated for a felony offense. It establishes a process for establishing a wrongfully incarcerated person's status and eligibility, and if the process establishes eligibility, the person may then apply for compensation with the Department of Legal Affairs. Upon review and approval of the application, the Chief Financial Officer is authorized to pay compensation in the amount of \$50,000 per year of imprisonment (adjusted for inflation beginning January 1, 2009) up to a \$2 million limit, plus a tuition waiver.

The tuition waiver is for up to 120 hours of instruction at any career center, community college, or state university. The wrongfully incarcerated person must meet and maintain the regular admission requirements and make satisfactory academic progress as defined by the educational institution.

**General Implementation Timeline:**

July 1, 2008     The act will become effective.





**Bill Number:** Senate Bill 856

**Bill Title:** Disability History and Awareness

**Bill Sponsor:** Senator Fasano

**Effective Date:** July 1, 2008

**DOE Contact:** Dr. Frances Haithcock, Chancellor, Division of Public Schools, (850) 245-0509

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### **Executive Summary:**

The bill creates s. 1003.4205, F.S., Disability history and awareness instruction. During the first two weeks in October each year, district school boards may provide disability history and awareness instruction in all K-12 public schools. District school boards shall designate these two weeks as "Disability History and Awareness Weeks."

During this two week period, students may be provided intensive instruction to expand their knowledge, understanding, and awareness of individuals with disabilities, the history of disability, and the disability rights movement. The instruction may be integrated into the existing school curriculum and may be delivered by qualified school personnel or knowledgeable guest speakers with a focus on including individuals with disabilities.

The goals of disability history and awareness instruction include: (1) better treatment of individuals with disabilities in society (especially youth in school) and increased attention to preventing the bullying or harassment of students with disabilities; (2) encouragement to individuals with disabilities to develop self-esteem, resulting in more individuals with disabilities gaining pride, obtaining postsecondary education, entering the workforce, and contributing to their communities; and, (3) reaffirmation of the commitment to the full inclusion of and equal opportunity for all individuals with disabilities.

State postsecondary institutions are encouraged to conduct and promote activities on their campuses which provide education, understanding, and awareness of individuals with disabilities, disability history, and the disability rights movement.

### **General Implementation Timeline:**

July 1, 2008      The act will become effective.



# Florida

## Department of Education

**Bill Number:** House Bill 879

**Bill Title:** Success in Early Learning Act

**Bill Sponsor:** Representative Kelly

**Effective Date:** July 1, 2008

**DOE Contact:** Dr. Frances Haithcock, Chancellor, Division of Public Schools, (850) 245-0509

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### Executive Summary:

This bill creates the "Success in Early Learning Act" and amends s. 411.01, F.S., School readiness programs; early learning coalitions. The bill amends the laws related to the administration of the Voluntary Prekindergarten (VPK) Education Program and the Agency for Workforce Innovation's functions.

Specifically, the bill:

- Clarifies that a children's services council or juvenile welfare board chair or executive director will be a nonvoting member of the early learning coalition if the council or board is the fiscal agent of the coalition or if the council or board contracts with and receives funds from the coalitions for any purpose other than rent.
- Authorizes the use of telecommunication methods to conduct early learning coalition board meetings, as long as proper notification and reasonable access to observe and participate is provided.
- Transfers the statewide child care resource and referral network from the Department of Children and Families to the Agency for Workforce Innovation.
- Transfers all duties relating to the Child Care Executive Partnership Program from the Department of Children and Families to the Agency for Workforce Innovation.
- Requires that accrediting associations for private prekindergarten providers of the VPK Program have written standards that meet or exceed the state's licensing requirements and conduct at least one on-site visit to the provider or school before granting accreditation.
- Allows private and public VPK providers to assign a substitute instructor to replace a credentialed instructor temporarily and requires the substitute instructor be of good moral character and have a level 2 background screening.
- Requires the Agency for Workforce Innovation to adopt rules to implement the substitute instructor requirements for both public and private providers to include the qualifications of the substitute instructor and circumstances and time limits for which the substitute instructor may be assigned.

### General Implementation Timeline:

July 1, 2008                      The act will become effective.



# Florida

## Department of Education

**Bill Number:** House Bill 887

**Bill Title:** Career Service System

**Bill Sponsor:** Policy & Budget Council, Government Efficiency & Accountability Council, Representative Coley, and others

**Effective Date:** January 1, 2009

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

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### Executive Summary:

This act revises the changes made to the Career Service System by the 2001 Legislature.

The bill revises s. 110.227, F.S., Suspensions, dismissals, reductions in pay, demotions, layoffs, transfers, and grievances by:

- Increasing the rulemaking authority of the Department of Management Services (DMS).
- Requiring DMS to develop rules that implement layoff procedures requiring retention of an agency's employees based upon objective measures. Those objective measures must give consideration to an employee's length of service in addition to comparative merit, demonstrated skills, and employee experience.
- Providing that a permanent career service employee who is promoted is subject to the one-year probationary period and may be removed from that position without cause. However, the employee is entitled to return to his or her former position (or the equivalent level of his or her former position) if such a position is available. If a position is not available, the agency must make every reasonable effort to retain the employee in another vacant position but may not displace or "bump" an existing employee out of such a position in order to provide a position to the employee removed from a promotional position. The act specifies that, if the termination is for cause, there is no requirement to attempt to return the employee to his or her former position.
- Revising time frames for filing certain grievances and for filing certain notices and orders. Among these, most notably, are the following:
  - It retains the requirement of written notice to the employee 10 days prior to a suspension; reduction in pay, or dismissal; and it adds a requirement of notice 10 days prior to an involuntary transfer of more than 50 miles by highway.
  - It changes from 14 to 21 days the deadline by which an employee must file a notice of appeal to the Public Employees Relations Commission.
  - It changes the deadline for a hearing by the commission from 30 to 60 days following the filing of a notice of appeal.

### General Implementation Timeline:

January 1, 2009                      The act will become effective.



# Florida

## Department of Education

**Bill Number:** Senate Bill 988

**Bill Title:** Transitional Services/Young Adults/Disabilities

**Bill Sponsor:** Senator Wise

**Effective Date:** July 1, 2008

**DOE Contact:** Bill Palmer, Director, Division of Vocational Rehabilitation, (850) 245-3311

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### **Executive Summary:**

The act directs the Department of Health to create a statewide Health Care Transition Services Task Force for Youth and Young Adults with Disabilities. The intent of the legislation is to assess the need for health care transition services for youth with disabilities, develop strategies to ensure successful transition from the pediatric to the adult health care system, and identify existing and potential funding sources. The 14 member Task Force includes the Commissioner of Education or his or her designee and the deputy commissioner of the Division of Vocational Rehabilitation within the Department of Education.

### **General Implementation Timeline:**

July 1, 2008	The act will become effective.
August 31, 2008	Task Force to be Convened by the Department of Health
January 1, 2009	Report due to Governor, President of the Senate and Speaker of the House. Task Force dissolved once report is completed.



# Florida

## Department of Education

**Bill Number:** Senate Bill 996

**Bill Title:** Cosmetology

**Bill Sponsor:** Senator Wise

**Effective Date:** July, 1, 2008, except as otherwise expressly provided in this act

**DOE Contact:** Lucy Hadi, Chancellor, Division of Workforce Education, (850) 245-9029

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### Executive Summary:

The bill amends s. 477.013, F.S., Definitions, by:

- Redefining the term esthetician to mean a person who is licensed to perform or offer to perform for compensation a list of services related to a person's skin.
- Redefining the term hair stylists to mean a person who is licensed to perform or offer to perform for compensation services related to treating a person's hair.
- Redefining the term nail technician to mean a person who is licensed to perform or offer to perform for compensation services related to treating a person's nails.
- Redefining the term cosmetology to mean the practice of performing or offering to perform for compensation any of the listed services for aesthetic rather than medical purposes.
- Defining the terms, hair stylist, nail technician and basic skin care services within the definition of "Cosmetologist".
- Deleting the current definition for the term "specialty salon." It defines the term "salon" to mean a place of business where the practice of one or more of the cosmetology, hair stylist, esthetician, nail technician, or specialty services are offered or performed for compensation.
- Deleting the term "specialty" and includes the current definition for that term within the meaning of the term "specialist." In addition, the bill deletes the current definition for the term "skin care services" and redefines those terms within the meaning of "specialist."
- Amending the definition of "specialist" in s. 477.013(9), F. S., to provide that a specialist's services will include the massaging of the hands. A specialist's services also include "skin care services" without involving massage, as defined in s. 480.033(3), F. S.
- Defining for the term "shampooing" to mean "cleansing" of the hair rather than "washing" of the hair, and will delete from the definition the reference to "applying hair tonics." The bill amends the definition of "hair braiding" to mean "the weaving or interweaving of a person's own natural hair," rather than "the weaving or interweaving of natural human hair."
- Deleting the current definition of "skin care services."

The bill creates s. 477.0131, F.S., Cosmetologist, hair stylist, esthetician, and nail technician license, by:

- Providing that a person who is otherwise qualified to practice the specific services listed in s. 477.013, F. S., be licensed as a hair stylist, esthetician, nail technician, and cosmetologist, respectively.

The bill amends s. 477.0132, F.S., Hair braiding, hair wrapping, and body wrapping registration to:

- Correct technical terminology.
- Require a person whose occupation or practice is confined solely to body wrapping to register with the department, unless otherwise licensed or exempt from licensure under ch. 477, F. S. The board can review the text in a course for hair braiding, hair wrapping, or body wrapping.
- Indicate for hair wrapping, the instruction in HIV/AIDS and other communicable diseases shall be board-approved.
- Add for body wrapping, the instruction in HIV/AIDS and other communicable diseases shall be a 40-hour board-approved instruction and include body systems and contraindications.

The bill amends s. 477.014, F.S., Qualifications for practice, by:

- Prohibiting persons from practicing, holding themselves out as qualified to practice, or using the name or title of a cosmetologist, hair technician, esthetician, or nail technician unless duly licensed or registered to provide such services on or after July 1, 2009.
- Allowing a cosmetologist licensed before July 1, 2009, can continue to practice his or her profession.
- Allowing facial specialists and manicure, pedicure, and nail extension specialists, who are registered or enrolled in school before July 1, 2009, could take the examination for licensure.
- Permitting specialists registered before July 1, 2009, including full specialty registrants, to continue to practice under the name of their respective specialty registration without taking the respective licensure exam.

The bill amends s. 477.016, F.S., Rulemaking, to:

- Authorize the board to adopt rules to require and enforce to protect the health of persons authorized to perform natural or artificial nail services and their clients.

The bill amends s. 477.019, F.S., Cosmetologists; qualifications; licensure; supervised practice; license renewal; endorsement; continuing education, to:

- Permit cosmetology students to apply for the licensure examination for any cosmetology license during the last 100 hours of training. Upon approval of the application, the applicant may schedule the examination for a date when the training hours are completed.
- Indicate the applicant has six months from the date of approval to take the examination. The applicant must reapply if he or she fails to take the examination after six months following the approval.
- Authorize the board to establish by rule the procedures for the pre-graduate application process.

The bill amends s. 477.019, F.S., Cosmetologists; hair stylists; estheticians; nail technicians; qualification; licensure; supervised practice; technicians; qualifications; licensure; supervised practice; license renewal; endorsement; continuing education, to:

- Provide that education requirements for applications for examination for cosmetologists, hair stylists, estheticians, and nail technicians may include a general equivalency diploma or the passing of an ability-to-benefit test approved by the United States Secretary of Education as provided in 20 U. S. C. s. 1091(d).7. The requirements in the current law state that the applicant must be at least 16 years of age or have received a high school diploma are maintained.
- Require 1,000 minimum hours of education for a hair stylist and increases the minimum number of

# Florida

## Department of Education

hours required for an esthetician from 260 to 600, and the minimum hours for a nail technician from 240 to 350.

- Increase from 1,200 to 1,500 the minimum number of required hours or training for a full cosmetology license, composed of training from the hair technician, esthetician, and nail technician curricula.
- Reduce the minimum required hours of education for a hair technician from 1,200 to 1,000. The bill increases from 260 to 600 hours the minimum number of required hours for an esthetician (currently the 260 hours is only applicable to the facial specialty), and from 240 to 350 the minimum number of required hours for a nail technician.
- Increase the required education hours for persons providing the current services of a facial specialist from 260 to 600 hours.
- Increase minimum education requirements. The minimum education hours required, consisting of training from the hair stylist, esthetician, and nail technician curricula for licensure as a cosmetologist will increase from 1,200 to 1,500 hours.
- Require the Board of Cosmetology to adopt rules to prevent applicants from having to repeat curricula components. It also provides that persons who hold one or more licenses can obtain additional licenses by completing training as determined by board rule.
- Require the board to consult with the Department of Education and the Commission for Independent Education on the development of these rules.
- Permit a student who has enrolled and begun his or her education before July 1, 2009, to take the exam to be licensed as a cosmetologist upon completion of 1,200 hours of training. A student who begins his or her education on or after July 1, 2008, has to comply with the new minimum required hours of training before taking the examination.
- Permit a student who has enrolled and began his or her education before July 1, 2008, to take the exam to be licensed as a cosmetologist upon completion of 1,200 hours of training.
- Delete the provision that allows the board to certify that a person is qualified to take the required examination after the completion of a minimum number of hours.
- Delay until July 1, 2009, the repeal of the right of students of licensed cosmetology schools or programs to apply for the examination after completing a minimum of 1,000 educational hours. This delayed effective date permits currently enrolled cosmetology students to take the cosmetology examination after completing a minimum of 1,000 educational hours.
- Permit an applicant who passes all parts of the licensure examination for a cosmetologist, hair stylist, esthetician, or nail technician on their first attempt, to practice until receipt of his or her license. The applicant should be able to practice under the supervision of an individual who holds the same active license or a cosmetologist licensed before July 1, 2009. If an applicant failed any part of the examination the first time he or she takes the examination, the applicant could immediately reapply for reexamination.
- Delete the comparable provision in current law that does not provide time periods for practice as a student applicant.
- Permit licensure by endorsement of current active out-of-country cosmetology licenses, in addition to practices in other states, provided that the out-of-country qualifications are substantially similar to, equivalent to, or greater than the qualifications required of Florida licensees. Work experience can be substituted for the education hours in an amount and manner determined by board rule.
- Delete the 48-hour cap for a continuing education refresher course. The number of hours will be set by board rule.

The bill amends s. 477.0212, F.S., Inactive Status to:

- Require the board to adopt rules for the continuing education requirements prior to license renewal or reactivation.

The bill amends s. 477.023, F.S., Schools of cosmetology; licensure, to:

- Provide that chapter 477, F. S., does not prevent certification by the Department of Education of the grooming and salon services within the public school system.

The bill amends s. 477.025, F.S., Salons; requisites; licensure; inspection; mobile salons to:

- Eliminate the distinction between a cosmetology salon and a specialty salon.

The bill amends s. 477.026, F.S., Fees; disposition to:

- Include hair stylists in the fee structure, while maintaining the current fee cap of \$25 for original licensing and renewal and \$50 for an endorsement application, examination, and re-examination for estheticians and nail technicians. Registration fees for hair braiders and hair wrappers remain unchanged at \$25, and body wrappers are included in the fees for the estheticians.

The bill amends s. 477.0263, F.S., Cosmetology, hair stylist, esthetician, nail technician, or specialty services to be performed in licensed salon; exceptions, to:

- Provide that cosmetology and specialty services be performed only by a licensed cosmetologist, hair technician, esthetician, nail technician, or a registered specialist in licensed salons. It permits hair technicians, estheticians, nail technicians, and registered specialists to perform services outside of a licensed salon when the client for health reasons is unable to go to a licensed salon. The services must be provided pursuant to rules established by the board.
- Permit persons holding a valid cosmetology license in any state, or authorized to practice in any country, territory, or jurisdiction of the United States, to conduct department store demonstrations.
- Permit, pursuant to board rule, licensed cosmetologists, hair stylists, estheticians, nail technicians, or registered specialists to provide cosmetology services outside of a license salon and for special events. The person providing the service must be employed by a licensed salon and appointments for the services must be made through a licensed salon.

The bill amends s. 477.0265, Prohibited acts, to:

- Add hair stylists, esthetician, or nail technician services as a registered specialist.
- Prohibit the use of a device containing a razor blade, commonly referred to as a credo, to remove, scrape, and cut calluses from the hands or feet.

The bill amends s. 477.029, F.S. Penalty, to:

- Add that it is unlawful to present yourself as a hair stylists, esthetician, or nail technician services if you are not licensed or registered.

States effective July 1, 2009, section 477.0201, F.S., Specialty registration; qualifications; registration renewal; endorsement is repealed.

The bill creates an unnumbered section of law to:

# Florida

## Department of Education

- Indicate Department of Business and Professional Regulation in conjunction with the Board of Cosmetology shall evaluate all aspects of the professions of cosmetology, hair stylist, esthetician and nail technician services to improve reciprocity with other states and report the findings to the legislature and the public by January 1, 2009.

The bill creates an unnumbered section of law to:

- Provide for appropriations.

### General Implementation Timeline:

July 1, 2008	The act will become effective, except as otherwise provided.
January 1, 2009	Indicate DPBR in conjunction with the Board of Cosmetology shall evaluate all aspects of the professions of cosmetology, hair stylist, esthetician and nail technician services to improve reciprocity with other states and report the findings to the legislature and the public
July 1, 2009,	The bill authorizes the board to adopt rules for renewal of registrations existing before including the nail, facial, and full cosmetology specialties listed in s. 477.013(5), F. S
July 1, 2009	The bill delays the repeal of the right of students of licensed cosmetology schools or programs to apply for the examination after completing a minimum of 1,000 educational hours.
July 1, 2009	A cosmetologist licensed before this date, can continue to practice his or her profession.
July 1, 2009	Facial specialists and manicure, pedicure, and nail extension specialists, who are registered or enrolled in school before this date, could take the examination for licensure.





**Bill Number:** Senate Bill 1070

**Bill Title:** Intergovernmental Cooperation

**Bill Sponsor:** Senator King, Jr.

**Effective Date:** Upon becoming a law

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

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### **Executive Summary:**

The bill amends s. 163.01, F.S., Interlocal Cooperation Act of 1969 to:

- Permit district school boards to enter into interlocal agreements regarding the use or maintenance of facilities or equipment of another party on a cost-reimbursement basis.

The bill also amends s. 1003.02, F.S., permitting school boards to enter into interlocal agreements regarding:

- The transportation of students, rental of buildings, and proper maintenance and upkeep of school plants.
- The use of school buses for other public purposes beyond serving those whose access to transportation is limited by certain disadvantages.

The bill addresses reimbursement of the district school board for the use of school buses and requires indemnification of the board for use of the buses pursuant to an interlocal agreement.

### **General Implementation Timeline:**

**Effective date** Upon becoming a law.



# Florida

## Department of Education

**Bill Number:** House Bill 1175

**Bill Title:** Transportation Disadvantaged Services

**Bill Sponsor:** Representative Robaina

**Effective Date:** July 1, 2008

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

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### Executive Summary:

This act amends several sections of ch. 427, F.S., relating to transportation services for individuals whose disabilities or circumstances make it difficult for them to access transportation.

The bill amends s. 409.908, F.S., Reimbursement of Medicaid providers to:

- Conform to the bill provisions related to Medicaid nonemergency transportation services.

The bill amends s. 427.011, F.S., Definitions to:

- Substitute the term "Member Department" for "Purchasing Agency." The definition of Purchasing Agency will apply to the Divisions of Vocational Rehabilitation and Blind Services.
- Delete provisions related to "Annual Budget Estimate."

The bill amends s. 427.0135, F.S., Purchasing agencies; duties and responsibilities to:

- Outline the responsibilities of Purchasing Agencies including a requirement that the legislative budget request specify the amount of money the purchasing agency will allocate to provide transportation disadvantaged services.

The bill amends s. 427.0158, F.S., School bus and public transportation to:

- Require school boards to report the availability of their vehicles for transportation disadvantaged services.
- Require that school boards provide information on the availability of their school buses "as requested by the community transportation coordinator," in lieu of the current requirement that the districts file semiannual availability reports on October 1 and April 30.
- Delete the specific statutory requirements for information on the vehicle availability reports, such as cost per mile and driver cost per hour, allowing decisions about the content and format of the reports to be made locally.

### General Implementation Timeline:

July 1, 2008      The act will become effective.



# Florida

## Department of Education

**Bill Number:** House Bill 1203

**Bill Title:** Interstate Compact on Educational Opportunity for Military Children

**Bill Sponsor:** Representative Proctor

**Effective Date:** July 1, 2008, or upon enactment of the compact into law by nine other states, whichever date occurs later

**DOE Contact:** Dr. Frances Haithcock, Chancellor, Division of Public Schools, (850) 245-0509

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### Executive Summary:

This bill creates s. 1000.36, F.S., Interstate Compact on Educational Opportunity for Military Children to:

- Authorize and directs the Governor to execute the Interstate Compact on Educational Opportunity for Military Children with other states that legally join.
- Stipulate in Article I that the purpose of the compact is to remove barriers to educational success imposed on children of military families because of frequent moves and deployment of their parents by:
  - Facilitating timely enrollment.
  - Facilitating student placement.
  - Facilitating qualification and eligibility for enrollment in educational programs, extracurricular athletic, and social activities.
  - Facilitating timely graduation.
  - Providing for adoption and enforcement of administrative rules implementing the compact.
  - Providing for the uniform collection and sharing of information between states.
  - Promoting coordination between this compact and other compacts affecting military children.
  - Promoting flexibility and cooperation between the educational system, parents, and student.
- Stipulates in Articles II through XVIII of the Interstate Compact on Educational Opportunity for Military Children provides for the following requirements:
  - Definitions and applicability
  - Educational records and enrollment
  - Placement and school attendance
  - Graduation
  - Eligibility
  - State Coordination
  - Interstate Commission on Educational Opportunity for Military Children
  - Powers and Duties of the Interstate Commission
  - Organization and Operation of the Interstate Commission
  - Rulemaking Functions of the Interstate Commission

- Oversight, Enforcement, and Dispute Resolution
- Financing of the Interstate Commission
- Member States requirements
- Withdrawal and Dissolution
- Severability and Construction
- Binding Effect

The bill creates s. 100.37, F.S., Copies to other states approving, to:

- State that after the effective date of the act the Secretary of State shall furnish to each of the states in the compact an enrolled copy of this act.

