Preface

The Office of General Counsel, in cooperation with Vern Pickup-Crawford, Legislative Liaison, is pleased to provide the 2012 State Legislative Analysis. This review is a client information service intended to provide an overview of the 2012 legislation that may be of interest to District staff and the Board. As of the date of this document, some of the bills included have not been signed by the Governor or otherwise become law. We will continue to monitor actions on these bills and advise you of any bills that do not become law.

This review is not intended as legal advice, however, it is intended to raise awareness about changes that may need to be adopted as policy, or require revisions to current policies or current practices. Any questions concerning the impact of the bills reviewed should be directed to the attorney that reviewed the bill, so that the attorney may assist you in applying the law to a specific set of facts and circumstances. If you have additional questions about these or other bills, please direct them to me.

For additional information, Vern Pickup-Crawford, the District’s Legislative Liaison, may be able to provide information such as legislative intent or legislative committee analyses on particular bills and information on appropriations matters. You will also be able to obtain additional information such as the text of specific bills at the State’s Online Sunshine website, located at www.leg.state.fl.us/.

This document is posted on the Office of General Counsel’s website, located at http://www.palmbeachschoo ls.org/chiefcounsel/. Please do not hesitate to contact me (PX 46821) or Debra Floyd, Legal Office Coordinator (PX 48751) with any recommendations for improving this information service. Thank you.

Sheryl G. Wood, General Counsel
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It should be noted that two (2) educational bills were vetoed by the Governor. The bills are HB 5103 (School Readiness Programs) and HB 7129 (State Universities of Academic and Research Excellence and National Preeminence).
Title of Legislation: HB 93 – Homestead Property Tax Exemption for Surviving Spouse of Military Veteran or First Responder (Joint Resolution filed with the Secretary of State)

Attorney Providing Review: Blair LittleJohn

I. Summary of Bill

The joint resolution proposes an amendment to the Florida Constitution that would allow the Legislature to provide ad valorem tax relief to the surviving spouse of a veteran who died from service-connected causes while on active duty as a member of the United States Armed Forces and to the surviving spouse of a first responder who died in the line of duty. The amount of tax relief, to be defined by general law, can equal the total amount or a portion of the ad valorem tax otherwise owed on homestead property.

The proposed amendment is effective January 1, 2013, if approved by the voters.

II. District Analysis

The Constitutional Amendment, which if approved by the voters in the November general election, would create an additional homestead exemption for surviving spouses of veterans and first responders. The State Legislature estimated that the state-wide impact to School Board revenues would be approximately $300,000.

III. District Action/Rulemaking (Policy)

No rulemaking is anticipated. If passed, local ad valorem tax revenues would need to be adjusted to account for the projected reduction in tax revenue to be received during the FY 2013-2014.
Title of Legislation: SB 98 – Education (Inspirational Messages by Students)
Chapter 2012-009, Laws of Florida

Attorney Providing Review: Elizabeth T. McBride

I. Summary of Bill

The legislation authorizes, but does not require, school boards to adopt policies that allow inspirational messages to be delivered by students at a student assembly. An adopted board policy must provide that:

a. Students who are responsible for organizing the student-led portion of the student assembly shall:
   • Have sole discretion in determining whether such a message is to be delivered.
   • Determine the student volunteer(s) who will be responsible for the delivery, preparation and content of the message.

b. District personnel may not:
   • Participate in, or otherwise influence, whether an inspirational message is to be delivered or select the student volunteer who will deliver the message.
   • Monitor or otherwise review the content of a student volunteer’s inspirational message.

This unnumbered law becomes effective on July 1, 2012.

II. District Analysis

The legislation has no fiscal impact on the District.

The District’s adoption of an inspirational message policy is optional. Existing state and federal laws, including case law, provide adequate guidance to public schools in the area of prayer in public schools.

The First Amendment to the United States Constitution has long governed the relationship between religion and government.¹ The First Amendment not only

¹ Section 3, Article 1, Florida Constitution provides “[t]here shall be “no law respecting the establishment of religion or prohibiting or penalizing the free exercise thereof.” Section 4 states in part: “Every person may speak, write and publish sentiments on all subjects but shall be responsible for the abuse of that right. No law shall be passed to restrain or abridge the liberty of speech or of the press.”

Likewise, Section 1003.4504, Fla. Stat., provides that “district school boards, administrative personnel, and instructional personnel are prohibited from taking affirmative action, including, but not limited to, the entry into any agreement, that infringes or waives the rights or freedoms afforded to instructional personnel, school staff, or students by the First Amendment to the United States Constitution, in the absence of express written consent of any individual whose constitutional rights would be impacted by such infringement or waiver.
prevents the government from establishing religion, but also protects privately initiated religious expression and activities from government interference and discrimination.

The U.S. Department of Education issues “Guidance on Constitutionally Protected Prayer in Public Elementary and Secondary Schools”, to comply with the No Child Left Behind Act of 2001 (NCLB). The guidance clarifies the rights of students to pray in schools; provides that school officials may not compel students to participate in prayer or other religious activities; and, requires that teachers and school administrators, in their official capacities, not encourage or discourage prayer, or participate in such activities with students.

Florida law requires the State Board of Education to annually distribute the above guidelines to all district school board members, superintendents, principals and teachers. The guidelines provide information on matters as student prayer, moments of silence, student speech at student assemblies and extracurricular events, and prayer at graduation.

Currently, Florida law permits the Board to provide a brief period, not exceeding two (2) minutes to be set aside at the start of each day or each school week for the purpose of silent prayer or meditation.

The Board has adopted Policy 2.122 (Religious Freedom). The policy complies with state and federal laws, including case law, and is consistent with the USDOE guidelines.

III. District Action/Rulemaking (Policy)

It is not recommended a policy as contemplated by the legislation be adopted by the Board. The FSBA is also recommending no changes be made. Board Policy 2.122 (Religious Freedom) will be presented to the Board for review in June 2012, in conjunction with the Board’s review of all policies.

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2 Federal law, 20 USC, § 7904(b) requires the Secretary of USDOE to issue guidance on constitutionally protected prayer in public schools. In order to receive federal funding under the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the No Child Left Behind Act of 2001, each school district must certify in writing to Florida Department of Education (FDOE) that its policies do not prevent or deny student participation in constitutionally protected prayer. Each year Florida Department of Education sends a memorandum and blank certification form to the school superintendents for completion. FDOE must annually submit to USDOE a list of schools that have not filed the certification or against which complaints have been filed.

3 Section 1002.205, Fla. Stat.


5 Section 1003.45(2), Fla. Stat.
I. Summary of Bill:

This bill creates the “Florida Safe Harbor Act”, which is intended to provide a more coordinated response to address the welfare needs of sexually exploited children who are dependent. Specifically, the bill:

- Provides legislative findings and intent and establishes legislative goals relating to the status and treatment of sexually exploited children in the dependency system;
- Amends the definitions of the terms “child who is found to be dependent” and “sexual abuse of a child” to reference sexual exploitation;
- Requires law enforcement to deliver children picked up and alleged to be dependent and sexually exploited to the Department of Children and Families;
- Provides a process for the assessment and placement of sexually exploited children into a safe house, if one is available;
- Provides for placement updates to the court during judicial review hearings;
- Provides for data collection relating to the above placements by DCF;
- Provides definitions for the terms: “child advocate,” “safe house,” “secure”, “sexually exploited child” and “short-term safe house”;
- Provides for services for sexually exploited children residing in a safe house;
- Provides that training, for law enforcement officers who might encounter sexually exploited children, is permissive;
- Increases the civil penalty for crimes related to prostitution and specifies the differences be paid to DCF to fund safe houses as well as short-term safe houses; and
- Provides that a victim of child sexual exploitation shall not be ineligible for victim compensation.

This law becomes effective January 1, 2013.

II. District Analysis

The Bill’s primary objective is to strengthen laws under FS § 39.01 et seq. that protect children from sexual exploitation and child prostitution. District staff would need to be trained to recognize the signs of sexual abuse. Additionally upon learning of children engaging in sexual activity or performance for pay (prostitution/exploitation) staff would be required, as mandatory reporters of child abuse, to report the child suspected abuser to the Department of Children and Families (DCF). The District may also wish to
develop a protocol for counseling of youth found to be dependent as a result of sexual exploitation.

III. District Action /Rulemaking

Current Board policies reference the mandatory reporting provisions relating to child abuse. The policies should be reviewed to determine the need to include any revised definitions, if necessary. In addition, the District should consider expanding its training component for personnel on how to identify the signs of abuse and identify agencies that service victims of abuse.
I. **Summary of Bill**

This bill provides School Districts with the option of creating policies to allow district employees to donate unused sick leave to a non-relative district employee (“recipient”). The recipient must have exhausted all of his/her own sick leave before utilizing any donated leave time. The policy must contain provisions which:

A. Require the recipient to provide documentation from a physician of the illness, accident or injury for which leave is otherwise authorized;

B. Establish a minimum number of sick leave days accrued by the recipient prior to participation in the leave donation program;

C. Provide for the return to of all unused transferred sick leave to the donated employee; and

D. Establish a minimum number of sick leave days a donating employee must retain after transferring any sick leave days.

Any leave donated under such a program has no terminal value to the recipient.

This law is effective on July 1, 2012.

II. **District Analysis**

Florida Statutes § 1012.61 currently requires School Districts to establish a sick leave donation program for family members. Under current law, the recipient may not use the donated sick leave until such time as he/she has depleted all of their own accrued sick leave, excluding sick leave from a sick leave pool.

The District has been allowing this practice for several years for bargaining unit employees (through Memorandums of Understanding) and for non-bargaining unit employees with catastrophic illnesses.

The Collective Bargaining Agreement with the CTA contains a provision in Article V § B.11 which creates a sick leave bank; however, this is different in that the donated days are placed in a pool rather than donated for a specific employee.

III. **District Action/Rulemaking (Policy)**

The District has the option of expanding its policies to include such donations.
I. Summary of Bill

Guidelines and Bylaws/Policies
The bill requires the Florida High School Athletic Association (FHSAA) and independent sanctioning authorities\(^6\) to adopt:

- guidelines to educate athletic coaches, officials, administrators, and athletes and their parents of the nature and risk of concussion and head injuries.
- Bylaws or policies requiring parent/guardian of a student athlete or who are candidates for an interscholastic athletic team to sign and return an informed consent explaining the nature and risk of concussion and head injury. This consent must be signed each year.
- Bylaws or policies requiring each athlete who is suspected of sustaining a concussion or head injury to be removed from practice or competition until the athlete receives medical clearance to return from an appropriate health care practitioner trained in the diagnosis, evaluation and management of concussions, as defined by the Sports Medicine Advisory Committee of the FHSAA.

Sports Medicine Advisory Committee
FHSAA must adopt bylaws to establish and set forth duties of a Sports Medicine Advisory Committee composed of eight physicians licensed to practice under F.S. ch. 458 (Medical Practice) or F.S. ch. 459 (Osteopathic Medicine)\(^7\) and one must be licensed under ch. 459, one chiropractor, one podiatrist, one dentist, one member who a is current or retired head coach of a Florida high school, and three athletic trainers.

Independent Sanctioning Authority
The bill also adds to Fla. Stat. § 943.0438 relating to athletic coaches for independent sanctioning authorities. An athletic coach is a person who is authorized by an independent sanctioning authority to work for 20 or more hours within a calendar year whether for compensation or as a volunteer for a youth athletic team and has direct contact with one or more minors on the youth athletic team.

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\(^6\) Current law defines a youth athletic independent sanctioning authority as a private, nongovernmental entity that organizes, operates or coordinates a youth athletic team in Florida that includes one or more minors and is not affiliated with a private school. See § 943.0438(2), Fla. Stat.

\(^7\) Florida Statutes Section 459.003 provides this definition: the “Practice of osteopathic medicine’ means the diagnosis, treatment, operation, or prescription for any human disease, pain, injury, deformity, or other physical or mental condition, which practice is based in part upon educational standards and requirements which emphasize the importance of the musculoskeletal structure and manipulative therapy in the maintenance and restoration of health.
This bill takes effect on July 1, 2012.

II. District Analysis

The bill requires the FHSAA to adopt procedures to protect student athletes and educate coaches and other officials relating to concussions and head injuries, and contains provisions relating to that purpose.

III. District Action/Rulemaking (Policy)

Even though the FHSAA is required to adopt policies and procedures relating to student athletes suffering from concussions or head injuries, the School Board may wish to adopt its own policies particularly for sports activities that are not interscholastic and covered by the FHSAA.

Additionally, the District Athletic Coordinator should receive a copy of this bill analysis. Training for coaches and adult representatives of school teams is needed as well as for any district medical personnel to ensure compliance with these provisions. In addition, the packet provided to parents when students seek to register for a sport needs to include the new FHSAA consent form noted in the bill.

Furthermore, as some of the independent sanctioning authorities (such as Pop Warner football) may be using or leasing District facilities: 1) a risk management analysis should be conducted if the District has any liability if the authority does not follow the bill’s requirements and 2) a decision should be made whether to add provisions to lease agreements with these authorities requiring that they comply with these new legal requirements.
I. Summary of Bill

Existence of Potential Financial Emergency
The bill expands the list of conditions indicating a potential financial emergency by adding the condition in which there is a deficit fund balance or deficit net assets balance. The Auditor General must notify each member of the district school board, charter governing board, or charter technical center governing board of such condition, indicating a potential financial emergency exists. Any information regarding the steps taken to avoid or resolve a financial emergency that is requested from the district school board by the Governor or Commissioner must be provided within 45 days. If the district school board does not comply, the Governor or Commissioner must notify the Legislative Auditing Committee who may withhold funds or terminate the charter.

Resolution of Financial Emergency
In addition, the bill provides that the Governor or Commissioner may assist a district school board in resolving a financial emergency, by consolidation, sourcing, or discontinuance of all administrative direction and support services, including, but not limited to, services for asset sales, economic and community development, building inspections, parks and recreation, facilities management, engineering and construction, insurance coverage, risk management, planning and zoning, information systems, fleet management, and purchasing. The failure of the members of a district school board to resolve a state of financial emergency constitutes malfeasance, misfeasance, and neglect of duty for purposes of Article IV, Section 7 of the State Constitution.

School Districts May Consult with Other Governmental Bodies
School districts in a state of financial emergency are allowed to consult with other governmental bodies regarding the consolidation of administrative and support services. Plans created to end a financial emergency must include provisions implementing any consolidation, sourcing, or discontinuance of administrative direction or support services. District school board members who fail to resolve a financial emergency may be suspended from office by executive order.

Financial Emergency Boards
Financial emergency boards appointed by the Governor or Commissioner of Education to consult with other governmental entities for the consolidation of all administrative direction and support services. Such services include, but are not limited to, services for: asset sales, economic and community development, building inspections, parks and
recreation, facilities management, engineering and construction, insurance coverage, risk management, planning and zoning, information systems, fleet management, and purchasing.

