

April 10, 2015

MEMORANDUM

TO: District School Superintendents

FROM: Joy Frank
Allie Akre, Legislative Intern
Courtney Larkin, Legislative Intern

RE: Legislative Update – Week 6

General Information

The major news of the week was the final passage of the Education Accountability bill – CS/HB 7069. The House passed the bill that was amended by the Senate last week. Therefore, the bill summary that I sent out last week is accurate. I have attached an updated summary that provides more detail and corrects some of the typographical errors.

The bill takes effect upon becoming law except as otherwise provided. Therefore, assuming the Governor signs in in the next several days, the bill will take effect during this school year.

Section 1 of the bill modifies the school start date to no earlier than August 10th. This is a major change and was vigorously opposed by the tourism industry and we owe a big thanks to the House and Senate leadership. During the discussion on this issue in the House, where it originated, members were interested in ensuring that students finished exams before the winter break. They were also interested in finishing the school year before Memorial Day. My advice is to start school as late as possible to accomplish these goals.

Capital Outlay for Charter Schools

HB 7037 has passed the House and is currently in messages to the Senate. The bill contains several provisions which provide additional accountability for charter schools. However, an amendment was added to require districts to share a portion of their 1.5 mills for capital outlay with charter schools.

Please inform your legislative members about the impact this provision would have on your district and funding for capital outlay projects. Below is an explanation and points developed by several of the district lobbyists on this issue.

Specifically, the language requires school districts to pay to each eligible charter school from their 1.5 mill capital outlay revenue an amount equal to the difference between what the state allocates to them and 1/40 of the maximum cost of a student station or the amount of revenue generated per fixed capital outlay FTE by the district’s levy of 1.5 mills, whichever is less.

According to FDOE, the maximum cost of 1/40 of a student station is currently:

- \$529.85 for each elementary student
- \$572.15 for each middle school student
- \$743.20 for each high school student

Charter schools currently receive from the 2014-15 State Appropriation (\$75 million):

- \$312.10 for each elementary student
- \$353.87 for each middle school student
- \$465.86 for each high school student

Under this language, if the Legislature did not appropriate funding for charter school capital outlay, districts would be statutorily responsible to provide the entire entitlement from their 1.5 millage levy prior to spending on any other capital needs of the district.

Currently, a majority of school districts have very limited capital outlay budgets due to:

- 1) a decrease in allowable capital outlay millage levies from 2.0 mills to 1.5 mills,
- 2) the drastic reduction in property values during the recession, which are still 37% below pre-recession levels, and
- 3) A large reduction in state PECO funding being appropriated to school districts for maintenance and construction of facilities (including several years of \$0 funding). What funding they do receive does not fully fund their state required capital plans and any further dilution of these capital dollars will only speed up the State's impending capital crisis.

At least 5 school districts have reached the maximum legal certificates of participation (COPS) payment limit for the capital millage levy and this language would jeopardize their ability to repay their obligations. This limit was placed in statute purposefully by the legislature to accommodate school districts when the .5 mills were shifted from capital to operating during the first two years following the recession.

This would result in a continuation and exacerbation of public tax dollars being spent on duplicative student stations instead of in areas where classrooms are needed. It is important to note that, while school districts also experience long waiting lists for successful choice program, they would be prohibited from spending these same funds on building additional seats in such a manner, while charter schools are not.

Traditional public schools built with tax dollars serve additional public purposes, such as hurricane shelters, and the public receives a long term, appreciating, tangible community asset in return for their investment. Since many charter schools use public dollars on lease payments for facilities, the public does not receive the benefit of an asset and, if the school closes, there is no provision for the reversion of public funds back to taxpayers when spent on lease payments.

Financial advisors (such as PFM) have issued a memorandum stating that districts would have to presume all liability and budget for all charter school funding under the state formula, not just what the difference may be between state funding and the statutory formula. This will result in a smaller amount of funds available for school districts to allocate for allowable purposes. (See attached memo from PFM).

The bill requires payment of local tax dollars to charter schools first, prior to paying debt service payments (COPS) or other required costs, such as school bus purchase and repairs and maintenance of taxpayer-owned schools.

School district capital outlay funds are tied to need as listed in each district's legislatively required 5-year capital plan, rather than on a per-student basis as required by the amendment. Charter schools are not obligated to have any such plan. There is also no requirement in this language that the charter schools who receive these funds actually spend them on capital projects. School districts, on the other hand, are required to spend the funds only on statutorily permissive projects and programs.

Pre-Conference Budget Summary

On April 1, 2015 the Florida Senate passed its proposed budget bills and sent them to the House of Representatives. The Senate passed the budget related bills, including SB 2500, their proposed General Appropriations Act (GAA) with its embedded Florida Education Finance Program (FEFP) appropriations, by unanimous votes. The budget bills passed by the Senate having a direct impact on K-12 public schools included SB 2502, the Appropriations Implementing Bill and SB 7038, the Florida Retirement System (FRS) rate bill. The Senate Education Appropriations Subcommittee had passed SB 2508, a budget conforming bill. However, the House of Representative does not have a budget conforming bill, and therefore the Senate did not include its version in the bills passed to the House for consideration for budget conference. Certain elements from SB 2508 were amended into SB 948 to raise the possibility of having those issues heard in the House or in a conference on that bill.