The bill creates s. 1000.38, F.S., Compact Commissioner and Military Family Education Liaison; Interstate Compact on Educational Opportunity for Military Children, to:

- List the responsibilities of the Compact Commissioner and the Military Family Education Liaison.

The bill creates s. 1000.39, F.S., State Council for the Interstate Compact on Educational Opportunity for Military Children, to:

- Establish a council to provide advice and recommendations regarding this state's participation in the compliance with the compact and Interstate Commission.
- Require the council to consist of the following members:
  - The Commissioner of Education or his or her designee.
  - The Superintendent or designee for the school district with the highest percentage of per capita of military children the previous school year.
  - Two members appointed by the Commissioner of Education.
  - One member appointed by the Speaker of the House and President of the Senate.
  - Compact Commissioner and Military Family Education Liaison shall serve as non voting members.
- Require council members to serve without compensation.
- Require the Department of Education to provide administrative support to the council.
- Indicate Sections 1000.36, 1000.37, 1000.38 and 1000.39, Florida Statutes shall stand repealed 2 years after the effective date of this act unless reviewed and saved from repeal through reenactment by the legislature.

#### **General Implementation Timeline:**

July 1, 2008      The act will become effective or upon enactment of the compact into law by nine other states, whichever date occurs later.

July 1, 2010      Repeal of sections 1110.36, 100.37, 1000.38 and 100.39 unless saved by the legislature.

# Florida

## Department of Education

**Bill Number:** Senate Bill 1276

**Bill Title:** Educational Facilities

**Bill Sponsor:** Education Facilities Appropriations and Education Pre-K - 12 and Senator Bennett

**Effective Date:** July 1, 2008

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

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### Executive Summary:

The bill amends s. 1013.45, F.S., Educational facilities contracting and construction techniques to:

- Increase the threshold for day-labor contracts from \$200,000 to \$280,000 for the construction, renovation, remodeling, or maintenance of existing facilities and requires, beginning January 2009, that the amount be adjusted annually based upon changes in the Consumer Price Index. This provision applies to district school boards, community college boards of trustees, university boards of trustees, and the Board of Trustees for the Florida School for the Deaf and the Blind.

The bill amends s. 1011.72, F.S., District school tax to:

- Exclude conversion charter schools from the requirement that a district must meet class size requirements in order to earn certain flexibility in the use of funds from the discretionary capital outlay levy. If a district certifies that it has met class size reduction requirements for its regular schools and has met all instructional space capital outlay needs for the next five years with expected capital outlay funding, the district may use up to \$65 per FTE student funding unit of capital outlay millage revenue for purchase/lease-purchase of certain vehicles or payment of casualty and property insurance premiums. For 2008-09 only, a district may earn this flexibility without meeting class size requirements for its charter schools or conversion charter schools and without meeting certain requirements regarding its annual financial audit.

The bill amends s. 1013.40, F.S., Planning and construction of community college facilities; property acquisition to:

- Provide an exception to the planning process for Florida Keys Community College in Monroe County to authorize the construction of dormitories for up to 100 beds for full-time or part-time students on the community college campus. The construction of the dormitories is exempt from the building permit allocation system and may be constructed up to 45 feet in height, if the following conditions are met:
  - The dormitories are otherwise consistent with the comprehensive plan.
  - The community college has a hurricane evacuation plan that requires all dormitory occupants to be evacuated 48 hours in advance of tropical force winds.
  - Transportation is provided for dormitory occupants during an evacuation.

**General Implementation Timeline:**

July 1, 2008	The act will become effective.
July 1, 2009	The provisions for flexibility in the use of capital outlay funds expire and revert to those in existence on October 5, 2007, the day before the effective date of chapter 2007-328, Laws of Florida.

# Florida

## Department of Education

**Bill Number:** House Bill 1313

**Bill Title:** Students with Disabilities

**Bill Sponsor:** Representative Precourt

**Effective Date:** July 1, 2008

**DOE Contact:** Dr. Frances Haithcock, Chancellor, Division of Public Schools, (850) 245-0509

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### Executive Summary:

The bill replaces existing terminology with current language more commonly used in the field of special education. Across all applicable sections of statute, the following changes are made:

- Emotionally handicapped or emotional handicaps is replaced with the term “emotional or behavioral disabilities.”
- A reference to “serious emotional disturbance” is removed from s. 1002.39, F.S., as this is no longer considered a separate program.
- Mentally handicapped or mental retardation is replaced with the term “intellectual disabilities.”
- Physically impaired is replaced with references to the specific impairments included – orthopedic impairment, other health impairment, and traumatic brain injury.
- Autism or autistic is replaced with the term “autism spectrum disorder.”

The bill amends the following sections of school code in order to update terminology that references specific disabilities.

- s. 1002.33(10)(f), F.S., Charter Schools
- s. 1002.39(1), F.S., The John M. McKay Scholarships for Students with Disabilities Program
- s. 1003.01(3)(a), F.S., Definitions
- s. 1003.21(1)(e), F.S., School Attendance
- s. 1003.438, F.S., Special high school graduation requirements for certain exceptional students
- s. 1007.02(2), F.S., Access to postsecondary education and meaningful careers for students with disabilities
- s. 1007.264, F.S., Impaired and learning disabled persons
- s. 1007.265, F.S., Impaired and learning disabled persons

The bill replaces reference to “students with handicapping conditions” in s. 1002.33(10)(f), F.S., with the phrase “students with disabilities.”

The bill amends s. 1002.39, F.S., to correctly reflect the name – “individual educational plan” as opposed to “individual education plan.”

The bill replaces references to “speech or language impairment” or “speech and language impairment” and proposes two separate terms - “speech impairment” and “language impairment.”

The bill updates s. 1003.438, F.S., to add reference to s. 1003.428 F.S., the most recently adopted statute related to high school graduation requirements.

The bill replaces references to “profoundly handicapped” with references to autism spectrum disorder and dual sensory impaired as applicable.

The bill amends the titles of ss. 1007.264 and 1007.265, F.S., to use “people first language.” That is, the language is changed from “impaired and learning disabled persons” to “persons with disabilities.”

The bill also amends s. 1004.55, F.S., entitled “Regional autism centers.” Specifically, the bill repeals language prohibiting direct medical intervention or pharmaceutical intervention that was to become effective on July 1, 2008.

#### **General Implementation Timeline:**

July 1, 2008. The act will become effective.

# Florida

## Department of Education

**Bill Number:** Senate Bill 1360

**Bill Title:** Pharmacy Technicians

**Bill Sponsor:** Committee on Health and Human Services Appropriations, Health Regulation and Senator Peadar

**Effective Date:** Upon becoming a law, unless otherwise expressly provided in this act.

**DOE Contact:** Lucy Hadi, Chancellor, Division of Workforce Education, (850) 245-9029

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### Executive Summary:

The bill amends s. 465.0075, F.S., Licensure by endorsement; requirements; fee to:

- Delete the requirement that an applicant for licensure as a pharmacist must have obtained a passing score on the licensure examination not more than 12 years prior to application.

The bill amends s. 465.014, F.S., Pharmacy Technician to:

- Establish a registry for Pharmacy Technicians. Section 465.014, F. S., is amended to require the Board of Pharmacy to adopt rules for the registration and application process.
- Stipulate effective January 1, 2010, any person who wishes to work as a pharmacy technician in Florida must register with the board by filing an application form adopted by the board. The board must register each applicant who has:
  - Reached at least 17 years of age
  - Completed the application form
  - Remitted a nonrefundable application fee no greater than \$50, biennially, as set by the board
- Stipulate a person whose license to practice pharmacy has been suspended, denied, or restricted, is prohibited from registering as a pharmacy technician.
- Stipulate a pharmacy technician student, enrolled in a pharmacy technician training program approved by the Board of Pharmacy, may be placed in the pharmacy for the purpose of obtaining practical training. Students must wear identification indicating their status as a student when performing in the clinical setting; registration is not required for the student.
- Stipulate pharmacy interns may be employed as a registered pharmacy technician without paying the registration fee or completing an application with the board. As a condition of registration renewal, the pharmacy technician must complete 20 hours, biennially, of continuing education courses approved by the board or the Accreditation Council for Pharmacy Education. Four hours must be live presentation, and two hours must be related to the prevention of medication errors and pharmacy law.
- Provide the board of Pharmacy with rulemaking authority.
- State grounds for discipline for applicants.
- Stipulate effective January 1, 2011, an applicant wanting to become a registered pharmacy technician must also have completed an approved pharmacy technician training program.

However, the bill specifies that a registered pharmacy technician registered before January 1, 2011, who has worked as a pharmacy technician for a minimum of 1,500 hours under a licensed pharmacist's supervision or who has received certification as a pharmacy technician from the national Commission for Certifying Agencies, is exempt from the requirement to complete an initial training program for purposes of registration.

The bill amends s. 465.015, F.S., Violations and penalties to:

- Stipulate effective January 1, 2010 it is unlawful for a person who is not a registered pharmacy technician to perform functions of a registered pharmacy technician or to hold themselves out to others as a registered pharmacy technician. In addition, grounds for discipline against an applicant for registration as a pharmacy technician or registered pharmacy technician are specified.

The bill amends ss. 465.019, 465.0196, and 465.0197 Florida Statutes to make technical changes.

#### **General Implementation Timeline:**

Effective date	Upon becoming law.
January 1, 2010	A pharmacy technician in Florida must register with the Board of Pharmacy.
January 1, 2011	An applicant wanting to become a registered pharmacy technician must also have completed an approved pharmacy technician training program.

# Florida

## Department of Education

**Bill Number:** House Bill 1395

**Bill Title:** Council on the Social Status of Black Men and Boys

**Bill Sponsor:** Representative Llorente

**Effective Date:** July 1, 2008

**DOE Contact:** Dr. Adeola Fayemi, Director, Office of Equity and Access, (850) 245-0511

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### Executive Summary:

The bill amends s. 16.615, F.S., Council on the Social Status of Black Men and Boys to:

- Add a requirement that the business person assigned to the council shall be an African American, as defined in s. 760.80, F.S.
- Add to the duties of the council to monitor the outcomes of the direct support organization and develop strategic program and funding initiatives for local Councils on the Social Status of Black Men and Boys.
- Provide that the council may:
  - Access data held by any state department or agency that is public record.
  - Request assistance from the Joint Legislative Auditing Committee with research by the Office of Program Policy Analysis and Government Accountability.
  - Request research assistance from the office of Economic and Demographic Research.
  - Request information/assistance from the state, political subdivision, municipal corporation, public officer or governmental department.
  - Apply for and accept funds, grants, gifts from the state and federal government for administrative costs.
  - Request information on education from Florida's historically black colleges and universities.
- Remove certain duties of Attorney General.
- Remove provision that discontinues council under certain conditions.

The bill creates s. 16.616, F.S., Direct-support organization to:

- Authorize the Department of Legal Affairs to establish a direct-support organization which will form strategic partnerships to foster the development of community and private sector resources; and act as a liaison with state agencies, other state governments, and the public and private sectors on matters that relate to underlying conditions that affect black men and boys to bring about an environment that promotes the values of learning, family, prosperity, unity, and self-worth.
- Require in conjunction with the Council, the direct-support organization to develop a strategic program and funding initiative to do the following:
  - Implement the 5000 Role Models of Excellence program in specified counties;
  - Implement the Reading 4 Success program in specified counties;
  - Implement the One Church, One Child program statewide;

- Implement the Mapping the Future for Black Males program within specified community colleges;
  - Develop a marketing and public awareness campaign showcasing programs funded by the direct support organization and the Council; and
  - Fund the clerical and administrative costs of the Council.
- Require the direct-support organization to operate under written contract with the Department of Legal Affairs, and provides for staggered appointment of a 13-member Board of Directors.
  - Require the direct-support organization to consider the participation of other Florida counties that demonstrate a willingness to participate and an ability to be successful in any programs funded by the direct-support organization. CS/HB 1395 appropriates \$50,000 for fiscal Year 2008-09 in non-recurring general revenue funds to the Department of Legal Affairs for the purpose of implementing this act.

#### **General Implementation Timeline:**

July 1, 2008              The act will become effective.

#### **For the Direct Support Organization**

July 1, 2009	Beginning of the fiscal year and each year thereafter. End of fiscal year shall be June 30 the following year.
February 15, 2009	Report to the legislature on the strategic program and funding initiative, Reading 4 Success Program.
February 15, 2009	Report to the legislature on the strategic program and funding initiative, One Church, One Child program.

# Florida

## Department of Education

**Bill Number:** Senate Bill 1414

**Bill Title:** Supplemental Educational Services

**Bill Sponsor:** Senator Diaz de la Portilla

**Effective Date:** July 1, 2008

**DOE Contact:** Dr. Frances Haithcock, Chancellor, Division of Public Schools, (850) 245-0509

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### Executive Summary:

The bill amends s. 1008.331, F.S., Supplemental educational services in Title I schools; school district, and provider responsibilities, to add responsibilities of the Department of Education and school districts to the law.

- The bill requires the Florida Department of Education (DOE) to annually designate a performance grade of "A," providing superior service; "B," providing above satisfactory service; "C," providing satisfactory service; "D," providing below satisfactory service; or "F," providing unsatisfactory service for each state-approved Supplemental Educational Services (SES) provider, based on a combination of student learning gains and student proficiency levels, as measured by the statewide assessment pursuant to s. 1008.22, F.S., and norm-referenced tests approved by the DOE for students in kindergarten through grade 3.
- Under the bill, a grade is assigned beginning with the 2007-2008 school year and must be reported to parents, SES providers, school districts, and the public by March 1, 2009, and by March 1 each year thereafter.
- The bill adds as a responsibility of school districts that a school district with a student population in excess of 300,000 may only charge a state-approved supplemental educational services provider facility rental fees for the actual hours that the classrooms are used for tutoring by the provider.
  - This amendment currently only impacts Miami-Dade County Public Schools since it is the only district with over 300,000 students in the state.
  - This amendment requires Miami-Dade County Public Schools to revise its current School Board Policy regarding the use of school facilities by SES providers.

### General Implementation Timeline:

July 1, 2008                      The act will become effective.

July– October, 2009        The DOE will amend State Board of Education Rule to add responsibilities of the Department and school district.

March 1, 2009                The DOE is required to report the grade it assigns to the SES provider, school districts, and public beginning March 1, 2009 and March 1 of each subsequent year.





**Bill Number:** Senate Bill 1712

**Bill Title:** Ethics in Education Act

**Bill Sponsor:** Committee on Education PreK-12, Committee on Education PreK-12 Appropriations, Committee on Governmental Operations

**Effective Date:** July 1, 2008

**DOE Contact:** Dr. Frances Haithcock, Chancellor, Division of Public Schools, (850) 245-0509

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### **Executive Summary:**

Names the bill the "Ethics in Education Act."

Amends s. 112.3173, F.S., Felonies involving breach of public trust and other specified offenses by public officers and employees; forfeiture of retirement benefits; s. 121.091, F.S., Benefits payable under the system; s. 794.09, F.S., Forfeiture of retirement benefits; and s. 800.05, F.S., Forfeiture of retirement benefits for a felony defined in s. 800.04; to:

- Require the forfeiture of state retirement benefits for members convicted of certain crimes of a sexual nature against children committed on or after October 1, 2008.

Amends s. 1001.10, F.S., Commissioner of Education; general powers and duties, to:

- Require DOE to provide technical assistance to districts, charter schools, Florida School for the Deaf and Blind (FSDB), and private schools that accept scholarship students in the development of the policies, procedures, and training related to standards of ethical conduct for instructional personnel and school administrators.
- Require DOE to provide access by authorized staff of above-named parties to electronic information from DOE databases for employment screening purposes.

Amends s. 1001.42, F.S., Powers and duties of district school board; s. 1002.33, F.S., Charter Schools; s. 1002.36, F.S., Florida School for the Deaf and Blind; s. 1002.421, F.S., Accountability of private schools participating in state school choice scholarship programs; s. 1006.061, F.S., Child abuse, abandonment, and neglect policy; s. 1012.27, F.S., Public school personnel; powers and duties of district school superintendent; to:

- Require districts, charter schools, FSDB, and private schools that accept state scholarship students to:
  - Adopt policies establishing standards of ethical conduct for instructional personnel and school administrators, including the requirement of training on the standards, responsibilities and procedures for reporting misconduct affecting the health, safety, and welfare of students by instructional personnel and school administrators, and liability protections.
  - Ban confidentiality agreements with terminated or dismissed instructional personnel and

school administrators (or those that resign in lieu of termination) based on misconduct and require that employment recommendations for future educational settings disclose the misconduct.

- Void the purpose and effect of agreements or contracts that conceal misconduct by instructional personnel or school administrators which affects the health, safety, or welfare of a student.
- Disqualify instructional personnel and school administrators from employment in any position that required direct contact with students if they have been convicted of offenses listed in s. 1012.315, Florida Statutes.
- Conduct employment history checks for instructional personnel and school administrator candidates for positions requiring direct student contact, screen with DOE tools and document findings.
- Post in a prominent place, at the school and online, the policies for reporting abuse and misconduct, contact information, and penalties for failure to report.

Amends s. 1006.061, F.S., Child abuse, abandonment, and neglect policy; to:

- Require DOE to develop and publish sample notices suitable online for the above-named parties to post.

Amends s. 1002.33, Charter schools, to:

- Provide that the sponsor of a charter school that knowingly fails to comply with the requirements for employees of charter schools shall terminate the charter.

Amends s. 1001.42, F.S., Powers and duties of district school board; and s. 1001.51, F.S., Duties and responsibility of district school superintendent; to:

- Provide penalty of 1 year forfeiture of salary for appointed or elected school board official that knowingly submits a report known to be false or knowingly fails to adopt policies for reporting and investigating misconduct. A superintendent who knowingly fails to investigate or report, or knowingly transmits a report known to be false, forfeits his or her salary for 1 year following failure to act.

Amends s. 1002.421, F.S., Accountability of private schools participating in state school choice scholarship programs, to:

- Provide penalty for private schools that knowingly fail to comply by suspending funds and prohibiting new scholarship students for 1 fiscal year.

Creates s. 1012.315, F.S., Disqualification from employment, to:

- Establish a list of offenses for which, if convicted, a person is disqualified from educator certification or employment in an instructional personnel and school administrator position that requires direct student contact in districts, charter schools, FSDB, and private schools that accept scholarship students.

Amends s. 1012.79, F.S., Education Practices Commission; organization, to:

- Increase and alter the membership of the Education Practices Commission to be a total of 25 members, 8 teachers; 5 administrators, at least one of whom shall represent private school; 7 lay citizens, 5 of whom shall be parents of public school students and who are unrelated to public

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## Department of Education

school employees and 2 of whom shall be former district school board members; and 5 sworn law enforcement officials. The members are appointed by the State Board of Education.

- Require the commissioner to consult with teaching associations, parent associations, law enforcement agencies and other involved associations in the state before making nominations to the State Board of Education.

Amends s. 1012.795, F.S., Education Practices Commission; authority to discipline, to:

- Expand the authority and responsibility of the Department of Education to investigate allegations of misconduct by certified educators.

Amend s. 1012.796, F.S., Complaints against teachers and administrators; procedures; penalties , to:

- Provide that the DOE shall immediately investigate any legally sufficient complaint that involves misconduct by any certificated personnel which affects the health, safety, or welfare of a student.
- Require district school boards to adopt policies that carry out the provisions of this act.
- Provide criteria for the immediate removal of instructional personnel or school administrators from positions with direct student conduct when there are allegations of misconduct that affect the health, safety or welfare of students.

The bill appropriates \$153,872 to the Department of Education for two full-time equivalent positions to implement this Act.

Makes conforming changes to the following sections of statute to reflect changes made in this act:

- S. 121, F.S., Allocation of revenues and expenditure of funds for public education
- S. 1001.32, F.S., Management, control, operation, administration, and supervision
- S. 1001.452, F.S., District and school advisory councils
- S. 1001.54, F.S., Duties of school principals
- S. 1002.32, F.S., Developmental research (laboratory) schools
- S. 1003.413, F.S., Florida Secondary School Redesign Act
- S. 1003.53, F.S., Dropout prevention and academic intervention
- S. 1004.92, F.S., Purpose and responsibilities for career education
- S. 1008.33, F.S., Authority to enforce public school improvement
- S. 1008.345, F.S., Implementation of state system of school improvement and education accountability
- S. 1010.215, F.S., Educational funding accountability
- S. 1011.18, F.S., School depositories; payments into and withdrawals from depositories
- S. 1012.32, F.S., Qualifications of personnel
- S. 1012.34, F.S., Assessment procedures and criteria
- S. 1012.33, F.S., Contracts with instructional staff, supervisors, and school principals
- S. 1012.56, F.S., Educator certification requirements
- S. 1012.98, F.S., School Community Professional Development Act
- S. 1013.03, F.S., Functions of the department and the Board of Governors

### **General Implementation Timeline:**

July 1, 2008     The act will become effective.

# Florida

## Department of Education

**Bill Number:** Senate Bill 1716

**Bill Title:** Postsecondary Education

**Bill Sponsor:** Senator Oelrich

**Effective Date:** July 1, 2008

**DOE Contact:** Dr. Willis Holcombe, Chancellor, Division of Community Colleges, (850) 245-0407

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### Executive Summary:

This bill addresses the issue of access to baccalaureate degrees and statewide employment needs.

