

February 6, 2016

MEMORANDUM

TO: District School Superintendents

FROM: Joy Frank
Alex Sarsfield, Legislative Intern
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RE: Legislative Update – Week of February 1st

Capital Outlay

The House Appropriations Committee will consider a PCS/HB 873 on Tuesday afternoon from 3:00-6:00 p.m. In addition to revisions to the Special Facilities Construction Program, the proposal makes several changes to relating to school construction as well as requiring the sharing of the discretionary millage with charter schools under certain circumstances. A copy of the bill and staff analysis is in a separate email.

Budget Information

Detailed budget information/comparisons will be sent out later this weekend. Below is a summary of the implementing legislation from both chambers.

House Implementing Bill

Section 2. The FEFP calculations will be incorporated by reference.

Section 3. Funds provided for instructional materials must be released and expended as required in the proviso language associated with Specific Appropriation 94.

Section 4. The language provides that any district school board that generates less than \$2 million in revenue from a 1-mill levy of ad valorem tax must contribute 0.75 mill towards the cost of funded special facilities construction projects.

Section 5. The bill requires the auditor general to conduct annual financial audits of the Florida School for the Deaf and Blind.

Section 9 and 19. The language amends s. 1002.39 and s. 1011.61, respectively to exempt McKay scholarship payments from the 1.0 FTE prorations when a McKay scholarship program participants takes Florida Virtual School courses.

Section 20. If the annual allocation from the FEFP to each district is not determined in the annual appropriations act or the substantive bill implementing the annual appropriations act, it shall be determined as follows:

Florida Digital Classrooms Allocation

Each districts digital classrooms allocation plan must give preference to funding the number of devices that comply with the requirements and that are needed to allow each school to administer the Florida Standards Assessments to an entire school at the same time. If the districts digital classroom allocation plan does not include the purchase of devices, the district must certify in the plan that the district currently has sufficient devices that allow each school to administer the Florida Standards Assessment.

Section 21. If the annual allocation from the FEFP to each district is not determined in the annual appropriations act or the substantive bill implementing the annual appropriations act, it shall be determined as follows:

Federally Connected Student Government

The supplement shall be the sum of the student allocation and an exempt property allocation.

(a) The student allocation shall be calculated based on the number of students reported for the federal Impact Aid Program Funds.

(b) The base amount and the amount for students with disabilities shall be summed to provide the student allocation.

(c) The exempt property allocation shall be equal to the tax-exempt value of federal impact aid lands reserved as military installations, real property owned by NASA, or eligible federally owned Indian lands located on the districts.

Section 22. The bill removes the requirement for an adjustment to be made to a district's funding in the FEFP based on an FTE reporting error that is not corrected by the district within the FTE reporting amendment periods.

Section 23. The bill extends the authorization for the Florida educator professional liability insurance program. DOE will be required to notify all instructional personnel and district school boards will be required to notify a student performing clinical field experience of the availability of educator liability insurance.

Section 24. The bill codifies the Best and Brightest Scholarship Program to award classroom teachers who have demonstrated a high level of academic achievement.

Section 26. The bill adjusts the Capital Outlay Full-Time Equivalent Student Calculations to be consistent with FEFP FTE calculations relative to facilities space needs and COFTE determination procedures.

Senate Implementing Bill

Section 2. FEFP calculations are incorporated by reference.

Section 3. Funds provided for instructional materials shall be released and expended as provided in the proviso language for Specific Appropriation 94.

Section 4. Provides that any district school board that generates less than \$2 million in revenue from a 1-mill levy of ad valorem tax shall contribute .75 mill for the 2016-2017 fiscal year toward the cost of funded special facilities construction projects.

Sections 5, 6, and 7. Provides changes, for the 2016-2017 fiscal year, to the calculation of multiple components of the Florida Education Finance Program (FEFP), including: Providing funding for the 300 lowest performing elementary schools through funds allocated in the Supplemental Academic Instruction (SAI) and the Research-Based Reading Instruction Allocation categoricals and amends the SAI calculation.

Modifies the sparsity supplement calculation to compute the sparsity supplement for larger eligible districts with a full-time equivalent (FTE) student membership of between 20,000 and 24,000, by dividing the total number of full-time equivalent students in all programs by the number of permanent senior high school centers in the district, not in excess of four.

