

# Legislative Review 1999



F L O R I D A

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# 1999

## LEGISLATIVE REVIEW

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The 1999 Florida Legislature met in Tallahassee from March 2<sup>nd</sup> through April 30<sup>th</sup>. During this time a number of bills relating to education were passed. In order to inform school district personnel, staff, parents and the community as rapidly as possible, this summary was prepared based on information currently available.

There are two Tables of Contents. The first lists each bill by subject area; the other lists each bill numerically by its final bill number. Every effort has been made to ensure the accuracy of content; however, if questions arise the chapter law should be read in its entirety.

This document is available on the Department of Education web site, and can be downloaded under "Hot Topics." In addition, a separate 1999 Legislative Review Home Page is under construction, and should be available by the end of July 1999. The Department's web address is:

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Bill texts and analyses can be accessed at the Florida Legislature's web site, Online Sunshine, located at:

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**June 14, 1999**



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# High-Quality Education System

**CS/HBs 751, 753, 755**

**High-Quality Education System**

**Chapter Law:**

99-398

**Effective Date:**

Upon becoming law, except as otherwise provided

**Key Contacts:**

See page 13 for a complete listing

**Bill-At-A-Glance:**

See page 15

**Summary:**

This comprehensive legislation focuses on a system of high-quality education in Florida schools. The legislation has three distinct parts implementing substantial changes in school, educator, and student accountability. It requires all public schools to be held accountable for students performing at acceptable levels; seeks to improve the quality of the state's teachers and the training they receive through the teacher preparation programs and professional development courses; and strengthens school truancy procedures and safety measures.

**Summary by Bill Section:**

**Section 1** - Amends Section 229.0535, Florida Statutes, requiring the State Board of Education to intervene in the operation of a school district when one or more schools in the district have failed to make adequate progress for any two school years in a four-year period. For determining when a school is eligible for state board action and opportunity scholarships for its students, "two years in a four-year period" means if a school has an "F" in one year and in any of the prior three years, then the school would be considered failing for two years in a four-year period. When making recommendations for actions to be taken by the school district, the State Board of Education must consider whether or not the students in the failing school have available options for improved educational services.

**Section 2** - Creates Section 229.0537, Florida Statutes, establishing the Opportunity Scholarship Program. This section provides for scholarship eligibility, school district obligations, funding and payment, private school eligibility, obligations of program participation, liability and rulemaking.

A public school student's parent or guardian may request an opportunity scholarship for the child to attend a private school if:

- the student has spent the prior school year at a public school that has been designated "F" and that school has had two school years in a four-year period of low performance, or the student has been assigned to such school for the next school year; and
- the student has obtained acceptance in a participating private school, and the parent has notified the school district requesting an opportunity scholarship no later than July 1 of the first year in which the student intends to use the scholarship.

For the purposes of continuity of educational choice, the opportunity scholarship to attend a private school remains in force until the student returns to a public school or, if the student chooses to attend a private school with grade 8 as the highest grade, until the student matriculates to high school and the public high school to which the student is assigned is an accredited school with a performance grade of "C" or better. The opportunity to continue attending a higher performing public school remains in force until the student graduates from high school.

For school designations in the 1998-99 school year, school performance grade categories "A"- "F" correspond with performance levels "V"- "I" specified in state board rule at the time this bill becomes law.

The school district must notify the parents and guardians of students attending a school with a performance grade “F” for two years in a four-year period, of all the options available under the law. The parent or guardian may:

- enroll the student in another higher performing “C” or above public school within the district, with transportation provided by the district;
- enroll and transport the student to a higher performing public school that has available space in an adjacent school district; or
- request an opportunity scholarship for the student to attend an eligible private school.

The district is required to provide transportation for participating students enrolling in another public school within the district. If a parent chooses to enroll and transport their child to a public school with available space in another district, that adjacent district must accept and report the student for funding.

In addition, the school district must:

- provide information to parents of participating students about locations and times of statewide assessment test administration;
- provide exceptional education services for which the students are eligible, if not otherwise provided, in accordance with current law; and
- report opportunity scholarship students separately from those students reported for Florida Education Finance Program funding.

The maximum opportunity scholarship granted is equivalent to the base student allocation multiplied by the appropriate weighted cost factor for the educational program provided for the student multiplied by the district cost differential. In addition, the calculated amount must include the per student share of the instructional materials and education technology categorical funds. The amount that the parent receives will be this calculated amount or the tuition and fees charged by the private school, whichever is less. A public or private school that provides services to students with disabilities must receive the weighted funding for such services. Upon documentation from the Department of Education, the Comptroller will make opportunity scholarship payments in four equal amounts no later than September 1, November 1, February 1, and April 1.

The requirements for participating private schools as well as the obligations of opportunity scholarship recipients are specified. The provisions of the opportunity scholarship program do not apply to students enrolled in Department of Juvenile Justice commitment programs.

**Section 3** - Establishes a pilot scholarship program in the Sarasota school district for students with disabilities. The program is to provide scholarships to a public or private school of choice for students whose academic progress in at least two areas has not met expected levels for the previous year, as determined by their Individual Education Plans (IEP). This program is separate and distinct from the Opportunity Scholarship Program. District limitations for student participation in the program are as follows:

- 5% of the students with disabilities for the first year;
- 10% of the students with disabilities for the second year; and
- 20% of the students with disabilities for the third year and subsequent years.

Establishes program requirements and provides that the pilot is not intended to affect state or district eligibility for federal funds for students with disabilities.

**Section 4** - Amends Section 229.512, Florida Statutes, to include that the state’s school improvement and accountability system must be designed to provide all students the opportunity to make adequate learning gains in each year of school. In addition to other various reports on the state’s system of public education, the Commissioner shall annually prepare and publish reports giving statistics and other information pertaining to the opportunity scholarship program.

**Section 5** - Amends Section 229.555, Florida Statutes, to explicitly state that emphasis of each district’s educational planning and budgeting system is to be on local goals and objectives, the state plan for education, and the Sunshine State Standards. The comprehensive management information system is



enhanced by requiring that the system must be designed to collect, via electronic transfer, all student and school performance data and produce a comprehensive annual report on school and district performance.

**Section 6** - Amends Section 229.565, Florida Statutes, to require the State Board of Education to approve student performance standards in key academic subject areas and grade levels. Language is deleted requiring the Commissioner of Education to designate program categories and grade levels necessary for maintaining a good education system.

**Section 7** - Section 229.57, Florida Statutes, regarding the student assessment program is amended to:

- expand the program's purpose to include annually assessing the learning gains of all students and to inform parents of the results;
- use growth and gain data for school accountability and recognition, to determine student readiness for promotion to the next grade or high school exit, and to compare Florida students to student performance in other states;
- expand the state assessment program of reading and mathematics from grades 4, 5, 8, and 10 to all grades 3 through 10 beginning no later than the 2000-2001 school year (*Florida Writes!* will continue to be administered in grades 4, 8, and 10);
- add assessment of student skills and competencies in science to the state assessment program for grades 4, 8, and 10 beginning in 2003;
- require a combination of current criterion-referenced tests of the Sunshine State Standards and norm-referenced tests;
- establish that students enrolling in the fall of 1999 and thereafter, must earn a passing score on the grade 10 FCAT instead of the HSCT as currently required in order to qualify for a regular high school diploma;
- outline the grading of schools "A" through "F" based on one year of data rather than the two years currently in rule;
- use data from 1998-1999 to begin the grading process, except for the four schools currently designated as critically low performing under the current rule (Specific language in this section designates these four schools as eligible for State Board of Education action by virtue of not meeting state criteria for student performance if their 1998-1999 student performance scores are inadequate);
- phase-in of criteria for school performance level designation that must take into account annual student learning gains and other appropriate performance data;
- provide for school improvement ratings of improved, remained the same or declined, in the annual report for each school;
- require the Department of Education to annually publish each school's grade designation and rating in the School Performance Grade Category and Improvement Rating Report; and
- authorize the Department of Education to negotiate a multi-year contract for a statistical assessment tool to determine individual student, classroom, grade level, and school growth.

**Section 8** - This section returns to the Commissioner of Education the authority to determine if schools have maximized their efforts to include the appropriate representation on school advisory councils. Previously, this duty was the responsibility of the Florida Commission on Education Reform and Accountability.

**Section 9** - Changes Section 229.591, Florida Statutes, to provide for schools designated as performance grade category "D" or "F" to receive assistance and intervention sufficient to attain adequate improvement and provide action that should occur when schools do not improve. The section provides that parents are not required to send their children to schools that have been designated in performance grade category "F" for two school years in a four-year period. State education goals are revised.

**Section 10** - Section 229.592, Florida Statutes, is amended to return authority for statewide school improvement and accountability to the Commissioner of Education by deleting references to the Florida Commission on Education Reform and Accountability. This bill directs the Department of Education to prioritize its services to schools designated as performance grade category "D" or "F." It further directs the Department to assign a community assessment team to each school district with a school designated

as performance grade category “D” or “F” to review the school performance data and determine causes for low performance. The team shall make recommendations to the school board, to the Department of Education, and to the State Board of Education for implementing an assistance and intervention plan. The team must be made up of a Department of Education representative, parents, business representatives, educators, and community activists and must represent the demographics of the community.

This section precludes waiver of the requirement for reporting out-of-field teaching assignments. It adds provisions for requesting deregulated status for schools designated in performance grade category “A” and for schools that have improved at least two performance grade categories and meet the other criteria of the Florida School Recognition Program.

**Section 11** - Repeals Section 229.593, Florida Statutes, authorizing the Florida Commission on Education Reform and Accountability.

**Section 12** - Repeals Section 229.593, Florida Statutes, specifying responsibilities of the Florida Commission on Education Reform and Accountability.

**Section 13** - Amends Section 229.595, Florida Statutes, regarding the implementation of a state system of education accountability for school-to-work transition by directing schools to ensure that students and their parents are aware of the results of an assessment of each student's preparation to enter the workforce. The Commissioner of Education shall identify the employability skills to be used in deriving the assessment items.

**Section 14** - This section makes a variety of amendments and additions to Section 230.23, Florida Statutes, relating to the powers and duties of local school boards.

By June 30, 2002, each school district salary schedule must base at least 5 percent of school administrator and instructional personnel salary on annual performance pursuant to Section 231.29. Outstanding performance is to be awarded 5 percent of the individual's salary. The Commissioner of Education is to determine compliance and withhold lottery funds for noncompliance. The school district must negotiate the performance-based pay component as provided in Chapter 447.

The more inclusive term “instructional materials” is used rather than just “textbooks” to allow for a variety of media to be used as learning aids for students.

Beginning in 1999-2000, school improvement plans must address issues relative to specific school safety and discipline strategies and be based on analysis of student achievement and other school performance data.

References to reporting to the Florida Commission on Education Reform and Accountability are changed to reporting to the Department of Education and the Commissioner in cases where a school improvement plan cannot be approved or a school does not make adequate progress after two years.

Districts must now develop and deliver a two-year, rather than a three-year, plan of increasing assistance and intervention to low performing schools.

District school boards are encouraged to prioritize expenditures of funds received from the Supplemental Academic Instruction Categorical Fund to improve student performance in schools that receive a performance grade category designation of “D” or “F.”

Boards must publicly disclose, in an easy-to-read format, the performance of students and schools. Current public reporting is amended in this section to conform to new school performance designations.

Boards must adopt policies that give greater autonomy to schools designated as “A” or improving at least two performance grade categories.

Policies allowing opportunity scholarships must be adopted.

Boards are authorized to declare an emergency in cases where one or more schools are failing, or in danger of failing.

**Section 15** - Amends Section 231.2905, Florida Statutes, to add to the purpose “greater autonomy” for schools; delete the requirement of a performance incentive program in a district’s employee salary structure in order for the school to participate in the program; add student learning gains (when such data becomes available), graduation rates, and cohort graduation rates to criteria for identification of schools; delete additional final criteria for recognition; and provide that the School Recognition Program shall utilize the school performance grade category designations in Section 229.57, Florida Statutes.

**Section 16** - Science is added to reading, writing, and math in Section 232.245, Florida Statutes, to be measured for student proficiency in order to progress from one grade to another. Students not meeting performance levels necessary for promotion must receive remediation or be retained within an intensive program that is different from the previous year’s program and takes into account the student’s learning style.

School boards may not assign a student to a grade level based solely upon the student’s age or other factors that constitute social promotion. They are directed to allocate remedial and supplemental instruction resources first to students who fail to meet achievement performance levels required for promotion. The State Board of Education is to adopt rules to prescribe the limited circumstances in which a student may be promoted without meeting the specific assessment performance levels prescribed by the district’s pupil progression plan.

Students whose reading deficiency is not remedied by grade 4 must be retained. However, local school boards may still exempt students from mandatory retention for good cause.

**Section 17** - Amends Section 228.053, Florida Statutes, relating to developmental research schools to delete obsolete references to *Blueprint 2000* and the Florida Commission on Education Reform and Accountability.

**Section 18** - Amends Section 228.054, Florida Statutes, relating to the Joint Developmental Research School Planning, Articulation, and Evaluation Committee to correct an obsolete reference to the Florida Commission on Education Reform and Accountability.

**Section 19** - Amends Section 233.17, Florida Statutes, to correct a cross reference relating to the term of adoption for instructional materials.

**Section 20** - Corrects a cross reference in Section 236.685, Florida Statutes, relating to educational funding accountability.

**Section 21** - Amends Section 20.15, Florida Statutes, to delete references to the Florida Commission on Education Reform and Accountability from the councils and committees of the Department of Education.

**Section 22** - Creates Section 236.08104, Florida Statutes, Supplemental Academic Instruction Categorical Fund, effective July 1, 1999, to provide supplemental academic instruction to students in grades K-12.

Categorical funds shall be allocated annually to each school district in the amount provided in the General Appropriations Act; shall be in addition to the funds appropriated on the basis of full-time equivalent student (FTE) membership in the Florida Education Finance Program (FEFP); shall be included in the total potential funds of each district; and shall be used only to provide supplemental academic instruction to K-12 students.

Supplemental instruction strategies may include, but are not limited to modified curriculum; reading instruction, after-school instruction, tutoring, mentoring, class size reduction, extended school year, intensive skills development in summer school, and other methods for improving student achievement. Supplemental instruction may be provided to a student in any manner and at any time during or beyond the regular 180-day term identified by the school as being the most effective and efficient way to best help that student progress from grade to grade and to graduate.

Effective with the 1999-2000 fiscal year, funding on the basis of FTE membership beyond the 180-day regular term shall be provided in the FEFP only for students enrolled in juvenile justice education programs.

Funding beyond the 180-day regular term for all other K-12 students shall be provided through the supplemental academic instruction categorical fund and other state, federal, and local fund sources with ample flexibility for schools to provide supplemental instruction to assist students in progressing from grade to grade and graduating.

The Florida State University School is authorized to expend from its FEFP or Lottery Enhancement Trust Fund allocation the cost to the student of remediation in reading, writing, or mathematics for any graduate requiring remediation at a postsecondary institution.

Beginning in the 1999-2000 school year, dropout prevention programs are to be included in Group 1 programs, effectively removing the cap on student enrollment in dropout prevention programs.

Each district receiving supplemental academic categorical funds is required to submit to the Department of Education a plan identifying the students to be served and the scope of supplemental academic instruction to be provided.

Districts are required to submit information through the Department of Education database documenting the district's progress in academic improvement, graduation rate, dropout rate, attendance rate, and retention/promotion rate.

The Department of Education is to compile and submit an annual report on the districts' progress to the presiding officers of the Legislature by February 15.

**Section 23** - Amends Section 236.013, Florida Statutes, effective July 1, 1999, to eliminate certain provisions relating to the calculation of the equivalent of a full-time student, including those for 1/2 day kindergarten students, part-time students, students enrolled in adult education courses required for high school graduation, and certain migrant students. It also limits provisions for generating FTE funds for more than 180 school days to students enrolled in juvenile justice education programs.

**Section 24** - Corrects a cross reference in Section 239.01, Florida Statutes, to conform with repeal of statutes relating to the Florida Commission on Education Reform and Accountability and intent of career education and vocational standards.

**Section 25** - Corrects a cross reference in Section 239.229, Florida Statutes, to conform with repeal of statutes relating to the Florida Commission on Education Reform and Accountability and vocational standards.

**Section 26** - Effective July 1, 2002, the Commissioner of Education shall withhold lottery trust fund disbursements to any school district that fails to adopt and implement a performance pay policy required by Section 230.23 (5), Florida Statutes.

**Section 27** - Amends Section 228.0565, Florida Statutes, to include deregulated public schools in the statewide assessment requirements and in the Department of Education report comparing student progress which is provided to the State Board of Education, the Commissioner of Education, and the presiding officers of the Legislature.

**Section 28** - Reenacts Section 120.81(1)(b), Florida Statutes, to incorporate other provisions of this bill. The statute reenacted states that student assessments developed or administered by the Department of Education or any other statewide educational tests required by law are not to be considered as rules.

**Section 29** - Subsection (1) of Section 228.301, Florida Statutes, is reenacted in order to incorporate other provisions of this bill. The reenacted portion of statute makes it unlawful for any person to knowingly and willfully violate test security rules.

**Section 30** - Subsections (1) and (3) of Section 229.551, Florida Statutes, are reenacted, dealing with the management and coordination functions of the Department of Education under the direction of the Commissioner of Education in order to incorporate other provisions of this bill.

**Section 31** - School principal responsibilities for leadership in the development or revision and implementation of a school improvement plan are returned to law by reenacting Section 230.03(14), Florida Statutes, in order to incorporate other provisions of this bill.

**Section 32** - Reenacts Section 231.24(3)(a), Florida Statutes, regarding the process for renewal of professional certificates to incorporate other provisions of this bill.

**Section 33** - Reenacts Section 231.36(3)(e) and (f), Florida Statutes, regarding contracts with instructional staff, supervisors, and principals to incorporate other provisions of this bill.

**Section 34** - Reenacts Section 232.2454, Florida Statutes, regarding district student performance standards, instruments and assessment procedures to incorporate other provisions of this bill.

**Section 35** - Amends and reenacts Section 232.246, Florida Statutes, regarding general requirements for high school graduation by adding a passing score on FCAT as a graduation requirement and to incorporate other provisions of this bill.

**Section 36** - Reenacts Section 232.248, Florida Statutes, regarding confidentiality of assessment instruments to incorporate other provisions of this bill.

**Section 37** - Reenacts Section 232.2481, Florida Statutes, regarding graduation and promotion requirements for public schools to incorporate other provisions of this bill.

**Section 38** - Reenacts Section 233.09(4), Florida Statutes, regarding duties of state instructional materials committees to incorporate other provisions of this bill.

**Section 39** - Reenacts Section 233.165(1)(b), Florida Statutes, regarding standards for selection of instructional materials to incorporate other provisions of this bill.

**Section 40** - Reenacts Section 232.225(3)(b), Florida Statutes, regarding requirements of publishers of instructional materials participating in the state adoption process to incorporate other provisions of this bill.

**Section 41** - Reenacts Section 239.229, Florida Statutes, which requires Vocational Technical Centers to have a center advisory council that assists in the preparation and evaluation of center improvement plans and may, at the request of the director, help in the preparation of the budget and plan.

**Section 42** - Reenacts Section 240.118(4), Florida Statutes, regarding the use of the postsecondary feedback report information school improvement plans to incorporate other provisions of this bill.

**Section 43** - Amends Section 228.041(29), (40), (42), Florida Statutes, to revise the definitions of "dropout," "dropout rate," and "graduation rate."

All high school students who withdraw from school prior to graduation and meet “dropout” criteria are counted as “dropouts.” Previously, only students not subject to compulsory attendance (16 and older) were counted. In addition to exceptions already delineated by statute, students who withdraw from school to enroll in home education programs are not counted as “dropouts.” When calculating the dropout rate, the denominator now includes all students who are in attendance at any time during the school year, not just an October count. DOE is to report the number of students initially classified as transfers to adult education programs, but who do not enroll.

The “graduation rate” is the percentage of students who graduate from high school within four years after entering the 9<sup>th</sup> grade for the first time. It excludes students who transfer out to enroll in another school system, a private school, home education, an adult education program or who are deceased. Incoming transfer students are included in the count of the class with which they are scheduled to graduate. Graduates include students receiving a standard high school diploma or a special diploma and exclude students receiving a certificate of completion or a special certificate. The Department of Education may calculate a five-year graduation rate using the same methodology described in this section.

In conjunction with calculating the state graduation rate, the Department of Education shall conduct a study to evaluate the impact of the rate of students who withdraw from high school to attend adult education programs and students in exceptional student education programs. The Department shall report its findings to the Legislature by February 1, 2000.

**Section 44** - Amends Section 228.056, Florida Statutes, with conforming language to ensure that the state assessment changes in the bill apply to charter schools.

**Section 45** - Creates Section 231.002, Florida Statutes, to require a comprehensive review of Chapter 231 and State Board of Education Rules for certification, including the evaluation of teacher certification assessment instruments (passing scores for certification). The study shall consider components of certification systems in other states. By January 1, 2000, the Department of Education must submit its findings and recommendations for revision to the presiding officers of the Legislature and the State Board of Education.

**Section 46** - Makes a technical change to correctly name the Department of Health.

**Section 47** - The State Board of Education is to approve the criteria for screening, selecting, and appointing assistant principals and principals. District contracts with private entities to conduct assessments, evaluations, and training are allowed.

**Section 48** - This section clearly establishes that the principal has a duty to effectively evaluate all personnel assigned to the school using the system approved by the school board under Section 231.29, Florida Statutes. The principal shall provide instructional leadership in implementing the Sunshine State Standards.

**Section 49** - The State Board of Education is to adopt rules to replace guidelines developed by the Florida Council on Educational Management regarding the training of administrators and potential administrators. A comprehensive review of the Management Training Act shall be conducted by the Office of Program Policy and Governmental Accountability (OPPAGA) in consultation with the Department of Education. A report is due by January 1, 2000, to the presiding officers of the Legislature recommending repeal, revision, or reauthorization of the Management Training Act.

**Section 50** - States that the primary purpose of instructional personnel (teachers and support) is to help students meet or exceed learning goals and to master skills for continued schooling or work.

**Section 51** - Rather than simply having a plan in place, this amendment to Section 231.096, Florida Statutes, requires each school board to adopt and implement a plan to assist any teacher teaching out-of-field. The school board shall require out-of-field teacher participation in a certification or staff development assistance program. The board-approved assistance plan requires specification of the duties of

administrative personnel and other instructional personnel to ensure that students receive high-quality instructional services.

**Section 52** - In Section 231.145, Florida Statutes, a technical change is made in intent language for certification to ensure teachers possess skills in reading, writing and math. Knowledge in the use of technology to enhance student learning is added as a necessary skill for educators.

**Section 53** - Amends Section 231.15, Florida Statutes, to add the use of technology to enhance student learning as a competency to be established by the State Board of Education. The section requires State Board of Education rules that allow a holder of a professional certificate to add an area of certification without completing course requirements by earning a passing score on the subject area exam, and having two years satisfactory performance evaluations that considered student performance.

State Board of Education rules are required that allow individuals who have subject area expertise but who have not completed a standard teacher preparation program to participate in a state-approved alternative certification program for a professional certificate. The alternative certification program competency areas are specified.

**Section 54** - Section 231.17, Florida Statutes, adds a requirement that applicants for a Temporary Certificate must demonstrate mastery of general knowledge, including the ability to read, write, compute, and use technology for instruction. Effective July 1, 2000, establishes alternatives for demonstration of general knowledge by a passing score on another state's general knowledge test, or a valid standard teaching certificate from another state that requires mastery of general knowledge.

Adds five new competencies as requirements for a Professional Certificate and revises five others. Eliminates alternate methods to CLAST for demonstration of mastery of general knowledge required for a Professional Certificate effective July 1, 2000.

**Section 55** - Language is reinstated in Section 231.1725, Florida Statutes, to provide legal protection for teacher preparation students who are serving field experiences in school districts.

**Section 56** - Changes are made in Section 231.174, Florida Statutes, regarding district add-on certification programs. Alternative certification programs may be designed by districts for all coverages, not just exceptional student education or critical shortage areas.

**Section 57** - Amends Section 231.19, Florida Statutes, to require the revision of district personnel assessment system criteria to address the performance of students as measured by state assessments and local assessments not measured by the state (to be the primary indicator of teacher performance with full implementation of student learning gains); the use of technology to deliver instruction in the classroom; and the ability to establish and maintain positive relationships with students' families.

If an employee in a "D" or "F" school is rated unsatisfactory, the superintendent is to review the performance assessment. If a lack of general, subject, or professional knowledge is indicated, the teacher shall pass the corresponding certification test in Chapter 231.

The 90-day probationary period is to apply only to holders of a Professional Service Contract.

**Section 58** - Establishes statutory rulemaking authority for dismissal/suspension of personnel.

**Section 59** - The Education Standards Commission is required to recommend high standards consistent with the state's duty to provide a high-quality system of public education for all students.

**Section 60** - Revises the School Community Professional Development Act. Additional criteria are added for each district professional development system to require principals and schools to use student achievement data, school discipline data, school environment surveys, parent satisfaction assessments, etc., to identify school and student needs; provide for delivery of professional development by distance

learning and other technology based systems; continuously evaluate the effectiveness of the professional development programs considering educator and student performance to eliminate ineffective programs; use independent contractors, if in the best interest of the school board; and allow the school board to require participation in a specific professional development activity for educators evaluated less than satisfactory.

**Section 61** - The Excellent Teaching Program is revised to eliminate the district professional development incentives, and authorization for the repayment/collection of defaulted fees is added.

**Section 62** - The Commissioner of Education shall appoint a teacher preparation program committee to establish core curricula for state-approved teacher preparation programs with a focus on the knowledge, skills, and abilities essential to instruction in the Sunshine State Standards, with a clear emphasis on the importance of reading in all grades. The committee shall report the recommendations by January 1, 2000, to the State Board of Education. The State Board of Education shall adopt rules to establish uniform core curricula utilizing the Committee's report.

Admission requirements for teacher preparation programs are revised to include a 2.5 GPA on 4.0 scale for undergraduate general education, OR a bachelor's degree from accredited college with 2.5 GPA on 4.0 scale, AND demonstrated mastery of general knowledge by CLAST or NTE series or similar test approved by State Board (beginning 2000-2001 academic year).

Admission waiver requirement is revised. The State Board of Education rule is permissive and assistance must be provided to ensure success of students admitted with waiver.

Teacher preparation program approval requirements are revised. The Department of Education shall approve a survey instrument that is utilized annually by colleges of education to indicate a satisfactory rating from schools that employ teacher preparation program graduates. Requires 90% rather than 80% passing rate on certification exams and adds a requirement for annual reporting consistent with definitions and methods of the Education Standards Commission and the National Center for Educational Statistics.

**Section 63** - Creates Section 231.6135, Florida Statutes, establishing a statewide system of professional development to provide a wide range of targeted inservice training to teachers and administrators, including a new network of professional development academies. Start-up funds for the professional development academies are to be provided by the Commissioner of Education. Eligibility criteria include:

1. provide effective training in elementary reading and math, instructional technology, high school algebra, and classroom management with training to be delivered face-to-face, by distance learning, and computer;
2. have a plan to respond to teachers, administrators, schools, and districts relating to improving student achievement;
3. establish collaborative partnerships with other districts, businesses, and postsecondary institutions;
4. demonstrate ability to provide high quality training, follow-up, and coaching to impact student performance;
5. governed by Board of Directors and contracted with public partners;
6. financed first year by equal or greater match of private funds; be self-supporting within 1 year;
7. own or lease a facility; and
8. provide services specified in contract; contract with other school districts and private schools to provide services on a fee-for-service basis.

**Section 64** - Repeals obsolete statute, Section 231.601, Florida Statutes, relating to inservice training of instructional personnel.

**Section 65** - Amends Section 230.2316(1), Florida Statutes, dealing with dropout prevention programs. It renames the "Dropout Prevention Act" to "Dropout Prevention and Academic Intervention Act." Dropout prevention and academic intervention programs may (rather than shall) differ from traditional education programs in specified ways, and now require diagnostic and assessment procedures to meet students'



needs. The educational program is to provide character development and law education and related services which lead to improved performance in the areas of academic achievement, attendance, and discipline (rather than completion of a high school diploma). Student eligibility for the program cannot be based solely on being from a single-parent family. Students are no longer required to spend at least two instructional periods per day in the program. Expands the program to include students in grades 1-12. Eligible students shall be reported in the appropriate basic cost factor. Strategies and supports for eligible students are to be funded through the General Appropriations Act and may include, but are not limited to, those services identified on the student's academic intervention plan.

The student must meet one of the following criteria to be eligible for dropout prevention and academic intervention services:

- academically unsuccessful as evidenced by low test scores, retention, failing grades, low grade point average, falling behind in earning credits, or not meeting the state or district proficiency levels in reading, mathematics or writing; or
- has a pattern of excessive absenteeism or has been identified as a habitual truant.

Conforming changes to program implementation requirements are made. School district annual reports for dropout prevention and academic intervention programs are to document program success in the areas of graduation rate, dropout rate, attendance rate and retention/promotion rate.

Prior to a student's placement in a dropout prevention and academic intervention program or the provision of an academic service, the school principal/designee shall provide written notice by certified mail, return receipt, to the student's parent, guardian or legal custodian. The parent shall sign a notice of acknowledgment and return to the principal within three days of receipt.

School districts may apply for startup grants from the Department of Education for public or private partnerships to operate a second chance school for disruptive students. Grants must be available for one year, used to offset startup costs for implementing such programs off public school campuses and for the full operation of the school by a private nonprofit or for-profit provider or the public entity. General operating funds must be generated through appropriate FEFP programs. The provision for funding of second chance schools at dropout prevention program rates is deleted. The program must operate under rules adopted by the Department of Education and implemented to the extent funded by the Legislature.

In order to return to a traditional school, second chance school students shall complete a character development and law education program and demonstrate preparedness to reenter the regular school setting.

**Section 66** - Duties of principals are expanded in the amendment to Section 231.085, Florida Statutes, to include requiring that all school reports are accurate and timely and to provide necessary training to staff. Principals who fail to comply are ineligible for performance pay incentives.

**Section 67** - Creates Section 232.001, Florida Statutes, requiring Manatee County to implement, beginning July 1, 1999, a pilot project to raise the compulsory age of attendance from 16 to 18. Addresses applicability of state laws and rules regarding attendance and procedural requirements for the district. The school board is required to evaluate the policy's effect on school attendance, dropout rate and cost, and report annually by August 1 to the Senate President, the House Speaker, the Legislative minority leaders, the Governor, and the Commissioner of Education.

**Section 68** - Amends Section 232.09, Florida Statutes, to clarify that criminal prosecution under Chapter 232, Florida Statutes, cannot be brought against a child or parent unless the enforcement activities in Section 232.17(2) have been completed.

**Section 69** - Amends Section 232.17, Florida Statutes, relating to enforcement of school attendance. District superintendents are responsible for enforcing school attendance of all children subject to compulsory school age, including recommendation of policies and procedures to ensure a timely response to every unexcused absence or absence for which the reason is unknown. School board

policies must require that absences have parental justification, and must provide for tracking of absences. The bill specifies steps each public school is to implement to enforce regular school attendance.

Current notice requirements are revised and the superintendent is to seek criminal prosecution against the parents if the notice and other requirements are ignored. The superintendent or designee must provide written notice in person or by return/receipt mail to the parent that criminal prosecution is being sought for nonattendance. The superintendent may file a truancy petition following appropriate procedures.

The bill revises requirements related to returning a child to the parent. Students absent from school may be returned to the juvenile assessment center or other location established by the school board. Upon receipt of the student, parents are to be notified immediately.

