

January 15, 2016

MEMORANDUM

TO: District School Superintendents

FROM: Joy Frank
Alex Sarsfield, Legislative Intern
Chesten Goodman, Legislative Intern

RE: Legislative Update – Week of January 11, 2016

General Information

Several superintendents traveled to Tallahassee for the State Board of Education meeting on Wednesday, January 6, 2016. Your attendance and testimony made a difference. The SBE support Commissioner Stewart’s recommendations on school level cut scores and school grade cut points. The superintendents who were present and/or testified included: Barbara Jenkins, Bob Runcie, Mike Grego, Tim Wyrosdick, Kurt Browning, Carlene Anderson, Sam Himmel, Eddie Dixon, Ralph Yoder, Paul Dyal, Al Cooksey, Steve Benton, Joe Taylor and Jackie Pons. I hope I did not leave anyone out!

The Senate K-12 Education Committee, chaired by Senator Legg requested presentations on class size reduction, specifically the provision authorizing calculating class size at the school level for school choice programs and schools. The superintendents that presented included: Malcolm Thomas, Escambia; George Tomy, Marion; Walt Griffin, Seminole; and Kurt Browning, Pasco. Ms. Leslie Brown presented on behalf of Broward County Schools. They defended the current legislative authorization for school choice programs and schools and the class size calculation at the school level. Chair Legg has filed SB 1634 relating to school choice and class size calculation which he indicated would be on the Senate Education K-12 Committee agenda next week. See summary below.

In addition, representatives from several school districts participated in a panel discussion before the House PreK-12 Education Subcommittee on school lock down practices and procedures. Participants included: Paul Abbatinuzzi, St. Johns Public Schools; David Crawford, Baker County Public Schools; John Hunkiar, Leon County Public Schools ; and Lawrence Leon, Palm Beach County Public Schools.

Senate Bills (Committee Action)

SB 1634 by Legg re to School Choice/CSR.

Section 1. Amends s. 1002.31 relating to Controlled Open Enrollment; Public School Parental Choice. Limits compliance for class size at the school level to district innovation schools of choice. Currently, class size is calculated at the school level for all schools or programs that are public schools of choice

Section 2. Amends s. 1002.33 relating to Charter Schools. Limits compliance for class size at the school level to only those charter schools that comply with subsection (29). Subsection (29) is created and provides that in order for the calculation for compliance with class size to be the average at the school level, a charter school must work with its sponsor to include in the charter contract language that:

- Clearly articulates how the charter school distinctly and uniquely defines and provides schoolwide innovation and what the policies are for enrollment in the innovation school of choice.
- Specifies performance metrics, including, but not limited to, trends and targets for students' performance improvement associated with the innovation.
- Requires that the status of the performance metrics be reviewed for compliance every 3 years in order for the calculation for compliance to continue to be at the average at the school level.

Section 3. Amends s. 1002.451 relating to District Innovation School of Choice Technology Program. Changes name of program from "technology" to "choice." Emphasizes innovation. Authorizes a school board to operate more than one innovation schools of choice upon the school's application approval by the State Board of Education. However, the application must specify for each school how the individual innovation school of choice will distinctly comply on a schoolwide basis. Each school identified in the application must be evaluated and approved or denied on an individual basis.

Eliminates caps on the number of innovation schools of choice.

In applying to the SBE for approval, the application for the innovation school of choice must, in addition to existing requirements, articulate how the school distinctly and uniquely defines and provides schoolwide innovation and what the policies are for enrollment in the innovation school of choice and specify student performance metrics.

Deletes language that authorizes the restructuring of the school day or year.

Requires the SBE to review the performance metrics of each innovation school of choice every 3 years.

Section 4. Effective date upon becoming law.

The bill was not discussed at the Senate PreK-12 Committee but Chair Legg indicated that it would be on the agenda next week.

SB 962 by Gaetz re to Vocational Rehabilitation. The bill requires the Division of Vocational Rehabilitation (division) to develop and implement a performance improvement plan to achieve specified goals and annually submit a performance report with specified data.

The bill passed the Senate Higher Education Committee favorably.

SB 984 by Legg re to Education Access and Affordability. The bill modifies requirements related to higher education textbooks and instructional materials affordability and promotes public awareness on higher education costs. Specifically, the bill:

- Expands textbook provisions to include instructional materials.
- Modifies the textbook and instructional materials affordability policies, procedures, and guidelines adopted by the State Board of Education and the Board of Governors for the State University System of Florida to include new issues and specifies reporting requirements regarding textbooks and instructional materials.
- Establishes college affordability provisions to identify strategies and initiatives to reduce the cost of higher education, and specifies annual reporting requirements regarding college affordability.
- Establishes notification requirements to inform students and the public, clearly and specifically, about any upcoming institutional boards of trustees meeting at which a vote will be taken on proposed increases in tuition and fees.

The bill passed the Senate Higher Education Committee favorably as a committee substitute.

SB 990 by Montford re to Bright Futures Scholarship Program. The bill allows a high school graduate who is eligible to accept a Florida Bright Futures Scholarship award to defer the 2-year period for the initial award and the 5-year period for renewal until such time that he or she completes a full-time religious or service obligation lasting at least 18 months. In addition, the bill requires the organization to document in writing and verify the student’s religious obligation or service work.