Reauthorizes the federally connected student supplement to provide funding to school districts to support the education of students connected with federally-owned military installations, National Aeronautics and Space Administration (NASA) property, and Indian lands. To be eligible for this supplement, the district must also be eligible for federal impact aid funds, pursuant to Title VIII of the Elementary and Secondary Education Act of 1965. Authorizing a recalculation of the ESE Guaranteed Allocation based on actual FTE as reported on the October FTE survey.

Section 8. Extends Adults with Disabilities Workforce Education Pilot Program to June 30, 2017.

Section 13. Requires the Department of Education to administer an educator liability insurance program, which provides a minimum of \$2 million in liability coverage for all full-time public school instructional personnel.

House Committee Action – First Hearing

HB 701 by Lee Jr. re to Art in the Capitol Competition. The bill creates the Art in the Capitol Competition for public, private and home education students in grades 6 through 8.

The bill passed the K-12 Subcommittee favorably with a Committee Substitute

HB 1015 by Nunez re to Determination of Maximum Millage Rates. The bill changes the formula for calculating the simple majority vote maximum millage rate. Instead of having a formula that assumes the previous year's maximum rate was levied, the formula would use the prior year's actual levy. The formula change will reduce the simple majority maximum tax rate for most counties, cities, and special districts.

The bill passed the Local Government Affairs Subcommittee favorably as a committee substitute.

HB 1021 by Steube re to Award of Attorney Fees in Public Records Enforcement Action, etc. The bill amends current law to provide that in a public records enforcement lawsuit, a court may, but is not required to, award reasonable enforcement costs, including attorney fees, to the complainant if the court determines the agency unlawfully refused to provide a public record. To be awarded such costs, the bill also requires a complainant to provide written notice of the public records request to the agency's records custodian at least five business days before filing the lawsuit.

The bill passed the Government Operations Appropriations Subcommittee favorably with a committee substitute.

HB 1147 by Latvala re to Educational Instruction. In addition to current instructional requirements, the bill requires character-development programs in high schools to include instruction on:

- Developing leadership skills, interpersonal skills, organization skills, and research skills;
- Creating a resume;
- Developing and practicing the skills necessary for employment interviews;
- Managing stress and expectations; and
- Developing skills that enable students to become more resilient and self-motivated.

The bill passed the K-12 Subcommittee favorably with a Committee Substitute.

HB 1253 by Perry re to Early Childhood Music Education Incentive Pilot Program. The bill establishes the 3-year Early Childhood Music Education Incentive Pilot Program in the Department of Education to assist selected school districts in implementing comprehensive music education programs for students in kindergarten through grade 2.

The bill passed the K-12 Subcommittee favorably.

HB 1373 by Torres re to School Bus Stop Safety. The bill increases the violation for when a person operating a vehicle passes a school bus on the side that children enter and exit when the school bus displays a stop signal to an offense of reckless driving.

The bill passed the Highway & Waterway Safety Subcommittee favorably as a committee substitute.

HB 1403 by Broxson re to Pledge of Allegiance. The bill repeals the requirement to conspicuously post notice of the right not to participate and instead provides that students shall be informed of the right not to participate in the pledge by a written notice published in the student handbook, the code of student conduct or a similar school publication.

The bill removes the requirement that all civilians, including excused students, stand and place their hand over their heart during the pledge. Instead, only unexcused students must stand and recite the pledge.

The bill passed the K-12 Subcommittee favorably.

House Committee Action – Second Hearing

HB 287 by Diaz re to Principal Autonomy Program Initiative. The bill establishes the Principal Autonomy Pilot Program Initiative (PAPPI) within the Department of Education to provide the principals of participating schools in participating school districts with increased autonomy and authority regarding allocation of resources and staffing. Participation is voluntary, but limited to the school districts of Broward, Duval, Jefferson, Madison, Palm Beach, Pinellas and Seminole Counties. School boards selected for participation in PAPPI are exempt from the K-20 Education Code and State Board of Education rules, with exceptions. Among other exemptions, the class size compliance

calculation for participating schools is the school-level average, rather than the individual classroom level.