On April 2, 2015 the House of Representatives passed its budget bills on third reading, took up the proposed Senate bills, stripped the Senate language and sent the bills back to the Senate. The original House bills of importance to K-12 public schools are HB 5001, the House proposed GAA, HB 5003, the House proposed Appropriations Implementing Bill, and HB 5005 the House proposed FRS rate bill. The House also proposed HB 5011, the Florida Best and Brightest Teachers Scholarship Program. The program is funded in a line item in HB 5001. The Senate just amended this language to SB 888 in the Senate Education Appropriations Subcommittee on April 8th. These are the procedural steps necessary to create the proper posture to establish conference committees and start the process of resolving the differences between the budgets and create what are called the final conference reports, which will be passed and become the fiscal year (FY) 2015-2016 General Appropriations Act (GAA) and the supporting specialized bills related to the GAA. The final 2015 budget bills will carry Senate bill numbers.

News reports concerning the process have noted the deep differences between the two proposals. The divisions between the chambers primarily focus on issues related to health care. The Senate passed a budget that included about \$4 billion in Federal funds that might be realized if a plan to expand the coverage paid by Federal Medicaid funds were passed and accepted by the Federal government. The House refuses to take these steps, and they have not included these Federal funds in their budget proposal. Also at issue is the availability of Federal funds to support what is called the Low Income Pool (LIP), a fund that reimburses hospitals for services they are required to provide to patients who cannot pay for their care.

The differences about how to address health care issues appear to be very deep, and at the beginning of the budget conference process there does not appear to be any willingness to compromise in either chamber. The conversations in Tallahassee include comments that imply a willingness and even likelihood that the final resolution of these health care issues might result in at least one special session of the

Legislature during May or June or beyond. These disagreements could cause a delay in reaching a final resolution of the budget, which would impact the eventual passage of the K-12 FEFP and related budget items.

To put into perspective the concerns about how the issues in the health care portions of the budget might impact the FEFP, it is helpful to compare appropriations totals. The total of the General Revenue appropriations proposed by the House of Representatives is \$28.3756 billion. The Senate total of the proposed General Revenue appropriations is \$28.1471 billion. The total General Revenue projected for FY 2015-2016 in the March 10, 2015 forecast is \$30.7747 billion. That leaves an unappropriated General Revenue surplus of \$2.3991 billion in the House budget and \$2.6276 billion in the Senate budget. These reserves are in addition to the amounts in the Budget Stabilization Fund, which should contain over \$1 billion in reserves. It would be expected that the final budget would include between \$1 and \$1.3 billion in reserves in what was once called the Working Capital fund, in addition to the reserves in the Budget Stabilization Fund. There would seem to be between \$1.1 billion and \$1.3 billion in General Revenue available for allocation when the health care issues are resolved, or to help resolve those issues

The big difference between the House and Senate budgets are the revenues in Trust Funds. The Senate appropriated \$48.9777 billion in trust funds, anticipating the drawdown of Federal health care revenue. The House appropriated \$44.0313 billion in Trust Funds, because the House does not contemplate the drawdown of Federal Dollars. That accounts for most of the difference between the two budgets.

FEFP Budget Issues

The House and Senate K-12 budget differences, including those in the FEFP, while not insignificant, are considerably less dramatic than those involving the health care budget. The differences do have implications for districts. However these education budget differences currently are not of an unusual magnitude, and it would be expected that the conference committee would resolve the differences quickly. What is not known is whether the health care budget issues will impact the allocation of funds to the education budget and the FEFP.

To help clarify the differences between the Senate and House positions for major appropriations related to K-12 public schools, this report will focus on three major points. Major proposed changes from the past in the proviso or implementing language directing how funds will be spent will be identified. There are relatively few of these. Major differences in the amounts of appropriations between the House and the Senate will be identified. Finally, major differences in proviso or implementing language between the House and Senate will be identified.

It should be noted that when reading the House proposed budget, most of the proviso language for items related to the FEFP is not included in the budget. The House chose to incorporate the FEFP proviso language in the opening sections of the FEFP work papers, and then incorporate the language by reference in the implementing bill. However, the Senate controls the budget this year and it is expected that the FEFP proviso language will be presented in a traditional format.

Section 1 of the budgets appropriates funds from the Education Enhancement Trust Funds. There are no meaningful differences between the House and Senate budget in the way K-12 programs are funded. Both provide revenue to support the base FEFP, the Class Size Reduction categorical, the School Recognition Fund, and district Workforce Development programs. The Senate uses about \$3.3 million more Lottery dollars for the FEFP than the House, and the House uses about \$200,000 more for Workforce

Development. These are minor and routine differences that will be resolved in conference. There were no significant changes or differences in proviso language.

Section 2 of the budget contains most of the items that are important to the districts. There are differences between the House and Senate related to Fixed Capital Outlay (FCO) items. There are no changes or differences in the initial FCO proviso language. There are significant differences in the amounts of the appropriations. The Senate provides \$115,000,000 from the Public Education Capital Outlay (PECO) Trust Fund for maintenance, repair, renovation and remodeling for public education. The House provides \$210,144,082. The Senate provides \$60 million for “public schools” and \$0 for charter schools. The House provides \$32,535,188 for “public schools” and \$100 million for charter schools. These are major differences that will not necessarily be simple to resolve.

During committee meetings Senator Don Gaetz filed and withdrew an amendment that could have ended state funding for charter school capital outlay and transferred the responsibility to the districts. The House has a separate non-appropriations bill that includes a provision to create an entitlement for charter school capital outlay on a per student basis, requiring that charter schools receive either one fortieth of the cost per student station allowed by the Legislature for new schools, or the average dollars per capital outlay FTE student in the district generated by the local discretionary capital outlay millage. That language requires districts to supplement the charter school capital outlay revenue to the applicable Legislative entitlement amount if state funding is short of the specified total for each district. These will be important conference issues. In addition, the Senate Implementing Bill requires that the PECO funds provided for “Public Schools” be distributed based on a pro-rata share of each district’s capital outlay FTE students, rather than the formula established in law, as was done this year. The House Implementing Bill does not include that language. That difference will also have to be resolved in conference.