The bill was temporarily postponed by the Senate Higher Education Committee

The following bills were workshopped and no vote was taken:

SB 726 by Ring re to Career and Adult Education. The bill revises the membership requirements for the State Apprenticeship Advisory Council; revises the requirements for a candidate to take an examination for a high school equivalency diploma after reaching the age of 16; revises the program standards for career, adult, and community education programs; increases the maximum number of authorized CAPE Digital Tool certificates; and creates the Florida Apprenticeship Grant Program to provide grants to certain career centers and Florida College System institutions, etc.

SB 836 by Gaetz re to Rapid Response Education Training Program. The bill establishes the Rapid Response Education and Training Program within the Complete Florida Plus Program; requires the Complete Florida Plus Program to work with Enterprise Florida, Inc., to offer certain education and training commitments to businesses; and requires the Division of Career and Adult Education within the Department of Education to conduct an analysis and assessment of the effectiveness of the education and training programs, etc.

SB 1060 by Legg re to Career and Adult Education. The bill revises the membership requirements for the State Apprenticeship Advisory Council; revises the attributes that characterize apprenticeable occupations; and increases the maximum number of certain CAPE Digital Tool certificates that the Commissioner of Education may recommend be added to the CAPE Industry Certification Funding List, etc.

SB 514 by Richter re to Supervisor of Elections Salaries. The bill addresses the base salaries and group rates used to calculate the salary of Florida's supervisors of elections. The bill makes the base salaries and group rates used to calculate a supervisor's salary the same as the current base salaries and group rates used to calculate the salaries of the clerks of circuit court, property appraisers, and the tax collectors.

The bill passed the Senate Community Affairs Committee favorably as a committee substitute.

SB 7042 by Governmental Oversight and Accountability. The bill establishes the contribution rates paid by employers participating in the Florida Retirement System (FRS) beginning July 1, 2016. These rates are intended to fund the full normal cost and the amortization of the unfunded actuarial liability of the FRS. With these modifications to employer contribution rates, the FRS Trust Fund will receive roughly \$62.6 million more in revenue on an annual basis beginning July 1, 2016. The public employers that will incur these additional costs are state agencies, state universities and colleges, school districts, counties, and certain municipalities and other governmental entities. For school boards additional contributions amount to \$31.1 million.

The bill also increases the assessment paid by employers to pay the costs of administering the FRS investment plan and providing educational services to all members of the FRS. With the increased contribution rates, the State Board of Administration's Administrative Trust Fund will receive roughly \$5.7 million more on an annual basis beginning July 1, 2016. The public employers that will incur these additional costs are state agencies, state universities and colleges, school districts, counties, and certain municipalities and other governmental entities. The additional contributions for school boards are \$2.54 million.

The bill also corrects the name of the trust fund which receives the employer-paid assessments for administrative and educational costs associated with the FRS. The correct name is the Administrative Trust Fund rather than the FRS Investment Plan Trust Fund.

The bill passed the Governmental Oversight and Accountability Committee favorably as a committee bill.

SB 686 by Gaetz re to Government Accountability. The bill is an omnibus government accountability bill. The bill creates a new monthly report required of legislative branch lobbyists to disclose which bills, appropriations, or proposed legislation the lobbyists are seeking to support, oppose, or influence. If a lobbyist fails to file the disclosure within 7 business days of the beginning of the month, a fine is imposed of \$50 per day up to a maximum of \$5,000; which may be waived upon a demonstration of unusual circumstances. The bill prohibits legislators from accepting employment with private entities that directly receive funding through state revenues appropriated by the General Appropriations Act. A member who is employed by such an entity may keep his or her employment, however, there are limitations on advancement, promotions, additional compensation, or anything of value that is given because of his or her position. Additionally, such advancement, promotion, additional compensation, or thing of value may not be inconsistent with that given to any other similarly situated employee. The bill includes changes to Florida's governmental ethics policies including broadening the water management district lobbyist registration provisions to apply to many more special districts, and applying post-

employment lobbying restrictions to certain individuals with Enterprise Florida, its divisions, and the Florida Development Finance Corporation. The bill applies certain ethics standards and post-employment lobbying restrictions to corporations created or housed within the Department of Economic Opportunity that are not currently covered by ethical standards. The bill extends the conflicting contractual relationship ban in s. 112.313(7)(a), F.S., to include contracts held by a business entity in which a public officer or public employee holds a controlling interest in a business entity or are an officer, director, or a member who manages such an entity. The bill also requires that, beginning in 2016, all elected municipal officers must file the more detailed CE Form 6 financial disclosure with their qualifying papers and for each year that they hold office. The bill allows the Commission on Ethics to initiate its own investigations, by super-majority vote, based upon receipt of reliable and publicly disseminated information. The bill amends Florida's criminal provisions relating to Bribery, Misuse of Public Office, Unlawful Compensation or Reward for Official Behavior, Official Misconduct, Bid Tampering to replace the corrupt intent mens rea requirement with the knowingly and intentionally mens rea requirement. The bill also applies those crimes to "public contractors."

The bill also requires local governmental entities to keep their final budgets, and any amendments thereto, on their website for a period of 2 years after adoption.