**Implementation Provisions Required in Remedial Financial Emergency Plans**

Entities required by the Governor or Commissioner of Education to develop remedial financial emergency plans must include provisions implementing the consolidation, sourcing, or discontinuance of all administrative direction and support services as part of the entity’s adopted plan. Such services include, but are not limited to, the services cited above. Finally, this bill clarifies the constitutional ability of a Governor to suspend and recommend removal of members of governing bodies who fail to resolve a state of financial emergency. This failure constitutes malfeasance, misfeasance, and neglect of duty for purposes of Article IV, § 7 of the Florida Constitution.

This bill is scheduled to take effect on July 1, 2012.

**II. District Analysis**

This bill could potentially impact the School District as an entity and also as a sponsor of charter schools that might be declared to be in a financial emergency.

**III. District Action/Rulemaking (Policy)**

A policy relating to the declaring of a financial emergency and the procedures to be followed needs to be created by staff and reviewed by the Audit and Finance Committees. The policy or procedure should address, among other things, implementing the consolidation, sourcing, or discontinuance of all administrative direction and support services mentioned above. The Policy should also address the procedures to be followed if a charter school that is sponsored by the School District is declared to be in a state of emergency.
I. Summary of Bill

The bill authorizes a local building code administrator or building official to accept electronically submitted construction plans and related documents for permit approvals. The following construction documents may be transmitted for approval:

- construction plans
- drawings
- specifications
- reports
- final documents; or
- documents prepare or issued by a licensee

The above documents may also be dated and electronically signed and sealed by the licensee in accordance with the “Electronic Signature Act of 1996.”

The bill becomes effective on July 1, 2012

II. School Board Analysis

The changes to § 468.604, Florida Statutes will have direct impact on the School District’s Building Department should the Director of the Building Department allow, for approval, the electronic filing of the above documents prepared or issued by a licensee to be electronically signed and sealed by the licensee in accordance with Florida’s Electronic Signature Act of 1996.

III. School Board Action/Rulemaking

- The Building Department should be aware of this option so as to capitalize on any increased governmental efficiency, reduction of costs, and increase in timeliness of processing permits.

- No creation of School Board Policies or amendment of existing School Board Policies is necessary for the Building Department to exercise this option. However, please note that there exist plans for the creation of a School Board Policy that relate to electronic signatures that has broad implications to various areas of the School District. Should such a School Board Policy be created, the Building Department must ensure that all electronic submissions are in compliance with such School Board Policy.
Title of Legislation: CS/HB 465 - District School Board Bonds
Chapter 2012-052, Laws of Florida

Attorney Providing Review: Blair LittleJohn

I. Summary of Bill

This bill increases the period within which district school board general revenue bonds must be retired without approval from the Department of Education, from 20 years to 30 years. It also removes the requirement that certain bonds be callable within 10-years from date of issuance and allows the district school board to determine the call period of bonds.

II. District Analysis

This bill does not apply to Certificates of Participation (COPs) to be issued by the School District, so it is not anticipated to have an impact on the School District unless the Board decides to seek another voter-approved bond referendum at some point in the future.

III. District Action/Rulemaking (Policy)

None anticipated at this time.
I. Summary of Bill

This bill revises provisions related to the Florida Administrative Code (F.A.C.) and the Florida Administrative Weekly. Specifically, the bill:

- Renames the “Florida Administrative Weekly” to the “Florida Administrative Register”.
- Provides the online versions of the Florida Administrative Register and the F.A.C. are the official versions.
- Provides the Department of State is no longer required to publish a printed version of the F.A.C. or the Florida Administrative Register and may no longer provide free print copies to federal and state agencies.
- Revises the rulemaking reporting requirement for proposed rules affecting small businesses.
- Requires agencies to submit written notices of proposed rules to the rules ombudsman in the Office of the Governor.

This bill is effective as of October 1, 2012.

II. District Analysis

This bill does not pertain to any duties and responsibilities of the School Board.

III. District Action/Rulemaking

No creation of School Board Policies or amendment of existing School Board Policies is necessary.
I. Summary of Bill

The bill is primarily an omnibus bill related to transportation and mitigation programs having no impact on the School District. However, Section 77 contains a provision extending the pilot program permitting the School District to display business partner banners at schools located in the unincorporated county.

The pilot program extension runs through June 30, 2014.

II. District Analysis

The program permits the School District to display business partner banners at schools in unincorporated Palm Beach County even though the display of these banners would otherwise be inconsistent with the County sign regulations.

III. District Action/Rulemaking (Policy)

Board Policy 7.151 should be updated to reflect that the pilot program has been extended until June 30, 2014.
I. Summary of Bill

This bill expands the public records exemptions under Florida Statutes § 119.071(4) for identification and location information of certain public employees to include the date of birth of the employee, his/her spouse and his/her children. The exemptions for the identification and location information of law enforcement personnel will now apply to sworn and civilian law enforcement personnel. Additionally, the exemption for the identification and location information applicable to members of the judiciary is extended to include former justices and judges as well as their spouses and children. The statutorily required repeal of the public records exemption for magistrates, administrative law judges, guardians ad litem, public defenders and others was deleted.

Finally, the bill defines “telephone numbers” to include home telephone numbers, personal cellular telephone numbers, personal pager numbers and telephone numbers associated with other personal communication devices.

These exemptions are to become effective October 1, 2012 and are subject to sunset on October 2, 2017, unless saved from repeal by the Legislature.

II. District Analysis

This bill has an impact on the School District with respect to responding to public records requests.

III. District Action/Rulemaking (Policy)

While rulemaking is not directed or authorized in the bill, if this bill is enacted, School District procedures will need to be reviewed in order to ensure compliance with this new exemption. All departments and school sites should review their procedures to ensure compliance with these new exemptions. Furthermore, the additional exemptions should be added to the District’s Records Management website where other exemptions are listed. Finally, the District form related to public records exemptions should be amended in compliance with the new law.
I. Summary of Bill

This bill amends a number of statutory provisions governing building construction and inspection in the state.

Public bids; bid opening
The bill requires public bodies to open competitive sealed bids offered on public construction or repair projects relating to public facilities be unsealed and disclosed at a public meeting. Additionally, the bill provides:
- The name of each bidder and the price submitted in the bid must be announced.
- The public body must make available upon request the name of each bidder and the price submitted in the bid.

Responsibilities of building code administrators, plans examiners, and inspectors
Building code administrators, building officials, and fire code administrators are authorized to accept electronically transmitted construction plans and related documents for permit approval purposes. This is consistent with HB 387 discussed earlier.

Standards for certification; additional categories of certification (Building Code Administrators and Inspectors)
Certain fire safety inspectors are included among those eligible to take the building code inspector or plans examiner certification exam. The time length of a provisional certificate for newly employed or promoted inspectors or examiners is shortened from 3-5 years to one (1) year.

Notice to Property Owners of Code Violations
The bill changes the method that counties and municipalities code enforcement board are required to give notices on property owners.

Partial Exemption for Owners Performing Work on Solar Panels
Property owners are provided a partial exemption from the requirements to obtain a construction license for work on solar panels by the property owner when the local permitting agency is receiving and distributing grant funding under the US Department of Energy’s SunShot Initiative, Rooftop Solar Challenge Program. The bill further exempts solar projects from an owner’s notarized signature or personal appearance to sign the permit application, by permitting the electronic submission of permitting applications for the solar projects.
Exemptions from Licensure (Landscape Architecture)
The bill adds an exception or exemption from licensure, any person submitting plans, for approval to a governmental agency, that are independent of or a component of construction documents that are prepared by a Florida-registered professional.

Definitions (Construction Contracting)
Certain definitions were amended by the bill. Specifically,

- The term “demolish” as it is used in the definition of “contractor” applies to all buildings or residences as opposed to buildings or residences over three stories tall.
- Within the definition of “roofing contractor”, the scope of work of a roofing contractor has been expanded to include skylights and any related work, as well as any work related to repair or replacement of wood roof sheathing or fascia as needed during roof repair or replacement.
- The definitions of a “class A air-conditioning contractor,” “class B air-conditioning contractor,” and “mechanical contractor” adds that such contractors may test and evaluate central air-conditioning, refrigeration, heating, and ventilating systems, including duct work, however indicated that a mandatory licensing requirement is not established for the performance of these specific services.
- The term “plumbing contractor” now includes a contractor whose services are unlimited in the plumbing trade. Additionally, unless prohibited by law, a plumbing contractor may design water and sewer plants without obtaining an additional local regulatory license, certificate, or registration. Moreover, the definition of “plumbing contractor” has been expanded to allow those contractors to perform drain cleaning and clearing and install or repair rainwater catchment systems; however a mandatory licensing requirement is not established for the performance of these specific services.
- The definition of “glass and glazing contractor” has been deleted.

Qualifications for Practice; Restrictions (Contracting)
The bill is amended to permit subcontractors who are not certified or registered may perform construction work under the supervision of a person who is certified or registered provided that the work is within the scope of the supervising contractor’s license and the supervising contractors is responsible for the work of that subcontractor.

Permits; Applications; Issuance; Inspections (Florida Building Code)
The legislation further adds that whenever a permit is denied or revoked because the plan, or the construction, erection, alteration, modification, repair, or demolition of a building is found not to be in compliance with the Florida Building Code, local enforcing agency shall identify the specific plan or project features that do not comply with the applicable codes, identify the specific code chapters and sections upon which the finding is based, and provide that information to the permit applicant. Additionally, this section has been expanded to add that if the plans are not in compliance with the Florida
Building Code, the local building code administrator or inspector shall identify the specific plan features that do not comply with the applicable codes, identify the specific code, chapters and sections upon which the finding is based, and provide this information to the local enforcing agency who will in turn provide that information to the permit applicant.

The bill takes effect on July 1, 2012.

II. District Analysis

The amendments to Sections 255.0518, 468.609, 489.105, 489.113, Florida Statutes directly affect the Purchasing Department. The amendments to Sections 468.604, 468.609, 553.79, and 663.0215, Florida Statutes directly affect the Building Department.

III. District Action/Rulemaking

No creation of School Board Policies or amendment of existing School Board Policies is necessary; however, each respective Department must evaluate their respective manuals to determine whether changes are necessary. Additionally, Department Staff must become familiar with the changes to the respective statutes to insure that School District decisions and activities are in compliance. The Office of General Counsel can assist with any reviews and training of staff in the departments.
I. **Summary of Bill**

This summary is provided for informational purposes. The bill makes changes to the Florida Tax Credit (FTC) Scholarship Program, which allows private, voluntary contributions from corporate donors to nonprofit scholarship-funding organizations that provide scholarships to eligible students.

**Student Eligibility**

The bill modifies student eligibility requirements for the Florida Tax Credit Scholarship Program (FTC program) to include students who qualify for free and reduced price lunches and are eligible to enter kindergarten through fifth grade. Currently, a student in second through twelfth grade must have spent the prior school year in public school. The bill removes the requirement that a student attend a public school in the prior year for students in second through fifth grade. The bill also removes the requirement that a student placed in foster care meet certain household income levels.

**Participating Private Schools**

Private schools that participate in the FTC program are authorized to administer statewide assessments at the private school to students in grades three through ten. Upon request by a participating private school, the Department of Education (DOE) must provide the assessments and related materials at no cost. The number of scholarship students who may be assessed is contingent upon the terms and conditions in the DOE’s contracts for assessments.

Private schools that administer the statewide assessments would be subject to State Board of Education rule and district policy for assessment protocol. Private schools would be responsible for reporting the scores of their students to the independent research organization that is charged with reporting student learning gains to the DOE. School districts and the DOE would provide the assessments and support to private schools that choose to administer these assessments.

Current law allows the DOE to make seven random site visits to participating private schools each year; however, no more than one site visit may be made each year to the same private school. The bill eliminates the requirement that the site visits be random. The DOE may make additional site visits at any time to any school that has received a notice of noncompliance or a notice of proposed action within the previous two years.
The bill authorizes the Commissioner of Education to deny, suspend, or revoke a private school’s participation in the program if the commissioner determines that an owner or operator of a private school has exhibited a previous pattern of failure to comply with the law related to the FTC program or private school accountability.

**Tax Credits**
The bill increases the $218,750,000 maximum tax credit available in fiscal year 2012-2013 by $10,250,000 to $229 million. In fiscal year 2013-2014 and thereafter, the cap will continue to increase by 25 percent whenever tax credits approved in the prior fiscal year are equal to or greater than 90 percent of the tax credit cap amount for that year.

II. **District Analysis**

Appropriate District units would need to determine the impact of the District providing assessments and support to any private schools desiring to administer statewide assessments.

III. **District Action/Rulemaking**

The Board may need to adopt a policy addressing the protocol of the District providing assessments and support to private schools. Such policy should be considered after the Department of Education develops the applicable rule.
Title of Legislation: HB 897 Construction Contracting
Chapter 2012-211, Laws of Florida

Attorney Providing Review: Kathelyn Jacques-Adams

I. Summary of Bill

The bill increases the information that must be shared among parties involved in a construction project and increases the time periods within which construction liens may be recorded or claims against a payment bond may be made. 8

Construction Contracting and Sureties
Specifically, the bill:

• Requires the bond number assigned by the surety to be listed on the front page of the bond.

• Provides that a public entity may not make payment to contractor unless entity has received certified copy of the bond, and requires a contractor to supply a copy of the payment bond to the public entity contracting for a public works project before commencing construction or recommencing after a default or abandonment.

• Provides that part of payment bond furnished for a public works contract that limits or expands effective duration of bond or adds conditions precedent to the enforcement of a bond beyond those provided in § 255.05, Florida Statutes, is unenforceable.

• Revises bond form provisions and requirements; provides that payment to contractor who has furnished payment bond on public works project may not be conditioned upon production of certain documents if surety has given written consent.

• Provides prerequisites for action against a payment bond, by establishing a uniform time period of 5 years to initiate an action to enforce a claim against a payment bond; which must be governed by § 95.11(5)(e) (relating to limitations on actions); 255.05(10) (relating to bonds for public projects); 337.18(1) (relating to surety bonds for construction or maintenance contracts); or 713.23(1)(e), F.S., (relating to construction liens).

• Requires that a public body open sealed bids for competitive solicitation at public meeting.

8 In Florida, “surety insurance” is defined to include both payment and performance bonds. A payment bond guarantees that the contractor will pay certain subcontractors, laborers and material suppliers. A performance bond protects the owner from financial loss should the contractor fail to perform the contract in accordance to its terms and conditions.
• Replaces mailing by clerk of court with service by the contractor’s attorney who records a notice of contest of claim against the payment bond.
• Revives grandfathering provisions and sets new deadline by which certain registered contractors may apply for certification.

**Construction Liens**

With respect to construction liens, the bill:

• Creates a provision in the construction lien law relating to effective notice where a lessor has an interest in a specific premise on a parcel of land.
• Requires that all lienors including those hired directly by the owner be served with a notice of termination of a notice of commencement.
• Provides additional information (i.e. description of the project) that must be included in a demand for a copy of contract or statement of account.
• Makes changes to mirror proposed changes related to bonds.
• Provides that specified notice concerning lessor's liability for liens for improvements made by lessee prohibits liens in certain circumstances.
• Simplifies procedures for a lessor to prohibit the attachment of liens to a parcel of property as the result of an improvement to leased premises by a tenant.
• Clarifies applicability of certain provisions.
• Authorizes a contractor to satisfy certain grandfathering provisions for certification as a contractor by 2015 and allows glass glazing contractors to receive certification through the grandfathering provisions.

