



**Legislative
Review '98**

**Florida Department of Education
Frank T. Brogan, Commissioner**

**TABLE OF CONTENTS
(By Subject)**

Page #

EDUCATION REFORM AND ACCOUNTABILITY

CS/CS/SB 1996 & 1182	Charter Schools	1
HB 3901	School Advisory Councils/School Improvement Plans	2
HB 4837	Teacher Certification/ESE Funding Caps/ Deregulated Public Schools	3

STUDENT PERFORMANCE AND STANDARDS

HB 367	Florida Maximum Class Size Study Act	7
SB 660	Early Education Programs/Brain Development Activities	7
CS/SB 706	High School Graduation Requirements	8
CS/HB 921	Advanced Placement Funding	9
HB 1019	High School Graduation Requirements/Marriage Preparation	9
CS/HB 3407	School Instruction/Hispanic and Women's Contributions	10
HB 3951	Home Education Programs	10

EDUCATION PROFESSIONALS

CS/HB 161	Education Paraprofessionals	11
SB 2534	Excellent Teaching Program/Trust Fund	12
CS/HB 3389	Excellent Teaching Program/Independent Colleges and Universities	12
HB 3651	Duval County/School District Personnel	13
HB 4837	Teacher Certification/ESE Funding Caps/ Deregulated Public Schools	13

STUDENT DISCIPLINE

CS/CS/SB 2288	Juvenile Justice Programs	17
CS/SB 2480	Alternative Education Institute	18
HB 4219	Mutual Aid/School Safety Officers	18
HB 4315	Alternative Education/Juvenile Justice Programs	19

ADULT, VOCATIONAL, AND POSTSECONDARY EDUCATION

SB 564	Higher Education/University and Community College	20
HB 755	State University System/Flexibility	21
CS/CS/SB 1124, 2048 & 1120	Workforce Development	21

**ADULT, VOCATIONAL, AND POSTSECONDARY EDUCATION
(Cont'd.)**

Page #

HB 1901	Jobs for Florida Graduates	23
HB 1945	Jobs for Florida Graduates/Public Records Exemption	24
SB 2314	Community Colleges/Rulemaking Authority	25
SB 2316	Independent Colleges & Universities/Rulemaking Authority	25
CS/CS/HB 3351	Corporate Income Tax Exemption/Sponsored Research	25
CS/HB 3389	Excellent Teaching Program/Independent Colleges and Universities	26
CS/HB 4135	Charter Technical Career Centers	27
HB 4259	Postsecondary Education/College Ready Diploma/ Decentralization of Financial Assistance	28

AUXILIARY SERVICES

CS/SB 1270	Tobacco Settlement/Funding of Programs	30
HB 1991	Mental Health Treatment and Services/Children	32
SB 2276	Florida Education Foundation/Matching Grants	33
CS/HB 4415	Health Care for Children/Expansion	33

FACILITIES

CS/SB 482	School Construction/Contracting	34
CS/CS/HB 1793	Nonprofit Private Schools/Bonding	35
CS/SB 2092	Child Care Licensing/After School Programs	35
CS/SB 2474	School Concurrency	35
HB 3599	Educational Facilities/Leasing	37
CS/HB 3661	Classrooms First Bonding	37
HB 3799	Community Colleges Facilities/Financing	38
CS/CS/HB 4181	Statewide Unified Building Code	38

ADMINISTRATIVE/FISCAL ISSUES

SB142	Employment/Veterans Preference	40
SB 400	Florida Single Audit Act	41
CS/HB 823	School Board Investments	41
CS/SB 832	State Planning and Budgeting/Performance Based Budget	42
HB 887	Advertisement of School Board Budget	42
CS/HB 1605	Ad Valorem Taxation/TRIM Notices	43
CS/SB 1684	Florida Retirement System	43

ADMINISTRATIVE/FISCAL ISSUES
(continued)

Page #

CS/SB 1722	School Boards/Rulemaking Authority	46
CS/SB 1748	Required Local Effort/Property in Litigation.	46
CS/SB 2000	Department of Education/Rulemaking Authority/ ESOL Banking	47
SB 2454	Tax Relief/Homestead Exemptions	48
CS/CS/HB 3131	Deferred Retirement Optional Program	48
HJR 3151	Homestead Exemption for Persons Age 65+/ Constitutional Amendment	49
CS/HB 3201	Religious Freedom Restoration Act	50
CS/CS/HB 3491	Florida Retirement System	51
CS/HB 3619	Computer Problems/Year 2000	52
HB 3637	Hillsborough County/School Board Elections	52
HB 3919	Hillsborough County/School Board Elections	52
CS/CS/HB 4407	Florida Residents Tax Relief/Sales Tax Relief	53
HB 4491	School District Performance Audits/Trust Fund	53
HB 4837	Teacher Certification/ESE Funding Caps/ Deregulated Public Schools	53

APPROPRIATIONS

SB 2504	Supplemental Appropriations	57
HB 4201	Appropriations Act	57

TABLE OF CONTENTS
(By Bill #)

Page #

Senate Bills

SB142	Employment/Veterans Preference	40
SB 400	Florida Single Audit Act	41
CS/SB 482	School Construction/Contracting	34
SB 564	Higher Education/University and Community College	20
SB 660	Early Education Programs/Brain Development Activities	7
CS/SB 706	High School Graduation Requirements	8
CS/SB 832	State Planning and Budgeting/Performance Based Budget	42
CS/CS/SB 1124, 2048 & 1120	Workforce Development	21
CS/SB 1270	Tobacco Settlement/Funding of Programs	30
CS/SB 1684	Florida Retirement System	43
CS/SB 1722	School Boards/Rulemaking Authority	46
CS/SB 1748	Required Local Effort/Property in Litigation	46
CS/CS/SB 1996 & 1182	Charter Schools	1
CS/SB 2000	Department of Education/Rulemaking Authority/ ESOL Banking	47
CS/SB 2092	Child Care Licensing/After School Programs	35
SB 2276	Florida Education Foundation/Matching Grants	33
CS/CS/SB 2288	Juvenile Justice Programs	17
SB 2314	Community Colleges/Rulemaking Authority	25
SB 2316	Independent Colleges & Universities/Rulemaking Authority	25
SB 2454	Tax Relief/Homestead Exemptions	48
CS/SB 2474	School Concurrency	35
CS/SB 2480	Alternative Education Institute	18
SB 2504	Supplemental Appropriations	57
SB 2534	Excellent Teaching Program/Trust Fund	12

House Bills

CS/HB 161	Education Paraprofessionals	11
HB 367	Florida Maximum Class Size Study Act	6
HB 755	State University System/Flexibility	21
CS/HB 823	School Board Investments	41
HB 887	Advertisement of School Board Budget	42
CS/HB 921	Advanced Placement Funding	9
HB 1019	High School Graduation Requirements/Marriage Preparation	9
CS/HB 1605	Ad Valorem Taxation/TRIM Notices	43
CS/CS/HB 1793	Nonprofit Private Schools/Bonding	35
HB 1901	Jobs for Florida Graduates	23

HB 1945	Jobs for Florida Graduates/Public Records Exemption	24
HB 1991	Mental Health Treatment and Services/Children	32
CS/CS/HB 3131	Deferred Retirement Optional Program	48
HJR 3151	Homestead Exemption for Persons Age 65+/ Constitutional Amendment	49
CS/HB 3201	Religious Freedom Restoration Act	50
CS/CS/HB 3351	Corporate Income Tax Exemption/Sponsored Research	25
CS/HB 3389	Excellent Teaching Program/Independent Colleges and Universities	12, 26
CS/HB 3407	School Instruction/Hispanic and Women's Contributions	10
CS/CS/HB 3491	Florida Retirement System	51
HB 3599	Educational Facilities/Leasing	37
CS/HB 3619	Computer Problems/Year 2000	52
HB 3637	Hillsborough County/School Board Elections	52
HB 3651	Duval County/School District Personnel	13
CS/HB 3661	Classrooms First Bonding	37
HB 3799	Community Colleges Facilities/Financing	38
HB 3901	School Advisory Councils/School Improvement Plans	2
HB 3919	Hillsborough County/School Board Elections	52
HB 3951	Home Education Programs	10
CS/HB 4135	Charter Technical Career Centers	27
CS/CS/HB 4181	Statewide Unified Building Code	38
HB 4201	Appropriations Act	57
HB 4219	Mutual Aid/School Safety Officers	18
HB 4259	Postsecondary Education/College Ready Diploma/ Decentralization of Financial Assistance	28
HB 4315	Alternative Education/Juvenile Justice Programs	19
CS/CS/HB 4407	Florida Residents Tax Relief/Sales Tax Relief	53
CS/HB 4415	Health Care for Children/Expansion	33
HB 4491	School District Performance Audits/Trust Fund	53
HB 4837	Teacher Certification/ESE Funding Caps Deregulated Public Schools	3, 13,53

EDUCATION REFORM AND ACCOUNTABILITY

**CS/CS/SB 1996
& 1182** **Charter Schools**

Effective Date: **Upon becoming law**

Chapter Law:

Clarifies and strengthens the statutory provisions authorizing charter schools in several different areas, such as expanding the number of charter schools allowed in each school district, lengthening the charter contract period, and providing limited access to state capital outlay for charter schools. There were also several changes to help streamline or clarify the district school board's responsibilities with charter schools. A provision was also added to encourage the creation of public charter "School-in-the-Workplace" at the work location of businesses and corporations. In addition, the bill:

- Doubles the number of allowable charter schools in each school district by increasing each district's current cap.
- Lengthens the period of an initial charter contract to 3-5 years and extends the renewal period for any charter to a full 5 years.
- Creates Charter "Schools-in-the-Workplace" to reduce school and classroom overcrowding and to help offset the high cost for educational facility construction. These charter schools will be located on-site at businesses, corporations, or at large public agencies, and will serve primarily the children of employees at that work-site.
- Clarifies the 5% administration fee charged by the school district and lists some minimal services that charter schools should receive in exchange for that fee. Also requires greater cooperation between the school district and the charter in arranging transportation for these public school students.
- Revises the dispute resolution process, requiring the Department of Education to provide mediation services for any dispute subsequent to the approval of a charter application. Those disputes that cannot be resolved through mediation must be referred to the Division of Administration for an administrative hearing. Costs are to be paid by the "losing" party.
- Provides limited Capital Outlay funding for charter schools from a new state appropriation. Funds do not come from the school districts' PECO allocation. To be eligible for funding, the charter school shall have been in existence for two years. Funds are allocated directly from the Department of Education to the charter school and the department shall provide for the conditions under which a lien may be attached to real property that has been acquired or renovated through the use of the funds. The bill also includes a provision that any unencumbered funds, equipment and property purchased with public funds shall revert to the ownership of the school board in the event the school closes.

- Prohibits school districts from requiring resignations of teachers desiring to teach in a charter school. Also, states that employees of a public school converting to charter status must be allowed to remain public employees for all purposes, unless they choose not to do so.
- Adds district school boards to the list of those who may initiate a public school conversion to charter status, although the application must still be approved by teachers and parents at the school.
- Provides for out-of-district students to attend a charter school under an inter-district agreement and authorizes charter schools to first enroll students living in close proximity to the school.

Appropriates \$13,244,151 in PECO funds to Columbia County School District for the construction of Ft. White High School, subject to the approval of the Special Facility Construction Committee.

Authorizes the Department of Education to release funds to continue operation of the Accountability Commission, notwithstanding the proviso language in the Appropriations Act. Dissolves the Governor's Commission on Education effective October 31, 1998.

HB 3901 School Advisory Councils/School Improvement Plans

Effective Date: July 1, 1998

Chapter Law:

Amends section 24.121, Florida Statutes, to provide that in addition to withholding lottery dollars for districts when one or more schools do not have an approved school improvement plan, the department shall also withhold the release of lottery dollars when one or more schools do not comply with school advisory council membership composition requirements pursuant to section 229.58 (1), Florida Statutes.

Amends section 229.58, Florida Statutes, to require:

- Each school advisory council to include in its name the words “school advisory council.”
- The school advisory council shall be the sole body responsible for final decision making at the school relating to implementation of school improvement and education accountability as described by sections 229.591, 229.592, and 230.23 (16), Florida Statutes.
- The Florida Commission on Education Reform and Accountability shall serve as a review body to determine if schools have maximized efforts to include minority persons and persons of lower socioeconomic status on their school advisory councils.
- By the 1999-2000 academic year, each school advisory council will assist in the preparation of the school's annual budget and plan. The Department of Education shall provide any necessary technical assistance.

- A portion of funds provided in the annual General Appropriations Act for use by school advisory councils are to be used for implementing the school improvement plan.

Amends subsection (4) of section 229.592, Florida Statutes, to require the Department of Education to:

- Withhold lottery funds from school districts when a school does not comply with school advisory council membership composition requirements.
- Provide technical assistance to each school without appropriate school advisory council composition to develop a strategy for corrective action.
- Release funds upon the establishment of a plan of corrective action.

This section also provides for public notice of the Department of Education's intervention.

Amends section 230.23 (16) and (17), Florida Statutes, to provide that school boards:

- Must, beginning in 1999-2000, address issues in their school improvement plans related to budget, training, instructional materials, technology, staffing, student support services, and other matters of resource allocation, as determined by school board policy.
- Must adopt policies which encourage and enhance school-site decision-making including guidelines for schools in the adoption and purchase of instructional materials and technology, staff training, school advisory council member training, student support services, budgeting, and the allocation of staff resources.
- Must adopt waiver process policies to enable all schools to exercise maximum flexibility and notify school advisory councils of processes to waive school district and state policies.
- Must develop policies for periodically monitoring the membership composition of school advisory councils.

HB 4837 Teacher Certification/ESE Funding Caps/Deregulated Public Schools

Effective Date: Upon becoming law

Chapter Law:

Amends section 231.02, Florida Statutes, relating to school districts' access to the Florida Crimes Telecommunications Network and the National Crime Information Center. School districts may continue to have access to the information from those two sources, but they may not rely solely on that information for purposes of meeting the requirements for background checks. The district must continue to submit fingerprint checks to the Florida Department of Law Enforcement and the Federal Bureau of Investigation as required by statute.

Additionally, the bill deletes the one-time requirement for a background check of certificated personnel who had not otherwise been fingerprinted. The requirement was implemented, as required, by January 1, 1997. Obsolete language pertaining to the one-time requirement for background check of non-instructional personnel who had not previously been fingerprinted was deleted since the requirement was implemented by January 1, 1998, the required date.

Amends section 231.096, Florida Statutes, deleting obsolete reference to summer inservice institutes and, instead, requires that priority be given to out-of-field teachers in professional development activities.

Amends section 231.15, Florida Statutes, establishing specific authority for the State Board to designate the certification areas, competencies and certification requirements for school-based personnel.

Amends section 231.17, Florida Statutes, relating to acceptance of degrees from state institutions for purposes of teacher certification. Provides that credits and degrees that are awarded by a newly created Florida institution that is part of the State University System (Gulf Coast University) shall be considered as granted by an accredited institution, while the institution is going through the 2 year accreditation process. The bill further provides that degrees from foreign institutions or from other institutions (not part of State University System) would be validated back to the beginning of the accreditation period once accreditation was awarded.

Amends section 231.1725, Florida Statutes, eliminating the special authority that had allowed school districts to employ noncertificated individuals in areas determined to be critical teacher shortage areas.

Amends section 231.261, Florida Statutes, establishing specific rule-making authority for the Education Practices Commission.

Amends section 231.263, Florida Statutes, correcting the reference which pertains to the funding of the Recovery Network Program through certification fees.

Amends section 231.47, Florida Statutes, correcting a statutory reference regarding fingerprinting of personnel.

Amends section 231.546, Florida Statutes, deleting obsolete language pertaining to teacher education centers.

Amends section 231.600, Florida Statutes, adding a provision that professional development training is to be coupled with follow-up support activities.

Amends section 231.625, Florida Statutes, updating the statute to reflect the current name of the Office of Teacher Recruitment and Retention Services and makes technical changes pertaining to the activities of the office.

Amends section 231.6255, Florida Statutes, updating the statute by making additional technical changes to accurately reflect the activities of the Office of Teacher Recruitment and Retention.

Creates section 231.63, Florida Statutes, creating the Florida Educator Hall of Fame to be located on the Plaza Level of the Capitol to honor special contributions of educators who are nominated and selected on an annual basis.

Amends section 20.15, Florida Statutes, authorizing two new divisions within the Department of Education: a Division of Financial Services and a Division of Support Services that align with the current organizational structure of the Department.

Amends section 231.262, Florida Statutes, establishing that when an educator has been placed on probation and violates the probation order, the Education Practices Commission (EPC) will initiate an order to show cause. Upon failure of the probationer to show cause as to why the Education Practices Commission (EPC) should not impose a penalty against the individual's certificate for violating the provisions of probation, the EPC shall impose an appropriate penalty pursuant to section 231.28(6), Florida Statutes. This authority for the EPC streamlines a procedure which had been too cumbersome. By requiring educators who have been placed on probation and are in violation of that probation to appear before the EPC rather than the issuance of a new complaint for investigation, the probation violations will be handled in a more timely and cost effective manner.

Amends section 231.28, Florida Statutes, providing authority to the EPC to impose penalties when an individual violates provisions of a settlement agreement that is enforced by a final order of the Education Practices Commission when the individual fails to show cause why further penalties should not be levied against the individual's certificate.

Amends section 236.081, Florida Statutes, creating a supplemental capping calculation at "1.0" in the Florida Education Finance Program (FEFP).

Repeals subsection (8) of section 236.081, Florida Statutes - Funds for operation of schools, the caps adjustment supplement for the FEFP.

Amends subparagraph (1)(d)4, of section 236.081, Florida Statutes, to provide for a supplemental capping calculation for the 39 districts who had FTE transferred from Group 2 (exceptional student education, English for speakers of other languages, dropout prevention, and vocational programs) to Group 1 (basic programs in grades K-3, 4-8, and 9-12) by the FTE Estimating Conference and who exceed their weighted enrollment ceiling or "cap" for Group 2 programs. For those districts who had FTE transferred:

- their reported unweighted full-time equivalent (FTE) for Group 2 programs is compared to their total appropriated unweighted for these programs;
- if the reported unweighted FTE for these programs exceeds their appropriated amount, then the difference is to be funded at a weight of 1.0 up to the amount transferred from Group 2 to Group 1 by the FTE Estimating Conference.

Note: Funding at 1.0 over the Group 2 cap (established by the Estimating Conference) does not apply to all reported FTE over the cap - only to FTE students included in the 1998-99 district Group 2 forecast. This adjustment is to be calculated beginning with the third calculation of the FEFP (November 1998).

Amends section 229.57, Florida Statutes, allowing the Commissioner of Education to establish criteria whereby a student who successfully demonstrates proficiency in reading, mathematics or both may be exempted from taking the corresponding section of the High School Competency Test (HSCT) or the college placement test.

Amends section 229.58, Florida Statutes, establishing in law that school advisory councils at vocational-technical and adult education centers are not required to have parent members.