The bill requires various governmental entities to adopt internal controls to prevent and detect fraud, waste, and abuse.

The bill makes it a first degree misdemeanor to provide prohibited compensation. The bill requires governmental entities to investigate claims of unauthorized compensation and authorizes litigation to enforce the civil penalty and treble damages provisions. Finally, it provides a reward structure and extends Whistle-blower's Protection Act coverage to those reporting prohibited compensation. The bill also makes compensation claims in violation of s. 215.425, F.S., a false claim against the state. Thus, the state would be authorized to sue to recover damages and civil penalties as provided in ss. 68.082 and 68.083, F.S. (The False Claims Act). Additionally, the Department of Financial Services is authorized to file suit under the False Claims Act.

The bill allows the Governor or Commissioner of Education, or their designees, to report that a local governmental entity has failed to comply with applicable auditing, financial reporting, bond issuance notification, bond verification provisions, or failed to disclose a financial emergency or provide information required during a financial emergency. It increases the Single Audit Act threshold from \$500,000 to \$750,000 and allows the Auditor General to review the threshold periodically and make appropriate recommendations to the Legislature. It makes changes to the financial reporting requirements and independent audit requirements. The bill specifies who can serve as members of the auditor selection committees for local governmental entities. It requires the Florida Virtual School to have an independent financial audit each year.

If an audit report of a school district, Florida College System institution, or other institution or agency under the supervision of the State Board of Education and state universities under the supervision of the Board of Governors includes a recommendation that was in the preceding financial audit report, the entity must indicate its intent regarding corrective

action within 60 days after the delivery of the audit report. This response must occur during a regularly scheduled public meeting.

The Governor or the Commissioner of Education must notify the Legislative Auditing Committee of financial emergencies instead of notifying the members of the Legislative Auditing Committee.

Finally, the bill clarifies that members of the public are not required to provide an advance written copy of his or her testimony or comments as a precondition to being given the opportunity to be heard.

The bill passed the Ethics and Elections Committee favorably as a committee substitute. The bill incorporates the substance of SB 582 re to public corruption that was reported unfavorably by the Governmental Oversight and Accountability Committee earlier in the week.

SB 434 by Garcia re to Principal autonomy Pilot Program Initiative. The bill establishes the Principal Autonomy Pilot Program Initiative (PAPPI) within the Department of Education (DOE) to provide a highly effective principal of a participating school with increased autonomy and authority. Schools selected for participation in PAPPI are exempt from the K-20 Education Code and State Board of Education (SBE) rules, with exceptions.

The bill requires the Legislature to provide an appropriation to the DOE for the costs of the pilot program, including \$100,000 to each participating school district for enrollment in the University of Virginia School Turnaround Program and a \$10,000 scholarship for each participating principal for use at his or her school.

The bill passed the Senate Appropriations Subcommittee on Education favorably as a committee substitute.

SB 468 by Ring re to Computer Coding Instruction. The bill adds computer science and technology instruction-related responsibilities for high schools and district school boards, and establishes alternative means to demonstrate foreign language competency. Specifically,

- High schools must provide opportunities for students to substitute two credits in computer coding courses of sufficient rigor, as identified by the Commissioner of Education (Commissioner), and a related industry certification for two credits in sequential foreign language instruction. Such computer coding courses, including the courses taken to earn the related industry certification, must be identified in the Course Code Directory (CCD).
- Each district school board must develop a plan for offering a computer coding curriculum, which must be submitted to the Commissioner, President of the Senate, and Speaker of the House of Representatives by January 1, 2017.

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 passed the Senate Education Appropriations Subcommittee favorably.

SB 372 by Lee re to Administrative Procedures. The bill revises the Administrative Procedure Act, 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 passed the Appropriations Subcommittee on General Government favorably as a committee substitute.

SB 978 by Legg re to Public School Teachers. The bill establishes the Florida Best and Brightest Teacher Scholarship Program.

The issue was workshopped and the bill will be considered next week by the Senate K-12 Education Committee.

SB 520 by Lee re to the Florida Bright Futures Program. The bill modifies the permissible activities in which a student can participate to meet the service work requirements for Florida Bright Futures Scholarship Program awards, allows an eligible student to defer the award while participating in a full-time religious or service obligation, repeals the higher SAT or ACT score requirement for home education students, and creates the Florida Gold Seal CAPE-Vocational Scholars award as an alternative to the current Florida Gold Seal Vocational award.

The bill passed the Senate Fiscal Policy Committee favorably as a committee substitute.

SB 684 by Gaetz re to Choice in Sports. The bill revises student eligibility requirements for participation in interscholastic and intrascholastic extracurricular activities, expands Florida High School Athletic Association (FHSAA) membership options, establishes escalating penalties for recruiting violations, and increases educational choice and controlled open enrollment options.

Specifically, the bill:

- Allows students to be immediately eligible to join an existing team if the activity roster has not reached maximum size and the student has the requisite skills and abilities to participate;
- Prohibits a school district from delaying or preventing student participation in interscholastic and intrascholastic extracurricular activities;
- Establishes escalating penalties for recruiting violations;
- Requires an educator certificate to be revoked for a third recruiting offense in violation of FHSAA bylaws; and

- Expands the scope of controlled open enrollment options available to parents beyond school district boundaries, subject to capacity and maximum class size.