**Section 70** - Amends Section 232.19, Florida Statutes, relating to court procedures and penalties for habitual truancy cases. Authorizes the superintendent to file a truancy petition following specified procedures. If the superintendent chooses not to file a truancy petition, a child-in-need-of-services petition must be initiated. Prior to filing a petition, the school district must comply with the revised provisions of Section 232.17, Florida Statutes, and these efforts must have been unsuccessful. Eliminates current requirements to be met before filing a child-in-need-of-services petition, and eliminates a specified promotion requirement.

**Section 71** - Amends Section 232.271(3), Florida Statutes, to conform the program name to dropout prevention and academic intervention program.

**Section 72** - Amends Section 236.081, Florida Statutes, relating to the annual allocation of funds to each district for operation. Beginning with the 1999-2000 school year, each district is to document the daily attendance of each student in membership. These data are to be aggregated by school and by district and an average daily attendance factor is to be computed. Beginning in the 2001-2002 school year, the district's full-time equivalent membership shall be adjusted by the average daily attendance.

**Section 73** - Amends Section 239.505(4)(a), Florida Statutes, to conform the program name.

**Section 74** - Amends Section 984.03, Florida Statutes, to revise the definition of habitual truant by eliminating the reference to "escalating" activities. This bill requires the appropriate agency with jurisdiction to file a child-in-need-of-services petition if recommended by the case staffing committee, unless it is determined that an alternative action is preferable. The requirement to refer the child to the appropriate agency for evaluation prior to filing a petition is eliminated. The term "truancy petition" is defined as a petition filed by the school superintendent alleging that a student subject to compulsory school attendance has had more than 15 unexcused absence within 90 calendar days. A truancy petition is filed and processed under Section 984.151, Florida Statutes.

**Section 75** - Creates Section 984.151, Florida Statutes, to allow the superintendent to file a truancy petition if the school determines that a student subject to compulsory school attendance has had more than 15 unexcused absences in 90 calendar days. The petition is to be filed in the circuit in which the student is enrolled in school. The original jurisdiction to hear the truancy petition is in circuit court; however, the circuit court may use a general or special master pursuant to Supreme Court rules.

The bill specifies the items to be included on a truancy petition. The petition shall be sworn by the superintendent/designee. The court shall hear the petition within 30 days. The student and parent/guardian are to attend the hearing.

If the court determines that the student did miss any of the alleged days, the court shall order the student to attend school and the parent to ensure that the student attends. Additional court actions which may be taken are specified.

If the student does not successfully complete the court-ordered sanctions, the case shall be referred to the case staffing committee under Section 984.12, Florida Statutes, with a recommendation to file a child-in-need-of-services petition.

**Section 76** - School districts are to provide access to mail boxes and to voluntary teacher meetings and provide payroll deduction of dues for not-for-profit professional educational organizations that offer training to districts at no fees and membership to all teachers, noninstructional personnel, and administrators.

**Section 77** - Allows for severability of any provision of the bill without affecting other provisions or applications.

**Section 78** - Except as otherwise provided, all sections take effect upon becoming a law.

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**CS/HBs 751, 753, 755**  
Bill At-A-Glance

<b>BILL SECTION</b>	<b>STATUTE SECTION</b>	<b>TITLE / TOPIC</b>
<b>1</b>	Amends <b>229.0535</b>	<b>Authority to enforce school improvement</b>
<b>2</b>	Creates <b>229.0537</b>	<b>Opportunity Scholarship program</b>
<b>3</b>		<b>Pilot Program</b> ( <i>Sarasota County to provide opportunity scholarships to students with disabilities.</i> )
<b>4</b>	Amends <b>229.512</b>	<b>Commissioner of Education; general powers and duties</b>
<b>5</b>	Amends <b>229.555</b>	<b>Educational planning and information systems</b>
<b>6</b>	Amends <b>229.565</b>	<b>Educational evaluation procedures</b>
<b>7</b>	Amends <b>229.57</b>	<b>Student assessment program</b>
<b>8</b>	Amends <b>229.58</b>	<b>District and School Advisory Councils</b>
<b>9</b>	Amends <b>229.591</b>	<b>Comprehensive revision of Florida's system of school improvement and education accountability</b>
<b>10</b>	Amends <b>229.592</b>	<b>Implementation of state system of school improvement and accountability</b>
<b>11</b>	Repeals <b>229.593</b>	<b>Florida Commission on Education Reform and Accountability (FCERA)</b>
<b>12</b>	Repeals <b>229.594</b>	<b>Powers and duties of FCERA</b>
<b>13</b>	Amends <b>229.595</b>	<b>Implementation of state system of education accountability for school-to-work transition</b>
<b>14</b>	Amends <b>230.23</b>	<b>Powers and duties of school board ; performance pay policy</b>
<b>15</b>	Amends <b>231.2905</b>	<b>School Recognition Program</b>
<b>16</b>	Amends <b>232.245</b>	<b>Pupil progression; remedial instruction; reporting requirements</b>
<b>17</b>	Amends <b>228.053</b>	<b>Developmental Research Schools</b>
<b>18</b>	Amends <b>228.054</b>	<b>Joint Developmental Research School Planning, Articulation, and Evaluation Committee</b>
<b>19</b>	Amends <b>233.17</b>	<b>Term of adoption for instructional materials</b>
<b>20</b>	Amends <b>236.685</b>	<b>Educational funding accountability</b>
<b>21</b>	Amends <b>20.15</b>	<b>Department of Education; councils and committees</b>
<b>22</b>	Creates <b>236.08104</b>	<b>Supplemental academic instruction categorical fund</b>
<b>23</b>	Amends <b>236.013</b>	<b>Definitions; "full-time equivalent student"</b>
<b>24</b>	Amends <b>239.101</b>	<b>Legislative intent; career education</b>
<b>25</b>	Amends <b>239.229</b>	<b>Vocational standards</b>
<b>26</b>	Amends <b>24.121</b>	<b>Allocation of revenues and expenditure of funds for public education</b>
<b>27</b>	Amends <b>228.0565</b>	<b>Deregulated public schools</b>

<b>BILL SECTION</b>	<b>STATUTE SECTION</b>	<b>TITLE / TOPIC</b>
<b>28</b>	Reenacts <b>229.57</b>	<b>Exceptions and special requirements; general areas</b>
<b>29</b>	Reenacts <b>228.301</b>	<b>Test Security</b>
<b>30</b>	Reenacts <b>229.551</b>	<b>Education management</b>
<b>31</b>	Reenacts <b>230.23</b>	<b>Management, control, operation, administration, and supervision; Principal or Head of School</b>
<b>32</b>	Reenacts <b>229. 591</b>	<b>Process for renewal of professional certificates</b>
<b>33</b>	Reenacts <b>231.29</b>	<b>Contracts with instructional staff, supervisors, and principals</b>
<b>34</b>	Reenacts <b>232.245</b>	<b>District student performance standards, instruments, and assessment procedures</b>
<b>35</b>	Reenacts and amends <b>232.246</b>	<b>General requirements for high school graduation</b>
<b>36</b>	Reenacts <b>232.248</b>	<b>Confidentiality of assessment instruments</b>
<b>37</b>	Reenacts <b>232.2481</b>	<b>Graduation and promotion requirements for publicly operated schools</b>
<b>38</b>	Reenacts <b>233.09</b>	<b>Duties of each state instructional materials committee</b>
<b>39</b>	Reenacts <b>233.165</b>	<b>Standards for selection</b>
<b>40</b>	Reenacts <b>233.25</b>	<b>Duties, responsibilities, and requirements of publishers and manufacturers of instructional materials</b>
<b>41</b>	Reenacts <b>239.229</b>	<b>Vocational standards</b>
<b>42</b>	Reenacts <b>240.118</b>	<b>Postsecondary feedback of information to high schools</b>
<b>43</b>	Amends <b>228.041</b>	<b>Definitions; dropout, graduation rate, dropout rate</b>
<b>44</b>	Amends <b>228.056</b>	<b>Charter Schools</b>
<b>45</b>	Creates <b>231.002</b>	<b>Teacher quality; legislative findings and purpose</b>
<b>46</b>	Amends <b>231.02</b>	<b>Qualifications of personnel</b>
<b>47</b>	Amends <b>231.0861</b>	<b>Principals and assistant principals; selection</b>
<b>48</b>	Amends <b>231.085</b>	<b>Duties of principals</b>
<b>49</b>	Amends <b>231.087</b>	<b>Management Training Act</b>
<b>50</b>	Amends <b>231.09</b>	<b>Duties of instructional personnel</b>
<b>51</b>	Amends <b>231.096</b>	<b>Teacher teaching out-of-field</b>
<b>52</b>	Amends <b>231.145</b>	<b>Purpose of instructional personnel certification</b>
<b>53</b>	Amends <b>231.15</b>	<b>Positions for which certificates required</b>
<b>54</b>	Amends <b>231.17</b>	<b>Official statements of eligibility and certificates granted on application to those meeting prescribed requirements</b>

<b>BILL SECTION</b>	<b>STATUTE SECTION</b>	<b>TITLE / TOPIC</b>
<b>55</b>	Amends <b>231.1725</b>	<b>Employment of substitute teachers, teachers of adult education, and nondegreed teachers of career education; students performing clinical field experience.</b>
<b>56</b>	Amends <b>231.174</b>	<b>Alternative preparation programs for certified teachers to add additional coverage</b>
<b>57</b>	Amends <b>231.29</b>	<b>Assessment procedures and criteria</b>
<b>58</b>	Amends <b>231.36</b>	<b>Establishes statutory rule-making authority for dismissal /suspension of personnel</b>
<b>59</b>	Amends <b>231.546</b>	<b>Education Standards Commission; powers and duties</b>
<b>60</b>	Amends <b>231.600</b>	<b>School Community Professional Development Act</b>
<b>61</b>	Amends <b>236.08106</b>	<b>Excellent Teaching Program</b>
<b>62</b>	Amends <b>240.529</b>	<b>Public accountability and state approval for teacher preparation programs</b>
<b>63</b>	Creates <b>231.6135</b>	<b>Statewide system for inservice professional development</b>
<b>64</b>	Repeals <b>231.601</b>	<b>Purposes, intent; state policy for inservice training of instructional personnel</b>
<b>65</b>	Amends <b>230.2316</b>	<b>Dropout Prevention</b>
<b>66</b>	Amends <b>231.085</b>	<b>Duties of principals</b>
<b>67</b>	Creates <b>232.001</b>	<b>Pilot Project</b> (Manatee County School Board to implement pilot project to raise compulsory age of attendance for children from the age of 16 to 18)
<b>68</b>	Amends <b>232.09</b>	<b>Parents and legal guardians responsible for attendance of children; attendance policy</b>
<b>69</b>	Amends <b>232.17</b>	<b>Enforcement of school attendance</b>
<b>70</b>	Amends <b>232.19</b>	<b>Court procedures for habitual truancy</b>
<b>71</b>	Amends <b>232.271</b>	<b>Removal by a teacher</b>
<b>72</b>	Amends <b>236.081</b>	<b>Funds for operation of schools</b>
<b>73</b>	Amends <b>239.505</b>	<b>Florida constructive youth programs</b>
<b>74</b>	Amends <b>984.03</b>	<b>Definition</b>
<b>75</b>	Creates <b>984.151</b>	<b>Truancy petition</b>
<b>76</b>		<b>SBE shall adopt rules to ensure not-for-profit professional educational organizations that offer training to districts at no fees and membership to all employees are given access to mail boxes and voluntary teacher meetings, and authorizes payroll deduction for dues</b>
<b>77</b>		<b>Severability</b>
<b>78</b>		<b>Effective date</b>

## School Readiness

**CS/CS/SB 366**

**School Readiness**

**Chapter Law:** 99-357

**Effective Date:** Upon Becoming Law, except as otherwise provided

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**Bill-At-A-Glance:** See page 27

### Summary:

This bill establishes the school readiness program, including legislative intent and provisions for the Florida Partnership, School Readiness Coalitions, fiscal agent requirements, initiation grants, evaluation and reporting, program eligibility, parental choice, standards and outcome measures, funding, and reports. It also addresses school readiness uniform screening, establishes the School Readiness Program Estimating Conference, revises coordinating council provisions, provides for articulated career-paths for school readiness professionals, authorizes the transfer of agency funds, addresses agency staff, authorizes concept development for a child care and development center, and appropriates implementation funds.

### Summary by Bill Section:

**Section 1** - Florida Partnership for School Readiness; School Readiness Coalitions - Creates Section 411.01, Florida Statutes, to establish the Florida Partnership for School Readiness and school readiness coalitions.

### Short Title

This section may be cited as the "School Readiness Act."

### Legislative Intent

In recognition that school readiness programs increase children's chances of achieving future educational success and becoming productive members of society, establishes legislative intent that school readiness programs be developmentally appropriate, research-based, involve parents as their child's first teacher, serve as preventive measures for children at risk of future school failure, enhance the educational readiness of eligible children, and support family education. Each school readiness program shall provide the elements necessary to prepare at-risk children for school, including health screening and referral and an appropriate educational program. Programs shall be operated on a full-day, year-round basis, to the maximum extent possible, to enable parents to work and become financially self-sufficient. Programs shall not exist as isolated programs, but build upon existing services and work in cooperation with other programs for young children, and be coordinated and funding integrated to achieve full effectiveness. Administrative staff at the state level shall be kept to the minimum necessary to carry out the duties of the Florida Partnership for School Readiness, as the programs are to be locally designed, operated, and managed, with the Florida Partnership for School Readiness adopting a system for measuring school readiness; developing school readiness program performance standards, outcome measurements, and data design and review; and approving and reviewing local school readiness coalitions and plans. Appropriations for combined school readiness programs shall not be less than the programs would receive in any fiscal year on an uncombined basis. The school readiness program shall coordinate and operate in conjunction with the district school systems; however, the school readiness program shall not



be construed as part of the system of free public schools but as a separate program for children under the age of kindergarten eligibility, funded separately from the system of free public schools, utilizing a mandatory sliding fee scale, and providing an integrated and seamless system of school readiness services for the state's birth-to-kindergarten population. The federal child care income tax credit shall be preserved for school readiness programs.

### **School Readiness Program**

The school readiness program is to be phased in on a coalition-by-coalition basis. Each coalition's program shall have available to it funding from all the coalition's early education and child care programs that are funded with state, federal, lottery, or local funds, including but not limited to Florida First Start Programs, Even-Start literacy programs, prekindergarten early intervention (prek-EI) programs, Head Start programs, programs offered by public and private providers of child care, migrant prekindergarten programs, Title I programs, subsidized child care programs, teen parent programs, and any additional funds appropriated or obtained for purposes of this section. These programs and their funding streams shall be components of the coalition's integrated school readiness program, with the goal of preparing children for success in school.

### **Florida Partnership for School Readiness**

The Florida Partnership for School Readiness is responsible for adopting and maintaining coordinated programmatic, administrative, and fiscal policies and standards for all school readiness programs, while allowing a wide range of programmatic flexibility and differentiation. The Partnership is assigned to the Executive Office of the Governor, and the members shall include the Lieutenant Governor or designee; the Commissioner of Education; the Secretary of Children and Family Services; the Secretary of Health; the Chairperson of the Child Care Executive Health Partnership Board; the Chairperson of the WAGES Program State Board of Directors; and 10 members of the public who are business, community, and civic leaders, not elected to public office, and who are not providers in the early education and child care industry. Members must be geographically and demographically representative of the state. Each member shall be appointed by the Governor, with 8 appointed from a list of 10 nominees of which 5 are submitted by the Senate President and 5 by the House Speaker. Members shall be appointed for a 4-year term of office with staggered terms for the initial members. Any vacancy shall be filled in the same manner as the original appointment.

The Partnership shall elect a chairperson annually from the nongovernmental members; shall meet at least quarterly but as often as necessary to carry out its duties and functions, with members participating without proxy; may take official action by majority vote of members present at any meeting with a quorum present; and shall hold its first meeting by October 1, 1999.

The Partnership shall appoint an executive director to serve at its pleasure who shall perform assigned duties and be responsible for hiring, subject to approval by the Partnership, all employees and staff members. Members are subject to the ethics provisions in part III of chapter 112, and no member may derive any financial benefit from the funds administered by the Florida Partnership for School Readiness. Members shall serve without compensation but are entitled to reimbursement for per diem and travel expenses incurred in the performance of their duties as provided in Section 112.061, Florida Statutes, and reimbursement for other reasonable, necessary, and actual expenses. Members and employees, for purposes of tort liability, shall be governed by Section 768.28, Florida Statutes.

The Governor may designate the Partnership as the Lead Agency for purposes of administration of the Federal Child Care and Development Fund, and if so, the Partnership shall comply with the Lead Agency responsibilities pursuant to federal law.

The Florida Partnership for School Readiness is the principal organization responsible for the enhancement of school readiness and shall be responsible for the prudent use of all public and private funds in accordance with all legal and contractual requirements; provide final approval and periodic review of coalitions and plans; provide leadership for enhancement of school readiness by aggressively establishing a unified approach to the state's efforts toward enhancement of school readiness, and in support of that, may develop and implement specific strategies that address the state's school readiness

programs; safeguard the effective use of federal, state, local, and private resources to achieve the highest possible level of school readiness; provide technical assistance to coalitions; assess gaps in services; and provide technical assistance to counties that form a multicounty coalition.

By July 1, 2000, the Partnership shall adopt a system for measuring school readiness that provides objective data regarding the expectations for school readiness, and establish a method for collecting the data and guidelines for using the data for the statewide school readiness goal. The data collected should be useful for policymakers and program administrators in administering programs and allocating funds, and must include the tracking of school readiness system information back to individual school readiness programs to assist in determining program effectiveness.

By December 31, 2000, the Partnership shall adopt a system for evaluating the performance of students through the third grade, comparing the performance of those who participated in school readiness programs to those who did not in order to identify strategies for continued successful student performance.

By June 1, 2000, the Partnership shall develop and adopt performance standards and outcome measures.

In consultation with the Postsecondary Education Planning Commission and the Education Standards Commission, the Partnership shall assess the expertise of public and private Florida postsecondary institutions in the areas of infant and toddler developmental research; the related curriculum of training, career, and academic programs; and the status of articulation among those programs and, based on this assessment, provide recommendations to the Governor and the Legislature for postsecondary program improvements to enhance school readiness initiatives.

The Partnership may adopt rules necessary to administer the preparation and implementation of the system for school readiness, data collection, approving local coalition plans, providing a method whereby a coalition could serve two or more counties, awarding incentives to coalitions, and issuing waivers.

The Partnership shall have all the powers necessary to carry out the purposes of this section, including, but not limited to, the power to receive and accept grants, loans, or advances of funds from any public or private agency; and to receive and accept from any source contributions of money, property, labor, or any other thing of value, to be held, used, and applied for the purposes of this section.

The Partnership shall be an independent, nonpartisan body not identified or affiliated with any one agency, program, or group. It has a budget, financed through an annual appropriation made for this purpose in the General Appropriations Act. It is subject to compliance audits and annual financial audits by the Auditor General. It shall coordinate the efforts toward school readiness in the state and provide independent policy analyses and recommendations to the Governor, the State Board of Education, and the Legislature.

By July 1, 2000, the Partnership shall prepare and submit to the State Board of Education a system for measuring school readiness. The system must include a uniform screening instrument, which shall provide objective data regarding specified expectations for school readiness. The Partnership is required to prepare a plan for implementing the system so that all children will undergo the uniform screening when they enter kindergarten. Children who enter public school for the first time in first grade must undergo a uniform screening approved by the Partnership for use in first grade. The plan shall incorporate mechanisms for recognizing potential variations in expectations for school readiness when serving children with disabilities and shall provide for communities to serve children with disabilities.

The Partnership shall recommend to the Governor, the Commissioner of Education, and the State Board of Education rules, and revisions or repeal of rules, which would increase the effectiveness of programs. It shall conduct studies and planning activities that relate to the overall improvement and effectiveness of school readiness measures.

By February 1, 2000, the Partnership shall work with the Office of the Comptroller for electronic funds transfer.

By February 1, 2000, the Partnership shall present to the Legislature a plan for combining funding streams for school readiness programs into a School Readiness Trust Fund. It shall establish procedures for performance-based budgeting in school readiness programs.

The Partnership shall submit an annual report of its activities to the Governor, Executive Director of Florida Healthy Kids Corporation, President of the Senate, Speaker of the House, and the minority leaders of both houses. The report must provide an analysis of school readiness activities across the state, including the number of children served in the program and the number of children who were ready for school. It shall make reports and recommendations available to the State Board of Education, other appropriate state agencies and entities, district school boards, central agencies for child care, and county health departments. It shall also work with school readiness coalitions to increase parents' training for and involvement in their children's preschool education and to provide family literacy activities and programs.

The Partnership shall consult with representatives of district school systems, providers of public and private child care, health care providers, large and small employers, experts in education for children with disabilities, and experts in child development to ensure that the system for measuring school readiness is comprehensive and appropriate statewide.

### **School Readiness Coalitions**

The act establishes school readiness coalitions and requires that, if a coalition's plan would serve less than 400 birth-to-kindergarten age children, the coalition must either join with another county to form a multi-county coalition, enter an agreement with a fiscal agent to serve more than one coalition, or demonstrate to the Partnership its ability to effectively and efficiently implement its plan as a single-county coalition and meet all required performance standards and outcome measures.

Each coalition must have not less than 18 nor more than 25 members, which must include a Department of Children and Family Services district administrator; a district superintendent of schools; a regional workforce development board chair or director, where applicable; a county health department director or designee; a children's services council or juvenile welfare board chair or executive director, if applicable; a child care licensing agency head; 1 member appointed by a DCFS district administrator; 1 member appointed by a board of county commissioners; 1 member appointed by a district school board; a central child care agency administrator; a Head Start director; a representative of private child care providers; and a representative of faith-based child care providers. More than one-third of the members must be from the private sector, and neither they nor their families may earn an income from the early education and child care industry. To meet this requirement, a coalition must appoint additional members from a list of nominees presented to the coalition by a chamber of commerce or economic development council within the geographic area of the coalition. No member may appoint a designee to act in his/her place. A member may send a representative but the representative will have no voting privileges. Members of the coalition are subject to the ethics provisions in part III of chapter 112. Multicounty coalitions shall include representation from each county and terms of all appointed members must be staggered. The School Readiness Coalition will replace the district interagency coordinating council under Section 230.2305, Florida Statutes.

### **Program Participation**

The school readiness program shall be established for children from birth to 5 years of age or until the child enters kindergarten, and shall be administered by school readiness coalitions. Within funding limitations, the coalition shall make reasonable efforts to accommodate the needs of children for extended-day and extended-year services, without compromising the quality of the program.

### **Program Expectations**

School readiness programs must meet expectations that they prepare preschool children to enter kindergarten ready to learn, as measured by the criteria established by the Florida Partnership for School Readiness; provide extended-day and extended-year services to the maximum extent possible to meet

the needs of parents who work; provide coordinated staff development and teaching opportunities; provide expanded access to community services and resources for families to help achieve economic self-sufficiency; have a single point of entry and unified waiting list; serve at least as many children as were served prior to implementation of the program as long as funding or eligible populations do not decrease; develop a community plan to address the needs of all eligible children; and meet all state licensing guidelines, where applicable.

The school readiness coalition must implement a comprehensive program of readiness services that enhances the cognitive, social, and physical development of children to achieve the performance standards and outcome measures specified by the Partnership. Minimum elements of the programs include developmentally appropriate curriculum, a character development program to develop basic values, an age-appropriate assessment of each child's development, a pretest and post-test administered to children upon program entry and exit, an appropriate staff-to-child ratio, a healthful and safe environment, and a resource and referral network to assist parents in making an informed choice.

### **Implementation**

The school readiness program is to be phased in. Until the coalition implements its plan, the county shall continue to receive the services identified under "School Readiness Programs" through the various agencies responsible for delivering those services under current law. Plan implementation is subject to approval of the coalition and the plan by the Partnership.

Each school readiness coalition shall develop a plan for implementing the school readiness program to meet established performance standards and outcome measures. The plan must include a written description of the role of the program in the coalition's effort to meet the state education goal, readiness to start school; describe involvement of prekindergarten early intervention (prek-EI) programs, Head Start, public or private child care programs, preschool programs for children with disabilities, programs for migrant children, Title I programs, subsidized child care programs, and teen parent programs; and demonstrate how the program will ensure that each 3 - and 4-year-old child in a publicly-funded school readiness program receives scheduled activities and instruction in preparation for entering kindergarten ready to learn.

Prior to implementation, the coalition must submit the plan to the Partnership for approval. The Partnership may approve the plan, reject the plan, or approve the plan with conditions. The plan shall be reviewed, revised, and approved biennially.

The plan for the school readiness program must also include minimum standards and provisions including a sliding fee scale establishing a co-payment for parents based upon their ability to pay, which is the same for all program providers, to be implemented and reflected in each programs' budget; a choice of settings and locations in licensed, registered, religious exempt, or school-based programs to be provided to parents; instructional staff who have completed the training courses required in Section 402.305(2)(d)1, Florida Statutes, as well as staff who have additional training or credentials as required by respective programs; a method for assuring the qualifications of all personnel in all program settings; specific eligibility priorities for children within the coalition's county pursuant to specified program eligibility requirements; performance standards and outcome measures established by the Partnership or alternatively, standards and outcome measures to be used pending the Partnership's adoption of such; reimbursement rates that have been developed by the coalition; systems support services, including a central agency, child care resource and referral, eligibility determinations, training of providers, and parent support and involvement; direct enhancement services to families and children; a business plan, which must include the contract with a school readiness agent, where applicable, and contracts which may be part of a multiple-county coalition; and strategies to meet the needs of unique populations, such as migrant workers.

The coalition may request the Governor to apply for a waiver to allow the coalition to administer the Head Start Program to accomplish the purposes of the school readiness program. If a plan can demonstrate that specific statutory goals can be achieved more effectively through modification of existing rule,

policies, or procedures, a waiver request can be submitted to the Partnership as part of the plan. The Partnership may grant the proposed modification.

Persons with an early childhood teaching certificate may provide support and supervision of other staff in the program.

The school readiness plan may not be implemented until it has been submitted by the coalition and approved by the Partnership; upon approval, the plan shall be controlled by the coalition rather than the state agencies or departments. It shall be reviewed and revised as necessary, but at least biennially.

Upon approval of a coalition's plan, specified statutes as listed will not apply to that coalition.

In order to facilitate innovative practices and to allow local establishment of school readiness programs, a coalition may apply to the Governor and Cabinet for a waiver of any of the provisions of the specified statutes, as listed, if the waiver is necessary for implementation of the coalition's plan.

Two or more counties may join for the purpose of planning and implementing a school readiness program.

A coalition may, subject to approval of the Partnership as part of the coalition's plan, receive subsidized child care funds for all children eligible for any federal subsidized child care program and be the provider of the program services. It is also authorized to enter into multiparty contracts with multi-county service providers in order to meet the needs of unique populations such as migrant workers.

#### **Reimbursement Rate**

Each coalition shall develop a reimbursement rate schedule that encompasses all programs funded by that coalition, takes into consideration the relevant market rate, includes the projected number of children to be served, is submitted to the Partnership for information, and reimburses informal child care arrangements at not more than 50% of the rate developed for family childcare.

#### **Fiscal Agent Requirements**

If the local coalition is not a legally established corporate entity, the coalition must designate a fiscal agent which may be a public entity or a private nonprofit organization; shall be required to provide financial and administrative services pursuant to a contract or agreement with the school readiness coalition; may not provide direct early education or child care services unless a written request to provide such services has been approved by the Partnership; shall negotiate the costs of financial and administrative services with the coalition; shall disburse funds in accordance with the approved coalition school readiness plan and based on billing and disbursement procedures approved by the Partnership; and must conform to all data-reporting requirements established by the Partnership. If the agent is a provider of early education and care programs, the contract must specify that the fiscal agency will act on policy direction from the coalition and will not receive policy direction from its own corporate board regarding disbursement of coalition funds.

#### **Coalition Initiation Grants/Incentive Bonuses**

School readiness coalitions that are approved by the Florida Partnership for School Readiness are eligible for initiation grants to support development of the school readiness plans. Those approved by January 1, 2000, are eligible for a \$50,000 initiation grant; by March 1, 2000, a \$25,000 initiation grant.

Readiness coalitions whose plans are approved by July 1, 2000, shall receive funding from the Partnership in fiscal year 2000-2001 and each year thereafter. Upon approval by the Partnership, plans that clearly show enhancement in the quality and standards of the school readiness program without diminishing the number of children served shall be awarded an incentive bonus pending appropriations.

In fiscal year 2000-2001, and each year thereafter, any increases in funding for school readiness programs shall be administered through the coalitions.

In fiscal year 2001-2002, the Florida Partnership shall request proposals from government agencies and non-profit organizations for the development and operation of a coalition in each county that does not have an approved coalition by March 1, 2001.

### **Evaluation and Annual Report**

Each school readiness coalition shall conduct an evaluation of the effectiveness of the program, including performance standards and outcome measures; and provide an annual report and fiscal statement to the Florida Partnership for School Readiness which conforms to the specifications set by the Partnership. The Partnership must include an analysis of the coalition reports in its annual report.

### **Program Eligibility**

The school readiness program shall be established for children under the age of kindergarten eligibility, with priority for participation in the program to children who meet one or more of the following criteria:

- children who are determined to be at risk of abuse, neglect, or exploitation and who are currently clients of the Children and Family Services Program Office of Department of Children and Family Services; are at risk of welfare dependency, including economically disadvantaged children, children of participants in the WAGES program, children of migrant farmworkers, and children of teen parents; or are from working families whose family income does not exceed 150 percent of the federal poverty level
- children who are 3- or 4-years old who may not be economically disadvantaged but who have disabilities, have been served in a specific part-time or combination of part-time exceptional education programs with required special services, aids, or equipment, and were previously reported for funding part time with the Florida Education Finance Program as exceptional students
- children who are economically disadvantaged, have disabilities, or are at risk of future school failure, from birth to 4 years of age, who are served through home visitor programs and intensive parent education programs such as the Florida First Start Program
- children who meet federal and state requirements for eligibility for the migrant preschool program but who do not meet the criteria of economically disadvantaged, defined as a child whose family income is below 150 percent of the federal poverty level.

Notwithstanding any change in a family's economic status, but subject to additional family contributions in accordance with the sliding fee scale, a child who meets the eligibility requirements upon initial registration for the program shall be considered eligible until the child reaches kindergarten age.

### **Parental Choice**

The school readiness program shall provide parental choice pursuant to a purchase service order that ensures, to the maximum extent possible, flexibility in school readiness programs and payment arrangements. According to federal regulations requiring parental choice, the parent may choose an informal child-care arrangement. The purchase order must bear the name of the beneficiary and the program provider and, when redeemed, bear the signature of both the beneficiary and an authorized representative of the provider. If it is determined that a provider has provided any cash to the beneficiary in return for receiving the purchase order, the coalition or its fiscal agent shall refer the matter to the Division of Public Assistance Fraud for investigation.

The Office of the Comptroller is required to establish an electronic funds transfer system for the disbursement of funds in accordance with this subsection and the school readiness coalitions must fully implement the system within 2 years of the plan's approval unless a waiver is obtained from the Partnership.

### **Standards; Outcome Measures**

All publicly funded school readiness programs must meet the performance standards and outcome measures developed and approved by the Partnership in consultation with the Office Of Program Policy Analysis and Government Accountability. The performance standards and outcome measures shall be adopted by June 1, 2000, and shall be applicable on a state-wide basis.

### **Funding; School Readiness Program**

Consistent with intent to have an integrated and quality seamless service delivery system for all publicly funded early education and child care programs, the following will be transferred for the benefit of the coalition for the implementation of plan, including the hiring of staff:

- all state funds budgeted for a county for the specified programs, along with the pro rata share of the state administrative costs of those programs in the amount as determined by the Partnership;
- all federal funds and required local matching funds for a county for specified programs;
- any additional funds appropriated or obtained for school readiness purposes.

As part of plan approval and review, the Partnership shall require that administrative costs be kept to the minimum necessary for efficient and effective administration of the plan; require that total administrative expenditures shall not exceed 5 percent unless specifically waived by the Partnership; and annually report to the Legislature any problems relating to administrative costs.

