

SJR 2 – CLASS SIZE REQUIREMENTS FOR PUBLIC SCHOOLS

by Gaetz (*HJR 7039 by House Education Policy Council*)

AMENDS: Article IX, Section 1, Florida Constitution

CREATES: Article XII, Section 31, Florida Constitution

EFFECTIVE: Upon approval by electors; operates retroactively to the start of the 2010-2011 school year
The joint resolution proposes an amendment to Florida's constitutional class size requirements to provide that, by the beginning of the 2010-2011 school year and for each school year thereafter, there are a sufficient number of classrooms so that:

- Within each public school, the average number of students assigned per class to a teacher who is teaching prekindergarten through grade 3 does not exceed 18 students and the maximum number of students assigned to each teacher in an individual classroom does not exceed 21 students;
- Within each public school, the average number of students assigned per class to a teacher who is teaching grades 4 through 8 does not exceed 22 students and the maximum number of students assigned to each teacher in an individual classroom does not exceed 27 students;
- Within each public school, the average number of students assigned per class to a teacher who is teaching grades 9 through 12 does not exceed 25 students and the maximum number of students assigned to each teacher in an individual classroom does not exceed 30 students.

The joint resolution specifies that the legislature must provide sufficient funds to maintain the average number of students required by the constitution. The joint resolution also repeals obsolete language requiring the annual average two-student-per-year reductions to class size and clarifies that the constitutional class size requirements do not apply to virtual classes. The joint resolution provides that these amended provisions will take effect upon approval by electors and will operate retroactively to the beginning of the 2010-2011 school year.

SB 4 – EDUCATION ACCOUNTABILITY

by Detert (*HB 7053 by House PreK-12 Policy Committee*)

AMENDS: ss. 1003.413, 1003.4156, 1003.428, 1003.429, 1003.493, 1007.35, 1008.22, 1008.25, 1008.30, 1008.34, 1008.341, 1008.36, F.S.

CREATES: s. 1003.4295, F.S.

EFFECTIVE: July 1, 2010

Middle Grades Promotion

The bill amends s. 1003.4156 relating to general requirements for middle grades promotion to provide that successful completion of a high school level Algebra I or geometry course is not contingent upon the student's performance on an end-of-course assessment. However, beginning with the 2011-2012 school year, a middle school student must pass the Algebra I end-of-course assessment to earn high school credit for an Algebra I course and, beginning with the 2012-2013 school year, a middle school student must pass the geometry end-of-course assessment to earn high school credit for a geometry course,

Similarly, successful completion of a high school level Biology I course is not contingent upon the student's performance on the end-of-course assessment. However, beginning with the 2012-2013 school year, a middle school student must pass the Biology I end-of-course assessment to earn high school credit for a Biology I course.

The bill also amends provisions relating to the required middle school student's personalized academic and career plan to require that the plan must inform students of high school graduation requirements, high school assessment and college entrance test requirements, Florida Bright Futures Scholarship Program requirements, state university and Florida college admission requirements, and opportunities through which a high school student can earn college credit.

High School Graduation

The bill amends s. 1003.428 relating to general requirements for high school graduation. The bill amends the graduation requirements for math to provide that, beginning with students entering grade 9 in the 2010-2011 school year, in addition to the Algebra I credit requirement, one of the four credits in mathematics must be geometry or a series of courses equivalent to geometry as approved by the State Board of Education (SBE). The bill provides that, beginning with students entering grade 9 in the 2010-2011 school year, the end-of-course assessment requirements must be met in order for a student to earn the required credit in Algebra I. Beginning with students entering grade 9 in the 2011-2012 school year, the end-of-course assessment requirements must be met in order for a student to earn the required credit in geometry. Beginning with students entering grade 9 in the 2012-2013 school year, in addition to the Algebra I and geometry credit requirements, one of the four credits in mathematics must be Algebra II or the equivalent.

Similarly, the bill amends the graduation requirements for science to provide that, beginning with students entering grade 9 in the 2011-2012 school year, one of the three credits in science must be Biology I or the equivalent and end-of-course assessment requirements must be met in order for a student to earn the required credit in Biology I. In addition, beginning with students entering grade 9 in the 2013-2014 school year, in addition to the Biology I credit requirement, one of the three credits in science must be chemistry or physics or the equivalent, and one credit must be an equally rigorous course, as determined by the SBE.

The bill provides that, for courses that require statewide, standardized end-of-course assessments, a minimum of 30% of a student's course grade must be comprised of performance on the statewide, standardized end-of-course assessment. A student with a disability for whom the individual education plan committee determines that an end-of-course assessment cannot accurately measure the student's abilities, taking into consideration all allowable accommodations, must have the end-of-course assessment results waived for the purpose of determining the student's course grade and credit.

The bill amends s. 1002.429 relating to accelerated high school graduation options to include the same course requirements and end-of-course assessment requirements in mathematics and science as are applied for the general graduation requirements described above. In order to accommodate the additional math course, the bill provides that, for the 3-year college preparatory program, beginning with students entering grade 9 in the 2010-2011 school year, students must earn four credits (rather than three credits) in mathematics and earn two credits (rather than three credits) in electives. For the 3-year career preparatory program, beginning with students entering grade 9 in the 2010-2011 school year, students must earn four credits (rather than three credits) in mathematics and earn one credit (rather than two credits) in electives.

Acceleration Opportunities for High School Students

The bill creates s. 1003.4295 relating to acceleration opportunities for high school students to require each high school to advise each student of opportunities through which a student can earn college credit. In addition, beginning with the 2011-2012 school year, each high school must offer an International Baccalaureate Program, an Advanced International Certificate of Education Program, or a combination of at least four courses in dual enrollment or Advanced Placement, including one course each in English, mathematics, science, and social studies. To meet this requirement, school districts may provide courses through virtual instruction, if the virtual course significantly integrates postsecondary level content for which a student may earn college credit, as determined by DOE, and for which a standardized end-of-course assessment, as approved by DOE, is administered.

The bill also creates the Credit Acceleration Program (CAP) to provide that a school district must award course credit to a student who is not enrolled in the course, or who has not completed the course, if the student attains a score indicating satisfactory performance on the corresponding statewide, standardized end-of-course assessment. The school district must permit a student who is not enrolled in the course, or who has not completed the course, to take the standardized end-of-course assessment during the regular administration of the assessment.

Statewide Assessment Program

The bill amends s. 1008.22 relating to the statewide assessment program to phase in the use of end-of-course exams in certain subjects. The bill provides that, beginning with the 2010-2011 school year, the administration of the grade 9 FCAT Mathematics will be discontinued, and beginning with the 2011-2012 school year, the grade 10 FCAT Mathematics will be discontinued, except as required for students who have not attained minimum performance expectations for graduation. Beginning with the 2011-2012 school year, the administration of the FCAT Science at the high school level will be discontinued.

Beginning with the 2010-2011 school year, all students enrolled in Algebra I or an equivalent course must take the Algebra I end-of-course assessment. Students who earned high school credit in Algebra I while in grades 6 through 8 during the 2007-2008 through 2009-2010 school years and who have not taken Grade 10 FCAT Mathematics must take the Algebra I end-of-course assessment during the 2010-2011 school year. For students entering grade 9 during the 2010-2011 school year and who are enrolled in Algebra I or an equivalent, each student's performance on the end-of-course assessment in Algebra I must constitute 30% of the student's final course grade. Beginning with students entering grade 9 in the 2011-2012 school year, a student who is enrolled in Algebra I or an equivalent must earn a passing score on the end-of-course assessment in Algebra I or attain an equivalent score in order to earn course credit. Beginning with the 2011-2012 school year, all students enrolled in geometry or an equivalent course must take the geometry end-of-course assessment. For students entering grade 9 during the 2011-2012 school year, each student's performance on the end-of-course assessment in geometry must constitute 30% of the student's final course grade. Beginning with students entering grade 9 during the 2012-2013 school year, a student must earn a passing score on the end-of-course assessment in geometry or attain an equivalent score in order to earn course credit.

Beginning with the 2011-2012 school year, all students enrolled in Biology I or an equivalent course must take the Biology I end-of-course assessment. For the 2011-2012 school year, each student's performance on the end-of-course assessment in Biology I must constitute 30% of the student's final course grade. Beginning with students entering grade 9 during the 2012-2013 school year, a student must earn a passing score on the end-of-course assessment in Biology I in order to earn course credit.

The current FCAT Writing will continue to be administered at least once at the elementary, middle, and high school levels. However, the bill removes the multiple performance tasks required for FCAT Writing that would have been required beginning with the 2012-2013 school year. In addition, the bill provides that, contingent upon funding, the Commissioner must establish an implementation schedule for the development and administration of additional statewide, standardized end-of-course assessments with priority given to the development of an end-of-course assessment in English/Language Arts II. The Commissioner must evaluate the feasibility and effect of transitioning from the grade 9 and grade 10 FCAT Reading and high school level FCAT Writing to an end-of-course assessment in English/Language Arts II and report the results of that evaluation legislative leaders by July 1, 2011.

FCAT Reading, Mathematics, and Science and all statewide, standardized end-of-course assessments must measure, by use of scaled scores and achievement levels, the content knowledge and skills a student has attained. Achievement levels must range from 1 through 5, with level 3 indicating satisfactory performance. For FCAT Writing, student achievement must be scored using the rubric scale of 1 through 6 and the score earned must be used in calculating school grades. The bill provides that the SBE must designate, by rule, a passing score for each part of the grade 10 assessment test and end-of-course assessments. In addition, the SBE must designate, by rule, a score for each end-of-course assessment which indicates that a student is high achieving and is likely to meet college-readiness standards by the time the student graduates from high school. The bill specifies that, except as otherwise provided by law, students must earn a passing score on grade 10 FCAT Reading and Mathematics, or attain concordant scores, to qualify for a standard high school diploma. A student who has not earned passing scores must participate in each retake of the assessment until the student earns passing scores or achieves scores that are concordant with passing scores.

The bill provides that a statewide, standardized end-of-course assessment must be administered during a 3-week period at the end of a year-long course. The commissioner must select a 3-week administration period that meets the intent of end-of-course assessments and provides student results prior to the end of the course. School districts must select one testing week within the 3-week administration period for each end-of-course assessment. For an end-of-course assessment administered at the end of a semester-long course, the commissioner must determine the most appropriate testing dates based on a school district's academic calendar. In addition, the Commissioner is required to consider the observance of religious and school holidays when establishing the schedules for the administration of statewide assessments. The bill also provides that test results for the FCAT must be made available no later than the week of June 8 and student results for end-of-course assessments must be provided no later than 1 week after the school district completes testing for each course.

The bill directs the Commissioner to analyze the content and equivalent data sets for nationally recognized high school achievement tests and industry certification tests including, but not limited to, grade 10 FCAT Mathematics retakes until such retakes are discontinued, the PSAT, the PLAN, the SAT, the ACT, and the College Placement Test, to assess if equivalent scores for end-of-course assessment scores can be determined for passage of an end-of-course assessment. When content alignment and equivalent scores can be determined, the Commissioner must adopt those scores as meeting the requirement to pass the end-of-course assessment and as being sufficient to achieve additional purposes as determined by rule. Each time that assessment content or scoring procedures change for an end-of-course assessment or for a high school achievement test or an industry certification test for which an equivalent score is determined, new equivalent scores must be determined. Use of an equivalent score adopted by the SBE for purposes of grade adjustment, grade forgiveness, or course credit recovery is contingent upon and subject to district school board rules.

