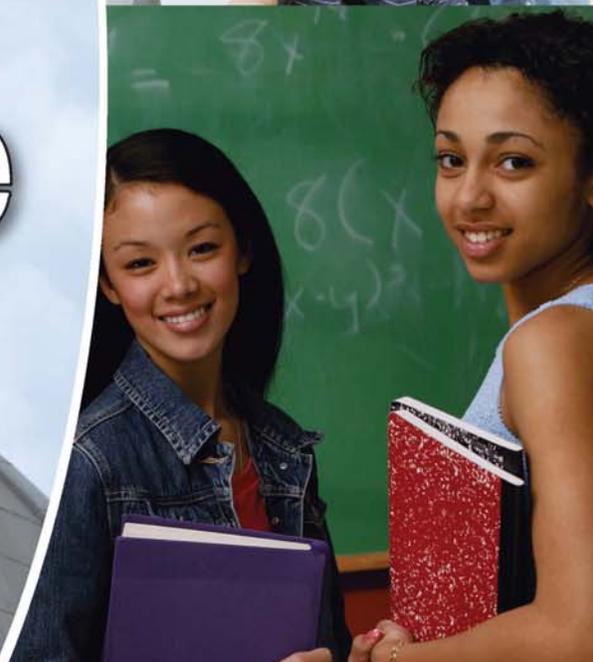


2009 Legislative Review

**Florida Department of Education
Regular Session**



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Department of Education

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2009 Legislative Summaries

The bill summaries included in this book are of education related bills that passed both House and Senate chambers. These bills will need to be presented to the Governor, and are subject to his final action.

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Bill Number: Senate Bill 126

Bill Title: Children/Confidential Records

Bill Sponsor: Senator Dockery

Effective Date: July 1, 2009

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

Executive Summary:

The bill revises Chapter 39 of the Florida Statutes to provide for handling requirements of case records of children under the supervision of the Department of Children and Family Services (DCFS). It also creates provisions allowing confidential information of children to be shared among agencies in certain situations. The bill also allows records of child abuse and neglect to be shared with persons with whom the DCFS seeks to place or has placed a child.

The bill:

- Creates s. 39.00145, F.S., to provide for handling requirements of case records of children under the supervision of DCFS.
 - Provides that records of children must be maintained in an accurate manner.
 - Provides that records must be made available for inspection by the child and to the child's caregiver, guardian ad litem or attorney.
 - Provides that a complete copy of any record must be provided to the child who is the subject of the case, or the child's caregiver, guardian ad litem, or attorney.
 - Provides that any person or entity who fails to provide a case record to an individual entitled to such record under an assertion of a claim of exemption under Chapter 119 is subject to sanctions and penalties.
 - Defines "caregiver" as limited to parents, legal custodians, permanent guardians or foster parents, employees of a residential home, institution, facility or agency at which the child resides, and other individuals legally responsible for a child's welfare in a residential setting.
 - Provides that a court may release information in a child's case record if it is necessary to ensure the child's access to appropriate services or for the safety of the child.
 - Provides that notwithstanding any other provision of law, all state and local agencies and programs that provide services to children, which includes school districts and the Department of Education, may share with each other confidential or exempt information if the records are necessary to ensure access to appropriate services for the child, including child support enforcement services, or for the safety of the child.
 - This provision expressly does not apply with regard to information which is made confidential by federal law, or to information concerning clients and records of certified domestic violence centers.

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- Amends s. 39.202(2), F.S., to provide that confidential reports and records related to child abuse or neglect may be provided to persons with whom DCFS is seeking to place a child or to whom placement has been granted.
- Amends s. 39.202(7), F.S., to require that DCFS retain reports and records of all cases under Chapter 39 until the child who is the subject of the record reaches the age of 30.
 - Provides that within 90 days after a child leaves the custody of DCFS, it shall give notice to the child or the person having custody of the child as to how records may be obtained.
 - Provides that DCFS may adopt rules regarding format, storage, retrieval, and release of records.

General Implementation Timeline:

July 1, 2009 The act becomes effective.

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Bill Number: House Bill 135

Bill Title: Public Records/Insured Dependents/Agency Group Plan

Bill Sponsor: Representative McKeel

Effective Date: July 1, 2009

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

Executive Summary:

The bill provides an exemption from public records disclosure requirements information of certain insured dependents.

The bill:

- Amends s. 119.071(4)(b), F.S., to include a public records exemption for personal identifying information of a dependent child of a current or former officer or employee of an agency, when the child is insured by an agency group insurance plan.
- Indicates the exemption is made remedial in nature, and applies to information held before, on, or after the effective date of the exemption.
- Indicates the act is subject to Open Government Sunset Review, and will be repealed after five years unless saved by reenactment.
- Provides a statement of public necessity.

General Implementation Timeline:

July 1, 2009 The act becomes effective.

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Bill Number: Senate Bill 166

Bill Title: Public Records/Donors' Identification/Public Buildings

Bill Sponsor: Senator Ring

Effective Date: July 1, 2009

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

Executive Summary:

This bill:

- Creates a public records exemption for information that identifies a donor or prospective donor of a donation made for the benefit of a publicly owned building or facility.
- Provides that at the request of the donor or prospective donor, identifying information would be confidential and exempt from public records provisions.
- States that the exemption is subject to legislative review and repeal under the provisions of the Open Government Sunset Review Act.1.
- Creates an exemption from 119.07(1)(a), F.S., for information that identifies a donor or prospective donor of a donation made for the benefit of a publicly owned building or facility.
- Creates an exemption from s. 24(a), Article I of the State Constitution for information that identifies a donor or prospective donor of a donation made for the benefit of a publicly owned building or facility.

General Implementation Timeline:

July 1, 2009 The act becomes effective.

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Bill Number: House Bill 169

Bill Title: Equine Activities

Bill Sponsor: Representative Abruzzo

Effective Date: October 1, 2009

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

Executive Summary:

The bill:

- Entitles s. 773.06, F.S., as "Nicole's Law."
- Enacts safety standards to minimize the number of serious to fatal head injuries sustained by children during equestrian activities and recreation.
- Cites the definition of the term "equine" as used in s. 773.01, F.S.,
- Requires that a child younger than 16 wear a helmet that meets the standards of the American Society of Testing and Materials for protective headgear used in horseback riding and that the headgear is secured with a strap when a child is riding an equine upon the following places:
 - A public roadway or right-of-way,
 - A public equestrian trail, public recreational trail, public park or preserve, or public school,
 - Any other publically owned or controlled property.
- Requires that a trainer not knowingly rent or lease an equine to a child younger than 16 unless the child has a helmet or a helmet is provided.
- States that a parent or guardian may not authorize a child to violate this act.
- States that a person who violates this act commits a noncriminal violation, punishable by s. 775.083, F.S.
- States that this section does not apply to a child younger than 16 practicing for, riding to or from, or competing in shows or events, including but not limited to, rodeos or parades, riding on private owned land or engaged in agricultural pursuit or practice.
- Provides an effective date.

General Implementation Timeline:

October 1, 2009 The act becomes effective.

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Bill Number: Senate Bill 216

Bill Title: Campaign Financing

Bill Sponsor: Senator Justice

Effective Date: July 1, 2009

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

Executive Summary:

The bill prohibits a local government or person acting on its behalf from spending, and prohibits a person or group from accepting, public funds for a political advertisement or electioneering communication in connection with an issue, referendum, or amendment that the public will vote on at an election.

The bill:

- Creates s.106.113, F.S., relating to expenditures by local governments.
- Prohibits a local government from expending, and a person or group from accepting, public funds for a political advertisement or electioneering communication concerning an issue, referendum, or amendment that is subject to the vote of the electors. Electioneering communications that are limited to factual information are exempted from the prohibition.
- Clarifies that a local government elected official is not prohibited from expressing an opinion on any issue at any time, as long as it does not violate the specific prohibitions in the bill.
- Defines "local government" to mean a county, municipality, school district, or other political subdivision in the state; and any department, agency, board, bureau, district, commission, authority, or similar body of a county, municipality, school district, or other political subdivision of the state.
- Defines "public funds" to mean all moneys under the jurisdiction or control of the local government.

General Implementation Timeline:

July 1, 2009 The act becomes effective.

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Bill Number: Senate Bill 278

Bill Title: Charter Schools

Bill Sponsor: Senator Gaetz

Effective Date: July 1, 2009

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

Executive Summary:

- The bill amends ss. 11.45, 218.39, 218.50, 218.501, 218.503, 218.504, 1002.33, 1002.335, 1002.34, F.S., relating to charter schools and charter technical career centers.
- The bill creates s. 1002.345, F.S., providing for the determination of financial weakness and financial emergencies for charter schools and charter technical career centers.
 - If an annual financial audit conducted by a certified public accountant in accordance with s. 218.39 reveals one or more of the conditions specified in s. 218.503(1), F.S., have occurred, or will occur if action is not taken, the auditor must notify the governing board of the charter school or charter technical career center, the sponsor, and the Commissioner of Education within 7 business days.
 - If the Commissioner determines that the charter school requires a financial emergency plan, then the school is considered to be in a state of financial emergency, and must submit a detailed financial recovery plan with the sponsor and the Commissioner of Education within 30 days.
 - The Commissioner of Education shall annually report to the State Board of Education each charter school and charter technical career center that is subject to a financial recovery plan or corrective action plan.
 - The Department of Education (DOE) is required to provide technical assistance to charter schools, charter technical career centers, governing boards, and sponsors in developing financial recovery and corrective action plans.
 - The bill allows the sponsor to choose not to renew or to terminate a charter if the charter school or charter technical career center fails to correct the deficiencies in the corrective action plan within 1 year or exhibits one or more financial emergency conditions for two consecutive years.
- The bill creates s.1002.345, F.S., to require an expedited review of a charter school when certain conditions occur, including failure to provide for an audit, failure to comply with reporting requirements, deteriorating financial condition, or notification of a financial emergency under s. 218.503, F.S.
 - The governing board and the sponsor are required to develop a corrective action plan and file it with the Commissioner of Education within 30 working days. If they are unable to

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- agree on a corrective action plan, the Commissioner of Education is required to determine the components of the plan. The governing board is required to implement the plan.
- The bill provides that if the governing board fails to implement the corrective action plan within 1 year, the State Board of Education is required to prescribe any steps necessary for the charter school or charter technical career center to comply with state requirements.
 - The chair of the governing board is required to annually appear before the State Board of Education and report on the implementation of the State Board's requirements.
 - The Commissioner of Education shall annually report to the State Board of Education each charter school and charter technical career center that is subject to a financial recovery plan or corrective action plan.
- The bill requires charter school applicants to use a model application form prepared by the DOE. The application will be reviewed by the School Districts using an evaluation form created by the DOE.
 - The bill requires charter school applicants to attend a pre-application training provide by the DOE, prior to submitting an application. The School District may require applicants to attend district training in lieu of the DOE training.
 - The bill amends s. 1002.33, F.S., to require all charter schools to submit monthly financial reports to the sponsor in a form prescribed by the DOE.
 - The bill amends s. 1002.33, F.S., to require the DOE to report student assessment data to schools that do not receive a school grade or school improvement rating, if they have at least 10 students that are tested on the FCAT. The above schools will be required to share the data with parents of current students, and any parents on a waiting list.
 - The DOE is required to compare the charter school student performance data for each of the above charter schools with student performance data in traditional public schools within the School District and across the state. Alternative schools will be compared to alternative schools across the state.
 - The bill amends s. 1002.33, F.S., to define terms "charter school personnel" and "relative" and provides that charter personnel may not appoint, employ, or promote a person in or to a position where they would be under the jurisdiction of a relative.

General Implementation Timeline:

July 1, 2009	The act becomes effective.
TBD	The DOE will set up a process to review charter schools that exhibit one or more conditions listed in s. 218.503, F.S.
TBD	The DOE will develop technical assistance materials to assist charter schools in the creation and implementation of detailed financial recovery plans and corrective action plans.

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- TBD The DOE will adopt rules for developing financial recovery and corrective action plans and defining a deteriorating financial condition.
- TBD The DOE will develop a form for monthly financial reporting.
- TBD The DOE will develop and implement a pre-applicant training.
- TBD The DOE will, with stakeholder input, create and release a model application, an evaluation instrument, and model charter and charter renewal formats.

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Bill Number: Senate Bill 316

Bill Title: Corporal Larry E. Smedley Vietnam Veterans High School Diploma Act

Bill Sponsor: Senator Constantine

Effective Date: July 1, 2009

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

Executive Summary:

This bill amends s. 1003.43, F.S., General requirements for high school graduation, to authorize the Commissioner of Education to award a high school diploma to honorably discharged veterans who were inducted into the United States Armed Forces during the Vietnam Era before completing the necessary high school graduation requirements.

General Implementation Timeline:

July 1, 2009 The act becomes effective.



Bill Number: Senate Bill 360

Bill Title: Community Renewal Act

Bill Sponsor: Senator Bennett

Effective Date: July 1, 2009

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

Executive Summary:

The bill creates the Community Renewal Act. It amends a number of provisions of law with the goal of stimulating economic development, promoting development in urban areas, and providing for affordable housing. The bill substantially revises the Growth Management Act and the Environmental Land and Water Management Act, including changes to the comprehensive plan amendment process allowing additional growth in densely populated areas with reduced state oversight.

While the bill has the greatest impact on general purpose local governments, several provisions affect implementation of "school concurrency" and may require districts to increase their level of participation in local land use planning and development review processes. The bill also authorizes district school boards to use surplus lands for affordable housing for "essential services personnel" (as defined locally); this authority is limited to designated Areas of Critical State Concern.

Specifically, the bill has the following direct impacts on school districts:

- Revises the penalty for failure to adopt and implement a Public School Facility Element of a local government comprehensive plan and the interlocal agreement;
- Revises school concurrency waiver criteria to allow the Department of Community Affairs to grant a waiver when the enrollment growth rate exceeds 10 percent in cases where the 10-year capital outlay student enrollment projection is less than 2,000 and the 10-year capacity rate does not exceed 100%;
- Specifies that school districts and local governments must count certain relocatable classrooms as available capacity toward school concurrency during the first three years of implementation;
- Allows local option to accept construction of a charter school to mitigate development impacts on public schools; and
- Authorizes district school boards to use surplus lands for affordable housing for "essential services personnel" (as defined locally); this authority is limited to designated Areas of Critical State Concern.

The bill revises s. 163.3164, F.S., Local Government Comprehensive Planning and Land Development Regulation Act, to reduce state oversight of local government plan amendments in "urban service areas" and "dense urban land areas" (as determined by Legislative staff and posted on the Department of Community Affairs for posting to its Internet Web site). School districts in these areas should be prepared to increase their engagement in the plan amendment and development review processes to address

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potential impacts to school capacity and existing and planned school sites as early in the process as possible.

The bill revises s. 163.3177, F.S., Required and optional elements of comprehensive plans; studies and surveys, to:

- Extend the financial feasibility compliance deadline from December 1, 2008, to December 1, 2011 (may affect adoption of the district facilities work plan as part of the local comprehensive plan);
- Require that the dispute resolution process in a local comprehensive plan be mandatory (affects provisions of the school interlocal agreement, which typically requires following the procedure in s. 186.509, F.S.);
- Revise school concurrency waiver criteria to allow the Department of Community Affairs to grant a waiver when the enrollment growth rates exceeds 10 percent in cases where the 10-year capital outlay student enrollment projection is less than 2,000 and the 10-year capacity rate does not exceed 100%; and
- Change the penalties triggered when a local government or a school board fails to enter into an approved interlocal agreement or fails to implement school concurrency. The local government will be subject to the penalties set forth in s. 163.3184(11)(a) and (b), F.S. (financial sanctions), and the school board will be subject to penalties set forth in s. 1008.32(4), F.S.

The bill revises s. 163.3180, F.S., Concurrency, to amend provisions related to school concurrency, specifically:

- Revises s. 163.3180(13)(b), F.S., to add new subparagraph 4., to provide that during the first three years of implementing school concurrency, a school district must count relocatable capacity when determining levels of service when it includes relocatable facilities in its inventory as provided in s. 1013.35(2)(b)2.f., F.S., provided the facilities were purchased after 1998 and meet standards for long-term use; and
- Revises s. 163.3180(13)(e), F.S., to give local governments and school boards the option to accept construction of a charter school pursuant to s. 1002.33(18), F.S., to mitigate development impacts on public schools.

The bill revises s. 163.31801, F.S., Impact fees, to require a local government to provide 90 days notice prior to increasing an impact fee and provide that a county or municipality is not required to wait 90 days to decrease, suspend, or eliminate an impact fee.

The bill revises s. 186.509, F.S., Dispute resolution process, to require mandatory mediation or a similar process for dispute resolution to reconcile differences on planning and growth management issues between local governments and other public and private parties. This change will impact school districts because interlocal agreements typically include dispute resolution procedures as specified in s. 186.509, F.S.

The bill revises s. 380.06, F.S., Developments of regional impact, to exempt large-scale developments located in dense urban land areas and urban service areas from the regional review process. School districts in these areas should be prepared to increase their engagement in the plan amendment and development review processes, and to address potential impacts to school capacity and existing and planned school sites as early in the process as possible.

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The bill amends s. 1001.43, F.S., Supplemental power and duties of district school board, to revise subsection (12), Affordable Housing, to authorize use of surplus lands to provide sites for affordable housing for essential services personnel as defined by local affordable housing eligibility requirements. This provision applies only in designated areas of critical state concern (portions of Collier, Lake, Monroe, and Polk Counties and the City of Apalachicola).

General Implementation Timeline:

Effective date Upon becoming law.



Bill Number: House Bill 381

Bill Title: Care of Children

Bill Sponsor: Representative Thompson

Effective Date: July 1, 2009

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

Executive Summary:

The bill:

- Amends a number of sections of Chapter 39, Florida Statutes, relating to grandparents and other relatives caring for children.
- States that the Florida Department of Children and Families' quality assurance program must analyze
- unaccepted reports to the abuse hotline by identified relatives as part of its review of screened out
- hotline calls.
- States that a relative may request to receive notification of all proceedings and hearings related to children and the attorney for the Department of Children and Families must provide such notification to a relative who requests it.
- Provides legislative intent relating to the relative caregiver program regarding procedures and protocols to acknowledge the value of care provided by grandparents and other relatives.
- Provides authority to develop liaison functions under the relative caregiver program for relatives who care for children.
- States that the attorney for the department must notify a relative who has requested such notification of the next judicial hearing.
- States that physicians and mental health professionals engaged in the care of treatment of a child may have access to reports and records in cases of child abuse or neglect and specified medical records must be preserved in permanent form by the Department.
- States that a reporter of the abuse, abandonment, or neglect must be provided with the name and other
- contact information of the protective investigator.
- Designates the first Sunday after Labor Day as "Grandparents' and Family Caregivers' Day."

General Implementation Timeline:

July 1, 2009 The act becomes effective.

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Bill Number: House Bill 425

Bill Title: Department of Business and Professional Regulation
Amendment – Hospitality Education

Bill Sponsor: Representative Plakon

Effective Date: October 1, 2009

DOE Contact: Loretta Costin, Vice Chancellor, Workforce Education, 850-245-9463

Executive Summary:

In this bill, section 47 amends provisions to the Hospitality Education Program (HEP) and the school-to-career training and transition programs for students in the public school system and who are interested in pursuing careers in the hospitality industry.

The bill revises s. 509.302, F.S., Hospitality Education Program, to:

- Provide that the Division of Hotels and Restaurants (division) would continue to be authorized to administer the application process for the issuance of funding to nonprofit statewide organizations that represent the hospitality industry.
- Fund the HEP program through grants to one or more nonprofit statewide organizations that represent a hospitality industry of this state; the source of these grants will be from the annual fee of \$10 paid by all public lodging establishments and all public food service establishments; 68% of funds collected will be for programs directed to careers in the restaurant industry; at least 14% of funds will be for programs directed to careers in the lodging industry; 10% of funds may be used for administration of the program.
- Authorize the division to transfer funds between the two industries based on the number of grant applications that are directed to careers in each of the industries.
- Deliver the training and transition programs through the public school system using a nationally recognized curriculum approved by Department of Business and Professional Regulation.

General Implementation Timeline:

October 1, 2009 The act becomes effective.

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Bill Number: House Bill 453

Bill Title: Tax Credits for Contributions to Nonprofit Scholarship-funding Organizations

Bill Sponsor: Representative Weatherford

Effective Date: July 1, 2009

DOE Contact: Michael D. Kooi, Esq., Executive Director, Office of Independent Education and Parental Choice, (850) 245-0502

Executive Summary:

The bill revises s. 220.186, F.S., to:

- Provide that the credit authorized under the Florida Tax Credit Scholarship Program does not apply to the credit for the Florida alternative minimum tax.

The bill revises s. 220.187, F.S., to:

- Expand the Corporate Income Tax Credit Scholarship Program to include insurance premium tax credits and rename the program the Florida Tax Credit Scholarship Program.
- Provide that a taxpayer eligible to receive a credit against the insurance premium tax is not eligible to receive a credit against the corporate income tax.
- Revise the eligibility criteria for program participation to include a student who is on the direct certification list.
- Require the Department of Education to provide a process to match the direct certification list with the scholarship application data submitted by any nonprofit scholarship-funding organization eligible to receive the 3-percent administrative allowance.
- Require school districts to notify households receiving free or reduced-price meals under the National School Lunch Act of their eligibility to apply for a scholarship, upon the request of any eligible nonprofit scholarship-funding organization.

The bill creates s. 624.51055, F.S., to:

- Provide for credits against the insurance premium tax for contributions to eligible nonprofit scholarship-funding organizations.

The bill revises ss. 1002.20, 1002.23, 1002.39, and 1002.421, F.S., to:

- Provide conforming revisions.

The bill:

- Authorizes insurers that made past contributions to the Florida Tax Credit Scholarship Program to claim the credits against future corporate income tax liability.
- Requires insurers to file amended corporate income tax and insurance premium tax returns.

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- Provides that the provisions of the act are severable.

General Implementation Timeline:

July 1, 2009 The act becomes effective.

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Bill Number: House Bill 479

Bill Title: Retirement

Bill Sponsor: Representative Schenck

Effective Date: July 1, 2009

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

Executive Summary:

The bill amends s. 121.021, F.S., to redefine the terms "employer," "officer or employee," "past service," "normal retirement date," "termination," "regularly established position," and "temporary position," and to define the term "state board" to mean the State Board of Administration and "trustees" to mean the Board of Trustees of the State Board of Administration.

For purposes of the Florida Retirement System (FRS), the bill's revised definition of "termination" provides that, for retirements effective prior to July 1, 2010, termination does not occur if a member is reemployed by an employer within the system within the next calendar month after ceasing employment. For terminations effective on or after July 1, 2010, termination does not occur if a member is reemployed within the next six calendar months after ceasing employment. Similar revisions are made to conform termination of employment after completion of the Deferred Retirement Option Program (DROP).

With respect to the Elected Officers' Class in the FRS, the bill:

- Provides that any retiree of a state-administered retirement system who is elected or appointed for the first time to an elective office in a regularly established position with an FRS employer on or after July 1, 2010, may not reenroll in the FRS. It also provides that an elected or appointed officer participating in the DROP is subject to termination as provided in s. 121.021, F.S., upon completion of DROP.
- Provides that a retiree who is reemployed as an elected official on or after July 1, 2010, may not be eligible for renewed membership in the Senior Management Service (SMS) or in the Senior Management Service Optional Annuity Program (SMSOAP), and may not withdraw from the FRS as a renewed member in lieu of SMS class membership. Retirees employed on or after July 1, 2010, are not eligible for renewed membership in the SMSOAP.
- Prohibits elected public officials who are covered by the FRS and who are concurrently employed in nonelected covered employment from retiring while continuing employment in the elective public office.

With respect to current reemployment limitations on persons whose retirement is effective prior to July 1, 2010, the bill:

- Repeals the limitation on the number of hours a retiree reemployed by the Florida School for the Deaf and Blind may work as a substitute teacher, a substitute residential instructor, or a substitute nurse.

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- Provides authority for developmental research schools and charter schools to reemploy such a retiree as a substitute or hourly teacher on a noncontractual basis after the retiree has been retired for one month. Such employees are restricted from receiving salary and benefits for 12 months from the date of retirement.
- Deletes the language pertaining to the reemployment of a retired member as a firefighter or paramedic after a period of time.

The bill provides that, for all DROP participants, an election to participate is binding and cannot be canceled after the first payment is credited during the DROP participation period. It also provides for the suspension of DROP benefits for a participant who is in violation of the reemployment provisions. Any member violating the reemployment provisions or any employing agency that knowingly employs or appoints such member without notifying the Division of Retirement to suspend retirement benefits is jointly and severally liable for any benefits paid during the reemployment limitation period. To avoid liability, the employing agency must have a written statement from the retiree that he or she is not retired from the FRS. Any retirement benefits received by a retired member while employed in violation of the reemployment limitations during the first 12 months after meeting termination must be repaid to the FRS Trust Fund, and the retirement benefits shall remain suspended until payment is made. Benefits suspended beyond the end of the retired member's first 12 calendar months after meeting the definition of termination shall apply toward repayment of benefits received in violation of the reemployment limitations.

The bill provides that certain instructional personnel employed by a developmental research school and authorized by the school's director (or principal if the school has no director) to participate in an extended DROP may participate for up to 36 calendar months beyond the 60-month DROP period.

The bill authorizes the Division of Retirement to issue retirement benefits to an alternate payee pursuant to any qualified domestic relations order or income deduction order.

The bill provides that certain persons are ineligible for renewed membership in the Florida Retirement System.

General Implementation Timeline:

July 1, 2010 The act becomes effective.