Subject to the Governor’s veto powers, the effective date of this bill is October 1, 2012.

**II. District Analysis**

As to the changes to § 95.11 (2), Florida Statutes, the Purchasing Department must be aware of statute of limitations that pertain to any payment bond issue as it may have a direct or indirect impact on the administration of the contract and the project.

The amendments to § 255.05(1), Florida Statutes, directly affect the Purchasing Department. School District staff must evaluate its form bonds and make appropriate and necessary changes to the language of those forms. Additionally, internal processes and procedures must be evaluated to make determinations if any changes are necessary.

The amendments to § 255.05(1), Florida Statutes, directly affect the purchasing Department. School District staff must govern themselves to the explicit instruction on opening sealed bids or the portion of any sealed bids at a public meeting, announcing bidders and price, as well as making available the name and price of bidders, accordingly.

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9 A construction lien is a statutory lien that secures payment for labor or material supplied in improving, repairing, or maintaining real property.
III. District Action/Rulemaking

No creation of School Board Policies or amendment of existing School Board Policies is necessary; however, each respective Department must evaluate their respective manuals to determine whether changes are necessary. Additionally, Department Staff must become familiar with the changes to the respective statutes to insure that School District decisions and activities are in compliance.
I. Summary of Bill

This bill creates Fla. Stat. § 50.0211 entitled Internet Website Publication. Effective July 1, 2013, legal notices required to be published in newspapers by Florida Statutes Chapter 50 must be placed on the newspaper’s website the same day the notice appears in the newspaper at no additional charge. A link to the legal notices must be provided on the front page of the newspaper’s website that provides access to the legal notices without charge. The newspaper’s web pages containing legal notices shall present these notices as the dominant subject matter of those pages. The newspaper’s website will contain a search function to facilitate searching the legal notices.

Effective July 1, 2012, newspapers publishing legal notices shall also place the notice on the website maintained by the Free Press Association as a repository.

Effective July 1, 2013, newspapers publishing legal notices shall, upon request, provide email notification of new legal notices when they are printed in the newspaper and added to the website. This notification should be provided without charge and notification of such email registry will be available on the front page of the legal notices section on the website.

The bill amends Fla. Stat. § 50.041, Proof of Publication; Uniform Affidavits. Effective July 1, 2012, the affidavits may be provided by the newspaper by an electronic rather than a paper form, as long as the notarization affidavit complies with law.

Fla. Stat. § 50.061 on amounts chargeable is amended effective July 1, 2012. Government notices that are required to be published more than once when the government pays its costs and are not paid in advance or allowed to be recouped from private parties cannot be charged for the second and successive insertions at a rate greater than 85 percent of the original rate. The previous provisions in this statute that allowed higher charges for advertisement or legal notice costs for counties, with over 450,000 in population, have been deleted. This statute reiterates that if public notice is published in the newspapers the posting of the notice on the newspapers website will be done without additional charge.

10 This Statute remains unchanged as to the charge being 70 cents per square inch for the first insertion and 40 cents per square inch for each subsequent insertion, unless there is a regular established minimum commercial rate in excess of that amount.
II. District Analysis

The bill does provide more transparency as notice will also appear online. The District would need to conduct a cost analysis to determine whether because of the new online posting requirements for newspapers this process would impact our advertising costs if news outlets raise the regular established minimum commercial rates.

III. District Action/Rulemaking (Policy)

In addition to performing the above analysis, the District should determine if it wants to be notified of any types of legal notices by a newspaper and then make a request for email notification. This could be for not only notices of board meetings and budgets, but also notices related to policies and school boundary proposed changes. Staff also needs to be notified of the statutory changes to make sure that they are charged the reduced rate when more than one notice is required and they are familiar with these charges. Budgetary implications should also be analyzed.
I. Summary of Bill

This legislation expands Fla. Stat. § 119.071(4)(d) as to agency personnel information that is protected to include the same protection for additional listed categories of persons: to current or former investigators or inspectors of the Department of Business and Professional Regulation, and the information relating to their spouses and children, and to county tax collectors and their spouses and children.

II. District Analysis

The bill will include additional categories of employees whose address, phone numbers, etc., would be exempt from disclosure from a public records request. The bill would become effective upon becoming law.

III. District Action/Rulemaking (Policy)

Again, these new categories should be added to the District’s webpage for Records Management under Common Public Exemptions. In addition, the District’s form enabling persons to change or claim exemptions, including the VIPS form for volunteers, would need to be expanded to include these categories of persons. This also applies to the forms for employees. Any policies incorporating these forms by reference will also need to be modified. This would include Policy 3.10 – Conditions of Employment with the District, which references the Employee Information of Exemptions of Public Records form PBSD2130.
I. Summary of Bill

The bill substantially amends § 112.0455, F.S., relating to the Drug-Free Workforce Act, which applies to state level agencies. Among the major provisions effecting state level agencies, the bill authorizes, but does not require, drug testing for all job applicants and random drug testing of up to 10% of an agency’s employees no more often than once every three months. Any such drug testing must be conducted within the agency’s appropriation. This bill is effective as of July 1, 2012.

As to the drug testing of other public and private employees, the bill:

- revises the categories of public job applicants that may be drug tested without suspicion of drug use; and
- expands the category of employers that may qualify for “Workers Compensation” and employer’s liability insurance discounts due to maintenance of a Drug Free Work Place.

II. District Analysis

Of specific interest to school districts, the bill also amends § 440.102, F.S., relating to the Drug-Free Workforce Program which sets out notice and procedural requirements for employee drug testing for public and private employers that wish to participate in the Workers’ Compensation Program. If an employer implements drug testing that conforms to the statutory requirements and applicable rules, the employer is eligible for worker’s compensation and employer’s liability insurance discounts, as provided in § 627.0915, F.S. The bill replaces references to “safety sensitive position” with the terminology “mandatory testing position.” “Mandatory testing position” is defined as a job assignment that requires the employee to work with children, carry a firearm, work closely with an employee who carries a firearm, perform life-threatening procedures, work with heavy or dangerous machinery, work as a safety inspector, work with detainees in the correctional system, work with confidential information or documents pertaining to criminal investigations, work with controlled substances, or a job assignment that requires an employee security background check, or a job assignment in which a momentary lapse in attention could result in injury or death to another person.

The only job applicants that a public employer may be required to drug test are for a special-risk or a mandatory testing position. However, specific provision does not
eliminate the District’s ability to continually require pre-employment drug testing of “all” of its employees.

The bill provides that an employer who maintains drug free workplace programs which exceed the statutory requirements qualify for the insurance discounts under § 627.0915, F.S.

In addition, the bill deletes the requirement that random drug testing must be specified in a collective bargaining agreement as negotiated by the appropriate certified bargaining agent before such testing is implemented.

NOTE: In 2011, Governor Scott issued an Executive Order requiring pre-employment and random drug testing for state employees. A suit was filed alleging that such drug testing constitutes a suspicion less search in violation of the U.S. Constitution. A federal court recently ruled the Executive Order to randomly drug test state employees is unconstitutional, as it constituted an unreasonable search and seizure. The Governor has indicated he will appeal the ruling.

Despite this legal challenge, the Florida Legislature took up the same policy passing this bill. The above federal court’s ruling does not affect this bill which becomes effective on July 1, 2012. It is expected that this bill will draw a separate lawsuit. Meanwhile, the U.S. Supreme Court has previously ruled that reasonable suspicion drug testing of students in extracurricular activities and student athletes is constitutional.

III. District Action/Rulemaking (Policy)

School Board Policies 3.96 – Drug - and Alcohol – Free Workplace Policy and 3.961 Drug-and Alcohol – Free Workplace Policy for Employees Performing Safety Sensitive Functions and Holders of Commercial Drivers Licenses and § 440.102, F.S., Drug-free workplace program requirements will be reviewed by legal and other relevant departments. If there are, the recommend changes will be presented to the Board.
Title of Legislation: HB 1229 - Reorganization of the Department of Children and Family Services
Chapter 2012-084, Laws of Florida

Attorney Providing Review: Iola T. Mosley

I. Summary of Bill:

This bill reorganizes the Department of Children and Family Services by:

- Changing the name of Department of Children & Family Services to Department of Children & Families
- Restructuring its organizational units to establish circuits, which are aligned geographically with judicial circuits, and regions, which include multiple circuits in geographical proximity to each other
- Revising requirements relating to community alliances
- Deleting provisions relating to service districts, prototype region, and procurement of health services
- Revising the mission of department
- Providing for appointment of Director for Substance Abuse & Mental Health to head the state's Substance Abuse & Mental Health Program Office
- Revising provisions aligning boundaries of service areas for Department of Health to those of service districts of department to conform to changes made by this act
- Deleting the authority of the Governor to appoint executive director of State Office on Homelessness

This law becomes effective July 1, 2012.

II. District Analysis

The bill’s primary objective is to restructure the Department of Children and Family Services. There is no impact on the District.

III. District Action /Rulemaking

No action required.
I. Summary of Bill:

This bill amends the Public Records Act and the Government in the Sunshine Law.

Applicability of Public Records Law to Certain Officers-Elect

The bill clarifies the application of the Public Records Act and public meeting requirements to certain officers-elect. The term “officer-elect” means the Governor, the Lieutenant Governor, the Attorney General, the Chief Financial Officer and the Commissioner of Agriculture. Specifically, the bill:

- Requires officers-elect to adopt and implement reasonable measures to ensure compliance with the obligations set forth in the Public Records Act, Chapter 119, F.S.
- Provides that if an officer-elect uses an online or electronic communication or recordkeeping system, all public records maintained on such system must be preserved to not impair the ability of the public to inspect or copy such records.
- Requires the officer-elect to deliver transition records to the custodian of records in their respective office upon taking the oath of office.

Applicability of Government in Sunshine Law

The bill further provides that meetings with or attended by any person elected to any board or commission of any state agency or authority or any agency or authority of any county, municipal corporation, or political subdivision, but has not yet taken office, are subject to the meeting requirements contained in Chapter 286, F.S. This provision basically conforms to longstanding Florida case law holding “members-elect of boards, commissions, agencies, etc., are within the scope of the Government in the Sunshine Law.” Hough v. Stembridge, 278 So. 2d 288 (Fla. 3rd DCA 1973).

II. District Analysis

The amendment to the Government in the Sunshine Law would be applicable to elected members of the School Board who have not taken office. Newly elected School Board members have been advised by the Office of General Counsel consistent with the case law above, in writing and verbally. The office will continue this practice.

III. District Action/Rulemaking

This bill does not require any action by the Board or District.
Title of Legislation: HB 1351 Homeless Youth
Chapter 2012-186, Laws of Florida

Attorney Providing Review: Iola T. Mosley

I. Summary of Bill

The bill amends current statutes related to homeless children, renumbers the definitions, and adds a new definition for the term “Certified Homeless Youth.” Specifically, the legislation:

- Defines the term "certified homeless youth" to mean a minor, homeless child or youth as defined under federal law.
- Provides that a child may be considered a “certified homeless youth” upon a finding of homelessness by a school based homeless liaison, the director of an emergency shelter program funded by the United States Department of Housing and Urban Development; or the director of a runaway or homeless youth basic center or transitional living program funded by the United States Department of Health and Human Services.
- Creates a provision to provide that an unaccompanied certified homeless youth who is 16 years of age or older may petition the circuit court to have the disabilities of nonage removed. Such youth will have court filing fees waived and the court must expedite the proceedings.
- Provides that a certified homeless youth or a minor who has had the disabilities of nonage removed in accordance with statute must be issued a certified copy of his or her birth certificate upon request to the Department of Health.

The effective date of this bill is July 1, 2012.

II. District Analysis

This bill has little, if any, impact on the School District.

III. District Action /Rulemaking

Board Policies 5.74 and 5.011 will need to be amended to provide the new definition of homelessness.
I. Summary of Bill

This bill amends current laws providing for the mandatory reporting of child abuse; addresses matters related to the neglect and abandonment and relocation assistance for victims of domestic violence and victims of sexual battery; and, reclassifies certain crimes involving minors. The bill also increases mandatory reporting to the Florida Abuse Hotline related to children who are the victims of child abuse, abandonment or neglect, including sexual abuse, by requiring any person to report known or reasonably suspected abuse of a child regardless of who is the suspected perpetrator. A report of child abuse must be accepted by the Florida Abuse Hotline (hotline), maintained by the Department of Children and Families (DCF), and forwarded to the appropriate sheriff’s office. DCF will continue to only investigate reports of abuse by a parent, legal custodian, caregiver, or other person responsible for the child’s welfare. Specifically, the bill:

- Requires DCF to enable the hotline to accept reports of known or suspected child abuse through web-based chat and to update it web-based form for such purposes.
- Directs DCF to conduct a study on the feasibility of adding text and short message service formats as a means for the hotline to accept and process reports of abuse.
- Requires the DCF to partner with community-based organizations and public service campaigns to promote public awareness of the hotline.
- Requires teachers in grades 1-12 to participate in continuing training provided by DCF on identifying and reporting child abuse and neglect.
- Amends the language in §39.205 requiring specified educational institutions (state universities, community colleges, and private universities) and their law enforcement agencies to report known or suspected child abuse, abandonment, or neglect in certain circumstances
- Imposes a $1,000,000 fine on public and private colleges, universities and schools whose personnel or law enforcement agencies failing to report certain child abuse taking place on campus or at an event or function sponsored by the college, university, or school. The fine is to be assessed by State Board of Education, Board of Governors or Commission for Independent Education, depending on education institution failing to report.
- Elevates the knowing and willful failure to report known or suspected child abuse, abandonment, or neglect from a first degree misdemeanor to a third degree felony.
- Expands the scope of victims who are eligible to receive monetary relocation assistance to include a victim of sexual battery, and appropriates $1.5 million from the General Revenue Fund for that purpose of § 960.03, F.S.
- Defines “aggravated child abuse” and “mental injury” for the purpose of criminalizing aggravated child abuse and providing for the prosecution of persons who abuse a child and cause mental injury, without an accompanying physical injury.
- Amends § 39.205, F.S., to require incidents of sexual misconduct by known or suspected juvenile sex offenders to be reported to the DCF.

The bill will have a significant fiscal impact on state government. The bill appropriates sufficient moneys and full time equivalent positions to account for the expected increase in the DCF’s workload.

The effective date of this bill is October 1, 2012.

II. District Analysis

This bill has some significant impact on the School District. All staff will need to be informed of the changes to the reporting requirements for the instances of child abuse and the consequences for a failure to report. Additionally, the bill requires all elementary, middle and high school teachers to participate in a continuing education program provided by DCF focused on identifying and reporting child abuse, abandonment and neglect. This continuing education requirement topic would be in addition to current continuing education requirements for teachers.