Both the House and Senate bills include continuation funding for the Special Facility Construction Program projects currently underway in Glades, Washington, Madison, Levy, Calhoun, Holmes, and Dixie Counties. The House allocation for Dixie County is \$13,741,360 and the Senate allocation is \$10,217,280.

There is also language in both implementing bills related to districts receiving special facilities projects. The language in essence reduces the amount of local capital outlay millage revenue the districts have to devote to the projects. Current law requires the proceeds of 1.5 mills to be devoted to the project for three years, but the language is a holdover from the time when the authorized levy was 2 mills. The Senate implementing bill states that a district receiving a special facilities project which generates less than \$2 million from a one mill levy shall contribute .75 mills of revenue to the project for FY 2015-2016. The House implementing language is the same, but it applies the exception for FY 2015-2016 to districts that receive less than \$1 million from a one mill levy. In both bills the provision expires on June 30, 2016.

There is a significant difference between the House and Senate with respect to the program for Adults with Disabilities. The Senate appropriates only \$1.5 million and specifies that \$750,000 shall be provided to the Inclusive Transition and Employment Management Program (ITEM) and \$750,000 be provided to the Department of Vocational Rehabilitation to implement at least two pilot projects. The House provides \$10,743,484 and distributes the funds to programs that have historically been supported from this revenue. The House also provides \$750,000 of the total appropriation to the ITEM program, and uses \$876,200 for Florida College programs. \$9,117,278 of the funds is provided to school district programs for adults with disabilities. This will be an issue that will have to be resolved in conference.

There are slight funding differences for the Voluntary Pre-Kindergarten Program (VPK) between the House and Senate. The House provides a Base Student Allocation (BSA) of \$2,480 for the school year program and \$2,116 for the summer program. The Senate provides \$2,437 for the school year program and \$2,080 for the summer program. The result is a difference in the total appropriation of about \$7 million. There are no important differences in the proviso language between the bills related to VPK.

The FEFP is the heart of the district's budget. There are a few differences in the FEFP between the Senate and the House proposed budgets. The complete FEFP work papers for the House and Senate were already forwarded. There are only a few changes in proviso language and a few changes in statute in the implementing bills. Most of the major differences between the House and the Senate are also found in the sections of proviso and implementing language that are departures from the past.

The basic funding components of each bill are similar, but not identical. The Senate proposes a BSA of \$4,183.72 and the House proposes \$4,130.20. The potential funds in the FEFP in the Senate total \$19,649,888,401 and in the House the total is \$19,668,972,517, a difference of only \$19,084,116, which is less than one tenth of one percent.

The ways that funds are distributed inside the FEFP differ between the House and the Senate. In general the House places more funds in the operating categorical funds inside the FEFP and the Senate rolls more funds into the base FEFP. The total FEFP in the House is about \$54.8 million less than the Senate. However, the House places about \$73.9 million more into the Class Size Reduction operating categorical, which is why the total funds are greater in the House. There were no discussions in the Education Appropriations Subcommittees, the Appropriations Committees or on the floor that shed any light on the reasons for the difference in the Class Size Reduction line item.

The major differences between the House and Senate FEFP proposals include the following.

The Senate proposed a new component of the FEFP called the Federally Connected Student Supplement. The intent of the component is to help make districts whole that lose significant amounts of their school taxable value to military bases and other Federal properties, and which have experienced a major cut in the Federal Impact Aid previously provided to compensate for these costs. The language detailing the supplement appears in both the Senate proviso language and in the Senate implementing bill. The item does not exist in the House budget. It is about \$12.4 million in the Senate FEFP.

The Senate budget proposes an increase in the compression adjustment provided to districts that earn less than the statewide average dollars per student from the compression adjustment to the .748 mills discretionary operating millage. The Senate proposes increasing the calculation to 105% of the statewide average dollars per student. There is language in both the Senate implementing bill and Senate proviso to make this change. The House does not offer this change. The Senate compression adjustment is about \$34 million higher than the compression adjustment in the House as a result of this change.

The Senate makes changes in the proviso and implementing language for the sparsity supplement for districts between 20,000 and 24,000 students. When calculating the sparsity supplement the Senate language proposes dividing the total number of FTE students in these size districts by the number of high school centers in the district not to exceed four. The Sparsity supplement is about \$4.5 million higher in the House than in the Senate, and the distribution among districts is quite different.

The Senate proviso language for both the Supplemental Academic Instructional (SAI) allocation and the Reading Allocation include requirements to continue funding an extra hour of reading instruction for the 300 elementary schools with the lowest statewide reading scores for 180 days during the regular school year. The language adds an additional requirement for “equivalent” hours of instruction for these schools in a summer program. The SAI line item in the Senate indicates \$75 million is for that purpose, and the Senate Reading Allocation line item indicates that \$15 million is for that purpose. The House does not include the “lowest 300” extra time requirement in the proviso language or the implementing bill. The requirement in current law expires this school year if the language is not updated.

There are no significant changes in the appropriations for Instructional Materials. The proviso language controlling the distribution of the funds that existed last year is included in both bills this year.