School Grades and School Recognition

The bill amends s. 1008.34 relating to school grades to include FCAT assessments and end-of-course assessments in the determination of school grades. The bill also removes FCAT Writing from the measure of improvement in the lowest quartile of students in the school. The bill makes similar amendment to s. 1008.341 relating to the school improvement rating. In addition, the bill amends s. 1008.36 relating to the School Recognition Program to provide that, if school staff and the school advisory council cannot reach agreement on the use of the award by February 1 (rather than November 1), the awards must be equally distributed to all classroom teachers currently teaching at the school. The bill also provides that, if a school selected to receive a school recognition award is no longer in existence at the time the award is paid, the district school superintendent must distribute the funds to teachers who taught at the school in the previous year in the form of a bonus.

Other Significant Provisions

- The bill amends s. 1003.428 to repeal provisions relating to major and minor areas of interest.
- The bill also amends s. 1003.428 to provide that the three credits in social studies must include one credit in United States history (rather than "American history") and one-half credit in United States government (rather than "American government").
- The bill amends references to industry certification to clarify that "industry certification" means national industry certification identified in the Industry Certification Funding List, pursuant to rules adopted by the SBE.
- The bill amends s. 1008.22 to provide that, if a student transfers into a high school, the school principal must determine, in accordance with SBE rule, whether the student must take an end-of-course assessment in a course for which the student has credit that was earned from the previous school.
- The bill creates an unnumbered section of law to provide that the OPPAGA must conduct a study on the different types of high school diplomas offered in other states, including the criteria for awarding the diplomas or endorsements, the differences in courses required for college and career pathways, the advantages and disadvantages of offering a range of diploma options, and any barriers other states have encountered when implementing differentiated diploma options. OPPAGA must submit the results of the study to the Governor, and legislative leaders no later than January 31, 2011.

HB 31 – PROTECTION OF SCHOOL SPEECH

by Drake and Evers (*SB 1580 by Wise*)

CREATES: s. 1003.4505, F.S.

EFFECTIVE: July 1, 2010

The bill creates s. 1003.4505 relating to protection of school speech. The bill provides that district school boards, administrative personnel, and instructional personnel are prohibited from taking affirmative action, including, but not limited to, the entry into any agreement, that infringes or waives the rights or freedoms afforded to instructional personnel, school staff, or students by the First Amendment to the United States Constitution, in the absence of the express written consent of any individual whose constitutional rights would be impacted by such infringement or waiver.

HB 105 – CIVICS EDUCATION

by McBurney and others (*SB 1096 by Detert*)

AMENDS: ss. 1003.41, 1003.4165, 1008.22, 1008.34, F.S.

EFFECTIVE: July 1, 2010

The bill creates the “Justice Sandra Day O’Connor Civics Education Act.” The bill amends s. 1003.41 relating to the Sunshine State Standards to provide that, beginning with the 2011-2012 school year, the reading portion of the language arts curriculum must include civics education content for all grade levels.

The bill amends s. 1003.4156 relating to the general requirements for middle grades promotion to provide that, beginning with students entering grade 6 in the 2012-2013 school year, one of the three social studies courses required for promotion must be at least a one-semester civics education course. The civics education course must address: the roles and responsibilities of federal, state, and local governments; the structures and functions of the legislative, executive, and judicial branches of government; and the meaning and significance of historic documents, such as the Articles of Confederation, Declaration of Independence, and Constitution of the United States.

The bill amends s. 1008.22 relating to the student assessment program to provide that, during the 2012-2013 school year, a statewide, standardized end-of-course assessment in civics education must be administered as a field test at the middle school level. During the 2013-2014 school year, each student’s performance on the end-of-course assessment in civics education must constitute 30% of the student’s final course grade. Beginning with the 2014-2015 school year, a student must earn a passing score on the end-of-course assessment in civics education in order to pass the course and receive course credit. The bill also amends s. 1008.34 relating to the designation of school grades to provide that, beginning in the 2013-2014 school year, the end-of-course assessment in civics education at the middle school level will be a factor in designating a school’s grade.

HB 119 – SEXUAL OFFENDERS AND PREDATORS

by Glorioso (*SB 1284 by Aronberg*)

AMENDS: ss. 775.21, 794.065, 943.0435, 943.04352, 943.04354, 944.606, 944.607, 947.005, 947.1405, 948.001, 948.30, 948.31, 985.481, 985.4815, F.S.

CREATES: s. 856.022, F.S.

EFFECTIVE: Upon becoming a law

The bill revises a number of provisions relating to restrictions for a person convicted of an offense listed in the sexual offender statute where the victim was under the age of 18. Of particular interest to school districts, the bill makes it a first degree misdemeanor if a person convicted of such an offense:

- Commits loitering or prowling within 300 feet of a place where children were congregating;
- Knowingly is present in any child care facility or pre-K-12 school when the child care facility or school is in operation unless the offender has provided written notification of his or her intent to be present to the school board, superintendent, principal or child care facility owner;

- Knowingly approaches, contacts or communicates with a child under 18 years of age in any public park or playground with intent to engage in conduct or communication of a sexual nature;
- Fails to notify the child care facility owner or the school principal's office when he or she arrives and departs the child care facility or school; or
- Fails to remain under the direct supervision of a school official or designated chaperone when present in the vicinity of children.

The bill specifies that an offender may not be forced to move if he or she is living in a residence that complies with the statutory sex offender residency restrictions and a child care facility, park, playground or school is subsequently established within 1,000 feet of the offender's residence. The bill also prohibits offenders on supervision for specified sexual offenses from visiting schools, child care facilities, parks and playgrounds without prior approval of the offender's supervising officer. In addition, the bill prohibits such offenders from distributing candy or other items to children on Halloween, wearing a Santa Claus, Easter Bunny or clown costume, or entertaining at children's parties without prior approval.

HB 131 – ELECTIONS

by Adams (*SB 900 by Thrasher*)

AMENDS: ss. 97.021, 98.0981, 101.111, 101.56075, 101.5612, 101.62, 101.694, 101.6952, 101.71, 102.012, 102.111, 102.112, 102.141, 102.166, 106.25, 106.143, 106.011, 106.03, 106.0703, 106.0705, 106.071, 106.08, 106.1439, 106.147, 379.352, F.S.

CREATES: s. 97.0115, F.S.

REENACTS: Various sections of Chapter 106

EFFECTIVE: Except as otherwise provided, upon becoming a law

The bill addresses a variety of elections issues, including the regulation of "electioneering communications organizations" (also known as 527s). Of interest to school districts, the bill amends s. 106.011 to define "electioneering communication" to mean any communication that is publicly distributed by a television station, radio station, cable television system, satellite system, newspaper, magazine, direct mail, or telephone, and that:

- Refers to or depicts a clearly identified candidate for office without expressly advocating the election or defeat of a candidate but is susceptible of no reasonable interpretation other than an appeal to vote for or against a specific candidate;
- Is made within 30 days before a primary or special primary election or 60 days before any other election for the office sought by the candidate; and
- Is targeted to the relevant electorate in the geographic area the candidate would represent if elected.

The bill provides that the term "electioneering communication" does not include:

- A communication disseminated through a means of communication other than a television station, radio station, cable television system, satellite system, newspaper, magazine, direct mail, telephone, or statement or depiction by an organization, in existence prior to the time during which a candidate named or depicted qualifies for that election, made in that organization's newsletter, which newsletter is distributed only to members of that organization.
- A communication in a news story, commentary, or editorial distributed through the facilities of any radio station, television station, cable television system, or satellite system, unless the facilities are owned or controlled by any political party, political committee, or candidate. However, a news story distributed through such facilities may be exempt if it represents a bona fide news account communicated through a licensed broadcasting facility and the communication is part of a general pattern of campaign-related news accounts that give reasonably equal coverage to all opposing candidates in the area.
- A communication that constitutes a public debate or forum that includes at least two opposing candidates for an office or one advocate and one opponent of an issue, or that solely promotes such a debate or forum and is made by or on behalf of the person sponsoring the debate or forum.

These amendments to s. 106.011 do not appear to change the meaning or intent of provisions enacted last year in SB 216 prohibiting a local government, or a person acting on behalf of a local government, from expending public funds for a political advertisement or electioneering communication concerning an issue, referendum, or amendment that is subject to a vote of the electors.

SB 140 – SCHOOL FOOD SERVICE PROGRAMS

by Siplin (*HB 1619 by Bush*)

AMENDS: s. 1006.06, F.S.

EFFECTIVE: July 1, 2010

The bill establishes the Florida Farm Fresh Schools Program within DOE as the lead agency for the school food services program. The program must comply with the regulations of the National School Lunch Program and require DOE to work with the Department of Agriculture and Consumer Services to develop policies pertaining to school food services. These policies must encourage school districts to buy fresh and high-quality foods grown in Florida when feasible, encourage Florida farmers to sell their products to school districts and schools, and encourage school districts and schools to demonstrate a preference for competitively priced organic food products. The bill requires school districts and schools to make reasonable efforts to select foods based on a preference for those that have maximum nutritional content. DOE, in collaboration with the Department of Agriculture and Consumer Services, must provide outreach, guidance, and training to school districts, schools, school food service directors, parent and teacher organizations, and students about the benefits of fresh food products from farms in this state.

SB 166 – PRESCRIBED PANCREATIC ENZYME SUPPLEMENTS

by Wise (*HB 45 by Renuart*)

AMENDS: s. 1002.20, F.S.

EFFECTIVE: July 1, 2010

The bill amends provisions relating to student and parent rights to provide that a student who has experienced, or is at risk for, pancreatic insufficiency or who has been diagnosed as having cystic fibrosis may carry and self-administer a prescribed pancreatic enzyme supplement while in school, participating in school sponsored activities, or in transit to or from school or school sponsored activities if the school has been provided with authorization from the student's parent and prescribing practitioner. The State Board of Education, in cooperation with the Department of Health, must adopt rules for the use of prescribed pancreatic enzyme supplements which must include provisions to protect the safety of all students from the misuse or abuse of the supplements. A school district, county health department, public-private partner, and their employees and volunteers must be indemnified by the parent of a student authorized to use prescribed pancreatic enzyme supplements for any and all liability with respect to the student's use of the supplements.

SB 206 – DISTRICT SCHOOL BOARD POLICIES / STUDENT ACADEMIC ACHIEVEMENT

by Hill (*HB 55 by Reed*)

AMENDS: s. 1001.43, F.S.

EFFECTIVE: July 1, 2010

The bill amends provisions relating to supplemental powers and duties of the school board to encourage district school boards to adopt policies and procedures to provide for a student "Academic Scholarship Signing Day" on the third Tuesday in April each year. The "Academic Scholarship Signing Day" must recognize the outstanding academic achievement of high school seniors who sign a letter of intent to accept an academic scholarship offered to the student by a postsecondary educational institution. District school board policies and procedures may include conducting assemblies or other public events in which students offered academic scholarships assemble and sign actual or ceremonial documents accepting those scholarships. The district school board may encourage holding such events in an assembly of the entire student body as a means of making academic success and recognition visible to all students.

SB 434 – SUICIDE PREVENTION EDUCATION

by Sobel (*HB 1061 by Heller*)

AMENDS: ss. 14.20195, 1006.07, F.S.

EFFECTIVE: July 1, 2010

The bill revises provisions relating to student discipline and school safety to require that the school district must provide access to suicide prevention educational resources, as approved by the Statewide Office of Suicide Prevention, to all instructional and administrative personnel as part of the school district professional development system. The bill also revises the membership of the Suicide Prevention Coordinating Council.

