



# 2010 LEGISLATIVE REVIEW

FLORIDA DEPARTMENT OF EDUCATION  
REGULAR SESSION



# Florida

## Department of Education

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## **2010 Legislative Summaries**

**The bill summaries included in this book are of education related bills that passed both House and Senate chambers. All bills contained in this book have been approved by the Governor.**





# Florida Department of Education

**Bill Number:** Senate Joint Resolution 2

**Bill Title:** Amendment to Section 1 of Article IX of the State Constitution to Revise Class Size Requirements for Public Schools

**Bill Sponsor:** Senator Gaetz

**Effective Date:** Upon approval by electors of the state and retroactive to the beginning of the 2010-2011 school year

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

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## **Executive Summary:**

The bill proposes an amendment to Article IX, Section 1, and the creation of Article XII, Section 31, of the State Constitution. The amendments specify the following:

- Class size requirements for public schools shall remain at current limits but be based on the average number of students at school level, rather than on the maximum number of students assigned to each teacher who is teaching in public school classrooms in specified grades;
- For public school classrooms, the maximum number of students who may be assigned to each teacher in an individual classroom is capped at 21 (18 + 3) for prekindergarten through grade 3, at 27 (22 + 5) for grades 4 through 8, and at 30 (25 + 5), for grades 9 through 12; and
- The requirement for state funding to reduce class size to achieve maximum class size limits is replaced by the requirement for state funding to maintain class size at the school averages and the maximum limits of 21, 27, and 30, respectively, for prekindergarten through grade 3, grades 4 through 8, and grades 9 through 12.

The bill makes a technical revision to the spelling of "prekindergarten" and adds "virtual" classes to those classes that are excluded from the calculation of class size.

## **General Implementation Timeline:**

Article XII requires that the changes in Article IX, if submitted to the voters in the next general election, shall take effect upon approval by the voters and shall be retroactive to the beginning of the 2010-2011 school year.



# Florida Department of Education

**Bill Number:** Senate Bill 4

**Bill Title:** Education Accountability

**Bill Sponsor:** Senator Detert

**Effective Date:** July 1, 2010

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

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## **Executive Summary:**

The bill revises s. 1003.413, Florida Secondary School Redesign Act, to:

- Delete references to Department of Education requirements that were to be met in 2006 and 2007.
- Delete the requirement for the creation and implementation of the Secondary School Improvement Award Program.

The bill revises s. 1003.4156, F.S., Middle grades promotion requirements, to:

- Add language that states that while successful completion of a high school level Algebra I, Geometry, or Biology I course in middle school is not contingent upon the student's performance on the End of Course (EOC) assessment, students must meet the EOC assessment requirement under s.1008.22(3)(c)2.a., F.S., in order to earn a high school credit.
- State that students in grades six through eight who earn high school credit for an Algebra I, Geometry, or Biology course before the 2010-2011 school year are not subject to the EOC assessment requirement.
- Change reference to the CHOICES for the 21<sup>st</sup> Century program to Florida CHOICES; requires that the personalized academic and career plan must inform students of high school graduation requirements, high school assessment, college entrance test requirements, and programs through which a high school student can earn college credit, including Advanced Placement, International Baccalaureate, Advanced International Certificate of Education, dual enrollment, career academy opportunities, and courses that lead to national industry certification.

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

- Delete reference to the first year of high school and replace it with grade 9.
- Require that beginning with students entering grade 9 in the 2010-2011 school year, Geometry or equivalent courses must be one of the four required mathematics courses, and the EOC assessment requirement must be met in order for a student to earn the required credits in Algebra I and Geometry. It also requires that, beginning with students entering grade 9 in the 2012-2013 school year, in addition to the Algebra I and Geometry credit requirements, one of the four credits in mathematics must be Algebra II or equivalent courses. It deletes the encouragement to school districts to increase enrollments in Geometry and Algebra II.
- Require that beginning with students entering grade 9 in the 2011-2012 school year, one of the three credits in science must be Biology I or equivalent courses and the EOC assessment

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requirements must be met in order for the student to earn the required credit in Biology I. It also requires that, beginning with students entering grade 9 in the 2013-2014 school year, one of the three science credits must be Biology or equivalent courses, one must be chemistry or physics or equivalent courses, and one must be an equally rigorous course.

- Rename “American History” to United States History.”
- Eliminate the requirement for four credits in a major area of interest. Students would still be required to earn eight elective credits.
- Create the Credit Acceleration Program (CAP) that allows a secondary student to earn high school credit if the student earns a specified score on the corresponding standardized EOC assessment, whether or not the student is enrolled in the course or has finished the course. The school district is required to allow a student to take the standardized EOC assessment during its regular administration, whether or not the student is enrolled in the course or has finished the course.
- Require that district school boards establish standards for graduation including weighting of statewide EOCs that are developed in addition to Algebra I, Geometry, and Biology as at least 30% of a course grade.
- Require that the EOC assessment results be waived for the purpose of determining the student’s course grade and credit for a student with a disability for whom the Individual Education Plan (IEP) committee determines that the assessment cannot accurately measure the student’s abilities, taking into consideration all allowable accommodations.

The bill revises s. 1003.429, F.S., Accelerated high school graduation options, to:

- Add s. 1003.428, F.S., as reference for the completion of the general requirements for high school graduation.
- Apply the same course and EOC requirements described in Section 3 of the bill to students in both the career and college prep 18-hour accelerated graduation options.
- Increase the mathematics credit requirements from three to four for students entering grade 9 in 2010-11.
- Reduce the elective credit requirement in the college prep option from three to two, for students entering grade 9 in 2010-11.
- Reduce the elective credit requirement in the career prep option from two to one, for students entering grade 9 in 2010-11.
- Require that district school boards establish standards for graduation including weighting of a statewide EOC assessment as at least 30% of a course grade.
- Add s. 1003.428, F.S., to language allowing a student the right to change to the 4-year program, or be moved to the 4-year program under certain conditions.

The bill creates section 1003.4295, F.S., Acceleration courses, to:

- Require each high school to advise each student of programs through which a high school student can earn college credit, including Advanced Placement, International Baccalaureate, Advanced International Certificate of Education, dual enrollment courses, career academy courses, and courses that lead to national industry certification, as well as the availability of course offerings through virtual instruction.
- Require that, beginning with the 2011-2012 school year, each high school shall offer an International Baccalaureate Program, and Advanced International Certificate of Education Program, or a combination of at least four courses in dual enrollment or Advanced Placement,

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including one course each in English, mathematics, science, and social studies. Schools will be allowed to meet this requirement through the use of virtual instruction, provided that the course significantly integrates postsecondary level content for which a student may earn college credit.

- Create the Credit Acceleration Program so that secondary students can earn credit in a course for which there is a statewide, standardized EOC assessment, by passing the EOC. They do not have to be enrolled in or finish the course.

The bill revises s. 1003.493, F.S., Career and professional academies, to:

- Specify that each career and professional academy have an evaluation plan based on outcome measures including achievement on industry certifications that are national and identified in the Industry Certification Funding List.

The bill revises s. 1007.35, F.S., Florida Partnership for Minority and Underrepresented Student Achievement, to:

- Eliminate the requirement that materials for prerequisite courses address the skills assessed on the FCAT, for the Florida Partnership for Minority and Underrepresented Student Achievement.

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

- Indicate that the FCAT program must be aligned to the core curricular content established in the Next Generation Sunshine State Standards.
- Require the statewide assessment program to transition from comprehensive assessments of mathematics in grades nine and ten to EOC assessments measuring the course content of Algebra I and Geometry.
  - The Algebra I course grade of students entering grade 9 in 2010-11 must include the performance on the Algebra I EOC (30% weighting). Students entering grade 9 in 2011-12 must pass the Algebra I EOC to earn course credit.
  - The Geometry course grade of students entering grade 9 in 2011-12 must include the performance on the Geometry EOC (30% weighting). Students entering grade 9 in 2012-13 must pass the Geometry EOC to earn course credit.
- Require the statewide assessment program to transition from a comprehensive assessment of science in grade 11 to an EOC assessment measuring the course content of Biology.
  - The Biology course grade of students entering grade 9 in 2011-12 must include the performance on the Biology EOC (30% weighting). Students entering grade 9 in 2012-13 must pass the Biology EOC to earn course credit.
- Require the Commissioner to develop an implementation schedule for the development and administration of additional EOC assessments in English/Language Arts II, Algebra II, Chemistry, Physics, Earth/Space Science, United States History, and World History, subject to funding availability. The priority must be given to English/Language Arts II.
- Require the Commissioner to evaluate the feasibility and effect of transitioning from the high school comprehensive assessments of reading and writing to an English/Language Arts II EOC and report the results of the evaluation to the legislature by July 1, 2011.
- Allow the current FCAT Writing assessment, consisting of a student response to a prompt, to continue without the need to transition to a new writing assessment design.

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- Require that FCAT assessment results will continue to be reported using scaled scores and achievement levels; however, level 3 will be defined in law as satisfactory performance. In addition, school grades calculations must use the FCAT Writing score earned by each student.
- Require the State Board of Education to establish two cut scores for EOC assessments; passing scores and scores indicating high achievement and the potential to meet college readiness standards.
- Require the Commissioner to consider the observance of religious and school holidays when establishing the schedules for the administration of statewide assessments.
- Require that FCAT results be made available no later than the week of June 8; and require that EOC results be made available no later than 1 week after the school district completes testing for each course. In addition, the Commissioner must select a 3-week period for the administration of the EOC assessments for year-long courses and a separate schedule for semester-long courses. For year-long courses, school districts must select one testing week within the 3-week period for each EOC assessment.
- Allow the school principal to determine, in accordance with State Board of Education rule, whether a transfer student must take an EOC assessment in a course for which the student has credit that was earned from the previous school.
- Remove the requirement that students must take and fail to pass the FCAT three times prior to being eligible to use an FCAT concordant score on the SAT or ACT.
- Provide the Commissioner the authority to establish equivalent scores for EOC assessments.
- Require that a student must attain the passing scores on the statewide assessment required for a standard high school diploma or for high school course credits that were in effect when the student entered grade 9.

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

- Add EOC results (per s. 1008.22[3][c]2.a, F.S.) to the assessment results used for calculating school grades for both the current-year performance measures and the learning gains components of school grades (including learning gains for the lowest performing 25% in reading and math). Assessments will include EOCs required for high school graduation, including the following:
  - Beginning with 2010-11, Algebra I
  - Beginning with 2011-12, Geometry and Biology
- Revise language on industry certifications for inclusion in the school grading formula for high schools by adding the qualifier “national” as a criterion (national industry certifications) and indicating that the source for identifying national industry certifications for inclusion in high school grading will be the Industry Certification Funding List.

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

- Change the criteria for student data for inclusion in school improvement ratings from scores on the FCAT to “scores on statewide assessments administered under s. 1008.22.”

The bill revises s. 1008.36, F.S., Florida School Recognition Program, to:

- Add that if a school selected to receive a school recognition award is no longer in existence at the time the award is paid, the district school superintendent shall distribute the funds to teachers who taught at the school in the previous year in the form of a bonus. This provision directs the district

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school superintendent in the use of school recognition funds for schools that earned recognition awards based on prior-year performance but that are no longer active in the current year.

The bill requires OPPAGA to conduct a study on different types of high school diplomas offered in other states and provide information regarding differentiated high school diploma options and endorsements that other states offer including:

- criteria for awarding diplomas or endorsements
- difference in courses required for college and career pathways
- advantages and disadvantages of offering a range of diploma options
- any barriers associated with implementation of differentiated diplomas

### **General Implementation Timeline:**

July 1, 2009	The act becomes effective.
January 31, 2011	OPPAGA study due to Governor, President of the Senate, and Speaker of the House

# Florida Department of Education

## Senate Bill 4: 7-year Timeline for Implementation Requirements for Ninth Grade Cohorts

2010-2011	2011-2012	2012-2013	2013-2014	2014-2015	2015-2016	2016-2017
Algebra I EOC as 30% of student grade	Algebra I EOC for credit		Algebra I EOC as 30% of student grade	Algebra I EOC for credit	Algebra I EOC for credit	Algebra I EOC for credit
Geometry credit for graduation (currently 93% graduate with credit)	Geometry EOC as 30% of student grade	Geometry EOC for credit	Geometry credit for graduation	Geometry EOC as 30% of student grade	Geometry EOC for credit	Geometry EOC for credit
	Biology credit for graduation and EOC as 30% of student grade (currently 95% graduate with credit)	Biology EOC for credit		Biology credit for graduation and EOC as 30% of student grade	Biology EOC for credit	Biology EOC for credit
		Algebra II credit for graduation (currently 82% graduate with credit)			Algebra II credit for graduation	Algebra II credit for graduation
			Chemistry or Physics (currently 74% graduate with credit) and equally rigorous course credit to graduate			Chemistry or Physics and equally rigorous course credit to graduate
<b>Deletes Major Area of Interest requirement</b>				1 EOC to graduate (Algebra) [EOC passing requirement may be waived for ESE students]	3 EOCs to graduate (Algebra, Biology, Geometry) [EOC passing requirement may be waived for ESE students]	3 EOCs to graduate (Algebra, Biology, Geometry) [EOC passing requirement may be waived for ESE students]

Key = **Black text is year of initiation of the requirement for incoming 9<sup>th</sup> grade students**  
**Red text is first year graduates must meet requirement to earn a standard diploma**

Credit Acceleration Program (CAP) – The school district shall permit a student who is not enrolled in or has not completed the related course to take the standardized EOC during the regular administrations of the assessments.

Beginning with 2011-2012 each high school shall offer an IB program, AICE program, or a combination of at least four courses in dual enrollment or AP, including one course each in English, mathematics, science, and social studies



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OPPAGA shall conduct a study on different types of high school diplomas offered in other states and provide information regarding differentiated high school diploma options and endorsements that other states offer including:

- Criteria for awarding diplomas or endorsements
- Difference in courses required for college and career pathways
- Advantages and disadvantages of offering a range of diploma options
- Any barriers associated with implementation of differentiated diplomas



# Florida Department of Education

**Bill Number:** House Bill 25

**Bill Title:** Temporary and Concurrent Custody of a Child

**Bill Sponsor:** Representative Glorioso

**Effective Date:** July 1, 2010

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

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## **Executive Summary:**

The bill revises s. 61.13002, F.S., Temporary time-sharing modification and child support modification due to military service, to:

- Authorize a court to award concurrent custody of a minor child to an extended family member if a parent is activated, deployed, or temporarily assigned to military service on orders in excess of 90 days.
- Provide for an expedited court hearing when parents are unable to reach agreement on the delegation.
- Provide for a definition of "concurrent custody" to mean that an eligible extended family member is awarded custodial rights to care for a child concurrently with the child's parent or parents.

The bill revises s. 751.05, F.S., Order granting temporary custody, to:

- Include "or concurrent custody"
- Provides for process if either parent objects or wishes to terminate the order

## **General Implementation Timeline:**

July 1, 2010

The act becomes effective.



# Florida Department of Education

**Bill Number:** House Bill 31

**Bill Title:** Public Education

**Bill Sponsor:** Representative Drake

**Effective Date:** July 1, 2010

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

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## **Executive Summary:**

The bill creates section 1003.4505, F.S., which provides:

- That district school boards, administrative personnel, and instructional personnel are prohibited from taking action, including entry into any agreement, that infringes or waives the First Amendment rights of students, instructional personnel, or other school staff, without the express written consent of the individuals whose rights would be impacted by such infringement or waiver.

## **General Implementation Timeline:**

July 1, 2010

The act becomes effective.



**Bill Number:** House Bill 105

**Bill Title:** "Justice Sandra Day O'Connor Civics Education Act"

**Bill Sponsor:** Representative McBurney

**Effective Date:** July 1, 2010

**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, to:

- Require the reading portion of the language arts curriculum within the Sunshine State Standards to include civics education content for all grade levels beginning with the 2011-2012 school year.

The bill amends s. 1003.4256, F.S., General requirements for middle grades promotion, to:

- Require the successful completion of at least a one-semester civics education course in order to be promoted from a school composed of grades 6, 7, and 8, for students entering grade 6 beginning with the 2012-2013 school year.
- Stipulate that the middle school civics education course must address the roles and responsibilities of federal, state, and local governments; the structures and functions of the legislative, executive, and judicial branches of government; and the meaning and significance of historic documents, such as the Articles of Confederation, Declaration of Independence, and Constitution of the United States.

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

- Require the commissioner to develop and administer a statewide end-of-course assessment in civics education at the middle school level. The civics assessment shall be administered as a field test during the 2012-2013 school year and, beginning with the 2013-2014 year, shall constitute 30% of a student's final course grade. Beginning with the 2014-2015 school year, a student must earn passing scores on the civics assessment in order to pass the course and receive course credit.

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

- Add the aggregate scores from the middle school civics end-of-course assessment to the calculation for school grades, beginning with the 2013-14 school year.

## General Implementation Timeline:

July 1, 2010                      The act becomes effective.

2011-2012 school year        The reading portion of the language arts curriculum within the Sunshine State Standards must include civics education content.

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2012-2013 school year

Students entering grade 6 must achieve successful completion of at least a one-semester civics education course in the middle grades.

A statewide, standardized end-of-course assessment in civics education must be administered as a **field test** at the middle school level.

2013-2014 school year

A student's performance on the end-of-course assessment in civics education must constitute 30 percent of the student's final course grade.

2014-2015 school year

A student must earn a passing score on the end-of-course assessment in civics education in order to pass the course and receive course credit.



**Bill Number:** House Bill 119

**Bill Title:** Sexual offenders and predators

**Bill Sponsor:** Representative Rich Glorioso

**Effective Date:** Upon becoming law

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

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### Executive Summary:

This bill creates s.856.022, F.S., Loitering or prowling by certain offenders in close proximity to children; penalty to:

- Indicate this section applies to certain offenders who are required to register as a sexual offender or sexual predator and had been convicted of committing, soliciting or conspiring to commit, certain specified offenses such as:
  - Kidnapping
  - False imprisonment
  - Luring or enticing a child
  - Sexual battery
  - Unlawful Sexual activity with certain minors
  - Procuring a person under 18 for prostitution
  - Selling or buying minors into sex trafficking or prostitution
  - Lewdness or lascivious offenses committed upon or in the presence of persons less than 16, upon or in the presence of an elderly person or disabled person
  - Sexual performance by a child
  - Acts in connection with obscenity (and minors)
  - Computer pornography, traveling to meet a minor
  - Transmission of pornography by electronic device or equipment
  - Transmission of material harmful to minors by electronic device or equipment
  - Selling or buying minors
  - Sexual misconduct with a juvenile offender
  - Similar offenses in another jurisdiction, when the victim was under the age of 18 at the time of the offense.
- Indicate the offense of loitering or prowling by certain offenders in close proximity to children is committed if the certain offender was within 300 feet of a place where children regularly congregate.
- Indicate it is unlawful for such person to:
  - Knowingly approach, contact, or communicate with a child under 18 in any public park building or on property comprising any public park or playground with the intent to engage in conduct of a sexual nature or to make communication of any type with any content of a sexual nature.

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- Knowingly be present in any child care facility or school or real property comprising any child care facility or school containing any students in prekindergarten through 12<sup>th</sup> grade unless the person had previously provided written notification of his or her intent to be present to the school board, superintendent, principal or child care facility owner.
- Fail to notify the child care facility owner or school principal's office when her or she arrives and departs the facility or school.
- Fails to remain under direct supervision of a school official or designated chaperone when present and in the vicinity of children. (School official means principal, school resource officer, teacher or any other employee of the school, superintendent, school board member, child care facility owner or child care provider.)
- Indicates a person is not considered in violation if:
  - The facility is a designated voting location and the person is present for the purpose of voting, during regular voting hours.
  - The person is dropping off or picking up his or her children or grandchildren.

The bill amends s. 775.215, F.S., Residency restriction for persons convicted of certain sex offenses to:

- Provide a definition of "schools" includes private schools, voluntary prekindergarten education programs, public schools, the Florida School for the Deaf and Blind, the Florida Virtual School. It does not include facilities dedicated exclusively to the education of adults.
- Provide a definition of "child care facility" includes any child care center or child care arrangement which provides child care for more than five children unrelated to the operator and which receives a payment, fee, or grant for any of the children receiving care, wherever operated, and whether or not operated for profit.

The bill amends s. 947.1405, F.S., Conditional Release Program, to:

- Indicate sexual offenders, convicted of specific offenses against a victim under the age of 18, who are on a conditional release program, sexual offender probation or community control and have not received a pardon, have not had a conviction set aside in a post conviction proceeding, or have not been removed from the requirements to register as a sexual offender or sexual predator are also:
  - Prohibited from visiting schools, children care facilities, parks and playgrounds, without prior approval from the releasee's supervising officer. (this prohibition does not include visits for the sole purpose of attending religious services or picking up or dropping off the releasee's child or grandchild at a child care facility or school.
  - Prohibited from distributing candy or other items to children on Halloween, wearing a Santa Claus costume, or other costume to appeal to children, on or preceding Christmas; wearing an Easter Bunny costume, or other costume to appeal to children, on or preceding Easter; entertaining at children's parties; or wearing a clown costume without prior approval from the (Parole) Commission.

### General Implementation Timeline:

Effective date                      Upon becoming law.

# Florida Department of Education

**Bill Number:** Senate Bill 140

**Bill Title:** School Food Service Programs

**Bill Sponsor:** Senator Siplin

**Effective Date:** July 1, 2010

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

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## Executive Summary:

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

- Create the Florida Farm Fresh Schools Program within the Florida Department of Education (DOE).
- Require the department to work with the Florida Department of Agriculture and Consumer Services (DOACS) to develop and recommend policies and rules to the State Board of Education pertaining to school food services. The policies and rules must:
  - Encourage patronization of products from Florida farmers by requiring school districts and schools to buy fresh and high-quality foods grown in the state, when feasible;
  - Encourage and solicit Florida farmers to sell their products directly to school districts and schools in the state;
  - Require school districts and schools to make reasonable efforts to select foods based on a preference for those that have maximum nutritional content; and
  - Encourage school districts and schools to demonstrate a preference for competitively priced organic food products.
- Require the Florida DOE, in collaboration with the DOACS, to provide outreach, guidance, and training related to the benefits of fresh food products from farms in the state. Implementation of the Florida Farm Fresh Schools Program must comply with the rules and regulations of the National School Lunch Program.

## General Implementation Timeline:

July 1, 2010                      The act becomes effective.