Florida Department of Education

Bill Number: House Bill 481

Bill Title: Highway Safety

Bill Sponsor: Representative Kreegel

Effective Date: October 1, 2009

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

Executive Summary:

The bill revises s. 318.18, F.S., Amount of Civil Penalties (for traffic violations), to:

- Increase the civil penalty for illegally passing a stopped school bus by \$65 and require that the Department of Revenue deposit the proceeds into the Administrative Trust Fund of the Department of Health.
- Increase the civil penalty for racing on highways or engaging in reckless driving by \$65 and require that the Department of Revenue deposit the proceeds into the Administrative Trust Fund of the Department of Health.

The bill revises s. 322.0261, F.S., Mandatory Driver Improvement Course; Certain Crashes, to:

- Add any conviction or plea of nolo contendere for a violation of laws prohibiting passing a stopped school bus, racing on highways, or engaging in reckless driving to the current list of convictions that require the violator to attend a driver improvement course.

The bill revises s. 395.4036, F.S., Trauma Payments, to:

- Specify how funds collected for the following violations are to be distributed to verified trauma centers: failure to comply with civil penalties or to appear; illegally passing a stopped school bus; racing on highways; and engaging in reckless driving.

The bill revises s. 316.193, F.S., Driving Under the Influence, Penalties, relating to sanctions that may be imposed by courts when the defendant's employment obligations would create an undue hardship for the defendant.

General Implementation Timeline:

October 1, 2009 The act becomes effective.

Florida Department of Education

Bill Number: House Bill 509

Bill Title: Veterans

Bill Sponsor: Representative Zapata

Effective Date: July 1, 2009

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

Executive Summary:

The bill:

- Expands the list of veterans eligible for deferments to include individuals with at least 90 days of aggregate service on or after September 11, 2001, or individuals discharged with a service-connected disability after 30 days pursuant to the Post 9/11 Veterans Educational Assistance benefits under Chapter 33 of Title 38, U.S.C.

The bill revises s. 1009.27, F.S., Deferral of fees, to:

- Expand the list of veterans eligible for a deferral of fees to include those qualified under the new GI Bill, Chapter 33 of Title 38, U.S.C.

General Implementation Timeline:

July 1, 2009	The act becomes effective.
August 1, 2009	The provisions of this section of the act becomes effective.

Florida Department of Education

Bill Number: House Bill 521

Bill Title: Ad Valorem Assessments

Bill Sponsor: Representative Lopez-Cantera

Effective Date: Upon becoming a law and provisions first apply to assessments in 2009.

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

Executive Summary:

The bill amends s. 194.301, F.S., Challenge to ad valorem tax assessment, to revise the basis for providing a presumption of correctness to an assessment of property value when a taxpayer challenges an ad valorem tax assessment of value.

The bill:

- Entitles a taxpayer to an evaluation of the appraisal methodology used in making an assessment.
- Places on the property appraiser the burden of proving that the assessment was arrived at by complying with s. 193.011, F.S., and professionally accepted appraisal practices, including mass appraisal standards. The assessment is presumed correct if the property appraiser meets this burden.
- Provides that the taxpayer has the burden of proving by a preponderance of the evidence that the assessed value does not represent the just value or that the assessment is based on practices that are different from appraisal practices applied to comparable property within the same class.
- Provides that, if the burden of proof is met, the property appraiser's presumption of correctness is overcome and the Value Adjustment Board (VAB) or the court must establish an assessment.
- Provides that, when a property appraiser appeals a decision by the VAB, the property appraiser has the burden of proving by a preponderance of the evidence that the assessment established by the VAB is less than just value. In VAB or court proceedings challenging the denial of an exemption or assessment classification, the bill provides that the property appraiser does not have a presumption of correctness. In such actions, the taxpayer must show, by a preponderance of the evidence, the entitlement to the exemption or assessment classification.
- Expresses legislative intent that a taxpayer never has the burden of proving the property appraiser's assessment is not supported by any reasonable hypothesis of a legal assessment; and further expresses the Legislature's intent to reject any court decisions since 1997 that have cited a standard that required a taxpayer to prove that the property appraiser's assessment was not supported by any reasonable hypothesis of a legal assessment.

General Implementation Timeline:

Effective date Upon becoming law and provisions apply to assessments in 2009.

Bill Number: House Bill 597

Bill Title: Homelessness

Bill Sponsor: Representative Reed

Effective Date: July 1, 2009

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

Executive Summary:

The bill:

- Adds a definition related to “Continuum of Care” to mean the community components needed to organize and deliver housing and services to meet the specific needs of people who are homeless as they move to stable housing and maximum self-sufficiency. It includes action steps to end homelessness and prevent a return to homelessness.
- Amends s. 1003.01, F.S., definitions related to individuals who are homeless, so that “Homeless” applied to an individual, or “individual experiencing homelessness” means an individual who lacks a fixed, regular, and adequate nighttime residence and includes an individual who:
 - a. Is sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason;
 - b. Is living in a motel, hotel, travel trailer park, or camping ground due to lack of alternative adequate accommodations;
 - c. Is living in an emergency or transitional shelter;
 - d. Has a primary nighttime residence that is a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings;
 - e. Is living in a car, park, public space, abandoned building, bus or train station, or similar setting; or
 - f. Is a migratory individual who qualifies as homeless because he or she is living in circumstances described in paragraphs (a)-(e).
- Increases the membership on the Council on Homelessness to 17 council members to include the Secretary for Health Care Administration and the Commissioner of Education or their designees, as well as a representative from the Florida League of Cities.
- Creates the “Housing First” program as an alternative approach to the current system of emergency shelters or transitional housing.
- Encourages local coalitions for the homeless to adopt the Housing First approach to ending homelessness.
- Emphasizes that the social services provided through the Housing First program enhance individuals and family well-being when people are in their own home and (1) housing is not time limited, (2) housing is not contingent on compliance with services, and (3) background checks related to alcoholism or substance abuse has been completed by the individual for whom assistance or support services are provided.

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- Encourages the Department of Children and Family Services and the community-based care lead agencies to develop and implement procedures to reduce the number of young adults who become homeless after leaving the child welfare system.

General Implementation Timeline:

July 1, 2009 The act becomes effective.

Florida Department of Education

Bill Number: Senate Bill 606

Bill Title: Florida Prepaid College Program

Bill Sponsor: Senator Wise

Effective Date: July 1, 2009

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

Executive Summary:

The bill permits beneficiaries of prepaid contracts to transfer the benefits of a prepaid contract to any eligible educational institution as defined in s. 529 of the Internal Revenue Code. The bill permits Florida Prepaid College Program beneficiaries the maximum choice permitted under s. 529 of the Internal Revenue Code in selecting an educational institution where the benefits of their plans could be used. The bill requires that any advertisement disseminated by a for-profit educational institution that references the Florida Prepaid College Program shall state that the Florida Prepaid College Board does not endorse any particular educational institution. The bill revises provisions in s. 744.1083, F.S., relating to the authorization of certain colleges and universities to register as a professional guardian.

The bill:

Amends s. 1009.98, F.S., Stanley G. Tate Florida Prepaid College Program, to:

- Allow beneficiaries under the Florida Prepaid College Program to transfer the redemption value of their advance payment contract to any eligible institution as defined in 26 U.S.C. s. 529, the Internal Revenue Code.
- Require for-profit postsecondary institutions to display a disclaimer that, although the Florida Prepaid College contract may be used at their institution, such use does not suggest that the Florida Prepaid College Board endorses any particular institution.

The bill:

Amends s. 744.1083, F.S., Professional guardian registration, to:

- Redefine which Florida postsecondary institutions may register as a professional guardian. Under provisions in the bill, institutions may register as a professional guardian if they are located and chartered in Florida, accredited by the Commission on Colleges of the Southern Association of Colleges and Schools or the Accrediting Council for Independent Colleges and Schools, and confer degrees as defined in s. 1005.02, F.S.

General Implementation Timeline:

July 1, 2009 The act becomes effective.

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Bill Number: House Bill 611

Bill Title: Public Construction Projects

Bill Sponsor: Representative Hukill

Effective Date: October 1, 2009

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

Executive Summary:

The bill amends s. 255.20, F.S., related to local bids and contracts for public construction works to:

- Increases the threshold amount for the requirement that a county, municipality, special district, or other political subdivision of the state must competitively bid certain public projects. The bill increases the threshold for a construction project from \$200,000 to \$300,000 and for electrical work from \$50,000 to \$75,000.
- Define “repair” and “maintenance” for this section as:
 - Repair is corrective action to restore an existing public facility to a safe and functional condition.
 - Maintenance is preventative or corrective action to maintain an existing public facility in an operational state or to preserve the facility from failure or decline.
 - Repair and maintenance include activities that are necessary and incidental to repairing or maintaining the facility.
- Provide that exceptions from competitively awarding a construction contract are not applicable if the maintenance or repair project includes the construction of any new building, structure, or any substantial addition, extension, or upgrading to an existing facility.
 - Substantial means the estimated cost of the addition, extension, or upgrading exceeds the limits listed above and exceeds 20 percent of the total estimated cost of the maintenance and repair project.
 - Prohibits dividing the project into multiple projects for the purpose of evading these requirements.
- Prescribe measures that the governing board must take in order to perform the project with its own services, employees, and equipment. These measures include:
 - Public notice must be published at least 21 days before the date of the public meeting at which the board takes such action.
 - Notice must identify the project, the components and scope of the work, and the estimated cost of the project. Estimated cost to include all associated cost for performing and completing the work, including employee compensation and benefits, equipment cost and maintenance, insurance cost, and materials.
 - Notice must specify that the purpose of the public meeting is to consider whether it is in the best interest of the public to perform the project using the local government’s own services, employees, and equipment.

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- The local government is to make available for public inspection a detailed itemization of each component of the estimated cost of the project and document how the cost was determined during the 21 day noticing period.
- During the public meeting any qualified contractor or vendor who could have been awarded the project, if it were competitively bid, shall be provided with the opportunity to present evidence to the governing board about the accuracy of the local government's estimated cost of the project.
- The local governing agency must take into consideration the accuracy of the government's cost estimate in light of any information received during the public meeting in determining to use its own services, employees, and equipment to perform the project.
- Provide that a contractor may be considered ineligible to bid on a public project if the contractor has been found guilty of any violation of federal labor or employment tax laws for such subjects as safety, tax withholding, workers compensation, unemployment tax, social security and Medicare tax, wage or hour, or prevailing rate laws within the past five years.

General Implementation Timeline:

October 1, 2009 The act becomes effective.

Florida Department of Education

Bill Number: House Bill 635

Bill Title: Military Affairs

Bill Sponsor: Representative Sconti

Effective Date: July 1, 2009

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

Executive Summary:

The bill updates references and implements additional employment protections for National Guard members ordered into state active duty. The federal Uniformed Services Employment and Reemployment Rights Act (USERRA) provides employment rights to servicemembers and prohibits employment and reemployment discrimination against persons because of their active duty, reserve, or National Guard service. However, USERRA standards do not apply to state active duty.

The bill:

- Updates references to the Uniform Code of Military Justice and the Manual for Courts-Martial, to reflect the latest editions.
- Entitles a National Guard member returning from state active duty service to seniority accrued prior to deployment, any additional seniority that would have been attained during the time of deployment, and any additional rights and benefits that would have accrued to the member because of seniority.
- Requires a returning servicemember to provide the employer prompt notice of his or her intent to return to work. The bill provides limited exceptions to the right to reemployment.
- Prohibits employers from discharging reemployed servicemembers upon their return to work for a period of one year, unless the discharge is for cause.
- Provides that a National Guard member returning to employment following a period of state active duty cannot be required to use leave for periods of deployment; however, a returning National Guard member may opt to use accrued leave for time away for state active duty.
- Removes the requirement that a National Guard member must have been employed for at least one year prior to being ordered into state active duty before he or she can pursue action for violations of employment rights.
- Creates a civil penalty, of up to \$1,000 per violation as a result of a failure to comply with the provisions of federal law and Chapter 250, F.S., affording protections to members of the United States Armed Forces, the United States Reserve Forces, and the National Guard.

The bill amends: s. 250.35, F.S., to update references; s. 250.482, F.S., providing certain protections to members called to state active duty; and s. 250.82, F.S., providing penalties for violations.

General Implementation Timeline:

July 1, 2009 The act becomes effective.

Florida Department of Education

Bill Number: House Bill 685

Bill Title: Educational Duty for Dollars Program (Boots to Books Program)

Bill Sponsor: Representative Bill Proctor

Effective Date: July 1, 2009

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

Executive Summary:

This bill amends s. 250.10, F. S., by:

- Removing the responsibility of the Board of Governors and State Board of Education as it relates to the Educational Duty for Dollars (EDD) program, which is designed to provide financial assistance to members of the Florida National Guard, and clarifies that responsibility for developing the program would be that of the Adjutant General;
- Expanding the EDD program to non-public institutions which have been accredited by the Southern Association of Colleges and Schools and to career technical programs which have been accredited by the Council on Occupational Education;
- Clarifying that applicants for the program must be active drilling members and a member in good standing with the Florida National Guard in order to be eligible for the EDD program;
- Deleting a provision requiring individuals who enroll in the program to serve in the Florida National Guard for three years after completing a program of study for which tuition and fees were paid and provides that the student must serve for the period specified in the enlistment or re-enlistment contract;
- Clarifying that Florida National Guard members who have earned a master's degree funded through the program are ineligible to receive further benefits and deletes the provision which makes Florida National Guard members who have received a baccalaureate degree ineligible to participate in the program;
- Deleting the provision making any member of the Florida National Guard who has 15 years or more of total military service creditable toward retirement and any member who has not completed basic military service ineligible to participate in the program;
- Specifying that participants may receive funding for college-preparatory courses;
- Deleting provisions related to the State Tuition Exemption Program (STEP);
- Clarifying that all current members of the Florida National Guard are eligible for the EDD program upon enlistment;
- Providing that if a participant enrolls in a non-public postsecondary institution or career technical program, the Department of Military Affairs shall pay an amount equal to the average tuition at a public postsecondary institution or career technical program;
- Clarifying that in order to continue receiving funding from the EDD program, a member must maintain satisfactory participation and be an active drilling member of Florida National Guard; and

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- Providing that recipients of EDD program funds must reimburse the Department of Military Affairs for all costs associated with tuition and fees if the recipient leaves the Florida National Guard during the period specified in the recipient's enlistment or re-enlistment contract; this provision will also apply to recipients who left the Florida National Guard prior to July 1, 2009, the effective date of this bill.

This bill amends s. 1009.21, F. S. by:

- Clarifying that active drilling members of the Florida National Guard shall be classified as residents for tuition purposes and deleting reference to s. 250.10, F. S., to conform to changes made by the bill.

This bill amends s. 1009.26, F. S., by:

- Removing subsection (8) which references fee waivers for Florida National Guard members.

General Implementation Timeline:

July 1, 2009	The act becomes effective.
July 1, 2009	Inform colleges of the deletion of National Guard members as eligible for a waiver of tuition and fees under s. 1009.26, F. S.
July 1, 2009	Inform colleges of the change in s. 1009.21, F.S., authorizing active drilling members of the Florida National Guard to be classified as residents for tuition purposes.

Florida Department of Education

Bill Number: House Bill 701

Bill Title: Proposed Property Tax Notice

Bill Sponsor: Representative Hudson

Effective Date: January 1, 2010

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

Executive Summary:

The bill amends s. 200.069, F.S., to revise the Truth in Millage (TRIM) notice of proposed property taxes and non-ad valorem assessments that current law requires property appraisers to prepare and send to taxpayers. The revisions to the TRIM notice provide taxpayers additional information used in property tax calculations.

The bill expands the TRIM notice to include two additional columns of information to the first page, which is titled "Notice of Proposed Property Taxes," and it changes the order in which the columns are arranged.

The new columns to be included are:

- Last Year's Adjusted Tax Rate (Millage) – The millage rate for ad valorem taxes that will provide the same tax revenue to each taxing authority as was levied during the prior year, also know as the "rolled-back rate" (new Column 3).
- Tax Rate This Year IF PROPOSED Budget is Adopted (Millage) – The proposed millage rate for ad valorem taxes to be levied against the parcel in the current year (new Column 5).

These changes result in the following format, which will provide taxpayers additional information on the TRIM notice that is used in property tax calculations:

Taxing Authority	Your Property Taxes Last Year	Last Year's Adjusted Tax Rate (Millage)	Your Taxes This Year IF NO Budget Change is Adopted	Tax Rate This Year IF PROPOSED Budget Change is Adopted (Millage)	Your Taxes This Year IF PROPOSED Budget Change is Adopted	A Public Hearing on the Proposed Taxes and Budget Will Be Held:
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General Implementation Timeline:

January 1, 2010 The act becomes effective and provisions apply to assessments in 2010.

Florida Department of Education

Bill Number: House Bill 739

Bill Title: Community College Student Fees (Transportation Fee)

Bill Sponsor: Representative Chestnut

Effective Date: July 1, 2009

DOE Contact: Dr. Willis Holcombe, Chancellor, Division of Community Colleges, (850) 245-0507

Executive Summary:

The bill revises s. 1009.23, F.S., Community College Student fees to:

- Allow a Florida College System District Board of Trustees to establish a transportation access fee to provide transportation services for students.
- Indicate this fee may not exceed \$6.00 per credit hour.
- Indicate an increase in the transportation fee may only occur once each fiscal year and must be implemented beginning in the institution's fall term.
- Indicate the transportation fee shall not be included in calculating the amount a student receives from the following:
 - Florida Academic Scholars Award
 - Florida Medallion Scholars Award
 - Florida Gold Seal Vocational Scholars Award.

General Implementation Timeline:

July 1, 2009 The act becomes effective.

Florida Department of Education

Bill Number: House Bill 807

Bill Title: Florida Kidcare Program

Bill Sponsor: Representative Gwyndolen Clarke-Reed

Effective Date: Upon becoming a law

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

Executive Summary:

This bill:

- Requires the Office of Program Policy Analysis and Government Accountability (OPPAGA) to conduct a study of the effectiveness of outreach efforts of the Florida Kidcare program for uninsured children and submit a report to the President of the Senate and the Speaker of the House of Representatives by January 1, 2010.
- Directs OPPAGA to work with Kidcare stakeholders and examine certain Kidcare administrative procedures specified in the bill. If the OPPAGA finds deficiencies in Kidcare outreach efforts, the report must include options for improvement along with their projected costs.
- Directs OPPAGA to examine the current practices of the following entities:
 - The Social Services Estimating Conference, the Department of Health, Children's Medical Services, the Agency for Health Care Administration, the Department of Children and Family Services, the Florida Healthy Kids Corporation, and the Department of Education.
 - Activities to be scrutinized are: Determination of expenditures, coordination with other related health programs at the state and local levels taken to avoid duplication of effort and promote consistency, provision of services to children participating in the Florida Kidcare program, availability of information to all Florida parents of eligible children, service offerings to the target population, determination of eligibility, provision of medical assistance, and increase in enrollment in the Florida Kidcare program.
- Instructs OPPAGA to focus its efforts on local outreach activities in counties with unusually low Kidcare enrollment by examining how counties with higher enrollment reach the intended population.

General Implementation Timeline:

Effective date	Upon becoming law.
January 1, 2010	OPPAGA report due to the State Legislature.

Florida Department of Education

Bill Number: House Bill 895

Bill Title: Public Records

Bill Sponsor: Representative Roberson

Effective Date: July 1, 2009

DOE Contact: Dr. Cornelia S. Orr, Assistant Deputy Commissioner, Division of Accountability, Research, & Measurement, (850) 245-0513

Executive Summary:

The bill amends s. 1008.24(3), F.S., Test security, to:

- Provide the Department of Education the authority to keep confidential the identity of a school or postsecondary educational institution, the personal identifying information of any school district or postsecondary educational institution personnel, or any specific allegations of misconduct obtained or reported pursuant to any test-security related investigation until the conclusion of the investigation or until such time as the investigation ceases to be active.

A statement of public necessity is provided.

General Implementation Timeline:

July 1, 2009 The act becomes effective.

Florida Department of Education

Bill Number: Senate Bill 948

Bill Title: Emergency Medical Services

Bill Sponsor: Senator Jones

Effective Date: July 1, 2009

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

Executive Summary:

Florida law establishes requirements for emergency medical services training programs, including curriculum, program duration, and internship requirements. Such programs include emergency medical technician (EMT) and paramedic training programs. Among other things, paramedic training programs must provide a field internship experience aboard an advanced life support permitted *"ambulance."*

This bill revises 401.2701, F.S., to:

- Permit a portion of the required field internship for paramedic programs to be provided aboard any advanced life support permitted *"vehicle."*
- Require the Department of Health (DOH) to determine in rule which portion of the internship may be satisfied aboard such vehicles.
- Expands the types of vehicles aboard which paramedic candidates may gain internship experience.

This bill revises s. 401.281, F.S., to:

- Change the document requirements for a driver of an emergency vehicle

Florida law requires a licensed provider of emergency medical transportation services to document several criteria indicating the fitness of each of its drivers; e.g., a provider must document that each of its drivers "has not, within the past three years, been convicted of reckless driving or driving under the influence of alcohol or controlled substances (DUI) and has not had a driver's license suspended under the point system." Drivers who have license suspensions or DUI convictions within a three-year period are ineligible to drive such vehicles.

This bill s. revises 401.281, F.S., to:

- Delete the ineligibility for a driver who has been convicted of reckless driving within a three-year period.
- Define when the three-year period is applicable for documenting driver convictions and license suspensions.
- Clarify that this three-year period is the three years prior to an individual's initial designation as a driver, not any three-year period in the individual's subsequent tenure as a driver.

General Implementation Timeline:

July 1, 2009 The act becomes effective.

Florida Department of Education

Bill Number: House Bill 991

Bill Title: Florida's Equal Opportunity in Education Act

Bill Sponsor: Representative Grady

Effective Date: July 1, 2009

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

Executive Summary:

This bill establishes a state system of school improvement and accountability by clearly defining the responsibilities of the State Board of Education, the Department of Education, District School Boards, and public schools. The State Board of Education will ensure the school improvement system is implemented equitably across the state. The Department of Education will establish criteria for determining low-performing schools, categorize schools based on grades and rate of improvement, and provide services to implement interventions and support strategies to the lowest performing schools. District school boards shall be responsible for intervention and support strategies to schools in their district and schools will be held accountable for adhering to the policies set forth by the state and district. State level intervention and support is provided to the schools in the lowest-performing category.

The bill revises s. 1001.42, F.S., Powers and duties of district school boards, to:

- Revise provisions relating to the powers and duties of district school boards to implement the state system of school improvement and education accountability.

The bill revises s. 1008.33, F.S., Authority to enforce public school improvement, to:

- Require that the State Board of Education comply with the federal Elementary and Secondary Education Act (ESEA); authorizing the state board to adopt rules to comply with ESEA and maintain compliance.
- Provide requirements for the state system of school improvement and education accountability; requiring that school districts be held accountable for improving the academic achievement of all students and identifying and turning around low-performing schools.
- Require the Department of Education to categorize public schools annually based on school grade and the level and rate of change in student performance.
- Provide that schools are subject to certain intervention and support strategies.
- Authorize the state board to prescribe reporting requirements to review and monitor the progress of schools.
- Require the Department of Education to create a matrix reflecting which intervention and support strategies to apply to schools in each category.
- Provide criteria for categorizing schools as the lowest-performing schools.
- Require that a school district submit a plan, subject to state board approval, for implementing one of four options to improve the performance of the lowest performing schools.

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- Require that a school district submit a plan, subject to state board approval, for implementing another option under certain circumstances.
- Require that a school make significant progress by improving its grade and increasing student performance in mathematics and reading to advance to a higher category.
- Require the state board to adopt rules to implement.

The bill revises s. 1008.345, F.S., Implementation of state system of school improvement and education accountability, to:

- Allow for conforming provisions to changes made by the act.

The bill revises s. 1012.2315, F.S., Assignment of teachers, to:

- Revise legislative findings and intent and provisions relating to the assignment of teachers to conform to changes made by the act.

General Implementation Timeline:

July 1, 2009	The act becomes effective.
July 10, 2010	By this date, the State Board of Education is required to adopt rules to implement the act.

Florida Department of Education

Bill Number: Senate Bill 1128

Bill Title: Education/Children in Shelter Care or Foster Care

Bill Sponsor: Senator Rich

Effective Date: July 1, 2009

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

Executive Summary:

The bill amends s. 39.0016, F.S., Education of abused, neglected, and abandoned children, to:

- Define the term “surrogate parent”.
- Require the Department of Education and district school boards to access the Florida Safe Families Network to obtain information about children known to the Department of Children and Family Services.
- Provide legislative intent.
- Provide conditions and requirements for district school superintendent or court appointment of a surrogate parent for educational decisionmaking for a child who has or is suspected of having a disability.
- Provide requirements relating to qualifications and responsibilities of surrogate parents.
- Limit liability.

The bill amends s. 39.202, F.S., Confidentiality of reports and records in cases of child abuse or neglect, to:

- Provide for access to certain records to liaisons between school districts and the Department of Children and Family Services.

The bill amends s. 39.402, F.S., Taking children into custody and shelter hearings, to:

- Require access to a child’s medical records and educational records if a child is placed in a shelter.
- Authorize appointment of a surrogate parent.

The bill amends s. 39.701, F.S., Judicial review, to:

- Require the court and citizen review panel in judicial reviews to consider testimony by a surrogate parent for educational decisionmaking.
- Provide for additional deliberations relating to appointment of an educational decisionmaker.
- Require certain documentation relating to the educational setting.