SB 464 – MILITARY AFFAIRS/LEAVE OF ABSENCE

by Fasano (*HB 129 by Renuart*)

AMENDS: ss. 115.07, 250.10, F.S.

EFFECTIVE: July 1, 2010

The bill expands, from 17 working days annually to 240 working hours annually, the leave of absence authorized to attend military training for public employee members of the U. S. military Reserves and National Guard troops.

HB 467 – PUBLIC K-12 EDUCATION / TEEN DATING VIOLENCE

by Jones (*SB 642 by Smith*)

AMENDS: s. 1003.42, F.S.

CREATES: s. 1006.148, F.S.

EFFECTIVE: July 1, 2010

The bill amends s. 1003.42 relating to required instruction to provide that the health education curriculum for students in grades 7 through 12 must include a teen dating violence and abuse component that includes, but is not limited to, the definition of dating violence and abuse, the warning signs of dating violence and abusive behavior, the characteristics of healthy relationships, measures to prevent and stop dating violence and abuse, and community resources available to victims of dating violence and abuse.

The bill also adds to provisions relating to student discipline and school safety to prohibit dating violence and abuse and requires each district school board to adopt and implement a dating violence and abuse policy. The policy must prohibit dating violence and abuse by any student on school property, during a school-sponsored activity, or during school-sponsored transportation. The policy must provide procedures for responding to such incidents, including accommodations for students experiencing dating violence or abuse. In addition, the policy must define dating violence and abuse and provide for a teen dating violence and abuse component in the health education curriculum with emphasis on prevention education. The policy must be implemented in a manner that is integrated with a school district's discipline policies. By January 1, 2011, DOE must develop a model policy to serve as a guide for district school boards in the development of the dating violence and abuse policy. Each district school board must provide training for teachers, staff, and school administrators to implement these provisions.

HB 483 – TAX ON SALES, USE, AND OTHER TRANSACTIONS

by Rivera (*SB 160 by Baker*)

CREATES: An unnumbered section of law

EFFECTIVE: Upon becoming a law

The bill provides that, during the period beginning at 12:01 a.m., August 13, 2010, and ending at midnight, August 15, 2010, no sales and use tax will be collected on sales of books, clothing, wallets, or bags having a selling price of \$50 or less per item, or on sales of school supplies having a selling price of \$10 or less per item. This sales tax exemption does not apply to sales within a theme park, entertainment complex, public lodging establishment, or airport.

HB 521 – EDUCATION / INTERSTATE COMPACT FOR MILITARY CHILDREN

by Proctor (*SB 1060 by Storms*)

AMENDS: s. 1000.36, F.S.

REPEALS: Section 5 of Chapter 2008-225, Laws of Florida

EFFECTIVE: Upon becoming a law

The Interstate Compact on Educational Opportunity for Military Children (Compact) enables member states to uniformly address educational transition issues faced by military families and governs member states in several areas, including school placement, enrollment, records transfer, and graduation for children of active-duty military families. In 2008, the legislature enacted Compact legislation that included a repeal provision that would become effective July 9, 2010. This bill reenacts Florida's compact legislation, repeals the automatic repeal provision in the original compact legislation, and adds a new provision automatically repealing the compact legislation three years after the bill takes effect. The bill also removes provisions in Florida's Compact statute relating to closed meetings, meeting records, and disclosure of records that are in conflict with the Florida Constitution.

SB 622 – GAMING

by Jones (*HB 7221 by House Select Committee on Seminole Indian Compact Review*)

AMENDS: Section 26 of Chapter 2009-170, Laws of Florida, s. 285.710, F.S.

REPEALS: s. 285.771, F.S.

CREATES: s. 285.712, F.S.

EFFECTIVE: Upon becoming a law

The bill amends s. 285.710 relating to the authorization for a gaming compact. The bill provides that the Gaming Compact between the Seminole Tribe of Florida and the State of Florida, executed by the Governor and the Tribe on April 7, 2010, is ratified and approved and any prior Compact is void. The Governor is directed to cooperate with the Tribe in seeking approval of the compact from the United States Secretary of the Interior. The bill authorizes the Governor to execute an agreement on behalf of the state with the Indian tribes in Florida, acting on a government-to-government basis, to develop and implement a fair and workable arrangement to apply state taxes on persons and transactions on Indian lands. The bill provides that the moneys paid by the Tribe to the state under the Compact shall be deposited into the General Revenue Fund. Three percent of the total amount paid by the Tribe is designated as the local government share and must be distributed, based upon the net win per facility, to the five counties and specified cities within those counties in which Seminole Indian Casinos are located. It is expected that the Compact will provide a \$150 million annual minimum payment to the state beginning on effective date of compact, and will provide at least \$1 billion to the state over the next five years. It is important to note that these funds are not specifically earmarked for education.

HB 723 – POSTSECONDARY EDUCATION FEE WAIVERS

by Sachs (*SB 2102 by Wise*)

AMENDS: ss. 501.0117, 1004.26, 1009.23, 1009.26, F.S.

EFFECTIVE: July 1, 2010

The bill also addresses several issues relating to payment of postsecondary student tuition and fees. Of interest to school boards, the bill amends s. 1009.26 to provide that a state university or community college may waive tuition and fees for a classroom teacher who is employed full-time by a school district and who meets the academic requirements established by the community college or state university for up to 6 credit hours per term on a space-available basis in undergraduate courses approved by DOE. Such courses must be limited to undergraduate courses related to special education, mathematics, or science. The waiver may not be used for courses scheduled during the school district's regular school day. The State Board of Education must adopt a rule that prescribes the process for approval of courses by DOE.

HB 747 – TREATMENT OF DIABETES

by Thompson (*SB 896 by Peadar*)

AMENDS: ss. 385.203, 1002.20, F.S.

EFFECTIVE: July 1, 2010

The bill amends s. 1002.20 relating to parent and student rights to provide that a school district may not restrict the assignment of a student who has diabetes to a particular school on the basis that the student has diabetes, that the school does not have a full-time school nurse, or that the school does not have trained diabetes personnel.

In addition, the bill provides that diabetic students whose parent and physician provide their written authorization to the school principal may carry diabetic supplies and equipment on their person and attend to the management and care of their diabetes while in school, participating in school-sponsored activities, or in transit to or from school or school-sponsored activities to the extent authorized by the parent and physician and within the parameters set forth by State Board of Education rule. The written authorization must identify the diabetic supplies and equipment that the student is authorized to carry and shall describe the activities the child is capable of performing without assistance. The State Board of Education, in cooperation with the Department of Health, must adopt rules to encourage every school in which a student with diabetes is enrolled to have personnel trained in routine and emergency diabetes care. The State Board of Education, in cooperation with the Department of Health, must also adopt rules for the management and care of diabetes by students in schools that include provisions to protect the safety of all students from the misuse or abuse of diabetic supplies or equipment.

The bill specifies that a school district, county health department, and public-private partner, and the employees and volunteers of those entities, must be indemnified by the parent of a student authorized to carry diabetic supplies or equipment for any and all liability with respect to the student's use of such supplies and equipment.

SB 1058 – COOPERATION BETWEEN SCHOOLS & JUVENILE AUTHORITIES

by Aronberg (*HB 603 by Soto*)

AMENDS: ss. 985.04, 1002.221, F.S.

EFFECTIVE: July 1, 2010

The bill the bill amends s. 985.04 to add the director of transportation to the list of individuals required to be notified by the school superintendent when a student is arrested and formally charged with an alleged felony or violent crime. In addition to the student's immediate classroom teachers, the principal is required to immediately notify the student's assigned bus driver and any other school personnel whose duties include directly supervising the student. The bill also requires that the superintendent must notify the principal and other school personnel whose duties include direct supervision of the student of the disposition of the charges against the student.

In accordance with federal regulations, the bill also amends s. 1002.221 to provide that an agency or a public school, center, institution, or other entity that is part of Florida's education system may release a student's education records without written consent of the student or parent to parties to an interagency agreement among the Department of Juvenile Justice, the school, law enforcement authorities, and other signatory agencies. Information provided in furtherance of an interagency agreement is intended solely for use in determining the appropriate programs and services for each juvenile or the juvenile's family, or for coordinating the delivery of the programs and services, and as such is inadmissible in any court proceeding before a dispositional hearing unless written consent is provided by a parent or other responsible adult on behalf of the juvenile.

HB 1073 – EDUCATION OF CHILDREN WITH DISABILITIES

by Llorente and Hukill (*SB 2118 by Gardiner*)

AMENDS: ss. 393.067, 393.13, 402.305, 1004.55, F.S.

CREATES: ss. 1003.573, 1012.582, F.S.

EFFECTIVE: July 1, 2010

The bill amends statutes relating to developmental disabilities to require that the staff in facilities engaged in the treatment of individuals with developmental disabilities receive training to detect, report, and prevent sexual abuse, abuse, neglect, exploitation, and abandonment of residents and clients. In addition, the bill requires that the minimum standards for training for child care personnel must include training in developmental disabilities, including autism spectrum disorder and Down syndrome, and early identification, use of available state and local resources, classroom integration, and positive behavioral supports for children with developmental disabilities.

The bill creates s. 1003.573 relating to the use of seclusion and restraint on students with disabilities. The bill provides that a school must prepare an incident report within 24 hours after a student is released from restraint or seclusion. The incident report must include the name of the student restrained or secluded, the date, time, duration, and location of the restraint or seclusion, the name of any nonstudent who was present to witness the restraint or seclusion, and a description of the incident. The description of the incident must include the context in which the restraint or seclusion occurred, the student's behavior leading up to and precipitating the decision to use manual physical restraint or seclusion, the specific positive behavioral strategies used to prevent and de-escalate the behavior, what occurred with the student immediately after the termination of the restraint or seclusion, any injuries, visible marks, or possible medical emergencies that may have occurred during the restraint or seclusion, and evidence of steps taken to notify the student's parent or guardian.

The bill provides that a school must notify the parent or guardian of a student each time manual physical restraint or seclusion is used. Such notification must be in writing and provided before the end of the school day on which the restraint or seclusion occurs. Reasonable efforts must also be taken to notify the parent or guardian by telephone or computer e-mail, or both, and these efforts must be documented. A school must also provide the parent or guardian with the completed incident report in writing by mail within 3 school days. The school must obtain, and keep in its records, the parent's or guardian's signed acknowledgment that he or she received notification of the restraint or seclusion and a copy of the incident report. The bill also requires that, beginning July 1, 2010, documentation prepared as described above must be provided to the school principal, the district director of Exceptional Student Education, and the bureau chief of the Bureau of Exceptional Education and Student Services electronically each month that the school is in session. DOE must maintain aggregate data of incidents of manual physical restraint and seclusion and disaggregate the data for analysis by county, school, student exceptionality, and other variables. This information must be updated monthly.

The bill provides that each school district must develop policies and procedures that govern incident-reporting procedures, data collection, and monitoring and reporting of data collected. Any revisions to such policies and procedures must be filed with the bureau chief of the Bureau of Exceptional Education and Student Services no later than January 31, 2011. The bill specifies that school personnel may not use a mechanical restraint or a manual physical restraint that restricts a student's breathing and may not close, lock, or physically block a student in a room that is unlit and does not meet the rules of the State Fire Marshal for seclusion time-out rooms.

