

FLORIDA SCHOOL BOARDS ASSOCIATION



2016 LEGISLATIVE SESSION SUMMARY

Part II: Education Legislation

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SB 86 – Scrutinized Companies

By Sen. Negron (*HB 527 by Rep. Workman*)

AMENDS: Section 287.135, F.S.

CREATES: Section 215.4725, F.S.

EFFECTIVE: Upon becoming a law except as otherwise expressly provided

The bill creates s. 215.4725, F.S., relating to prohibited investments by the State Board of Administration (SBA). The bill requires the SBA to identify all companies that are boycotting Israel or are engaged in a boycott of Israel in which the public fund owns direct or indirect holdings by August 1, 2016. Based on this identification, the SBA is required to create and maintain the “Scrutinized Companies that Boycott Israel List” (List) that names all such companies and to make this List available to the public and other specified individuals and entities on a quarterly basis. The bill establishes requirements and prohibitions for the SBA with respect to the investment of public funds under the control of the SBA.

Of particular interest to school boards, the bill amends s. 287.135, F.S., to expand the existing prohibitions against contracting with scrutinized companies to include companies on the Scrutinized Companies that Boycott Israel List. The bill provides that a company is ineligible to, and may not, bid on, submit a proposal for, or enter into or renew a contract with an agency or local governmental entity for goods or services of \$1 million or more if, at the time of bidding or submitting a proposal for a new contract or renewal of an existing contract, the company is on the List. In addition, the bill requires that any contract with an agency or local governmental entity for goods or services of \$1 million or more entered into or renewed on or after October 1, 2016, must contain a provision that allows for the termination of such contract at the option of the awarding body if the company is placed on the List. The bill also requires certification by a company that the company is not participating in a boycott of Israel upon submission of bid or renewal of existing contract. A case-by-case exception is provided to state agencies and local governmental entities for contracting with companies on the List under certain specified circumstances, including a circumstance in which the agency or local governmental entity determines that it is in the best interest of the state or local community to contract with the company. The changes to this section of law take effect October 1, 2016.

SB 124 – Public Procurement Practices

By Sen. Evers (*HB 95 by Rep. Steube*)

AMENDS: Section 287.05712, F.S.

CREATES: Section 255.065, F.S.

EFFECTIVE: July 1, 2016

The bill transfers the provisions of s. 287.05712, F.S., and renumbers it as s. 255.065, F.S., relating to Public Private Partnerships. The bill amends this new section of law to incorporate many of the recommendations of the Partnership for Public Facilities and Infrastructure Act Guidelines Task Force. The bill revises the definition of a “responsible public entity” authorized to conduct public-private partnerships to include special districts and school districts (rather than “school boards”).

The bill revises procurement procedures with regard to an unsolicited proposal to provide that a private entity that submits an unsolicited proposal must concurrently pay an initial application fee, as determined by the responsible public entity. If the initial application fee does not cover the responsible public entity’s costs to evaluate the unsolicited proposal, the responsible public entity must request the additional amounts required and the private entity must pay the additional amount within 30 days. The responsible public entity may stop its review of the unsolicited proposal if the private entity fails to pay the additional amount. If the responsible public entity does not evaluate the unsolicited proposal, the responsible public entity must return the application fee.

If the responsible public entity chooses to evaluate an unsolicited proposal involving architecture, engineering or landscape architecture, it must ensure a professional review and evaluation of the design and construction proposed by the initial or subsequent proposers to assure material quality standards, interior space utilization, budget estimates, design and construction schedules and sustainable design and construction standards consistent with public projects. Such review must be performed by an architect, a landscape architect or an engineer licensed in this state qualified to perform the review and such professional must advise the responsible public entity through completion of the design and construction of the project.

The bill provides that, if the responsible public entity receives an unsolicited proposal for a qualifying project and the responsible public entity intends to enter into a comprehensive agreement for the project, the responsible public entity must publish notice in the Florida Administrative Register and a newspaper of general circulation at least once a week for 2 weeks stating that the responsible public entity has received a proposal and will accept other proposals for the same project. Upon a majority vote to allow it, the responsible public entity may alter the timeframe for accepting proposals to more adequately suit the needs of the qualifying project.