The bill was amended to state that FHSAA must allow a private school the option of maintaining full membership in the association or joining by sport and may not discourage a private school from simultaneously maintaining membership in another athletic association. The FHSAA may allow a public school the option to apply for consideration to join another athletic association.

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

SB 1026 by Simmons re to High School Athletics. The bill modifies the membership provisions, oversight, and related fees required by the governing nonprofit organization of athletics in Florida. Specifically, the bill:

- Allows member schools to join the Florida High School Athletic Association (FHSAA) on a per-sport basis;
- Authorizes the commissioner to identify the other associations that govern interscholastic athletic competition in compliance with law, of which the FHSAA may not unreasonably withhold membership of such associations to become affiliate members of the National Federation of State High School Associations; and
- Prohibits the FHSAA special event fees, sanctioning fees, third party sanctioning fees, or contest receipts collected annually by the FHSAA from exceeding the actual cost of performing the function that is the basis of the fee.

The bill was amended in committee to require the FHSAA to provide a process for the resolution of student eligibility disputes which includes the opportunity to use an informal conference procedure.

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

SB 7030 by Governmental Oversight and Accountability re to Competitive Solicitation or Negotiation Strategies. The bill continues the public records and public meetings exemptions for competitive solicitations used by governmental entities by removing the October 2, 2016, repeal date in each law.

The bill passed the Rules Committee favorably.

SB 7002 by Community Affairs Committee re to Audit Report and Certain Local Government Records. 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. As a result, the covered records will remain confidential and exempt from disclosure until the audit or investigation is complete or no longer active.

The bill passed the Governmental Oversight and Accountability Committee favorably.

House Bills (Committee Action)

HB 791 by Ingoglia re to Local Tax Referenda. The Florida Constitution preempts all forms of taxation, except for ad valorem taxes on real estate and tangible personal property, to the state unless otherwise provided by general law. Section 212.055, F.S. provides counties limited authority to levy discretionary sales surtaxes for specific purposes on transactions subject to state sales tax. Discretionary sales surtaxes are generally subject to approval by a majority of the qualified electors in a referendum.

The bill requires any referendum to levy a discretionary sales surtax to be held on the day of the general election and approved by 60 percent of electors voting. The bill also prohibits a county or school district from spending funds to promote a surtax referendum, except for funds specifically appropriated for that purpose.

Forty-six counties and fifteen school districts across the state levy at least one local discretionary sales surtax. These surtaxes are estimated to generate \$2.15 billion in revenue during fiscal year 2015-16.

The bill was amended in committee to delay the effective date until July 1, 2017.

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

HB 31 by Spano re to High School Athletics. The bill clarifies that the FHSAA is the designated voting association for purposes of membership in the National Federation of State High School Associations (NFSHA). The bill increases accountability over the FHSAA by providing that special event fees, sanctioning fees, and contest receipts annually collected by the FHSAA may not exceed the actual cost of performing the function that is the basis of the fee. In addition, the FHSAA must provide spectators seeking admission to interscholastic athletic competitions the option of purchasing a single-day pass or a multiple-day pass at a cost that is less than the per-event cost for the same number of contests. The bill also requires that pre-participation physical evaluation forms contain information that advises students to complete a cardiovascular assessment that includes an electrocardiogram.

The bill also allows member schools to participate in the FHSAA on a per sport basis and prohibits the FHSAA from subjecting non-members to retributory or discriminatory treatment.

The bill passed the full House Education Committee favorably as a committee substitute.

HB 117 by Beshears re to Education Funding. The Florida Education Finance Program (FEFP) is the primary mechanism for funding the operating costs of Florida school districts and is the foundation for financing Florida's K-12 educational programs. The FEFP recognizes the relatively higher operating cost of smaller districts due to sparse student populations through a statutory formula in which the variable factor is a sparsity index. This index is computed by dividing the full-time equivalent (FTE) of the district by the number of permanent senior high school centers. For districts with FTE student memberships between 20,000 and 24,000, the maximum number of high school centers for eligibility is four. The maximum number of high school centers is reduced to three for

districts with fewer than 20,000 FTE students. There are four adjustments to the initial sparsity computation, including a wealth adjustment.

The bill exempts a school district with a student population of 2,000 or less from receiving a sparsity wealth adjustment.

The bill passed the full House Education Committee favorably.

HB 119 by Bileca re to Educational Facilities. The bill authorizes a district school board to adopt a resolution to implement an exception to one or more of the following SREF requirements regarding:

- Use of wood studs in interior nonload-bearing walls;
- Paved walkways, roadways, driveways, and parking areas;
- Covered walkways for relocatable buildings; and
- Site lighting.

The resolution must pass by a supermajority vote at a public meeting that begins no earlier than 5 p.m. Before voting on the resolution, a district school board must conduct a cost-benefit analysis prepared according to a professionally accepted methodology that describes how each exception selected by the district school board:

- Achieves cost savings;
- Improves the efficient use of school district resources; and
- Impacts the life-cycle costs and life span for each educational facility to be constructed.