The bill amends s. 1004.55 relating to regional autism centers to provide that each center must provide coordination and dissemination of local and regional information regarding available resources for services for children with developmental disabilities and must provide support to state agencies in the development of training for early child care providers and educators with respect to developmental disabilities.

The bill creates s. 1012.582 relating to continuing education and inservice training for teaching students with developmental disabilities. The bill directs the Commissioner to develop recommendations to incorporate instruction regarding autism spectrum disorder, Down syndrome, and other developmental disabilities into continuing education or inservice training requirements for instructional personnel. In developing the recommendations, the Commissioner must consult with the State Surgeon General, the Director of the Agency for Persons with Disabilities, representatives from the education community, and representatives from entities that promote awareness about developmental disabilities and provide programs and services to persons with developmental disabilities. Beginning with the 2010-2011 school year, DOE must incorporate the course curricula recommended by the Commissioner into existing requirements for the continuing education or inservice training of instructional personnel. These requirements may not add to the total hours required for continuing education or inservice training as currently established by DOE. The State Board of Education is authorized to adopt rules to implement these provisions.

HB 1157 – LOCAL GOVERNMENT PROMPT PAYMENT ACT

by Eisnaugle (*SB 1056 by Baker*)

AMENDS: ss. 218.72, 218.735, 218.76, F.S.

EFFECTIVE: October 1, 2010

The bill revises s. 218.735 relating to the timely payment for purchases of construction services to provide that a contractor may send the local government an overdue notice. If the payment request or invoice is not rejected within 4 business days after delivery of the overdue notice, the payment request or invoice must be deemed accepted, except for any portion of the payment request or invoice that is fraudulent or misleading. In addition, the bill provides that a local governmental entity must identify the agent or employee of the local governmental entity, or the facility or office, to which the contractor may submit its payment request or invoice. This requirement must be included in the contract between the local governmental entity and contractor, or must be provided by the local governmental entity through a separate written notice, as required under the contract, no later than 10 days after the contract award or notice to proceed. A contractor's submission of a payment request or invoice to the identified agent, employee, facility, or office of the local governmental entity must be stamped as received and will commence the time periods for payment or rejection of a payment request or invoice.

The bill also provides that the contract must specify a date for the delivery of the list of items required to render complete, satisfactory, and acceptable the construction services purchased by the local government entity. The final contract completion date must be at least 30 days after the delivery of the list of items. If the list is not provided to the contractor by the agreed upon date, the contract time for completion must be extended by the number of days the local governmental entity exceeded the delivery date. Damages may not be assessed against a contractor for failing to complete a project within the time required by the contract unless the contractor failed to complete the project within the contract period as extended. In addition, if a local governmental entity fails to develop the list within the time limitations provided, the contractor may submit a payment request for all remaining retainage and payment of any remaining undisputed contract amount, less any amount withheld pursuant to the contract for incomplete or uncorrected work, must be paid within 20 business days after receipt of an invoice or payment request.

The bill amends s. 218.76 relating to resolution of disputes to provide that, if the local governmental entity does not commence the dispute resolution procedure within the time required, a contractor may give written notice to the local governmental entity of the failure to timely commence its dispute resolution procedure. If the local governmental entity fails to commence the dispute resolution procedure within 4 business days after such notice, any amounts resolved in the contractor's favor must bear mandatory interest from the date the payment request or invoice containing the disputed amounts was submitted to the local governmental entity. If the dispute resolution procedure is not commenced within 4 business days after the notice, the objection to the payment request or invoice shall be deemed waived. The waiver of an objection does not relieve a contractor of its contractual obligations.

HB 1307 – STATE FINANCIAL MATTERS

by Schenck (*SB 2186 by Ring*)

AMENDS: ss. 121.4501, 121.4502, 121.591, 121.74, 121.78, 215.44, 215.441, 215.444, 215.47, 215.52, 218.409, F.S.

CREATES: ss. 215.4754, 215.4755, F.S.

EFFECTIVE: July 1, 2010

The bill amends s. 121.4501 to clarify several definitions and revises enrollment provisions to provide that, if an employee chooses to transfer from the optional retirement program to the defined benefit program and retains an excess account balance in the optional program after satisfying the buy-in requirements, the excess may not be distributed until the member retires from the defined benefit program. The excess account balance may be rolled over to the defined benefit program and used to purchase service credit or upgrade creditable service in that program.

The bill provides that the State Board of Administration (SBA) must receive and resolve participant complaints against the program, third-party administrator, or any program vendor or provider. The third-party administrator must retain all participant records for at least 5 years for use in resolving any participant conflicts. The SBA, the third-party administrator, or a provider is not required to produce documentation or an audio recording to justify action taken with regard to a participant if the action occurred 5 or more years before the complaint is submitted to the SBA. It is presumed that all action taken 5 or more years before the complaint is submitted was taken at the request of the participant and with the participant's full knowledge and consent. To overcome this presumption, the participant must present documentary evidence or an audio recording demonstrating otherwise.

The bill amends s. 121.4502 relating to the Public Employee Optional Retirement Program Trust Fund to provide that a forfeiture account must be created within the Public Employee Optional Retirement Program Trust Fund to hold the assets derived from the forfeiture of benefits by participants. The forfeiture account may be used only for paying expenses of the Public Employee Optional Retirement Program and reducing future employer contributions to the program. Unallocated reserves within the forfeiture account must be used as quickly and as prudently as possible considering the SBA's fiduciary duty. Expected withdrawals from the account must endeavor to reduce the account to zero each fiscal year.

The bill amends s. 121.74 relating to administrative and educational expenses for the optional retirement program to provide that, effective July 1, 2010, through June 30, 2014, employers participating in the Florida Retirement System must contribute an amount equal to 0.03% (rather than 0.05%) of the payroll reported for each class or subclass of Florida Retirement System membership. Effective July 1, 2014, the contribution rate shall be 0.04% of the payroll reported for each class or subclass of membership.

The bill amends s. 121.78 relating to payment and distribution of contributions to provide that, if contributions made on behalf of participants of the optional retirement program or accompanying payroll data are not received within the calendar month due, the employer must pay the cost of the third-party administrator's calculation and reconciliation adjustments resulting from the late contributions. The employer must remit to the Division of Retirement the amount due within 30 (rather than 10) working days after the date of the penalty notice sent by the division.

The bill amends s. 215.44 relating to the powers and duties of the SBA to provide that the SBA must create an audit committee to assist the board in fulfilling its oversight responsibilities. Persons appointed to the audit committee must have relevant knowledge and expertise as determined by the board. The audit committee must serve as an independent and objective party to monitor processes for financial reporting, internal controls and risk assessment, audit processes, and compliance with laws, rules, and regulations. The audit committee must direct the efforts of the board's independent external auditors and the board's internal audit staff. The committee must provide, at least quarterly, reports and must produce a set of financial statements for the Florida Retirement System on an annual basis.

The bill amends s. 215.444 relating to the Investment Advisory Council to provide that, beginning February 1, 2011, the membership of the council will be expanded from 6 to 9 members. The council members must undergo regular fiduciary training and must complete an annual conflict disclosure statement.

The bill amends s. 215.47 relating to investments to provide that notwithstanding provisions limiting investments to 25% of any fund, the board may invest no more than 35% of any fund in corporate obligations and securities of a foreign corporation or a foreign commercial entity having its principal office located in any country other than the United States.

The bill creates s. 215.4754 relating to ethics requirements for investment advisers and managers and members of the Investment Advisory Council. The bill provides that a contract under which an investment adviser or manager has been retained under contract must require that the investment adviser or manager abide by a specified standard of conduct. Any such contract may be terminated by the SBA if the investment adviser or manager violates such standard of conduct. In addition, an Investment Advisory Council member or any business organization or any affiliate that is owned by or employs such member may not directly or indirectly contract with or provide any services for the investment of trust funds invested by the board during the time of such member's service on the council or for 2 years thereafter.

The bill creates s. 215.4755 relating to certification and disclosure requirements for investment advisers and managers. The bill provides that an investment adviser or manager who has discretionary investment authority for direct holdings must agree to annually certify in writing that:

- All investment decisions are made in the best interests of the trust funds and the board;
- Appropriate policies and procedures are in place to ensure that relationships with any affiliated persons or entities do not adversely influence the investment decisions;
- A written code of ethics, conduct, or other set of standards has been adopted and implemented and is effectively monitored and enforced;
- The investment adviser or manager has proactively and promptly disclosed any known circumstances or situations that could create an actual, potential, or perceived conflict of interest.

The bill creates an unnumbered section of law relating to trademarks, copyrights, and patents to provide that the SBA may develop work products that are subject to trademark, copyright, or patent statutes. The SBA may secure patent, copyrights, or trademarks, may license, lease, assign, or consent to the manufacture or use of its work products, may take any action necessary to protect its work products, may enforce the collection of any sums due for the manufacture or use of its work products, may sell any of its work products, and may take any other necessary action.

HB 1505 – MCKAY SCHOLARSHIPS FOR STUDENTS WITH DISABILITIES

by Flores (*SB 2746 by Gardiner*)

AMENDS: ss. 1002.39, 1002.51, 1002.53, 1002.71, 1002.73, 1002.75, F.S.

CREATES: s. 1002.66, F.S.

EFFECTIVE: July 1, 2010

The bill amends s. 1002.39 to expand eligibility for a scholarship to students who received specialized instructional services under the Voluntary Prekindergarten Education Program during the previous school year and the student has a current individual educational plan developed by the local school board and to students who have been enrolled and reported by a school district for funding during the October and February FEFP surveys, in any of the 5 years prior to the 2010-2011 fiscal year, has a current individualized educational plan developed by the district school board no later than June 30, 2011, and receives a first-time McKay scholarship for the 2011-2012 school year. Upon request of the parent, the local school district must complete a matrix of services for a student requesting a current individualized educational plan in accordance with these provisions.

The bill provides that the Commissioner may deny, suspend, or revoke a private school's participation in the scholarship program if the Commissioner determines that an owner or operator of the private school is operating or has operated an educational institution in this state or in another state or jurisdiction in a manner contrary to the health, safety, or welfare of the public. The bill lists several factors that the Commissioner may consider in making such a determination.

The bill amends s. 1002.53 relating to the Voluntary Prekindergarten Education Program to create, in addition to the summer and school year programs, a specialized instructional services program for children who have disabilities, if the child has been evaluated and determined as eligible, has a current individual educational plan developed by the local school board, and is eligible for the program as provided in s. 1002.66.

The bill creates s. 1002.66 relating to specialized services for children with disabilities. The bill provides that, beginning with the 2012-2013 school year, a child who has a disability and enrolls with the early learning coalition is eligible for specialized instructional services if the child is eligible for the Voluntary Prekindergarten Education Program and a current individual educational plan has been developed for the child by the local school board in accordance with rules of the State Board of Education. The parent of a child who is eligible for the prekindergarten program for children with disabilities may select one or more specialized instructional services that are consistent with the child's individual educational plan. These specialized instructional services may include, but are not limited to applied behavior analysis, speech-language pathology, occupational therapy, and physical therapy. The specialized instructional services must be delivered according to professionally accepted standards, must be in accordance with the performance standards adopted by DOE, and must address the age-appropriate progress of the child in the development of the capabilities, capacities, and skills.