The Senate does not include an appropriation categorical for Digital Classrooms. Senator Gaetz indicated that the \$40 million from the current year were rolled into the base FEFP. The House provided \$80 million in the digital classroom allocation. The minimum allocation per district is increased from \$250,000 to \$500,000. The House proviso requires that the district have a digital classrooms plan and that the plan first must address the requirements of s. 1001.20(4)(a) 1.b. This section of law references the requirement of DOE to establish specifications for a variety of technology parameters, including bandwidth and devices.

Non FEFP Differences

There are many appropriations lines for non-FEFP items. As is always the case, there are differences between the House and the Senate budget proposals for these items. There are a few items of particular importance, which will have to be addressed in conference committee meetings. These include the following.

In HB 5001, Specific Appropriation 99A proposes \$45,450,000 for “The Florida Best and Brightest Teacher Scholarship Program.” The item proposes a \$10,000 scholarship for up to 4,545 teachers based on high achievement on the SAT or the ACT. The details of the program are in a separate bill, HB 5011, which is currently not in play in the budget conference. The language was added to SB 888 in the Senate Education Appropriations Subcommittee on April 8th.

In HB 5001, Specific Appropriation 105 includes \$31,900,000 for “Personal Learning Accounts.” In SB 2500, Specific Appropriation 105 proposes \$50,000,000 for “Personal Learning Accounts.”

In HB 5001, Specific Appropriation 99B provides \$1,200,000 for Educator Professional Liability Insurance. Lines 269-306 of HB 5003 provide the details of this program. The Senate does not include this item in its budget but language was added to SB 948 in the Senate Education Appropriations Subcommittee on April 8th. The expressed intent of the members proposing the program was to make liability insurance a benefit for all educators.

District Workforce Development programs are provided for in both the Senate and the House proposed budgets. There are minor differences in the amount of the appropriations, and the proviso in both bills includes provisions for waiving up to eight percent of student fees, as has been the law for a number of years. The House does not identify the amount of student fees, but the Senate provides for \$2.33 per hour for residents, and an additional \$6.99 per contact hour for non-residents.

Additional Items of Interest

School health services and full service school funding, while not in the education budgets, are both funded in each of the budgets.

In HB 5001 Specific Appropriation 443 provides \$10,909,412 from General Revenue, and \$6,125,846 from Federal Grants Trust Fund for School Health Services. Specific Appropriation 457 provides \$6,000,000 from General Revenue and \$2,500,000 from the Federal Grants Trust Fund for Full Service Schools.

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Senate Bills in Committee

SB 572 re to School support Organizations by Montford. The bill grants a partial exemption from the sales tax for sales of food and drink by a school support organization. The bill defines the term “school support organization” as an entity organized to raise funds to support extracurricular activities at public, parochial, or nonprofit schools teaching grades K-12. The bill was reported favorably by the Finance and Tax Committee. The bill is now in the Fiscal Policy Committee.

SB 818 re to Maximum Class Size by Garcia. The bill revises the method for calculating the penalty for failure to comply with the class size requirements by calculating the penalty at the school average rather than the classroom level. The bill also revises the penalty calculation to multiply the number of full-time equivalent students in excess of the class size requirements by 50 percent of the base student allocation rather than the full base student allocation. The bill removes the class size reduction calculation provision that authorizes the Commissioner to reallocate funds from noncompliant school districts to school districts that have fully met the class size requirements. In place of this reallocation, the bill requires each noncompliant school district to expend an amount of funds equal to the amount of the class size reduction calculation in the noncompliant schools to comply with the class size requirements as determined at the school average. Noncompliant school districts are required to post their compliance plan on the school district website and provide the plan to the school advisory committee of all noncompliant schools. This bill was reported favorably by the Appropriations Committee. The bill has been heard by all of the Committees of Reference, and is now ready to be placed on the Calendar. The House companion, HB 665 has passed the House and is in the Senate.

SB 888 re to Educator Professional Practices by Detert. The bill modifies the membership of the Education Practices Commission. The bill adds DOE’s employees and agents, who investigate or prosecute educator misconduct, to the list of individuals authorized to access records relating to child abuse, abandonment, or neglect and authorizes the Commissioner of Education to issue a letter of guidance to an educator in lieu of finding probable cause to prosecute misconduct. This bill was reported favorably by the Appropriations Subcommittee on Education. The bill is now in the Fiscal Policy Committee.

SB 942 re to Rapid Response Education and Training Program by Gaetz. The bill establishes the Rapid Response Education and Training Program within the Complete Florida Plus Program at the University of West Florida to recruit and retain employees through industry-specific education and training. Also, the

bill requires that the Complete Florida Plus Program work directly with Enterprise Florida, Inc., in project-specific industry recruitment and retention efforts to offer credible education and training commitments to businesses. The bill was reported favorably by the Appropriations Subcommittee on Education. The bill is now in the Appropriations Committee.

SB 948 re to Education (apprenticeable occupations) by Gaetz. SB 948 updates terminology and revises criteria relating to apprenticeships, modifies Florida Education Finance Program (FEFP) funding, adds a requirement for designation as a preeminent state research university, establishes postsecondary performance-based incentive funding models, creates the Rapid Response Education and Training Program and the Florida Best and Brightest Teacher Scholarship Program.