By February 15, 2000, the Partnership shall present to the Legislature recommendations for combining funding streams for school readiness programs into a School Readiness Trust Fund, including recommendations for the inclusion or noninclusion of prekindergarten disabilities programs and funding. It shall annually distribute all eligible funds as block grants to assist coalitions in integrating services and funding to develop a quality service delivery system, and may provide financial awards, subject to appropriation, to coalitions demonstrating success in merging and integrating funding streams to serve children and school readiness programs. By February 15, 2000, the Partnership shall present to the Legislature recommendations for providing necessary transportation services for school readiness programs.

State funds appropriated for school readiness programs may not be used for the construction of new facilities or the purchase of buses. All cost savings and revenues received through a mandatory sliding fee scale shall be used to help fund the local school readiness program.

### **Reports**

By January 1, 2002, the Office of Program Policy Analysis and Government Accountability must assess the implementation, efficacy, and outcomes of the school readiness program and report its findings to the President of the Senate and the Speaker of the House. Subsequent reviews shall be conducted at the discretion of the Joint Legislative Auditing Committee.

### **Conflicting Provisions**

In the event of conflicting provisions of this section with federal requirements, the federal requirements shall control.

**Section 2 - School Readiness Uniform Screening -** Creates Section 229.567, Florida Statutes, to require the Department of Education to adopt the school readiness uniform screening developed by the Florida Partnership for School Readiness, and that DOE shall require that all school districts administer the kindergarten screening instrument to each kindergarten student in the district school system upon the student's entry into kindergarten.

Requires that all children who enter public school for the first time in first grade must undergo a uniform screening approved by the Partnership for use in first grade.

**Section 3 - Consensus Estimating Conference -** Amends Section 216.136, Florida Statutes, to establish the School Readiness Program Estimating Conference to develop such estimates and forecasts of the number of individuals eligible for school readiness programs in accordance with the standards of eligibility established by state or federal statute or administrative rule as the conference determines are needed to support the state planning, budgeting, and appropriations processes; estimate the unduplicated count of children who are eligible for services under the school readiness program; and receive information, in a timely manner, on needs and waiting lists for school readiness programs from the Partnership as requested by the Conference or individual members.

Specifies the principals of the Conference to include the Executive Office of the Governor (presiding); the Director of Economic and Demographic Research; and professional staff who have forecasting expertise from the Florida Partnership, DCFS, DOE, the Senate, the House, or their designees.

**Section 4 - WAGES Program State Board of Directors - Amends Section 414.026(2), Florida Statutes, to include the chairperson of the Florida Partnership for School Readiness as a member of the WAGES Board of Directors.**

**Section 5 - The Florida Healthy Kids Corporation Act - Amends Section 624.91(2)(a), Florida Statutes, to encourage cooperation between the Florida Healthy Kids Corporation and the Florida Partnership for School Readiness.**

**Section 6 - Intraagency and Interagency Coordination; State Coordinating Council for School Readiness Programs - Amends Section 411.222(4), Florida Statutes, to establish the State Coordinating Council for School Readiness Programs to ensure coordination among the programs that serve preschool children to support the first state education goal, readiness to start school; facilitate communication, cooperation, and the maximum use of resources; promote high standards for all programs that serve preschool children; and be an independent nonpartisan body and not be identified or affiliated with any one agency, program, or group.**

Specifies the membership to be composed of the seven current members of the 1998-99 State Coordinating Council Executive Committee and eight additional members appointed by the Executive Committee, including representatives from subsidized child care programs, prek-Early Intervention programs, Head Start programs, health care programs, private providers, faith-based providers, programs for children with disabilities, and parents of preschool children.

States that the “new” coordinating council shall terminate on July 1, 2002, and that the council shall adopt internal organizational procedures or bylaws necessary for the efficient operation of the council; may establish committees that are responsible for conducting specific council programs and activities; and shall have a budget and be financed through an annual appropriations made for this purpose in the General Appropriations Act.

Provides that council members may be reimbursed for travel and per diem as provided by Section 112.061, Florida Statutes, and that, when appropriate, parent representatives shall receive a stipend for child care costs incurred while attending council meetings.

Assigns the council, for administrative purposes only, to the Florida Partnership for School Readiness.

Requires the coordinating council to hold quarterly meetings that are open to the public that give the public the opportunity to comment at each meeting; provide notification to persons, upon request, of the date, time and place of each quarterly meeting; recommend to the Partnership methods for coordinating public and private school readiness programs and procedures to facilitate communication, cooperation, and the maximum use of resources to achieve readiness to start school; advise the Partnership concerning criteria for grant proposal guidelines, the review of plans and proposals, and eligibility for services of school readiness programs; recommend to the Partnership methods to increase the involvement of public and private Partnerships in school readiness programs in order to maximize the availability of federal funds and to effectively use available resources through cooperative funding and coordinated services; and submit its final report to the Partnership by July 1, 2002.

**Section 7 - Intraagency and Interagency Coordination; State Coordinating Council for School Readiness Programs - Repeals Section 411.222(4), Florida Statutes, including provisions for a State Coordinating Council, effective July 1, 2002.**

**Section 8 - Articulation Agreements - Amends Section 240.115, Florida Statutes, to require that the Commissioner of Education, in conjunction with the Florida Partnership for School Readiness, the Postsecondary Planning Commission, and the Education Standards Commission, shall conduct a statewide assessment to determine the extent and nature of instruction of those who work or are training**



to work in the fields of child care and early childhood education and to determine the market demand for individuals trained at various levels. Using this assessment, the Articulation Coordinating Committee shall establish an articulated career path for school-readiness related professions that will lead to a baccalaureate degree.

**Section 9 - Transfer of Funds -** Authorizes the Governor, in accordance with the provisions of Chapter 216, Florida Statutes, to transfer funds from the relevant state departments or agencies to the State School Readiness Governing Board to fund local school readiness coalitions during the phase-in period.

**Section 10 - Current Appropriations and Positions; Staff Assistance -** Provides that the Florida Partnership for School Readiness shall recommend to the Legislature, by February 15, 2000, whether the current appropriations and positions for DCFS contract managers and DOE Pre-K Early Intervention and school readiness personnel should be phased out, or transferred in whole or part to the Partnership to provide for school readiness program staffing.

Requires the DOE and DCFS to provide staff assistance to the Partnership if the Partnership, before having its own staff in place, needs such assistance in reviewing and approving local coalition plans.

**Section 11 - Inter-University Consortium on Child and Family Studies -** Subject to Legislative appropriation, authorizes the Inter-University Consortium on Child and Family Studies to design and develop the concept for a child care and development center which may be used as a model for demonstrating best practices in children's readiness for school.

**Section 12 - State Receipt of Federal Funds -** Clarifies that the bill is not intended to impede the state's ability to receive federal funds.

**Section 13 - Recurring Appropriation -** Appropriates the recurring sum of \$330,000 to the Executive Office of the Governor for the purpose of implementing this bill during 1999-2000.

**Section 14 -** Unless otherwise specified, effective upon becoming law.

**CS/CS/SBs 366, 382 and SB 708 - School Readiness**  
Bill At-A-Glance

BILL SECTION	STATUTE SECTION	TITLE/TOPIC
1	Creates 411.01	<b>Florida Partnership for School Readiness; school readiness coalitions</b>
1	1(1)	<b>Short Title</b>
1	1(2)	<b>Legislative Intent</b>
1	1(3)	<b>School Readiness Program</b>
1	1(4)	<b>Florida Partnership for School Readiness</b>
1	1(5)	<b>School Readiness Coalitions</b> Program Participation Program Expectations Implementation Reimbursement Rate Fiscal Agent Requirements Coalition Incentive Grants/Incentive Bonuses Evaluation and Annual Report
1	1(6)	<b>Program Eligibility</b>

BILL SECTION	STATUTE SECTION	TITLE/TOPIC
1	1(7)	Parental Choice
1	1(8)	Standards; Outcome Measures
1	1(9)	Funding; School Readiness Program
1	1(10)	Reports
1	1(11)	Conflicting Provisions
2	Creates <b>229.567</b>	School readiness uniform screening
3	Amends <b>216.136(11)</b>	Consensus Estimating Conferences; School Readiness Program Estimating Conference
4	Amends <b>414.026(2)</b>	WAGES Program State Board of Directors
5	Amends <b>624.91(2)(a)</b>	The Florida Healthy Kids Corporation Act
6	Amends <b>411.222(4)</b>	Intraagency and interagency coordination; State Coordinating Council for School Readiness Programs
7	Repeals <b>411.222(4)</b> (effective July 1, 2002)	Intraagency and interagency coordination; State Coordinating Council for School Readiness Programs
8	Adds <b>240.115(1)(e)</b>	Articulation agreement
9		Transfer of funds
10		Current appropriations and positions; staff assistance
11		Inter-University Consortium on Child and Family Studies
12		State receipt of federal funds
13		Recurring appropriation (\$330,000)
14		Effective Date

## School Discipline and School Safety

**CS/HB 199**                      **Trespass/School Grounds or Facilities**

**Chapter Law:**                      99-147

**Effective Date**                      July 1, 1999

**Key Contact:**                      Effie Alexander, [alexane2@mail.doe.state.fl.us](mailto:alexane2@mail.doe.state.fl.us); (850) 488-1570

**Summary:**

Increases the authority of a school, public or nonpublic, to control who is on its campus and provides first and second degree misdemeanor penalties for persons violating trespass provisions.

### Summary by Bill Section:

**Section 1** - Renumbers Section 228.091, as Section 810.097, Florida Statutes, and extends to nonpublic schools the misdemeanor penalties in current law for trespass on the campus or facilities of any public school.

Amends Section 810.097, Florida Statutes, retaining provisions that a trespass, punishable as a second degree misdemeanor, is committed by any person who enters or remains upon the campus or other school-owned facility, and who does not have legitimate business on campus or any other authorization, license, or invitation to enter or remain upon school property; or is a student currently under suspension or expulsion.

Deletes prior trespass exclusions for students, officers, or employees, and parents, guardians, and other persons with legal custody of an enrolled student.

Provides that anyone who enters or remains upon campus or other facility of a school after the principal or designee has directed that person to leave or not enter the campus or facility, commits trespass punishable as a first degree misdemeanor.

Defines “school” for the purpose of trespass to mean the grounds or any facility of any kindergarten, elementary, middle, junior high, or secondary school, whether public or nonpublic.

**Section 2** - Provides an effective date of July 1, 1999.

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### HB 349                      Juvenile Justice

**Chapter Law:**                99-284

**Effective Date:**            July 1, 1999

**Key Contacts:**

**Program:**                Shan Goff, [goffs@mail.doe.state.fl.us](mailto:goffs@mail.doe.state.fl.us); (850)488-1570

**Fiscal:**                   Nancy Rivers, [riversn@mail.doe.state.fl.us](mailto:riversn@mail.doe.state.fl.us); (850) 410-1460

**Bill-At-A-Glance:**        See page 36

**Summary:**

Includes extensive provisions related to juvenile justice and operations of the Department of Juvenile Justice (DJJ), including penalties for minors possessing or discharging firearms on school property, provision of certain educational programs and support activities in the juvenile justice continuum, and requirements for Community Juvenile Justice Partnership grants. Sections 41 through 53 address educational programs for youth in DJJ programs, with specific requirements of the Department of Education (DOE), DJJ, school districts, the Juvenile Justice Accountability Board, and district juvenile justice boards.

### Summary by Bill Section (where applicable):

**Section 1** - Amends Section 790.22, Florida Statutes, to increase the existing penalties for a minor who violates the law regarding the possession of a firearm addressed in this subsection as follows: for a first offense, the minor commits a first degree misdemeanor and may serve a detention period of up to 3 days in a secure detention facility; for a second or subsequent offense, the minor commits a third degree felony and shall serve a detention period up to 15 days in a secure detention facility.

Increases penalties, in addition to other punishment provided by law, for a minor who commits an offense that involves the use or possession of a firearm other than as provided above and is not committed to a residential DJJ commitment facility, as follows: for a first offense, the minor shall serve a minimum of 15

days in a secure detention facility, and may be placed on community control or in a nonresidential commitment program; for a second or subsequent offense, the minor shall serve a mandatory detention of at least 21 days, and may be placed on community control or in a nonresidential commitment program.

The minor shall not receive credit for time served for adjudication. Required community service shall be performed, if possible, in a hospital emergency room or other medical environment that deals with trauma patients and gunshot wounds on a regular basis.

**Section 2** - Amends Section 943.051(3)(b), Florida Statutes, to require fingerprinting of a minor charged with offenses including unlawful possession or discharge of a weapon or firearm at a school-sponsored event or on school property.

**Section 3** - Amends Section 790.115, Florida Statutes, to extend the prohibition for possessing or discharging weapons or firearms to include school-sponsored events, as well as on school property. It also requires that any minor under 18 years of age who is charged with possessing or discharging weapons or firearms on school property shall be detained in secure detention, unless the state attorney authorizes the release of the minor, and given a probable cause hearing within 24 hours after being taken into custody; at the hearing, may be ordered continued secure detention for up to 21 days, during which time the minor shall receive medical, psychiatric, psychological, or substance abuse examinations, pursuant to Section 985.224, Florida Statutes; and a written report shall be completed.

**Section 4** - Amends Section 985.215(1)(b)&(2), Florida Statutes, to require the juvenile probation officer to place a child charged with possessing or discharging a firearm on school property in secure detention care. Provides that the court may continue to detain a child charged with possessing or discharging a firearm on school property in secure detention prior to a hearing and without a risk assessment performed by a juvenile probation officer.

**Sections 10 & 11** - Amend Sections 39.0132(4)(b) and 985.04(3)(b), Florida Statutes, to require DJJ to disclose to the school superintendent the presence of any child in the care, custody, jurisdiction or supervision of the department that has a known history of criminal sexual behavior with other juveniles.

**Section 14** - Amends Section 985.212(1)(b), Florida Statutes, to replace the term “misdemeanors” with “offenses;” adds unlawful possession or discharge of a weapon or firearm at a school-sponsored event or on school property as an offense for which a child shall be fingerprinted; and states that fingerprint records and photographs of a child taken into custody are not available for public disclosure, but may be submitted to the Department of Law Enforcement for inclusion in the state criminal history records and used by criminal justice agencies for criminal justice purposes.

**Section 18** - Amends Section 985.404(4)(10), Florida Statutes, to include provisions that DJJ shall implement procedures to ensure that educational support activities are provided throughout the juvenile justice continuum.

**Section 21** - Amends Section 985.415(1)(b) & (2)(a)(b), Florida Statutes, to require that, in awarding Community Juvenile Justice Partnership Grants, DJJ consider, in addition to agency participation and reduction of truancy and school suspensions and expulsions: the enhancement of school safety and other delinquency early-intervention and diversion services; the number of youths from 10-17 years of age within the geographic area to be served by the program, giving priority to those areas having the highest number of youths from 10 to 17; the extent to which the program targets high-juvenile-crime neighborhoods and those public schools serving juveniles from high-crime neighborhoods; the validity and cost-effectiveness of the program; and the degree to which the program is located in and managed by local leaders of the target neighborhoods and public schools serving the target neighborhoods.

Removes the March 1 deadline for submitting grant proposals for funding or continued funding for a partnership grant. Replaces the phrase “at risk of involvement” to “most likely to be involved” in the identification of juveniles who will be the focus of the program.

**Section 26** - Amends Section 985.227(1)(2)(3)&(4), Florida Statutes, to expand the criteria for filing an information (for a child who was 14 or 15 at the time of the alleged offense) that requires that adult sanctions be considered or imposed and when the offense charged is for the commission of, attempt to commit, or conspiracy to commit any of the currently referenced offenses and burglary with an assault or battery in violation of Section 810.02(2)(a), Florida Statutes; possessing or discharging any weapon or firearm on school property in violation of Section 790.115, Florida Statutes; home invasion robbery; and carjacking.

Further defines the guidelines, for a child who was 16 or 17 at the time the alleged offense was committed, for filing an information if the child has been previously adjudicated delinquent for an act classified as a felony, which adjudication was for the commission of, attempt to commit, or conspiracy to commit, any of the currently referenced offenses.

**Section 32** - Amends Section 985.315, Florida Statutes, to expand DJJ “vocational programs” to “educational/technical and vocational work-related programs.” Adds to the mission of the educational/technical and vocational work-related programs: “to teach youth in juvenile justice programs relevant job skills and the fundamentals of a trade in order to prepare them for placement in the workforce.” Provides that the department is strongly encouraged to require juveniles placed in high-risk or maximum-risk residential programs or serious/habitual offender programs to participate in the educational/technical or vocational work-related programs 5 hours per day, 5 days per week.

Requires DJJ to establish guidelines for the operation of the juvenile educational/technical and vocational programs, including participation in the programs shall be on a 5-day-per-week, 5-hour-per-day basis and including “training” as a component to be analyzed before assignment into the program.

In addition to current statutory requirements, adds that DJJ shall seek the advice of private labor and management to assist in the placement of youth into meaningful jobs upon release from the residential program. DJJ and providers are strongly encouraged to work in partnership with local businesses and trade groups in the development and operation of educational/technical and vocational programs.

Provides that the Juvenile Justice Accountability Board shall conduct a study regarding the types of effective juvenile vocational and work programs in use across the country, relevant research on what makes programs effective, the key ingredients of effective juvenile vocational and work programs, and the status of such programs in juvenile justice facilities, and shall report its findings and make recommendations on how to expand and improve these programs no later than January 31, 2000, to the Senate President, the House Speaker, and the Secretary of Juvenile Justice.

Requires DJJ, working with providers, to inventory juvenile vocational and work training programs within commitment programs across the state.

**Section 38** - Amends Section 985.228, Florida Statutes, to add that, notwithstanding any other provision of law, an adjudication of delinquency for an offense classified as a felony shall disqualify a person from lawfully possessing a firearm until such person reaches 24 years of age.

**Section 39** - Amends Section 790.23(1)(2), Florida Statutes, to make possession of firearms or weapons unlawful for any person found, in courts of this state, to have committed a delinquent act that would be a felony if committed by an adult and such person is under 24 years of age. Corrects subsequent references.

**Section 41** - Amends Section 228.041, Florida Statutes, to add the following terms and definitions:

School Year for Juvenile Justice Programs - for schools providing educational services to youth in DJJ programs, the school year shall be comprised of 250 instructional days distributed over 12 months; the district school board may decrease the minimum number of instructional days by up to 10 days for teacher planning;

Juvenile Justice Provider - DJJ or a private, public, or other governmental organization under contract with DJJ which provides treatment, care and custody, or educational programs for youth in juvenile justice intervention, detention, or commitment programs.

**Section 42** - Amends Section 228.051, Florida Statutes, to provide that public schools shall provide instruction for youth in DJJ programs, as required by law.

**Section 43** - Amends Section 228.081, Florida Statutes, to require the DOE to recommend and the State Board to adopt, by August 1, 1999, an administrative rule articulating expectations for high-quality, effective juvenile justice education programs. The rule shall articulate policies and standards including:

- the interagency collaborative process needed to ensure effective programs with measurable results;
- the responsibilities of DOE, DJJ, school districts, and providers of education services to youth in DJJ programs;
- academic expectations;
- service delivery options available to school districts, including direct service and contracting;
- assessment procedures which include appropriate academic and vocational assessments administered at program entry and exit; require school districts to be responsible for ensuring the completion of the assessment process; require assessments for students in detention, who will move on to commitment facilities, to be designed to create the foundation for developing the student's education program in the assigned commitment facility; require assessments of students sent directly to commitment facilities to be completed within the first week of the student's commitment; and require that assessment results, with a portfolio depicting academic and vocational accomplishments, be included in the discharge package assembled for each youth;
- recommended instructional programs including, but not limited to, vocational training and job preparation;
- funding requirements, including requirements that at least 80% of the FEFP funds generated by students in DJJ programs be spent on instructional costs for those students and 100 percent of the formula-based categorical funds generated by students in DJJ programs must be spent on appropriate categoricals such as instructional materials and public school technology for those students;
- qualifications of instructional staff, procedures for the selection of instructional staff, and procedures to ensure consistent instruction and qualified staff year round;
- transition services, including the roles and responsibilities of appropriate personnel in school districts, provider organizations, and DJJ;
- procedures and timeframe for transfer of education records when a youth enters and leaves a facility;
- the requirement that each school district maintain an academic transcript for each student enrolled in a juvenile justice facility which delineates each course completed by the student as provided by the State Course Code Directory;
- the requirement that each school district make available and transmit a copy of a student's transcript in the discharge packet when the student exits a facility;
- contract requirements;
- performance expectations for providers and school districts, including the provision of academic improvement plan as required in Section 232.245, Florida Statutes;
- role and responsibility of school districts in securing workforce development funds;
- a series of graduated sanctions for school districts whose educational programs in DJJ facilities are considered to be unsatisfactory and for instances in which school districts fail to meet standards prescribed by law, rule or State Board of Education policy. These sanctions shall include the option of requiring a school district to contract with a provider or another school district if the educational program at the DJJ facility has failed a quality assurance review, and after 6 months, is still performing below minimum standards; and
- other aspects of program operations.

Requires that, by January 1, 2000, DOE, in partnership with DJJ, school districts, and providers, shall develop model contracts for the delivery of appropriate education services to youth in DJJ programs to be

used for the development of future contracts; ensure that the model contracts reflect the policy and standards required in this section; ensure that appropriate school district personnel are trained and held accountable for the management and monitoring of contracts for education programs for youth in juvenile justice residential and nonresidential facilities; develop model procedures for transitioning youth into and out of DJJ programs which reflect the policy and standards adopted in this section; develop standardized required content of education records to be included as part of a youth's commitment record, reflecting the recommended policy and standards and including specified items; and develop model procedures for securing the education record and the roles and responsibilities of the juvenile probation officer and others involved in the student's withdrawal from school and assignment to a commitment or detention facility.

Effective for the 2000-2001 school year and thereafter, school districts shall be required to respond to requests for student education records received from another school district or a juvenile justice facility within 5 working days of receiving the request.

DOE shall ensure that school districts notify students in juvenile justice residential or nonresidential facilities who attain the age of 16 years of the statutory provisions for compulsory school attendance, and make available the option of enrolling in a program to attain a general education development diploma (GED) prior to release from the facility. School districts or community colleges, or both, shall waive GED testing fees for youth in DJJ residential programs and, upon request, designate the facilities as GED testing centers, subject to GED testing center requirements.

DOE shall establish and operate, either directly or indirectly through a contract, a mechanism to provide quality assurance reviews of all juvenile justice education programs, and provide technical assistance and related research to school districts and providers on how to establish, develop, and operate educational programs that exceed the minimum quality assurance standards.

**Section 44** - Amends Section 229.57(3), Florida Statutes, to include in the Commissioner of Education's required statewide program of educational assessment, schools providing educational services to youth in DJJ programs; require that students served in DJJ programs participate in the mandatory testing program; and require the DOE, by January 1, 2000, to develop, or select, and implement a common battery of assessment tools which will be used in all juvenile justice programs in the state. These tools must accurately reflect criteria established in the Florida Sunshine State Standards.

**Section 45** - Adds Section 229.58(1)(c), Florida Statutes, to provide that, for schools providing educational services to youth in DJJ programs, school boards may establish a district advisory council with appropriate representatives for the purpose of developing and monitoring a district school improvement plan which encompasses all such schools in the district, pursuant to Section 230.23(16)(a), Florida Statutes.

**Section 46** - Amends Section 229.592(1)(3)(4), Florida Statutes, to include, in "every public school," all schools providing educational services to youth DJJ programs, with respect to certain provisions related to school improvement plans, data collection and analysis, improvement needs and services, assistance and intervention plans, and related technical assistance and training.

The DOE is authorized to withhold funds from the Educational Enhancement Trust Fund for schools not in compliance with school improvement plan and advisory council membership composition requirements.

**Section 47** - Amends Section 230.23(16)(a)(e), Florida Statutes, to provide that the school board may establish a district school improvement plan which includes all schools in the district providing educational services to youth in DJJ programs; shall provide information regarding performance of students and educational programs required pursuant to Section 229.555, Florida Statutes, and implement a system of school reports as required by statute and State Board of Education rule, for such schools; and shall report on elements specified in Section 230.23161(21), Florida Statutes, for DJJ schools.

**Section 48** - Amends Section 230.23161, Florida Statutes, to establish that the Legislature finds that education is the single most important factor in the rehabilitation of adjudicated delinquent youth in the custody of DJJ in detention or commitment facilities.

DOE shall serve as the lead agency for juvenile justice education programs to ensure that curriculum, support services, and resources are provided to maximize the public's investment in the custody and care of these youth.

DOE and DJJ shall each designate a Coordinator for Juvenile Justice Education Programs to serve as the contact for resolving issues not addressed by local district school boards and to ensure each department's participation in specified coordination activities.

Students served in DJJ programs shall have access to the appropriate courses and instruction to prepare them for the GED test, and students participating in GED preparation programs shall be funded at the basic program cost factor for DJJ programs in the Florida Education Finance Program. Students of noncompulsory school-attendance age without a high school diploma or its equivalent shall participate in educational programs, unless the student files a formal declaration of his or her intent to terminate school enrollment, and is afforded the opportunity to attain the GED diploma prior to release from a facility.

Students scoring below specified levels in mathematics, writing and reading, or statewide assessments shall have an academic improvement plan (AIP) as required by Section 232.245, Florida Statutes. These plans shall address academic, literacy, and life skills and include provisions for intensive remedial instruction in the areas of weakness.

School districts shall maintain an academic record for each student enrolled in a juvenile justice facility pursuant to Section 228.081, Florida Statutes, delineating each course completed by the student according to procedures in the State Course Code Directory. The school district shall include a copy of a student's academic record in the discharge packet when the student exits the facility.

DOE shall ensure that all school districts make provisions for high school level committed youth to earn and transfer credits and/or partial credits toward high school graduation while in residential or non-residential juvenile justice facilities.

The school district's planning and budgeting process shall include the needs of DJJ programs in the district's plan for state categorical and federal funds expenditures.

Juvenile justice education programs shall be funded in the appropriate FEFP program based on the educational services needed by the student for DJJ programs in accordance with Section 236.081, Florida Statutes. Juvenile justice education programs to receive the appropriate FEFP program funding for DJJ programs shall include those operated through a contract with DJJ and which are under purview of DJJ quality assurance standards for education.

Consistent with State Board of Education rules, local school districts are authorized and required to request an alternative FTE survey for DJJ programs experiencing fluctuations in student enrollment. FTE count periods shall be prescribed in State Board of Education rules.

The summer school period for students in DJJ programs shall begin on the day immediately following the end of the regular school year and end on the day immediately preceding the subsequent regular school year. Students shall be funded for no more than 25 hours per week of direct instruction. DOE shall develop a method which captures all direct instructional time provided to such students during the summer school period.

The DOE shall establish, in consultation with DJJ, school districts, and providers, objective and measurable quality assurance standards for the educational component of residential and non-residential juvenile justice facilities which shall rate the school district's performance both as a provider and contractor; develop a comprehensive quality assurance review process and schedule for evaluation of the educational component in juvenile justice programs; and establish, in consultation with school districts



and providers, minimum thresholds for the standards and key indicators for education programs in juvenile justice facilities. While the DJJ quality assurance site visit and the education quality assurance site visit shall be conducted during the same visit, the quality assurance rating for the education component shall be disaggregated from the overall quality assurance score and reported separately.

School districts failing to meet established minimum standards will be given 6 months to achieve compliance. If standards are not achieved after 6 months, DOE shall exercise sanctions as prescribed by State Board of Education adopted rules. If a provider, contracted with the school district, fails to meet minimum standards, the school district shall cancel the provider's contract unless the provider achieves compliance within 6 months or unless there are documented extenuating circumstances.

Requires DOE and DJJ to report annually to the Legislature by February 1, 1999, on the progress towards developing effective educational programs for juvenile delinquents, including current requirements and information on the identification of, and services provided to, exceptional students in juvenile justice commitment facilities to determine whether these students are properly reported for funding and are appropriately served.

**Section 49** - Creates Section 235.1975, Florida Statutes, to outline the roles and responsibilities of DJJ and school districts to provide early notice to school districts regarding the siting of new juvenile justice facilities; consult with school districts regarding the types of students expected to be assigned to commitment facilities; notify DOE in writing when a request for proposals is issued for the construction or operation of a commitment or detention facility anywhere in the state; notify the appropriate school district in writing when a request for proposals is issued for the construction or operation of a commitment or detention facility when a county or site is specifically identified; and notify the district school superintendent within 30 days of the award of a contract for construction or operation of a juvenile justice commitment or detention facility within that school district.

The school district shall include the projected number of students in the districts' annual estimates.

**Section 50** - Amends Section 237.34(3)(a), Florida Statutes, to require that districts expend, on an aggregate program basis, at least 80 percent of funds generated by juvenile justice programs.

**Section 51** - Renumbers Section 985.401, Florida Statutes, and adds responsibilities for the Juvenile Justice Accountability Board, including a task force study to address the impact of education services on students in commitment programs, the barriers impeding the timely transfer of education records, the development and implementation of vocational programming in commitment programs, the implementation of provisions for earning high school credits regardless of varied lengths of stay, and the accountability of school districts and providers regarding the expenditure of education funds.

**Section 52** - Amends Section 985.413(3)(d), Florida Statutes, to require that district juvenile justice boards address educational services in DJJ programs when advising on the need for and availability of juvenile justice programs and services in the district.

**Section 53** - Requires that DOE shall work in consultation with DJJ and local school districts to develop a plan for educational programs in detention centers which shall be submitted to the Governor, the Speaker of the House, and the President of the Senate prior to January 1, 2000. The plan shall reflect the unique needs, variability in lengths of stay and diversity of youth assigned to detention centers and instructional strategies to improve student achievement; anticipate the use of all state and local funding categories available to ensure the success of students being educated in juvenile justice facilities; provide for appropriate performance outcome measures; and include appropriate cost measures.