The bill directs DOE to approve specialized instructional service providers whose services meet specified standards, to maintain a list of approved providers, and to notify each school district and early learning coalition of the approved provider list. Upon the request of a child's parent, DOE may approve a specialized instructional service provider that is not on the approved list if the provider's services meet the specified standards and the service is consistent with the child's individual educational plan. The bill provides that the coalition must reimburse an approved specialized instructional service provider for authorized services provided to an eligible child, but the cumulative total of services reimbursed for a child may not exceed the amount of the base student allocation provided in the Voluntary Prekindergarten Education Program in the General Appropriations Act. Providers must be reimbursed from funds allocated to the early learning coalition for the Voluntary Prekindergarten Education Program. The bill amends provisions relating to the powers and duties of DOE and the Agency for Workforce Innovation to conform with the provisions of the bill.

SB 1730 – BIODIESEL FUEL

by Oelrich (*HB 1065 by Precourt*)

AMENDS: s. 206.874, F.S.

EFFECTIVE: July 1, 2010

The bill amends s. 206.874 relating to taxes levied on diesel fuels to provide that biodiesel fuel manufactured by a public or private secondary school that produces less than 1,000 gallons annually for the sole use at the school, by its employees, or its students is exempt from the tax imposed by this section of law. A public or private secondary school that produces less than 1,000 gallons a year of biodiesel is also exempt from the registration requirements of Chapter 206 relating to motor and other fuel taxes.

SB 2014 – EARLY LEARNING

by Wise (*HB 1203 by Nelson*)

AMENDS: ss. 39.0121, 39.202, 39.5085, 125.901, 383.14, 402.25, 402.26, 402.281, 402.3016, 402.3018, 402.3051, 402.313, 402.3145, 402.315, 402.45, 409.1671, 411.01, 411.0101, 411.0102, 411.203, 411.221, 445.024, 445.030, 490.014, 491.014, 1002.53, 1002.55, 1009.64, 1002.67, 1002.69, 1002.71, 1002.73, F.S.

REPEALS: s. 402.3135, F.S.

EFFECTIVE: Except as otherwise provided, July 1, 2010

In general, the bill updates terminology and clarifies and conforms provisions relating to early learning and school readiness programs.

School Readiness Programs

The bill amends s. 411.01 relating to school readiness programs to revise the legislative intent for the programs and to amend and add to the duties of the Agency for Workforce Innovation (AWI). The bill provides that AWI must provide final review and, every 2 years (rather than periodically), review early learning coalitions and school readiness plans. An early learning coalition must amend its school readiness plan to conform to the specific system support services adopted by AWI. AWI must also adopt a rule establishing criteria for the expenditure of funds designated for the purpose of funding activities to improve the quality of child care within the state in accordance with the federal Child Care and Development Block Grant Act. In addition, AWI must adopt a standard contract that must be used by the coalitions when contracting with school readiness providers and must cooperate with DOE, coalitions, and Children and Family Services to minimize duplicating interagency activities, health and safety monitoring, and acquiring and composing data pertaining to child care training and credentialing. The bill provides that AWI must permit 31 (rather than 30) or fewer coalitions to be established and provides that each coalition must be composed of at least 15 (rather than 18) members, but not more than 30 (rather than 35) members. The bill updates the list of required members on each coalition and directs AWI to establish procedures for identifying which members have voting privileges.

The bill provides that AWI must establish, through technology, a single statewide information system that each coalition must use for the single point of entry, tracking children's progress, coordinating services among stakeholders, determining eligibility, tracking child attendance, and streamlining administrative processes for providers and early learning coalitions. The bill also amends school readiness program expectations to provide that the program must ensure that minimum standards for child discipline practices are age-appropriate and that children not be subjected to discipline that is severe, humiliating, or frightening or discipline that is associated with food, rest, or toileting. Spanking or any other form of physical punishment is prohibited.

The bill amends provisions relating to the implementation of the school readiness program. Each early learning coalition must coordinate with one another to implement a comprehensive program of school readiness services which enhances the cognitive, social, physical, and moral character of the children to achieve the performance standards and outcome measures and which helps families achieve economic self-sufficiency. The minimum standards for the school readiness program must include payment rates that do not create levels of service that have not been expressly established by the legislature unless the creation of such levels of service have been approved by the federal government and result in the state being eligible to receive additional federal funds available for early learning on a statewide basis.

The bill amends program eligibility to require that priority for participation in the program be given first to a child from a family in which there is an adult receiving temporary cash assistance who is subject to federal work requirements. In addition, the bill specifies that parental choice of child care providers and school readiness programs must be established, to the maximum extent practicable, in accordance with 45 C.F.R. s. 98.30 relating to federal parental choice provisions.

Child Care

The bill amends s. 411.0101 relating to child care and early childhood resource and referral to provide that AWI must adopt rules regarding accessibility of child care resource and referral services offered through child care resource and referral agencies in each county or multicounty region. The bill also transfers and renumbers s. 402.3051 relating to child care reimbursement rate as s. 411.01013 and substantially amends the section. The bill defines “market rate” to mean the price that a child care provider charges for daily, weekly, or monthly child care services and defines “prevailing market rate” to mean the annually determined 75th percentile of a reasonable frequency distribution of the market rate in a predetermined geographic market at which child care providers charge a person for child care services. The Agency for Workforce Innovation (AWI) is directed to establish procedures for the adoption of a prevailing market rate schedule that must include specified data on county-by-county rates for public and private child care providers that do and that do not hold a Gold Seal Quality Care designation. The prevailing market rate schedule must be based exclusively on the prices charged for child care services and must be considered by an early learning coalition in the adoption of a payment schedule. AWI is authorized to contract with one or more qualified entities to administer these provisions and provide support and technical assistance for child care providers. AWI is also authorized to adopt rules for establishing procedures for the collection of child care providers’ market rate and related data, and for the publication of a prevailing market rate schedule.

Prekindergarten Programs

The bill amends s. 1002.55 relating to school-year prekindergarten programs delivered by private providers to provide that a private prekindergarten provider may not participate in the Voluntary Prekindergarten Education Program if the provider has child disciplinary policies that do not prohibit children from being subjected to discipline that is severe, humiliating, frightening, or associated with food, rest, toileting, spanking, or any other form of physical punishment.

The bill amends s. 1002.69 relating to kindergarten screening and readiness rates to provide that, upon the request of a private prekindergarten provider or public school that remains on probation for 2 consecutive years or more and subsequently fails to meet the minimum readiness rate and has shown good cause, the State Board of Education (SBE), may grant an exemption from being determined ineligible to deliver the Voluntary Prekindergarten Education Program and receive state funds for the program. Such exemption is valid for 1 year and may be renewed. The SBE is directed to adopt criteria for granting good cause exemptions. A private prekindergarten provider or public school granted a good cause exemption must continue to implement its improvement plan and continue the corrective actions until the provider or school meets the minimum readiness rate. The SBE must notify AWI of any good cause exemption granted. If a good cause exemption is granted to a private prekindergarten provider who remains on probation for 2 consecutive years, AWI must notify the early learning coalition of the good cause exemption and direct that the coalition not remove the provider from eligibility or to receive state funds for the program, if the provider meets all other applicable requirements.

Children’s Services Councils

The bill amends s. 125.901 relating to the taxing authority of a Children’s Services Council to provide that the governing body of the county must submit the question of retention or dissolution of a district with voter-approved taxing authority to the electorate in the general election. For a district in existence on July 1, 2010, and serving a county with a population of 400,000 or fewer persons, the election must be held in 2014. For a district in existence on July 1, 2010, and serving a county with a population of more than 400,000 but fewer than 2 million, the election must be held in 2016. For a district in existence on July 1, 2010, and serving a county with a population of 2 million or more, the election must be held in 2020. A referendum on or after July 1, 2010, creating a new district with taxing authority may specify that the district is not subject to reauthorization or may specify the number of years for which the initial authorization will remain effective. If the referendum does not prescribe terms of reauthorization, the governing body of the county must submit the question of retention or dissolution of the district in the general election 12 years after the initial authorization. The governing board of the taxing district may specify, and submit to the county governing board, that the district is not subsequently subject to reauthorization or may specify the

number of years for which a reauthorization will remain effective. If the governing board of the taxing district makes such specification, the governing body of the county must include that information in the question submitted to the electorate. If the governing body makes no such specification, the county governing body must resubmit the question to the electorate every 12 years.

Other Significant Provisions

- The bill deletes references to “subsidized child care” and replaces references to “State Coordinating Council for School Readiness” with “Agency for Workforce Innovation”.
- The bill repeals s. 402.3135 relating to the subsidized child care case management system. The bill also transfers and renumbers s. 402.3145 relating to school readiness transportation services as s. 411.01014 and amends the section to provide that AWI (rather than HHS) may authorize an early learning coalition to establish school readiness transportation services for participating children who are at risk of abuse or neglect.
- The bill amends s. 402.315 relating to funding and licence fees by adding “family day care home” and “large family child care home” to the facilities against which a license fee will be collected and sets the amount of the fee that will be collected.
- The bill transfers and renumbers s. 402.3016 relating to Early Head Start collaboration grants as s. 411.0104. The bill also transfers and renumbers s. 402.3018 relating to consultation with child care centers and family day care homes as s. 411.01015.

SB 2060 – SOVEREIGN IMMUNITY

by Bennett (HB 1107 by Nehr)

AMENDS: s. 7628, F.S.

EFFECTIVE: October 1, 2011; applies to claims arising on or after that date

The bill increases the current waiver-of-liability limits for the state and its agencies and subdivisions to \$200,000 (rather than \$100,000) per individual claim and to \$300,000 (rather than \$200,000) per aggregate claim. In effect, the state and its agencies and subdivisions may pay up to \$200,000 for any claim or judgment by any one person, or portion thereof, which, when totaled with all other claims or judgments paid arising out of the same incident or occurrence, does not exceed the sum of \$300,000. Any portion of the judgment that exceeds these amounts may only be paid in part or in whole by further act of the Legislature.

SB 2126 – FLORIDA TAX CREDIT SCHOLARSHIP PROGRAM

by Negron (HB 1009 by Weatherford)

AMENDS: ss. 213.053, 22.02, 220.13, 220.186, 220.187, 624.51055, 1001.10, 1002.20, 1002.23, 1002.39, 1002.421, 1006.061, 1012.315, 1012.796, F.S.

CREATES: ss. 211.0251, 212.1831, 220.1875, 561.1211, 1002.395, F.S.

EFFECTIVE: Except as otherwise provided, July 1, 2010

Scholarship Program

The bill transfers and renumbers s. 220.187 to create s. 1002.395 and amends several related provisions. The bill amends provisions for scholarship eligibility to provide that eligibility for the program (rather than *continued* eligibility) is contingent upon available funds, that a student’s household income level does not exceed 230% (rather than 200%) of the federal poverty level, and that a sibling of a student who is continuing in the program and who resides in the same household as the student is eligible as a first-time tax credit scholarship recipient if the sibling meets one or more of the existing eligibility criteria and the student’s and sibling’s household income level does not exceed 230% of the federal poverty level.

The bill also phases in increases in the scholarship amount by providing that, for the FY 2010-2011 state fiscal year, the scholarship limit will be 60% of the unweighted FTE funding amount for that year. For FY 2011-2012 and thereafter, the limit will be determined by multiplying the unweighted FTE funding amount in that year by the percentage used to determine the limit in the prior state fiscal year. However, in each

fiscal year that the tax credit cap amount increases, the prior year percentage must be increased by 4 percentage points and the increased percentage must be used to determine the limit for that state fiscal year. If the percentage so calculated reaches 80% in a state fiscal year, no further increase in the percentage is allowed and the limit shall be 80% of the unweighted FTE funding amount for that state fiscal year and thereafter. The annual limit for a scholarship must be reduced by 25% if the student's household income level is equal to or greater than 200%, but less than 215%, of the federal poverty level and reduced by 50% if the student's household income level is equal to or greater than 215%, but equal to or less than 230%, of the federal poverty level.