Creates a pilot program for “Deregulated Public Schools,” which are to be afforded the same flexibility and accountability afforded charter schools. These pilot schools are to be located in six districts (Palm Beach, Pinellas, Seminole, Leon, Walton, and Citrus) and will have an equal number of elementary, middle and high schools. The purposes of these schools include:

- Improving student learning;
- Expanding learning experiences for students who are identified as academically low achievers;
- Encouraging the use of different and innovative learning methods;
- Establishing a new form of accountability for these schools;
- Requiring the measurement of learning outcomes and creating innovative measurement tools;
- Making the school the unit for improvement; and
- Relieving the schools of paperwork and procedures that are required by the state and the district for purposes other than health, safety, equal opportunity, fiscal accountability and documentation of student achievement.

Requires the schools to develop, in conjunction with the school community, a proposal to be a deregulated school. This proposal must be approved by a majority of the school advisory council and at least 50 percent of the teachers employed at the school. In addition, the school must conduct a survey to show parental support for the proposal. The school board must approve the proposal.

Exempts deregulated schools from school laws other than those addressing health, safety, civil rights, public records, public meetings and other specified sections of Chapter 230 through 239 for which the deregulated school must request a waiver from the Commissioner of Education. The deregulated pilot schools must continue participation in the state assessment program and must file detailed annual progress reports to the district and to the State.

Repeals section 231.613, Florida Statutes, an obsolete statute relating to summer inservice institute training.

STUDENT PERFORMANCE AND STANDARDS

HB 367 Florida Maximum Class Size Study Act

Effective Date: July 1, 1998

Chapter Law:

Establishes in statute the legislative goal of reducing class size in grades kindergarten through grade 3. Provides for priority use of state funds to reduce the class size in at least one school in the district to meet the established goals.

- During the 1998-1999 school year, each school district, using appropriated state funds, must reduce the teacher-to-student ratio to one full-time equivalent teacher to 20 students in K-3 in at least one elementary school. In districts where a critically low-performing school exists, that school must be selected and the full-time equivalent teacher to student ratio must be one teacher to 15 students. In districts with more than one critically low-performing school, the district school board must make a selection by lot.
- The Department of Education is directed, after the 1998-1999 school year, to conduct a complete study of the benefits of the class size reduction in terms of actual achievement and to report the results to the Governor, President of the Senate, the Speaker of the House of Representatives and the minority leader not later than January 1, 2000.
- During the 1998-1999 school year, the goal of the Legislature and each school district is to reduce K-3 class size to not exceed 20 students. For critically-low schools, this ratio shall be 15 students to one teacher. In funding to meet these goals, the district shall give priority to critically low-performing schools. Second priority shall be K- grade one. Third priority shall be grades 2 and 3.
- Each school board is encouraged to install in the elementary schools a program of character development which is similar to the Character Counts or Character First! Education Series. The program must be secular in nature and stress such character qualities as attentiveness, patience, and initiative.

SB 660 Early Education Programs/Brain Development Activities

Effective Date: Upon becoming law

Chapter Law:

Provides that state-funded education and care programs for infants and toddlers must foster brain development, including developmentally appropriate activities which stimulate visual, tactile, auditory and linguistic senses. State funded programs must also include in the daily program of activities the use of classical music and at least 30 minutes of reading to children each day. Requires an evaluation and a report to the President of the Senate and the Speaker of the House of Representatives by January 1, 2000. Encourages family daycare centers to comply with specified requirements.

VETOED

CS/SB 706 High School Graduation Requirements

Effective Date: July 1, 1998

Chapter Law:

Revises the state minimum high school graduation requirements to provide students with an option to graduate early from high school if they have met the state minimum requirements. In addition, the graduation requirements are revised to change the manner in which students may meet the physical education requirement through participation in extracurricular sports.

- Amends subsections (1), (4), and (9) of section 232.246, Florida Statutes, to require school districts to permit a student who is at least 16 years old, has earned the state minimum 24 credits required for graduation, and met all other state requirements for graduation or who has completed the International Baccalaureate curriculum, to receive a high school diploma whenever the requirements are met, if requested by the student one semester prior to completion of the requirements.
- Authorizes school districts to establish credit graduation requirements in core subjects in excess of the 24 required by the state; however, to do so, the district must reduce the number of required elective credits proportionately. Districts may also increase the grade point average required for graduation.
- Districts may establish academic credit requirements in excess of 24 for academy, magnet or other special programs which students may voluntarily enter and agree to.
- Amends subsection (1) of 236.081, Florida Statutes, by providing a funding calculation for students who graduate early. For students graduating at the end of the first semester of their senior year, districts will receive .25 of the FTE the student would have generated during the subsequent semester. For students graduating at the end of their junior year, districts will receive .50 of the FTE the student would have generated during the senior year.
- Amends subsection (1) of section 232.246, Florida Statutes, to provide that in order for a student to satisfy the personal fitness requirement through participation in an interscholastic sport, the student must participate for two full seasons, excluding the freshman level, and pass a competency test on personal fitness with a score of "C" or better.
- A school board cannot require that the one-half credit in physical education be taken during the 9th grade.

Note: HB 4259 reiterates the above changes but, in addition, increases the state physical education personal fitness requirement for graduation to one full credit and reduces the required electives to 8 ½. HB 4259 also requires the DOE to develop the personal fitness competency test for students meeting the physical education requirement through participation in extracurricular sports.

HB 921 Advanced Placement Funding

Effective Date: July 1, 1998

Chapter Law: 98-51

Provides that a school district must allocate at least 80 percent of the funds appropriated for advanced placement programs to the high school that generates the funds.

Under current law, a student who was taught in an advanced placement class in a prior year earns a “bonus” of .24 FTE in the following year’s FEFP calculation for each score of three or higher achieved on each College Board Advanced Placement Subject examination. This bill requires the district to allocate at least 80 percent of these funds to the high school that generated the funds.

HB 1019 High School Graduation Requirements/Marriage Preparation

Effective Date: October 1, 1998

Chapter Law:

This bill is a comprehensive bill addressing diverse issues related to the preparation for and preservation of marriages. It also restructures statutes related to the care, safety, and protection of children. Specific sections relating to education include:

Effective January 1, 1999, amends the language related to the one-half credit life management skills course that is required for graduation and is taught in the ninth or tenth grade to include “marriage and relationship skill-based education.”

Creates the parenting course entitled Parent Education and Family Stabilization Course and prescribes the content of this course. Each judicial circuit may establish a registry of course providers and sites at which the course may be completed.

Appropriates for 1998-99 the sum of \$75,000 from the General Revenue Fund to the Florida State University Center for Marriage and Family for review of premarital preparation courses, development of premarital preparation pilot programs, and development of a questionnaire and creation of a curriculum based on data collected by its researchers.

Renumbers and amends section 415.5015, Florida Statutes, “Child abuse prevention training in the district school system,” to become section 39.0015, Florida Statutes. Amends language to include “child abandonment” in the definition of the “Primary prevention and training program.”

Amends section 232.50 to include “abandonment” in the policy related to child abuse and neglect. Also makes technical changes to this section to change the Department of Health and Rehabilitative Services to the Department of Children and Family Services.

CS/HB 3407 School Instruction/Hispanic and Women’s Contributions

Effective Date: July 1, 1998

Chapter Law:

Amends section 233.061, Florida Statutes, to provide that, effective July 1, 1998, school districts must teach the following topics:

- Study of Hispanic contributions to the United States.
- Study of Women’s contributions to the United States.

Note: HB 4259 also includes these topics in the required instructional statute.

HB 3951 Home Education Programs

Effective Date: Upon becoming law

Chapter Law:

- Revises the definition of a home education program to state: “A home education program is sequentially progressive instruction of a student directed by his or her parent or guardian.”
- Provides for a child who has reached age 16 to file a formal declaration of intent to terminate school enrollment with the school district. The declaration of intent must reflect the likelihood of reduced earnings potential and must be signed by the child, and the child’s parent or legal guardian. The school district must notify the child’s parent or guardian of the receipt of the declaration.
- Amends the previous existing statute language to include guardian each time the word parent appears.
- Creates section 232.0202, Florida Statutes, which defines the requirements for private tutoring. Private tutoring meets the requirements of regular school attendance as defined in section 232.02, Florida Statutes.
- Provides that if the parental choice for the annual evaluation is a state assessment test, used by the school district, the test shall be administered by a certified teacher at a location and under testing conditions approved by the school district.

EDUCATION PROFESSIONALS

CS/HB 161 **Education Paraprofessionals**

Effective Date: **July 1, 1998**

Chapter Law:

The act replaces the term “teacher aide” with “education paraprofessional” in pertinent statutes and creates a voluntary district career development program for education paraprofessionals. The term education paraprofessional is a more appropriate term than teacher aide to identify support persons who assist various staff positions such as, counselors, media specialists, etc. in addition to teachers.

Section 231.143, Florida Statutes, is created authorizing school districts to adopt a career ladder program for education paraprofessionals consisting of five career development levels based on education, satisfactory job experience, and training. If a school district chooses to implement a program, the district and employees must agree and ratify the program under labor organization provisions in Chapter 447. Program participation must be voluntary. The school board must adopt a procedure for verifying the competency levels of the persons who participate in the program and a procedure to evaluate the outcomes of the program. The following criteria must be met for each career level:

Level I requires the employee to meet minimum age and health requirements similar to other certified personnel and to meet local employment requirements;

Level II requires the employee to meet Level I criteria, possess a high school diploma or equivalent, understand state and district rules and policies relevant to paraprofessionals, possess a knowledge of all state and district instructional practices and policies relevant to paraprofessionals, and maintain satisfactory job performance for one year;

Level III requires the employee to have completed 30 semester hours of college credit or equivalent inservice, maintain two years satisfactory job performance, and meet the requirements outlined in Level II;

Level IV requires the employee to have completed 60 semester hours of college credit or the equivalent inservice, maintain two years satisfactory job performance, and meet the requirements outlined in Level II; and

Level V requires the employee to hold a bachelor’s degree, maintain two years satisfactory job performance and meet the requirements outlined in Level II.

The duties and responsibilities outside the scope of the education paraprofessional are identified.

SB 2534 Excellent Teaching Program/Trust Fund

Effective Date: July 1, 1998

Chapter Law:

Creates a trust fund to be administered by the Department of Education for the purpose of appropriating and allocating funds for the Excellent Teaching Program as established by CS/HB 3389.

CS/HB 3389 Excellent Teaching Program/Independent Colleges and Universities

Effective Date: July 1, 1998

Chapter Law:

Creates the Excellent Teaching Program as follows:

- Provides monetary incentives for school districts and teachers based on a teacher's completion of National Board of Professional Teaching Standards (NBPTS) certification and demonstration of satisfactory teaching performance.
- Provides categorical funding for the Excellent Teaching Program.
- Modifies the requirements for teacher certification for individuals who hold professional certificates in other states and NBPTS certification.
- Authorizes teachers to be assigned to teach in areas in which they are certified by the NBPTS.
- Extends the duration of validity of a Florida teaching certificate based on NBPTS certification for the life of the teacher's national certificate.
- Authorizes certificate renewal in a specialization area based on completion of the NBPTS certification in that specialization area.

In addition, the bill provides changes to the regulation of independent colleges and universities as follows:

- Reorganizes the membership of the State Board of Independent Colleges and Universities, requiring at least one representative from all four types of independent institutions recognized by the State of Florida and from Florida citizens who do not derive income from a nonpublic college or university in Florida.
- Provides that the accreditation standards of independent colleges and universities be compared with Florida's standards on a biennial basis rather than an annual basis.

- Provides that non-licensed religious colleges that only offer programs that prepare students for religious vocations are authorized to award degrees and issue transcripts with academic titles that do not include religious modifiers under certain circumstances. Students at the college may not be receiving state or federal aid and the college must meet the minimum licensure standards verified by an education association through an agreement with the State Board of Independent Colleges and Universities. The education association members must be experienced in collegiate administration and must be trained by the board or exempt from training on the basis of experience in reviewing institutions.
- Redefines restrictions placed on the use of the titles “college” and “university” in reference to institutions in the State of Florida.
- Expands use of funds from the Institutional Assessment Trust Fund to include all recognized independent colleges and universities, not just the licensed institutions.

Provides that courses taken at public universities by state employees using fee waivers will generate fundable credit hours.

HB 3651 Duval County/School District Personnel

Effective Date: July 1, 1998

Chapter Law:

This is a local bill which relates to school personnel in Duval County. Last year, the legislature enacted changes to the annual performance evaluations of school district personnel, requiring districts to include certain components, including a component on student performance, in the annual evaluation of a teacher. Since Duval County operates under a local teacher tenure act, this bill provides that the changes made to the statute apply to all district personnel employed after July 1, 1998.

HB 4837 Teacher Certification/ESE Funding Caps/Deregulated Public Schools

Effective Date: Upon becoming law

Chapter Law:

Amends section 231.02, Florida Statutes, relating to school districts’ access to the Florida Crimes Telecommunications Network and the National Crime Information Center. School districts may continue to have access to the information from those two sources, but they may not rely solely on that information for purposes of meeting the requirements for background checks. The district must continue to submit fingerprint checks to the Florida Department of Law Enforcement and the Federal Bureau of Investigation as required by statute.

Additionally, the bill deletes the one-time requirement for a background check of certificated personnel who had not otherwise been fingerprinted. The requirement was implemented, as required, by January 1, 1997. Obsolete language pertaining to the one-time requirement for background check of non-instructional personnel who had not previously been fingerprinted was deleted since the requirement was implemented by January 1, 1998, the required date.

Amends section 231.096, Florida Statutes, deleting obsolete reference to summer inservice institutes and, instead, requires that priority be given to out-of-field teachers in professional development activities.

Amends section 231.15, Florida Statutes, establishing specific authority for the State Board to designate the certification areas, competencies and certification requirements for school-based personnel.

Amends section 231.17, Florida Statutes, relating to acceptance of degrees from state institutions for purposes of teacher certification. Provides that credits and degrees that are awarded by a newly created Florida institution that is part of the State University System (Gulf Coast University) shall be considered as granted by an accredited institution, while the institution is going through the 2 year accreditation process. The bill further provides that degrees from foreign institutions or from other institutions (not part of State University System) would be validated back to the beginning of the accreditation period once accreditation was awarded.

Amends section 231.1725, Florida Statutes, eliminating the special authority that had allowed school districts to employ noncertificated individuals in areas determined to be critical teacher shortage areas.

Amends section 231.261, Florida Statutes, establishing specific rule-making authority for the Education Practices Commission.

Amends section 231.263, Florida Statutes, correcting the reference which pertains to the funding of the Recovery Network Program through certification fees.

Amends section 231.47, Florida Statutes, correcting a statutory reference regarding fingerprinting of personnel.

Amends section 231.546, Florida Statutes, deleting obsolete language pertaining to teacher education centers.

Amends section 231.600, Florida Statutes, adding a provision that professional development training is to be coupled with follow-up support activities.

Amends section 231.625, Florida Statutes, updating the statute to reflect the current name of the Office of Teacher Recruitment and Retention Services and makes technical changes pertaining to the activities of the office.

Amends section 231.6255, Florida Statutes, updating the statute by making additional technical changes to accurately reflect the activities of the Office of Teacher Recruitment and Retention.

Creates section 231.63, Florida Statutes, creating the Florida Educator Hall of Fame to be located on the Plaza Level of the Capitol to honor special contributions of educators who are nominated and selected on an annual basis.

Amends section 20.15, Florida Statutes, authorizing two new divisions within the Department of Education: a Division of Financial Services and a Division of Support Services that align with the current organizational structure of the Department.

Amends section 231.262, Florida Statutes, establishing that when an educator has been placed on probation and violates the probation order, the Education Practices Commission (EPC) will initiate an order to show cause. Upon failure of the probationer to show cause as to why the Education Practices Commission (EPC) should not impose a penalty against the individual's certificate for violating the provisions of probation, the EPC shall impose an appropriate penalty pursuant to section 231.28(6), Florida Statutes. This authority for the EPC streamlines a procedure which had been too cumbersome. By requiring educators who have been placed on probation and are in violation of that probation to appear before the EPC rather than the issuance of a new complaint for investigation, the probation violations will be handled in a more timely and cost effective manner.

Amends section 231.28, Florida Statutes, providing authority to the EPC to impose penalties when an individual violates provisions of a settlement agreement that is enforced by a final order of the Education Practices Commission when the individual fails to show cause why further penalties should not be levied against the individual's certificate.

Amends section 236.081, Florida Statutes, creating a supplemental capping calculation at "1.0" in the Florida Education Finance Program (FEFP).

Repeals subsection (8) of section 236.081, Florida Statutes - Funds for operation of schools, the caps adjustment supplement for the FEFP.

Amends subparagraph (1)(d)4, of section 236.081, Florida Statutes, to provide for a supplemental capping calculation for the 39 districts who had FTE transferred from Group 2 (exceptional student education, English for speakers of other languages, dropout prevention, and vocational programs) to Group 1 (basic programs in grades K-3, 4-8, and 9-12) by the FTE Estimating Conference and who exceed their weighted enrollment ceiling or "cap" for Group 2 programs. For those districts who had FTE transferred:

- their reported unweighted full-time equivalent (FTE) for Group 2 programs is compared to their total appropriated unweighted for these programs;
- if the reported unweighted FTE for these programs exceeds their appropriated amount, then the difference is to be funded at a weight of 1.0 up to the amount transferred from Group 2 to Group 1 by the FTE Estimating Conference.

Note that funding at 1.0 over the Group 2 cap (established by the Estimating Conference) does not apply to all reported FTE over the cap - only to FTE students included in the 1998-99 district Group 2 forecast. This adjustment is to be calculated beginning with the third calculation of the FEFP (November 1998).

Amends section 229.57, Florida Statutes, allowing the Commissioner of Education to establish criteria whereby a student who successfully demonstrates proficiency in reading, mathematics or both may be exempted from taking the corresponding section of the High School Competency Test (HSCT) or the college placement test.

Amends section 229.58, Florida Statutes, establishing in law that school advisory councils at vocational-technical and adult education centers are not required to have parent members.

Creates a pilot program for “Deregulated Public Schools,” which are to be afforded the same flexibility and accountability afforded charter schools. These pilot schools are to be located in six districts (Palm Beach, Pinellas, Seminole, Leon, Walton, and Citrus) and will have an equal number of elementary, middle and high schools. The purposes of these schools include:

- Improving student learning;
- Expanding learning experiences for students who are identified as academically low achievers;
- Encouraging the use of different and innovative learning methods;
- Establishing a new form of accountability for these schools;
- Requiring the measurement of learning outcomes and creating innovative measurement tools;
- Making the school the unit for improvement; and
- Relieving the schools of paperwork and procedures that are required by the state and the district for purposes other than health, safety, equal opportunity, fiscal accountability and documentation of student achievement.

Exempts deregulated schools from school laws other than those addressing health, safety, or civil rights and other specified sections of Chapter 230 through 239 for which the deregulated school must request a waiver from the Commissioner of Education.

Allows such schools to submit requests to the school district for waivers of Florida State Board of Education Rules and Chapters 230-239, Florida Statutes, except for provisions of Chapters 236 and 237 if funding allocations are affected or if inequity is created. The school districts must submit the waiver requests to the Commissioner of Education for approval.

Repeals section 231.613, Florida Statutes, an obsolete statute relating to summer inservice institute training.