School districts seeking to participate in PAPPI must submit a principal autonomy proposal to the State Board of Education for approval. Among other things, the proposal must identify three middle or high schools that received at least two school grades of “D” or “F” during the previous three school years, describe the areas in which increased autonomy will be granted, and state measurable goals regarding student achievement and operational efficiency. The state board may select up to seven school districts for participation in PAPPI. The initial term of the program is three years.

The bill grants the principals of participating schools greater authority regarding staffing decisions, allocation of financial resources, and budgeting. Among other things, the principal of a participating school is granted greater authority to hire qualified instructional personnel or refuse placement or transfer of such personnel. Before participation in the program may begin, such principals must complete professional development designed to enable them to implement increased autonomy. Participating school districts must guarantee participating schools at least 90 percent of the funds generated in the Florida Education Finance Program (FEFP) by that school. The current minimum guarantee is 80 percent of such funds.

Participating school districts must annually report measures taken to implement the program and results achieved to the state board. The state board may revoke a district school board’s authorization to participate if the school board fails to meet program requirements. The Commissioner of Education must submit a full evaluation of the program’s effectiveness to the President of the Senate and the Speaker of the House of Representatives upon expiration of the initial three year term.

The bill passed the full House Education Committee favorably.

HB 669 by Sprowls re to Educational Choice. The bill enhances K-20 fiscal transparency and revises provisions relating to public and private educational choice options by:

- Specifying that career and professional education (CAPE) digital tools, CAPE industry certifications, and collegiate high school programs are considered public educational choice options and the Florida Personal Learning Scholarship Account Program is a private educational choice option.
- Requiring that parents be provided information about the average amount expended per student in their child’s school.
- Authorizing district school board auditors to perform additional audits and reviews as directed by the school board.
- Requiring each district school board to allow parents to seek enrollment in, and transport his or her child to, any public school that has not reached capacity in the district.
- Requiring district school boards to establish a transfer process by which a parent may request that his or her child be transferred to another teacher.
- Providing that, beginning in the 2017-2018 school year, a parent may seek enrollment in, and transport his or her child to, any public school that has not reached capacity in the state.

The bill revises the Credit Acceleration Program (CAP) to allow students to earn high school credit in a course by passing an end-of-course assessment or an Advanced Placement (AP) Examination.

The authorization in the bill for students to enroll in any school district in the state would result in redistribution of funding among the 67 school districts in the FEFP.

The bill requires the Department of Education (DOE) to contract with the Center for Applied Economic Analysis at Florida Polytechnic University to determine the portability of the local portion of the Florida Education Finance Program (FEFP) funds when students are able to apply and enroll in any public school in the state. There is an estimated cost of \$200,000 for the DOE to implement this requirement. The bill includes an appropriation to meet this requirement.

The bill passed the House Education Appropriations Subcommittee favorably and will be heard in the full House Education Committee next week.

HB 705 by Berman re to Qualifications for Educational Interpreters. The bill requires the State Board of Education to adopt in rule standards for educational interpreters.

The bill passed the Education Appropriations Subcommittee favorably.

HB 719 by Spano re to Education Personnel. The bill revises several provisions related to education personnel. The bill authorizes, rather than requires, DOE to sponsor a centrally located job fair to help match educators with teaching opportunities in the state. The bill requires DOE to coordinate a best practice community to help school districts recruit and perform other human resources functions with up-to-date knowledge. The bill also deletes obsolete State Board of Education rulemaking authority regarding certain teacher assignment requirements.

The bill also revises the educator liability program and its respective expiration dates.

The bill has passed all committees of reference and is now on the House Calendar.

HB 759 by Diaz re to Statewide Charter School Authorizer. The House Joint Resolution directs the State Board of Education to establish a statewide charter school authorizer to authorize, operate, control and supervise charter schools as provided by law. Additionally, it clarifies that a school board has the authority to operate, control and supervise all free public schools within its district, except charter schools under the control and supervision of the statewide charter school authorizer.

The bill passed the House Education Appropriations Subcommittee favorably and will be heard in the full House Education Committee next week.

HB 833 by Plasencia re to Public School Recess. The bill requires each district school board to provide 100 minutes of supervised, safe, and unstructured free- play recess each week for students in kindergarten through grade 5 and for students in grade 6 who are enrolled in a school that contains one or more elementary grades.

The bill passed the House Education Appropriations Subcommittee favorably and will be heard in the full House Education Committee next week.