The bill amends the existing private school eligibility and obligations to provide that the requirement to annually administer, or make provision for students take, one of the nationally norm-referenced test identified by DOE applies to scholarship students in grades 3-10 (rather than all scholarship students). An independent research organization selected by DOE must annually report the year-to-year learning gains of participating students. The report must provide information on a statewide basis and for each participating private school in which there are at least 30 participating students who have scores for tests administered during or after the 2009-2010 school year for 2 consecutive years at that school. The statewide report must include a comparison of scholarship student learning gains to the statewide learning gains of public school students with similar socioeconomic backgrounds. The annual report must not disaggregate data to a level that will identify individual participating schools, except for the private schools that meet the criteria above, and must not disclose the academic level of individual students. The annual report must be published on the DOE website.

The bill grants the Commissioner authority to deny, suspend, or revoke a private school's participation in the scholarship program if the Commissioner determines that an owner or operator of the private school is operating or has operated an educational institution in a manner contrary to the health, safety, or welfare of the public. In making this determination, the commissioner may consider factors that include, but are not limited to, acts or omissions by an owner or operator that led to a previous denial or revocation of participation in an education scholarship program, an owner's or operator's failure to reimburse DOE for scholarship funds improperly received or retained by a school, imposition of a prior criminal or civil administrative sanction related to an owner's or operator's management or operation of an educational institution, or other types of criminal proceedings in which the owner or operator was found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, any offense involving fraud, deceit, dishonesty, or moral turpitude.

The bill adds to the obligations of an eligible nonprofit scholarship funding organization (SFO) to require the SFO to participate in the joint development of agreed-upon procedures to be performed by an independent certified public accountant if the SFO provided more than \$250,000 in scholarship funds to an eligible private school during the 2009-2010 state fiscal year. The agreed-upon procedures must uniformly apply to all private schools and must determine, at a minimum, whether the private school has been verified as eligible by DOE, has an adequate accounting system, a system of financial controls, a process for deposit and classification of scholarship funds, and has properly expended scholarship funds for education-related expenses. Participating SFOs must specify guidelines governing the materiality of exceptions that may be found during the accountant's performance of the procedures. The procedures and guidelines must be provided to private schools and the Commissioner by March 15, 2011. The SFO must also participate in a joint review of the agreed-upon procedures and guidelines. If the procedures and guidelines are revised, the revisions must be provided to private schools and the Commissioner by March 15, 2013, and biennially thereafter. An SFO must also seek input from the accrediting associations that are members of the Florida Association of Academic Nonpublic Schools when jointly developing the agreed-upon procedures and guidelines and conducting a review of those procedures and guidelines.

The bill also provides that a participating private school must annually contract with an independent certified public accountant to perform the agreed-upon procedures and produce a report of the results if the private school receives more than \$250,000 from scholarships awarded through this program in the 2010-2011 state fiscal year or any year thereafter. A private school must submit the report by September

15, 2011, and annually thereafter to the SFO that awarded the majority of the school's scholarship funds. The SFO must monitor the private school's compliance with these provisions and, for each private school subject to these provisions, the appropriate SFO must notify the Commissioner by October 30, 2011, and annually thereafter of a private school's failure to submit a required report or any material exceptions set forth in the report.

Tax Credits

The bill amends provisions that cap the total tax credits available in any given year by providing that, in FY 2010-2011 the tax credit cap will be raised from \$118 million to \$140 million and, beginning in FY 2011-2012 and each year thereafter, the annual tax credit cap amount is the tax credit amount in the prior year. However, in any fiscal year when the annual tax credit amount for the prior state fiscal year is equal to or greater than 90% of the tax credit cap amount applicable to that state fiscal year, the tax credit cap amount will increase by 25%. The Department of Revenue (DOR) must publish on its website information identifying the tax credit cap amount when it is increased.

The bill adds to the list of taxes that are eligible for a 100% credit against the taxes due to the state if a contribution is made to an eligible non-profit SFO – these credits are currently limited to contributions to an SFO that are made in lieu of corporate income taxes and insurance premium taxes.

The bill creates s. 211.0251 to provide that, effective January 1, 2011, a 100% credit will be allowed for a contribution to an SFO against any tax due under s. 211.02 relating to the oil production tax or s. 211.025 relating to the gas production tax. However, the credit may not exceed 50% of the tax due and DOR must ensure any reduction in tax revenue attributable to this credit is applied only to the General Revenue Fund and not to other entities or trust funds that benefit from the collection of this tax.

The bill creates s. 212.1831 to provide that, effective January 1, 2011, a 100% credit will be allowed for a contribution to an SFO against any tax imposed by the state and due from a direct pay permit holder as a result of the direct pay permit held pursuant to s. 212.183 relating to self accrual of sales tax. DOR must ensure any reduction in tax revenue attributable to this credit is applied only to the General Revenue Fund and not to other entities or trust funds that benefit from the collection of this tax. The bill also creates s. 561.1211 to provide that a 100% credit is allowed for a contribution to an SFO against any tax due under s. 563.05 relating to excise taxes on malt beverages, 564.06 relating to excise taxes on wine and beverages, and s. 565.12 relating to liquor and beverages. The Division of Alcoholic Beverages and Tobacco and DOR must ensure that any reduction in tax revenue attributable to this credit is applied only to the General Revenue Fund and not to other entities or trust funds that benefit from the collection of this tax.

The bill provides that a taxpayer may submit an application to DOR for a tax credit or credits and must specify in the application each tax for which the taxpayer requests a credit and the applicable taxable year (for a credit under s. 220.1875 or s. 624.51055) or the applicable state fiscal year (for a credit under s. 211.0251, s. 212.1831, or s. 561.1211). DOR must approve tax credits on a first come, first-served basis. If an approved tax credit is not fully used within the state fiscal year or taxable year, as applicable, because of insufficient tax liability on the part of the taxpayer, the unused amount may be carried forward for a period not to exceed 3 years. However, any taxpayer that seeks to carry forward an unused amount of tax credit must submit an application to DOR for approval of the carryforward in the year that the taxpayer intends to use the carryforward. A taxpayer may not convey, assign, or transfer an approved tax credit or a carryforward to another entity unless all of the assets of the taxpayer are conveyed, assigned, or transferred in the same transaction. The bill repeals the provisions that a taxpayer who is eligible to receive the credit provided for in s. 624.51055 is not eligible to receive the credit provided for in s. 220.187.

The bill also creates s. 220.1875 to reinstate some of the provisions of s. 220.187 that would be lost as a result of the transfer, renumbering, and amendment of s. 220.187 as s. 1002.395. The bill also makes conforming amendments to s. 624.51055 relating to the existing 100% credit against any tax due under s. 624.509(1) relating to insurance premium taxes.

HB 5101 – PREKINDERGARTEN THROUGH GRADE 12 EDUCATION FUNDING

by PreK-12 Appropriations Committee (SB 1368 by Wise)

AMENDS: ss. 212.055, 216.292, 1001.395, 1001.451, 1002.32, 1002.33, 1002.37, 1002.39, 1002.45, 1002.71, 1003.03, 1003.42, 1003.492, 1003.52, 1004.925, 1006.28, 1006.29, 1006.33, 1006.40, 1007.27, 1010.79, 1011.03, 1011.62, 1011.64, 1011.66, 1011.67, 1011.68, 1011.71, 1011.73, 1012.33, 1012.467, 1012.55, 1013.62, F.S.

CREATES: s. 1006.281, F.S.

EFFECTIVE: Except as otherwise provided, July 1, 2010

This bill addresses a variety of education issues and serves to conform Florida Statutes with the provisions of education related funding in the 2010-2011 General Appropriations Act.

State and Local Funding Provisions

Funds for the Operation of Schools

The bill amends s. 212.055 relating to discretionary sales surtaxes by deleting the requirement for school districts to freeze noncapital local school property taxes when the district levies a capital outlay surtax.

The bill amends s. 1011.62(4)(a) and (b) relating to the computation of the district Required Local Effort to provide that the Commissioner must compute a millage rate which, when applied to 96% (rather than 95%) of the estimated state total taxable value for school purposes, would generate the prescribed aggregate Required Local Effort for that year for all districts.

The bill amends s. 1011.62(12) relating to the allocation of state funds to each district to provide that, in cases where DOE must calculate a proration of state funds to each district, no calculation subsequent to the appropriation shall result in negative state funds for any district.

The bill amends s. 1011.62(1)(m) relating to the calculation of additional FTE membership for the International Baccalaureate (IB) program to provide that each school district must allocate 80% of the funds received from IB bonus FTE funding to the school program whose students generate the funds and to school programs that prepare prospective students to enroll in IB courses. These funds must be expended solely for the payment of specified allowable costs associated with the IB program. School districts must allocate the remaining 20% of the funds for programs that assist academically disadvantaged students to prepare for more rigorous courses.

The bill amends s. 1011.62(1)(p) relating to the calculation of additional FTE membership based on successful completion of industry-certified career and professional academy programs to provide that each district must allocate at least 80% of the funds provided for industry certification to the program that generated the funds.

The bill amends s. 1011.62(7)(d) relating to the calculation of the Sparsity Supplement to provide that the calculation of total potential funds must not include Florida School Recognition Program funds, Merit Award Program funds, and the minimum guarantee funds.

District Budget Public Hearings

The bill amends s. 1011.03 to substantially revise the content and publication requirements for the district tentative budget. The bill provides a summary of the tentative budget must be posted online and advertised one time in a newspaper of general circulation published in the district or to be posted at the courthouse if there be no such newspaper. The list of detailed graphs and information is deleted.

Distribution of FEFP Funds

The bill amends s. 1011.66 by deleting the provision authorizing release of FEFP funds in the first quarter of the fiscal year to any school district whose net state FEFP funding is less than 60% of its gross state and local FEFP funding.

District School Tax

The bill amends s. 1011.71(b) to add to the allowable use of the district 1.5 mill levy to provide that the funds may be used to fund the purchase, lease-purchase, or lease of computer hardware, including electronic hardware and other hardware devices necessary for gaining access to or enhancing the use of electronic content and resources or to facilitate the access to and the use of a school district's electronic learning management system, excluding software other than the operating system necessary to operate the hardware or device.

The bill amends s. 1011.71(c) to provide that, in order to be continued after the 2010-2011 fiscal year, the .25 critical needs millage levy must be approved by the voters of the district at the 2010 general election or a subsequent election held at any time, except that only one such election can be held during a 12-month period. Any millage so authorized shall be levied for no more than 2 years or until changed by another millage election, whichever is earlier. If any such election is invalidated, the invalidated election shall be considered not to have been held.

Class Size Provisions

The bill provides two alternate revisions to s. 1003.03, one of which will be implemented depending upon the outcome of the vote of electors in the November 2010 General Election with respect to the proposed revisions to class size requirements contained in SJR 2.

In the event that revisions to class size requirements are NOT approved by voters, the bill amends s. 1003.03 to provide that, prior to the adoption of the district school budget for 2010-2011, each district school board must hold public hearings and provide information to parents on the district's website, and through any other means by which the district provides information to parents and the public, on the district's strategies to meet the requirements.

The bill provides that DOE must annually calculate class size measures based upon the October student membership survey and revises implementation options to provide that school districts must consider adopting policies to encourage students to take courses from school district virtual instruction programs in order to meet class size requirements.