The bill creates s. 1001.60, F.S., Florida College System to:

- Establish the Florida College System, to consist of institutions that are identified in law that grant 2-year and 4-year academic degrees as provided by law. Institutions within the Florida College System are not permitted to offer the graduate degree programs.

The bill creates s. 1004.84, F.S., Florida College System Task Force to:

- Establish the Florida College System Task Force within the Division of Community Colleges of the Department of Education for the purpose of developing findings and issuing recommendations regarding the transition of community colleges to baccalaureate degree-granting colleges and the criteria for establishing and funding Florida state colleges.
- Stipulate the Florida College System Task Force members are to be appointed by August 31, 2008 and begin meeting by September 15, 2008. Members are to be appointed by the Commissioner of Education and include seven community college presidents, one state university president, one president of an institution that is eligible to participate in the Florida Resident Access Grant Program, one president of a private institution which grants baccalaureate degrees and is licensed by the Commission for Independent Education, and a member at large.
- Stipulate the Task Force shall: recommend a program approval process designed to meet employment needs; recommend a funding model which demonstrates savings to the state and student over the State University System; identify needs of the workforce geographically and monitor implementation of the State College Pilot Project. The task force will submit a final report by March 2, 2009. The Task Force dissolves June 30, 2010.

The bill creates s. 1004.875, F.S., State College Pilot Project, to:

- Create the Florida State College Pilot Project for the purposes of recommending to the Legislature: an approval process for transition of baccalaureate degree-granting community colleges to state colleges; criteria for transition of institutions in the Florida College System to "state colleges"; and a funding model for the Florida College System. A final report on the Pilot Project is due by January 1, 2009.
- Appoint St. Petersburg College, Okaloosa-Walton College, Edison College, Miami Dade College,

Indian River College, Daytona Beach College, Polk College, Chipola College and Santa Fe College to conduct the Pilot Project.

The bill amends s. 100.21, F.S., Systemwide definitions to:

- Change the names of the following institutions: Broward Community College to Broward College, Daytona Beach Community College to Daytona Beach College, Indian River Community College to Indian River College, Santa Fe Community College to Santa Fe College and Polk Community College to Polk College.

**General Implementation Timeline:**

July 1, 2008	The act will become effective.
August 31, 2008	The Florida College System Task Force members are to be appointed.
September 15, 2008	The Florida College System Task Force shall begin meeting.
January 1, 2009	Final report on the Florida State College Pilot Project due.
March 2, 2009	Final Florida College System Task Force Report due.
June 30, 2010	The Task Force dissolves.



**Bill Number:** Senate Memorial 1742

**Bill Title:** Educator Ethics

**Bill Sponsor:** Senator Carlton

**Effective Date:** N/A

**DOE Contact:** Dr. Frances Haithcock, Chancellor, Division of Public Schools, (850) 245-0509

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**Executive Summary:**

This is a memorial to the Congress of the United States, urging Congress to support the passage of laws establishing ethical standards for professional educators and to support a national clearinghouse to provide for the reporting of data concerning educator misconduct. A national database is necessary to promote the timely sharing of critical information among states and to provide for the safety and welfare of students.

**General Implementation Timeline:**

The Senate will dispatch copies of this memorial to the President of the United States, the President of the United States Senate, the President of the United States House of Representatives, and to each member of the Florida delegation to the United States Congress.



# Florida

## Department of Education

**Bill Number:** Senate Bill 1774

**Bill Title:** Postsecondary Education

**Bill Sponsor:** Senator Lynn

**Effective Date:** July 1, 2008

**DOE Contact:** Dr. Willis Holcombe, Chancellor, Division of Community Colleges, (850) 245-0407

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### Executive Summary:

The bill amends s. 1009.22, F.S., Workforce education postsecondary student fees, to amend the workforce development fee tuition and fee policies for community colleges and school district workforce education by:

- Defining the out-of-state fee for nonresidents enrolled in workforce education programs. This fee must be three times the standard tuition per contact hour. As with tuition, districts may vary 5 percent above or below the combined sum of the standard tuition and out of state fee.
- Including technical wording changes to: standard resident tuition is now referred to as tuition.
- Defining tuition and out-of-state- fees.

The bill amends s. 1009.22, Workforce education postsecondary student fees, effective July 1, 2009 and applicable beginning with the fall term of 2009-2010 academic year to:

- Authorize an optional technology fee for workforce development programs offered by community colleges and school districts not to exceed 5 percent of tuition and out-of-state fee.
- Specify that the revenues generated from this fee be used to enhance instructional technology resources for students and faculty.
- Specify that the fee may not be included in any award under the Florida Bright Futures Scholarship program.

The bill amends s. 1009.23, F.S., Community College student fees for advanced and professional, postsecondary vocational, college preparatory, and educator preparation institute programs by:

- Providing the per credit hour tuition and technology fee to be \$51.35.
- Stating no community college shall be required to lower any activity and service fee approved by the board of trustees of the community college and in effect prior to October 26, 2007.
- Authorizing an increase in the amount of fees collected for financial aid purposes.

The bill amends s. 1009.23, F.S., Community College student fees beginning July 1, 2009, and applicable for the fall term of the 2009-2010 academic year to:

- Remove the reference to the sum of standard tuition and technology fee and replaces it with standard tuition.
- Authorize an optional technology fee for community colleges not to exceed 5 percent of tuition and out-of-state fee.

- Specify that the revenues generated from this fee be used to enhance instructional technology resources for students and faculty.
- Specify that the fee may not be included in any award under the Florida Bright Futures Scholarship program.

The bill amends s. 1011.52, F.S., Appropriation to first accredited medical school to:

- Require the first accredited medical school to enter into an annual operating agreement with a government-owned hospital meeting specified criteria;
- Require submission of documentation of the agreement to the Department of Education prior to payment from an annual appropriation; providing effective dates.

#### **General Implementation Timeline:**

July 1, 2008                      The act will become effective.

Fall term 2009-2010        The effective date for this new fee.

# Florida

## Department of Education

**Bill Number:** Senate Bill 1892

**Bill Title:** State Data Center System

**Bill Sponsor:** Senator Carlton

**Effective Date:** Upon becoming a law

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

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### Executive Summary:

The bill creates the state data center system, composed of primary data centers, non-primary data centers, and computing facilities. The Agency for Enterprise Information Technology (AEIT) is responsible for establishing policy and for overall coordination in the transition to a consolidated system.

The bill creates s. 282, F.S., State Data center system; agency duties and limitations

- The bill establishes two primary data centers, the Northwood Shared Resource Center (NSRC) and the Southwood Shared Resource Center (SSRC).
- The bill authorizes the creation of boards of trustees for each primary data center. Members of these boards are appointed by the agency head or chief executive officer of the customers using the primary data centers. With two exceptions, the bill prohibits agencies from: creating new computing facilities or data centers, or expanding existing computing facilities or data centers; transferring existing computing services to a non-primary data center or computing facility; initiating new computing services with a non-primary data center if the agency does not have an internal data center; and terminating services with a primary data center or transferring services between primary data centers without written notice 180 days before such termination.
- The bill transfers all data center functions by state agencies with resources and equipment located in a primary data center created by the act to that primary data center and requires the agency to become a full-service customer entity by July 1, 2009.

The bill creates s. 208.203, F.S., Primary data centers.

- Each primary data center is headed by a board of trustees.
- The board members are appointed by the agency head or chief executive officer of the representative customer entities of the primary data center and serve at the pleasure of the appointer. Additionally, the executive director of the AEIT serves on each board as a voting member.
- The bill provides for initial appointments and appointments that are made after operational costs are apportioned once the primary data center has been operational for a year. The Department of Education will initially have one NSRC board member.

The bill transfers information technology functions of the Parole Commission to the Department of Law Enforcement. Mainframe computing services of the Department of Transportation and Department of Highway Safety and Motor Vehicles are transferred to the SSRC.

The bill creates s. 282.201 State data center system; agency duties and limitations to:

Require state agencies to report the following information to the AEIT annually by July 1 each year:

- The amount of data center floor space used and available.
- The numbers and capacities of mainframes and servers.
- Storage network capacity.
- Amount of power used and the available capacity.
- Estimated expenditures by service area.

Require each state agency must submit to the AEIT the following information for each agency data center and computing facility:

- A list of contracts in effect for the fiscal year.
- Service-level agreements by customer entity.

#### **General Implementation Timeline:**

Effective date	Upon becoming law.
June 30, 2008	Initial NSRC and SSRC boards appointed no later than this date; election of chair and vice chair required before July 1 of each fiscal year.
July 1, 2008	SSRC established.
July 1, 2008	Workgroup for NSRC established within Department of Children and Families.
August 29, 2008	A detailed work plan submitted for the fiscal year to the Governor, Cabinet, President of the Senate, and Speaker of the House of Representatives.
September 1, 2008	Service-level agreements established for the mainframe transition period.
September 1, 2008	Mainframe personnel, hardware, operating and system software, and peripherals identified to become the property of the SSRC.
September 1, 2008	Usage, replacement, extensions, and upgrades to be made by SSRC are determined.
October 1, 2008	Budget amendment must be submitted for transfer of DMS resources from SSRC back to DMS.
October 1, 2008	Comprehensive inventory of hardware and contracts to SSRC to be completed.

# Florida

## Department of Education

October 1, 2008	Agency legislative budget requests must reflect a decrease of full-time equivalent (FTE) personnel units in order to establish budget authority for mainframe services provided by SSRC.
October 1, 2008	SSRC legislative budget requests must be submitted for FTE personnel units and spending authority to deliver mainframe services.
December 31, 2008	NSRC workgroup makes recommendations for conversion to a primary data center to the Governor, Cabinet, President of the Senate, and Speaker of the House of Representatives.
December 31, 2008	SSRC submits a consolidation plan to the board, the Governor, the Cabinet, the President of the Senate, and the Speaker of the House of Representatives.
April 30, 2009	SSRC implements a cost-allocation plan to establish prices and estimated costs.
April 30, 2009	SSRC and mainframe agencies establish service level agreements.
July 1, 2009	NSRC established.
July 4, 2009	Mainframe resources for Department of Highway Safety and Motor Vehicles and Department of Transportation consolidated within SSRC (first weekend after 7/1/2009).
August 29, 2009	Report submitted to the Governor, the Cabinet, the President of the Senate and the Speaker of the House regarding in the prior fiscal year's work plan.
October 1, 2009	Agencies submit to the primary data center a plan for transferring all resources dedicated to data center function to the primary data center.
October 1, 2009	Agencies' legislative budget requests include whatever is necessary for the transfer of resources to the primary data center.
December 31, 2009	Implementation plan submitted to accomplish at least one of named projects: a shared or consolidated model for e-mail and calendaring, information security, or consideration of a planned replacement cycle for computer equipment.
December 31, 2009	Recommendations to improve efficiency submitted to the Legislature.
December 31, 2009	Two non-primary data centers identified for consolidation.
July 1, 2010	Agencies with equipment and resources in a primary data center transfer ownership and become full-service customers of the data center.

July 1, 2010	Cost-recovery plan must be presented by the primary data center's board of trustees to the data center's customers.
December 31, 2010	Overall consolidation plan submitted with time lines for consolidating remaining facilities by 2019.
January 1, 2019	Consolidation to be completed.

# Florida

## Department of Education

**Bill Number:** Senate Bill 1906

**Bill Title:** Alternative High School Courses & Programs

**Bill Sponsor:** Senator Gaetz

**Effective Date:** July 1, 2008

**DOE Contact:** Dr. Frances Haithcock, Chancellor, Division of Public Schools, (850) 245-0509

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### Executive Summary:

This bill creates s. 1002.375, F.S., "Alternative Credit for High School Courses; Pilot Project."

- This pilot program will allow high school students to take one course and generate two credits, under certain conditions.
- The Commissioner of Education must establish participation criteria for districts and select up to three participating school districts by July 30, 2008. School districts wishing to participate must submit a letter of interest to the Commissioner by July 15, 2008.
- Beginning in the 2008-2009 school year, up to three districts selected by the Commissioner of Education may award alternative credit to a student for a course in which the student is not enrolled, but for which the student may earn academic credit by enrolling in another course or sequence of courses required to earn a nationally or state-recognized industry certificate as defined by the Agency for Workforce Innovation in accordance with the criteria described in s. 1003.492(2), F.S., of which the majority of the standards-based content in the course description is consistent with the alternative credit course description is consistent with the alternative credit course description approved by DOE.
- The additional course credit is limited to the following five core courses: Algebra 1a, Algebra 1b, Algebra 1, Geometry, or Biology.
- The majority of the standards-based content in the course description approved by the Department of Education (DOE) must be consistent for the course in which the student enrolls and the course for which the student earns additional, alternative credit
- The bill exempts an alternative credit course from:
  - the definitions of credit in s. 1003.436, F.S.,
  - the time requirements in s. 1011.60(2), F.S., and
  - the net-hours-of-instruction requirements for purposes of determining full-time equivalency in the Florida Education Finance Program.
- To earn the additional credit, a student must pass an end-of-course assessment approved by DOE; the assessment may be either from those developed by the Florida Virtual School or an end-of-course statewide standardized assessment developed or adopted by DOE. DOE must approve the administration of these assessments and determine the minimum passing scores for each course.
- DOE must prescribe procedures for school districts to report all enrollments and credits earned for alternative education courses, and calculate each successfully-completed credit earned under the

requirements of this bill as 1/6 of an FTE, with exceptions.

- DOE must report to the Governor, the President of the Senate, and the Speaker of the House is required by January 1, 2010, on the participation of and credits earned by students as well as recommendations for expanding the use of alternative credit for core academic courses.

#### **General Implementation Timeline:**

##### **The Alternative Credit Pilot Program**

July 1, 2008	The act will become effective.
July 15, 2008	Districts wishing to participate in the Alternative Credit pilot must submit a letter of interest to the Commissioner.
July 30, 2008	Commissioner selects up to three districts for the Alternative Credit pilot.
2008-09 school year	Pilot project begins. A request from a participating pilot district for a course must be approved or denied within 30 days of receipt, with a written response to the district explaining the reasons for the denial within 10 days after the denial.
January 1, 2010	Commissioner reports to the Governor, the President of the Senate, and the Speaker of the House on the participation of and credits earned by students as well as recommendations for expanding the use of alternative credit for core academic courses.

##### **The School-Business Partnerships**

June 30, 2011	The Palm Beach pilot is in effect until this date.
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# Florida

## Department of Education

**Bill Number:** Senate Bill 1908

**Bill Title:** Education

**Bill Sponsor:** Committee on Education PreK-12 and Senator Gaetz

**Effective Date:** July 1, 2008, except as otherwise provided for in the bill

**DOE Contact:** Dr. Frances Haithcock, Chancellor, Division of Public Schools, (850) 245-0509

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### Executive Summary:

The bill amends s. 1003.41, F. S., Sunshine State Standards, s.1001.03, F.S., Specific powers of State Board of Education, and s. 1000.21, F.S., Office of Private Schools and Home Education Programs, to:

- Require the State Board of Education to review and, by December 31, 2011, replace the Sunshine State Standards with "Next Generation Sunshine State Standards." The State Board of Education must establish, by December 31, 2008, a review and readoption schedule for the current standards. The process for review, revision, and approval of the new standards is outlined. Specific requirements are prescribed for language arts, science, mathematics, and social studies standards. Language Arts standards adopted in 2007 must be reviewed and replaced and must identify significant literary genres and authors that encompass a comprehensive range of historical periods. Recently adopted Reading, Math and Science standards are considered Next Generation. Provides the State Board of Education with rulemaking authority. Stipulates that the Sunshine State Standards are in place for a subject until the standards for that subject are replaced by Next Generation Sunshine State Standards.

The bill amends s. 220.187, F.S., Credits for contributions to nonprofit scholarship funding organizations to:

- Remove the FCAT NRT from the list of norm-referenced assessments available for use by private schools in meeting the testing requirements of the Corporate Tax Credit Scholarship Program. Instead, private schools must administer a nationally norm-referenced test identified by the Department of Education as meeting industry standards of quality in accordance with State Board of Education rule.

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

- Revise the definition of "Sunshine State Standards" or "Next Generation Sunshine State Standards."

The bill amends s. 1001.452, F.S., District and school advisory councils (SAC) to:

- Require that the majority of members of SAC must not be employed by the school district.

The bill amends s. 1003.413, F.S., Florida Secondary School Redesign Act to:

- Require district school boards to establish a policy that addressed the annual review of each high school student's electronic education plan.

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

- Add practical arts courses that incorporate artistic content and techniques of creativity, interpretation, and imagination, as identified through the Course Code Directory.

The bill creates s. 1003.4285, F.S., Standard high school diploma designations to:

- Indicate by 2008-09, each standard high school diploma shall include, as applicable, a designation for Major Area of Interest; completion of four or more accelerated college credit courses in Advanced Placement, International Baccalaureate, Advanced International Certificate of Education, or dual enrollment; career education certification; and Florida Ready to Work Credential.

The bill amends s. 1004.91, F.S., Career-Preparatory instruction to:

- Create an exemption for adult students enrolled in a registered apprenticeship program under ch. 446, F.S., from the requirement to demonstrate mastery of the state-adopted standards of basic skills before being awarded a career certificate or completion.

The bill amends s. 1004.99, F.S., Florida Ready to Work Certification Program to:

- Require the Ready to Work Credential to be awarded to a student who passes three listed assessments in Reading for Information, Applied Mathematics, and Locating Information or other assessments of comparable rigor. Each assessment shall be scored on a scale of 3 to 7.
- Define three levels of attainment for the credential:
  - Bronze-level requires a minimum score of 3 or above on each of the assessments.
  - Silver-level requires a minimum score of 4 or above on each of the assessments.
  - Gold-level requires a minimum score of 5 or above on each of the assessments.

The bill amends s. 1007.235, F.S., District interinstitutional articulation agreements to:

- Require the district interinstitutional articulation agreement to identify the responsibility of the postsecondary educational institution for assigning letter grades for dual enrollment courses and the responsibility of the school districts for posting these grades to high school transcripts.

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

- Allow the Commissioner to incorporate end-of-course assessments into the statewide assessment program. These assessments may be administered in addition to the comprehensive assessments of reading, mathematics, writing, and science, and must be rigorous, statewide, standardized, and aligned to the Sunshine State Standards. The Commissioner may select one or more nationally developed comprehensive examination for use as end-of-course assessment if the Commissioner determines the examinations meet to exceed the core curricular content established in the Next Generation Sunshine State Standards. The Commissioner may collaborate with the American Diploma Project in the adoption or development of end-of-course assessments.
- Remove the requirement that the statewide assessment program include norm-referenced tests.
- Require the Commissioner beginning with the 2008-2009 school year through 2011-2012 to discontinue the administration of the multiple-choice items on the comprehensive assessment of writing. In 2012-2013 school year, the Commissioner must administer a comprehensive assessment of writing with specific characteristics, including a combination of multiple-choice, short-response, and extended-response items.

# Florida

## Department of Education

- Require the Commissioner to provide notice to school districts, by August 1 of each year, of the testing and reporting schedules for the school year following the upcoming school year. The schedule requires the latest possible administration of statewide assessments and the earliest possible reporting of student test results. Beginning with the 2010-2011 school year, the schedule must provide for comprehensive assessments of writing to be administered no earlier than the week of March 1 and comprehensive statewide assessments of other subjects to be administered no earlier than the week of April 15. Statewide end-of-course assessments must be administered within the last two weeks of a course. Student test results must be made available by the final day of the regular school year for students.
- Require public schools to participate in the statewide assessment program in accordance with published testing and reporting schedules.
- Direct the Commissioner to establish procedures for transitioning to new assessments that impact the testing requirements for high school graduation.

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

- Require the Department of Education to purchase or develop assessments to be used by high schools in evaluating the college readiness of selected students prior to grade 12, beginning with the 2008-2009 school year. The State Board of Education must establish by rule the minimum test scores a student must achieve to demonstrate readiness. Students achieving the minimum scores, and enrolling in a community college within 2 years, will not be required to enroll in remediation courses. High schools, to the extent practicable, must provide 12<sup>th</sup> grade students scoring below the minimum scores with access to remedial instruction prior to graduation.

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

- Require school districts, beginning with the 2008-2009 school year, to prohibit each public school from suspending a regular program of curricula in order to administer practice tests or engage in other test-preparation activities for a statewide assessment (i.e., FCAT) However, schools are permitted to:
  - Distribute sample tests and answer keys published by the Department of Education;
  - Provide individualized instruction for students who score at Level 1 or Level 2 on the FCAT or who are identified through diagnostic assessments as having deficiencies in the assessed content;
  - Provide individualized instruction in the content knowledge and skills assessed for students who score Level 1 or Level 2 on a prior administration of the statewide assessment or a student who, through a diagnostic assessment administered by the school district, is identified as having a deficiency in the content knowledge and skills assessed;
  - Include test-taking strategies in curricula for intensive reading and mathematics courses; and
  - At the extent determined necessary in State Board of Education rule, administer practice tests or engage in other test-preparation activities.

The bill amends s. 1008.31, F.S., Florida's K-20 education performance accountability system to:

- Codify legislative intent that Florida's K-20 education performance accountability system will comply with IDEA.