HB 835 by Eisnaugle re to Education. The bill:

- Clarifies that a home education program is not a school district;
- Authorizes school districts to provide exceptional student education-related services to a home education program student and report them for FEFP funding for services provided;
- Authorizes school districts to provide a home education program student access to career and technical courses and programs;
- Authorizes school districts to offer industry certifications, national assessments, and statewide, standardized assessments to a home education program student;
- Reimburses dual enrollment instructional materials expenses to a home education program student;
- Limits the documentation a school district can require from a home education student;
- Exempts dual enrollment students from paying postsecondary institution technology fees; • Exempts a home education program student from the grade point average requirement for admission to a dual enrollment program if the student meets the minimum score on a common placement test;
- Explicitly exempts public school, private school, or home education program dual enrollment students from payment of registration, tuition, technology, and laboratory fees; Clarifies that private schools and a home education program student are not required to reimburse tuition for dual enrollment students;
- Requires postsecondary institutions to have a dual enrollment articulation agreement with home education program students and with private schools; and
- Specifies a home education program student is eligible for a Florida Gold Seal Vocational Scholars award.

The bill provides an appropriation of \$1 million of recurring general revenue for the 2016-2017 Fiscal Year to be disbursed by a nonprofit Scholarship Funding Organization to provide reimbursement of up to \$80 per course for dual enrollment instruction materials expenditures made by home education program students.

The bill has passed all committees of reference and is now on the House Calendar.

HB 837 by Bileca re to McKay Scholarships for Students with Disabilities Program.

Currently, a McKay Scholarship student must have direct contact with his or her private school teacher at the school's physical location in order to maintain eligibility. The bill authorizes a private school to establish a transition-to-work program for students participating in the McKay Scholarship Program that will allow students to earn credits while working off-site.

The bill exempts foster children from the prior school year attendance requirement for determining eligibility.

The bill clarifies that McKay Scholarship payments are not subject to the 1.0 FTE cap so that scholarship payments are not reduced when McKay recipients take virtual courses.

The bill passed the full House Education Committee favorably.

HB 1003 by Sullivan re to Employment After Retirement of School District Personnel. The bill clarifies that retirees may be reemployed only on a probationary or annual contractual basis consistent with the requirements of the FRS and the Student Success Act.

The bill was reported favorable by the House Education Committee.

HB 1155 by Eisnaugle re to Membership Associations. The bill defines the term “membership association” as a corporation not for profit, including a department or division of such corporation, the majority of whose board members are constitutional officers that operate, control, and supervise public entities that receive annual state appropriations through a statutorily defined formulaic allocation that is funded and prescribed annually in the General Appropriations Act or the substantive bill implementing the annual appropriations act. The bill requires annual reports and audits and prohibits the use of state funds for specified litigation. The bill applies to the Florida School Boards Association.

The bill passed the House Education Appropriations Subcommittee favorably and will be heard in the full House Education Committee next week.

HB 1171 by Perry re to Interstate Compact for Educational Opportunity for Military Children. The bill reauthorizes Florida’s compact legislation and adds a new automatic repeal provision, effective three years after the bill becomes law. The bill also specifies that compact dues are to be paid from existing resources within the Department of Education (DOE).

The bill was reported favorable by the House Education Committee.

HB 1305 by Eagle re to Student Health. The bill authorizes public and private schools to receive Epi-pens free of charge or to purchase Epi-pens from a manufacturer or wholesale distributor at fair market value or a reduced price.

The bill passed the House Education Appropriations Subcommittee favorably and will be heard in the full House Education Committee next week.

HB 1365 by Rodrigues re to Competency-Based Education Pilot Program. The bill creates the Competency-Based Education Pilot Program within the Department of Education to provide an educational environment that allows students to progress based upon the mastery of concepts and skills.

The bill passed the House Education Appropriations Subcommittee favorably and will be heard in the full House Education Committee next week.

Senate Committee Action – First Hearing

SB 7058 by Education re to Child Care and Development Block Grant. The bill revises provisions relating to health and safety standards and eligibility for the School Readiness program to align to federal requirements in the 2014 reauthorization of the Child Care and Development Block Grant.

The bill passed the Senate PreK-12 Education Committee favorably.

