

# Florida

## Department of Education

Bill Number: SB 2600

Signed by Governor

Bill Title: 2005-06 General Appropriations Act

Bill Sponsor: Appropriations Conference Report

Effective Date: July 1, 2005

DOE Contact: Linda Champion, Finance and Operations (850.245.0406)

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### **Executive Summary:**

The Act makes appropriations providing monies for the annual period beginning July 1, 2005 and ending June 30, 2006. Funds are provided to pay salaries and other expenses, capital outlay – buildings, and other improvements, and for specified purposes of the various agencies of State government.

### **OPERATING BUDGET**

The \$17.8 billion in General Revenue, Lottery, and Other Trust Funds appropriated for the Florida K-20 education system provides operating resources for the State to continue along the path of access and excellence for all students. The increase in appropriations was \$972.1 million.

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 were provided in the Florida Education Finance Program (FEFP) for an additional 66,275 students to be served (total to be served 2,675,068). A state-wide FEFP funding summary may be found at the close of this review. In funding the FEFP, the Legislature authorized state and local revenue of \$16.4 billion; an increase for 2005-06 of \$1.3 billion or 8.85%. FEFP funds per student will be \$6,133.97; an increase of \$355.41 or 6.15% over actual revenue for 2004-05. (Line Items 5 and 6 and 73 through 79)

Total funding provided for year three implementation of the Class Size Reduction Constitutional Amendment (Sections 1003.03 and 1011.685, F.S.) was \$1,528.4 million; an increase of \$556.2 million. 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 5 and 74)

An increase of \$4.0 million was provided for the Sparsity Supplement for school districts with fewer than 20,000 students (total \$35 million). Funds for Flagler County Schools are contingent upon the completion of the construction of the new high school.

The authorized 0.51 mill and 0.25 mill nonvoted discretionary local millage were equalized. For equalization of the 0.51 mill, if a district's 0.51 mill levy provides less than \$200 per FTE student, state funds are provided that when added to the 0.51 mill revenue is equivalent to \$200 per student. The estimated cost of the 0.51 mill equalization is \$56.9 million. For equalization of the 0.25 mill, for districts that levy the 0.25 mill and raise less than \$100 per

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student, state funds are provided that when added to the 0.25 mill revenue provides \$100 per student. In 2004-05 the 0.25 mill was equalized to \$50 per student. The estimated cost of the 0.25 mill equalization is \$31.2 million.

Funds for a Reading Instruction Allocation of \$89.0 million have been included in the FEFP to institutionalize reading as the foundation of all learning. The Allocation is provided for a K-12 comprehensive, district-wide system of research-based reading instruction. An amount of \$50,000 is allocated to each district and the balance will be allocated based on each district's proportion of the state total K-12 base funding. By July 1, 2005, each district must submit a plan to the DOE Just Read, Florida! Office and, upon approval of the plan by the Office, the district's funds will be released.

Non-FEFP general revenue funds in the amount of \$22.7 million was appropriated for a District Cost Differential (DCD) Transition Supplement. (Line Item 79A)

Instructional materials funds increased by \$13.6 million to a total of \$248 million. Of the total, \$15 million was earmarked for library media materials and \$4.1 million was provided for science lab materials and supplies. (Line Item 75)

Funding for Student Transportation was increased by \$11.2 million for a total of \$451.4 million to safely transport Florida students to and from school. (Line Item 77)

Teacher Training funds in the FEFP were authorized at \$18 million and \$18 million was transferred to the new Reading Allocation component within the FEFP. (Line Item 78)

For Just Read, Florida!, \$68.0 million (\$10 million in state funds and \$58 million in Federal funds) was appropriated to achieve Florida's reading goal for all students to be reading on grade level or higher by 2012. This is in addition to \$89.0 million Reading Instruction Allocation authorized in the FEFP and described above. (Line Item 83) Also appropriated was \$2.5 million for two Innovative Reading Pilot Programs that will use internet technology to teach reading to students in grades K-3 (\$1.5 million) and to teach reading to Limited English Proficiency (LEP) students in grades 4-10 (\$1.0 million). Although the total funds earmarked for reading in the budget is \$159.5 million, it should be noted that a substantial amount of the FEFP is utilized by schools for reading instruction.

The School Recognition Program provides individual schools with \$100 per student for sustained superior performance (school grade of A) and for increase in performance by a school letter grade from one year to the next (estimated \$117.2 million). (Line Item 6)

Virtual Education was authorized in the budget. From FEFP funds the Virtual High School will receive \$19.8 million; an increase of \$4.9 million, while the K-8 Virtual Education Pilot Program was funded at \$4.8 million; an increase of \$160,000. (Line Items 5 and 6, 73 through 79 and 88)

For the A+ Plus initiative, \$7.6 million was appropriated contingent upon CS/CS/SB 2480 or similar legislation becoming law (Line Item 84) \* note: CS/CS/SB 2480 did not pass nor did any similar legislation; therefore, the \$7.6 is not available in 2005-06.

Mentoring/Student Assistance funds were increased by \$2.2 million for total funding of \$16.7 million. There are 13 organizations listed in the appropriations bill to receive these funds. (Line Item 86)

For School and Instructional Enhancements \$10.4 million is appropriated for 32 grants specified in the proviso. This is an increase of \$8.9 million. (Line Item 99)

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The Excellent Teaching program appropriation of \$83.6 million continues Florida's initiative to encourage teachers to participate in the certification process managed by the National Board for Professional Teaching Standards (NBPTS). (Line Item 81)

Assistance to Low Performing Schools is funded at \$6.0 million. Funds are provided to continue Florida's Partnership for Minority and Underrepresented Student Achievement to improve student achievement and readiness for college, especially in low performing middle and high schools. (Line Item 85)

The College Reach Out program was funded at \$3.2 million. (Line Item 89)

Nine school districts were funded for 2004 hurricane recovery. The total appropriation is \$3.9 million. (Line Item 101A)

### **EARLY LEARNING / PREKINDERGARTEN EDUCATION**

An appropriation of \$387.1 million is provided for transfer to the Agency for Workforce Innovation (AWI) for implementation of Section 1(b) and (c), Article IX, of the Florida Constitution that created the Voluntary Prekindergarten Education Program and Chapter 2004-484, Laws of Florida, the implementing legislation for the Constitutional provision. (Line Item 72) A distribution of Pre-kindergarten funds to the Early Learning Coalitions is in the proviso. (Line Item 2162J)

### **CRITICAL JOBS INITIATIVE**

The budget includes several appropriations for the Critical Jobs Initiative which will provide students with education opportunities that prepare them for rewarding careers and economic self-sufficiency. The Commissioner is authorized to request a budget amendment to realign funds provided for the SUCCEED, Florida programs to reflect the results of the competitive awards authorized under the programs. The combined total of \$6.0 million from Items 7A and 114 are a part of the SUCCEED – Career Paths initiative to establish secondary and postsecondary career and professional academies in school districts or school district postsecondary career centers. For the SUCCEED, Crucial Professionals Nursing Initiative, \$5 million is provided in the Community College budget (Item 7B) and \$5 million in the University budget (Item 144B) for competitive grants to public or private postsecondary institutions. For the SUCCEED, Crucial Professions Teaching Initiative, \$5 million is provided in the Community College budget for competitive grants to public or private postsecondary institutions. For Jobs for Florida's Future, \$700,000 is specified in proviso Item 7B and \$9.3 million specified in Item 119 for nonrecurring capitalization grants to the named institutions in the Community College budget. The total combined appropriation for SUCCEED and Jobs for Florida's Future is \$31 million.

### **WORKFORCE EDUCATION PROGRAMS**

An allocation of \$5.0 million is provided to school districts for Performance Based Incentives. (Line Item 113)

A \$18.5 million appropriation for workforce funds for the adult disabled was transferred in 2004-05 to the Division of Vocational Rehabilitation. (Line Item 32)

Workforce Administered Funds for school districts were increased by \$5.0 million for a total of \$393.7 million. (Line Item 116)

Tuition Fees for school district workforce programs were increased by 5%. (Line Item 116)

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The SABER Nursing Program is allocated \$300,000 and \$500,000 is authorized for school-to-career transition programs for high school students available through one or more non-profit statewide organizations in the food service industry funded in the category, School and Instructional Enhancements. (Line Item 117A)

### COMMUNITY COLLEGES

Funded the 2004-05 enrollment of 297,467 students at \$4,924 per FTE, including estimated fee revenue.

The total state appropriations to the system was \$1.079 billion; a net increase of \$60.7 million.

Of the \$1.079 billion appropriation, \$990.1 million was provided directly for the operation of the colleges; an increase of \$42.0 million or 4.43%. This increase, coupled with the authorized fee increase in the amount of \$21.6 million represents an overall increase of \$63.6 million or 4.54%.

The Phil Benjamin Matching Grants were funded at \$37.7 million which fully funds the private contributions through February 1, 2005. (Line Item 120B)

Funding for Baccalaureate Degree Programs was \$7.9 million, an increase of \$700,000 over the recurring 2004-05 appropriation. Funding in the item is provided to four colleges. (Line Item 120A)

An appropriation of \$7.8 million was provided for hurricane recovery for costs associated with the 2004 storms. A specific allocation of funds is provided for nine colleges and \$5.2 million is authorized for partial reimbursement of the hurricane deductible of the college risk management fund. (Line Item 123A)

Local Boards of Trustees are authorized to increase fees by five percent. (Line Item 120)

### STATE UNIVERSITIES

The appropriation funds an enrollment of 181,619 students and includes USF, FSU, and UF Medical Centers. Enrollment growth of 7,316 students, equates to \$76.6 million of the \$139.7 million increase in Education and General Activities appropriated funds. The Chancellor must submit a revised five year enrollment plan by September 1, 2005. The State Board shall include in the 2006-2007 Budget Request funds to implement the revised plan. (Line Item 10 and 146)

University Challenge (matching) Grants were funded at \$51.2 million, which funds the private contributions through April 11, 2005. The "double budget" policy that transferred state appropriations to a trust fund was eliminated to focus intent for funding. (Line Item 14A and 153)

The total state appropriated operating funds are \$3.0 billion; a revenue increase of \$30.6 million or a 1.02% increase. (Line Items 10 through 14A and 144B through 154A)

Tuition for in-state undergraduates will increase by five percent. Each Board of Trustees is authorized to set university tuition and fees for graduate, graduate professional, and nonresident students. Tuition and fees for graduate, graduate professional and nonresident students may not exceed the average full-time tuition and fees for corresponding programs at public institutions that are members of the Association of American Universities. The annual percentage increase in tuition and fees established by each Board of Trustees for students enrolled prior to Fall 2005 shall not exceed five percent. (Line Item 146)

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\$1.6 million in Education and General Activities funds are allocated to the Florida Center for Reading Research. The Center is a statewide resource for schools to receive assistance with implementation of scientifically based reading methods. (Line Item 156)

## **STUDENT FINANCIAL AID**

For the student financial aid programs administered by OSFA and the SUS student financial assistance allocation, 60 percent of the funds shall be released at the beginning of the first quarter and the balance at the beginning of the third quarter. (Line Items 3, 4, 56, 61, 63 through 71 and 152)

The Florida Bright Futures Scholarship, lottery funded merit based scholarships, were fully funded at \$311.7 million; an increase of \$35.8 million. An amount of \$1.3 million was included for an increase in the community college capital improvement fee contingent upon SB 670 or similar legislation becoming law. (Line Item 3)

The Florida Student Assistance Grants (FSAG), need based financial aid, were increased by \$8.3 million. For the \$102.2 million appropriated, the maximum grant to any student from the Florida Public, Private and Postsecondary Assistance grant program shall be \$1,672, an award increase of \$90 from the 2004-05 maximum. (Line Item 67)

Florida Resident Access Grants (FRAG), which provides tuition assistance for qualified Florida residents who enrolled in Florida private colleges and universities, was funded at \$94 million for 32,979 students at \$2,850 per student. The appropriation is an increase of \$14 million over current year funding. (Line Item 61)

The ABLE (Access to Better Learning and Education) Grants, which provide tuition assistance to students enrolled in Florida for-profit colleges and universities, was funded at \$3.6 million. The appropriation will support 3,115 students at \$1,155.69 per student. (Line Item 56)

Funding for the Prepaid Tuition Scholarships was continued at \$6 million.

For LECOM/Florida Health Programs \$325,111 was appropriated to support Florida residents in student rotation in public health units that are enrolled in the Florida branch of the Lake Erie College of Osteopathic Medicine (LECOM). The college must submit student enrollment data to the Department of Education about Florida residents prior to January 1, 2006.

## **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 system. The budget transfers 62 positions and \$6.1 million from the State Board operations to a new budget entity for the staff of the Board of Governors of the State University System. (Line Items 124 through 144A)

The Commissioner is required to prepare and provide a report to the Governor and Legislature about federal indirect costs on or before October 1, 2005. Proviso preceding Item 124 requires prior legislative authorization for costs associated with Sunshine Connections: The Teacher Tools which are beyond existing staff and resources.

Funding for the State Student Assessment (testing) Program (Assessment and Evaluation) was budgeted at \$68 million; an increase of \$1.7 million. Included in the appropriation is \$1.6 million for the statewide administration to all

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tenth grade students of the preliminary SAT or ACT college entrance examinations. Also funds have been provided for the administration of statewide kindergarten screening. (Line Item 128)

The Cost-of-Living Price Level Survey appropriation of \$150,000 has been transferred from the State Board budget to the University budget for the economists at the University of Florida to continue to conduct the survey and report the results that are used in the FEFP.