The Appropriations Subcommittee on Education adopted a strike-all amendment and reported SB 948 favorably as a Committee Substitute. The amendment:

- Requires the Agency of State Technology to consult with the Department of Education and the Department of Management Services on the digital classroom plan;
- Includes language that school districts may adopt a uniform dress code;
- Specifies that classroom teacher's performance evaluation must be based upon the performance of students with fewer than 25 absences within the school year, or, for schools with block scheduling, fewer than 10 absences within the school year, assigned to their classrooms;
- Requires each classroom teacher must provide the school district with receipts for the expenditure of the funds provided under the Florida Teachers Classroom Supply Assistance Program.
- Requires the Department of Education to administer an educator liability program.
- Requires each school district that has one or more of the 300 lowest-performing elementary schools based on the state reading assessment to provide an additional hour of instruction beyond the normal school day for each day of the entire school year, and to provide the equivalent hours of instruction in a summer program. The amendment also specifies that if a participating school is no longer classified as one of the 300 lowest-performing elementary schools in the subsequent year, the school must continue to provide the additional hour of intensive reading instruction to all students who have Level 1 or Level 2 reading assessment scores.
- Renames the Florida National Merit Scholar Incentive Program to the Benacquisto Scholarship Program.
- Amends the eligibility for the Florida Best and Brightest Teacher Scholarship Program.

The bill is now in the Appropriations Committee.

SB 954 re to Involuntary Examinations of Minors by Garcia. The bill requires notification for involuntary examinations of minors. Specifically, the bill requires a public or charter school principle to immediately notify the parent of the student who is removed from school, school transportation, or a school-sponsored activity and transported to a receiving facility for involuntary examination. It also requires each local school health services plan, district school board, and charter school governing board to develop policy and procedures for such notification. The bill expands the definition of "emergency health needs" to include onsite evaluation of a student for illness or injury and release of the student to a law enforcement officer and provides notification requirements for receiving facilities that hold minor patients for involuntary examination. The bill was reported favorably by the Fiscal Policy Committee and was placed on Special Order Calendar.

SB 984 re to Exemption for Legislative Lobbying Requirements by Braynon. The bill clarifies that the use of a public facility or public property provided from a governmental entity to a legislator for a public purpose is not an expenditure for purposes of the “legislative expenditure ban” in s. 11.045, F.S., regardless of whether the governmental entity is a principal. Unlike the current Rules of the Florida Senate and the Administrative Policy Manual of the Florida House of Representatives, this statutory exception does not include any requirement for approval by the presiding officers prior to the expenditure being made between the governmental entity and the legislator. The bill was reported favorably by the Governmental Oversight and Accountability Committee. The bill is now in the Rules Committee.

SB 1114 re to Membership Associations that Receive Public Funds by Stargel. The bill prohibits a not for profit corporation whose membership includes a majority of elected or appointed public officers and which receives 25 percent or more of its annual revenue from public funds from expending any money received from public funds on litigation against the state. It also requires such organizations to file an annual report. The Appropriations Committee reported the bill favorably, with no amendments. The bill has been heard by all of the Committees of Reference, and is now ready to be placed on the Calendar.

SB 1264 re to Digital Classrooms by Legg. SB 1264 provides a mechanism for comparing the status of digital readiness of school districts and public schools, which is independently verified, based on technology infrastructure standards and targets identified by the Agency for State Technology (AST or agency) or a professional organization that the agency contracts with (contracted organization). The digital readiness of school districts must be assessed using a digital readiness scorecard and uniform definitions of technology infrastructure components established by the Department of Education (DOE) in consultation with the agency. Emphasis was placed on the fact that the digital classroom plans are locally controlled, the Department of Education and the Agency for State Technology will hold school districts accountable for the goals and plans enumerated by the school district themselves.

The Appropriations Committee adopted a strike-all amendment and reported SB 1264 favorably as a Committee Substitute. The amendment requires school districts to undergo annual assessments and an annual independent verification of its use of Florida digital classroom allocation funds. The language specifies that for the 2015-2016 school year, the Department of Education must provide to each school district the status of the statewide implementation of digital classrooms and the school district’s status regarding compliance with the information technology architecture standards identified under paragraph (1)(a) by June 1, 2016. Such standards must include, but are not limited to, device recommendations, security requirements, connectivity requirements, and browser expectations. The digital readiness of school districts will be assessed using the digital readiness scorecard developed by the Office of Technology and Information Services for the 5-year strategic plan. The scorecard will assess the student-to-device ratio, the percentage of schools within each district that meet bandwidth standards, the percentage of classrooms within each district that meet wireless standards, the refresh rate of devices, network capacity, information storage capacity, and information security services.

For each school year after 2015-2016, the Department of Education must notify a school district regarding compliance with the information technology architecture standards by January 1 of each year. In addition, the Department of Education must provide planning guidance to address identified gaps and recommendations for improving cost efficiencies in accordance with subsection (1) to each school district. If the annual assessment indicates that a school district is not in compliance with the information technology architecture standards identified, the school district must, within 60 days from the date of receipt of such notification from the Department of Education become compliant; obtain an exemption

to waive compliance from the Department of Education; or procure services through the agency or the Department of Management Services to achieve compliance.

The amendment also adds additional requirements for the Agency for State technology, and creates more flexibility for charter schools by allowing the school to submit a streamlined format of the school's digital classroom plan to the sponsor school district. The bill is now in the Appropriations Committee.

SB 1324 re to Public Records/ Agency Personnel Information by Latvala. This bill creates and expands exemptions from the Public Records laws for personal identifying and location information of public defenders, conflict counsel, capital collateral counsel, prosecutors, law enforcement officers and other investigatory personnel, as well as their siblings, parents, and cohabitants. The information that is exempted for attorneys, law enforcement officers and other personnel is expanded to include:

- Residential addresses;
- Personal e-mail addresses;
- License plate numbers; and
- Banking and financial information.