The bill provides that, if the solicited qualifying project includes design work, the solicitation must include a design criteria package prepared by an architect, a landscape architect, or an engineer licensed in this state which is sufficient to allow private entities to prepare a bid or a response. The design criteria package must specify reasonably specific criteria for the qualifying project such as the legal description of the site, with survey information; interior space requirements; material quality standards; schematic layouts and conceptual design criteria for the qualifying project; cost or budget estimates; design and construction schedules; and site development and utility requirements. The licensed design professional who prepares the design criteria package must be retained to serve the responsible public entity through completion of the design and construction of the project.

The bill revises provisions relating to the project qualification and process to provide that the private entity, or the applicable party or parties of the private entity's team, must meet the minimum standards contained in the responsible public entity's guidelines for qualifying professional services and contracts for traditional procurement projects. The bill deletes requirements for notification to affected local jurisdictions. The bill also revises provisions relating to financing of qualified projects to specify that a financing agreement may not require the responsible public entity to indemnify the financing source, subject the responsible public entity's facility to liens in violation of s. 11.066(5), F.S., or secure financing of the responsible public entity by a mortgage on, or security interest in, the real or tangible personal property of the responsible public entity in a manner that could result in the loss of the fee ownership of the property by the responsible public entity, and any such provision is void.

The bill specifies that this section of law provides an alternative method and does not limit a county, municipality, special district, or other political subdivision of the state in the procurement or operation of a qualifying project pursuant to other statutory or constitutional authority.

[NOTE: SB 124 is linked to [SB 126](#) which provides an exemption from public records requirements for a specified period for unsolicited proposals received by a responsible public entity, provides an exemption from public meetings requirements for a specified period for any portion of a meeting of a responsible public entity during which exempt proposals are discussed, requires that a recording be made of the closed meeting, and provides an exemption from public records requirements for a specified period for the recording of, and any records generated during, a closed meeting.]

HB 183 – Administrative Procedures

By Rep. Adkins (SB 372 by Sen. Lee)

AMENDS: Sections 120.54, 120.55, 120.56, 120.57, 120.68, 120.695, 403.8141, F.S.

EFFECTIVE: July 1, 2016

The bill revises several sections of the Administrative Procedure Act (APA), which governs agency rulemaking and decision making. Among the more significant changes, the bill amends s. 120.54, F.S., relating to rulemaking to revise timelines and requirements for agency rulemaking. In general, this requires that an agency commence rulemaking activities within specified time frames or provide notice for why rulemaking has not commenced. Overall, an agency commence and complete rulemaking activities within 180 days after it holds a public hearing on a petition to initiate rulemaking activities on an unadopted rule.

The bill amends s. 120.55, F.S., relating to publication to provide that the Florida Administrative Register (FAR) contain all notices for rule development, workshops, and adoption procedures to show the text of such rules proposed for consideration. In addition, the bill requires the email notifications to the agency's licensees and other interested persons.

The bill amends s. 120.56, F.S., relating to rule challenges to provide that a petition challenging the validity of a proposed or adopted rule must state the particular provisions alleged to be invalid. In addition, the petition must clearly show, by a preponderance of evidence, that the petitioner is, or would be, substantially affected.

In addition, the bill requires agencies to review their rules to identify rules for which a violation would constitute a minor violation and for which a notice of noncompliance will be the first enforcement action. The bill also makes the APA's summary hearing procedures applicable to challenges to proposed regulatory permits related to special events, such as a boat show, on sovereign submerged land.

HB 189 – Teacher Certification

By Rep. Diaz (SB 432 by Sen. Hutson)

AMENDS: Section 1012.56, F.S.