The bill amends s. 1003.21, F.S., School attendance, to:

- Provide access to free public education for children known to the department.
- Authorize a temporary exemption relating to school attendance.

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The bill amends s. 1003.22, F.S., School-entry health examinations; immunization against communicable diseases; exemptions; duties of Department of Health, to:

- Authorize a temporary exemption from school-entry health examinations for children known to the department.

The bill amends s. 1003.57, F.S., Exceptional students instruction, to:

- Provide definitions of "agency," "exceptional student," "receiving school district" and "placement".
- Require the Department of Children and Family Services, the Agency for Health Care Administration, and residential facilities licensed by the Agency for Persons with Disabilities to notify certain school districts following the placement of an exceptional student in a private residential care facility.
- Require that an exceptional student be enrolled in school.
- Require review of the student's individual educational plan (IEP).
- Provide for determining responsibility for educational instruction.
- Require the school district to report the student for funding purposes.
- Require the Department of Education, in consultation with specified agencies, to develop procedures for the placement of students in residential care facilities.
- Require the State Board of Education to adopt rules.
- Require a cooperative agreement between the Department of Education and agencies, to be executed on or before January 1, 2010.
- To prescribe conditions and requirements for the agreement.

General Implementation Timeline:

July 1, 2009	The act becomes effective.
January 1, 2010	The Department of Education and agencies shall enter into an agreement for interagency coordination regarding the placement of exceptional students in residential facilities, consistent with federal law and regulations, on or before January 1, 2010.

Florida Department of Education

Bill Number: House Bill 1209

Bill Title: Nursing Programs

Bill Sponsor: Representative Grimsley

Effective Date: July 1, 2009

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

Executive Summary:

This bill:

- Significantly reduces Florida Board of Nursing (BON) rule-making authority.
- Places in statute that programs that have not met pass rates on the National Licensing Exam (NCLEX) shall remain on probationary status until achieving compliance.
- Maintains \$1,000 program application fee.
- Grandfathers in program approval for programs approved through June 30, 2009 unless they are on probationary status due to inadequate student performance on NCLEX.
- Requires a report from all approved programs to include:
 - Affidavits certifying continued compliance and the provision of documentation about each nursing program for the prior academic year.
 - The number of student applications received, the number of qualified applicants, and the number of students accepted.
 - The number of program graduates; graduate pass rate on the NCLEX; retention rates; and accreditation status, including identification of the accrediting body.
- Requires that the FBON publish the above data on its internet website.
- Requires the Florida Center for Nursing and OPPAGA to submit a report to the legislative leadership and Governor's Office by February 2010 addressing data, the approval process, numbers of applications, denials, etc.

This bill:

- Revises s. 464.019, F.S., to legislatively prescribe the approval process for practical and professional nursing programs and to repeal existing law that vests the Florida Board of Nursing (BON) with the authority to prescribe this process by rule.
- Requires each institution wishing to conduct a new nursing education program on or after the bill's effective date must submit a program application and fee to the Department of Health.
- Indicates existing nursing education programs are subject to a "grandfathering clause" so that they continue to be authorized to provide these programs in the future, except for programs on probationary status due to inadequate student performance on the National Council of State Boards of Nursing Licensing Examination (NCLEX). Programs with such status must achieve compliance with the student performance standards by July 1, 2011, or they will be terminated.

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- Indicated the BON is required to approve a new program application within 90 days if the application documents compliance with program standards set by the bill for:
 - (a) faculty qualifications;
 - (b) clinical training and clinical simulation requirements;
 - (c) faculty-to-student supervision ratios;
 - (d) curriculum and instruction requirements. If the application does not document compliance, the BON may issue a notice of denial and the applicant may request review under the Administrative Procedure Act (APA).
- Requires all nursing education programs to submit an annual report to the BON. The report must include an affidavit that verifies continued compliance with each statutorily-specified program standard and must document specified data relating to student admissions, retention, and performance. This and other data about Florida nursing education programs must be published by the BON on its Internet website. The website must allow interactive searches and comparisons of specific nursing programs and must be updated at least quarterly.
- Indicates a program that fails to submit its annual report will be placed on probation. Likewise, a program will be placed on probation if the performance of its graduates on the NCLEX falls 10 percent or more below the national average score for that exam for two consecutive years. The BON shall terminate a program on probation under the APA if: (a) the program does not submit its annual report within six months; or (b) the performance of the program's graduates on the NCLEX does not achieve compliance within the next two consecutive years.

General Implementation Timeline:

July 1, 2009	The act becomes effective.
July 1, 2009	It requires the Florida Center for Nursing and OPPAGA to submit a report to the legislative leadership and Governor's Office by February 2010 addressing data, the approval process, numbers of applications, denials, etc.

Florida Department of Education

Bill Number: Senate Bill 1248

Bill Title: Public K-12 Education

Bill Sponsor: Senator Wise

Effective Date: July 1, 2009

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

Executive Summary:

This bill amends s. 1006.28(3)(b), F.S., Money collected for lost or damaged books; enforcement, to:

- Delete the provision requiring public school principals to collect 50 to 75 percent of a textbook's purchase price from a student who has lost, destroyed, or damaged a textbook that has been in use for more than 1 year.

This bill creates s. 1003.497, F.S., Service learning, to:

- Require DOE to encourage school districts to initiate, adopt, expand, and institutionalize service-learning programs, activities, and policies in kindergarten through grade 12.
- Define service learning; providing for department assistance to a school district that chooses to implement service-learning activities; requiring development and adoption of service-learning courses.
- Authorize service-learning activities to count toward high school graduation or academic award requirements.
- Encourage school districts to include service learning as part of courses or activities required for high school graduation or receipt of academic awards, especially those awards that currently include community service as a criterion or selection factor.
- Develop and adopt elective service learning courses for inclusion in middle and high school course code directories, which will allow additional opportunities for students to engage in service learning.
- Encourage school districts to provide support for the use of service learning at any grade level as an instructional strategy to address appropriate areas of state education standards for student knowledge and performance.
- Allow the hours that high school students devote to course based service learning activities to be counted toward meeting community service requirements for high school graduation and community service requirements for participation in the Florida Bright Futures Scholarship Program.

This bill amends s. 1008.34(3)(a)3, F.S., School grading system; school report cards; district grade, to:

- Provide that for alternative charter schools, the decision to receive a school grade or a school improvement rating rests with the charter school governing board.

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This bill amends s. 1012.985, F.S., Regional professional development academies, to:

- Retile section to Regional professional development academies.
- Delete requirements for the Academy to establish capacity for specified training and responsiveness to districts.
- Delete financial requirements for start-up financing and facilities.
- Require a contract between the Academy and one or more school districts specifying requirements for documentation and use of funds, participation in district activities, annual audits and reporting and documentation.
- Allow an Academy to receive, hold, invest, and administer property and funding from various public and private sources; allow the Academy to use these resources for the benefit of the Academy and fulfillment of its mission.
- Require that income generated from school district personnel at the Academy from trademarks, copyrights and patents be shared with the district.

General Implementation Timeline:

July 1, 2009 The act becomes effective.

Florida Department of Education

Bill Number: House Bill 1539

Bill Title: Certification of public school athletic coaches

Bill Sponsor: Representative Fresen

Effective Date: July 1, 2009

DOE Contact: Beverly Gregory, Bureau of Educator Certification, (850) 245-0431

Executive Summary:

The bill amends s. 1012.55, F.S., to provide a sports safety course meeting specific criteria and approved by the Florida High School Athletic Association (FHSAA) Board of Directors shall meet 6 hours of district in-service instruction for certification in athletic coaching.

The bill revises s. 1012.55, F.S., Certification of public school athletic coaches, to:

- Provide that a sports safety course approved by the FHSAA Board of Directors shall meet 6 hours of in-service instruction for certification as an athletic coach.
- Establish the specific criteria that the course must meet to be approved including:
 - Consist of eight modules
 - Provide a merit certificate at time of completion
 - Be delivered through hands-on and online training methods
 - Be taught by a state-licensed athletic trainer who holds a current certificate from the Board of Certification or be a member of the American Academy of Orthopaedic Surgeons
 - Be a course of less than 120 pages
 - Cover sports safety excluding coaching principles and procedures for cardiopulmonary resuscitation (CPR)
 - Be authored or approved by at least 10 health care professionals
 - Be revised and reviewed for updates at least every 30 months
 - Be available to the general public for a price under \$50
 - Have an examination that is automated and taken online with a score of 80 percent or better for successful completion

General Implementation Timeline:

July 1, 2009 The act becomes effective.

Florida Department of Education

Bill Number: Senate Bill 1540

Bill Title: Zero Tolerance Policies

Bill Sponsor: Senator Wise

Effective Date: July 1, 2009

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

Executive Summary:

The bill:

- Amends s.1002.20, F.S., to conform cross-references.
- Amends s.1002.20, F.S., to require that a district school board having a policy authorizing corporal punishment as a form of discipline review its policy on corporal punishment at specified intervals.
- Amends s.1006.09, F.S., to conform cross-references.
- Amends s.1006.13, F.S., to provide legislative intent and findings to include: promoting a safe and supportive learning environment, protecting students and staff from conduct posing a serious threat to school safety, encouraging alternatives to expulsion or referral to law enforcement, clarifying zero-tolerance policies are not intended to be rigorously applied to petty acts of misconduct and finding zero-tolerance policies must apply equally to all students regardless of their economic status, race or disabilities.
- Requires that school districts that have a policy authorizing corporal punishment review their policy at specified intervals.
- Requires that corporal punishment policies be reviewed at district school board meetings.
- Provides for the expiration of policies that are not reviewed every three years.
- Revises the requirements for zero-tolerance policies by requiring definitions for criteria for reporting, acts posing a serious threat to school safety, and petty acts of misconduct.
- Revises provisions relating to agreements with the county sheriff's office and local police departments.
- Requires district policies include a procedure ensuring each student has the opportunity for a review of the disciplinary action imposed as it relates to zero-tolerance.
- Requires agreements specify guidelines for addressing acts posing a serious threat to school safety.
- Prohibits zero-tolerance policies from requiring the reporting of petty acts of misconduct and misdemeanors to a law enforcement agency.
- Requires any disciplinary or prosecutorial action taken against a student who violates a zero-tolerance policy be based on the particular circumstances of the student's misconduct.
- Encourages school districts to use alternatives to expulsion or referral to law enforcement agencies unless using such alternatives will pose a threat to school safety.
- Provides an effective date.

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General Implementation Timeline:

July 1, 2009 The act becomes effective.

Florida Department of Education

Bill Number: Senate Bill 1616

Bill Title: Career and Adult Education

Bill Sponsor: Senator Olerich

Effective Date: July 1, 2009

DOE Contact: Loretta Costin, Vice Chancellor, Division of Workforce Education – (850) 245-9463

Executive Summary:

The bill revises provisions governing career, adult, and continuing workforce education.

The bill amends:

- Section 20.15(3)(2), F.S., to rename of Division of Workforce Education in the Department of Education as the Division of Career and Adult Education.
- Section 311.211(3), F.S., to remove the Chancellor of the Community College System from the Seaport Security Office Qualification, Training, and Standards Coordinating Council and add the Commissioner of Education or his or her designee as a member of the council.
- Section 446.045, F.S., s. 1003.4285(3), F.S., to align state law governing the State Apprenticeship Advisory Council (SAAC) with the requirements of federal law.
 - The bill amends the following definitions:
 - The statutory term “joint employee organization” with the term “joint organization” and defines it as “an apprenticeship sponsor who participates in a collective bargaining agreement.”
 - The term “nonjoint employer organization” with the term “nonjoint organization” and defines it as “an apprenticeship sponsor who does not participate in a collective bargaining agreement.”
 - The bill requires the Governor to appoint four members each from employee and employer organizations. The Governor must also appoint two members of the public who are considered knowledgeable about apprenticeships. The bill provides that joint and nonjoint organizations must each recommend one of these two members.
 - The bill provides that SAAC meetings may be held via teleconference or other electronic means. It also deletes SAAC member eligibility for reimbursement of per diem and travel expenses.
- Section 1003.43(6)(c), F.S., to eliminate the requirement that adult secondary students complete one credit in fine or performing arts to achieve a standard high school diploma to address funding and logistical limitations such requirement places on providers.
- Section 1003.431, F.S., to eliminate the more traditional career education practices and instead align career education certification to innovative needs of business and industry.
- Section 1011.62, F.S., to clarify the career and professional academy industry certifications that are eligible for bonus funding through the Florida Education Finance Program (FEFP).

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In addition, the bill requires the Office of Program Policy Analysis and Governmental Accountability (OPPAGA) to complete a study by January 15, 2010, of student outcomes in workforce education programs in fields that are not included on Workforce Florida, Inc., or Workforce Estimating Conference Lists of high demand occupations. Community colleges and school districts are required to provide information to OPPAGA on the workforce education programs reviewed regarding the reasons for offering, demand for, and student outcomes of such programs.

General Implementation Timeline:

July 1, 2009	The act becomes effective.
January 15, 2010	OPPAGA shall submit the report on workforce education programs to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

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Bill Number: Senate Bill 1660

Bill Title: Agency for Persons with Disabilities

Bill Sponsor: Senator Peaden, Jr.

Effective Date: Upon Becoming Law

DOE Contact: Bill Palmer, Director, Vocational Rehabilitation, (850) 245-3335

Executive Summary:

Creates the Prepaid Services Plan for Parents of Children with Developmental Disabilities Study Group.

The bill provides the following:

- Requires the study group to evaluate the establishment of a prepaid service plan for children with developmental disabilities modeled after the Florida prepaid college program.
- Provides for the membership of the study group to include the Commissioner of Education and the Director of the Division of Vocational Rehabilitation, or their designees.
- Specifies the duties and responsibilities of the study group to include a final report.
- Provides for the abolishment of the study group and repeal of the law upon submission of the final report.

Note: A statutory cite was not given to this language.

General Implementation Timeline:

July 30, 2009	Study Group appointments must be made.
January 29, 2010	Requires a report to be submitted to the President of the Senate and the Speaker of the House of Representative.



Bill Number: Senate Bill 1676

Bill Title: Education Funding

Bill Sponsor: PreK-12 Education Appropriations Conference Committee

Effective Date: July 1, 2009

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

Executive Summary:

The bill conforms applicable statutes to the appropriations in the General Appropriations Act (GAA) which makes appropriations for prekindergarten through grade 12 education for the 2009-10 fiscal year. The bill amends statutes relating to the funding of the Florida Education Finance Program (FEFP) and statutes that authorize and/or limit the expenditures of such funds.

Section 1:

- Creates Part IX of Chapter 159, F.S., to be known as the Florida Qualified School Construction Bond Allocation Act.
- Provides for the Florida Department of Education to administer the program to allow school districts in Florida to participate in federal bond programs under the American Recovery and Reinvestment Act.

Section 2:

- Amends s. 1001.20, F.S., to provide that the Office of Technology and Information Services will assist school districts in securing Internet access and telecommunications services, including those eligible for funding under the Schools and Libraries Program of the federal Universal Service Fund.

Section 3:

- Establishes s. 1001.271, F.S., Florida Information Resource Network (FIRN), to authorize the Commissioner of Education (Commissioner), upon requisition by a school district and other eligible users of the FIRN, to purchase the nondiscounted portion of Internet access services.
- Requires each user to identify the source of funds from which the Commissioner is to make payment.

Section 4:

- Amends s. 1001.28, F.S., to clarify that the distance learning duties of the DOE include the coordination of the state's satellite transponders, FIRN, the Florida Knowledge Network, and distance learning initiatives.

Section 5:

- Adds subsection (3) to s. 1001.395, F.S., relating to compensation for district school board members.

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- Requires that for the 2009-10 fiscal year, school board member salaries shall be the lesser of the amount calculated pursuant to the methodologies in ss. 1001.395 and 145.19, F.S., or the salary of beginning teachers in the district.

Section 6:

- Amends s. 1001.42, F.S., to clarify that earned leave and benefits for contract employees, including superintendents, are not to be counted in the one-year limitation on state funds for contract settlements.

Section 7:

- Amends s. 1001.451, F.S., to require that funds provided in the 2009 General Appropriations Act for Regional Education Consortia are to be prorated among eligible consortia for FY 2009-10.

Section 8:

- Adds subsections to s. 1001.47, F.S., to provide that elected school district superintendents may reduce their salaries voluntarily.
- Requires the salaries of elected superintendents to be reduced by two percent for FY 2009-10.

Section 9:

- Amends s. 1001.50, F.S., to prohibit school districts from entering into contracts for a school district superintendent salary paid from state funds in excess of \$225,000.
- Defines "remuneration" to mean the salary, bonuses, and cash-equivalent compensation paid to a district school superintendent by his or her employer for work performed, excluding health insurance and retirement benefits. Only compensation, as defined in s. 121.021(22), F.S., provided to a superintendent may be used in calculating benefits under Chapter 121.
- Encourages district school boards and appointed district school superintendents to review the superintendent's 2009-10 salary and to mutually agree to a reduction of at least five percent.

Section 10:

- Amends s. 1002.37, F.S., to clarify that the Florida Virtual School shall not receive funding through the Florida Education Finance Program (FEFP) for the purpose of meeting class size reduction requirements.

Section 11:

- Amends s. 1002.45, F.S., to modify the school district virtual instruction program.
- Defines virtual instruction to be that which is provided in an interactive environment created by using technology where the student and teacher are separated by space or time or both.
- Requires direct instruction by a certified teacher for 80 percent of instruction in grades 6-12 and 50 percent for grades K-5.
- Allows districts to meet the requirement for virtual programs by contracting with the Florida Virtual School, establishing a Florida Virtual School franchise, contracting with other DOE-approved providers, execution of multidistrict contractual agreements by regional consortia, or through an agreement with another district. Neither the multidistrict contract nor agreements between districts must require the school districts to be contiguous.

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- Requires districts to provide an option for a virtual instruction program that is:
 - Full-time for students in grades kindergarten through grade 12.
 - Full-time or part-time for grade 9-12 students enrolled in dropout prevention, academic intervention programs, or Department of Juvenile Justice (DJJ) programs.
- Specifies minimum contract requirements with approved providers.
- Modifies the accountability requirements for virtual instruction programs to:
 - Remove the school grade requirement for a school district aggregate virtual school program.
 - Require DOE to aggregate the student performance data for all students served by a particular provider to provide each program provider a statewide grade or school improvement rating.
 - Apply sanctions for failure or low performance to the provider.
- Modifies provider qualifications to add the requirement for providers to document background screenings for all employees or contracted personnel. Deletes requirements for a provider to document the use of an instructional model that relies primarily on certified teachers and to document compliance with all requirements of this section of law.
- Clarifies the accreditation requirements for virtual instruction programs.
- Revises funding for students in grades 6-8 to be based on successful credit course completions rather than promotion to a higher grade. Grade K-5 funding is still based on promotion to a higher grade level and grade 9-12 funding is still based on successful credit course completions.
- Requires the DOE to study the advisability of legislatively authorizing school districts to contract with approved private providers for the provision of part-time virtual instruction program for students in grades 9-12 who are not enrolled in programs under ss. 1003.52 and 1003.53, F.S. Findings and recommendations are to be reported to the Legislature and to the Governor by January 15, 2010.

Section 12:

- Amends three subsections of s. 1002.71, F.S., to clarify and improve the attendance policy for funding a student in a Voluntary Prekindergarten Education (VPK) program.
- Provides that, at a maximum, 20 percent of the total payment made on behalf of a student to a private prekindergarten provider or a public school may be made for hours a student is absent. In addition, no payment is to be made for absences that occurred before a student's first day of attendance or after a student's last day of attendance.

Section 13:

- Amends s. 1003.02, F.S., to authorize district school boards to provide for the operation of public schools for a term of 180 days or the equivalent on an hourly basis, rather than requiring the operation of public schools for a term of at least 180 days.

Section 14:

- Amends s. 1003.03, F.S., to continue class size compliance at the school level for 2009-10 and delay implementation at the classroom level until the 2010-11 school year.
- Revises the compliance calculation beginning in 2010-11 to be a reduction in the noncompliant district's class size operating categorical for each student that is over the maximum allowed. Upon verification of the DOE calculation by the Florida Education Finance Program (FEFP) Appropriation Allocation Conference and no later than March 1 of each year, the Executive Office of the

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Governor shall place these funds in reserve and the undistributed funds shall revert to the General Revenue Fund unallocated at the end of the fiscal year. The amount of funds reduced shall be the lesser of the amount verified by the FEFP Allocation Conference or the district's class size reduction operating categorical allocation.

- Provides for the Commissioner to recommend a budget amendment, subject to approval of the Legislative Budget Commission, to reduce an alternative amount of funds from the district's class-size reduction operating categorical allocation. The budget amendment must be submitted to the Legislative Budget Commission by February 15 of each year.
- Requires the DOE to prepare a simulated calculation based on the 2010-2011 accountability requirements and provide the results to school districts and to the Legislature. The simulation results will assist school districts in planning for implementation at the classroom level in the 2010-2011 school year.

Section 15:

- Amends s. 1004.55, F.S., to revise the establishment of the regional autism center at the Florida State University within the College of Medicine.

Section 16:

- Amends and corrects s. 1006.06, F.S., by adding "and state allocations" to be combined with federal reimbursements when school districts set breakfast meals rates each year. The purpose is to offset the costs of school breakfast programs without requiring allocations from the district's operating funds.
- Requires universal breakfast to be provided only in schools in which 80 percent or more of the students qualify for free or reduced-price meals instead of in all schools.

Section 17:

- Adds a subsection to s. 1006.21, F.S., to require contiguous districts to have reciprocal agreements for school bus transportation services, inspections, and screening requirements for public schools.

Section 18:

- Amends s. 1006.28., F.S., to define the term "adequate instructional materials" to mean a sufficient number of textbooks or sets of materials that are available in bound, unbound, kit, or package form, and which may consist of hard-backed or soft-backed textbooks, consumables, learning laboratories, manipulatives, electronic media, and computer courseware or software.

Section 19:

- Amends s. 1006.40, F.S., to require districts to purchase literature and language arts materials for schools in the two lowest categories of performance, unless waived by the Commissioner because the district is using intervention and support strategies to address the schools' deficiencies.

Section 20:

- Adds a subsection to s. 1007.25, F.S., related to postsecondary general education courses, common prerequisites, and degree requirements.

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- Provides an alternative to CLAST by authorizing the State Board of Education, in conjunction with the Board of Governors, to establish an alternate assessment and remediation requirement.
- Continues to provide a special examination process for students with disabilities.
- Requires each public postsecondary institution president to establish a committee to consider requests for waivers from testing and remediation requirements.

Section 21:

- Repeals s. 1008.29, F.S., which authorizes the college-level communications and mathematics skills examination (CLAST) to be used as a mechanism to allow students to demonstrate that they have mastered the academic competencies prerequisite to upper-division undergraduate instruction.

Section 22:

- Amends s. 1008.41., F.S., to authorize the Commissioner to employ FIRN to perform certain functions relating to workforce education.

Section 23:

- Creates s. 1010.06, F.S., prohibiting state funds appropriated to the Division of Public Schools within the DOE to be used to pay indirect costs to universities, community colleges, school districts or any other entity.

Section 24:

- Amends s. 1010.11, F.S., to authorize “payments” as appropriate types of electronic transactions.

Section 25:

- Amends s. 1011.09, F.S., to restrict school districts from using public funds for out-of-state travel, cell phones, or other electronic communication devices without the specific approval of the school board.
- Provides for art, music, and similar programs for students to have a higher funding priority than payment for employee travel and communication devices.

Section 26:

- Amends s. 1011.18, F.S., to provide documentation requirements for electronic payments.

Section 27:

- Amends s. 1011.60, F.S., to provide flexibility for the number of days or the hourly equivalent of school operations during a national, state, or local emergency to meet the minimum requirements for participation in the FEFP.

Section 28:

- Amends s. 1011.61., F.S., to clarify definitions for full-time equivalent (FTE) student membership reporting for students in school district virtual instruction programs for the FEFP as:
 - In kindergarten through grade 5, a student who is promoted to a higher grade level; and
 - In grades 6-12, a student who has six full credit completions.

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Section 29:

- Amends s. 1011.62, F.S., to provide that students enrolled in study hall shall not be reported for funding in the FEFP calculation.
- Provides flexibility for the use of categorical funds.
- Limits the full-time equivalent student membership for the Florida Virtual School supplement of 0.114 to students who are also enrolled in a school district.
- Makes the following changes to the computation of the district required local effort:
 - The taxable value certified by the Department of Revenue to the Commissioner no later than two working days prior to July 19 for a current calendar year shall be the taxable value for that year.
 - Provides for restoration of revenue from prior year unrealized local effort by requiring a prior period funding millage adjustment to be certified at the time of the second calculation of the FEFP.
 - To be eligible for the Discretionary Millage Compression Supplement, districts must levy between 0.498 mills and 0.748 mills.

Section 30:

- Makes a technical adjustment to repeal subsection (7) of s. 1011.68, F.S., which authorizes school districts to transfer excess funds in their student transportation allocation to the FEFP. This adjustment is needed since the provision is duplicative of s. 1011.62(6), F.S.

Section 31:

- Amends s. 1011.685, F.S., to update the provision that school districts that have met the maximum class size requirement may use excess funds for any lawful operating expenditure.
- Requires school districts to give priority to increasing classroom teacher salaries with excess funds.

Section 32:

- Repeals s. 1011.69(4)(b), F.S., to require class size reduction funds to be included in the eighty percent calculation of funds provided to schools within a district.