**Section 54** - Effective July 1, 1999.

**HB 349 Juvenile Justice**  
Bill At-A-Glance

<b>BILL SECTION</b>	<b>STATUTE SECTION</b>	<b>TITLE/TOPIC</b>
<b>1</b>	Amends <b>790.22</b>	<b>Use of BB guns, air or gas-operated guns, or electric weapons or devices by minor under 16; limitation; possession of firearms by minor under 18 prohibited; penalties</b>
<b>2</b>	Amends <b>943.051(3)(b)</b>	<b>Criminal justice information; collection and storage; fingerprinting</b>
<b>3</b>	Amends <b>790.115</b>	<b>Possessing or discharging weapons or firearms at a school-sponsored event or on school property prohibited; penalties; exceptions</b>
<b>4</b>	Amends <b>985.215(1)(b)&amp;(2)</b>	<b>Detention</b>
<b>10</b>	Amends <b>39.0132(4)(b)</b>	<b>Oaths, records, and confidential information</b>
<b>11</b>	Amends <b>985.04(3)(b)</b>	<b>Oaths; records; confidential information</b>
<b>14</b>	Amends <b>985.212(1)(b)</b>	<b>Fingerprinting and photographing</b>
<b>18</b>	Amends <b>985.404(4)(10)</b>	<b>Administering the juvenile justice continuum</b>
<b>21</b>	Amends <b>985.415(1)(b)&amp;(2)(a)(b)</b>	<b>Community Juvenile Justice Partnership Grants</b>
<b>26</b>	Amends <b>985.227(1)(2)(3)&amp;(4)</b>	<b>Prosecution of juveniles as adults by the direct filing of an information in the criminal division of the circuit court; discretionary criteria; mandatory criteria</b>
<b>32</b>	Amends <b>985.315</b>	<b>Educational/technical and vocational work-related programs</b>
<b>38</b>	Amends <b>985.228</b>	<b>Adjudicatory hearings; withheld adjudications; orders of adjudication</b>
<b>39</b>	Amends <b>790.23(1)(2)</b>	<b>Felons and delinquents; possession of firearms or electric weapons or devices unlawful</b>
<b>41</b>	Amends <b>228.041</b>	<b>Definitions</b>
<b>42</b>	Amends <b>228.051</b>	<b>Organization and funding of required public schools</b>
<b>43</b>	Amends <b>228.081</b>	<b>Other public educational services</b>
<b>44</b>	Amends <b>229.57(3)</b>	<b>Student assessment program</b>
<b>45</b>	Adds <b>229.58(1)(c)</b>	<b>District and school advisory councils</b>
<b>46</b>	Amends <b>229.592(1)(3)(4)</b>	<b>Implementation of state system of school improvement and education accountability</b>
<b>47</b>	Amends <b>230.23(16)(a)(e)</b>	<b>Powers and duties of school board</b>
<b>48</b>	Amends <b>230.23161</b>	<b>Educational services in Department of Juvenile Justice programs</b>
<b>49</b>	Creates <b>235.1975</b>	<b>Cooperative Development of Educational Facilities in Juvenile Justice Programs</b>
<b>50</b>	Amends <b>237.34(3)(a)</b>	<b>Cost accounting and reporting</b>
<b>51</b>	Amends <b>985.401</b>	<b>Juvenile Justice Accountability Board</b>
<b>52</b>	Amends <b>985.413(3)(d)</b>	<b>District juvenile justice boards</b>
<b>53</b>	<b>The Department of Education shall work in consultation with the Department of Juvenile Justice and the local school districts to develop a plan for educational programs in detention centers</b>	
<b>54</b>	<b>Effective Date</b>	

**SB 1178**                      **Children/Pre-arrest Diversion Program**

**Chapter Law:**                99-267

**Effective Date:**            July 1, 1999

**Key Contact:**                Mary Jo Butler, [butterm@mail.doe.state.fl.us](mailto:butterm@mail.doe.state.fl.us); (850) 488-6726

**Summary:**

Authorizes a law enforcement agency or a school district to establish a prearrest diversion program in cooperation with the state attorney's office, and provides penalties for a child alleged to have committed a delinquent act, as well as for a child who fails to comply with the requirements of the program.

**Summary by Bill Section:**

**Section 1** - Creates Section 985.3065, Florida Statutes, to provide for a prearrest diversion program to be established by a law enforcement agency or a school district in cooperation with the state attorney's office; provides that a child who is alleged to have committed a delinquent act may be required to surrender his or her driver's license or refrain from applying for a driver's license, for a period of not more than 90 days; and authorizes the state attorney to notify the Department of Highway Safety and Motor Vehicles in writing to suspend the driver's license of a child who fails to comply with the requirements of the program for a period that may not exceed 90 days.

**Section 2** - Provides an effective date of July 1, 1999.

## Public School Programs

**CS/CS/HB 9**                      **School Districts/Patriotic Programs**

**Chapter Law:**                99-276

**Effective Date:**            July 1, 1999

**Key Contact:**                Robert Lumsden, [lumsder@mail.doe.state.fl.us](mailto:lumsder@mail.doe.state.fl.us); (850) 487-8806

**Summary:**

Authorizes school boards to require patriotic programs in schools.

**Summary by Bill Section:**

**Section 1** - Creates Section 233.0655, Florida Statutes, which authorizes school boards to require patriotic programs in all schools in a district. If the national anthem is played, everyone must stand at attention and men must remove their hats. If the pledge of allegiance is recited, everyone must stand with the right hand over the heart.

**Section 2** - Requires all public elementary and secondary schools to begin the day with the pledge of allegiance, with everyone standing at attention and men's hats off. Schools must post a notice in a conspicuous place stating that students may be excused from the pledge on the written request of their parent or guardian.

**HB 241                      Swim Lessons**

**Chapter Law:**                99-338

**Effective Date:**            Upon Becoming Law

**Key Contact:**                Bernardo A. Garcia, [garciab@mail.doe.state.fl.us](mailto:garciab@mail.doe.state.fl.us); (850) 488-6688

**Summary:**

Allows each school board to establish a policy regarding notification of swimming instruction.

**Summary by Bill Section:**

**Section 1** - A school district may establish a policy which requires a child, prior to enrollment in public school, to submit evidence of whether or not he or she has learned to swim. If the school board establishes such a policy, it will include provisions for providing information regarding available learn-to-swim programs in the community to the parent or guardian of each child who, upon enrollment, has not learned to swim. No civil liability shall be incurred by any school district based on Section 232.042, Florida Statutes.

**Section 2** - This section calls for repeal on July 1, 2005. It requires revision prior to repeal on such a date.

**Section 3** - Effective upon becoming law.

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**CS/HB 309                      Courses of Study**

**Chapter Law:**                99-344

**Effective Date:**            Upon Becoming Law

**Key Contact:**                Mary Jo Butler, [butlerm@mail.doe.state.fl.us](mailto:butlerm@mail.doe.state.fl.us); (850) 488-6726

**Summary:**

This bill authorizes certain exemptions from reproductive health or HIV/AIDS instructional activities, and local determination of appropriate curriculum which reflects local values and concerns.

**Summary by Bill Section:**

**Section 1** - Amends Section 233.061(3), Florida Statutes, to allow parents or guardians, by written request, to exempt their students from “the teaching of reproductive health or disease, including HIV/AIDS, its symptoms, development, and treatment” within comprehensive health education. The bill also specifies that course descriptions for comprehensive health education shall not interfere with the local determination of appropriate curriculum which reflects local values and concerns.

**Section 2** - Effective upon becoming law.

**CS/HB 365                      Schools/Character Development Program**

**Chapter Law:**                      99-347

**Effective Date:**                      July 1, 1999

**Key Contact:**                      Robert Lumsden, lumsder@mail.doe.state.fl.us; (850) 487-8806

**Summary:**  
Revises curriculum requirements for character education.

**Summary by Bill Section:**

**Section 1** - Amends Section 233.061, Florida Statutes, by adding a secular character-development program similar to Character First or Character Counts, stressing patience, attentiveness, and initiative to the list of subjects public schools are required to teach.

**Section 2** - Amends Section 233.0612, Florida Statutes, by adding ethics to the list of subjects' school districts may teach.

## Charter/Deregulated Schools

**HB 2147                      Charter Schools**

**Chapter Law:**                      99-374

**Effective Date:**                      July 1, 1999, except as otherwise provided

**Key Contacts:**  
    **Program:**                      Tracey Bailey, baileyt@mail.doe.state.fl.us; (850) 414-0780  
    **Fiscal:**                      Nancy Rivers, riversn@mail.doe.state.fl.us; (850) 410-1460

**Summary:**  
This bill provides general program changes to the charter school statute, including a rollback of the application period for charter school applicants and the creation of a Charter School Review Panel; clarifies the evaluation of student achievement for charter schools; authorizes 10-year and 15-year charters; and makes minor changes to the requirements for charter school teachers and governing board members.

The bill also incorporates a number of capital outlay changes for charter schools, primarily by switching their capital funding source from PECO to the General Revenue Fund and by removing a requirement that the charter school demonstrate two years of prior operation in order to qualify for these funds. Also, a lien requirement was eliminated and replaced with a "reversion of property" clause which has been in force elsewhere in charter statute.

Pursuant to new Federal law, the bill requires prompt payment and establishes deadlines for distribution of all federal funds to all eligible charter schools. The bill also requires annual reporting of all students applying for and enrolling in all school choice programs. Finally, the bill creates a Charter School District Pilot Program for up to six school districts in Florida.

## **Summary by Bill Section:**

**Section 1** - Revises Section 228.056, Florida Statutes, which governs charter schools. Rolls charter school application deadline back to November 15<sup>th</sup>, in order to give charter schools and school districts more time to prepare the school for opening after approval. School Boards would still be required to take action on these applications within 60 days after submission. Currently, charter school enrollment is open to any student covered by an inter-district agreement or residing in the sponsor's district. The bill now requires that such a transfer be permitted for students if the request is based on good cause.

Adds municipalities and other public entities as provided by law to the list of existing legal entities which may directly operate their own charter schools.

Requires a greater level of detail regarding the incoming baseline of student academic achievement and how comparisons are made. This includes an explanation of how the baseline student achievement levels will be established; how these baseline rates of progress will be measured for students; and, to the extent possible, how these rates of progress will be used to evaluate charter schools against rates of progress for other comparable student populations.

Requires a reasonable demonstration of the financial and administrative professional experience or competence of those operating or retained by a charter school. Experience in the public or private sector shall be given equal consideration.

Makes municipal and other public entity-sponsored charter schools eligible for charters with up to 15-year initial terms. Permits charter schools operated by private, not-for-profit corporations with 501(c)(3) status to qualify for up to a 10-year initial charter term if approved by a district school board.

Requires that applications for a charter school feeder pattern by a municipality (e.g., elementary, middle, and high school charter schools), upon approval of all applications by the school board, be consolidated into one charter.

Permits school boards to grant charters for up to 15-year terms for schools in operation for at least three years and demonstrating exemplary academic programming and fiscal management. All charters with 5 to 15-year terms would still be subject to annual review by the school board.

Clarifies that the charter school has a right to employ qualified, non-certified employees, in the same manner as allowed in Chapter 231, Florida Statutes. The State Board of Education is authorized to develop additional rules specific to charter school governing boards and their use of qualified, non-certified instructors at charter schools.

Prohibits charter schools from knowingly employing an individual who has resigned from a school district in lieu of disciplinary action or who has been dismissed for just cause by a school district.

Expands the fingerprinting requirements to include charter school governing board members.

Requires that all charter schools receive federal funding (including Title I funds) within five months of opening or after any subsequent expansion of enrollment in such programs. This is a new federal requirement that is being closely monitored by the USDOE.

Creates the Charter School Review Panel to review issues, practices, and policies regarding charter schools. The Commissioner of Education, President of the Senate, and Speaker of the House of Representatives each will appoint two members to the panel. The Governor will appoint three members, and designate the chairperson. Members will serve one-year terms, subject to reappointment. The panel will include members with experience in finance, administration, law, education and school governance, and charter school construction and operation.

The panel is charged with making recommendations for improving charter school operations, oversight, and best business practices and fair business relationships with charter schools. Recommendations will be directed to the Department of Education, the Legislature, charter schools, and school districts.

**Section 2** - Changes the capital outlay funding source from the PECO Trust Fund to a General Revenue allocation. Deletes a lien requirement and requires instead that an existing “reversion of funds and property” provision be followed. The Department of Education is required to monitor compliance with this provision. Removes a requirement for a Charter School to obtain school district approval before spending capital outlay funds. Mandates that charter schools be allowed to receive such a capital outlay allocation during their first year of operation.

**Section 3** - Technical amendment to Section 235.42, Florida Statutes, conforming to the change described in Section 2 above, where the charter school capital outlay allocation is changed from the PECO Trust Fund to a General Revenue allocation.

**Section 4** - Amends Section 228.057, Florida Statutes, by adding subsection (9) regarding public school choice reporting requirements. It requires that each school district submit an annual report of the number of students applying for and enrolled in all types of schools of choice. This amendment authorizes the promulgation of a State Board of Education rule to govern this reporting requirement.

**Section 5** - Creates Section 228.058, Florida Statutes, a pilot program which authorizes the State Board of Education to enter into performance contracts with up to six school districts. These agreements would establish selected districts as charter school districts, and would provide these districts with “charter-like” flexibility and deregulation in return for strict accountability for performance, following the charter school model.

Requires that any applicant school district demonstrate an approach for chartering, deregulating, or otherwise freeing schools in the district from state statutes and rules and school district policies and procedures. Requires this “school-level” chartering and freedom to be included as a performance goal of the district’s charter. Provides intent language and guidelines for the pilot program which is authorized for three full school years. This period commences upon the award of the charter.

**Section 6** - Amends Section 228.056, Florida Statutes, regarding charter school efforts to secure financing. Further shields school districts and the State from financial liability in charter school arrangements to borrow or secure funding from sources other than the state or from its sponsor school district. The State and school districts are prohibited from lending their taxing power to charter schools.

**Section 7** – Provides an effective date of July 1, 1999.

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**CS/SB 2186**                      **Public Schools Deregulation**

**Chapter Law:**                      99-253

**Effective Date:**                      July 1, 1999

**Key Contact:**                      Larry Hutcheson, hutchel@mail.doe.state.fl.us; (850) 921-1269

**Summary:**

This bill provides some minor changes to the deregulated school pilot program. It extends the pilot program through the 2003-2004 school year, and adds Lee County to the existing six counties in the pilot program. The other participating counties are Palm Beach, Pinellas, Seminole, Leon, Walton, and Citrus. Another amendment specifically authorizes school districts to request waivers from teacher certification requirements.

### Summary by Bill Section:

**Section 1** – Revises Section 228.0565, Florida Statutes, which governs the Deregulated Public School Pilot Program. Extends the Pilot Program through the 2003 - 2004 school year, in order to give existing school districts a greater guarantee of continuity to fully implement the pilot program. Authorizes the addition of Lee County to the existing six counties in the pilot Program.

Removes a requirement that all proposals be reviewed in June or July of each school year. Proposals for new schools entering the program may be received and reviewed at any time.

Provides authority for deregulated schools, upon appropriate justification, to request a waiver of the Commissioner of Education from Chapter 231, Florida Statutes, certification requirements to facilitate innovative practices and instruction.

**Section 2** – Provides for an effective date of July 1, 1999.

## Education Professionals

The following bills, summarized in other sections of the *1999 Legislative Review*, include substantial changes that are relevant to educator workforce issues.

**CS/CS/SB 366:** School Readiness

**Chapter Law:** 99-357

**Effective Date:** Upon becoming law except as otherwise provided.

**Key Contact:** Adeniji Odutola, [odutoln@mail.doe.state.fl.us](mailto:odutoln@mail.doe.state.fl.us); (850)488-1523

**See the complete summary of SB 366 for additional information on this bill. Areas specific to educator workforce issues include:**

**Section 1** – Amends Section 411.01(4)(i)10., Florida Statutes, to require the Florida Partnership for School Readiness in consultation with the Postsecondary Planning Commission and the Education Standards Commission to assess the expertise of public and private institutions in the area of infant and toddler research; curriculum for training, career, and academic programs; and the status of the articulation of these programs. The assessment shall be used to provide recommendations to the Governor and Legislature for postsecondary program improvements.

**Section 8** – Amends Section 240.115(1)(e), Florida Statutes, to require the Commissioner of Education in conjunction with the Florida Partnership for School Readiness, the Postsecondary Planning Commission, and the Education Standards Commission, to conduct a statewide assessment to determine the extent of training of those individuals working in the fields of child care and early childhood education and to determine the market demand for certain levels of training. Using this assessment, the Articulation Coordinating Committee shall establish an articulated career path for school-readiness related professions that will lead to a baccalaureate degree.



**CS/HBs 751, 753, 755: High-Quality Education System**

**Chapter Law:** 99-398

**Effective Date:** Upon becoming law except as otherwise provided.

**Key Contacts:**

<b>Teacher Certification</b>	Karen Wilde, <a href="mailto:wildek@mail.doe.state.fl.us">wildek@mail.doe.state.fl.us</a> ; (850)413-7034
<b>Performance-Based Pay</b>	Betty Coxe, <a href="mailto:coxeb@mail.doe.state.fl.us">coxeb@mail.doe.state.fl.us</a> ; (850)487-3663
<b>Teacher Preparation</b>	Barbara Harrell, <a href="mailto:harrellb@mail.doe.state.fl.us">harrellb@mail.doe.state.fl.us</a> ; (850)922-9750
<b>Personnel Assessment and Professional Development</b>	Ava Belitzky, <a href="mailto:belitza@mail.doe.state.fl.us">belitza@mail.doe.state.fl.us</a> ; (850)922-9750

**See the complete summary of CS/HBs 751, 753, 755 for additional information on this bill. Areas specific to educator workforce issues include:**

**Sections 14, 26, 45-64, & 76**

These sections specifically address changes relating to performance-based pay, educator personnel assessment, teacher preparation, professional development, and teacher certification.

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**SB 2186: Deregulated Schools**

**Chapter Law:** 99-253

**Effective Date:** July 1, 1999

**Key Contact:** Karen Wilde, [wildek@mail.doe.state.fl.us](mailto:wildek@mail.doe.state.fl.us); (850)413-7034

**See the complete summary of SB 2186 for additional information on this bill. Areas specific to educator workforce issues include:**

**Section 1**

This section provides authority for deregulated schools, upon appropriate justification, to request a waiver of the Commissioner from certification requirements in Chapter 231, Florida Statutes, to facilitate innovative practices and instruction.

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**SB 2500: 1999-2000 General Appropriations Act**

**Chapter Law:** 99-226

**Effective Date:** July 1, 1999

**Key Contact:** Ava Belitzky, [belitza@mail.doe.state.fl.us](mailto:belitza@mail.doe.state.fl.us); (850)922-9750

**See the complete summary of SB 2500 for additional information on this bill. Areas specific to educator workforce issues include:**

**Proviso Language in Item 117 B, Teacher Training**

The language establishes new requirements and conditions for school districts and school principals to meet in order to have instructional personnel inservice training funds released. The school district must design a system for professional growth of instructional personnel to be approved by the Department of Education. The system must require school principals to establish and maintain an individual

professional development plan for each instructional employee. The employee's inservice shall be clearly related to the performance data of the students assigned to the teacher. The Department will provide technical assistance for the development of the individual professional development plans. See specific language for more detailed system requirements.

## Facilities/Transportation/Planning

**CS/CS/HB 17**                      **Community Revitalization**

**Chapter Law:**                      99-378

**Effective Date:**                      July 1, 1999

**Key Contact:**                      Suzanne Marshall, marshas@mail.doe.state.fl.us; (850) 487-1130

**Summary:**

Creates Growth Policy Act; authorizes counties and municipalities to designate urban infill and redevelopment areas based on specified criteria; authorizes exemptions from transportation facilities concurrency requirement for developments located in urban infill and redevelopment area; creates State Housing Tax Credit Program; creates Urban Homesteading Act; authorizes municipalities to designate satellite enterprise zones; amends Section 235.193, Florida Statutes, relative to school board siting.

**Summary by Bill Section (where applicable):**

**Section 1** - Relates to Chapter 163, Florida Statutes, for urban infill and redevelopment, identification of strategies and requirements, economic incentives, a grant program, OPPAGA review and analysis. A local government seeking to designate a geographic area within its jurisdiction as an urban infill and redevelopment area shall prepare a plan that describes the infill and redevelopment objectives of the local government within the proposed area. Among other requirements, the plan shall also identify a memorandum of understanding between the district school board and the local government jurisdiction regarding public school facilities located within the urban infill and redevelopment area to identify how the school board will provide priority to enhancing public school facilities and programs in the designated area, including the reuse of existing buildings for schools within the area.

**Section 2** - Projects to promote public transit near public facilities.

**Section 3** - Modifies Section 163.3177, Florida Statutes, requiring that all comprehensive plans comply with school siting requirements no later than October 1, 1999, prohibiting local government from amending their comprehensive plans, except as required in this bill, until this work is completed.

**Section 4** - Addresses public transportation, urban infill, contributions and proportionate share applied to transportation facilities, multimodal level of service standards.

**Section 5** - Amends Section 163.3187, Florida Statutes, relative to amendments to the local comprehensive plan adding an authorized amendment: (a) any comprehensive plan amendment to establish public school concurrency pursuant to Section 163.3180(12), Florida Statutes, including, but not limited to, adoption of a public school facilities element and adoption of amendments to the capital improvements element and intergovernmental coordination element. In order to ensure the consistency of local government public school facilities elements within a county, such elements shall be prepared and adopted on a similar time schedule.

**Section 6** - Relates specific goals of the urban and downtown revitalization plans, including: to promote processes for the state, general purpose local governments, school boards, and local community colleges; and to coordinate and cooperate regarding educational facilities in urban areas, including planning functions, the development of joint facilities, and the reuse of existing buildings.

**Sections 7 through 23** - Deviations from plans, brown-field, unincorporated enclaves surrounded by community redevelopment areas, annexation procedures, efficiency and accountability in local government services, low income housing, state housing tax credits, Urban Homesteading Act.

**Section 24** - Amends Section 235.193(8), Florida Statutes, relating to coordination of planning with local government, to provide that the co-location of a new proposed public educational facility with an existing public educational facility, or the expansion of an existing public educational facility is not inconsistent with the local comprehensive plan, if the site is consistent with the comprehensive plan's future land use policies and categories in which public schools are identified as allowable uses, and levels of service adopted by the local government for any facilities affected by the proposed location for the new facility are maintained.

**Sections 25 through 47** - Relate to DCA funding, Municipal Enterprise Zones, municipal tax lien priority, community development districts, renumbering of statutes relative to elections of community development districts and their boards, Florida Quality Development program.

**Section 48** - Effective July 1, 1999.

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**HB 591                      Transportation Development**

**Chapter Law:**                99-385

**Effective Date:**            July 1, 1999

**Key Contact:**                Charlie Hood, [hoodc@mail.doe.state.fl.us](mailto:hoodc@mail.doe.state.fl.us); (850) 488-4405

**Summary:**

This general bill contains numerous provisions related to Florida Department of Transportation (FDOT) responsibilities. None of the provisions directly affects school districts. The bill contains a technical correction that deletes duplicative language related to school bus stops.

**Summary by Bill Section (where applicable):**

**Sections 1-9, 11-68, and 70-122** - Contains comprehensive technical and substantive revisions to programs of the Florida Department of Transportation (FDOT), none of which appear to have direct impact on school district programs.

**Section 10** - Amends Section 316.1895, Florida Statutes, providing for establishment of school speed zones, to specify that, upon request of the appropriate local government, FDOT shall install and maintain traffic and pedestrian control devices on state-maintained roads for all Pre-K Early Intervention schools that receive federal funding through the Headstart program.

**Section 69** - Repeals language in Section 234.112, Florida Statutes, that is duplicative of language already contained in Section 234.02, Florida Statutes, related to establishment of school bus stops by school boards and to FDOT's responsibility for school bus stop signage.

**CS/HB 681**

**Construction**

**Chapter Law:** 99-386

**Effective Date:** October 1, 1999, except as otherwise provided

**Key Contact:** Suzanne Marshall, marshas@mail.doe.state.fl.us; (850) 487-1130

**Summary:**

Specifies appropriate venue for actions against some contractors, subcontractors, sub-subcontractors, and materialmen; clarifies certain notice requirements for lien for labor, services, or materials furnished under contract; and provides that time period required for recording claim of lien is not determined by issuance of certificate of occupancy or certificate of substantial completion.

**Summary by Bill Section:**

**Section 1** - Specifies appropriate venue for actions against resident contractors, subcontractors, sub-subcontractors, and materialmen.

**Section 2** - Amends Section 255.05, Florida Statutes, to provide specific time requirements for serving notice of nonpayment for labor, services, or materials furnished under a contract.

**Section 3** - Amends Section 713.06, Florida Statutes, to provide specific format requirements for serving notice of nonpayment for labor, services, or materials furnished under a contract.

**Section 4** - Amends Section 713.08, Florida Statutes, to provide specific requirements for filing a claim of lien.

**Section 5** - Amends Section 713.135, Florida Statutes, to require certified copy, posting and recording "notice of commencement;" and includes information that must be included on this document.

**Section 6** - Amends Section 713.16, Florida Statutes, to define the term "information" to mean the nature and quantity of labor, services and materials furnished, amount due, and other information. The amendment shall become effective immediately upon becoming law and shall apply retroactively to May 4, 1994.

**Section 7** - Amends Section 713.18, Florida Statutes, to include notice to contractor under manner of serving notices.

**Section 8** - Amends Section 713.23, Florida Statutes, to provide time period for serving a written notice of nonpayment and specifies start time. Provides time period for bringing an action against a contractor or surety on the bond and specifies start time. Adds that a waiver and release of lien pursuant to Section 713.20, Florida Statutes, given by a lienor shall constitute a waiver and release of the lienor's right to make a claim against a payment bond.

**Section 9** - Amends Section 468.621, Florida Statutes, adding "failing to properly enforce applicable building codes" as grounds for which disciplinary actions may be taken.

**Section 10** - Effective October 1, 1999.

**HB 867                      Public Construction**

**Chapter Law:**            99-181

**Effective Date:**        October 1, 1999

**Key Contact:**            Suzanne Marshall, marshas@mail.doe.state.fl.us; (850) 487-1130

**Summary:**

Lowers threshold amount required for competitive awards of local bids and contracts for public electrical work to \$50,000; provides that certain qualified contractors or vendors shall have standing to challenge propriety of local government's action under certain circumstances; provides for award of reasonable attorney's fees under certain circumstances.

**Summary by Bill Section:**

**Section 1** - Amends Section 255.20 Florida Statutes, to require local government and political subdivisions to competitively award to appropriately licensed electrical contractors those electrical projects estimated to cost more than \$50,000. Requires local government to establish criteria and procedures applied uniformly to avoid arbitrary or capricious award of contracts. The limits of \$200,000 for construction projects and \$50,000 for electrical contracts referenced in this chapter are to be inflated by the CPI from January 1, 1994, to January 1 of the year in which the project is scheduled to begin. Any qualified contractor who could have been awarded a project had it been competitively bid shall have standing to challenge the propriety of local government actions. Prevailing party is entitled to recover attorney's fees.

**Section 2** - Effective October 1, 1999.

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**CS/HB 1837                Child Passenger Restraints**

**Chapter Law:**            99-316

**Effective Date:**        July 1, 1999

**Key Contact:**            Nancy Rivers, riversn@mail.doe.state.fl.us; (850) 410-1460

**Summary:**

This bill contains provisions related to the responsibilities of the Department of Highway Safety and Motor Vehicles (DHSMV) for child safety seat enforcement in private passenger vehicles. It also contains major provisions requiring the installation and use of safety belts or other federally approved restraint systems on public school buses purchased after December 31, 2000.

**Summary by Bill Section:**

**Section 1** - Amends Section 316.613, Florida Statutes, to provide that persons who fail to use a child restraint system and elect to attend a child restraint program in lieu of incurring points against their driver licenses may attend a course approved by the DHSMV. This section of statute formerly held that such a course would be administered by the former Department of Health and Rehabilitative Services.

**Section 2** - Amends Section 316.613, Florida Statutes, to provide that child restraint violations may be a primary enforcement action. Police agencies are no longer required to first detain a motorist for violation of another section of Florida traffic law.

**Section 3** - Creates new requirements related to the use of safety belts or other restraint systems on public school buses.

Any school bus owned, leased, operated, or contracted by a school district and purchased after December 31, 2000, and used to transport pre-K through Grade 12 students, shall be equipped with safety belts or other federally approved restraint system in a number sufficient to provide one belt or restraint system per passenger.

Each student shall wear a properly adjusted and fastened safety belt at all times while the bus is in operation.

The district or operator shall not be liable due to the injured party not wearing a safety belt. This liability exemption includes injuries to other passengers who may be affected by a student's use or non-use of a belt in a dangerous or unsafe manner.

Buses shall be allocated to ensure elementary school students receive first priority in the assignment of buses equipped with safety belts or restraints.

In a provision apparently unrelated to safety restraints, school districts may enter into agreements to provide transportation only if the point of origin or termination of the trip is within the district's boundaries.

The provisions of this section shall not apply to vehicles specified in Section 234.051(1)(b), Florida Statutes (commonly known as "ICC" or "charter" buses).

No additional funding is provided to implement the provisions of this bill.

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**CS/SB 1848                      Educational Facilities**

**Chapter Law:**                      99- 329

**Effective Date:**                      Upon Becoming Law

**Key Contact:**                      Suzanne Marshall, marshas@mail.doe.state.fl.us; (850) 487-1130

**Summary:**

Requires certain plans to be prepared by an appropriate design professional; revises effort index grants; revises School Infrastructure Thrift awards and related uses; authorizes enhanced awards; revises requirements for radon testing; requires boards to comply with certain standards for construction materials and systems based on life-cycle costs, etc.

**Summary by Bill Section:**

**Section 1** - Paragraph (b) of Subsection (3) of Section 235.056, Florida Statutes, was amended to allow an appropriately licensed design professional to provide a certified evaluation of a building which a school board is investigating for lease purposes, rather than limit this activity to a structural engineer.

**Section 2** -Subsection (3) of Section 235.0155, Florida Statutes, was amended to allow the payment of reuse fees to architectural firms for reuse of state prototypes.

**Section 3** - Makes a technical correction to Paragraph (c) of Subsection (1) of Section 235.15, Florida Statutes, to make more clear that the Florida Constitution requires that some state fund sources (CO&DS) require that the projects be taken to the State Board of Education for approval.

**Section 4** - Subsections (4), (5), and (6) of Section 235.175, Florida Statutes, were modified, thus changing the criteria for the effort index grant awards by removing previous requirements.

**Section 5** - Amends Section 235.186, Florida Statutes, to add new criteria for effort index grants. Provides \$300 million for the effort index grant program (was \$400 million) with allocations to four districts (Clay \$7,442,890; Dade \$62,755,920; Hendry \$1,628,590; and Madison \$414,950). The remaining funds are to be distributed among the remaining districts that qualify. The criteria include that the district received direct proceeds from a ½ cent sales surtax for public school capital outlay or from the local government infrastructure sales surtax; OR that the school district levied the full 2 mills of non-voted discretionary capital outlay during the years between 1996 and 1999; that the district levied a cumulative voted millage for capital outlay and debt services equal to 2.5 mills for fiscal years 1995 through 1999; received proceeds of school impact fees greater than \$500 per dwelling unit in effect on July 1, 1998; and received direct proceeds from a ½ cent sales surtax for public school capital outlay or from the local government infrastructure sales surtax.

Fund share will be allocated on a formula basis [25% base, 65% growth, 10% using the building age formula in Section 235.435(1)(a), Florida Statutes] and distributed in the same manner as PECO. Funds shall be used to construct, renovate, remodel, repair or maintain educational facilities, or pay debt service on bonds issued under this section. Bond proceeds shall be expended for classrooms and auxiliary facilities, and may not be used on other facilities until all unmet needs for permanent classrooms and auxiliary facilities have been satisfied. However, if a district has more than 10,000 FTE, and if more than 9% of the district's facilities are over 50 years old, the district must spend at least 25% of its allocation on renovation, major repair or remodeling of these existing schools. Classrooms First bond proceeds must be totally encumbered prior to issuing bonds under this section. A district may bond a portion of their allocation if not required to meet unmet needs.

**Section 6** - A technical correction was made to Section 235.211(4), Florida Statutes, for consistency with balance of Chapter 235, Florida Statutes, relative to authorized review of reuse plans by others outside of Department of Education (DOE).

**Section 7** - Paragraph (a) of Subsection (3) and Subsections (7) and (8) of Section 235.2155, Florida Statutes, were amended making changes to the School Infrastructure Thrift Program Act. The award of SIT funds to charter schools is limited to the years 1996 through 2000. Awards of SIT funds from General Revenue may be used for any lawful capital outlay expenditure; an award funded from bond proceeds may be used only for bondable capital outlay projects.

**Section 8** – Amends Section 235.216, Florida Statutes, to authorize the Commissioner of Education to present a trophy or plaque and cash to the school recommended by the Clearinghouse for a SMART school of the year award.

**Section 9** – Amends Section 235.217, Florida Statutes, to authorize the Clearinghouse to prioritize SIT awards, but not effort index grant awards.

**Section 10** – Amends Section 235.212(1)(a), Florida Statutes, so that community colleges whose students can leave a campus when mechanical systems fail, do not have to meet the same standards for operable glass as school districts.

**Section 11** - A technical correction was made to Section 235.31(1)(a), Florida Statutes, for consistency with balance of Chapter 235, Florida Statutes, relative to authorized review of plans by others outside of DOE.

**Section 12** – Amends Section 235.218(3), Florida Statutes, to require the Clearinghouse to make recommendations to a school board for improved performance and productivity. The penalty of withholding of effort index funds was stricken.