EFFECTIVE: July 1, 2016

The bill amends s. 1012.56, F.S., to establish an alternative pathway for certain individuals holding a temporary educator certificate to earn a professional educator certificate. The bill provides that the Department of Education will issue a professional certificate covering grades 6 through 12 to any applicant holding a Florida temporary educator certificate who:

- Meets the existing requirements to be eligible to seek certification except the requirement to demonstrate mastery of professional preparation and education competence.
- Holds a master's or higher degree in the area of science, technology, engineering, or mathematics.
- Teaches a high school course in the subject of the advanced degree.
- Is rated highly effective as determined by the teacher's performance evaluation under s. 1012.34, F.S., 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.
- Achieves a passing score on the Florida professional education competency examination required by state board rule.

HB 229 – Bullying and Harassment Policies in Schools

By Rep. Geller (*SB 268 by Sen. Ring*)

AMENDS: Section 1006.147, F.S.

CREATES: An unnumbered section of Florida Statutes

EFFECTIVE: July 1, 2016

The bill amends s. 1006.147, F.S., relating to bullying and harassment to provide that, at least every three years, each school district must review its policy prohibiting bullying and harassment of a student or employee of a public K-12 educational institution. The bill specifies that the school district policy must be implemented by each school principal in a manner that is ongoing throughout the school year and the policy must be integrated with the a school's curriculum, bullying prevention and intervention program, a school's discipline policies, and other violence prevention efforts. The bill makes changes to some of the components that must be included in the school district policy regarding bullying and harassment that may require revisions to the district's existing policy. The bill also revises reporting requirements in the policy to require that the district policy must include a procedure for receiving reports of an alleged act (rather than a procedure for "reporting an act") of bullying or harassment. In addition, the bill provides that the policy must include a "list of programs authorized by the school district that provide" (rather than "procedure for providing") instruction to students, parents, teachers, school administrators, counseling staff, and school volunteers on identifying, preventing, and responding to bullying or harassment.

The bill creates an unnumbered section of Florida Statutes to provide that chapter 2010-217, L.O.F., codified as s. 1006.148, F.S., relating to school district policies on dating violence and abuse, may be cited as "Taylor's [sic] Law for Teen Dating Violence Awareness and Prevention."

SB 230 – Missing Persons with Special Needs

By Sen. Dean (*HB 11 by Rep. Porter*)

CREATES: Section 937.041, F.S. and an unnumbered section of Florida Statutes

EFFECTIVE: July 1, 2016

The bill creates s. 937.041, F.S., relating to missing persons with special needs pilot projects. The bill establishes pilot projects in seven counties to provide personal devices to aid search-and-rescue efforts for persons with special needs in the case of elopement (wandering). The bill creates a pilot project – to be known as "Project Leo" – in Alachua, Baker, Columbia, Hamilton, and Suwannee Counties. Participants for this pilot project will be selected based on criteria developed by the Center for Autism and Related Disabilities at the University of Florida. The pilot project in Palm Beach County will have participants selected based on criteria developed by the Center for Autism and Related Disabilities at Florida Atlantic University. The pilot project in Hillsborough County will have participants selected based on criteria developed by the Center for Autism and Related Disabilities at the University of South Florida.

The bill provides that criteria for participation in the pilot projects must include, at a minimum, the person's risk of elopement. Qualifying participants must be selected on a first-come, first-served basis and participation in each project is voluntary and free of charge to participants. Participants will receive personal devices to aid search-and-rescue efforts which are attachable to clothing or otherwise worn. These devices will be provided by each center to the county sheriff's offices in the participating counties. The centers must fund any costs associated with monitoring the devices.

The bill provides that each center must submit a preliminary report by December 1, 2016, and a final report by December 15, 2017, to the Governor and legislative leaders. The bill specifies information that must be included in the reports and specifies that each final report must provide recommendations for modification or continued implementation of the project. The bill requires each project to operate to the extent of available funding within the respective center's existing resources but earmarks allocations to each center for the purchase of the personal devices.