SB 268 by Ring re to Bullying and Harassment Policies in Schools. The bill basically requires districts to review bullying policy every 3 years.

The bill passed the Senate PreK-12 Education Committee favorably.

SB 808 by Brandes re to Charter Schools. The bill authorizes a municipal government to sponsor a charter school in the county or municipality over which municipal governing authority has jurisdiction.

The bill passed the Senate PreK-12 Education Committee favorably.

SB 824 by Stargel re to Dual Enrollment Program. The bill does the following:

- Specifies that student enrolled in dual enrollment is exempt from technology fees, in addition to other fees.
- Requires each postsecondary institution eligible to participate in dual enrollment program enter into a home education articulation agreement with each home education student seeking enrollment. The postsecondary institution must complete and submit the articulation agreement to DOE by August 1 of each year. The agreement, among other things, must express whether the institution or the student is responsible for providing instructional materials and transportation.
- Clarifies that the postsecondary institution may provide instructional materials at no cost to a home education student or student from a private school if provided for in the articulation agreement.
- Requires school boards and Florida College System to complete and submit the dual enrollment articulation agreements with state university or eligible independent college or university, as applicable to DOE.
- Provides for dual enrollment of private school students.

Eligible postsecondary institutions must submit private school articulation agreement to DOE by August 1. The agreement must express that costs associated with tuition and fees will not be passed on to the student. Also, the agreement must include a provision stating whether the private school will compensate the postsecondary institution for the standard tuition rate, etc. or that the postsecondary institution will seek compensation via an appropriation funded in the GAA.

Language is add to say that subject to an annual appropriation, a public postsecondary institution shall receive an amount of funding equivalent to the standard tuition rate per credit hour for each dual enrollment course taking by a private school student during the prior academic year except for students for whom the institution is otherwise compensated.

The bill passed the Senate PreK-12 Education Committee favorably.

SB 830 by Stargel re to School Choice. A “strike-all” amendment was considered and passed by the committee. It is primarily the language contained in the House charter school bill (HB 7029). Specifically, the amendment:

- Adds language to charter statute that a student who has substantial deficiency in reading, the school must notify the parent of the deficiency, the intensive interventions and supports used, and the student's progress. Also adds language that a sponsor shall deny an applications if the school does not propose a reading curriculum that is evidenced based, etc. (this language is in House Reading bill)
- Also adds language that a sponsor may not require the charter school to implement the reading plan adopted by the district.
- Discloses the name of each applicant, governing board member, and all proposed education services providers; the name and sponsor of any charter school operated by each applicant, each governing board member, and each proposed education services provider that has closed and the reasons for the closure; and the academic and financial history of such charter schools, which the sponsor shall consider in deciding whether to approve or deny the application.
- Authorizes a charter school to defer opening of school for up to 2 years to provide time for adequate facility planning.
- Amends blended learning language to allow blended learning off site and not in a charter school classroom setting.
- Admission or dismissal must not be based on student's academic performance.
- Provides process for voluntary closure of charter school.
- Authorizes that a charter school that has not reached capacity, as determined by the charter school's governing board, may be open for enrollment to any student in the state.
- Allows a charter school to use a school facility or portion of land owned by the municipality for the operation of the charter school.
- Authorizes charter school cooperatives.
- Any unrestricted surplus or unrestricted net assets identified in the charter school's annual audit may be used for K-12 educational purposes for charter schools within the district operated by the not-for-profit or municipal entity operating the charter school with the surplus. Surplus operating funds shall be used in accordance with s. 1011.62, and surplus capital outlay funds shall be used in accordance with s. 1013.62(2).
- Current law prohibits local governing authority to adopt or impose local building requirements or site-development restricting such as parking and site-size criteria, that are addressed by and more stringent than those found in SREF...Language is added to say that is the local governing authority refused to comply, the aggrieved school or entity has a right to bring action in circuit court and get attorney fees.
- Charter schools that operate in a critical need area, sponsor may withhold fee of up to 3% for enrollment up to and including 250 students per school.
- High performing application that is denied by the school board is exempt from administrative fee.
- Amends charter school statute. Requires application to contain a list and school grade of all charter schools currently or previously operated by the applicant, applicant group or proposed management company. Question: Is this still in the bill?
- Sponsor must consider the performance of all charter schools currently or previously operated by the applicant, applicant group or management company. Question: Is this still in the bill?
- Automatically terminates a charter if school earns two consecutive grades of "F" after all school grade appeals are final.