The bill amends accountability provisions to create a new formula for calculating the penalty for districts that fail to meet class size requirements. In order to calculate the penalty, DOE must determine the number of FTE students which exceeds the maximum for each grade group. DOE will then calculate the penalty as follows:

- Multiply the total number of FTE students which exceeds the maximum for each grade group by the district's FTE dollar amount of the class size categorical allocation for that year and calculate the total for all three grade groups.
- Multiply the total number of FTE students which exceeds the maximum for all classes by an amount equal to 50% of the base student allocation adjusted by the district cost differential for the 2010-2011 fiscal year and by an amount equal to the base student allocation adjusted by the district cost differential beginning in the 2011-2012 fiscal year and thereafter.

The district's class size categorical allocation will be reduced by an amount equal to the sum of these two calculations. The bill provides that the amount of funds reduced must be the lesser of the amount calculated above or the undistributed balance of the district's class size categorical allocation. The Commissioner may withhold distribution of the class size categorical allocation to the extent necessary to comply with these penalty provisions. The bill provides that, in lieu of the reduction calculation, if the Commissioner has evidence that a district was unable to meet the class size requirements despite appropriate efforts to do so or because of an extreme emergency, the Commissioner may recommend, by February 15 and subject to approval of the Legislative Budget Commission, the reduction of an alternate amount of funds from the district's class size categorical allocation.

The bill provides that, upon approval of the reduction calculation, the Commissioner must prepare a reallocation of the funds made available to the districts that have fully met the class size requirements. The funds must be reallocated by calculating an amount of up to 5% of the base student allocation multiplied by the total district FTE students. The reallocation total may not exceed 25% of the total funds reduced.

By February 15, each district that has not complied with the class size requirements must submit to the Commissioner a plan certified by the district school board that describes the specific actions the district will take in order to fully comply with the class size requirements by October of the following school year. If a district submits the certified plan by the required deadline, the funds remaining after the 25% reallocation calculation must be added back to the district's class size categorical allocation based on each qualifying district's proportion of the total reduction for all qualifying districts for which a reduction was calculated. However, no district will have an amount added back that is greater than the amount that was reduced. The DOE must adjust school district class size reduction categorical allocation distributions based on the provisions.

In the event that revisions to class size requirements ARE approved by voters, the bill amends s. 1003.03 to restate the revised class size requirements based on school level averages. The bill amends provisions relating to implementation of class size to provide that DOE must annually calculate class size measures based upon the October student membership survey. The calculation for compliance for each of the three grade groups must be the number of students assigned to each teacher in an individual classroom and the average number of students at the school level assigned to each teacher. Each teacher assigned to any classroom shall be included in the calculation for compliance. The bill also revises implementation options to provide that school districts must consider adopting policies to encourage students to take courses from school district virtual instruction programs in order to meet class size requirements.

The bill amends accountability provisions to create a new formula for calculating the penalty for districts that fail to meet class size requirements. In order to calculate the penalty, DOE must identify the number of FTE students in an individual classroom which is greater than the classroom maximum and the number of FTE students which is greater than the school-level average maximum, not including the number of FTE students which is greater than the classroom maximum. DOE will then calculate the penalty as follows:

- Multiply the total number of FTE students which exceeds the maximum for each grade group by the district's FTE dollar amount of the class size categorical allocation for that year and calculate the total dollar amount for all three grade groups.
- Multiply the total number of FTE students which exceeds the maximum by an amount equal to 50% of the base student allocation adjusted by the district cost differential for the 2010-2011 fiscal year and, beginning in the 2011-2012 fiscal year, by an amount equal to the base student allocation adjusted by the district cost differential.

The district's class size categorical allocation will be reduced by an amount equal to the sum of these two calculations. The remaining provisions relating to the penalty, including a possible alternate reduction in the penalty, reallocation of up to 25% of penalty funds to districts that are in compliance with class size requirements, and district action plans to reclaim up to 75% of penalty funds are identical to those that would be in place if the class size revisions are not approved.

Charter School Provisions

The bill amends s. 1002.33(16) to provide that a charter school must comply with statutes pertaining to maximum class size except that the calculation for compliance must be the average at the school level.

The bill amends s. 1002.33(19) to provide that the district 1.5 mill capital outlay funds that have been shared with a charter school-in-the-workplace prior to July 1, 2010, are deemed to have met the authorized expenditure requirements. The bill also amends s. 1013.62 relating to charter school capital outlay funding to provide that a charter school-in-the-workplace is eligible for state capital outlay funding.

The bill amends s. 1002.33(20) relating to administrative fees to provide that a sponsor may withhold up to a 5% administrative fee for enrollment up to and including 250 (rather than 500) students. For charter schools with a population of 251 or more students, the difference between the total administrative fee calculation and the amount of the administrative fee withheld may only be used for capital outlay purposes. In addition, the bill provides that a sponsor may withhold only up to a 5% administrative fee for enrollment for up to and including 500 students within a system of charter schools which includes both conversion and nonconversion charter schools, has all schools located in the same county, has a total enrollment exceeding the total enrollment of at least one school district in the state, has the same governing board, and does not contract with a for-profit service provider for management of school operations. The difference between the total administrative fee calculation and the amount of the administrative fee withheld may be used for instructional and administrative purposes as well as for capital outlay purposes.

Virtual Instruction Program Provisions

The bill amends s. 1002.37(3) relating to the calculation of funding for the Florida Virtual School by adding the critical needs .25 millage with the discretionary operating millage, as set forth in s. 1011.71(1) and (3), as part of the calculation of funding. In addition, the formula is amended to increase, from 95% to 96%, the percentage of the taxable value for school purposes to be used in the calculation.

The bill amends s. 1002.45 relating to school district virtual instruction programs to revise the definition of “approved provider” to include a public community college. The bill specifies that, if the provider is a community college, its instructors must meet the certification requirements for instructional staff under Chapter 1012. In addition, a community college provider may not report students who are served in a school district virtual instruction programs for funding under the Community College Program Fund.

The bill also revises the definition of “virtual instruction program” to provide that the program shall be full-time for students enrolled in kindergarten through grade 12 and full-time or part-time for students in grades 9 through 12 who are enrolled in dropout prevention and academic intervention programs, DJJ programs, core curricula courses to meet class size requirements, or community colleges.

The bill expands eligibility for a student to enroll in a school district virtual instruction program if the student has a sibling who is currently enrolled in a school district virtual instruction program and that sibling was enrolled in the program at the end of the prior school year.

Instructional Materials Provisions

The bill amends s. 1006.28 to revise the definition of “adequate instructional materials” to include “electronic content”.

The bill creates s. 1006.281 relating to learning management systems. School districts are encouraged to provide access to an electronic learning management system that allows teachers, students, and parents to access, organize, and use electronically available instructional materials and teaching and learning tools and resources, and that enables teachers to manage, assess, and track student learning. The bill provides that, to the extent fiscally and technologically feasible, a school district's electronic learning management system should allow for a single, authenticated sign-on and include specified functionality. DOE must provide assistance as requested by school districts in their deployment of an electronic learning management system.

The bill amends s. 1006.29 relating to the state instructional materials committees to provide that a publisher or manufacturer providing instructional materials as a single bundle must also make the instructional materials available as separate and unbundled items, each priced individually. Any instructional materials adopted after 2012-2013 for students in grades 9 through 12 must also be provided in an electronic format.

The bill amends s. 1006.33 relating to bids or proposals to provide that, beginning in 2010-2011, each bidder must furnish electronic specimen copies of all instructional materials submitted. Any district school superintendent who requires samples in addition to the electronic format must request those samples through DOE.

The bill amends s. 1006.40 relating to the use of instructional materials allocation to provide that the funds available to district school boards for the purchase of materials not on the state-adopted list may not be used to purchase electronic or computer hardware, even if such hardware is bundled with software or other electronic media, unless the district school board has complied with the requirements in s. 1011.62(6)(b)5 requiring that all instructional material purchases have been completed for that fiscal year.

The bill amends s. 1011.62 relating to flexibility in the use of funds for categorical programs to provide that the school board may transfer funds for instructional materials for other expenditures if all instructional material purchases necessary to provide updated materials aligned to Next Generation Sunshine State Standards and benchmarks and that meet statutory requirements of content and learning have been completed for that fiscal year, but no sooner than March 1, 2011. Funds available after March 1 may be used to purchase hardware for student instruction.

The bill amends s. 1011.67 relating to funds for instructional materials by deleting the provision specifying the distribution timetable and related percentages of funds to be distributed.

Personnel Provisions

The bill amends s. 1012.33(g) relating to contracts with instructional staff by adding that instructional personnel whose retirement is effective on or after July 1, 2010, or whose participation in the Deferred Retirement Option Program terminates on or after July 1, 2010 and are re-employed are exempt from the provision that, for the purposes of pay, the district school board must recognize and accept each year of full-time public school teaching service. This provision currently applies only to instructional personnel whose retirement is effective before July 1, 2010, or whose participation in the Deferred Retirement Option Program terminates before July 1, 2010.

The bill amends s. 1012.467 relating to background screening of noninstructional contractors to provide that school districts must accept reciprocity of level 2 screenings for Florida High School Athletic Association officials.

The bill amends s. 1012.55 relating to positions for which certification is required to provide that such positions include personnel providing direct instruction to students through a virtual environment or through a blended virtual and physical environment.

The bill creates and unnumbered section of law to provide an appropriation of \$21,244,177 in nonrecurring funds from the General Revenue Fund for the 2010-2011 fiscal year to award bonuses to effective teachers through the Dale Hickam Excellent Teaching Program.

Other Significant Provisions

- The bill amends s. 1001.395 relating to *School Board Member Compensation* to provide that, for the 2010-2011 fiscal year, the salary of each school board member shall be the amount calculated by the statutory formula set forth in Chapter 145 and s. 1001.395 or the district's beginning salary for teachers who hold baccalaureate degrees, whichever is less. This maintains the current school board member compensation policy.
- The bill amends s. 1001.451 relating to *Regional Consortium Service Organizations* to provide that, for the 2010-2011 fiscal year, the appropriation may be less than \$50,000 per school district and eligible member. If the amount appropriated is insufficient to provide \$50,000, the funds available must be prorated among all eligible districts and members. This provision expires July 1, 2011.