HB 241 – Children & Youth Cabinet

By Rep. Harrell (*SB 500 by Sen. Montford*)

AMENDS: Section 402.56, F.S.

EFFECTIVE: July 1, 2016

The bill amends s. 402.56, F.S., relating to the Children & Youth Cabinet to revise and expand the membership. The bill changes the title of one of the current members from “the director of the Office of Child Abuse Prevention” to “the director of the Office of Adoption and Child Protection” to conform with current law and names an additional member to be a superintendent of schools to be appointed by the Governor.

HB 249 – Culinary Education Programs

By Rep. Moskowitz (*SB 706 by Sen. Altman*)

AMENDS: Sections 381.072, 509.013, 561.20, F.S.

EFFECTIVE: July 1, 2016

The bill amends s. 381.0072, F.S., relating to food service protection to provide for the applicability of Department of Health sanitation rules to a licensed culinary education program. A "culinary education program" is defined to mean a program that:

- Educates enrolled students in the culinary arts, including the preparation, cooking, and presentation of food, or provides education and experience in culinary arts-related businesses;
- Is provided by a state university, Florida College System institution, Career center, Charter technical career center, a nonprofit independent college or university that meets specified requirements, or nonpublic postsecondary educational institution.
- Is inspected by any state agency or agencies for compliance with sanitation standards.

The bill amends the definition of a “food service establishment” by adding that the term includes a culinary education program where food is prepared and intended for individual portion service, regardless of whether there is a charge for the food or whether the program is inspected by another state agency for compliance with sanitation standards.

The bill amends s. 509.013, F.S., relating to lodging and food service establishments to revise the definition of the term "public food service establishment" to include a culinary education program. The bill also amends s. 561.20, F.S., relating to beverage licences to authorize a culinary education program with a public food service establishment license to obtain an alcoholic beverage license under certain conditions and authorizes the Division of Alcoholic Beverages and Tobacco to adopt rules to administer such licenses.

HB 273 – Public Records

By Reps. Beshears and Kerner (*SB 390 by Sen. Simpson*)

AMENDS: Section 119.0701, F.S.

EFFECTIVE: Upon becoming a law

The bill amends s. 119.0701, F.S., with regard to public records requirements for a public agency contract for services with a contractor. The bill provides that, in addition to other contract requirements provided by law, each public agency contract for services entered into or amended after July 1, 2016 must include a statement informing the contractor of the contact information of the public agency’s custodian of public records and instructing the contractor to contact the records custodian concerning any questions the contractor may have regarding the contractor’s duties to provide public records relating to the contract.

The bill amends the requirement that each contract for services transfer its public records to the public agency upon termination of the contract to provide that 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. If the contractor keeps and maintains public records upon completion of the contract, the contractor must meet all applicable requirements for retaining public records.

The bill requires a request for public records relating to a contract for services to be made directly to the contracting public agency. If the public 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 public agency within a reasonable time may be subject to certain penalties.

The bill provides that if a civil action is filed against a contractor 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.

HB 287 – Principal Autonomy Pilot Program Initiative

By Reps. M. Diaz and Sprowls (*SB 434 by Sen. Garcia*)

AMENDS: Sections 1011.69, 1012.28, F.S.

CREATES: Section 1011.6202, F.S.

EFFECTIVE: July 1, 2016

The bill creates s. 1011.6202, F.S., to create the Principal Autonomy Pilot Program Initiative (PAPPI) within the Department of Education (DOE). The purpose of the pilot program is to provide the highly effective principal of a participating school with increased autonomy and authority to operate his or her school in a way that produces significant improvements in student achievement and school management while complying with constitutional requirements. Participation in the PAPPI is voluntary, but participation is limited to the school district boards of Broward, Duval, Jefferson, Madison, Palm Beach, Pinellas and Seminole Counties.