Section 33:

- Amends s. 1011.71, F.S., to reduce the maximum allowed district discretionary capital outlay millage by 0.25 mills, from 1.75 mills to 1.5 mills.
- Waives the three-fourths limit on use of proceeds from the capital improvement millage levy for lease-purchase agreements entered into before June 30, 2009 for the 2009-10 fiscal year.
- Authorizes school boards to levy an additional 0.25 mills for fixed capital outlay in lieu of levying an equivalent amount of the discretionary mills for operations, if the revenue from the 1.5 mills is insufficient to meet the payments due under a lease-purchase agreement entered into BEFORE June 30, 2009, or to meet other critical district fixed capital outlay needs. Millage levied above combined with the 1.5 mills for capital outlay; the compression adjustment shall be calculated for the standard discretionary millage that is not eligible for transfer to capital outlay.
- Authorizes district school boards, by a super majority vote, to levy an optional 0.25 mill for critical capital outlay needs or for critical operating needs in addition to the millage authorized above. If

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used for operations, districts in which 0.25 mills generate less than the state average are to be provided the difference in state funds allocated through the FEFP. In order to continue this levy it must be approved by the voters of the district in the next general election.

- Amends provisions so that if the 1.5 mills are insufficient to make payments under a lease-purchase agreement entered into BEFORE June 30, 2008, up to 0.5 mills may be legally available for those payments.
- Deletes the end date of June 30, 2010, and allows a school district to spend up to \$100 per unweighted full-time equivalent student from local capital improvement millage to be used for purposes specified in s. 1011.71(2)(a-j), F.S., to occur indefinitely.

Section 34:

- Authorizes the Commissioner to waive penalties associated with the audit citations for districts using capital funds for purchases of software in the 2007-08 fiscal year.

Section 35:

- Amends subsection (3) of s. 1012.33, F.S., related to contracts with instructional staff, supervisors, and school principals.
- Removes the requirement that, for purposes of pay, districts must recognize out-of-state years of service and provides that an employee may voluntarily waive this requirement for in-state service.
- Discourages the use of non-recurring federal stabilization funds for new teacher professional service contracts.

Section 36:

- Amends s. 1012.59, F.S., to remove the \$100 cap on teacher certification exam fees, which will allow the State Board of Education to establish the fees at a level sufficient to offset the cost of test development and administration.

Section 37:

- Adds subsection (6) to s. 1012.71, F.S., to authorize the DOE to establish a pilot program to manage the Florida Teachers Lead Program through a centralized electronic system. The pilot program must provide the capability for teachers to purchase supplies on-line or from local vendors.

Section 38:

- Amends s. 1013.37, F.S., State Uniform Building Codes for Public Educational Facilities Construction, by eliminating the green building standards for new school construction, remodeling, and renovation projects contained in section 423 of the Florida Building Code and the State Requirements for Educational Facilities (SREF) rule adopted by the State Board of Education. This section will expire on July 1, 2010.

Section 39:

- Amends s. 1013.62, F.S., to revise the eligibility criteria for charter schools to receive capital outlay funding.

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- Allows charter school fixed capital outlay funds to be used, retroactively beginning in July 1, 2008, for the following purposes:
 - Purchase, lease-purchase, or lease of new and replacement equipment, and enterprise resource software application that are classified as capital assets in accordance with standards of the Government Accounting Standards Board (GASB).
 - Payment of the cost of premiums for property and casualty insurance necessary to insure the school facilities; and
 - Purchase, lease-purchase, or lease of driver's education vehicles; motor vehicles used for the maintenance or operation of plants and equipment; security vehicle; or vehicles used in storing or distributing material and equipment.

Section 40:

- Amends s. 1013.64, F.S., by modifying provisions in subsection (6) to change the nonvoted millage from 1.75 to 1.5 mills for alignment with changes that occurred in Section 33 of the bill.
- Amends subsection (7) of s. 1013.64, F.S., to adjust the contribution limits for three specific districts only, attributable to the "Special Facilities Construction Account."
 - Wakulla County – the school district shall contribute 1.0 mill in FY 2009-2010 and 0.5 mills in FY 2010-2011 to the cost currently funded.
 - Liberty County – the school district shall contribute 1.0 mill for FY 2009-2010 through FY 2011-2012 to meet the currently funded special facilities construction projects.
 - Calhoun County – if funds are appropriated in the FY 2009-2010 GAA, the school district shall contribute 1.125 mills each FY from 2009-2010 through 2012-2013 to the cost of the funded special facilities construction project.

Section 41:

- Repeals Section 9 of Chapter 2008-142, Laws of Florida, conforming applicable statutes to the appropriations in the General Appropriations Act (GAA) for grades PreK-12 education for the 2008-2009 fiscal year.

Section 42:

- Incorporates the Florida Education Finance Program (FEFP) by reference.

General Implementation Timeline:

July 1, 2009	The act becomes effective.
January 15, 2010	Findings and recommendations of DOE study of school districts contracting with private providers for part-time virtual programs to be reported to the Legislature.

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Bill Number: Senate Bill 1696

Bill Title: General Bill Higher Education Funding

Bill Sponsor: Policy and Steering Committee on Ways and Means

Effective Date: July 1, 2009

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

Executive Summary:

Section 1:

- Amends s. 413.30, F.S., to authorize the Division of Vocational Rehabilitation to review all available service options and to make decisions based on cost effectiveness and the best interests of the client when providing vehicle modifications to eligible persons.

Section 2:

- Amends s. 1001.64, F.S., to limit the amount of state funds that can be used in settlement of an employment contract between a community college board of trustees and a community college president to one year's salary.

Section 3:

- Amends s. 1001.706, F.S., to limit the Board of Governors from entering into a contract that pays an employee an amount in excess of one year's salary for termination, buy-out, or any other type of contract settlement using state funds.

Section 4:

- Amends s. 1001.74, F.S., to limit a university board of trustees from entering into a contract that pays an employee an amount in excess of one year's salary for termination, buy-out, or any other type of contract settlement using state funds.

Section 5:

- Amends s. 1004.445, F.S., relating to the Johnnie B. Byrd, Sr., Alzheimer's Center and Research Institute.
- Defines governance of the institute by establishing a Board of Directors and a Chief Executive Officer.
- Defines funding sources for the institute.

Section 6:

- Amends s. 1004.445, F.S., and establishes the Johnnie B. Byrd, Sr., Alzheimer's Center and Research Institute as a unit of the University of South Florida, to be operated under the oversight and control of the Board of Directors as defined in Section 5 of the bill.

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Section 7:

- Amends s. 1009.21, F.S., Determination of resident status for tuition purposes.
- Defines initial enrollment and nonresident for tuition purposes and clarifies existing definitions.
- Modifies standards for converting to resident status for tuition purposes.
- Provides for a residency appeal committee at each institution of higher education.

Section 8:

- Amends s. 1009.23, F.S., Community college student fees.
- Eliminates the safety and security restriction for tuition and out-of-state fees assessment from 10 to 15 percent above the standard rate. Also, the section changes the reporting period for the distance learning report from academic year to fiscal year.

Section 9:

- Amends s. 1009.24, F.S., State university student fees.
- Provides for the establishment of tuition for graduate and professional programs.
- Provides for a differential out-of-state fee for stated purposes.

Section 10:

- Amends s. 1009.27, F.S., to provide for fee deferment for veterans and other eligible recipients under specified Chapters of Title 10 or Title 38 of the U.S.C.

Section 11:

- Creates s. 1009.286, F.S., Additional student payment for hours exceeding baccalaureate degree program at state universities. Provisions of this section are effective for students who enter a community college or state university for the first time beginning with the 2009-10 academic year.
- Provides for a surcharge on tuition for credit hours in excess of 120 percent of credit hours required to complete baccalaureate degree program enrolled.
- Defines credit hours to be included in 120 percent requirement.
- Requires community colleges and state universities to notify students of the excess hour provision upon a student's initial enrollment at such institutions.
- Provides for state universities to provide a second notification to students.

Section 12:

- Amends s. 1009.40, F.S., relating to general student eligibility requirements for state financial aid and tuition assistance.
- Strikes reference to repealed s. 1009.76, F.S., Ethics in Business.

Section 13:

- Amends s. 1009.53, F.S., Florida Bright Futures Scholarship Program.
- Provides for the Department of Education to receive a refund for courses withdrawn or dropped by a student after the end of the drop and add period, unless an exception is made.

Section 14:

- Amends s. 1009.532, F.S., Florida Bright Futures Scholarship Program; student eligibility requirements for renewal awards.

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- Requires a student to earn at least 24 hours or the equivalent for funding if the student was enrolled full time or a prorated number of hours if the student was enrolled less than full time.
- Provides for restoration of an award for one time if the student earns the hours for which he or she was enrolled and meets the grade point average the following academic year.
- Provides for reimbursement of the award amount received for courses dropped or withdrawn after the end of the drop and add period, unless an exception is granted by the Department of Education.

Section 15:

- Amends s. 1009.534, F.S., Florida Academic Scholars award.
- Eliminates college-related expenses for the Florida Academic Scholars award.
- Provides for the award amount to be specified in the General Appropriations Act.

Section 16:

- Amends s. 1009.535, F.S., Florida Medallion Scholars award.
- Provides for the award amount to be specified in the General Appropriations Act.

Section 17:

- Amends s. 1009.535, F.S., Florida Gold Seal Vocational Scholars award.
- Eliminates provision for a Gold Seal Vocational Scholar to renew as a Florida Medallion Scholar.
- Provides for the award amount to be specified in the General Appropriations Act.

Section 18:

- Amends s. 1009.54, F.S., Critical Teacher Shortage Program.
- Strikes language that appropriated funds are deposited in the State Student Financial Assistance Trust Fund.
- Repeals expenditure language referencing the "Chappie" James Most Promising Teacher Scholarship Loan Program.
- Provides for loan repayments from the "Chappie" James Most Promising Teacher Scholarship Loan and the Critical Teacher Shortage Scholarship Loan to be deposited in the State Student Financial Assistance Trust Fund.

Section 19:

- Amends s. 1009.55, F.S., Rosewood Family Scholarship Program.
- Strikes language that appropriated funds are deposited in the State Student Financial Assistance Trust Fund.
- Provides student eligibility to Rosewood descendants only and not to minority students.

Section 20:

- Amends s. 1009.57, F.S., Florida Teacher Scholarship and Forgivable Loan Program.
- Repeals subsection (2) of s. 1009.57, F.S., "Chappie" James Most Promising Teacher Scholarship.
- Provides for prorated awards from the Critical Teacher Shortage Forgivable Loan Program.
- Note: 2001-02 was the last year of funding for these programs.

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Section 21:

- Amends s. 1009.57, F.S., Critical Teacher Shortage Tuition Reimbursement program to provide for prorated awards.

Section 22:

- Amends s. 1009.59, F.S., Critical Teacher Shortage Loan Forgiveness program to provide for prorated awards.

Section 23:

- Amends s. 1009.60, F.S., Minority teacher education scholars program.
- Provides for prorated awards.

Section 24:

- Amends s. 1009.605, F.S., Florida Fund for Minority teachers, Inc.
- Revises annual budget projection process to be based on the cost to award 350 scholarships to new scholars in the junior year and up to 350 renewal scholarships to the 350 rising seniors.
- Provides for annual reporting and reconciliation by participating postsecondary institutions to the Department of Education of eligible disbursed students by June 30.

Section 25:

- The bill amends s. 1009.701, F.S., First Generation Matching Grant.
- Revises eligibility requirements to require students to have met eligibility requirements for demonstrated need in s. 1009.50, F.S.

Section 26:

- Repeals s. 1009.76, F.S., and 1009.765, F.S., the Ethics in Business Scholarship Program.

Section 27:

- Amends s. 1009.94, F.S., Student financial assistance database.
- Provides for the database to include information on students receiving funds provided under specified Florida statutes.
- Provides for annual reporting by participating postsecondary institutions to the Department of Education for eligible disbursed students.

Section 28:

- Amends s. 1009.98, F.S., Stanley G. Tate Florida Prepaid College Program, and establishes a new prepaid college plan payment methodology.
- Provides for an advance payment contract for the community college plan covering registration and other authorized fees for an associate degree.
- Provides for an advance payment contract for the university plan covering registration fees, tuition differential, and other authorized fees for a baccalaureate degree.
- Provides definitions for terms used.
- Defines and clarifies actuarial reserves.

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Section 29:

- Amends s. 1011.32, F.S., Community College Facility Enhancement Challenge Grant Program.
- Provides for a community college to initiate a Community College Facility Enhancement Challenge Grant project before the appropriation of state funds if all private funds for planning, construction, and equipping the facility have been received and deposited in the direct support organization's (DSO) matching account for this purpose.
- Provides for the community college or direct-support organization to expend private funds for site preparation, planning, and construction, even without all required private donations.
- Requires community colleges to notify donors of private funds of any substantial delays in the availability of state matching funds for the program.

Section 30:

- Creates s. 1011.521, F.S., Appropriation to private colleges and universities
- Provides for funds to be appropriated by the legislature for approved expenditures.
- Provides for postsecondary reporting to the Department of Education.

Section 31:

- Amends s. 1011.83, F.S., Financial support of community colleges, to provide for a reference to the General Appropriations Act for determining baccalaureate funding for community colleges.

Section 32:

- Amends s. 1011.85, F.S., Dr. Philip Benjamin Matching Grant Program for Community Colleges.
- Requires community colleges to provide notification of delays in the availability of state matching funds.

Section 33:

- Amends s. 1011.94, F.S., University Major Gifts Program, to require state universities to provide notification of delays in matching funds.

Section 34:

- Amends s. 1012.83, F.S., Contracts with administrative and instructional staff.
- Provides for persons employed in an administrative or instructional capacity in a community college to have a contract.
- Limits a community college board of trustees from entering into a contract that pays an employee an amount in excess of one year's salary for termination, buy-out, or any other type of contract settlement using state funds.

Section 35:

- Amends s. 1013.79, F.S., University Facility Enhancement Challenge Grant Program.
- Provides that a project not begin until all private funds have been received.
- Requires university to provide notification of delays in matching funds.

Section 36:

- Amends s. 1009.24 (4)(d), F.S., to provide a student fee cap exemption, for 2009-10 only, to allow Florida State University to increase the student health fee for the purpose of constructing a health service center.

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Section 37:

- Prohibits state university mandatory health insurance policies from being enacted unless in place prior to May 5, 2009.

General Implementation Timeline:

July 1, 2009 The act becomes effective.

Florida Department of Education

Bill Number: Senate Bill 1796

Bill Title: Governmental Financial Information

Bill Sponsor: Senator Alexander

Effective Date: Upon becoming a law

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

Executive Summary:

The bill:

- Requires the Executive Office of the Governor, in consultation with the legislative appropriations committees, to establish a website available through the state's Internet portal which provides public access to state financial information. The initial phase of the website will include appropriations data and expenditure data for all branches of state government. Although the bill provides that the initial phase is to be established "as soon as possible," it is expected that this phase will be available by mid-July 2009. The state financial data provided in the website will be data currently available in the state's financial management system referenced in s. 215.93, F.S.
- Directs the Joint Legislative Auditing Committee to oversee the website and will propose additional phases of information to be made available. The additional information for state agencies is to include, but not be limited to, non-operating budget authority detail, trust fund balance reports, General Revenue Fund balance reports, fixed capital outlay expenditure data, and a history of state appropriations by agency.
- Directs the Joint Legislative Auditing Committee to propose, by March 1, 2010, a schedule for adding information to the website for other governmental entities, including community colleges, state universities, local government units, and any entities which receive state appropriations. The schedule will be submitted to the Legislative Budget Commission for approval.
 - The proposal will include the type of information to be provided for specific governmental entities as well as a proposed development entity for the additional information. The committee is required to recommend a format for collecting and displaying this information.
- The bill requires, by July 1, 2009, all branches of state government to establish allotments for planned expenditures in the Florida Accounting Information Resource (FLAIR) subsystem.
- The bill requires the Joint Legislative Auditing Committee to coordinate with the Financial Management Information Board in developing any recommendations for including information on the website which is necessary to meet the requirements of s. 215.91(8), F.S. The committee also is required to submit a report on the status of the website's implementation annually, beginning November 1, 2011.
- The bill indicates municipalities with less than 10,000 in population are exempt from the Act's provisions.

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General Implementation Timeline:

Effective date	Upon becoming a law.
July 1, 2009	All branches of state government are required to establish allotments for planned expenditures in the Florida Accounting Information Resource (FLAIR) subsystem.
March 1, 2010	Schedule for adding information to the website for other governmental entities.
November 1, 2011	Joint Legislative Auditing Committee required to submit first annual report on the status of the website's implementation.

Florida Department of Education

Bill Number: Senate Bill 1804

Bill Title: State-owned Real Property

Bill Sponsor: Senator Haridopolos

Effective Date: July 1, 2009

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

Executive Summary:

The bill, relating to state owned real property, requires:

- The state to offer to state agencies and universities the opportunity to lease state-owned buildings or parcels of land before it offers to sell or lease to others.

The bill requires the Department of Management Services (DMS) to:

- Adopt rules relating to leases of all privately-owned buildings and it requires agencies to notify the DMS 30 days prior to the execution of a lease for space less than 5,000 square feet.
- Directs the DMS to create a database of all state-owned real property and to immediately begin the disposition of surplus buildings. These buildings are located in Tallahassee and include the Fuller Warren Building, the Bloxham Building, the Bloxham Annex Properties "A, B, and C", the Firestone Building, and the Winchester Building

This bill substantially amends ss. 253.04, 255.249, 255.25(2), and 627.351(6), Florida Statutes.

General Implementation Timeline:

July 1, 2009 The act becomes effective.

Florida Department of Education

Bill Number: Senate Bill 1806

Bill Title: Service Charge on Income of Trust Funds

Bill Sponsor: Senator J. D. Alexander

Effective Date: July 1, 2009

DOE Contact: Linda Champion, Deputy Commissioner, Finance and Operations, (850) 245-9120

Executive Summary:

This legislation increases the service charges applied to trust fund revenues by one percent. The bill is expected to shift approximately \$30.1 million from the various state trust funds to the General Revenue Fund.

The bill:

- Amends s. 215.20, F.S., to increase the general revenue service charge rate from seven percent to eight percent on income of a revenue nature deposited into a trust fund.
- Eliminates the 0.3 percent assessment imposed on certain named trust funds, including the Department of Education's Education Certification Trust Fund and the State University System's Phosphate Research Trust Fund.
- Increases the service charge rate imposed on certain trust funds maintained by the Department of Citrus and the Department of Agriculture and Consumer Services from three percent to four percent.
- Ensures that federal funds can be exempted to prevent loss of federal funding, subject to certification by the Governor.
- Amends s. 527.23, F.S., to increase the service charge imposed on propane gas dealers' marketing order assessments from three percent to four percent.
- Amends s. 570.20, F.S., to increase the service charge imposed on marketing order revenues deposited into the General Inspection Trust Fund of the Department of Agriculture and Consumer Services from three percent to four percent.
- Amends s. 601.15, F.S., to increase the service charge imposed on citrus excise tax revenue from three percent to four percent.
- Provides that the amendments made by this legislation apply to all service charges deposited into the General Revenue Fund on or after July 1, 2009.

General Implementation Timeline:

July 1, 2009	The act becomes effective and applies to all General Revenue service charge deposits made on or after July 1, 2009.
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Florida Department of Education

Bill Number: Senate Bill 2188

Bill Title: Administrative Procedures

Bill Sponsor: Senator Joyner

Effective Date: July 1, 2009

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

Executive Summary:

The bill revises Chapter 120, F.S., to provide clarification of requirements related to administrative procedures.

- Amends s. 120.52(1), F.S., to revise the definition of “agency,” creating a more concise definition.
- Clarifies that the definition of “agency” includes government officers and entities if acting pursuant to powers other than those derived from the constitution.
- Provides that an “agency” includes government officers and entities having jurisdiction in more than one county.
- Provides that an “agency” includes government officers and entities having jurisdiction in one county or less than one county, to the extent they are expressly made subject to Chapter 120.
- Clarifies that Chapter 120 does not apply to any municipality or entity created solely by a municipality.
- Provides that the amendments to s. 120.52(1), F.S., are not intended to effect a substantive change to existing law, only to clarify and simplify the definition of “agency.”
- Amends s. 120.525, F.S., to provide that an agency must advertise public meetings, hearings and workshops on the agency’s website, in addition to the Florida Administrative Weekly, not less than 7 days prior to the event.
- Requires that the agenda for public meetings, hearings and workshops, along with any other materials available in electronic form (excluding confidential or exempt materials), be posted on the agency’s website no later than 7 days prior to the event.
- Amends s. 120.54(3)(b)2.a., F.S., to provide that a “small business” may be defined by an agency to include businesses employing more than 200 persons, if it finds that expanding the definition is necessary to adequately meet the needs of the small businesses it regulates.
- Amends s. 120.54(3)(c)1., F.S., to provide that whenever a public hearing is held on a proposed rule, the agency must ensure that staff are available to explain the agency’s proposal and respond to questions or comments regarding the proposed rule. The bill also provides that any material pertinent to the issues to be considered at the hearing submitted to the agency within 21 days after the date the notice was published, or submitted to the agency between the date the notice was published and the end of the final public hearing, shall be considered by the agency as part of the record of the rulemaking proceeding.

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- Amends s. 120.54(3)(d)1, F.S., to provide that after a public hearing has been held, any substantive change made to the rule must be based on the written record of the proceeding, including written material submitted within 21 days after the date of publication of the notice of intended agency action, or submitted between the date of publication of the notice and the end of the final public hearing.
- Amends s. 120.54(3)(e)6, F.S., to provide that a rule shall be adopted upon filing with the Department of State, and shall become effective 20 days after the rule is filed, unless the notice of rulemaking provides for a specified later date.
- Amends s. 120.54(5)(b)7, F.S., to provide that the Department of State's uniform rules must require that each agency post a description of the agency's organization and course of operations on the agency's website.
- Amends s. 120.54(6)(b), F.S., to provide that a rule adopted in order to implement federal programs shall become effective upon the date stated in the notice of intent to adopt a rule.
- Amends s. 120.80, F.S., to remove the provision allowing the Department of Environmental Protection to not adopt a lower cost alternative if adoption of that alternative would prevent the agency from implementing federal requirements.
- Provides for an effective date.

General Implementation Timeline:

July 1, 2009 The act becomes effective.

Florida Department of Education

Bill Number: Senate Bill 2538

Bill Title: Supplemental Educational Services

Bill Sponsor: Senator Detert

Effective Date: July 1, 2009

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

Executive Summary:

The bill:

- Amends s. 1008.331(5), F.S., relating to school districts, supplemental educational services (SES) providers, and Department of Education (DOE) responsibilities for evaluating state-approved SES providers.
- Requires supplemental educational services (SES) providers to report to DOE, by May 1 of each year, unless a prior agreement has been made with a local school district, in an electronic form prescribed by the DOE, the following information regarding services to public school students in the district:
 - Student learning gains as demonstrated by mastery of applicable benchmarks or access points set forth in the Sunshine State Standards;
 - Student attendance and completion data;
 - Parent satisfaction survey results;
 - Satisfaction survey results received directly from the school district; and
 - Satisfaction survey results received directly from the school districts that were completed by principals in whose schools on-site SES was provided.
- Requires the DOE to post a uniform survey on its website to be completed online for school districts and principals.
- Requires DOE to evaluate each provider based on the information described above and assign a service designation of excellent, satisfactory, or unsatisfactory for the prior year, unless the student population served by the provider is too small to provide statistically reliable information or would result in the release of identifiable student information.
- Requires the State Board of Education to specify in rule the threshold requirements for assigning the service designation.
- Requires the DOE to approve, by September 1, 2009, acceptable pre-methods and post-methods for measuring student learning gains, including standardized assessments, diagnostic assessments, criterion-referenced and skills-based assessments, or other applicable methods appropriate for each grade level, for use by supplemental educational services providers and local school districts in determining student learning gains.
 - Each method must be able to measure student progress toward mastering the benchmarks or access points set forth in the Sunshine State Standards and the student's supplemental educational services plan.

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- Provides that the use of a diagnostic and assessment instrument, which is aligned to a provider's curriculum, is an acceptable pre-method and post-method if the provider can demonstrate that the assessment meets the requirements in this paragraph and is not deemed unreliable or invalid by the department.
- Requires that a provider, as a condition for state approval, must use a method for measuring student learning gains which results in reliable and valid results as approved by the department.
- Requires that a provider report data on individual student learning gains to the department, unless a prior agreement has been made with the local school district to report such student achievement data.
 - The report must include individual student learning gains as demonstrated by mastery of applicable benchmarks or access points set forth in the Sunshine State Standards.
- Requires DOE to report, by July 1 of each year, the service designation to SES providers, school districts, parents, and the public.
- Requires the State Board of Education to establish, in rule, an internal complaint process to resolve disputes regarding the state approval process, the termination of state approval, and the assignment of a service designation. The internal complaint procedure must:
 - Provide for an informal review by a hearing officer who is employed by the department and, if requested, a formal review by a hearing officer who is employed by the department, and recommend a resolution of the dispute to the Commissioner of Education.
 - The internal complaint procedure is exempt from the provisions of Chapter 120. The decision by the Commissioner shall constitute final action.
- Permits the use of Title I, Part A funds to meet these requirements.
- Provides an effective date of July 1, 2009.

General Implementation Timeline:

July 1, 2009	The act becomes effective.
July 31, 2009	The Department completes a pilot of the evaluation system to provide baseline data for use in determining the thresholds for the service designations.
September 1, 2009	The Department approves appropriate pre- and post-assessment methods.
May 1, 2010	Each SES provider reports to the Department student learning gain results.
July 1, 2010	The Department reports service designations for each state-approved SES provider.