# Florida Department of Education

**Bill Number:** Senate Bill 166

**Bill Title:** Prescribed Pancreatic Enzyme Supplements/Use

**Bill Sponsor:** Senator Wise

**Effective Date:** July 1, 2010

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

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## **Executive Summary:**

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

- Allow students at risk for pancreatic insufficiency or who have been diagnosed as having cystic fibrosis to carry and self-administer a prescribed pancreatic enzyme while in school and school sponsored activities with authorization from parent and prescribing practitioner.
- Require the State Board of Education (SBE), in cooperation with the Department of Health (DOH), to adopt rules:
  - For the use of prescribed pancreatic enzyme supplements, and
  - To include provisions to protect the safety of all students from the misuse or abuse of the supplements.
- Provide indemnification for any and all liability of school districts, county health departments, and others by the parents of such students.

## **General Implementation Timeline:**

July 1, 2010

The act becomes effective.



# Florida Department of Education

**Bill Number:** Senate Bill 206

**Bill Title:** District School Board Policies and Procedures

**Bill Sponsor:** Senator Hill

**Effective Date:** July 1, 2010

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

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## **Executive Summary:**

The bill amends s. 1001.43, F.S., Supplemental powers and duties of district school board, to:

- Encourage district school boards to adopt policies and procedures for an "Academic Scholarship Signing Day" on the third Tuesday in April for every year. On this day, high school seniors would sign a letter of intent to attend a postsecondary educational institution and accept a postsecondary academic scholarship.

## **General Implementation Timeline:**

July 1, 2010	The act becomes effective.
Fall 2010	Notify school boards of this act and encourage them to adopt policies and procedures for an Academic Scholarship Signing Day in April 2011 and for future years.





**Bill Number:** Senate Bill 312

**Bill Title:** Public Records/Public Defenders/Regional Counsel

**Bill Sponsor:** Senator Jones

**Effective Date:** July 1, 2010

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

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### Executive Summary:

The bill creates s. 119.071(4)(d)1.j., F.S., to:

- Provide that the home addresses, telephone numbers, and photographs of current or former public defenders, assistant public defenders, criminal conflict and civil regional counsel, and assistant criminal conflict and civil regional counsel; the home addresses, telephone numbers and places of employment of the spouses and children of such defenders or counsel; and the names and locations of schools and day care facilities attended by the children of such defenders or counsel are exempt from public records disclosure under s. 119.07(1), F.S.
- Provide that this provision will stand repealed unless saved from repeal by an act of the Legislature before October 2, 2015.

The bill provides a statement of public necessity, emphasizing the need to protect the personal information of current and former public defenders, assistant public defenders, criminal conflict and civil regional counsel, and assistant criminal conflict and civil regional counsel.

### General Implementation Timeline:

July 1, 2010                      The act becomes effective.

October 2, 2015                The provision stands repealed unless saved from repeal by an act of the Legislature.



# Florida Department of Education

**Bill Number:** House Bill 317

**Bill Title:** Relating to Threats

**Bill Sponsor:** Representative Adkins

**Effective Date:** October 1, 2010

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

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## **Executive Summary:**

The bill amends s. 836.10, F.S., to:

- o Add electronic communication to the method of threats that, if committed, are second degree felonies.

## **General Implementation Timeline:**

October 1, 2010            The act becomes effective.



# Florida Department of Education

**Bill Number:** Senate Bill 434

**Bill Title:** General Suicide Prevention Education

**Bill Sponsor:** Senator Sobel

**Effective Date:** July 1, 2010

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

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## **Executive Summary:**

The bill amends s. 14.20195, F.S., Suicide Prevention Coordinating Council; creation; membership; duties, to:

- Delete The Alzheimer's Association and Volunteer Florida from the Council.
- Add The American Foundation of Suicide Prevention and The National Council for Suicide Prevention to the Council.

The bill amends s.1006.07, F.S., District school board duties relating to student discipline and school safety, to:

- To provide all instructional and administrative personnel with access to suicide prevention resources that have been approved by the Statewide Office for Suicide Prevention.
- Provide that personnel who choose to participate in suicide prevention training shall receive in-service credit hours as determined by each district school board.

## **General Implementation Timeline:**

2010-2011 School Year	Each district shall provide access to the training materials as approved by the State Office for Suicide Prevention
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# Florida Department of Education

**Bill Number:** Senate Bill 436

**Bill Title:** Community Colleges

**Bill Sponsor:** Senator Baker

**Effective Date:** Upon becoming law

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

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## **Executive Summary:**

The bill codifies institutional name changes for Central Florida Community College (to the College of Central Florida); Lake City Community College (to Florida Gateway College); Palm Beach Community College (to Palm Beach State College) and Seminole Community College (to Seminole State College of Florida).

The bill revises s. 1000.21(3) F.S., Systemwide definitions of the Florida K-20 Education Code to codify the name changes of the following colleges:

- Central Florida Community College to the College of Central Florida;
- Lake City Community College to Florida Gateway College;
- Palm Beach Community College to Palm Beach State College; and
- Seminole Community College to Seminole State College of Florida.

The bill also revises s. 288.875(5) F.S., Linkage Institutes between postsecondary institutions to change the reference of Palm Beach Community College to Palm Beach State College.

## **General Implementation Timeline:**

Effective date                      Upon becoming law.





# Florida Department of Education

**Bill Number:** Senate Bill 464

**Bill Title:** Military Affairs

**Bill Sponsor:** Senator Fasano

**Effective Date:** July 1, 2010

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

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## Executive Summary:

This bill amends s. 115.07, F.S., and s. 250.10, F.S., to:

- Authorize leave of absence for officers and employees of the state, counties, municipalities, or political subdivisions who are commissioned as reserve officers or reserve enlisted personnel in the military, National Guard, or naval service.
- Entitle officers and employees to 240 working hours rather than 17 working days of annual leave of absence without the loss of time or efficiency rating.

The bill amends s. 250.10, F.S, to:

- Provide that The Adjutant General may, subject to confirmation by the Senate, employ an additional, federally-recognized officer of the Florida National Guard, who has served in the Florida Army Guard for the preceding 5 years and attained the rank of colonel or higher at the time of appointment, to be a second Assistant Adjutant General for Army.

## General Implementation Timeline:

July 1, 2010

The act becomes effective.



**Bill Number:** House Bill 467

**Bill Title:** Public K-12 Education

**Bill Sponsor:** Representative Jones

**Effective Date:** July 1, 2010

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

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**Executive Summary:**

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

- Provide for health education curriculum for students in grades 7 through 12 which shall include, but not be limited to:
  - The definition of dating violence and abuse,
  - The warning signs of dating violence and abusive behavior,
  - The characteristics of healthy relationships,
  - Measures to prevent and stop dating violence and abuse, and
  - Community resources available to victims of dating violence and abuse.

The bill adds s. 1006.148, F.S., Dating violence and abuse prohibited, to:

- Provide for adoption and implementation of a dating violence and abuse policy by each district school board, which shall:
  - Prohibit dating violence and abuse by any student on school property, during a school-sponsored activity, or during school-sponsored transportation.
  - Provide procedures for responding to such incidents of dating violence or abuse, including accommodations for students experiencing dating violence or abuse.
  - Define dating violence and abuse and provide for a teen dating violence and abuse component in the health education curriculum, according to s. 1003.42(2)(n), F.S., with emphasis on prevention education.
  - Be implemented in a manner that is integrated with a school district's discipline policies.
- Provide for the Department of Education to develop a model policy, by January 1, 2011, to serve as a guide for district school boards in the development of the dating violence and abuse policy described in subsection (1).
- Provide training for teachers, staff, and school administrators by each district school board.

**General Implementation Timeline:**

July 1, 2010

The act becomes effective.

January 1, 2011

The Department of Education shall develop a model policy to serve as a guide for district school boards in the development of the dating violence and abuse policy.



# Florida Department of Education

**Bill Number:** House Bill 483

**Bill Title:** Tax on Sales, Use, and Other Transactions

**Bill Sponsor:** Representative Rivera

**Effective Date:** Upon becoming law

**DOE Contact:** Linda Champion, Deputy Commissioner, Division of Finance and Operations, (850) 245-0509

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## Executive Summary:

The bill establishes a three-day sales tax holiday occurring from 12:01 a.m., August 13, 2010, through midnight, August 15, 2010. During the sales tax holiday, the following items that cost \$50 or less are exempt from the state sales tax and county discretionary sales surtaxes (commonly called "local option sales taxes"):

- Books (defined as a set of printed sheets bound together and published in a volume, but does not include newspapers, magazines, or other periodicals);
- Clothing and footwear (defined as an "article of wearing apparel, including all footwear, except skis, swim fins, roller blades, and skates, intended to be worn on or about the human body," but excluding watches, watchbands, jewelry, umbrellas, and handkerchiefs);
- Wallets; and
- Bags (including handbags, backpacks, fanny packs, and diaper bags, but excluding briefcases, suitcases, and other garment bags).

During the sales tax holiday, the bill also exempts school supplies that cost \$10 or less per item. As defined by the bill, school supplies include pens, pencils, erasers, crayons, notebooks, notebook filler paper, legal pads, binders, lunch boxes, construction paper, markers, folders, poster board, composition books, poster paper, scissors, cellophane tape, glue or paste, rulers, computer disks, protractors, compasses, and calculators.

The bill specifies that the sales tax holiday does not apply to sales within a theme park, entertainment complex, public lodging establishment, or airport.

The bill provides a nonrecurring appropriation to the Department of Revenue for administration of the sales tax holiday.

## General Implementation Timeline:

Effective Date                      Upon becoming a law.



# Florida Department of Education

**Bill Number:** House Bill 521

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

**Bill Sponsor:** Representative Proctor

**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 reenacts Florida's Compact on Educational Opportunity for Military Children legislation that was originally enacted in 2008 and repeals the automatic repeal provision in the original compact legislation.

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

- Remove compact provisions authorizing the Commission to close meetings, seal closed meeting records, and adopt bylaws exempting records from disclosure.

The bill adds a new provision automatically repealing the compact legislation (ss. 1000.36, 1000.37, 1000.38, and 1000.39, F.S.) three years after the bill takes effect.

## **General Implementation Timeline:**

Effective Date                      The act is effective upon becoming law.





# Florida Department of Education

**Bill Number:** House Bill 663

**Bill Title:** Building Safety

**Bill Sponsor:** Representative Aubuchon

**Effective Date:** July 1, 2010

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

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## **Executive Summary:**

The bill revises various laws regarding building safety, including provisions relating to elevator safety, home inspection services, mold assessment and remediation, and building code inspections and enforcement.

Specific provisions that pertain to the education agencies include:

- Provides for elevator safety in buildings that are six stories or higher by authorizing the installation of a lock box that will permit the fire department to access the building in case of an emergency. The lock box must contain keys to all elevators in the building that allow public access, including freight and service elevators.
- Provides for the Division of Elevator Safety to have reasonable access to all buildings and rooms in which conveyance systems and equipment are located.
- Creates the Mold-related Services Licensing Program within the Department of Business and Professional Regulation. Mold assessors and remediators are required to be licensed by the State of Florida, and the bill provides requirements for licensure and renewal. The bill further provides for insurance requirements for mold assessors and remediators.
- Regarding the Florida Building Code, the bill includes provisions related to manufactured buildings, accessibility waivers, binding and nonbinding code interpretations, air conditioner installation, roof-mounted equipment, and windstorm mitigation.
  - The bill states that custom, or one-of-a-kind, prototype manufactured buildings are not required to have state approval, but are required to meet the requirements of the local educational entity, including the Florida Building Code and the Florida Fire Prevention Code.
  - The bill allows the Florida Building Commission to charge a fee for accessibility waivers, declaratory statements, and binding and nonbinding interpretations of Florida Building Code requirements.
  - To implement the National Flood Insurance Program, local educational agencies are required to follow the flood resistance requirements established by the local county or municipality.
  - Lighting levels in the classroom are established at 40 foot-candle light at the desk.
  - Local educational agencies are required to consider light-emitting diode (LED) lighting before considering any other lighting source.

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- An exception is provided in the bill for rooftop equipment attached to stands that meet wind load requirements. The exception expires upon implementation of the 2010 Florida Building Codes (currently set for December 31, 2011).
- The bill provides legislative intent that all replacement air conditioning systems are to be installed using energy-saving, high-quality installation procedure including sizing analysis and duct inspections.
- Relating to Fire Prevention and Safety, the bill:
  - Includes provisions relating to expedited declaratory statements, and binding and nonbinding interpretations of the Florida Fire Prevention Code.
  - Allows the State Fire Marshal to charge for nonbinding interpretations.
  - Allows continuing education reciprocity with the Building Code Administrators and Inspectors Board.
  - Provides for fire equipment dealers classifications and limits of services.
  - Provides licensing requirements for fire protection system installers.
  - Provides for the Inspection of fire hydrants and fire extinguishing systems.
- Additional provisions in the bill that do not affect public educational facilities include:
  - Specifies circumstances that constitute abandonment of homestead property.
  - Allows distance learning courses to satisfy licensing and licensing renewal requirements for certain specified licenses.
  - Provides common element inspection requirements for condominiums.
  - Revises home inspector regulation requirements.
  - Delays implementation of licensure requirements and provides that licensed home inspectors who complete mitigation training may sign uniform mitigation verification inspection forms.
  - Applies the calculation, collection, and distribution of surcharges to certain building permits.
  - Specifies other building code provisions that have no impact on educational facilities, such as requirements for carbon monoxide alarms where sleeping rooms are provided, residential swimming pool pump motors, alternative plan review, and inspection processes.
  - Deletes the building code core curriculum course requirements.
  - Provides building code product approval fees and processes.
  - Specifies composition and terms of the Florida Fire Prevention Code Advisory Council.

### General Implementation Timeline:

July 1, 2010                      The act becomes effective, except where provided otherwise.

# Florida

## Department of Education

**Bill Number:** House Bill 723

**Bill Title:** Postsecondary Education Fee Waivers

**Bill Sponsor:** State Universities and Private Colleges Policy Committee; Representative Sachs

**Effective Date:** July 1, 2010

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

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### Executive Summary:

The bill amends s. 1009.26, F.S., Fee Exemptions, to:

- Authorize a state university or community college to waive tuition and fees for certain public school teachers for certain undergraduate courses.
  - Only full-time public K-12 classroom teachers meeting college or university academic requirements are eligible for this fee waiver.
  - Colleges and universities may waive, on a space-available basis, up to six hours per term.
  - This waiver can only apply to undergraduate courses in the areas of special education, math, or science that have been approved by the Department of Education.
  - The waiver may not be used for courses taught during the school district's regular work day.
  - This bill provides authorization to colleges but does not require fee waivers.
  - The State Board of Education shall adopt a rule that prescribes the process for the approval of courses by the department.

The bill amends s. 1004.26, F.S., University Student Governments, to:

- Prohibit a cause of action against a state university for the actions or decisions of a state university student government, when the actions or decisions of a state university student government are made final by a university and constitute a violation of state or federal law.

The bill amends s. 501.0117, F.S., Credit Cards, and s. 1009.23, F.S., Community College Student Fees, to:

- Provide that a convenience fee imposed on a student or family making payment by credit card to certain postsecondary institutions is not considered a surcharge for purposes of certain restrictions.
- Allow students at a William L. Boyd, IV Florida Resident Access Grant-eligible institution to be assessed a convenience fee for charges by credit card.
- Allow students at colleges within The Florida College System to be assessed a convenience fee for the processing of automated or on-line credit card payments for fees associated with college credit instruction leading to an associate in arts degree, an associate in applied science degree, an associate in science degree, a baccalaureate degree, noncredit college preparatory courses, and educator preparation institute programs.

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## Department of Education

### General Implementation Timeline:

July 1, 2009

The act becomes effective.

# Florida Department of Education

**Bill Number:** Senate Bill 742

**Bill Title:** Public Safety Telecommunicators/E911

**Bill Sponsor:** Senator Detert

**Effective Date:** July 1, 2010

**DOE Contact:** Loretta Costin, Interim Chancellor, Division of Career and Adult Education, (850) 245-9463  
Willis Holcombe, Chancellor, Division of Florida Colleges, (850) 245-0407

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## Executive Summary:

The bill amends Section 401.465, Florida Statutes, requiring the Department of Health to certify 911 public safety telecommunicators.

The bill allows for the employment of a 911 public safety telecommunicator trainee in accordance with rules established by the Department of Health.

The bill defines a public safety telecommunications training program as one that is equivalent to the most recently Department of Education approved public safety telecommunication career and technical certificate curriculum framework and consists of not less than 232 hours.

Effective October 1, 2012, the Department of Health will administer proficiency examinations for the public safety telecommunication training program. To be certified as a public safety telecommunicator, applicants must pass the proficiency examination and satisfy other criteria.

The bill requires that a rule be established by the Department of Health to develop a procedure that includes an additional 20 hours of training for renewal certification.

The bill requires that a rule be established by the Department of Health to develop a procedure for the approval of public safety telecommunication training programs.

The bill allows for a "state-of-emergency-waiver" of the requirements of section 3 amending section 401.465, Florida Statutes.

## General Implementation Timeline:

Effective Date                      July 1, 2010

Effective October 1, 2012              Mandatory certification of Public Safety Telecommunicators

- Process began 2/26/2010 at Santa Fe College - revisions to the existing frameworks by more than 200 telecommunications supervisors and staff across the state;

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- A core group of 911 Telecommunications staff from various areas will do a final review and suggest final changes to the 911 Telecommunications framework;
- Final comments will be incorporated and the framework will be presented to the Law, Public Safety and Security work group for review; and
- The new framework will be posted online by June 2010 to meet the implementation date of the proposed law.

The Florida Department of Education (DOE) will continue to partner with the Florida Department of Health (DOH) to ensure the rules established by DOH for mandatory certification of 911 telecommunications personnel is mirrored and captured in the framework and training programs. Additionally, the DOE will continue to monitor the DOH activities related to the new provisions and provide technical assistance to postsecondary institutions offering these programs on an as needed basis.

# Florida Department of Education

**Bill Number:** House Bill 747

**Bill Title:** Treatment of Diabetes

**Bill Sponsor:** Representative Thompson

**Effective Date:** July 1, 2010

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

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## **Executive Summary:**

The bill amends s. 385.203, F.S., Diabetes Advisory Council; creation; function; membership, to:

- Add a representative from the Florida Academy of Family Physicians to the Diabetes Advisory Council membership.

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

- Prohibit school districts from restricting the assignment of a student who has diabetes.
- Allow students with diabetes to carry and use diabetic supplies and equipment at school and school-sponsored activities with authorization from parent and physician and in accordance with rule.
- Require the State Board of Education (SBE), in cooperation with the Department of Health (DOH), to adopt rules:
  - For the management and care of diabetes by students at school and during school-sponsored activities, including provisions to protect the safety of all students from the misuse or abuse of diabetic supplies or equipment; and
  - To encourage every school in which a student with diabetes is enrolled to have personnel trained in routine and emergency diabetes care.
- Provide indemnification from any and all liability of school districts, county health departments, and others by the parents of such students.

## **General Implementation Timeline:**

July 1, 2010

The act becomes effective.





**Bill Number:** House Bill 951

**Bill Title:** Public Safety

**Bill Sponsor:** Representative Snyder

**Effective Date:** July 1, 2010

**DOE Contact:**

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### **Executive Summary:**

The bill amends the following statutes as they relate to education and the Agency.

The bill amends s. 943.05, Criminal Justice Information Program; duties; crime reports, to:

- Allow an agency executive director, Secretary or designee to request the program to retain fingerprints submitted by criminal and noncriminal justice agencies for a criminal history background screening and to enter the fingerprints in the statewide automated fingerprint identification system. Indicates this request is subject to sufficient funds and equipment for the program to participate in such a request.
- Require for each agency that officially requests retention of fingerprints that all fingerprint submissions shall be searched against the statewide automated fingerprint identification system.
- Require each agency participating to notify each person fingerprinted that his or her fingerprints will be retained.
- Require the payment of an annual fee to participate in the search process.
- Require notification of change in employment affiliation for each person whose fingerprints are retained when the change removes the needs to receive reports of the persons arrest to eliminate the obligation of payment associated with the retention and searching of those fingerprints.
- Provide rulemaking for agencies participating in fingerprint retention and search process.
- Provide participation in the federal fingerprint retention program when it goes into effect and provides retention and searching at a national level.

### **General Implementation Timeline:**

July 1, 2010

The act becomes effective.



# Florida Department of Education

**Bill Number:** Senate Bill 1058

**Bill Title:** Cooperation Between Schools & Juvenile Authorities

**Bill Sponsor:** Senator Aronberg

**Effective Date:** July 1, 2010

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

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## **Executive Summary:**

The bill amends s. 985.04, F.S., Oaths; records; confidential information, to:

- Require that the superintendent of schools release information upon notification that a child has been charged with a felony or delinquent act within 48 hours to appropriate school personnel, including the child's principal and the director of transportation.
- Require that principals immediately notify a child's immediate classroom teachers, the child's assigned bus driver, and any other school personnel whose duties include direct supervision of the child.
- Require that superintendents notify school personnel whose duties include direct supervision of the child of the disposition of the charges against the child.
- Allows for the release of a student's education records without written consent of the student or parent to parties in an interagency agreement among the Department of Juvenile Justice, the school, law enforcement authorities, and other signatory agencies, in accordance with FERPA and the federal regulations issued pursuant to FERPA, an agency, as defined in s. 1002.22, F.S., or a public school, center, institution, or other entity that is part of Florida's education system. Information provided within such interagency agreement is intended solely for use in determining the appropriate programs and services for each juvenile or the juvenile's family, or for coordinating the delivery of the programs and services, and as such is inadmissible in any court proceeding before a dispositional hearing unless written consent is provided by a parent or other responsible adult on behalf of the juvenile.

## **General Implementation Timeline:**

July 1, 2010

The act becomes effective.



**Bill Number:** House Bill 1073

**Bill Title:** Persons with Disabilities

**Bill Sponsor:** Representatives Llorente and Representative Hukill

**Effective Date:** July 1, 2010

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

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## Executive Summary:

The bill amends s. 393.067, F.S., *Facility licensure*, to require reporting of abuse, neglect, exploitation, and abandonment of residents and clients in facilities for persons with developmental disabilities.

The bill amends s. 393.13, F.S., *Treatment of persons with developmental disabilities*, to establish that persons with developmental disabilities have a right to be free from abuse, neglect, and exploitation.