STUDENT DISCIPLINE

CS/CS/SB 2288 Juvenile Justice Programs

Effective Date: Upon becoming law

Chapter Law:

Provides that the Department of Juvenile Justice (DJJ) shall work cooperatively with schools and other entities to establish juvenile assessment centers as a local initiative providing a broad array of youth services appropriate to community needs:

- A “center” comprises community-operated facilities/programs that provide collocated central intake and screening services for youth referred to DJJ.
- Each center shall be managed/governed by an advisory committee and through an interagency agreement of the participating entities.
- Each center shall provide sufficient services to facilitate initial screening of and case processing for youth.
- Each center is authorized/encouraged to provide truancy programs based on written agreements with local school boards and law enforcement agencies.
- Each center must coordinate information sharing among participants to facilitate case processing.
- Centers may be used for pre-disposition assessments and evaluations of youth awaiting placement in a residential commitment program with involvement of parents/guardians and other family members to the extent possible, and result information shall be included as part of the commitment packet.

Requires that DJJ county juvenile justice councils’ interagency agreements include local school authorities along with local law enforcement agencies and local representative of DJJ and Children and Family Services. The agreement must specify how the entities will cooperate, collaborate, and share information.

Revises requirements for community juvenile justice partnership grants to delete specific agency names requested on the application.

Provides for establishment of a comprehensive system to measure and report effectiveness of DJJ programs, including a cost effectiveness model consistent with performance-based budgeting and quality assurance evaluations with corrective actions for programs that do not achieve compliance within prescribed timelines.

CS/SB 2480 Alternative Education Institute

Effective Date: Upon becoming law

Chapter Law:

Substantially amends section 230.23162, Florida Statutes, relating to the residential alternative education facility authorized in 1994 to be constructed by the Alternative Education Institute (AEI).

- Abolishes the AEI and transfers ownership of the property and educational facility currently under construction in Hillsborough County to the State of Florida.
- Authorizes the Department of Management Services to access funds previously appropriated to AEI for the purpose of stabilizing the facility in preparation for future use.

- Establishes an eight-member working group to develop a plan for the use of the facility and a request for proposals or request for information for operation of the program. The working group will determine the use or disposition of the facility and report to the Legislature by November 1, 1998. If objections are made to the working group's determination, the final determination for the use or disposition of the facility will be made by the Legislature during the 1999 Regular Session.

- Authorizes the Department of Education to provide administrative support for the working group.

- Requires the Department of Management Services to invite bids and proposals from local, state, federal, and private agencies for the use or disposition of the facility. The Department of Management Services will evaluate bids and proposals and make a recommendation to the working group.

- Appropriates \$50,000 to the Department of Education to carry out provisions of the act.

HB 4219 Mutual Aid/School Safety Officers

Effective Date: July 1, 1998

Chapter Law:

Provides authority for state universities that employ or appoint police officers to enter mutual aid agreements involving two or more law enforcement agencies and specifies the minimum content of such agreements. Mutual aid agreements permit voluntary cooperation and assistance of a routine law enforcement nature across jurisdictional lines. School boards employing school safety officers are currently permitted to enter mutual aid agreements with other law enforcement agencies.

HB 4315**Alternative Education/Juvenile Justice Programs****Effective Date: Upon becoming law****Chapter Law:**

Requires the Juvenile Justice Advisory Board to conduct a study of education programs for youth in the juvenile justice system and, by December 31, 1998, to make recommendations for statutory, policy, program, and funding changes including flexibility in educational service delivery; program criteria and student support and continuity for juvenile offenders returning to public schools; program evaluation and performance measures; and staff development, certification, and training. In conjunction with this study, the Office of Program Policy Analysis and Government Accountability shall conduct a performance review of education programs for youth in residential commitment facilities.

Adds juvenile assessment centers to the local agencies with which school district dropout prevention programs shall be coordinated.

Requires the cooperation and involvement of the local school system, including the commitment of resources, for juvenile assessment centers. The school district in which the facility is located must provide for appropriate educational assessments.

For education programs in Department of Juvenile Justice (DJJ) facilities:

- Educational services must be provided at times of the day most appropriate for the program.
- School districts must recruit and train teachers who are interested, qualified, or experienced in educating students in such facilities; must select teachers in consultation with the DJJ facility director; and must provide access to the district substitute pool.
- A wide range of educational programs must be available, including textbooks, technology, instructional support, and other resources.

Requires that the DOE/DJJ annual report on progress towards developing effective educational programs be made by December 1 and with assistance from local school districts as well as local providers. The report must document the amount and purpose of funds retained by school districts for administration.

Requires the DOE, in consultation with DJJ, to identify juvenile offender literacy programs for residential commitment programs. (No appropriation was made for implementation of such programs.)

ADULT, VOCATIONAL, AND POSTSECONDARY EDUCATION

SB 564 **Higher Education/Universities and Community Colleges**

Effective Date: **July 1, 1998**

Chapter Law:

Provides for greater accountability of university and community college direct support organizations in the following manner:

For university direct-support organizations:

- Requires submission of a federal Internal Revenue Service Application for Exemption form to university president and Board of Regents.

For community college direct-support organizations:

- Provides for representation on board of directors.
- Provides for restrictions on construction of facilities.
- Requires submission of a federal Internal Revenue Service Application for Exemption form to community college board of trustees.
- Requires financial audits to be submitted to the State Board of Community Colleges.

For statewide community college direct-support organizations:

- Provision for representation on board of directors.
- Prohibition on use of public funds to acquire, construct, maintain, or operate any facilities.
- Requirement to submit to the State Board of Community Colleges a federal Internal Revenue Service Application for Exemption form.
- Authorizes an appropriation from General Revenue of \$1 million as a grant and aid to Brevard Community College for FY 1998-1999 to support acquisition of a black beam interferometer for the Open Access Clean Room on the Palm Bay Campus.

Requires annual evaluation of community college presidents by the college's board of trustees and requires that each community college's accountability plan include an institutional assessment of the college's planning and evaluation of educational programs, including institutional research (as established by the Southern Association of Colleges and Schools, Criteria for Accreditation).

HB 755 **State University System/Flexibility**

Effective Date: **July 1, 1998**

Chapter Law:

Comprehensive legislation to decentralize the state university system, providing greater flexibility in the organization, management and administration of public universities at the local level.

- Creates a new independent regional autism center at the University of Central Florida located in Orlando and designates the counties to be served. Modifies service areas of the two autism centers of the University of Florida located in Gainesville and Jacksonville accordingly.
- Modifies State University System administrative policies and procedures regarding record-keeping, reporting, purchasing, leasing, disposition of tangible property, donations for permanent endowments, construction on leased real property, construction of joint-use facilities, employment and salary equity, university and system accountability, and budgetary incentives.
- Modifies State Community College System administrative policies and procedures, including employment and salary equity, community college and system accountability, and budgetary incentives.
- Provides the State Board of Administration authority to invest funds donated for Ethics in Business Scholarships.
- Creates a Leadership Board for Applied Research and Public Service to better identify and define the missions and roles of institutes and centers within the State University System with provisions for membership and a recurring appropriation of \$450,000 for fiscal year 1998-99.
- Provides an appropriation of \$200,000 for the State Agency Dispute Resolution Demonstration Project at Florida State University.

CS/CS/SB 1124,
2048 & 1120 **Workforce Development**

Effective Date: **July 1, 1998**

Chapter Law: **98-58**

Creates the Workforce Development Implementation Act of 1998, providing for full implementation of the workforce development system that was originally outlined during the 1997 Legislative Session in SB 1688. The act implements most of the recommendations of the Commissioner's Task Force on Workforce Development. It also makes major changes related to the funding formula. (*Workforce Development programs include all postsecondary vocational and adult general education programs in school districts and community colleges.*)

- Awards Workforce Development funds for 1998-99 based on 1997-98 allocations with one exception. School districts and community colleges were able to request an allocation for Adults with Disabilities.
- Provides that the allocation of funding to each local educational agency be based on 85 percent of the agency's 1998-99 funding and 15 percent on performance. The performance funds will not be held back, but will be awarded on a prior year's performance. (This will result in each school district and community college knowing their full appropriation at the beginning of the fiscal year.)
- Creates the Workforce Development Capitalization Incentive Grant program to help school districts and community colleges defray the costs associated with the start up or expansion of workforce development programs. (For 1998-99 this fund is established at \$16.5 million for school districts and community colleges.) A group comprised of the Postsecondary Education Planning Commission, the Jobs and Education Partnership, the State Board of Community Colleges and the Department of Education will establish the criteria for the grant process. This fund will be especially helpful for school districts and community colleges who have not previously provided Workforce Development programs.
- For the 1998-99 fiscal year, funds for co-enrolled students are retained in the Workforce Development Fund. (While statutory language was changed related to co-enrolled students, no additional funding was provided for these students in the Florida Education Finance Program.)
- Provides a separate funding stream for Adults with Disabilities and establishes an Employment Task Force for Adults with Disabilities to address issues related to services for Adults with Disabilities.
 1. When Adults with Disabilities are enrolled in workforce development programs, the funding formula must provide additional incentives for completions and placements.
 2. Provides for the funding of Adults with Disabilities who are expected to take longer to complete a program of study or do not have competitive work as a goal.
- Amends most definitions related to workforce development programs.
- Retains language related to Occupational Completion Points and supports the implementation of Literacy Completion Points.
- Creates an Applied Technology Diploma to replace the Associate in Applied Technology degree established in SB 1688 during the 1997 Legislative session. School districts will be able to offer the diploma for vocational credit, while community colleges will award either vocational credit or college credit.
- Reinforces the potential for the creation of Associate in Applied Science degree programs to be offered by community colleges.
- Guarantees statewide articulation of appropriate workforce development programs and courses between school districts and community colleges. Specifically addressed is the articulation for students completing Applied Technology Diplomas at school districts who continue their education at community colleges.
- Guarantees the articulation of appropriate courses within an A.S. degree to baccalaureate programs.

- Amends requirements related to basic skills testing to require **all** students in vocational certificate programs to achieve the basic skills levels prior to receiving a certificate.
- Provides an implementation schedule for the design and implementation of data systems necessary to implement the workforce development system.
- Retains that fee calculations for vocational certificate programs should be based on 25 percent of the cost of instruction and that fees for continuing workforce education programs be based on 50 percent of the cost of instruction. Requires the State Board of Education to adopt a standard fee schedule for 1998-99 for both school districts and community colleges that implement the transition of fees from the current level to the established percentages by 2000-2001.
- Permits participation of nonpublic colleges in the Statewide Course Numbering System and amends the membership of the Articulation Coordinating Committee to include participation by a nonpublic college.

HB 1901 Jobs for Florida Graduates

Effective Date: July 1, 1998

Chapter Law:

Creates a new school-to-work program, Jobs for Florida's Graduates, for an initial five-year period. Some highlights of the bill include:

- The intent of the act is to ensure the state a well educated and skilled workforce. By enhancing students' transition from school-to-work, Florida will remain competitive in a changing economy.
- Jobs for Florida's Graduates will follow the model and patterns of the Jobs for America's Graduates (JAG) program. During the first year, the program must request accreditation in the national program.
- During the initial year, the program must operate in not less than 25 nor more than 50 high schools in the state. By the year 2001-2002 the goal shall be to operate in a minimum of 300 high schools. The schools are chosen by the Board of Director's of the Florida Endowment Foundation for Florida's Graduates. This board is a direct support organization of the Department of Education. (In anticipation of funding, and RFP was distributed on April 10, 1998 with a due date of May 18, 1998.)
- Students, to be selected for participation, are selected by the institution in which they are enrolled and **must be 12th grade at-risk students.**
- Revenue will come from an endowment fund consisting of legislative appropriations, bequests, gifts, grants, and donations. To allow for start up operations, during the first year only half of the appropriation will be invested in the endowment--the remainder will go to the board for distribution.

- The board will set outcome goals for each year of the initial five-year period of operation. In general, these goals are tied to the statewide graduation rates and/or GED completion rates and employment rates after graduation.
- The board may use the endowment funds for the following activities:
 - planning, research, and policy development related to school-to-work,
 - promotion of school-to-work initiatives,
 - funding of specific programs in job training and counseling, and a better understanding of school-to-work transition.
- By November 1 of each year, Jobs for America’s Graduates shall conduct and deliver to the Office of Program Policy Analysis and Government Accountability a full review and report of program activities.
- The Joint Legislative Management Committee shall undertake an ongoing longitudinal study of participants to determine the overall efficacy of the program. The results will be presented to the Office of Program Policy Analysis and Government Accountability.
- The board shall issue a report to the Governor and the Legislature by March 1, 2000 and each year thereafter.
- The Legislature shall evaluate the program at the end of five years to determine recommendations for continuation, expansion, or termination of the program.
- In addition, a one (1) year pilot apprenticeship program is created at Okaloosa/Walton Community College. This program will help meet the training needs of business and industry in the community college’s service area.

VETOED

HB 1945 Jobs for Florida Graduates/Public Records Exemption

Effective Date: July 1, 1998

Chapter Law:

Creates a public records exemption for the Jobs for Florida Graduates program created in HB 1901. The exemption provides that all records and information obtained by the Florida Endowment Foundation, the Jobs for Florida’s Graduates Board of Directors, are public records except the records of applicants to and clients of the program which are otherwise confidential shall remain confidential, and the identity of a donor who desires to remain anonymous is confidential and is exempt from the public records law.

SB 2314 Community Colleges/Rulemaking Authority

Effective Date: Upon becoming law

Chapter Law:

Amends section 240.319, Florida Statutes, to revise and clarify rule-making authority for the boards of trustees of community colleges. Establishes statutory authority for rules without conferring any new powers or responsibilities onto the boards of trustees of community colleges.

SB 2316 Independent Colleges & Universities/Rulemaking Authority

Effective Date: Upon becoming law

Chapter Law:

- Revises, clarifies, and expands rule-making authority for the State Board of Independent Colleges and Universities (SBICU).
- Requires foreign medical schools whose students engage in clinical clerkships in Florida to be subject to state licensing requirements for colleges and universities and to rules adopted by the State Board of Independent Colleges and Universities.
- Prohibits students of foreign schools that do not hold a valid Florida license (schools that are exempt from licensure or are otherwise authorized to operate through the SBICU) from engaging in clinical clerkships in Florida.
- Amends section 246.091, Florida Statutes, requiring licensed colleges to file a supplementary application for each new branch or location. Requires 30-day notice of change of ownership and 60-day notice of closure.
- A new category of non-public college is established that provides for “permission to operate” for out-of-state colleges not involved in regular, continuous instruction.

CS/CS/HB 3351 Corporate Income Tax Exemption/Sponsored Research

Effective Date: July 1, 1998

Chapter Law:

The Florida corporate income tax for corporations which operate in several states is computed from the corporation’s federal income tax return with the use of factors that seek to equitably determine Florida’s contribution to corporate income. This bill removes from property and payroll factors the property values and compensation associated with sponsored research contracts conducted by state universities and nonpublic universities chartered in Florida. A sponsored research contract is defined as an agreement executed by parties that include at least the university and the taxpayer. Funding for the contract may be provided from public or private sources. The reduction in tax due is not to exceed the amount paid to the university for the contract.

CS/HB 3389 Excellent Teaching Program/Independent Colleges and Universities

Effective Date: July 1, 1998

Chapter Law:

Creates the Excellent Teaching Program as follows:

- Provides monetary incentives for school districts and teachers based on a teacher's completion of National Board of Professional Teaching Standards (NBPTS) certification and demonstration of satisfactory teaching performance.
- Provides categorical funding for the Excellent Teaching Program.
- Modifies the requirements for teacher certification for individuals who hold professional certificates in other states and NBPTS certification.
- Authorizes teachers to be assigned to teach in areas in which they are certified by the NBPTS.
- Extends the duration of validity of a Florida teaching certificate based on NBPTS certification for the life of the teacher's national certificate.
- Authorizes certificate renewal in a specialization area based on completion of the NBPTS certification in that specialization area.

In addition, the bill provides changes to the regulation of independent colleges and universities as follows:

- Reorganizes the membership of the State Board of Independent Colleges and Universities, requiring at least one representative from all four types of independent institutions recognized by the State of Florida and from Florida citizens who do not derive income from a nonpublic college or university in Florida.
- Provides that the accreditation standards of independent colleges and universities be compared with Florida's standards on a biennial basis rather than an annual basis.
- Provides that non-licensed religious colleges that only offer programs that prepare students for religious vocations are authorized to award degrees and issue transcripts with academic titles that do not include religious modifiers under certain circumstances. Students at the college may not be receiving state or federal aid and the college must meet the minimum licensure standards verified by an education association through an agreement with the State Board of Independent Colleges and Universities. The education association members must be experienced in collegiate administration and must be trained by the board or exempt from training on the basis of experience in reviewing institutions.

- Redefines restrictions placed on the use of the titles “college” and “university” in reference to institutions in the State of Florida.
- Expands use of funds from the Institutional Assessment Trust Fund to include all recognized independent colleges and universities, not just the licensed institutions.

Provides that courses taken at public universities by state employees using fee waivers will generate fundable credit hours.

CS/HB 4135 Charter Technical Career Centers

Effective Date: Upon becoming law

Chapter Law:

Authorizes the creation of Charter Technical Career Centers. Some highlights of the bill include:

- A Charter Technical Career Center is defined as a public school or a public technical center operated under a charter granted by the local school board or community college district board of trustees or a consortium, including one or more school boards and community college district board of trustees that includes the district in which the facility is located, which is nonsectarian in its programs, admission policies, employment practices, and operations and is managed by a board of directors.
- The purpose of a center is to create and maintain a competitive workforce, to create an education and training model and provide innovative ways to meet marketplace demands. Toward that end, a center will be freed from many regulations and requirements otherwise necessary for technical center operation.
- The charter must be signed by the governing body of the center and the sponsor and must be approved by the district school board and community college board of trustees in whose geographic region the facility is located. (An independent school is not eligible for status as a center.)
- A center charter is good for up to 5 years, and the application for operation must be submitted by February 1st of the year prior to proposed starting fiscal year.
- A center must organize as a nonprofit corporation, complete with corporate seal. The corporation can be either a public or private employer.
- A center must be open to all students as space is available. Students attending the center must meet the same testing and academic performance standards as any public school student.
- The center is exempt from all statutes of the Florida School Code Statutes except those dealing with civil rights and student health, safety or welfare, or as otherwise required by law.
- A center is paid by its sponsors according to the approved charter. Depending on the programs provided, the center is eligible to receive funds from the Florida Education Finance Program, the Community College Program Fund, and the Workforce Development Fund.

- The center may select its own employees. A center may contract with individuals, a partnership or a cooperative. (Contracted employees are not public employees.) As a public employer, employees may be considered as public employees and may be covered by existing retirement systems.
- Employees considered as qualified by the center do not need to satisfy any certification requirements.
- Each center is required to submit an annual report to the sponsor. The Commissioner of Education is annually required to compare progress of charter centers to the public technical centers. The Commissioner is to report to the Governor and the Legislature by December 31 of each year.
- A \$3 million grant for 1998-99 was included as part of this act for the planning and design of a charter technical center, for grades 11 through 14, to be sponsored by Daytona Beach Community College, Volusia County Schools and Flagler County Schools.