Bill Number: Senate Bill 2574

Bill Title: Information Technology

Bill Sponsor: Senator Haridopolos

Effective Date: Upon becoming a law

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

Executive Summary:

The bill clarifies a number of existing statutes which address the duties of the Agency for Enterprise Information Technology (AEIT). This agency was created by the 2007 Legislature to be a centralized enterprise information technology agency that reports to the Governor and Cabinet. The agency's primary responsibility is to plan enterprise services and develop enterprise policy and recommendations. In 2008, the agency was assigned the task of consolidating state data centers and developing policy for the State Data Center System. Since passage of legislation in 2008, a number of changes as provided for in this bill are required to make the system operate more effectively.

The bill also creates two new enterprise information technology services for which the AEIT will set policy, Information Security and Statewide Email, and requires implementation plans to be developed for each. The bill also reorganizes the statutes separating the portions of Chapter 282 which are related to the Department of Management Services (DMS) from those that are related to the AEIT.

Section 1:

- Amends s. 11.90(7), F.S., by deleting an outdated provision requiring the Legislative Budget Commission to compare information technology (IT) needs identified in agency long-range program plans with a report adopted by the now defunct State Technology Office.

Section 2:

- Amends s. 14.204, F.S., by making technical amendments to the duties of the AEIT.
- Refines the requirements of the long-term strategic enterprise technology plan.
- Establishes the Office of Information Security (OIS) in the AEIT, and requires the designation of a Chief Information Security Officer.
- Requires the AEIT to submit an implementation plan for information security to the Senate, to the House of Representatives, and to the Governor by December 31, 2010.

Section 3:

- Amends s.110.205, F.S., by deleting references to the defunct State Technology Office, and providing that the Chief Information Office (CIO) of the AEIT is a Senior Management Service (SMS) position.
- Requires the AEIT to set the salary and benefits of this position in accordance with the rules of the SMS system.

Section 4:

- Amends s. 282.003, F.S., to change the short title of subsequent sections to the "Enterprise Information Technology Services Management Act."

Section 5:

- Amends s. 282.0041, F.S., by deleting and amending definitions used in the Enterprise Information Technology Services Management Act."
- Adds definitions for "breach," "department," "risk analysis," and "threat."

Section 6:

- Amends s. 282.0056, F.S., by deleting a requirement that the AEIT annually report on its implementation plans for proposed enterprise information technology services, and replaces it with authorization for AEIT to suggest such services

Section 7:

- Amends s. 282.201, F.S., relating to state data centers, by clarifying the information the AEIT must include in its yearly proposal for data center consolidations.
- Provides that AEIT rules relating to operation of the data centers may include provisions relating to the removal of non-state data centers that fail to meet certain standards.
- Specifies requirements for granting an agency request to be exempted from required location in a primary data center.

Section 8:

- Amends s. 282.203, F.S., relating to primary data centers, by specifying that primary data centers are the custodians of resources located, operated, and managed by the center.
- Modifies the method of determining the composition of the boards of trustees for state primary data centers, and the apportionment of votes for the trustees.
- Tasks the primary data center boards with maintaining the capabilities of the data center facilities.

Section 9:

- Amends s. 282.204, F.S., relating to the Northwood Shared Resource Center (NSRC), by providing that the Secretary of the Department of Children and Families (DCF) may appoint a temporary chair for the board of trustees.
- Requires the DCF and the NSRC to identify resources associated with information technology functions which are not related to the support, management, and operation of the data center but which currently exist within the same budget entity as the data center, and, by October 1, 2009, submit a budget amendment to transfer resources associated with these functions to DCF.

Section 10:

- Amends s. 282.205, F.S., relating to the Southwood Shared Resource Center (SSRC), by deleting a now-unnecessary provision providing the authority to do budget amendments related to IT resources. Authority is no longer necessary since transfers between the SWSRC and DMS had to be completed by October 1, 2008.

Section 11:

- Amends s. 282.318, F.S., by renaming the “Enterprise Security of Data and Information Technology Act,” establishing the Office of Information Security within the AEIT, and creating duties for both the office and agencies with regard to enterprise security.
- Requires agencies to do the following:
 - Annually designate an information security manager.
 - Annually submit to the office the agency’s strategic and operational information security plans.
 - Provide security awareness training to employees and users of the agency’s communication and information resources.
 - Develop a process for detecting, reporting, and responding to security incidents.
- Requires agency solicitations for IT contracts to include security requirements consistent with the rules and guidelines established by the Office.

Section 12:

- Amends s. 282.33, F.S., to clarify that the AEIT must report to the Legislature every other year on recommendations for reducing energy consumption and improving the energy efficiency of state primary data centers.

Section 13:

- Creates s. 282.34, F.S., relating to the creation of a state e-mail system to be managed and operated by the Southwood Shared Resource Center.
- Requires the AEIT, by December 31, 2009, to obtain information about existing IT resources related to e-mail, and develop a strategy for statewide migration to an enterprise e-mail system; the
- Requires AEIT to form a workgroup to develop an implementation plan.
- Provides that state agencies may not terminate e-mail services provided by the state system without legislative approval.

Section 14:

- Requests the Division of Statutory Revision to create part IV of Chapter 282, F.S., which will consist of sections 282.701 through 282.711, F.S., created by sections 15 through 25 of the bill.

Section 15:

- Creates s. 282.701, F.S., the short title for this part of the Florida Statutes, the “Communication Information Technology Services Act.”

Sections 16 - 24:

- Transfers and renumbers ss. 282.102 through 282.111, F.S., as ss. 282.702 through 282.710, F.S.
- Replaces references to the STO with references to the DMS, and makes grammatical and organizational changes.

Section 25:

- Transfers and renumbers s. 282.21 as s. 282.711, F.S., and replaces references to the STO with references to the DMS.

Section 26:

- Repeals s. 282.22, F.S., which allows the STO to share acquired or developed services and products with other governmental entities.

Section 27:

- Amends s. 287.042, F.S., to require the DMS to develop procedures to ensure compliance with public records and record retention requirements, to be used by state agencies when procuring IT commodities and services.
- Provides an advisory role to the Agency Chief Information Officers Council in the creation of procedures for procuring IT commodities and services.
- Deletes obsolete duties related to the STO.

Section 28:

- Amends s. 1004.52, F.S., by deleting a requirement that the Institute on Urban Policy and Commerce must seek guidance from the STO and the state's Chief Information Officer in establishing requirements governing the purchase of computers purchased with funds from the community computer access grant program.

Section 29:

- Reassigns or repeals rules that were previously assigned to the STO.

Section 30:

- Amends section 17 of Chapter 2008-116 of the 2008 Laws of Florida, by specifying that the primary data center in which resources and equipment are located is the custodian of the resources and equipment for purposes of Chapter 273, Florida Statutes.

Sections 31 - 33:

- Amends ss. 318.18, 393.002, and 1001.26, F.S., to correct cross references.

General Implementation Timeline:

Effective date	Upon becoming a law
October 1, 2009	DCF and the NSRC must submit a budget amendment to transfer DCF data center resources to DCF
December 31, 2009	The AEIT must obtain information about existing IT resources related to e-mail, and develop a strategy for statewide migration to an enterprise e-mail system
December 31, 2010	The AEIT must submit an implementation plan for information security to the Senate, House of Representatives, and Governor

Florida Department of Education

Bill Number: SB 2600, Conference Committee Report

Bill Title: 2009-10 General Appropriations Act

Bill Sponsor: Appropriations Conference Committee

Effective Date: July 1, 2009

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

Executive Summary:

The act appropriates monies for the annual period beginning July 1, 2009, and ending June 30, 2010, and is the budget for the state. It authorizes state, federal, and local funding for school districts, community colleges, other education units through the Department of Education, and state universities. The challenge for the education community in 2009-10 will be to maintain the gains in student performance and access to postsecondary education. Commitment to and investment in the education of Florida's K-20 students is more important than ever, as it will do much to shape the economic future. Despite the current economic situation, educators must find ways to continue the excellent job that is being done in classrooms throughout the state. A chart is included that displays the 2008-09 and 2009-10 education budget line item detail for both operating and fixed capital outlay budgets.

OPERATING BUDGET

The \$19.3 billion in General Revenue, Lottery, and Other Trust Funds appropriated for the Florida K-20 education system provides operating resources for the Department of Education to continue providing access to education for all Florida students. The 2009-10 appropriations reflect an increase of \$1.8 billion from the 2008-09 budget.

Grants and Aids—Special Categories or Grants and Aids—Aid to Local Governments may be advanced quarterly throughout the fiscal year based on projects, grants, contracts, and allocation conference documents.

K-12 EDUCATION

Funds are provided in the Florida Education Finance Program (FEFP) to serve 10,000 fewer Full-Time Equivalent (FTE) students in 2009-10 (2,608,007 students projected to be served). In funding the FEFP, the Legislature authorized state, local, and federal fiscal stabilization revenue of \$17.93 billion, an increase for 2009-10 of \$5.3 million or 0.03% from 2008-09 FEFP funds. FEFP funds per student for 2009-10 will be \$6,873.07, an increase of \$28.21 or 0.41% from actual revenue for 2008-09 (Line Items 5A through 7, 76, and 77). Of the state appropriation, \$1.4 billion is contingent upon the passage of several laws and transfers from trust funds. In his May 27, 2009, veto message, Governor Crist vetoed \$6 million of the contingent appropriations, which will be deducted from the general revenue funds in Line Item 76, the FEFP.

A summary chart of the components of the FEFP from the official legislative calculation is included.

Florida Department of Education

Base Funding (Weighted FTE Students (WFTE) X Base Student Allocation (BSA) X District Cost Differential (DCD)) is \$10.18 billion for 2009-10, which is a decrease of \$765.5 million or 7.00% from 2008-09. The BSA was reduced by \$255.52 or 6.58%. In addition to the reduction of the BSA, the decline in Base Funding dollars is due, in part, to the reduction in the weighted FTE students by 13,365 to 2,802,488. However, the Legislature appropriated \$907.9 million for a state fiscal stabilization allocation, which is distributed to districts in accordance with Base Funding.

The program cost factors, when multiplied by the unweighted FTE students, result in the weighted FTE students for funding. Program cost factors (weights) for 2008-09 and 2009-10 legislated educational programs within the FEFP are as follows:

	<u>2008-09</u>	<u>2009-10</u>
Basic K-3	1.066	1.074
Basic 4-8	1.000	1.000
Basic 9-12	1.052	1.033
Exceptional Student Education Level 4	3.570	3.520
Exceptional Student Education Level 5	4.970	4.854
Education for Speakers of Other Languages	1.119	1.124
Career Education	1.077	1.050

The total Required Local Effort (RLE) for 2009-10 is \$7.8 billion, a decrease of \$448.4 million from 2008-09. The statewide average RLE millage rate is 5.314 mills, an increase of 0.178 of a mill from 2008-09. In addition to the RLE millage described above, at the time of the second FEFP calculation, the Commissioner will provide districts with a Prior Period Funding Adjustment Millage rate. The purpose of the adjustment is to provide districts with the unrealized revenue attributable to prior year changes to the school taxable value from the July estimate to the final adjusted tax roll. The district's millage rate is calculated by dividing the amount of the prior period unrealized required local effort by the current year school taxable value. The prior period millage will be added to the required local effort millage, but the revenue is not to be included in the current year FEFP calculation as provided in s. 1011.62(4)(e), F.S. (as amended by Senate Bill 1676, Section 29).

For 2009-10, the authorized non-voted discretionary local millage is 0.748 of a mill and is compressed to ensure that the combined state funds and local revenue provide funds to each district are equal to the statewide average funds per student from the 0.748 mill levy. The estimated cost of the 0.748 mill compression is \$146.9 million. If a district levies between 0.498 and 0.748 of a mill, the funds are compressed to the statewide average per student for the 0.498 mill levy. In addition, a district school board by a super majority (2/3) vote may levy an additional 0.25 of a mill for critical operating or capital outlay needs. If the 0.25 of a mill is levied for operations, it is compressed to the statewide average value of 0.25 of a mill per student (Line Item 76). See the summary of Senate Bill 1676 for a complete description of the millage policy for school districts for 2009-10.

To promote flexibility in the use of funds, activities previously funded as categorical programs were converted to earmarked dollars in the FEFP. While the statutory basis for the programs remains, student transportation, instructional materials, and the Florida Teachers Lead Program are no longer funded as categorical programs (Line Item 76).

Florida Department of Education

Total funding provided for year seven implementation of the Class Size Constitutional Amendment (Sections 1003.03 and 1011.685, F.S.) is \$2.85 billion, an increase of \$116.1 million over 2008-09. The Commissioner may withhold disbursement of class size reduction funds until a district is in compliance with reporting information required for class size reduction implementation (Line Items 6 and 77).

The School Recognition Program provides individual schools with \$75 (reduced from \$85) per student for sustained superior performance (school grade of A) and for improved performance as indicated by a school letter grade increase from one year to the next, for a total of an estimated \$129.9 million (Line Item 7). If funds remain after payment to the recognized schools, up to \$5 per student is allocated to school advisory councils.

A minimum guarantee allocation guarantees that no district will receive more than a 10% reduction in total funds per student for 2009-10. The Florida Virtual School is the only qualifier for the funds computed at \$12.9 million.

For Just Read, Florida!, \$9.6 million is appropriated to achieve Florida's goal for all students to be reading on grade level or higher by 2012 (Line Item 84). Proviso language for the appropriation directs the Department of Education to conduct an independent evaluation of reading assessment options and report the results to the Legislature. This is in addition to the \$101.9 million Reading Instruction Allocation authorized in the FEFP (Line Item 76).

Mentoring/Student Assistance funding totals \$8.2 million. There are six organizations listed with authorized funding in the appropriations bill (Line Item 86).

For School and Instructional Enhancements, the appropriation of \$3.2 million is a reduction of \$3.8 million from 2008-09. Funds are appropriated for nine grants specified in proviso (Line Item 95).

The Dale Hickam Excellent Teaching program is funded in the amount of \$46.9 million to continue Florida teachers' participation in the certification process managed by the National Board for Professional Teaching Standards (NBPTS) (Line Item 82).

Assistance to Low Performing Schools is funded at \$4.1 million. Funds are provided to continue Florida's Partnership for Minority and Underrepresented Student Achievement to improve student achievement and readiness for college and to achieve the partnership's mission as provided in s. 1007.35, F.S. (Line Item 85).

The College Reach-Out Program is funded at \$2.3 million (Line Item 87).

An appropriation of \$2.5 million is provided for the five university-based Florida Diagnostic and Learning Resource Centers (Multidisciplinary Educational Services Centers) (Line Item 88).

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

Florida Department of Education

Teacher Professional Development is funded at \$134.9 million and includes funds for school district superintendents' training and for Teacher of the Year, Principal of the Year, and School-Related Employee of the Year activities (Line Item 94).

The total 2009-10 appropriations for K-12 (public school) Education, including the budget entities of K-12 Program—FEFP, K-12 Program—Non-FEFP, K-12 Federal Grants, Educational Media and Technology Services, and Workforce Education, is \$13.3 billion, which is an increase of \$1.7 billion over the 2008-09 appropriations. Much of the increase in funds is attributable to the infusion of federal stimulus funds into the appropriations.

EARLY LEARNING / PREKINDERGARTEN EDUCATION

An appropriation of \$366.8 million is provided for transfer to the Agency for Workforce Innovation to implement the Voluntary Prekindergarten Education Program as provided in s. 1002.51, F.S., through s. 1002.79, F.S., and shall be initially allocated to Early Learning Coalitions as specified in proviso. Pursuant to the provisions of s. 1002.71(3)(a), F.S., the Base Student Allocation (BSA) per full-time equivalent student in the school year program for Fiscal Year 2009-10 shall be \$2,575 multiplied by the District Cost Differential; the summer program BSA is \$2,190. The allocation includes 4.85 percent in addition to the BSA to fund administrative and other program costs of the Early Learning Coalitions relating to the Voluntary Prekindergarten Education Program (Line Item 74). This funding is provided to support an estimated enrollment of 136,957 students or 67.5% of the total number of 4-year-olds in the state.

An appropriation of \$400,000 is provided for early learning standards and accountability (Line Item 75).

WORKFORCE EDUCATION PROGRAMS

An allocation of \$5.3 million is provided to school districts for Performance Based Incentives (Line Item 109).

Workforce Development Funds for school districts are decreased by \$6.7 million for 2009-10, for a total of \$377.3 million (Line Item 111). There was no change for 2009-10 to the estimated \$77.1 million in federal dollars to be received by Florida for the Vocational Formula Funds (Line Item 112).

Tuition Fees specified in s. 1009.26(1), F.S., for school district workforce programs are increased by 8% (Line Item 111).

Funds in the amount of \$7.0 million are provided to continue the Ready to Work Initiative. The initiative provides pre- and post-assessments to identify specific skills that indicate a competence level to enter a specific occupation and to provide targeted instruction in the specific skills for which a student has not demonstrated mastery (Line Item 113).

COMMUNITY COLLEGES

Funding is provided for enrollment of 330,819 students at \$3,109 per FTE student, including estimated fee revenue.



The total state appropriation to the system is \$1.05 billion, a net decrease of \$5.7 million from 2008-09.

Of the \$1.04 billion appropriation for the Florida College System's lower division, \$1.028 billion was provided directly for the operation of the colleges, a decrease of \$5.0 million or 0.5% from 2008-09. This decrease, coupled with the authorized fee increase that reflects \$669 million, represents an overall increase in operating funds of \$44.5 million or 2.7 percent.

Funding for the Baccalaureate Degree Programs totals \$9.5 million, which is a decrease of \$480,000 from the 2008-09 appropriation. Funding is provided to 14 colleges (Line Item 115).

The standard tuition rate is increased by 8% (Line Item 114).

STATE UNIVERSITIES

The total state appropriated operating funds are \$3.4 billion, a revenue increase of \$95.8 million or 2.89% from 2008-09 (Line Items 11 through 12C and 137 through 143).

Tuition for undergraduates will increase by 8%. Tuition for graduate and professional programs and out-of-state fees for all programs shall be established pursuant to s. 1009.24, F.S. (Line Item 138).

The appropriation funds enrollment of 195,000 FTE students, which is essentially the same enrollment funded in 2008-09. The Chancellor must submit a revised three-year enrollment plan by September 1, 2009. This revised three-year enrollment plan must be developed with input from each state university.

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

STUDENT FINANCIAL AID

The Florida Bright Futures Scholarship Program, which is a lottery-funded, merit based scholarship program, is funded at \$418.9 million, a decrease of \$16.4 million from 2008-09. This decrease is generally attributable to two policy changes: funding based on a fixed per credit hour amount and reimbursement by students for payments made for courses dropped after the drop/add period. The program funding is for 182,722 eligible students.

The Student Financial Aid item is appropriated at \$133.8 million, the same amount that was authorized for 2008-09. This item includes the critical teacher shortage programs and need-based programs such as Florida Work Experience, Rosewood Family Scholarships, and all sectors (Public, Private, Postsecondary, and Career) of the Florida Student Assistance Grants (FSAG). The maximum FSAG award was set at \$2,069 (Line Items 5 and 67).

The Florida Resident Access Grant (FRAG) provides tuition assistance for qualified Florida residents who enroll in eligible Florida private colleges and universities. It is funded at \$84.2 million for 33,271 students (\$2,529 per student). The appropriation is a decrease of \$8.4 million from 2008-09 funding (Line Item 60).

The ABLE (Access to Better Learning and Education) Grant provides tuition assistance to students enrolled in eligible Florida for-profit colleges and universities, and is funded at \$3.9 million. The appropriation will

Florida Department of Education

support 4,001 students at \$986 per student. The appropriation is a decrease of \$392,555 compared to 2008-09 funding (Line Item 55).

Funding for the Prepaid Tuition Scholarships appropriation of \$4.2 million reflects a decrease of \$1.4 million from 2008-09. Project STARS - Scholarship Tuition for At-Risk Students – is a foundation program for children from low-income families who are at risk of dropping out of school. Many of these children are the first in their families to have the opportunity to attend college (Line Item 63).

Of the \$6.8 million appropriated for the First Generation in College Matching Grant Program, \$1.7 million is allocated to community colleges. If the required matching funds are not raised by participating community colleges by December 1, 2009, the remaining funds shall be reallocated to programs at state universities that have remaining unmatched private contributions (Line Item 4).

OTHER EDUCATION ISSUES

From the funds provided for the functions of the State Board of Education (Department of Education), there are two categories of items: funds for Operations of the Department and funds for Targeted Expenses for special projects that support the K-20 education system. Examples of such targeted items are:

Funding for the State Assessment (testing) Program is budgeted at \$85.5 million, which is an increase of \$14.0 million from 2008-09 (Line Item 122).

Vocational Rehabilitation is appropriated \$223.5 million, \$19.8 million more than in 2008-09 (Line Items 24 through 37).

Blind Services appropriations are increased by \$8.3 million from 2008-09, for total funding of \$60.7 million (Line Items 38 through 53).

FIXED CAPITAL OUTLAY BUDGET

The Legislature appropriated over \$1.94 billion for capital outlay projects and debt service on bonds for Florida schools, community colleges, universities, and other education agencies. The total includes \$1.32 billion from Public Education Capital Outlay (PECO) sources, \$318.88 million from the Lottery bond proceeds and revenues, \$10.87 million from General Revenue, and \$295.69 million from other trust funds.

The Legislature did not include 2009-10 funds for Class Size Reduction fixed capital outlay projects.

The \$139.5 million PECO appropriation for Maintenance, Renovation, and Repair projects consists of \$41.7 million for school districts, \$16.0 million for community colleges, and \$25.7 million for state universities. Also included in the amount allocated to public schools is \$56.1 million for charter schools (Line Item 14).

For Public School Survey Recommended Needs (new construction), \$6.2 million in PECO funds are appropriated. Of this amount, \$6.2 million is allocated to university developmental research schools and represents the capital improvement millage equivalent funds (Line Item 15). No funds are appropriated to school districts for new construction needs.



Specific institutional capital outlay projects are funded for community colleges in the amount of \$84.2 million and for state universities in the amount of \$104.8 million. These projects are funded from PECO and general revenue funds (Line Items 16 and 17).

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

Two projects in small school districts are eligible to be funded from the Special Facility Construction Account. The total appropriation for the projects is \$12.7 million (Line Item 18).

Other items funded from PECO include: \$13.1 million for the Florida School for the Deaf and the Blind (Line Item 21); \$4.0 million for the Division of Blind Services (Line Item 22); \$4.8 million for Public Broadcasting Projects (Line Item 23); and \$500,000 for Lake Wales Charter Schools (Line Item 13A).

OTHER SECTIONS OF THE BILL

Items funded for education may be found mainly in Sections 1 and 2 of the Bill, as summarized above; however, there are general policy statements and funding authorizations, including some items for education in Sections 8 through 81, which are often referred to as "back-of-the-bill items." Included are provisions for state employee compensation, benefits (health, life, and disability insurance), and authorization for several community college and university construction projects. Section 8 includes the provision that, effective July 1, 2009, the annual base rate of pay for each employee with an annual base rate of pay in excess of \$45,000 shall be reduced by 2%. Governor Crist vetoed the pay reduction language and directed his agency heads to manage their salary spending by utilizing the legal means available to them.