The bill amends s. 1008.34, F.S., School grading system; school report cards; district grade to:

- Provide additional criteria for designating school grades, beginning with the 2009-2010 school year for high schools with grades 9, 10, 11, and 12, or grades 10, 11, and 12.
- Indicate that fifty (50) percent of a school's grade will be based on the existing FCAT-related factors in s. 1008.34(3)(a), F.S., and the remaining fifty (50) percent will be based on factors that include:
  - A school's high school graduation rate;
  - As valid data become available, the performance and participation of students in Advanced Placement courses, International Baccalaureate courses, dual enrollment courses, Advanced International Certificate of Education courses, and the achievement of industry certification in a career and professional academy;
  - The postsecondary readiness of the students as measured by the SAT, ACT, or the common placement test;
  - The high school graduation rate of at-risk students who scored at Level 2 or lower on the grade 8 FCAT Reading and Mathematics examinations;
  - The performance of a school's students on statewide standardized end-of-course assessments approved by the Department of Education, when available; and
  - The annual growth or decline in these components.
- Indicate that a school district that fails to assign the FCAT scores of each of its students to his or her home school or alternative school that receives a grade shall forfeit Florida School Recognition Program funds for 1 fiscal year. Requires an annual collaboration between the principal of the alternative school and principal of each student's home school concerning the most appropriate school assignment of the student.
- Stipulate beginning with the 2009-2010 school year, the following data -- as the Department of Education determines such data is valid -- shall be included to determine school grades for schools comprised of high school grades 9, 10, 11 and 12, or grades 10, 11, and 12:
  - High school graduation rate as calculated by the Department of Education.
  - Participation rate of all eligible students enrolled in AP, IB, DE, AICE and courses or sequence of courses leading to industry certification in a career and professional academy.
  - Aggregate scores of all eligible students enrolled in AP, IB, and AICE courses.
  - Earning of college by all eligible students enrolled in dual enrollment programs.
  - Earning of an industry certification.
  - Aggregate scores of all eligible students enrolled in reading, mathematics and other subjects as measured by the SAT, ACT and CPT for postsecondary readiness.
  - High School graduation rate of all eligible at-risk students enrolled in the school that scored at Level 2 or lower on the grade 8 FCAT Reading and Mathematics examinations.
  - Performance of the school's students on statewide standardized end-of-course assessments.
  - Growth or decline in the data components of these components from year to year.
- Stipulate beginning in the 2009-2010 school year, in order for a high school to earn an "A" grad the school must demonstrate that at-risk students in the school are making adequate progress.
- Provide the Commissioner of Education with authority to set sample-size requirements for school grades. Establishes criteria under which schools with fewer than the minimum number of students tested, as required for reliable results and protection of student confidentiality, shall not receive school grades.

# Florida

## Department of Education

- Provide the State Board of Education rule making authority to administer this section.

The bill amends s. 1008.341, F.S., School improvement rating for alternative schools to:

- Revise the definition of "home school" for purposes of calculating school grades for schools that refer students to alternative schools; requires annual collaboration among school principals concerning the school assignment of students attending an alternative school.
- Provide for the forfeiture of School Recognition Program funds for one fiscal year if a school district fails to assign the FCAT scores of each of its students to his or her home school or to the alternative school that receives a grade.
- Provide the Commissioner of Education with authority to set cell-size requirements for school improvement ratings. Establishes criteria under which schools with fewer than the minimum number of students tested, as required for reliable results and protection of student confidentiality, are exempted from receiving school improvement ratings.
- Provide the State Board of Education rule making authority to administer this section.

The bill amends s. 1008.36, F.S., Florida school recognition program to:

- Revise the identification of schools that are eligible to receive school recognition funds to include schools that improve more than one letter grade and sustain that improvement in the following year.

The bill amends s. 1012.56, F.S., Educator certification requirements to:

- Provide a new option for demonstrating mastery of subject area knowledge for the Professional Certificate. The new option includes the completion of a bachelor's degree or higher and an earned score above the intermediate level on the oral and written tests administered by the American Council on the Teaching of Foreign Language (ACTFL) for which there is no Florida-developed foreign language certification exam.
- Require the subject area examinations of the Florida Teacher Certification Examination program to be aligned to the Next Generation Sunshine State Standards.

The bill amends s. 1012.71, F.S., The Florida Teachers Lead Program to:

- Delete the word "Stipend" from the title of the Teachers Lead Program (Teachers Lead), states that equipment may not be purchased with Teachers Lead funds, provides a deadline for distribution of funds to school districts, authorizes teachers to keep receipts for only four years, and specifies that districts may use a number of listed options for distributing the funds to teachers.

The bill amends s. 1013.12, F.S., Casualty, safety, sanitation, and fire safety standards and inspection of property to:

- Conform the school cafeteria sanitation and safety reporting requirements to federal law.

### General Implementation Timeline:

Upon becoming law      The Florida Teachers Lead Program goes into effect.

July 1, 2008      The act will become effective, except as otherwise provided.

August 1 of each year	Commissioner shall notify each district in writing and publish on the DOE Web site the testing and reporting schedules for all statewide assessments for the school year following the upcoming school year.
December 31, 2008	State Board of Education shall establish an expedited schedule for adoption of Next Generation Sunshine State Standards and, by rule, establish a schedule for their periodic review and revision.
December 31, 2011	The Next Generation Sunshine State Standards must be adopted for each subject by the State Board of Education.
2008-09 school year	Specified designations must be included on standards high school diplomas.
2008-09 school year	The writing assessment will no longer include selected-response test items.
2008-09 school year	Districts shall prohibit schools from suspending a regular program of curricula for FCAT preparation.
2008-09 school year	High schools must evaluate the college readiness of selected students prior to grade 12.
2009-10 school year	The high school grading formula will be based on the new criteria, and the new threshold for high schools to earn an "A" grade goes into effect.
2010-2011 school year	A comprehensive assessment of writing may not be administered earlier than the week of March 1 and other comprehensive statewide assessments may not be administered earlier than the week of April 15. Student test results must be reported by the final day of the regular school year for students.
2012-13 school year	A revised comprehensive assessment of writing will be administered.

# Florida

## Department of Education

**Bill Number:** Senate Bill 2422

**Bill Title:** Local Government Finance

**Bill Sponsor:** Senators Alexander

**Effective Date:** Upon becoming a law

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

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### Executive Summary:

The Local Government Surplus Funds Trust Fund is a large pooled asset fund, managed by the State Board of Administration (board) on behalf of local governments. The decline in the value of debt and mortgage-backed securities that began in 2007 affected homeowners, financial institutions, and institutional investors alike, including local government investments in Florida. The Local Government Surplus Funds Trust Fund had small holdings of such securities from four investment funds whose underlying assets became impaired as mortgage delinquencies, credit impairments, and foreclosures climbed.

The bill amends s. 218.401, F.S., Definitions, to:

- Provide for additional definitions.

The bill amends s. 218.407, F.S., Local government investment authority, to:

- Bring additional safeguards to the management of funds in this intergovernmental pool. The major new safeguard is the requirement for more widespread disclosure of securities holdings when there is a credit downgrade or an impairment of the underlying assets. In these circumstances the board is authorized to make a one-time partitioning of the impaired assets into a separate trust account (created by HB 7097) until they return to par value, have their credit rating restored, return to performing status, or can be liquidated.

The bill amends s. 218.409, F.S., Administration of the trust fund; creation of advisory council to:

- Place a premium on disclosure and communications among all of the investing parties.
- Require the board to inform all of the investors of the objectives of the fund along with its risks and conditions of participation. The investors, in turn, must acknowledge to the board that they understand these provisions and consent to them.
- Establish a separate Participant Advisory Council to provide input to the board in case of liquidity impairments. Because these funds are invested for liquidity, it is important that investing local governments have access to them.
- Require an annual financial audit of the pooled funds account by the Auditor General and periodic reporting to the Joint Legislative Auditing Committee.

### **General Implementation Timeline:**

The act will take effect upon becoming a law.

Monthly	The board or a professional money management firm will provide a report at least monthly or upon the occurrence of a material event to include any material impacts on the trust fund, a management summary of the status of the current investment portfolio and the individual transactions over the last month, and a detailed report of the market value of the portfolio.
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# Florida

## Department of Education

**Bill Number:** House Bill 5001, Conference Committee Report

**Bill Title:** 2008-09 General Appropriations Act

**Bill Sponsor:** Appropriations Conference Committee

**Effective Date:** July 1, 2008

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

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### **Executive Summary:**

The act appropriates monies for the annual period beginning July 1, 2008, and ending June 30, 2009, and is the budget for the state. It authorizes state, federal, and local funding for school districts, community colleges, other education units through the Department of Education, and state universities. The challenge for the education community for 2008-09 will be to maintain the gains in student performance and access to postsecondary education with less money than was available in 2007-08. Commitment to and investment in the education of Florida's K-20 students is more important than ever, as it will do much to shape the economic future. Despite the current economic situation, educators must find ways to continue the excellent job that is being done in classrooms throughout the state. A chart has been attached that displays the 2007-08 and 2008-09 education budget line item detail for both operating and fixed capital outlay budgets.

### **OPERATING BUDGET**

The \$18.15 billion in General Revenue, Lottery, and Other Trust Funds appropriated for the Florida K-20 education system provides operating resources for the Department of Education to continue providing access to education for all Florida students. The 2008-09 appropriations reflect a reduction of \$1.15 billion from the 2007-08 budget.

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.

### **K-12 EDUCATION**

Funds were provided in the Florida Education Finance Program (FEFP) to serve an additional 1,683 Full Time Equivalent (FTE) students (2,631,386 students projected to be served). In funding the FEFP, the Legislature authorized state and local revenue of \$18.41 billion, a decrease for 2008-09 of \$332.3 million or 1.77% from 2007-08. FEFP funds per student for 2008-09 will be \$6,997.37, a decrease of \$130.85 or 1.84% from actual revenue for 2007-08 (Line Items 6 and 7 and 81 through 83).

A statewide FEFP funding summary from the official legislative calculation follows the description of selected appropriation line items.

Base Funding (weighted FTE students (WFTE) X Base Student Allocation (BSA) X District Cost Differential

(DCD)) was funded at \$11.25 billion for 2008-09, which is a decrease of \$391.19 million or 3.36% from 2007-08. The Base Student Allocation was reduced by \$108.00 or 2.65%. In addition to the reduction of the BSA, the decline in Base Funding dollars is due, in part, to the reduction in the weighted FTE students by 20,618 to 2,833,615. The reduction was due to the change in additional funding for Advanced Placement (AP), International Baccalaureate (IB), and Advanced International Certificate of Education (AICE), and the elimination of the supplemental funding for middle school/ high school level algebra courses and implementation of industry-certified career and professional education supplemental funding.

The program cost factors, when multiplied by the unweighted FTE students, result in the weighted FTE students for funding. Program cost factors (weights) for 2007-08 and 2008-09 legislated educational programs within the FEFP are as follows:

	2007-08	2008-09
Basic K-3	1.048	1.066
Basic 4-8	1.000	1.000
Basic 9-12	1.066	1.052
Exceptional Student Education Level 4	3.625	3.570
Exceptional Student Education Level 5	5.062	4.970
Education for Speakers of Other Languages	1.200	1.119
Career Education	1.119	1.077

The total Required Local Effort (RLE) for 2008-09 is \$8,267,476,367, an increase of \$364.9 million from 2007-08. The statewide average RLE millage rate is 5.032 mills, an increase of 0.189 mill from 2007-08. The RLE millage rate was calculated as follows: a "roll-back" RLE millage rate of 4.782 mills was computed, then 0.25 of a mill was shifted from capital outlay and added to the rolled back rate for a statewide average RLE millage of 5.032 mills. This was done to provide increased district budget flexibility in local funds. To help fund the K-12 budget, the authorized 2.00 mill capital outlay millage was reduced to 1.75 mills and the total authorized operating millage was increased by 0.177 of a mill from 5.603 mills to 5.780 mills for 2008-09.

For 2008-09 the authorized 0.51 nonvoted discretionary local millage is reduced to 0.498 mill and is partially equalized; and the 0.25 nonvoted discretionary local millage is fully equalized. The partial equalization of the 0.498 mill occurs if a district's 0.498 mill levy provides less than the state average amount per FTE student. Funds are provided to supplement the 0.498 mill revenue generated by a district to ensure that the total is equivalent to the state average per student. The estimated cost of the 0.498 mill compression is \$130.9 million. For districts that levy the 0.25 mill and raise less than \$100 per student, state funds are provided to ensure that the 0.25 mill revenue total provides \$100 per student. The estimated cost of the 0.25 mill equalization is \$6.7 million (Line Item 81).

The Supplemental Academic Instruction (SAI) Allocation, which provides funds for supplemental intensive instruction to students at risk of failure, was decreased by \$19.34 million to \$702.2 million (Line item 81).

The Exceptional Student Education Guaranteed Allocation was funded at \$1.08 billion or \$30.8 million less than 2007-08 (Line Item 81). The ESE Guaranteed Allocation provides flexible dollars for supplemental services for special needs students.

Safe Schools was funded at \$73.6 million to help to make school a safe place to learn. This reflects a decrease of \$2.0 million from 2007-08.

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The Juvenile Justice Education Supplemental Allocation was funded at \$11.1 million to supplement other sources of funding for juvenile justice programs (Line item 81).

A decrease of \$3.0 million for the Reading Instruction Allocation (total \$111.5 million) has been included in the FEFP for reading as the foundation of all learning. The allocation is provided for a K-12 comprehensive, district-wide system of research-based reading instruction. An amount of \$95,383 is allocated to each district and the balance is allocated based on each district's proportion of the state total K-12 base funding (Line Item 81).

Funds of \$32.1 million are provided for the Merit Award Program (MAP) created pursuant to Section 1012.225, F.S., to fund approved plans for the 2007-08 performance of teachers and school-based administrators (Line Item 81).

The Sparsity Supplement was provided for school districts with enrollments of 20,000 students or less. An appropriation of \$39.2 million was authorized, which is no change from 2007-08 funding (Line Item 81).

Total funding provided for year six implementation of the Class Size Constitutional Amendment (Sections 1003.03 and 1011.685, F.S.) is \$2.81 billion; an increase of \$168.4 million. The Commissioner may withhold disbursement of class size reduction funds until a district is in compliance with reporting information required for class size reduction implementation. (Line Items 6 and 82)

Funding for Instructional Materials is decreased by \$6.9 million to a total of \$259.5 million. From these funds, school districts will pay for instructional materials for public high school students participating in dual enrollment. Of the total, \$14.3 million is earmarked for library media materials and \$3.9 million is provided for science lab materials and supplies (Line Item 82A).

Funding for Student Transportation is decreased by \$12.5 million (2.59%) for a total of \$471.1 million to safely transport Florida students to and from school (Line Item 82B).

The Florida Teachers Lead Program provides funds to teachers to purchase supplemental classroom materials and supplies. The appropriation is \$36.8 million (Line Item 83).

The School Recognition Program provides individual schools with \$85 (reduction from \$100) per student for sustained superior performance (school grade of A) and for an increase in performance by a school letter grade from one year to the next (estimated \$109.98 million). Remaining funds in the appropriation of \$217.4 million are provided for the District Discretionary Lottery Allocation (Line Item 7), with at least \$5 (down from \$10) to be allocated per unweighted FTE for the school advisory council.

A summary chart of the components of the Florida Education Finance Program (FEFP) from the official legislative calculation has been attached.

For Just Read, Florida!, \$70.5 million (\$12.5 million in state funds and \$58.0 million in federal funds) is appropriated to achieve Florida's goal for all students to be reading on grade level or higher by 2012. This is in addition to the \$111.5 million Reading Instruction Allocation authorized in the FEFP and described

above (Line Item 88).

Virtual Education received continued funding in the budget. The Florida Virtual High School is funded within the FEFP, while K-8 Virtual Education is funded at \$6.6 million. This reflects a decrease of \$2.6 million from 2007-08 (Line Item 93).

Mentoring/Student Assistance funding totaled \$12.9 million. There are 10 organizations listed with authorized funding in the appropriations bill (Line Item 91).

For School and Instructional Enhancements, the appropriation of \$510,183 is a reduction of \$8.5 million. Funds are appropriated for 4 grants specified in proviso (Line Item 103).

The funded components of the Dale Hickam Excellent Teaching program were revised and \$55.3 million was appropriated to continue Florida teachers' participation in the certification process managed by the National Board for Professional Teaching Standards (NBPTS) (Line Items 8 and 86).

Education Innovation Initiatives (A++) was funded at \$6.0 million (Line Item 89).

Assistance to Low Performing Schools is funded at \$5.1 million. Funds are provided to continue Florida's Partnership for Minority and Underrepresented Student Achievement to improve student achievement and readiness for college and to achieve the partnership's mission as provided in Section 1007.35, F.S. (Line Item 90).

The College Reach Out program is funded at \$2.9 million (Line Item 94).

An appropriation of \$2.9 million has been provided for the five university-based Florida Diagnostic and Learning Resource Centers (Multidisciplinary Educational Services Centers) (Line Item 96).

The eight university-based Autism Centers were funded at \$6.8 million (Line Item 100).

#### **EARLY LEARNING/PREKINDERGARTEN EDUCATION**

An appropriation of \$354.3 million is provided for transfer to the Agency for Workforce Innovation to implement the Voluntary Prekindergarten Education Program as provided in Sections 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 Section 1002.71(3)(a), F.S., the base student allocation per full-time equivalent student in the program for Fiscal Year 2008-09 shall be \$2,628 multiplied by the District Cost Differential. The allocation includes 5 percent in addition to the base student allocation to fund administrative and other program costs of the Early Learning Coalitions relating to the voluntary prekindergarten education program (Line Item 79). This funding is provided to support an estimated enrollment of 145,796 students.

An appropriation of \$1.7 million is provided for early learning standards and accountability (Line Item 80).

#### **WORKFORCE EDUCATION PROGRAMS**

An allocation of \$5.99 million, which is a decrease of \$4.24 million from 2007-08 is provided to school districts for Performance Based Incentives. (Line Item 118)

Workforce Development Funds for school districts are decreased by \$17.76 million for a total of \$384

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million (Line Item 9A & 120). There was no change for 2008-09 to the estimated \$77.1 million in federal dollars to be received by Florida for the Vocational Formula Funds (Line Item 121).

No funds were provided for the Critical Jobs Initiative for 2008-09.

Tuition Fees specified in Section 1009.26(1), F.S., for school district workforce programs are increased by 6% (Line Item 120).

Funds in the amount of \$7.0 million are provided to continue the Ready to Work Initiative. The initiative provides pre- and post-assessments to identify specific skills that indicate a competence level to enter a specific occupation and to provide targeted instruction in the specific skills for which a student has not demonstrated mastery (Line Item 122).

Funds in the amount of \$360,000 are authorized for school-to-career transition programs for high school students available through one or more nonprofit statewide organizations in the food service industry (Line Item 122A).

### COMMUNITY COLLEGES

Funding is provided for enrollment of 328,539 students at \$5,117 per FTE, including estimated fee revenue.

The total state appropriation to the system is \$1.10 billion, a net decrease of \$116.4 million from 2007-08.

Of the \$1.10 billion appropriation, \$1.08 billion was provided directly for the operation of the colleges, a decrease of \$43.8 million or 3.9% from 2007-08. This decrease, coupled with the authorized fee increase which reflects \$46.7 million, represents an overall increase in operating funds of \$2.9 million or 0.2 percent.

State funding was not provided for the Phil Benjamin Matching Grants, Critical Jobs Initiative or for the 2+2 Public Private Partnerships.

Funding for the Baccalaureate Degree Programs totals \$10.4 million, which is a decrease of \$645,032 from the 2007-08 appropriation. Funding in the item is provided to 10 colleges and \$15,000 for a State College Task Force (Line Item 125).

The Boards of Trustees are authorized to increase fees by 6% (Line Item 124).

### STATE UNIVERSITIES

The total state appropriated operating funds are \$3.4 billion, a revenue decrease of \$214 million or 5.9% from 2007-08 (Line Items 11 through 15 and 150 through 161A).

Tuition for undergraduates will increase by 6%. Tuition for graduate and professional programs and out-of-state fees for all programs shall be established pursuant to Section 1009.24, F.S. (Line Items 151, 153, 154, and 155).

The appropriation funds enrollment of 194,518 FTE students, which is basically the same as 2007-08 FTE students. The Chancellor must submit a revised 3-year enrollment plan by September 1, 2008. This

revised 3-year enrollment plan must be developed with input from each state university (Line Items 11, 13, 14, 15, 151, 153, 154, 155, 156, and 157).

No funding was provided for University Challenge (matching) Grants.

### **STUDENT FINANCIAL AID**

The Florida Bright Futures Scholarship Program, which is a lottery-funded merit based scholarship program, is fully funded at \$436.2 million, an increase of \$53.0 million from 2007-08. The program funding is for 169,895 eligible students and the award includes the approved 6% postsecondary tuition increase. Proviso sets an annual amount of \$375 for college-related expenses for Florida Academic Scholars (Line Item 3).

The Student Financial Aid item was appropriated at \$133.8 million, a decrease of \$1.9 million from 2007-08. This item includes the critical teacher shortage programs and need-based programs such as Florida Work Experience, Rosewood Family Scholarships, and all sectors (Public, Private, Postsecondary and Career) of the Florida Student Assistance Grants (FSAG). The maximum FSAG award was set at \$1,916 (Line Items 5 and 74).

The Florida Resident Access Grant (FRAG) provides tuition assistance for qualified Florida residents who enroll in eligible Florida private colleges and universities. It is funded at \$97.0 million for 34,195 students (\$2,837 per student). The appropriation is a decrease of \$2.2 million over 2007-08 funding (Line Item 67).

The ABLE (Access to Better Learning and Education) Grant provides tuition assistance to students enrolled in eligible Florida for-profit colleges and universities, and is funded at \$4.4 million. The appropriation will support 3,756 students at \$1,182 per student. The appropriation is an increase of \$288,342 compared to 2007-08 funding (Line Item 62).

Funding for the Prepaid Tuition Scholarships appropriation of \$5.8 million reflects a decrease of \$156,000 from 2007-08. 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 70).

Of the \$8.0 million appropriated for the First Generation in College Matching Grant Program, \$2.0 million is allocated to community colleges. If the required matching funds are not raised by participating community colleges by December 1, 2008, the remaining funds shall be reallocated to programs at state universities that have remaining unmatched private contributions (Line Item 4).

### **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 Targeted Expenses for special projects that support the K-20 education system. Examples of such targeted items are:

Funding for the State Student Assessment (testing) Program is budgeted at \$72.2 million which is a decrease of \$4.3 million from 2007-08 (Line Item 133).