**Section 13** – Amends Section 235.061(1), Florida Statutes, to extend the date for adoption of standards for relocatables to July 1, 2000.

**Section 14** - Amends Section 404.056(5), Florida Statutes, to modify the radon testing program to areas identified on the DCA Florida Radon Protection Map Categories as “Intermediate” and Elevated Radon Potential,” and reduces the overall radon measurements that a building undergoes during its time of occupancy.

**Section 15** - The maximum amount of awards for effort index grants is revised to \$300 million, from \$400 million.

**Section 16** – Amends Subsection 235.26(3), Florida Statutes, “Enforcement by Board,” whereby a school board must use construction materials and systems that meet standards adopted pursuant to Subsection 235.26(2)(f)5, Florida Statutes, which requires standards for life-cycle costs that consider initial costs, maintenance costs, custodial costs, operating costs, and life expectancy. After July 1, 1999, the school board must explain the reason for deviations and compare how the total construction costs and projected life cycle costs would be affected by implementing the proposed deviations. DOE’s life cycle cost research project due to be completed July 1, 1999.

**Section 17** - Repeals Section 235.4355, Florida Statutes, the SMART Schools Small County Assistance Program.

**Section 18** - Effective upon becoming law.

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**CS/SB 2268                      Contracting**

**Chapter Law:**                      99-254

**Effective Date:**                      October 1, 1999

**Key Contact:**                      Suzanne Marshall, marshas@mail.doe.state.fl.us; (850) 487-1130

**Summary:**

Requires Construction Industry Licensing Board and Electrical Contractors' Licensing Board to establish job scope for any licensure category registered by respective board, for purposes of local uniformity; revises eligibility requirements for certification as building inspector or plans examiner; revises course requirements for onsite supervisors and asbestos abatement workers.

**Summary by Bill Section:**

**Section 1** - Adds to Section 489.117, Florida Statutes, the requirement that the Construction Industry Licensing Board establish uniformity among the job scopes established by local jurisdictions for any licensure category registered by the board under this part.

**Section 2** - Adds to Section 489.513, Florida Statutes, the requirement that the Electrical Contractors' Licensing Board establish uniformity among the job scopes established by local jurisdictions for any licensure category registered by the board under this part.

**Section 3** - Amends Section 489.118, Florida Statutes, to create a mechanism by which contractors who hold a valid registered local license can be grandfathered in under certain provisions.

**Section 4** - Amends Section 489.514, Florida Statutes, to create a mechanism by which electrical and alarm contractors who hold a valid registered local license can be grandfathered in under certain provisions.



**Section 5** - Requires the Legislative Committee on Intergovernmental Relations and the Office of Program Analysis and Government Accountability to conduct a study on the fiscal impact on local government of a “single tier” regulatory system for construction, electrical, and alarm contractors (eliminate local licenses), and purpose for which the collected funds are utilized. Report due on the 10 most active jurisdictions by December 1, 1999.

**Section 6** - Under the nonresident exemption of Section 205.065, Florida Statutes, regulated by the Department of Business and Professional Regulation, a properly licensed contractor who is unlawfully required by a local government to pay an occupational license tax or any other similar fee shall have standing to challenge the charge; prevailing party pays attorney’s fees.

**Section 7** - Expands eligibility requirements criteria under Section 468.609(2), Florida Statutes, for certification as a building inspector to include 4 years technical education/actual experience in construction, inspection or plans review.

**Section 8** - Adds “issuing a building permit to a contractor without obtaining the contractor’s certificate or registration number” to grounds for which disciplinary proceedings may be instituted.

**Section 9** - Renumbers Florida Building Code Administrators and Inspectors Board to part XII of chapter 468 Florida Statutes

**Section 10** - Authorizes Florida licensed professional engineers to provide building inspection services without certification by the Florida Building Code Administrators Board.

**Section 11** - Authorizes Florida licensed architects to provide building inspection services without certification by the Florida Building Code Administrators Board.

**Section 12** - Renumbers to part XII of Chapter 468 Florida Statutes, Florida Building Code Administrators and Inspectors Board.

**Section 13** - Renumbers to part XII of Chapter 468 Florida Statutes, Florida Building Code Administrators and Inspectors Board.

**Section 14** - Renumbers Section 469.001, Florida Statutes, to add “ASHARA” definition (Asbestos School Hazard Reauthorization Act).

**Section 15** - Inserts term “ASHARA”.

**Section 16** - Requires 2 year renewal of asbestos contractor’s license; requires 1-day recertification training. Requires 2 year renewal of asbestos consultant’s license; requires 2-day recertification training.

**Section 17** - Deletes requirement for 5 days of training for contractor/supervisor course.

**Section 18** - Amends Section 469.006, Florida Statutes, to allow each qualifying agent who desires to qualify for additional businesses may present evidence to DPR of supervisory ability and financial responsibility of each such organization. Includes grounds for revocation.

**Section 19** - Grants DPR rule making authority.

**Section 20** - Requires contractor’s supervisor to complete contractor/supervisor training for asbestos projects.

**Section 21** - Adds category named “project designers” within asbestos field.

**Section 22** - Amends Section 489.13, Florida Statutes, identifying persons performing construction work outside geographical scope of license or registration as guilty of unlicensed activity. Prohibits local building departments from issuing permits to unlicensed persons.

**Section 23** - Includes extensive list of exemptions to licensing.

**Section 24** - Amends Section 489.511, Florida Statutes, to amend experience requirements for certification in alarm specialty contracting.

**Section 25** - Renames local classifications for residential alarm contractor as certificates and deletes local license term. Deletes language which exempts the board or DPR from tracking and disciplining such locally certified individuals.

**Section 26** - Defines who may install residential smoke detectors or residential heat detectors.

**Section 27** - Exempts from contractor discipline violation of this subsection when a contractor relies on a building code interpretation rendered by a building official or absent a finding of fraud or deceit, gross negligence, in a proceeding under chapter 120.

**Section 28** - Fees increased for license of those who test fire extinguishers. Increases license duration to 2 years.

**Section 29** - Effective October 1, 1999.

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**CS/SB 2380**                      **Local Government Comprehensive Planning**

**Chapter Law:**                      **99-**

**Effective Date:**                      Upon Becoming Law

**Key Contact:**

**Summary:**

The bill contains provisions related to comprehensive plans, school siting, and hazardous walking criteria for elementary students living within two miles of school.

*Vetoed*

## Workforce and Economic Development/ Adult and Postsecondary Education

The following bills, summarized in other sections of the *1999 Legislative Review*, include changes that are relevant to workforce development educators.

**HB 349**                                      **Juvenile Justice**

**Chapter Law:**                                      99-284

**Effective Date:**                                      Upon Becoming Law

**Key Contact:**                                      Loretta Costin, (850) 487-3140; costinl@mail.doe.state.fl.us

**See the complete summary of HB 349 for additional information on this bill. Areas of specific interest to workforce development educators include:**

**Section 32.** Amends Section 985.315, Florida Statutes, to include “educational/technical and vocational work-related programs.” Strongly encourages that certain offenders participate in work-related programs 5 hours a day, 5 days a week. Requires a study of effective vocational and work programs for juvenile offenders by the Juvenile Justice Accountability Board. The study must be completed by January 31, 2000.

**Section 43.** Amends Section 228.081, Florida Statutes, requires the Department of Education to promulgate a rule articulating policies and standards for education programs for youth in DJJ programs. Requires that school districts or community colleges waive GED testing fees for youth in DJJ residential programs.

**Section 44.** Amends Section 229.57, Florida Statutes, to require the Department of Education to develop or select and implement a common battery of assessment tools which will be used in all juvenile justice programs in the state. These tools must accurately reflect criteria established in the Florida Sunshine State Standards.

**Section 48.** Amends Section 230.23161, Florida Statutes, and outlines that juvenile justice students participating in GED preparation programs shall be funded at the basic program cost factor in the FEFP. It also requires the Department of Education to ensure that all school districts make provisions for high school level committed youth to earn credits toward high school graduation while in residential and nonresidential juvenile justice facilities.

**Section 51.** Amends Section 985.401, Florida Statutes, related to the Juvenile Justice Accountability Board. This section requires the board to study the extent and nature of education programs for juvenile offenders. Requires the Board to use a subcommittee of interested board members and may request other interested persons to participate and act as a juvenile justice education task force for the study.

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## **CS/CS/SB 366 School Readiness**

**Chapter Law:** 99-357

**Effective Date:** Upon Becoming Law

**Key Contact:** Loretta Costin, (850) 487-3140; costinl@mail.doe.state.fl.us

**See the complete summary of CS/CS/SB 366 for additional information on this bill. Areas of specific interest to Workforce Development educators include:**

**Section 1.** Within the responsibilities of the Florida Partnership for School Readiness, the Partnership must assess the expertise of public and private postsecondary institutions in specific areas and make recommendations to the Governor for postsecondary program improvements to enhance school readiness initiatives.

**Section 8.** Amends Section 240.115, Florida Statutes, to require an assessment on the extent and nature of instruction or training for those who work in the fields of child care or early childhood and requires the Articulation Coordinating Committee to establish an articulated career path which shall lead from early childhood education to a baccalaureate degree.

## **CS/HBs 751, 753, & 755 High-Quality Educational System**

**Chapter Law:** 99-398

**Effective Date:** Upon Becoming Law

**Key Contact:** Loretta Costin, [costinl@mail.doe.state.fl.us](mailto:costinl@mail.doe.state.fl.us); (850)487-3140

**See the complete summary of HB 751 for additional information on this bill. Areas of specific interest to Workforce Development educators include:**

**Section 13.** Amends Section 229.595, Florida Statutes, related to implementation of the state system of accountability for school-to-work transition. This section requires the Commissioner of Education to identify the employability skills associated with successful entry into the workforce. Prior to each student's graduation from high school, the school shall assess the student's preparation to enter the workforce and to provide the student and the student's parents or guardian with the results of such an assessment.

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### **HB 1971 Nursing Home Facilities**

**Chapter Law:** 99-394

**Effective Date:** July 1, 1999 Unless Provided Otherwise

**Key Contact:** Lynda Hartnig; [hartnil@mail.doe.state.fl.us](mailto:hartnil@mail.doe.state.fl.us); (850)921-4430

**A brief summary of this bill also appears in the Auxiliary Services section of this document.**

#### **Summary:**

This act relates to the nursing home industry. Section 28 of this bill requires a study related to Certified Nursing Assistants.

**Section 28.** Requires the Department of Elder Affairs, in consultation with a number of agencies including the Department of Education, to conduct, or contract for a study of the major factors affecting the recruitment, training, employment, and retention of qualified certified nursing assistants within the nursing home industry. The study shall be presented to the Speaker of the House of Representatives and the President of the Senate with the results of the study, along with recommendations to improve the quality and availability of Certified Nursing Assistants.

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**NOTE: The following bills are not summarized elsewhere in this document.**

### **CS/CS/SB 256 WAGES**

**Chapter Law:** 99-241

**Effective Date:** Upon Becoming Law

**Key Contact:** Lynda Hartnig, [hartnil@mail.doe.state.fl.us](mailto:hartnil@mail.doe.state.fl.us); (850) 921-4430

#### **Summary:**

Amends the State WAGES program providing both technical and substantive changes. Transfers state level financial management from the Department of Labor and Employment Security to the Department of

Management Services. Authorizes a second round of WAGES Program Employment projects. Creates the following programs: matching grants, early exit diversion, teen parent diversion, transitional transportation, and Retention Incentive Training Accounts (RITAs). The following sections are of specific interest to education professionals.

**Summary by Bill Section (where applicable):**

**Section 1** - Amends Section 402.305, Florida Statutes, by modifying the staff-to-children ratios in the licensing standards for child care facilities. Prohibits the use of WAGES participants who are performing community service or who are in work experience programs from being counted in the ratio.

**Section 2** - Clarifies statute by defining the terms “services and one-time payments” or “services.”

**Section 3** - Creates a matching grant program to support economic independence. The program shall provide an incentive by way of matching funds for donations and expenditures by donors and charitable organizations for transitional, diversion, and support programs that complement, supplement, and further the goals of the WAGES program.

**Section 4** - Outlines requirements for the WAGES annual state plan. Modifies the payment schedule used for all WAGES program services to increase the amount paid upon completion to 50% of the cost, decreases the amount paid upon placement to 25%, and increases the amount to 25% for job retention. Specifies services that are to be delivered by local WAGES coalitions. This list now includes services necessary for participants to retain employment, including but not limited to education, language skills, and personal and family counseling.

**Section 5** - Effective October 1, 1999, funding for the local WAGES coalitions shall be provided through a contract with the Department of Management Services. Each coalition’s implementation plan will be incorporated into the contract. The WAGES Program State Board of Directors may revoke the charter of a local WAGES coalition for good cause, which may include repeated failure to meet performance requirements. Requires that no less than 25% of funds provided to local WAGES coalitions must be used to contract with local public or private agencies.

**Section 6** - Amends Section 414.030, Florida Statutes, WAGES Program Employment Projects. All projects must be performance-based and fixed-unit price.

**Section 10** - Amends Section 414.065, Florida Statutes, Work Requirements, to shift responsibility for incentive payments to local WAGES coalitions. The amendment also changes the limitation on vocational education to match that of federal law. Amends jobs skills training to include literacy instruction in English or another language if it is necessary to enable the individual to perform in a specific job, specific job training program, or if the training enhances employment opportunities in the community. WAGES coalitions who have been exceeding the federal work requirements may now apply to the State WAGES Board of Directors for permission to provide extended education and training that is not otherwise authorized in statute. This section also amends penalties related to nonparticipation in work requirements and failure to comply with alternative requirement plans.

**Section 11** - Creates Section 414.0655, Florida Statutes, related to medical incapacity due to substance abuse or mental health impairment.

**Section 14** - Amends Section 414.095, Florida Statutes, related to eligibility of WAGES participants, to delete references to replace language about a teen parent who is less than 19 years of age, with the reference who is “a minor child.” This section also requires the Department of Children and Family Services to develop procedures to ensure families leaving temporary cash assistance are provided with transitional benefits and services. It also provides that an individual who has applied for supplemental security income (SSI) but has not yet received a determination must have time limits extended.

**Section 15** - Creates Section 414.1525, Florida Statutes, the WAGES early exit diversion program.

**Section 16** - Amends Section 414.155, Florida Statutes, related to the WAGES relocation assistance program.

**Section 17** - Creates Section 414.157, Florida Statutes, a diversion program for victims of domestic violence. This program provides services and one-time payments to assist victims of domestic violence and their children in making the transition to independence.

**Section 18** - Creates Section 414.158, Florida Statutes, a diversion program to strengthen Florida's families. The program will provide services and one-time payments to assist families in avoiding welfare dependency and to strengthen families.

**Section 19** - Creates Section 414.1585, Florida Statutes, a diversion program for families at risk of welfare dependency due to substance abuse or mental illness.

**Section 20** - Creates Section 414.159, Florida Statutes, a teen parent and pregnancy prevention diversion program. This program is designed to reduce and avoid welfare dependency by reducing teen pregnancy, reducing the incidence of multiple pregnancies to teens, and by assisting teens in completing education programs. Services will be available to a teen determined to be at risk of teen pregnancy or a teen who already has a child.

**Section 22** - Creates Section 414.18, Florida Statutes, a program for dependent care for families with children with special needs.

**Section 24** - Amends Section 414.22, Florida Statutes, related to transitional education and training with technical amendments related to shifting responsibilities from the Department of Labor and Employment Security to the WAGES Program State Board of Directors and local WAGES coalitions.

**Section 25** - Creates Section 414.223, Florida Statutes, RITAs will be used for participants who have become employed and will promote job retention and advancement into higher-skilled, higher-paying employment. RITAs will complement Individual Training Accounts (ITAs) authorized under the Workforce Investment Act (WIA), Title I. RITAs will be a joint effort between the WAGES Program State Board of Directors and the Workforce Development Board.

**Section 26** - Amends Section 414.225, Florida Statutes, to permit transitional transportation to support education as well as work. This section also provides that transitional transportation may include expenses paid directly or by a voucher or can be a vehicle valued at \$8,500 or less if the vehicle is needed for training, employment, or educational purposes.

**Section 33** - Amends Section 250.10, Florida Statutes, with regard to the duties of the Adjutant General. Subject to annual appropriations, the Adjutant General will administer the youth About Face and the adult Forward March programs. About Face is a year-round after school life-preparation program for economically disadvantaged and at-risk youths from 13 through 17 years of age.

**Section 34** - Repeals Sections 414.29 and 414.43, Florida Statutes.

**Section 35** - Provides the Executive Office of the Governor broad latitude with the funds and authorized positions for the operation of these programs.

**Section 36** - Effective upon becoming law.

**HB 869                      Child Care**

**Chapter Law:**            99-304

**Effective Date:**        July 1, 1999

**Key Contact:**            Lynda Hartnig, [hartnil@mail.doe.state.fl.us](mailto:hartnil@mail.doe.state.fl.us); (850) 921-4430

**Summary:**

This bill deals with a variety of issues related to child care.

**Summary by Bill Section (where applicable):**

**Section 10.** Amends Section 402.305, Florida Statutes. The bill increases the number of hours in the introductory training requirement for child care personnel from 30 hours to 40 hours, and requires the development of a credential for child care facility directors by January 1, 2000. This credential will be required by January 1, 2003.

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**SB 1288                      Adult Fees/Distance Learning Materials**

**Chapter Law:**            99-249

**Effective Date:**        July 1, 1999

**Key Contacts:**

**Program:**            Lynda Hartnig, [hartnil@mail.doe.state.fl.us](mailto:hartnil@mail.doe.state.fl.us); (850) 487-3140

**Fiscal:**              Nancy Rivers, [riversn@mail.doe.state.fl.us](mailto:riversn@mail.doe.state.fl.us); (850) 410-1460

**Comm. Coll.:**        Theresa Klebacha, [theresa@sbcc.firn.edu](mailto:theresa@sbcc.firn.edu); (850) 488-1721

**Summary:**

The bill authorizes the following user fees and fines: laboratory fees; parking fees and fines; library fees and fines; fees and fines relating to facilities and equipment use or damage; access or identification card fees; duplicating, photocopying, binding or microfilming fees; standardized testing fees; diploma replacement fees; transcript fees; application fees; graduation fees; and late fees related to registration and payment. Such user fees and fines shall not exceed the cost of the services provided and shall only be charged to persons receiving the service.

**Summary by Bill Section:**

**Section 1** - Provides that fees for continuing workforce education shall be locally determined. However, at least 50 percent of the expenditures for the continuing workforce education program must be derived from fees.

**Section 2** - Authorizes the State Board of Community Colleges to develop and produce work products to support distance learning instruction and to sell such products. The Board shall make such products readily available to the state system of education at the cost of producing and disseminating.

**Section 3** - Specifies that school boards are not authorized to charge students in workforce development programs any fee that is not specifically authorized by statute. In addition to matriculation and tuition, the Board is authorized to establish a separate fee for financial aid purposes of up to 10 percent of student fees for programs funded through Workforce Development and a separate fee for capital improvements, technology enhancements, and equipment (not to exceed 5 percent of the workforce development course fee). Each district school board is authorized to establish specific fees for workforce development

instruction not reported for state funding purposes. District school boards are not required to charge any other fee specified in this section for this type of instruction.

**Sections 4-6** Impact community colleges only.

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**CS/CS SB 1566                      Economic Development**

**Chapter Law:**                      99-251

**Effective Date:**                      July 1, 1999, Except as Otherwise Noted

**Key Contact:**                      Lynda Hartnig, hartnil@mail.doe.state.fl.us; (850)921-4430

**Summary:**

SB 1566 covers a wide array of economic development issues including restructuring Enterprise Florida, the State Workforce Development Board (which has been known as the Jobs and Education Partnership, or JEP), and regional workforce development boards. The bill modifies the state's workforce strategies and provides the structure for Florida's plan for federal funds under the Workforce Investment Act of 1998 and federal vocational funds. Much of the focus relates to rural communities and distressed urban areas and the needs of small and minority businesses.

**Summary by Bill Section (where applicable):**

**Section 1** - Creates the Office of Urban Opportunity within the Office of Tourism, Trade, and Economic Development. The purpose of this office is to administer the "Front Porch Florida" initiative, a comprehensive, community-based urban core redevelopment program.

**Section 6** - Creates the 21<sup>st</sup> Century Digital Television and Education Task Force within the Office of Tourism, Trade, and Economic Development to serve until February 1, 2000. The Commissioner or designee is represented on the task force. The duties include recruiting industry segments, investigating and recommending economic incentives to attract industry segments, and devising a plan to create and maintain higher educational opportunities in this field.

**Section 22** - Creates Section 163.055, Florida Statutes, Local Government Financial Technical Assistance Program. This section recognizes the challenge to municipalities and special districts in being able to respond to state and federal mandates and is designed to provide technical assistance to enable them to implement workable solutions to financially related problems. This section is effective upon becoming law.

**Section 27** - Amends Section 228.901, Florida Statutes, by deleting members on the Enterprise Florida, Inc. Board of Directors who represent the three boards that are being dissolved. The Commissioner of Education remains a member of this board.

**Section 28** - Amends Section 288.9015, Florida Statutes, duties and purpose of Enterprise Florida, Inc. The bill incorporates the need to aggressively market Florida's rural and distressed urban communities to assist in the retention of business; to assess on an ongoing basis Florida's economic development competitiveness; and to incorporate the needs of small and minority business in all aspects of the partnership.

**Section 29** - Rewrites Section 288.90151, Florida Statutes, which relates to the return on investment from activities of Enterprise Florida, Inc. The bill clarifies funding for Enterprise Florida, Inc., and responsibility for compliance with performance measures and standards.



**Section 31** - Amends Section 288.904, Florida Statutes, to permit the creation and dissolution of advisory committees, working committees, task forces or similar organizations. By August 1, 1999, Enterprise Florida, Inc., shall establish an advisory committee on international business issues and one on small business issues.

**Section 32** - Amends Section 288.905, Florida Statutes, relating to the duties of the Enterprise Florida, Inc., Board of Directors. Programs shall promote business formation, expansion, recruitment, and retention through aggressive marketing; international development and export assistance; and workforce development. Requires the Office of Program Policy Analysis and Government Accountability to conduct a review of Enterprise Florida, Inc., by January 1, 2002.

**Section 44** - Repeals the International Trade and Economic Development Board, the Innovation Partnership, and the Capital Development Board.

**Section 45** - Provides that Enterprise Florida, Inc., may assume any programs or activities of the dissolved boards.

**Section 51** - Amends and transfers the section of statute related to the Workforce Florida Act of 1996 to Section 288.9950, Florida Statutes. Redefines the state's workforce strategy as "First Jobs/First Wages" and "High Skills/High Wages." "First Jobs/First Wages" include efforts that enlist business, education, and community support for students to achieve long-term career goals, ensuring that young people have the academic and occupational skills required to succeed in the workplace. The strategy also includes Work and Gain Economic Self-Sufficiency (WAGES). "High Skills/High Wages" is the state's strategy for aligning education and training programs with high-paying high-demand occupations.

**Section 52** - Amends and transfers the section of statute related to One-Stop Career Centers to Section 288.9951, Florida Statutes. Provides that required partners in one-stop centers in the federal Workforce Investment Act of 1998 (WIA) and selected other programs shall participate as partners in each One-Stop Career Centers. Adult Education and Family Literacy, Title II of the Workforce Investment Act of 1998 and recipients of federal funds under the Carl D. Perkins Vocational-Technical Education Act of 1998 are required one-stop partners.

Prescribes that wherever possible core services as identified in WIA will be provided electronically. Intensive services and training provided shall be provided through Individual Training Accounts (ITAs). The Workforce Development Board (JEP) shall develop by July 1, 1999, an implementation plan for ITAs that are compatible with Individual Development Accounts (IDAs) for education allowed in welfare programs. Training services provided through ITAs must be performance based. Accountability measures will be based on acquiring competencies documented through literacy completion points and occupational completion points.

**Section 53** - Amends and transfers the section of statute related to the Workforce Development Board (JEP) to Section 288.9620, Florida Statutes. The purpose of the board is to design and implement strategies that help Floridians enter, remain in, and advance in the workplace. The bill restructures the Workforce Development Board as a 25-voting-member board of directors whose membership and appointment must be consistent with Title I of WIA and contain three members of organized labor. By June 1, 1999, the Workforce Development Board will provide the Governor a transition plan to incorporate the changes required by this bill and by WIA specifying the timeframe and manner of changes to the board. By definition in federal law, the Commissioner of Education or representative would still be represented on the Board. Establishes the Board's functions, duties, and responsibilities. Re-establishes the three tiers of performance measures originally included in the Workforce Florida Act of 1996.

**Section 54** - Amends and transfers the section of statute that defines the regional workforce development boards to Section 288.9953, Florida Statutes Aligns membership of the regional boards with the federal requirements, but includes three representatives of organized labor. Federal requirements include representatives from local educational entities, including representatives of local school boards, entities providing adult education and literacy activities, and postsecondary educational activities. The major

difference is that up to this point all superintendents and community college presidents were required members of the boards. Now local boards must include at least one representative from these funding sources, but are not required to have all recipients represented. The Workforce Development Board will determine the timeframe and manner of changes to the regional boards.

Each regional board shall establish a high skills/high wages committee consisting of five private-sector business representatives, including the regional workforce development board chair, the presidents of all community colleges within the region; those district superintendents with authority for conducting postsecondary educational programs within the region; and a representative from a nonpublic postsecondary educational institution that is an authorized individual training account provider. The business members, other than the board chair, need not be members of the regional board. For the first year, the committee must meet quarterly.

**Section 55** - Amends and transfers the section of statute that requires coordination between the Workforce Development Board and the WAGES Program State Board of Directors to Section 288.9954, Florida Statutes.

**Section 57** - Creates Section 288.9956, Florida Statutes, to identify the principles for implementing the federal workforce investment system. These include: streamlining services, empowering individuals, universal access, increased accountability, local board and private sector leadership and local flexibility and integration. Indicates that the state will develop a five-year plan to include secondary vocational education. The plan shall detail a process that would fully integrate all federally mandated and optional partners by the second year of the plan.

The Workforce Development Board will designate the administrative entity for Title I of WIA. Funding requirements for Title I of WIA are outlined. The bill requires at least 50 percent of the Title I funds for Adults and Dislocated Workers that are passed through to regional workforce development boards be allocated to Individual Training Accounts (ITAs). The Workforce Development Board is authorized to develop an Incumbent Worker Training Program.

**Section 58** - Creates Section 288.9957, Florida Statutes, the Florida Youth Workforce Council. The chairman of the Workforce Development Board shall designate representatives from a number of areas to serve on the Florida Youth Workforce Council. The Council shall oversee the development of regional youth councils, as a subgroup of the regional workforce development boards. The Council will recommend providers of youth activities, conduct oversight of the providers, and coordinate youth activities in the region.

Regional youth workforce councils must leverage their program funds in order to enlist youth workforce program stakeholders. Ten percent of youth funds allocated under Title I of the Workforce Investment Act of 1998 shall be used to leverage public schools' dropout prevention funds through performance payments for outcomes.

**Section 59** - Creates the Employment, Occupation, and Performance Information Coordinating Committee. The committee must be appointed by July 15, 1999; must establish outcome measures that enable assessment of the Workforce Development Board's oversight responsibilities by December 1, 1999; and shall develop an integrated comprehensive accountability system by June 30, 2000. To fulfill these requirements, the Workforce Development Board may direct the Department of Labor and Employment Security, the Department of Education, and the Department of Children and Family Services to provide services and assign staff as it deems necessary until June 30, 2000.

**Section 60** - Creates an operational design and technology procurement committee. The Committee will design and develop a model operational design and technology procurement strategy for One-Stop Career Centers.

**Section 62** - Repeals a number of statutes related to the federal Job Training Partnership Act.

**Section 86** - Amends Section 212.097, Florida Statutes, related to the urban high-crime area job tax credit program to include jobs in the retail sector. Also adds a call center or similar customer service operation that services a multistate market.

**Section 87** - Amends Section 212.098, Florida Statutes, related to the rural job tax credit program to include jobs provided by a call center or similar customer service operation that services a multistate market.

**Section 88** - Creates the Institute on Urban Policy and Commerce as a Type I Institute at the Florida Agricultural and Mechanical University.

**Section 89** - States legislative intent that the growth and prosperity of the state has not been shared by the rural communities and that successful rural communities are essential to the overall success of the state's economy. Provides that it is the intent of the Legislature to provide for the most efficient and effective delivery of programs of assistance and support to rural communities.

**Sections 90–93** - Relates to comprehensive plans and regional planning councils.

**Section 94** - Amends Section 288.018, Florida Statutes, related to regional rural development grants programs. The matching grant program that is administered by the Office of Tourism, Trade, and Economic Development is authorized to approve grants on an annual basis. The maximum amount an organization may receive in one year is \$35,000, or \$100,000 in a rural area of critical economic concern as recommended by the Rural Economic Development Initiative and designated by the Governor. This section authorizes a total of \$600,000 a year to be appropriated to the Rural Community Development Revolving Loan Fund.

**Section 95** - Amends Section 288.065, Florida Statutes, the Rural Community Development Revolving Loan Fund, to change eligible counties from those with populations of 50,000 to those with populations of 75,000.

**Section 96** - Creates Section 288.0655, Florida Statutes, the Rural Infrastructure Fund. This fund is created within the Office of Tourism, Trade, and Economic Development to facilitate the planning, preparing, and financing of infrastructure projects in rural communities which will encourage job creation, capital investment, and the strengthening and diversification of rural economies. The office may award grants for up to 30 percent of the total infrastructure project cost to projects related to specific job creating opportunities. The grants must maximize the use of federal, local, and private resources including, but not limited to, those available under the Small Cities Community Development Block Grant Program.

**Section 97** - Authorizes the Rural Economic Development Initiative (REDI) in the Office of Tourism, Trade, and Economic Development. REDI shall be responsible for coordinating and focusing the efforts and resources of state and regional agencies. (While REDI has been an initiative within the Governor's office, it has not previously been authorized in statute.) By August 1, 1999, the head of each agency shall designate a high-level person to serve as the REDI representative. Education is included in the list of agencies.

**Section 98** - Creates rural economic development strategy grants.

**Section 101** - Amends Section 288.980, Florida Statutes related to military base retention and creates the Retention of Military Installations Program. The sum of \$1.2 million is appropriated for 1999-2000.

**Section 102** - Appropriates \$800,000 for the implementation of Section 101.

**Section 103** - Creates Section 230.23027, Florida Statutes, Small School District Stabilization Program. This program is created to assist school districts in rural communities that document economic conditions or other significant community influences that negatively impact the school district. The program is designed to provide technical assistance and financial support to maintain the stability of the educational

program. A school district must be located in a rural area of critical economic concern as designated by the Governor. An area of critical concern is a region that has been adversely affected by an extraordinary economic event or a natural disaster or that presents a unique economic development concern or opportunity of regional impact. The school district must also participate in a best financial practices review to determine potential efficiencies.

The Office of Tourism, Trade, and Economic Development in consultation with the Department of Education shall review the districts resolution and other information and determine whether the school district is eligible to participate.

It appears grants could be distributed by the Office of Tourism, Trade, and Economic Development after July 1, 2000, and that they could be for up to 5 years, contingent upon an appropriation.

**Section 104** - Creates Section 290.0069, Florida Statutes, which authorizes the Office of Tourism, Trade and Economic Development to select an enterprise zone pilot project area.

**Section 105** - Creates the Quick Action Closing Fund within the Office of Tourism, Trade, and Economic Development. Enterprise Florida, Inc., shall evaluate proposals for high-impact business facilities and forward recommendations regarding the use of moneys to the Office of Tourism, Trade, and Economic Development.

**Section 106** - Creates a response to economic emergencies in small communities. An economic emergency is when one or more of the following conditions occur: closure of a business which is a significant employer of workers in the community; closure of a business which significantly affects the operations of other businesses which are significant employers of workers in the community; a business which would be a significant employer of workers in the community is unable to open or reopen due to a lack of economic incentives; or the community experiences substantial unemployment due to the closure of a major industry.