Florida

Department of Education

EDUCATION BUDGET Expenditure Detail May 12, 2009		ACTUAL APPROP FY 2008-09 after Jan. 2009 Sp. Session	2009-10 Appropriation Prior to Vetoes	2009-10 Approp over/(under) 2008-09	% 2009-10 Approp over/(under) 2008-09
Line Item	Approp Cat Title	ALL FUNDS	ALL FUNDS	ALL FUNDS	ALL FUNDS
	VOCATIONAL REHABILITATION				
24	SALARIES AND BENEFITS	48,985,390	49,833,487	848,097	1.73%
25	OTHER PERSONAL SERVICES	944,845	3,120,505	2,175,660	230.27%
26	EXPENSES	10,936,364	11,431,164	494,800	4.52%
27	G/A-ADULT DISABILITY FNDS	15,225,984	14,556,949	(669,035)	-4.39%
28	G/A-FL ENDOWMENT/VOC REHAB	328,292	328,292	-	0.00%
29	OPERATING CAPITAL OUTLAY	530,587	666,587	136,000	25.63%
30	CONTRACTED SERVICES	10,574,162	11,730,162	1,156,000	10.93%
31	INDEPENDENT LIVING SERVICE	5,865,696	6,538,342	672,646	11.47%
32	PURCHASED CLIENT SERVICES	107,693,834	123,006,477	15,312,643	14.22%
33	RISK MANAGEMENT INSURANCE	421,252	421,252	-	0.00%
34	TR/DMS/HR SVCS/STW CONTRCT	389,832	389,832	-	0.00%
35	OTHER DATA PROCESSING SVCS	982,721	920,078	(62,643)	-6.37%
	STATE TECHNOLOGY OFFICE	515,903	-	(515,903)	-100.00%
36	EDU TECH/INFORMATION SRVCS	286,106	318,154	32,048	11.20%
37	SOUTHWOOD SHARED RESOURCE CENTER		240,474	240,474	100.00%
	TOTAL VOCATIONAL REHABILITATION	203,680,968	223,501,755	19,820,787	9.73%
	BLIND SERVICES				
38	SALARIES AND BENEFITS	13,264,555	13,439,607	175,052	1.32%
39	OTHER PERSONAL SERVICES	446,202	446,202	-	0.00%
40	EXPENSES	3,155,129	3,155,129	-	0.00%
41	G/A-COMM REHAB FACILITIES	5,368,427	5,368,427	-	0.00%
42	OPERATING CAPITAL OUTLAY	289,492	289,492	-	0.00%
43	FOOD PRODUCTS	200,000	200,000	-	0.00%
44	ACQUISITION/MOTOR VEHICLES	100,000	100,000	-	0.00%
45	G/A-CLIENT SERVICES	25,212,751	33,435,563	8,222,812	32.61%
46	CONTRACTED SERVICES	444,840	431,140	(13,700)	-3.08%
47	RISK MANAGEMENT INSURANCE	290,168	290,168	-	0.00%
48	LIBRARY SERVICES	189,735	189,735	-	0.00%
49	VEND STANDS-EQUIP & SUPP	2,095,000	2,095,000	-	0.00%
50	TR/DMS/HR SVCS/STW CONTRCT	117,700	117,700	-	0.00%
51	OTHER DATA PROCESSING SVCS	923,280	923,280	-	0.00%
52	REGIONAL DATA CENTERS-SUS	16,965	16,965	-	0.00%
53	EDU TECH/INFORMATION SRVCS	208,004	182,503	(45,501)	-21.88%
	TOTAL BLIND SERVICES	52,322,248	60,660,911	8,338,663	15.94%
	PRIVATE COLLEGES AND UNIVERSITIES				
54	G/A-MED TRG/SIMULATION LAB	2,610,307	2,277,493	(332,814)	-12.75%
55	ABLE GRANTS	4,339,592	3,947,037	(392,555)	-9.05%
56	HIST BLACK PRIV COLLEGES	10,819,863	9,832,514	(987,349)	-9.13%
57	G/A-1ST ACC MED SCH-U OF M	7,851,170	7,151,237	(699,933)	-8.92%
58	ACADEMIC PROGRAM CONTRACTS	919,802	781,832	(137,970)	-15.00%
59	G/A-REG DIABETES CTR - UM	490,218	416,685	(73,533)	-15.00%
60	FLA RESIDENT ACCESS GRANT	92,542,395	84,171,709	(8,370,686)	-9.05%
61	NOVA SE UNIV-HEALTH PROGMS	5,502,368	5,141,492	(360,876)	-6.56%
	G/A-PRIVATE COLL & UNIV	752,000	-	(752,000)	-100.00%
62	LECOM / FL - HEALTH PROGMS	1,246,200	1,117,106	(129,094)	-10.36%
	TOTAL PRIVATE COLLEGES AND UNIVERSITIES	127,073,915	114,837,105	(12,236,810)	-9.63%
	STUDENT FINANCIAL AID PROGRAM - STATE				
3	G/A-FL BRIGHT FUTURES/PROG	435,275,538	418,878,452	(16,397,086)	-3.77%
4	FGIC-MATCHING GRANT PROG	7,997,650	6,848,120	(1,149,530)	-14.37%
63	PREPAID TUITION SCHOLARSH	5,617,240	4,188,111	(1,429,129)	-25.44%
64	G/A-MINORITY TCHR SCHLRSH	3,002,988	1,607,942	(1,395,046)	-46.46%
	ETHICS/BUSINESS SCHOLARSH	500,000	-	(500,000)	-100.00%
66	M MCLEOD BETHUNE SCHOLAR	664,453	598,751	(65,702)	-9.89%
5/67	STUDENT FINANCIAL AID	133,768,360	133,768,360	-	0.00%
68	JOSE MARTI SCH CHALL GRANT	170,939	160,098	(10,841)	-6.34%
69	TRANSFER/FL EDUCATION FUND	1,987,181	1,987,181	-	0.00%
	TOTAL STUDENT FINANCIAL AID PROG - STATE	588,984,349	568,037,015	(20,947,334)	-3.56%

Florida Department of Education

EDUCATION BUDGET Expenditure Detail May 12, 2009		ACTUAL APPROP FY 2008-09 after Jan. 2009 Sp. Session	2009-10 Appropriation Prior to Vetoes	2009-10 Approp over/(under) 2008-09	% 2009-10 Approp over/(under) 2008-09
Line Item	Approp Cat Title	ALL FUNDS	ALL FUNDS	ALL FUNDS	ALL FUNDS
STUDENT FINANCIAL AID PROGRAM - FEDERAL					
70	G/A-COLL ACC CHALL GT PROG		3,116,708	3,116,708	100.00%
71	STUDENT FINANCIAL AID	2,563,089	2,563,089	-	0.00%
72	TRANSFER/DEFAULT FEES	6,080,000	6,080,000	-	0.00%
73	ROBT BYRD HONORS SCHOLAR	2,391,530	2,391,530	-	0.00%
TOTAL STUDENT FINANCIAL AID PROGRAM - FEDERAL		11,034,619	14,151,327	3,116,708	28.24%
EARLY LEARNING PREKINDERGARTEN EDUCATION					
74	TRF VPK FUNDS TO AWI	353,488,827	366,789,114	13,300,287	3.76%
75	G/A-ERLY LRNG STAND/ACCBTY	1,601,887	400,000	(1,201,887)	-75.03%
TOTAL EARLY LEARNING PREKINDERGARTEN EDUCATI		355,090,714	367,189,114	12,098,400	3.41%
K-12 PROGRAM - FEFP					
5A/76	G/A-FL ED FINANCE PROGRAM	4,869,576,693	6,011,111,244	1,141,534,551	23.44%
6/77	G/A-CLASS SIZE REDUCTION	2,729,491,033	2,845,578,849	116,087,816	4.25%
7	G/A-DIST LOTTERY/SCH RECOG	212,710,203	129,914,030	(82,796,173)	-38.92%
	G/A-INSTRUCTIONAL MATERIAL	253,945,129		(253,945,129)	-100.00%
	G/A-STUDENT TRANSPORTATION	460,903,559		(460,903,559)	-100.00%
	FL TEACHERS LEAD PROGRAM	36,756,829		(36,756,829)	-100.00%
TOTAL K-12 PROGRAM - FEFP		8,563,383,446	8,986,604,123	423,220,677	4.94%
K-12 PROGRAM - NON-FEFP					
81	G/A-INSTRUCTIONAL MATERIAL	2,645,220	2,141,584	(503,636)	-19.04%
82	G/A-EXCELLENT TEACHING	57,653,390	46,902,403	(10,750,987)	-18.65%
83	PROF PRACTICES-SUBSTITUTES	59,525	50,596	(8,929)	-15.00%
84	G/A-READING INITIATIVES	69,793,873	9,600,000	(60,193,873)	-86.25%
	EDUC INNOV INITIATIVES	5,640,000	-	(5,640,000)	-100.00%
85	G/A-ASST/LOW PERF SCHOOLS	4,822,525	4,099,146	(723,379)	-15.00%
86	G/A-MENTORING/STUDENT INIT	12,347,727	8,229,152	(4,118,575)	-33.35%
	K-8 VIRTUAL EDUCATION	5,047,392		(5,047,392)	-100.00%
87	G/A-COLLEGE REACH OUT PROG	2,740,400	2,329,340	(411,060)	-15.00%
88	G/A-DIAGNOST/LEARN RES CTR	2,729,290	2,485,019	(244,271)	-8.95%
89	G/A-NEW WORLD SCHOOL-ARTS	966,375	821,419	(144,956)	-15.00%
90	G/A-SCH DIST MAT GRANT PRG	1,822,080	1,639,872	(182,208)	-10.00%
91	TEACHER DEATH BENEFITS	57,984	20,000	(37,984)	-65.51%
92	G/A-AUTISM PROGRAM	6,849,194	6,236,191	(613,003)	-8.95%
93	G/A-REG ED CONSORTIUM SVCS	1,660,750	1,611,465	(49,285)	-2.97%
94	TEACHER PROFESSIONAL DEV	134,935,233	134,864,366	(70,867)	-0.05%
95	G/A-SCHOOL/INSTRUCT ENHANC	7,042,072	3,205,887	(3,836,185)	-54.48%
96	G/A-EXCEPTIONAL EDUCATION	4,597,277	4,144,492	(452,785)	-9.85%
97	FL SCH/DEAF & BLIND	45,340,024	45,855,346	515,322	1.14%
98	TR/DMS/HR SVCS/STW CONTRCT	29,034	29,034	-	0.00%
TOTAL K-12 PROGRAM - NON-FEFP		366,779,365	274,265,312	(92,514,053)	-25.22%
K-12 PROGRAM - FEDERAL GRANTS					
99	G/A-PROJECTS, CONTR & GRTS	4,099,420	4,099,420	-	0.00%
100	G/A-FEDERAL GRANTS & AIDS	1,512,912,755	2,828,690,570	1,315,777,815	86.97%
101	G/A-SCHOOL LUNCH PROGRAM	615,817,265	661,280,840	45,463,575	7.38%
102	G/A-SCH LUNCH PRG/ST MATCH	16,886,046	19,418,953	2,532,907	15.00%
TOTAL K-12 PROGRAM - FEDERAL GRANTS		2,149,715,486	3,513,489,783	1,363,774,297	63.44%
EDUCATIONAL MEDIA & TECHNOLOGY SERVICES					
103	CAPITOL TECHNICAL CENTER	249,955	212,462	(37,493)	-15.00%
104	G/A-INSTR TECH	2,642,308	1,100,000	(1,542,308)	-58.37%
105	FEDERAL EQUIP MATCH GRANT	165,827	132,662	(33,165)	-20.00%
	G/A-FL INFO RESOURCE NETWK	18,339,816	-	(18,339,816)	-100.00%
106	G/A-PUBLIC BROADCASTING	9,934,727	9,045,569	(889,158)	-8.95%
	FETPIPWRKFRFC DVP MIS	162,712	-	(162,712)	-100.00%
	G/A-RADIO READ SVCS BLIND	349,328	-	(349,328)	-100.00%
TOTAL EDUCATIONAL MEDIA & TECHNOLOGY SERVICE		31,844,673	10,490,693	(21,353,980)	-67.06%

Florida Department of Education

EDUCATION BUDGET Expenditure Detail May 12, 2009		ACTUAL APPROP FY 2008-09 after Jan. 2009 Sp. Session	2009-10 Appropriation Prior to Vetoes	2009-10 Approp over/(under) 2008-09	% 2009-10 Approp over/(under) 2008-09
Line Item	Approp Cat Title	ALL FUNDS	ALL FUNDS	ALL FUNDS	ALL FUNDS
WORKFORCE EDUCATION					
109	PERFORMANCE BASED INCENTIV	5,746,567	5,286,953	(459,614)	-8.00%
110	G/A-ABE FED FLOW-THROUGH	41,552,472	41,552,472	-	0.00%
9/111	WORKFORCE DEVELOPMENT	383,965,463	377,302,978	(6,662,485)	-1.74%
112	G/A-VOCATIONAL FORMULA FDS	77,144,852	77,144,852	-	0.00%
113	G/A-SKILL ASSESSMENT/TRNG	4,857,149	7,000,000	2,142,851	44.12%
	G/A-SCHOOL/INSTRUCT ENHANC	338,400	-	(338,400)	-100.00%
TOTAL WORKFORCE EDUCATION		513,604,903	508,287,255	(5,317,648)	-1.04%
COMMUNITY COLLEGES					
10	G/A-COMM COLL LOTT FUNDS	124,770,300	116,959,158	(7,811,142)	-6.26%
114	G/A-COMM COLLEGE PRG FUND	921,564,658	924,167,924	2,603,266	0.28%
115	G/A - COMM COLL BAC PROGS	10,015,201	9,535,201	(480,000)	-4.79%
116	COMM ON COMMUNITY SERVICE	589,845	589,845	-	0.00%
117	G/A-DISTANCE LEARNING	324,668	324,668	-	0.00%
TOTAL COMMUNITY COLLEGES		1,057,264,672	1,051,576,796	(5,687,876)	-0.54%
STATE BOARD OF EDUCATION					
118	SALARIES AND BENEFITS	73,389,897	71,907,747	(1,482,150)	-2.02%
119	OTHER PERSONAL SERVICES	2,498,840	2,278,341	(220,499)	-8.82%
120	EXPENSES	24,819,170	23,308,690	(1,510,480)	-6.09%
121	OPERATING CAPITAL OUTLAY	2,088,897	1,719,708	(369,189)	-17.67%
122	ASSESSMENT AND EVALUATION	71,461,338	85,497,299	14,035,961	19.64%
123	CIE	1,188,178	1,188,178	-	0.00%
124	TRANS TO DIV ADM HEARINGS	177,647	244,149	66,502	37.43%
125	CONTRACTED SERVICES	19,266,404	20,005,229	738,825	3.83%
126	G/A-CHOICES PRODUCT SALES	400,000	400,000	-	0.00%
	TR/GRANTS & DONAT TF/FACTS	235,264	-	(235,264)	-100.00%
	LITIGATION EXPENSES	39,046	-	(39,046)	-100.00%
129	ED FAC RES & DEV PROJ	200,000	200,000	-	0.00%
130	STUDENT FIN ASST/MIS	484,993	484,993	-	0.00%
131	RISK MANAGEMENT INSURANCE	831,951	831,951	-	0.00%
132	TR/DMS/HR SVCS/STW CONTRCT	512,668	512,668	-	0.00%
	CENTRALIZED TECHNOLOGY	650,900	-	(650,900)	-100.00%
	EDUCATION DATA WAREHOUSE	759,889	-	(759,889)	-100.00%
	REGIONAL DATA CENTERS-SUS	2,731,685	-	(2,731,685)	-100.00%
136	EDU TECH/INFORMATION SRVCS	7,332,953	10,190,391	2,857,438	38.97%
TOTAL STATE BOARD OF EDUCATION		209,069,720	218,767,344	9,697,624	4.64%
TOTAL STATE BOARD OF EDUCATION -OPERATING		14,229,849,078	15,911,858,533	1,682,009,455	11.82%
UNIVERSITIES/EDUCATION AND GENERAL					
137	G/A-MOFFITT CANCER CENTER	11,249,899	10,889,781	(360,118)	-3.20%
11/138	G/A-EDUCATION & GENERAL	2,857,725,932	2,918,637,173	60,911,241	2.13%
12/139	G/A-IFAS	129,160,643	130,541,287	1,380,644	1.07%
12A/139A	G/A - USF MEDICAL CENTER	85,442,878	88,887,878	3,445,000	4.03%
12B/139B	G/A - UF HEALTH CENTER	123,498,724	132,306,029	8,807,305	7.13%
12C/139C	G/A - FSU MEDICAL SCHOOL	47,374,834	48,226,905	852,071	1.80%
139D	UCF MEDICAL SCHOOL	9,179,901	19,950,497	10,770,596	117.33%
139E	FIU MEDICAL SCHOOL	11,465,084	23,241,443	11,776,359	102.71%
140	G/A-STUDENT FINANCIAL AID	18,917,104	17,224,969	(1,692,135)	-8.95%
141	G/A-INST HUMAN & MACH COGN	1,504,000	1,502,953	(1,047)	-0.07%
142	RISK MANAGEMENT INSURANCE	15,638,352	15,638,352	-	0.00%
143	G/A-DISTANCE LEARNING	313,984	285,898	(28,086)	-8.95%
TOTAL UNIVERSITIES/EDUCATION AND GENERAL		3,311,471,335	3,407,333,165	95,861,830	2.89%
BOARD OF GOVERNORS					
144	SALARIES AND BENEFITS	4,837,725	4,585,072	(252,653)	-5.22%
145	OTHER PERSONAL SERVICES	42,814	40,673	(2,141)	-5.00%
146	EXPENSES	930,602	878,695	(51,907)	-5.58%
147	OPERATING CAPITAL OUTLAY	8,541	8,112	(429)	-5.02%
148	CONTRACTED SERVICES	341,952	84,982	(256,970)	-75.15%
149	TR/DMS/HR SVCS/STW CONTRCT	25,015	25,015	-	0.00%
TOTAL BOARD OF GOVERNORS		6,186,649	5,622,549	(564,100)	-9.12%
TOTAL STATE UNIVERSITY SYSTEM		3,317,657,984	3,412,955,714	95,297,730	2.87%

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Florida

Department of Education

EDUCATION BUDGET Expenditure Detail May 12, 2009		ACTUAL APPROP FY 2008-09 after Jan. 2009 Sp. Session	2009-10 Appropriation Prior to Vetoes	2009-10 Approp over/(under) 2008-09	% 2009-10 Approp over/(under) 2008-09
Line Item	Approp Cat Title	ALL FUNDS	ALL FUNDS	ALL FUNDS	ALL FUNDS
FIXED CAPITAL OUTLAY					
1	CLSRM FST/97 SCH/BOND PRG	166,934,217	166,957,717	23,500	0.01%
	SUS CAPITAL IMPV FEE PROJ	122,000,000		(122,000,000)	-100.00%
13	SUS CONSTRUCTION PROJECTS	141,000,000	141,000,000	-	0.00%
13A	LAKE WALES CHARTER SCHOOLS		500,000	500,000	100.00%
	VOCATIONAL-TECHNICAL FAC	4,500,000		(4,500,000)	-100.00%
14	MAINT/REPAIR/RENOV/REMODEL	220,435,891	139,544,804	(80,891,087)	-36.70%
15	SURVEY REC NEEDS/P.SCHOOLS	150,798,151	6,254,738	(144,543,413)	-95.85%
16	COMMUNITY COLLEGE PROJECTS	365,610,508	84,221,380	(281,389,128)	-76.96%
17	SUS PROJECTS	425,234,450	104,855,904	(320,378,546)	-75.34%
18	SPECIAL FAC. CONSTR. ACCT.	14,946,948	12,762,458	(2,184,490)	-14.61%
19	DEBT SERVICE	1,114,493,317	1,089,985,025	(24,508,292)	-2.20%
20	G/A-SCHOOL DIST/CC	28,000,000	28,000,000	-	0.00%
2	CLS SZ RDCT-LOT CAP OUTLAY	155,000,000	151,922,482	(3,077,518)	-1.99%
	G/A-COMM COLLEGE FAC MTCH	8,810,309		(8,810,309)	-100.00%
21	FSDB-CAPITAL PROJECTS	13,399,103	13,160,619	(238,484)	-1.78%
22	BLIND SVCS-CAP PROJECTS	3,967,100	4,062,500	95,400	2.40%
	JOINT-USE FACILITIES PROJ	14,795,618		(14,795,618)	-100.00%
23	PUBLIC BROADCASTING PROJS	2,412,231	4,806,000	2,393,769	99.23%
	SUS FAC CHALLENGE GRANTS	4,889,691		(4,889,691)	-100.00%
	SUS CONCURRENCY REQUIRMNTS			-	0.00%
	CLASS SIZE REDUCT PROJECT			-	0.00%
TOTAL FIXED CAPITAL OUTLAY		2,957,227,534	1,948,033,627	(1,009,193,907)	-34.13%
Total Department of Education - Operating		17,547,507,062	19,324,814,247	1,777,307,185	10.13%
Total Department of Education - Operating and FCO		20,504,734,596	21,272,847,874	768,113,278	3.75%

Florida Department of Education

2009-10 FEFP - FINAL CONFERENCE REPORT, MAY 5, 2009
Public Schools Funding Summary, Comparison with 2008-09
Total All Districts

	2008-09 4th Calculation	2009-10 Final Conference Report	Difference	Percentage Difference
	-1-	-2-	-3-	-4-
Major FEFP Formula Components				
Unweighted FTE	2,618,006.46	2,608,006.73	(9,999.73)	-0.38%
Weighted FTE	2,815,852.73	2,802,487.98	(13,364.75)	-0.47%
School Taxable Value (Tax Roll)	1,814,378,625,064	1,600,301,342,292	(214,077,282,772)	-11.80%
Required Local Effort Millage	5.136	5.314	0.178	3.47%
Discretionary Millage	0.498	0.748	0.250	50.20%
Additional Discretionary Millage	0.250	0.000	(0.250)	-100.00%
Total Millage	5.884	6.062	0.178	3.03%
Base Student Allocation	3,886.14	3,630.62	(255.52)	-6.58%
FEFP Detail				
WFTE x BSA x DCD (Base FEFP)	10,942,625,443	10,177,089,512	(765,535,931)	-7.00%
Declining Enrollment Allocation	46,084,243	23,105,233	(22,979,010)	-49.86%
Sparsity Supplement	38,345,157	35,822,046	(2,523,111)	-6.58%
Lab School Discretionary Contribution	6,269,108	11,385,801	5,116,693	81.62%
.25 Mill Discretionary Equalization	7,040,925	0	(7,040,925)	-100.00%
.748 Mill Compression	123,828,227	146,902,367	23,074,140	18.63%
Safe Schools	71,998,330	67,260,840	(4,737,490)	-6.58%
Supplemental Academic Instruction	687,015,407	637,781,383	(49,234,024)	-7.17%
Reading Allocation	109,102,676	101,923,720	(7,178,956)	-6.58%
ESE Guaranteed Allocation	1,056,618,468	981,724,365	(74,894,103)	-7.09%
Merit Award Program Allocation	31,245,648	20,000,000	(11,245,648)	-35.99%
DJJ Supplemental Allocation	10,502,092	10,258,490	(243,602)	-2.32%
Transportation	0	428,931,491	428,931,491	
Instructional Materials	0	216,031,121	216,031,121	
Teachers Lead	0	33,283,309	33,283,309	
State Fiscal Stabilization Allocation	0	907,920,175	907,920,175	
Minimum Guarantee	0	12,927,915	12,927,915	
Total FEFP	13,130,675,724	13,812,347,768	681,672,044	5.19%
Less: Required Local Effort	8,249,604,587	7,801,236,524	(448,368,063)	-5.44%
Less: State Fiscal Stabilization Allocation	0	907,920,175	907,920,175	
Gross State FEFP Funds	4,881,071,137	5,103,191,069	222,119,932	4.55%
Proration	(18,444,733)	0	18,444,733	-100.00%
Net State FEFP Funds	4,862,626,404	5,103,191,069	240,564,665	4.95%
Discretionary Lottery/School Recognition	212,710,203	129,914,030	(82,796,173)	-38.92%
State Categorical Programs				
Transportation	460,903,559	0	(460,903,559)	-100.00%
Instructional Materials	253,945,129	0	(253,945,129)	-100.00%
Teachers Lead Program Allocation	36,756,829	0	(36,756,829)	-100.00%
Class Size Reduction Allocation	2,729,491,033	2,845,578,849	116,087,816	4.25%
Total Categorical Funding	3,481,096,550	2,845,578,849	(635,517,701)	-18.26%
Total State Funding	8,556,433,157	8,078,683,948	(477,749,209)	-5.58%
Local Funding				
Total Required Local Effort	8,249,604,587	7,801,236,524	(448,368,063)	-5.44%
.748 Mill Discretionary Local Effort	858,385,370	1,137,174,133	278,788,763	32.48%
.25 Mill Discretionary Local Effort	255,461,904	0	(255,461,904)	-100.00%
Total Local Funding	9,363,451,861	8,938,410,657	(425,041,204)	-4.54%
Total Funding	17,919,885,018	17,925,014,780	5,129,762	0.03%
Total Funds per UFTE	6,844.86	6,873.07	28.21	0.41%

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Florida Department of Education