Vocational Rehabilitation was appropriated an additional \$14.8 million for total funding of \$204.2 million. (Line Items 29 through 39A)

Blind Services was appropriated an additional \$2.9 million for total funding of \$44.4 million. Proviso for Item 47 authorizes \$937,600 for the Blind Babies Program. (Line Items 40 through 54A)

Due in large part to the transfer of the Board of Governors' staff, the State Board of Education funding decreased by \$1.1 million, for a total appropriated amount of \$206.9 million. Funds for Operations of the Department decreased by \$2.8 million to \$133.3 million and Targeted Expenses increased by \$1.7 million to \$73.6 million (Line Items 124 and 135 through 144A)

The Florida Information Resource Network (FIRN), a statewide interactive education network designed to support the educational and data transfer requirements of the K-20 education system, was fully funded. Total funds appropriated for FIRN was \$13.5 million. (Line Item 109)

### **FIXED CAPITAL OUTLAY BUDGET**

The Legislature appropriated \$2.2 billion for capital outlay projects and debt service on bonds for Florida schools, colleges and universities. The total includes \$1.6 billion from Public Education Capital Outlay (PECO) sources, \$212.9 million from the net proceeds of the Florida Lottery, \$81.0 million from General Revenue and \$266.1 million from various other trust funds.

The \$228.1 million PECO appropriation for Maintenance, Renovation and Repair projects consists of \$148.9 million for school districts, \$19.4 million for community colleges, and \$32.1 million for state universities. Also included is \$27.7 million for Charter Schools. (Line Item 17)

For Public School Survey Recommended Needs (new construction), \$113.3 million in PECO funds are appropriated. (Line Item 18)

For Community Colleges \$224.7 million and for State Universities \$247.9 million was appropriated for specific capital outlay projects cited by College and by University in the Conference Report. These projects were funded from both PECO and General Revenue funds. (Line Items 19 and 20)

Both the Community College and State University facilities matching grants programs were funded from the General Revenue Fund. The Community College Facilities Matching Program was provided with \$25.7 million and the University System Facility Enhancement Challenge Grants was funded at \$14.1 million. (Line Item 23A and 26A)

Five projects in small school districts are eligible to be funded from the Special Facility Construction Account. The total PECO appropriation for the projects was \$55 million. (Line Item 21)

Other PECO funded items include: \$10.4 million for the Florida School for the Deaf and the Blind; \$2.5 million for the Division of Blind Services; and \$1.3 million for Public Broadcasting Projects.



An amount of \$103.7 million was appropriated to the State University System for Capital Improvement Fee projects.

Senate Bill 360, relating to Infrastructure Planning and Funding, was passed by the Legislature and includes funds for education fixed capital outlay.

#### **OTHER SECTIONS OF THE BILL**

Items funded for education may be found mainly in Sections 1 and 2 of the Bill which have been summarized above. However there are general policy statements and funding authorizations, including some items for education, in Sections 8 through 45, often referred to as "back of the bill items." Included are provisions for state employee salary increases, benefits (health, life and disability insurance), and authorization for several community college and university construction projects. Section 8 of the bill established the policy for Compensation and Benefits and generally included a policy for a 3.6 percent competitive pay adjustment on each state employee's July 31, 2005 base rate of pay. Effective August 1, 2005.

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	2004-05 Appropriation 4/12/05 Report	2005-06 Conference Report 5/3/2005	Difference	
<b>VOCATIONAL REHABILITATION</b>				
1	Salaries and Benefits	45,051,572	44,391,118	-660,454
2	Other Personal Services	942,235	942,235	0
3	Expense	12,666,702	12,418,702	-248,000
4	Adult Disabilities Funds	18,508,431	18,508,431	0
5	Operating Capital Outlay	530,587	530,587	0
6	Contracted Services	9,990,452	8,857,399	-1,133,053
7	Independent Living Service	5,130,633	4,596,504	-534,129
8	Purchased Client Services	94,050,460	110,684,934	16,634,474
9	Risk Management Insurance	671,866	671,866	0
	Transfer to DMS-Human Resources			
10	Serv./Statewide Contract	417,445	391,211	-26,234
11	Data Processing Services-State Technology Office	1,498,624	1,498,624	0
	Florida Endowment/Voc Rehab - Able Trust High			
12	School/High Tech Program	0	500,000	500,000
13	Data Processing - Ed Tech and Info Services		248,000	248,000
	<b>TOTALS</b>	<b>189,459,007</b>	<b>204,239,611</b>	<b>14,780,604</b>
<b>BLIND SERVICES</b>				
14	Salaries & Benefits	12,334,402	12,110,885	-223,517
15	Other Personal Services	277,992	287,992	10,000
16	Expenses	2,724,420	2,740,528	16,108
17	G/A-Comm Rehab Facilities	5,740,705	5,340,705	-400,000
18	Operating Capital Outlay	183,788	293,788	110,000
19	Food Products	200,000	200,000	0
20	Acquisition of Motor Vehicles	100,000	100,000	0
21	G/A - Client Services	3,395,705	19,580,105	16,184,400
22	G/A-Vocational Rehab	12,898,026		-12,898,026
23	Risk Management Insurance	101,870	101,870	0
24	Library Services	50,000	150,000	100,000
25	Vending Stands-Equip & Supp	1,897,707	1,995,000	97,293
	Transfer to DMS-Human Res. Services /Statewide			
26	Contract	126,036	118,116	-7,920
27	Data Processing - Ed Tech and Info Services		150,576	150,576
28	Data Processing Services-Knott Data Center	429,792		-429,792
29	Other Data Processing Services	923,280	1,123,280	200,000
30	Regional Data Centers	120,000	120,000	0
	<b>TOTALS</b>	<b>41,503,723</b>	<b>44,412,845</b>	<b>2,909,122</b>
<b>PRIVATE COLLEGES AND UNIVERSITIES</b>				
31	Medical Training & Simulation Laboratory	2,425,001	2,900,000	474,999
	Access to Better Learning and Education (ABLE)			
32	Grants	1,800,000	3,600,000	1,800,000
33	Historically Black Private Colleges	8,974,038	11,000,000	2,025,962
34	First Accredited Medical School	9,001,657	11,226,657	2,225,000
35	Accelerated Bachelors in Nursing Program at		500,000	500,000

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	University of Miami			
36	Academic Program Contracts	1,052,768	1,052,768	0
37	Regional Diabetes Center	596,094	596,094	0
38	Florida Resident Access Grant	79,841,350	93,990,150	14,148,800
39	Nova Southeastern University - Health Programs	5,190,750	5,990,750	800,000
40	LECOM/Florida - Health Programs		325,111	325,111
	<b>TOTALS</b>	<b>5,190,750</b>	<b>6,315,861</b>	<b>1,125,111</b>

## STUDENT FINANCIAL AID

### STUDENT FINANCIAL AID PROGRAM/STATE

41	Florida Bright Futures	275,989,784	311,772,580	35,782,796
42	Prepaid Tuition Scholarship (STARS)	5,975,000	5,975,000	0
43	Minority Teacher Scholarship	2,109,600	2,109,600	0
44	Ethics/Business Scholarship	500,000	500,000	0
45	Mary McCleod Bethune Scholarship	679,328	679,328	0
46	Student Financial Aid	93,848,367	102,150,720	8,302,353
47	Jose Marti Scholarship Challenge Grant	296,000	296,000	0
48	Transfer/FI Education Fund	937,600	1,260,000	322,400
	<b>TOTALS</b>	<b>380,335,679</b>	<b>424,743,228</b>	<b>44,407,549</b>

## STUDENT FINANCIAL AID

### STUDENT FINANCIAL AID PROGRAM/FEDERAL

49	Financial Assistance Payment	2,563,089	2,563,089	0
50	Robert Byrd Honors Scholarship	2,130,000	2,145,000	15,000
	<b>TOTALS</b>	<b>4,693,089</b>	<b>4,708,089</b>	<b>15,000</b>

## EARLY LEARNING

### PREKINDERGARTEN EDUCATION

51	Transfer Voluntary Prekindergarten Funds to AWI		387,137,762	387,137,762
	<b>TOTALS</b>	<b>0</b>	<b>387,137,762</b>	<b>387,137,762</b>

## DIVISION OF PUBLIC SCHOOLS

### State Grants/K-12 Programs - FEFP

52	FEFP	6,806,147,332	6,723,517,106	-82,630,226
53	Class Size Reduction	978,825,375	1,528,398,093	549,572,718
54	District Lottery/School Recognition	263,449,842	263,449,842	0
55	Instructional Material	234,404,200	247,999,489	13,595,289
56	Public School Technology	49,914,766	49,914,766	0
57	Student Transportation	440,240,964	451,431,961	11,190,997
58	Teacher Training	36,000,000	18,000,000	-18,000,000
59	Florida Teachers Lead Program	16,470,777	17,877,200	1,406,423
	<b>TOTALS</b>	<b>8,825,453,256</b>	<b>9,300,588,457</b>	<b>475,135,201</b>

*FEFP - Local Funds - Display Only - NOT in Totals*

	6,268,097,451	7,108,205,988	840,108,537
<b>Totals</b>	<b>15,093,550,707</b>	<b>16,408,794,445</b>	<b>1,315,243,738</b>

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**DIVISION OF PUBLIC SCHOOLS  
STATE GRANTS/K-12 PROGRAMS - NON  
FEFP**

60	District Cost Differential (DCD) Transition Supplement	22,100,000	22,700,000	600,000
61	Small County DCD Transition Supplement	529,656		-529,656
62	Instructional Materials	2,078,240	3,899,489	1,821,249
63	Excellent Teaching	67,748,649	83,603,390	15,854,741
64	Professional Practices Substitutes	3,507	3,507	0
65	Reading Initiatives (Includes FIRN Contingency)	98,500,432	68,043,873	-30,456,559
66	Assistance to Low Performing Schools	5,500,000	7,125,480	1,625,480
67	Mentoring/Student Assistance Initiatives	14,570,000	16,730,000	2,160,000
68	Education Partnerships	4,000,000	6,000,000	2,000,000
69	K-8 Virtual Education	4,640,000	4,800,000	160,000
70	College Reach Out Program	3,199,990	3,199,990	0
71	Diagnostic/Learning Resource Centers	3,039,494	3,039,494	0
72	Transfer To Excellent Teaching Trust Fund	41,722,477	0	-41,722,477
73	New World School Of The Arts	928,445	1,128,445	200,000
74	School District Matching Grants Program	850,000	2,000,000	1,150,000
75	Educator Liability Insurance	1,200,000	1,330,000	130,000
76	Teacher Death Benefits	165,000	165,000	0
77	Autism Program	4,975,000	5,218,000	243,000
78	Regional Education Consortium Services	825,000	1,700,000	875,000
79	Teacher Professional Development	129,421,609	135,227,340	5,805,731
80	School and Instructional Enhancements	1,455,634	10,427,634	8,972,000
81	Exceptional Education	4,976,958	4,976,958	0
82	Florida School for the Deaf and Blind	40,504,170	40,695,695	191,525
83	Educ Fac Hurr Restor/Loans	100,000,000		-100,000,000
84	Education Innovation Initiatives – Contingent Upon Failed Legislation		7,605,269	7,605,269
85	2004 Hurricanes - Pass through of State & Federal Funds to Local Govts	12,087,591	3,904,188	-8,183,403
86	Innovative Reading Pilot Programs		2,500,000	2,500,000
	<b>TOTALS</b>	<b>565,021,852</b>	<b>436,023,752</b>	<b>-128,998,100</b>

**DIVISION OF PUBLIC SCHOOLS  
FEDERAL GRANTS K/12 PROGRAM**

87	Aid to Local Governments	4,139,540	4,099,420	-40,120
88	Federal Grants & Aids	1,411,709,181	1,411,312,755	-396,426
89	School Lunch Program	511,289,847	538,364,671	27,074,824
90	School Lunch Program/State Match	16,886,046	16,886,046	0
	<b>TOTALS</b>	<b>1,944,024,614</b>	<b>1,970,662,892</b>	<b>26,638,278</b>

**DIVISION OF PUBLIC SCHOOLS  
EDUCATIONAL MEDIA & TECHNOLOGY  
SERVICES**

91	Capitol Technical Center	90,944	90,944	0
92	Instructional Technology	1,214,290	2,714,290	1,500,000
93	Federal Equipment Matching Grant	523,009	198,315	-324,694
94	Fl. Info. Resource Network	13,500,000	13,500,000	0

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95	Public Broadcasting	11,176,611	11,176,611	0
96	FI Ed & Training Placement Info Program (FETPIP)	190,000	190,000	0
97	Radio Reading Services for the Blind	407,914	407,914	0
	<b>TOTALS</b>	<b>27,102,768</b>	<b>28,278,074</b>	<b>1,175,306</b>

	2004-05 Appropriation 4/12/05 Report	2005-06 Conference Report 5/3/2005	Difference
<b>Total K-12 (Division of Public Schools)</b>	11,361,602,490	11,735,553,175	373,950,685
<i>FEFP - Local Funds - Display Only - NOT in Totals</i>	<i>6,268,097,451</i>	<i>7,108,205,988</i>	<i>840,108,537</i>
<b>Totals</b>	<b>17,629,699,941</b>	<b>18,843,759,163</b>	<b>1,214,059,222</b>

#### WORKFORCE EDUCATION GRANT PROGRAMS

98	Adult Basic Education	23,457,545	41,552,472	18,094,927
99	Vocational Formula Funds	77,144,852	77,144,852	0
100	Workforce Development	388,695,114	393,695,114	5,000,000
101	Performance Based Incentives		5,000,000	5,000,000
102	Critical Jobs Initiative	0	6,000,000	6,000,000
103	School and Instructional Enhancements		800,000	800,000
	<b>TOTALS</b>	<b>489,297,511</b>	<b>524,192,438</b>	<b>34,894,927</b>

#### STATE BOARD OF EDUCATION

##### *Operations:*

104	Salaries & Benefits	71,646,938	67,731,979	-3,914,959
105	Other Personal Services	4,824,929	4,769,248	-55,681
106	Expenses	34,821,141	31,058,378	-3,762,763
107	Operating Capital Outlay	3,010,022	2,546,616	-463,406
108	Transfer to Division of Administrative Hearings	641,166	506,166	-135,000
109	Litigation Expense	23,029	23,029	0
110	Risk Management Insurance	1,486,585	1,486,585	0
	Transfer To DMS/HRS Purchased per Statewide			
111	Contract	528,859	456,170	-72,689
112	Data Processing-Knott Data Center	2,855,339	0	-2,855,339
113	Data Processing-State University System	936,435	936,435	0
114	Education Information Warehouse		1,000,000	1,000,000
115	Centralized Technology Resources		650,900	650,900
116	Data Processing - Ed Tech and Info Services		8,107,641	8,107,641
117	Contracted Services	13,253,338	12,200,038	-1,053,300
	Educational Facilities Research and Development			
118	Projects	200,000	200,000	0
119	Provision of Contracted Services	375,000	375,000	0
	Student Financial Assistance Management			
120	Information System	1,485,105	1,264,691	-220,414
121	Exec Aircraft Pool Subscript	32,979	0	-32,979
	<i>Sub-Total Operations:</i>	<i>136,120,865</i>	<i>133,312,876</i>	<i>-2,807,989</i>