The bill amends s. 402.305(2), F.S., *Licensing standards; child care facilities*. This section of law establishes the course content for the 40-clock-hour introductory course in child care that is taken by child care personnel working in licensed child care facilities. The topics that are added to the course content include:

- Developmental disabilities, including autism spectrum disorder and Down Syndrome, to include recognition and care of infants and toddlers with developmental disabilities including autism spectrum disorder and Down Syndrome
- Early identification
- Use of state and local resources
- Classroom integration
- Positive behavioral supports for children with developmental disabilities

The bill creates s. 1003.573, *Use, monitoring, and reduction of unnecessary seclusion and restraint on students with disabilities*.

The bill establishes **documentation and reporting requirements** to include the following:

- An incident report shall be prepared within 24 hours after a student is released from restraint or seclusion. The content of the report must include:
  - The name of the student.
  - The date, time, and location of the event and the duration of the restraint or seclusion.
  - The type of restraint used.
  - The name of the person using or assisting in the restraint or seclusion of the student.
  - The name of any nonstudent who was present to witness the restraint or seclusion.
  - A description of the incident to include the context in which the restraint or seclusion occurred; behavior leading up to the decision to use restraint or seclusion including an indication as to why there was an imminent risk of serious injury or death to the

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student or others; positive behavioral strategies used to prevent or de-escalate the behavior; what occurred immediately after the termination of restraint or seclusion; any injuries, marks, or medical emergencies; and evidence of steps taken to notify the parent or guardian.

- Schools are required to notify a parent or guardian each time manual physical restraint or seclusion is used. This notification must be in writing and provided before the end of the school day in which the restraint or seclusion occurs. In addition, reasonable efforts must be taken to notify the parent or guardian by telephone or computer e-mail or both. The school shall obtain and keep in its records the parent or guardian's signed acknowledgment of notification.
- Schools are required to provide the parent or guardian with the completed incident report in writing by mail within three school days after the event. The school shall obtain and keep in its records the parent or guardian's signed acknowledgment that the incident report was received.

The bill establishes monitoring requirements to include the following:

- Monitoring of the use of manual physical restraint or seclusion must occur at the classroom, building, district, and state levels.
- Beginning July 1, 2010, incident reporting must be submitted electronically each month that school is in session to the school principal, the district director of exceptional student education, and the chief of the Bureau of Exceptional Education and Student Services (BEES).
- The Florida Department of Education (FDOE) is required to maintain aggregated data of incidents of manual physical restraint and seclusion. Data must be disaggregated for analysis by county, school, student exceptionality, and other variables. This information is required to be updated monthly.

The bill establishes requirements with regard to district policies and procedures, as follows:

- District must develop policies and procedures that address:
  - Incident-reporting procedures
  - Data collection
  - Monitoring and reporting of data collected
- Districts must include these policies and procedures as a part of the school district's special policies and procedures. Any revisions must be filed with the BEES no later than January 31, 2011.

The bill prohibits the use of a mechanical restraint or a manual physical restraint that restricts a student's breathing.

The bill prohibits school personnel from closing, locking, or physically blocking a student in a room that is unlit and does not meet the rules of the State Fire Marshal for seclusion time-out rooms.

The bill amends s. 1004.55, F.S., *Regional Autism centers*, and requires that the centers assume additional responsibilities. Those responsibilities include:

- Coordination and dissemination of local and regional information regarding available resources for services for children with developmental disabilities as described in s. 1004.55, F.S.
- Support to state agencies in the development of training for early child care providers and educators with respect to the developmental disabilities described in s. 1004.55, F.S.

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The bill creates a new section of law, s. 1012.582, F.S. *Continuing education and in-service training for teaching students with developmental disabilities*. The following requirements are established:

- The Commissioner of Education shall develop recommendations to incorporate instruction regarding autism spectrum disorder and other developmental disabilities into continuing education or in-service training requirements for instructional personnel. These recommendations shall address:
  - Early identification of, and intervention for, students who have autism spectrum disorder, Down Syndrome, or other developmental disabilities.
  - Curriculum planning and curricular and instructional modifications, adaptations, and specialized strategies and techniques.
  - Use of available state and local resources.
  - Use of positive behavioral supports to deescalate problem behaviors.
  - Appropriate use of manual physical restraint and seclusion techniques.
- In developing the recommendations, the Commissioner must consult with the State Surgeon General, the Director of the Agency for Persons with Disabilities, representatives from the education community, and representatives from entities that promote awareness about autism spectrum disorder and other developmental disabilities and provide programs and services to persons with developmental disabilities, including, but not limited to, regional autism centers pursuant to s. 1004.55, F.S.
- Beginning with the 2010-2011 school year, the Florida Department of Education shall incorporate the course curricula recommended by the Commissioner of Education into existing requirements for the continuing education or in-service training of instructional personnel. These requirements may not add to the total hours required for continuing education or in-service training as currently established by the Florida Department of Education.
- The bill provides authority to the State Board of Education to adopt rules to implement this section.

### General Implementation Timeline:

July 1, 2010	The act becomes effective.
2010-2011	The Department must incorporate course curricula regarding teaching students with developmental disabilities into existing requirements for continuing education or in-service training of instructional personnel.
January 31, 2011	Districts must file revised policies and procedures related to seclusion and restraint of students with disabilities with BEESS.





# Florida Department of Education

**Bill Number:** Senate Bill 1136

**Bill Title:** Fire Safety Inspections

**Bill Sponsor:** Senator Crist

**Effective Date:** Upon becoming law

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

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## **Executive Summary:**

The bill amends s. 663.082, F.S., Inspection of fire control systems, fire hydrants, and fire protection systems, to:

- Provide that public fire hydrants owned by a governmental entity shall be inspected following standards adopted by the State Fire Marshal or equivalent standards, such as those contained in the latest edition of the American Water Works Association Manual.
- Provide that county, municipal, and special district utilities may designate employees to perform fire hydrant inspections, regardless of whether or not those employees are certified by the State Fire Marshal. Although a certification is no longer required, the county, municipal, and special district utilities are responsible for ensuring that the designated employees are qualified to perform fire hydrant inspections.

The bill amends ss. 633.081 and 633.082., F.S., to:

- Allow fire safety inspectors who are employees of local governmental units or special districts to perform inspections on fire hydrants under their control without being certified to do so by the State Fire Marshal.
- Provide that, if a local government or special district uses such designated employees, the local government or special district is responsible for ensuring that the employees are qualified to perform fire hydrant inspections.
- Eliminate the mandate that counties, municipalities, and special districts use employees certified by the State Fire Marshal to perform inspections of fire hydrants.

## **General Implementation Timeline:**

Effective date                      Upon becoming law.



# Florida

## Department of Education

**Bill Number:** House Bill 1157

**Bill Title:** Local Government Prompt Payment Act

**Bill Sponsor:** Economic Development & Community Affairs Policy Council

**Effective Date:** October 1, 2010

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

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### **Executive Summary:**

Part VII of Chapter 218, Florida Statutes, known as the “Local Government Prompt Payment Act” (Act), was enacted in 1989 and applies to local governments. The Act states that it is the policy of this state that “payment for all purchases by local governmental entities be made in a timely manner.” The purpose of the act is to provide for:

- Prompt payments by local governmental entities and their institutions and agencies;
- Interest payments on late payments made by local governmental entities and their institutions and agencies; and
- A dispute resolution process for payment of obligations.

“Local governmental entity” is defined by the Act to mean a county or municipal government; school board; school district; authority; special taxing district; other political subdivisions; or any office, board, bureau, commission, department, branch, division, or institution thereof.

The Act provides for the following:

- Timely payment for purchases of construction services and non-construction services;
- Procedures for calculation of payment due dates;
- Payment of interest at the rate of one percent per month (or the rate specified by contract, whichever is greater); and
- Resolution of disputes.

The bill amends ss. 218.72, 218.735, 218.76, F.S.

### **Due Date**

Local governmental entities must provide payment for construction services no later than 20 business days after the date on which the invoice is received, or within 25 business days if the invoice is subject to agent approval. Current law allots 15 days for both contractors and subcontractors to pay downstream to their subcontractors and suppliers once they have received payment from local governments.

Currently, s. 218.735, F.S., provides guidelines for the timely payment for construction services purchases. Under s. 218.735(1), F.S., if an agent must approve the payment request or invoice prior to

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the payment request or invoice being submitted to the local governmental entity, payment is due 25 business days after the date on which the payment request or invoice is stamped as received.

The bill provides that a contractor may send the local government an overdue notice. If the payment request or invoice is not rejected within four business days after delivery of the overdue notice, the payment request or invoice will be deemed accepted, except for any portion of the payment request or invoice that is fraudulent or misleading. If an agent need not approve the payment request or invoice submitted by the contractor, payment is due 20 business days after the date on which the payment request or invoice is stamped as received.

The bill modifies the prompt payment act by requiring a local governmental entity to identify the agent or employee of the local governmental entity, or the facility or office, to which the contractor may submit its payment request or invoice. This requirement must be included in the contract between the local governmental entity and contractor, or must be provided by the local governmental entity through a separate written notice, as required under the contract, no later than 10 days after the contract award. A contractor's submission of a payment request or invoice to the identified agent, employee, facility, or office of the local governmental entity must be stamped as received and will begin the time periods for payment or rejection of a payment request or invoice. If the payment request does not meet the contract requirements, the local government entity must reject that payment request or invoice within 20 days after the date on which the payment request or invoice is stamped received. If the payment request is not rejected within 20 days, the payment request is deemed to be approved.

### Dispute Resolution

Currently, s. 218.735(4), F.S., provides that, if a dispute between the local governmental entity and the contractor cannot be resolved by the procedure in s. 218.735(3), F.S., the dispute must be resolved in accordance with the dispute resolution procedure prescribed in the construction contract or in any applicable ordinance. In the absence of a prescribed procedure, the dispute must be resolved by the procedure specified in s. 218.76(2), F.S.

The bill provides that the applicable dispute resolution procedure prescribed in the construction contract or in any applicable ordinance must be referenced in the contract.

### List of Items (Punch List)

Currently, s. 218.735, F.S., provides that each contract for construction services between a local governmental entity and a contractor must provide for the development of a list of items (generally known as a "punch list") required to render complete, satisfactory, and acceptable the construction services purchased by the local governmental entity.

Section 218.735(a), F.S., provides for a 30-day timeline for construction projects having an estimated cost of less than \$10 million. Section 218.735(7)(b), F.S., provides for a 30-day timeline for construction projects having an estimated cost of \$10 million or more, unless otherwise extended by contract (not to exceed 60 calendar days), to begin after reaching substantial completion of the construction services purchased as defined in the contract, or if not defined in the contract, upon reaching beneficial occupancy or use.

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The bill provides that the contract must provide for the development of a single punch list for the construction services purchased by the local governmental entity.

The bill provides that the contract must specify a date for the delivery of the punch list, not to exceed five days after the punch list has been developed and reviewed.

The bill also provides that the final contract completion date must be at least 30 days after the delivery of the punch list. If the punch list is not provided to the contractor by the agreed-upon date for delivery, the contract time for completion must be extended by the number of days the local governmental entity exceeded the delivery date. In addition, damages may not be assessed against a contractor for failing to complete a project within the time required by the contract, unless the contractor failed to complete the project within the contract period as extended pursuant to the guidelines listed above.

### Retainage

Currently, s. 218.735, F.S., provides that warranty items may not affect the final payment of retainage as provided in this section or as provided in the contract between the contractor and its subcontractors and suppliers. In addition, if a local governmental entity fails to comply with its responsibilities to develop the punch list for the construction services purchased by the local governmental entity, as defined in the contract or statute, the contractor may submit a payment request for all remaining retainage withheld by the local governmental entity pursuant to this section. The local governmental entity need not pay or process any payment request for retainage if the contractor has, in whole or in part, failed to cooperate with the local governmental entity in the development of the punch list or failed to perform its contractual responsibilities, if any, with regard to the development of the punch list or if s. 218.735(8)(f), F.S., applies.

The bill provides that items not included in the punch list as required by statute may not be used to withhold final payment of retainage. In addition, the bill requires submittal of the final, undisputed retainage payment within 20 business days after receipt of a proper invoice or payment request, less any amount withheld pursuant to the contract for incomplete or uncorrected work, unless the local governmental entity has provided a written notice to the contractor specifying the failure of the contractor to meet contract requirement in the development of the punch list.

### Improper Payment Request or Invoice; Resolution of Disputes

Currently, s. 218.76, F.S., provides for a dispute resolution process if a government entity files an objection to a request for payment. In addition, s. 218.76, F.S., provides that, in an action to recover amounts due under the Act, “the court shall award court costs and reasonable attorney’s fees, including fees incurred through any appeal, to the prevailing party, if the court finds that the nonprevailing party withheld any portion of the payment that is the subject of the action without any reasonable basis in law or fact to dispute the prevailing party’s claim to those amounts.”

The bill provides that, if an improper payment request or invoice is submitted by a vendor, the local governmental entity must notify the vendor in writing within 10 days after the improper payment request is received. The bill also provides that, if the local governmental entity does not begin the dispute resolution procedure within 45 days, a contractor may give written notice to the local governmental entity of the failure to begin its dispute resolution procedure in a timely manner. If the local

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governmental entity fails to begin the dispute resolution procedure within four business days after such notice, any amounts resolved in the contractor's favor must bear mandatory interest, as set forth in s. 218.735(9), F.S., from the date the payment request or invoice containing the disputed amounts was submitted to the local governmental entity. If the dispute resolution procedure is not initiated within four business days after the notice, the objection to the payment request or invoice is deemed waived. The waiver of an objection pursuant to this subsection does not relieve a contractor of its contractual obligations.

The bill removes language related to court proceedings. Under the bill, prevailing parties in legal disputes related to the Act would be awarded court and legal fees, even in cases when the losing party claimed to have a reasonable basis in law or fact to dispute such payments. This provision does not apply to any litigation that begins prior to October 1, 2010.

### Definitions

Section 218.72, F.S., provides the following definitions:

- "Proper invoice" refers to an invoice that conforms with all statutory requirements and with all requirements that have been specified by the local governmental entity to which the invoice is submitted;
- "Payment request" refers to a request for payment for construction services that conforms with all statutory requirements and with all requirements specified by the local governmental entity to which the payment request is submitted; and
- "Agent" refers to a project architect, project engineer, or any other agency or person acting on behalf of the local governmental entity.

The bill revises the definition of "agent" to provide that the agent who is required to review invoices or payment requests must be identified in accordance to the provisions of s. 218.735(1), F.S. This provision would result in having one receiving agent who would be identified in advance.

The bill revises the definitions of "payment request" and "proper invoice" to provide that these requirements must be included in the contract for the project for which the payment is requested or for which the invoice is submitted.

### **General Implementation Timeline:**

By June 30, 2010	Districts will be notified through memorandum from the Office of Educational Facilities of the change in statutes that will be effective on October 1, 2010.
October 1, 2010	The act becomes effective.

# Florida Department of Education

**Bill Number:** House Bill 1271

**Bill Title:** Transportation

**Bill Sponsor:** Representative Horner

**Effective Date:** July 1, 2010

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

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## **Executive Summary:**

The bill revises the following statutes relative to education, Sections 44 through 47 revises ss. 705.18(1), 705.182(4), 705.183(8), and 705.184(5), F.S., to:

- Authorize a public-use airport with regularly scheduled international passenger service to keep the proceeds remaining from the sale of abandoned personal property, including motor vehicles and aircraft, after deducting associated removal costs. Currently the proceeds are deposited in the state school fund. The interest and principal of the school trust fund may be appropriated only for the support of public schools, as required by Article IX, Section 6, of the Constitution of the State of Florida.

## **General Implementation Timeline:**

July 1, 2010                      The act becomes effective.





# Florida Department of Education

**Bill Number:** House Bill 1307

**Bill Title:** State Financial Matters

**Bill Sponsor:** Representative Schenck

**Effective Date:** July 1, 2010

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

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## **Executive Summary:**

The bill includes changes to the Florida Retirement System (FRS) Investment Plan to codify practices and policies that have been used in administration of the plan since its inception.

The bill amends s. 121.4501, F.S., Public Employee Optional Retirement Program, to :

- Revise the definitions of defined benefit program, electronic means, optional retirement, and optional program.
- Provide that an employee may choose to transfer from the optional retirement program to the defined benefit and retain an excess balance in the optional retirement program after satisfying the buy-in requirements. The excess balance may not be distributed until the member retires from the defined benefit program. The excess balance may be rolled over to the defined benefit program and used to purchase service credits or upgrade to creditable service.
- Revise vesting requirements with respect to amounts transferred from the defined benefit program to the investment program.
- Require the State Board of Administration (SBA) to receive and resolve participant complaints against the program.
- Provide that third-party administrators retain participant records for a minimum of five years to be used to resolve participant complaints.

The bill amends s. 121.4502, F.S., Public Employee Optional Retirement Program Trust Fund, to:

- Create a forfeiture account within the Public Employee Optional Retirement Program Trust to hold the assets derived from the forfeiture of benefits by participants. Pursuant to a private letter ruling from the IRS, the account may be used only to pay expenses of the Public Employee Optional Retirement Program and reduce future contributions.

The bill revises s. 121.74, F.S., Administrative and educational expenses, to:

- Provide that effective July 1, 2010, through June 30, 2014, employers participating in the FRS contribute 0.03 percent of the payroll reporting for each class or subclass. Effective July 1, 2014, the contribution rate shall be 0.04 percent of the payroll reported for each

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class or subclass. Employers are to remit funds within 30 working days after the date of penalty notice.

- Provide that if contributions made by an employer on behalf of participants are delayed by an act of God beyond the control of the Division of Retirement, et. al., market losses are not payable.

The bill amends s. 215.44 F.S., Board of Administration; powers and duties in relation to investment of trust funds, to:

- Provide that state university, college, or direct-support organizations may invest in Local Government Surplus Funds created by s. 218.405, F.S.
- Direct the SBA to create an audit committee to assist in oversight responsibilities. The committee shall consist of three members appointed by the Board to serve four-year terms. The board is directed to produce financial statements for the FRS annually to be reported to the Legislature.

The bill amends s. 215.441, F.S., Board of Administration appointment of executive director, to:

- Include the minimum requirements for the executive director position.

The bill amends s. 215.444, Investment Advisory Council, to:

- Provide that beginning February 1, 2011, the council membership is expanded to nine members. Council members must undergo regular fiduciary training and may create subcommittees as necessary.
- Provides that the Board may not invest more than 35 percent of any fund in corporate obligations and securities that have offices in other countries.

The bill creates s. 215.4754, F.S., Ethics Requirements, for investment advisers and managers and members of the Investment Advisory Council.

The bill creates s. 215.4755, F.S., Certification and disclosure requirements for investment advisers and managers.

### **General Implementation Timeline:**

July 1, 2010                      The act becomes effective.

**Bill Number:** House Bill 1337

**Bill Title:** Nursing

**Bill Sponsor:** Representative Grimsley

**Effective Date:** July 1, 2010

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

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### Executive Summary:

In 2009 the Legislature passed HB 1209 with the intent to streamline the nursing education approval and regulatory processes. The bill repealed the Board of Nursing (BON) rulemaking authority. The 2010 legislation, CS/CS/HB 1337, builds on the 2009 bill by further streamlining these processes.

The bill amended definitions as follows:

- “Approved program” is clarified to mean “a program for the pre-licensure education of practical or professional nurses that is conducted in the state at an educational institution and that is approved under s. 464.019, F.S.”
- “Accredited program” is defined as “a program for the pre-licensure education of professional or practical nurses that is conducted in the United States (U.S.) at an educational institution, whether in this state, another state, or the District of Columbia, and that is accredited by the National League of Nursing Accrediting Commission (NLNAC) or Commission on Collegiate Nursing Education (CCNE).
- “Required passage rate” is defined to mean the graduate passage rate required for an approved program pursuant to s. 464.019 (6)(a)1, F.S. This provides that the required pass rate is ten percentage points, rather than ten percent in current law, below the national average pass rate on the National Council Licensing Exam (NCLEX) for U.S. educated, first-time test takers.
  - Specifies that the applicable national average passage rate is based on the type of program, i.e. an associate degree, a bachelor’s degree, a diploma professional nursing program or a practical nursing program.
  - Definition for “clinical preceptor” is amended to include the following:
    - Authorizes License Practical Nurses (LPNs) to act as clinical preceptors in LPN programs.
    - Specifies that a clinical preceptor who supervises students in a professional nursing program (Registered Nurse [RN] in an Associate Degree Nursing [ADN] or Bachelor of Science in Nursing [BSN]) must be an RN.
- “Education Institution” is defined to mean “a school, college, or university”.

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- “Graduate passage rate” is defined to mean “the percentage of a program’s graduates who, as first-time test takers, pass the NCLEX during a calendar year, as calculated by the contract testing service of the NCSBN.”
- A nursing education program that is accredited by either the NLNAC or the CCNE is no longer subject to the BON regulations as long as the program maintains its accreditation. BON is prohibited from imposing any condition or requirement on an “accredited program” except as expressly authorized in statute.
- BON regulation is required for “approved programs”.
  - Clarifies that the BON must approve or deny a nursing education application within 90 days after receipt of a *complete* application to comply with the Administrative Procedure Act.
  - If the BON does not act on an application within required time frames, the application is deemed approved.
- Specifies that the graduate passage rate on the NCLEX must be ten percentage points rather than ten percent below the national average pass rate.
  - Clarified that this requirement should only be applied prospectively beginning with the 2010 calendar year.
  - Programs placed on probation for inadequate NCLEX graduate passage rates should be removed from probation after attaining the required passage rate for one calendar year.
- Eliminates probation as a penalty for an approved program’s failure to submit an annual report and instead, requires the program’s director to appear before the BON to explain the delay.
- Programs placed on probation must disclose such status in communication with students and applications.
- If a program ceases to be accredited, the educational institution must provide written notice on the date that the program ceased to be accredited to the BON, students and applicants, and each clinical training site or clinical-based site within ten days.
- “Approved programs” are subject to the BON approval process. Program applications must: reflect current practice that requires a program application and fee to be submitted for each pre-licensure nursing education program to be offered at any site.
- Specifies that the program application must require provision of the legal name for the educational institution and nursing education program and the name of any accrediting agencies for the program.
- Amends the faculty educational requirements that must be documented in a program application.
  - The bill provides that the program director and 50 percent of the faculty members for an RN program must have a master’s or higher degree in nursing or a bachelor’s degree in nursing and a master’s or higher degree in a field related to nursing; and for an LPN program must have a bachelor’s or higher degree in nursing.
  - Faculty education credentials for a nursing program may be “documented” by an official transcript or a written statement from an educational institution verifying that it conferred a degree.