The cost-benefit analysis must also demonstrate that implementation of the exception will not compromise student safety or the quality of student instruction. The district school board must conduct at least one public workshop to discuss and receive public comment on the proposed resolution and cost-benefit analysis, which must begin no earlier than 5 p.m. and may occur at the same meeting at which the resolution will be voted upon.

The bill passed the full House Education Committee and is now on the Calendar, 2nd Reading.

HB 149 by Moraitis re to Maximum Class Size. The bill removes the exemptions for class size requirements and maintains class size compliance for each classroom but revises the method for calculating the penalty to be at the school average for any school that fails to comply with class size requirements. The bill also modifies the allowable uses of class size reduction operating categorical funds for schools not in compliance. The bill also repeals an increase in the penalty scheduled to begin in FY 2014-2015 and thereafter.

The bill passed the full House Education Committee and is now on the Calendar, 2nd Reading.

HB 189 by Diaz re to Teacher Certification. The bill states that temporary certificate holders with a master's degree or higher in STEM fields, even if rated highly effective, must still complete at least 15 hours of additional coursework within three years to earn a professional certificate. To make a professional certificate more attainable for individuals with expertise in STEM fields, the bill allows an individual

to earn a professional certificate for grades 6 through 12 in a STEM subject without having to complete additional coursework if the individual:

- Meets the general certification requirements;
- Holds a master's or higher degree in the area of science, technology, engineering, or mathematics;
- Passes the subject area examination for the correlating certificate;
- Passes the professional education competency examination required by state board rule;
- Teaches a high school course in the subject of the advanced degree; and
- Is rated highly effective under the school district's performance evaluation system, based in part on student performance as measured by a statewide standardized assessment or an Advanced Placement, Advanced International Certificate of Education, or International Baccalaureate examination.

The bill passed the full House Education Committee and is now on the Calendar, 2nd Reading.

HB 585 by Burgess re to Instruction for Homebound and Hospitalized Students. Current law does not provide minimum requirements for initiating instructional services for homebound or hospitalized students who are determined to be eligible under State Board of Education rule.

Accordingly, the bill provides the state board express rulemaking authority regarding instruction for homebound and hospitalized students and clarifies that districts must provide instruction to eligible students in accordance with state board rule.

The bill passed the full House Education Committee and is now on the Calendar, 2nd Reading.

HB 7017 by Higher Education & Workforce Subcommittee re to Career and Adult Education. The bill:

- Revises the definition of applied technology diploma to convert clock hour credit to college credit.
- Establishes fees for applied technology diploma programs offered by public school districts commensurate with fees for college credit programs at Florida College System institutions.
- Revises the standards for career, adult, and community education programs and provides rule-making authority for the State Board of Education to make rules regarding accountability for career education.
- Adds the Chancellor for Career and Adult Education to the membership of the Higher Education Coordinating Council.
- Increases the number of CAPE Digital Tool Certificates that can be included on the CAPE Industry Certification Funding List from 15 to 30.
- Requires career centers and charter technical career centers to develop a procedure for appeals of grievances related to student financial aid.
- Requires more accurate financial reporting for workforce education programs.
- Promotes apprenticeship programs by creating the Florida Apprenticeship Grant (FLAG) Program to expand existing and establish new apprenticeship programs,

updating terminology, revising membership on the State Apprenticeship Advisory Council, and clarifying language relating to industry standards.

- Establishes the Rapid Response Grant Program to provide a competitive grant process for the expansion or implementation of high-demand postsecondary programs at career centers or charter technical career centers.
- Requires each school district and Florida College System institution that offers an adult education program to provide at least one online option that enables students to earn a standard high school diploma or its equivalent.
- Allows a candidate to take the high school equivalency examination after reaching the age of 16 if a formal declaration of intent to terminate school enrollment is filed with the school district; and
- Corrects an incorrect reference to developmental education which is not offered by adult education programs.

The bill passed the full House Education Committee and is now on the Calendar, 2nd Reading.

HB 793 by O'Toole re to Florida Bright Futures Scholarship Program. The bill modifies the initial eligibility period for the Florida Bright Futures Scholarship Program for students who are unable to accept an award due to full-time religious or service obligations lasting at least 18 months. Eligible students can defer the 2-year initial award period and the 5-year renewal period until the student completes the religious or service obligation. The organization sponsoring the full-time religious or service obligation must be a federal government service organization or satisfy the Internal Revenue Code's requirements for nonprofit status.

The bill also modifies student community service work requirements for eligibility for the Florida Bright Futures Scholarship Program awards, including Florida Academic Scholars (FAS), Florida Medallion Scholars (FMS), and the Florida Gold Seal Vocational Scholars (FGSVS) awards.

The number of community service hours required for each Bright Futures award remains unchanged, however the requirements for community service are revised by:

- Clarifying that community service work must be volunteer work and prohibits any student from receiving remuneration or academic credit for such work;
- Expanding volunteer service work areas to include a civic issue or a professional area of interest;
- Providing that volunteer work may include, but not be limited to, a business or government internship, employment with a nonprofit community service organization, or activity on behalf of a candidate for public office; and
- Establishing accountability requirements for student volunteer work that includes documentation in writing by the student, the student's parent, and a representative of the organization for which the student worked.