III. District Action /Rulemaking

Board Policy 5.30 (relating to reporting abuse) must be reviewed and revised to be consistent with the bill. The relevant portion of the bill related to the District and any amendments to the policy should be communicated with all District staff.
I. Summary of Bill

The bill amends Fla. Stat. § 1001.371 relating to the organizational meeting of the District School Board. Rather than requiring that the organizational meeting occur on the third Tuesday after the first Monday in November of each year, that portion of the statute has been deleted and now requires that the Board elect a chair in November of each year. In an election year the date must comply with the statute that states that the term of a newly elected School Board member shall begin on the second Tuesday following the general election in which such member is elected, per Fla. Stat. § 100.041(3)(a).

II. District Analysis

This bill was approved by the Governor on April 6, 2012. It is currently Fla. Laws Chapter 2012-087. Its effective date is July 1, 2012. Its effect will be to allow more flexibility for the date of the organizational meeting for the School Board.

III. District Action/Rulemaking (Policy)

The School Board will now have some discretion in scheduling the organizational meeting except in election years. This statutory change will be considered in scheduling organizational meetings and for this year the meeting must occur on the second Tuesday following the general election. Further, School Board Policy 1.02 – (Officers of the School Board), will need to be modified by the Board Office to change the date to comport with the new legislation.
I. Summary of Bill

Athletic Eligibility
The bill amends Fla. Stat. § 1002.20(17) on athletic eligibility. Students are eligible to participate in the high school athletic competition not only in the school in which he or she first enrolled each school year, but also the school in which the student makes himself or herself a candidate for an athletic team by engaging in practice before enrolling or the school to which the student has transferred with the approval of the School Board according to the provisions of Fla. Stat. § 1006.22(a) which are the Florida High School Athletic Association’s (FHSAA) bylaws.

Florida High School Athletic Association (FHSAA)
Fla. Stat. § 1006.20 is amended provide that any high school in the State, including charter schools, virtual schools, and home education cooperatives, may become a member of the FHSAA and participate in the activities of the FHSAA. Membership of the FHSAA is not mandatory for any school. The FHSAA is prohibited from denying or discouraging interscholastic competition between its member schools and between non-FHSAA member Florida schools and may not take retributory or discriminatory actions against any of its member schools that participate in an interscholastic competition with a non-FHSAA member Florida school. Further, the FHSAA may not unreasonably withhold its approval of an application to become an affiliate member of the National Federation of State High School Associations submitted by any other organization that governs interscholastic competition in the State.

The bylaws of the FHSAA will be required to allow the student to be eligible in the school to which the student has transferred during the school year if the transfer is made by an FHSAA deadline, which may not be before the date authorized for the beginning of practice for the sport. These transfers shall be allowed pursuant to District School Board Policies in the case of transfer to a public school or pursuant to private school policy, if it is a transfer to a private school. The requirements governing eligibility in transfer between member schools shall be applied similarly to public school students and private school students.

As recruiting of students for athletic purposes is prohibited by FHSAA bylaws, the bill adds language that if it is determined a school did recruit a student in violation of FHSAA bylaws, FHSAA may require a school to participate in a higher classification for the sport in which the recruited student competes for a minimum of one classification cycle, in
addition to any other appropriate fine or sanction imposed on the school, its coaches, or adult representative who violated the recruitment rules. A student is not to be declared to be ineligible based on violation of recruiting rules unless the student or parent falsified the enrollment or eligibility document, or accepted any benefit or promise of benefit, if the benefit is not generally available to the school, students, or family members, or is based in any way on athletic interest, potential, or performance.

The FHSAA is required to adopt bylaws regulating persons who conduct investigations on its behalf. The investigator must undergo a level two background screening although the bill notes some exceptions. The investigator must not have committed any disqualifying offenses. The person must carry a photo identification card showing the FHSAA name, logo, and official title. Certain requirements relating to the investigation as set forth such as allowing the parent of any student being interviewed to be present during the interview.

The FHSAA is required to adopt bylaws establishing sanctions for coaches committing major violations. Major violations are defined and examples of sanctions are stated. A violation includes knowingly allowing an ineligible student to participate or committing a violation of recruiting or sportsmanship policies.

The FHSAA is required, except as stated below, to adopt bylaws establishing the process and standards by which the determination of eligibility is made. This includes that ineligibility must be established by clear and convincing evidence. The student athletes, parents, and schools must have notice of the initiation of the investigation.

Instead of adopting bylaws of this eligibility determination process, the FHSAA may adopt bylaws on minimum procedural safeguards including the appointment of an unbiased and qualified hearing officer.

FHSAA bylaws may not limit the competition of student athletes prospectively for violations of rules of its school, coaches, or adult representatives. The bylaws may not unfairly punish students for eligibility or recruiting violations perpetuated by a teammate, coach, or administrator. Contests may not be forfeited by inadvertent ineligibility violations unless the coach or school should have known of the violation.

The bill further requires FHSAA to expedite an appeals process on determinations of ineligibility so that the appeal can be disposed of before the end of the applicable sports season, if possible. The bill further describes the type of information and evidence that may be presented during an appeal. If evidence is presented on appeal, a de novo decision is made by committee or board hearing the appeal, or the determination can be suspended and the matter remanded for a new determination based on all the evidence.
The bill further repeals the requirement that the FHSAA bylaws require member schools to adopt rules for sports which have been established by a nationally recognized sanctioning body unless waived by two-thirds vote of the board of directors.

**Fingerprinting**
Additionally, the bill amends Fla. Stat. § 1012.468 on exceptions to certain fingerprinting and criminal history checks, and exempts from the screening processes an investigator for FHSAA who meets the requirements stated above (for investigators undergoing level 2 background screenings).

II. **District Analysis**

The bill becomes effective July 1, 2012. The above summary analyzes the major components of the bill impacting the School District.

III. **District Action/Rulemaking (Policy)**

School Board Policies 5.60 and 5.61 need to be reviewed to determine if there are any eligibility requirements for interscholastic sports that need to be revised. In addition, the bill does provide that transfers be allowed per district policies; therefore, district policies on student assignment or transfers must also be reviewed. Policies should stress no transfers for athletic reasons and no recruitment or these could be cause for disciplinary action.

The District’s Athletic Coordinator needs to receive a copy of this analysis of the bill and training for athletic coaches and adult representatives should be administered as to the new provisions. An analysis should be conducted determining the pros and cons for remaining an FHSAA member, as membership is not required.
I. Summary of Bill

This bill repeals Fla. Stat. § 456.034, related to Human Immune Deficiency Virus (HIV) and Acquired Immune Deficiency Syndrome (AIDS). Continuing education for Athletic Trainers and Massage Therapists this bill is effective on July 1, 2012.

II. District Analysis

Sections 468.705 and 480.0145, Fla. Stat., provide the Board of Athletic Training and the Board of Massage Therapists, respectively, with authority to promulgate rules regarding licenses and continuing education requirements for athletic trainers and massage therapists these boards have existing discretion to determine content of continuing education courses for these professions.

III. District Action/Rulemaking (Policy)

The District should inform athletic trainers of the change in the requirements for their certification. If the District has been paying for the courses, the person approving the payments should also receive notification, as well as the District’s Athletic Coordinator.
I. Summary of Bill

This table is taken from the Florida School Board Association 2012 Legislative Session Summary.
### 2012 - 2013 EDUCATION APPROPRIATIONS HIGHLIGHTS

<table>
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<tr>
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<th>2011 - 2012 APPROPRIATION</th>
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<tbody>
<tr>
<td>1 / 7</td>
<td>Classrooms First &amp; 1997 Bond Programs</td>
<td>$162,109,596</td>
<td>$156,801,400</td>
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<tr>
<td>2 / 7</td>
<td>Class Size - Capital Outlay Debt Service</td>
<td>$154,863,241</td>
<td>$154,482,900</td>
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<tr>
<td>3 / 8</td>
<td>Bright Futures Scholarships</td>
<td>$350,000,000 Funds awarded per credit hour with additional stipend for Top Scholars</td>
<td>$329,408,935 Funds awarded per credit hour with additional stipend for Top Scholars</td>
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<tr>
<td>6 / 9</td>
<td>Florida Education Finance Program</td>
<td>$12,327,001 (Funds allocated in FEFP line item)</td>
<td>$122,740,767 (Funds allocated in FEFP - Line 84)</td>
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<tr>
<td>7 / 9</td>
<td>Class Size Reduction</td>
<td>$103,776,356 (Funds allocated in CSR line item)</td>
<td>$103,776,356 (Funds allocated in CSR - Line 85)</td>
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<tr>
<td>8 / 9</td>
<td>School Recognition &amp; District Lottery</td>
<td>$119,586,643 School Recognition at $70/FTE Any remaining funds to provide up to $5/FTE to School Advisory Councils</td>
<td>$134,582,877 School Recognition at $100/FTE Any remaining funds to provide up to $5/FTE to School Advisory Councils</td>
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<tr>
<td>9 / 10</td>
<td>Workforce Development</td>
<td>$36,127,789 (Funds allocated in Workforce Development line item)</td>
<td>$46,722,232 (Funds allocated in Workforce Development - Line 105)</td>
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### FIXED CAPITAL OUTLAY PROJECTS

<table>
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<tr>
<th>LINE #</th>
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<tbody>
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<td>16 / 11</td>
<td>Maintenance, Repair, Renovation, Remodeling</td>
<td>Public Schools: $0 Charter Schools: $55,209,106</td>
<td>Public Schools: $0 Charter Schools: $55,209,106</td>
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<td>16A / 11</td>
<td>Survey of Recommended Needs</td>
<td>$4,367,827 Up to $4,367,027 for Developmental Research Schools; any remaining funds transferred to Maintenance, Repair, Renovation, Remodeling for charter schools</td>
<td>$4,261,693 Up to $4,261,093 for Developmental Research Schools; any remaining funds transferred to Maintenance, Repair, Renovation, Remodeling for charter schools</td>
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<tr>
<td>19B / 12</td>
<td>Liberty County Public Schools</td>
<td>$150,000 Unnamed School</td>
<td>$150,000 Unnamed School</td>
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<td>19C / 12</td>
<td>Calhoun County Public Schools</td>
<td>Not Included</td>
<td>$300,000 Carr Elementary and Middle School</td>
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### VOCATIONAL REHABILITATION

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<td>21 / 13</td>
<td>Vocational Rehabilitation</td>
<td>$47,791,704</td>
<td>$44,806,557</td>
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<td>24 / 13</td>
<td>Adults With Disabilities</td>
<td>$10,726,210</td>
<td>$9,117,278</td>
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<td>LINE # / PAGE</td>
<td>ISSUE</td>
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<td>68 / 14</td>
<td>Early Learning Standards</td>
<td>$192,000</td>
<td>$4,458,892 ($4,268,892 earmarked to implement the Florida VPK Assessment to be used for pre- and post-assessments)</td>
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<tr>
<td>75 / 15</td>
<td>School Readiness Services</td>
<td>$816,762,636</td>
<td>$581,484,629 (Early Learning Services have been transferred from AWI to the DOE Office of Early Learning; See HB 5103 for significant program changes)</td>
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<td>78 / 16</td>
<td>Voluntary Pre-K Programs</td>
<td>$384,806,382</td>
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<td>School Year BSA</td>
<td>$2,383</td>
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<td>Summer School BSA</td>
<td>$2,026</td>
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<td>Administrative Costs</td>
<td>4.0%</td>
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**FLORIDA EDUCATION FINANCE PROGRAM**
(2011-2012 Figures Based on 3rd Calculation)