122 *Targeted Expenses:*

# Florida Department of Education

123	Assessment and Evaluation	66,279,953	67,977,010	1,697,057
124	Commission for Independent Education (ARM)	860,460	952,000	91,540
125	Choice Product Sales	340,788	400,000	59,212
126	Cost-Of-Living Price Survey	69,734	0	-69,734
	FI Academic Counsel & Tracking System for Students (FACTS)	4,342,837	4,277,633	-65,204
	<i>Sub-Total K-20 Targeted Expenses</i>	<i>71,893,772</i>	<i>73,606,643</i>	<i>1,712,871</i>
	<b>TOTALS</b>	<b>208,014,637</b>	<b>206,919,519</b>	<b>-1,095,118</b>
127	Performance Based Incentives	7,674,371	18,075,996	10,401,625
128	Community College Lottery Funds	98,900,000	101,100,000	2,200,000
129	Community Colleges Program Fund	852,287,576	885,356,016	33,068,440
130	CC Baccalaureate Programs	7,767,160	7,957,947	190,787
131	Matching Grants	50,786,235	37,736,481	-13,049,754
132	Domestic Security	4,772,128	0	-4,772,128
133	Commission on Community Service	469,261	559,261	90,000
134	Distance Learning	315,397	315,397	0
135	Critical Jobs Initiative	0	20,000,000	20,000,000
136	2004 Hurricanes - Pass through of state and federal funds to Local Govts		7,842,848	7,842,848
	<b>TOTALS</b>	<b>1,022,972,128</b>	<b>1,078,943,946</b>	<b>55,971,818</b>
	<b>STATE UNIVERSITIES</b>			
137	Education and General Activities	2,473,290,420	2,589,921,130	116,630,710
138	Institute of Food and Agricultural Science	120,101,086	124,360,322	4,259,236
139	University of South Florida Medical Center	50,882,088	69,614,878	18,732,790
140	University of Florida Health Center	84,217,272	104,449,994	20,232,722
141	Florida State University Medical Center	28,187,087	36,034,966	7,847,879
142	Cancer Center Operations (Moffitt Center)	10,940,335	13,440,335	2,500,000
143	Student Financial Assistance	20,229,207	20,229,207	0
144	Challenge Grants	195,760,794	51,192,260	-144,568,534
145	Risk Management Insurance	15,094,466	15,094,466	0
146	Financial Assistance Payments Scholarships	885,340	0	-885,340
147	2004 Hurricanes - Pass through of state and federal funds to Local Govts	0	900,000	900,000
148	Critical Jobs Initiative		5,000,000	5,000,000
	<b>TOTAL UNIVERSITIES</b>	<b>2,999,588,095</b>	<b>3,030,237,558</b>	<b>30,649,463</b>
	<b>BOARD OF GOVERNORS</b>			
149	Salaries and Benefits		4,623,248	4,623,248
150	Other Personal Services		65,681	65,681
151	Expenses		1,367,709	1,367,709
152	Operating Capital Outlay Transfer To DMS/HRS		51,236	51,236
153	Purchased per Statewide Contract		39,454	39,454
	<b>TOTAL BOARD OF GOVERNORS</b>	<b>0</b>	<b>6,147,328</b>	<b>6,147,328</b>
	<b>TOTAL K-20 EDUCATION</b>	<b>16,806,348,017</b>	<b>17,778,417,029</b>	<b>972,069,012</b>

# Florida Department of Education

<b>FIXED CAPITAL OUTLAY</b>			
	Classrooms First and 1997 School Capital Outlay		
154	Bond Programs	169,000,000	169,000,000
	Class Size Reduction Lottery Capital Outlay		
155	Program	43,902,077	43,902,077
156	Class Size Reduction Projects	100,000,000	-100,000,000
	State University System Capital Improvement Fee		
157	Projects		103,722,927
158	Vocational-Technical Facilities		2,244,988
			2,244,988
159	Maintenance, Repair, Renovation, and Remodeling	279,585,649	228,100,000
	Survey Recommended Needs - Public		
160	School/PECO	2,255,802	113,345,571
161	Community College Projects/PECO and GR	200,608,388	24,043,151
162	State University System Projects/PECO and GR	215,835,323	32,096,720
163	Special Facility Construction Account/PECO	71,374,645	-16,404,645
164	Fixed Capital Outlay Debt Service	845,635,000	883,520,000
	School District and		37,885,000
165	Community College - Motor Vehicle License Bonds	30,000,000	30,000,000
166	Community College Facilities Matching Program	22,402,629	3,298,748
167	Florida School for the Deaf and Blind/PECO	12,311,740	-1,908,040
168	Division of Blind Svcs, - Capital Projects	5,500,000	-2,950,000
169	Public Broadcasting Projects		1,340,219
170	Joint-Use Facilities Projects	2,164,188	-2,164,188
	State University System Facility Enhancement		
171	Challenge Grants	18,184,146	14,142,393
	State University System Concurrency		
172	Requirements	10,500,000	-5,100,000
	<b>TOTAL FIXED CAPITAL OUTLAY</b>	<b>2,029,259,587</b>	<b>2,160,926,834</b>
	<b>TOTAL OPERATIONS AND CAPITAL</b>	<b>18,835,607,604</b>	<b>19,939,343,863</b>
			<b>1,103,736,259</b>

# Florida Department of Education

PUBLIC SCHOOLS FUNDING SUMMARY  
FINAL CONFERENCE REPORT, MAY 3, 2005  
Comparison of Public School Funding with 2004-05  
Total All Districts

	2004-05 4th Calculation -1-	2005-06 Final Conference Report -2-	Difference -3-	Percentage Difference -4-
<b>Major FEFP Formula Components</b>				
Unweighted FTE	2,608,793.12	2,675,068.09	66,274.97	2.54%
Weighted FTE	2,871,368.45	2,938,035.20	66,666.75	2.32%
School Taxable Value (Tax Roll)	1,115,639,397,333	1,257,061,973,479	141,422,576,146	12.68%
Required Local Effort Millage	5.472	5.472	0.000	0.00%
Discretionary Millage	0.510	0.510	0.000	0.00%
Additional Discretionary Millage	0.250	0.250	0.000	0.00%
<b>Total Millage</b>	<b>6.232</b>	<b>6.232</b>	<b>0.000</b>	<b>0.00%</b>
Base Student Allocation	3,670.26	3,742.42	72.16	1.97%
<b>FEFP Detail</b>				
WFTE x BSA x DCD (Base FEFP)	10,535,354,686	10,994,586,649	459,231,963	4.36%
Declining Enrollment Allocation	12,481,881	1,677,445	(10,804,436)	-86.56%
Sparsity Supplement	31,000,000	35,000,000	4,000,000	12.90%
Lab School Discretionary Contribution	1,475,189	1,886,732	411,543	27.90%
.25 Mill Discretionary Equalization	1,384,366	31,237,563	29,853,197	2156.45%
.51 Mill Compression	0	56,851,220	56,851,220	
Safe Schools	75,350,000	75,350,000	0	0.00%
Minimum Guarantee	47,608	0	(47,608)	-100.00%
Supplemental Academic Instruction Allocation	653,922,659	670,341,490	16,418,831	2.51%
Reading Allocation	25,000,000	89,000,000	64,000,000	256.00%
ESE Guaranteed Allocation	1,008,385,238	1,030,409,927	22,024,689	2.18%
Failed Contingency Adjustment	(150,000)	0	150,000	-100.00%
<b>Total FEFP</b>	<b>12,344,251,627</b>	<b>12,986,341,026</b>	<b>642,089,399</b>	<b>5.20%</b>
Less: Required Local Effort	5,617,184,216	6,262,823,920	645,639,704	11.49%
Net State FEFP Funds	6,727,067,411	6,723,517,106	(3,550,305)	-0.05%
Discretionary Lottery/School Recognition	263,449,842	263,449,842	0	0.00%
<b>State Categorical Programs</b>				
Transportation	440,240,964	451,431,961	11,190,997	2.54%
Instructional Materials	234,404,200	247,999,489	13,595,289	5.80%
Public School Technology Allocation	49,914,766	49,914,766	0	0.00%
Teacher Training Allocation	36,000,000	18,000,000	(18,000,000)	-50.00%
Teachers Lead Program Allocation	16,470,777	17,877,200	1,406,423	8.54%
Class Size Reduction Allocation	972,191,216	1,528,398,093	556,206,877	57.21%
<b>Total Categorical Funding</b>	<b>1,749,221,923</b>	<b>2,313,621,509</b>	<b>564,399,586</b>	<b>32.27%</b>
Total State Funding	8,739,739,176	9,300,588,457	560,849,281	6.42%
<b>Local Funding</b>				
Total Required Local Effort	5,617,184,216	6,262,823,920	645,639,704	11.49%
Discretionary Local Effort	540,527,288	609,046,530	68,519,242	12.68%
Additional Discretionary Local Effort	129,833,183	236,335,538	106,502,355	82.03%
<b>Total Local Funding</b>	<b>6,287,544,687</b>	<b>7,108,205,988</b>	<b>820,661,301</b>	<b>13.05%</b>
Total, Including Funds for FRS	15,027,283,863	16,408,794,445	1,381,510,582	9.19%
Additional FRS Cost	47,784,499	0	(47,784,499)	-100.00%
<b>Total Funding</b>	<b>15,075,068,362</b>	<b>16,408,794,445</b>	<b>1,333,726,083</b>	<b>8.85%</b>
Total Funds per UFTE	5,778.56	6,133.97	355.41	6.15%

# Florida Department of Education

**FLORIDA COMMUNITY COLLEGE SYSTEM  
2005-06 CONFERENCE BUDGET SUMMARY**  
General Revenue Fund, Lottery, Other Trust, and Fees

	2004-2005 A Appropriations	Conference 2005-2006 04/28/05	Increase	Percent Increase
<b>COMMUNITY COLLEGES</b>				
<b>AID TO COLLEGES</b>				
CCPF - General Revenue	\$ 841,525,586	\$ 841,525,586	\$ -	0.00%
Enrollment Growth		31,082,576	31,082,576	
Economy-Driven Costs to Continue		3,159,617	3,159,617	
Transfer to Performance		(7,901,625)	(7,901,625)	
Transfer from Baccalaureate Grant		581,544	581,544	
Operating Cost for New Facilities		3,661,328	3,661,328	
Total CCPF - General Revenue	841,525,586	872,109,026	30,583,440	3.63%
CCPF - Lottery	98,900,000	99,925,000	1,025,000	1.04%
Performance Based Incentive Funds	7,674,371	18,075,996	10,401,625	135.54%
Subtotal State Support	948,099,957	990,110,022	42,010,065	4.43%
Student Fees	453,147,071	474,755,349	21,608,277	4.77%
Subtotal Operating Funds	1,401,247,028	1,464,865,371	63,618,342	4.54%
Baccalaureate Programs	7,767,160	7,957,947	190,787	
CCPF - Designated Electronic Library Resources			-	
Hurricane Recovery		7,842,848	7,842,848	
CCPF - Designated CCLA	8,022,816	8,022,816	-	
CCPF - Designated Other - General Revenue	2,739,174	5,224,174	2,485,000	
CCPF - Designated Other - Lottery		1,175,000	1,175,000	
Subtotal Aid to Colleges	1,419,776,178	1,495,088,156	75,311,977	5.30%
<b>SPECIAL CATEGORIES</b>				
Partnership Challenge Programs	50,786,235	37,736,481	(13,049,754)	
Critical Jobs/SUCCEED, Florida - General Revenue		4,300,000		
Critical Jobs/SUCCEED, Florida - Lottery		5,700,000	5,700,000	
Critical Jobs/Jobs for Florida's Future		10,000,000	10,000,000	
Domestic Security			-	
Facilities Enhancement Challenge Grants			-	
Subtotal Special Categories	50,786,235	57,736,481	6,950,246	
<b>ADMINISTERED PROGRAMS</b>				
Commission on Community Service	469,261	559,261	90,000	19.18%
Distance Learning Course and Program Development	315,397	315,397	-	0.00%
Subtotal Administered Programs	784,658	874,658	90,000	11.47%
<b>Total Community Colleges</b>	<b>\$ 1,471,347,071</b>	<b>\$ 1,553,699,295</b>	<b>\$ 82,352,223</b>	<b>5.60%</b>
<b>Community College Funding</b>				
General Revenue	\$ 919,300,000	\$ 972,143,946	\$ 52,843,946	5.75%
Lottery	98,900,000	106,800,000	7,900,000	7.99%
Student Fees	453,147,071	474,755,349	21,608,277	4.77%
Other Trust			-	0.00%
Total	\$ 1,471,347,071	\$ 1,553,699,295	\$ 82,352,223	5.60%

# Florida

## Department of Education

*State University System  
Educational and General  
2005-2006 Budget Recommendations & Final Conference Budget  
Major Issue Summary - State Appropriated Funds  
May 11, 2005*