Additionally, home addresses, telephone numbers, photographs, dates of birth, and places of employment of the parents, siblings, and cohabitants of those attorneys, officers and personnel are exempt under the bill. It was reported favorably by the Government Oversight and Accountability Committee. The bill is now in the Rules Committee.

SB 1522 re to Workforce Training by Detert. The bill creates a seven-member Commission on Federalism. The commission begins meeting in January 2016 and is authorized to evaluate any federal law, agency policy, mandate, or executive order to determine if it violates the principle of federalism. If the commission determines that a violation has occurred, specific follow-up actions are authorized to gather additional information or communicate the commission's concerns. The commission is authorized to recommend to the Governor that he or she call a special session of the Legislature to respond to the evaluated action. The bill was reported favorably by the Judiciary Committee. The bill is now in the Appropriations Committee.

SB 1526 re to Athletic Trainers by Legg. The bill updates the regulation of athletic trainers. The bill authorizes the practice of athletic training under the direction of a physician. The direction must be communicated through an oral or written prescription or protocols. An allopathic, osteopathic, or chiropractic physician is authorized to make the determination as to the appropriate method for communicating his or her direction for the provision of services and care by the athletic trainer. The Board of Athletic Training is directed to adopt rules pertaining to mandatory requirements and guidelines for such communication. The bill was reported favorably by the Appropriations Subcommittee on Health and Human Services. The bill is now in the Fiscal Policy Committee.

SB 7028 re to Educational Opportunities for Veterans by Military & Veterans Affairs, etc. The bill amends the Congressman C.W. "Bill" Young Veteran Tuition Waiver Program to allow additional persons to be eligible for the out-of-state tuition fee waiver currently afforded to honorably discharged veterans residing in Florida and enrolled in a state university, Florida College System institution, career center operated by a school district, or charter technical career center. The bill requires a state university, Florida College System institution, career center operated by a school district, or charter technical career center to waive out-of-state fees for any person who is receiving educational assistance through the U.S. Department of Veterans Affairs and who physically resides in Florida while enrolled in the institution. This

addition allows individuals, such as a spouse or child of a veteran or service member using GI Bill benefits, to qualify for in-state tuition rates. This bill was reported favorably by the Appropriations Committee. The bill has been heard by all of the Committees of Reference, and is now ready to be placed on the Calendar.

SB 7050 re to Digital Classrooms by Governmental Oversight and Accountability. The Appropriations Subcommittee on Education did not consider this bill. However, most of the provisions have been incorporated into SB 1264.

House Bills in Committee

HB 85 – re to Public School Instruction by Hill. The bill requires public schools to provide instruction on the events surrounding the terrorist attacks of September 11, 2001, and the impact of those events on the nation. The Education Committee reported HB 85 favorably, with no amendments. The bill is now placed on Special Order Calendar. The companion bill in the Senate has not moved.

HB 113 re to Local Government Construction Preferences by Perry. The bill provides that for a competitive solicitation for construction services in which 50 percent or more of the cost is to be paid from funds appropriated by the state, then a state college, county, municipality, school district, or other political subdivision may not use a local ordinance or regulation that provides a preference based upon the contractor's:

- Maintaining an office or place of business within a particular local jurisdiction;
- Hiring employees or subcontractors from within a particular local jurisdiction; or
- Prior payment of local taxes, assessments, or duties within a particular local jurisdiction.

The State Affairs Committee adopted one amendment and reported the bill favorably as a Committee Substitute. The amendment defines the term “state-appropriated funds” to mean all funds appropriated in the General Appropriations Act, excluding federal funds. The bill has been heard by all of the Committees of Reference, and is now ready to be placed on the Calendar.

HB 151 re to Sexual Cyberharassment by Goodson. The bill creates s. 784.049, F.S., to prohibit a person from willfully and maliciously sexually cyberharassing another person. “Sexually cyberharass” is defined as publishing a sexually explicit image of a person that contains or conveys the personal identification information of the depicted person to an Internet website without such person’s consent, for no legitimate purpose, and with the intent to cause substantial emotional distress to such person.

The bill amends s. 901.15, F.S., to permit a law enforcement officer to arrest a person without a warrant when there is probable cause to believe that the person has committed sexual cyberharassment. Additionally, the bill permits a search warrant to be issued for a private dwelling if evidence relevant to proving sexual cyberharassment is contained therein.

The Judiciary Committee reported HB 151 favorably, with no amendments. The bill is now placed on the Calendar, 2nd reading.

HB 435 re to Administrative Procedures by Adkins. The bill amends eight provisions of the APA to enhance the opportunities for substantially affected parties to challenge rules, and be awarded attorney fees in certain successful administrative matters.

The Government Operations Appropriations Subcommittee adopted two amendments and reported the bill favorably as a Committee Substitute. The Committee Substitute removed Sections 1 and 7 from the bill that dealt with attorney fees. The bill is now in the State Affairs Committee.

HB 695 re to Value Adjustment Boards by Avila. The bill revises the composition, procedures, and oversight of the Value Adjustment Board (VAB) process.