<table>
<thead>
<tr>
<th>LINE # / PAGE</th>
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<tbody>
<tr>
<td>6/9 &amp; 84/18</td>
<td>Base Student Allocation</td>
<td>$3,479.22</td>
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<td>Base Funding</td>
<td>$10,006,422,249</td>
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<td>6/9 &amp; 84/18</td>
<td>Juvenile Justice</td>
<td>$7,582,953</td>
<td>$7,530,646</td>
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<td>Allocation Factor</td>
<td>$903,57</td>
<td>$902,96</td>
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<td>6/9 &amp; 84/19</td>
<td>District Cost Differential</td>
<td>Statutory</td>
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<td>6/9 &amp; 84/19</td>
<td>Sparsity Supplement</td>
<td>$36,754,378</td>
<td>$35,754,378</td>
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<td>Required Local Effort</td>
<td>$6,937,607,602...</td>
<td>$6,722,602,030...</td>
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<td>. 5.446 mills</td>
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<td>. 5.446 mills</td>
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<td>Discretionary Millage &amp; State Compression</td>
<td>$934,603,814...</td>
<td>$902,631,451...</td>
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<td>State Compression</td>
<td>$136,572,722</td>
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<td>Statewide Average</td>
<td>$377,94</td>
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<td>Critical Needs Millage &amp; State Compression</td>
<td>Local Revenue Not Included</td>
<td>Local Revenue Not Included</td>
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<td>State Compression</td>
<td>$9,379,752</td>
<td>State Compression</td>
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<td>Statewide Average</td>
<td>$126,52</td>
<td>Statewide Average</td>
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<td>(16 Districts Eligible to Levy)</td>
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<td>(16 Districts Eligible to Levy)</td>
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<td>Program Cost Factors</td>
<td>K - 3 Basic</td>
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<td>1.102</td>
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<td>4 - 8 Basic</td>
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<td>1.161</td>
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<td>9 - 12 Career Ed.</td>
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<td>6/9 &amp; 84/20</td>
<td>ESE Guarantee</td>
<td>$943,167,996</td>
<td>$947,950,732</td>
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<td>Declining Enrollment</td>
<td>$3,420,701</td>
<td>$1,980,577</td>
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<td></td>
<td>Funding for 25% of the decline</td>
<td></td>
<td>Funding for 25% of the decline</td>
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<tr>
<td>LINE # / PAGE</td>
<td>ISSUE</td>
<td>2011 - 2012 APPROPRIATION</td>
<td>2012 - 2013 APPROPRIATION</td>
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<tr>
<td>6 / 9 &amp; 84 / 20</td>
<td>Safe Schools</td>
<td>Minimum Allocation: $64,456,019</td>
<td>Expands the allowable uses of funds to include middle and high school programs for correction of discipline problems; intervention programs; bullying prevention; and school resource officers</td>
</tr>
<tr>
<td>6 / 9 &amp; 84 / 21</td>
<td>Supplemental Academic Instruction</td>
<td>$615,924,773</td>
<td>First priority for funds is supplemental instruction to students in grades 3 &amp; 10 who scored Level I on FCAT</td>
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<tr>
<td>6 / 9 &amp; 84 / 22</td>
<td>Reading Instruction</td>
<td>Minimum Allocation: $97,673,434</td>
<td>$636,958,373</td>
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<tr>
<td>6 / 9 &amp; 84 / 22</td>
<td>Merit Award Program</td>
<td>$18,872,311</td>
<td>Not Included</td>
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<tr>
<td>7 / 9 &amp; 85 / 23</td>
<td>Student Transportation</td>
<td>$415,449,129</td>
<td>$130,000,000</td>
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<td>7 / 9 &amp; 85 / 23</td>
<td>Teachers Lead</td>
<td>$31,895,373</td>
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<td>7 / 9 &amp; 85 / 23</td>
<td>Virtual Education Contribution</td>
<td>$21,869,687</td>
<td>Funds per FTE: $4,800</td>
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<td>7 / 9 &amp; 85 / 23</td>
<td>Class Size Reduction – Operating</td>
<td>$2,927,464,879</td>
<td>$2,983,788,477</td>
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Allocation Factors:
- Pre-K - 3: $1,322.25
- 4 - 8: $901.91
- 9 - 12: $904.09
- Pre-K - 3: $1,321.29
- 4 - 8: $901.25
- 9 - 12: $903.43
<table>
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<tr>
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<th>2012 - 2013 APPROPRIATION</th>
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<tbody>
<tr>
<td>87 / 23</td>
<td>Instructional Materials</td>
<td>$1,145,000</td>
<td>$1,050,000</td>
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<td>Sunlink Library Database, . . . . 85,000</td>
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<td>Learning Through Listening, 760,000</td>
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<td>PAEC/Teacher Training, . . . . 300,000</td>
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<td>87A / 24</td>
<td>Reading Programs</td>
<td>$750,000</td>
<td>$1,000,000</td>
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<td>Funds for NEFEC and PAEC for non-phonemic reading instruction</td>
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<td>87B / 24</td>
<td>Assistance to Low Performing Schools</td>
<td>$3,500,000</td>
<td>$3,500,000</td>
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<td>87 / 24</td>
<td>Mentoring / Student Assistance Initiatives</td>
<td>$9,020,147</td>
<td>$14,953,873</td>
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<td>(*) Item vetoed in 2011-12</td>
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<td>Best Buddies, . . . . . . . . . 586,477</td>
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<td>Take Stock in Children, . . . . . 3,800,000</td>
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<td>Big Brothers, Big Sisters, . . . . . 1,930,248</td>
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<td>Boys and Girls Clubs, . . . . . . . 1,538,459</td>
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<td>YMCA State Alliance, . . . . . . . 764,972</td>
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<td>Teen Tandemters, . . . . . . . . . 200,000</td>
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<td>Big Brothers, Big Sisters / Palm Beach &amp; Martin, . . . 200,000*</td>
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<tr>
<td>89 / 25</td>
<td>School District Matching Grants</td>
<td>$1,393,891</td>
<td>$2,307,146</td>
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<td>For challenge grants to school district education foundations</td>
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<tr>
<td>91A / 26</td>
<td>Regional Education Consortium Services</td>
<td>$1,445,390</td>
<td>$1,445,390</td>
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<td>92 / 26</td>
<td>Teacher Professional Development</td>
<td>$134,802,957</td>
<td>$135,152,957</td>
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<td>FADSS Training, . . . . . . . . . 167,713</td>
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<td>Principal of the Year, . . . . . . . 25,426</td>
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<td>Teacher of the Year, . . . . . . . 18,730</td>
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<td>Personnel of the Year, . . . . . . . 6,182</td>
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<td>Center for Sports Safety, . . . . . . . 300,000</td>
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<td>92A / 26</td>
<td>School &amp; Instructional Enhancements</td>
<td>$2,469,592</td>
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<td>(*) Item vetoed in 2011-12</td>
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<td>State Science Fair, . . . . . . . . 42,032</td>
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<td>Academic Tourney, . . . . . . . . . 56,476</td>
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<td>Arts for Complete Education, . . . . 110,952</td>
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<td>PASS, . . . . . . . . . . . . . . 508,883</td>
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<td>Learning for Life, . . . . . . . . 869,813</td>
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<td>Girl Scouts of Florida, . . . . . . 267,635</td>
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<td>Black Male Explorers, . . . . . . . 114,701</td>
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<td>School for Space Science, . . . . . . 100,000*</td>
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<td>KIPP, . . . . . . . . . . . . . . 400,000*</td>
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<td>Girl Scouts of Florida, . . . . . . 367,635</td>
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<td>Black Male Explorers, . . . . . . . 314,701</td>
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<td>Florida Holocaust Museum, . . . . . 100,000</td>
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<td>School for Space Science, . . . . . . 100,000</td>
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<td>Workforce &amp; Career-StJohns, . . . . 195,217</td>
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</tr>
<tr>
<td>102 / 28</td>
<td>Instructional Technology</td>
<td>$421,000</td>
<td>$386,477</td>
</tr>
<tr>
<td></td>
<td>(* Item vetoed in 2011-12)</td>
<td>$400,000 for NEFEC Credit Recovery; $21,000* for Broward Educational Programming</td>
<td>$336,477 for PAEC behavioral interventions, tracking, management, &amp; counseling; $50,000 for Broward Educational Programming</td>
</tr>
<tr>
<td>103 / 28</td>
<td>Public Broadcasting</td>
<td>$7,444,170</td>
<td>$6,641,871</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Public TV &amp; Radio: 4,799,110*</td>
<td>Public TV &amp; Radio: 3,996,811</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>By 7/31/12, DOE must establish research and reporting criteria to measure learning gains of students with school-day contact with public broadcasting educational material; by 6/30/13, a report must be provided to legislative leadership</td>
</tr>
<tr>
<td>104 / 29</td>
<td>Performance Incentives</td>
<td>$4,986,825</td>
<td>$4,986,825</td>
</tr>
<tr>
<td>105 / 30</td>
<td>Adult Basic Education</td>
<td>$41,552,472</td>
<td>$41,552,472</td>
</tr>
<tr>
<td>9 / 10 &amp; 106 / 30</td>
<td>Workforce Development</td>
<td>$334,360,675</td>
<td>$389,488,374</td>
</tr>
<tr>
<td></td>
<td>Tuition rate of $2.22 per contact hour for career certificate or applied technology diploma and $45 per half year or $30 per term for adult general education; higher rates apply for nonresidents</td>
<td>Tuition rate of $2.33 per contact hour for career certificate or applied technology diploma and $45 per half year or $30 per term for adult general education; higher rates apply for nonresidents; superintendents must certify that workforce enrollment and performance data used for funding allocations to districts is accurate &amp; complete in accordance with reporting timelines established by DOE</td>
<td></td>
</tr>
<tr>
<td>107 / 32</td>
<td>Vocational Formula Funds</td>
<td>$72,144,852</td>
<td>$72,144,852</td>
</tr>
<tr>
<td></td>
<td>STATE BOARD OF EDUCATION</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Proviso / 33</td>
<td>Program Cost Factors</td>
<td>Not Included</td>
<td></td>
</tr>
<tr>
<td></td>
<td>DOE must revise the &quot;Financial and Program Cost Accounting and Reporting for Public Schools&quot; manual to require district cost reporting in a manner that will allow the Commissioner to compute future program cost factors based solely on expenditures from revenue generated based on weighted enrollment, the base student allocation, and the district cost differential</td>
<td></td>
<td></td>
</tr>
<tr>
<td>LINE # / PAGE</td>
<td>ISSUE</td>
<td>2011 - 2012 APPROPRIATION</td>
<td>2012 - 2013 APPROPRIATION</td>
</tr>
<tr>
<td>--------------</td>
<td>--------------------------------------------</td>
<td>---------------------------</td>
<td>---------------------------</td>
</tr>
<tr>
<td>Proviso / 33</td>
<td>ESE Matrix of Services</td>
<td>Not Included</td>
<td>DOE must prepare a report on the costs associated with the matrix of services for students served through the ESE Guaranteed Allocation; the report must be submitted to the Governor and legislative budget leaders by December 31, 2012</td>
</tr>
<tr>
<td>Proviso / 33</td>
<td>K-12 Public School Facility Task Force</td>
<td>Not Included</td>
<td>Funds provided to the State Board of Education must be used to support the K-12 Public School Facility Task Force authorized in HB 5101</td>
</tr>
<tr>
<td>Proviso / 33</td>
<td>Digital Instructional Materials Work Group</td>
<td>Not Included</td>
<td>Funds provided to the State Board of Education must be used to support the Digital Instructional Materials Work Group authorized in HB 5101</td>
</tr>
</tbody>
</table>

**SCHOOL HEALTH PROGRAMS**

<table>
<thead>
<tr>
<th># / PAGE</th>
<th>Issue</th>
<th>2011 - 2012 APPROPRIATION</th>
<th>2012 - 2013 APPROPRIATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>472 / 37</td>
<td>School Health Services</td>
<td>$20,319,530</td>
<td>$20,035,258</td>
</tr>
<tr>
<td>482 / 37</td>
<td>Full Service Schools</td>
<td>$8,500,000</td>
<td>$8,500,000</td>
</tr>
</tbody>
</table>

**FEFP TOTALS**

<table>
<thead>
<tr>
<th>ISSUE</th>
<th>2011-2012 APPROPRIATION</th>
<th>2012-2013 APPROPRIATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unweighted FTE</td>
<td>2,663,743.54</td>
<td>2,694,617.29</td>
</tr>
<tr>
<td>Change from Prior Year... % Change</td>
<td>21,652.05 ................. 0.82%</td>
<td>30,873.75 ................. 1.16%</td>
</tr>
<tr>
<td>Weighted FTE</td>
<td>2,873,398.00</td>
<td>2,921,483.45</td>
</tr>
<tr>
<td>Change from Prior Year... % Change</td>
<td>24,614.50 ................. 0.87%</td>
<td>48,085.45 ................. 1.67%</td>
</tr>
<tr>
<td>School Taxable Value</td>
<td>$1,385,846,696,347</td>
<td>$1,335,847,393,896</td>
</tr>
<tr>
<td>Change from Prior Year... % Change</td>
<td>($39,773,848,816) ........ (4.13%)</td>
<td>($49,999,302,451) ........ (3.61%)</td>
</tr>
<tr>
<td>Total FEFP Funding</td>
<td>$16,581,591,096</td>
<td>$17,176,682,935</td>
</tr>
<tr>
<td>From State</td>
<td>$8,709,379,680</td>
<td>$9,553,249,454</td>
</tr>
<tr>
<td>From Local</td>
<td>$7,872,211,416</td>
<td>$7,625,433,481</td>
</tr>
<tr>
<td>Change from Prior Year... % Change</td>
<td>($1,411,050,048) ........ (7.84%)</td>
<td>($597,091,839) ........... 3.60%</td>
</tr>
<tr>
<td>Total FEFP Funds Per FTE</td>
<td>$6,224.92</td>
<td>$6,375.18</td>
</tr>
<tr>
<td>Change from Prior Year... % Change</td>
<td>($585.08) ................. (8.80%)</td>
<td>($150.28) ................. 2.41%</td>
</tr>
</tbody>
</table>
Title of Legislation: HB 5003 Implementing the 2012-2013 General Appropriations
Chapter 2012-119, Laws of Florida

Attorney Providing Review: Blair LittleJohn

I. Summary of Bill

Section 2 of this bill provides that the calculations of the Florida Education Finance Program for the 2012-2013 fiscal year in the document entitled "Public School Funding-The Florida Education Finance Program," dated March 6, 2012, and filed with the Clerk of the House of Representatives, are incorporated by reference 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.

This section expires July 1, 2013.

II. District Analysis

This bill is currently being reviewed by Budget staff but it is not anticipated to have an impact on the current process followed by the Budget office.

III. District Action/Rulemaking (Policy)

None anticipated at this time.
Title of Legislation: \(\text{HB 5005 (SB 2006) – Florida Retirement System}\\ \text{Chapter 2012-146, Laws of Florida}\)

Attorney Providing Review: \(\text{Shawn Bernard}\)

I. **Summary of Bill**

The bill revises several statutes pertaining to the contributions and allocation rates of the Florida Retirement System. In particular, the bill revises § 121.72 Florida Statutes, to reduce the allocation rates for all retirement classes being deposited into investment plan member accounts; revises § 121.055 F.S. to reduce the employer contribution rates into the Senior Management Service Optional Annuity Program; and revises § 121.71 F.S. to adjust the employer contribution rates for the FRS based on the 2011 Actuarial Valuation as adjusted by the changes to the Investment Plan allocations.

Currently, FRS employers are responsible for contributing a percentage of a member’s monthly salary to the FRS. The employer contribution is a “blended contribution rate” set by statute, as amended by the Legislature based on an annual actuarial valuation. The rate consists of a blending of the actuarially determined contribution rates necessary to fund the pension plan’s normal cost and the allocations being made into investment plan accounts. The purpose of the blending is to establish the same employer contribution rates regardless of whether an employee participates in the pension plan or the investment plan.

This bill will reduce the employer share of the allocation into the investment plan and employer contributions into the optional retirement plans to a level more in line with the actuarial normal costs determined in the July 1, 2011 Actuarial Valuation. This law becomes effective on July 1, 2012.

II. **District Analysis**

This bill would have a limited fiscal impact on the District in FY 2012-2013 as a result of changes to the mandated employer contributions related to Senior Management Service and mandated employer contributions related to defined contribution plans (Investment Plans). However, because the employer rates for regular class employees in the Investment Plan dropped from 6.25% to 3.55%, these employees will be impacted by the bill similar to the impact experienced by pension plan participants under SB2100.
III. District Action/Rulemaking

District staff will need to account for the current changes in contribution rates while continuing to monitor future legislative action pertaining to actuarial studies of the Florida Retirement System.

District staff should also be aware that there is on-going litigation concerning the requirement that FRS pension plan participants contribute three percent of their salary to their pension. A judge recently ruled the requirement unconstitutional and the matter is now on appeal. Employer contribution rates may change again (i.e. may increase) from what is proposed in this bill depending on whether or not the court’s ruling is upheld.
I. Summary of Bill

The bill:

- Modifies the FEFP Supplemental Academic Instruction and Reading allocations for 2012-2013 and 2013-2014 to require districts with the 100 lowest performing elementary schools to provide intensive reading instruction by effective teachers for the students in these schools for an additional hour a day beyond the normal school day for the entire school year.

- Delays the increased class size penalty (from 50% to the full amount of the base student allocation) until 2014-2015, including a retroactive adjustment of the 2011-2012 penalty calculation.

- Provides school districts with flexibility for instructional materials purchases, for the 2012-2013 mathematics adoption if the districts meet certain requirements.

- Requires providers and schools to implement pre and post assessments for students in the voluntary prekindergarten program.

- Limits the amendatory period for the reporting of FTE for payment to providers and schools by early learning coalitions for the voluntary prekindergarten program.

- Requires districts to provide Discretionary Local Effort funds up to the state average and/or state compression funding for juvenile justice education students.

- Requires school districts to participate in a School District Consortium to maximize purchasing power for goods and services.

- Creates the K-12 Public School Facility Funding Task Force to make recommendations for funding equity among charter schools and school district schools.

- Creates the Digital Instructional Materials Work Group to plan and monitor the transition to digital instructional materials.
• Limits the 5% charter school administrative charge for schools with exceptional student enrollment that is 75% or greater of the total school enrollment.

• Conforms severance package language for district superintendents and employees to § 215.425, F.S. (from a maximum of one year’s salary to a maximum of 20 weeks compensation).

• Limits the use of public broadcasting funds to TV stations to reflect budget allocations.

• Clarifies that the Sheriff is an eligible juvenile justice education provider.

• Repeals the Manatee County School District compulsory school attendance age pilot project.

• Authorizes the Commissioner of Education to waive certain school district facilities construction requirements if justified by the district.

• Clarifies that Auditor General audits satisfy the independent audit requirement for the educational facilities plan of school districts.