	Final Conference Report
2004-2005 Total E&G Appropriation	\$2,219,184,307
2004-2005 Non-recurring Appropriations	(\$212,723,079)
2004-2005 Adj. Recurring E&G Base	\$2,006,461,228
 <u>Cost-to-Continue Current Programs</u>	
Annualization of 1/1/05 Health Ins. Inc.	\$9,679,933
2004-2005 PO&M - Phased-In Space	\$2,393,127
2005-2006 PO&M - New Space	\$8,750,838
Ratio of In-State/Out-of-State Students	
Increased Cost of Operations	
FL Office for Civil Rights Agreement	\$1,500,000
IFAS Research / Extension Workload	\$1,000,000
Major Gifts Matching	\$49,463,382
Major Gifts Matching Trust Fund	(\$22,383,045)
Sub-Total	\$50,404,235
 <u>Access, Retention &amp; Graduation</u>	
Access to Higher Education - 7,316 FTE	\$43,818,232
FSU Medical Education - 80 FTE	\$3,332,764
FAMU Law School - 141 FTE	\$3,500,000
FL Educ. Fund - Centers of Excellence Prog.	
Sub-Total	\$50,650,996
 <u>Meeting Statewide Professional &amp; Workforce Needs</u>	
Targeted Critical State Needs (TCSN)	
TCSN - Medical Partnership - FAU / UM	\$2,000,000
TCSN - Cattle Feed Efficiency - IFAS	\$250,000
Sub-Total	\$2,250,000
 <u>Building World-Class Academic Programs &amp; Research Capacity</u>	
Academic Enhancements (AE)	
AE Parkinson's Research - UF	\$300,000
AE Emerging Citrus Industry - IFAS	\$2,000,000
AE Alzheimer's Research - UF	\$500,000
Florida Center for Library Automation	
Programs of Preeminence	
Centers of Excellence	
Florida Lambda Rail Project - Internet 3	
Sub-Total	\$2,800,000
 <u>Other Issues</u>	
Forestry Education - IFAS	\$610,825
Residency Training Expansion - FIU	\$1,000,000
FL Public Archaeology Center Network - UWF	\$1,870,000
Institute of Human & Machine Cognition - UWF	\$500,000

# Florida

## Department of Education

State University System  
 Educational and General  
 2005-2006 Budget Recommendations & Final Conference Budget  
 Major Issue Summary - State Appropriated Funds  
 May 11, 2005

		Final Conference Report
31	IFAS/Hillsborough Community College Partnership	\$500,000
32	Medicaid Upper Payment Limit - UF-HSC	\$2,400,000
33	Medicaid Upper Payment Limit - USF-HSC	\$375,000
34	Feasibility Study on Foreign Trained Dentists - UF-HSC BOG Staffing - 62 positions	\$150,000
35	Moffitt Cancer Center Funding Increase	\$2,500,000
36	Engineering School - FGCU	\$2,200,000
37	Academic Technology Enhancements - NCF	\$550,000
38	Colombian Studies Institute - FIU	\$50,000
39	Urban Reading Research - FIU	\$50,000
40	Life Sciences Initiative - FIU	\$376,554
41	Minority Teacher Training Consortium - FAMU	\$150,000
42	Sciences Center Institute of Sports Medicine - USF-HSC	\$500,000
43	Fort Walton Operations Combs Project - UWF	\$500,000
44	Hurricane Recovery - UWF	\$900,000
45	Enhancement Funds - FSU	\$6,500,000
46	IFAS Agricultural Awareness Program	\$250,000
47	Enhanced Access Lakeland - USF	\$1,000,000
48	Role Models - FAMU	\$1,000,000
49	Tnsfr from DOE for FPLI* Report - UF	\$150,000
50	SUCCEED, Florida	\$5,000,000
51	21st Century Teaching & Learning Initiative - USF	\$500,000
52	Retirement Rate Adjustment	\$3,965,269
		\$33,547,648
53	Total 2005-2006	\$2,146,114,107
<b>By Fund:</b>		
54	General Revenue	\$1,994,765,269
55	Educational Enhancement TF (Lottery)	\$144,700,000
56	Major Gifts TF	\$0
57	Phosphate Research TF	\$6,648,838
58	Other TF	\$0
59	Total	\$2,146,114,107
60	Inc. over 2004-05 Total Approp (line 1)	(\$73,070,200)
61	% Inc. over 2004-05 Total Approp (line 1)	-3.29%
62	Inc. over 2004-05 Base Approp (line 2a)	\$139,652,879
63	% Inc. over 2004-05 Base Approp (line 2a)	6.96%



**Bill Number:** SB 2602

**Bill Title:** Conference Report, Appropriations Act Implementing Bill

**Bill Sponsor:** Appropriations Conference Report

**Effective Date:** Except as otherwise expressly provided, the act takes effect July 1, 2005 or if it fails to become law until after that date it shall take effect upon becoming law and operate retroactively to July 1, 2005.

**DOE Contact:** Linda Champion, Finance and Operations (850.245.0406)

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### **Executive Summary:**

The Act provides implementing and administering provisions that apply to the General Appropriations Act for fiscal year 2005-2006. Only those sections of the Bill that apply directly to education or to all state functions are cited in the Section Summary.

**Summary by Bill Section (where applicable, only sections relevant to Education, State Employees, or the Agency):**

**Section 1** – Statement of intent that the provisions of the Act apply to the General Appropriations Act for fiscal year 2005-2006.

**Section 2** – Incorporates by reference the document dated May 3, 2005 entitled “Public School Funding the Florida Education Finance Program” for the purpose of displaying the calculations used by the Legislature, consistent with the requirements of the Florida Statutes, in making appropriations for the Florida Education Finance Program.

**Section 3** – Places limitations on university and direct-support organization financing of projects without prior approval of the project by the Legislature by an act relating to appropriations or general law. The section expires July 1, 2006.

**Section 4** – The Miami-Dade Land Acquisition and Facilities Maintenance Operations Advisory Board is disbanded and specified funds in reserve from Chapter 2003-397, L.F. are reappropriated to the Miami-Dade School Board in Section 23 of SB 2600.

**Section 21** – Authorizes the Governor’s Office to transfer funds appropriated in the appropriation category “Special Categories – Risk Management Insurance” between departments to align the budget authority granted with the premiums paid by each department for risk management insurance. This section expires July 1, 2006.

# Florida

## Department of Education

**Section 22** – Authorizes the Governor's Office to transfer funds appropriated in the appropriation category "Special Categories – Transfer to Department of Management Services – Human Resource Services Purchased Services Per Statewide Contract" between departments to align budget authority with the assessments that must be paid by each agency to the Department of Management Services . This section expires July 1, 2006.

**Section 23** – Reenacts the 2004-05 policy about Class C travel prohibiting per diem or subsistence allowance. The paragraph expires July 1, 2006.

**Section 24** – Limits the use of motor vehicles or aircraft for persons traveling for purposes other than official state business. The section expires July 1, 2006.

**Section 35** – Increases the legislative contingency fund for the Senate President and House Speaker from \$10,000 to \$20,000 for 2005-2006. The section expires July 1, 2006.

**Section 40** – Implements proviso, Specific Appropriation 2162G assigning the Teacher Education and Compensation (TEACH) scholarship program for early childhood educators to the Agency for Workforce Innovation (AWI).

**Section 50** – Authorizes agencies to use existing budget to pay cash awards to state employees who demonstrate satisfactory service. Awards may not exceed \$100 and a report must be made by agencies that elect to make the cash awards by March 1, 2006. The section expires July 1, 2006.

**Section 52** – Statement that the authorization and issuance of debt for the 2005-2006 fiscal year is in the best interest of the state and should be implemented.

**Section 56** – The agency performance measures and standards are incorporated by reference. State agencies are directed to revise their long-range program plans to be consistent with these measures and standards.

**Bill Number:** SB 360

**Bill Title:** Growth Management; Infrastructure Funding

**Bill Sponsor:** Senator Bennett

**Effective Date:** July 1, 2005

**DOE Contact:** Spessard Boatright, Facilities (850.245.9229)

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### **Executive Summary:**

The enrolled legislation addresses omissions in the 1988 Growth Management & Concurrency statutes (school concurrency was not part of the 1988 Growth Management & Concurrency statute, it was added later as an option) by requiring school concurrency with development. This legislation not only addresses schools, but also requires availability of water supplies and transportation infrastructure to be concurrent with new development. The bill does not address backlog of need with concurrency, but addresses the direct impacts that developers make on infrastructure. Each county and each municipality within that county must adopt a Public School Facilities Element that is consistent with the requirements unless a waiver is granted by Department of Community Affairs (DCA) for districts where all schools in the district are under 100% capacity, and the projected capital outlay full-time equivalent student (COFTE) growth rate for the next 5 years is less than 10%. Interlocal agreements must be updated to accommodate the changes in Chapter 163, F.S.

The deadline for local governments to adopt Public School Facilities Elements (concurrency) is December 1, 2008. DCA will establish a phased schedule.

By December 1, 2005, an 11 member School Concurrency Task Force will be formed to provide recommendations to streamline the process and procedures for establishing school concurrency, and will make recommendations on revisions to law and rules to help ensure that schools are built and available when needed.

An Impact Fee Review Task Force will be appointed to review current impact fees as a method of financing local infrastructure to accommodate new growth. One member must be from a school board, 2 members of the Legislature, others will represent cities, counties, developers, homebuilders, and DCA. The report is due February 1, 2006.

The bill defines financial feasibility as a multi-year capital plan that is realistically based on anticipated receipts adequate to maintain the agreed upon level of service. When the proportional share process is used, the required levels of service standards do not apply. A standard to ensure the availability of public facilities (acceptable levels of service) is defined. Schools must be in place or under actual construction within 3 years after the issuance of final subdivision or site plan approval, or when the developer agrees to proportionate-share mitigation. However, if significant backlog exists, a long range plan covering a 10 or 15 year period, may be adopted to address backlog. Local governments are encouraged to apply concurrency



on a district-wide basis, but shall apply concurrency on a less than district-wide basis including shifting impacts to contiguous service areas, to facilitate development.

High Growth District Capital Outlay Assistance Grant Program is created in s. 1013.738, F.S., and is funded with an annual appropriation of \$30 million dollars which may only be used to construct new student stations. To receive a grant a district must have: levied the full 2 mill non-voted discretionary capital outlay millage for 4 years; 50% of the 2 mill revenue divided by the COFTE growth over 4 years must be less than average cost per student station weighted by statewide COFTE growth; equal to or exceeded twice the statewide average COFTE growth over 4 years; Department of Education (DOE) must have released all Classroom First Funds and the district must have expended the funds by February 1 of the current fiscal year, and the total COFTE of the district is greater than 15,000. DOE shall use the criteria above to calculate the value of the grants to eligible districts.

Provisions are made for the distribution of funds from the Public Education Capital Outlay and Debt Service (PECO) Trust Fund to fund the Classrooms for Kids Program and the High Growth County District Capital Outlay Assistance Grant Program. The funds will be distributed according to the applicable statutory sections for these programs.

**Section 25** of the bill provides that the PECO Trust Fund will include revenues deposited pursuant to Section 201.15(1)(d), F.S., from the General Revenue Fund. The funds originate from the collection of documentary stamp tax collections. From the PECO Trust Fund, \$41.75 million will be appropriated annually for expenditure to fund the Classrooms for Kids Program, and \$30 million will be appropriated annually for expenditure to fund the High Growth County District Capital Outlay Assistance Grant Program.

**Section 26** of the bill provides that documentary stamp tax revenues remaining after required payments are made pursuant to Section 201.15, F.S., will be deposited into the General Revenue Fund with the State Treasury, to the credit of the PECO Trust Fund. The PECO Trust Fund will receive \$105 million each fiscal year, to be paid in monthly installments, with \$75 million to be used to fund the Classrooms for Kids Program, and \$30 million to be used to fund the High Growth County District Capital Outlay Assistance Grant Program. Also, \$3 million is to be used to fund technical assistance to local governments and school boards on the requirements and implementation of the act.

**Section 27** of this bill provides for appropriations from the General Revenue Fund for 2005-2006 only. Documentary stamp tax revenues are deposited into the General Revenue Fund. The appropriation from this fund source is nonrecurring and the revenues are deposited in quarterly installments to the PECO Trust Fund, for a total of \$71.65 million during 2005-2006. Of this amount, \$41.65 million is appropriated for the purpose of funding the Classrooms for Kids Program and \$30 million is appropriated for the High Growth County District Capital Outlay Assistance Grant Program.

# Florida

## Department of Education

*NOTE: The current interpretation of the appropriation action/intent included in the three referenced sections is:*

- *For 2005-2006, the High Growth County District Capital Outlay Assistance Grant Program will receive \$30 million from recurring funds.*
- *For 2005-2006, the Classrooms for Kids Program will receive \$41.65 million from non-recurring funds and \$41.75 million from recurring funds.*
- *In subsequent fiscal years, the PECO Trust Fund will receive recurring funds of \$105 million, to be distributed to the Classrooms for Kids Program (\$75 million) and to the High Growth District Capital Outlay Assistance Grant Program (\$30 million).*

*Further legislative clarification will be necessary to implement the funding programs.*

AMENDS: 163.3164 ;163.3174 ;163.3177 ;163.31776 ;163.31777 ;163.318; 163.3184;163.3191 ; 163.3247 ; 166.31 ;201.15 ;206.46 ;212.055 ;1013.33; 1013.64 ;1013.65 plus sections of statute affecting transportation.



**Bill Number:** SB 2610

**Bill Title:** State Financial Matters

**Bill Sponsor:** Senator Carlton

**Effective Date:** Except as otherwise provided in the bill, the act takes effect July 1, 2005.

**DOE Contact:** Linda Champion, Finance and Operations (850.245.0406)

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### **Executive Summary:**

The bill includes numerous changes to the policy related to state financial matters. A section by section review of significant changes is summarized below.

**Section 4** – Effective July 1, 2006, Section 45.061, Florida Statutes amends the policy for negotiated settlement agreements in excess of \$1 million or with a future loss of state revenues exceeding \$10 million. Written notice is required to the legislature and attorney general when settlement negotiations have begun in earnest.

**Section 12** – Amends Section 216.001, Florida Statutes related to salary rate for state agencies, mandatory reserve and budget reserve and technical changes to definitions to budget terminology.

**Section 14** – Amends the policy for development by state agencies of the Long-Range Program Plan (LRPP) and requires agencies to post their LRPP on their Internet website not later than September 30 of each year.