The Appropriations Committee adopted a strike all amendment and five amendments to the strike all, and reported the bill favorably as a Committee Substitute. The amendments made the following changes to the Committee Substitute:

- Added to the definition of “common element” in s. 193.0235, F.S., property located within the same county as a subdivision and used for at least 10 years exclusively for the benefit of lot owners within the subdivision;
- Waived the June 1 deadline to certify the assessment roll after all VAB hearings for any county where the VAB petitions increase by more than 10 percent from the prior year;
- Delayed the applicability of the June 1 deadline to begin with the 2017 tax rolls;
- Made drafting changes to clarify who can represent taxpayers before the VAB and to clarify the evidence exchange procedures;
- Provided the property appraiser is not required to provide comparable property records cards if they are available online from the property appraiser;
- Removed the proposed requirement that the property appraiser provide a copy of the form documenting value adjustments of the property pursuant to those factors described in s. 193.011(8), F.S.;
- Removed the proposed evidence exchange rule that failure by either party to timely comply with the evidence exchange provisions results in the exclusion from consideration by the VAB of any evidence that was requested in writing and not timely provided;
- Allowed interest accrual when the property appraiser and the property owner reach a settlement prior to a VAB hearing;
- Removed the proposed “good cause” restriction on petitioners rescheduling of a VAB hearing, and added the requirement that the clerk notify the petitioner of any rescheduled hearing 15 days before the rescheduled date (instead of usual 25 days);
- Provided that the chairman on the VAB will be elected by the members of the VAB;
- Removed the proposed requirement that written decisions of the VAB must include checklist forms, as prescribed by the DOR;
- Removed the proposed DOR authority to do a review of the VAB process in counties where 10,000 or more petitions are filed;
- Specified terms that must be included in a contract to perform an examine or audit of tax exemptions claimed on assessment rolls;
- Clarified the notification on TRIM notices that property owners may challenge the assessed value of their property.

The bill has been heard by all of the Committees of Reference, and is now ready to be placed on the Calendar.

HB 933 re to Growth Management by La Rosa. The bill amends numerous areas of the state’s growth management laws including: developments of regional impact, regional planning councils, sector plans,

concurrency and impact fees, vegetation removal from right-of-way, private property rights, connected-city corridors, and the property assessed clean energy program.

Of particular concern is Section 1 which amends s. 163.3180 re to Concurrency. The bill adds the following language: "If a local government applies concurrency to transportation facilities or public education facilities and also imposes mobility fees or impact fees for transportation or public education, any proportionate share payment or mitigation payment...must not exceed 125 percent of the applicable mobility fee or impact fee."

The Transportation & Economic Development Appropriations Subcommittee adopted two amendments to a proposed Committee Substitute and reported the bill favorably as a Committee Substitute. The amendments:

- Removed the \$2.5 million appropriation to the Regional Planning Councils; and
- Removed all sections dealing with constrained agricultural parcels.

The bill is now in the Economic Affairs Committee.

HB 1045 re to Instruction for Homebound and Hospitalized Students by Burgess. The bill clarifies that districts must provide instruction to homebound or hospitalized students in accordance with rules adopted by the state board. In addition, the bill expressly authorizes the state board to adopt rules relating to instruction for homebound or hospitalized students. The rules must establish, at minimum:

- Criteria for eligibility of K-12 homebound or hospitalized students for specially designed instruction.
- Procedures for determining student eligibility.
- A list of appropriate methods for providing instruction to homebound or hospitalized students.
- Requirements for initiating instructional services for a homebound or hospitalized student once the student is determined to be eligible.

The Education Committee Reported HB 1045 favorably, with no amendments. This bill is now on the Calendar, 2nd reading.

HB 1063 re to Government Accountability by Metz. The bill amends statutes pertaining to government accountability and auditing. Specifically, the bill

- Requires each agency, local governmental entities, governing bodies of charter schools, each school district, Florida College System institution, and each state university to establish and maintain internal controls;
- Authorizes the Chief Financial Officer or a governing body to withhold a specified amount of a fine owed and related administrative costs from public salary-related payments of certain individuals, and provides hardship exceptions;
- Expands the types of governmental entities that are subject to lobbyist registration requirements;
- Requires a unit of government to investigate and take necessary action to recover prohibited compensation, specifies methods of recovery and liability for violations, and provides a reward structure to those reporting prohibited compensation;
- Requires completion of an annual financial audit of the Florida Virtual School; and
- Requires a district school board, Florida College System board of trustees, or university board of trustees to respond to audit recommendations under certain circumstances.

The Appropriations Committee adopted a strike-all amendment and reported the bill favorably as a Committee Substitute. The Committee Substitute:

- Changes the amount that may be withheld from an individual's public salary-related payment for failure to timely file disclosure of financial interests back to current law.
- Adds school district to the list of governmental entities who may withhold salary-related payments for failure to timely file disclosure of financial interests.
- Defines public funds in s. 215.425, F.S.
- Exempts a bonus or severance pay that is paid from sources other than public funds, or from patient services from private insurers from s. 215.425, F.S.

The bill is now in the State Affairs Committee.

HB 1145 re to Education by Sprowls. The bill revises provisions relating to public & private school choice, controlled open enrollment, educational funding accountability, assignment of teachers, salary incentives, & certification of adjunct educators.

The Education Committee adopted two amendments and reported HB 1145 favorably as a Committee Substitute. The amendments:

- Specify that a student may continue to attend the chosen school until the student completes the highest grade offered by the school, requires school districts to post on its website the process required to participate in open enrollment no later than January 1st;
- Requires the process to allow parents to declare school preferences including placements of siblings within the same school and for school districts to identify schools that have not reached capacity, determined by grade level as 90 percent of the allowable core class size for the class average based upon the class size calculation pursuant
- Specifies that beginning in the 2016-2017 school year, a parent may enroll his or her child in and transport his or her child to any public school that has not reached capacity in any school district in the state. The school district shall accept the student and report the student for purposes of the school district's funding pursuant to the Florida Education Finance Program; and
- Requires a parent, who chooses to enroll his or her child in a school of another school district the 2016-2017 school year, to notify the district of residence and the district of choice no later than November 15, 2015. For the 2017-2018 school year and each school year thereafter the parent must notify the district of residence and the district of choice of his or her intention to enroll in the district of choice no later than February 15 of each preceding school year. For purposes of continuity of educational choice, a student may continue to attend the chosen school until the student completes the highest grade offered by the school

The bill has been heard by all of the Committees of Reference, and is now ready to be placed on the Calendar.