Vocational Rehabilitation is appropriated \$204.5 million, \$2.6 million less than in 2007-08 (Line Items 31 through 44).



Blind Services appropriations were reduced by \$1.3 million from 2007-08, for total funding of \$52.5 million (Line Items 45 through 60).

The Florida Information Resource Network (FIRN) is a statewide interactive education network designed to support the educational and data transfer requirements of the K-20 education system. Total funding appropriated for FIRN is \$18.6 million (Line Item 114).

#### **FIXED CAPITAL OUTLAY BUDGET**

The Legislature appropriated over \$2.957 billion for capital outlay projects and debt service on bonds for Florida schools, community colleges, universities, and other education agencies. The total includes \$2.2 billion from Public Education Capital Outlay (PECO) sources, \$321.9 million from the Lottery bond proceeds and revenues, \$8.8 million from General Revenue, and \$430.4 million from other trust funds. The total amount available from all fund sources for new construction, maintenance, remodeling, renovation, and repair projects is \$1.52 billion.

The Legislature did not include funds for Class Size Reduction fixed capital outlay projects.

The \$220.4 million PECO appropriation for Maintenance, Renovation, and Repair projects consists of \$119.1 million for school districts, \$17.1 million for community colleges, and \$29.2 million for state universities. Also included in the amount allocated to public schools is \$55.1 million for charter schools (Line Item 18).

For Public School Survey Recommended Needs (new construction), \$150.8 million in PECO funds are appropriated. Of this amount, \$5.2 million is allocated to university developmental research schools and represents the capital improvement millage equivalent funds (Line Item 19).

Specific institutional capital outlay projects are funded for Community Colleges in the amount of \$365.6 million and for State Universities in the amount of \$425.2 million. These projects are funded from PECO funds (Line Items 20 and 21).

The Community College Facility Matching Program is funded with \$8.8 million from the General Revenue Fund. The State University System Facility Enhancement Challenge Grant Program is funded with \$4.9 million provided from the Alec P. Courtelis Capital Facilities Matching Trust Fund (Line Items 24A and 28A).

One project in a small school district is eligible to be funded from the Special Facility Construction Account. The total appropriation for the project is \$14.9 million (Line Item 22).

Other items funded from PECO include: \$13.4 million for the Florida School for the Deaf and the Blind (Line Item 25); \$3.97 million for the Division of Blind Services (Line Item 26); \$2.4 million for Public Broadcasting Projects (Line Item 28); \$14.8 million for Joint-Use Facilities (Line Item 27); and \$4.5 million for Vocational – Technical Facilities (Line Item 17).

#### **OTHER SECTIONS OF THE BILL**

Items funded for education may be found mainly in Sections 1 and 2 of the Bill, which have been

summarized above. However, there are general policy statements and funding authorizations, including some items for education in Sections 8 through 81, that are often referred to as “back of the bill items.” Included are provisions for state employee compensation, benefits (health, life and disability insurance), and authorization for several community college and university construction projects. Section 26 continues the unexpended appropriation for 2007-08 for the Ready to Work Initiative for 2008-09. Section 77 establishes a policy regarding the use of state funds to offset General Revenue deficits and transfers from the Budget Stabilization Fund. Non-recurring general revenue funds of \$7.5 million were appropriated for the Miami-Dade Public School District (Section 28).

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## Department of Education

### 2008-2009 FLORIDA EDUCATION FINANCE PROGRAM Final Conference Report

#### Statewide Summary Comparison of Public School Funding to 2007-2008 Fourth Calculation

	2007-2008 Fourth Calculation	2008-2009 Final Conference Report	Difference	Percentage Difference
<b>MAJOR FEFP FORMULA COMPONENTS</b>				
Unweighted FTE	2,629,703.30	2,631,386.02	1,682.72	0.06%
Weighted FTE	2,854,233.02	2,833,615.39	(20,617.63)	-0.72%
School Taxable Value	1,822,538,880,796	1,863,611,392,651	41,072,511,855	2.25%
Required Local Effort Millage	4.843	5.032 **	0.189	3.90%
Discretionary Millage	0.510	0.498	(0.012)	-2.35%
Equalized Discretionary Millage	0.250	0.250	0.000	0.00%
Total Millage	5.603	5.780 **	0.177	3.16%
Base Student Allocation	4,079.74	3,971.74	(108.00)	-2.65%
<b>FEFP DETAIL</b>				
WFTE x BSA x DCD	11,643,627,476	11,252,437,853	(391,189,623)	-3.36%
Declining Enrollment Supplement	45,198,197	35,774,001	(9,424,196)	-20.85%
Sparsity Supplement	39,191,698	39,191,698	0	0.00%
Lab School Discretionary Contribution	4,286,054	5,509,528	1,223,474	28.55%
Safe Schools	75,590,988	73,587,827	(2,003,161)	-2.65%
0.25 Millage Equalization	7,540,926	6,703,215	(837,711)	-11.11%
0.498 Millage Compression	135,088,660	130,861,389	(4,227,271)	-3.13%
Supplemental Academic Instruction	721,521,711	702,182,550	(19,339,161)	-2.68%
Reading Instruction Allocation	114,546,811	111,511,321	(3,035,490)	-2.65%
ESE Guaranteed Allocation	1,110,759,945	1,079,945,286	(30,814,659)	-2.77%
Merit Award Allocation	0	32,072,461	32,072,461	
DJJ Supplemental Allocation	11,284,334	11,112,916	(171,418)	-1.52%
<b>TOTAL FEFP</b>	<b>13,908,636,800</b>	<b>13,480,890,045</b>	<b>(427,746,755)</b>	<b>-3.08%</b>
<b>LOCAL FEFP FUNDS</b>				
Required Local Effort Taxes	7,902,573,415	8,267,476,367	364,902,952	4.62%
<b>STATE FEFP FUNDS</b>	<b>6,006,063,385</b>	<b>5,213,413,678</b>	<b>(792,649,707)</b>	<b>-13.20%</b>
<b>DISTRICT LOTTERY/SCHOOL RECOGNITION</b>	<b>258,126,169</b>	<b>217,406,176</b>	<b>(40,719,993)</b>	<b>-15.78%</b>
<b>STATE CATEGORICAL PROGRAMS</b>				
Instructional Materials	266,449,169	259,551,440	(6,897,729)	-2.59%
Student Transportation	483,592,820	471,078,862	(12,513,958)	-2.59%
Class Size Reduction	2,640,719,730	2,809,079,054	168,359,324	6.38%
Teachers Lead Program	48,021,406	36,756,829	(11,264,577)	-23.46%
<b>TOTAL STATE CATEGORICAL FUNDING</b>	<b>3,438,783,125</b>	<b>3,576,466,185</b>	<b>137,683,060</b>	<b>4.00%</b>
<b>TOTAL STATE FUNDING</b>	<b>9,702,972,679</b>	<b>9,007,286,039</b>	<b>(695,686,640)</b>	<b>-7.17%</b>
<b>LOCAL FUNDING</b>				
Total Required Local Effort	7,902,573,415	8,267,476,367	364,902,952	4.62%
.498 Discretionary Local Effort	883,103,885	881,674,549	(1,429,336)	-0.16%
.25 Discretionary Local Effort	256,444,678	256,335,371	(109,307)	-0.04%
<b>TOTAL LOCAL FUNDING</b>	<b>9,042,121,978</b>	<b>9,405,486,287</b>	<b>363,364,309</b>	<b>4.02%</b>
<b>TOTAL FUNDING</b>	<b>18,745,094,657</b>	<b>18,412,772,326</b>	<b>(332,322,331)</b>	<b>-1.77%</b>
<b>TOTAL FUNDS PER UNWEIGHTED FTE</b>	<b>7,128.22</b>	<b>6,997.37</b>	<b>(130.85)</b>	<b>-1.84%</b>

#### \*\*Local Funds Including Transfer from Capital to Operations

Total Local Operating Funds	9,042,121,978	9,405,486,287	363,364,309
Total Local Capital Outlay Funds	3,373,690,523	2,999,155,523	(374,535,000)
<b>Millage</b>			
Total Operating Millage	5.603	5.780	0.177
Total Capital Outlay Millage	2.000	1.750	(0.250)

2008-2009 FLORIDA EDUCATION FINANCE PROGRAM  
Final Conference Report

Comparison of Unweighted FTE and Total Funds over 2007-2008 FEFP - Fourth Calculation

District	K-12 Unweighted FTE Students				K-12 Total State and Local Funds			
	2007-2008	2008-2009	Difference	Percentage Difference	2007-2008	2008-2009	Difference	Percentage Difference
	-1-	-2-	-3-	-4-	-5-	-6-	-7-	-8-
1 Alachua	27,571.02	27,562.50	(8.52)	-0.03%	197,850,670	191,916,622	(5,934,048)	-3.00%
2 Baker	4,866.20	4,825.54	(40.66)	-0.84%	33,951,226	33,338,958	(612,268)	-1.80%
3 Bay	25,552.58	25,279.39	(273.19)	-1.07%	177,996,278	171,680,428	(6,315,850)	-3.55%
4 Bradford	3,397.04	3,325.10	(71.94)	-2.12%	24,988,583	24,050,552	(938,031)	-3.75%
5 Brevard	73,465.54	73,199.82	(265.72)	-0.36%	516,228,580	508,318,911	(7,909,669)	-1.53%
6 Broward	257,071.20	252,823.65	(4,247.55)	-1.65%	1,832,809,632	1,772,898,354	(59,911,278)	-3.27%
7 Calhoun	2,171.04	2,165.76	(5.28)	-0.24%	15,934,077	15,580,600	(353,477)	-2.22%
8 Charlotte	17,451.36	17,348.95	(102.41)	-0.59%	125,173,292	122,106,192	(3,067,100)	-2.45%
9 Citrus	15,877.43	15,885.87	8.44	0.05%	111,380,250	109,944,607	(1,435,643)	-1.29%
10 Clay	36,001.64	36,640.22	638.58	1.77%	252,023,605	251,240,572	(783,033)	-0.31%
11 Collier	42,081.22	41,665.78	(415.44)	-0.99%	337,911,091	327,144,593	(10,766,498)	-3.19%
12 Columbia	10,043.72	10,120.88	77.16	0.77%	70,122,891	69,607,714	(515,177)	-0.73%
13 Miami-Dade	344,727.85	341,424.53	(3,303.32)	-0.96%	2,447,153,244	2,379,146,535	(68,006,709)	-2.78%
14 DeSoto	5,027.65	5,035.86	8.21	0.16%	35,366,352	34,852,372	(513,980)	-1.45%
15 Dixie	2,115.16	2,139.00	23.84	1.13%	15,103,517	15,108,995	5,478	0.04%
16 Duval	124,761.14	124,448.03	(313.11)	-0.25%	888,517,819	876,460,249	(12,057,570)	-1.36%
17 Escambia	41,077.67	40,804.88	(272.79)	-0.66%	279,358,133	273,077,448	(6,280,685)	-2.25%
18 Flagler	12,568.64	13,000.00	431.36	3.43%	88,828,855	89,599,949	771,094	0.87%
19 Franklin	1,193.09	1,175.59	(17.50)	-1.47%	9,576,203	9,254,140	(322,063)	-3.36%
20 Gadsden	5,989.05	5,936.27	(52.78)	-0.88%	43,033,579	41,597,429	(1,436,150)	-3.34%
21 Gilchrist	2,749.98	2,792.50	42.52	1.55%	20,696,788	20,785,205	88,417	0.43%
22 Glades	1,353.84	1,344.10	(9.74)	-0.72%	9,921,651	9,783,614	(138,037)	-1.39%
23 Gulf	2,122.53	2,020.00	(102.53)	-4.83%	15,401,502	14,637,694	(763,808)	-4.96%
24 Hamilton	1,909.62	1,905.71	(3.91)	-0.20%	13,810,780	13,838,298	27,518	0.20%
25 Hardee	5,085.60	5,153.55	67.95	1.34%	34,760,565	34,674,390	(86,175)	-0.25%
26 Hendry	7,244.09	7,182.44	(61.65)	-0.85%	51,725,712	50,462,208	(1,263,504)	-2.44%
27 Hernando	22,704.51	23,068.96	364.45	1.61%	155,884,952	155,672,617	(212,335)	-0.14%
28 Highlands	12,333.60	12,485.41	151.81	1.23%	85,959,432	85,782,951	(176,481)	-0.21%
29 Hillsborough	190,786.21	191,583.48	797.27	0.42%	1,359,004,672	1,348,676,836	(10,327,836)	-0.76%
30 Holmes	3,352.71	3,332.68	(20.03)	-0.60%	23,097,122	22,692,054	(405,068)	-1.75%
31 Indian River	17,481.09	17,767.00	285.91	1.64%	123,144,070	122,248,917	(895,153)	-0.73%
32 Jackson	7,141.18	7,121.64	(19.54)	-0.27%	50,039,303	48,915,039	(1,124,264)	-2.25%
33 Jefferson	1,146.93	1,123.23	(23.70)	-2.07%	9,035,966	8,634,418	(401,548)	-4.44%
34 Lafayette	1,083.70	1,059.97	(23.73)	-2.19%	7,562,662	7,373,419	(189,243)	-2.50%
35 Lake	39,677.59	40,527.00	849.41	2.14%	270,496,950	270,828,109	331,159	0.12%
36 Lee	79,111.24	81,732.77	2,621.53	3.31%	591,974,211	601,370,535	9,396,324	1.59%
37 Leon	32,405.73	32,715.90	310.17	0.96%	231,111,478	226,676,221	(4,435,257)	-1.92%
38 Levy	6,164.86	6,127.28	(37.58)	-0.61%	44,222,197	43,462,324	(759,873)	-1.72%
39 Liberty	1,466.39	1,496.32	29.93	2.04%	10,963,883	10,866,073	(97,810)	-0.89%
40 Madison	2,779.61	2,688.16	(91.45)	-3.29%	19,926,581	18,739,691	(1,186,890)	-5.96%
41 Manatee	42,033.38	42,389.15	355.77	0.80%	295,283,018	293,114,351	(2,168,667)	-0.73%
42 Marion	41,795.30	42,082.56	287.26	0.69%	286,901,786	283,153,535	(3,748,251)	-1.31%
43 Martin	17,702.51	17,741.29	38.78	0.22%	132,643,735	129,329,049	(3,314,686)	-2.50%
44 Monroe	8,044.12	7,854.11	(190.01)	-2.36%	67,984,352	65,827,050	(2,157,302)	-3.17%
45 Nassau	11,110.36	11,165.07	54.71	0.49%	78,279,799	77,419,673	(860,126)	-1.10%
46 Okaloosa	29,445.12	29,164.91	(280.21)	-0.95%	205,656,902	198,793,320	(6,863,582)	-3.34%
47 Okeechobee	7,018.31	7,079.21	60.90	0.87%	49,420,827	48,642,858	(777,969)	-1.57%
48 Orange	171,412.36	170,896.57	(515.79)	-0.30%	1,228,644,192	1,195,604,970	(33,039,222)	-2.69%
49 Osceola	51,933.93	53,024.93	1,091.00	2.10%	362,633,275	361,901,512	(731,763)	-0.20%
50 Palm Beach	169,280.00	167,414.67	(1,865.33)	-1.10%	1,246,694,109	1,213,426,730	(33,267,379)	-2.67%
51 Pasco	65,564.52	66,951.10	1,386.58	2.11%	466,627,578	469,317,160	2,689,582	0.58%
52 Pinellas	107,175.58	105,239.33	(1,936.25)	-1.81%	774,152,742	746,355,034	(27,797,708)	-3.59%
53 Polk	92,952.83	93,745.96	793.13	0.85%	646,952,128	637,891,450	(9,060,678)	-1.40%
54 Putnam	11,406.04	11,496.36	90.32	0.79%	79,941,255	78,458,837	(1,482,418)	-1.85%
55 St. Johns	27,740.93	28,477.71	736.78	2.66%	195,880,062	196,679,423	799,361	0.41%
56 St. Lucie	39,897.81	41,507.30	1,609.49	4.03%	275,790,342	282,502,893	6,712,551	2.43%
57 Santa Rosa	25,124.84	25,354.79	229.95	0.92%	169,206,979	166,894,351	(2,312,628)	-1.37%
58 Sarasota	41,918.12	42,401.30	483.18	1.15%	317,966,983	314,349,359	(3,617,624)	-1.14%
59 Seminole	65,022.82	64,566.30	(456.52)	-0.70%	453,565,507	439,313,436	(14,252,071)	-3.14%
60 Sumter	7,273.33	7,392.44	119.11	1.64%	50,291,598	50,669,499	377,901	0.75%
61 Suwannee	5,905.20	5,789.80	(115.40)	-1.95%	38,527,289	37,401,868	(1,125,421)	-2.92%
62 Taylor	3,056.30	3,016.98	(39.32)	-1.29%	21,219,126	20,577,529	(641,597)	-3.02%
63 Union	2,234.93	2,306.58	71.65	3.21%	15,758,662	16,041,006	282,344	1.79%
64 Volusia	64,142.33	62,907.93	(1,234.40)	-1.92%	448,464,031	430,935,951	(17,528,080)	-3.91%
65 Wakulla	5,116.35	5,159.92	43.57	0.85%	35,823,321	35,186,015	(637,306)	-1.78%
66 Walton	6,878.03	6,992.48	114.45	1.66%	50,048,064	49,855,565	(192,499)	-0.38%
67 Washington	3,553.27	3,568.78	15.51	0.44%	24,656,540	24,267,985	(388,555)	-1.58%
68 Washington Special	468.49	472.59	4.10	0.88%	4,031,437	3,847,978	(183,459)	-4.55%
69 FAMU Lab	365.00	366.23	1.23	0.34%	2,925,959	2,693,438	(232,521)	-7.95%
70 FAU - Palm Beach	637.84	669.21	31.37	4.92%	4,545,152	4,622,695	77,543	1.71%
71 FAU - St. Lucie	0.00	1,574.00	1,574.00	0.00%	0	10,247,853	10,247,853	0.00%
72 FSU Lab - Broward	607.45	667.18	59.73	9.83%	4,229,072	4,723,780	494,708	11.70%
73 FSU Lab - Leon	1,609.50	1,603.56	(5.94)	-0.37%	11,143,888	10,747,265	(396,623)	-3.56%
74 UF Lab	1,155.72	1,150.00	(5.72)	-0.49%	8,264,107	8,025,826	(238,281)	-2.88%
75 Fla Virtual School	9,009.43	11,200.00	2,190.57	24.31%	58,892,496	70,907,249	12,014,753	20.40%
Total	2,629,703.30	2,631,386.02	1,682.72	0.06%	18,745,094,657	18,412,772,326	(332,322,331)	-1.77%

# Florida

## Department of Education

2008-2009 FLORIDA EDUCATION FINANCE PROGRAM  
Final Conference Report

Comparison of Total Funds and Total Funds per Unweighted FTE over 2007-2008 FEFP - Fourth Calculation