HB 4259 Postsecondary Education/College Ready Diploma/Decentralization of Financial Assistance

Effective Date: July 1, 1998

Chapter Law:

- Aligns the College-Ready Diploma course requirements with the course distribution requirements of the Board of Regents admissions policy.
- Adds study of Hispanic and women’s contributions to the United States to the list of required instruction. (Duplicates some provisions of HB 3407.)
- Provides exemption of postsecondary fees to students who, as proprietor, owner or worker of a company whose business has been at least 50 percent impacted by a buy-out of property around lake Apopka, are denied other financial aid and meet additional specific qualifying conditions.
- Requires school districts and community colleges to weight grades earned in college-level dual enrollment courses the same as honors courses and advanced placement courses in calculating grade point averages.
- Authorizes the Commissioner of Education to approve dual enrollment agreements that are limited to a single site with multiple county participation.
- Requires community colleges to receive approval of the State Board of Community Colleges to receive funds for electronically originated instruction marketed outside the community college’s home district.
- Clarifies that a “standard” high school diploma or a high school equivalency diploma (GED) is required for admission to an associate degree program offered by a community college.
- Requires community colleges to provide written or prominently displayed information about alternative ways of obtaining remedial instruction and prohibits a student from enrolling in more than 12 credits of college-level courses until the student scores above the cut score on each of the sections of the common placement test.

- Clarifies the accountability planning and reporting processes of the State Community College System.
- Allows community colleges to create endowments with trust funds for student scholarships, loans, and need-based grants and removes restrictive language regarding the use of trust funds for student financial assistance.
- Extensively revises the statutes that regulate nonpublic postsecondary career schools:
 - Changes references from “independent degree career education, technical, trade, and business schools” to “nonpublic postsecondary career schools” and changes the name of the regulating board to the “State Board of Nonpublic Career Education.”
 - Requires diploma granting institutions to be licensed by the board even though the institution is concurrently subject to jurisdiction of the State Board of Independent Colleges and Universities.
 - Authorizes the board to provide a statement of exemption from licensure to certain church or religious organizations and programs, federal and state government entities, and other entities that offer courses but do not offer degrees or diplomas and meet other qualifying conditions.
 - Provides remedies for noncompliance with licensure requirements.
- Increases the credit requirement for physical education (PE) from one-half to one credit and reduces the number of elective credits from nine to eight and one-half, effective 1998-99 school year for entering ninth grade students.
- Provides that school boards may not require the one credit of PE to be taken during the ninth grade.
- Specifies that participation in an interscholastic sport at the junior varsity or varsity level for two full seasons shall satisfy the one-credit requirement if the student passes a competency test on personal fitness with a score of “C” or better.
- Encourages each elementary and middle school to implement a personal fitness program to be approved by the Department of Education.
- Requires the Department of Education to allocate funds for an additional one-fourth-time position to upgrade the physical education specialist position to a full-time position.
- Removes a criterion for a postsecondary institution to qualify for participation in the College Reach-Out Program and removes a requirement for longitudinal cohort assessments of participants in the program.
- Repeals the undergraduate enhancement grant program for community colleges and state universities.
- Repeals the Quality Assurance Fund which provided allocated funds for additional summer classes in the state universities.
- Repeals authorization for establishment of state universities which are already in existence.
- Requires the Education Estimating Conference to prepare a forecast of the appropriation needed to fund the full award amounts for each state financial aid program and allows for adjustments.
- Moves several responsibilities for administering the Florida Student Assistance Grant, the Florida Private Student Assistance Grant, and the Florida Postsecondary Student Assistance Grant programs from the Department of Education to the participating institutions, effective July 1, 1999. Awards are to be made in accordance with a nationally recognized system of need analysis. New rules will be required.

- The Florida Prepaid Postsecondary Education Expense Program and its board are renamed the Florida Prepaid College Program and the Florida Prepaid College Board and the relevant statutes have been substantially rewritten.
 - The duties and powers of the Florida Prepaid College Board are redefined and include specific responsibility and authority for investment planning, management of investment funds, marketing, general management, solicitation, contracting, records administration, reporting, services to participants, benefit payments, and complaint resolution.
 - The board is required to provide at least two advanced payment contracts available - a community college plan - and is permitted to provide a dormitory residence plan.
 - Qualified beneficiaries are to be classified as Florida residents for tuition purposes regardless of actual legal residence of the student.
 - Effective July 1, 1998, the board may provide contracts for fees in addition to registration fees.
 - A qualified beneficiary may transfer the benefits of either a community college or university plan to an eligible independent college or university, chartered and located in the State of Florida and accredited by SACS or ACICS, or to an out-of-state not for profit institution that grants baccalaureate degrees that is accredited by a regional accrediting association.
 - The board is authorized to establish and maintain a direct support organization for accepting and managing private donations.
- The terms of office of the Board of Regents appointed after July 1, 1998, is reduced from 6 to 4 years and an additional member is to be added to the membership of the board.
- A restriction on the Board of Regents is removed that previously prohibited the board from providing a tenured faculty appointment to a president removed from office by the board or by resignation at the request of the board.
- Community college and state university student government associations are required to establish processes for removal of elected student government officials that include a procedure to remove student officials convicted of crimes or found liable for an act of moral turpitude and a procedure for removal of an official by a petition of registered students followed by a referendum.

AUXILIARY SERVICES

CS/SB 1270 Tobacco Settlement/Funding of Programs

Effective Date: July 1, 1998

Chapter Law: 98-63

As a direct result of having settled liability litigation with the tobacco industry, legislation was enacted to establish anti-tobacco programs and services. The bill appropriates a lump sum of \$70 million from the tobacco settlement revenues received for the pilot program to the Department of Health to implement the “Florida Kids Campaign Against Tobacco Pilot Program” for fiscal year 1998-99 to be distributed as follows:

- To the Department of Health for a media campaign to create and promote messages urging youth to live tobacco free.
- To the Department of Health for a comprehensive tobacco education and training initiative, directed toward Florida youth in pre-K through grade 12. The initiative should be collaborative efforts between the state, local communities, voluntary agencies, school districts, professional organizations and the State University System and should be based on an intensive, interactive, and coordinated anti-tobacco curricula.
- To the Department of Health for youth programs and community partnerships through county health departments to implement community-based tobacco prevention programs.
- To the Department of Business and Professional Regulation for enforcement of laws against underage tobacco access and possession through a program of development, research, and contracts with local law enforcement agencies.
- To the Department of Health for evaluating each component of the Florida Kids Campaign Against Tobacco Pilot Program.
- To the Department of Health or the Department of Business and Professional Regulation, as applicable, for coordination and program administration.

Guidelines for expenditure of the funds received from the tobacco settlement are established as follows:

- Before the release of any funds, the legislature must approve all program and funding proposals;
- A trust fund must be created for the purpose of receiving and managing settlement funds;
- Administrative costs for service providers must be reasonable;
- Local law enforcement agencies, businesses, and school districts should be involved in enforcement efforts;
- Advertising may not include the name, voice or likeness of any elected or appointed public official;
- Greater emphasis shall be placed on funding education, training, and enforcement programs rather than on advertising;
- County health departments must administer the funds through coalitions;
- Programs which raise matching funds should be maximized;
- The grant and contract process shall be competitive;

- The programs should be character-based and focused on rewarding appropriate values and behavior in youth; and
- The needs of the minority youth community must be addressed.

The bill provides for the deposit of the remainder of funds received in the settlement in escrow and trust fund accounts and directs the Comptroller to demand payment from the financial institution currently holding the funds in escrow.

HB 1991 Mental Health Treatment and Services/Children

Effective Date: July 1, 1998

Chapter Law: 98-5

Provides a statutory framework for the establishment and administration of a mental health treatment and support system of care for children and adolescents with emotional disturbance, including guiding principles, definitions, target populations, performance outcomes, and requirements for a system of care, assessments, information and referral services, service planning and case management. Specific educational implications are as follows:

- Principles provide that children and adolescents should receive mental health services integrated and linked with schools and other child-related agencies and programs, and that services must contribute to effective functioning at home, at school, and in the community.
- Performance outcomes include stabilization or improvement of the behavior or condition of the child or adolescent to function in school with minimum supports.
- The service array must include assessment in areas including academic achievement, which is the financial responsibility of the school district, and cooperation among agencies to avoid duplication.
- The multiagency network for severely emotionally disturbed students (SEDNET) shall enhance collaboration between agencies and facilitate the provision of services by the child and adolescent mental health treatment and support system and the school district in the local system of care.
- Service planning must involve families and pertinent community-based health, education, and social agencies and must maintain the child or adolescent in the most normal environment possible, close to home, and in a stable school placement consistent with the child and other students' need for safety.
- For exceptional education students, the services plan must be consistent with the individual education plan.

Creates a framework for demonstration models of interagency systems of care for children and adolescents with serious emotional disturbance and their families. Each model shall be governed by a multiagency consortium of state and county agencies, and may use an integrated blend of state, federal and local funds to purchase individualized treatment and support services for children and adolescents who have serious emotional disturbances, based on client need rather than on traditional services limited to narrowly defined cost centers or appropriation categories.

Requires that each Department of Children and Family Services district develop a district-wide comprehensive child and adolescent mental health information and referral network to be operational by July 1, 1999.

SB 2276 Florida Education Foundation/Matching Grants

Effective Date: July 1, 1998

Chapter Law:

Amends section 236.1229, Florida Statutes, to improve the statewide implementation of a matching grant program with private donor contributions which the network of local education foundations are able to raise for school improvement and academic achievement purposes. The major changes include:

- Permits state match funds to be distributed directly to the local education foundations;
- Changes the matching formula to 4:6 state to private contributions in line with other matching programs;
- Provides greater authority for the Commissioner to establish procedures and program guidelines; and
- Creates a low minimum level of required fund-raising to assist the smaller education foundations to access the state matching funds.

Other sections of the statute remain unchanged, including the prohibition of using any of the state or private funds under this program for construction of school facilities or interscholastic athletics.

CS/HB 4415 Health Care for Children/Expansion

Effective Date: July 1, 1998

Chapter Law:

This comprehensive legislation establishes intent that the Children's Medical Services Program provide to children with special health care needs a family-centered, comprehensive, and coordinated statewide managed system of care; provide essential preventive, evaluative, and early intervention services for children at risk for or having special health care needs; and serve as a principal provider for children with special health care needs under Title XIX and XXI of the Social Security Act.

The bill expands physical and behavioral health care coverage for children through provisions including:

- The Children’s Medical Services network for services to children under age 21 years whose serious or chronic physical or developmental conditions require extensive preventive and maintenance care beyond that required by typically healthy children. The Children’s Medical Services network may contract with school districts participating in the certified school match program for the provision of school-based services for Medicaid-eligible children enrolled in the network; and
- Creates the Florida Kidcare program to provide expanded health care insurance benefits to previously uninsured, low-income children through a variety of affordable health benefits coverage options from which families may select coverage and through which families may contribute financially to the health care of their child. The new program incorporates current health care initiatives, including Medicaid, Medikids, the Florida Healthy Kids Corporation, approved employer-sponsored group health insurance plans, and the Children’s Medical Services network. The new Medikids programs will enroll children not covered by private insurance or not eligible for Medicaid, with parents paying a reduced premium based on income capability.

DOE and other agencies will work with the Department of Health in program awareness and outreach to identify low-income, uninsured children and to provide information about choices of health benefits coverage under the Florida Kidcare program.

The Act also amends section 409.904, Florida Statutes, to expand the Medicaid optional eligibility income thresholds for children, and to allow for continuous eligibility for 6 months regardless of changes of circumstances that would otherwise render them ineligible. (Subject to available funds, more school age children will be eligible for Medicaid and services provided through the certified school match program or from community providers.)

FACILITIES

CS/SB 482 School Construction/Contracting

Effective Date: July 1, 1998

Chapter Law: 98-35

Provides that school boards shall prequalify bidders for construction contracts, rather than permitting school boards to prequalify if they elect to do so. The prequalification process shall be in accordance with rules prescribed by the Commissioner of Education. Boards shall require that all capital improvement bids be accompanied by evidence that the bidder holds an appropriate certificate or license or that the prime contractor has a current valid license.

CS/CS/HB 1793 Nonprofit Private Schools/Bonding

Effective Date: **Upon becoming law**

Chapter Law:

Authorizes non-profit private schools to participate in tax exempt bond sales for educational facilities as defined. Private institutions need a local government agency to access these bonds. Provides that bonds issued on behalf of nonprofit private schools shall be subject to the same requirements of financing as bonds for public facilities. The bonds shall not be considered a debt, liability, or obligation of the state or of any political subdivision.

Amends section 623.13, Florida Statutes, to authorize financing of educational facilities under the Florida Industrial Development Financing Act. Does not prohibit the financing of educational facilities as provided in part II or III of Chapter 158, Florida Statutes. No public funds are authorized.

CS/SB 2092 Child Care Licensing/After School Programs

Effective Date: **Upon becoming law**

Chapter Law:

- Defines “child care facility” as 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.
- Requires the Department of Children and Family Services to adopt the State Uniform Building Code for Public Education Facilities Construction as the minimum standards of a child care program for school-age children which is operated in a public school facility, regardless of whether the school district or a private provider operates the school age program.

Specifies that the program need not conform to standards for physical facilities other than standards adopted by the Commissioner of Education.

CS/SB 2474 School Concurrency

Effective Date: **Except as provided in the bill, upon becoming law**

Chapter Law:

This legislation is the result of a study and report conducted by the Public Schools Construction Commission that was created in 1997 and relates to concurrency and site planning for schools.

Creates a Division of Community Planning in the Department of Community Affairs.

Amends section 163.177, Florida Statutes, to require that future land use elements clearly identify the land use categories in which public schools are an allowable use; revises the deadline for local government evaluation and appraisal report (EAR) from October 1, 1996 to October 1, 1999; provides a penalty for noncompliance by prohibiting further amendments to the local comprehensive plan. Criteria should encourage schools proximate to urban residential areas, and require local government to seek collocation of public facilities with schools, such as parks, libraries, community centers. Where a public school facilities element is adopted to implement a school concurrency program, it shall be based upon criteria included in the new law which includes: five-year facilities work program, survey, goal and objectives, plus measurable milestones to mark progress.

Deletes existing language in section 163.3180, Florida Statutes, on school concurrency and, while still an option for local governments, if established, must be on a district wide basis based on the comprehensive plan as amended. Minimum requirements provided: public school facilities element; level of service standard; service areas; financial feasibility; availability standards; intergovernmental coordination, interlocal agreement for school concurrency. DCA rule due October 1998.

Requires coordination of comprehensive plan with five-year district facilities work program.

Amends subsection (5) of section 235.185, Florida Statutes, to require a ten-year and a twenty-year work program in addition to the adopted district facilities five-year work program.

Encourages boards to collocate schools with other urban facilities.

Amends subsection (2) of section 235.193, Florida Statutes, requiring school boards to use DOE enrollment projections for five-year facilities work programs. Prohibits the siting of a new school in an area where the district has not provided the annual educational facilities report.

Provides that until a rule is promulgated by the Department of Community Affairs, boards will use the DCA Public School Construction Working Group report dated March 9, 1998 for minimum criteria for public school facilities element.

Any district whose public school facilities element is the subject of a final order prior to effective date of this act may implement its element according to general law in effect when final order entered.

Amends the process for adoption of comprehensive plan or plan amendment in section 163.3184, Florida Statutes, concerning written public comments, public records, written communications.

Amends section 163.3191, Florida Statutes, requiring an evaluation and appraisal report once every seven years assessing the progress in implementing the local government's comprehensive plan, and includes the coordination with existing public schools and identified new facilities in the five-year work program.

Provides local government with optional sector plans for long range planning for build out of an area no less than 5,000 acres.

Addresses voluntary annexation, development of regional impact reviews, use of military installations and other technical changes.

HB 3599 Educational Facilities/Leasing

Effective Date: July 1, 1998

Chapter Law:

Amends section 235.056, Florida Statutes, to provide that school boards may lease or rent space within buildings that have been constructed for other purposes, provided that they use operational or 2 mill funds. Prior to occupancy, the school board must hold a public hearing and must adopt a resolution which certifies the following;

- Growth has created the need to lease or rent the space;
- A supply of vacant space that meets building and life safety codes exists;
- The conversion of space is a cost saving measure;
- The building has been examined by a Florida-registered engineer;
- Plans were prepared by a Florida-registered architect and reviewed by the local building department;
- The building has been inspected by the building department and granted a certificate of occupancy by the local building department.

The renovated space must meet the requirements of the state minimum building and fire safety codes.

Provides for the exemption of excise tax on documents for leases of existing buildings for educational facilities, and provides that the 2 mill levy may be used for the leasing of existing buildings which were built for other purposes, but which will be used for school programs.

CS/HB 3661 Classrooms First Bonding

Effective Date: Upon becoming law

Chapter Law: 98-47

Provides amendments to the State Board of Administration's investment authority for state funds and for the Local Government Surplus Funds Trust Fund, which school districts use for the investment of temporarily surplus moneys. The amendments speak to SBA's: authority to invest any funds of a local unit pursuant to a trust agreement; the requirement for the Office of Program Policy Analysis and Accountability (OPPAGA) to perform a program audit every two years in addition to the Auditor General's annual audit; provision for collateralized loan of securities; deletion of authority for investment in certain international obligations; restatement of authority for Federal obligations; provision for investment in negotiable certificates of deposit; restatement

of conditions for mortgage securities investments; increasing authority to invest in foreign markets; authority to invest in supranational agencies; increasing the allowable percentage of foreign investments; increasing the percentage holding for internally managed common stock; and deletion of existing language relative to sale of listed options.

In addition, changes are provided to the Classrooms First Bond Program to enhance marketability of the bonds. A bond covenant is authorized which provides that any additional revenue from new or enhanced lottery programs, video gaming, or other similar activities will first be available for payment of bonds, prior to any other use. The maturity of the bonds is revised to not exceed 20 years.

HB 3799 Community Colleges Facilities/Financing

Effective Date: July 1, 1998

Chapter Law:

Provides that community colleges may bond the capital improvement fee for a term not to exceed 20 years and not to exceed the useful life of the asset being financed. These funds may be used for equipment, renovation or remodeling of facilities. Currently, the colleges are only authorized to bond for new construction.

CS/CS/HB 4181 Statewide Unified Building Code

Effective Date: July 1, 1998

Chapter Law:

Creates a Statewide Uniform Building Code for all governments to follow. Effective January 1, 2001 the State minimum building code means the “Florida Building Code”, as identified in section 553.73, Florida Statutes.

- Creates section 455.2286, Florida Statutes, requiring the Department of Business and Professional Regulation to develop an automated information system for all certificate holders and registrants under part XII of Chapter 468, Florida Statutes, governing building inspectors, Chapter 471, Florida Statutes, governing registered engineers, Chapter 481, Florida Statutes, governing registered architects, and Chapter 489, Florida Statutes, governing licensed contractors.
- Provides that persons acting as special inspectors for code enforcement jurisdictions while conducting special inspections not required as minimum inspections of the Florida Building Code are exempt from the requirements of Chapter 468, Florida Statutes, which relates to licensing and certification of building code inspectors. In effect, this continues the exemption for school district personnel who conduct building inspections.
- Provides for training, fees, certification of plans examiners, inspectors, code administrators, engineers, architects and contractors.