**Section 15** – Amends Section 216.023, Florida Statutes for state agency budget preparation and several significant dates. State agencies may not submit a complete legislative budget request later than October 15 of each year unless an alternative date is agreed to be in the best interest of the state by the Governor and the chairs of the legislative appropriations committees. The date for transmittal to agencies of the budget instructions is changed from June 15 to July 15 of each year unless an alternative date is also agreed to. An evaluation of outsourcing and privatization initiatives undertaken during the last five fiscal years with expenditures exceeding \$10 million during the term of the contract is required.

**Section 24** – Changes the date when the Governor's budget is due from 45 days to 30 days before the scheduled annual legislative session.

**Section 29** – Amends the policy for calculation of salary rate for state agencies and modifies the procedures related to approval of nonoperating budgets.

**Section 32** – Modifies state policy and procedures for dealing with budget deficits.

**Section 34** – Amends Section 216.235 by deleting the Information Resource Commission and replacing with the State Technology Office.

**Section 37** – Amends Section 216.262 to require Legislative Budget Commission approval for positions in excess of those authorized.

# Florida

## Department of Education

**Section 38** – Substantially rewords Section 216.292, Florida Statutes related to policies and procedures for changes to the approved operating budget for state agencies. New language in Section 216.292(2)(d), Florida Statutes establishes the transfer of class size operating funds to fixed capital outlay subject to the notice and review provisions of Section 216.177, Florida Statutes.

**Section 39** – Amends Section 216.301, Florida Statutes related to certified forwarding of unexpended fund balances, including fixed capital outlay for education.

**Section 40** – Effective July 1, 2006, changes the date for reversion from December 31 to September 30 for encumbered balances of appropriations remaining undisbursed.

**Section 59** – Technical adjustment to statutory reference in Section 216.292(2)(d), Florida Statutes for the class size budget transfer in Section 1003.03(4)(a), Florida Statutes.

**Section 60** – Technical adjustment to the Florida Gold Seal Vocational Scholars Award providing selection of career education program by Workforce Florida, Inc. instead of the Workforce Estimating Conference.

**Section 61** – Amends Section 1013.512(2) Florida Statutes relating to the Land Acquisition and Facilities Advisory Board providing the Governor with the authority to recommend to the Legislative Budget Commission for approval or disapproval the placement in reserve of school district funds until deficiencies are corrected.

**Section 62** – Amends Section 215.32 to re-appropriate funds from the Working Capital Fund to the general revenue funds and to replace the “General Revenue Fund” with any references to the Working Capital Fund in SB 2600, SB 2602 or similar legislation.

**Section 63** - Repeals Section 216.1825, Florida Statutes related to Zero-based budgeting; Section 216.183, Florida Statutes related to entities using performance-based program budgets, chart of accounts; and Section 288.1234, Florida Statutes related to guarantee of state obligations, Olympic Games Guaranty Account.



**Bill Number:** SJR 2144

**Bill Title:** A Joint Resolution Proposing Amendments to Section 19 of Article III of the State Constitution relating to Requirements for State Budget Planning, Spending and Accountability

**Bill Sponsor:** Senator Atwater

**Effective Date:**

**DOE Contact:** Linda Champion, Finance and Operations (850.245.0406)

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**Executive Summary:**

This joint resolution places before the voters at the next general election proposed changes to Section 19 of Article III of the State Constitution. The amendment would do the following:

- Limit the amount of non-recurring general revenue that may be used to fund the recurring costs of state programs to 3 percent of total general revenue (approximately \$800 million). This limitation may be waived by a 3/5 vote of the Legislature.
- Require the Joint Legislative Budget Commission to issue a long-range financial outlook, which will establish fiscal strategies, including workload and revenue estimates. Agency legislative budget requests will be required to be based upon and reflect the long-range financial outlook.
- Establish the Joint Legislative Budget Commission in the Florida Constitution to operate essentially in its current form. The Joint Legislative Budget Commission will be required to seek input from the public and from state agencies and departments when developing and implementing the long-range financial outlook.
- Create a Government Efficiency Task Force in 2007, and every 4 years thereafter, composed of legislators and private sector appointees, to make recommendations to improve government and reduce costs.
- Require state planning to be long-range (and updated every 2 years as is done now), with statewide strategic goals and objectives, and to be consistent with the long-range financial outlook.

# Florida

## Department of Education

**Bill Number:** HB 101

**Bill Title:** Sales Tax Holiday – Books Clothing School Supplies

**Bill Sponsor:** Representative Sansom and Others

**Effective Date:** July 1, 2005

**DOE Contact:** Linda Champion, Finance and Operations (850.245.0406)

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### **Executive Summary:**

The bill provides that no sales tax will be collected on the following: books, clothing, wallets or bags having a sales price of \$50 or less per item, and school supplies having a sales price of \$10 or less per item during the last 9 days of July 2005 (July 23-31, 2005).

The sum of \$206,000 is appropriated from the General Revenue Fund to the Department of Revenue to administer the policy.

*Signed by Governor*

**Bill Number:** SB 388

**Bill Title:** Education Funding

**Bill Sponsor:** Senator Alexander

**Effective Date:** July 1, 2005

**DOE Contact:** Linda Champion, Finance and Operations (850.245.0406)

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**Executive Summary:**

Provisions: Sales Surtax, VPK Allocations, Consortiums, FEFP Sparsity Supplement, Repeal of Performance-Based Funding and Teaching Salary Career Ladder, and State Budgeting of Trust Funds

The conference report clarifies that a freeze on noncapital local school property taxes as provided in Section 212.055, F.S., for three years after a district levies a discretionary half cent sales surtax for capital outlay does not apply to taxes authorized in the General Appropriations Act.

Clarification is also made allowing Voluntary Pre-K (VPK) funds to be allocated based on actual student enrollment in each Early Learning Coalition's attendance area along with the authorization of three existing coalitions notwithstanding the 30 coalition limit. These coalitions are in Sarasota, Osceola, and Santa Rosa counties.

The conference report conforms the amount of the annual incentive grant, to the amount provided in the appropriations act (\$50,000), for each member of a regional educational consortium service organization and authorizes lab schools and the School for the Deaf and the Blind to be members of regional consortium service organizations.

The method of calculating the wealth adjustment in the FEFP Sparsity Supplement is revised so no district will have a wealth adjustment that will cause its average funds per FTE from total potential funds to be less than the state average funds per FTE from total potential funds.

This legislation provides for the repeal of Section 1008.31 (2), F.S., relating to performance-based funding, and Section 1012.231, F.S., relating to a teaching salary career ladder.



**Bill Number:** HB 871

**Bill Title:** Public Funds/Deposits

**Bill Sponsor:** Representative Bilirakis

**Effective Date:** July 1, 2005

**DOE Contact:** Linda Champion, Finance and Operations (850.245.0406)

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**Executive Summary:**

This Act expands the provisions of Section 218.415, F.S., governing investment of local governmental unit (including school districts) surplus funds by adding a category entitled "Authorized Deposits" and specifying conditions for such deposits. Funds are initially deposited in a selected qualified public depository, as defined in Section 280.02, F.S., which then arranges for deposit in certificates of deposit in one or more federally insured banks or savings and loan associations, for the account of the local government. The full amount of principal and accrued interest of each certificate is to be insured by Federal Deposit Insurance Corporation. The selected depository acts as custodian for the local government. The selected depository must receive from customers of other federally insured institutions deposits equal or greater than the amount initially invested by the local government.

The statute (Section 17.57, F.S.) governing deposits and investments of state money by the Chief Financial Officer is similarly amended.

Deposits made in accordance with these provisions are specifically exempt from the collateral requirements of Chapter 280, Florida Statutes.

*Signed by Governor*

**Bill Number:** HB 841

**Bill Title:** State Lottery/Public Education

**Bill Sponsor:** Representatives Attkisson; Coley and Others

**Effective Date:** July 1, 2005

**DOE Contact:** Linda Champion, Finance and Operations (850.245.0406)

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**Executive Summary:**

The bill directs 80 percent of all unclaimed lottery prize money from on-line games to be deposited in the Educational Enhancement Trust Fund (EETF), and provides that the remaining 20 percent will be added to the prize pool to provide for future prizes or special prize promotions. Currently, all unclaimed prize money from on-line games is added to the prize pool to provide for future prizes or special prize promotions. The bill adds authority for the same policy for on-line games unclaimed prize money provided in 2002 for instant lottery tickets unclaimed prize money.

The bill authorizes the Department of Lottery to establish variable percentages for on-line games prize payouts and transfers to the EETF. Currently, as nearly as practical, at least 50 percent is returned to the public in the form of prizes and at least 39% of the gross revenue from on-line ticket sales is deposited in the EETF. The Department of Lottery was given authority in 2002 to establish variable percentages for instant ticket prize payouts and EETF transfers and that change has been credited with doubling instant ticket sales.

Department of Lottery research indicates that this same flexibility for on-line tickets sales and transfers, as provided for in this legislation, will allow for higher prize payouts for its line of on-line games and that in turn will significantly increase on-line ticket sales.

# Florida Department of Education

**Bill Number:** HB 1907

**Bill Title:** FRS/Payroll Contribution Rates

**Bill Sponsor:** Fiscal Council and Representative Negron

**Effective Date:** July 1, 2005

**DOE Contact:** Linda Champion, Finance and Operations (850.245.0406)

## Executive Summary:

This bill revises the payroll contribution rates for the Florida Retirement System and the Institute of Food and Agricultural Sciences. It declares that this act fulfills an important state interest and reduces the administrative and educational assessments paid to the State Board of Administration.

The required employer retirement contribution rates for each membership class of the Florida Retirement System are listed below:

	Rates effective	Rates effective	Rates effective
<u>Membership Class</u>	<u>July 1, 2004</u>	<u>July 1, 2005</u>	<u>July 1, 2006</u>
Regular Class	6.20%	6.67%	9.53%
Special Risk Class	17.34%	17.37%	21.91%
Special Risk Administrative Support Class	8.73%	8.76%	12.39%
Elected Officers' Class			
Public Defenders	11.30%	11.33%	14.86%
Justices, Judges	17.46%	17.49%	20.43%
County Elected Officers	14.04%	14.07%	17.00%

# Florida

## Department of Education

Senior Management Class	8.18%	9.29%	13.27%
DROP	8.00%	8.22%	11.74%

The monthly contribution paid into the Institute of Food and Agricultural Sciences Supplemental Retirement Trust Fund, effective July 1, 2005 through June 30, 2007, is 20.23%.

The additional contribution required from employers participating in the Florida Retirement System to administer the optional retirement program and the costs of providing educational services to participants in the defined benefit program and the optional retirement program is reduced from .08 percent to .05 percent.



**Bill Number:** SB 660

**Bill Title:** Assets Held in Benefit Plans

**Bill Sponsor:** Senator Carlton

**Effective Date:** Upon Becoming Law

**DOE Contact:** Linda Champion, Finance and Operations (850.245.0406)

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**Executive Summary:**

This Act revises various sections of Florida law related to assets held for the benefit of individuals or estates. Among these is an amendment of s. 222.21, exemption of pension money to clarify exemption of certain tax exempt funds from legal process in favor of creditors. Programs approved under Internal Revenue Service section 457(b) are specifically exempted unless the fund or account has been held non-exempt in a proceeding that has become final and nonappealable.

Employees of the State of Florida, universities, community colleges and school districts may elect to participate in s. 457(b) (Deferred Compensation) retirement savings plans if their respective employers have established approved plans. Accumulated savings held in IRS approved s. 457(b) plans are exempt from process to pay debts of participating employees. Similar protection from creditors is afforded to assets accumulated in s. 403(b) accounts which are available for employees of educational institutions.

Funds held in the Florida Prepaid College Program and the Florida College Savings Program are exempt under current state law. Coverdale Education Savings Accounts are added to this exemption.



**Bill Number:** SB 2146

**Bill Title:** State Planning and Budgeting

**Bill Sponsor:** Senator Atwater

**Effective Date:** Upon the effective date of the Amendment to the State Constitution contained in SJR 2144 or a similar constitutional amendment

**DOE Contact:** Linda Champion, Finance and Operations (850.245.0406)

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**Executive Summary:**

**Section 1** – Establishes the policies and procedures for the Legislative Budget Commission, including the development of a long-range financial outlook.

**Section 2** – Creates a Government Efficiency Task Force to convene no later than January 2007 to develop recommendations for improving governmental operations and reducing costs.

**Section 5** - Defines terms, including the long-range financial outlook which is a 3 year plan for state revenues and expenditures and provides the framework and context for legislative budget requests prepared by state agencies.

**Section 6** – Delineates the process for developing the long-range financial outlook.

**Section 7** – Defines the use of the long-range financial outlook in budget request preparation by state agencies.

**Section 8** – Amends Section 216.065, Florida Statutes to add a requirement that fiscal impact statements be provided to the Legislative Budget Commission before agencies take final action that will affect revenues. The statement must specify the estimated budget and revenue impacts for the current year and the 2 subsequent fiscal years at the same level of detail required to support a legislative budget request, including amounts by appropriation category and fund.

**Section 9** – Amends Section 216.162, Florida Statutes changing the date for the Governor to furnish a recommended budget to the Legislature from 45 days to 30 days before the scheduled annual legislative session, or at a later date if requested by the Governor and approved by the Speaker of the House and President of the Senate.



**Bill Number:** HB 1159

**Bill Title:** Florida Retirement System

**Bill Sponsor:** Representative Bodganoff

**Effective Date:** October 1, 2005

**DOE Contact:** Linda Champion, Finance and Operations (850.245.0406)

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**Executive Summary:**

This bill allows local government employees, who are members of the Senior Management Service Class and have withdrawn from the Florida Retirement System, an opportunity to elect participation in the Defined Benefit Program or the Public Employee Optional Retirement Program. The election period for such participation is from January 1, 2006, through June 30, 2006.

This bill also provides that when a municipality enters into an interlocal agreement to provide fire protection services to another municipality, the municipality providing the services is eligible to receive the other municipality's premium tax revenues.

The municipality receiving the fire services must levy the tax as provided in Section 175.101, Florida Statutes, and provide copies of the interlocal agreement and the ordinance levying the tax to the Florida Division of Retirement.