District	K-12 Total Funds				K-12 Total Funds per Unweighted FTE Student			
	2007-2008	2008-2009	Difference	Percentage Difference	2007-2008	2008-2009	Difference	Percentage Difference
	-1-	-2-	-3-	-4-	-5-	-6-	-7-	-8-
1 Alachua	197,850,670	191,916,622	(5,934,048)	-3.00%	7,176.04	6,962.96	(213.08)	-2.97%
2 Baker	33,951,226	33,338,958	(612,268)	-1.80%	6,976.95	6,908.86	(68.09)	-0.98%
3 Bay	177,996,278	171,680,428	(6,315,850)	-3.55%	6,965.88	6,791.32	(174.56)	-2.51%
4 Bradford	24,988,583	24,050,552	(938,031)	-3.75%	7,355.99	7,233.03	(122.96)	-1.67%
5 Brevard	516,228,580	508,318,911	(7,909,669)	-1.53%	7,026.81	6,944.26	(82.55)	-1.17%
6 Broward	1,832,809,632	1,772,898,354	(59,911,278)	-3.27%	7,129.58	7,012.39	(117.19)	-1.64%
7 Calhoun	15,934,077	15,580,600	(353,477)	-2.22%	7,339.38	7,194.06	(145.32)	-1.98%
8 Charlotte	125,173,292	122,106,192	(3,067,100)	-2.45%	7,172.70	7,038.25	(134.45)	-1.87%
9 Citrus	111,380,250	109,944,607	(1,435,643)	-1.29%	7,015.00	6,920.91	(94.09)	-1.34%
10 Clay	252,023,605	251,240,572	(783,033)	-0.31%	7,000.34	6,856.96	(143.38)	-2.05%
11 Collier	337,911,091	327,144,593	(10,766,498)	-3.19%	8,029.97	7,851.64	(178.33)	-2.22%
12 Columbia	70,122,891	69,607,714	(515,177)	-0.73%	6,981.76	6,877.63	(104.13)	-1.49%
13 Miami-Dade	2,447,153,244	2,379,146,535	(68,006,709)	-2.78%	7,098.80	6,968.29	(130.51)	-1.84%
14 DeSoto	35,366,352	34,852,372	(513,980)	-1.45%	7,034.37	6,920.84	(113.53)	-1.61%
15 Dixie	15,103,517	15,108,995	5,478	0.04%	7,140.60	7,063.58	(77.02)	-1.08%
16 Duval	888,517,819	876,460,249	(12,057,570)	-1.36%	7,121.75	7,042.78	(78.97)	-1.11%
17 Escambia	279,358,133	273,077,448	(6,280,685)	-2.25%	6,800.73	6,692.27	(108.46)	-1.59%
18 Flagler	88,828,855	89,599,949	771,094	0.87%	7,067.50	6,892.30	(175.20)	-2.48%
19 Franklin	9,576,203	9,254,140	(322,063)	-3.36%	8,026.39	7,871.91	(154.48)	-1.92%
20 Gadsden	43,033,579	41,597,429	(1,436,150)	-3.34%	7,185.38	7,007.33	(178.05)	-2.48%
21 Gilchrist	20,696,788	20,785,205	88,417	0.43%	7,526.16	7,443.22	(82.94)	-1.10%
22 Glades	9,921,651	9,783,614	(138,037)	-1.39%	7,328.53	7,278.93	(49.60)	-0.68%
23 Gulf	15,401,502	14,637,694	(763,808)	-4.96%	7,256.20	7,246.38	(9.82)	-0.14%
24 Hamilton	13,810,780	13,838,298	27,518	0.20%	7,232.21	7,261.49	29.28	0.40%
25 Hardee	34,760,565	34,674,390	(86,175)	-0.25%	6,835.10	6,728.25	(106.85)	-1.56%
26 Hendry	51,725,712	50,462,208	(1,263,504)	-2.44%	7,140.40	7,025.78	(114.62)	-1.61%
27 Hernando	155,884,952	155,672,617	(212,335)	-0.14%	6,865.81	6,748.14	(117.67)	-1.71%
28 Highlands	85,959,432	85,782,951	(176,481)	-0.21%	6,969.53	6,870.66	(98.87)	-1.42%
29 Hillsborough	1,359,004,672	1,348,676,836	(10,327,836)	-0.76%	7,123.18	7,039.63	(83.55)	-1.17%
30 Holmes	23,097,122	22,692,054	(405,068)	-1.75%	6,889.09	6,808.95	(80.14)	-1.16%
31 Indian River	123,144,070	122,248,917	(895,153)	-0.73%	7,044.42	6,880.67	(163.75)	-2.32%
32 Jackson	50,039,303	48,915,039	(1,124,264)	-2.25%	7,007.15	6,868.51	(138.64)	-1.98%
33 Jefferson	9,035,966	8,634,418	(401,548)	-4.44%	7,878.39	7,687.13	(191.26)	-2.43%
34 Lafayette	7,562,652	7,373,419	(189,233)	-2.50%	6,978.55	6,956.25	(22.30)	-0.32%
35 Lake	270,496,950	270,828,109	331,159	0.12%	6,817.37	6,682.66	(134.71)	-1.98%
36 Lee	591,974,211	601,370,535	9,396,324	1.59%	7,482.81	7,357.77	(125.04)	-1.67%
37 Leon	231,111,478	226,676,221	(4,435,257)	-1.92%	7,131.81	6,928.63	(203.18)	-2.85%
38 Levy	44,222,197	43,462,324	(759,873)	-1.72%	7,173.27	7,093.25	(80.02)	-1.12%
39 Liberty	10,963,883	10,866,073	(97,810)	-0.89%	7,476.79	7,261.86	(214.93)	-2.87%
40 Madison	19,926,581	18,739,691	(1,186,890)	-5.96%	7,168.84	6,971.20	(197.64)	-2.76%
41 Manatee	295,283,018	293,114,351	(2,168,667)	-0.73%	7,024.96	6,918.11	(106.85)	-1.52%
42 Marion	286,901,786	283,153,535	(3,748,251)	-1.31%	6,864.45	6,728.52	(135.93)	-1.98%
43 Martin	132,643,735	129,329,049	(3,314,686)	-2.50%	7,492.93	7,289.72	(203.21)	-2.71%
44 Monroe	67,984,352	65,827,050	(2,157,302)	-3.17%	8,451.43	8,381.22	(70.21)	-0.83%
45 Nassau	78,279,799	77,419,673	(860,126)	-1.10%	7,045.66	6,934.10	(111.56)	-1.58%
46 Okaloosa	205,656,902	198,793,320	(6,863,582)	-3.34%	6,984.41	6,816.18	(168.23)	-2.41%
47 Okeechobee	49,420,827	48,642,858	(777,969)	-1.57%	7,041.70	6,871.23	(170.47)	-2.42%
48 Orange	1,228,644,192	1,195,604,970	(33,039,222)	-2.69%	7,167.77	6,996.07	(171.70)	-2.40%
49 Osceola	362,633,275	361,901,512	(731,763)	-0.20%	6,982.59	6,825.12	(157.47)	-2.26%
50 Palm Beach	1,246,694,109	1,213,426,730	(33,267,379)	-2.67%	7,364.69	7,248.03	(116.66)	-1.58%
51 Pasco	466,627,578	469,317,160	2,689,582	0.58%	7,117.07	7,009.85	(107.22)	-1.51%
52 Pinellas	774,152,742	746,355,034	(27,797,708)	-3.59%	7,223.22	7,091.98	(131.24)	-1.82%
53 Polk	646,952,128	637,891,450	(9,060,678)	-1.40%	6,960.00	6,804.47	(155.53)	-2.23%
54 Putnam	79,941,255	78,458,837	(1,482,418)	-1.85%	7,008.68	6,824.67	(184.01)	-2.63%
55 St. Johns	195,880,062	196,679,423	799,361	0.41%	7,061.05	6,906.43	(154.62)	-2.19%
56 St. Lucie	275,790,342	282,502,893	6,712,551	2.43%	6,912.42	6,806.10	(106.32)	-1.54%
57 Santa Rosa	169,206,979	166,894,351	(2,312,628)	-1.37%	6,734.65	6,582.36	(152.29)	-2.26%
58 Sarasota	317,966,983	314,349,359	(3,617,624)	-1.14%	7,585.43	7,413.67	(171.76)	-2.26%
59 Seminole	453,565,507	439,313,436	(14,252,071)	-3.14%	6,975.48	6,804.07	(171.41)	-2.46%
60 Sumter	50,291,598	50,669,499	377,901	0.75%	6,914.52	6,854.23	(60.29)	-0.87%
61 Suwannee	38,527,289	37,401,868	(1,125,421)	-2.92%	6,524.30	6,462.35	(61.95)	-0.94%
62 Taylor	21,219,126	20,577,529	(641,597)	-3.02%	6,942.75	6,820.57	(122.18)	-1.76%
63 Union	15,758,662	16,041,006	282,344	1.79%	7,051.08	6,954.45	(96.63)	-1.37%
64 Volusia	448,464,031	430,935,951	(17,528,080)	-3.91%	6,991.70	6,850.26	(141.44)	-2.02%
65 Wakulla	35,823,321	35,186,015	(637,306)	-1.78%	7,001.73	6,819.10	(182.63)	-2.61%
66 Walton	50,048,064	49,855,565	(192,499)	-0.38%	7,276.51	7,129.88	(146.63)	-2.02%
67 Washington	24,656,540	24,267,985	(388,555)	-1.58%	6,939.11	6,800.08	(139.03)	-2.00%
68 Washington Special	4,031,437	3,847,978	(183,459)	-4.55%	8,605.17	8,142.32	(462.85)	-5.38%
69 FAMU Lab	2,925,959	2,693,438	(232,521)	-7.95%	8,016.33	7,354.50	(661.83)	-8.26%
70 FAU - Palm Beach	4,545,152	4,622,695	77,543	1.71%	7,125.85	6,907.69	(218.16)	-3.06%
71 FAU - St. Lucie	0	10,247,853	10,247,853	0.00%	0.00	6,510.71	6,510.71	0.00%
72 FSU Lab - Broward	4,229,072	4,723,780	494,708	11.70%	6,962.01	7,080.22	118.21	1.70%
73 FSU Lab - Leon	11,143,888	10,747,265	(396,623)	-3.56%	6,923.82	6,702.13	(221.69)	-3.20%
74 UF Lab	8,264,107	8,025,826	(238,281)	-2.88%	7,150.61	6,978.98	(171.63)	-2.40%
75 Flia Virtual School	58,892,496	70,907,249	12,014,753	20.40%	6,536.76	6,331.00	(205.76)	-3.15%
Total	18,745,094,657	18,412,772,326	(332,322,331)	-1.77%	7,128.22	6,997.37	(130.85)	-1.84%

EDUCATION BUDGET LINE ITEM DETAIL		Revised March 14, 2008 2007-08 Appropriation	2008-09 Conference Final Total	2008-09 Conference Final Over/Under Revised Appropriation	% 2008-09 Conference Final Over/Under Revised Appropriation
	<b>VOCATIONAL REHABILITATION</b>				
1	Salaries and Benefits	49,753,127	48,851,344	(901,783)	-1.81%
2	Other Personal Services	944,845	944,845	-	0.00%
3	Expenses	10,936,364	10,936,364	-	0.00%
4	Adults with Disabilities	17,084,696	16,203,126	(881,570)	-5.16%
5	Florida Endowment Foundation for Vocational Rehabilitation	461,538	328,292	(133,246)	-28.87%
6	Operating Capital Outlay	530,587	530,587	-	0.00%
7	Contracted Services	10,628,414	10,602,683	(25,731)	-0.24%
8	Independent Living Services	5,580,636	5,865,696	285,060	5.11%
9	Purchased Client Services	108,573,049	107,693,834	(879,215)	-0.81%
10	Risk Management Insurance	437,342	421,252	(16,090)	-3.68%
11	Transfer to DMS - HRS Purchased per Statewide Contract	395,300	389,832	(5,468)	-1.38%
12	Data Processing Services - Other Data Processing Services	982,721	982,721	-	0.00%
13	Data Processing Services - State Technology Office	515,903	515,903	-	0.00%
14	Education Technology and Information Services	272,772	280,426	7,654	2.81%
15	<b>Total Vocational Rehabilitation</b>	<b>207,097,294</b>	<b>204,546,905</b>	<b>(2,550,389)</b>	<b>-1.23%</b>
16	<b>BLIND SERVICES</b>				
17	Salaries and Benefits	13,681,308	13,375,418	(305,890)	-2.24%
18	Other Personal Services	394,294	456,477	62,183	15.77%
19	Expenses	3,187,153	3,173,531	(13,622)	-0.43%
20	Community Rehabilitation Facilities	5,394,599	5,368,427	(26,172)	-0.49%
21	Operating Capital Outlay	293,788	292,030	(1,758)	-0.60%
22	Food Products	200,000	200,000	-	0.00%
23	Acquisition of Motor Vehicles	100,000	100,000	-	0.00%
24	Client Services	26,535,353	25,263,626	(1,271,727)	-4.79%
25	Contracted Services	247,000	444,840	197,840	80.10%
26	Risk Management Insurance	301,251	290,168	(11,083)	-3.68%
27	Library Services	200,000	197,000	(3,000)	-1.50%
28	Vending Stands - Equipment and Supplies	2,095,000	2,095,000	-	0.00%
29	Transfer to DMS - HRS Purchased per Statewide Contract	119,351	117,700	(1,651)	-1.38%
30	Data Processing Services - Other Data Processing Services	923,280	923,280	-	0.00%
31	Data Processing Services - Regional Data Centers	17,000	16,965	(35)	-0.21%
32	Education Technology and Information Services	165,632	206,343	40,711	24.58%
33	<b>Total Blind Services</b>	<b>53,855,009</b>	<b>52,520,805</b>	<b>(1,334,204)</b>	<b>-2.48%</b>
34	<b>PRIVATE COLLEGES AND UNIVERSITIES</b>				
35	Medical Training and Simulation Laboratory	3,276,922	2,776,922	(500,000)	-15.26%
36	ABLE Grants (Access to Better Learning and Education)	4,151,250	4,439,592	288,342	6.95%
37	Historically Black Private Colleges	11,866,488	11,510,493	(355,995)	-3.00%
38	First Accredited Medical School University of Miami	9,352,309	8,352,309	(1,000,000)	-10.69%
39	Academic Program Contracts	1,042,746	978,513	(64,233)	-6.16%
40	Regional Diabetes Center - University of Miami	555,743	521,509	(34,234)	-6.16%
41	Florida Resident Access Grant	99,193,000	97,042,395	(2,150,605)	-2.17%
42	Nova Southeastern University - Health Programs	6,237,834	5,853,583	(384,251)	-6.16%
42a	Private Colleges and Universities - Florida Institute of Tech		800,000	800,000	100.00%
43	LeCom/Florida - Health Programs	1,412,772	1,325,745	(87,027)	-6.16%
44	<b>Total Private Colleges and Universities</b>	<b>137,089,064</b>	<b>133,601,061</b>	<b>(3,488,003)</b>	<b>-2.54%</b>
45	<b>STUDENT FINANCIAL AID PROGRAM - STATE</b>				

# Florida

## Department of Education

EDUCATION BUDGET LINE ITEM DETAIL		Revised March 14, 2008 2007-08 Appropriation	2008-09 Conference Final Total	2008-09 Conference Final Over/Under Revised Appropriation	% 2008-09 Conference Final Over/Under Revised Appropriation
46	Florida's Bright Futures Scholarship Program	383,185,153	436,175,538	52,990,385	13.83%
47	First Generation In College Matching Grant Program	8,245,000	7,997,650	(247,350)	-3.00%
48	Prepaid Tuition Scholarships	5,975,000	5,819,000	(156,000)	-2.61%
49	Minority Teacher Scholarship Program	3,095,864	3,002,988	(92,876)	-3.00%
50	Ethics in Business Scholarships	500,000	500,000	-	0.00%
51	Mary McLeod Bethune Scholarship	678,000	664,453	(13,547)	-2.00%
52	Student Financial Aid	135,698,521	133,798,360	(1,900,161)	-1.40%
53	Jose Marti Scholarship Challenge Grant	276,267	270,939	(5,328)	-1.93%
54	Transfer to the Florida Education Fund	2,134,000	2,069,980	(64,020)	-3.00%
55	<b>Total Student Financial Aid Program - State</b>	<b>539,787,805</b>	<b>590,298,908</b>	<b>50,511,103</b>	<b>9.36%</b>
56	<b>STUDENT FINANCIAL AID PROGRAM - FEDERAL</b>				
57	Student Financial Aid	2,563,089	2,563,089	-	0.00%
58	Transfer/Student Loan Default Fees		6,080,000	6,080,000	100.00%
59	Robert C. Byrd Honors Scholarship	2,391,530	2,391,530	-	0.00%
60	<b>Total Student Financial Aid Program - Federal</b>	<b>4,954,619</b>	<b>11,034,619</b>	<b>6,080,000</b>	<b>122.71%</b>
61	<b>EARLY LEARNING PREKINDERGARTEN EDUCATION</b>				
62	Transfer Voluntary Prekindergarten Funds to AWI	343,749,575	354,349,575	10,600,000	3.08%
63	Early Learning Standards and Accountability	1,795,717	1,704,135	(91,582)	-5.10%
64	<b>Total Early Learning Prekindergarten Education</b>	<b>345,545,292</b>	<b>356,053,710</b>	<b>10,508,418</b>	<b>3.04%</b>
65	<b>K-12 PROGRAM - FEFP</b>				
66	Florida Education Finance Program	6,055,605,305	5,213,413,678	(842,191,627)	-13.91%
67	Class Size Reduction	2,640,719,730	2,809,079,054	168,359,324	6.38%
68	District Lottery and School Recognition Program	258,126,169	217,406,176	(40,719,993)	-15.78%
69	Instructional Materials	266,449,169	259,551,440	(6,897,729)	-2.59%
70	Student Transportation	483,592,820	471,078,862	(12,513,958)	-2.59%
71	Florida Teachers Lead Program	48,021,406	36,756,829	(11,264,577)	-23.46%
72	<b>Total K-12 Program - FEFP</b>	<b>9,752,514,599</b>	<b>9,007,286,039</b>	<b>(745,228,560)</b>	<b>-7.64%</b>
73	<b>K-12 PROGRAM - NON-FEFP</b>				
74	District Cost Differential (DCD) Transition Supplement	22,700,000	-	(22,700,000)	-100.00%
75	Instructional Materials	3,571,110	2,764,596	(806,514)	-22.58%
76	Excellent Teaching	88,041,178	55,253,390	(32,787,788)	-37.24%
77	Professional Practices - Substitutes	66,727	63,324	(3,403)	-5.10%
78	Grants to Public Schools for Reading Programs	75,803,863	70,543,873	(5,259,990)	-6.94%
79	Education Innovation Initiatives	6,300,000	6,000,000	(300,000)	-4.76%
80	Assistance to Low Performing Schools	6,840,461	5,130,346	(1,710,115)	-25.00%
81	Mentoring/Student Assistance Initiatives	18,370,150	12,862,216	(5,507,934)	-29.98%
82	Education Partnerships	2,378,000	-	(2,378,000)	-100.00%
83	Innovative Reading Pilots	1,920,000	-	(1,920,000)	-100.00%
84	Kindergarten through Grade Eight Virtual Education	9,120,000	6,559,488	(2,560,512)	-28.08%
85	Plus One Pilot Program	705,338	-	(705,338)	-100.00%
86	College Reach Out Program	3,263,990	2,915,319	(348,671)	-10.68%
87	Communities in Schools	1,200,000	-	(1,200,000)	-100.00%
88	Florida Diagnostic and Learning Resources Centers	3,109,914	2,903,500	(206,414)	-6.64%
89	New World School of the Arts	1,083,307	1,028,058	(55,249)	-5.10%
90	School District Matching Grants Program	4,000,000	1,822,080	(2,177,920)	-54.45%
91	Teacher and School Administrator Death Benefits	65,000	61,685	(3,315)	-5.10%
92	Autism Program	7,217,275	6,849,194	(368,081)	-5.10%
93	Regional Education Consortium Services	1,750,000	1,660,750	(89,250)	-5.10%

EDUCATION BUDGET LINE ITEM DETAIL		Revised March 14, 2008 2007-08 Appropriation	2008-09 Conference Final Total	2008-09 Conference Final Over/Under Revised Appropriation	% 2008-09 Conference Final Over/Under Revised Appropriation
94	Teacher Professional Development	134,978,107	134,957,850	(20,257)	-0.02%
95	School Safety/emergency Preparedness	2,935,384	-	(2,935,384)	-100.00%
96	School and Instructional Enhancements	9,024,604	510,183	(8,514,421)	-94.35%
97	Exceptional Education	4,871,214	4,741,783	(129,431)	-2.66%
98	Florida School for the Deaf and the Blind	46,466,194	45,243,724	(1,222,470)	-2.63%
99	Transfer to DMS - HRS Purchased per Statewide Contract	29,441	29,034	(407)	-1.38%
100	Property Tax Amendment 1 2-Mill Pact		-	-	0.00%
101	<b>Total K-12 Program - Non-FEFP</b>	<b>455,811,257</b>	<b>361,900,393</b>	<b>(93,910,864)</b>	<b>-20.60%</b>
102	<b>K-12 PROGRAM - FEDERAL GRANTS</b>				
103	Projects, Contracts and Grants	4,099,420	4,099,420	-	0.00%
104	Federal Grants and Aids	1,512,912,755	1,512,912,755	-	0.00%
105	School Lunch Program	586,256,431	615,817,265	29,560,834	5.04%
106	School Lunch Program - State Match	16,886,046	16,886,046	-	0.00%
107	<b>Total K-12 Program - Federal Grants</b>	<b>2,120,154,652</b>	<b>2,149,715,486</b>	<b>29,560,834</b>	<b>1.39%</b>
108	<b>EDUCATIONAL MEDIA &amp; TECHNOLOGY SERVICES</b>				
109	Capitol Technical Center	674,826	265,910	(408,916)	-60.60%
110	Instructional Technology	4,669,716	2,853,346	(1,816,370)	-38.90%
111	Federal Equipment Matching Grant	298,149	176,412	(121,737)	-40.83%
112	Florida Information Resource Network	20,617,157	18,592,977	(2,024,180)	-9.82%
113	Public Broadcasting	11,136,838	10,568,859	(567,979)	-5.10%
114	FETPIP/Workforce Development Management	182,400	173,098	(9,302)	-5.10%
115	Radio Reading Services for the Blind	391,597	371,626	(19,971)	-5.10%
116	<b>Total Educational Media &amp; Technology Services</b>	<b>37,970,683</b>	<b>33,002,228</b>	<b>(4,968,455)</b>	<b>-13.08%</b>