Establishes the Florida Building Code in Part VII of Chapter 553, Florida Statutes, effective January 1, 2001; provides that local jurisdictions may adopt and enforce more stringent standards (strikes authority for state governing bodies to adopt and enforce more stringent standards); local governments shall have the power to inspect all buildings; no conflict between fire code and building code.

- The Florida Building Code will contain reference to all laws and rules which govern design, construction of private and public buildings including educational facilities, the Florida Accessibility Code, the Florida Fire Prevention Code and the Life Safety Code; local amendment processes; exempt from local amendments are state or school district owned building, manufactured buildings, prototype buildings approved under new section 553.77(6), Florida Statutes. The code does not apply to zoning, land use requirements, programs, owner specifications, that do not pertain to code issues. A local code enforcement agency may not use the code to prevent the siting of any publicly owned facility including schools, community colleges, universities, others.
- Creates the Florida Building Commission to take the place of the Board of Building Codes and Standards. It will be located within DCA and will have 23 members, one of whom will represent public education, and will be appointed after February 1, 1999. Provides authority for rule making, describes specific powers to update the code relating to the design, construction, erection, alteration, modification, repair, demolition of public or private buildings, structures and facilities including manufactured buildings; make recommendations to the legislature for consistency in statutes; and may provide for plans review and approval of prototype buildings owned by public entities with exemption from further review, except for plan changes and site adaptation requirements with the provision that construction of prototypes are subject to local permitting and inspections.
- Provides for accountability for engineers, architects, contractors; reporting system, fines.
- Provides for permitting requirements for local governments; delegation of authority to issue permits by local government; plans approval, inspection; deletes state agencies (with construction responsibility) authority to enforce building codes and makes them subject to local jurisdiction, in addition to the Department of Insurance inspections of state owned buildings; permitting fees used only for code enforcement.
- Section 553.80 Florida Statutes, is amended, effective January 1, 2001, to provide for fines for non-compliance with the code; state agencies shall provide support to local government upon request. Provides an option for state universities, community colleges and public school districts under the following conditions:
 - The university, college or district shall conduct plan review and inspections for projects.
 - The university, college or district shall have personnel certified under part XII of Chapter 468, Florida Statutes, to perform the plan reviews and inspections. Under this arrangement they are not subject to local

government permitting, plan review, inspection fees. Local government building code and fire code inspectors may inspect at any time.

- The university, college or district may use local government code enforcement offices who will not charge fees more than the actual labor and administrative costs for the plan review and inspections, and they shall expedite permitting. Any action by local government not in compliance with this section may be appealed to the Florida Building Commission, who may suspend the authority of that local government to enforce the Florida Building Code on the facilities of state universities, community colleges and public school districts.
- Creates section 553.841 Florida Statutes, establishing a Building Code Training Program, which will be developed by the commission in consultation with the Departments of Education, Community Affairs, Business and Professional Regulation, State University System, and Division of Community Colleges. The commission may enter into contracts with these agencies to administer the program, which shall be financially self-sufficient. The commission, in consultation with these agencies, shall develop a program and standards for providing entry level construction workers.
- Creates a product evaluation and approval system to operate in coordination with the code.
- Provides standards for thermal efficiency, insurance risk for windstorms, powers and duties of the State Fire Marshal, establishes the Florida Fire Prevention Code, provides Florida Fire Code Advisory Council.
- Requires the Florida Building Commission to submit the Florida Building Code to the Legislature before the 2000 Regular Session.
- The Legislature recognizes that maintaining public schools is costly; and establishes performance-based criteria for cost effective application of codes and code alternatives for existing educational facilities. A select group will be appointed by the State Fire Marshal, Florida Building Commission and the Commissioner of Education to consider the development of a Public School Facility Fire Safety Evaluation Performance Code for existing educational facilities. Report due October 31, 1998.

ADMINISTRATIVE/FISCAL ISSUES

SB 142 **Employment Veterans Preference**

Effective Date: **Upon becoming law**

Chapter Law: **98-33**

Provides for clarification of sections of the current statute related to providing preference in employment with the state or political subdivisions of the state to certain veterans and spouses of veterans. Allows the Department of Veterans' Affairs to issue an opinion to the Public Employees Relations Commission as to the merit or lack of merit of complaints regarding

veterans' preference. The bill has no substantive impact on the administration of veterans' preference.

SB 400 **Florida Single Audit Act**

Effective Date: **July 1, 2000**

This Act establishes state audit and accountability requirements for state financial assistance provided to nonstate entities. School boards are not impacted by this Act. Audit coverage paralleling the Federal Single Audit Act is established for state financial assistance that flows to nonstate entities. Currently these projects are not covered by state audit and accountability measures.

CS/HB 823 **School Board Investments**

Effective Date: **July 1, 1998**

Chapter Law:

Modifies the statutes regarding the security of deposits and investment of surplus moneys of the state, county commissions, municipalities, and other government units, including school boards. section 236.24(2)(a), Florida Statutes, specifying investment of school board surplus funds is amended to refer to the definition of a qualified public depository in section 280.02, Florida Statutes, rather than the current law's detailing of financial institutions where collateralized deposits may be placed. Additionally, the definition of banks and trust companies authorized to be appointed safekeepers of school board securities is expanded to include those chartered in any other state or territory of the United States that has a branch or principal place of business in this state as defined in section 658.12, Florida Statutes. This change is also made relative to banks authorized to issue trust receipts for school board securities.

Changes are made to the reports that depositories must make to depositors. Requirements for public depositors is substantially rewritten as to the responsibility of the public body (custodian of the money) to ascertain the status of the depository and, beginning July 1, 1998, to take specific actions relative to each public deposit account. These actions primarily relate to the records, reports, and verifications which must be made relative to each account.

School district treasurers or other persons responsible for placing deposits and investments should read the entire text of this bill.

Certain foreign bonds and convertible debt obligations were added to instruments that the state can purchase. Qualifying classifications by national rating services were set for these instruments and revised for the purchase of obligations of state and local governments.

CS/SB 832 State Planning and Budgeting/Performance Based Budgeting

Effective Date: Upon becoming law

Chapter Law:

The law makes technical adjustments to the current policy for state planning and budgeting. Key provisions affect: performance-based budgeting, the Budget Stabilization Fund, agency strategic plans, and information resource management.

The law amends the current policy related to the budget preparation process. The amendments focus on the policy for performance-based budgets. Defined in law are performance-based incentives and disincentives and a performance ledger is established. All remaining programs in the Department of Education are added to the schedule for submission of performance-based program budgets (By September 1, 1999 for the 2000-2001 fiscal year).

The Governor will be required to include in the budget recommendations the level of funding for the Budget Stabilization Fund. Also, included is clarifying language about the management of the Fund and the Working Capital Fund.

Technical changes that link performance based budgeting and strategic plans are made. The due date for the agency's annual information resources report is changed from November 1 to September 1 and the date for the state annual report on information resources management is moved from March 1 to January 15 of each year.

HB 887 Advertisement of School Board Budget

Effective Date: July 1, 1998

Chapter Law:

Currently, section 237.081, Florida Statutes, specifies that each school district shall cause a summary of its tentative budget, including the proposed millage levies to appear in a newspaper advertisement adjacent to the advertisement prescribed by the Truth In Millage (TRIM) statutes. The format is not presently prescribed by law, except that a statement of the percentage increase over the last year's total operating expenditures is required by subsection (3) of section 200.065, Florida Statutes. The Department of Education has provided a format that is uniformly used by districts and included in the Department of Revenue's manual for TRIM compliance.

HB 887 amends section 237.081, Florida Statutes, to require that the summary budget appear as a full-page advertisement and include graphs illustrating a historical summary of financial and demographic data to appear adjacent to the advertisement required by section 200.065, Florida Statutes. The graphs must include data for the current fiscal year and the fifth and tenth years prior to the current fiscal year. The data to be included for each of these years in graph form are as follows:

- Total federal, state, and local revenue provided to the school district
- Total current operating revenues provided to the school district
- Total revenues for fixed capital outlay projects
- Total revenues for debt service
- Total number of unweighted full-time equivalent students (UFTE)
- Total current operating revenue divided by UFTE
- Total number of employees of the school district
- Total number of instructional personnel per section 228.041, Florida Statutes.

CS/HB 1605 Ad Valorem Taxation/TRIM Notices

Effective Date: January 1, 1999

Chapter Law: 98-53

Amends the existing requirements for advertising notices of proposed tax increases as follows:

Subsection (3) of section 200.65, Florida Statutes, Notice of Tax Increase advertisement title is changed to Notice of Proposed Tax Increase. The advertisement content is changed to delete presentation of a percentage increase over the rolled back rate. Instead the advertisement would present dollar amounts for the following:

Last year's property tax levy:		
A. Initially proposed tax levy		\$
B. Less tax reductions due to Value Adjustment Board		\$
C. Actual property tax levy		\$
This year's proposed tax levy		\$

Section 200.065(9)(a), capital outlay advertisement, is changed to insert the wording “continue to” when a district proposes imposing the same millage for this purpose.

CS/SB 1684 Florida Retirement System

Effective Date: July 1, 1998

Chapter Law:

REGULAR CLASS

Provides clarification of provisions within Chapter 121, Florida Statutes, relating to vesting and the normal retirement date for members.

Excludes persons who perform services as a consultant or an independent contractor from participating in the Florida Retirement System.

Establishes procedures and requirements for municipalities and special districts that choose to participate in the Florida Retirement System.

Provides procedures for employer that transfer, merge, or consolidate governmental services or functions.

Limits the retirement rights of members who are convicted of causing a shortage in a public account.

Provides requirements and limitations for members who are dually employed.

SPECIAL RISK CLASS

Provides for retroactive membership in the special risk class for employees who have appealed and received a positive ruling for membership.

Provides requirements for special risk members who are moved or reassigned to a nonspecial risk position to participate in the Special Risk Administrative Support Class.

ELECTED STATE AND COUNTY OFFICERS' CLASS

Provides instructions for calculating the average final compensation for members of the Elected State and County Officers' Class.

Clarifies requirements for members who do not wish to claim credit for all of the postretirement service for which a member is eligible.

SENIOR MANAGEMENT SERVICE OPTIONAL ANNUITY PROGRAM

Amends section 121.055, Florida Statutes, relating to the Senior Management Service Optional Annuity Program. Employees who elected to participate in this program must remain in the program until such time that the employee no longer meets the eligibility requirements.

Establishes the Senior Management Optional Annuity Program Trust Fund.

Provides eligibility requirements for receiving benefits under the Program. Gives the division the authority to establish rules regarding its responsibilities and the responsibilities of employers in administering the optional annuity program.

Places limitations on the number of state-administered retirement plans a participant may participate in and provides the requirements for participants who are dually employment.

Amends sections 121.071 and 121.081, Florida Statutes, relating to retirement contributions by providing the requirements for contributions for other creditable service; providing provisions for purchasing past or prior service; clarifying provision with respect to required contributions; and, providing requirements for receiving service credit and prior service credit.

Gives the Division of Retirement the authority to establish rules and procedures for the cancellation of an application for retirement benefits when the member or beneficiary fails to provide the required information and documentation.

Provides instructions for calculating the average final compensation for members of the Senior Management Optional Annuity Program.

Provides procedures for determining a member's entitlement to disability retirement benefits and the effective date of retirement.

Provides for optional forms of retirement benefits and disability retirement benefits.

Provides requirements for receiving death benefits.

Provides for the rights of a designated beneficiary to submit a disclaimer on a retirement account for which there is a monetary interest.

DEFERRED RETIREMENT OPTION PROGRAM

Provides procedures for the payment of DROP benefits to a retiree or beneficiary under the Florida Retirement System.

Gives retirees or beneficiaries the right to have certain payments (e.g., health insurance) deducted from their monthly benefit.

Amends section 121.11, Florida Statutes, relating to the credit for military service. Provides the requirements for receiving credit for military service.

Provides procedures for purchasing creditable service for up to 2 work years of authorized leave of absence.

Clarifies requirements for members who do not wish to claim credit for all of the postretirement service for which a member is eligible.

Gives the division the responsibility of conducting audits of payroll and personnel records of all participating agencies.

STATE UNIVERSITY SYSTEM

Establishes the Optional Retirement Program Trust Fund for the State University System.

Provides for the application of certain federal requirements.

Provides procedures for the payment of benefits to retirees or beneficiaries.

Gives the division the responsibility to adopt rules establishing the responsibilities of the Board of Regents and institutions in the State University System in administering the optional retirement program.

INSTITUTE OF FOOD AND AGRICULTURAL SCIENCES

Allows participants to deduct federal income tax and health insurance premiums from their monthly benefit.

CS/SB 1722 School Boards/Rulemaking Authority

Effective Date: Upon becoming law

Chapter Law:

Amends section 230.23, Florida Statutes, to provide specific rulemaking authority to school boards and creates section 230.23005, Florida Statutes, to provide supplemental powers to school boards; provides school boards with rulemaking authority in the following areas:

- Authorizes school boards to adopt rules necessary to implement the provisions of section 230.23, Florida Statutes, relating to the general powers and duties of a school board.
- Authorizes school boards to adopt rules relating to student management, fiscal management, instructional aids, facilities management, school community relations, legal issues, emergencies, student assessment and affairs, administrative support services, school board governance and operations, and personnel management.

Rules adopted under the new section, 230.23005, must not be inconsistent with provisions in other applicable Florida Statutes.

CS/SB 1748 Required Local Effort/Property in Litigation

Effective Date: Upon becoming law

Chapter Law:

School districts are jointly financed by state revenues and by taxes levied on the local property tax roll. The local share (required local effort) of FEFP is set by the Legislature as a dollar amount from which a millage rate is set based on the aggregated Property Appraisers' assessments of non-exempt properties in each district. This state-wide millage rate (with an equalization factor for each district set by the Department of Revenue) applied to the local roll of assessed properties, sets each district's share of financing the FEFP. The school district must levy this tax rate. If a large taxpayer in the district contests the property appraiser's assessment and does not pay taxes on the contested property, the district's required local effort is computed as a larger amount than is actually collectible during the fiscal year.

Present law (subsection (4) of section 236.081, Florida Statutes) provides relief if the contested value exceeds ten percent of the district's tax roll. This Act reduces the percentage from ten to six.

Two districts were very much in need of relief for 1997-98 relative to the existing exclusion criterion of 10 percent. These districts would have been unable to meet their existing obligations through this year's resources with resultant deficits in the General Fund. These districts adopted their budgets prior to notification of contested assessments and nonpayment of the contested amounts by their largest taxpayers. The contested amounts computed to less than ten percent of their respective rolls, but were so substantial that, given the timing of the notification, district obligations were greater than revenue that would be realized. Supplemental 1997-98 appropriations were made for these districts through SB2504 to accomplish the relief that this Act will provide in the future.

The act also provides similar relief for counties and municipalities if these units are participating in the distribution of the half cent sales tax proceeds pursuant to section 218.61, Florida Statutes. If the difference between the good-faith payment of a taxpayer contesting a property assessment and the tax assessment is greater than 6 percent of the total assessed taxes for the county or municipality, the county or municipality qualifies for a special distribution of funds from the Local Government Half-cent Sales Tax Clearing Trust Fund with the condition of reimbursement for revenue ultimately collected.

VETOED

A fiscal year 1998-99 appropriation of \$13,244,151 from PECO for the Fort White High School in Columbia County was made contingent upon approval of the project by the Special Facilities Review Commission.

CS/SB 2000 Department of Education/Rulemaking Authority/ESOL Banking

Effective Date: Upon becoming law

Chapter Law:

Amends section 231.17, Florida Statutes, establishing the authority for the Commissioner of Education to make decisions related to certification in extenuating circumstances not provided for in statute or rule as long as the applicant possesses the credentials, knowledge, and skills necessary to provide quality education.

Amends section 231.24, Florida Statutes, establishing a provision for the "banking" of required inservice or college credits completed in the area of teaching students with limited English proficiency (ESOL) that are in excess of the required renewal credit or inservice so that the excess credits or inservice may be used for renewal of the professional certificate during subsequent validity periods. This provision for "banking" of required inservice or college credits completed in the area of teaching students with limited English proficiency will assist teachers who have already taken six semester hours or the equivalent inservice for renewal of the professional certificate and who are then required to take additional training for compliance with the federal court-ordered Multicultural Education Training and Advocacy (META) consent decree.

The act establishes authority for the State Board of Education to adopt rules for the required submission, review, and approval of district procedures for the annual assessment of instructional personnel; for any dual enrollment program involving requirements for high school students; and for the articulation of foreign-language competency and equivalency between secondary and postsecondary institutions.

VETOED

SB 2454 Tax Relief/Homestead Exemptions

Effective Date: Upon becoming law

Chapter Law:

Provides every Florida resident who holds a homestead exemption a \$50 rebate from General Revenue funds to effectively reduce local real property taxes using state revenues. Each person who, as of June 30, 1998, is entitled to and received a homestead exemption for the tax year 1998, is entitled to a rebate of \$50. Property Appraisers must provide to the Department of Revenue by July 15, 1998, a list of eligible property owners. Distribution to qualified owners is to be made no later than October 1, 1998. The accompanying letter is to state that the \$50 is being provided to homestead owners by the Governor, the Cabinet, and the Florida Legislature. Persons who are delinquent child support obligors must be notified that their rebate is being withheld for the purpose of paying the child support obligation. The rebate will also be used to offset debts or obligations owed to the state. Each recipient may elect to return the \$50 to the state for one of the following uses: education, children's health care, criminal justice, or transportation.

CS/CS/HB 3131 Deferred Retirement Optional Program

Effective Date: July 1, 1998

Chapter Law: 98-18

The Deferred Retirement Option Program (DROP) is an alternative method for payout of retirement benefits for up to 60 months after a member reaches his or her normal retirement date. This program was created by the 1997 Legislature and this bill makes technical changes to that program as follows:

- Allows members of the Teachers' Retirement System and the State County Officers' and Employees' Retirement System to participate in the DROP.
- Excludes FRS members with renewed membership, members of the State Community College System Optional Retirement Program, the Senior Management Service Optional Annuity Program or the optional retirement program for the State University System from participating in DROP.

- Allows members who reach their normal retirement date, based on years of service, and are more than 5 years away from their normal retirement based upon age (62), to defer participation in DROP until 60 months before their normal retirement age.
- Allows members to include or exclude any optional service credit purchased by the member when determining their normal retirement dates.
- Allows for simultaneous employment with more than one FRS employer while participating in DROP, provided all employers acknowledge the members' participation and termination date is within the 60-month limitation period.
- Allows members to change employment while participating in DROP provided the member receives salary for each month of continuous DROP participation. If no salary is received during a month, DROP participation will cease unless the employer verifies that an employer-employee relationship still exist.
- Allows members who have reached their normal retirement date prior to July 1, 1998, to participate in the DROP for a period of 60 months following the effective date of DROP (July 1, 1998).
- Allows elected officers who reach normal retirement date during a term of office to defer DROP participation until the next succeeding term. Elected officers may participate for 60 months or the length of their term of office, whichever is less.
- Allows DROP participants, whose joint annuitant predeceases the member, to name a beneficiary to receive accumulated DROP benefits payable.
- Allows DROP participants to elect to receive or not to receive a lump-sum payment for accrued annual leave at the time DROP participation begins. The payment will be included in the participants average final compensation. If an election is made not to receive the payment upon the beginning of DROP participation, the payment will be made upon termination of employment and will not be included in the average final compensation.