- Requires sponsor to notify in writing the charter school's governing board principal, and DOE when charter is terminated.
- Re eligibility of students adds language to state that a charter school may not deny the application or continued enrollment of a student based on the student's current or prior academic performance, including grade retention. Question: Is this still in the bill?
- Provides as one of the enrollment preferences students who are currently enrolled or were enrolled during prior school year in public school that earned an "F" or 3 consecutive grades of "D" or who are zoned for such school.
- Specifies that school entitled to funds from research-based reading allocation.
- Prohibits school board from delaying payments based on receipt of local tax revenue.
- Lifts limitation on replication of high performing charter school if such high performing charter school is established in attendance zone of school in need of intervention and support or to meet capacity needs or needs for innovative choice options identified by the district school board.
- Repeals language specifying that a high-performing charter school may not increase enrollment or expand grade levels following any year in which the school receives a "C" or lower.
- Provides expedited renewal for high performing charter school
- Establishes High-Impact Charter Network –are entities that successfully operate a system of charter schools that serve primarily educationally disadvantaged students in critical need area. "Critical need area" defined as schools receiving a school grade of "D" or "F" in 4 of the preceding 5 years; or has fewer than 25 percent of students passing statewide standardized assessment in ELA in the most recent year for which assessment scores are available. The administrative fee is waived for these schools and may receive capital outlay funding.
- Amends virtual instruction programs statute and provides that provider's contract is automatically terminated if the provider earns two consecutive school grades of "F" etc.
- Amends capital outlay provisions and weakens the language to provide that a charter school just has to have an annual audit that does not reveal financial emergency conditions in the most recent audit rather than show financial stability.
- Adds language that any student, in any grade can have access to part-time or fulltime virtual programs.
- Add CAP language for AP courses. In other words you don't have to take the course; you can just pass the test.
- Has the language that prohibits full funding of double session schools. This is Governor's, DOE's and your language.
- Also repeals performance funding for nonpassage of Algebra I EOC.
- Authorizes but does not require charter school to develop and maintain a professional development certification and education competency program.

The bill passed the Senate PreK-12 Education Committee favorably as a committee substitute.

SB 916 by Altman re to Educational Interpreters for Individuals Who are Deaf, Hard of Hearing, etc. The bill was amended to have the SBE adopt standards for educational interpreters. The standards must include interpreter assessments. Beginning July 1, 2017,

each district must notify a parent in writing if an individual assigned to provide interpreter services meets the standards and also report to DOE number of individuals providing interpreter services.

The bill passed the Senate PreK-12 Committee favorably.

SB 976 by Stargel re to Charter Schools. This is a joint resolution proposing the SBE to direct the DOE to establish a statewide system for the approval of charter schools in the state.

The proposal was temporarily postponed.

SB 1062 by Stargel re to Educational Choice. The bill amends the McKay Scholarship statute and provides that a student is eligible regardless of whether he/she has attended public school in prior year or a VPK program. The bill removes the requirement that the scholarship amount must be based on district in which the parent resides at the time of the scholarship request.

The bill removes requirement that student spend prior year in public school to be eligible for K-12 virtual instruction.

The bill passed the Senate PreK-12 Education Committee favorably.

SB 1076 by Legg re to Education. A “strike all” amendment was introduced and passed. The bill now renames “Collegiate high school program” as “Structured high school acceleration programs.” The bill requires state colleges to work with school districts to establish one or more of the programs. The 30 hour requirement remains. A school board may not limit the number of students who may enroll in such programs. The bill requires notice by September 1 of each year to students enrolled in 9th - 12th grade of this program. A charter school authorized to do their own contract directly with the local Florida College.

A student who enrolls and completes 30 credit hour generates a .5 FTE bonus. If the student completes 60 hours an additional .5 FTE bonus is awarded.

The bill has compliance requirements. If a district school board does not execute a contract with its local Florida College System institution to establish one or more structured high school acceleration programs or if a school district does not enroll at least 2 percent of its public school students in grades 11 and 12 in the district’s structured high school acceleration program, the school district is not eligible to:

- Qualify for the academically high-performing school district designation pursuant to s. 1003.621.
- Have the calculation for compliance with maximum class size pursuant to s. 1003.03 for any school in the district be the average at the school level, notwithstanding any provision to the contrary, which includes but is not limited to s. 1002.31 148 and s. 1002.451.