# Florida

## Department of Education

EDUCATION BUDGET LINE ITEM DETAIL		Revised March 14, 2008 2007-08 Appropriation	2008-09 Conference Final Total	2008-09 Conference Final Over/Under Revised Appropriation	% 2008-09 Conference Final Over/Under Revised Appropriation
<b>117</b>	<b>WORKFORCE EDUCATION</b>				
118	Performance Based Incentives	10,230,079	5,986,007	(4,244,072)	-41.49%
119	Critical Jobs Initiative	8,856,000	-	(8,856,000)	-100.00%
120	Adult Basic Education	41,552,472	41,552,472	-	0.00%
121	Workforce Development	401,726,769	383,965,463	(17,761,306)	-4.42%
122	Vocational Formula Funds	77,144,852	77,144,852	-	0.00%
123	Business Partnerships/Skill Assessment and Training	14,160,000	7,000,000	(7,160,000)	-50.56%
124	School and Instructional Enhancements	480,000	360,000	(120,000)	-25.00%
<b>125</b>	<b>Total Workforce Education</b>	<b>554,150,172</b>	<b>516,008,794</b>	<b>(38,141,378)</b>	<b>-6.88%</b>
<b>126</b>	<b>STATE BOARD OF EDUCATION</b>				
127	Salaries and Benefits	75,421,555	73,800,715	(1,620,840)	-2.15%
128	Other Personnel Services	2,606,186	2,548,452	(57,734)	-2.22%
129	Expenses	25,692,257	25,139,878	(552,379)	-2.15%
130	Operating Capital Outlay	2,464,426	2,128,924	(335,502)	-13.61%
131	Assessment and Evaluation	76,483,202	72,199,099	(4,284,103)	-5.60%
132	Commission for Independent Education	1,188,178	1,188,178	-	0.00%
133	Transfer to Division of Administrative Hearings	437,942	177,647	(260,295)	-59.44%
134	Contracted Services	30,225,519	19,583,343	(10,642,176)	-35.21%
135	Choices Product Sales	400,000	400,000	-	0.00%
136	TRF/Florida Academic Counseling and Tracking System for St	2,053,233	585,932	(1,467,301)	-71.46%
137	Litigation Expenses	46,153	41,538	(4,615)	-10.00%
138	Educational Facilities Research and Development Projects	200,000	200,000	-	0.00%
139	Provision of Contracted Services	3,299	-	(3,299)	-100.00%
140	Student Financial Assistance Management Information System	484,993	484,993	-	0.00%
141	Risk Management Insurance	863,728	831,951	(31,777)	-3.68%
142	Transfer to DMS - HRS Purchased per Statewide Contract	519,051	511,872	(7,179)	-1.38%
143	Centralized Technology Resources	650,900	650,900	-	0.00%
144	Education Data Warehouse	923,076	830,768	(92,308)	-10.00%
145	Regional Data Centers - State University System	2,968,255	2,814,638	(153,617)	-5.18%
146	Education Technology and Information Services	8,558,607	7,534,798	(1,023,809)	-11.96%
<b>147</b>	<b>Total State Board of Education</b>	<b>232,190,560</b>	<b>211,653,626</b>	<b>(20,536,934)</b>	<b>-8.84%</b>
<b>148</b>	<b>COMMUNITY COLLEGES</b>				
149	Performance Based Incentives	22,241,700	-	(22,241,700)	-100.00%
150	Critical Jobs Initiative	19,200,000	-	(19,200,000)	-100.00%
151	Community College Lottery Funds	112,252,800	129,969,062	17,716,262	15.78%
152	Community Colleges Program Funds	1,000,026,141	959,963,185	(40,062,956)	-4.01%
153	Community College Baccalaureate Programs	11,077,533	10,432,501	(645,032)	-5.82%
154	Program Challenge Grants	48,658,783	-	(48,658,783)	-100.00%
155	Commission on Community Service	659,896	627,495	(32,401)	-4.91%
156	Distance Learning	363,225	345,391	(17,834)	-4.91%
157	Florida's 2 + 2 Public and Private Partnerships	3,264,000	-	(3,264,000)	-100.00%
<b>158</b>	<b>Total Community Colleges</b>	<b>1,217,744,078</b>	<b>1,101,337,634</b>	<b>(116,406,444)</b>	<b>-9.56%</b>
<b>159</b>	<b>Total State Board of Education Funding</b>	<b>15,658,865,084</b>	<b>14,728,960,208</b>	<b>(929,904,876)</b>	<b>-5.94%</b>
<b>160</b>	<b>UNIVERSITIES</b>				
161	Centers of Excellence	87,540,000	-	(87,540,000)	-100.00%
162	Performance Based Incentives	3,840,000	-	(3,840,000)	-100.00%
163	Moffitt Cancer Center and Research Institute	12,999,888	11,718,645	(1,281,243)	-9.86%
164	Education and General Activities	3,002,458,694	2,952,290,793	(50,167,901)	-1.67%
165	IFAS (Institute of Food and Agricultural Science)	139,188,137	134,291,376	(4,896,761)	-3.52%
166	University of South Florida Medical Center	86,158,223	85,348,216	(810,007)	-0.94%
167	University of Florida Health Center	118,152,175	123,358,541	5,206,366	4.41%
168	Florida State University Medical School	51,165,567	47,333,466	(3,832,101)	-7.49%
169	UCF Medical School	4,539,224	9,173,004	4,633,780	102.08%
170	FIU Medical School	5,272,250	11,459,863	6,187,613	117.36%
171	Student Financial Assistance	19,632,829	18,917,104	(715,725)	-3.65%
172	Institute for Human Machine and Cognition	2,873,636	1,600,000	(1,273,636)	-44.32%
173	Challenge Grants	74,336,964	-	(74,336,964)	-100.00%
174	Risk Management Insurance	15,546,210	15,638,352	92,142	0.59%
175	SUS Research Commercialization Prog.	1,920,000	-	(1,920,000)	-100.00%
176	Distance Learning		334,026	334,026	100.00%
<b>177</b>	<b>Total Universities</b>	<b>3,625,623,797</b>	<b>3,411,463,386</b>	<b>(214,160,411)</b>	<b>-5.91%</b>

EDUCATION BUDGET LINE ITEM DETAIL		Revised March 14, 2008 2007- 08 Appropriation	2008-09 Conference Final Total	2008-09 Conference Final Over/Under Revised Appropriation	% 2008-09 Conference Final Over/Under Revised Appropriation
178	BOARD OF GOVERNORS				
179	Salaries and Benefits	5,314,272	5,097,981	(216,291)	-4.07%
180	Other Personal Services	68,846	45,451	(23,395)	-33.98%
181	Expenses	1,364,496	972,423	(392,073)	-28.73%
182	Operating Capital Outlay	229,523	9,026	(220,497)	-96.07%
183	Contracted Services	1,192,400	361,130	(831,270)	-69.71%
184	Transfer to DMS - HRS Purchased per Statewide Contract	25,366	25,015	(351)	-1.38%
185	Total Board of Governors	8,194,903	6,511,026	(1,683,877)	-20.55%
186	Total Operating Funds	19,292,683,784	18,146,934,620	(1,145,749,164)	-5.94%
187	FIXED CAPITAL OUTLAY				
188	Vocational-Technical Facilities	2,700,000	4,500,000	1,800,000	66.67%
189	Maintenance, Repair, Renovation, and Remodeling	341,100,000	220,435,891	(120,664,109)	-35.37%
190	Survey Recommended Needs - Public Schools	297,144,731	150,798,151	(146,346,580)	-49.25%
191	Community College Projects	471,479,252	365,610,508	(105,868,744)	-22.45%
192	SUS Projects	629,683,917	425,234,450	(204,449,467)	-32.47%
193	Special Facility Construction Account	24,994,701	14,946,948	(10,047,753)	-40.20%
194	Debt Service	1,041,400,000	1,114,493,317	73,093,317	7.02%
195	Classrooms First and 1997 School Capital Outlay Bond Program	166,892,742	166,934,217	41,475	0.02%
196	School District and Community College	28,000,000	28,000,000	-	0.00%
197	Class Size Reduction - Debt Service - Lottery Capital Outlay	119,710,506	155,000,000	35,289,494	29.48%
198	Community College Facilities Matching Program	48,520,477	8,810,309	(39,710,168)	-81.84%
199	Florida School for the Deaf and Blind Capital Projects	13,861,719	13,399,103	(462,616)	-3.34%
200	Division of Blind Services - Capital Projects	8,185,000	3,967,100	(4,217,900)	-51.53%
201	Joint-Use Facilities Projects	4,185,826	14,795,618	10,609,792	253.47%
202	Public Broadcasting Projects	15,432,647	2,412,231	(13,020,416)	-84.37%
203	SUS Facility Enhancement Challenge Grants	46,360,770	4,889,691	(41,471,079)	-89.45%
204	Public School Class-Size Reduction Construction	650,000,000	-	(650,000,000)	-100.00%
205	SUS Construction Projects	141,000,000	141,000,000	-	0.00%
206	SUS Concurrency Requirements	54,149,066	-	(54,149,066)	-100.00%
207	Public Schools Special Projects	7,000,000	-	(7,000,000)	-100.00%
208	SUS Capital Improvement Fees - Project	-	122,000,000	122,000,000	100.00%
209	Total Fixed Capital Outlay	4,111,801,354	2,957,227,534	(1,154,573,820)	-28.08%
210	Total Operating and Capital Outlay Funds	23,404,485,138	21,104,162,154	(2,300,322,984)	-9.83%

# Florida

## Department of Education

**Bill Number:** House Bill 5003

**Bill Title:** 2008-2009 Appropriations Implementing Bill

**Bill Sponsor:** Conference Committee on Appropriations

**Effective Date:** July 1, 2008, unless otherwise specified

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

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### **Executive Summary:**

The act provides implementing and administering provisions that apply to the General Appropriations Act for fiscal year 2008-2009. Only those sections of the bill that apply directly to education or to all state functions are cited in the Section Summary below.

### **Summary by Bill Section:**

Section 2. References the Conference Committee Report on "Public School Funding – The Florida Education Finance Program" dated April 28, 2008, and filed with the Clerk of the House of Representatives as incorporated by reference for the purpose of displaying the calculations used by the Legislature, consistent with the requirements of the Florida Statutes, in making appropriations for the Florida Education Finance Program.

Section 25. Provides for implementation of funds appropriated to the Department of Revenue in Line Item 3056A of the General Appropriations Act to offset the reductions in ad valorem tax revenue experienced by fiscally constrained counties which occur as a direct result of implementation of the Constitutional amendment approved January 29, 2008. The distribution of the funds will be based on each county's proportion of the total reduction in ad valorem tax revenue resulting from the implementation of the revision. Distribution will occur in January 2009.

Section 29. Amends s. 215.559, F.S., Hurricane Loss Mitigation Program, to provide for expenditure of \$10 million in funds appropriated to the Department of Community Affairs in Line Item 1541 of the General Appropriations Act. The sum of \$6,421,764 shall be used to install emergency power generators in special-needs hurricane evacuation shelters, which may include schools.

Section 47. Authorizes the Governor to recommend to the Legislative Budget Commission a budget amendment to transfer funds from the Budget Stabilization Fund to the General Revenue Fund. This authorization is to implement section 77 of the 2008-2009 General Appropriations Act relating to the use of state funds to offset certified General Revenue Fund deficits. If funds are transferred from the Lawton Chiles Endowment Fund to the General Revenue Fund, they must be restored by making five equal annual transfers from the General Revenue Fund, beginning in the third fiscal year following that in which the expenditure was made.

Section 52. Reduces the authorized salaries of members of the Legislature in effect on June 30, 2008, by 5 percent.

**General Implementation Timeline:**

July 1, 2008, unless otherwise stipulated in specific sections of the bill.

On or before November 15, 2008, each fiscally constrained county shall apply to the Department of Revenue to participate in the distribution of the appropriation and provide documentation supporting the county's estimated reduction in ad valorem tax revenue as prescribed by the Department of Revenue.

# Florida

## Department of Education

**Bill Number:** House Bill 5063

**Bill Title:** Retirement

**Bill Sponsor:** Conference Committee on Appropriations

**Effective Date:** July 1, 2008

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

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### Executive Summary:

The bill amends s. 121.71, F.S., Uniform rates; process; calculations; levy to:

- Establish the employer payroll contribution rates to be charged by more than 900 participating public employers in the Florida Retirement System (FRS) for Fiscal Year 2008-2009. It has been the recent custom of the Florida Legislature to set the rates annually by statute after receipt of the annual plan valuation conducted by the consulting actuary to the Department of Management Services.
- Set the default rates for the succeeding fiscal year; these rates will take effect if the 2009 Legislature does not enact new rates. For the fiscal year that begins July 1, 2008, the rates are unchanged from current law.

### Current and Proposed FRS Payroll Contribution Rates (Percent of Gross Compensation)

Retirement Class	FY 2008 Rates (Established by the act)	FY 2009 Rates (Default)
Regular Class	8.69	9.60
Special Risk Class	19.76	22.03
Special Risk – Adm. Spt.	11.39	11.98
Elected Officers – State	13.32	14.56
Elected Officers – County	15.37	17.06
Elected Officers – Judges	18.40	20.37
Senior Management	11.96	13.36
DROP	9.80	10.96

In addition, the bill provides that participants in the community college and university optional retirement annuity programs may elect during the 2009 calendar year to transfer their participation to the FRS. A member so doing will be responsible for the entire cost of the transfer and will be required to exchange the annuity account, and other personal funds if so required, to indemnify the FRS for the full cost of the transfer.

The bill amends s. 121.051, F.S., Participation in the system to:

- Require that a person participating in a faculty practice plan in state university health sciences disciplines are deemed to be members of those plans for retirement purposes. These participants may no longer carry dual eligibility for pension benefits in those plans and the FRS.

The bill creates s. 121.355, F.S., Community College Optional Retirement Program and State University System Optional Retirement Program member transfer to:

- Authorize certain former participants in the Community College Optional Retirement Program or the State University System Optional Retirement Program and present mandatory participants in the Florida Retirement System to receive a specified amount of service credit under certain conditions, including:
  - The employee must transfer from the optional retirement program account a sum representing the actuarial accrued liability immediately following the time of the movement.
  - The employee may not receive service credit for a period of mandatory participation in the optional retirement program or for a period for which a distribution rate was received from the optional retirement program.

#### **General Implementation Timeline:**

July 1, 2008                      The act will become effective.



**Bill Number:** HB 5083

**Bill Title:** Education Conforming Bill

**Bill Sponsor:** Policy and Budget Council and Representative Pickens

**Effective Date:** July 1, 2008

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

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**Executive Summary:**

Section 1 of this act amends s. 121.021, F.S., deleting salary supplements for educators who are certified by the National Board for Professional Teaching Standards from the definition of "compensation" under the Florida Retirement System.

Section 2 amends s. 220.187, F.S., to require that the list of nationally recognized norm-referenced tests for private schools eligible for the Corporate Income Tax Credit Scholarship Program meet industry standards of quality, and deletes the requirement that they be comparable to the Florida Comprehensive Assessment Test (FCAT) Norm Reference Test (NRT).

Section 3 amends s. 1001.451, F.S., to allow the appropriation for regional education consortium service organizations to be less than \$50,000 per school district and eligible member, in which case available funds must be prorated among all eligible districts and members; and provides for the expiration (on July 1, 2009) of the amendments made by this act.

Section 4 amends s. 1002.33(20)(a), F.S., so that eligible charter schools will receive 100 percent of the Merit Award Program (MAP) allocation without a 5-percent administration fee being withheld by the charter school sponsor.

Section 5 amends s. 1003.03(2)(b), F.S., to continue the school-level compliance measure for class size reduction for 2008-09. Beginning in 2009-10, compliance will be measured at the classroom-level.

Section 6 amends s. 1007.271(2), F.S., regarding Dual Enrollment, deleting a provision stating that each semester of instruction that is eligible for high school and postsecondary credit shall be reported by school districts as 75 membership hours for the purpose of calculating a Full-Time Equivalent (FTE) student membership.

Section 7 amends s. 1008.22, F.S., to delete references to the FCAT NRT requirements under the statewide assessment program and deletes the Department's requirement to report results of the NRT to the Governor and Legislature.

Section 8 makes the following amendments to s. 1011.62, F.S.:

- Dual Enrollment membership shall be calculated in an amount equal to the hours of instruction that would be necessary to earn the FTE student membership for an equivalent course in the school district and deletes the requirement that Dual Enrollment courses be reported for 75 membership hours.
- Decreases the additional funding value generated by students successfully completing an International Baccalaureate course from 0.24 to 0.16 FTE credit.
- Decreases the additional funding value generated by students successfully completing an Advanced International Certificate of Education (AICE) full-credit course from 0.24 to 0.16 FTE credit, and a half-credit course from 0.12 to 0.08.
- Decreases the additional funding value generated by students successfully completing an Advanced Placement (AP) course from 0.24 to 0.16 FTE credit.
- Deletes the bonus for students in grades 6-8 who complete a high school Algebra course with a grade of C or better.
- Moves reference to the calculation of the supplemental allocation for Department of Juvenile Justice programs from subparagraph (1)(p) to subparagraph (10).
- Revises provisions relating to the calculation of 0.3 additional FTE units based on successful completion of industry-certified career and professional academy programs to add requirements that eligible students earn the "highest level" of certification and a high school diploma, and reduces the cap for the FTE funding from \$30 million to \$15 million.
- Deletes provisions that the final tax roll certified by the Department of Revenue on September 1 of each year be used in the Florida Education Finance Program (FEFP) Final Calculation, and adds a provision that the tax roll used in the Final Calculation be the same as the one used in the Fourth Calculation.
- Adds research-based reading instruction and instructional materials to the categorical programs for which the district may redirect funds to the classroom if the school board determines that the funds are urgently needed to maintain instruction. Requires that the Department shall submit a report to the Legislature that identifies by district and categorical program the amount redirected and the special classroom activity for which the funds were expended. If the district redirects research-based instruction funds, the school board must also submit to the Department an amended reading plan.
- Changes the calculation of the declining enrollment supplement from one based on a 50-percent decline to a percentage determined by the Legislature.
- Sets the expiration date of these amendments to July 1, 2009.

Section 10 amends s. 1011.71(2) , F.S., reducing the amount of district discretionary millage from not more than 2 mills to not more than 1.75 mills. It also amends 1011.71(3) , F.S., to allow that, if the revenue from the discretionary millage is not sufficient to make payments due under a lease-purchase agreement entered into before June 30, 2008, an amount up to 0.25 mills of the taxable value for school purposes shall be legally available for such payments.

Section 1011.71(4) , F.S., is amended to allow districts that have met class size reduction requirements for fiscal year 2008-09 for K-12 students for whom the district provides educational facilities and certifies to the Commissioner that the district does not need all of its discretionary millage for capital improvements to expend up to \$65 per unweighted FTE student from the revenue generated by the 2008-09 discretionary tax for purchase/lease-purchase of certain vehicles or payment of casualty and property insurance premiums. For 2008-09 only, a district may earn this flexibility without meeting class size requirements for

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its charter schools and without meeting certain requirements regarding its annual financial audit. SB 1276 further amends this section of statute to allow a district to earn this flexibility in 2008-09 without meeting the class size requirement for its conversion charter schools.

Section 11 sets the expiration date of the above amendments to July 1, 2009. This date is an extension of one year of the current authority for flexibility provided in s. 1011.71(4), F.S.

Section 12 rennumbers sections affected by previous amendments.

Section 13 amends s.1012.225, F.S., to extend the deadline for districts to submit a Merit Award Program plan to October 1, 2008.

Section 14 removes incentives for National Board for Professional Teaching Standards (NBPTS) certified teachers from s.1012.72, F.S., and adds that bonuses may be provided for initial certification up to one 10-year period. It deletes the subsidy of 90 percent of the fee for teachers participating in the NBPTS program as well as the \$150 portfolio preparation incentive, and the requirements that teachers repay the certification fee if they fail to complete the program or teach in Florida for at least one year.

Section 15 amends s. 1013.45(4), F.S., to require that school boards reuse existing construction documents or design criteria under certain circumstances.

### **General Implementation Timeline:**

July 1, 2008      The act will become effective. Many of its provisions will be effective only until July 1, 2009, unless reenacted by the Legislature.

October 1, 2008    The deadline for districts to submit a Merit Award Program plan.



# Florida

## Department of Education

**Bill Number:** House Bill 7033

**Bill Title:** Public Records/Complaint of Discrimination

**Bill Sponsor:** Government Efficiency and Accountability Council/Representative Gardiner

**Effective Date:** Upon becoming law

**DOE Contact:** Deborah Kearney, General Counsel, Office of General Counsel, (850) 245-0442

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### **Executive Summary:**

Current public records law contains a public records exemption for all complaints and other records in the custody of an executive branch agency, which relate to a complaint of discrimination based on race, religion, sex, national origin, age, handicap, marital status, in connection with hiring practices, position classifications, salary, benefits, discipline, discharge, employee performance, evaluation, or other related activities.

The bill amends s. 119.07, F.S., General exemptions from inspection or copying of public records to:

- Expand current exemptions for discrimination complaints contained in section 119.071(1), which is applicable only to agencies of the executive branch, by making the exemption applicable to all agencies, including units of local government.
- Stipulate the effect of the bill is to create a uniform scheme of discrimination complaint exemptions for all agencies, while retaining the exemptions that specifically apply to local government units pursuant to section 119.0713(1), F.S. The bill does not affect the practices of executive branch agencies with regard to public records.

### **General Implementation Timeline:**

Effective date      Upon becoming law.



# Florida

## Department of Education

**Bill Number:** House Bill 7067

**Bill Title:** Virtual Instruction Programs

**Bill Sponsor:** Schools and Learning Council: Representative Pickens

**Effective Date:** July 1, 2008

**DOE Contact:** Jean Miller, Acting Executive Director, Office of Independent Education and Parental Choice, (850) 245-0502

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### Executive Summary:

The bill amends s. 1000.04, F.S., Components for the delivery of public education within the Florida K-20 education system, to create school district virtual instruction programs, and designate them as K12 public schools of choice.

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

- Include school district virtual instructional programs.

The bill amends s. 1002.31, F.S., Public school Parental Choice to:

- Include virtual instructional programs.