DROP provides a monetary incentive for participants (interest of 6.5% on retirement benefits) and a savings to the employers due to a decrease in the employer retirement contribution for participants.

HJR 3151 Homestead Exemption for Persons Age 65+/Constitutional Amendment

Effective Date: If approved by voters, January 1, 1999

Chapter Law: Not applicable

Proposes a constitutional amendment for the 1998 November general election ballot which, if approved, would authorize the Legislature to enact general law to allow counties and municipalities to grant additional homestead exemption not to exceed \$25,000 to persons who

have attained age 65 and have household income that does not exceed \$20,000. The income limitation is to be periodically adjusted for changes in the cost of living.

CS/HB 3201 Religious Freedom Restoration Act

Effective Date: **Upon becoming law**

Chapter Law:

Establishes a new standard in free exercise of religion cases:

The government shall not substantially burden a person's free exercise of religion, even if the burden results from a rule of general applicability, except that the government may substantially burden of a person's exercise of religion only if it demonstrates that application of the burden to the person:

Is in the furtherance of a compelling governmental interest; and

Is the least restrictive means of furthering that compelling governmental interest.

Permits recovery of attorney's fees from the government.

Applies to all state law and the implementation of state law, including laws adopted prior to the Act.

Subsequent laws may be specifically exempted from the Act.

Specifically exempts chapter 893, Florida, Statutes, which addresses controlled substances.

Not intended to affect, interpret or address portions of the State Constitution dealing with free exercise or establishment of religion.

Does not create a right to sue a non-governmental employer.

The impact on educational issues is as follows:

- Under RFRA, the government may not substantially burden an individual's free exercise of religion (even if the law, rule, or action does not directly address religious practices) unless the government demonstrates that it is in furtherance of a compelling governmental interest and is the least restrictive means of furthering that interest.
- The Religious Freedom Restoration Act (RFRA) establishes a new standard for deciding whether government action interferes with the free exercise of religion. The United States Supreme Court struck down comparable federal legislation last year in City of Bourne v. Flores, 117 S.Ct 1257 (1997). However, several states, including Florida, have introduced legislation similar to the federal RFRA statute.

CS/CS/HB 3491 Florida Retirement System

Effective Date: Upon becoming law

Chapter Law:

Effective January 1, 1999, the health insurance subsidy for eligible retirees or beneficiaries will increase from \$3 to \$5 for every year of service up to 30 years. The payment will be at least \$50 but no more than \$150 per month. In order to fund this increase, the employer's contribution will increase from .66 percent to .94 percent of the member's gross compensation per pay period, effective July 1, 1998.

Contribution rates for specified classes and subclasses of the system were also changed. The changes will become effective July 1, 1998.

The bill modifies the statutory limit on the number of nonelective full-time positions that may be designated by a local agency employer (district school board, county agency, community college, city, or special district) for inclusion in the Senior Management Service Class. For local agencies with 100 (previously 200) or more regularly established positions, additional nonelective full-time positions may be designated, not to exceed 1 percent (previously .5 percent) of the regularly established positions within the agency.

In the event of dissolution of marriage, retired members may nullify the joint annuitant designation of a former spouse as beneficiary provided the Division of Retirement receives a written, notarized nullification from the member.

For members who are deceased within one (1) year prior to vesting, the bill allows their eligible joint annuitants to purchase service credit by using the deceased member's annual, sick, and compensatory leave or by purchasing out-of-state or in-state service that the deceased member would have been eligible to purchase prior to the member's death.

On or after January 1, 1999, for members who die prior to the effective date of retirement the spouse at the time of death will be the beneficiary unless the member designates a different beneficiary subsequent to the member's most recent marriage.

Effective July 1, 1998, the State Comptrollers' Office will be given the authority to cancel any state warrant issued for payment of retirement benefits if the warrant is not presented for payment within 1 year after the last day of the month in which the warrant was originally issued.

The impact of the bill is to increase the retiree health insurance subsidy payments and employer contribution rates for the subsidy; and to decrease the overall retirement contribution rates.

CS/HB 3619 Computer Problems/Year 2000

Effective Date: Upon becoming law

Chapter Law:

Authorizes the Governor to reassign resources between agencies in the event of a computer failure or the prediction that a failure may occur in state agencies due to the date change necessitated by the Year 2000; requires legislative approval (the President of the Senate, the Speaker of the House of Representatives, and a majority of the members of each of the House and Senate fiscal committees) if a transfer of personnel or moneys is necessary for more than 90 days; limits an employee's assignment to another agency to a period of two years; provides that no new information technology projects shall be established with funding releases unless the agency plan for the Year 2000 work is on schedule or ahead of schedule for the two most recent reporting periods of the Agency Year 2000 Progress Report; protects the state and units of local government against legal actions from a Year 2000 computer date calculation failure.

This bill encourages the establishment of an employee interchange agreement between agencies, with duties and responsibilities limited to the mission and goals of the agencies of government, in order to provide for economic and effective utilization of public employees in this state. No employee interchange agreements can be used for the purpose of assigning individuals to participate in political campaigns.

HB 3637 Hillsborough County/School Board Elections

Effective Date: Upon becoming law

Chapter Law:

This is a local act applicable to Hillsborough County, requiring the Hillsborough County Supervisor of Elections to place a referendum on the 1998 General Election ballot, posing the question of single member districts for Hillsborough County School Board members.

HB 3919 Hillsborough County/School Board Elections

Effective Date: Upon becoming law

Chapter Law:

This is a local act applicable to Hillsborough County, amending the existing law for nonpartisan election of Hillsborough school board members by providing that run-off elections be held at the same time as the general election rather than at the time of the second primary.

CS/CS/HB 4407 Florida Residents Tax Relief/Sales Tax Relief

Effective Date: Upon becoming law

Chapter Law:

Creates a Florida Residents Tax Relief period of the year in which certain items that are subject to sales tax are exempt from the tax for a specified number of days. Provides for the exemption from sales tax of clothing items with a taxable value of \$50 or less which are purchased during the week beginning August 15 and ending August 21, 1998. Clothing is defined as any article of wearing apparel, including footwear, intended to be worn on or about the human body. It does not include watches, watchbands, jewelry, handbags, handkerchiefs, umbrellas, scarves, ties, headbands, or belt buckles.

The Act does not apply to sales within a theme park or entertainment complex or within a public lodging establishment (definitions in subsection (4) and (9) of section 509.013, Florida Statutes).

The sum of \$200,000 is appropriated for administration by the Department of Revenue.

HB 4491 School District Performance Audits/Trust Fund

Effective Date: July 1, 1998

Chapter Law:

Creates the Florida School District Review Trust Fund and requires funds appropriated by the legislature and contributions from school districts toward the cost of a best-financial-management-practices review be deposited in the trust fund. The Trust Fund will be administered by the Office of Program Policy Analysis and Government Accountability (OPPAGA) with funds used to pay expenses incurred by OPPAGA, the Auditor General, or private consultants to conduct the reviews. This bill also provides procedures for termination or re-creation of the Trust Fund as of June 30, 2002.

HB 4837 Teacher Certification/ESE Funding Caps/Deregulated Public Schools

Effective Date: Upon becoming law

Chapter Law:

Amends section 231.02, Florida Statutes, relating to school districts' access to the Florida Crimes Telecommunications Network and the National Crime Information Center. School districts may continue to have access to the information from those two sources, but they may not rely solely on that information for purposes of meeting the requirements for background checks. The district must continue to submit fingerprint checks to the Florida Department of Law Enforcement and the Federal Bureau of Investigation as required by statute.

Additionally, the bill deletes the one-time requirement for a background check of certificated personnel who had not otherwise been fingerprinted. The requirement was implemented, as required, by January 1, 1997. Obsolete language pertaining to the one-time requirement for background check of non-instructional personnel who had not previously been fingerprinted was deleted since the requirement was implemented by January 1, 1998, the required date.

Amends section 231.096, Florida Statutes, deleting obsolete reference to summer inservice institutes and, instead, requires that priority be given to out-of-field teachers in professional development activities.

Amends section 231.15, Florida Statutes, establishing specific authority for the State Board to designate the certification areas, competencies and certification requirements for school-based personnel.

Amends section 231.17, Florida Statutes, relating to acceptance of degrees from state institutions for purposes of teacher certification. Provides that credits and degrees that are awarded by a newly created Florida institution that is part of the State University System (Gulf Coast University) shall be considered as granted by an accredited institution, while the institution is going through the 2 year accreditation process. The bill further provides that degrees from foreign institutions or from other institutions (not part of State University System) would be validated back to the beginning of the accreditation period once accreditation was awarded.

Amends section 231.1725, Florida Statutes, eliminating the special authority that had allowed school districts to employ noncertificated individuals in areas determined to be critical teacher shortage areas without requirements for out-of-field teachers.

Amends section 231.261, Florida Statutes, establishing specific rule-making authority for the Education Practices Commission.

Amends section 231.263, Florida Statutes, correcting the reference which pertains to the funding of the Recovery Network Program through certification fees.

Amends section 231.47, Florida Statutes, correcting a statutory reference regarding fingerprinting of personnel.

Amends section 231.546, Florida Statutes, deleting obsolete language pertaining to teacher education centers.

Amends section 231.600, Florida Statutes, adding a provision that professional development training is to be coupled with follow-up support activities.

Amends section 231.625, Florida Statutes, updating the statute to reflect the current name of the Office of Teacher Recruitment and Retention Services and makes technical changes pertaining to the activities of the office.

Amends section 231.6255, Florida Statutes, updating the statute by making additional technical changes to accurately reflect the activities of the Office of Teacher Recruitment and Retention.

Creates section 231.63, Florida Statutes, creating the Florida Educator Hall of Fame to be located on the Plaza Level of the Capitol to honor special contributions of educators who are nominated and selected on an annual basis.

Amends section 20.15, Florida Statutes, authorizing two new divisions within the Department of Education: a Division of Financial Services and a Division of Support Services that align with the current organizational structure of the Department.

Amends section 231.262, Florida Statutes, establishing that when an educator has been placed on probation and violates the probation order, the Education Practices Commission (EPC) will initiate an order to show cause. Upon failure of the probationer to show cause as to why the Education Practices Commission (EPC) should not impose a penalty against the individual's certificate for violating the provisions of probation, the EPC shall impose an appropriate penalty pursuant to section 231.28(6), Florida Statutes. This authority for the EPC streamlines a procedure which had been too cumbersome. By requiring educators who have been placed on probation and are in violation of that probation to appear before the EPC rather than the issuance of a new complaint for investigation, the probation violations will be handled in a more timely and cost effective manner.

Amends section 231.28, Florida Statutes, providing authority to the EPC to impose penalties when an individual violates provisions of a settlement agreement that is enforced by a final order of the Education Practices Commission when the individual fails to show cause why further penalties should not be levied against the individual's certificate.

Amends section 236.081, Florida Statutes, creating a supplemental capping calculation at "1.0" in the Florida Education Finance Program (FEFP).

Repeals subsection (8) of section 236.081, Florida Statutes - Funds for operation of schools, the caps adjustment supplement for the FEFP.

Amends subparagraph (1)(d)4, of section 236.081, Florida Statutes, to provide for a supplemental capping calculation for the 39 districts who had FTE transferred from Group 2 (exceptional student education, English for speakers of other languages, dropout prevention, and vocational programs) to Group 1 (basic programs in grades K-3, 4-8, and 9-12) by the FTE Estimating Conference and who exceed their weighted enrollment ceiling or "cap" for Group 2 programs. For those districts who had FTE transferred:

- their reported unweighted full-time equivalent (FTE) for Group 2 programs is compared to their total appropriated unweighted for these programs;
- if the reported unweighted FTE for these programs exceeds their appropriated amount, then the difference is to be funded at a weight of 1.0 up to the amount transferred from Group 2 to Group 1 by the FTE Estimating Conference.

Note: Funding at 1.0 over the Group 2 cap (established by the Estimating Conference) does not apply to all reported FTE over the cap - only to FTE students included in the 1998-99 district Group 2 forecast.

This adjustment is to be calculated beginning with the third calculation of the FEFP (November 1998).

Amends section 229.57, Florida Statutes, allowing the Commissioner of Education to establish criteria whereby a student who successfully demonstrates proficiency in reading, mathematics or both may be exempted from taking the corresponding section of the High School Competency Test (HSCT) or the college placement test.

Amends section 229.58, Florida Statutes, establishing in law that school advisory councils at vocational-technical and adult education centers are not required to have parent members.

Creates a pilot program for “Deregulated Public Schools,” which are to be afforded the same flexibility and accountability afforded charter schools. These pilot schools are to be located in six districts (Palm Beach, Pinellas, Seminole, Leon, Walton, and Citrus) and will have an equal number of elementary, middle and high schools. The purposes of these schools include:

- Improving student learning;
- Expanding learning experiences for students who are identified as academically low achievers;
- Encouraging the use of different and innovative learning methods;
- Establishing a new form of accountability for these schools;
- Requiring the measurement of learning outcomes and creating innovative measurement tools;
- Making the school the unit for improvement; and
- Relieving the schools of paperwork and procedures that are required by the state and the district for purposes other than health, safety, equal opportunity, fiscal accountability and documentation of student achievement.

Exempts deregulated schools from school laws other than those addressing health, safety, or civil rights and other specified sections of Chapter 230 through 239 for which the deregulated school must request a waiver from the Commissioner of Education.

Allows such schools to submit requests to the school district for waivers of Florida State Board of Education Rules and Chapters 230-239, Florida Statutes, except for provisions of Chapters 236 and 237 if funding allocations are affected or if inequity is created. The school districts must submit the waiver requests to the Commissioner of Education for approval.

Repeals section 231.613, Florida Statutes, an obsolete statute relating to summer inservice institute training.

APPROPRIATIONS

SB 2504 Supplemental Appropriations

Effective Date: **Upon becoming law**

Chapter Law: **98-26**

School districts are jointly financed by state revenues and by taxes levied on the local property tax roll. The local share (required local effort) of FEFP is set by the Legislature as a dollar amount from which a state-wide millage rate is determined based on the aggregated Property Appraisers' assessments of non-exempt properties in each district. This state wide millage rate (with an equalization factor for each district set by the Department of Revenue) applied to the local roll of assessed properties, sets each district's share of financing the FEFP. The school district must levy this tax rate. If a large taxpayer in the district contests the property appraiser's assessment and does not pay taxes on the contested property, the district's required local effort is computed as a larger amount than is actually collectible during the fiscal year

Present law provides relief if the contested value exceeds ten percent of the district's tax roll (amended to six percent by SB1748, 1998 Legislature). This Act provides such relief for two districts (St. Lucie and Gulf) which had large portions of their 1998 rolls contested. The contested valuations were less than ten percent, but more than six percent.

The St. Lucie and Gulf school districts were appropriated \$3,150,123 and \$369,494 respectively. These districts will return to the state any amounts of additional required local effort revenue received as a result of the taxable values approved by the court.

HB 4201 Appropriations Act

Effective Date: **July 1, 1998**

Chapter Law:

While appropriations are contained in other laws, the General Appropriations Act is essentially the state budget. Proviso language in the Act and substantive law codified in Florida Statutes govern expenditures to be made from appropriations. Proviso requirements for public school appropriations are summarized herein. Changes in substantive law governing public schools are described by enactment (bill number) in this legislative review. The following bills have particular relevance for funding and budgeting and should be read in conjunction with this analysis:

- CS/CS/SB 1124, 2048, and 1120, the Workforce Development Implementation Act of 1998, explains the steps toward implementation of adult vocational and adult general education funding in 1999-2000. For 1998-99, each district providing adult programs is appropriated an amount for Workforce Development programs and an amount for Adult Handicapped programs.

- HB 4837 prescribes a change in the FEFP enrollment ceiling for program group 2 and repeals the caps adjustment supplement.
- HB 367, Florida Maximum Class Size Study Act, addresses legislative expectations for class size. See Class Size Reduction categorical appropriation in this summary.
- CS/SB 706, High School Graduation Requirements, provides partial (50%) funding for a year or semester that a student omits by electing to graduate with 24 credits.
- HB 887, TRIM budget advertisement, and CS/HB 1605 , TRIM Notices.
- CS/CS/SB 1996, Charter School law changes.
- HB 4315, Juvenile Justice programs cost effectiveness and administrative costs.
- CS/CS/HB 3131, Deferred Retirement Option Program changes.
- CS/SB 1684 and CS/CS/HB 3491, FRS Changes.
- HB 921, Advanced Placement Funding.
- CS/HB 3661, Classrooms First Bonding.
- HB 3901, School Advisory Councils/School Improvement Plans, SAC membership and funding decisions.

The following listing of major education funding provides a comparison between the 1997-98 and 1998-99 General Appropriations Acts. In most instances, funds are distributed to school districts on a formula basis.

Allocations for Districts
General Revenue Fund, State School Trust Fund
and Educational Enhancement Trust Fund

	1997-98 Appropriations	1998-99 Appropriations	Increase or Decrease
Florida Education Finance			
Program (FEFP)	\$ 5,255,817,884	\$ 5,843,805,259	\$ 587,987,375
Workforce Development	435,538,646	415,730,209	(19,808,437)
Workforce Capitalization Grants	0	17,500,000	17,500,000
Adult Handicapped Funds ¹	0	20,644,466	20,644,466
School District Lottery Funds	412,070,289	183,975,000	(228,095,289)
Student Transportation	375,110,777	384,788,691	9,677,914
Instructional Materials	158,639,475	183,938,638	25,299,163
Grades K-8 Summer School	83,000,000	83,000,000	0
Class Size Reduction	100,000,000	100,000,000	0
Pre-School Projects ²	107,000,000	108,925,000	1,925,000
Innovative Practices	2,000,000	2,950,000	950,000
Exceptional Education	4,311,239	5,363,127	1,051,888
School and Instructional Enhancement	4,420,718	4,368,218	(52,500)
Communities in Schools ³	1,500,000	2,000,000	500,000
Public School Technology	80,000,000	80,100,000	100,000
Full Service Schools ⁴	11,000,000	0	(11,000,000)
HIV/Aids Education	200,000	0	(200,000)
Blueprint for Career Preparation	600,000	0	(600,000)
Vocational Performance Incentive	2,000,000	2,000,000	0
School Choice	0	5,000,000	5,000,000
School Lunch and Breakfast Match	20,161,046	20,161,046	0
Reading Programs	3,250,000	10,000,000	6,750,000
Merit Schools	0	5,390,000	5,390,000
Urban Tutorial and Mentoring Program	0	25,000	25,000
Excellent Teaching	0	12,000,000	12,000,000
Florida Teacher Lead Program	32,088,250	13,000,000	(19,088,250)

¹ Funds for adults with handicaps are separated from Workforce Development Funds in 1998-89.

² Includes Coalition Incentives.

³ Cities in Schools in 1997-98.

⁴ Program transferred to the Department of Health in 1998-99.