HB 1153 re to Vocational Rehabilitation by Ingoglia. The bill establishes specific, measureable performance goals for the employment of persons who have disabilities as part of the state plan to implement the federal Workforce Innovation and Opportunity Act (WIOA).

The Education Committee reported HB 1153 favorably, with no amendments. The bill is now placed on the Calendar, 2nd reading.

HB 7125 re to Postsecondary Access and Affordability by Higher Education & Workforce Subcommittee. The bill promotes access and affordability for students seeking a postsecondary education by.

The Education Committee adopted one amendment and reported HB 7125 favorably as a Committee Substitute. The amendment clarifies that the examination of the impact of tuition and fees by the Board of Governors and the State Board of Education for the purpose of promoting college affordability should include the impact on undergraduate, graduate and professional students.

The bill has been heard by all of the Committees of Reference, and is now ready to be placed on the Calendar.

HB 7127 re to Higher Education by Higher Education & Workforce Subcommittee. The bill revises provisions relating to apprenticeships, baccalaureate degree programs, career centers & charter technical career centers, applied technology diplomas, common placement test, & adult & workforce education programs.

The Education Committee adopted two amendments and reported HB 7127 favorably as a Committee Substitute. The amendments makes several minor change, and adds a section outlining the state university accountability process.

The bill has been heard by all of the Committees of Reference, and is now ready to be placed on the Calendar.

Special Order Calendars/Floor Action – Senate

SB 778 re to Local Government Construction Preferences by Hays. CS/CS/SB 778 prohibits any local laws that give preference to a local contractor in circumstances involving a competitive solicitation for construction services in which 50 percent or more of the cost will be paid from state-appropriated funds. The bill requires a state agency or subdivision subject to this law to disclose whether payment will be made from state-appropriated funds and the percentage of such funds compared to the total cost, if known. The bill does not prohibit the application of a local preference in a competitive solicitation for construction services in which less than 50 percent of the cost will be paid from state-appropriated funds.

The bill was retained on Special Order Calendar.

SB 802 re to Vocational Rehabilitation by Gaetz. CS/SB 802 requires a performance improvement plan and accountability reporting for the Division of Vocational Rehabilitation (division), the designated state administrative unit, for implementing federal vocational rehabilitation (VR) program requirements.

The bill was read a second time, and placed on third reading.

SB 960 re to Florida Bright Futures Scholarship Program by Lee. CS/SB 960 allows a student who is eligible for a Florida Bright Futures Scholarship award, but unable to accept the award immediately following high school graduation due to a full-time religious or service obligation lasting at least 18 months, to defer the 2-year initial award period and the 5-year renewal period until the student completes the religious or service obligation. The bill also modifies student community service requirements for Florida Bright Futures Scholarship Program awards by clarifying that community service work means volunteer service

work, expanding the permissible activities that students can participate in to meet the volunteer service work requirement to include civic or professional areas, and placing parameters on such activities.

The bill was retained on Special Order Calendar.

SB 1140 re to Florida Futures Scholarship Program by Montford. CS/SB 1140 allows a student who is eligible for a Florida Bright Futures Scholarship award, but unable to accept the award immediately following high school graduation due to a full-time religious or service obligation lasting at least 18 months, to defer the 2-year initial award period and the 5-year renewal period until the student completes the religious or service obligation.

The bill was temporarily postponed, and retained on the Calendar.

SB 7002 re to Workforce Services by Commerce and Tourism. CS/SB 7002 replaces all references currently made in the Florida Statutes to Workforce Florida, Inc., with CareerSource Florida, Inc., the new name of the organization. The bill also creates a task force to develop the state's plan for implementing the federal Workforce Innovation and Opportunity Act of 2014.

The bill was substituted for the identical House Bill, HB 7019, and placed on third reading.

Special Order Calendars/Floor Action – House

HB 7069 re to Education and Assessment and Accountability. The bill was taken up out of messages, passed, and immediately certified to the governor. See attached analysis.

HB 541 re to Athletic Trainers by Plasencia. The bill revises the requirements to become licensed as an athletic trainer by removing the requirement that the applicant must be at least 21 years of age. An applicant who graduated college prior to 2004 must hold a current certification from the Board of Certification. The bill requires the college or university from which the applicant holds a degree to be accredited by the Commission on Accreditation of Athletic Training Education and the degree must be from a professional athletic training degree program. The bill requires an applicant must undergo a criminal background check and must be certified in both cardiopulmonary resuscitation and the use of an automated external defibrillator. The bill requires athletic trainers to practice under the direction of a physician. The bill authorizes the Board to adopt rules for mandatory requirements and guidelines for communication between the athletic trainer and a physician.

The bill also adds a list of punishable acts, which constitute misdemeanors of the first degree, and prohibits sexual misconduct in the practice of athletic training in accordance with current law. The bill also states that nothing in the athletic training practice act prevents or restricts third party payers from reimbursing employers of athletic trainers for covered services rendered by a licensed athletic trainer. The bill was passed on third reading.