The bill also eliminates references to outdated eligibility requirements for the FAS and FMS awards, and removes the differentiated standardized test score requirement for home education students whose parents cannot document a college-preparatory curriculum.

The bill passed the Higher Education & Workforce Subcommittee favorably.

HB 719 by Spano re to Educational Personnel. The bill revises several provisions related to education personnel. With respect to educator discipline, the bill:

- Revises the membership of the Education Practices Commission to include membership opportunities for school administrators employed by virtual schools; former charter school governing board members; and former district school superintendents, assistant superintendents, or deputy superintendents.
- Requires all commission members to be Florida residents and authorizes the appointment of emeritus members.
- Authorizes the Commissioner of Education to issue a letter of guidance to a certified educator upon finding that probable cause to prosecute a complaint does not exist.
- Authorizes the Department of Children and Families to disclose child abandonment, abuse, or neglect records to Department of Education (DOE) employees who investigate or prosecute misconduct by certified educators.

In addition, the bill eliminates the July 1, 2016, expiration date for the educator liability insurance program, which provides liability coverage for all full-time public school instructional personnel. The bill also prohibits postsecondary educational institutions and school districts from requiring a student participating in a clinical field experience to purchase liability insurance as a condition of participation.

With respect to teacher recruitment, 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 provides standards for approval of school leader preparation programs.

The bill passed the House K-12 Education Subcommittee favorably as a committee substitute.

HB 953 by Eisnagle re to Legislative Reauthorization of Agency Rulemaking Authority. The bill proposes to suspend any rulemaking authorized by law three years after the effective date of the authority. Rulemaking authority in force upon the bill's effective date will be suspended on July 1, 2019, unless re-authorized. If rulemaking is not reauthorized by general law prior to the suspension, rulemaking authority is suspended until reauthorized. The bill makes exceptions for emergency rules and rules necessary to maintain the financial or legal integrity of any financial obligation of the state or its agencies or political subdivisions.

The bill allows the Governor to issue a declaration of necessity, delaying any suspension for 90 days to allow the Legislature to convene and reauthorize necessary rulemaking. It also allows rulemaking proceedings to be undertaken pursuant to ch. 120, but delaying the effect of any rules until a suspension ends.

The bill passed the House K-12 Education Subcommittee favorably as a committee substitute.

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 which 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 Choice & Innovation Subcommittee favorably.

HB 165 by Artiles re to Selection and Duties of County Officers. The bill proposes to amend the State Constitution by removing the authority to alter the manner of selecting certain county officers and limiting the ability to abolish a county office and transfer all duties prescribed by general law to another office, either by charter counties or by special law approved by the county electors. As a result, the offices of sheriff, property appraiser, supervisor of elections, tax collector, and clerk of the circuit court would be filled only by vote of the county electors and for terms of four years. One or more of these county offices could be abolished and its duties transferred to another office only by special law approved by the county voters. As proposed in the joint resolution, the clerk of the circuit court would be the ex officio clerk of the board of county commissioners, auditor, recorder, and custodian of county funds unless otherwise provided by special law approved by the county voters.

Each house of the Legislature must pass a joint resolution by a three-fifths vote in order for the proposal to be placed on the ballot. CS/HJR 165 provides for the proposed constitutional amendment to be submitted to the electors of Florida for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose.

The bill passed the Judiciary Committee favorably.

HB 181 by Van Zant re to Public Works Projects. Contracts for construction services that are projected to cost more than a specified threshold must be competitively awarded. Specifically, state contracts for construction projects that are projected to cost in excess of \$200,000 must be competitively bid. Counties, municipalities, special districts, or other political subdivisions seeking to construct or improve a public building must competitively bid the project if the estimated cost is in excess of \$300,000. The solicitation of competitive bids or proposals must be publicly advertised in the Florida Administrative Register.

The bill creates s. 255.0992, F.S., relating to public works projects. The bill defines the terms "political subdivision" and "public works project." It prohibits the state or a political

subdivision, except when required by state or federal law, from requiring a contractor, subcontractor, or material supplier or carrier engaged in the public works project to:

- Pay employees a predetermined amount of wages or prescribe any wage rate;
- Provide employees a specified type, amount, or rate of employee benefits;
- Control, limit, or expand staffing; or
- Recruit, train, or hire employees from a designated, restricted, or single source.

Department of Transportation contracts executed under chapter 337, F.S., are excluded from this bill.

In addition, the bill provides that the state or a political subdivision that contracts for a public works project may not prohibit a contractor, subcontractor, or material supplier or carrier from submitting a bid on the project or being awarded the relevant contract if such individual is otherwise qualified to do the work described.

The bill passed the State Affairs Committee favorably as a committee substitute.

HB 183 by Adkins re to Administrative Procedures. The Administrative Procedure Act (APA) provides uniform procedures for the exercise of specified administrative authority. The bill amends provisions of the APA to enhance the opportunities for substantially affected parties to challenge rules. These changes include, but are not limited to:

- Revising rulemaking procedures based on petitions to initiate rulemaking alleging an unadopted rule;
- Expanding the listing of information that must be published on the Florida Administrative Register to include rules filed for adoption in the previous seven days and a listing of all rules filed for adoption but awaiting legislative ratification;
- Revising the pleading requirements and burden of going forward with evidence in challenges to proposed and unadopted rules;
- Clarifying which rule validity decisions may be appealed; and
- Requiring agencies to identify and certify all of the rules the violation of which would be a minor violation.