Allocations for Districts -- Facilities Funding
Public Education Capital Outlay (PECO)

	1997-98 Appropriations	1998-99 Appropriations	Increase or Decrease
PECO			
Remodeling, Renov., Maint.	\$ 90,141,700	\$ 90,402,480	\$ 260,780
New Construction	205,087,949	100,228,358	(104,859,591)
Special Facility Constr.	40,709,896	42,632,150*	1,922,254
* Dixie, Washington, and Columbia			

In addition, a joint use facility appropriation of \$11,300,000 was made for St. Johns River Community College/Clay School District and \$5,000,000 was appropriated for charter school construction.

FLORIDA EDUCATION FINANCE PROGRAM

An amount of \$5,843,805,259 is appropriated to fund the state's share of the Florida Education Finance Program (FEFP). A separate appropriation in the amount of \$415,730,209 for Workforce Development was made to finance adult vocational and adult general education outside the FEFP. For 1998-1999, funds for adults with disabilities who are not expected to seek competitive employment are appropriated separately from Workforce Development funds in the amount of \$20,644,466.

Program Weights (Cost Factors)

FEFP funds for 1998-99 are based on program cost factors as follows:

	<u>Program Number</u>	<u>Cost Factors</u>
1. Basic Programs		
K-3 Basic	101	1.057
4-8 Basic	102	1.000
9-12 Basic	103	1.138
2. Programs for Exceptional Students		
Support Level 1	251	1.341
Support Level 2	252	2.072
Support Level 3	253	3.287
Support Level 4	254	4.101
Support Level 5	255	6.860
3. Programs for At-Risk Students		
Dropout Prevention and Teenage Parent	120	1.399
Educational Alternatives, Grades 9-12	121	1.138
ESOL	130	1.201
4. Vocational Education, grades 6-12	300	1.240

Program Ceilings (CAPS)/Caps Adjustment Supplement

HB 4837 amends subparagraph (1)(d)4 of section 236.081, Florida Statutes, to provide a supplemental capping calculation for the 39 districts that had projected FTE transferred from Group 2 (exceptional student education, English for speakers of other languages, dropout prevention, and vocational programs) to Group 1 (basic programs in grades K-3, 4-8, and 9-12) by the FTE Estimating Conference. For those districts who had FTE transferred:

- their reported unweighted full-time equivalent student membership (FTE) for Group 2 programs will be compared to their total appropriated unweighted FTE for these programs;
- if the reported unweighted FTE for these programs exceeds their appropriated amount, then the difference is to be funded at a weight of 1.0 up to the amount transferred from Group 2 to Group 1 by the FTE Estimating Conference.

Note that funding at 1.0 over the Group 2 cap (established by the Estimating Conference) does not apply to all reported FTE over the cap - only to FTE students included in the 1998-99 district Group 2 forecast.

This adjustment is to be calculated beginning with the third calculation of the FEFP.

In addition, HB 4837 repeals the Caps Adjustment Supplement, section 236.081(8), Florida Statutes.

Exceptional Student Education (ESE) Funding

Supplemental funding is provided for districts that have less than 10,000 FTE and less than 3 FTE students in ESE support levels 4 and 5 (programs 254 and 255). This supplement is limited to the value of 69.25 weighted FTE. The Commissioner of Education shall allocate the value of the supplemental FTE based on documented evidence of the difference in the cost of the service and the FEFP funding. The supplemental value shall not exceed 3 FTE each for programs 254 and 255. (Same provisions as 1997-98.)

Dropout Prevention Incentive

As in 1997-98, the grades 9-12 educational alternatives program is funded at the basic 9-12 program weight and supplemented by an incentive allocation. The statewide amount of the incentive is the difference between the grades 9-12 basic weight and the dropout prevention weight multiplied by grades 9-12 educational alternatives FTE and the base student allocation. Each district's share is determined by the performance of grades 8 through 11 students enrolled during 1994-95 in educational alternatives programs. For these students, the following six performance indicators, as measured through the fall of 1997, are used: (1) still in school, (2) graduated, (3) scored 3 or above on Florida Writes!, (4) passed the math portion of the High School Competency Test (HSCT), (5) passed the communications portion of the High School Competency Test (HSCT), and (6) dropped out (negative indicator). (Same provisions as 1997-98.)

Full Time Equivalent Membership

When calculating FTE membership, a student in cooperative education or other types of programs incorporating on-the-job training must not be counted for more than 25 hours per week of membership in all programs. (Same provision as 1997-98.)

Base Student Allocation

The 1998-99 base student allocation (BSA) for K-12 FEFP is \$3,223.06.

District Cost Differential

The district cost differential (DCD) for each district is to be calculated as provided in section 236.081(2), Florida Statutes. (Same provision as 1997-98.)

Declining Enrollment Supplement

The declining enrollment supplement for 1998-99 is to be determined by comparing the unweighted FTE in 1998-99 to the unweighted FTE of the prior year. In those districts where there is a decline in unweighted FTE, 50 percent of the decline is to be multiplied by the prior year calculated FEFP per unweighted FTE and added to the allocation of the district. For this purpose, the calculated FEFP is computed by multiplying the weighted FTE by the base student allocation and then by the district cost differential. (This component is specified in section 236.081(7), Florida Statutes, and is unchanged from 1997-98.)

District Sparsity Supplement

An amount of \$30,000,000, which is an increase of \$10,000,000 over the 1997-98 amount, is provided for sparsity, as defined in section 236.081(6), Florida Statutes, for districts of 20,000 or fewer FTE students. (Same provision as 1997-98.)

Safe Schools

An amount of \$50,350,000 is appropriated for Safe School activities. The funds are to be allocated as follows: two-thirds based on the latest official Florida Crime Index provided by the Department of Law Enforcement and one-third based on each district's share of the state's total weighted student enrollment. Safe School activities are: (1) after school programs for middle school students, (2) other improvements to enhance the learning environment, and (3) alternative school programs for adjudicated youth. However, each district shall determine, based on a review of its existing programs and priorities, how much of its total allocation to use for each authorized Safe School activity. (Same provision as 1997-98.)

Remediation Reduction Incentive

The Remediation Reduction Incentive remains the same as in 1997-98. The amount of \$30,000,000 is appropriated to be allocated as follows:

- \$20,000,000 based on the relative success of a district's students in taking the math, writing and reading placement tests; and
- \$10,000,000 based on enrollment in Levels 1 (negative indicator), 2 and 3 mathematics and English courses. The amount of \$5,000,000 is prorated among districts for each subject.

Disparity Compression Adjustment

The Disparity Compression Adjustment compresses the differences among districts in total potential funding per student. Districts below the state average receive additional funding based on the greater of two calculations as follows:

- An amount of \$32,995,707 is appropriated for the first calculation which is based on unweighted FTE. Districts receive the greater amount as calculated by one standard deviation or 26.45%.

If the funds per FTE are less than one standard deviation below the mean, funding is increased to achieve one standard deviation from the mean, or

If the funds per FTE are less than the mean, the difference below the mean is multiplied by 26.45%.

- Second Calculation on weighted FTE:

For districts funded at less than 97.5% of the state average per weighted FTE student, determine the district difference from 97.5% and multiply the difference by the district's weighted FTE. The percentage amount was increased from 97.0% in 1997-98 to 97.5% in 1998-99.

This is the same calculation as made in 1997-98.

Hold Harmless Adjustment

This adjustment guarantees each district a 1.0 percent increase per weighted FTE K-12 student in potential funding relative to 1997-98 funding on a weighted FTE K-12 student basis. The calculation includes state FEFP, major categorical funds, discretionary lottery funds, required local effort tax proceeds, and discretionary tax proceeds. (Same provision as 1997-98.)

Discretionary Equalization

Districts that levy the discretionary 0.51 mill and an additional 0.25 mill (see Discretionary Millage) will receive a state supplement if the additional 0.25 mill raises less than \$50 per K-12 FTE. An amount will be provided to ensure that each district receives \$50 per K-12 FTE when combined with the amount raised by the 0.25 mills. (Same provision as 1997-98.)

Required Local Effort

Provides for an unadjusted required local effort of \$3,895,387,947 in ad valorem taxes, an amount that will require an estimated 6.529 mills on a statewide basis. The local effort calculation from taxes continues to be adjusted based on the equalization provisions contained in section 236.081(4)(c), Florida Statutes, and by the provision that limits a district's required local effort to 90 percent of its FEFP entitlement. (Actual millage is to be certified by July 19.)

Summer School - Courses and Fees

FEFP funds are to be used for grades 9-12 summer school basic programs solely for academic courses listed in the Course Code Directory and taken for graduation credit. Districts may charge a fee for grades K-12 voluntary, noncredit summer school enrollment in basic program courses. The amount of a student's fee is to be based on ability to pay as determined by board policy. (Same provision as 1997-98.) See Categorical Programs for Grades K-8 Summer School appropriation.

Discretionary Millage

The maximum local discretionary millage is set at .510 mills; however, districts may make an additional supplemental levy, not to exceed 0.25 mills, that will raise an amount not to exceed \$50 per K-12 FTE student. Districts that levy the entire 0.25 mills and raise less than \$50 per K through 12 FTE are to receive an amount that, combined with funds raised by the 0.25 mills, will provide \$50 per K-12 FTE. (See Discretionary Tax Equalization.) To be eligible for the state Discretionary Tax Equalization funds, a district must levy the full 0.25 mills and the full 0.51 mills. (Same provision as 1997-98.)

Districts that provide 90 percent of their total FEFP from required local effort (anticipated to be Monroe and Collier) have additional authority for discretionary millage. If such a district's percent increase per K through 12 weighted FTE student is less than the state average percent increase per K through 12 weighted FTE, the district may levy additional millage that will raise an amount not to exceed the difference between the district's percent increase and the state average percent increase. (Same provision as 1997-98.)

FRS Savings - Basic Programs Direct Costs

The Legislature reduced the Florida Retirement System (FRS) contribution from 16.77% to 15.51% effective July 1, 1998. This rate change reduces by \$88,455,526 annually the amount school districts are required to contribute to FRS. In 1996-97 approximately 77% of the students in grades K-12 were enrolled in FEFP basic education programs. School districts current operating expenditures show that during the 1996-97 fiscal year approximately 37% of the total expenditures were for direct classroom expenses for students in basic programs. Each school district shall expend its share of the \$88,455,526 saved from the reduction in retirement contribution for no purpose other than for direct classroom expenses for students in basic programs. The expenditure of these funds shall be in addition to and supplemental to each school district's 1997-98 level of expenditures on direct classroom expenses for students in basic programs.

Performance Measures

K-12 appropriations for operating purposes are to be used by school districts to prepare students for success in society and to make well-reasoned, thoughtful, and healthy lifelong decisions. Pursuant to the Governmental Performance and Accountability Act of 1994, the following measures and standards will be used to identify annually the performance of each school district. In addition, each district's performance in one year shall be measured relative to the previous years performance.

1. School district performance shall be determined by measuring student achievement on the following examinations:

High School Competency Test (HSCT) - administered in communications and math to students in grade 11; a passing score is required for a standard diploma.

Florida Writes Assessment Program (FWAP) - essay test administered to children in grades 4, 8, and 10; scores range from 0-6.

Nationally-normed student achievement tests (NRT) - administered annually; six different tests for reading and math are used in districts.

The Florida Comprehensive Assessment Test (FCAT) - new achievement test to be administered in reading and math to students in grades 4/5, 8, and 10. When scoring baselines have been established, FCAT scores will be incorporated as a performance measure.

The following performance standards for the High School Competency Test, Florida Writes, and Norm Referenced Tests are established:

HSCT - achieving a passing score on the first attempt

FWAP - achieving a score of 3 or greater

NRT - achieving a score greater than the national median

Student performance data in each district shall be compiled and presented as the percentage of students who achieve the indicated performance standard for each of the three testing programs.

The percentage of students who achieve the indicated standard for each exam in each district will be scored in the following manner, from 1 - 5 (lowest to highest).

HSCT (Math/Communications)

% Passing	90 & above	= 5
	85 - 89	= 4
	80 - 84	= 3
	74 - 79	= 2
	below 74	= 1

Florida Writes - Grade 4

% Scoring 3 or higher	58 & above	= 5
	49 - 57	= 4
	40 - 48	= 3
	30 - 39	= 2
	below 30	= 1

Florida Writes - Grade 8/Grade 10

% Scoring 3 or higher	90 & above	= 5
	85 - 89	= 4
	80 - 84	= 3
	74 - 79	= 2
	below 74	= 1

Norm Referenced Achievement Tests -

Grade 4 reading/math and

Grade 8 reading/math

% Scoring above the national median	67 & above	= 5
	60 - 66	= 4
	50 - 59	= 3
	40 - 49	= 2
	below 40	= 1

After the numerical scores are determined for each test, the average score will be calculated for the district. This average score represents the academic performance of the students in each district.

Districts will then be grouped by their average score:

4.00 or above	=	Group 4
3.00 - 3.99	=	Group 3
2.00 - 2.99	=	Group 2
below 2.00	=	Group 1

Districts scoring in Group 1 shall receive technical assistance from the Department of Education and districts scoring in Group 4 will be able to share their best practices with the other districts.

- In addition, school district performance shall be measured by calculating student dropout rates, graduation rates, and attendance rates.

Attendance Rate - the standard for attendance shall be the percentage of students who are absent for 21 or more days of the 180 day school year.

The following table provides this information for 1996-97:

% Absent 21 + Days		
Elementary - Low to High		
	District	% Absent
	District	21+ Days
1.	Hendry	2.3%
2.	Clay	4.9%
2	Leon	4.9%
4	Martin	5.0%
5	Brevard	5.3%
5	Lafayette	5.3%
5	Lee	5.3%
8	Gulf	5.4%
8	Indian River	5.4%
10	Okeechobee	6.0%
11	Highlands	6.2%
11	St. Johns	6.2%
13	Jackson	6.5%
14	Seminole	6.7%
15	Okaloosa	6.9%
16	Charlotte	7.0%
17	Collier	7.2%
17	Gadsden	7.2%

17	Holmes	7.2%
20	Sarasota	7.3%
21	Nassau	7.5%
22	Hamilton	7.8%
23	Pinellas	7.9%
24	Palm Beach	8.4%
24	St. Lucie	8.4%
24	Sumter	8.4%
27	Lake	8.5%
28	Monroe	8.6%
29	Bay	8.8%
29	Flagler	8.8%
29	Santa Rosa	8.8%
32	Calhoun	8.9%
32	Manatee	8.9%
34	Wakulla	9.0%
34	Washington	9.0%
36	Alachua	9.1%
36	DeSoto	9.1%
38	Marion	9.4%
39	Baker	9.5%
39	Citrus	9.5%
39	Pasco	9.5%
39	Walton	9.5%
43	Dade	9.7%
43	Suwannee	9.7%
45	Escambia	9.9%
46	Putnam	10.2%
47	Duval	10.5%
47	Polk	10.5%
49	Broward	10.6%
50	Hernando	10.7%
51	Volusia	10.9%
52	Jefferson	11.3%
53	Levy	11.4%
54	Madison	11.5%
55	Gilchrist	11.6%
55	Hillsborough	11.6%
57	Hardee	11.7%
58	Columbia	12.2%
58	Orange	12.2%
60	Bradford	12.3%
61	Union	13.2%
62	Glades	13.6%
63	Dixie	14.4%

64	Franklin	15.1%
65	Liberty	17.2%
65	Osceola	17.2%
67	Taylor	18.0%

% Absent 21+ Days
Middle - Low to High

District		% Absent 21+ Days
1	Indian River	7.2%
1	Jackson	7.2%
3	Holmes	7.5%
4	Hamilton	8.3%
4	Martin	8.3%
6	Calhoun	8.4%
7	Madison	9.3%
7	St. Johns	9.3%
7	Walton	9.3%
10	Gilchrist	9.6%
11	Santa Rosa	10.8%
12	Gadsden	11.3%
13	Brevard	11.5%
14	Clay	11.6%
15	Washington	11.8%
16	Seminole	11.9%
17	Flagler	12.0%
17	Okaloosa	12.0%
19	Highlands	12.1%
20	Jefferson	12.3%
21	Lee	12.7%
22	Collier	13.1%
23	Franklin	13.2%
24	Lafayette	13.3%
24	Pinellas	13.3%
26	Alachua	13.4%
27	Bay	13.9%
27	Okeechobee	13.9%
29	Charlotte	14.4%
30	Union	14.5%
31	Leon	14.6%
31	Monroe	14.6%
33	Suwannee	14.7%
34	Sarasota	14.8%
35	Levy	14.9%

36	Liberty	15.0%
37	Hardee	15.1%
38	Dade	15.3%
39	Lake	15.8%
40	Citrus	16.3%
41	Nassau	16.8%
42	Polk	17.0%
43	Palm Beach	17.1%
44	Broward	17.6%
44	Orange	17.6%
46	Volusia	17.7%
47	Escambia	17.9%
48	Sumter	18.0%
49	Manatee	18.2%
50	St. Lucie	18.4%
51	Bradford	18.7%
51	Pasco	18.7%
53	Duval	18.8%
54	Putnam	19.0%
55	Hernando	19.6%
56	Glades	20.2%
57	Wakulla	20.5%
58	DeSoto	21.1%
59	Baker	21.3%
60	Marion	22.3%
61	Columbia	22.5%
62	Osceola	23.0%
63	Hillsborough	23.1%
64	Taylor	23.2%
65	Dixie	25.0%
66	Hendry	25.2%
67	Gulf	NA

% Absent 21+ Days

High School - Low to High

District		% Absent 21+ Days
1	Indian River	2.3%
2	Washington	3.0%
3	Seminole	7.2%
4	Brevard	10.7%
5	Walton	10.9%
6	Polk	11.1%
7	Jackson	11.4%

8	Highlands	12.8%
9	Pinellas	12.9%
10	Bay	13.0%
11	Alachua	13.4%
12	Lafayette	13.7%
13	Gulf	13.8%
14	Osceola	13.9%
15	Gadsden	14.1%
15	St. Johns	14.1%
17	Pasco	14.2%
18	Clay	14.3%
18	Levy	14.3%
20	Holmes	14.7%
20	Santa Rosa	14.7%
20	Taylor	14.7%
23	Flagler	15.1%
24	Suwannee	15.2%
25	Duval	15.3%
25	Leon	15.3%
27	Lee	16.1%
28	Liberty	16.7%
28	Sumter	16.7%
30	Martin	17.9%
31	Hernando	18.1%
32	Hardee	18.3%
32	Lake	18.3%
32	Madison	18.3%
35	Palm Beach	18.4%
36	Dixie	18.5%
37	Gilchrist	18.6%
38	Calhoun	19.0%
39	Jefferson	19.1%
40	Collier	19.9%
41	Escambia	19.9%
42	Volusia	20.2%
43	St. Lucie	21.0%
44	Dade	21.1%
45	Monroe	21.2%
45	Sarasota	21.2%
47	Hendry	21.3%
47	Wakulla	21.3%
49	Okaloosa	21.5%
49	Okeechobee	21.5%
51	Charlotte	21.7%
52	Manatee	22.1%

53	Union	22.3%
54	Citrus	22.9%
55	Broward	23.7%
56	Marion	24.9%
56	Orange	24.9%
58	Baker	26.1%
59	Franklin	26.8%
60	Columbia	27.2%
61	DeSoto	27.4%
62	Hillsborough	27.7%
63	Glades	28.5%
64	Hamilton	28.6%
65	Nassau	29.8%
66	Bradford	31.3%
67	Putnam	33.0%

Graduation Rate and Dropout Rate - by January 1, 1999, the Commissioner shall recommend to the Legislature a procedure to accurately calculate a graduation rate and dropout rate measure for schools and school districts in the state. The calculation of the graduation and dropout rates shall take into account differing grade structures and other relevant factors.