2009-10 FEFP - FINAL CONFERENCE REPORT, MAY 5, 2009

Change in Funds and Funds per Student Compared to the 2008-09 4th Calculation

District	K-12 Total Funds				K-12 Total Funds per Unweighted FTE Student			
	2008-09 -1-	2009-10 -2-	Difference -3-	Percentage Difference -4-	2008-09 -5-	2009-10 -6-	Difference -7-	Percentage Difference -8-
1 Alachua	183,376,848	182,437,888	(938,960)	-0.51%	6,718.81	6,782.04	63.23	0.94%
2 Baker	33,226,486	33,095,874	(130,612)	-0.39%	6,722.89	6,738.05	15.16	0.23%
3 Bay	167,542,831	167,931,419	288,588	0.17%	6,644.04	6,712.21	68.17	1.03%
4 Bradford	23,316,099	22,448,506	(867,593)	-3.72%	7,206.36	7,144.13	(62.23)	-0.86%
5 Brevard	492,845,749	479,999,704	(12,846,045)	-2.61%	6,826.07	6,812.39	(13.68)	-0.20%
6 Broward	1,745,079,162	1,734,436,240	(10,642,922)	-0.61%	6,846.18	6,867.27	21.09	0.31%
7 Calhoun	15,308,355	15,045,861	(262,494)	-1.71%	6,966.80	6,934.18	(32.62)	-0.47%
8 Charlotte	117,177,959	115,294,302	(1,883,657)	-1.61%	6,895.49	6,873.72	(21.77)	-0.32%
9 Citrus	106,793,611	106,298,120	(495,491)	-0.46%	6,760.80	6,833.69	72.89	1.08%
10 Clay	241,834,293	242,283,830	449,537	0.19%	6,746.78	6,749.20	2.42	0.04%
11 Collier	322,185,844	323,433,668	1,247,824	0.39%	7,673.52	7,776.31	102.79	1.34%
12 Columbia	67,609,784	68,498,906	889,122	1.32%	6,767.30	6,755.70	(11.60)	-0.17%
13 Dade	2,336,892,925	2,352,368,011	15,475,086	0.66%	6,819.51	6,914.12	94.61	1.39%
14 De Soto	34,108,857	33,900,826	(208,031)	-0.61%	6,825.95	6,853.64	27.69	0.41%
15 Dixie	14,344,384	14,036,678	(307,706)	-2.15%	6,958.13	6,815.41	(142.72)	-2.05%
16 Duval	853,923,219	852,142,505	(1,780,714)	-0.21%	6,901.49	6,908.82	7.33	0.11%
17 Escambia	265,239,113	258,669,285	(6,569,828)	-2.48%	6,575.88	6,577.03	1.15	0.02%
18 Flagler	85,996,745	88,552,139	2,555,394	2.97%	6,751.03	6,785.60	34.57	0.51%
19 Franklin	9,031,765	9,384,880	353,115	3.91%	7,519.26	7,586.62	67.36	0.90%
20 Gadsden	40,719,843	40,113,445	(606,398)	-1.49%	6,828.64	6,856.74	28.10	0.41%
21 Gilchrist	19,540,206	19,015,372	(524,834)	-2.69%	7,391.46	7,279.84	(111.62)	-1.51%
22 Glades	9,902,590	9,871,849	(30,741)	-0.31%	7,056.19	7,141.87	85.68	1.21%
23 Gulf	14,138,081	13,628,847	(509,234)	-3.60%	7,045.75	6,855.56	(190.19)	-2.70%
24 Hamilton	13,071,282	12,565,818	(505,464)	-3.87%	7,089.78	7,152.02	62.24	0.88%
25 Hardee	33,921,265	34,138,926	217,661	0.64%	6,581.96	6,610.95	28.99	0.44%
26 Hendry	46,737,667	47,100,668	(1,636,999)	-3.36%	6,957.10	6,970.30	13.20	0.19%
27 Hernando	149,268,771	149,748,360	479,589	0.32%	6,594.23	6,647.02	52.79	0.80%
28 Highlands	81,973,754	81,752,473	(221,281)	-0.27%	6,697.27	6,703.63	6.36	0.09%
29 Hillsborough	1,306,794,956	1,299,237,673	(9,557,283)	-0.73%	6,884.61	6,902.50	17.89	0.26%
30 Holmes	22,295,070	22,341,282	46,212	0.21%	6,670.42	6,679.57	9.15	0.14%
31 Indian River	118,436,020	121,096,813	2,660,793	2.25%	6,807.22	6,864.64	57.42	0.84%
32 Jackson	47,675,059	47,310,304	(364,755)	-0.77%	6,737.45	6,734.05	(3.40)	-0.05%
33 Jefferson	8,277,455	7,912,015	(365,440)	-4.41%	7,500.28	7,307.06	(193.22)	-2.58%
34 Lafayette	7,316,959	7,273,828	(43,131)	-0.59%	6,721.13	6,745.39	24.26	0.36%
35 Lake	262,668,989	265,795,135	3,126,146	1.19%	6,542.02	6,562.64	20.62	0.32%
36 Lee	569,023,945	569,356,010	332,065	0.06%	7,266.25	7,231.97	(34.28)	-0.47%
37 Leon	220,212,839	221,369,657	1,156,818	0.53%	6,779.70	6,737.65	(42.05)	-0.62%
38 Levy	42,010,250	41,347,222	(663,028)	-1.58%	7,033.54	6,956.84	(76.70)	-1.09%
39 Liberty	10,295,330	10,265,970	(29,360)	-0.29%	7,190.73	7,141.20	(49.53)	-0.69%
40 Madison	18,423,791	17,867,306	(556,485)	-3.02%	6,741.06	6,668.00	(73.06)	-1.08%
41 Manatee	286,126,977	287,296,627	1,169,650	0.41%	6,797.09	6,824.96	27.87	0.41%
42 Marion	276,044,087	278,444,439	2,400,352	0.87%	6,606.22	6,612.67	6.45	0.10%
43 Martin	125,228,996	127,722,310	2,493,314	1.99%	7,075.48	7,270.34	194.86	2.75%
44 Monroe	63,614,387	67,159,905	3,545,518	5.57%	8,033.67	8,396.95	363.28	4.52%
45 Nassau	75,267,833	75,184,050	(83,783)	-0.11%	6,826.35	6,852.86	26.51	0.39%
46 Okaloosa	193,996,917	193,236,510	(760,407)	-0.39%	6,677.96	6,656.79	(21.17)	-0.32%
47 Okeechobee	46,665,322	46,079,351	(585,971)	-1.26%	6,717.39	6,745.21	27.82	0.41%
48 Orange	1,164,747,893	1,159,195,463	(5,552,430)	-0.48%	6,850.02	6,892.04	42.02	0.61%
49 Osceola	341,307,482	338,408,162	(2,899,320)	-0.85%	6,676.85	6,680.42	3.57	0.05%
50 Palm Beach	1,191,496,877	1,200,837,456	9,340,579	0.78%	7,027.23	7,128.49	101.26	1.44%
51 Pasco	453,359,737	457,014,839	3,655,102	0.81%	6,883.90	6,903.39	19.49	0.28%
52 Pinellas	725,801,361	712,120,809	(13,680,552)	-1.88%	6,882.68	6,908.60	25.92	0.38%
53 Polk	618,124,434	616,109,765	(2,014,669)	-0.33%	6,642.00	6,656.80	14.80	0.22%
54 Putnam	75,393,275	74,881,199	(512,076)	-0.68%	6,759.34	6,726.82	(32.52)	-0.48%
55 St. Johns	193,424,777	201,469,551	8,044,774	4.16%	6,719.06	6,777.95	58.89	0.88%
56 St. Lucie	261,243,705	268,823,401	7,579,696	2.90%	6,834.09	6,772.49	(61.60)	-0.90%
57 Santa Rosa	161,009,632	158,975,105	(2,034,527)	-1.26%	6,476.38	6,478.60	2.22	0.03%
58 Sarasota	298,918,799	295,303,800	(3,614,999)	-1.21%	7,277.71	7,380.01	102.30	1.41%
59 Seminole	428,944,355	428,803,529	(140,826)	-0.03%	6,640.39	6,657.48	17.09	0.26%
60 Sumter	49,535,940	50,845,807	1,309,867	2.64%	6,710.90	6,796.76	85.86	1.28%
61 Suwannee	36,799,586	36,411,982	(387,604)	-1.05%	6,278.21	6,309.45	31.24	0.50%
62 Taylor	19,693,689	19,071,294	(622,395)	-3.16%	6,664.80	6,591.33	(73.47)	-1.10%
63 Union	15,251,258	15,195,328	(55,930)	-0.37%	6,854.59	6,831.08	(23.51)	-0.34%
64 Volusia	418,967,881	409,267,157	(9,700,724)	-2.32%	6,662.25	6,662.13	(0.12)	0.00%
65 Wakulla	34,597,669	34,693,854	96,185	0.28%	6,651.62	6,592.96	(58.66)	-0.88%
66 Walton	48,330,902	50,537,056	2,206,154	4.56%	6,970.73	7,281.04	310.31	4.45%
67 Washington	23,220,038	23,009,270	(210,768)	-0.91%	6,642.55	6,598.64	(43.91)	-0.66%
68 Washington Special	3,773,247	3,670,023	(103,224)	-2.74%	7,932.32	7,663.12	(269.20)	-3.39%
69 FAMU Lab School	3,163,915	4,112,589	948,674	29.98%	7,122.25	6,853.74	(268.51)	-3.77%
70 FAU Lab - PB	4,261,028	4,430,483	169,455	3.98%	6,876.95	6,907.95	31.00	0.45%
71 FAU Lab - St. Lucie	8,942,946	9,701,353	758,407	8.48%	6,465.82	6,320.68	(145.14)	-2.24%
72 FSU Lab - Broward	4,468,603	4,691,059	222,456	4.98%	6,911.99	7,250.70	338.71	4.90%
73 FSU Lab - Leon	10,481,259	10,306,035	(175,224)	-1.67%	6,525.05	6,441.27	(83.78)	-1.28%
74 UF Lab School	7,823,622	7,738,867	(84,755)	-1.08%	6,822.31	6,729.45	(92.86)	-1.36%
75 Virtual School	87,218,438	114,898,737	27,680,299	31.74%	6,229.88	5,599.84	(630.04)	-10.11%
TOTAL	17,919,885,018	17,925,014,780	5,129,762	0.03%	6,844.86	6,873.07	28.21	0.41%

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Florida Department of Education

2009-10 FEFP - FINAL CONFERENCE REPORT, MAY 5, 2009

Change in Students and Funds Compared to the 2008-09 4th Calculation

District	K-12 Unweighted FTE Students				K-12 Total Funds			
	2008-09 -1-	2009-10 -2-	Difference -3-	Percentage Difference -4-	2008-09 -5-	2009-10 -6-	Difference -7-	Percentage Difference -8-
1 Alachua	27,293.04	26,900.16	(392.88)	-1.44%	183,376,848	182,437,888	(938,960)	-0.51%
2 Baker	4,942.29	4,911.79	(30.50)	-0.62%	33,226,486	33,095,874	(130,612)	-0.39%
3 Bay	25,232.05	25,018.00	(213.25)	-0.85%	167,642,831	167,931,419	288,588	0.17%
4 Bradford	3,235.49	3,142.23	(93.26)	-2.88%	23,316,099	22,448,506	(867,593)	-3.72%
5 Brevard	72,200.50	70,459.79	(1,740.71)	-2.41%	492,845,749	479,999,704	(12,846,045)	-2.61%
6 Broward	254,898.34	252,565.48	(2,332.86)	-0.92%	1,745,079,162	1,734,436,240	(10,642,922)	-0.61%
7 Calhoun	2,197.33	2,169.81	(27.52)	-1.25%	15,308,355	15,045,861	(262,494)	-1.71%
8 Charlotte	16,993.43	16,773.20	(220.23)	-1.30%	117,177,959	115,294,302	(1,883,657)	-1.61%
9 Citrus	15,796.00	15,555.01	(240.99)	-1.53%	106,793,611	106,298,120	(495,491)	-0.46%
10 Clay	35,844.38	35,898.14	53.76	0.15%	241,834,293	242,283,830	449,537	0.19%
11 Collier	41,986.70	41,592.16	(394.54)	-0.94%	322,185,844	323,433,668	1,247,824	0.39%
12 Columbia	9,990.66	10,139.43	148.77	1.49%	67,609,784	68,498,906	889,122	1.32%
13 Dade	342,677.77	340,226.79	(2,450.98)	-0.72%	2,336,892,925	2,352,368,011	15,475,086	0.66%
14 De Soto	4,996.94	4,946.40	(50.54)	-1.01%	34,108,857	33,900,826	(208,031)	-0.61%
15 Dixie	2,061.53	2,059.55	(1.98)	-0.10%	14,344,384	14,036,678	(307,706)	-2.15%
16 Duval	123,730.29	123,341.31	(388.98)	-0.31%	853,923,219	852,142,505	(1,780,714)	-0.21%
17 Escambia	40,335.18	39,329.21	(1,005.97)	-2.49%	265,239,113	258,669,285	(6,569,828)	-2.48%
18 Flagler	12,738.31	13,050.00	311.69	2.45%	85,996,745	88,552,139	2,555,394	2.97%
19 Franklin	1,201.15	1,237.03	35.88	2.99%	9,031,765	9,384,880	353,115	3.91%
20 Gadsden	5,963.10	5,850.22	(112.88)	-1.89%	40,719,843	40,113,445	(606,398)	-1.49%
21 Gilchrist	2,643.62	2,612.06	(31.56)	-1.19%	19,540,206	19,015,372	(524,834)	-2.69%
22 Glades	1,403.39	1,382.25	(21.14)	-1.51%	9,902,590	9,871,849	(30,741)	-0.31%
23 Gulf	2,006.61	1,988.00	(18.61)	-0.93%	14,138,081	13,628,847	(509,234)	-3.60%
24 Hamilton	1,843.68	1,756.96	(86.72)	-4.70%	13,071,282	12,565,818	(505,464)	-3.87%
25 Hardee	5,153.67	5,164.00	10.33	0.20%	33,921,265	34,138,926	217,661	0.64%
26 Hendry	7,005.46	6,757.34	(248.12)	-3.54%	48,737,667	47,100,668	(1,636,999)	-3.36%
27 Hernando	22,636.28	22,528.66	(107.62)	-0.48%	149,268,771	149,748,360	479,589	0.32%
28 Highlands	12,239.88	12,195.25	(44.63)	-0.36%	81,973,754	81,752,473	(221,281)	-0.27%
29 Hillsborough	190,104.56	188,227.13	(1,877.43)	-0.99%	1,308,794,958	1,299,237,673	(9,557,285)	-0.73%
30 Holmes	3,342.38	3,344.72	2.34	0.07%	22,295,070	22,341,282	46,212	0.21%
31 Indian River	17,398.58	17,640.66	242.08	1.39%	118,436,020	121,096,813	2,660,793	2.25%
32 Jackson	7,076.13	7,025.53	(50.60)	-0.72%	47,675,059	47,310,304	(364,755)	-0.77%
33 Jefferson	1,103.62	1,082.79	(20.83)	-1.89%	8,277,455	7,912,015	(365,440)	-4.41%
34 Lafayette	1,088.65	1,078.34	(10.31)	-0.95%	7,316,959	7,273,828	(43,131)	-0.59%
35 Lake	40,151.05	40,501.25	350.20	0.87%	262,668,989	265,795,135	3,126,146	1.19%
36 Lee	78,310.57	78,727.66	417.09	0.53%	569,023,945	569,356,010	332,065	0.06%
37 Leon	32,481.22	32,855.61	374.39	1.15%	220,212,839	221,369,657	1,156,818	0.53%
38 Levy	5,972.85	5,943.39	(29.46)	-0.49%	42,010,250	41,347,222	(663,028)	-1.58%
39 Liberty	1,431.75	1,437.57	5.82	0.41%	10,295,330	10,265,970	(29,360)	-0.29%
40 Madison	2,733.07	2,679.56	(53.51)	-1.96%	18,423,791	17,867,306	(556,485)	-3.02%
41 Manatee	42,095.54	42,094.96	(0.58)	0.00%	286,126,977	287,296,627	1,169,650	0.41%
42 Marion	41,785.51	42,107.69	322.18	0.77%	276,044,087	278,444,439	2,400,352	0.87%
43 Martin	17,699.01	17,567.59	(131.42)	-0.74%	125,228,996	127,722,310	2,493,314	1.99%
44 Monroe	7,918.47	7,998.13	79.66	1.01%	63,614,387	67,159,905	3,545,518	5.57%
45 Nassau	11,026.08	10,971.20	(54.88)	-0.50%	75,267,833	75,184,050	(83,783)	-0.11%
46 Okaloosa	29,050.33	29,028.49	(21.84)	-0.08%	193,996,917	193,236,510	(760,407)	-0.39%
47 Okechobee	6,946.94	6,831.42	(115.52)	-1.66%	46,665,322	46,079,351	(585,971)	-1.26%
48 Orange	170,035.61	168,193.44	(1,842.17)	-1.08%	1,164,747,893	1,159,195,463	(5,552,430)	-0.48%
49 Osceola	51,118.06	50,656.72	(461.34)	-0.90%	341,307,482	338,408,162	(2,899,320)	-0.85%
50 Palm Beach	169,554.39	168,456.15	(1,098.24)	-0.65%	1,191,496,877	1,200,837,456	9,340,579	0.78%
51 Pasco	65,857.96	66,201.54	343.58	0.52%	453,359,737	457,014,839	3,655,102	0.81%
52 Pinellas	105,453.24	103,077.44	(2,375.80)	-2.25%	725,801,361	712,120,809	(13,680,552)	-1.88%
53 Polk	93,063.06	92,553.45	(509.61)	-0.55%	618,124,434	616,109,765	(2,014,669)	-0.33%
54 Putnam	11,153.94	11,131.73	(22.21)	-0.20%	75,393,275	74,881,199	(512,076)	-0.68%
55 St. Johns	28,787.48	29,724.24	936.76	3.25%	193,424,777	201,469,551	8,044,774	4.16%
56 St. Lucie	38,226.53	39,693.41	1,466.88	3.84%	261,243,705	268,823,401	7,579,696	2.90%
57 Santa Rosa	24,861.06	24,538.48	(322.58)	-1.30%	161,009,632	158,975,105	(2,034,527)	-1.26%
58 Sarasota	41,073.22	40,014.00	(1,059.22)	-2.58%	298,918,799	295,303,800	(3,614,999)	-1.21%
59 Seminole	64,596.25	64,409.28	(186.97)	-0.29%	428,944,355	428,803,529	(140,826)	-0.03%
60 Sumter	7,381.42	7,480.89	99.47	1.35%	49,535,940	50,845,807	1,309,867	2.64%
61 Suwannee	5,861.48	5,771.02	(90.46)	-1.54%	36,799,586	36,411,982	(387,604)	-1.05%
62 Taylor	2,954.88	2,893.39	(61.49)	-2.08%	19,693,689	19,071,294	(622,395)	-3.16%
63 Union	2,224.97	2,224.44	(0.53)	-0.02%	15,251,258	15,195,328	(55,930)	-0.37%
64 Volusia	62,886.86	61,431.86	(1,455.00)	-2.31%	418,967,881	409,267,157	(9,700,724)	-2.32%
65 Wakulla	5,201.39	5,262.26	60.87	1.17%	34,597,669	34,693,854	96,185	0.28%
66 Walton	6,933.41	6,940.91	7.50	0.11%	48,330,902	50,537,056	2,206,154	4.56%
67 Washington	3,495.65	3,486.97	(8.68)	-0.25%	23,220,038	23,009,270	(210,768)	-0.91%
68 Washington Special	475.68	478.92	3.24	0.68%	3,773,247	3,670,023	(103,224)	-2.74%
69 FAMU Lab School	444.23	600.05	155.82	35.08%	3,163,915	4,112,589	948,674	29.98%
70 FAU Lab - PB	619.61	641.36	21.75	3.51%	4,261,028	4,430,483	169,455	3.98%
71 FAU Lab - St. Lucie	1,383.11	1,534.86	151.75	10.97%	8,942,946	9,701,353	758,407	8.48%
72 FSU Lab - Broward	646.50	646.98	0.48	0.07%	4,468,603	4,691,059	222,456	4.98%
73 FSU Lab - Leon	1,606.31	1,600.00	(6.31)	-0.39%	10,481,259	10,306,035	(175,224)	-1.67%
74 UF Lab School	1,146.77	1,150.00	3.23	0.28%	7,823,622	7,738,867	(84,755)	-1.08%
75 Virtual School	14,000.01	20,518.22	6,518.21	46.56%	87,218,438	114,898,737	27,680,299	31.74%
TOTAL	2,618,006.46	2,608,006.73	(9,999.73)	-0.38%	17,919,885,018	17,925,014,780	5,129,762	0.03%

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Bill Number: Senate Bill 2602

Bill Title: 2009-10 General Appropriations Implementing Bill

Bill Sponsor: Conference Committee on Appropriations

Effective Date: July 1, 2009, unless otherwise specified

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

Executive Summary:

The act provides implementing and administering provisions that apply to the General Appropriations Act for fiscal year 2009-10. Only those sections of the bill that apply directly to education or to all state functions are cited in the Section Summary below.

Summary by Bill Section:

Section 10:

Amends s. 216.292, F.S., Appropriations Non transferable; exceptions.

- Provides authority for the Governor to recommend initiation of fixed capital outlay projects funded through the American Recovery and Reinvestment Act of 2009 (ARRA) subject to approval by the Legislative Budget Commission.

Section 11:

To implement Sections 2 through 7 of the 2009-10 General Appropriations Act:

- Provides authority for the Governor to transfer funds appropriated in traditional appropriation categories for the American Recovery and Reinvestment Act of 2009 (ARRA) to appropriation categories established for the specific purpose of tracking funds appropriated for ARRA.

Section 21:

To implement the appropriation of funds in Special Categories – Risk Management Insurance of the 2009-10 General Appropriations Act:

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

Section 22:

To implement the appropriation of funds in Special Categories – Transfer to Department of Management Services - Human Resources Purchased per Statewide Contract of the 2009-10 General Appropriations Act:

- Allows the Executive Office of the Governor to transfer funds appropriated for the payment of the statewide human resource management services contract between departments. The amendment to the approved operating budget is subject to the notice and objection procedures of s. 216.177, F.S.

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Section 23:

To implement the reduction in employee compensation in the 2009-2010 General Appropriations Act:

- Allows the Executive Office of the Governor to transfer funds appropriated for the payment of salary and benefits between departments to align the budget authority granted to each state agency with the reduction in employee compensation that must be made by each agency. The amendment to the approved operating budget is subject to the notice and objection procedures of s. 216.177, F.S.

Section 24:

Amends s. 218.12, F.S.,

- To clarify the method for calculating impacts on ad valorem tax revenue for fiscally constrained counties resulting from January 29, 2008 revisions of Article VII of the State Constitution.
- In determining the reductions occurring as a result of the implementation of the revisions, the value of assessments reduced shall include only the reduction in taxable value for homesteads established January 1, 2009.

Section 48:

Notwithstanding the provisions of s. 11.13, F.S.:

- Provides for the reduction of the salaries of members of the Legislature by seven percent – adjusting the members' June 30, 2009 salaries.

Section 51:

To implement the 2009-10 General Appropriations Act to each agency for cellular phone equipment and services:

- Requires each agency to review the use of cellular telephones, PDAs and other wireless devices used by employees and submit a report to the President of the Senate and the Speaker of the House of Representatives by September 1, 2009.

Section 52:

Reenacts s. 215.32, F.S.:

- Authorizes the Legislature to transfer in the General Appropriations Act unencumbered trust fund balances to the General Revenue Fund or the Budget Stabilization Fund.
- Provides an exemption for trust funds under the management of the State Board of Education or the Board of Governors of the State University System that are for auxiliary enterprises, self-insurance, and contracts, grants, and donations.

Section 58:

To implement the 2009-10 General Appropriations Act:

- Limits travel during the 2009-2010 fiscal year to activities that are critical to each state agency's mission.
- Prohibits travel to foreign countries, other states, conferences, staff-training activities, and other administrative functions unless approved by the agency head in writing to confirm that such travel is critical to the agency's mission.

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General Implementation Timeline:

July 1, 2009	The act becomes effective.
September 30, 2009	Report to President of the Senate and the Speaker of the House of Representatives on the use of cellular telephones.

Bill Number: Senate Bill 2626

Bill Title: Telecommunications Companies [EPSC]

Bill Sponsor: Senator Haridopolos

Effective Date: July 1, 2009

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

Executive Summary:

The bill creates the Consumer Choice and Protection Act to provide a more balanced and competitive environment for Florida's landline telecommunications customers. The bill states the legislative finding that broadband Internet service is critical to the economic development of the state and is beneficial for libraries, schools, colleges and universities, health care providers, and community support organizations. The bill expresses the Legislature's intent to promote the efficient and effective deployment of broadband Internet service through a coordinated statewide effort.

The bill directs the Florida Department of Management Services (DMS) to engage in certain activities necessary to draw down federal stimulus funds to provide broadband service in rural, unserved, or underserved areas of the state. The DMS is authorized to work collaboratively with, and to receive staffing support and other resources from Enterprise Florida, Inc., state agencies, local governments, private businesses, and community organizations. DMS may enter into contracts, establish work groups, and adopt rules toward this end. The Department of Education, as a state agency for educational entities, is identified as a participant in the activities related to planning teams, partnerships, and other activities to promote the efficient and effective broadband Internet service throughout the state.

The bill:

- Exempts from Florida Public Service Commission (PSC) jurisdiction broadband and voice-over-Internet-protocol (VoIP) service. It entitles a competitive local exchange telecommunications company to interconnect with a local exchange telecommunications company for voice traffic purposes and requires the PSC to afford substantive and procedural rights available to such companies with regard to interconnection.
- Amends the definitions of "basic local telecommunications service" and "nonbasic service" to provide that only single-line, flat-rate residential service taken with no additional calling features or other services is classified as basic service. The bill provides that combining basic with nonbasic or unregulated service is nonbasic service for the purpose of regulation.
- Allows telecommunications companies to publish their rate schedules through electronic or physical media and removes the requirement that companies file the schedules with the PSC.
- Removes the Florida Public Service Commission's authority to:
 - Oversee otherwise exempt services as specifically authorized by federal law.
 - Resolve service complaints concerning nonbasic services.

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- Compel repairs to secure adequate service or facilities for the provision of nonbasic services.
- Regulate the terms of telecommunications service contracts of companies subject to price cap regulation.
- Establish maximum rates and charges for operator services.
- Raises the income eligibility test for Lifeline service to 150 percent of the federal poverty income level, up from the current 135 percent.
- Reduces from 20 percent to 10 percent the amount of rate increase in a 12-month period for any nonbasic telecommunication service, where competition exists.
- Repeals s. 364.09, F.S., which prohibited rebates or special rates.
- Allows the holder of a certificate, granted by the PSC for purposes of constructing, operating, and controlling a telecommunications facility, to transfer the certificate to another certificate holder, its parent, or affiliate for purposes of acquiring ownership or control of a telecommunications facility without prior PCS approval.
- Removes the condition that a local exchange telecommunications company be subject to the expired carrier-of-last-resort obligation in order to be eligible to request recovery of storm damage costs from the PSC.
- Amends s. 364.603, F.S., relating to methodology for changing telecommunications providers, to require the PSC to resolve anticompetitive behavior concerning a local preferred carrier freeze ("pick freeze") and places a burden of proof on the carrier asserting the existence of a freeze.
- Removes obsolete references and changes cross-references for conformity.
- Provides an effective date of July 1, 2009.

General Implementation Timeline:

July 1, 2009 The act becomes effective.

Florida Department of Education

Bill Number: Senate Bill 2666

Bill Title: Public Procurement of Services

Bill Sponsor: Senator Haridopolos

Effective Date: July 1, 2009

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

Executive Summary:

The bill authorizes the Department of Management Services to select and contract with construction management entities to assist in the management of state construction projects. The bill provides that a construction management entity may be required to offer a guaranteed maximum price and a guaranteed completion date under specified circumstances and secure a surety bond. The threshold is increased for continuing contracted services from \$1 million to \$2 million and for studies from \$50,000 to \$200,000. Local educational agencies are authorized to contract for the remodeling, renovation, maintenance, or repair of existing educational facilities.