The bill requires school districts seeking to participate in PAPPI to submit to the SBE for approval a principal autonomy proposal that, among other things:

- Identifies three schools that received at least two school grades of D or F during the previous three school years;
- Identifies three principals who have earned a highly effective rating on the prior year's performance evaluation, one of whom will be assigned to each of the participating schools;
- Identifies the areas in which each school principal will have increased fiscal and administrative autonomy, including the authority and responsibilities provided in s. 1012.28, F.S., as amended in the bill;
- Identifies the areas in which each participating school will continue to follow district school board fiscal and administrative policies;
- Establishes performance goals for student achievement, as defined in s. 1008.34(1), F.S.

The SBE must establish criteria for the approval of a principal autonomy proposal. A district school board must submit its proposal to the SBE for approval by December 1 in order to begin participation in the subsequent school year and the SBE must notify the district school board in writing whether the proposal is approved.

The bill provides that schools selected for participation in PAPPI are exempt from chapters 1000-1013, F.S., of the K-20 Education Code and related SBE rules with the following exceptions:

- Those laws relating to the election and compensation of district school board members, the election or appointment and compensation of district school superintendents, public meetings and public records requirements, financial disclosure, and conflicts of interest.
- Those laws relating to the student assessment program and school grading system.
- Those laws relating to the provision of services to students with disabilities.
- Those laws relating to civil rights.
- Those laws relating to student health, safety, and welfare.
- Section 1001.42(4)(f), relating to the uniform opening date for public schools.
- Section 1003.03, governing maximum class size, except that the calculation for compliance is the average at the school level for a participating school.
- Sections 1012.22(1)(c) and 1012.27(2), relating to compensation and salary schedules.
- Section 1012.33(5), relating to workforce reductions for annual contracts for instructional personnel. This does not apply to at-will employees.
- Section 1012.335, relating to annual contracts for instructional personnel hired on or after July 1, 2011. This does not apply to at-will employees.
- Section 1012.34, relating to personnel evaluation procedures and criteria.
- Those laws pertaining to educational facilities, except that s. 1013.20, relating to covered walkways for relocatables, and s. 1013.21, relating to the use of relocatable facilities exceeding 20 years of age, are eligible for exemption.
- Those laws pertaining to school districts participating in the PAPPI .

The bill provides that, upon acceptance into the PAPPI, each participating school district must require that the principal of each participating school, a three-member leadership team from each participating school, and district personnel working with each participating school complete a nationally recognized school turnaround program which focuses on improving leadership, instructional infrastructure, talent management, and differentiated support and accountability.

The bill provides that the term of participation in the PAPPI is a period of 3 years and participation may be renewed by the SBE. The SBE also may revoke authorization to participate if the school district fails to meet the requirements of the program. Each participating school district must submit an annual report to the SBE and the SBE must annually report on the implementation of the PAPPI. By December 1 after completion of the program's first 3-year term, the Commissioner of Education must submit to legislative leaders a full evaluation of the effectiveness of the pilot program.

The bill provides that the DOE will receive an appropriation for the costs of the PAPPI, including administrative costs and enrollment costs for the nationally recognized school turnaround program, and an additional amount of \$10,000 for each participating principal in each participating school district as an annual salary supplement, a fund for the principal's school to be used at the principal's discretion, or both, as determined by the district. To be eligible for a salary supplement, a participating principal must:

- Be rated "highly effective" as determined by the principal's performance evaluation;
- Be transferred to a school that earned a grade of F or three consecutive grades of D and provided additional authority and responsibilities pursuant to s. 1012.28(8); and
- Have implemented a turnaround option at a school as the school's principal if the turnaround option resulted in the school improving by at least one letter grade.

The bill amends s. 1011.69, F.S.; relating to equity in school level funding to provide that each district school board participating in the PAPPI must allocate to the schools participating in the PAPPI at least 90 percent of the funds generated by that school.