The bill passed the House State Affairs Committee favorably and is now on the Calendar; 2nd Reading.

HB 229 by Geller re to Bullying and Harassment Policies in Schools. The bill revises current law by requiring each district school board to review its anti-bullying and harassment policy every three years. The policy review must involve students, parents, teachers, administrators and other community stakeholders. Each district school board must also authorize a list of prevention programs that provide instruction to community stakeholders on how to identify and respond to bullying or harassment. The bill also clarifies that there must be a procedure for receiving reports of alleged acts of bullying and harassment.

The bill makes each school principal responsible for implementing the district school board's bullying and harassment policy, prevention programs, and reporting procedures.

The bill passed the House Education Appropriations Subcommittee favorably.

HB 443 by Plascencia re to Advanced International Certificate of Education Funding.

Florida law provides additional funding for schools with students who earn qualifying scores on Advanced Placement (AP), International Baccalaureate (IB), or Advanced International Certificate of Education (AICE) examinations. In addition, teachers who teach AP, IB, or AICE courses must receive bonuses based on the number of their students who earn qualifying scores on these examinations. However, the provisions related to weighted funding and teacher bonuses for AICE programs, which are capped at \$2,000 per teacher, are not consistent with certain AP and IB programs, which are capped at \$3,000 per teacher. Under the bill, school districts may be required to allocate a greater percentage of funds generated by AICE programs for teacher bonuses. This may reduce the funds available to the school district for other authorized expenditures for day to day operations.

The bill:

- Requires school districts to allocate 80 percent of the additional AICE funds to the school program whose students generate the funds, which is currently required for the IB and AP bonus funds;
- Establishes restrictions on how the funds may be spent;
- Requires the remaining 20 percent of the AICE funds to be used for programs that assist academically disadvantaged students to prepare for more rigorous courses; and
- Increases the maximum AICE teacher bonus to \$3,000, which is consistent with the AP and IB teacher bonus.

The bill passed the Houses Education Appropriations Subcommittee favorably.

HB 981 by Richardson re to Administrative Procedures. A Statement of Estimated Regulatory Cost (SERC) must be prepared during promulgation of agency rules that are expected to affect small business or have a significant economic impact. The bill revises the requirements for preparing a SERC to clarify for administrative agencies the time frame in which costs are to be evaluated for decision makers and affected constituencies to understand the economic and policy impacts of proposed rules. The bill creates a new s. 120.541(5), F.S., clarifying the time frame of impacts and costs that agencies must evaluate when preparing a SERC to include provisions that may not be implemented until 5 years or longer after implementation of the rule.

The bill passed the House Rulemaking Oversight & Repeal Subcommittee favorably.

HB 241 by Harrell re to Children and Youth Cabinet. The Florida Children and Youth Cabinet consists of the Governor and 14 other members. 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 House Health & Human Services Committee favorably.

HB 4013 by Diaz re to Blended Learning Courses. Schools districts are authorized to provide blended learning courses that include both traditional classroom instruction and online instruction techniques. However, the law requires that students in a blended learning course must receive the online instruction in a

classroom setting at the school. The bill removes the requirement that online instruction must occur in a classroom setting at a school, expanding the blended learning models available to districts.

The bill passed the House Education Appropriations Subcommittee favorably.

HB 7029 by Choice & Innovation Subcommittee re to School Choice. The bill creates the Florida Institute for Charter School Innovation to provide technical assistance and support to charter school applicants and sponsors; conduct research on policy and practice related to charter school authorizing, accountability, instructional practices, finance, management, and operations; approve replication of high-performing charter schools to contract with district school boards and provide opportunities for aspiring teachers to experience teaching in schools of choice.

The bill:

- Clarifies that a sponsor shall consider a charter school applicant's, governing board member's, and any education services provider's past performance operating charter schools when deciding to approve or deny an application.
- Authorizes a charter school that has been granted a charter to defer opening for up to two years to conduct facilities planning.
- Requires charter schools to begin submitting monthly financial statements upon approval of the charter contract to enable the sponsor to begin monitoring the school's financial health earlier in time.
- Clarifies that charter schools that earn two consecutive grades of "F" are automatically terminated.
- Removes the limit on replication of high-performing charter schools if the charter school is created to serve high-need areas or school district needs.
- Prohibits a charter school with financial emergency conditions noted in its most recent annual audit from receiving capital outlay funding.
- Creates a High-Impact Charter Network status for charter operators serving educationally disadvantaged students, defining eligibility criteria, and providing incentives for qualifying operators.
- Authorizes a high-performing charter school to submit an application to replicate its school to the Florida Institute for Charter School Innovation.