The bill creates s. 1002.45, F.S., School district virtual instruction programs, to state:

- School districts are required to offer virtual instruction programs beginning in the 2009-10 and may offer them in 2008-09. The purpose of the program is to make online and distance learning instruction available to full-time virtual students in grades kindergarten through grade 8 (K-8) or to full- or part-time students in grades 9-12.
- Each district's virtual instruction program can be operated by the school district or by contracted providers approved by the Department of Education (DOE). Districts may administer the program individually or through a regional consortium or multi-district contract. A charter school may enter into a joint agreement with the school district for their students to participate in the approved district program.
- On or before March 1, 2009 and annually thereafter, the Department shall provide school districts with a list of providers approved to offer virtual instruction.
- Providers must be approved by the DOE and annually meet the following qualifications:
  - Be nonsectarian in its programs, admissions policies, employment practices and operations
  - Comply with antidiscrimination provisions
  - Locate administrative offices in Florida, require administrators to be Florida residents and teachers to be Florida-certified
  - Have successful experience in offering online programs
  - Use instructional model that relies on certified teachers, not parents, for most of the

- instruction
    - Be regionally accredited
    - Meet all the requirements of this law
- Approved providers are to include Florida Virtual School (FLVS) and providers of the state-level K-8 Virtual School Program.
- School district virtual instructional programs must meet the following requirements:
  - Require all instructional staff to be certified professional educators
  - Conduct background screening of all employees
  - Align virtual course curriculum and course content to the Sunshine State Standards
  - Offer instruction designed for each student to gain proficiency in each course
  - Provide students with all necessary instructional materials
  - Provide, when appropriate, each household having a full-time student enrolled in the program with:
    1. All equipment necessary for participations in the program, including but not limited to, a computer, a computer monitor, a printer; and
    2. Access to reimbursement for all Internet services necessary for online delivery of instruction.
  - Not require tuition or student registration fees
  - Participate in the statewide assessment program, in the state's education performance accountability system, and receive a school grade for programs with full time student, however, the performance of part-time student shall be included in the school grade of the non-virtual school providing the student's primary instruction.
- Beginning with the 2010-2011 school year a school district (except courses offered by the Florida Virtual School) may not increase the enrollment for its full-time virtual instruction program in excess of its prior school year enrollment unless the program for the previous year received a grade of "C", making satisfactory progress, or better under the school grading system.
- To participate in a district's virtual instruction program a student must reside in the district and have attended a Florida public school, a district virtual instruction program, or one of the state-level K-8 virtual schools the prior year. However, a military dependent who recently moved to Florida from another state or country may participate in this program. Each student must comply with compulsory attendance requirements and take state assessment tests.
- School district virtual programs will be funded through the Florida Education Finance Program (FEFP) and districts shall report full-time equivalent (FTE) students in a manner prescribed by the DOE.
- Full-time or part-time virtual instruction program courses for students in grades 9 through 12 are limited to DJJ programs, dropout prevention program and career and vocational programs.
- A school district virtual program that receives a D or an F must file a school improvement plan with the DOE and develop a plan for correction and improvement. The school district must terminate a program that earns a grade of D or F for two of four consecutive years and must contract with a provider selected and approved by the DOE until the school district receives approval from the DOE to operate a new virtual instruction program.
- A provider of digital or online curriculum used to supplement instruction of students not enrolled in this program does not have to meet the requirements of this law.
- School district marketing of this program must include information about opportunities offered by Florida Virtual School and the parent's and student's right to access Florida Virtual School courses.
- The State Board of Education is provided rulemaking authority.

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The bill amends s. 1003.01, F.S., Definitions to include:

- The definition of “core courses” in law does not apply to courses offered by Florida Virtual School, the state-level K-8 Virtual School Program, or school district virtual instruction programs.
- A full-time equivalent student for students in grades K-8 in a school district virtual instruction program shall consist of a student who has successfully completed a basic program listed in s. 1011.62 (1) (c) 1.a. or b., and who is promoted to a higher grade level.

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

- A K-8 FTE student in a district virtual instruction program is one who successfully completed a basic program who is promoted to the next higher grade.
- A full-time equivalent student in grades 9-12 in a school district virtual instruction program shall consist of six full credit completions in programs listed in s. 1011.62(1)(c)1 and 4. Credit completions can be a combination of either full credits or half credits.

### General Implementation Timeline:

July 1, 2008	The act will become effective.
June – November, 2008	State Board Rulemaking Process
June – September, 2008	DOE to develop FEFP reporting requirements for school districts
June – December, 2008	DOE to develop approval process for potential providers
March 1, 2009	Department shall provide school districts with a list of providers approved to offer virtual instruction; and annually thereafter.
School Year 2008-09	School districts may offer virtual instruction program
School Year 2009-10	School districts are required to offer virtual instruction program
School Year 2010-11 and after	School districts may not increase enrollment for virtual programs making less than a C.





**Bill Number:** House Bill 7073

**Bill Title:** Child Support Enforcement

**Bill Sponsor:** Healthcare Council and Representative Galvano

**Effective Date:** Upon becoming a law

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

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**Executive Summary:**

The bill amends s. 1012.21, F.S., Suspension or denial of teaching certificate due to child support delinquency to:

- Require the Department of Education to establish an automated method to periodically disclose to the Department of Revenue information related to individuals who hold a Florida Educator Certificate or an adjunct teaching certificate issued by a district.
- Require the suspension of an educator's certificate or the denial of an application and requires this action upon notice by the Department of Revenue that a certificate-holder or applicant is not in compliance with a support order, a subpoena, an order to show cause, or a written agreement with the Department of Revenue.

**General Implementation Timeline:**

**Effective date** Upon becoming a law.



# Florida

## Department of Education

**Bill Number:** House Bill 7105

**Bill Title:** Postsecondary Distance Learning

**Bill Sponsor:** Policy & Budget Council; Schools & Learning Council

**Effective Date:** July 1, 2008

**DOE Contact:** Dr. Willis Holcombe, Chancellor, Division of Community Colleges, (850) 245-0407

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### Executive Summary:

The bill creates an unnumbered section of law to establish the Florida Distance Learning Task Force.

- The task force is created to make recommendations to facilitate access to undergraduate distance learning resources that enable public postsecondary education institutions to fulfill their missions while contributing to and sharing in the distance learning resources of the Florida Distance Learning Consortium.
- The Task Force is comprised of four members from the State University System, four members from the Community College System, and the Executive Director of the Florida Distance Learning Consortium. Members of the task force shall be appointed by the chancellors of the Division of Community Colleges and the Board of Governors. The Task Force must submit its recommendations to the Governor, the President of the Senate, the Speaker of the House of Representatives, the State Board of Education, the Board of Governors, and the university and community college boards of trustees no later than March 1, 2009.
- This section expires July 1, 2009.

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

- Establish the Florida Higher Education Distance Learning Catalog as an interactive, Internet-based central point of access to distance learning courses, degree programs, and resources offered by public postsecondary education institutions.
- Authorize community colleges and state universities to establish distance learning fees that may be assessed for courses listed in the Florida Higher Education Distance Learning Catalog.
- Require community colleges and state universities to prominently display the link for the catalog on the institution's website.
- Provide the State Board of Education with rulemaking authority related to fees associated with the Florida Higher Education Distance Learning Catalog.

The bill amends s. 1009.23, F.S., Community College Student Fees to:

- Indicate that student fees established by community colleges and include a laboratory fees shall not apply to distance learning courses.
- Provide that community colleges may assess a student enrolled in a Distance Learning course a per-credit-hour user fee.

- Indicate the amount of the distance learning user fee may not exceed the additional costs of the services provided.
- Indicate if a community college has a user fee it may not assess any other fees to cover additional costs.
- Stipulate by September 1 of each year, each board of trustees shall report to the Division of Community Colleges the total amount of revenue generated by the user fee for the prior academic year and how it was expended.
- Require community colleges to prominently display the link for the catalog on the institution's website.
- Provide the State Board of Education with rulemaking authority.

The bill amends s. 1009.24, F.S., State University Student fees to:

- Authorize state universities to establish distance learning fees that may be assessed for courses listed in the Florida Higher Education Distance Learning Catalog.
- Require state universities to prominently display the link for the catalog on the institution's website.

#### **General Implementation Timeline:**

July 1, 2008	The act will become effective.
March 1, 2009	The Task Force must submit its recommendations to the Governor, the President of the Senate, the Speaker of the House of Representatives, the State Board of Education, the Board of Governors, and the university and community college boards of trustees.
July 1, 2009	The Task Force expires.



**Bill Number:** HB 7109

**Bill Title:** Small Business Regulatory Relief Act

**Bill Sponsor:** Government Efficiency and Accountability Council/Representative Attkisson

**Effective Date:** July 1, 2008

**DOE Contact:** Deborah Kearney, General Counsel, Office of General Counsel, (850) 245-0442

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**Executive Summary:**

This bill amends chapters 288 and 120, Florida Statutes, to create the Small Business Regulatory Advisory Council and the Office of Small Business Advocate.

The bill amends s. 288.7001, F.S. Small Business Regulatory Advisory Council

- The Florida Small Business Development Center (SBDC) Network is designated as the principal business assistance organization for small businesses in the state.
- The bill creates the Small Business Regulatory Advisory Council (council), which is to consist of nine members who are current or former small business owners and are appointed by the Governor, President of the Senate, and Speaker of the House.
- The council will be housed within the Florida SBDC Network, a nonprofit organization funded by the federal government.
- Powers of the council include:
  - Providing agencies with recommendations on proposed rules that may adversely affect small businesses;
  - Considering requests from small business owners to review agency rules or programs and to review property rights of small businesses as they relate to agency actions;
  - Reviewing agency rules to determine whether the rule places an unnecessary burden on small businesses.
- The council may review agency rules subject to sunset review to determine whether the rules should be continued, amended, or repealed in order to reduce negative impacts on small businesses. The recommendations must be feasible and consistent with the stated objectives of the rules. The council is to coordinate with agencies in their review of the rules.
- The council will submit the agency report to the Joint Legislative Sunset Committee and will provide the report to the Governor, Speaker, and Senate President. The report will have a rating system entitled "Small Business Friendliness and Development Scorecard."

The bill amends s. 288.7002, F.S., Small business advocate

- The Office of Small Business Advocate is established and housed within the Florida SBDC Network, and is to be the principal advocate for small businesses in Florida. The advocate will respond to complaints from small businesses, represent the views and interests of small businesses before agencies whose policies and activities may affect small businesses, and

participate in consideration of legislation and administrative rules affecting small business, along with performing other functions.

- Agencies are required to furnish to the advocate any report, document, or other information that is public record and that the director of the office deems necessary to carry out its functions.
- The Legislative Sunset Review Committee may consult with the Small Business Regulatory Advisory Council along with the committees of the legislature, OPB, Auditor General, and CFO in the process of reviewing agencies and advisory committees.
- The bill requires that if an agency determines that a proposed agency action will affect small businesses, the agency is to send written notice of the rule or action to the Small Business Regulatory Advisory Council and the Office of Tourism, Trade, and Economic Development no less than 28 days prior to the agency action.
- If an agency rejects a regulatory alternative which has a lesser impact on small businesses, the council may request that OPPAGA issue a report on the matter. OPPAGA would report findings to JAPC, which would report findings to the agency. The agency is required to respond to JAPC in writing.

The bill amends s. 120.74, F.S. Agency, review, revision, and reports

- Requires agencies to include in their annual report of review and revision of rules, the economic impact of the rules on small businesses.

#### **General Implementation Timeline:**

July 1, 2008

The act will become effective.

# Florida

## Department of Education

**Bill Number:** House Bill 7135

**Bill Title:** Florida Energy

**Bill Sponsor:** Environment & Natural Resources Council and Representatives Mayfield and Kreegel

**Effective Date:** July 1, 2008, except as otherwise provided

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

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### **Executive Summary:**

This act encompasses statewide initiatives and policies. Following this executive summary is a list of provisions that will have an effect specifically on school districts or the Department of Education.

- Creating a nine-member Florida Energy and Climate Commission.
- Creating the Florida Energy Systems Consortium with participation from five state universities. The consortium shall work with the Florida Community College System using the Florida Advanced Technological Education Center for the coordination and design of industry-specific training programs for technicians.
- Requiring the Agency for Enterprise Information Technology to define specified objective standards and conduct evaluations relating to energy efficiency for data center facilities.
- Authorizing the DEP to adopt rules for a cap-and-trade regulatory program to address GHG emissions from electric utilities, subject to legislative ratification and not prior to the 2010 Legislative Session.
- Adopting energy standards for the construction of new state, county, municipal, school district, state university, community college, state court, and water management district buildings.
- Revising the State Comprehensive Plan to include goals and policies addressing low carbon electricity generation.
- Authorizing the Public Service Commission (PSC) to adopt a Renewable Portfolio Standard for public utilities.
- Requiring the PSC to adopt goals to increase and promote cost-effective demand-side and supply-side efficiency and conservation programs and renewable energy systems.
- Extending jurisdiction of the PSC to municipal utilities meeting certain criteria.
- Reauthorizing an ad valorem tax exemption for renewable energy source devices.
- Revising current law governing guaranteed energy, water, and wastewater performance savings contracting.
- Adopting Climate Friendly Public Business requirements for the use of "green" products, lodging, vehicles, and fuel.

### **Provisions Relating Specifically to Department of Education or School Districts:**

- Energy Consumption Data  
Section 255.257, F.S., is amended to require each state agency to submit to the Department of Management Services (DMS) an annual report of energy consumption and cost data.

- Energy, Water, and Wastewater Conservation  
Provisions are added to s. 489.145, F.S., to encourage each agency to invest in energy, water, and wastewater efficiency and conservation measures to minimize use of energy and water and the production of wastewater. Savings should be reinvested into additional energy, water, and wastewater efficiency and conservation measures. The definitions and guidelines for calculating the cost savings are set forth in the act. The bill states that a state agency contract that does not meet these requirements will not be approved.
- Vehicle Maintenance  
Section 286.29, F.S., is created to require each state agency to ensure the maintenance of vehicles, and when procuring vehicles shall first define the intended purpose for the vehicle and determine a specific class to which the vehicle belongs, and each vehicle must be selected for the greatest fuel economy according to the data available. Exceptions may be made for individual vehicles regarding emergency response. All agencies shall use ethanol and biodiesel blended fuels when available. Also, each state agency shall ensure that all maintained vehicles meet minimum maintenance schedules shown to reduce fuel consumption, which include: ensuring appropriate tire pressures and tread depth; replacing fuel filters and emission filters at recommended intervals; using proper motor oils; and performing timely motor maintenance.
- Recycling  
Section 403.7032, F.S, is created to set statewide standards for recycling efforts of state and local governments. The goal is to reduce the amount of solid waste disposed in waste management facilities by a statewide average of 75 percent. Under the provisions of the act, the DEP is to develop a comprehensive recycling program. The program is to include a method to educate students in grades K-12 regarding the benefits of, and proper techniques for, recycling. The program should also include a statewide recognition system for students, classes, teachers, schools, or district school boards for outstanding efforts or achievements concerning conservation, reductions in energy and water use, green cleaning solutions, green pest management, recycling efforts, and curriculum development that is consistent with efforts that enhance the quality of education while preserving the environment. Funding for the recognition program is to be provided through partnerships with the private sector, the Department of Education, and the Department of Environmental Protection.
- Telecommuting  
Section 110.171 (3), F.S., "State employee telecommunicating program," is amended to require each state agency to identify and maintain a current listing of the job classifications and positions that the agency considers appropriate for telecommuting. The list is to be in place by September 30, 2009.
- Procurement Provisions  
Section 286.29, F.S., is created to require DMS to develop the "Florida Climate-Friendly Preferred Products List." This list will continually assess products currently available for purchase under state term contracts to identify specific products and vendors that offer clear energy efficiency or other environmental benefits over competing products. When procuring products from state term

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contracts, state agencies must consult the Preferred Products List and procure such products if the price is comparable.

Section 286.29(4), F.S., requires that all state agencies, universities, community colleges, and local governments purchasing vehicles under a state purchasing plan first define the intended purpose of the vehicle and indicate which of the specified use classes the vehicles fall into (for example, school buses would fall into the "conveyance of passengers" classification). Purchased or leased vehicles must be selected for the greatest fuel efficiency available for a particular use class. Provisions are made to allow exceptions to this requirement for emergency responders or when there is a documented need for exceptional vehicle performance characteristics.

Effective July 1, 2008, state agencies are directed to contract for meeting and conference space only with hotels and conference facilities that have received the "Green Lodging" designation from the DEP.

- United States Building Council, LEED, *et al*, Provisions--State Agencies  
Section 255.251, F.S., is amended to require state-owned buildings to be designed and constructed to comply with the United States Green Building Council (USGBC) Leadership in Energy and Environmental Design (LEED) rating system, the Green Building Initiative's Green Globes rating system, the Florida Green Building Coalition standards, or a nationally recognized, high-performance green building rating system as approved by the DMS. This act also emphasizes that, to operate and maintain state facilities with maximum building sustainability and minimum energy use, any renovations to state-owned facilities shall be to the standards of one of the green building rating systems mentioned above.
- United States Building Council, LEED, *et al*, Provisions-K-20 Educational Agencies  
Section 255.257, F.S., is amended to require all school district and community college buildings to be constructed to meet the USGBC LEED rating system, the Green Building Initiative's Green Globes rating system, the Florida Green Building Coalition Standards, or a nationally recognized, high-performance green building rating system as approved by the Department of Management Services. This applies to all architectural plans that are commenced after July 1, 2008.
- Renewable Fuel Standard  
Section 526.203, F.S., is created to establish a renewable fuel standard. This standard requires that beginning December 31, 2010, all gasoline sold in Florida shall be blended gasoline, defined as a mixture of 90 to 91 percent gasoline and 9 to 10 percent fuel ethanol. Limited allowable exceptions to this requirement are specified.
- Thermal Efficiency Standards  
Section 553.9061, F.S., is created to implement increases in thermal efficiency standards. The Florida Building Commission is to adapt requirements to increase the energy efficiency in new construction every three years, starting with a 20 percent increase by 2010 and increasing 10 percent every three years until an increase of 50 percent is obtained by 2019.

- Solar Energy  
Section 377.703, F.S., is amended to require the Florida Building Commission to include specific provisions to facilitate the use of cost-effective solar energy technologies as emergency remedial and preventive measures for providing electric power if electric power outages are caused by a severe hurricane. This change could impact schools used as Enhanced Hurricane Protection Areas.
- Training and Educational Opportunities  
Section 22 of the bill provides for St. Petersburg College to work with the Florida Community College System and may consult with the University of Florida to provide training and educational opportunities that will ensure that green building rating system certifying agents are available to work with the governmental entities. The bill allows St. Petersburg College to work with the construction industry to develop online continuing education curricula for use statewide by builders in constructing energy-efficient and sustainable public-sector buildings and by students interested in the college's Green/Sustainability Track in its Management and Organization Leadership area of study.
- The Renewable Energy and Energy-Efficient Technologies Grants Program  
Section 377.804, F.S., is amended. This program provides renewable energy matching grants for demonstration, commercialization, research, and development projects relating to renewable energy technologies and innovative technologies that significantly increase energy efficiency for vehicles and commercial buildings. The commission can solicit the expertise of state agencies, including the state university system, to evaluate the project proposals. Matching grants for projects may be made to any of the following and others as identified by the commission:
  - Municipalities and county governments
  - For-profit companies licensed in the state
  - Universities and colleges in the state
  - Utilities operating in the state
  - Not-for-profit organizations
- Florida Green Government Grants Act  
Section 377.808, F.S., is created to allocate appropriated funds to award grants to assist local governments (including school districts) in the development and implementation of programs to achieve green standards. The commission shall determine the green standards and at a minimum shall provide for cost-efficient solutions for reducing greenhouse gas emissions, improving quality of life, and strengthening the state's economy. The rules of the commission are set within the bill.
- Collaborative Grants and Incentives  
Section 116. Provisions are added to require the Department of Education and the Department of Environmental Protection, in coordination with the business community, the environmental community, and the energy community to develop a program to provide awards or recognition for outstanding efforts or achievements concerning conservation, reduction in energy and water use, green cleaning solutions, green pest management, recycling efforts, and curriculum development that is consistent with efforts to enhance the quality of education while preserving the environment. Students, classes, teachers, schools, or district school boards are eligible for the awards or

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recognitions. Legislative language encourages the state agencies to form partnerships with the private sector to help fund the program.

- Creation of the Florida Energy System Consortium

Section 1004.648 is created. The Florida Energy System Consortium is created to promote collaboration among experts in the State University System for the purposes of sharing energy-related expertise and assisting in the development and implementation of a comprehensive, long-term, environmentally compatible, sustainable, and efficient energy strategic plan for the state. The consortium shall be administered by the University of Florida. The goals and objectives of the consortium are set forth in the bill.

### General Implementation Timeline:

July 1, 2008	State agencies shall contract for meeting and conference space only with hotels or conference facilities that have received the "Green Lodging" designation from the Department of Environmental Protection for best practices in water, energy, and waste efficiency standards.
June 30	State agencies will provide to the Department of Management Services all information regarding agency programs affecting the need for a telecommuting program, and each year thereafter.
December 31, 2008	State agencies must identify and compile a list of projects determined to be suitable for a guaranteed energy, water, and wastewater performance savings contract pursuant to s. 489.145, F.S., and submit the list to the Department of Management Services.
September 30, 2009	The department must identify and maintain a current listing of the job classifications and positions that the agency considers appropriate for telecommuting.
December 31, 200	The Agency for Enterprise Information Technology shall make recommendations on consolidating state data centers and computing facilities, pursuant to s. 282.0056, F.S.
July 1, 2009	The Agency for Enterprise Information Technology (AEIT) shall define objective standards for measuring data center energy consumption and efficiency in a data center facility, and calculating total cost of ownership of energy efficient information technology products. State shared resource data centers and other data centers shall evaluate their data center facilities for energy efficiency using the standards established by AEIT.
December 31, 2010	The AEIT shall submit to the Legislature recommendations for reducing energy consumption and improving the energy efficiency of state data centers. Bi-annually thereafter.

By 2020

The long-term goal for the recycling efforts of state and local governmental entities, private companies and organizations, and the general public is to reduce the amount of recyclable solid waste disposed of in waste management facilities, landfills, or incineration facilities by a statewide average of at least 75 percent.

- State agencies shall collect data on energy consumption and cost, shall be reported annually to the DMS in a format prescribed by DMS.
- All county, municipal, school district, water management district, state university, community college, and Florida state court buildings shall be constructed to meet the USGBC LEED rating system, the Green Building Initiative's Green Globes rating system, the Florida Green Building Coalition standards, or a nationally recognized, high-performance green building rating system as approved by the DMS.

The enclosed CD-ROM contains the files for the full text of the education related bills summarized in this document.

The final status of whether or not these bills have been signed into law is available online at:

<http://www.fldoe.org/GR/>

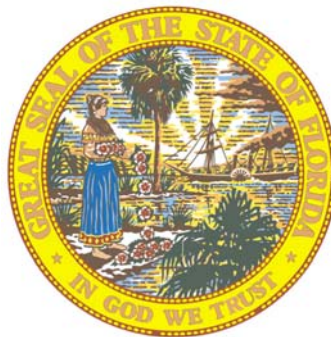
Click on "DOE 2008 Session Legislative Implementation Overview"

For additional questions, contact information is listed on each bill summary or you can reach the Governmental Relations Office at:

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**Eric J. Smith, Commissioner**

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