The district data demonstrating student achievement, attendance rates, dropout rates and graduation rates shall be compiled into a District Progress Report and distributed to every district, school, and parent. Supplemental data contained in the Florida Indicators Report should be distributed with the District Progress Report.

Distribution of FEFP

Funds provided through the FEFP appropriation will be distributed in equal payments on or about the 10th and 26th of each month. Section 236.08105, Florida Statutes, provides for advance distribution to eligible districts. (Same provision as 1997-98.)

District Discretionary Lottery Funds

An amount of \$183,975,000 is appropriated from the Educational Enhancement Trust Fund to be expended in accordance with school district policies and procedures that define enhancement and the types of expenditures consistent with that definition. Districts are required to provide the Department of Education (DOE) with a copy of these policies and procedures and to submit an annual report showing all actual expenditures of enhancement funds. District entitlements are calculated by prorating each district's K through 12 base funding entitlement (K through 12 WFTE x BSA x DCD) to the amount of the appropriation. Districts are to use the unique revenue and expenditure accounting specified by the Department.

The 1998 Legislature continued the proviso language for this appropriation as follows:

- School boards must allocate, not later than October 1, 1998, at least \$10 per unweighted FTE student to be used at the discretion of the School Advisory Committee, or in the absence of such a committee, at the discretion of the staff and parents of the school. A portion of the money should be used for implementing the school improvement plan. The improvement plan shall be based on the needs of the statewide and district-wide school improvement plan.
- Funding for use by the School Advisory Councils should be allocated directly to the School Advisory Councils, should be clearly earmarked for their use and is not subject to override by the principal or interim approvals by school district staff.

CATEGORICAL PROGRAMS

Flexibility Provisions

District allocations from Grades K-8 Summer School, Class Size Reduction, and Public School Technology may be used for any of these three purposes in amounts that school boards determine will best meet the needs of students.

Grades K-8 Summer School

An appropriation of \$83,000,000 is made for K-8 summer term instruction and may be expended for students in Grades K-8 receiving basic supplemental instruction during the 180-day term.

Class Size Reduction

First priority for the use of this \$100,000,000 appropriation is to be the reduction of class size to a ratio of 16 students to one full-time equivalent teacher in kindergarten through grade three in critically low performing schools as identified by the Commissioner of Education. Second priority for the use of these funds shall be to achieve the goal, that for all other students in Kindergarten and grade one the class size shall not exceed 24 students, with a ratio of one full-time equivalent teacher per 24 students. Third priority for the use of these funds shall be for grades two and three.

When a school district has achieved the class size goal for kindergarten, and grades one, two and three, and funds allocated for class size reduction remain, the school board, at its discretion, may transfer the unused funds to the district's FEFP Program.

By January 1, 1999, the Commissioner of Education shall report to the Legislature on progress made by each district toward the class size reduction goal for kindergarten, and grades one, two, and three.

This appropriation is allocated to districts based on each district's October, 1997 student membership for kindergarten and grade one.

Note: Also see HB 367, "Florida Maximum Class Size Study Act" which requires that for 1998-99 in at least one school the teacher-to-student ratio be 1 to 20 in kindergarten through grade 3. If the district has a critically low performing school, the ratio to be achieved is one teacher to 15 students. If more than one such school, the selection of the school is to be by lot. (See full analysis of bill.)

Public School Technology

An amount of \$80,100,000 is provided for public school technology, with \$1,000,000 to be used for Library Equipment Automation grants. District allocations are based on each district's share of the state total K-12 FTE. Hardware and software purchases from funds provided shall be cycled by school districts to provide new equipment to students and programs with the highest need and older equipment then provided to students with lower need. (See flexibility provision.)

School Choice

An amount of \$5,000,000 is appropriated to be used for the public school choice incentive grant program. The Department is to develop a competitive process to support school districts that choose to implement a controlled open enrollment plan.

Instructional Materials

An amount of \$183,938,638 is appropriated for the purchase of instructional and library media materials. Of the total, \$12,000,000 is specifically earmarked for library media materials and \$3,200,000 is provided for purchase of science lab materials and supplies. The amount of \$500,000 is to be used for competitive incentive grants for extended hours at school library media centers. The Sunlink Uniform Library Database is to receive \$1,000,000 of the appropriation.

School districts must pay for instructional materials used for the instruction of public high school students who are earning credit toward high school graduation under the dual enrollment program as provided by section 236.081(1)(j), Florida Statutes.

The growth allocation per FTE student is \$272.18. If the funds provided are insufficient to pay in full the growth and maintenance allocations of section 236.122, Florida Statutes, growth will be paid in full and maintenance prorated. These funds are to be distributed as follows: 50% on or about July 10, 35% on or about October 10, 10% on or about January 10, and the balance on or about June 30.

An amount of \$100,000 is provided for instructional materials for use by partially sighted students as provided in section 233.49, Florida Statutes.

The Commissioner is authorized to purchase, upon requisition by school districts, up to 12,000 copies of the *Florida Handbook* for distribution to public schools. Distribution of these handbooks is to be based on an equitable formula determined by the number of students in each district.

Pre-School Projects

An amount of \$108,925,000 is appropriated from General Revenue and the Educational Enhancement Trust Fund for the following:

Pre-School Programs	\$ 97,152,828
Coalition Incentives	5,000,000
Early Childhood Services	427,000
Coordinating Council	50,000
Migrant 3 & 4 Year Olds	3,295,172
Florida First Start	3,000,000

Funds are to be allocated to each eligible school district on the basis of full-time equivalent (FTE) students served consistent with the provisions of section 230.2305, Florida Statutes. For the purpose of this appropriation, an FTE is defined as six hours per day of quality contact time in a developmentally appropriate program for 180 days. The calculation of a district's entitlement is to be based on \$3,200 per FTE. For 1998-99, the minimum amount for each school district is to be \$65,000.

Innovative Practices

General revenue funds in the amount of \$2,950,000 are provided for innovative practices. The Commissioner is to develop guidelines for the grants to school districts or nonprofit corporations. These guidelines must be approved by the State Board of Education. Special consideration is to be given to grant applicants that target funds for low-performing schools and applications that contain private matching contributions.

From this appropriation \$1,000,000 is provided for Risk-Takers Peer review. The Commissioner of Education shall appoint a panel of teachers, principals, superintendents and other educational administrators who have demonstrated a willingness to implement innovative programs intended to improve student performance in their schools and who, as a result of decisive action taken to implement those programs, have demonstrated successful results. This panel shall define criteria for the award of grant funds; shall receive and review applications for grant awards; shall award grants to those applications that, in the opinion of panel members, are innovative and hold improvements in student performance; and will evaluate the effectiveness for programs that receive funding. Funded applications shall include a strong data-driven evaluation plan which permits measurement and evaluation of the success of the activity funded.

School Lunch Match/Breakfast Supplement

An amount of \$20,161,046 is appropriated with \$9,165,197 to be used as state matching funds for the Federal Food Service Program and \$10,624,349 to be used for the school breakfast program. An amount of \$371,500 is to be used to reimburse districts for the fee charged for inspection of food preparation areas. (Same provisions as 1997-98.)

School Transportation

An amount of \$384,788,691 is appropriated to fund transportation of students as authorized in section 236.083, Florida Statutes.

Vocational Performance Incentive Program

The amount of \$2,000,000 is appropriated and may be used in conjunction with funding from other sources, for the purpose of economic development and reduction of welfare rolls. The combined funds can be earned under a performance-based funding approach, structured as incentives to vocational programs.

Florida Teacher Lead Program

This appropriation of \$13,000,000 is to be allocated by prorating the total on each school district's share of the total K-12 unweighted FTE student enrollment and shall be used only to fund the Florida Teachers Lead Program. These funds shall be deposited into each school's internal account and made available to be expended at the discretion of each classroom teacher to assist teaching and learning in the classroom. Each teacher's allocation shall remain for the teacher's use until the full amount is expended. These funds shall be provided to each teacher in addition to any other funds appropriated for public school operations. The funds expended by individual teachers shall not be subject to state or local competitive bidding requirements. For purposes of the Florida Teachers Lead Program "classroom teacher" means a certified teacher whose full-time job responsibility is full-time classroom instruction of students in grade K-12. Only full-time classroom teachers are eligible to expend funds provided by the Florida Teachers Lead Program.

This one-time appropriation shall be made available to each classroom teacher in the amount of \$100 instead of the \$250 specified for 1997-98.

School and Instructional Enhancements

An appropriation of \$4,368,218 was made for School and Instructional Enhancements with the following earmarked amounts:

- \$90,000 for the Cason Project to be allocated equally between the Charlotte, Manatee, and Sarasota County School Districts;

- \$62,000 for Old Home Town;
- \$300,000 for SER/Saber/Youth Co-op;
- \$50,000 for the Harry Anna supplement;
- \$130,000 for Young Life;
- \$75,000 for the Holocaust Task Force;
- \$75,000 for the State Science Fair;
- \$10,000 for the Cultural Arts After School Program;
- \$10,000 for the Powerful Elders Mentoring Program;
- \$264,083 for Instructional Materials Management;
- \$1,250,000 for Third Year Critically Low Performing Schools, \$500,000 of which shall be made available to no less than 20 elementary schools to fund in such schools a system of early intervention, remediation and intellectual development which provides detailed assessments of cognitive abilities, together with a screening of perceptual and sensory motor systems, upon which may be then developed into a student specific program of learning ability enhancement;
- \$250,000 for a computer assisted curriculum development project for the education of students in Juvenile Justice facilities. The curriculum shall incorporate innovative designs and instructional strategies that are known to be effective in accommodation with the specific learning styles and unique characteristics of students in juvenile justice facilities. The Department of Education shall manage and coordinate the development of this curriculum with other appropriate curricular and technology initiatives to ensure conformity with course requirements and other standards. The Department may use the resources of the School of Criminology at Florida State University to develop this curriculum through a memorandum of understanding without RFP or competitive bidding.

In addition, the funds remaining may be used for, but are not limited to the following: School Safety Hotline, Miccosukee Indian Education, Seminole Indian Education, Arts for a Complete Education, Youth Art Symposium, Okeechobee/Dozier Supplement, ESOL Teacher Training and Staff Development, Academic Tourney, Regional or Community-Based Dropout Prevention, and the Miami Book Fair.

Exceptional Education

A general revenue appropriation of \$3,029,773 and a federal aid appropriation of \$2,333,354 are needed to support Exceptional Education. The funds provided may be used for, but are not limited to the following: the Pre-Kindergarten Handicapped Information System, Network of Centers for Severely Emotionally Disturbed, Florida Diagnostic and Learning Resource Centers, Resource Materials for the Hearing Impaired, Visually Handicapped Resources, Exceptional Students who are Limited English Proficient, Governor's Summer Program for the Gifted, Challenge Grant Program for the Gifted, and the Duval Autism Partnership.

The Department shall continue to ensure that training, resources, and staff are provided to parents on the exceptional student funding model, including follow-up to parent concerns.

The Department shall also continue to monitor the districts' implementation of the ESE matrix of services and the funding model. Prior to the final calculation of the 1997-98 FEFP and for all calculations of the 1998-99 FEFP, the Department is authorized to make adjustments to the districts' reported FTE to be consistent with the technical assistance required by Chapter 97-380.

In addition, prior to the 1998-99 school year, the Department shall revise the matrix criteria for assigning students to each of the five levels of service to be more precise and less subjective than the current criteria. The revised matrix shall, to the maximum extent possible, provide equitable service to students with similar needs regardless of the district in which the student is served. Implementation of the revised matrix shall be revenue neutral as required in section 236.025(1), Florida Statutes.

A report on the effectiveness of the model implementation shall be provided to the Legislature by January 1, 1999.

From this appropriation, the following amounts are specified: \$375,000 for Assistive Learning Devices for the Handicapped, and \$600,000 for Exceptional Student Education Comprehensive School Violence Prevention.

Reading Programs

The amount of \$10,000,000 is appropriated for reading programs: \$5,000,000 is provided for Home-Based Reading Instruction, \$250,000 is provided for the NCS Abacus Instructional Software; and \$1,500,000 is provided for Project CHILD. From this amount, \$1 shall be provided to Project CHILD for every \$1 of Project CHILD programs and services purchased by a school district. Any amount of this match not committed by January 1, 1999, may be reallocated by the Commissioner for other reading initiatives.

The remaining funds provided may be used for the following: Intensive Reading Instruction as provided in section 232.245(5), Florida Statutes; Reading Recovery Programs; and Home Instruction Program for Preschool Youngsters. The Commissioner of Education shall establish guidelines and eligibility criteria for awarding competitive matching grants for these programs. All school districts shall have an equal opportunity to apply for and compete for these funds.

Excellent Teaching Program

The amount of \$12,000,000 is appropriated in support of the program described in CS/HB 3389 (see summary of that legislation).

Workforce Development

The amount of \$415,730,209 is provided for school district workforce development programs as follows:

Alachua	140,868
Baker	158,351
Bay	3,194,917
Bradford	692,831
Brevard	2,349,297
Broward	76,041,872
Calhoun	155,878
Charlotte	2,414,581
Citrus	2,020,349
Clay	381,727
Collier	7,568,630
Columbia	168,521
Dade	109,012,929
DeSoto	1,006,391
Dixie	19,607
Duval	0
Escambia	5,137,065
Flagler	2,993,528
Franklin	46,885
Gadsden	1,011,143
Gilchrist	5,925
Glades	9,049
Gulf	83,850
Hamilton	55,342
Hardee	310,547
Hendry	350,341
Hernando	393,988
Highlands	0
Hillsborough	27,490,127

Holmes	0
Indian River	472,640
Jackson	613,815
Jefferson	214,983
Lafayette	31,466
Lake	4,143,785
Lee	10,469,750
Leon	7,086,685
Levy	0
Liberty	2,915
Madison	0
Manatee	5,384,903
Marion	2,211,614
Martin	3,449,221
Monroe	716,305
Nassau	410,137
Okaloosa	2,857,507
Okeechobee	86,030
Orange	35,275,553
Osceola	4,352,718
Palm Beach	29,630,867
Pasco	3,316,153
Pinellas	24,061,327
Polk	12,377,596
Putnam	217,625
St. Johns	7,331,371
St. Lucie	0
Santa Rosa	1,660,638
Sarasota	10,693,425
Seminole	0
Sumter	61,699
Suwannee	865,419
Taylor	1,063,216
Union	113,343
Volusia	0
Wakulla	263,891
Walton	87,103
Washington	2,980,889
Washington Special	11,081

These funds may be used for citizenship training at the discretion of the district school board.

Adult Handicapped Funds

The amount of \$20,644,466 is appropriated for Adult Handicapped Programs as follows:

Alachua	1,213,301
Baker	171,602
Bay	263,032
Bradford	74,613
Brevard	768,829
Broward	1,947,448
Calhoun	0
Charlotte	67,317
Citrus	360,510
Clay	61,658
Collier	48,350
Columbia	74,013
Dade	2,378,232
DeSoto	82,097
Dixie	0
Duval	0
Escambia	357,460
Flagler	1,132,656
Franklin	0
Gadsden	225,707
Gilchrist	0
Glades	0
Gulf	128,762
Hamilton	0
Hardee	63,736
Hendry	0
Hernando	141,617
Highlands	0
Hillsborough	606,355
Holmes	0
Indian River	46,627
Jackson	2,160,327
Jefferson	78,409
Lafayette	0
Lake	41,237
Lee	13,652
Leon	1,216,398
Levy	0
Liberty	161,114
Madison	0
Manatee	291,144

Marion	301,980
Martin	403,286
Monroe	106,844
Nassau	69,953
Okaloosa	0
Okeechobee	0
Orange	911,692
Osceola	75,841
Palm Beach	1,607,344
Pasco	69,741
Pinellas	791,193
Polk	345,801
Putnam	0
St. Johns	427,945
St. Lucie	0
Santa Rosa	52,318
Sarasota	634,369
Seminole	0
Sumter	136,116
Suwannee	100,990
Taylor	99,843
Union	109,981
Volusia	0
Wakulla	48,562
Walton	0
Washington	174,464
Washington Special	0

School Recognition/Merit Schools

An amount of \$5,390,000 is appropriated to be awarded by the Commissioner as provided in section 231.2905, Florida Statutes, Florida School Recognition Program, for performance-based incentives to faculty and staff of schools that sustain high performance or demonstrate exemplary improvement due to innovation and effort.

The Commissioner shall establish statewide objective criteria for schools to be invited to apply for the Florida School Recognition Program. The selection of schools must be based on at least 2 school years of data, when available. To participate in the program, a school district must have incorporated a performance incentive program into its employee salary structure. All public schools, including charter schools, are eligible to participate in the program.

- (a) Initial criteria for identification of schools must rely on the school's data and statewide data and must include, but not be limited to:
 - 1. Improvement in the school's student achievement data.
 - 2. Statewide student achievement data.
 - 3. Readiness for postsecondary education data.
 - 4. Dropout rates.
 - 5. Attendance rates.

- (b) After a pool of eligible schools has been identified, schools must apply for final recognition and financial awards based on established criteria. Criteria must include, but not be limited to:
 - 1. School climate, including rates of school violence and crime.
 - 2. Indicators of innovation in teaching and learning.
 - 3. Indicators of successful challenging school improvement plans.
 - 4. Parent, community, and student involvement in learning.

- (c) After identification of schools for final recognition and financial awards, awards must be distributed based on employee performance criteria established in district school board policy.

- (3) All selected schools shall receive financial awards depending on the availability of funds appropriated and the number and size of schools selected to receive an award. Funds must be distributed to the school's fiscal agent and placed in the school's account and must be used as determined by the school's staff and school advisory council for bonuses to the faculty and staff or for educational equipment or materials for the school. Notwithstanding statutory provisions to the contrary, incentive awards are not subject to collective bargaining.

FEFP Funds - Year 2000 Emergencies

At the discretion of each district school board, FEFP funds may be utilized to address emergency issues which have been identified and are associated with year 2000 date calculations. Year 2000 date calculation errors may occur in computers, computer applications and in products or services containing embedded chip technology acquired to support district instructional and administrative functions. Such emergency issues shall consist of any actual or anticipated year 2000 date calculation error in an instructional or administrative process that prevents a district from continuing to provide instruction to students at a quality level consistent with delivery prior to the actual or anticipated date calculation failure. The Commissioner shall coordinate and provide assistance to districts for effective implementation of the year 2000 conversion.

District Operational Performance Audits

The amount of \$750,000 is appropriated for the costs of these audits to be conducted for Broward, Martin, and Brevard school districts. The Office of Program Policy Analysis and Governmental Accountability (OPPAGA) in the Office of the Auditor General is to determine the scope and methodology for these audits which are to be contracted.