• Provides technical clarification of FEFP reporting requirements and audit adjustments.

• Maintains the waiver of the three-fourths limit for the use of school district discretionary capital outlay millage funds for payments required by lease-purchase agreements.

Except as otherwise specifically provided, the bill takes effect July 1, 2012.

II. District Analysis

The full impact and analysis of this bill cannot be fully determined until after the Florida School Finance Officers’ Association meeting in mid-June, at which time, the State Department of Education will explain how it intends to implement the various provisions of this bill. An estimated cost of compliance with the various provisions of this bill has not been completed at this time.

III. District Action/Rulemaking (Policy)

It is recommended that the provisions dealing with the pre and post assessments for students in the VPK program be incorporated into the Pupil Progression Policy. It is further recommended that the provisions addressing severance packages for the
superintendent and other employees be included in a new administrative employee contract Policy. Extensive review by District staff in both the Operations and Academics areas is recommended to determine what changes need to be addressed in new Policies or modified in existing Policies.
I. Summary of Bill

This bill relates to various funding requirements for post-secondary institutions. This summary is for informational purposes.

Middle School Graduation
Section 7 of the bill contains amendments to Fla. Stat. § 1003.4156 relating to general requirements for middle grades promotion. As to the requirement that a student complete in 7th or 8th grade one course of career and education planning, the bill deletes the requirement that this course must include career exploration using Florida Choices or a comparable cost-effective program or that it must include educational planning using online student advising system known as Florida Academic Counseling and tracking of students on the internet website Facts.org.

Distance Learning
The bill also repeals Fla. Stat. § 1004.09 that created the Florida Higher Education Distance Learning Catalog which was an interactive internet-based point of access and resource offered by public post-secondary educational institutions, and was intended to assist in collaboration of articulation and access. Florida Distance Learning Consortiums Fla. Stat. § 1004.091 was also repealed. That statute concerned the consortium facilitating collaboration among public post-secondary institutions relating to distance learning.

Workforce Pilot
The bill creates Fla. Stat. § 1004.935, which creates an adults with disabilities workforce education pilot program. The pilot is for two years and does not involve Palm Beach County.

Virtual Campus
The bill creates Fla. Stat. § 1006.73, Florida Virtual campus to provide access to online student and library support services and serves as a statewide resource for public post-secondary education distance courses.

Degree Completion Pilot Program
The bill creates Fla. Stat. § 1006.735, which is a degree completion pilot project for recruiting, recovering, and retaining state adult learners and assisting them in completing associate degrees or baccalaureate degrees. This is being started as a pilot
project, with priority for adult learners who are veterans or active duty members of the U.S. Armed Forces. It is limited to certain universities.

**Articulated Acceleration Mechanisms**
The bill further amends Fla. Stat. § 1007.27, which is related to articulated acceleration mechanisms. These mechanisms are available for secondary and post-secondary students attending public educational institutions. The bill deletes licensing by the Florida Center for Library Automation and the College Center for Library Automation and substitutes the Florida Virtual Campus as the licensor for providing access to Florida public secondary students enrolled in articulation mechanisms as authorized users of the state funded electronic library resources that are licensed for Florida college system institutions and state universities.

Fla. Stat. § 1007.28 is repealed, which was the computer-assisted student advising system that the DOE had established and maintained as a single statewide computer student advising system.

**Bright Futures Pilot**
The bill amends Fla. Stat. § 1009.215 for students enrolled to receive Bright Futures eligible to receive the scholarship award for attendance during no more than two semesters or the equivalent in any fiscal year, including the summer term.

**State College Student Fees**
The bill amends Fla. Stat. § 1009.24 relating to state university student fees and increases the Capital Improvement Trust fund fee to $4.76 per credit hour per semester and enables the university Board of Trustees to increase the capital improvement trust fund fee. The fee may not exceed 10 percent of the tuition for resident students or 10 percent of the sum of tuition for out-of-state fees for non-resident students. The fee for resident students shall be limited to an increase of $2 per credit hour over the prior year.

Fla. Stat. § 1009.25 is amended on fee exemptions and deletes the exemption from paying tuition and fees, including lab fees, for a school district providing post-secondary career programs and substituting it for a school district providing work force education programs.

Fla. Stat. § 1009.286 is amended to change the amount a state university can charge to pay an excess credit surcharge.

**Bright Futures**
The bill amends the Florida Bright Futures scholarship program within Fla. Stat. § 1009.531 on student eligibility for initial awards. It adds a provision for students graduating from high school in the 2012-13 academic year and thereafter. It states they are eligible to accept the initial award for two years following high school graduation.
and to accept the renewal award for five years following high school graduation. The students who apply for the award by high school graduation and meet all other eligibility requirements, but do not accept the award, may reapply during subsequent application periods for up to two years after high school graduation. If enlisted in the U.S. Armed Forces immediately after completing high school, the two year eligibility period and the five year renewal period begin on the date of separation from active duty. For the student who is receiving Florida Bright Futures and discontinues his/her education to enlist in the U.S. Armed Forces, the remainder of the five year renewal period commences on the date of separation of active duty. If the course of study is not completed after five academic years, an exception of one year to the renewal timeframe may be granted due to verifiable illness or other documented emergency.

The bill amends Fla. Stat. § 1009.532 on Florida Bright Future Scholarship Programs for student eligibility requirements for renewal awards. The amendment relates to a student initially eligible in the 2012 – 2013 academic year who may thereafter receive an award for maximum of 100 percent of the number of credit hours required to complete an associate degree, baccalaureate degree, or post-secondary career certificate program or for Florida Gold Seal Vocational Scholars Award, the bill sets forth the maximum of credit hours to complete specified programs.

The bill amends Fla. Stat. § 1009.534 on Florida Academic Scholars awards. The scholar must be enrolled in a certificate, diploma, associate, or baccalaureate program at a public or non-public post-secondary institution. The award is equal to the amounts specified in the General Appropriations Act to assist in paying educational expenses.

Certain changes were also made in Fla. Stat. § 1009.535 on the Florida Medallion Award. Community Service approval for home educated students is by the Department of Education. Further, the Medallion scholar who is enrolled in a certificate, diploma, associate, or baccalaureate program at a public or non-public post-secondary institution is entitled to the amount specified in the General Appropriations Act.

Further, Fla. Stat. § 1009.536 on Florida Gold Seal Vocational Scholars award, the amendment changes the eligibility requirements, deletes requirements that at least three secondary credits be taken over at least two academic years and is continued in a plan-related post-secondary education program. It also states that the approval of community service work is made by the Department of Education for home education students. The scholar also is enrolled in a public or nonpublic post-secondary institution is eligible for an award in the amount as provided in the General Appropriations Act and deletes the provision of 75 percent of the tuition and fees. The bill also states that the student initially eligible in the 2012-13 academic year and thereafter may earn this scholarship for the maximum 100 percent of the credit hours to complete specified programs.
**Scholarships**
Section 32 of the bill amends Fla. Stat. § 1009.70 relating to the Florida Education Fund. This Fund is an endowment from the McKnight Foundation. The Legislature may appropriate funds to be used for scholarships matched on a dollar-by-dollar basis from funds from private sources and examples are provided in the bill. Various provisions in the statute were eliminated or repealed and new provisions added.

**Audits**
Section 35 of the bill amends Fla. Stat. § 1010.30 concerning audits. The bill adds a provision that if an audit of a school district contains a significant finding, the district school board shall conduct an audit overview during a public meeting.

**Funds for Workforce Education**
Fla. Stat. § 1011.80 is amended by the bill for high school students enrolled in workforce education programs. The bill provides that a student co-enrolled in a K-12 education program and in an adult education program may not be reported for purposes of funding in an adult education program, except for the 2011/12 and 2012/13 fiscal years. Students who are co-enrolled in core curriculum courses for credit recovery or drop-out prevention purposes and do not have a pattern of excessive absenteeism, habitual truancy or a history of disruptive behavior in school may be reported for funding for up to two courses per student.

II. **District Analysis**
Many of the provisions in this bill relate to post-secondary institutions and do not appear to impact the School District. The summary contains provisions that may impact school districts and information that would be useful to guidance counselors for advising students relating to middle school graduation, accelerated articulation, college admissions and scholarship information. Most of the provisions in the bill become effective July 1, 2012.

III. **District Action/Rulemaking (Policy)**
Guidance counselors need to be informed of certain issues such as middle school graduation requirement changes, articulation acceleration, and changes to co-enrollment, Bright Futures and other information relating to colleges and to consult with DOE regarding the changes.

The finance and audit departments need to be informed about provisions relating to their departments as procedures may change. The Student Progression Plan policy needs to be revised to reflect the changes in the Bright Futures scholarship programs, articulation, co-enrollment, and middle school graduation requirements.
I. Summary of Bill

This summary is for informational purposes only and may be helpful to select staff serving on local boards. The bill proposes changes to increase accountability within the workforce system and Regional Workforce Boards (RWB). RWB’s operate at the local level and are where business – collaborating with public-sector leadership – influences workforce policy and investment to improve employment, training and economic development. Currently, the county or city governing bodies, within a RWB’s designated service area, enter into an inter-local agreement to establish the local parameters under which the regional workforce board will operate. Local boards must include representatives of local educational entities, including representatives of local educational agencies, local school boards, entities providing adult education and literacy activities, and postsecondary educational institutions (including representatives of community colleges, where such entities exist), selected from among individuals nominated by regional or local educational agencies, institutions, or organizations representing such local educational entities.

As it relates to education, the bill, in relevant part, limits the total membership of each local regional workforce board to the minimum membership required under federal law. Upon approval by the Governor, the local elected official may appoint additional members. If a public education or training provider is on the board, both a representative of a private non-profit provider and a representative of a private for-profit provider must be appointed to the board. In addition, the bill includes a requirement for each member and the executive director or person responsible for the operational and administrative functions of a RWB to file a disclosure of financial interest pursuant to § 112.3145, F.S., and provides that a member of the board and the executive director may be removed by the Governor for cause.

This law becomes effective on July 1, 2012.

II. District Analysis

This bill does not have a fiscal impact on the District.

III. District Action/Rulemaking

No District action is required.
I. Summary of Bill

This bill basically renames the state’s unemployment compensation program as the “reemployment assistance program”. Beyond the name changes there are a few provisions which touch on the School District.

Florida Statutes §443.091 was revised to apply the provision of law which do not permit payment of benefits for services to education institutions during established and customary vacation periods to individuals working for consultants to an educational institution.

Florida Statutes §443.1217 was amended by lowering the first $8,500 paid in a calendar year to $8,000. This amount is the amount exempted when determining an employer’s contribution rate beginning January 2, 2012.

Florida Statutes §443.131 (Contributions) now contains a provision exempting payment when the loss of employment is due to a terrorist attack, oil spill or other similar disasters of national significance.

Florida Statutes §443.171 – Department of Economic Opportunity and commission; powers and duties; records and reports; proceedings; state-federal cooperation. (5) Records and Reports was revised with the removal of the following language: “Information revealing the employing unit’s or individual’s identity obtained from the employing unit or from any individual through the administration of this chapter is, except to the extent necessary for the proper presentation of a claim or upon written authorization of the claimant who has a workers’ compensation claim pending, confidential and exempt from §119.07(1).”

However, Florida Statutes §443.1715 – Disclosure of information; confidentiality. (1) Records and Reports continues to exempt “[i]nformation revealing the employing unit’s or individual’s identity obtained from the employing unit or from any individual through the administration of this chapter, and any determination revealing that information” from §119.07(1) and 24(a) Art. I of the Fla. Constitution. The language which limited the exemption to the “extent necessary for the proper presentation of a claim or upon written authorization of the claimant who has a workers’ compensation claim pending or is receiving compensation benefits” was removed.
II. **District Analysis**

This bill has no direct impact on the School District. The School District is not a contributing employer but rather a reimbursing employer – i.e. the District does not contribute to the Reemployment Assistance Program fund on a continuing basis but rather reimburses the fund when required.

III. **District Action/Rulemaking (Policy)**

No District action is required; however, Human Resources and Public Affairs should be alerted to the changes for purposes of public records requests.
I. Summary of Bill

This legislation accomplishes the following:

- Affirms that Executive Orders 11-72 and 11-211 are consistent with state law and the public policy of the state. Provides that gubernatorial appointees are generally subject to oversight, direction, and control of the Governor, and that the Governor can direct the executive policymaking choices and choices of subordinate executive branch officers who serve at the Governor’s pleasure.
- Revises the definition of the terms, “head of the department” and “secretary,” and defines the term “to serve at the pleasure.” (See § 20.03, F.S.)
- Creates § 120.515, Florida Statutes, providing that adherence to the direction and supervision of an appointing authority does not constitute delegation or transfer of statutory authority to the appointee.
- Provides for removal of duplicative, redundant, or unused rulemaking authority and repeals various statutes granting rulemaking authority to agencies, including but not limited to DCF (§ 63.167(3), F.S.- repealing statute granting DCF authority to promulgate rules as necessary to establish and operate a state adoption information center); Supreme Court (§ 39.824(1), F.S.- repealing statute requesting the Supreme Court to adopt rules of juvenile procedure); Department of Management Services (§ 110.1228(7), F.S.- repealing statute granting Department of Management Services the authority to adopt rules relating to participation in the state group health insurance and prescription drug coverage programs by small counties, small municipalities, and school boards located in small counties); Department of Education (§ 112.1915(4), F.S.- repealing statute granting FDOE authority to adopt rules relating to death benefits for teachers and school administrators); and Department of Management Services (§ 121.085(1), F.S.- repealing authority of Department of Management Services to promulgate rules relating to submission of information necessary to establish a member’s claim of creditable service under the Florida Retirement System).

This act shall take effect July 1, 2012.

II. District Analysis

Please see Summary Above

III. District Action/Rulemaking (Policy)

None
Title of Legislation: HB 7059 - Acceleration Options in Public Education
Chapter 2012-191, Laws of Florida

Attorney Providing Review: Iola T. Mosley

I. Summary of Bill

This legislation addresses acceleration options in public education by specifically,

- Creating 1002.3105 F.S. Academically Challenging Curriculum to Enhance Learning (ACCEL) options
- Requiring schools to adopt a mechanism to provide for whole grade and mid-year promotion RULEMAKING
- Requiring a process by which a parent may request student participation, including the execution of a performance contract in certain instances
- Providing for Academically Challenging Curriculum to Enhance Learning (ACCEL) options to provide eligible public school students educational options that provide academically challenging curriculum or accelerated instruction requires school district to adopt policy for early graduation;
- Providing for career-themed courses
- Revising provisions relating to articulated acceleration mechanisms & dual enrollment programs
- Providing requirements for development & contents of school district & Florida College System institution articulation agreement
- Requiring comprehensive student progression plan to include information on accelerated educational options
- Providing reporting requirements for student funding based on student performance
- Providing for the holdback of a student who fails to pass end of course exams
- Providing for calculation of additional FTE membership based on completion of career-themed courses & early graduation

This bill is effective as of July 1, 2012.

II. District Analysis

This bill will have a direct impact on Curriculum and graduation requirements. The District may be able to obtain additional FTE based on career course development and early graduation.