The bill revises charter school funding provisions to:

- Clarify that charter schools do not have to adopt the school district's research-based reading plan in order to receive the research-based reading allocation.
- Specify the amount and distribution of Florida Education Finance Program (FEFP) funds based on projected and actual enrollment in a charter school.
- Authorize a nonprofit organization or municipality that operates a charter school to use unrestricted surplus or unrestricted net assets for K-12 educational purposes for other schools they operate in the district.
- Prohibit the sponsor from delaying payments to charter schools based upon the timing of receipt of local funds.

In addition, the bill removes the statutory eligibility requirements for enrollment in public K-12 virtual education, which currently limit virtual education options available to certain students who did not attend public school in the previous school year. The bill also revises

criteria triggering automatic termination of a state-approved virtual instruction provider's contract and removal from the list of state approved providers.

The bill passed the House Education Appropriations Subcommittee favorably.

HB 7039 by Education Committee re to Extracurricular Activities. The Florida High School Athletic Association (FHSAA) governs high school athletics in grades 6 through 12. The bill:

- Provides that special event fees, sanctioning fees, and gate receipts annually collected by FHSAA must reflect its actual cost in performing the function that is the basis of the fee;
- Requires admission prices based upon the day, multiple-days or per-event basis;
- Requires FHSAA to provide for resolution of eligibility disputes through an informal conference procedure, including waiver of its bylaws, and neutral third party review;
- Prohibits a student from being declared ineligible until the neutral third party review is completed;
- Requires eligibility proceedings to be conducted in the county where the student resides;
- Establishes escalating penalties for recruiting; and
- Allows member schools to participate in FHSAA on a per-sport basis.

The bill authorizes any public school student, home education student, or student enrolled in an unaffiliated private school to participate in extracurricular activities offered by a school if the activity is not offered by the student's school or program. All students participating under these provisions must meet established academic and conduct standards. Regarding participation in interscholastic athletics, students enrolled in an unaffiliated private school, home education, full-time public virtual education, or any public school that does not offer any athletic programs may participate only at the public school where the student is first registered. The parent of a student participating under these provisions is responsible for transporting the student to and from the public school.

Additionally, the bill limits the reasons a student may be declared ineligible for interscholastic athletics and prohibits school boards and private schools from establishing transfer eligibility policies that are more stringent than the policies established by FHSAA or that treat transfers by student athletes differently than transfers by other students.

The bill passed the full House Education Appropriations Subcommittee and is now on the House Calendar; 2nd Reading.

Senate Floor Action

SB 672 by Gaetz re to Educational Options. – See below.

SB 7010 by Governmental Oversight and Accountability. – See below.

House Floor Action

HB 7003 by State Affairs Committee re to Individuals with Disabilities. The bill addresses the employment and economic independence of individuals with disabilities. Specifically, the bill:

- Creates the Financial Literacy Program for Individuals with Developmental Disabilities within the Department of Financial Services (DFS) to provide information and outreach to individuals and employers;
- Modifies the state's equal employment policy to provide enhanced executive agency employment opportunities for individuals who have a disability;
- Creates the Employment First Act requiring an interagency cooperative agreement among specified state agencies and organizations to ensure a long-term commitment to improve employment for individuals who have a disability; and
- Creates the Florida Unique Abilities Partner program to recognize businesses that employ or support the independence of individuals who have a disability.

The bill was substituted for SB 7010 which had passed the Senate. The Senate bill passed the full House and was immediately certified to the Governor for action.

HB 7011 by Education Appropriations Subcommittee re to Educational Options. The bill incorporates into the Florida Statutes on July 1, 2016, and modifies educational choice program provisions affected by the 2015-2016 General Appropriations Act and Implementing Bill in four policy areas.

The bill establishes mechanisms for the approval of unique postsecondary education programs tailored to the needs of students with intellectual disabilities and the statewide coordination of information about programs for students with disabilities. Specifically, the bill includes two key components:

- A process through which postsecondary institutions in Florida can voluntarily seek approval to offer a Florida Postsecondary Comprehensive Transition Program (FPCTP) for students with intellectual disabilities; and
- A Florida Center for Students with Unique Abilities (statewide coordinating center) for statewide coordination of information regarding programs and services for students with disabilities and their parents.

The bill awards incentive payments to school districts and charter schools that implement districtwide or schoolwide, standard student attire policies applicable to students in kindergarten through grade 8. Each school district or charter school qualifies for a minimum award of \$10 per student if it implements a policy that:

- Prohibits certain types or styles of clothing, while requiring solid-colored clothing and fabrics and short- or long-sleeved shirts with collars; and
- Allows reasonable accommodations based on a student's religion, disability, or medical condition.

The bill amends a number of provisions of the Florida Personal Learning Scholarship Account (PLSA) program. The provisions increase student access, tighten accountability, and streamline administration.

The bill amends provisions for the Florida Tax Credit (FTC) scholarship program.

The bill appropriates a total of \$95.3 million in recurring funds from the General Revenue Fund in Fiscal Year 2016-2017. \$73.3 million is appropriated for the PLSA program and \$14 million is appropriated for the Standard Student Attire Incentive program. A total of \$8 million is appropriated for FPCTP, including \$1.5 million for the statewide coordinating center, \$3 million for startup and enhancement grants, and \$3.5 million for FPCTP scholarships.

The bill was substituted for SB 672 which has passed the full Senate. The Senate bill then passed the full House and was immediately certified to the Governor for action.