- The bill amends s. 1002.32 relating to the calculation of funding for *Developmental Research Schools* by adding the critical needs .25 millage with the discretionary operating millage, as set forth in s. 1011.71(1) and (3), as part of the calculation of funding for these schools. In addition, the formula is amended to increase, from 95% to 96%, the percentage of the taxable value for school purposes to be used in the calculation.
- The bill amends s. 1002.39 relating to the *McKay Scholarship Program* to provide that a student is not eligible to receive a quarterly payment if the private school fails to meet the deadline for submitting documentation required for the student's participation.
- The bill amends s. 1003.03 relating to *Voluntary Prekindergarten Education Programs* to provide that, beginning with the 2010-2011 fiscal year, each early learning coalition may retain and expend no more than 4.5 % (rather than 4.85%) of the funds paid by the coalition to private prekindergarten providers and public schools to administer the VPK program.
- The bill amends s. 1003.42 relating to *Required Instruction* to provide that, for the required instruction in the history of African Americans, instructional materials must include the contributions of African Americans to American society.
- The bill amends s. 1003.492 relating to *Industry Certified Career Education Programs* to provide that the list of industry certifications approved by Workforce Florida must also be approved by DOE.
- The bill amends s. 1003.52 relating to *Department of Juvenile Justice Programs* to provide that the requirements for DOE to establish objective and measurable quality assurance standards, to develop a comprehensive quality assurance review process and schedule, and to establish minimum thresholds for the standards and key indicators for educational programs must be implemented to the extent funding is available.
- The bill amends s. 1004.925 relating to *Automotive Service Technology Education Programs* to provide that all automotive service technology education programs must be industry certified in accordance with rules adopted by the State Board of Education. New and existing automotive service technology education programs will have 3 years to become certified. Effective with the 2013-2014 fiscal year, students enrolled in an automotive service technology education program that is not industry certified will not be eligible to be reported for state funding.
- The bill amends s. 1007.27 relating to *Articulated Acceleration Mechanisms* to provide that students of Florida public secondary schools enrolled in these programs are deemed to be authorized users of the state-funded electronic library resources that are licensed for Florida colleges and state universities by the Florida Center for Library Automation and the College Center for Library Automation. Verification of eligibility must be in accordance with rules established by the State Board of Education and regulations established by the Board of Governors and processes implemented by Florida colleges and state universities.
- The bill amends s. 1011.68 relating to *Student Transportation* to provide that the calculation of the base transportation dollar allocation for disabled students is the total state base disabled student membership count weighted for increased costs associated with transporting disabled students and multiplying it by an average (rather than the prior year's average) per student cost for transportation as determined by the Legislature.
- The bill creates an unnumbered section of law to authorize the Commissioner to administer a one-time student transportation survey for the Jefferson County School District to serve as a substitute for the statewide, scheduled October and February surveys which were omitted by the district. The result of the survey must be incorporated into the 2009-2010 student transportation final calculation. From the funds generated from the transportation survey, the school district must use \$50,000 to contract for consulting services to assist in the management of school district operations for 2010-2011. The consultant or consulting group must be approved by the Commissioner.
- The bill creates an unnumbered section of law relating to the *Special Facility Construction Account* to direct OPPAGA to conduct a study of the Special Facility Construction Account program to examine the effectiveness of the program and to provide recommendations. OPPAGA must submit the results of the study to the Governor and legislative leaders no later than January 31, 2011.

HB 5201 – POSTSECONDARY EDUCATION FUNDING

by State Universities & Private Colleges Appropriations Committee (SB 1344 by Lynn)

AMENDS: ss. 295.02, 295.04, 440.491, 1004.085, 1004.091, 1004.65, 1006.59, 1009.21, 1009.22, 1009.24, 1009.531, 1009.532, 1009.534, 1009.535, 1009.536, 1009.72, 1009.73, 1010.87, 1011.32, 1011.52, 1011.80, 1011.83, 1011.84, 1013.79, F.S.

CREATES: ss. 1004.387, 1006.72, 1009.5341, 1012.885, F.S.

REPEALS: ss. 1009.537, 1009.5385, F.S

EFFECTIVE: July 1, 2010

The bill deals primarily with postsecondary education funding issues. Of interest to school districts, the bill amends s 1009.531 relating to the Florida Bright Futures Scholarship Program to provide that, for students graduating from high school in the 2010-2011 academic year and thereafter, a student is eligible to accept an initial award for 3 years following high school graduation and to accept a renewal award for 5 years (rather than 7 years) following high school graduation.

The bill revises the examination scores required for a student to be eligible for a Florida Academic Scholars award and provides that, for high school students graduating in the 2010-2011 and 2011-2012 academic years, the student must earn an SAT score of 1270 or a concordant ACT score of 28. For high school students graduating in the 2012-2013 academic year, the student must earn an SAT score of 1280 or a concordant ACT score of 28. For high school students graduating in the 2013-2014 academic year and thereafter, the student must earn an SAT score of 1290 or a concordant ACT score of 29.

The bill also revises the examination scores required for a student to be eligible for a Florida Medallion Scholars award and provides that for high school students graduating in the 2010-2011 academic year, the student must earn an SAT score of 970 or a concordant ACT score of 20. For high school students graduating in the 2011-2012 academic year, the student must earn an SAT score of 980 or a concordant ACT score of 21. For high school students graduating in the 2012-2013 academic year, the student must earn an SAT score of 1020 or a concordant ACT score of 22. For high school students graduating in the 2013-2014 academic year and thereafter, the student must earn an SAT score of 1050 or a concordant ACT score of 23. The bill provides different required scores for students seeking a Florida Medallion Scholar award who are enrolled in a home education program.

The bill amends s. 1009.536 relating to the Florida Gold Seal Vocational Scholars award to provide that, for a student who is initially eligible in the 2010-2011 academic term and thereafter, the student may earn a Florida Gold Seal Vocational Scholarship for 100% of the number of credit hours required to complete the program, up to 90 credit hours or the equivalent.

The bill amends s. 1011.80 relating to funds for operation of workforce education programs to provide that expenditures for the continuing workforce education programs provided by the community colleges or school districts must be fully supported by fees. Enrollments in continuing workforce education courses shall not be counted for purposes of funding full-time equivalent enrollment.

The bill creates an unnumbered section of law to direct OPPAGA to conduct a review of the public school adult workforce education programs and the community college and state college workforce education programs for the purpose of identifying and analyzing the positive and negative aspects of merging the school district programs with the community college and state college programs. OPPAGA must submit the results of its review to legislative leaders by December 1, 2010.

The bill creates an unnumbered section of law to provide an appropriation of \$25,000,000 in nonrecurring funds from the General Revenue Fund for the 2010-2011 fiscal year for the Florida Bright Futures Scholarship Program. The funding is contingent upon Florida being eligible to receive federal funds, based on the state's Federal Medical Assistance Percentage (FMAP), in excess of the February 2010 official Social Services Estimating Conference estimate.

HB 5607 – RETIREMENT

by Governmental Operations Appropriations Committee

AMENDS: ss. 121.091, 121.71, 121,74, F.S.

CREATES: An unnumbered section of law

EFFECTIVE: July 1, 2010

The bill amends s. 121.71 relating to the employer contribution rates for the Florida Retirement System (FRS). Effective July 1, 2010, the contribution rate for the Regular Class will increase from 8.69% to 9.76%; for the Special Risk Class will increase from 19.76% to 22.15%; for the Special Risk Administrative Support Class will decrease from 11.39% to 11.24%; for the County Elected Officers Class will increase from 15.37% to 16.62%; for the Senior Management Class will decrease from 11.96% to 11.70%; and for DROP will increase from 9.80% to 10.07%. No additional retirement contributions are provided to address the unfunded actuarial liabilities of the FRS for the 2010 fiscal year. However, additional contributions are expected to be required effective July 1, 2011.

The bill amends s. 121.091 relating to benefits payable under the FRS to provide that, for those members entering DROP on or after July 1, 2010, interest will accrue at an effective annual rate of 3.0% compounded monthly, on the prior month's accumulated ending balance, up to the month of termination or death, except as provided in s. 121.053(7) relating to persons holding elective office.

The bill amends s. 121.74 relating to administrative and educational expenses for optional retirement program. The bill provides that, effective July 1, 2010 through June 30, 2014, employers participating in the FRS must contribute an amount equal to 0.03% (rather than 0.05%) of the payroll reported for each class or subclass of FRS membership. Effective July 1, 2014, the contribution rate shall be 0.04% of the payroll reported for each class or subclass of membership.

The bill creates an unnumbered section of law to provide that, as part of the actuarial study required by s. 240 121.031(3), and based on the results of June 30, 2010, the administrator of the FRS must contract with the state actuary to conduct an actuarial study of the FRS which considers alternate methods of funding DROP, including:

- Through a separate contribution rate regardless of the participant's membership class, which had been the principle method through the 2009 valuation;
- Treat participants as retirees such that the payroll associated with the participants is not used to develop the contribution rates for the respective membership class, and the employer is not required to make contributions on such payroll except for unfunded actuarial liability contributions; and
- Treat participants as active members such that the payroll associated with the participants is used to develop the contribution rates for the respective membership class, and the employer is required to make contributions on the payroll at the same contribution rate as the employer pays for an active member of the applicable class.

HB 7069 – SCREENING

by Criminal & Civil Justice Policy Council (SB 1520 by Storms)

AMENDS: ss. 39.001, 39.821, 215.5586, 381.60225, 393.0655, 394.4572, 400.215, 400.506, 400.512, 400.6065, 400.801, 400.805, 400.934, 400.953, 400.964, 400.980, 400.991, 402.302, 408.806, 408.808, 408.809, 409.175, 409.221, 409.907, 409.912, 411.01, 429.14, 429.174, 429.67, 429.69, 429.911, 435.01, 435.02, 435.03, 435.04, 435.05, 435.06, 435.07, 435.08, 464.018, 464.203, 468.3101, 489.115, 744.309, 744.474, 943.05, 943.053, 984.01, 985.04, 985.644, F.S.

CREATES: ss. 400.9065, 430.0402, F.S.

REPEALS: ss. 400.955, 133 409.1758, 456.039(4)(d), F.S.

EFFECTIVE: August 1, 2010

The bill revises requirements and procedures for background screening of persons and businesses that deal with vulnerable populations in various settings. Of interest to school districts, the bill amends several sections of law, including s. 402.32 relating to child care personnel to provide that a volunteer who assists on an intermittent basis for less than 10 hours (rather than 40 hours) per month is not included in the term "personnel" for the purposes of screening and training if a person who meets the screening requirement is always present and has the volunteer in his or her line of sight.

The bill amends s. 411.01 relating to school readiness programs to provide that each school district must make a list of all individuals currently eligible to act as a substitute teacher within the county pursuant to the rules adopted by the school district available to an early learning coalition serving students within the school district. Child care facilities, as defined by s. 402.302, may employ individuals listed as substitute instructors for the purpose of offering the school readiness program, the Voluntary Prekindergarten Education Program, and all other legally operating child care programs.

HB 7231 – LEGISLATIVE AND CONGRESSIONAL DISTRICT BOUNDARIES

by Select Policy Council on Strategic & Economic Planning (*SB 2288 by Haridopolos*)

CREATES: Article III, Section 20, Florida Constitution

EFFECTIVE: Upon approval by electors

This joint resolution proposes an amendment to the Florida Constitution to provide that, in establishing congressional and legislative district boundaries or plans, the state must apply federal requirements and balance and implement the standards in the State Constitution. The state must take into consideration the ability of racial and language minorities to participate in the political process and elect candidates of their choice, and communities of common interest other than political parties may be respected and promoted, both without subordination to any other provision of Article III of the State Constitution. Districts and plans are valid if the balancing and implementation of standards is rationally related to the standards contained in the State Constitution and is consistent with federal law.

HB 7243 – ENVIRONMENTAL CONTROL

by General Government Policy Council (*SB 570 by Constantine*)

AMENDS: ss. 288.9015, 403.44, 403.7032, 403.7046, 403.7049, 403.705, 403.706, 403.7061, 403.707, 403.709, 403.7095, 403.7145, 533.77, F.S.

REPEALS: s. 288.1185, F.S.

EFFECTIVE: July 1, 2010

The bill addresses a variety of environmental issues. Of particular interest to school boards, the bill amends s. 403.7032 relating to recycling to provide that each state agency, K-12 public school, public institution of higher learning, community college, and state university, including all buildings that are occupied by municipal, county, or state employees and entities occupying buildings managed by the Department of Management Services, must, at a minimum, annually report all recycled materials to the county using the department's designated reporting format.