There are also reporting requirements to DOE and then DOE reports to Governor and Legislature.

The bill passed the Senate PreK-12 Education Committee favorably as a committee substitute.

SB 1126 by Detert re to Auditory-oral Education Programs. A strike all amendment was considered and passed that provides that beginning with the 2017-2018 school year, a school district must add four special consideration points to the calculation of a matrix of services for these students.

The bill passed the Senate PreK-12 Education Committee favorably as a committee substitute.

SB 1160 by Detert re to Art in the Capitol Competition. The bill, as amended, creates the Art in the Capitol Competition for public, private and home education students in grades 6 through 8. The bill establishes a process by which the art work is selected.

The bill passed the Senate PreK-12 Education Committee favorably as a committee substitute.

SB 1196 by Bean re to Emergency Allergy Treatment in Schools. The bill authorizes a public school to enter into an arrangement with a wholesale distributor or manufacturer for epi-pens at a fair-market, free, or reduced price for use in case student has anaphylactic reaction.

The bill passed the Senate PreK-12 Education Committee favorably as a committee substitute.

SB 1426 by Stargel re to Membership Associations. The bill prohibits membership associations from expending any money received from public funds on litigation against the state. A membership association is defined as “a not-for-profit corporation...the majority of whose board members are constitutional officers who...operate, control, and supervise public entities that receive annual state appropriations...prescribed annually in the General Appropriations Act or the substantive bill implementing the annual appropriations act.” The bill only applies to the Florida School Boards Association.

The bill passed the Senate PreK-12 Education Committee favorably.

SB 1462 by Latvala re to Educational Instruction. There was a strike all amendment that was considered and passed. The bill now provides that the character-development program in grades 9 through 12 must, at a minimum, include instruction on developing leadership skills, interpersonal skills, organization skills, and research skills; creating a resume; developing and practicing the skills necessary for employment interviews; managing stress and expectations; and developing skills that enable students to become more resilient and self-motivated

The bill passed the Senate PreK-12 Education Committee favorably as a committee substitute.

SB 1678 by Sachs re to High School Graduation Requirements. The bill provides that a student who participates in an apprenticeship program under certain circumstances must be awarded credits towards a standard high school diploma.

The bill passed the Senate PreK-12 Education Committee favorably as a committee substitute.

SB 942 by Garcia re to Composition of Cabinet/Election of Commissioner of Education. The proposal makes the Commissioner of Education an elected member of the Florida Cabinet who is responsible for supervising matters pertaining to the public education system. Under the joint resolution, the State Board of Education will consist of the Governor, the Chief Financial Officer, the Attorney General, the Commissioner of Agriculture, and the Commissioner of Education. The first election of the Commissioner of Education will occur on November 6, 2018.

The proposed Joint Resolution passed the Senate Ethics and Elections Committee favorably.

SB 1222 by Flores re to Millage Rates. The bill changes the formula for calculating the simple majority vote maximum millage rate. Current law allows a county, municipality, special district, or municipal service taxing unit to levy a millage rate based on a rolled back rate that assumes the previous year's maximum rate was levied. The new formula would use a rolled back rate based upon the prior year's actual levy, adjusted for change in per capita Florida personal income, unless the change in per capita Florida personal income is negative, in which case the maximum is the rolled back rate. The bill will reduce the simple majority maximum tax rate for most counties, cities, and special districts.

The bill passed the Senate Community Affairs Committee favorably.

Senate Committees – Second Hearing

SB 350 by Montford re to Online Procurement. The bill authorizes district school boards, Florida College System institution boards of trustees and university boards of trustees to make purchases through an online procurement system, electronic auction service, or other efficient procurement tool.

In addition, the bill requires each district school board and Florida College System institution board of trustees to review the purchasing agreements and state term contracts available through the Department of Management Services pursuant to s. 287.056, F.S., before purchasing nonacademic commodities and services.