**Bill Number:** SB 106

**Bill Title:** State Retirement Program

**Bill Sponsor:** Senator Constantine

**Effective Date:** July 1, 2005

**DOE Contact:** Linda Champion, Finance and Operations (850.245.0406)

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**Executive Summary:**

This bill expands certification of total and permanent disability to members in the retirement system by allowing members whose position require that they work full-time outside this state in the United States to qualify. The proof of disability may include certification by two licensed physicians which reside in the state in which the member is currently working.

In addition, it restructures the State Retirement Commission by increasing it from three to five members, which consists of:

- Two members who are retired under a state-supported retirement system administered by the department;
- Two member who are active members of a state-supported retirement system that is administered by the department; and
- One member who is neither a retiree, beneficiary, nor member of a state-supported retirement system administered by the department.

Furthermore, for panels' meeting purpose, a quorum shall be two members or more and for all other purposes, a quorum shall consist of three members.

This bill removes the requirement that an appointment has to be for one year to participate in the optional retirement program for eligible university system employees.



**Bill Number:** HB 1053

**Bill Title:** St. Lucie County Research and Education Authority

**Bill Sponsor:** Representative Harrell

**Effective Date:** Upon approval by a majority vote of qualified electors of St. Lucie County voting in a referendum to be called by the St. Lucie County Supervisor of Elections on or before November 7, 2006

**DOE Contact:** Spessard Boatright, Facilities (850.245.9229)

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**Executive Summary:**

This Act creates a county-wide independent special district, the St. Lucie Research and Education Authority, for the purpose of promoting and stimulating economic development and employment opportunities in St. Lucie County and throughout the Treasure Coast. The Authority may levy a research and educational facilities benefit assessment on certain transfers of real property within St. Lucie County to implement adopted research and education plans or programs, and to fund administration of the Authority.

The provisions of this legislation will provide a funding incentive for public-private partnerships to develop research and education facilities and programs within St. Lucie County and the Treasure Coast. Through the creation of these facilities, high-technology businesses and research enterprises will be attracted to the area thereby establishing a strong, high-paying job base. This will also benefit the value of real property in the county by helping to maintain its value and stimulate growth in value over time as the property is sold or resold.

The Authority will be comprised of two members from the St. Lucie County Board of Commissioners, two members from the City Commission of the City of Fort Pierce, two members from the City Council of the City of Port St. Lucie, and one member appointed by the Governor.

The purchaser or seller of benefited real property whose value is enhanced by the creation of research and educational facilities, and maintenance of a strong job base in the County, is assessed a fee at the time property is transferred. The fee is proportional to and not in excess of the benefit received from the education and research facilities. The Act provides the amounts of assessments based upon the current use of the property.

# Florida

## Department of Education

**Bill Number:** SB 442

**Bill Title:** Building Safety

**Bill Sponsor:** Senator Bennett

**Effective Date:** July 1, 2005 (except section 1 takes effect July 1, 2006)

**DOE Contact:** Spessard Boatright, Facilities (850.245.9229)

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### **Executive Summary:**

The legislation modifies the Florida Building Commission such that it would affect construction and maintenance of public schools in Florida. Section 553.775, F.S., Relating to Interpretations, is added for the purpose of resolving disputes in interpretation of the Florida Building Code (FBC). Requests may be made to resolve conflict in interpretation between a local building official and any substantially affected person, state agency or local enforcement agency including public school districts.

Added language requires the commission to update the FBC every 3 years while selecting the International Building Code as the basis for the updated FBC. Currently, the FBC is under revision and changes will have a significant impact on school design and maintenance. The bill changes the implementation date of the 2004 edition of the FBC from July 1, 2005, to October 1, 2005.

Authorizes local school districts to create a "board of adjustment or appeal" to which the school district could appeal any interpretation of the FBC by a local building official which relates to a specific project.

Creates the "Building Code Education and Outreach Council" to ensure administration and enforcement of the FBC. The council would include: 3 members of the Florida Building Commission, various design professionals, a representative of the State Fire Marshal, and one representative with experience and expertise in K-12 public school construction. Each member shall be appointed to a 2 year term and the council would meet at least semiannually in Tallahassee.

These proposed modifications would have an overall affect in administrative procedures in the application of the FBC to public schools. The changes would establish more definitive procedures for the construction and maintenance of public schools.

This act will affect public schools beginning July 1, 2005.



**Bill Number:** HB 1729

**Bill Title:** A review under the Open Government Sunset Review Act

**Bill Sponsor:** Representative Kottkamp

**Effective Date:** October 1, 2005

**DOE Contact:** Theresa Antworth, Office of Student Financial Assistance (850.410.5185)

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**Executive Summary:**

House Bill 1729 amends s. 1009.981, Florida Statutes, which protects the confidentiality of benefactors or designate beneficiaries of the Florida College Savings Programs accounts by:

- Clarifying language to maintain the public records exemption for the Florida College Savings Program identification of benefactors or designated beneficiaries, and
- Deleting provisions that provide for a repeal of the exemption under the Open Government Sunset Review Act.



**Bill Number:** SB 1244

**Bill Title:** Tax/Gross Receipts for Utility Services

**Bill Sponsor:** Senator Alexander

**Effective Date:** January 1, 2006

**DOE Contact:** Linda Champion, Finance and Operations (850.245.0406)

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**Executive Summary:**

Prior to 1990, all natural gas purchases in Florida were made from local distribution companies. The origin of the gas was not a concern to the consumer, because a Florida gas company bought and resold it to consumers. The consumer price of natural gas included all costs associated with transporting it to the end user and gross receipts taxes were calculated on the entire cost of the delivered product.

Changes adopted in 1990 allowed Florida customers to purchase gas from out-of-state vendors. The taxability of some transactions could not be assured since the tax was imposed on the vendor, not a Florida business. Because of changes brought about by deregulation, the gross receipts tax base has been significantly reduced. Since 1990, the amount of natural gas purchased from out-of-state suppliers has increased to more than 70 percent of all gas supplied by privately owned companies.

This Act closes a gap in the gross receipts tax law (Chapter 203) that has existed for some individuals or businesses that have used natural or manufactured gas without taxation benefits accruing to Florida. The impact of this enacted legislation will be to provide additional funding for the Public Education Capital Outlay (PECO) Trust Fund.



**Bill Number:** SB 838

**Bill Title:** Medicaid

**Bill Sponsor:** Senator Peaden and Others

**Effective Date:** July 1, 2005

**DOE Contact:** Linda Champion, Finance and Operations (850.245.0406)

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**Executive Summary:**

This Act was developed from recommendations of the Senate Select Committee on Medicaid Reform and includes various reform activities, pilot projects, and studies designed to improve efficiency and achieve sustainable growth of the program. The Agency for Health Care Administration is authorized to seek experimental, pilot, or demonstration projects. The Act states an extensive list of intentions for capitated managed care pilot programs. Included in these intentions is a continuation of the existing Certified School Match Program whereby school districts are reimbursed by Medicaid for an IDEA/Medicaid eligible child who is receiving authorized services regardless of whether the child is enrolled in a capitated managed care network. Capitated managed care networks are to make a good-faith effort to execute agreements with school districts regarding the coordinated provision of services under Section 1011.70, F.S. Similar intent is expressed relative to Medicaid services delivered in a school setting by county health departments. To ensure continuity of care, the agency, the Department of Health, and the Department of Education are to develop procedures for ensuring that a student's capitated managed care network provider receives information relating to services provided in accordance with Sections 381.0056, 381.0057, 409.9071, and 1011.70, F.S.



**Bill Number:** SB 1446

**Bill Title:** Public Employee Optional Retirement

**Bill Sponsor:** Senator Argenziano

**Effective Date:** July 1, 2005

**DOE Contact:** Linda Champion, Finance and Operations (850.245.0406)

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**Executive Summary:**

This bill relates to the Public Employees Optional Retirement Program. It places restrictions on the reemployment of retirees who retire under the Investment Program. A retiree under the Investment Program may not be reemployed with a FRS employer for three months following retirement unless the retiree has reached the normal retirement requirements of the defined benefit plan. Violation of this provision subjects the employing agency to be jointly and severally liable for reimbursement of any benefits paid to the retiree.

The bill provides for the designation of beneficiaries which parallels that of the Pension Plan. It changes the manner in which uncashed retirement benefits are processed. Checks not cashed within 180 days of issuance are cancelled and credited to a suspense account of the Public Employee Optional Retirement Program Trust Fund. If not claimed within 10 years, the benefits are forfeited.

DROP participants who have terminated employment may transfer DROP benefits to the Investment Plan. This allows them the same investment choices available on the open market but at a lower cost.

It allows for five rather than four companies to provide services under the state university optional retirement program and expands the authority of the State Board of Administration to invest in asset-backed securities.



**Bill Number:** HB 349

**Bill Title:** Auditor Selection Procedures

**Bill Sponsor:** Representatives Brummer and Ambler

**Effective Date:** July 1, 2005

**DOE Contact:** Linda Champion, Finance and Operations (850.245.0406)

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**Executive Summary:**

This Act includes district school boards along with charter counties, municipalities, special districts, charter schools, and charter technical career centers in the requirement to establish audit committees. The audit committee's primary purpose is to assist the board in selecting an auditor to conduct the annual financial audit required by Section 218.39, F.S. However, the audit committee may serve other audit oversight purposes as determined by the entity's governing board. The public is not to be excluded from proceedings for establishment of the audit committee and the establishment of factors to use in evaluation of audit services. The audit committee is to publicly announce requests for proposals and provide interested firms a request for proposal. The committee is to rank and recommend in order of preference no fewer than three firms. If fewer than three firms respond, the committee shall recommend such firms as it deems the most highly qualified.

The Act further specifies the board's process in selection of the audit firm and replaces provisions that have governed audit contracts to date. Minimum provisions for written contracts or engagement letters are specified.

*Signed by Governor*

**Bill Number:** HB 1695

**Bill Title:** Public Records Exemption for the Voluntary Prekindergarten Education Program

**Bill Sponsor:** Representatives Arza, Sobel, Ambler, Anderson

**Effective Date:** Upon becoming law.

**DOE Contact:** Shan Goff, Office of Early Learning (850.245.0445)

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**Executive Summary:**

The bill creates an exemption from public records requirements so that individual records of children enrolled in the Voluntary Prekindergarten (VPK) Education Program held by an early learning coalition, the Agency for Workforce Innovation (AWI), or a VPK provider are confidential. Such records include assessment data, health data, records of teacher observations, and personal identifying information of an enrolled child and his or her parent. The exemption applies retroactively to such record enrolled in the Voluntary Prekindergarten (VPK) Education Programs. Parents have the right to inspect, review, and obtain a copy of such records of their children. Confidential and exempt records may be released to only those entities designated in the law in order to carry out their official functions, and these entities must protect the data so that it does not permit identification of the child or parent.



**Bill Number:** HB 1861

**Bill Title:** Sunset Review of Public Records Exemption for the School Readiness Program

**Bill Sponsor:** Representative Kottkamp

**Effective Date:** October 1, 2005.

**DOE Contact:** Shan Goff, Office of Early Learning (850.245.0445)

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**Executive Summary:**

The bill creates an exemption from public records requirements so that individual records of children enrolled in School Readiness Programs held by an early learning coalition or the Agency for Workforce Innovation (AWI) are confidential. Such records include assessment data, health data, records of teacher observations, and personal identifying information of an enrolled child and his or her parent. Parents have the right to inspect, review, and obtain a copy of such records of their children. Confidential and exempt records may be released to only those entities designated in the law in order to carry out their official functions, and these entities must protect the data so that it does not permit identification of the child or parent.

# Florida Department of Education

*Signed by Governor*

**Bill Number:** HB 281

**Bill Title:** Paperwork Reduction

**Bill Sponsor:** Representative Sansom

**Effective Date:** Upon becoming a law

**DOE Contact:** Chancellor Jim Warford, K12 Public Schools (850.245.0509)

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## **Executive Summary:**

Creates a task force with the intended purpose of recommending strategies to reduce the amount of paperwork required of school district personnel, with added focus on teaching personnel. The recommended strategies of the task force shall address methods to increase efficiency in the process of data collection and paperwork, as well as methods to eliminate unnecessary or redundant information in the paperwork required of school district personnel.

The task force shall be comprised of the Commissioner of Education, three members appointed by the President of the Senate, three members appointed by the Speaker of the House of Representatives, three members appointed by the Governor, and three teachers appointed by the Commissioner of Education.

The task force shall submit a final report to the legislature by February 1, 2006, and upon submission of the report shall be abolished.

This bill has been signed into law.



**Bill Number:** SB 1678

**Bill Title:** Public School Class Size

**Bill Sponsor:** Senator Alexander

**Effective Date:** July 1, 2005

**DOE Contact:** Linda Champion, Finance and Operations (850.245.0406)

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**Executive Summary:**

This legislation allows unexpected student growth to be included in the calculations made to determine compliance with the constitutional class size requirements. The projected student membership that is contained in the first Florida Education Finance Program calculation will be used in the calculation if the student membership in the October survey exceeds the projection. Beginning in 2005-06, any district which comes into compliance with the required class size averages when compared to the February 2003 student membership survey is eligible for a reversal of the prior year class size reduction operating categorical transfer to a fixed capital outlay appropriation that resulted from its inability to achieve the required class size averages.

*Signed by Governor*

**Bill Number:** HB 579

**Bill Title:** International Certificate of Education Programs and Dual Enrollment

**Bill Sponsor:** Representative Proctor

**Effective Date:** July 1, 2005

**DOE Contact:** Chancellor Jim Warford, K12 Public Schools (850.245.0509)

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**Executive Summary:**

The enrolled legislation proposes to include International Certificate of Education programs from England's Cambridge University in a variety of Florida public school programs. These public school programs that would include International Certificate of Education programs are:

- public school choice options;
- required information regarding rigorous academic programs;
- time-shortened educational programs/acceleration mechanisms;
- advanced fine arts courses;
- articulated acceleration mechanisms for which postsecondary credit can be awarded and
- Bright Futures, Florida Academic Scholars and Florida Medallion Scholars awards.

This would place the International Certificate of Education programs on an equal statutory status with International Baccalaureate (IB) and Advanced Placement (AP) programs.