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Amends the annual report requirements.

- Amends internet web site requirements.
- The national average pass rate must be published for each individual program type.
- Maintains the requirement that approved programs must be terminated by the BON if it does not achieve the required passage rate within two calendar years.
- Program closure
  - Voluntary Closure – The educational institution must notify the BON in writing of the institution's reason for closing, the intended closure date, the institution's plan to provide for or assist the program's students in completing their training, and arrangements for storage of the program's permanent records. This must be provided at least 30 days before closure.
  - Involuntary Closure – If an approved program is terminated by BON or if an accredited program loses its accreditation and is closed, the educational institution conducting the program is prohibited from accepting or enrolling new students and must submit to the BON within 30 days after termination or closure, a written description of how the institution will assist the program's students in completing their training and the institution's arrangements for storage of the program's permanent records.
  - If an educational institution fails to comply, the program's president or CEO will receive written notices as well as the appropriate overseeing entity, i.e., BOG, School Board, CIE, and SBOE.
- The bill was amended to allow Office of Program Policy Analysis and Government Accountability to assume all reporting responsibilities required by 2009's HB 1207 if the Florida Center for Nursing did not receive an appropriation.

### General Implementation Timeline:

July 1, 2010

The act becomes effective.



# Florida Department of Education

**Bill Number:** House Bill 1363

**Bill Title:** Postsecondary Student Fees

**Bill Sponsor:** Representative Glorioso

**Effective Date:** July 1, 2010

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

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## **Executive Summary:**

The bill revises s. 1009.25, F.S., to:

- Authorize the following students to be eligible for postsecondary fee exemptions until the student reaches 28 years of age:
  - a student who is or was, at the time he or she reached 18 years of age, in the custody of the Department of Children and Families (DCF);
  - a student who was placed in a guardianship by the court after spending at least six months in DCF custody after reaching 16 years of age;
  - a student who is or was, at the time he or she reached 18 years of age, in the custody of a relative under the Relative Caregiver Program; and
  - a student who was adopted from DCF after May 5, 1997.
- Deletes a reference to the College Level Academic Skills Test (CLAST) which was repealed during the 2009 legislative session.

## **General Implementation Timeline:**

July 1, 2010

The act becomes effective.





# Florida Department of Education

**Bill Number:** House Bill 1401

**Bill Title:** Export of Goods, Commodities, and Things of Value to Foreign Countries

**Bill Sponsor:** Representative David Rivera

**Effective Date:** Upon becoming law

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

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## **Executive Summary:**

The bill prohibits state agencies from issuing certain forms of documentation for any good, commodity, or thing of value to foreign countries that support international terrorism.

The bill provides that a state agency may not issue a certificate of free sale, export certification report, certificate of good manufacturing practices, permit, registration, license, or certification of any kind for any good, commodity, or thing of value to be exported to a foreign country that the United States Secretary of State determines has repeatedly provided support for acts of terrorism.

## **General Implementation Timeline:**

Effective date                      Upon becoming a law.



**Bill Number:** Senate Bill 1412

**Bill Title:** Obsolete or Outdated Agency Plans/Reports/Programs

**Bill Sponsor:** Senator Haridopolos

**Effective Date:** Upon becoming law

**DOE Contact:** Tanya Cooper, Director, Governmental Relations, (850) 245-0507

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## Executive Summary:

This bill revised various statutes to delete obsolete or outdated agency plans/reports or programs. The following are agency or education related revisions by section.

### Section 37:

The bill amends s. 120.542, F.S., Variances and Waivers to:

- Delete an annual agency report on the number of variances and waivers filed.

### Section 56:

The bill amends s. 216.181(10)(c), F.S., to:

- Repeal an agency report on the number of filled positions, vacant positions and salary rate associated with each category to the Legislative Budget Commissioner each fiscal quarter.

### Section 64:

The bill amends s. 287.045(11), F.S., to:

- Repeal an annual agency report on total expenditures and use of products with recycled content and percentage of the budget that represents purchases of similar products made from virgin materials.

### Section 69:

The bill amends subsections (8), (10), and (11) of s. 288.8175, F.S., to:

- Repeal annual report on the review of linkage institute program activity, criteria for their operation, accountability standards, recommended funding levels, and recommendations for establishing, maintaining or abolishing linkage institutes.
- Repeal requirement for review and recommendations of linkage-institute budget requests to the Governor and Legislature.
- Repeal annual report on the money provided for a linkage institute.

### Section 103:

The bill amends s. 394.9083, F.S., to:

- Repeal to Behavioral Health Services Integration Workgroup, which required a representative of the Department of Education.

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### Section 163:

The bill amends s. 944.801(3)(f), F.S., to:

- Delete annual report to the Commissioner of Education on the Correctional Education Program with the Department of Corrections.

### Section 172:

The bill amends s. 985.622, F.S. to:

- Repeal the 2001 submission of a multiagency plan for vocational education.

### Section 174:

The bill amends s. 1003.61(4), F.S., to:

- Repeal the report to the Governor, Commissioner of Education and the Legislature on the effects of the Manatee County compulsory attendance pilot program.

### Section 176:

The bill amends s. 1006.0605, F.S., to:

- Repeal school district and state reports related to the federal Summer Food Service Program.

### Section 177:

The bill amends s. 1006.67, F.S., to:

- Repeal the annual postsecondary educational institution report on campus crime statistics.

### Section 178:

The bill amends s. 1009.70, F.S., to:

- Repeal the annual report on minority law school scholarship recipients and expenditures.

### Section 179:

The bill amends s. 1011.32, F.S., to:

- Add the Governor as a recipient of the annual report on the list of projects that meet eligibility requirements to participate in the Community College Facility Challenge Grant Program and their budget requests.

### Section 180:

The bill amends s. 1011.62(1) to:

- Repeal the requirement that the DOE shall recommend to the Legislature the policies necessary for full implementation of an extended school year.

### Section 181:

The bill amends s. 1012.05(2)(l), F.S., to:

- Repeal a plan for accessing and identifying available resources in the state's workforce system for the purpose of enhancing teacher recruitment and retention.

### Section 182:

The bill amends s. 1012.42(l), F.S., to:

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- Repeal the requirement that school districts shall contact regional workforce boards and identify resources that may assist teachers who are teaching out of field and pursuing certification.

### Section 183:

The bill amends s. 1013.11, F.S., to:

- Repeal the requirement for an annual report to the Legislature on Physical plant safety.

### Section 198:

The bill amends subsections (24), (25) and (26) of s. 1001.42, F.S., to:

- Repeal the school districts annual paperwork and data collection report.

### Section 199:

The bill amends s. 1008.31, F.S., to:

- Add requirement that the Commissioner shall continuously monitor and review collection of paperwork, data and reports by school districts and make recommendations for consolidation.
- Add requirement that the Commissioner shall prepare a report assisting school districts in elimination or consolidating paperwork, data collection or reports.

### General Implementation Timeline:

Effective date

Upon becoming law.



**Bill Number:** House Bill 1505

**Bill Title:** Education Programs for Children with Disabilities

**Bill Sponsor:** Representative Flores

**Effective Date:** July 1, 2010

**DOE Contact:** Michael Kooi, Executive Director, Office of Independent Education & Parental Choice, (850) 245-0502  
Shan Goff, Executive Director, Office of Early Learning, (850) 245-5070  
Bambi Lockman, Chief, Bureau of Exceptional Education and Student Services, (850) 245-0475

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### **Executive Summary:**

The bill amends s. 1002.39, F.S., related to the **John M. McKay Scholarships for Students with Disabilities Program**, as follows:

- Removes language that a parent must be “dissatisfied” with their child’s progress in order to request a McKay Scholarship.
- Expands the population of students eligible to receive a McKay Scholarship to include:
  - Children who received specialized instructional services under the Voluntary Prekindergarten (VPK) Education Program during the previous school year who have a current individual educational plan (IEP) developed by the local school board. In this circumstance, the child will not have to spend the prior year in attendance at a public school; or,
  - Students who were enrolled and reported by a school district for funding during the October and February Florida Education Finance Program surveys, in any one of the 5 years prior to the 2010-2011 fiscal year, and have a current IEP developed by the district school board no later than June 30, 2011. Upon request of the parent, the school district is required to complete a matrix of services for a student requesting a current IEP. These students may receive a first-time McKay Scholarship for the 2011-2012 school year.
- Authorizes the Commissioner of Education to deny, suspend, or revoke a private school’s participation in the scholarship program if the Commissioner determines that the owner or operator of the private school is operating or has operated an educational institution in this state or another state or jurisdiction in a manner contrary to the health, safety, or welfare of the public.

The following information specifically relates to changes made to the Voluntary Prekindergarten Education Program (VPK).

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The bill amends s. 1002.51, F.S., related to definitions for the Voluntary Prekindergarten Education program, by adding definitions of "disability" and "specialized instructional services provider." Disability is defined to mean any disability listed in the definition of exceptional student in s.1003.01, F.S.

The bill amends s. 1002.53, F.S., *Voluntary Prekindergarten Education Program; eligibility and enrollment*, to add the new "specialized instructional services program for children with disabilities under s. 1002.66, F.S." for parents of eligible children as a VPK program option.

The bill creates s. 1002.66, F.S., *Specialized instructional services for children with disabilities*, related to specialized instructional services for children with disabilities, as a VPK option for eligible children beginning in the 2012-2013 school year. This option provides for:

- Parents of eligible children to select one or more specialized instructional services that are consistent with the child's IEP.
- Specialized instructional services to be provided according to professional accepted standards and those adopted by the Department of Education (DOE).
- DOE to approve specialized instructional service providers, maintain a list of such approved providers, and notify school districts and coalitions of the approved list.
- DOE's approval of a specialized instructional service provider that is not on the approved list if the parent makes a request and the service provider meets the required standards.
- Payment to specialized instructional service providers by early learning coalitions in an amount not to exceed the VPK base student allocation.

The bill amends s. 1002.71(4)(a), F.S., related to funding and financial and attendance reporting for the VPK program, to:

- Authorize parents who have not expended more than 70 percent of the funds authorized for specialized instructional services to withdraw their children from the specialized instructional services program and reenroll in another one of the VPK program options (school-year or summer program).

The bill amends s. 1002.73, F.S., related to the Department of Education's powers and duties, to require the Department of Education to adopt procedures for approving specialized instructional services providers.

The bill amends s. 1002.75, F.S., related to the Agency for Workforce Innovation's powers duties and operational requirements, to:

- Add the adoption of procedures for enrolling children in and determining the eligibility of children for the VPK program and the payment of specialized instructional service providers in consultation with and subject to the approval of the Department.

## General Implementation Timeline:

July 1, 2010	The act becomes effective.
July 2010 - June 30, 2011	Current IEPs must be developed by district school boards upon request of the parent.



# Florida

## Department of Education

2011-2012 school year

Students who were in attendance during October and February FEFP surveys between July 1, 2005 and June 30, 2010, with a current IEP may receive first time McKay Scholarship.

2012-2013 school year

Specialized instructional services program as a VPK option begins.

2013-2014 school year

McKay Scholarship Program eligibility extended to students who received specialized instructional services under the VPK program.



# Florida Department of Education

**Bill Number:** Senate Bill 1730

**Bill Title:** Biodiesel Fuel

**Bill Sponsor:** Senator Oelrich

**Effective Date:** July 1, 2010

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

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## **Executive Summary:**

The bill amends s. 206.874, F.S., Exemptions, to:

- Create a fuel tax exemption for biodiesel fuel manufactured by a public or private secondary school in an amount not to exceed 1,000 gallons on an annual basis, where the fuel is used solely by the school, its employees, or its students.

## **General Implementation Timeline:**

July 1, 2010	The act becomes effective.
Summer 2010	Notify school districts of this tax exemption.



# Florida

## Department of Education

**Bill Number:** Senate Bill 2014

**Bill Title:** Early Learning

**Bill Sponsor:** Senator Wise

**Effective Date:** Except as otherwise provided in the bill, July 1, 2010

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

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### **Executive Summary:**

The bill amends Chapters 39, 383, 402, 409, 411, 445, 490, and 1009, F.S., with technical revisions related to the deletion of obsolete references.

The bill amends s. 411.01, F.S., related to the school readiness program, to:

- Require that the Agency for Workforce Innovation (AWI) adopt “system support services” (e.g., child performance standards, child screening and assessment, health and safety requirements, statewide data system requirements, etc.) at the state level to build a comprehensive early learning system.
- Clarify that each early learning coalition maintains direct enhancement services at the local level, as approved in its school readiness plan by AWI, and shall ensure access to services.
- Require AWI, in cooperation with the Department of Education (DOE) and early learning coalitions, to coordinate with the Department of Children and Families (DCF) to minimize duplicating interagency activities, health and safety monitoring, and acquiring and composing data pertaining to child care training and credentialing.

The bill amends s. 411.01, F.S., related to the early learning coalitions, to:

- Provide voting privileges for the following coalition board members/representatives:
  - district superintendent or designee
  - central agency administrator
  - Head Start director
  - family child care homes
  - faith-based providers
  - children with disabilities

The bill amends s. 1002.53, F.S., related to the Voluntary Prekindergarten (VPK) Education Program, to require each early learning coalition to provide parents enrolling their child in the VPK Program a profile of every private provider and public school offering the program with the county where the child is being enrolled rather than a multi-county region.

The bill amends 1002.55, F.S., to the VPK Program, to:

# Florida

## Department of Education

- Delete obsolete references to the Commission on International and Trans-Regional Accreditation.
- Clarify that the VPK private provider must be accredited by an accrediting association listed.
- Require the accrediting association to have written accreditation standards that meet or exceed the state's licensing requirements and have at least one onsite visit to the provider or school before accreditation is granted.
- Prohibit a private prekindergarten provider (i.e., a provider exempt from DCF licensure) from participating in the VPK program if the provider has child disciplinary policies that do not prohibit children from being subjected to discipline that is severe, humiliating, frightening, or associated with food, rest, toileting, spanking or any other form of physical punishment as provided in s. 402.305(12), F.S.

The bill amends s. 1002.69, F.S., related to the VPK Program, to:

- Create and specify requirements for a “good cause exemption” to be granted, by the State Board of Education, to a private prekindergarten or public school VPK provider that remains on probation for two consecutive years and subsequently fails to meet the minimum readiness rate. Such a good cause exemption:
  - is valid for one year and may be renewed at the request of the provider.
  - must be submitted in the manner and timeframes prescribed by the State Board.
- Specify that the request for a good cause exemption must include information:
  - Documenting, on a standardized assessment, the achievement and progress of the children served.
  - Relating to the provider's compliance with state and local health and safety standards.
  - Relating performance of children and calculation of the provider's readiness rate.
- Provide authority to DOE to adopt criteria for granting good cause exemptions, to include but not be limited to, the following:
  - learning gains of children served.
  - verification that the provider serves at least twice the statewide percentage of children with disabilities as defined in s. 1003.01(3)(a), F.S., or children identified as limited English proficient as defined in s. 1003.56, F.S.
- Specify that a good cause exemption may not be granted to any private provider that has any Class I violations or two or more Class II violations, as defined by s. 402.281(3), F.S., within the two years preceding the provider's or school's request for the exemption.
- Require the State Board of Education to notify AWI of any good cause exemption granted to a private prekindergarten provider.
- Require AWI to notify the early learning coalition of the good cause exemption and direct that the provider not be removed from eligibility to deliver the VPK program.

The bill amends s. 125.901, F.S., Children's Services; independent special district; council; powers; duties; and functions; public records exemption to:

- Require the governing body of a district with voter-approved taxing authority for children services to submit a question of retention or dissolution of the taxing authority to the electorate in a general election by a specified date and manner.

# Florida

## Department of Education

### General Implementation Timeline:

May 31, 2010	Effective date of Good Cause Exemption provision of the bill
May – June 2010	Develop Good Cause Exemption application procedures and timelines
TBD	State Board of Education Approval/Disapproval of Exemptions
July 1, 2010	Effective date of other provisions of the bill





# Florida Department of Education

**Bill Number:** Senate Bill 2020

**Bill Title:** Information Technology

**Bill Sponsor:** Senator Alexander

**Effective Date:** Upon becoming law

**DOE Contact:** Linda Champion, Deputy Commissioner, Division of Finance and Operations,  
(850) 245-0509

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## Executive Summary:

The bill revises s. 14.204, F.S., Agency for Enterprise Information Technology, to:

- Expand the duties of the Agency for Enterprise Information Technology (AEIT)
- Coordinate the consolidation of state agency purchases of information technology (IT) products and services for the purpose of saving money for the state. The AIT was created by the Florida Legislature in 2007, and initially assigned responsibilities related to the design, planning, project management, and implementation of enterprise information technology services for functions that were previously delegated to executive branch agencies.

The bill revises s. 282.34, F.S., Statewide e-mail service to:

- Establish a competitive solicitation process for procuring a statewide consolidated e-mail service and requires the consolidation of SUNCOM services connecting users in state primary data centers to SUNCOM Network services by October 1, 2010.

The bill amends Section 17 of chapter 2008-116 laws of Florida to

- Allow for the staggered consolidation of agency computing services into three primary data centers: the Southwood Shared Resource Center, the Northwood Shared Resource Center; and the Northwest Regional Data Center. A "primary data center" is a state or nonstate agency data center that is a recipient entity for consolidation of non-primary data centers and computing facilities. A primary data center may be authorized in law or designated by the AEIT.

The bill amends s. 282.203, F.S., Primary data centers to:

- Authorize state primary data centers to contract with each other for administrative services.

The bill contains an appropriation in general revenue to implement the provision relating to the AEIT's expanded purchasing role.

## General Implementation Timeline:

# Florida Department of Education

Effective date	Upon becoming law.
July 30 and January 31, Annually	State primary data centers must provide a report of costs of services, including direct costs and administrative overhead by July 30 of the current fiscal year and updated by January 31.
August 31, 2010	The Southwood Shared Resource Center (SSRC) shall issue a competitive solicitation for a statewide e-mail service for all state agencies with vendor responses required by October 15, 2010.
October 1, 2010	All customers of a state primary data center, excluding state universities, must use the shared SUNCOM Network telecommunications services connecting the state primary data center to SUNCOM services for all telecommunications needs in accordance with Department of Management Services rules.
November 30 and May 31, annually	Each state agency customer of a primary data center shall notify the data center of any significant changes in anticipated use of data center services.
December 31, 2010, or one month after negotiations are complete, whichever is later	The multi-agency project team and the AEIT shall prepare a business case analysis including recommendations for procuring a statewide e-mail service.
December 31, 2010	All data center functions of state agencies with resources and equipment currently located in a state primary data center, excluding application development, shall be transferred to the primary data center.
December 31, 2010	Data centers must submit organizational plans that minimize the annual recurring cost of center operations and eliminate the need for state agency customers to maintain data center skills and staff within their agency.
December 31, 2010	The AEIT must establish an overall schedule for the consolidation of all data centers into primary data centers by 2019.
December 31, annually	The AEIT must: <ul style="list-style-type: none"><li>• Provide recommendations to the Legislature relating to techniques for consolidating the purchase of information technology commodities and services</li><li>• Submit to the Legislature recommendations to improve the efficiency and effectiveness of computing services provided by state data center system facilities.</li></ul>
July 1, 2011	The AEIT must submit a statewide e-mail implementation plan to the Governor, President of the Senate, and Speaker of the House.

# Florida

## Department of Education

June 30, 2013

Statewide e-mail service implementation schedule for designated agencies to be included in one of four phases:

- Phase 1 – by June 30, 2012
- Phase 2 – by June 30, 2013 (**NOTE: agencies include the Department of Education and the Board of Governors**)
- Phase 3 – by June 30, 2014
- Phase 4 – by June 30, 2015



**Bill Number:** Senate Bill 2060

**Bill Title:** Sovereign Immunity

**Bill Sponsor:** Senator Bennett

**Effective Date:** October 1, 2011

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

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### Executive Summary:

The bill amends s. 768.28(5), F.S., to:

- Provide that in tort actions, the state and its agencies and subdivisions shall not be liable to pay a claim or judgment by any one person that is in excess of \$200,000, or when totaled with all other claims arising out of the same incident or occurrence is in excess of \$300,000.
- Provide that a judgment may be claimed and rendered in excess of these amounts and may be settled and paid up to these limits, but any portion that exceeds these amounts may be reported to the Legislature and paid only by further act of the Legislature.

### General Implementation Timeline:

October 1, 2011	The act becomes effective, and applies to all claims arising on or after that date.
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# Florida

## Department of Education

**Bill Number:** Senate Bill 2126

**Bill Title:** Florida Tax Credit Scholarship Program

**Bill Sponsor:** Senator Negron

**Effective Date:** July 1, 2010

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

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### Executive Summary:

The bill transfers and renumbers s. 220.187, F.S., as s. 1002.395, F.S., and amends the Florida Tax Credit Scholarship Program to:

- Revise the eligibility criteria for students to continue to qualify for the scholarship and for siblings of students to qualify for a Florida Tax Credit Scholarship.
- Provide that the tax credit cap amount is \$140 million in the 2010-2011 state fiscal year. The tax credit cap amount must then increase by 25 percent for state fiscal years when the approved tax credit amount for the prior state fiscal year is equal to or greater than 90 percent of the tax credit cap amount for that state fiscal year.
- Require nonprofit scholarship-funding organizations (SFOs) that provide more than \$250,000 in scholarship funds to a private school during the 2009-2010 state fiscal year to participate in the joint development of agreed-upon procedures to be performed by an independent certified public accountant.
  - SFOs must provide the procedures and guidelines to private schools and the Commissioner of Education by March 15, 2011.
  - The procedures and guidelines must be reviewed by February 2013, and biennially thereafter. If the procedures and guidelines are revised, the revisions are required to be provided to private schools and the Commissioner of Education by March 15, 2013, and biennially thereafter.
  - SFOs must seek input from members of the Florida Association of Academic Nonpublic Schools when jointly developing and reviewing the procedures and guidelines.
- Require a private school that receives more than \$250,000 in scholarship funds in the 2010-2011 state fiscal year or a year thereafter to contract with an independent certified public accountant to perform certain procedures and submit a report by September 15, 2011, and annually thereafter, to the SFO that awarded the majority of the school's scholarship funds.
- Require SFOs to notify the Commissioner of Education by October 30, 2011, and annually thereafter, of a private school's failure to submit a report or any material exceptions set forth in the report.
- Require the independent research organization to annually report on the year-to-year learning gains of participating students according to each participating private school in which there are at least 30 participating students who have scores for tests administered during or after the 2009-2010 school year for two consecutive years at the private school.