The bill creates s. 255.32, F.S., for state construction management contracting to:

- Allow the Department of Management Services to select and contract with construction management entities pursuant to the Consultants' Competitive Negotiations Act (CCNA) process provided for in s. 287.055, F.S.
- This new section will apply to projects in which construction costs do not exceed \$1 million.
- Require construction management entities to comply with the competitive solicitation requirements that the Department of Management Services is subject to, if the Department of Management Services was managing the construction project directly.
- Require, at the option of the Department of Management Services, a guaranteed maximum price and a guaranteed completion date.
- For each grouping of substantially similar construction, rehabilitation, or renovation activities included within a project, a separate guaranteed maximum price and separate guaranteed completion date may be required.
- Authorize the Department of Management Services to adopt rules for state agency use of construction management entities.

The bill amends s. 255.103, F.S., for construction management or program management services to:

- Revise the definition of "governmental entity" to include school districts.
- Replace the term "local government" with "governmental entity" throughout s. 255.103, F.S.
- Authorize governmental entities to enter into continuing contracts for construction projects pursuant to s. 287.055, F.S., Consultants' Competitive Negotiation Act (CCNA), which do not exceed \$2 million in estimated cost.

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- Define “continuing contract” to include a contract with a construction management or program management entity for work during a defined period on construction projects described by type which may or may not be identified as a specific project at the time the contract is entered.

The bill amends s. 287.055, F.S., for acquisition of professional services to:

- Increase the continuing contract threshold for each individual project under contract from \$1 million to \$2 million and for each individual study from \$50,000 to \$200,000.
- Not place a limitation or limit on the aggregate values under the contract.
- Require continuing contracts to have a fixed term.

The bill amends s. 287.057, F.S., for procurement of artistic services to:

- Provide that, for the purpose of exempting certain specified contractual services and commodities from competitive-solicitation requirements, the listed exemption for artistic services does not include advertising services.
- Define the term “advertising” as the making of a representation in any form in connection with a trade, business, craft, or profession in order to promote the supply of commodities or services by the person promoting the commodities or contractual services.

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

- Include remodeling, renovation, maintenance, and repairs when boards employ procedures to contract for construction for educational facilities.
- Provide an alternative process by which boards select a construction and program management entity to include s. 287.055, F.S., Consultants' Competitive Negotiation Act (CCNA), or s. 255.103, F.S., construction management or program management.

General Implementation Timeline:

July 1, 2009 The act becomes effective.



Bill Number: Senate Bill 2682

Bill Title: The Florida College System

Bill Sponsor: Senator Pruitt

Effective Date: July 1, 2009

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

Executive Summary:

The 2008 Legislature created the State College Pilot Project and the Florida College System Task Force to make recommendations relating to the transition of community colleges to baccalaureate-degree-granting institutions.

This bill synthesizes those recommendations and:

- Revises s. 20.15, F.S., Department of Education Divisions, to reflect the 2008 creation of the Florida College System (FCS) by redesignating community colleges as Florida colleges and the Division of Community Colleges as the Division of Florida Colleges (DFC);
- Revises s. 1000.21, F.S., Systemwide Definitions, to identify service districts for each institution within the Florida College System and rename the following colleges:
 - Florida Community College at Jacksonville to Florida State College at Jacksonville,
 - Manatee Community College to State College of Florida, Manatee-Sarasota,
 - Polk Community College to Polk State College,
 - Daytona Beach College to Daytona State College,
 - Edison College to Edison State College,
 - Indian River College to Indian River State College,
 - Okaloosa Walton College to Northwest Florida State College.
- Revises ss. 1001.60, F.S., and 1004.65 F.S., Florida College System to:
 - Reaffirm the FCS as a single system, with each college locally governed by a district Board of Trustees, under statutory authority and rules of the State Board of Education(SBE);
 - Require all FCS institutions to maintain their historic, primary mission, including open admission for lower division, offering remediation, responding to community needs for postsecondary education, outreach to underserved populations, and complying with statewide articulation agreements;
 - Specify that FCS baccalaureate degrees shall be delivered in a manner that represents substantial savings to the student and to the state over the cost of providing the degree at a state university;
 - Allow a Florida college that has been approved to offer baccalaureate degrees by the State Board of Education (SBE) and has also been granted Level II accreditation from the

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- Southern Association of Colleges and Schools (SACS) to use the name “state college,” subject to statutory codification by the legislature;
- Provide a process whereby the Board of Trustees of a community college may request approval from the SBE for dropping “community” from its name, irrespective of degrees it is authorized to offer, subject to statutory codification by the legislature;
 - Add the award of baccalaureate degrees as authorized by law to the primary mission of Florida colleges; and
 - Prohibit Florida colleges from offering graduate degree programs and participating in intercollegiate athletics beyond the 2-year college level.
- Revises s. 1007.23, F.S., to:
 - Guarantee admission of students who graduate from a Florida college with an Associate in Arts degree to the upper division of a Florida college, as well as to a state university;
 - Provide for the continuation and/or implementation of baccalaureate degree programs authorized by law and approved by the SBE prior to the bill’s effective date of July 1, 2009;
 - Permit St. Petersburg College’s (SPC) Board of Trustees to continue, as in current law, to authorize Bachelor in Applied Science degree programs based on workforce need, and per criteria detailed in statute, without specific State Board of Education approval;
 - Specify SBE oversight for the criteria and approval process for initial and subsequent baccalaureate degree proposals for all Florida colleges specifically excepting SPC;
 - Specify the criteria, timeline, and submission process for alternative baccalaureate proposals from public or private universities;
 - Direct the (SBE) to adopt rules to prescribe format and content requirements and submission procedures for notices of intent, proposals and alternative proposals;
 - Beginning July 1, 2010, afford Florida colleges authorized to award baccalaureate degrees by the SBE, and accredited by SACS at Level II, to request three years after initial approval, an exemption from further SBE review, and specifies the criteria and process for such exemption; and
 - Require all Florida colleges with exemptions from SBE baccalaureate approval to submit new programs to the Division of Florida Colleges (DFC) for compliance review prior to implementation per criteria detailed.

General Implementation Timeline:

July 1, 2009 The act becomes effective.

Florida Department of Education

Bill Number: House Bill 7019

Bill Title: Government-Sponsored Recreation Programs

Bill Sponsor: Economic Development & Community Affairs Policy Council

Effective Date: October 1, 2009

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

Executive Summary:

The bill removes the scheduled repeal under the Open Government Sunset Review Act of a public records exemption for information that would identify or locate a child who participates in a government-sponsored recreation program, or the parent or guardian of that child. The bill reorganizes the public records exemption and makes editorial changes.

The bill:

- Adds subparagraph 1. to s. 119.071(5)(c), F.S., to define “child” as any person under the age of 18, and to define “government-sponsored recreation program” as a program for which an agency assumes responsibility for a child participating in that program, including after-school programs, athletic programs, nature programs, summer camps, or other recreational programs.
- Adds subparagraph 3. to s. 119.071(5)(c), F.S., to include an exemption for information that would identify or locate a parent or guardian of a child who participates in a government-sponsored recreation program.
- Removes language providing that information may be disclosed by court order upon a showing of good cause.
- Repeals the Open Government Sunset Review provision found in s. 2, ch. 2004-32, Laws of Florida.

General Implementation Timeline:

October 1, 2009 The act becomes effective.

Florida Department of Education

Bill Number: House Bill 7025

Bill Title: Archival Materials

Bill Sponsor: Governmental Affairs Policy

Effective Date: October 1, 2009

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

Executive Summary:

The bill removes the scheduled repeal under the Open Government Sunset Review Act of a public records exemption for nonpublic manuscripts or other archival materials donated to and held by an official archive of a municipality or county, with certain terms and conditions that limit the right to inspect or copy such manuscripts.

The bill:

- Amends s. 257.38(1), F.S., to provide that a “nonpublic manuscript or other archival material” means a manuscript or other archival material that is not otherwise made or received pursuant to law or ordinance or in connection with the transaction of official business by a governmental agency.
- Amends s. 257.38(4), F.S., to provide that a nonpublic manuscript or other archival material received under special terms and conditions as authorized by this subsection must be made available for inspection and copying 50 years after the date of its creation.
- Deletes the Sunset repeal provision.
- Reorganizes and clarifies provisions of current law.
- Amends s. 257.35(1), F.S., to provide that it is the duty of the Division of Library and Information Services of the Department of State to preserve and administer such records as shall be transferred to its custody, and preserve them according to approved practices. The division must also permit them, at reasonable times and under supervision, to be inspected and copied.

General Implementation Timeline:

October 1, 2009 The act becomes effective.

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Bill Number: House Bill 7031

Bill Title: Economic Development

Bill Sponsor: Representative Carroll

Effective Date: July 1, 2009

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

Executive Summary:

The bill amends several sections of Florida Statutes relating to businesses and economic development, adjusts provisions relating to boat purchases by nonresidents, and amends several state economic development incentive programs.

The bill:

- Removes outdated Standard Industrial Classification (SIC) codes from Florida Statutes and replaces them with the North American Industry Classification System (NAICS) codes. This will modernize Florida's outdated business classification coding system, making it consistent with federally recognized standard codes and allowing for more efficient collection of industrial and economic data.
- Allows non-residents who purchase a boat in Florida, or bring a boat into Florida for repair or alteration, to remain in the state 180 days before becoming liable for the sales and use tax. Currently, the tax applies after 90 days.
- Strengthens economic development programs within the Governor's Office of Tourism, Trade and Economic Development (OTTED) to:
 - Streamline the approval process for economic development incentive programs;
 - Allow incentive-receiving businesses that agree to create jobs in Florida more time to create those jobs if they are experiencing the effects of the economic downturn; and
 - Provide additional oversight of the Innovation Incentive Program, which has recruited state-of-the-art research institutes such as Max Planck, Draper Laboratories, and Torrey Pines.
- Makes programmatic changes and corrects references to several of Florida's economic incentive programs, including: the Urban High-Crime Area Jobs Tax Credit Program, the Capital Investment Tax Credit, the Economic Development Transportation Fund, the Qualified Defense Contractor and Space Flight Business Tax Refund Program, the Qualified Target Industry Program, the Brownfield Redevelopment Bonus Refund Program, the High Impact Performance Incentive Program, the Innovation Incentive Program, and the Florida Opportunity Fund.
- Amends s. 288.0656, F.S., to provide definitions and make adjustments to the Rural Economic Development Initiative (REDI):
 - Defines "catalyst project" to mean a business locating or expanding in a rural area of critical economic concern to serve as an economic generator for the growth of a regional target industry.

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- Codifies the catalyst project initiative that is currently underway by the state's rural areas of critical economic concern.
- Increases the amount of funding available (from 30% to 40%) for catalyst sites that receive funding from the Rural Infrastructure Fund, and allows for waiver of the local match requirement for catalyst projects. This change will help develop the state's rural economic development sites and allow rural areas to better attract catalyst projects that will greatly impact the economy within the region.
- Requires the head of 19 identified state agencies and organizations, including the Department of Education, to designate a deputy secretary or higher-level staff person by August 1 of each year to serve as the REDI representative.
- Gives REDI the ability to provide technical assistance for comprehensive planning to local governments in rural areas of critical economic concern. In addition, REDI will annually develop a technical assistance manual.
- Expands the definition of rural community to include counties with a population of 125,000 or fewer that neighbors a county with a population of 75,000 or fewer. This measure will allow Highlands County to be reclassified as a rural county, and Flagler and Putnam counties to remain classified as rural counties. Florida's existing 32 rural counties are eligible for economic development programs that help increase their ability to attract projects that create jobs and facilitate investment.
- Expands the Florida Opportunity Fund, sponsored by Enterprise Florida Inc., to allow for direct investments, including loans to individual Florida business and infrastructure projects. This investment will increase the potential to create new businesses and jobs that are based on high-growth technologies and services.

General Implementation Timeline:

July 1, 2009	The act becomes effective.
August 1 person to	By this date of each year, the head of each identified agency shall designate a serve as the agency's REDI representative.
December 1 be	By this date of each year, an annual report of the Florida Opportunity Fund shall issued to the Governor, Senate, and House.
January 5, 2010	Beginning on this date and every year thereafter, the Office of Tourism, Trade, and Economic Development (OTTED) will submit to the Governor, Senate, and House a report summarizing accomplishments of grants funded by the Innovation Incentive Program.
March 1, 2010	Beginning on this date and every third year thereafter, the Office of Program Policy Analysis and Government Accountability (OPPAGA) will release a report evaluating the progress of the Innovative Incentive Program.

Florida

Department of Education

Bill Number: House Bill 7051

Bill Title: Social Security Numbers

Bill Sponsor: Economic Development & Community Affairs Policy Council

Effective Date: October 1, 2009

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

Executive Summary:

The bill amends and reorganizes the public records exemption for social security numbers, and provides for future review and repeal of the exemption. It requires that agencies identify in writing specific federal or state laws governing their collection, use and release of social security numbers, and ensure their compliance with those laws. The bill also removes certain reporting requirements related to the collection and use of social security numbers.

The bill:

- Amends s. 119.071(4)(a), F.S., to provide that social security numbers held by an employing agency are confidential and exempt from public disclosure. This paragraph is made subject to Open Government Sunset Review, and shall be repealed in 2014 unless saved from repeal by the Legislature.
- Removes s. 119.071(4)(a)2., F.S., which provided that an agency that is not an employing agency, but is a custodian of social security numbers must maintain the exempt status of the information only if the employee or employing agency submitted a written request.
- Creates s. 119.071(5)(a)2.b., F.S., to provide that an agency must identify in writing the specific federal or state law governing the collection, use, or release of social security numbers for each purpose the agency collects those numbers. Each agency must ensure that the collection and use of social security numbers complies with the applicable state or federal laws.
- Amends s. 119.072(5)(a)3., F.S., to require that the written statement sent to individuals informing them of the agency's use of their social security number must include a statement as to whether collection of the social security number is authorized or mandatory under federal or state law.
- Removes s. 119.072(5)(a)4.b., F.S., which required that each agency must certify to the President of the Senate and Speaker of the House its compliance with the requirements in this subparagraph.
- Amends s. 119.072(5)(a)5., F.S., to provide that the exemption contained in that subparagraph does not supersede any federal law prohibiting the release of social security numbers or any other applicable public records exemption for social security numbers existing prior to May 13, 2002, or created thereafter.
- Amends s. 119.071(5)(a)6., F.S., to provide that social security numbers held by an agency may be disclosed if any of the following apply:
 - Disclosure is expressly required by federal or state law or court order.

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- Disclosure is necessary for the receiving agency or governmental entity to perform its duties and responsibilities.
- The individual expressly consents in writing to disclosure.
- Disclosure is made to comply with the USA Patriot Act of 2001, or Presidential Executive Order 13224.
- Disclosure is made to a commercial entity for the permissible uses set forth in the Driver's Privacy Protection Act of 1994, the Fair Credit Reporting Act, or the Financial Services Modernization Act of 1999.
- Disclosure is for the purpose of administration of health benefits for an agency employee or his or her dependents.
- Disclosure is for the purpose of administration of a pension fund, retirement fund, deferred compensation plan, or defined contribution plan.
- Disclosure is for the purpose of administering the Uniform Commercial Code by the Secretary of State.
- Amends s. 119.071(5)(a)7.a., F.S., to add that the definition of "commercial activity" includes the permissible uses set forth in the Driver's Privacy Protection Act of 1994, the Fair Credit Reporting Act, or the Financial Services Modernization Act of 1999. This definition no longer includes language defining "commercial activity" as provision of a lawful product or service by a commercial entity.
- Amends 119.071(5)(a)7.b., F.S., to provide that written requests for social security numbers from commercial entities must identify the specific federal or state law that permits its use of the numbers.
- Removes subparagraph 9. of s. 119.071(5)(a), F.S., which required that every agency must file a report with the Executive Office of the Governor, President of the Senate, and Speaker of the House identifying commercial entities and the purposes behind their requests.
- Reenacts provisions in s. 119.0714(1), (2), and (3), F.S., related to social security numbers contained in court records and official records.
- Reenacts provisions in s. 1007.35(8)(b), F.S., related to social security numbers used by the Department of Education for studies under the Florida Partnership for Minority and Underrepresented Student Achievement program.
- Provides a statement of public necessity.

General Implementation Timeline:

October 1, 2009 The act becomes effective.

Bill Number: House Bill 7089

Bill Title: Exceptional Students

Bill Sponsor: Representative Legg

Effective Date: July 1, 2009

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

Executive Summary:

The bill aligns Florida statutes with requirements under Part B of the Individuals with Disabilities Education Act (IDEA) that are necessary pursuant to an assurance given to the federal government for continued funding.

The bill amends s. 1003.57, F.S., to:

- Allow a parent of a child with a disability who is an aggrieved party to have the opportunity to testify and present new evidence in any hearing, including an appeal of an administrative law judges order.
- Allow school personnel to place a student in an interim alternative educational setting for no more than 45 school days, without regard to whether the behavior is determined to be a manifestation of the student's disability if the student:
 - Carries or possesses a weapon at school, on school premises or at a school function.
 - Knowingly possesses or uses illegal drugs, or selling or soliciting the sale of a controlled substance, while at school, on school premises, or at a school function.
- Create the definition of "weapon" as it applies to disciplinary procedures for students with disabilities.
- Create the definition of "controlled substance" as it applies to disciplinary procedures for students with disabilities.

The bill creates s. 1003.571, F.S., Instruction for exceptional students who have a disability, to:

- Provide that the State Board of Education shall comply with the Individuals with Disabilities Education Act (IDEA), as amended, and its implementing regulations.
- Provide that the State Board of Education have the authority to create rules to implement this section.

General Implementation Timeline:

July 1, 2009 The act becomes effective.

Florida

Department of Education

Bill Number: House Bill 7117

Bill Title: Student Records

Bill Sponsor: Education Policy Council

Effective Date: July 1, 2009

DOE Contact: Debby Kearney, General Counsel, Office of the General Counsel, (850) 245-0442

Executive Summary:

Over the last several years the federal law known as the Family Educational Rights and Privacy Act (FERPA) has been amended to include new exemptions, definitions and processes. This bill aligns Florida's student records laws with the requirements of FERPA and allows future updates to maintain compliance with the federal law.

While the statute has been substantially rewritten, there are no changes to the fundamental rights and obligations regarding student records. It restructures s. 1002.22, F.S., to direct the State Board of Education to monitor the requirements of FERPA and enact rules in keeping with the principles and requirements of that law. The bill also addresses student records at the public postsecondary level.

The bill:

- Deletes s. 1002.21(1), F.S., which addressed the student records at public postsecondary institutions.
- Substantially revises s. 1002.22, F.S., regarding student records at the K-12 level.
 - Defines the scope of the law as it applies to public K-12 educational agencies and institutions.
 - Affirms the rights of students and their parents with respect to student records, states the intent that public educational institutions and agencies comply with the federal student records law known as FERPA, and directs the State Board of Education to evaluate FERPA and ensure that its regulations meet specific principles.
 - Establishes the State Board of Education's duties to adopt rules to carry out FERPA and the principles of the law, monitor FERPA and notify the Legislature of any change in FERPA, and advise the Legislature of any change in FERPA that would create a new public records exemption.
 - Gives students the right to bring an action in circuit court to enforce student records law and recover attorney fees.
 - Applies the requirements of the law to the records of defunct private institutions held by a school superintendent.
- Creates s. 1002.225 addressing student records rights at the postsecondary level.

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- Defines the term “educational records” in context of FERPA.
- Directs all postsecondary institutions to comply with FERPA. Allows institutions to charge fees for education records, which shall not exceed the actual cost of producing the records or include costs for searching or retrieving records.
- Gives students the right to bring an action in circuit court to enforce student records law and recover attorneys fees.
- Substitutes amended statutory cites in ss. 220.187(10), 1002.39(7)(c), 1003.451(3)(b) and 1009.94(3), F.S.

Note: See also House Bill 7119, which addresses public records exemptions for student records.

General Implementation Timeline:

July 1, 2009	The act becomes effective.
July-Dec. 2009	Rulemaking to amend Rule 6A-1.0955, F.A.C. (Education Records of Pupils and Adult Student). and Rule 6A-1.0014 (Comprehensive Management Systems), and other State Board Rules.

Florida

Department of Education

Bill Number: House Bill 7119

Bill Title: Public Records/Education Records

Bill Sponsor: Education Policy Council

Effective Date: July 1, 2009

DOE Contact: Debby Kearney, General Counsel, Office of the General Counsel, (850) 245-0442

Executive Summary:

Over the last several years the federal law known as the Family Educational Rights and Privacy Act (FERPA) has been amended to include new exemptions, definitions and processes. This bill contains the public records exemption portion of the revisions to Florida's student records law, which can be found in House Bill 7117.

The bill:

- Creates s. 1002.221, F.S., providing a public records exemption for K-12 education records; provides exceptions as permitted by FERPA; provides for future legislative review and repeal under the Sunset Act. An agency or public school, center, or other institution that is part of the public education system may not release a student's records without consent. Records may be disclosed to the Auditor General or OPPAGA to carry out their duties in accordance with FERPA.
- Amends s. 1006.52, F.S., to provide a public records exemption for public postsecondary records; provides exceptions as permitted by FERPA; provides for future legislative review and repeal under the Sunset Act. Includes exemptions for records of individuals who are applicants for admission to a college or university.
- States the public necessity of creating student records exemptions to the Public Records Law, citing the long tradition of making student records exempt from public disclosure. Cites necessity of extending confidentiality to applicant records. Recognizes that the potential harm in disclosing student records outweighs the public benefit of the disclosure.
 - Defines the term "educational records" in context of FERPA.
 - Directs all postsecondary institutions to comply with FERPA. Allows institutions to charge fees for education records, which shall not exceed the actual cost of producing the records or include costs for searching or retrieving records.
 - Gives students the right to bring an action in circuit court to enforce student records law and recover attorneys fees.

Note: See also House Bill 7117, which addresses the revision to the student records law.

General Implementation Timeline:

July 1, 2009 The act becomes effective.

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Department of Education

July 2009 -

Rulemaking to amend Rule 6A-1.0955, F.A.C (Education Records of Pupils Dec. 2009 and Adult Student). and Rule 6A-1.0014 (Comprehensive Management Systems), and other State Board Rules.

Florida Department of Education

Bill Number: House Bill 7121

Bill Title: Postsecondary Distance Learning

Bill Sponsor: Education Policy Council

Effective Date: Upon becoming law

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

Executive Summary:

The bill creates s. 1004.091, F.S., to:

- Establish the Florida Distance Learning Consortium to facilitate collaboration among public postsecondary institutions in the use of distance learning to increase access to courses and degree programs, to support institutions in the use of technology and to build partnerships;
- Require the Board of Governors and the State Board of Education to exercise joint oversight of the consortium and establish the administrative and operational guidelines of the consortium;
- Allow the consortium to contract for administrative services with a public postsecondary institution;
- Require the consortium to manage and promote the Florida Higher Education Distance Learning Catalog;
- Develop and submit a plan by March 1, 2010, to the Board of Governors, State Board of Education, Governor and Legislature addressing the implementation of a streamlined, automated online registration process for undergraduate students admitted to a public postsecondary institution and wishing to enroll in a course in the Florida Education Distance Learning Catalog;
- Coordinate the negotiation of statewide licensing and preferred pricing agreements to reduce costs for institutions that choose to participate;
- Develop and operate a central repository to allow faculty to use instructional resources; and,
- Develop and submit a plan by March 1, 2010, to the Board of Governors, State Board of Education, Governor and Legislature for increasing the use of open access textbooks as a method for reducing textbook costs.

The bill amends ss. 1009.23 and 1009.24, F.S., to:

- Provide a definition of distance learning as “at least 80% of the direct instruction of the course is delivered utilizing some form of technology when the student and instructor are separated by time, space, or both,” and clarify that only courses meeting this definition can be assessed the distance learning fee; and,
- Clarify information about placement of the catalog link for the Florida Distance Learning Catalog on an institution’s website.

General Implementation Timeline:

Effective date Upon becoming law.

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- March 1, 2010 Submit a plan to BOG and SBE addressing the implementation of a streamlined, automated online registration process.
- March 1, 2010 Submit a plan to BOG, SBE, Governor and Legislature for increasing the use of open access textbooks as a method for reducing textbook costs.

Florida Department of Education

Bill Number: House Bill 7141

Bill Title: Seaport Security

Bill Sponsor: Criminal & Civil Justice Policy Council

Effective Date: July 1, 2009

DOE Contact: Loretta Costin, Vice Chancellor, Division of Workforce Education, (850) 245-9463

Executive Summary:

The bill:

- Revises provisions relating to seaport security and establishes the Seaport Security Standards Advisory Council.
- Requires the Department of Law Enforcement to provide assessment briefings to seaport authority governing boards and local regional domestic security task force co-chairs at least once per year.

The bill amends s. 311.121, F.S., to:

- Replace the Chancellor of the Community College System with the Commissioner of Education or designee on the Seaports Security Officer Qualification, Training, and Standards Coordinating Council.

The bill requires:

- The Office of Drug Control to commission an update of the Florida Seaport Security Assessment of 2000 referenced in s. 311.12(1)(a), F.S., to be presented to the Legislature by January 1, 2010. The office is directed to consult with the Seaport Security Standards Advisory Council in formulating update parameters.

General Implementation Timeline:

July 1, 2009

The act becomes effective.

January 1, 2010

Update of the Florida Seaport Security Assessment of 2000 due to the Legislature.



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Eric J. Smith, Commissioner

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