The bill amends s. 1012.28, F.S. relating to public school personnel to provide that the principal of a school participating in the PAPPI has the following additional authority and responsibilities:

- The authority to select qualified instructional personnel for placement or to refuse to accept the placement or transfer of instructional personnel by the district school superintendent.
- The authority to deploy financial resources to school programs at the principal's discretion to help improve student achievement and meet performance goals identified in the PAPPI proposal.
- To annually provide to the district school superintendent and the district school board a budget for the operation of the participating school that identifies how funds provided pursuant to requirements for equity in school level funding are allocated. The school district must include the budget in the annual report provided the SBE.

The SBE is directed to adopt rules to administer the PAPPI. In addition, the bill appropriates a total of \$910,000 to the DOE for implementation for the PAPPI during the 2016-2017 fiscal year.

SB 350 – Procurement Procedures for Educational Institutions

By Sen. Montford (*HB 305 by Rep. Drake*)

AMENDS: Section 1010.04, F.S.

EFFECTIVE: July 1, 2016

The bill amends s. 1010.04, F.S., relating to purchasing to provide that, before purchasing nonacademic commodities and contractual services, each district school board and Florida College System institution board of trustees must review the purchasing agreements and state term contracts to determine whether it is in the school board's or the board of trustees' economic advantage to use the agreements and contracts. Each bid specification for nonacademic commodities and contractual services must include a statement indicating that the purchasing agreements and state term contracts have been reviewed. Each district school board may also use the cooperative state purchasing programs managed through the regional consortium service organizations. The provisions of the bill do not apply to services that are eligible for reimbursement under the federal E-rate program administered by the Universal Service Administrative Company. In addition, the bill authorizes each district school board and Florida College System institution board of trustees to make purchases through an online procurement system, an electronic auction service, or other efficient procurement tool.

SB 436 – Crime of Making Threats of Terror or Violence

By Sen. Simpson (*HB 257 by Rep. Smith*)

AMENDS: Sections 790.163, 790.164, 921.0022, 1006.07, 1006.13, F.S.

CREATES: Section 836.12, F.S.

EFFECTIVE: October 1, 2016

The bill amends ss. 790.163 and 790.164, F.S., which prohibit making false reports concerning planting a bomb, explosive, or weapon of mass destruction, to also prohibit making a false report concerning use of a firearm in a violent manner. Commission of either of these offenses is a second degree felony, punishable by up to 15 years imprisonment and a \$10,000 fine. In addition, the bill creates s. 836.12, F.S., making it a first degree misdemeanor to threaten a law enforcement officer, state attorney or assistant state attorney, firefighter, judge, elected official, or any of their family members with death or serious bodily harm. A second or subsequent offense would be a third degree felony.

The bill reenacts portions of ss. 1006.07 and 1006.13, F.S. relating, respectively, to the code of student conduct and the district policy of zero tolerance to incorporate changes made by the bill.

HB 499 – Ad Valorem Taxation

By Rep. Avila (*SB 766 by Sen. Flores*)

AMENDS: Sections 192.0105, 193.073, 193.122, 193.155, 193.1554, 193.1555, 194.011, 194.014, 194.032, 194.034, 194.035, 197.3632, 1011.62, F.S.

EFFECTIVE: July 1, 2016

The bill makes several changes related to the Value Adjustment Board (VAB) process. The bill amends s. 193.073, F.S., relating to erroneous returns to require the property appraiser to mail, within a specified time frame, a notice informing the taxpayer that an erroneous or incomplete statement of personal property has been filed. The taxpayer has 30 days after the date the notice is mailed to provide the property appraiser with a complete return listing all property for taxation.

The bill amends s. 193.122, F.S., to require the VAB to resolve all petitions by June 1 following the assessment year. The June 1 date is extended to December 1 in any year that the number of petitions increases by more than 10 percent over the prior year. This provision will first apply to the 2018 tax roll.

The bill amends ss. 193.155, 193.1554, and 193.1555, F.S. to provide that, before a lien may be filed, the taxpayer must be given 30 days to pay the taxes and any applicable penalties and interest. The bill also provides that, if the property appraiser improperly grants the property assessment limitation as a result of a clerical mistake or an omission, the taxpayer may not be assessed a penalty or interest.