Upon notification that one or more of these conditions exist, the Governor has the authority to waive the eligibility criteria of any program or activity administered by the Office of Tourism, Trade, and Economic Development or Enterprise Florida, Inc., to provide economic relief to the affected community by granting participation in such program or activity.

**Section 109** - Amends Section 196.012, Florida Statutes, to modify a definition related to a “new business” for the purpose of ad valorem taxes.

**Section 110** - Amends Section 196.1995, Florida Statutes, related to ad valorem tax exemption for a new business.

**Sections 133- 164** - Amends various sections related to the regulation of professions and continuing education. May impact a number of vocational programs (i.e. cosmetology).

**Section 166** - Unless otherwise provided, effective July 1, 1999.

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**CS/SB 1664**                      **Criminal Justice Training**

**Chapter Law:**                      99-227

**Effective Date:**                      Upon Becoming Law

**Key Contact:**                      Carl Miller, millerc@mail.doe.state.fl.us; (850) 414-6987

**Summary:**

This bill transfers two existing criminal justice training academies from school districts to community colleges. The academies will be transferred from Leon County Schools to Tallahassee Community College and from St. Johns County Schools to St. Johns River Community College.

**Summary by Bill Section:**

**Section 1.** Section 1 provides that regardless of any existing laws, effective July 1, 1999, the criminal justice training academies in Leon and St. Johns Counties will be transferred from the school districts to the community colleges.

**Facilities:** Where real property was purchased solely with state funds and was used solely for providing criminal justice training programs, the property shall be transferred to the community college. If the real property was owned by the school district and paid for in whole or in part with local tax funds or if the facility was partially used for other purposes, the school district shall lease the facility to the community college. In this case, the Department of Education must conduct an analysis by December 31, 1999, to determine the amount of the local tax contribution that was used in the construction of the facility. This analysis will be used to establish a purchase price for the facility.

**Program requirements:** Each pilot center will be regional in nature as defined by the Criminal Justice Standards and Training Commission. Each center must establish an advisory committee made up of professionals, provide certificate and noncredit options for students, and develop articulation agreements with the State University System to facilitate the transfer of graduates to the upper division.

**Staffing:** The community college board of trustees may provide transfers into the community college personnel system to individuals in full-time, budgeted positions.

**Funding:** Beginning July 1, 1999, the Department of Education shall shift all funds generated by students in the transferred programs from the school districts to the community colleges. In addition, to help defray transfer costs and indirect administrative costs, school districts will be provided 15% of the funding generated by these programs under the FEFP in 1996-97. The community college will receive 90% of the funding generated for the program under the FEFP in 1996-97.

In these two programs, fees for continuing workforce education for public law enforcement officers shall not exceed 25 percent of the cost of the course.

**Section 2.** Establishes the effective date as upon becoming law.

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**SB 1794                      Postsecondary Remediation**

**Chapter Law:**                99-150

**Effective Date:**            July 1, 1999

**Key Contact:**                Nate Johnson, johnson2@mail.doe.state.fl.us; (850) 922-0344

**Summary:**

Allows students in higher education to retake a remedial class once at the regular tuition rate. Also adds teacher preparation to the list of subjects that district interinstitutional articulation agreements must address.

**Summary by Bill Section (where applicable):**

**Section 1** - Amends Section 239.301, Florida Statutes, to allow adult general education students to retake a remedial class once at the regular tuition rate if they do not pass the first time. If they retake a second time, they will have to pay the full cost of instruction.

**Section 2** - Amends Section 240.1161, Florida Statutes, to require annual district interinstitutional articulation agreements to include specific plans to improve teacher preparation. The legislature may provide performance incentive funds for successful implementation of remediation reduction plans.

**Section 3** - Amends Section 240.117, Florida Statutes, to allow community college and state university students to retake a remedial class once at the regular tuition rate if they do not pass the first time. If they retake the class a second time, they will have to pay the full cost of instruction.

**Section 4** - Amends Section 240.124, Florida Statutes, to authorize certain emergency or hardship exceptions to the rule that community college or state university students may only enroll in the same college-credit course twice at the regular in-state tuition rate.

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**CS/CS/SB 1924                      Postsecondary Education**

**Chapter Law:**                      99-252

**Effective Date:**                      July 1, 1999

**Key Contacts:**

**General:**                      Nate Johnson, [johnson2@mail.doe.state.fl.us](mailto:johnson2@mail.doe.state.fl.us); (850)922-0344  
**WFD:**                      Lynda Hartnig, [hartnil@mail.doe.state.fl.us](mailto:hartnil@mail.doe.state.fl.us); (850)921-4430

**Summary:**

General bill with a variety of provisions relating to postsecondary education.

**Summary by Bill Section:**

**Section 1** - Amends Section 121.35, Florida Statutes, to eliminate certain restrictions on State University System administrative and professional employees' participation in the Optional Retirement Program.

**Section 2** - Amends Section 239.117, Florida Statutes, with regard to Workforce Development Education fees. This section modifies the date upon which a fee exemption for children adopted from the Department of Children and Family Services is effective. The original date for the fee exemption was December 31, 1997. The effective date would now be May 5, 1997, the end of the 1997 Legislative Session.

**Section 3** - Amends Section 240.156, Florida Statutes, to allow state universities to use concurrency trust fund money to pay for updating campus master plans.

**Section 4** - Amends Section 240.209, Florida Statutes to require approval by the Board of Regents before a university may name a school, college, or center after a living person.

**Section 5** - Amends Section 240.235, Florida Statutes, to exempt students who were adopted from the Department of Children and Family Services after May 5, 1997, from the payment of tuition and fees at public universities. Defines students enrolled in Programs in Medical Sciences as graduate students for enrollment and student fee calculations.

**Section 6** - Amends Section 240.35, Florida Statutes, to exempt community college students adopted after May 5, 1997, from the Department of Children and Family Services from tuition and fees.

**Section 7** - Amends Section 240.227, Florida Statutes, to specify university presidents' contracting authority for "continuing contracts."

**Section 8** - Amends Section 240.233, Florida Statutes, to allow students denied admission to a state university based on their grade point average (GPA) to request that their GPA be recalculated with grades from up to three credits of fine arts courses included.

**Section 9** - Amends Section 240.421, Florida Statutes, to add to the membership of the Florida Council of Student Financial Aid Advisors the Chancellor of the State University System, the Executive Director of the Division of Community Colleges, the Executive Director of the Independent Colleges and Universities of Florida, and the Executive Director of the Florida Association of Postsecondary Schools and Colleges.

**Section 10** - Amends Section 413.613, Florida Statutes, to require budget proposals and end-of-year financial statements for the Brain and Spinal Cord Injury Rehabilitation Trust Fund.

**Section 11** - Provides that postsecondary faculty do not have to be licensed engineers in Florida in order to teach engineering classes.

**Section 12** - Repeals Section 240.5335, Florida Statutes, the Women's Athletics Trust Fund.

**Section 13** - Amends Section 240.207, Florida Statutes, to extend the terms of Board of Regents members from four to six years.

**Section 14** – Appropriates \$200,000 to the University of Miami Office of Minority Student Affairs.

**Section 15** - Requires Florida State University and the state Department of Environmental Protection to study the feasibility of creating the Florida Geoscience Center in Tallahassee.

**Section 16** – Provides legislative intent to assist postsecondary institutions in coordinating receipt of tuition revenues with expenditures.

**Section 17** - Amends Section 243.20, Florida Statutes, to redefine terms of the statute to include loans to postsecondary institutions in anticipation of tuition revenues.

**Section 18** - Amends Section 243.22, Florida Statutes, to authorize county educational facilities authorities to make loans to postsecondary institutions in anticipation of tuition revenues.

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**HB 2125**                      **Health Care**

**Chapter Law:**                99-397

**Effective Date:**             July 1, 1999, Except as Otherwise Noted

**Key Contact:**                Lynda Hartnig, hartnil@mail.doe.state.fl.us; (850) 921-4430

**Summary:**

This bill relates to a large number of health care issues. The following sections are of specific interest to educational professionals.

**Summary by Bill Section (where applicable):**

**Section 13** - Amends Section 381.90, Florida Statutes, related to the Health Information Systems Council. The Commissioner of Education has been added to this Council. One of the new responsibilities of the Council is to develop a review process to ensure cooperative planning among agencies that collect or maintain health-related data.

**Section 31** - Creates Section 401.2701, Florida Statutes, which establishes the requirements for emergency medical services training programs. This information was previously in rule, but is now authorized in statute.

**Section 32** - Creates Section 401.2715, Florida Statutes, which relates to the recertification training of emergency medical technicians and paramedics.

**Sections 204-206** - Amends references to requirements for licensure as a Certified Nursing Assistant.

## Technology

**CS/CS/CS/SB 80      Information Technology**

**Chapter Law:**            99-230

**Effective Date:**        Upon Becoming Law

**Key Contact:**            George Haynie, [haynieg@mail.doe.state.fl.us](mailto:haynieg@mail.doe.state.fl.us); (850)487-4789

**Summary:**

Creates the Commerce Protection Act. Provides limitations on the remedies for failure to be Year-2000 (Y2K) compliant that a person may recover from a business or government agency. Grants immunity from liability for directors and officers of businesses to the extent provided in Chapters 607 and 617, Florida Statutes. Provides an antitrust exemption with respect to exchanges of information. Provides for alternative dispute-resolution procedures. Repeals Section 282.4045, Florida Statutes.

**Summary by Bill Section (where applicable):**

**Section 3** -The bill specifies that the exclusive remedies for damages caused by the failure of a business's or governmental agency's information technology products to be Y2K compliant are those remedies available for breach of a written contract or tariff with the business or agency, or, in the absence of such a written contract or tariff, those remedies provided by the bill.

**Section 4** - In addition to prescribing the liability of a business or an agency for failure to be Y2K compliant, this bill provides that the law of comparative fault applies to the award of damages, prohibits recovery for damages that could have been avoided or mitigated, enables certain businesses and agencies to avoid liability based upon assessment and disclosure of Y2K compliance, requires a plaintiff to offer to submit the claim to mediation as a precondition to bringing an action, places limitations on certain class-action lawsuits, and establishes a date sensitive limitation for commencement of actions under the bill.

**Section 5** - Businesses and agencies may avoid liability for direct economic damages given proof of an on-site assessment from a qualified individual competent to determine Y2K compliance. The business or agency must, based on that assessment, hold before December 1, 1999, a reasonable good-faith belief that its products are in compliance. Alternatively, a business or governmental agency may avoid liability



if, before December 1, 1999, it has conducted a date-data test of its information technology products and, as a result, has a good faith belief that such products are Y2K compliant. In addition, if the business has five or fewer employees and a net worth of \$100,000 or less, liability may be waived provided that the business has made reasonable efforts to assess whether the entities it relies upon, or is in privity with, are Y2K compliant, and that the business either has before December 1, 1999, a reasonable good-faith belief that such entities are compliant or has disclosed that the entities are not compliant.

**Section 6** - The exchange of information among businesses concerning measures taken or planned in order to make information technology products Y2K compliant does not constitute an activity in restraint of trade under the "Florida Antitrust Act of 1980."

**Section 7** - A party to a lawsuit brought under the "Commerce Protection Act" may offer to submit the matter to voluntary binding arbitration, with the offer prescribing the maximum amount of damages that may be imposed under the arbitration. If the trial court finds that the defendant rejected the plaintiff's offer and the defendant is found liable in an amount equal to or exceeding the plaintiff's highest offer, the defendant must pay the plaintiff's costs and reasonable attorney's fees. If the plaintiff rejected the defendant's offer, and the plaintiff is not ultimately awarded damages exceeding the damages specified in the highest offer, the plaintiff must pay the defendant's costs and reasonable attorney's fees.

**Section 9** - This bill repeals Section 282.4045, Florida Statutes, 1998 Supplement, which provides that the state, its agencies, and units of local government are immune from damages for Y2K computer date failures consistent with the statute providing for waiver of sovereign immunity in tort actions.

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**HB 2123                      Telecommunications**

**Chapter Law:**                99-354

**Effective Date:**            Upon Becoming Law, except as otherwise provided

**Key Contact:**                George Haynie, [haynieg@mail.doe.state.fl.us](mailto:haynieg@mail.doe.state.fl.us); (850)487-4789

**Summary:**

Amends Section 364.025, Florida Statutes, to extend the transitional period an additional year to January 1, 2001, that a local exchange telecommunications company is required to furnish basic local service. Creates Section 241.002, Florida Statutes, to prescribe duties of the Department of Education relative to distance learning. Creates 241.003, Florida Statutes, establishing the Florida Distance Learning Network Advisory Council. Creates Section 241.004, Florida Statutes, relating to the educational technology grant program. Repeals Sections 364.509 through 364.514, Florida Statutes, relating to the Florida Distance Learning Network.

**Summary By Bill Section (where applicable):**

**Section 7** - The bill gives the Department of Education responsibility for coordinating the use of existing advanced telecommunications resources, including the state's satellite transponders, the SUNCOM Network, the Florida Information Resource Network, and the satellite communication facilities of the Department of Management Services, the Department of Corrections, and the Department of Children and Family Services.

**Section 8** - The bill creates the Florida Distance Learning Network Advisory Council in place of the Florida Distance Learning Network. The Council is created in the Department of Education to advise and assist the Department of Education in carrying out its duties relating to distance learning. The Council consists of 13 members to be appointed by the Commissioner of Education; it must include the Chancellor of the State University System and the Executive Director of the Florida Community College System, or their designees.

**Section 9** - The bill provides for the Educational Technology Grant Program to be administered by the Department of Education. Annually, the Department shall award grants to school districts, area technical centers, community colleges, state universities, and independent institutions eligible to participate in state student assistance programs in Chapter 240, Part IV, Florida Statutes. The Department shall issue a request for proposals by June 1 in every year in which funds are available for these grants and shall submit an annual status report by March 1 describing the projects funded and accounting for any proceeds. The Department shall give priority to cooperative proposals submitted by two or more institutions or delivery systems. The proposals shall include information describing the educational significance, target population, program content transmitted, support services provided, and provisions to use at least 20% of any funds awarded for training in the use and application of products developed. The bill also provides that all programs and courses developed through the grant shall be marketed statewide and nationwide with a portion of the profits retained by the developing institutions or systems and a portion reinvested in the grant program.

**Section 11** - The bill establishes the Information Service Technology Development Task Force for the purpose of developing policy recommendations that will foster the development and beneficial use of advanced communications networks and information technologies in Florida. The task force will identify key factors and develop policy recommendations for promoting Internet-related technologies in Florida. The task force will report to the Governor, the President of the Senate and the Speaker of the House by February 14, 2000, and by February 14, 2001, outlining principles, policy recommendations, and any suggested legislation. Staff support for the task force will be provided by the State Technology Office in the Department of Management Services.

## Auxiliary Services

**CS/SB 156**                      **Prevention of Sale of Alcohol and Tobacco Products to Minors**

**Chapter Law:**                99-156

**Effective Date:**            July 1, 1999

**Key Contact:**                Doris Nabi, [nabid@mail.doe.state.fl.us](mailto:nabid@mail.doe.state.fl.us); (850)488-1570

**Summary:**

Amends provisions relative to the purchase of alcohol and tobacco products by minors, and restricts on-premises consumption of alcoholic beverages within 500 feet of public or private schools.

**Summary by Bill Section:**

**Section 1** - Amends Section 562.11(2), Florida Statutes, to make it unlawful for any person under 21 years of age to purchase or attempt to purchase alcoholic beverages; specifies penalties, including those for using a driver's license in committing this offense.

**Section 2** - Amends Section 562.45(2)(a), Florida Statutes, to prohibit on-premises consumption of alcoholic beverages within 500 feet of the real property that comprises a public or private elementary, middle, or secondary school, unless the county or municipality approves the location as promoting the public health, safety, and general welfare of the community. Exceptions are made for premises licensed on or before July 1, 1999, and licensed restaurants which derive at least 51% of their gross revenues from the sale of food and nonalcoholic beverages. This restriction does not prohibit the issuance of temporary permits to certain nonprofit organizations.

**Section 3** - Amends Section 569.11(2), Florida Statutes, to make it unlawful for any person under 18 years of age to purchase, or attempt to purchase, any tobacco product from a person or a vending machine; and specifies penalties, including suspension or revocation of driver's license.

**Section 4** - Effective July 1, 1999.

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**HB 257                      Florida School for the Deaf and the Blind**

**Chapter Law:**                99-280

**Effective Date:**            July 1, 1999

**Key Contact:**                Doris Nabi, nabid@mail.doe.state.fl.us; (850) 488-1570

**Summary:**

Includes provisions relevant to the mission of the Florida School for the Deaf and the Blind (FSDB), and its participation in the Florida School Improvement and Academic Trust Fund, Department of Management Services (DMS) facilities construction services, and contracting of private attorney services.

**Summary by Bill Section:**

**Section 1** - Amends Section 235.014(7), Florida Statutes, to remove a requirement that DMS provide training, technical assistance, and interpretation with regard to the mandatory uniform building code for facilities construction and capital improvement programs for FSDB.

**Section 2** - Amends Section 235.017, Florida Statutes, to remove a requirement that DMS provide facilities services, defined as project management, code and design plan review, and code compliance inspection to FSDB.

**Section 3** - Amends Section 236.1229, Florida Statutes, to extend to FSDB the opportunity to receive private donations and, through the Florida School Improvement and Academic Trust Fund, to provide private donors with challenge grants and matching endowment grant incentives for contributions for school improvement. Specific provisions address legislative intent, funding, administration, allocation, school administration, and uses of funds pursuant to this section.

**Section 4** - Amends Section 242.3305, Florida Statutes, to revise the mission statement of FSDB to better reflect a commitment to provide a free appropriate public education to eligible sensory-impaired students through opportunities to maximize their individual potentials in a caring, safe, unique learning environment, and to become literate, employable, and independent life-long learners. Provides that the school shall encourage input from students, staff, parents, and the community; and shall foster respect and understanding for each individual.

**Section 5** - Amends Section 287.059, Florida Statutes, to authorize FSDB to contract for private attorney services without written approval of the Attorney General.

**Section 6** - Effective July 1, of the year in which enacted.

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**CS/CS/HB 338              Kayla McKean Child Protection Act**

**Chapter Law:**                99-168

**Effective Date:**            July 1, 1999

**Key Contact:**                Halley Lewis, lewish@mail.doe.state.fl.us; (850) 488-2601

**Summary:**

The bill creates the Kayla McKean Child Protection Act to strengthen the child protection program in the State of Florida. It also strengthens the procedures dealing with the prevention of child abuse, and toughens the penalties for this offense. The duties and functions of the Department of Children and Family Services and the Division of Children's Medical Services in the Department of Health are revised and clarified to ensure that child protection in Florida is accomplished in a swift and effective manner. The Department of Children and Family Services must consider valid and accept for investigation any report received by the central abuse hotline from, among others, a teacher or school official. A person who makes a report in his or her official capacity may also request a written summary of the outcome of the investigation. Also, among the new provisions, the Division of Children's Medical Services in the Department of Health must establish one or more Child Protection Teams in each of the service districts of the Department of Children and Family Services. Each Child Protection Team may have among its members appropriate local school district representatives. The bill also establishes a State Child Abuse Death Review Committee within the Department of Health to review all deaths caused by child abuse. The state review committee must have among its members a representative from the Department of Education.

**Summary by Bill Section (where applicable):**

**Section 4** - Subsections (1) and (2) of Section 39.201, Florida Statutes, are amended to require that the Department of Children and Family Services must consider valid, and accept for investigation, any report of suspected child abuse received on the central abuse hotline from, among others, a teacher or any professional school official acting in his or her professional capacity.

**Section 5** - Subsection (4) of Section 39.202, Florida Statutes, is amended to allow a teacher or any professional school official acting in his or her professional capacity who reports a potential child abuse situation to now request a written summary of the outcome of the investigation. The report must be mailed to the teacher or other professional school official within 10 days after the child protective investigation has completed the investigation.

**Section 9** - Section 39.303, Florida Statutes, is amended to permit the broadening of the range of members on the child protection teams established by the Division of Children's Medical Services in the Department of Health in each of the service districts of the Department of Children and Family Services. This amendment has the effect of authorizing the inclusion of appropriate local school district representatives as members on a child protection team.

**Section 13** - Section 383.402, Florida Statutes, is created to establish a State Child Abuse Death Review Committee within the Department of Health to review all deaths caused by child abuse, and to create local child abuse death review committees. The state committee must have among its members a representative from the Department of Education.

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**CS/CS/SB 660****Foster Care****Chapter Law:**

99-206

**Effective Date:**

Upon Becoming Law

**Key Contact:**

Halley Lewis, lewish@mail.doe.state.fl.us; (850) 488-2601

**Summary:**

The bill revamps the state foster care and related services system within the Department of Children and Family Services. The bill mandates that by June 30, 2000, the Department of Children and Family Services shall privatize all foster care and related services in district 5 while continuing the support of the already privatized programs in operation in districts 1, 4, 13, and in sub-district 8A, including Sarasota

and Manatee counties. A list of state goals for dependent children is also included in the bill, among them the goal of ensuring that dependent children receive a free and appropriate education in their home school, if appropriate.

**Summary by Bill Section (where applicable):**

**Section 5** - Section 39.4085, Florida Statutes, is created to establish 23 goals for children residing in shelters or foster care in the State of Florida. Goal #17 states that dependent children should receive a free and appropriate education with minimal disruptions to their education. The children should be kept in their home school when appropriate. These children should be referred to a child study team and the team should consider all special educational services, including where appropriate, the appointment of a parent surrogate. District school boards should share with the Department of Children and Family Services all the necessary educational information on each of the foster children in their district including information on the foster child's attendance, and educational progress.

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**CS/SB 1356                      School Health Services Act**

**Chapter Law:**                      99-214

**Effective Date:**                      July 1, 1999

**Key Contact:**                      Mary Jo Butler, butterm@mail.doe.state.fl.us; (850) 488-6726

**Summary:**

Authorizes school nurse services public-private partnerships; requires background screening for persons providing school health services; extends the state's sovereign immunity to those persons rendering school health services under a local school health services plan; directs the Department of Health (DOH) to determine a means through which local units of government other than county health departments could be designated as Title V (Maternal and Child Health Block Grant) agencies; and provides for a work group relating to the training requirements for nurses providing school health services.

**Summary by Bill Section:**

**Section 1** - Amends Section 381.0056, Florida Statutes, to define "health care entity," school health services program, including public-private partnerships; renames the health services plan to "school" health services plan, and adds the term "adequate" to requirements for physical facilities for health services.

Provides sovereign immunity to any health care entity that provides school health services under contract with DOH pursuant to a school health services plan developed under this section, and as part of a school nurse services public-private partnership, is deemed to be a corporation acting primarily as an instrumentality of the state solely for the purpose of limiting liability pursuant to Section 768.28(5), Florida Statutes. The limitations on tort actions contained in Section 768.28(5), Florida Statutes, shall apply to any action against the entity with respect to the provision of school health services, if the entity is acting within the scope of and pursuant to guidelines established in the contract or by rule of DOH. The contract must require the entity, or the partnership on behalf of the entity, to obtain general liability insurance coverage, with any additional endorsement necessary to insure the entity for liability assumed by its contract with DOH. The Legislature intends that insurance be purchased by entities, or by partnerships on behalf of the entity, to cover all liability claims, and under no circumstances shall the state or DOH be responsible for payment of any claims or defense costs for claims brought against the entity or its subcontractor for services performed under the contract with DOH. This subsection does not preclude consideration by the Legislature for payment by the state of any claims bill involving an entity contracting with DOH pursuant to this section.

**Section 2** - Creates Section 381.0059, Florida Statutes, background screening requirements for school health services personnel.

Requires any person providing services under a school health services plan pursuant to Section 381.0056, Florida Statutes, to complete Level 2 screening as provided in Section 435.04, Florida Statutes. A person may satisfy this requirement by submitting proof of compliance with the requirements of Level 2 screening, conducted within 12 months before the date that person initially provides services under a school health services plan. Any person providing services under a school health services plan shall be on probationary status pending the results of the Level 2 screening.

Establishes the procedures for conduct of Level 2 screening, including submission of fingerprints taken by an authorized law enforcement officer and sufficient information for a statewide criminal records correspondence check through the Florida Department of Law Enforcement (FDLE), and a national criminal history check through the Federal Bureau of Investigation.

Requires the person subject to the background screening and the abuse registry check or his or her employer to pay the required fees to be established by DOH. The applicant/employer who pays for the screening may be reimbursed by DOH from funds designated for this purpose.

Requires DOH, when it has reasonable cause to believe that there are grounds for disqualification based on results of the Level 2 screening, to notify a person in writing stating the noncompliance with Level 2 screening.

Requires DOH to disqualify any person from providing services under a school health services plan if the person is not in compliance with Level 2 screening standards.

Provides that a person who provides services under a school health services plan on a probationary status and who is disqualified because of the results of his or her Level 2 screening may contest that disqualification.

Provides DOH the option to grant an exemption from disqualification to a person providing services under a school health services plan whether or not the person has received a professional license or certification from DOH.

Requires the disqualification for employment or volunteering of any person who refuses to cooperate in the required background screening or refuses to submit the information necessary to complete the screening, including fingerprints. Persons already employed who refuse to cooperate shall be dismissed.

Requires that, under penalty of perjury, each person who provides services under a school health plan must attest to meeting the Level 2 screening requirements and agree to inform DOH immediately if convicted of any disqualifying offense.

**Section 3** - Directs DOH to determine a means by which certain units of local government, other than county health departments, which participate in a school nurse services public-private partnership, may receive a designation as federal Title V (Maternal and Child Health Block Grant) agencies. Upon approval by the federal Department of Health and Human Services, DOH shall adopt by rule the criteria and guidelines necessary to ensure oversight, flexibility, and accountability for purposes of granting such a designation. This designation is not intended to obligate any direct funding to the designated entity from the Title V funds of DOH, and any money earned from Medicaid by a designated entity must be reinvested in the school health services.

**Section 4** - Directs DOH to study the feasibility of requiring additional training for nurses providing school health services and sets requirements for the study. DOH shall report the findings and recommendations of the work group to the Governor, the President of the Senate, and the Speaker of the House of Representatives by February 1, 2000.

**Section 5** - Effective July 1, 1999.

**CS/CS/SB 1666            Child Protection**

**Chapter Law:**            99-193

**Effective Date:**        July 1, 1999

**Key Contact:**            Doris Nabi, [nabid@mail.doe.state.fl.us](mailto:nabid@mail.doe.state.fl.us); (850)488-1570

**Summary:**

Makes technical changes to Chapter 39, Florida Statutes, related to the role, responsibilities, legal obligations, and rights of various individuals who care for children, including parents, legal custodians, and caregivers. It continues efforts for an orderly presentation of the dependency process and incorporation of federal mandates that focus on the protection of children. Specific changes are made in general provisions; reporting child abuse; protective investigations; the Family Builders Program; taking children into custody and shelter hearings; petition, arraignment, adjudication and disposition; case plans; judicial reviews; termination of parental rights; guardians ad litem and guardian advocates; and other provisions. Only Section 3 has specific educational relevance. This Section amends the "Child Abuse Prevention Training Act," which encourages, in the district school system, primary prevention training for all children K-12, through training of teachers, guidance counselors, parents, and children.

**Summary by Bill Section (where applicable):**

**Section 3** - Amends Section 39.0015(3)(b)&(4)(a), Florida Statutes, to revise the Child Abuse Prevention Training Act.

Defines "child abuse" as specifically those acts included within the definitions for "abandoned," "abused," "harm," "mental injury," "neglect," "physical injury," and "sexual abuse" pursuant to this statute and others.

Clarifies that a primary prevention and training program should specifically include, as appropriate for persons being trained, a description of child abuse as well as sexual abuse, physical abuse, abandonment, neglect, and alcohol and drug abuse, and possible solutions.

**Section 58** - Effective July 1, 1999.

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**CS/SB 1902            Department of Children and Families Services**

**Chapter Law:**            99-219

**Effective Date:**        Upon Becoming Law

**Key Contact:**            Doris Nabi, [nabid@mail.doe.state.fl.us](mailto:nabid@mail.doe.state.fl.us); (850)488-1570

**Summary:**

Waives certain provisions under Section 20.19, Florida Statutes, until July 1, 2000, to allow the Department of Children and Families Services (DCFS) to organize programs, districts, and functions to achieve a more effective and efficient service delivery system and to improve accountability.

**Summary by Bill Section:**

**Section 1** - Provides guidelines for the reorganization as follows:

- waives specified provisions of Section 20.19, Florida Statutes, until July 1, 2000;
- provides that the secretary shall submit a comprehensive reorganization plan to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 1, 2000; and

- states that the provisions of this bill shall not impair the operation of any other statutory responsibilities, pending amendment or repeal of relevant statutes and rules.

**Section 2** - Provides that DCFS, in consultation with the Office of the State Courts Administrator, shall develop a proposed plan to realign the districts of the department so that the district boundaries are consistent with the boundaries of the judicial courts, with no more than 15 districts. The plan must be submitted to the President of the Senate and the Speaker of the House of Representatives by December 1, 1999.

**Section 3** - Effective upon becoming law.

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**HB 1971:                      Nursing Home Facilities**

**Chapter Law:**                99-394

**Effective Date:**            Upon becoming law

**Key Contact:**                Nate Johnson, [johnson2@mail.doe.state.fl.us](mailto:johnson2@mail.doe.state.fl.us); 850-922-0344

**Summary:**

General reform bill relating to nursing homes.

**Summary by Bill Section (where applicable):**

**Section 24** - Creates Section 430.80, Florida Statutes, authorizing the creation of a “teaching nursing home” within the State University System.

**Section 28** - Requires the Department of Elder Affairs, in cooperation with the Department of Education and other agencies, to conduct a study on nursing assistant training, employment, and retention.

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**HB 2003                      Mental Health and Substance Abuse**

**Chapter Law:**                99-396

**Effective Date:**            July 1, 1999

**Key Contact:**                Doris Nabi, [nabid@mail.doe.state.fl.us](mailto:nabid@mail.doe.state.fl.us); (850)488-1570

**Summary:**

Includes extensive provisions related to mental health and substance abuse services of the Department of Children and Family Services (DCFS), including the creation of a children's substance abuse services system to encourage collaboration among various state and local government agencies (Sections 13-14), and school substance abuse prevention partnership grants (Section 15).



**Summary by Bill Section (where applicable):**

**Section 13** - Creates Section 397.97, Florida Statutes, to operate for four years, for children who are at risk of substance abuse or who have substance abuse problems, to encourage collaboration among the Department of Children and Family Services (DCFS), the Agency for Health Care Administration, the Department of Education (DOE), the Department of Health, the Department of Juvenile Justice (DJJ), local government agencies, and any other interested party, through a partnership agreement to provide a locally organized network of care for children and their families.

The demonstration model must be implemented using existing funds; center on the child and his or her family; promote integration and coordination of services; provide for accountable outcomes; and emphasize the provision of services in the least restrictive, most appropriate setting, utilizing uniform placement criteria established in DCFS rule.

Provides that the goal of the Children's Network of Care Demonstration Models is to create an effective interagency strategy for delivering substance abuse services to the target populations through a local network of service providers.

The specific objectives of this strategy are to develop standardized forms and uniform procedures which shall be used for screening, intake, assessment, enrollment, service planning, case management, and utilization management; eliminate duplication of services; employ natural supports in the family and the community to help meet the service needs of the child who is at risk of substance abuse or has a substance abuse problem; improve interagency planning efforts through greater collaboration between public and private community-based agencies; test creative and flexible strategies for financing the care of children who are at risk of substance abuse or have a substance abuse problem; and share information about the child with appropriate community agencies.