The legislation revises the test score requirements for International Certificate of Education programs to be consistent with current Cambridge score scales. It also provides the formula for calculating additional FTE memberships based on exam scores and program completion.

The legislation proposes to clarify language related to the dual enrollment program. It also provides that each semester of instruction that is eligible for high school and postsecondary credit shall be reported by school districts as 75 membership hours for purposes of FTE calculation.

Amends section 1002.20, Florida Statutes.

**Bill Number:** HB 193

**Bill Title:** Chad Meredith Act

**Bill Sponsor:** Representative Hasner

**Effective Date:** July 1, 2005

**DOE Contact:** Chancellor Jim Warford, K12 Public Schools (850.245.0509)

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### **Executive Summary:**

#### **Grades 9-12**

The enrolled legislation prohibits hazing of a student at a high school (public or nonpublic) within grades 9-12. The legislation defines hazing as any action or situation that recklessly or intentionally endangers the mental or physical health or safety of a high school student for purposes, including, but not limited to, initiation or admission into or affiliation with any organization operating under the sanction of the high school. Examples of hazing are also included in the legislation such as pressure or coercion of the student into violating laws, any brutality of a physical nature, and any activity that would subject the student to extreme mental stress. Hazing does not include customary athletic events or other similar contests or competitions or any activity or conduct that furthers a legal and legitimate objective.

The enrolled legislation also provides criminal penalties for a person who commits an act of hazing. A person commits a third-degree felony when he or she intentionally or recklessly commits any act of hazing upon another person who is a member of or an applicant to any type of student organization and it results in serious bodily injury to the student or his or her death. It is a first-degree misdemeanor if the act of hazing creates a substantial risk of physical injury or death. As a condition of any sentence imposed, the defendant must complete a four-hour hazing education course that may also impose a condition of drug or alcohol probation.

The enrolled legislation specifies that the following cannot be a defense: the victim had consented or that the conduct or activity that resulted in the death or injury of a person was not part of an official organizational event, was not otherwise sanctioned or approved by the organization, or was not done as a condition of membership to an organization. The enrolled legislation should be construed to preclude prosecution for a more general offense resulting from the same criminal transaction or episode.

#### **Post-secondary Institutions**

The enrolled legislation amends Section 1006.63, Florida Statutes, pertaining to hazing in postsecondary institutions, by expanding the definition of hazing to include "pressuring or coercing a student into violating state or federal law," and provides that hazing does not include customary athletic events or other similar contests or competitions or any activity or conduct that furthers a legal and legitimate objective.

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The enrolled legislation also provides criminal penalties for a person who commits an act of hazing. A person commits a third-degree felony when he or she intentionally or recklessly commits any act of hazing upon another person who is a member of or an applicant to any type of student organization and it results in serious bodily injury to the student or his or her death. It is a first-degree misdemeanor if the act of hazing creates a substantial risk of physical injury or death. As a condition of any sentence imposed, the defendant must complete a four-hour hazing education course that may also impose a condition of drug or alcohol probation.

The enrolled legislation specifies that the following cannot constitute a valid defense to a prosecution defense of hazing: the victim had consented or that the conduct or activity that resulted in the death or injury of a person was not part of an official organizational event, was not otherwise sanctioned or approved by the organization, or was not done as a condition of membership to an organization. The enrolled legislation should be construed to preclude prosecution for a more general offense resulting from the same criminal transaction or episode.

**Bill Number:** HB 209

Vetoed

**Bill Title:** School Students/Psychotropic Medication

**Bill Sponsor:** Representative Barreiro

**Effective Date:** Upon becoming a law

**DOE Contact:** Chancellor Jim Warford, Division of K12 Public Schools (850.245.0509)

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**Executive Summary:**

The legislation defines psychotropic medication as a medication that is used for the treatment of mental disorders, and stipulates that a recipient of state funds shall not require a student to be prescribed or administered any psychotropic medication as a condition of receiving educational or school-based services. The bill requires a parental notice prior to evaluation for any disorder listed in the *Diagnostic and Statistical Manual of Mental Disorders*. Parents shall be notified that:

- the behaviors prompting the evaluation could be the result of underlying physical conditions;
- the parents should consider consulting a medical doctor to rule out physical causes;
- the parent has the right to decline the evaluation and
- the evaluation and subsequent classification or placement may be documented on the student's cumulative record.

Creates section 1006.065, Florida Statutes.

# Florida

## Department of Education

**Bill Number:** SB 1090

*Signed by Governor*

**Bill Title:** Minors/Psychotropic Medication

**Bill Sponsor:** Senator Campbell

**Effective Date:** July 1, 2005

**DOE Contact:** Chancellor Jim Warford, K12 Public Schools (850.245.0509)

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### **Executive Summary:**

The enrolled legislation defines psychotropic medication as a medication that is used for the treatment of mental disorders. The public school may not deny a student access to programs or services because the parent has refused to place the student on a psychotropic medication. The teacher and school district personnel may share school-based observations of academic, functional, and behavioral performance and offer program options and other assistance to the parent. School personnel may not compel a student to take medication. A parent may refuse psychological screening of the student. Medical decisions need to be a matter between the student, his or her parents, and health professionals chosen by the student's parents.

# Florida

## Department of Education

Signed by Governor

**Bill Number:** HB 279

**Bill Title:** Students/Administering Epinephrine ("Kelsey Ryan Act")

**Bill Sponsor:** Representative Grimsley

**Effective Date:** January 1, 2006

**DOE Contact:** Chancellor Jim Warford, K12 Public Schools (850.245.0509)

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### **Executive Summary:**

Entitled the "Kelsey Ryan Act," this bill allows students who have life-threatening allergies to self-administer epinephrine using an auto-injector while participating in school, school-sponsored activities or during transportation to or from school or school-sponsored activities. Both the student's parent and physician must authorize the use of the auto-injector. Rulemaking authority is granted to the State Board of Education, in cooperation with Department of Health, for use of epinephrine auto-injectors that shall include provisions to protect the safety of all students from the misuse or abuse of auto-injectors. A school district, county health department, public-private partner, and their employees and volunteers shall be indemnified or held harmless by the parent of the student authorized to carry an epinephrine auto-injector for any and all liability regarding the use of epinephrine auto-injectors.

Amends section 1002.20, Florida Statutes.

# Florida Department of Education

Signed by Governor

**Bill Number:** HB 227

**Bill Title:** Ms. Willie Ann Glenn Act (Summer Nutrition Program)

**Bill Sponsor:** Representative Greenstein and Others

**Effective Date:** July 1, 2005

**DOE Contact:** Linda Champion, Finance and Operations (850.245.0406)

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## **Executive Summary:**

This legislation requires each district school board to develop a plan by May 1, 2006, to sponsor a summer nutrition program beginning the summer of 2006 to operate sites in the school district as follows: (a) Within 5 miles of at least one elementary school at which 50 percent or more of the students are eligible for free or reduced-price school meals and for the duration of 35 consecutive days; and (b) Except as operated pursuant to paragraph (a), within 10 miles of each elementary school at which 50 percent or more of the students are eligible for free or reduced-price school meals.

A district school board seeking exemption from this requirement must include the issue on an agenda of a regular or special meeting that is publicly noticed, provide residents an opportunity to participate in the discussion, and vote on whether to be exempt. The Commissioner of Education must be notified within 10 days of a decision to be exempt. This is an annual exemption to be reconsidered each year in the same manner.

If a school board elects to be exempt, it may encourage not-for-profit entities to sponsor the program. The superintendent of schools may collaborate with municipal and county governmental agencies and private, not-for-profit leaders in implementing the plan. By April 15 of each year, each school district with a summer nutritional program shall report its sites to the department.

The department shall provide to the school board by February 15 each year a list of local organizations that have filed letters of intent to participate in the program so that the board is able to determine how many sites are needed to serve the children and where to place each site.



**Bill Number:** SB 2550

**Bill Title:** Assistive Technology Devices and Services

**Bill Sponsor:** Senator Wise

**Effective Date:** July 1, 2005

**DOE Contact:** Chancellor Jim Warford, K12 Public Schools (850.245.0509)

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**Executive Summary:**

The legislation allows for assistive technology devices issued to a young person as part of an individual family support plan, individual support plan, or individual educational plan remain with the individual through transitions from preschool to school, from one school to another, and from high school to employment or independent living. The bill specifies that the request for an assistive technology device to remain with a young person as he or she moves through the continuum from home to school to post school, be initiated by the individual or his or her parent or guardian.

State level interagency agreements are required to implement the legislation. As appropriate, the following agencies shall develop interagency agreements to ensure the transition of assistive technology devices:

- The Florida Infants and Toddlers Early Intervention Program in the Division of Children's Medical Services of the Department of Health
- The Division of Blind Services, Bureau of Exceptional Education and Student Services, and the Division of Vocational Rehabilitation of the Department of Education
- The Voluntary Prekindergarten Education Program administered by the Department of Education and the Agency for Workforce Innovation
- These interagency agreements shall provide a system for ensuring that families, educators, and employers are informed about the use and coordination of assistive technology devices and services that may assist in meeting a young person's transition needs.

Creates section 1003.575, Florida Statutes.



**Bill Number:** HB 1099

**Bill Title:** Assistive Technology Advisory Council

**Bill Sponsor:** Representative Justice

**Effective Date:** July 1, 2005

**DOE Contact:** Chancellor Jim Warford, K12 Public Schools (850.245.0509)

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**Executive Summary:**

The bill revises the composition, terms of service, and duties of the Assistive Technology Advisory Council that acts as the board of directors to Florida's Alliance for Assistive Services and Technology (FAAST). The amendment requires the Commissioner of Education to appoint members of the council, and deletes the provision requiring the council to fund Florida's Alliance for Assistive Services and Technology.

A committee of the council shall review state and federal legislation and agency policies and practices to identify barriers to the use of assistive technology services, devices, and funding sources.

The council is charged with investigating funding options, developing assistive technology demonstrations, providing training and technical assistance, promoting public awareness activities, and promoting coordination and collaboration among public and private agencies.

The enrolled legislation aligns Florida Statute with the new provisions of the federal Assistive Technology Act of 2004. The Florida Alliance for Assistive Services and Technology is a project that advocates for the distribution of technology related assistance for persons who have disabilities.

Amends section 413.407



**Bill Number:** SB 1650

**Bill Title:** Workforce Innovation

**Bill Sponsor:** Senator King

**Effective Date:** July 1, 2005

**DOE Contact:** Chancellor David Armstrong, Division of Community Colleges & Workforce Education  
(850.245.9449)

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**Executive Summary:**

The bill makes substantive and technical changes to the statutes related to the Agency for Workforce Innovation, Workforce Florida, Inc., and regional workforce boards. The only section of the bill that directly affects education is Section 3 which amends Section 445.004, Florida Statutes regarding the Workforce Florida, Inc. board of directors. Section 445.004(3)(a) is amended to make board members described in federal Public Law Number 105-220, Title I, s. 111(b)(1)(C)(vi) nonvoting members. This refers to "lead state agency officials with responsibility for the programs and activities that are described in section 121(b) and carried out by one-stop partners." This language makes the Commissioner of Education and the Chancellors who have served on the board of directors nonvoting members.

# Florida

## Department of Education

**Bill Number:** SB 670

**Bill Title:** Community Colleges

**Bill Sponsor:** Senator Jones

**Effective Date:** July 1, 2005

**DOE Contact:** Chancellor David Armstrong, Division of Community Colleges & Workforce Education  
(850.245.9449)

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### **Executive Summary:**

The bill permits community college boards of trustees to approve an increase in the local discretionary capital improvement fee from \$1 per credit hour to 10% of tuition and provides requirements for the issuance and validation of bonds. The increase is limited to \$2 per credit hour over the prior year.

**Bill Number:** HB 1089

**Bill Title:** Independent Postsecondary Education

**Bill Sponsor:** Representative Greenstein

**Effective Date:** July 7, 2005

**DOE Contact:** Chancellor David Armstrong, Division of Community Colleges & Workforce Education  
(850.245.9449)

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### **Executive Summary:**

Current law requires certain private postsecondary institutions to be licensed by the Commission for Independent Education (Commission) in order to operate in the State of Florida. Currently, there are approximately 850 licensed institutions in the state. CS /HB 1089 revises the licensure process by requiring licensees to notify the commission of a change of address and location and defines the process for official communication to the licensee by the Commission for Independent Education. Failure to notify the commission constitutes a violation for which disciplinary action may be taken.

The bill allows for the expiration of an application one year after filing. This deletes the unlimited time for staff to process an application which will prevent the Commission for Independent Education from providing inaccurate data regarding licensure and prevent the additional burden of continuous review of the applicant's information for one application fee.

The Commission for Independent Education has 12 standards for licensure and requires a detailed investigation to determine compliance. This bill allows the commission the discretion to process an application beyond the 90-day requirement when the commission has reason to believe that the applicant does not meet the criteria for licensure.

The bill requires the commission to investigate each applicant to ensure compliance with licensing standards and authorizes the commission to conduct inspections.

The bill categorizes the following acts relating to the establishment and operation of independent postsecondary institutions as 3rd degree felonies:

- Operating an independent postsecondary educational institution without a valid, active license issued pursuant to this chapter.
- Obtaining or attempting to obtain a license to operate an institution by fraudulent misrepresentation.
- Using or attempting to use a license that has been suspended or revoked.

The bill categorizes the following acts as 2nd degree misdemeanors:

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## Department of Education

- Knowingly concealing information relating to violations of this chapter of law.
- Willfully making any false oath or affirmation when required to make an oath or affirmation pursuant to this chapter of law.

The bill requires the commission to adopt rules to identify grounds for imposing disciplinary actions for violations of law or rules or for denial of a license, and to enter a final order either dismissing a complaint or imposing one or more penalties for any violation of law or rule. The bill authorizes the Commission to issue citations for certain violations; and revises the Institutional Assessment Trust Fund, to include fees and fines imposed by chapter 1005, from not only nonpublic colleges, but also schools, including fees collected for participation in the Student Protection Fund.