# Florida

## Department of Education

- Authorize the Commissioner of Education to deny, suspend, or revoke a private school's participation in the scholarship program if the Commissioner determines that the owner or operator of the private school is operating or has operated an educational institution in this state or another state or jurisdiction in a manner contrary to the health, safety, or welfare of the public.
- Provide that the scholarship amount may not exceed \$3,950 for the 2009-2010 school year. For 2010-2011, the limit is required to be 60 percent of the unweighted FTE funding amount. Beginning in 2011-2012, the percentage used to determine the scholarship limit increases by 4 percent in the fiscal year when the tax credit cap also increases until it reaches a maximum of 80 percent.
- Require the annual limit for a scholarship to be reduced by 25 percent if the student's household income level is equal to or greater than 200 percent, but is less than 215 percent of the federal poverty level, and require the scholarship limit to be reduced by 50 percent if the student's household income level is equal to or greater than 215 percent and equal to or less than 230 percent of the federal poverty level.
- Require the Department of Revenue, Division of Alcoholic Beverages and Tobacco, and the State Board of Education to adopt rules to administer the program.

The bill creates ss. 211.0251, 212.1831, 561.1211, F.S., to provide tax credits against severance taxes on oil and gas production, self-accrued sales tax liabilities of direct pay permit holders, and alcoholic beverage taxes on beer, wine, and spirits.

The bill amends s. 213.053, F.S., to authorize the Department of Revenue to provide information relative to ss. 211.0251, 212.1831, 220.1875, 624.51055, and 1002.395, F.S., to the Department of Education and the Division of Alcoholic Beverages and Tobacco.

The bill amends s. 220.13, F.S., to revise the additions to taxable income to ensure that the amount taken as a credit under s. 220.1875, F.S., is not allowed as both a deduction from income and a credit against the tax.

The bill creates s. 220.1875, F.S., to provide a tax credit for contributions made to an eligible nonprofit SFO against any tax due for a taxable year under Chapter 220, Florida Statutes.

The bill authorizes the Department of Revenue to adopt emergency rules and provides an appropriation to implement the act.

### General Implementation Timeline:

July 1, 2010	The act becomes effective.
March 15, 2011	SFOs must provide procedures to be performed by an independent certified public accountant to private schools and the Commissioner of Education.
September 15, 2011	Private schools that receive more than \$250,000 in scholarship funds in the 2010-2011 state fiscal year must submit a report to the SFO.



# Florida

## Department of Education

October 30, 2011

SFOs must notify the Commissioner of Education of a private school's failure to submit a report or any material exceptions set forth in the report.

February 2013

SFOs must review procedures performed by certified public accountant.

March 15, 2013

Revisions to procedures and guidelines must be provided to private schools and the Commissioner of Education.



# Florida Department of Education

**Bill Number:** Senate Bill 2386

**Bill Title:** State Financial Matters

**Bill Sponsor:** Senator JD Alexander

**Effective Date:** July 1, 2010

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

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## **Executive Summary:**

The bill amends several laws that relate to accounts receivable, electronic payment disbursements, and receipts for state payments. This bill significantly amends provisions of Chapter 287 relating to purchasing, which includes revising the threshold amounts. This bill declares that each agency is responsible for exercising due diligence to secure full payment of accounts receivable and other claims due to the state, and requires each agency to submit an annual report of the same.

State agencies are required to provide specific information to the Department of Financial Services when the agency elects not to use the competitive procurement process to award a contract for commodities or services. Additionally, agencies must review and renegotiate contract renewals and reprocurments to reduce contract payments.

The bill revises s. 14.204, F.S. Agency to Information Technology to:

- Creates the Agency for Enterprise Information Technology within the Executive Office of the Governor.

The bill revises s. 17.20, F.S., Assignment of Claims for collection to:

- Provide that each state agency is responsible for exercising due diligence in securing full payment of all accounts receivable and other claims that are due to the state no later than 120 days after the date on which the account or other claim is due and payable.
- Require by October 1, each agency shall submit a report to the President, Speaker of the House, and the Chief Financial Officer (CFO) that lists all accounts referred for collection, delinquent accounts, and accounts that have been written off by the agency for any reason during the prior fiscal year.

The bill revises s. 17.29, F.S., Authority to prescribe rules to:

- Provide the Chief Financial Officer the authority to adopt rules that address the requirement that payments made by the state for goods, services, etc., be made by electronic means, including but not limited to debit cards, electronic fund transfers, and credit cards.

# Florida

## Department of Education

- Allows the CFO to may make payments by state warrant to accommodate individuals who have hardships.

The bill revises s. 215.322, F.S., Acceptance of credit cards, charge cards, debit cards, or electronic funds transfers by state agencies, units of local government , and judicial branches, to:

- Provide electronic fund transfers as an acceptable means for conducting business by all state agencies, and when necessary, a state agency or judicial branch may adopt rules which require that payments for goods, services, or anything of value be made by electronic means.

The bill creates s. 215.971, F.S., Agreements funded with federal and state assistance, to:

- Provide that agreements funded with federal and state assistance to a recipient or subrecipient include a provision that specifies the scope of work and establishes tasks that are to be performed.
- Require that such agreements include a provision that divides the agreement into quantifiable units of deliverables that must be accepted by the agency before payment. Each deliverable must be directly related to the scope of work, specify the minimum level of service to be performed, and include the criteria for evaluating the completion of each deliverable.

The bill revises s. 216.3475, F.S., Maximum rate of payment for services funded under GAA or awarded on a noncompetitive basis, to:

- Require for a person or entity that is designated under the General Appropriations Act or awarded on a non- competitive basis, each agency is required to maintain records that support a cost analysis, which includes a detailed budget to be submitted by the person or entity awarded funding and requires agencies to review cost elements for allowability, reasonableness, and necessity.

The bill revises s. 287.017, F.S., Purchasing categories, threshold amounts to:

- Revise purchasing category thresholds as provided:
  - Category One: \$20,000
  - Category Two: \$35,000
  - Category Three: \$65,000
  - Category Four: \$195,000
  - Category Five: \$325,000
  -

The bill revises s. 287.056, F.S., Purchases from purchasing agreements and state term contracts, to:

- Specify that a scope of work must establish all tasks that the contractor is required to perform.
- Require that contracts be divided into quantifiable and verifiable units of deliverables that must be received and accepted in writing by the contract manager prior to payment. Each deliverable must be directly related to the scope of work and specify the minimum level of service to be performed and the criteria for evaluating the completion of each deliverable.

# Florida

## Department of Education

The bill amends s. 287.057, F.S., Procurement of commodities or contractual services, to:

- Provide that the competitive solicitation process for commodities or contractual services that exceed the threshold amount provided in Category Two. Provides that an invitation to bid shall be used when the agency is capable of specifically defining the scope of work and outlines the requirement that must be included in the invitation to bid. Requests for proposal must be used when the agency can identify deliverables. The invitation to negotiate is to be used by an agency to determine the best method for achieving a specific goal or solving a specific problem, and identifies one or more vendors with which the agency may negotiate.
- Require that agencies document compliance with s. 216.3475, F.S., if purchases for contractual services exceed Category Two amounts.
- Provide that each contract manager who is responsible for contracts that exceed Category Two amounts must attend training conducted by the CFO for accountability in contracts and grants.
- Authorize the CFO to disseminate uniform procedures to ensure that services have been rendered in accordance with the contract terms prior to the agency processing the invoice for payment.
- Direct each agency to avoid, neutralize, or mitigate potential conflicts of interest before a contract is awarded. Provides additional guidance for agency use when conflicts cannot be avoided.

The bill amends s. 287.0571, F.S., Business case to outsource, to:

- Require that agencies complete a business case for any outsourcing projects that exceed \$10 million within a single fiscal year.

The bill creates s. 287.0575, F.S., Coordination of contracted services, to:

- Provide that certain agencies, no later than August 1, 2010, notify contract services providers of these requirements and no later than October 1, 2010, contract service providers holding more than one contract with one or more agencies must provide a comprehensive list of their contracts to their contract manager. Additionally, for contracts entered into on or after August 1, 2010, effective November 1, 2010, or 30 days after the above referenced list is provided, a single lead administrative coordinator for each provider must be designated.

The bill amends s. 287.058, Contract document, to:

- Specify that the scope of work must clearly establish all tasks the contractor is required to perform and that deliverables must be directly related to the scope of work. This amendment further specifies that financial consequences must apply when a contractor fails to perform.

The bill amends s. 31 of Chapter 2009-223, Laws of Florida, to:

- Provide that contracts for academic program reviews, auditing services, etc., are subject to the transaction or user fees imposed under s. 287.042 (1)(h) and 287.057(22), F.S., to the extent that such contracts were not subject to fees before July 1, 2010. Further defines information that each state agency must provide to the Department of Financial Services

# Florida

## Department of Education

- for contracts executed on or after July 1, 2010, that exceed Category Two threshold amounts. Such information must be provided to the Department of Financial Services within three working days after contract execution. Additionally, provides that state agencies shall review existing contract renewals and reprocurements to reduce contract payments by at least 3 percent.
- Provide for the enforcement of the Preferred Pricing Clause requiring each state agency to review its contracts to determine whether each contractor complies with the applicable preferred pricing clause. Contracts that include a preferred-pricing clause and were executed, renewed, extended, or modified on or after July 1, 2010, require an affidavit by the contractor attesting that the contract is in compliance with the preferred pricing clause.

### General Implementation Timeline:

July 1, 2010                      The act becomes effective.

# Florida Department of Education

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

**Bill Title:** 2010-11 General Appropriations Act

**Bill Sponsor:** Appropriations Conference Committee

**Effective Date:** July 1, 2010, except as otherwise provided. If the act becomes law after July 1, 2010, it shall operate retroactively to July 1, 2010.

**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, 2010, and ending June 30, 2011, and is the budget for the state. It authorizes state, federal, and local funding for school districts, state colleges, other education units through the Department of Education, and state universities. Although current economic conditions continue to challenge Florida's education community, it is imperative to build on recent years' gains in student performance. The economic future of our state will be shaped by an ongoing commitment to and investment in Florida's K-20 students.

A chart has been attached that displays the 2009-10 and 2010-11 education budget line item detail for both operating and fixed capital outlay budgets.

## **OPERATING BUDGET**

The \$16.6 billion in General Revenue, Lottery, and Other Trust Funds appropriated for the budget entities under the supervision of the State Board of Education, excluding the State University System, provides operating resources for the Department of Education to continue providing a high quality education for Florida students. The 2010-11 appropriations reflect an increase of \$561.5 million from the adjusted 2009-10 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. For specified line items for student financial assistance, 60 percent of the funds are to be released at the beginning of the first quarter and the balance of the funds at the beginning of the third quarter.

## **K-12 EDUCATION**

Funds were provided in the Florida Education Finance Program (FEFP) to serve 15,796 additional Full-Time Equivalent (FTE) students in 2010-11 (2,645,079 students projected to be served). In funding the FEFP, the Legislature authorized state, potential local, and fiscal stabilization revenue of \$18.41 billion, an increase for 2010-11 of \$415.8 million or 2.31 percent from 2009-10. Potential FEFP funds per student for

# Florida Department of Education

2010-11 will be \$6,958.64, an increase of \$116.35 or 1.70 percent from actual revenue for 2009-10 (Line Items 6 through 8, 78, and 79). Of the state appropriation, \$506.9 million is contingent upon the passage of several laws and transfers from trust funds (Section 129).

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

Base Funding (weighted FTE students (WFTE) X Base Student Allocation (BSA) X District Cost Differential (DCD)) is \$10.34 billion for 2010-11, which is an increase of \$99.4 million or 0.97 percent from 2009-10. The Base Student Allocation was reduced by \$6.86 or 0.19 percent. Although there was a reduction of \$6.86 to the BSA, the increase in Base Funding dollars is due, in part, to the increase in the WFTE students by 31,873 to 2,852,181. In addition, the Legislature appropriated \$872.7 million in state fiscal stabilization funds (SFSF), which is distributed to districts in accordance with base funding.

The program cost factors, when multiplied by the unweighted FTE students, result in the WFTE students for funding. Program cost factors (weights) for 2009-10 and 2010-11 legislated educational programs within the FEFP are as follows:

	<b>2009-10</b>	<b>2010-11</b>
Basic K-3	1.074	1.089
Basic 4-8	1.000	1.000
Basic 9-12	1.033	1.031
Exceptional Student Education Level 4	3.520	3.523
Exceptional Student Education Level 5	4.854	4.935
Education for Speakers of Other Languages	1.124	1.147
Career Education	1.050	1.035

The total Required Local Effort (RLE) for 2010-11 is \$7.2 billion, a decrease of \$603.8 million from 2009-10. The statewide average RLE millage rate is 5.288 mills, the same rate as 2009-10. In addition to the RLE millage described above, at the time of the second FEFP calculation in July, the Commissioner will provide districts with a Prior Period Funding Adjustment Millage rate. The purpose of the Adjustment is to provide districts with the unrealized revenue attributable to changes to the prior year's school taxable value from the July estimate to the final adjusted tax roll. The district's millage rate is calculated by dividing the amount of the prior period unrealized required local effort by the current year school taxable value. The prior period millage is added to the required local effort millage, but the revenue is not included in the current year FEFP calculation (Line Item 78).

For 2010-11, the authorized non-voted discretionary local millage is 0.748 and is compressed to ensure that the combined state funds and local revenue provide funds to each district equal to the statewide average funds per student from the 0.748 mill levy. The estimated cost of the 0.748 mill compression is \$139.6 million. If a district levies between 0.498 and 0.748 of a mill, the funds are compressed to the statewide average per student for the 0.498 mill levy. In addition, a district school board by a super (2/3) majority vote, may levy an additional 0.25 of a mill for critical operating or capital outlay needs. If the 0.25 of a mill is levied for operations, it is compressed to the statewide average value of 0.25 of a mill per



# Florida Department of Education

student (Line Item 78) at an estimated cost of \$28.5 million. See the summary of CS/HB 5101 for a description of the millage policy changes for school districts for 2010-11.

Total funding provided for year eight implementation of the Class Size Constitutional Amendment (Sections 1003.03 and 1011.685, F.S.) is \$2.93 billion, an increase of \$82.3 million over 2009-10. The Commissioner may withhold disbursement of class size reduction funds until a district is in compliance with reporting information required for class size reduction implementation (Line Items 7 and 79).

The School Recognition Program provides individual schools with \$75 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, for an estimated \$129.9 million (Line Item 8). If funds remain after payment to the recognized schools, up to \$5 per student is allocated to school advisory councils.

A minimum guarantee allocation guarantees that no district will receive more than an 8 percent reduction in total funds per student for 2010-11. The Florida Virtual School was the only qualifier for the funds computed at \$2.4 million (Line Items 6 and 78).

For Just Read, Florida!, \$7.3 million is appropriated to achieve Florida's goal for all students to be reading on grade level or higher by 2012 (Line Item 83). This is in addition to the \$101.7 million Reading Instruction Allocation authorized in the FEFPP (Line Item 6 and 78).

Mentoring/Student Assistance funding totals \$15.2 million. There are six organizations listed with authorized funding in the appropriations bill with the remaining funds designated for one or more competitively bid projects for at-risk students (Line Item 85).

For School and Instructional Enhancements, the appropriation is \$3.0 million. Funds are appropriated for eight grants specified in proviso (Line Item 95).

To fund components of the Dale Hickam Excellent Teaching program, \$21.2 million was appropriated to continue Florida teachers' participation in the certification process managed by the National Board for Professional Teaching Standards (NBPTS) (Section 38, CS/HB 5101). Funding for the Excellent Teaching program was reduced by \$25.7 million from the 2009-10 appropriation of \$46.9 million.

Assistance to Low Performing Schools is funded at \$3.9 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 84).

The College Reach Out Program is funded at \$2.3 million (Line Item 86).

An appropriation of \$2.5 million has been provided for the five university-based Florida Diagnostic and Learning Resource Centers (Line Item 87).

The eight university-based Autism Centers were funded at \$6.2 million (Line Item 92).

# Florida

## Department of Education

Teacher Professional Development is funded at \$134.9 million and includes funds for Superintendent's training, Teacher of the Year, Principal of the Year, and School Related Personnel of the Year activities (Line Item 94).

The total 2010-11 appropriations for K-12 Education, including the budget entities of State Grants/K-12 Program – FEFP, \$9.8 Billion: State Grants/K-12 Program - Non – FEFP, \$253 million; K-12 Program - Federal Grants, \$3.3 billion; Educational Media and Technology Services, \$10.9 million; and Workforce Education, \$504.7 million, is \$13.9 billion, which is an increase of \$477 million over the 2009-10 adjusted appropriations. Much of the increase in funds is attributable to the additional state funds required in the FEFP to offset the decline in local property tax revenue.

### EARLY LEARNING / PREKINDERGARTEN EDUCATION

An appropriation of \$404.4 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 (BSA) per full-time equivalent student in the school year program for Fiscal Year 2010-11 shall be \$2,562 multiplied by the District Cost Differential; the summer program BSA is \$2,179. The allocation includes 4.5 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 75). This funding is provided to support an estimated enrollment of 152,108 students or 75 percent of the total number of four year olds.

An appropriation of \$384,000 is provided for early learning standards and accountability (Line Item 76).

### WORKFORCE EDUCATION PROGRAMS

An allocation of \$5.2 million is provided to school districts for Performance Based Incentives (Line Item 107)

Workforce Development Funds for school districts are decreased by \$7.8 million for 2010-11, for a total of \$369.5 million (Line Item 109). There was no change for 2010-11 to the appropriated \$77.1 million in federal dollars for Florida for the Vocational Formula Funds (Line Item 110).

The standard tuition specified in Section 1009.26(1), F.S., for school district workforce programs was increased by 8 percent (Line Item 109).

Adult Basic Education funding was increased by \$6 million in non-recurring revenue (Line Item 108).

Funds in the amount of \$5.3 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 111).

### FLORIDA COLLEGES

# Florida Department of Education

Funding is provided for lower division enrollment of 360,978 students at \$ 3,004 per FTE student, including estimated fee revenue.

The total state appropriation to the system is \$1.12 billion, an increase of \$68.4 million from 2009-10.

Of the \$1.12 billion appropriation, \$1.114 billion was provided directly for the operation of the colleges, an increase of \$63 million or 6.0% from 2009-10. The funding increase excludes the transferred baccalaureate funds. This increase, coupled with the authorized fee increase of \$778 million, represents an overall increase in operating funds of \$91 million or 5.1 percent.

Line Item funding for the Baccalaureate Degree Programs was eliminated and the funds were included in the Community College Program Fund.

The standard tuition rate is 8 percent (Line Item 112).

An appropriation of \$5 million was provided for Florida's Two Plus Two Public and Private Partnerships (Line Item 115A). From these funds, \$4 million is to be awarded to eligible public colleges and universities with partnership articulation agreements to provide 2 + 2 baccalaureate degree programs at a college during the 2010-2011 academic year. Applications for funding are due April 15, 2011, and the funds are to be distributed by June 1, 2011. The remaining \$1 million is for incentive grants to eligible public colleges and universities for new partnership agreements. The funds must be used for new students and new programs.

## **STUDENT FINANCIAL AID**

The Florida Bright Futures Scholarship Program, which is a merit-based scholarship program, is funded at \$437.3 million (Item 3, 64A and Section 33, HB 5201), an increase of \$11 million from 2009-10 adjusted appropriation of \$426.3 million (Section 43, HB 5001). Section 13 through 19 of HB 5201 amended the substantive law for the scholarship program. See the summary of HB 5201 for the details about the changes to the law and program. The program funding for 181,802 eligible students' award amounts in proviso declined by \$1 and a new category of awards was created for upper-division programs offered by Florida colleges. In the event that HB 5201 does not become law or Florida does not receive additional funds based on the state's Federal Medical Assistance Percentage (FMAP), the Department shall prorate the award per credit hour pursuant to s. 1009.53(4), F.S.

The Student Financial Aid item was appropriated at \$134.1 million, an increase of \$282,045 over 2009-10. This item includes the need-based programs such as Florida Work Experience, Rosewood Family Scholarships, and all sectors (Public full or part-time, Private, Postsecondary, and Career) of the Florida Student Assistance Grants (FSAG). The maximum FSAG award was set at \$2,235 (Line Items 5 and 68). Any institution that participates in the FSAG program shall report to the Department prior to February 1, 2011, the following loan information for each Stafford and PLUS loan: guarantor, lender, number, net amount (guaranteed amount minus canceled amount), and student identifier for the 2010-11 fiscal year in the format specified by the Department of Education.

# Florida

## Department of Education

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 \$83.9 million for 34,580 students (\$2,425 per student). The appropriation is a decrease of \$315,209 from 2009-10 funding (Line Item 62).

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 \$4.1 million. The appropriation will support 4,289 students at \$945 per student. The appropriation is an increase of \$106,068 compared to 2009-10 funding (Line Item 57).

Funding for the Prepaid Tuition Scholarships appropriation of \$4.0 million reflects a decrease of \$167,524 from 2009-10. 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 65).

Of the \$6.6 million appropriated for the First Generation in College Matching Grant Program, \$1.65 million is allocated to Florida colleges. If the required matching funds are not raised by participating Florida colleges or state universities by December 1, 2010, the remaining funds shall be reallocated to programs at Florida colleges or 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 state education system. Examples of such targeted items are:

Funding for the State Student Assessment (testing) Program is budgeted at \$83.6 million, which is a decrease of \$1.9 million from 2009-10 (Line Item 120).

Vocational Rehabilitation is appropriated \$219.8 million, \$3.7 million less than in 2009-10 (Line Items 27 through 39). The salary rate for the division was increased by \$2.1 million to attract and retain staff.

Blind Services appropriations were decreased by \$3.2 million from 2009-10, for total funding of \$57.5 million (Line Items 40 through 55).

The State Board operating budget has a reduction of 14 positions for the 2010-11 fiscal year.

The line item for the Commission for Independent Education was eliminated and the funds for the Commission were included in the State Board operating budget.

### FIXED CAPITAL OUTLAY BUDGET

The Legislature appropriated over \$2.20 billion for capital outlay projects and debt service on bonds for Florida schools, community colleges, universities, and other education agencies. The total includes \$1.72 billion from Public Education Capital Outlay (PECO) sources, \$319.5 million from the Lottery bond proceeds and revenues, and \$163.6 million from other trust funds.