Requires that each demonstration model shall be governed by a multiagency consortium of state and county agencies or other public agencies, or a community-based, not-for-profit substance abuse or behavioral health network designated by the department; hereafter be referred to as the purchasing agent; purchase individualized services for children who are at risk of substance abuse or have a substance abuse problem; provide services based on client need rather than on traditional services limited to narrowly defined cost centers or appropriations categories; and be approved by the secretary of DCFS and be based on criteria developed by DCFS.

Provides that the local purchasing agent is responsible for designing a well-defined network of experienced substance abuse services providers, and at a minimum, the consortium shall specify the capacity and composition of the provider network; approve providers for the network; ensure enrollees' access to network services; subcontract with providers; establish qualification standards for provider staff; and monitor providers' performance.

Allows demonstration models established under this section to enter into collaborative partnership with demonstration models established pursuant to Section 394.498, Florida Statutes.

**Section 14** - Creates Section 397.98, Florida Statutes, to establish children's substance abuse services as an integral part of each Children's Network of Care Demonstration Model and specifies utilization management.

**Section 15** - Creates Section 397.99, Florida Statutes, to establish school substance abuse partnership grants and encourage the development of effective substance abuse prevention and early intervention strategies for school-age populations. The program will be administered by the DCFS, in cooperation with DOE and DJJ.

Establishes application procedures and funding requirements. Schools, or community-based organizations in partnerships with schools, may submit a grant proposal for funding or continued funding to the department by March 1 of each year. DCFS shall establish grant application procedures which

ensure that grant recipients implement effective programs and practices and shall include the grant application document on an Internet website. Grants may fund programs to conduct both intervention and prevention activities, if a comprehensive approach is indicated as a result of a needs assessment. Grants may target youth, parents, and teachers and other school staff, coaches, social workers, case managers, and other prevention stakeholders. Performance measures for grant program activities shall measure improvements in student attitudes or behaviors as determined by DCFS. At least 50% of the available grant funds for local projects must be allocated to support the replication of prevention programs and practices that are research-based, and have been evaluated and proven effective. DCFS shall develop related qualifying criteria. Specifies certain assurances and information that must be included in the grant application.

Requires that DCFS coordinate the review of applications with DOE and DJJ; make award determinations no later than June 30 of each year; and notify all applicants of the its final action.

Requires each entity that is awarded a grant to submit performance and output information as determined by DCFS.

Provides that DCFS shall establish rules as necessary to implement this section.

**Section 25** - Effective date of July 1, 1999.

## Administrative/Fiscal Issues

### **CS/HB 1                      State Agency Performance Report**

**Chapter Law:**                      99-377

**Effective Date:**                      July 1, 1999

**Key Contacts:**

**External:**                      Link Jarrett, [jarretl@mail.doe.state.fl.us](mailto:jarretl@mail.doe.state.fl.us); (850)488-6303  
**Internal:**                      Hal Thomas, [thomash@mail.doe.state.fl.us](mailto:thomash@mail.doe.state.fl.us); (850)487-2310

**Summary:**

Expands the purpose of the strategic plan performance report to include a one-page summary of actual and forecasted expenditures. The expenditures must be divided by program and expressed in line items by unit costs for each output measure approved by the Legislature. Measures for education were included in the 1999-2000 Appropriations Act Implementing Bill beginning with Section 54 (see page 102). Agencies that fail to report will have their allocation reduced by an amount equal to at least 10 percent of the allocation for the fiscal year preceding the current fiscal year.

The budget instructions will be revised to include instructions for the assessment of performance measures and the unit-cost information required to be included in the agency performance report. Full implementation of unit cost reporting will be effective with the submission of the September 1, 2000, agency performance report. By October 1, 1999, the Florida Financial Management Information System Coordinating Council will submit a report with recommendations, on the necessity and feasibility and costs associated with adjustments to the state accounting system to support unit cost reporting.

**Summary by Bill Section:**

**Section 1** - Adds the requirement to submit the agency's annual performance report to the Office of Program Policy Analysis and Government Accountability (OPPAGA); requires the agency to report its

attainment of the strategic plan objectives based on performance measures approved by the Legislature (pursuant to Section 216.0166(3), Florida Statutes); requires the agency to include in its annual performance report a one-page summary of all moneys that were expended or encumbered by the agency during the preceding fiscal year, and an estimate of such moneys projected for the current fiscal year (these expenditures must be divided by program and expressed in line items by unit costs for each approved output measure); requires that unit-cost totals equal the total amount of moneys that were expended or projected to be expended; instructs the Legislature during the following session to reduce by 10% the allocation for each agency that fails to submit the report.

**Section 2** - Requires the budget instructions to include instructions for agencies in submitting the assessment of performance measures and the unit-cost information; requires the Executive Office of the Governor, in consultation with OPPAGA, the Auditor General, the Department of Banking and Finance, and the legislative appropriations committees, to develop instructions as to the calculation of the unit-cost information; requires full implementation of unit cost reporting to be effective with the submission of the September 1, 2000, agency performance report.

**Section 3** - Requires the Florida Financial Management Information System Coordinating Council to submit by October 1, 1999, a report on the necessity, feasibility, and costs of enhancements to the Florida Accounting Information Resource Subsystem required to support agencies in providing unit-cost information.

**Section 4** - Requires any revenues generated by tax or fee imposed by amendment to the State Constitution after October 1, 1999, to be expended only by appropriation by the Legislature.

**Section 5** - Subjects area agencies on aging to Chapter 119, Florida Statutes, on public records, and to Sections 286.011-286.012, Florida Statutes, relating to public meetings, when considering contracts requiring the expenditure of funds.

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**CS/HB 107                      Administrative Procedures Act**

Chapter Law:                      99-379

**Effective Date:**                      Upon Becoming Law

**Key Contact:**                      Mike Olenick, [olenicm@mail.doe.state.fl.us](mailto:olenicm@mail.doe.state.fl.us); (850)487-1785

**Summary:**

This bill revises and clarifies amendments to Chapter 120, Florida Statutes, the Administrative Procedures Act, enacted by the 1996 Legislature in response to judicial decisions.

**Summary by Bill Section:**

**Section 1** - Provides a statement of legislative intent.

**Section 2** - Amends Subsections 120.52(1) and (8), Florida Statutes, 1998 Supplement. Amends the definition of "agency" as such term is used in Chapter 120, Florida Statutes, and provides additional exemptions. Provides additional restrictions with respect to an agency's rulemaking authority.

**Section 3** - Amends Section 120.563, Florida Statutes, Provides additional restrictions with respect to an agency's rulemaking authority. Requires agencies to provide the Administrative Procedures Committee with a list of existing rules which exceed rulemaking authority as defined by the bill and provides for legislative consideration of such rules. Requires agencies to initiate proceedings to repeal rules exceeding rulemaking authority as defined by the bill for which authorizing legislation is not adopted. Requires a report to the Legislature. Provides that the Administrative Procedures Committee or a

substantially affected person may petition for repeal of rules exceeding legislative authority after a specified date.

**Section 4** - Amends Section 120.54, Florida Statutes. Specifies when rule make take effect. Restricts adoption of retroactive rules.

**Section 5** - Amends Section 120.56, Florida Statutes. Revises an agency's responsibility in response to a challenge to a proposed rule. Specifies a petitioner's responsibility of going forward.

**Section 6** - Amends Section 120.57, Florida Statutes. Revises an agency's authority with respect to rejection or modification of an administrative law judge's conclusions of law in its final order. Provides for an agency statement as to the reasonableness of its substituted finding of law or interpretation of administrative rule.

**Section 7** - Amends Section 120.81, Florida Statutes. Provides that district school boards may adopt rules notwithstanding the rulemaking standards found in Chapter 120, Florida Statutes.

**Section 8** - Effective upon becoming law.

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**SB 140**                      **Florida Residents Tax Relief**

**Chapter Law:**              99-229

**Effective Date:**            Upon Becoming Law

**Key Contact:**              Nancy Rivers, riversn@mail.doe.state.fl.us; (850)410-1460

**Summary:**

This bill provides a nine-day period of sales tax exemption for specified items having a selling price of \$100 or less.

**Summary by Bill Section (where applicable):**

**Section 2** - The Florida Residents Tax Relief Act of 1999 provides certain exemptions from the sales tax for the period of Saturday, July 31 through Sunday, August 8, 1999. Exemptions include clothing, wallets, or bags--including handbags, backpacks, fanny packs, and diaper bags, but excluding briefcases, suitcases, and other garment bags--having a selling price of \$100 or less. Clothing is defined as any article of wearing apparel, including footwear, except skis, swim fins, roller blades, and skates. Clothing does not include watches, watchbands, jewelry, umbrellas, or handkerchiefs.

The bill does not apply to sales within a theme park or entertainment complex or within a public lodging establishment or within an airport.

**Section 4** - Effective upon becoming law.

**SB 172                      Taxation**

**Chapter Law:**            99-239

**Effective Date:**        Upon Becoming Law

**Key Contacts:**

**Program:**            Suzanne Marshall, [marshas@mail.doe.state.fl.us](mailto:marshas@mail.doe.state.fl.us); (850)487-1130

**Fiscal:**             Nancy Rivers, [riversn@mail.doe.state.fl.us](mailto:riversn@mail.doe.state.fl.us); (850)410-1460

**Summary:**

Prohibits the imposition of a new impact fee or an increase to an existing impact fee adopted subsequent to May 1, 1999 until July 1, 2000. Creates the Florida School Construction Finance Commission to serve through June 30, 2000, for the purpose of studying alternative methods of funding school construction. Several other issues are addressed related to taxpayer fairness, tax collection, reduction in certain taxes, and revenue sharing.

**Summary by Bill Section:**

**Sections 1 - 15** - These sections address issues of concern for the Department of Revenue such as modification of tax laws, administrative and judicial proceedings related to these laws, certifications, refunds, toll free numbers, and others.

**Section 16** - A school impact fee or an increase in a school impact fee shall take effect as scheduled where the ordinance was adopted prior to May 1, 1999. However, a new impact fee or an increase to an existing school impact fee adopted by a county ordinance subsequent to May 1, 1999, shall not take effect until July 1, 2000.

**Section 17** - Effective upon this bill becoming a law, the Florida School Construction Finance Commission is created, to serve through June 30, 2000, composed of 15 members: six members selected by the Governor, none of whom may be a member of the Legislature at the time of appointment; four members selected by the President of the Senate as follows: one member of the majority party and one member of the minority party of the Senate, one member of a local school board, and one member at large; four members selected by the Speaker of the House of Representatives, as follows: one member of the majority party and one member of the minority party of the House of Representatives, one member of a local school board, and one member at large; and the Commissioner of Education or the Commissioner's designee. The Legislative Committee on Intergovernmental Relations is authorized to employ technical support and to expend funds appropriated to the committee for carrying out the official duties of the commission. The commission shall convene its initial meeting within 60 days after the effective date of this section. The commission shall study alternative methods of funding school construction and the pros and cons of each method of funding. The commission shall formulate revenue policies that consider such construction revenue needs, the availability of alternative funding mechanisms, and other accepted policy goals, including fairness and ease of administration. The commission shall issue a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by February 1, 2000, summarizing its findings, stating its conclusions, and presenting its recommendations.

**Section 18** - Provides \$150,000 for commission.

**Section 19** - Positions for Department of Revenue.

**Section 20** - Revenue sharing requirements for Department of Revenue.

**Section 21** - Effective July 1, 1999.

**CS/CS/SB 230                      Governmental Reorganization**

**Chapter Law:**                      99-240

**Effective Date:**                      October 1, 1999, except as otherwise provided

**Key Contacts:**

**DOE Reorg:**      Paul Mitchell, [mitchep@mail.doe.state.fl.us](mailto:mitchep@mail.doe.state.fl.us); (850)413-0326

**Labor Reorg:**      Lynda Hartnig, [hartnil@mail.doe.state.fl.us](mailto:hartnil@mail.doe.state.fl.us); (850)921-4430

**Summary:**

Primarily focuses on the decentralization of the Department of Labor and Employment Security and provides reorganization authority to the Department of Education. It creates the Occupational Access and Opportunity Commission to oversee services for Floridians with disabilities and transfers the Division of Blind Services to the Department of Education effective January 1, 2001. The following sections may be of interest to educational professionals.

**Summary by Bill Section (where applicable):**

**Section 2** - Amends Section 20.171, Florida Statutes; directs the Department of Labor and Employment Security to operate its programs in a decentralized fashion and establishes five field offices.

**Sections 12-14** - Amends and repeals sections associated with the Division of Safety.

**Sections 15-23** - Transfers the brain and spinal cord injury program and the Office of Disability Determinations from the Department of Labor and Employment Security to the Department of Health effective January 1, 2000.

**Section 24** - Directs the Division of Vocational Rehabilitation to enter into local public-private partnerships to ensure involvement in the comprehensive workforce investment system.

**Section 25** - Describes legislative intent that individuals with disabilities experience the highest unemployment rate of any group in society--as high as 75%--and that unemployment and poverty go hand in hand. The Legislature also finds that individuals who complete the vocational rehabilitation program are twice as likely to obtain and maintain employment.

**Section 26** - Establishes definitions for sections 24 through 36.

**Section 27** - Creates the Occupational Access and Opportunity Commission within the Department of Education. The Commissioner of Education or designee will chair the commission. The Governor, President of the Senate, and Speaker of the House will appoint other members. There must be 50 percent private sector representation.

**Section 28** - The commission shall prepare by July 1, 2000, a 5-year plan to promote occupational access and opportunities for Floridians with disabilities that will satisfy the federal plan for rehabilitation services. In addition, it shall contract with an administrative entity to execute the services, functions, and programs described in the plan; shall be responsible for the prudent use of all public and private funds; shall develop an operational structure; and shall develop a budget.

**Sections 29 - 30** - If the commission selects a direct-support organization as the administrative entity, these sections provide the requirements for the organization and directs an annual audit.

**Section 31** - Provides the requirements for the annual report of the Employment Access and Opportunity Commission.

**Section 32** - Provides the responsibilities of the commission.

**Section 33** - Directs the Division of Vocational Rehabilitation to cooperate with the transitional nature of the plan.

**Section 36** - Indicates that the intent is for the provisions of this bill not to conflict with any federal regulations and provides steps for whenever a conflict may be determined.

**Section 37** - Effective July 1, 2000, the commission will be designated as the official state agency for purposes of the Rehabilitation Act of 1973.

**Section 38** - Directs OPPAGA to study the commission and its designated administrative entity by January 1, 2002.

**Section 39** - Transfers the Division of Blind Services from the Department of Labor and Employment Security to the Department of Education effective January 1, 2001.

**Sections 42-43** - Adds "workforce development" to the powers, duties responsibilities and functions of the Deputy Commissioner for Educational Programs and creates the Deputy Commissioner of Technology and Administration.

Authorizes the Commissioner of Education to reorganize, reallocate duties and functions, and to reassign positions in pay grade 25 and above to Select Exempt Service category. Authorized positions and appropriations may be transferred from one budget entity to another as required to implement the reorganization (subject to the requirements of Section 216.181, Florida Statutes). The Commissioner may not establish, abolish or consolidate bureaus, sections, or subsections after January 1, 2000. The Commissioner shall provide a report on the reorganization to the President of the Senate, the Speaker of the House of Representatives, the minority leaders of the Senate and the House of Representatives, and the chairs of the education and appropriations committees of the Legislature by January 31, 2001. This section is repealed on July 1, 2000.

**Section 44** - Except as otherwise noted, establishes the effective date as October 1, 1999.

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**CS/SB 318                      Intangible Personal Property Taxes**

**Chapter Law:**                      99-242

**Effective Date:**                      January 1, 2000

**Key Contact:**                      Nancy Rivers, riversn@mail.doe.state.fl.us; (850) 410-1460

**Summary:**

Reduces the tax rate for the annual tax on intangible personal property from 2 mills to 1.5 mills. The current exemption of \$100,000 per person or \$200,000 per married couple is against the last .5 mill of the tax. It also provides for the next step in the phase-out of intangibles tax on accounts receivable, exempting two-thirds of such assets, effective January 1, 2000, and expresses the intention to make accounts receivable entirely exempt from intangibles tax as of January 1, 2001, pursuant to future legislative action.

**Summary by Bill Section:**

**Section 1** - Amends definitions under Section 199.023, Florida Statutes, to add "limited liability company" to definition of "affiliated group."

**Section 2** - Provides reduction in the tax imposed under Section 199.032, Florida Statutes, on securities in a Florida Future Investment Funds from 1.85 to 1.35 mills when the average daily balance in such

funds exceeds \$2 billion and at the rate of 1.20, down from 1.70 mills when the average daily balance in such funds exceeds \$5 billion.

**Section 3** - Conforms language regarding annual tax returns and payment of annual tax to amended definition of affiliated group.

**Section 4** - Reduces the tax rate for the annual tax on intangible personal property from 2 mills to 1.5 mills.

**Section 5** - The current exemption of \$100,000 per person or \$200,000 per married couple is against the last .5 mill of the tax. It also provides for the next step in the phase-out of intangibles tax on accounts receivable, exempting two-thirds of such assets, effective January 1, 2000, and expresses the intention to make accounts receivable entirely exempt from intangibles tax as of January 1, 2001, pursuant to future legislative action.

**Section 6** - Effective January 1, 2000.

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**CS/HB 345                      Educational Property Tax Exemption**

**Chapter Law:**                      99-283

**Effective Date:**                      Upon Becoming Law

**Key Contact:**                      Nancy Rivers, [riversn@mail.doe.state.fl.us](mailto:riversn@mail.doe.state.fl.us); (850) 410-1460

**Summary:**  
Amends ad valorem tax exemptions.

**Summary by Bill Section:**

**Section 1** - Amends Section 96.198, Florida Statutes, to provide for ad valorem tax exemption for land held by trustee of an irrevocable inter vivos trust where grantor owns 100% of the entity that owns an educational institution that is being used exclusively for educational purposes.

**Section 2** - Effective upon becoming law.

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**HB 1013                      Florida Retirement System - Preservation of Benefits Plan**

**Chapter Law:**                      99-

**Pending Governor's Decision**

**Effective Date:**                      July 1, 1999

**Key Contacts:**  
**Program:**                      Glenda Campbell, [campbeg@mail.doe.state.fl.us](mailto:campbeg@mail.doe.state.fl.us); (850)487-8526  
**Fiscal:**                      Nancy Rivers, [riversn@mail.doe.state.fl.us](mailto:riversn@mail.doe.state.fl.us); (850)410-1460

**Summary:**  
An act relating to the Florida Retirement System; amending Section 121.091, Florida Statutes, relating to benefits payable under the Florida Retirement System; providing for payment of federally limited benefits through the Florida Retirement System Preservation of Benefits Plan; creating Section 121.1001, Florida Statutes; creating the Florida Retirement System Preservation of Benefits Plan; providing for eligibility;



providing for benefits and contributions; providing for administration; providing a finding of important state interest; providing an effective date.

**Summary by Bill Section:**

**Section 1** - Amends Section 121.091(14)(d), Florida Statutes, to provide that a payee whose retirement benefits are reduced by the application of maximum benefit limits under Section 415(b) of the Internal Revenue Code, shall have the portion of his or her calculated benefit in the Florida Retirement System defined benefit plan which exceeds such federal limitation paid through the Florida Retirement System Preservation of Benefits Plan.

**Section 2** - Creates Section 121.1001, Florida Statutes, which establishes the Florida Retirement System Preservation of Benefits Plan as a qualified governmental excess benefit arrangement pursuant to section 415(m) of the Internal Revenue Code, effective July 1, 1999. The Plan was created for the purpose of providing benefits to a payee of the Florida Retirement System whose benefits would otherwise be limited by Section 415(b) of the Internal Revenue Code.

Provides the eligibility requirement needed to participate in the Preservation of Benefits Plan. A payee of the Florida Retirement System is eligible to participate in the Preservation of Benefits Plan whenever the payee's earned benefit under the Florida Retirement System defined benefit plan exceeds the benefit maximum established under Section 415(b) of the Internal Revenue Code.

Provides for benefits payable under the Preservation of Benefits Plan. Effective July 1, 1999, the Division of Retirement shall pay to each eligible payee of the Florida Retirement System who retires before, on, or after such date, a supplemental retirement benefit equal to the difference between the amount of the payee's monthly retirement benefit which would have been payable under the Florida Retirement System defined benefit plan if not for a reduction due to the application of Section 415(b) of the Internal Revenue Code and the reduced monthly retirement benefit as paid to the payee.

Provides that the Florida Retirement System monthly retirement contributions paid to the Division of Retirement by the payee's past employer shall be reduced by the employer as directed by the division by an amount necessary to meet the requirements for payment of restored benefits under the Plan.

Provides that the Division of Retirement shall compile and maintain all records necessary or appropriate for the administration of the Plan. Also, authorizes the Division to adopt rules necessary to implement the Plan.

**Section 3** - Provides that the Legislature determines and declares that the provisions of this bill fulfill an important state interest.

**Section 4** - Effective July 1, 1999.

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**HB 1883**                      **State Administered Retirement**

**Chapter Law:**                      99-392

**Effective Date:**                      Upon Becoming Law, except as otherwise provided

**Key Contacts:**

**Program:**                      Glenda Campbell, [campbeg@mail.doe.state.fl.us](mailto:campbeg@mail.doe.state.fl.us) (850)487-8526;

**Fiscal:**                      Nancy Rivers, [riversn@mail.doe.state.fl.us](mailto:riversn@mail.doe.state.fl.us); (850)410-1460

**Summary:**

This bill contains miscellaneous retirement legislation necessary for the Division of Retirement to adequately manage and administer the Retirement Program.

**Summary by Bill Section (where applicable):**

**Section 1** - Provides for the division to review and comment on local government retirement system actuarial valuation reports and impact statements on a triennial basis and provides that required payments based on the most recent actuarial valuation are subject to being state-accepted.

**Section 4** - Amends definition of “creditable service” to add non-FRS in-state service and leave-of-absence credit. Clarifies service credit based on contract years of employment or school term years of employment rather than 12-month periods of employment. This section impacts employees such as school crossing guards employed by the County Sheriff, but who provide services exclusively for a school board based on a school term work year.

**Sections 7-9** - Contribution rates for classes and subclasses of the FRS system are established based on an annual actuarial valuation just completed. Effective July 1, 1999, the retirement contribution for regular members for district school boards is 9.21%. The retirement contribution for County Elected Officers is 17.05%.

**Section 10** - Sections 121.081(1)(i) and (2), Florida Statutes, (1998 Supplement), are amended to clarify that a member returning from educational leave must remain on the employer's payroll for at least one calendar month following return to employment rather than 30 calendar days to protect his/her rights.

**Section 26** - With certain exceptions, effect upon becoming law.

All other sections of this bill relate to state administration.

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**CS/CS/SB 2426      Legislative Oversight/Government Programs**

**Chapter Law:**                99-333

**Effective Date:**            July 1, 1999

**Key Contact:**                Nancy Rivers, riversn@mail.doe.state.fl.us; (850)410-1460

**Summary:**

This bill revises duties of the Auditor General and requires district school boards and charter schools to provide for certain financial audits.

**Summary by Bill Section (where applicable):**

**Section 2** - Adds Section 11.42(6)(c), Florida Statutes, requiring the Auditor General to transmit a list of statutory and fiscal changes recommended by audit reports to President of the Senate and Speaker of the House of Representatives by January 1 of each year. Recommendations are to be presented in two categories: (1) addressing substantive law and policy issues and (2) addressing budget issues. Recommendations can be transmitted at other times when information would be timely and useful for the legislature.

**Section 3** - Amends Section 11.45(1)(f), Florida Statutes, to add definition of “operational audit”. Section 11.45 (3)(a), Florida Statutes, is amended to limit the Auditor General's responsibility for annual state agency and district school board audits to counties with populations of fewer than 125,000, according to the most recent federal decennial statewide census. The Auditor General is required to make financial

audits of all district school boards at least every three years in counties with populations of 125,000 or more. For each of the two years that the Auditor General does not make the financial audit, each district school board shall contract for an independent certified public accountant to perform a financial audit.

Each charter school shall have an annual financial audit completed within 12 months after the end of its fiscal year by an independent certified public accountant retained by and paid for from funds of the charter school. A charter school must establish an auditor selection committee and competitive auditor selection procedures. A district school board must establish an auditor selection committee and select an independent certified public accountant based on criteria set forth in the statute. The Auditor General, in consultation with the Board of Accountancy, must adopt rules for the form and conduct of all financial audits conducted by an independent certified public accountant. Additionally, in consultation with the Department of Education, the Auditor General must develop a compliance supplement for the financial audit of a school board conducted by an independent certified public accountant.

Charter schools must comply with all provisions relating to submission of the audit report to the Auditor General including the response/rebuttal and corrective actions.

The Auditor General is required to annually compile a summary of significant findings and financial trends identified by audits performed by independent certified public accountants. This report is to be transmitted to the President of the Senate, Speaker of the House of Representatives, and Joint Legislative Auditing Committee.

**Section 14** - Provides that each nonprofit association or corporation that operates for purposes of supervising and controlling interscholastic activities of public high schools shall have an annual financial audit of its accounts and records by an independent certified public accountant. Previously, the Auditor General was required to perform such audits at least every 6 months.

**Section 24** - Amends Section 218.502, Florida Statutes, to include a district school board under the definition of "local governmental entity" for purposes of financial emergencies.

**Section 27** - Provides for an effective date of July 1, 1999.

Other sections of this bill pertain to operations of state agencies and do not impact operations of public schools.

## Appropriations

### **SB 2500                      General Appropriations Act**

**Chapter Law:**                99-226

**Effective Date:**            July 1, 1999

**Key Contact:**                Nancy Rivers, [riversn@mail.doe.state.fl.us](mailto:riversn@mail.doe.state.fl.us); (850) 410-1460

#### **Summary:**

While appropriations are contained in other laws, the General Appropriations Act is 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 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.

- HB 349, Juvenile Justice
- CS/HB 751, 753, 755, High-Quality Education System
- SB 1288, Adult Fees
- SB 1848, Educational Facilities
- HB 1883, State Administered Retirement
- CS/HB 2147, Charter Schools
- SB 2502, Implementation Bill

### **General Funding Information:**

The following list of major education funding provides a comparison between the 1998-1999 and 1999-2000 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			
	1998-1999 Appropriations	1999-2000 Appropriations	Increase or Decrease
Florida Education Finance Program (FEFP) <sup>1</sup>	\$ 5,843,805,259	\$ 5,636,048,955	(\$ 207,756,304)
Supplemental Academic Instruction <sup>2</sup>	0	527,036,284	527,036,284
Grades K-8 Summer School <sup>2</sup>	83,000,000	0	(83,000,000)
Workforce Development	417,615,199	402,840,652	(14,774,547)
Adult Handicapped Funds	18,673,446	20,556,859	1,883,413
School District Lottery Funds	183,975,000	151,535,000	(32,440,000)
Student Transportation	384,788,691	395,245,086	10,456,395
Instructional Materials	183,938,638	193,691,807	9,753,169
Class Size Reduction	100,000,000	0	(100,000,000)
Pre-School Projects <sup>3</sup>	108,925,000	105,850,000	(3,075,000)
Innovative Practices	2,950,000	3,865,000	915,000
Exceptional Education	5,363,127	5,403,127	40,000
School and Instructional Enhancement	4,368,218	4,674,718	306,500
Communities in Schools	2,000,000	2,000,000	0
Public School Technology <sup>4</sup>	80,100,000	63,400,000	(16,700,000)
HIV/Aids Education	0	100,000	100,000
Vocational Performance Incentive	2,000,000	2,000,000	0
School Choice	5,000,000	12,000,000	7,000,000
School Lunch and Breakfast Match	20,161,046	18,161,046	(2,000,000)
Reading Programs	10,000,000	15,000,000	5,000,000
Merit Schools	5,390,000	15,000,000	9,610,000
Urban Tutorial and Mentoring Program	25,000	0	(25,000)
Excellent Teaching Program	12,000,000	14,000,000	2,000,000
Florida Teacher Lead Program	13,000,000	14,749,913	1,749,913
Alternative Schools/Public Private			
Partnership Incentives	0	2,000,000	2,000,000
Teacher Training <sup>4</sup>	0	34,000,000	34,000,000
Extended School Year	0	40,000,000	40,000,000
<b>Children's Resource Fund (VETOED)</b>	<b>0</b>	<b>350,000</b>	<b>350,000</b>
Preferred Technology Curriculum Pathway	0	2,000,000	2,000,000
<b>SER/Saber Youth Co-op (VETOED)</b>	<b>0</b>	<b>600,000</b>	<b>600,000</b>
Incentive Grants for Expanding Programs	0	16,964,184	16,964,184

<sup>1</sup> School district financial obligation to the Florida Retirement System was reduced in 1999-2000 by an estimated \$520,515,265, due to a reduction in the required contribution rate for regular members from 15.51% to 9.21%. The 1998-99 FEFP provided funding for the 180 day regular year and all summer programs with the exception of K-8 basic education programs. The 1999-2000 FEFP provides funding for the 180 day regular school year and summer programs for juvenile justice students only; all other summer programs are funded through the Supplemental Academic Instruction Categorical.

<sup>2</sup> The Supplemental Academic Instruction categorical provides funding for supplemental academic instruction to K-12 students in any manner and at any time during or beyond the regular 180 day term. The following 1998-99 programs were folded into the 1999-2000 appropriation: 1) K-8 Basic Summer School; 2) projected summer school FTE enrollment formerly funded through the FEFP with the exclusion of juvenile justice summer programs; and 3) the weighted portion of regular school year dropout prevention programs formerly funded through the FEFP.

<sup>3</sup> Includes Coalition Incentives in the amount of \$2,085,000.

<sup>4</sup> Teacher Training funds formerly provided through the FEFP and the Public School Technology categorical are consolidated into Teacher Training.

#### 1999-2000 Allocations for Districts -- Facilities Funding

	1998-1999 Appropriations	1999-2000 Appropriations	Increase or Decrease
Public Education Capital Outlay			
Remodeling, Renov., Maintenance	\$ 90,402,480	\$ 78,725,190	(\$ 11,677,290)
New Construction	100,228,358	167,693,557	67,465,199
Special Facility Construction (Washington, Columbia, DeSoto, and Madison)	42,632,150	50,846,972	8,214,822
Classrooms First	180,000,000	180,000,000	0
Class Size Reduction/Capital Outlay (See below for more information)	0	100,000,000	100,000,000

In addition, **\$250,000 was appropriated to the Palm Beach County School District for renovation and remodeling of vocational facilities (VETOED); \$3,500,000 to the Indian River County School District for a community auditorium (VETOED); \$5,000,000 for replacement of 1998-99 PECO funds earmarked for charter schools; a joint use facility appropriation of \$4,000,000 to Daytona Beach Community College/Volusia County School District Charter Technical Center; and a joint use appropriation of \$3,000,000 to Martin County School District/Indian River Community College Charter Career Technical Center (VETOED).**

#### Class Size Reduction /Capital Outlay

The amount of \$100,000,000 is appropriated for the construction of classroom facilities to serve public school students in kindergarten through grade 3. The Commissioner of Education shall submit a plan to the State Board of Education by October 1, 1999, recommending an equitable allocation of these funds solely for that purpose. The plan shall consider student membership in grades kindergarten through grade 3 relative to classroom facilities classified as satisfactory for the 1998-99 school year, local effort to address public school overcrowding and projected enrollment trends and facility construction in kindergarten through grade 3 in each district through the 2004-2005 fiscal year. The Department of Education shall consult with the Office of Economic and Demographic Research about the methodology and results of the Office's 1998-99 study of class size and facilities for K-3 in Florida prior to developing its plan. Upon approval of the plan by the State Board of Education, the Department shall notify the eligible districts of the availability of these funds. Funds shall be approved for specific K-3 class-size reduction projects and shall not be disbursed to the districts except to meet the cash flow demands of the construction project.

## **Florida Education Finance Program**

An amount of \$5,636,048,955 is appropriated to fund the state's share of the Florida Education Finance Program (FEFP). FTE funded through the FEFP includes all student enrollment associated with the 180 day regular school year and students in juvenile justice education programs during the summer.