**Bill Number:** HB 1091

**Bill Title:** Independent Postsecondary Education (Public Records Exemptions)

**Bill Sponsor:** Representative Greenstein

**Effective Date:** July 7, 2005

**DOE Contact:** Chancellor David Armstrong, Division of Community Colleges & Workforce Education  
(850.245.9449)

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**Executive Summary:**

The bill creates a public records exemption for all investigatory records held by the Commission for Independent Education in conjunction with the investigations it conducts, including minutes and findings of an exempt probable cause panel meeting. The exemption expires 10 days after the panel declares a finding of probable cause. It also creates a public meetings exemption for proceedings of the probable cause panel. The bill also provides statements of public necessity and provides for future review and repeal of the exemption. This is consistent with other regulatory agencies.



**Bill Number:** HB 1651

**Bill Title:** Chiropractic Education

**Bill Sponsor:** Representative Patterson

**Effective Date:** Upon becoming law

**DOE Contact:** Chancellor David Armstrong, Division of Community Colleges & Workforce Education  
(850.245.9449)

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**Executive Summary:**

The bill amends the Health Care Clinic Act to add a definition for a "chiropractic college clinical internship" and provides that a chiropractic intern may choose to participate in either a community-based internship or a chiropractic college clinical internship.



**Bill Number:** HB 1001

**Bill Title:** University Governance

**Bill Sponsor:** Representative Goodlette

**Effective Date:** Upon Becoming Law

**DOE Contact:** Chancellor Debra Austin, Division of Colleges and Universities (850.245.0466)

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### **Executive Summary:**

This bill delineates the constitutional duties of the Board of Governors and the legislature with respect to the State University System. The Board of Governors is responsible for operation, regulation, control, and management of the publicly funded State University System.

Other responsibilities of the Board of Governors include: defining the mission of each constituent university; defining the articulation of each university with the public schools and community colleges; accounting for expenditure of funds appropriated, submitting a budget request for legislative appropriations; adopting strategic plans for the State University System and each university, approving, reviewing, and terminating degree programs; and governing admissions to the state universities.

Duties of the Legislature include enacting state planning and budget processes and requirements for budget requests, making adequate provision for the establishment, maintenance, and operation of institutions of higher learning, establishing tuition and fees, and establishing policies relating to merit and need-based student financial aid.

Other duties include requiring state universities to continue participating in programs such as the Florida Retirement System, the state group health insurance programs, the state telecommunications and data network (SUNCOM), and the state casualty insurance program. The legislature also establishes policies relating to the health, safety, and welfare of students, employees, and the public while present on the campuses of institutions of higher learning.

This bill changes who may serve on the Board of Governors and university boards of trustees by prohibiting legislative lobbyists who are required to register and report annually from holding board positions.



**Bill Number:** SB 2236

**Bill Title:** Tuition Rates/State Universities

**Bill Sponsor:** Senator Constantine

**Effective Date:** July 1, 2005

**DOE Contact:** Chancellor Debra Austin, Division of Colleges and Universities (850.245.0466)

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### **Executive Summary:**

#### Additional student payment required for hours exceeding graduation hours

The intent of the legislation is to discourage undergraduate students in postsecondary education from exceeding the number of credit hours required to complete the students' respective degree programs. The new legislation applies to freshman students enrolled in the fall of 2005 semester and thereafter.

This legislation requires a student who is enrolled in a community college to pay 75 percent over the in-state tuition rate for credit hours that the student takes in excess of 120 percent of the credit hours required to earn an associate in arts degree, allowing for an additional 24 credit hours if they count toward a baccalaureate degree per Section 1009.25, F.S.

Similarly, an undergraduate student who is enrolled in a community college or state university and exceeds 120 percent of the hours required to earn a baccalaureate degree must pay 75 percent.

Credit hours taken under the following circumstances are not calculated as hours required to earn a degree: College credits earned through an accelerated mechanism, internship programs, certification, recertification, or certificate degrees, courses from which a student must withdraw due to reasons of medical or personal hardship, active-duty military personnel, dual major undertaken while pursuing a degree, remedial and English as a second language credit hour, and military science courses (R.O.T.C.).

Each institution must implement a process for notifying students of these changes. The notice must be provided upon the student's initial enrollment in the institution and again upon the student's having earned the credit hours required to complete the degree program in which he or she is enrolled. The notice must include a recommendation that each student who intends to earn credit hours at the institution beyond those required for his or her enrolled degree program meet with his or her academic advisor.

#### State University Fees

- The Legislature has the responsibility to establish tuition and fees.
- Undergraduate tuition and fees for state university resident students are established within the General Appropriations Act.

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- Each board of trustees must set university tuition and fees for graduate, graduate professional, and nonresident students and may not exceed the average full-time tuition and fees for corresponding programs at public institutions that are members of the Association of American Universities.
- The annual percentage increase in tuition and fees established by each board of trustees for students enrolled prior to the fall of 2005 may not exceed the annual percentage increase approved by the legislature for resident undergraduate students. At least 20 percent of the amount raised by tuition increases imposed prior to the legislation must be allocated by each university to need-based financial aid for students.
- The sum of activity and service, health, and athletic fees a student is required to pay to register for a course may not exceed 40 percent of the tuition established in law. The tuition and fees established for graduate, graduate professional or nonresident students are not subject to the 40 percent cap.



**Bill Number:** SB 2264

**Bill Title:** Students/Instructional Costs

**Bill Sponsor:** Senator Atwater

**Effective Date:** July 1, 2005

**DOE Contact:** Chancellor Debra Austin, Division of Colleges and Universities (850.245.0466)

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### **Executive Summary:**

This legislation defines the requirements for determining Florida residency for purposes of postsecondary tuition and clarifies the requirements for receipt of state awards that are tuition assistance grants.

An individual or an individual's parents if the individual is a dependent child, must have resided in the state for a period of 12 consecutive months immediately prior to initial enrollment in a postsecondary education program in order to qualify as a "resident for tuition purposes." This applies to all levels of postsecondary education.

The definition of "dependent child" includes having received at least 51% of the true cost-of-living expenses from his or her parent. "Initial enrollment" is the first day of class at an institution of higher education. Each institution of higher education will be required to determine if an applicant granted admission is a dependent child and to verify that the applicant is a Florida resident at the time of initial enrollment. An individual who is classified as a nonresident for tuition purposes may become eligible for reclassification as a resident for tuition purposes only if that individual, or his or her parent if that individual is a dependent child, can provide documentation of permanent, full-time employment, and domicile in the state for 12 consecutive months while enrolled less than "full-time" in an institution of higher learning.

If an individual and his or her parent moves to this state while the individual is a high school student and the individual graduates from a high school in this state, the individual may become eligible for reclassification as a resident for tuition purposes when the parent qualifies for permanent residency.

The bill also provides that the Legislature has the responsibility to establish tuition and fees and delegates the setting of tuition and fees for graduate, professional graduate, and nonresident students to the university boards of trustees. Tuition and fee percentage increases cannot exceed the average of those costs in comparable programs in the Association of American Universities and are not subject to the 40 percent cap. Annual tuition and fee increases set by each board of trustees for students enrolled prior to the fall of 2005 can not exceed the annual percentage increase approved by the legislature for resident undergraduate students. At least 20 percent of the amount raised by tuition increases under this legislation must be allocated by each university to need-based financial aid for students.

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## Department of Education

One year of Florida residency is required in order to be eligible for the Access to Better Learning and Education Grant Program and students attending a nonpublic institution may only receive one state award that is a tuition assistance grant during a single semester.



**Bill Number:** HB 517

**Bill Title:** University Campus Planning

**Bill Sponsor:** Representative Cannon

**Effective Date:** July 1, 2005

**DOE Contact:** Chancellor Debra Austin, Division of Colleges and Universities (850.245.0466)  
Spessard Boatright, Facilities (850.245.9229)

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**Executive Summary:**

The enrolled legislation proposes to amend s. 1013.30, F.S. relating to university campus master plans and campus development agreements.

The legislation adds the requirement for each university to maintain a copy of the campus master plan on the university's website. It requires the campus master plan to identify the general location of structures.

The method for submission of draft master plans for review is revised to include the requirement for draft campus master plans to be physically sent or made available electronically to the host local government and other governmental entities. A hard copy can still be requested within 7 business days. An informal public session may be held prior to the requirement of public hearings in accordance with statute requirements.

Challenges to master plans are limited to each person's previous issues raised with the Board of Trustees. The university may proceed during pending challenges with the campus development agreement process.

Following receipt of a petition, the bill provides additional hearing requirements; provides requirements for filing of petitions by individuals; provides requirements for signing of pleadings, motions, or other papers; provides for sanctions and redirects requirements for adoption of rules from the State Board of Education to the Board of Governors.

The legislation revises all references from the State Board of Education to the Board of Governors, revises dispute submittal requirements from the Administration Commission to the state land planning agency. Requires the Board of Governors to adopt uniform rules to administer adoption of campus master plans satisfactory to the state land planning agency.

The legislation authorizes a bachelors degree in Engineering to Florida Gulf Coast University and establishes a school of engineering subject to Board of Governors approval.

**Bill Number:** SB 656

**Bill Title:** Deputy James M. Weaver Act

**Bill Sponsor:** Senator Haridopolos

**Effective Date:** July 1, 2005

**DOE Contact:** Theresa Antworth, Office of Student Financial Assistance (850.410.5185)

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### **Executive Summary:**

Senate Bill 656 amends sections 112.19, 112.532, 110.123, 250.34, 285.18, 943.04, 943.68, and 943.22, F.S. with benefits and/or contributions for selected personnel and family to:

- Expand death benefits for law enforcement, correctional, and correctional probation officers in certain circumstances;
- Provide law enforcement or corrections officers' rights and privileges regarding disciplinary action, demotion, or dismissal;
- Provide benefits of insurance, education and salary to select groups of personnel and family;

Current law allows eligible children a waiver of tuition and fees up to 120 hours at specified institutions. This bill expands the definition of those accredited colleges, universities, or community colleges to also include those institutions that are accredited by an agency or association recognized by the database created and maintained by the United States Department of Education.



**Bill Number:** SB 658

**Bill Title:** University of South Florida St. Petersburg Campus Student-Center- Support Fee

**Bill Sponsor:** Senator Sebesta

**Effective Date:** July 1, 2005

**DOE Contact:** Chancellor Debra Austin, Division of Colleges and Universities (850.245.0466)

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**Executive Summary:**

The enrolled legislation proposes the authorization of the University of South Florida (USF) St. Petersburg Campus Board to submit a proposal to the USF board of trustees that would levy a student-center-support fee. The intended fee would not exceed 40 percent of the tuition set by law. The fee would be collected and used to retire bonds or other forms of indebtedness issued for the purpose of planning, constructing, equipping, and operating the student center facility. The fee must be recommended by a committee, at least half of whom are students appointed by the president of the student body. The fee shall not be included in calculating the amount a student receives from Bright Futures.



**Bill Number:** HB 1189

**Bill Title:** Children of Deceased or Disabled Veterans

**Bill Sponsor:** Representative Jordan

**Effective Date:** July 1, 2005

**DOE Contact:** Theresa Antworth, Office of Student Financial Assistance (850.410.5185)

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**Executive Summary:**

House Bill 1189 amends Sections 295.01, 295.0185, and 295.02, Florida Statutes, which currently provides education opportunity of tuition and fees at state expense for dependent children of deceased or disabled veterans. This bill expands student eligibility with the newly specified criteria for parental eligibility:

- The five-year parental residency requirement is reduced to one year immediately preceding the death, or occurrence of the disability, of the parent(s).
- The specified war conflict is expanded to include Operation Iraqi Freedom, which began on March 19, 2003.
- The specified war conflict, Operation Iraqi Freedom added to Section 295.0185, F.S, is included in Section 295.02, F.S., Use of Funds.



**Bill Number:** HB 885

**Bill Title:** Regional Autism Centers

**Bill Sponsor:** Representative Goldstein

**Effective Date:** Upon Becoming Law

**DOE Contact:** Chancellor Debra Austin, Division of Colleges and Universities (850.245.0466)

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**Executive Summary:**

Creates a Regional Autism Center at Florida Atlantic University and shifts some service area coverage from the University of Miami and the University of South Florida to the new regional center. The bill assigns the seventh regional autism center in the state to the existing Department of Exceptional Student Education at Florida Atlantic University which will serve Palm Beach, Martin, St. Lucie, Okeechobee, and Indian River Counties. The enrolled legislation also prohibits direct medical or pharmaceutical intervention in any center after July 1, 2008.



**Bill Number:** SB 720

**Bill Title:** Health Care (Personal Care Attendants)

**Bill Sponsor:** Senator Wise

**Effective Date:** July 1, 2005

**DOE Contact:** Bill Palmer, Division of Vocational Rehabilitation (850. 245.3400)

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**Executive Summary:**

Personal Care Attendants provide persons with traumatic spinal cord injuries the assistance necessary to obtain or retain employment. To be eligible to receive the services of a personal care attendant, the person must be at least 18 years of age and require a personal care attendant to obtain or retain employment. This bill expands a pilot program into a statewide program. The Department of Health will establish an oversight committee for the program. Vocational Rehabilitation and the Florida Association for Centers for Independent Living will each have at least one representative on the committee.



**Bill Number:** SB 434

**Bill Title:** Persons with Disabilities (Service Animals)

**Bill Sponsor:** Senator Wise

**Effective Date:** July 1, 2005

**DOE Contact:** Bill Palmer, Division of Vocational Rehabilitation (850.245.3400)

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**Executive Summary:**

Service animals are essential for some persons with disabilities to live independently. The act:

- Broadens the scope of the statute from merely referencing "guide dogs" to the entire realm of service animals;
- Outlines the rights of a person with a disability who is accompanied by a service animal;
- Provides trainers of service animals with the same rights as a person with a disability who is accompanied by a service animal;
- Clarifies that a person accompanied by a service animal is permitted to enter any area that the general public is allowed to enter;
- Requires the Florida Americans with Disabilities Act Working Group and the Commission on Human Relations to jointly recommend specific policies the state can implement to ensure the effectiveness of this act and improve access for persons with disabilities who are accompanied by service animals.