The Legislature did not include 2010-11 funds for Class Size Reduction fixed capital outlay projects.

The \$254.3 million PECO appropriation for Maintenance, Renovation, and Repair projects consists of \$122.1 million for school districts, \$26.7 million for the Florida College System, and \$49.3 million for the State University System. Also included is \$56.1 million for charter schools (Line Item 17).

For Public School Survey Recommended Needs (new construction), \$4.7 million in PECO funds are appropriated. This amount is allocated to university developmental research schools and represents the capital improvement millage equivalent funds (Line Item 18). Based on final calculations, any remaining funds are to be transferred to school districts and university developmental research schools for maintenance, renovation, and repairs.

Specific institutional capital outlay projects are funded for the Florida Colleges in the amount of \$190.0 million (Line Item 19) and for State Universities in the amount of \$259.3 million (Line Item 20).

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

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 \$12.3 million (Line Item 21).

Other items funded from PECO include: \$5.0 million for the Florida School for the Deaf and the Blind (Line Item 24), \$1.2 million for the Division of Blind Services (Line Item 25), and \$2.3 million for Public Broadcasting Projects (Line Item 26).

## **OTHER SECTIONS OF THE BILL**

Items funded for education may be found mainly in Sections 1 and 2 of the Bill, summarized above; however, there are general policy statements and funding authorizations, including some items for education in Sections 8 through 81, which are often referred to as "back-of-the-bill items." Included are provisions for state employee compensation, benefits (health, life and disability insurance), and authorization for several community college and university construction projects. Specific sections of note are cited below.

Section 9:

- The detailed expenditure plan and budget for any federal funds distributed to Florida pursuant to "Keep Our Educators Working Act" or similar legislation shall be subject to review and approval of the Legislative Budget Commission.

Section 43:

- Appropriates \$7.4 million from the EETF for the Bright Futures Scholarship Program for fiscal year 2009-2010. This section takes effect upon becoming law.

Section 44:

# Florida

## Department of Education

- Appropriates \$25 million for the Voluntary Prekindergarten Program for the 2009-2010 fiscal year to be allocated to Early Learning Coalitions to meet the needs of increased enrollment. This section takes effect upon becoming law.

### Section 45

- Replaces \$65.3 million from the Principal State School Fund with General Revenue Funds in the 2009-2010 FEFP. This section takes effect upon becoming law.

### Section 46

- Replaces \$6.7 million from the EETF for Class Size Reduction with General Revenue Funds for the 2009-2010 fiscal year. This section takes effect upon becoming law.

### Section 47

- Appropriates \$87.3 million from the federally funded Food and Nutrition Trust Fund for 2009-2010 to be provided to school districts for increased federal reimbursements for the National School Lunch Program. This section takes effect upon becoming law.

### Section 48 & 50

- Appropriates \$508,756 for 2009-2010 administrative costs associated with the federal National School Lunch Program. The sections take effect upon becoming law.

### Section 49

- Appropriates \$4.6 million in federal funds for the 2009-2010 Reading First Grants to be provided to public schools for reading programs. This section takes effect upon becoming law.

# Florida Department of Education

## EDUCATION BUDGET

Expenditure Detail 2010-11 General Appropriation Prepared by DOE K-12 Budget Office	2009-10 Appropriation With 2010 Session Adj. (HB 5001)	2010-11 GAA with Conforming Bill Funding (Includes Veto)	GAA with Conforming Bill Funding over/(under) 2009 10 Appropriation	% of GAA with Conf. Bill over/(under) 2009-10 Appropriation with 2010 Session Adj (HB 5001)
Approp Cat Title	ALL FUNDS	ALL FUNDS	ALL FUNDS	ALL FUNDS
<b>VOCATIONAL REHABILITATION</b>				
Salaries and Benefits	49,833,487	50,172,239	338,752	0.88%
Other Personal Services	3,120,505	1,802,195	(1,318,310)	-42.25%
Expenses	11,431,164	11,346,123	(85,041)	-0.74%
Adults with Disabilities Funds	14,556,949	13,831,812	(725,137)	-4.98%
Florida Endowment (The Able Trust)	328,292	315,160	(13,132)	-4.00%
Operating Capital Outlay	666,587	530,587	(136,000)	-20.40%
Contracted Services	11,730,162	9,014,462	(2,715,700)	-23.15%
Independent Living Service	6,538,342	5,814,363	(723,979)	-11.07%
Purchased Client Services	123,006,477	125,139,676	2,133,199	1.73%
Risk Management Insurance	421,252	351,633	(69,619)	-16.53%
Trf to Department of Management Services - Human Resource Services Purchased/Statewide Contract	389,832	389,832	0	0.00%
Other Data Processing Services	920,078	739,416	(180,662)	-19.64%
Education Technology and Information Services	318,154	336,838	18,684	5.87%
Southwood Shared Resource Center	240,474	0	(240,474)	-100.00%
<b>TOTAL VOCATIONAL REHABILITATION</b>	<b>223,501,755</b>	<b>219,784,336</b>	<b>(3,717,419)</b>	<b>-1.66%</b>
<b>BLIND SERVICES</b>				
Salaries and Benefits	13,439,607	13,566,567	126,960	0.94%
Other Personal Services	446,202	446,202	0	0.00%
Expenses	3,155,129	3,115,129	(40,000)	-1.27%
Community Rehabilitation Facilities	5,368,427	5,369,554	1,127	0.02%
Operating Capital Outlay	289,492	289,492	0	0.00%
Food Products	200,000	200,000	0	0.00%
Acquisition of Motor Vehicles	100,000	100,000	0	0.00%
Client Services	33,435,563	30,169,024	(3,266,539)	-9.77%
Contracted Services	431,140	481,140	50,000	11.60%
Risk Management Insurance	290,168	229,320	(60,848)	-20.97%
Library Services	189,735	189,735	0	0.00%
Vending Stands - Equipment and Supplies	2,095,000	2,095,000	0	0.00%
Services Purchased/Statewide Contract	117,700	117,700	0	0.00%
Other Data Processing Services	923,280	923,280	0	0.00%
Regional Data Centers - State University System	16,965	5,838	(11,127)	-65.59%
Education Technology and Information Services	162,503	167,669	5,166	3.18%
<b>TOTAL BLIND SERVICES</b>	<b>60,660,911</b>	<b>57,465,650</b>	<b>(3,195,261)</b>	<b>-5.27%</b>
<b>PRIVATE COLLEGES AND UNIVERSITIES</b>				
Medical Training and Simulation Laboratory	2,277,493	2,777,493	500,000	21.95%
Access to Better Learning and Education (ABLE) Grants	3,947,037	4,053,105	106,068	2.69%
Historically Black Private Colleges	9,832,514	9,439,213	(393,301)	-4.00%
First Accredited Medical School University of Miami	7,151,237	6,865,188	(286,049)	-4.00%
Academic Program Contracts	781,832	586,374	(195,458)	-25.00%
Regional Diabetes Center - University of Miami	416,685	400,018	(16,667)	-4.00%
Florida Resident Access Grant	84,171,709	83,856,500	(315,209)	-0.37%
Nova Southeastern University Health Programs	5,141,492	4,935,832	(205,660)	-4.00%
LECOM / Florida - Health Programs	1,117,106	1,072,422	(44,684)	-4.00%
<b>TOTAL PRIVATE COLLEGES AND UNIVERSITIES</b>	<b>114,837,105</b>	<b>113,986,145</b>	<b>(850,960)</b>	<b>-0.74%</b>

# Florida Department of Education

## EDUCATION BUDGET

Expenditure Detail 2010-11 General Appropriation Prepared by DOE K-12 Budget Office	2009-10 Appropriation With 2010 Session Adj. (HB 5001)	2010-11 GAA with Conforming Bill Funding (Includes Veto)	GAA with Conforming Bill Funding over/(under) 2009 10 Appropriation	% of GAA with Conf. Bill over/(under) 2009-10 Appropriation with 2010 Session Adj (HB 5001)
Approp Cat Title	ALL FUNDS	ALL FUNDS	ALL FUNDS	ALL FUNDS
<b>STUDENT FINANCIAL AID PROGRAM - STATE</b>				
Florida's Bright Futures Scholarship Program	426,278,452	437,282,546	11,004,094	2.58%
First Generation in College Matching Grant Program	6,848,120	6,574,195	(273,925)	-4.00%
Prepaid Tuition Scholarships	4,188,111	4,020,587	(167,524)	-4.00%
Minority Teacher Scholarship Program	1,607,942	1,543,624	(64,318)	-4.00%
Mary McLeod Bethune Scholarship	598,751	583,859	(14,892)	-2.49%
Student Financial Aid	133,768,360	134,050,405	282,045	0.21%
Jose Marti Scholarship Challenge Grant	160,098	96,210	(63,888)	-39.91%
Transfer to the Florida Education Fund	1,987,181	2,007,694	20,513	1.03%
<b>TOTAL STUDENT FINANCIAL AID PROG - STATE</b>	<b>575,437,015</b>	<b>586,159,120</b>	<b>10,722,105</b>	<b>1.86%</b>
<b>STUDENT FINANCIAL AID PROGRAM - FEDERAL</b>				
College Access Challenge Grant Program	3,116,708	7,011,133	3,894,425	124.95%
Student Financial Aid	2,563,089	2,563,089	0	0.00%
Transfer Default Fees to the Student Loan Guaranty Reserve Trust Fund	6,080,000	6,500,000	420,000	6.91%
Robert C. Byrd Honors	2,391,530	2,391,530	0	0.00%
<b>TOTAL STUDENT FINANCIAL AID PROGRAM - FEDERAL</b>	<b>14,151,327</b>	<b>18,465,752</b>	<b>4,314,425</b>	<b>30.49%</b>
<b>EARLY LEARNING PREKINDERGARTEN EDUCATION</b>				
Transfer Voluntary Prekindergarten Funds to Agency for Workforce Education Innovation	391,819,943	404,372,806	12,552,863	3.20%
Voluntary Prekindergarten (VPK) Early Learning Standards and Accountability	400,000	384,000	(16,000)	-4.00%
Early Learning Information System Development	0	0	0	0.00%
<b>TOTAL EARLY LEARNING PREKINDERGARTEN EDUCATION</b>	<b>392,219,943</b>	<b>404,756,806</b>	<b>12,536,863</b>	<b>3.20%</b>
<b>K-12 PROGRAM - FEFP</b>				
Florida Education Finance Program	6,005,111,244	6,743,234,979	738,123,735	12.29%
Class Size Reduction	2,845,578,849	2,927,921,474	82,342,625	2.89%
District Lottery and School Recognition Program	129,914,030	129,914,030	0	0.00%
<b>TOTAL K-12 PROGRAM - FEFP</b>	<b>8,980,604,123</b>	<b>9,801,070,483</b>	<b>820,466,360</b>	<b>9.14%</b>
<b>K-12 PROGRAM - NON-FEFP</b>				
Instructional Materials	2,141,584	1,743,849	(397,735)	-18.57%
Excellent Teaching	46,902,403	21,244,177	(25,658,226)	-54.71%
Professional Practices - Substitutes	50,596	0	(50,596)	-100.00%
Grants to Public Schools for Reading Programs	14,200,000	7,300,000	(6,900,000)	-48.59%
Assistance to Low Performing Schools	4,099,146	3,935,180	(163,966)	-4.00%
Mentoring - Student Assistance Initiatives	8,229,152	15,229,496	7,000,344	85.07%
College Reach-Out Program	2,329,340	2,236,166	(93,174)	-4.00%
Florida Diagnostic and Learning Resources Centers	2,485,019	2,485,019	0	0.00%
New World School of the Arts	821,419	788,562	(32,857)	-4.00%
School District Matching Grants Program	1,639,872	1,639,872	0	0.00%
Teacher and School Administrator Death Benefits	20,000	20,000	0	0.00%
Risk Management Insurance (FEFP)	0	396,914	396,914	100.00%
Autism Program	6,236,191	6,236,191	0	0.00%
Regional Education Consortium Services	1,611,465	1,611,465	0	0.00%
Teacher Professional Development	134,864,366	134,853,028	(11,338)	-0.01%
School and Instructional Enhancements	3,205,887	2,988,092	(217,795)	-6.79%
Exceptional Education	4,144,492	4,072,046	(72,446)	-1.75%
Florida School for the Deaf and Blind	45,855,346	46,166,818	311,472	0.68%



# Florida Department of Education

## EDUCATION BUDGET

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Approp Cat Title	ALL FUNDS	ALL FUNDS	ALL FUNDS	ALL FUNDS
Services Statewide Contract	29,034	29,034	0	0.00%
Interstate Compact on Educational Opportunity for Military Children	0	0	0	0.00%
<b>TOTAL K-12 PROGRAM - NON-FEFP</b>	<b>278,865,312</b>	<b>252,975,909</b>	<b>(25,889,403)</b>	<b>-9.28%</b>
<b>K-12 PROGRAM - FEDERAL GRANTS</b>				
Projects, Contracts and Grants	4,099,420	4,099,420	0	0.00%
Federal Grants and Aids	2,828,690,570	2,458,835,191	(369,855,379)	-13.08%
School Lunch Program	748,532,055	804,333,624	55,801,569	7.45%
School Lunch Program - State Match	19,418,953	19,418,953	0	0.00%
<b>TOTAL K-12 PROGRAM - FEDERAL GRANTS</b>	<b>3,600,740,998</b>	<b>3,286,687,188</b>	<b>(314,053,810)</b>	<b>-8.72%</b>
<b>EDUCATIONAL MEDIA &amp; TECHNOLOGY SERVICES</b>				0.00%
Capitol Technical Center	212,462	203,964	(8,498)	-4.00%
Instructional Technology	1,100,000	1,030,000	(70,000)	-6.36%
Federal Equipment Matching Grant	132,662	627,356	494,694	372.90%
Public Broadcasting	9,045,569	9,045,569	0	0.00%
<b>TOTAL EDUCATIONAL MEDIA &amp; TECHNOLOGY SERVICES</b>	<b>10,490,693</b>	<b>10,906,889</b>	<b>416,196</b>	<b>3.97%</b>
<b>WORKFORCE EDUCATION</b>				0.00%
Performance Based Incentives	5,286,953	5,152,850	(134,103)	-2.54%
Adult Basic Education	41,552,472	47,625,538	6,073,066	14.62%
Workforce Development	377,302,978	369,488,374	(7,814,604)	-2.07%
Vocational Formula Funds	77,144,852	77,144,852	0	0.00%
Business Partnerships/Skill Assessment and Training	7,000,000	5,300,000	(1,700,000)	-24.29%
<b>TOTAL WORKFORCE EDUCATION</b>	<b>508,287,255</b>	<b>504,711,614</b>	<b>(3,575,641)</b>	<b>-0.70%</b>
<b>FLORIDA COLLEGE SYSTEM</b>				0.00%
Community College Lottery Funds	116,959,158	126,959,158	10,000,000	8.55%
Community College Program Fund	924,167,924	987,164,904	62,996,980	6.82%
Community College Baccalaureate Programs	9,535,201	0	(9,535,201)	-100.00%
Program Challenge Grant	0	0	0	0.00%
Commission on Community Service	589,845	566,251	(23,594)	-4.00%
Distance Learning	324,668	316,675	(7,993)	-2.46%
Florida's Two Plus Two Pub & Part	0	5,000,000	5,000,000	100.00%
<b>TOTAL FLORIDA COLLEGE SYSTEM</b>	<b>1,051,576,796</b>	<b>1,120,006,988</b>	<b>68,430,192</b>	<b>6.51%</b>
<b>STATE BOARD OF EDUCATION</b>				
Salaries and Benefits	71,907,747	72,332,907	425,160	0.59%
Other Personal Services	2,278,341	2,254,281	(24,060)	-1.06%
Expenses	23,418,146	21,443,955	(1,974,191)	-8.43%
Operating Capital Outlay	1,719,708	1,717,092	(2,616)	-0.12%
Assessment and Evaluation	85,497,299	83,637,725	(1,859,574)	-2.18%
Commission for Independent Education	1,188,178	0	(1,188,178)	-100.00%
Transfer to Division of Administrative Hearings	244,149	282,410	38,261	15.67%
Contracted Services	20,402,529	21,058,099	655,570	3.21%
Choice Product Sales	400,000	400,000	0	0.00%
Educational Facilities Research and Development Projects	200,000	200,000	0	0.00%
Student Financial Assistance Management Information System	484,993	484,993	0	0.00%
Risk Management Insurance	831,951	561,531	(270,420)	-32.50%
Transfer to Department of Management Services - Human Resource Services/Statewide Contract	512,668	512,668	0	0.00%

# Florida Department of Education

## EDUCATION BUDGET

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Approp Cat Title	ALL FUNDS	ALL FUNDS	ALL FUNDS	ALL FUNDS
Education Technology and Information Services	10,190,391	10,074,056	(116,335)	-1.14%
Northwood Shared Resource Center (NSRC)	28,443	187,369	158,926	558.75%
Southwood Shared Resource Center (NSRC)	0	17,327	17,327	100.00%
<b>TOTAL STATE BOARD OF EDUCATION</b>	<b>219,304,543</b>	<b>215,165,013</b>	<b>(4,139,530)</b>	<b>-1.89%</b>
<b>TOTAL STATE BOARD OF EDUCATION -OPERATING</b>	<b>16,030,677,776</b>	<b>16,592,141,893</b>	<b>561,464,117</b>	<b>3.50%</b>
<b>FIXED CAPITAL OUTLAY</b>				
SUS Construction Projects (Ancillary Facilities Construction Trust Fund)	141,000,000	0	(141,000,000)	-100.00%
Lake Wales Charter Schools	500,000	0	(500,000)	-100.00%
Maintenance/Repair/Renovation/Remodel	139,544,804	254,269,869	114,725,065	82.21%
Survey Recommended Needs/Local Millage Equivalent	6,254,738	4,717,433	(1,537,305)	-24.58%
Community College Projects	84,221,380	190,038,381	105,817,001	125.64%
State University System Projects	104,855,904	259,323,334	154,467,430	147.31%
Special Facilities Construction Account	12,762,458	12,274,731	(487,727)	-3.82%
Debt Service Capital Outlay	1,089,985,025	1,125,722,701	35,737,676	3.28%
Debt Service Classrooms First and 1997 School Capital Outlay Bond Program	166,760,778	164,766,967	(1,993,811)	-1.20%
Grants and Aids - School District and Community College District Capital Outlay	28,000,000	28,000,000	0	0.00%
Debt Service - Class Size Reduction	144,601,150	154,721,252	10,120,102	7.00%
Florida School for the Deaf and the Blind	13,160,619	5,032,566	(8,128,053)	-61.76%
Division of Blind Services	4,062,500	1,192,490	(2,870,010)	-70.65%
Public Broadcasting Projects	4,806,000	2,294,620	(2,511,380)	-52.26%
<b>TOTAL FIXED CAPITAL OUTLAY</b>	<b>1,940,515,356</b>	<b>2,202,354,344</b>	<b>261,838,988</b>	<b>13.49%</b>
<b>TOTAL STATE BOARD OF EDUCATION -OPERATING AND FIXED CAPITAL OUTLAY</b>	<b>17,971,193,132</b>	<b>18,794,496,237</b>	<b>823,303,105</b>	<b>4.58%</b>

# Florida Department of Education

FLORIDA EDUCATION FINANCE PROGRAM  
2010-2011 FEFP - FINAL CONFERENCE CALCULATION  
HOUSE BILL 5001, GENERAL APPROPRIATIONS ACT  
Statewide Summary  
Comparison to 2009-2010 Fourth Calculation

	2009-2010 Fourth Calculation	2010-2011 Final Conference Calculation	Difference	Percentage Difference
<b>MAJOR FEFP FORMULA COMPONENTS</b>				
Unweighted FTE	2,629,282.97	2,645,079.41	15,796.44	0.60%
Weighted FTE	2,820,308.04	2,852,181.12	31,873.08	1.13%
School Taxable Value	1,622,946,057,603	1,469,134,379,320	(153,811,678,283)	-9.48%
Required Local Effort Millage	5.288	5.288	0.000	0.00%
.748 Discretionary Millage	0.748	0.748	0.000	0.00%
.250 Discretionary Millage	0.250	0.250	0.000	0.00%
Total Millage	6.286	6.286	0.000	0.00%
Base Student Allocation	3,630.62	3,623.76	(6.86)	-0.19%
<b>FEFP DETAIL</b>				
WFTE x BSA x DCD	10,242,843,021	10,342,218,083	99,375,062	0.97%
Declining Enrollment Supplement	5,881,224	5,843,104	(38,120)	-0.65%
Sparsity Supplement	35,822,046	35,754,378	(67,668)	-0.19%
Lab School Discretionary Contribution	13,677,054	14,959,160	1,282,106	9.37%
Safe Schools	67,260,840	67,133,784	(127,056)	-0.19%
.748 Millage Compression	160,337,172	139,599,589	(20,737,583)	-12.93%
.250 Millage Compression	33,525,346	28,454,889	(5,070,457)	-15.12%
Supplemental Academic Instruction	637,781,383	639,315,534	1,534,151	0.24%
ESE Guaranteed Allocation	981,724,365	980,571,070	(1,153,295)	-0.12%
Reading Instruction Allocation	101,923,720	101,731,186	(192,534)	-0.19%
Merit Award Program (MAP)	19,163,815	20,000,000	836,185	4.36%
DJJ Supplemental	9,323,623	9,243,186	(80,437)	-0.86%
Instructional Materials	216,031,121	216,918,478	887,357	0.41%
Student Transportation	428,931,491	430,693,345	1,761,854	0.41%
Teachers Lead Program	33,283,309	33,220,437	(62,872)	-0.19%
Minimum Guarantee	8,880,826	2,443,485	(6,437,341)	-72.49%
Governor's Veto	(6,000,000)	0	6,000,000	-100.00%
Proration to Funds Available	(84,977,778)	0	84,977,778	-100.00%
Federal SFSF Education Funds	875,025,819	855,582,711	(19,443,108)	-2.22%
Federal SFSF Discretionary Funds	32,894,356	17,081,978	(15,812,378)	-48.07%
<b>TOTAL FEFP</b>	<b>13,813,332,753</b>	<b>13,940,764,397</b>	<b>127,431,644</b>	<b>0.92%</b>
<b>ADJUSTMENTS</b>				
Required Local Effort Taxes	7,801,379,986	7,197,552,375	(603,827,611)	-7.74%
Federal Funds	907,920,175	872,664,689	(35,255,486)	-3.88%
LESS ADJUSTMENTS	8,709,300,161	8,070,217,064	(639,083,097)	-7.34%
<b>STATE FEFP</b>	<b>5,104,032,592</b>	<b>5,870,547,333</b>	<b>766,514,741</b>	<b>15.02%</b>
<b>DISTRICT LOTTERY/SCHOOL RECOGNITION FUNDS</b>	<b>129,914,030</b>	<b>129,914,030</b>	<b>0</b>	<b>0.00%</b>
<b>STATE CATEGORICAL PROGRAMS</b>				
Class Size Reduction Allocation	2,845,578,849	2,927,921,474	82,342,625	2.89%
<b>TOTAL STATE CATEGORICAL FUNDING</b>	<b>2,845,578,849</b>	<b>2,927,921,474</b>	<b>82,342,625</b>	<b>2.89%</b>
<b>TOTAL STATE FUNDING</b>	<b>8,079,525,471</b>	<b>8,928,382,837</b>	<b>848,857,366</b>	<b>10.51%</b>
<b>LOCAL FUNDING</b>				
Total Required Local Effort	7,801,379,986	7,197,552,375	(603,827,611)	-7.74%
.748 Discretionary Local Effort	1,087,990,301	997,242,061	(90,748,240)	-8.34%
.250 Discretionary Local Effort	113,493,495	105,788,183	(7,705,312)	-6.79%
<b>TOTAL LOCAL FUNDING</b>	<b>9,002,863,782</b>	<b>8,300,582,619</b>	<b>(702,281,163)</b>	<b>-7.80%</b>
Total Funding based on 2009-10 District Levy	17,990,309,428	18,101,630,145	111,320,717	0.62%
Total Funds per UFTE based on 2009-10 District Levy	6,842.29	6,843.51	1.22	0.02%
Plus: .748 Mill Potential Funds for districts not levying max in 2009-10		57,713,955	57,713,955	
Plus: .250 Mill Potential Funds for districts not levying max in 2009-10		246,804,068	246,804,068	
Total Potential Funding	17,990,309,428	18,406,148,168	415,838,740	2.31%
Total Potential Funds per UFTE	6,842.29	6,958.64	116.35	1.70%



# Florida Department of Education

**Bill Number:** House Bill 5003

**Bill Title:** Implementing the 2010-2011 General Appropriations Act

**Bill Sponsor:** Conference Committee on Appropriations

**Effective Date:** July 1, 2010

**DOE Contact:** Linda Champion, Deputy Commissioner, 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 2010-2011. 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:**

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

### **Section 3:**

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

- For FY 2010-11 only, amends s.216.292, F.S., to authorize the transfer of Fixed Capital outlay appropriations for public schools between appropriation categories upon approval of the Executive Office of the Governor.