A separate appropriation in the amount of \$402,840,652 for Workforce Development was made to finance adult vocational and adult general education. Funds for adults with handicaps who are not expected to seek competitive employment are appropriated separately from Workforce Development funds in the amount of \$20,556,859.

### **Program Weights (Cost Factors)**

FEFP funds for 1999-2000 are based on program cost factors as follows.

	<u>Program Number</u>	<u>Cost Factors</u>
1. Basic Programs		
K-3 Basic <sup>1</sup>	101	1.057
4-8 Basic	102	1.000
9-12 Basic	103	1.115
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. English for Speakers of Other Languages	130	1.211
4. Vocational Education, Grades 6-12	300	1.211

<sup>1</sup> Includes children of teenage parents.

### **Ceiling for Group 2 Programs**

Section 236.081(1)(d)4, Florida Statutes, provides a supplemental capping calculation for the 21 districts that had projected FTE transferred from Group 2 (exceptional student education, English for speakers of other languages, 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 with FTE transferred:

- districts' reported unweighted full-time equivalent student membership (FTE) for Group 2 programs will be compared to districts' total appropriated unweighted FTE for these programs;
- if the reported unweighted FTE for these programs exceeds the 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 does not apply to all reported FTE over the cap - only to FTE students included in the 1999-2000 district Group 2 forecast. (Same provision as 1998-99)

### **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 68.15 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 1998-99)

### **FTE**

FTE earned by students receiving dropout prevention services is reported in the appropriate basic education program appropriate for each student's grade level.

**Base Student Allocation**

The 1999-2000 base student allocation (BSA) for K-12 FEFP is \$3,227.74.

**District Cost Differential**

The district cost differential (DCD) for each district is to be calculated as provided in s. 236.081(2), Florida Statutes (Same provision as 1998-99).

**Declining Enrollment Supplement**

The declining enrollment supplement is determined by comparing the unweighted FTE in 1999-2000 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 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 s. 236.081(7), Florida Statutes, and is unchanged from 1998-99.)

**District Sparsity Supplement**

An amount of \$30,000,000 is provided for sparsity, as defined in s. 236.081(6), Florida Statutes, for districts of 20,000 or fewer FTE students. (Same provision as 1998-99)

**Safe Schools**

An amount of \$70,350,000, which is an increase of \$20,000,000 over the 1998-99 amount, is appropriated for Safe School activities. Each district is allocated a base amount of \$30,000 (new for 1999-2000) with two-thirds of the remaining funds 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, (3) alternative school programs for adjudicated youth, and (4) other improvements to make the school a safe place to learn (new for 1999-2000). 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.

**Hold Harmless Adjustment**

This adjustment guarantees each district a 1.0 percent increase per weighted FTE K-12 student in potential funding relative to 1998-99 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. The base year, 1998-99, includes the adjustment for the 1999-2000 Florida Retirement System contribution reduction.

**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 so that districts receive the greater amount as calculated by one standard deviation (Step 1) or a percentage adjustment (Step 2) toward state average funding per unweighted FTE.
  - Step 1     If the funds per unweighted FTE are less than one standard deviation below the mean, funding is increased to achieve one standard deviation from the mean, or
  - Step 2     If the funds per unweighted FTE are less than the mean, the difference below the mean is multiplied by a percentage adjustment toward state average funding. The percentage is determined using the funds remaining after performing Step 1.
- 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.

This is the same calculation as made in 1998-99.

### **Discretionary Tax 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 1998-99)

### **Required Local Effort**

Provides for an unadjusted required local effort of \$3,872,505,386 in ad valorem taxes, an amount that will require an estimated 6.089 mills on a statewide basis. The local effort calculation from taxes continues to be adjusted based on the equalization provisions authorized in Section 236.081(4)(c), Florida Statutes, and by Section 236.081(4)(6), Florida Statutes, which 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**

Grades K-12 summer school programs are funded through the Supplemental Academic Instruction categorical with the exception of summer programs for students in juvenile justice education programs which are funded through the FEFP. Refer to the Supplemental Academic Instruction categorical and HB 751 for more information.

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 1998-99)

### **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 1998-99)

Districts that provide 90 percent of their total FEFP from required local effort (anticipated to be Collier, Monroe and Walton) 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 1998-99)

### **Florida Retirement System Savings**

The Legislature reduced the Florida Retirement System (FRS) contribution for regular members from 15.51% to 9.21%, effective July 1, 1999. This revision reduces the school districts' required 1999-2000 fiscal year FRS contribution by an estimated \$520,515,265.

### **Juvenile Justice Education Programs and Charter Schools**

Each school district with juvenile justice education programs and students in charter schools shall provide in 1999-2000 an amount of funds per FTE student that is no less than the amount provided for students in these programs in 1998-99.

The school year for juvenile justice education programs shall be comprised of 250 days distributed over 12 months (HB 349). Students in these programs are funded for no more than 25 hours per week of direct instruction. The summer school period for these students shall begin on the day immediately



following the end of the district's regular school year and end on the day immediately preceding the subsequent regular school year.

### **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.

### **Performance Standards**

The kindergarten through twelfth grade program is to meet the following performance standards as required by the Government Performance and Accountability Act of 1994, to provide instructional experiences in elementary and secondary schools that enable students to attain entry-level employment and enroll in postsecondary institutions.

=====			
Performance		FY 1999-2000	
Measures - Outcomes		Standards	
-----			
Number and percentage of a student cohort who graduate from high school as defined in statute			
.....	110,027;	52.65%	
Number and percentage of recent graduates who meet the state levels in reading, writing, and mathematics for placement into college-level courses			
..... Reading	31,135;	76.2%	
..... Writing	31,992;	78.0%	
..... Mathematics	28,890;	71.9%	
-----			
Additional approved performance measures and standards are established in Senate Bill 2502, Implementing General Appropriations Act for Fiscal Year 1999-2000.			
=====			

### **FEFP Earmarks**

From the FEFP funds appropriated for Hillsborough, Pinellas, Manatee, and Polk County Schools, \$1,500,000 may be used for the K-12 Exploring Africa: Curriculum Development Project. From the FEFP appropriation for Palm Beach County Schools, \$246,814 may be used for the Street Beat Program in the City of South Bay. From the FEFP appropriation for Pinellas County Schools, \$240,000 may be used for the Heart Scan for Athletes Program. From the FEFP appropriation for Dade County Schools, \$750,000 may be used for the Delta Initiative Community Outreach Project, \$350,000 may be used for the First Steps Preschool Program, and \$200,000 may be used for the Miami International Book Fair. From the FEFP appropriation for Alachua County Schools, \$645,000 may be used for a School Resource Deputy/Officer Model Program. From the FEFP appropriation for Broward County Schools, \$200,000 may be used to establish a Swim Central Hotline. From the FEFP appropriation for Bay County Schools, \$150,000 may be used for the Individual Career Academic Plan (ICAP). From the FEFP appropriation for Franklin County Schools, \$200,000 may be used for the ADAPT alternative education program.

Funds appropriated for the FEFP and the Supplemental Academic Instruction categorical for Manatee County are to be used to provide students affected by the pilot program, authorized by SB2050, which

increases the compulsory school attendance age in that district from 16 to 18, with all necessary services to support students' continued attendance in school, their progression from grade to grade and their completion of requirements for high school graduation. The district shall be held harmless in the calculation of Group 2 program caps for the full-time-equivalent students affected by this pilot program.

#### **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 1998-99)

#### **District Discretionary Lottery Funds**

An amount of \$151,535,000 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 with a copy of these policies and procedures and to submit an annual report showing all actual expenditures of enhancement funds. Districts are to use the unique revenue and expenditure accounting specified by the Department.

The 1999 Legislature continued the proviso language for this appropriation as follows:

- School boards must allocate, not later than October 1, 1999, 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 include performance indicators that are measurable.
- 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. The funds must be accounted for and subject to being audited on a yearly basis.

District entitlements are calculated by prorating the amount of the appropriation to each district's share of FEFP base funding ( $WFTE \times BSA \times DCD$ ).

**From the Discretionary Lottery funds allocated to Palm Beach County, \$159,000 shall be used for the We Change Foundation Reading Program (VETOED).**

**From the Discretionary Lottery funds allocated to Broward County, \$200,000 shall be used for swimming instruction for children with economic need as determined by the free lunch eligibility criteria (VETOED).**

#### **Categorical Programs**

##### **Supplemental Academic Instruction**

An amount of \$527,036,284 is appropriated to be used to provide flexible resources to schools for supplemental academic instruction at appropriate times throughout the school year to help students gain at least a year of knowledge for each year in school and to help students not be left behind. Districts may utilize these funds to implement remedial instruction required by Section 232.245, Florida Statutes, and the requirements of Section 232.246, Florida Statutes. Schools shall determine the supplemental strategies that are most appropriate for each student. Strategies may include, but are not limited to modified curriculum, reading instruction, after-school instruction, tutoring, mentoring, class size reduction, extended school year, and intensive skills development in summer school. A school district may expend up to 15% of its allocation for indirect costs for summer school.

For 1999-2000, Supplemental Academic Instruction funds shall be allocated by dividing initial district allocations by the regular term FTE for affected programs, calculating a state average funds per regular term FTE and then guaranteeing that all districts below the average funds per regular term FTE receive the average. All districts with initial allocations greater than the average funds per regular term FTE shall be held harmless. These district allocations are not subject to recalculation.

From the Supplemental Academic Instruction funds, the Department of Education shall contract with the Boys and Girls Club in an amount not to exceed \$2,000,000, Big Brothers and Big Sisters programs in an amount not to exceed \$1,000,000, and the Black Male Explorers program in an amount not to exceed \$500,000 for the purpose of providing mentoring services to at-risk children identified in the districts which request assistance. The district shall provide a reporting mechanism which ensures that a child is not served by more than one organization. A report must be provided to the legislature on student progress.

From the Supplemental Academic Instruction funds for Broward County, \$88,860 is provided for a contract with the Department of Juvenile Justice, District 10, to provide after-school vocational education training.

### **Public School Technology**

An amount of \$63,400,000 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 oldest equipment.

Training funds have been transferred to the Teacher Training categorical. The Department of Education is authorized to withhold distribution of funds from districts which fail to complete a technology survey, by school, approved by the Commissioner of Education.

### **School Choice**

An amount of \$12,000,000 is appropriated to be used for public school choice incentive grants. Funds may be used to provide alternatives for public school students attending failing schools. The Department is to develop a competitive process to support school districts that choose to implement a controlled open enrollment plan provided, however, that any district which received a public school choice incentive grant in 1998-99 and continues the program in 1999-2000 shall receive not less than the amount it received in 1998-99.

### **Instructional Materials**

An amount of \$193,691,807 is appropriated for the purchase of instructional materials, with \$14,000,000 of the appropriation specifically earmarked for library media materials and \$3,200,000 for 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 shall 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)(g), Florida Statutes.

The growth allocation per FTE student is \$286.10. 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 10.

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 \$103,765,000 is appropriated from General Revenue and the Educational Enhancement Trust Fund for the following:

Pre-K Early Intervention	\$ 97,042,828
Early Childhood Services	427,000
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 1999-2000, the minimum amount for each school district is to be \$65,000.

### **Innovative Practices**

An amount of \$3,865,000 is appropriated to be used as follows:

- \$100,000 for each of the following school districts: Orange, Hillsborough, Duval, Lee, Pinellas, Escambia, Palm Beach, Miami-Dade, and Leon. These funds are to be used for the Learning for Life Character Education Program coordinated with the Regional Boy Scout Council. The Boy Scout Council shall match each district's allocation as follows: 25% cash and 75% inkind.
- **\$900,000 for Amer-I-Can Program Inc., to implement and operate its self-improvement and life-skills training program in Dade, St. Lucie, and Gadsden counties (VETOED).**
- **\$40,000 to the Foundation for Computer Education (VETOED).**
- **\$75,000 to the Florida African Cultural Education Program (VETOED).**

The remaining funds are awarded by the Commissioner, according to general guidelines by which grant applications will be received from local education agencies or non-profit corporations. Such guidelines will include evaluation criteria.

Special consideration shall be given to grant applications which target funds for low performing schools and applications which contain private matching contributions.

### **School Lunch Match/Breakfast Supplement**

An amount of \$18,161,046 is appropriated with \$9,165,197 to be used as state matching funds for the Federal Food Service Program and \$8,624,349 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 1998-99)

### **School Transportation**

An amount of \$395,245,086 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 for use after July 1, 1999, to fund performance measurements that occurred prior to July 1, 1999.

**Florida Teachers Lead Program**

This appropriation of \$14,749,913 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 any full-time member of the district's instructional staff. This one-time appropriation shall be made available to each member of the instructional staff in the amount of \$100.

**Excellent Teaching Program**

The amount of \$14,000,000 is appropriated for the Excellent Teaching Program authorized in s. 236.08106, Florida Statutes.

**Teacher Training**

The amount of \$34,000,000 is appropriated for Teacher Training and includes the funds required for inservice personnel training as prescribed in Section 236.081(3), Florida Statutes, as well as teacher training funds formerly funded through the Public School Technology categorical.

Teacher Training funds are provided for inservice training of instructional personnel. Each school district shall design a system, approved by the Department of Education, for the professional growth of instructional personnel that links and aligns inservice activities with student and instructional personnel needs as determined by school improvement plans, annual school reports, student achievement data, and performance appraisal data of teachers and administrators. Inservice activities shall primarily focus on subject content and teaching methods, including technology, as related to the Sunshine Standards; assessment and data analysis; classroom management; and school safety. Districts' Teacher Training allocations are based on each district's proportion of the state total unweighted full time equivalent student enrollment.

To be eligible to receive Teacher Training funds, districts must have a professional development system approved by the Department of Education and must require school principals to establish and maintain individual professional development plans for each instructional employee. The need for any training activity defined in a teacher's professional development plan must clearly be related to specific performance data for the students to whom the teacher is assigned. Plans must include clearly defined training objectives and specific and measurable improvements in student performance that are expected to result from the training activity. Plans must also include an evaluation component; principals must measure the extent to which each training activity did accomplish the student performance gains that were predicted to result from the training activity.

The Department of Education shall provide technical assistance to districts for development of these individual professional development plans, and by March 1, 2000, the Commissioner of Education shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives that describes progress districts have made implementing these plans. The report will include a formal evaluation of plans developed in at least five districts. The evaluation shall include, but not be limited to, an identification of student performance data used to define training needs as well as a description and evaluation of methods used to measure the success of training.

**Extended School Year**

An appropriation of \$40,000,000 is made for schools that choose to extend the length of the academic year for students from 180 to 210 days. To be eligible to receive funds provided for an extended school year, a school must submit to the Commissioner of Education by August 1, 1999, a letter of commitment to extend the length of the school year. By January 1, 2000, the school must also submit an implementation plan, which includes, but is not limited to 1) assurance that teacher training, individual and collaborative teacher planning time, and innovative use of technology are key elements of the school's

implementation of an extended school year, and 2) assurance that additional time-on-task for students will be used to provide additional course content.

The school's letter of commitment must be accompanied by a letter of endorsement from the district school board, which acknowledges the school's commitment and expresses support for the school's extended school year implementation plan. Districts must also provide assurance that extended school year funds shall be used to provide twelve-month contracts for teachers in participating schools. The district must include schools implementing an extended school year in the district's controlled open enrollment plan. In addition, both the school and the district student performance data will be used to measure the extent to which an extended school year is associated with increased student performance. This measurement must include a comparison of the performance of comparable student populations in 180-day schools and 210-day schools. The Commissioner of Education is authorized to reduce a district's 2000-2001 FEFP funding entitlement by the amount of its 1999-2000 extended school year allocation if the district fails to submit 1999-2000 student performance data by September 1, 2000.

Extended School Year funds are provided for both planning **and operations grants (VETOED)**. Schools with 500 or fewer students shall receive an \$80,000 planning grant. Schools with a student population greater than 500 and less than or equal to 1,000 shall receive a planning grant of \$100,000. Schools with a student population greater than 1,000 shall receive a planning grant of \$120,000.

**Each district shall receive an allocation for the operation of an extended school year which shall be calculated by (1) multiplying each district's FEFP base funding amount (2) times the number of weighted students participating in an extended school year divided by the total weighted student enrollment of the district, (3) times 1/6, and (4) times 1/2. If the amount required to fund planning grants and operations grants for all eligible schools exceeds the amount of the appropriation, the Commissioner shall fund the cost of extended school year operations on a first-come first-served basis. Only those 234 schools that indicated an interest in an extended school year in response to the Department of Education's February, 1999, extended school year survey will be eligible to receive Extended School Year funds. In the event more than 50% of the 234 eligible schools submit an implementation plan by the January 1, 2000 deadline, the Commissioner of Education shall consult with the President of the Senate and the Speaker of the House of Representatives regarding the full annualized cost of implementing an extended school year for the 2000-2001 year for all schools that have submitted their implementation plans. (Estimated amount is \$16,140,000, VETOED).**

**The Commissioner of Education shall not authorize the release of any funds for operations for any school until that school certifies that its planning process is complete and that it is ready to fully implement the extended school year (VETOED).**

**Any school that operated a 210-day extended school year in 1998-99 shall receive funds for the operation of an extended school year for the 1999-2000 school year from the funds appropriated for the Extended School Year program (VETOED).**

The Commissioner of Education shall report to the Executive Office of the Governor, the President of the Senate and the Speaker of the House of Representatives by August 15, 1999, and November 15, 1999, and January 15, 2000, regarding progress made by schools that are preparing to implement an extended school year. These reports shall include a projection of the full cost of extended school year implementation for all eligible schools that are expected to implement an extended school year during the 1999-2000 school year. The Commissioner of Education shall also report to the Executive Office of the Governor, the President of the Senate and the Speaker of the House of Representatives by July 15, 2000, regarding the effectiveness of school district planning and initial implementation of an extended school year.

**From Extended School Year funds, \$500,000 is provided for a summer training program for persons representing schools which have chosen to implement an extended school year and which qualify for extended year planning funds for 1999-2000 (VETOED).**

#### **School and Instructional Enhancements**

An appropriation of \$4,674,718 was made for School and Instructional Enhancements with the following earmarked amounts:

- \$100,000 for the Jason Project;
- \$99,000 for Integration of Visual Arts and Other Subjects;
- **\$150,000 for Old Home Town (VETOED);**
- **\$400,000 for Tropical Garden Educational Network (VETOED);**
- \$200,000 for Newfound Harbor Marine Institute in Monroe County to provide teacher training and marine science instruction and scholarships to selected K-12 schools in the State of Florida. Funds may be used for Arts for Complete Education.
- \$3,725,718 is provided for other instructional enhancements to be awarded by the Commissioner of Education. The Commissioner shall develop general guidelines by which grant applications will be received from local education agencies or non-profit corporations. Such guidelines shall be approved by the State Board of Education. Approved applications shall include evaluation criteria.

#### **Exceptional Education**

A general revenue appropriation of \$3,069,773 and a federal aid appropriation of \$2,333,354 are provided 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, Very Special Arts, 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.

From this appropriation, \$40,000 is provided for the Hosts Program as designated by the Commissioner of Education.

#### **Reading Programs**

Funds in the amount of \$15,000,000 are provided primarily for intensive reading programs targeted at improving the reading proficiency of students in grades kindergarten through three who have identified deficiencies in reading and readiness. The Commissioner of Education is to establish guidelines and eligibility criteria for awarding these funds through competitive grants to school districts. Priority for funding shall be given to the following reading programs: Reading Recovery Program, Feeder Pattern Program, Top Flight Reading Program, African Male Leadership Program, Project PASS, Home Instruction Program for Preschool Youngsters (HIPPOY), Parents as Teachers, Sneaker Net Reading Program, Alpha Kappa Alpha Sorority, Inc. WISH Foundation, Better Way Foundation, Success Maker, Old Home Town School, Zeta Community Center Reading PACT (Parent and Child Together), LINKS (UF Model), and the Waterford Reading Program. Funds provided for HIPPOY shall be allocated from the General Revenue Fund and shall not flow through school districts.

From the funds appropriated for Reading Programs, \$1,500,000 is provided to the Institute for School Innovation to design and implement a research study to determine the effects of class size on academic achievement in reading, writing and mathematics. This study shall be conducted using an enhanced Project Child model in at least four diverse and geographically dispersed elementary schools throughout the state. This project shall be evaluated by an independent organization to determine the effectiveness of this model at increasing student achievement in a cost effective framework when compared to a

traditional class model. In addition, up to \$304,000 of the \$1,500,000 may be used by the Institute for School Innovation to develop and implement a middle school version of Project Child in a charter school, to meet the needs of low-achieving students at risk of failure in grades 6-8. The Department of Education shall release these funds no later than August 1, 1999 for start-up costs prior to implementation.

### **Workforce Development**

The amount of \$402,840,652 is provided for school district workforce development programs as defined in Section 239.105(28), Florida Statutes, and shall be used for no other purpose. Fees charged for participation in workforce development education shall be no less than the level charged in 1998-99. Workforce development funds are not to be used to support K-12 programs or the district K-12 administrative indirect costs. These funds are allocated as follows.

Alachua	1,185,121	Lake	4,207,722
Baker	111,563	Lee	10,922,944
Bay	3,255,669	Leon	7,221,444
Bradford	758,660	Levy	0
Brevard	2,467,797	Liberty	4,704
Broward	74,519,786	Madison	0
Calhoun	142,817	Manatee	5,392,459
Charlotte	2,572,549	Marion	2,456,342
Citrus	2,443,393	Martin	3,296,817
Clay	427,702	Monroe	660,405
Collier	7,431,736	Nassau	375,639
Columbia	200,541	Okaloosa	2,789,509
Miami-Dade	109,138,295	Okeechobee	0
DeSoto	742,365	Orange	34,661,033
Dixie	27,287	Osceola	4,477,215
Duval	0	Palm Beach	15,834,147
Escambia	5,069,431	Pasco	3,282,974
Flagler	2,869,922	Pinellas	24,047,970
Franklin	54,819	Polk	12,065,251
Gadsden	646,740	Putnam	193,675
Gilchrist	5,036	St. Johns	7,037,465
Glades	8,782	St. Lucie	0
Gulf	169,921	Santa Rosa	1,680,692
Hamilton	56,253	Sarasota	10,482,385
Hardee	311,057	Seminole	0
Hendry	371,822	Sumter	172,747
Hernando	439,772	Suwannee	862,727
Highlands	0	Taylor	1,157,331
Hillsborough	28,933,985	Union	104,665
Holmes	0	Volusia	0
Indian River	617,815	Wakulla	261,565
Jackson	571,383	Walton	81,601
Jefferson	213,656	Washington	3,297,389
Lafayette	35,079	Washington Special	11,081

From the Workforce Development appropriation, the Workforce Development Education Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994, to respond to emerging local and statewide economic development needs by providing workforce development programs.



Performance Measures - Outcomes	FY 1999-2000 Standards
<p>Number and percent of vocational certificate program completers who left the program and are found placed according to the following definitions:</p> <p>Level III - Completed a program identified as high-wage/high-skill on the Occupational Forecasting List and found employed at \$4,680 per quarter or more . . . . 12,227; 42.6%</p> <p>Level II - Completed a program identified for new entrants on the Occupational Forecasting List and found employed at \$3,900 per quarter or more, or was found continuing education in a college credit-level program . . . . 4,369; 15.2%</p> <p>Level I - Completed any program not included in Level II or III and found employed, found as a military enlistment, or found continuing their education at the vocation certificate level . . . . . 10,801; 37.6%</p>	
<p>Additional approved performance measures and standards are established in Senate Bill 2502, Implementing General Appropriations Act for Fiscal Year 1999-2000.</p>	

### **Incentive Grants for Expanding Programs**

An appropriation in the amount of \$16,964,184 is provided for Workforce Development Capitalization Incentive Grants pursuant to the procedures established in Section 239.514, Florida Statutes. These funds are provided for projects which received a score of 62.75 points or higher on the list of Workforce Development Capitalization Incentive Grants which was approved by the Postsecondary Education Planning Commission on February 19, 1999, with the exception that no funds are provided for grants for Adult Basic Education programs.

From these funds, \$500,000 is provided to defray costs associated with the transfer of adult education programs and/or facilities and equipment to Palm Beach Community College.

From these funds, the Postsecondary Education Planning Commission (PEPC) may consider an application submitted by Broward Community College in the amount of \$1,000,000 for a collaborative project with a multimedia company proficient and able to demonstrate an ability to offer native language support for speakers of the following languages: Spanish, Portuguese, Vietnamese, French, German, Italian, Arabic, Hebrew, Russian, Hungarian and Turkish. The project is to develop and distribute a minimum of fifteen hundred sets of a multimedia, interactive system for Haitian speakers to learn English. The program shall prepare Haitian speakers to speak English in order to enter the job market.

**Adult Handicapped Funds**

The amount of \$20,556,859 is appropriated for Adult Handicapped Programs and is allocated to each school district in the amounts listed. The Division of Workforce Development and the Division of Community Colleges shall jointly develop a grant program for the allocation of adult handicapped funds and a grant review process that takes into consideration the views of advocates for the disabled. The grant application, the application procedure and the application ranking criteria will be submitted to the President of the Senate and the Speaker of the House of Representatives on or before February 1, 2000. The application ranking system shall include at least the following: (1) cost per individual served; (2) potential for improving quality of life through the provision of recreational activities and intellectual stimulation; (3) programs that serve adults with disabilities who are not suited for workforce development education programs; and (4) programs that provide lifelong learning activities to senior citizens. One grant application process shall be developed to be used by the school districts and community colleges. More than one application can be submitted by a community college or school district.

Alachua	140,868	Lake	41,237
Baker	229,953	Lee	13,652
Bay	205,520	Leon	1,216,398
Bradford	74,613	Levy	0
Brevard	640,000	Liberty	161,114
Broward	1,947,448	Madison	0
Calhoun	0	Manatee	291,144
Charlotte	67,317	Marion	50,000
Citrus	160,000	Martin	403,286
Clay	15,900	Monroe	106,844
Collier	48,350	Nassau	59,953
Columbia	55,000	Okaloosa	0
Miami-Dade	2,378,232	Okeechobee	0
DeSoto	342,355	Orange	590,851
Dixie	0	Osceola	46,620
Duval	0	Palm Beach	1,607,344
Escambia	357,460	Pasco	19,836
Flagler	1,132,656	Pinellas	791,193
Franklin	0	Polk	345,801
Gadsden	575,000	Putnam	0
Gilchrist	0	St. Johns	327,945
Glades	0	St. Lucie	0
Gulf	45,000	Santa Rosa	52,318
Hamilton	0	Sarasota	634,369
Hardee	63,736	Seminole	0
Hendry	0	Sumter	15,000
Hernando	107,121	Suwannee	100,990
Highlands	0	Taylor	99,843
Hillsborough	606,355	Union	109,981
Holmes	0	Volusia	0
Indian River	25,000	Wakulla	48,562
Jackson	2,160,327	Walton	0
Jefferson	78,409	Washington	82,545
Lafayette	0	Washington Special	0

**School Recognition/Merit Schools**

An amount of \$15,000,000 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.

**District Operational Performance Audits**

An appropriation of \$30,000 is provided for post-review evaluations of those school districts that were reviewed pursuant to Specific Appropriation 131, from the 1996-97 General Appropriations Act. The Office of Program Policy Analysis and Governmental Accountability shall evaluate (1) the recommendations from the performance reviews that have been implemented and (2) the cost savings realized from the performance reviews. If, during the post-review evaluation, it is determined that school districts have not implemented specific recommendations, the school district shall specify why such recommendations were not implemented. Copies of the post-review evaluations shall be provided to the Governor's Office, the Commissioner of Education, the Senate President, and the Speaker of the House.

**Instructional Technology Improvement Study Group**

An appropriation in the amount of \$175,000 is provided to support the Instructional Technology Study Group which shall be formed for the purpose of creating an Instructional Technology Implementation Strategy. This group will be charged with providing recommendations to the Governor, the Commissioner of Education, the President of the Senate, and the Speaker of the House. Each will appoint one member, and the Governor will appoint a chairperson. The group will create a strategy to accomplish the following:

- (a) Establish technology literacy standards for teachers and students by a time certain
- (b) Student/computer ratios of 5:1, 4:1, 3:1 by a time certain
- (c) Create incentives for districts to allocate funds to technology and technology training
- (d) Coordinate funding at state and district levels for instructional technology

The work of the study group shall be completed by October 3, 1999. It will be operated as an adjunct to the Smart Schools Clearinghouse.

**World Class Schools**

An appropriation in the amount of \$200,000 is provided for the Jacksonville Chamber Foundation to implement the World Class Education program promoting business and community involvement in setting high educational standards for all students, implementing a standards-based accountability system in public schools, and strengthening school system operations. These funds must be matched by cash funds from the Chamber of Commerce Foundation in an amount that is not less than one dollar of private funds for each dollar of state grant funds. All expenditures must be accounted for and a final report must be made to the President of the Senate and Speaker of the House of Representatives on the objectives achieved (VETOED).

**Work Keys**

An appropriation in the amount of \$750,000 is provided for a Work Keys program in Duval County. These funds will provide 50% of the support needed for the Work Keys System with the remainder of the funds provided from business or local funds. The goal of the Work Keys System is to create partnerships between the school system and chamber of commerce to help students in essential skills needed to successfully enter the work force and pursue higher education. The skills are to include: listening, applied mathematics, locating information, reading for information, applied technology, observation, teamwork, and writing. The System is to develop independent, self-directed students who will become productive, responsible citizens by attaining gainful employment in a career of their choice that matches their skills and interests; provide systemic change in the delivery of workplace skills to students; and to create a continuing partnership between business and education in support of the lifelong learning process. All expenditures must be accounted for and a final report must be made to the President of the Senate and the Speaker of the House of Representatives on the objectives achieved (VETOED).

**SB 2502                      Implementing Bill**

**Chapter Law:**                99-228

**Effective Date:**            July 1, 1999 or upon becoming law

**Key Contact:**                Nancy Rivers, [riversn@mail.doe.state.fl.us](mailto:riversn@mail.doe.state.fl.us); (850)410-1460

**Summary:**

The Implementing Bill specifies the policies that the Legislature intended to be used in implementing and administering the General Appropriation Act for fiscal year 1999-2000.

**Summary by Bill Section (where applicable):**

**Section 51** - Creates Section 235.014(13), Florida Statutes, requiring the Commissioner to use specified line item appropriations, regardless of the source of the funds, as the amount appropriated by the Legislature for fixed capital outlay for fiscal year 1999-2000. The data are to be used in the preparation of the Commissioner's comprehensive fixed capital outlay legislative budget request for fiscal year 2000-2001.

**Section 52** - Makes void provisions of the bill if the related line item or proviso has been vetoed. Applies same principle to portions of the bill that implement one or more appropriations.

**Section 53** - The Appropriations Act and Implementing Bill are solely for the 1999-2000 fiscal year. If another law passed during the 1999 session that is substantially the same as a provision in the Implementing Bill, the provision in the other bill shall take precedence and shall continue to operate, notwithstanding the future repeal provided by this act.

**Section 54** - Performance measures and standards are established and apply to individual programs for the 1999-2000 fiscal year. The performance measures and standards are directly linked to the appropriations made in the 1999-2000 General Appropriations Act, as required by the Government Performance and Accountability Act of 1994. For public schools 32 measures and standards, and the specific appropriations to which they apply, are listed and categorized as follows: pre-kindergarten outcome measures, grades K-12 outcome measures, and grades K-12 output measures. Education measures and standards are also prescribed for Workforce Development, Adult General Education, Community Colleges and the State University System. The measures and standards will be used in the performance based budgeting and strategic planning processes.

Other sections of the bill specify measures and standards for other state services and functions. A total of 159 pages in the bill are devoted to the listing of the standards and measures for the non-education functions of the state.

**Section 60** - Declares that if a section of the law is held to be invalid, the invalidity does not affect other provisions of the act.