III. District Action /Rulemaking

Implementation of the provisions of this bill will require amendment to existing Student Progression Plan, (adopted pursuant to Policy 8.01) as to guidelines for grade acceleration, early graduation and dual enrollment. The District will be required to
adopt a policy and procedures to provide for whole grade and mid-year promotion; and for early graduation options as well. Pupil progression must also be revised to include procedures for subject-matter acceleration, virtual instruction in higher grade level subjects, and a Credit Acceleration Program under Fla. Stat. § 1003.4295. The District will also need to develop policies and procedures to address student eligibility requirements.

It will also be necessary to adopt a process for providing high school students as well as parents with the information on requirements for accelerated programs as well as how to access these programs. In addition Policy 8.021 regarding early graduation and dual enrollment will need to be revised to reflect these requirements. Additional policies which may be affected are; Policy 5.015 Student reassignment, under subsection 5 (f) relating to reassignment based on the need for curriculum compatibility. Implementation will also require revision to current policies regarding choice and career academies requirement of additional or expanded choice options for students under Policies 5.016. This policy will require additional amendment to include development of career and educational planning for secondary 6th through 8th grade students. Student assignment and attendance zone criteria under Policy 5.01 will require amendment should a broader range of career academies be developed. The changes will also affect the progression standards, accelerated learning, and acceleration of graduation for students in home education (PBCSB Policy 8.14).

The statute additionally requires execution of a contract between the student, parent and the school district when a parent requests the ACCEL option. A form should therefore be developed to ensure District wide consistency. This form should be incorporated into the amended ACCEL policy.

District will need to develop an institution articulation agreement with the Florida College System in to align with the requirements of under 1001.64 and 1001.65, F. S. as amended.

District will need to revise policies relating to reporting requirements relating to student funding based on performance relating to passing end of course (EOC) examinations. FTE reporting under the Statute provides that each unpaid high school credit delivered by a school district during the student's prior enrollment may be reported by the district as 1/6 FTE when the student graduates early pursuant to s. 1003.4281. A district may report up to 1/2 FTE for unpaid credits delivered by the district for a student who graduates one semester in advance of the student's cohort and up to 1 FTE for a student who graduates 1 year or more in advance of the student's cohort. If the student was enrolled in the district as a full-time high school student for at least 2 years, the district shall report the unpaid FTE delivered by the district during the student's prior enrollment. If the student was enrolled in the district for less than 2 years, the district shall report the unpaid FTE delivered by the district and by the district in which the student was previously enrolled. The district of enrollment for which early graduation is
claimed shall transfer a proportionate share of the funds earned for the unpaid FTE to the district in which the student was previously enrolled.
Title of Legislation: HB 7063 – Digital Learning
Chapter 2012-192, Laws of Florida

Attorney Providing Review: Iola T. Mosley

I. Summary of Bill

- Requires that accurate and timely information regarding progress be given to parents of students enrolled in the virtual education program
- Prohibits person from taking online course or examination on behalf of another person for compensation & provides penalty
- Provides that the Florida Virtual School shall receive a school grade pursuant to s. 1008.34 for students receiving full-time instruction.
- Provides that Florida Virtual School may provide part-time instruction for students in K-12
- Provides for full-time virtual instruction for students enrolled in kindergarten through grade 12.
- Provisions for full-time or part-time virtual instruction for students enrolled in dropout prevention and academic intervention programs under § 1003.53,
- Provides for Department of Juvenile Justice education programs under § 1003.52,
- Approves virtual education for core-curricula courses to meet class size requirements under § 1003.03, or Florida College System institutions under this section.
- Revises provisions relating to eligibility requirements for virtual instruction & virtual instruction options
- Requires additional qualification of virtual instruction program provider to obtain DOE approval
- Places restriction on online learning course required for graduation
- Provides requirements for blended learning courses
- Provides responsibilities & requirements for enrollment of exceptional students in Florida Virtual School
- Provides eligibility for certain students to participate in interscholastic extracurricular activities in their home school
- Revises definition of FTE student in virtual instruction programs
- Provides that full-time virtual instruction programs are eligible to report student membership in ESOL program for funding purposes.

The effective date of the bill is July 1, 2012
II. District Analysis

This bill will have a direct impact on the District’s current system of Virtual Education, by expanding digital learning option for District students. Furthermore, the bill requires Virtual Education to be provided to ESOL students and ESE students if it is consistent with the student’s IEP. The bill will also authorize any full-time virtual learning student to participate in interscholastic extracurricular activities at the District school that the student would be assigned or choose to attend.

III. District Action /Rulemaking

The legislation will require revision to the Student Code of Conduct (SB Policies 5.1812 and 5.1813) to reflect coding and consequences to expand the definition of cheating to include violations of test protocols in Virtual Education.

Based on the legislation, the Division of Choice Options will be required to develop policies and procedures for determining eligibility for students to enroll in virtual education. The changes will also require development of protocol for assignment of instructional providers, and the mechanism for obtaining clearance from DOE prior to virtual school assignment. A section will need to be added to the current ESE policy (SB Policy 5.725) outlining the provision of ESE services to special needs children. School Board Policy 8.14 relating to Home Education students will also need to be revised to reflect the admission standards for Virtual Education. The District will be required to include a provision for education of students under the provisions of the current ESOL (ELL) program requirements. The bill will require revision of the interagency agreement between the District and the Department of Juvenile Justice (DJJ), as well as revisions to School Board Policy 8.13 regarding dropout prevention and juvenile justice and School Board Policy 3.44 regarding verification of qualifications of Virtual Education instructors in DJJ programs. There will be a need for the District to include the protocols relating to instructional personnel to the virtual school provisions relating to home education located in School Board Policy 8.14.
I. Summary of Bill

The bill corrects drafting errors and makes other conforming and clarifying changes that are necessary as a result of the passage of SB 2100 during the 2011 Legislative Session. In addition, the bill allows certain members of FRS, including members of the Senior Management Service Optional Annuity Program (SMSOAP), to receive a benefit distribution of up to 10 percent of their account balance one month after termination if the member has reached the normal retirement date which is intended to align the optional retirement programs with the investment plan.

The bill further makes it clear certain members of FRS who are reemployed on or after July 1, 2010, are prohibited from being reenrolled as a renewed member of a state-administered retirement system.

This law becomes effective on July 1, 2012.

II. District Analysis

This bill does not have a fiscal impact on the District.

III. District Action/Rulemaking

No District action is required.

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12 Retirees of the investment plan, SMSOAP, the State University System Optional Retirement Program (SUSORP), and the State Community College System Optional Retirement Program (SCCSORP).
I. Summary of Bill

This bill makes a number of modifications and clarifications to comprehensive planning and growth management provisions contained in the Community Planning Act passed during the 2011 legislative session. Among other things, the Community Planning Act removed state oversight of the implementation and maintenance of school concurrency and returned school concurrency to the control of school boards and local governments. However, certain provisions were retained in statute, including requirements for the application of school concurrency and the requirement for local governments and school boards to enter into an interlocal agreement that specifies the ways in which the plans and processes of the district school board and the local governments are to be coordinated.

The bill removes the outdated language in § 1013.33 and 1013.351, F.S., which is no longer required by the Act, relating to state oversight and review of interlocal agreements. Further, it removes the details of the contents within the interlocal agreement in § 1013.33, F.S., and instead refers to § 163.3177, F.S., to provide the requirements for both the school board and the local government in developing the interlocal agreement.

The bill also restores the four criteria, inadvertently removed in the Act, which a municipality must meet to show that it has no significant impact on school attendance. If a municipality meets all four criteria, it is exempt from the school interlocal agreement.

II. District Analysis

The statutory changes made by this bill appear to be primarily in the form of non-substantive “glitch” corrections and are not anticipated to have a material impact on the Concurrency Interlocal Agreement currently being negotiated by District staff and representatives of the County and municipalities.

III. District Action/Rulemaking (Policy)

District staff should incorporate the new statutory provisions into the Concurrency Interlocal Agreement. Additionally, we recommend that Policies 7.13, 7.131, 7.132, 7.133 and 7.135 be reviewed in conjunction with the negotiations of the Concurrency Interlocal Agreement for changes that are needed to make each of them consistent with the governing statutes, as modified, and the Concurrency Interlocal Agreement.
I. Summary of Bill

The legislation contains several provisions designed to encourage economic development in Florida.

A. Provides for various financial requirements and tax breaks, including but not limited to:
   1. Intangible Personal Property Tax on Governmental Leaseholds- Provides an exemption from the intangible personal tax on governmental leaseholds when the lessee services or performs a governmental, municipal, or public purpose or function.
   2. Cigarette Tax Distributions- Addresses using cigarette tax collections to fund the Sanford-Burnham Medical Research Institute for biomedical research and H. Lee Moffitt Cancer Center and Research Institute.
   3. Phosphate Severance Tax- Provides that a phosphate tax will be used to fund the Nonmandatory Land Reclamation Trust Fund.
   4. Tax on Severance and Production of Oil- Defines a new class of oil, “mature field recovery oil” and modifies distribution of tax proceeds.
   5. New Markets Development Program- Increases the total amount of tax credits available for the program.
   6. Sales Tax Exemptions- Modifies several sales tax exemptions and creates two additional exemptions (sale or lease of taxicabs equipped to transport physically disabled persons; relating to purchase of items consumed in manufacture of aircraft engines and gas turbine engines).

B. Provides for government procurement preferences to Florida Businesses in purchases of printing and tangible personal property by state agencies, universities, colleges, school districts, and other political subdivisions of the state (does not apply to counties or municipalities).

C. Includes 3-Day sales tax holiday for school supplies for August 3-5, 2012. Purchases of clothing, footwear, wallets, and bags that cost $75 or less and school supplies that cost $15 or less will be exempt from the state sales tax and county discretionary sales surtaxes, during the tax holiday.

Except as otherwise expressly provided in this act and except for this section, which shall take effect upon this act becoming a law, this act shall take effect July 1, 2012.
II. District Analysis

A. Intangible Personal Property Tax on Governmental Leaseholds - Previously, the law provided that leasehold and other possessory interests in governmental property were subject to an annual intangible personal property tax.

- The revision to § 196.199(2)(a), Florida Statutes, provides that personal property owned by governmental units (the United States, the state or any of its several political subdivisions, or of municipalities, agencies, authorities, and other public bodies corporate of the state) but used by nongovernmental lessees are exempt from ad valorem and the intangible tax when the lessee serves or performs a governmental, municipal, or public purpose or function. The law applies retroactively to all governmental leaseholds in existence as of January 1, 2011.

B. Provides for government procurement preferences to Florida Businesses for printing within the state and purchase of personal property through competitive solicitation –

1. Currently, § 283.35, Florida Statutes, provides that “every agency” shall give preference to vendors located with the state when awarding contracts for printing materials. The term “agency” was defined in s. 283.30(1), Florida Statutes, to mean, “any official, officer, department, board, commission, division, bureau, section, district, office, authority, committee, or council, or any other unit of organization, however designated, of the executive branch of state government, and the Public Service Commission.”

- Section 283.35, Florida Statutes was amended to provide that when an agency, university, college, school district, or other political subdivision of the state (not counties or municipalities) awards a contract to have materials printed, the agency, university, college, school district, or other political subdivision shall grant preference to the lowest responsible and responsive vendor having a principal place of business within this State. The preference shall be 5% if the lowest bid is submitted by a vendor whose principal place of business is located outside the state and if the printing can be performed in this state at a level of quality comparable to that obtainable from the vendor submitting the lowest bid located outside the state.

2. Currently, § 287.084(a), Florida Statutes provides that when an agency, county, municipality, school district, or other political subdivision of the state is a) required to make purchases of personal property through competitive solicitation and b) the lowest responsible and responsive bid, proposal, or reply is by a vendor whose principal place of business is in a state or political subdivision thereof which grants a preference for the purchase of such personal property to a person whose principal place of business is in such state, then the agency, county, municipality, school district, or other political
subdivision of this state may award a preference to the lowest responsible and responsive vendor having a principal place of business within this state equal to the preference granted by the state or political subdivision thereof in which the lowest responsible and responsive vendor has its principal place of business.

- The statute was amended to provide that when the agency (including School District) a) is required to purchase personal property through competitive solicitation and b) the lowest bidder is from an out of state vendor from a state with a preference, the School District MUST award a preference to the lowest responsible and responsive vendor having a principal place of business in this state. The preference will be equal to the preference granted by the state in which the out of state vendor has its principal place of business.
- The statute was revised to include colleges and universities and to remove counties and municipalities.
- The statute was revised to provide that if the lowest bid is submitted by an out of state vendor from a state that does not grant a preference, the preference to the lowest vendor having a principal place of business in this state shall be 5%.

3. Section 287.084(2) gives the out-of-state bidder's attorney the burden of declaring the existence/non-existence of an applicable foreign preference.

4. Section 287.084(3)(a), Florida Statutes provides that vendor with a principal place of business in Florida may not be precluded from being an authorized reseller of information technology commodities of a state contractor as long as the vendor demonstrates that it employs an international recognized quality management system and provides a warranty on the information technology commodities which is of equal scope and length as the contract.

III. District Action/Rulemaking (Policy)

Currently, the District does not give preferences to Florida businesses. As the statutory language is no longer permissive, but is now mandatory, the Purchasing Department must revise its process to be in compliance with the mandatory preference languages of the statute. In addition, the District must analyze how the statutory preferences will impact the District’s preference for MWBE vendors.
I. Summary of Bill

The bill contains recommendations by the Department of Revenue for property tax oversight improvements. Among other things, the bill clarifies ambiguous language, deletes obsolete statutory provisions, and eliminates unneeded reporting requirements in the property tax statutes. The bill also:

- amends statutory requirements for scheduling value adjustment board hearings;
- allows a husband and wife who abandon jointly titled homestead property to designate the percentage of the differential between just (market) value and assessed value that is portable to a new homestead property and that is attributed to each spouse;
- allows certain disabled veterans and other disabled persons to apply for property tax exemptions before they have received required documentation from certain agencies of the federal government;
- amends the current order in which homestead tax exemptions are to be applied to require that the base $25,000 homestead exemption and the additional $25,000 non-school levy homestead exemption (which applies to assessed value from $50,001 to $75,000) apply before all other homestead exemptions, which are then to be applied in a manner that results in the lowest taxable value;
- requires the property appraiser to mail an additional form along with the TRIM notice, upon request of the governing body of the county that informs taxpayers of the portion of the proposed non-voted county millage rate which is attributable to each constitutional officer and the county commission;
- provides that, effective retroactively to the 2012 tax roll, all property of municipalities of this state shall be exempt from ad valorem taxation when used as an essential ancillary function of a facility constructed with financing obtained in part by pledging proceeds from the tax authorized under § 212.0305(4), F.S., that is upon exempt or immune Federal, State or County property;
- provides an exemption for certain property used exclusively for educational purposes;
• clarifies that rental of all or substantially all of a dwelling previously claimed to be a homestead constitutes abandonment of such dwelling as a homestead;

• updates the list of operations for which certain deployed service members may receive an additional homestead exemption;

• clarifies that certain non-homestead property is to be assessed at just value when it is subject to a new assessment limitation. The bill also amends these provisions to provide that parcels combined or divided are not to be included as such on the tax notice until the following January 1 on which it is first assessed as a combined or divided parcel. The bill further provides that increases in value due to dividing property are apportioned to each parcel pro rata based on just value, and increases in value of property when properties are combined are attributable to the combination.