### **Section 23:**

- Requires the Department of Management Services to issue by January 1, 2011, a solicitation for office supplies, and subsequently award a multiple-supplier contract with at least three awarded vendors.

### **Section 35:**

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

- For FY 2010-11 only, grants authority to the Governor to recommend the initiation of fixed capital outlay projects funded by grants awarded by the Federal Government through the American Recovery and Reinvestment Act of 2009 or any other federal economic stimulus grant funding, subject to approval by the Legislative Budget Commission.

### **Section 36:**

To implement sections 2 through 7 of the 2010-2011 General Appropriations Act, the Executive Office of the Governor:

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- For FY 2010/11 only, grants authority to the Executive Office of the Governor to transfer funds appropriated for the American Recovery and Reinvestment Act of 2009 to specific appropriation categories established to track the expenditure of such funds.

### Section 53:

To implement the appropriation of funds in Special Categories-Risk Management Insurance of the 2010-2011 General Appropriations Act:

- For FY 2010-11 only, allows the Executive Office of the Governor to transfer funds appropriated for the payment of risk management insurance premiums between departments. The amendment to the approved operating budget is subject to the notice and objection procedures of s. 216.177, F.S.

### Section 54:

To implement the appropriations of funds in Special Categories-Transfer to Department of Management Services-Human Resources Services Purchased Per Statewide Contract of the General Appropriations Act:

- For FY 2010-11 only, allows the Executive Office of the Governor to transfer funds appropriated for the payment of human resource management assessments between departments. The amendment to the approved operating budget is subject to the notice and objection procedures of s. 216.177, F.S.

### Section 55:

Amends s. 110.123, F.S., State Group Insurance Program:

- For FY 2010-11 only, extends the authorization of payments into the state employee health savings accounts.

### Section 56:

Amends s. 110.123, F.S., State Group Insurance Program:

- Provides that notwithstanding the provisions of paragraph s.110.123(3)(f), F.S., requiring uniform contributions, and for the 2010-2011 fiscal year only, the state contribution toward the cost of any plan in the state group insurance plan shall be the difference between the overall premium and the employee contribution.

### Section 57:

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

- For FY 2010-11 only, extends the authorization to assign an employee from one agency to another agency if recommended by the Governor and approved by the chairs of the respective legislative appropriations committees.

### Section 59:

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

- Reenacts s. 215.32, F.S., to authorize the Legislature to transfer in the General Appropriations Act unencumbered trust fund balances to the General Revenue Fund or the Budget Stabilization Fund.

### Section 61:

To implement the issuance of new debt authorized in the 2010-2011 General Appropriations Act:

- Provides a legislative determination that the authorization and issuance of state debt for FY 2010-11 is in the best interest of the state and is necessary to address a critical state emergency.

### **Section 62:**

To implement the funds appropriated in the 2010-2011 General Appropriations Act for State Employees Travel:

- Limits the use of state funds for travel by state employees during the 2010-2011 fiscal year.

### **Section 63:**

To implement the appropriations authorized in the 2010-2011 General Appropriations Act for each state's designated primary data centers:

- For FY 2010-11 only, provides that the Governor is authorized to transfer funds appropriated in any appropriation category used to pay for data processing in the General Appropriation Act between agencies in order to align the budget authority granted with the utilization rate of each department.

### **Section 64:**

To implement the appropriations authorized in the 2010-2011 General Appropriations Act:

- For FY 2010-11 only, provides that an agency may transfer funds from the data processing appropriation categories to another appropriation category for the purpose of supporting and managing its computer resources until such time as the agency's data processing function is transferred to the Southwood Shared Resource Center, the Northwood Shared Resource Center, or the Northwest Regional Data Center.

### **Section 65:**

To implement the appropriations authorized in the 2010-2011 General Appropriations Act:

- Allows agencies that are required to begin planning for data center consolidation to accelerate their consolidation into Fiscal Year 2010-11 with Legislative Budget Commission approval.

### **Section 66:**

To implement Specific Appropriations 2179A of the General Appropriations Act:

- For FY 2010-11, provides that the Governor is authorized to transfer funds appropriated in the appropriations category "expenses" between agencies in order to allocate a reduction relating to SUNCOM Services.

### **Section 69:**

To implement Specific Appropriations 17 through 26 of the 2010-2011 General Appropriations Act:

- Provides that Specific Appropriations 17 through 26 shall constitute authorized fixed capital outlay projects as required by section 9(a) (2), Article XII of the State Constitution and makes clear that PECO projects are subject to budget amendment provisions in Ch 216.

### **Section 70:**

- For FY 2010-11, promotes, through state contracting, the employment of state residents, to encourage economic development, and maximize use of products made in Florida. For purchases of goods & services from state funds in excess of \$5 million, preference must be given to Florida-based vendors or businesses. This provision does not apply to contracts entered into before June 1, 2010. Each state agency must identify contracts subject to this provision and report by March 1, 2011 to the Agency for Workforce Innovation regarding each contractor's compliance.

**Section 71:**

Amends s.110.12315, F.S., to:

- Modify copayments for prescription under the State Group Health Insurance Program consistent with decisions reflected in the General Appropriations Act.

**Section 72:**

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

**Section 73:**

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

**Section 74:**

Provides for a severability clause.

**Section 75:**

- Provides an effective date

**General Implementation Timeline:**

July 1, 2009

The act becomes effective.



# Florida Department of Education

**Bill Number:** House Bill 5101

**Bill Title:** Prekindergarten through Grade 12 Education Funding Conforming Act

**Bill Sponsor:** Conference Committee on Appropriations

**Effective Date:** July 1, 2010

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

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## Executive Summary:

The act amends statutory law to align policies with funding authorized in the 2010 General Appropriations Act.

### Section 1:

- Eliminates a provision in s. 212.055, F.S., which required school districts to freeze noncapital local property tax millage rates that were not authorized in the General Appropriations Act for three years following the local adoption of a discretionary sales surtax.

### Section 2:

- Conforming adjustment to the revision to the class size compliance law; eliminates authority in s. 216.292(2)(d), F.S., for the Executive Office of the Governor (EOG) to transfer funds from the appropriation for public school operations to a fixed capital outlay appropriation for class size reduction based on a district failing to meet class size requirements.

### Section 3:

- Amends s. 1001.395(3), F.S., to provide that school board member salaries for FY 2010-11 shall be the lesser of the statutory calculation or the district's beginning salary for teachers who hold a baccalaureate degree.

### Section 4:

- Amends s. 1001.451(2)(c), F.S., to authorize state support for regional education consortia to be less than \$50,000 per school district and eligible member for FY 2010-11.

### Section 5:

- Amends s. 1002.32(9), F.S., to provide that state support for developmental research schools (lab schools) shall be calculated based on 96 percent of the tax roll in lieu of the nonvoted discretionary operating millage in s. 1011.71(1) and (3), F.S., and the nonvoted discretionary capital millage in s. 1011.71(2), F.S.

### Section 6:

- Amends s. 1002.33, F.S., relating to charter schools and sponsor requirements as follows:

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- Creates s. 1002.33(16)(b)(3), F.S., to provide that the statutory requirements in s. 1003.03, F.S., related to class size reduction apply to charter schools, except that compliance calculations shall be based on school-level averages.
- Amends s. 1002.33(18)(d), F.S., to provide that charter schools are exempt from exactions.
- Amends s. 1002.33(19), F.S., to provide that nonvoted discretionary capital outlay funds authorized in s. 1011.71(2), F.S., that have been shared with a charter school in the workplace prior to July 1, 2010, are deemed to have met authorized expenditure requirements for such funds.
- Amends s. 1002.33(20), F.S., to: (1) reduce the minimum enrollment in a charter school that can be charged the 5 percent administrative fee by its sponsor from 500 to 250 students; and (2) withhold only up to a 5 percent administrative fee for enrollment up to and including 500 students within a system of charter schools that meets certain conditions.

### Section 7:

- Amends s. 1002.37(3)(f), F.S., to provide that state support for the Florida Virtual School shall be calculated based on 96 percent of the tax roll in lieu of the nonvoted discretionary operating millage in s. 1011.71(1) and (3), F.S.

### Section 8:

- Amends s. 1002.39(8)(b), F.S., to provide that a private school is not eligible to receive a quarterly scholarship payment for any student for whom the school fails to meet timely documentation requirements (i.e., 30 days prior to the scheduled quarterly payment).

### Section 9:

- Amends s. 1002.45, F.S., to: (1) make community colleges approved providers of virtual instruction programs (VIP); (2) authorize full- or part-time VIP courses in grades 9 - 12 in core-curricula courses to meet class size requirements and to authorize VIP courses offered by community colleges; (3) allow siblings of VIP students to enroll directly in VIP courses without meeting prior enrollment requirements; and (4) prohibit a community college from reporting VIP students for funding under the Community College Program Fund.

### Section 10:

- Amends s. 1002.71(7), F.S., to reduce the maximum percentage of Voluntary Prekindergarten Education Program (VPK) funding that an early learning coalition may withhold for administrative purposes from 4.85 percent to 4.5 percent.

### Section 11:

- Amends s.1003.03, F.S., related to class size reduction to: (1) require the annual compliance calculation to be based on the October student survey; (2) require districts to hold public hearings describing how they will meet class size requirements prior to the adoption of the FY 2010-11 budget; (3) add virtual instruction programs as an option districts must consider to meet class size requirements; and (4) revise the statutory class size accountability requirements as follows:
  - Based on the October student survey, and subject to an alternative recommendation of the Commissioner by February 15 that is approved by the Legislative Budget Commission, (1)

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each district allocation shall be reduced by the amount of the class size reduction categorical for each student over the maximum allowable for each grade group, and (2) each district allocation shall also be reduced by the product of 50 percent of the base student allocation multiplied by the district cost differential and the number of students over the maximum allowable for each grade group. Beginning in FY 2011-12, this portion of the reduction shall be the product of 100 percent of the base student allocation multiplied by the district cost differential and the number of students over the maximum allowable for each grade group.

- The amount of the initial class size reduction shall be the lesser of the amount calculated above or the undistributed balance of the district's class size reduction categorical appropriation. The Commissioner is authorized to withhold the distribution of the class size reduction categorical allocation to ensure the availability of sufficient undistributed funds to support the implementation of the calculated reduction.
- The Commissioner shall reallocate from the class size reduction calculation an amount equal to up to 5 percent of the base student allocation per FTE to those districts that have fully met class size requirements; however, the amount reallocated shall not exceed 25 percent of the total amount reduced. Funds remaining shall be reallocated to noncompliant districts that submit plans certified by their school boards to the Commissioner by February 15, indicating how they will meet the class size requirement by October of the following school year. The reallocation shall be in proportion to each qualifying district's share of the total reduction for all qualifying districts. No district shall have an amount added back in excess of the amount that was reduced.

### Section 12:

- Contingent upon the approval of Senate Joint Resolution 2 by voters, amends s. 1003.03, F.S., to establish statutory class size limits in accordance with the amended Florida Constitution. The average number of students at the school level assigned to each teacher who is teaching core-curricula courses in public school classrooms may not exceed the following limits:
  - For grades Pre-K through 3, may not exceed 18 students, and the maximum number of students assigned to a teacher in an individual classroom may not exceed 21 students;
  - For grades 4 through 8, may not exceed 22 students, and the maximum number of students assigned to a teacher in an individual classroom may not exceed 27 students; and
  - For grades 9 through 12, may not exceed 25 students, and the maximum number of students assigned to a teacher in an individual classroom may not exceed 30 students.

### Section 13:

- Amends s. 1003.42(2)(h), F.S., to require that instructional materials include the contributions of African Americans to American society.

### Section 14:

- Amends s. 1003.492(2), F.S., to require that the annual list of industry-certified career education programs must be approved by the Department of Education and Workforce Florida. Previously, only Workforce Florida was involved in the approval process.

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### Section 15:

- Amends s. 1003.52(15), F.S., to provide that the completion of annual comprehensive quality assurance reviews of educational programs in juvenile justice facilities and associated accountability provisions shall be implemented to the extent that funds are available.

### Section 16:

- Amends s. 1004.925, F.S., to require all automotive technology education programs to be industry-certified within three years. Beginning in 2013-14, only automotive technology education programs that comply with this provision will be eligible for state funding.

### Section 17:

- Amends s. 1006.28, F.S., to provide that the term "adequate instructional materials" include electronic content.

### Section 18:

- Creates s. 1006.281, F.S., to encourage school districts to provide access by teachers, students, and parents to electronic learning management systems, and to describe desirable components of school district electronic learning management systems.

### Section 19:

- Amends s. 1006.29(4), F.S., to add electronic content to the definition of "instructional materials" for the purpose of state adoptions, and to require publishers and manufacturers who provide instructional materials as a single bundle to also make the instructional materials available as separate and unbundled items with individual pricing.
- Requires that any instructional materials adopted after 2012-13 for students in grades 9 through 12 also be provided in an electronic format.

### Section 20:

- Amends s. 1006.33, F.S., to require that, beginning in 2010-11, advertisements for instructional materials must state that each bidder must furnish electronic specimen copies of all instructional materials submitted. Any superintendent requiring samples in addition to the electronic format must request those samples through the Department of Education.

### Section 21:

- Amends s. 1006.40 (4), F.S., to include electronic content as an allowable purchase by school districts from instructional materials allocations authorized for use on items not included on the state-adopted list.
- Provides that instructional materials allocations may be used to purchase electronic or computer hardware if the district has complied with the provisions of s. 1011.62(6)(b)(5), F.S., relating to required instructional materials purchases.

### Section 22:

- Amends s. 1007.27(1), F.S., to provide that secondary public school students enrolled in advanced courses are authorized users of state-funded electronic library resources that are licensed for Florida colleges and state universities by the Florida Center for Library Automation and College Center for Library Automation.

Section 23:

- Amends s. 1010.79, F.S., to expand allowable use of the Sophomore Level Test Trust Fund to include any legislative appropriation from the trust fund.

Section 24:

- Amends s. 1011.03, F.S., to allow school districts to satisfy advertising requirements for tentative budgets by posting one-time, online notices in a newspaper of general circulation. Eliminates a specific requirement for the advertisement to include prescribed information in a graph format.

Section 25:

- Amends s. 1011.62, F.S., to require that school districts allocate 80 percent of the funds received from IB bonus funding to the school programs that generated the funding, and the remaining 20 percent to assist academically disadvantaged students to prepare for more rigorous courses.
- Requires 80 percent of the bonus funds generated by industry-certified programs to be allocated to the program that generated the funds.

Section 25:

- Creates s. 1011.62(13), F.S., to provide FEFP calculations relating to local effort to be based on 95 percent of the taxable value for school purposes for fiscal years prior to FY 2010-11.
  - Amends s. 1011.62(6)(b)(5), F.S., to allow for the flexible use of the instructional materials allocation by districts that have met requirements for updated materials aligned to the Next Generation Sunshine State Standards, but no sooner than March 1, 2011. Provides that funds available after March 1 may be used to purchase hardware for student instruction.
  - Amends s. 1011.62(7), F.S., to exclude Merit Award funds from the wealth adjustment calculation for sparsity funding.

Section 26:

- Amends s. 1011.64(4), F.S., relating to school district minimum classroom expenditure requirements. This is a technical conforming amendment relating to a cross-reference.

Section 27:

- Amends s. 1011.66, F.S., repealing language relating to advance payment of FEFP funds for districts whose net state FEFP funding is less than 60 percent of their gross state and local FEFP funding.

Section 28:

- Amends s. 1011.67, F.S., to eliminate language relating to the distribution schedule for instructional materials funds.

Section 29:

- Amends s. 1011.69, F.S., to provide that the determination of the average cost per student for transportation funding calculations shall be determined by the Legislature.

Section 30:

- Amends s. 1011.71(2), F.S., to authorize the purchase from discretionary capital outlay millage revenue of computer hardware, electronic hardware, and other hardware devices to enhance

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access to electronic content or district learning management systems. Software purchases, other than the operating system necessary to operate the hardware or electronic device, are not allowed.

- Amends s. 1011.71(3), F.S., to provide that, in order to be continued after FY 2010-11, any additional 0.25 critical millage levies established by supermajority vote of the district school board pursuant to this section must be approved by the voters of the district at the 2010 general election, or subsequent election. Only one such election may be held in any 12-month period. Any millage so authorized shall be levied for a period not to exceed of two years or until changed by another millage election.

### Section 31:

- Amends s. 1011.73(2), F.S., relating to district millage elections. This is a technical conforming amendment relating to a cross-reference.

### Section 32:

- Amends s. 1012.33, F.S., to exempt instructional personnel re-employed pursuant to s. 121.091(9)(b), F.S., after completing the Deferred Retirement Option Program from a requirement that the employing district must fully accept each year of prior Florida full-time public school teaching experience in determining pay.

### Section 33:

- Amends s. 1012.467, F.S., to require school districts to accept reciprocity of Level 2 screenings for Florida High School Athletic Association officials.

### Section 34:

- Amends s. 1012.55, F.S., to require personnel providing direct instruction to students through a virtual environment or through a blended virtual and physical environment to hold the required State Board of Education certification.

### Section 35:

- Amends s. 1013.62, F.S., to provide that a charter school in the workplace that serves students in facilities provided by a business partner is eligible to receive state funds appropriated for charter school capital outlay.

### Section 36:

- Directs the Office of Program Policy Analysis and Government Accountability to conduct a study of the Special Facility Construction Account Program and prescribes requirements to be addressed in the study.

### Section 37:

- Authorizes the Commissioner to conduct a one-time student transportation survey for the Jefferson County School District to serve as a substitute for the 2009-10 scheduled October and February surveys. From the funds generated, the district must use up to \$50,000 to contract for consulting services to assist with district operations during the 2010-11 fiscal year. The consultant must be approved by the Commissioner.

### Section 38:

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- Appropriates \$21,244,177 in nonrecurring general revenue funds for FY 2010-11 for the Dale Hickam Excellent Teaching Program.

### General Implementation Timeline:

July 1, 2009

The act becomes effective.





**Bill Number:** House Bill 5201

**Bill Title:** Postsecondary Education Funding

**Bill Sponsor:** House State Universities & Private Colleges Appropriations Committee and Representative Proctor

**Effective Date:** July 1, 2010

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

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### Executive Summary:

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

- Increase test score eligibility requirements;
- Allow the restoration of a Bright Futures scholarship for first year students;
- Reduce the number of credits covered by Bright Futures from 110% of program requirements to 100%;
- Reduce the time to utilize the award from seven years to five years;
- Encourage use of acceleration credit, by allowing students who graduate in less than 4 years to utilize up to 15 hours of any remaining award towards one semester of graduate study; and
- Authorize flat award amounts to be established in the General Appropriation Act.

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

- Require state residency confirmation for Workforce Education Programs.

The bill amends s. 1004.085, F.S., Textbook affordability to:

- Encourage the adoption of open access textbooks.

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

- Provide a process for the coordinated licensing of electronic library resources for use by secondary and postsecondary students in Florida.

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

- Encourage continued implementation of online registration for online learning.

The bill appropriates \$25 million for the Bright Futures program contingent upon the receipt of Federal Medical Assistance Percentage (FMAP) funds.

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

- Modifying university fee limits by:

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- authorizing all universities to increase the sum of the activity and service, health, and athletic fees up to 15% or the amount necessary to reach the 2009-10 statewide average for the total these fees, whichever is greater; and
- authorizing the sum of these fees to increase each year by five percent or the same percentage increase in tuition authorized by the legislature, whichever is greater.
- Authorizes state universities to utilize funds from the 30% tuition differential set-aside for need-based financial aid for students utilizing a prepaid postsecondary tuition scholarship.

The bill requires the study of a possible merger of public school workforce programs into community or state colleges by the Office of Program Policy Analysis and Governmental Accounting (OPPAGA).

The bill amends s. 1011.84, F.S., Procedure for determining state financial support and annual apportionment of state funds to each community college district to:

- Remove specific appropriation provisions for funding baccalaureate degrees at Florida colleges; and establishes that upper-division and lower-division enrollment estimating and expenditure reporting shall be done separately.