The bill also:

- Requires each bid specification for nonacademic commodities and services include a statement that the purchasing agreements and state term contracts have been reviewed, and
- Authorizes each district school board to use the cooperative state purchasing programs managed through the regional consortium service organizations.

The bill has passed all committees of reference and is now on the Special Order Calendar.

SB 372 by Lee re to Administrative Procedures. The bill revises the Administrative Procedure Act (APA), which governs agency rulemaking and decision making. The most significant changes to the act by the bill:

- Require an agency to commence and complete rulemaking activities generally within 180 days after it holds a public hearing on a petition to initiate rulemaking activities on an unadopted rule and chooses to initiate rulemaking.
- Require the dissemination of additional notices of agency rulemaking activities on the Florida Administrative Register and through e-mails by an agency to its licensees and other interested persons.
- Authorize a person to challenge agency action by asserting that a rule or unadopted rule used as a basis for the agency's action is invalid.
- Require agencies to review their rules to identify rules the violation of which would constitute a minor violation and for which a notice of noncompliance will be the first enforcement action.

The bill has passed all committees of reference and is now on the Senate Calendar.

SB 468 by Ring re to Computer Instruction. The bill provides that, beginning in the 2018-2019 academic year, high schools must provide opportunities for students to take computer coding courses of sufficient rigor, as identified by the Commissioner of Education (Commissioner), such that two credits in those courses and the earning of a related industry certification satisfies two credits in sequential foreign language instruction.

Computer coding courses and the computer coding courses taken to earn the related industry certification must be identified in the Course Code Directory (CCD).

Additionally, the bill requires Florida College System (FCS) institutions and state universities to recognize the computer coding course credits as foreign language credits.

The bill has passed all committees of reference and is now on the Senate Calendar.

SB 582 by Gaetz re to Public Corruption. The bill amends the laws relating to public corruption. Specifically, the bill:

- Defines "governmental entity" as an agency or entity of the state, a county, municipality, or
- special district or any other public entity created or authorized by law.
- Defines "public contractor" as any person who has entered into a contract with a
- governmental entity or any officer or employee of a person who has entered into a contract
- with a governmental entity.
- Changes the mens rea element for certain public corruption crimes from "corruptly" to
- "knowingly and intentionally."
- Expands the application of the official misconduct law in s. 838.022, F.S., to public
- contractors.
- Expands the application of the bid tampering law in s. 838.22, F.S., to public contractors who contract to assist a governmental entity in a competitive procurement.

The bill passed the Senate Criminal Justice Committee favorably.

Floor Action - House

HB 241 by Harrell re to Children and Youth Cabinet. The bill expands the total membership of the cabinet to 16 by adding a superintendent of schools who is appointed by the Governor.

The bill passed the full House.

Floor Action - Senate

HB 273 by Beshears re to Public Records. This bill requires a public agency contract for services with a contractor to include a statement in large, boldface font informing the contractor of the contact information of the public agency's custodian of public records (records custodian) and instructing the contractor to contact the agency records custodian concerning any questions the contractor may have regarding the contractor's duties to provide public records relating to the contract.

The bill repeals the requirement that each contract for services require the contractor to transfer its public records to the public agency upon termination of the contract. Instead, the contract must address whether the contractor will retain the public records or transfer the public records to the public agency upon completion of the contract.

The bill requires a request for public records relating to a contract for services to be made directly to the contracting agency. If the agency determines that it does not possess the records, it must immediately notify the contractor and the contractor must provide the records or allow access to the records within a reasonable time. A contractor who fails to provide the records to the agency within a reasonable time may be subject to certain penalties.

The bill provides that if a civil action is filed to compel production of public records, the court must assess and award against the contractor the reasonable costs of enforcement, including attorney fees, if the court determines that a contractor unlawfully refused to comply with the public records request within a reasonable time, and the plaintiff provided written notice of the public records request to the public agency and the contractor. The notice must be sent at least 8 business days before the plaintiff files the civil action.

The bill specifies that a contractor who complies with the public records request within 8 business days after the notice is sent is not liable for the reasonable costs of enforcement.

The bill passed the full Senate.

SB 7002 by Community Affairs re to OGSR/Audit Report and Certain Records by Local Governments. The bill eliminates the scheduled repeal of the current public records exemption for workpapers related to local government audits by an internal auditor and investigations by an inspector general.

The bill passed the full Senate.