II. District Analysis

It is estimated that the financial impact of this bill will be a state-wide reduction of $1.75 million in school tax revenue.

The bill changes the manner in which the School Board is required to publish its notice of intent to levy additional taxes.

III. District Action/Rulemaking (Policy)

Budget staff should ensure that the notice of intent to levy additional taxes is properly published in the future.
I. Summary of Bill

This bill aligns statutory provisions governing Florida’s differentiated accountability system with the Elementary and Secondary Education Act (ESEA) Flexibility Waiver approved for Florida by the U.S. Department of Education and the state’s grading system.

Differentiated Accountability- Public School Intervention

The bill directs the state to comply with and enforces the ESEA waiver. However, the bill eliminates existing criteria for identifying public schools for intervention and classification of schools into six categories, five of which require intervention. The Florida Department of Education (FDOE) must identify schools for intervention based upon a school earning a letter grade of “D” or “F”. Pursuant to the legislation, the State Board of Education (SBOE) is required to adopt by rule a differentiated matrix of intervention and support strategies for traditional public schools, which includes the strategies currently in law. The rule must define the strategies for schools earning the above grades of “D” and “F” and the roles of school districts and FDOE.

All schools earning a grade of “D” or “F” are schools in need of intervention and support. The most intense strategies must be provided to schools earning recurring letter grades of “D” or “F”. Schools that earn a grade of “F”, three consecutive “D’s”, or a grade of “F” within two years of improving from a grade of “F” or exiting the intervene status must implement a school turnaround option. A school district may choose from one of four existing turnaround options: the district-managed turnaround option; reassign students to another school; convert the school into one or more charter schools; or, contract with a private entity with a track record of effectiveness to operate the school. As a fifth option, the school district may use a hybrid of the turnaround options or another option with a demonstrated record of effectiveness.

Two full school years, after a full planning year, are provided for a school earning a grade of “F” to fully implement a turnaround option. The school district must implement school improvement interventions, select a school turnaround option, and

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13 The Elementary and Secondary Education Act (ESEA) of 1965, as reauthorized by the No Child Left Behind Act of 2001 (NCLB) provides federal grants to states and school districts to improve educational opportunities for economically disadvantaged students. ESEA requires each state to develop and implement a single, statewide education accountability system.
submit a plan for implementation of the turnaround option to DOE for the SBOE’s approval. A school that does not improve by at least one letter grade during the planning/implementation year must select and implement a different turnaround option the following school year, unless the SBOE grants an extension.

Schools earning three consecutive “D” grades are required to implement the district-managed turnaround option. If a school earns a grade of “F” within two years of improving from an “F”, the school must implement the turnaround option planned before the school improved its grade. These schools are not granted a planning year as the school earning a grade of “F”.

A public school is no longer required to implement a turnaround option if it improves by at least one letter grade. However, the school must continue implementing strategies prescribed in the school improvement plan. The school district must monitor the continued implementation of the plan for three years. For a school currently classified as “Intervene”, the legislation does not require the school to implement a turnaround option in the 2012-13 school year unless the school earns a grade of “F” for the 2011-12 school year.

**Charter Schools –School Improvement Plan**

The bill establishes the same differentiated accountability requirements for charter schools as used with regular or traditional public schools. If a charter school earns a grade of “D” or “F”, the sponsor must require the charter school governing board to submit a school improvement plan. Charter schools that earn three (3) consecutive grades of “D”, or two (2) consecutive grades of “D” followed by “F”, or two (2) consecutive grades of “F” within a three (3) year period must implement corrective actions. Corrective actions consist of: contracting for educational services to be provided directly to students, instructional personnel and school administrators as required by SBOE rule; contracting with a private entity with a track record of effectiveness to operate the school; reorganizing the school by hiring a new principal who has authority to hire new staff; or, voluntarily closing the school. The corrective action plan must be implemented in the school year following receipt of a third consecutive grade of “D”, a grade of “F” following two (2) consecutive grades of “D”, or a second nonconsecutive grade of “F” within a three (3) year period. The plan must be for two (2) years. Corrective actions are no longer required if the charter school improves by at least one letter grade; however, the school must continue to implement the school improvement plan.

If a charter school does not improve by at least one letter grade after two full school years of implementing a corrective action, the school must choose another action. A sponsor may waive the corrective actions if the sponsor determines the charter school is likely to improve its grade if provided additional time to implement the school improvement plan.

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14 Currently, state law provides two separate processes for providing intervention and support to low-performing charter schools. The bill aligns school interventions in the charter school statute with differentiated accountability.
improvement plan, or extend the implementation period based on a similar standard. A charter school earning a second consecutive grade of “F”, while in corrective action, may not be granted such a waiver or extension. Such a charter school must be terminated by a sponsor.

A charter school’s sponsor must terminate a charter school that earns two (2) consecutive “F” grades, unless:

• The charter school was established to turnaround the performance of a traditional public school under differentiated accountability.
• The charter school is in its first three years of operation and serves a student population in the same school zone as a failing public school. Such a charter must earn at least a grade of “D” by year three. The exception does not apply in year four and thereafter.
• The state board grants the charter school a waiver of termination. To obtain such a waiver, the charter school must demonstrate that the learning gains of its students on statewide assessments are comparable or better than the learning gains of similarly situated students enrolled in nearby district public schools. The waiver is valid for one year and may only be granted once. Charter schools in operation for more than 5 years are not eligible for a waiver.

The director and a representative of a charter school that is required to implement a school improvement plan or corrective action must annually appear before the sponsor to report the progress of the corrective strategies being implemented by the school.

The sponsor continues to have discretion to terminate, at any time, the charter of a charter school that is required to implement a school improvement plan or corrective actions; however, such discretionary authority does not extend to charter schools that meet one of the above three exceptions.

The bill changes the requirements for determining the high-performance status for a charter school system. Under the bill, a charter school system would not be considered to be high performing if one of the schools in the system has a school grade of “D” or “F,” unless certain exceptions are met.

**Statewide Assessments**

The bill eliminates the duplicative testing of middle school students enrolled in a high school Algebra I, Geometry, or Biology course with a statewide, standardized end-of-course assessment, by no longer requiring such students that the corresponding grade-level FCAT mathematics or science examination.

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15 Presently, Florida requires FCAT and statewide standardized end-of-course assessments. See § 1008.22(3)(c)1,2, F.S. The FCAT consists of comprehensive grade-level assessments in reading, writing, mathematics, and science. Reading is tested annually in grades 3 through 10. Mathematics is tested annually in grades 3 through 8. Science is tested at least once at the elementary and middle school levels. Writing is tested at least once at the elementary, middle, and high school levels.
**Struggling Students**
The bill targets struggling students in need of additional support to close the achievement gap for all subgroups of students, which include economically disadvantaged students, students from major racial and ethnic groups, students with disabilities, and students with limited English proficiency. If a school has a significant achievement gap on statewide assessments by one or more student subgroups, has not significantly decreased the percentage of students scoring below satisfactory on such assessments, or has significantly lower graduation rates for a subgroup when compared to the state’s graduation rate, that school improvement plan must include strategies for improving these conditions. The State Board of Education is required to adopt rules establishing thresholds to determine compliance with this area.

**Use of Title I Funds – Supplemental Educational Services**
For the 2012-2013 school year, each school district is required to use an amount equal to 15 percent of its Title I, Part A funds to provide supplemental educational services to students who are performing at Level 1 or Level 2 on the FCAT. The funds may be used for matters such as tutoring, summer camps in reading and mathematics, or for the lowest performing students in Title I schools. A school district is required to contract with FDOE approved supplemental educational services providers for these services.

**School Grading System**

The bill makes several changes to the factors considered in determining a high school’s grade. The SBOE is authorized to increase the percentage of a high school’s grade that may be based upon the statewide assessment components above 50 percent. Should

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16 Currently, the Florida School Grading System is established by law to measure the performance of Florida’s public schools. Subject to certain exceptions, each public school is assigned an “A” through “F” letter grade. See § 1008.34(2), F.S. A school grade is based upon a combination of: student achievement scores on statewide assessments and achievement scores for students with disabilities seeking a special diploma; student learning gains on statewide reading and mathematics assessments and learning gains for students seeking a special diploma; and, improvement of the lowest 25th percentile of students in the school on statewide reading and mathematics assessments, unless these students are exhibiting satisfactory performance. See § 1008.34(3)(b)1., F.S. State wide assessments used to determine a school’s grade are FCAT reading, writing, mathematics, and science; the Algebra I end-of-course (beginning 2010-11); the Geometry and Biology I end-of-course (beginning 2011-12); and the middle school Civics end-of-course(beginning 2013-14). See § 1008.34(3)(b)1. and (c )1., F.S.

17 Presently, factors to determine a high school’s grade differ from those used for elementary and middle schools. Fifty percent of a high school’s grade is based upon student achievement and annual learning gains on statewide assessments. The remaining half is based upon: the high school’s graduation rate and graduation rate of at-risk students scoring at achievement Level 1 or Level 2 in reading and mathematics on the grade 8 FCAT; performance and participation of students in Advanced Placement (AP), International Baccalaureate (IB), dual enrollment and Advanced International Certificate of Education (AICE) courses (See §§1007.27, 1007.271, F.S.); achievement by school’s students of industry certifications(See §1003.493, FS); postsecondary readiness of students based on SAT, ACT or Common Placement Test(See §1008.30, F.S.); Performance of students on statewide standardized end-of-course assessments approved by Commissioner of Education. This has not occurred to date; and the growth or decline of any of these components. See §1008.34(3)(b)1. F.S.

18 Presently, factors to determine a high school’s grade differ from those used for elementary and middle schools. Fifty percent of a high school’s grade is based upon student achievement and annual learning gains on statewide assessments. The remaining half is based upon: the high school’s graduation rate and graduation rate of at-risk students scoring at
the State Board of Education decide to increase the percentage above 50 percent, the remaining percentage would include grading factors as graduation rates; performance in AP, IB, dual enrollment, and AICE; and postsecondary readiness. The post secondary readiness of high school students, upon effective date of the legislation, will be based on “on time” graduates instead of all graduates.19

The bill delays by one year the use of student achievement data from the Algebra I, Geometry, Biology 1, and middle school Civics end-of-course assessments to calculate a school grade. Such assessments may be used in year they are required.

A school district’s grade will include each student’s performance and learning gains on the statewide assessments, rather than an averaging of the grades of individual district schools. Also, the calculation of a school district’s grade is revised to capture students who transfer among district schools and students attending ungraded schools.

**Opportunity Scholarships**

The legislation limits such scholarships to students in schools with grade of “F” or three consecutive grades of “D” that are required to implement a school turnaround option.

**Salary Supplements for Instructional Personnel**

The bill allows a supplement for instruction personnel assigned to a school earning a grade of “F” or three consecutive “D’s”. Currently, a supplement may be awarded for assignment to a Correct II or Intervene School.

**Commissioner’s Report**

Finally, the bill requires the Commissioner of Education to include in his annual report the percent of students performing at or above grade level and making a year’s worth of progress in reading and mathematics.

This bill is effective as of July 1, 2012.

**II. District Analysis**

It should be noted that all of the District’s public schools must provide a school improvement plan. This bill may have some significant impact on the District’s public schools and charter schools which are required to implement remedial actions to address differentiated accountability requirements under the state laws, and the school achievement Level 1 or Level 2 in reading and mathematics on the grade 8 FCAT; performance and participation of students in Advanced Placement (AP), International Baccalaureate (IB), dual enrollment and Advanced International Certificate of Education (AICE) courses (See §§1007.27, 1007.271, F.S.); achievement by school’s students of industry certifications(See §1003.493, F.S.); postsecondary readiness of students based on SAT, ACT or Common Placement Test(See §1008.30, F.S.); Performance of students on statewide standardized end-of-course assessments approved by Commissioner of Education. This has not occurred to date; and the growth or decline of any of these components. See §1008.34(1). F.S.

19 See n.6.
grading system for each school and the district. Other District offices will need to address the impact of such legislation on the District public schools and charter schools.

III. District Action /Rulemaking

Board Policy 2.57 addressing charter schools is being revised and considered by the Board at a workshop on May 9, 2012. The proposed policy should be reviewed to see if any changes are required to address the termination of a charter, the annual presentation to the Board by a charter school director and representative to report the progress of the corrective strategies required to be implemented by the school, etc. Additionally, charter school contractual provisions will need to be modified or amended to align with the requirement of this legislation.

The Student Progression Plans should be reviewed and any necessary revisions made to conform to the legislation.
I. Summary of Bill

This summary is provided for informational purposes. This bill requires changes in educational reporting to better inform students and their parents of the employment and economic outcomes for certificates and degrees earned at Florida College System institutions and state universities. The bill requires:

- The Department of Economic Opportunity to prepare an economic security report on the employment and earnings of graduates of a degree or certificate program at a public postsecondary educational institution;
- Secondary schools, Florida College System institutions, and state universities to provide students electronic access to the economic security report beginning in 2014-2015;
- The State Board of Education, in consultation with the Board of Governors and the Department of Economic Opportunity to adopt a unified state plan for Science, Technology, Engineering, and Mathematics (STEM) to improve K-20 STEM education and prepare students for high-skill, high-wage, and high-demand employment in STEM and STEM-related fields; and
- The State Board of Education identify, in conjunction with the Board of Governors, enrollment and graduation expectations by baccalaureate degree programs as part of the 5-year plan to be submitted to the Legislature as part of its legislative budget request.

New Requirements for State Universities and Florida College System Institutions

The bill requires the State Board of Education and the Board of Governors to identify performance metrics for Florida College System institutions and state universities, respectively. The metrics must include student retention, graduation, employment, licensure passage, excess hours, student loan burden and default rates, faculty awards, and other measures.

The bill revises procedures for a Florida College System institution’s provision of a baccalaureate degree program by requiring:

- A Florida College System institution to receive State Board of Education approval for new baccalaureate degree programs;
- The State Board of Education to clarify the mission statements of each institution and its role within the Florida College System as a whole and to establish criteria for service delivery areas of Florida College System institutions authorized to grant baccalaureate degrees; and
• Each Florida College System institution offering baccalaureate degree programs to report its status annually using specific performance and compliance indicators related to the institution’s baccalaureate degree programs.

**General Education Requirements for an Associate or Baccalaureate Degree**

Beginning with students entering a Florida College System institution in 2014-15, the following changes will occur.

• The general education requirements are reduced from 36 semester credit hours to 30 semester credit hours for an associate or baccalaureate degree.

• General education core course options will consist of a maximum of five courses within the subject areas of communication, mathematics, social sciences, humanities, and natural sciences, and a student must complete one course in each of those areas.

• Associate in arts degree students demonstrate competency in a foreign language.

• Chairs of the State Board of Education and the Board of Governors to jointly convene faculty committees to identify statewide general education core course options.