The bill amends s. 1009.22, F.S., Workforce education postsecondary student fees to:

- Requires full fee support for Continuing Workforce Education (CWE).

The bill amends s. 295.02, F.S., Use of funds; age, etc. to:

- Clarify statutory provisions relating to the Children and Spouses of Deceased or Disabled Veterans (CSDDV) Program on the use of funds, the award amounts, and the definition of eligible educational institutions.

The bill amends s. 1009.72, F.S., Jose Marti Scholarship Challenge Grant Program to:

- Clarify statutory provisions relating to the Jose Marti and Mary McLeod Bethune scholarship programs to remove obsolete language requiring the deposit of appropriated funds into a trust fund.

The bill amends s. 1010.87, F.S., Worker's Compensation Administration Trust Fund within the Department of Education to:

- Establish a reversion schedule for any unencumbered and/or undisbursed funds that were transferred from the Department of Financial Services Workers' Compensation Administration Trust Fund.

The bill amends s. 440.491, F.S., Reemployment of injured workers; rehabilitation to:

- Allow a client in the Injured Workers Program to attend a non-public program if recommended by a vocational evaluator and no public college program is available.

The bill amends s. 1004.65, F.S., Florida Colleges; governance, mission, and responsibilities to:

- Prohibit a college in The Florida College System from using its resources, including staff, faculty, land, and facilities to support the establishment of a new independent non-public educational institution.

The bill amends s. 1006.59, F.S., The Historically Black College and University Library Improvement Program to:

- Permit the Historically Black Colleges and Universities Library Improvement funds to be used to purchase electronic as well as print media.

The bill amends s. 1011.31, Community College Facility Enhancement Challenge Grant Program to:

- Establish October 15 as the transmittal date for the list of eligible projects for the Florida college and state university challenge grant programs.

The bill encourages each Florida college and state university to reduce its campus-wide energy consumption by 10 percent and requires a report by January 1, 2011.

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

- Limit community college president salaries to \$225,000 from appropriated state funds.

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

- Require the operating agreement entered into with the University of Miami Medical School and the local teaching hospital be transmitted annually to the Department of Education.

The bill requires an OPPAGA review of postsecondary educational opportunities for individuals with developmental disabilities.

The bill creates s. 1004.387, F.S., Doctor of pharmacy degree program at the University of South Florida to:

- Authorize the Doctor of Pharmacy degree at the University of South Florida (USF) and physically locates the program at the new campus of the USF Polytechnic.

The bill amends s. 1009.21, F.S., Determination of resident status for tuition purposes to:

- Authorize reciprocity of student residency classification from one public institution to another public institution.

### General Implementation Timeline:

July 1, 2010	The act takes effect.
Date to be determined	The State Board of Education publicizes the examination scores required for a student to be eligible for Florida Bright Futures Scholarship awards.
June 30, annually	Unencumbered funds of the Workers' Compensation Administration Trust Fund revert to the Department of Financial Services.
September 30, annually	Undispersed funds of the Workers' Compensation Administration Trust Fund revert to the Department of Financial Services.

- October 15, annually
- The Board of Governors transmit to the Legislature a list of projects that meet all eligibility requirements to participate in the Alec P. Courtelis University Facility Enhancement Challenge Grant Program and a budget request that includes the recommended schedule necessary to complete each project.
- October 15, annually
- The State Board of Education transmits to the Legislature a list of projects which meet eligibility requirements to participate in the Community College Facility Enhancement Challenge Grant Program and a budget request which includes the recommended schedule necessary to complete each project.
- December 1, 2010
- The Florida Distance Learning Consortium submits to the Board of Governors, State Board of Education, Governor, Speaker of the House, and President of the Senate a plan for implementing a streamlined, automated, online registration process for undergraduate students who have been admitted to a public postsecondary institution and who wish to enroll in a course listed in the Distance Learning Catalog.
- December 1, 2010
- The Office of Program Policy Analysis and Government Accountability submits to the President of the Senate and the Speaker of the House the results a review of the public school adult workforce education programs and the community college and state college workforce education programs which will identify and analyze the positive and negative aspects of merging the school district programs with the community college and state college programs.
- January 1, 2011
- Each Florida college and state university submits a report to the Governor, the Speaker of the House of Representatives, and the President of the Senate by January 1, 2011, describing how they have met or plan to meet the campuswide 10-percent energy consumption reduction goal.
- February 1, 2011
- The Office of Program Policy Analysis and Government Accountability submits to the President of the Senate and the Speaker of the House the results of a review of postsecondary educational opportunities for individuals with developmental disabilities.

**Bill Number:** House Bill 7037

**Bill Title:** Education

**Bill Sponsor:** House Education Policy Council

**Effective Date:** July 1, 2010

**DOE Contact:** Bill Palmer, Executive Director, Vocational Rehabilitation, (850) 245-9399

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### **Executive Summary:**

The bill amends law governing a variety of education-related topics for purposes of:

- Conforming statutes that address vocational rehabilitation programs to changes in controlling federal law and repealing provisions of law related to those programs that are duplicative or obsolete.
- Repealing statutory references to the SMART Schools Clearinghouse. The entity is no longer funded and its duties have been assumed by the Office of Educational Facilities within the Department of Education.
- Directing Statutory Revision to produce a reviser's bill for the 2011 Regular Session that will ensure the uniform use of terminology related to the Florida College System throughout the Florida K-20 Education Code.
- Repealing sections of law that: have been held unconstitutional; establish programs that have been superseded by more recent legislation; are duplicative of federal law requirements; or have not been funded or implemented.

The following statutes are amended to conform to terminology in federal law:

- ss. 413.20(27), 413.30(5) and (6), F.S., to replace the term "Individualized Written Rehabilitation Program" with the term "Individualized Plan for Employment."
- ss. 413.20(12), (26), and (27), 413.30(2) and (8), 413.371, 413.393(1)(c), and 413.40, F.S., to replace the term "severe" disability with the term "significant" disability.
- ss. 413.30(7) and 413.341, F.S., to replace the term "client" with the term "eligible individual."
- s. 413.20(18), F.S., which defines "personal assistance services," to add the omitted provision contained in the federal definition.
- ss. 413.393(1), 413.405(1)(a) and (9)(f) and (g), and 413.407(1)(a), F.S., to consistently use the term "Florida Independent Living Council."

The bill conforms s. 413.30(3), F.S., to federal law by:

- Requiring the Division of Vocational Rehabilitation (DVR) to use trial work experiences before denying eligibility for VR services. Trial work experiences may include supported employment, on-the-job training, or other work experiences.

- Authorizes the DVR to conduct an extended evaluation, under the following limited circumstances, before denying eligibility for VR services: (a) when the individual cannot take advantage of trial work experiences; or (b) when options for trial work experiences have been exhausted.

The bill amends s. 413.30(6), F.S., to:

- Require the DVR to refer individuals who have been determined ineligible for VR services to services that are part of the one-stop delivery system under s. 445.009, F.S., or local extended employment providers. (Identical to the federal requirement)

The bill amends s. 413.341(1)(b), F.S., to:

- Authorize the disclosure of records that contain personally identifying information in the same manner as federal law, i.e., the bill authorizes such disclosure for the purposes of audit, program evaluation, and research. All personally identifying information released under the paragraph remains privileged, confidential, and exempt and may not be released to third parties.

The bill repeals s. 413.39, F.S., which:

- Authorizes the DVR to administer the Independent Living Program because it is substantively duplicative of s. 413.371, F.S.
- Amends s. 413.371, F.S., to replace the term, "severe" with the term "significant" and deletes the text authorizing the DVR to contract with the centers for independent living. This deleted provision is moved to s. 413.40, F.S., which addresses the DVR's powers regarding employment and contracting for the program. Also amends that section to delete the DVR's authority to directly provide specified services and facilities for the Independent Living Program, but retains existing law that authorizes the DVR to employ consultants or personnel or contract for those services and facilities.

The bill amends s. 413.405, F.S., to:

- Establish the Florida Rehabilitation Council, in order to correct outdated cross-references and conform its requirements to governing federal law. Provisions relating to council membership are amended to require, as in federal law, that: (a) at least one member be the director of the client assistance program; (b) one or more members be representatives of individuals with disabilities who have difficulty representing themselves due to their disabilities; and (c) at least one member be the director of a VR Services Project for American Indians with Disabilities, if this state participates in one or more such projects. Also in conformity with federal law: (a) DOE employees may only serve as nonvoting members; (b) only the representatives of the client assistance program and VR Services Project for American Indians with Disabilities may serve more than two full terms; and (c) an additional duty of the council is to review and analyze consumer satisfaction with employment outcomes of individuals receiving VR services.

The bill repeals s. 413.206, F.S., which:

- Required the DVR to submit a one-time, 5-year plan in November 2002. Having fulfilled these requirements, this statute serves no purpose.

The bill repeals ss. 413.70, 413.72, and 413.73, F.S., relating to the Limiting Disabilities Program, as such program was never funded or implemented.

The bill amends s. 413.20, F.S., to:

- Delete the definitions of “limiting disability,” “program,” “rehabilitation,” “rehabilitation service,” and “transitional living facility” because these definitions relate only to the repealed program and, as such, are no longer necessary.

The bill repeals subsection (5) of s. 1003.413, F.S., to delete the Secondary School Improvement Award Program.

The bill repeals s.1003.62, F.S., which:

- Established academic performance-based charter school districts. Other than the four pilot program charter school districts referenced and grandfathered in subsection (7), the program was not implemented. Charter school districts are set by law to terminate on July 1, 2010; therefore, this statute is no longer necessary. Three of the four charter school districts are currently designated as academically high-performing school districts under s.1003.621, F.S.

The bill repeals s. 1003.63, F.S., which:

- Established the deregulated public schools pilot program, a program which ended after the 2003-2004 school year. This statute is no longer necessary. Also removes all reference to this section in various statutes.

The bill repeals s. 1006.67, F.S., Report of campus crime statistics, as this report is already completed for federal purposes and therefore is not necessary. Also removes all references to this section in various statutes.

The bill repeals the following sections of Florida statute relating to programs that have had not participation in the past several years:

- S. 1009.63, F.S., Occupational therapist or physical therapist critical shortage program; definitions.
- S. 1009.631, F.S., Occupational therapist or physical therapist critical shortage program; establishment.
- S. 1009.632, F.S., Critical Occupational Therapist or Physical Therapist Shortage Student Loan Forgiveness Program.
- S. 1009.633, F.S., Critical Occupational Therapist or Physical Therapist Shortage Scholarship Loan Program.
- S. 1009.634, F.S., Critical Occupational Therapist or Physical Therapist Shortage Tuition Reimbursement Program.

The bill amends s. 1013.42, F.S., School Infrastructure Thrift Program Act to:

- Indicate that School Infrastructure Thrift awards shall be based a review of the evaluations conducted under the district facilities work programs and construction projects.

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The bill amends s. 1013.72, F.S., SIT program award eligibility; maximum cost per student station of educational facilities; frugality incentives; recognition awards to:

- Revise the cost per student station.

### General Implementation Timeline:

July 1, 2010    The act becomes effective.



# Florida Department of Education

**Bill Number:** House Bill 7069

**Bill Title:** Background Screening

**Bill Sponsor:** Representatives Snyder and Representative Porth

**Effective Date:** August 1, 2010

**DOE Contact:** Michael Kooi, Executive Director, Office of Independent Education & Parental Choice,  
(850) 245-0502  
Frances Haithcock, Chancellor, Division of Public Schools, (850) 245-0509

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## Executive Summary:

The bill amends s. 411.01, F.S., related to school readiness programs and early learning coalitions, to:

- Require each school district to make a list of all individuals currently eligible to act as a substitute within the county pursuant to s.1012.35, F.S., available to an early learning coalition serving students within the school districts.
- Allow child care facilities, as defined by s. 402.302, F.S., to employ individuals listed as substitute instructors for the purpose of offering school readiness programs, the Voluntary Prekindergarten (VPK) Education Program, and all other legally operating child care programs.

The bill amends Chapter 435, F.S., related to employment screening (Level 2 screening), to:

- Specify that all employees required by law to be screened pursuant to Chapter 435, F.S., shall undergo security background investigations as a condition of employment and continued employment that includes, but need not be limited to, fingerprinting for statewide criminal history checks through the Florida Department of Law Enforcement, national criminal history checks through the Federal Bureau of Investigations, and may include local criminal records checks.
- Require fingerprints obtained on or after July 1, 2012, to be submitted electronically to the Florida Department of Law Enforcement.
- Provide that an agency may require, by rule, that fingerprints submitted pursuant to Chapter 435, F.S., must be submitted electronically to the Florida Department of Law Enforcement on a date sooner than July 1, 2012.
- Amend the list of disqualifying offenses in Chapter 435, F.S., to provide greater consistency with the disqualifying offenses for public school employees listed in s. 1012.315, F.S., *Disqualification from employment*.
- Require employers to complete the background screening process for employees before hiring, selecting or placing an employee with any vulnerable person and there is an absence of any grounds for denial or termination of employment.
- Require employers to disqualify or terminate employees who refuse to cooperate in screening or timely submit information to complete screening information requested by the agency.

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## Department of Education

- Clarify that there is no unemployment compensation or other monetary liability on the part of, and no cause of action for damages against an employer that, upon notice of a conviction or arrest for a disqualifying offense listed in Chapter 435, F.S., terminates the individual, regardless of whether the individual has filed for an exemption.
- Amend the conditions under which an exemption from disqualification can be granted.
- Require the appropriate agency to collect and pay any fee related to fingerprints retained on its behalf to the Florida Department of Law Enforcement.
- Provide for the establishment of rules by the Florida Department of Law Enforcement for the amount of the annual fee, procedures for submission and retention of fingerprint information, and the dissemination of search results.

The bill amends s. 489.115(9), F.S., related to the certification and registration; endorsement; reciprocity; renewals; continuing education, to:

- Provide the Department of Law Enforcement the authority to forward an applicant's fingerprints to the Federal Bureau of Investigation for the purpose of national processing the fingerprint submission to determine if the applicant has a criminal history record.

The bill amends s.409.1758, F.S., related to summer camp personnel; fingerprints not required for screening purposes, to:

- Repeal this section.

### General Implementation Timeline:

July - September 2010	Facilitate Collaborative between districts and coalitions for distribute substitute list
August 1, 2010	The act becomes effective

# Florida Department of Education

**Bill Number:** House Bill 7087

**Bill Title:** Open Government Sunset Review/Guardians Ad Litem

**Bill Sponsor:** Representative Holder

**Effective Date:** Upon becoming law.

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

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## **Executive Summary:**

The bill revises s. 119.071(4)(d)1.h., F.S., to:

- Modify the public records exemption related to guardians ad litem to provide that the names and locations of schools or day care facilities attended by children of current and former guardians ad litem are exempt from public records disclosure under s. 119.07(1), F.S.
- Provide that this provision will stand repealed unless saved from repeal by an act of the Legislature before October 2, 2015.

The bill provides a statement of public necessity, emphasizing the need to protect the personal information of children of current and former guardians ad litem.

## **General Implementation Timeline:**

Upon becoming law                      The act becomes effective.

October 2, 2015                      The provision stands repealed unless saved from repeal by an act of the Legislature.



# Florida Department of Education

**Bill Number:** House Bill 7167

**Bill Title:** Open Government Sunset Review/Commission for Independent Education

**Bill Sponsor:** Representative Mayfield

**Effective Date:** July 1, 2010

**DOE Contact:** Sam Ferguson, Executive Director, Commission for Independent Education,  
(850) 245-3206

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## Executive Summary:

The Open Government Sunset Review Act requires the Legislature to review each public record and each public meeting exemption five years after enactment. If the Legislature does not reenact the exemption, it automatically repeals on October 2nd of the fifth year after enactment.

The bill reenacts the public record and public meeting exemptions for the commission. It requires a recording to be made of any closed portion of a probable cause panel meeting. The recording must be maintained by the commission. The bill expands the current exemptions to include recordings of closed meetings. As such, the bill extends the repeal date from October 2, 2010, to October 2, 2015. It also provides a public necessity statement as required by the State Constitution.

The bill revises paragraph (b) of subsection (6) of s. 1005.38, F.S., - Actions against a licensee and other penalties, to:

- Delete text "including minutes and findings of an exempt probable cause panel meeting convened in conjunction with such investigation" – not needed since previous text says "All investigatory records held by the commission."
- Divides subsection 2 into 2.a and 2.b
- Adds text that the closed portions of the meeting must be recorded and that no portion of the meeting may be off the record.
- Indicates recordings, the minutes and the findings of the probable cause panel are exempt from public records requirements in s.119.07(1),F.S., and s. 24(a), Art. I of the State Constitution for a period of not to exceed 10 days after the panel makes a determination of probable cause.
- Changes date of repeal from 2010 until 2015

## General Implementation Timeline:

July 1, 2010                              The act becomes effective.



# Florida Department of Education

**Bill Number:** House Bill 7193

**Bill Title:** Open Government Sunset Review/Voluntary Prekindergarten Education Program

**Bill Sponsor:** Representative Braynon

**Effective Date:** October 1, 2010

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

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## **Executive Summary:**

The bill relates to exemptions from public records requirements for records of a child enrolled in the Voluntary Prekindergarten (VPK) Education Program which are held by an early learning coalition, the Agency for Workforce Innovation, or a VPK provider. The records may include assessment data, health data, records of teacher observations, and personal identifying information of the enrolled child and his or her parent.

This bill amends s. 1002.72(3), F.S., Records of Children in the Voluntary Prekindergarten Education Program, to:

- Repeal the sunset provision thereby keeping the records of VPK students exempt from public records.

## **General Implementation Timeline:**

October 1, 2010                      The act becomes effective.





**Bill Number:** House Bill 7237

**Bill Title:** Postsecondary Education

**Bill Sponsor:** House Education Policy Council and Representative Weatherford

**Effective Date:** July 1, 2010

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

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### Executive Summary:

The bill implements provisions of the governance agreement signed by the Chair of the Board of Governors (BOG), the Chancellor of the State University System, legislative leaders and the Governor, acknowledging their shared constitutional authority for the state universities as set forth in the Constitution of the State of Florida. As a result, the bill impacts higher education.

The bill amends several sections of law to:

- Acknowledge the BOG's authority to adopt regulations when acting pursuant to its constitutional duties and responsibilities.

The bill authorizes the Department of State to remove certain rules from the Florida Administrative Code.

The bill amends s. 282.706, F.S., Use of SUNCOM network by libraries to:

- Allow a university to participate in the SUNCOM Network at the university's discretion.

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

- Require the BOG to comply with the Administrative Procedure Act when acting pursuant to statutory authority, unless specifically authorized or required to adopt regulations.

The bill repeals s. 1001.74, F.S., Powers and duties of the university boards of trustees in recognition of the BOG's exclusive authority to delegate power and duties to the university boards of trustees.

The bill amends s. 1001.75, F.S., Responsibility for the State University System to:

- Acknowledge that the BOG is responsible for the personnel programs for university employees, requires the BOG to confirm the presidential selection by a university board of trustees, and states that the Department of Management Services will continue to control state group insurance and retirement plans for the state university system.
- Exempt state universities from certain requirements regarding communications and data processing.

The bill creates s. 1004.015, F.S., Higher Education Coordinating Council to:

- Create the Higher Education Coordinating Council to identify unmet needs and facilitate solutions to disputes regarding the creation of new degree programs and the establishment of new institutes, campuses, or centers.
  - Members of the Council include
    - Commissioner of Education
    - Chancellor of the State University System
    - Chancellor of The Florida College System
    - Executive Director of the Commission for Independent Education
    - President of the Independent Colleges and Universities of Florida
    - Two representatives from the business community
  - The Council will serve as an advisory board to the Legislature, the State Board of Education, and the Board of Governors.
  - Guiding principles include:
    - Achieve a seamless educational system that fosters integrated continuum of education
    - Promote consistent education policy, focusing on students
    - Promote improved articulation
    - Promote educational access to high-quality education
    - Promote transfer of credit and data collection for improved accountability

The bill amends s. 1004.03, F.S., Program Approval to:

- Eliminate the requirement for legislative approval for certain programs that lead to licensure.

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

- Authorizes the BOG to approve certain flexible tuition policies, requests to establish a fee not specifically authorized in law, and requests to increase certain existing fees.
- Require the BOG to consider certain factors when reviewing fee proposals and flexible tuition policies.

### General Implementation Timeline:

July 1, 2010

The act becomes effective.

# Florida Department of Education

**Bill Number:** House Bill 7243

**Bill Title:** Environmental Control

**Bill Sponsors:** General Government Policy Council

**Effective Date:** July 1, 2010

**DOE Contact:** Linda Champion, Deputy Commissioner, Division of Finance and Operations,  
(850) 245-0509

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## **Executive Summary:**

The bill strengthens provisions related to the statewide comprehensive recycling program. The bill includes the following requirements that will impact public educational facilities:

- Requires each public K-12 school, public institution of higher learning, state college, and state university to report recycling rates to their county, using the reporting format designated by the Department of Environmental Protection (DEP).
- Establishes recycling goals for each county for recycling recyclable solid waste. The goals are:
  - 40 percent by December 31, 2012;
  - 50 percent by December 31, 2014;
  - 60 percent by December 31, 2016;
  - 70 percent by December 31, 2018; and
  - 75 percent by December 31, 2020.
- Requires each county to implement a program for recycling construction and demolition debris.

Provisions of the bill that do not affect public educational facilities include the following:

- Encourages private entities to report disposal of recyclable materials.
- Requires Enterprise Florida, Inc., to provide technical assistance to the DEP in the creation of the Recycling Business Assistance Center. The Recycling Business Assistance Center is to coordinate among state agencies and the private sector for policies and overall strategic planning for developing new markets and expanding and enhancing existing markets for recyclable materials. The Center is also required to coordinate with the Agency for Workforce Innovation to provide job-placement and job-training services to job seekers.
- Deletes requirements for reporting requirements for major emitters of greenhouse gases.
- Requires the DEP to create a voluntary certification program for material recovery facilities.
- Provides requirements for waste-to-energy production to be applied toward meeting recycling benchmarks.
- Requires the DEP to post on its website the recycling rates of each county for the prior calendar year.

# Florida

## Department of Education

### General Implementation Timeline:

June 22, 2010      Memorandum to school districts.

July 1, 2010      The act becomes effective.





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Dr. Eric J. Smith, Commissioner

Florida Department of Education  
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