The bill amends ss. 194.011 and 194.034, F.S., to revise the procedures for filing petitions to the VAB and to limit the persons who may represent a taxpayer before the VAB to certain licensed professionals, an employee of the taxpayer, a person with power of attorney, or an uncompensated individual with a written authorization. The bill requires that a petition filed by someone other than a licensed professional or employee of the taxpayer be signed by the taxpayer or be accompanied by a power of attorney from the taxpayer or the taxpayer's written authorization for representation. Powers of attorney and written authorizations to petition the VAB are only valid for 1 assessment year.

The bill amends s. 194.014, F.S., to change the rate of interest for overpayments and underpayments from 12 percent to the bank prime loan rate and requires interest on an overpayment related to a petition to be funded proportionately by each taxing authority that was overpaid.

The bill amends s. 194.032, F.S. to authorize a petitioner or a property appraiser to reschedule a hearing a single time, for good cause only, and reduces the notice for rehearing from 25 to 15 days when the rehearing is requested by the petitioner.

The bill amends s. 194.035, F.S. to clarify that a property owner may petition the VAB concerning a property appraiser's determination that a change of ownership, change of control, or qualifying improvement has occurred for purposes of resetting the assessment limitation on the property. In addition, the bill provides that when appointing special magistrates or when scheduling special magistrates for specific hearings, the board, the board attorney, and the board clerk may not consider the dollar amount or percentage of any assessment reductions recommended by any special magistrate in the current year or in any previous year.

The bill also codifies changes made in the bill Implementing the 2015 General Appropriations Act to s. 1011.62(4)(e), F.S. to make permanent the ability of a school district to levy 75 percent of a school district's most recent prior period funding adjustment millage in the event that the final tax roll is delayed for longer than 1 year.

HB 585 – Instruction for Homebound & Hospitalized Students

By Rep. Burgess (*SB 806 by Sen. Legg*)

AMENDS: Section 1003.57, F.S.

EFFECTIVE: July 1, 2016

The bill amends s. 1003.57, F.S., relating to instruction for exceptional students to provide that, in addition to existing requirements, the bill provides that the program must provide instruction to homebound or hospitalized students in accordance with the provisions of the bill and rules adopted by the state board, which must establish, at a minimum, the following:

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

The bill provides that eligible students receiving treatment in a children's specialty hospital licensed under Part I of Chapter 395 must be provided educational instruction from the school district in which the hospital is located until the school district enters into an agreement with the school district in which the student resides. The department must develop a standard agreement for use by school districts to provide seamless educational instruction to students who transition between school districts while receiving treatment in the children's specialty hospital. The bill provides that, no later than August 15, 2016, each school district in which a children's specialty hospital is located must enter into an agreement with the hospital which establishes a process by which the hospital must notify the school district of students who may be eligible for instruction.

SB 672 – Educational Options

By Sen. Gaetz (*HB 7011 by Education Appropriations*)

AMENDS: Sections 1001.43, 1002.33, 1002.385, 1002.395, 1009.971, 1009.98, 1009.981, F.S.

CREATES: Sections 1004.6495, 1011.78, F.S. and unnumbered sections of Florida Statutes

EFFECTIVE: July 1, 2016

The bill addresses four main issues: the Florida Personal Learning Scholarship Accounts Program (renamed as the Gardiner Scholarship Program); the Florida Tax Credit (FTC) Scholarship Program; Florida postsecondary education options; and standard student attire policies.

Gardiner Scholarship Program

The bill amends s. 1002.385, F.S., renaming this program as the Gardiner Scholarship Program. As it relates to this program, the bill:

- Revises the definition of “curriculum” to include associated online instruction.
- Revises the definition of “disability” to include autism spectrum disorder (rather than “autism”) and muscular dystrophy and expands the student population eligible to participate in the program by adding certain 3- and 4-year olds.
- Revises the definition of “eligible postsecondary educational institution” to include an independent college or university that is eligible to participate in the William L. Boyd, IV, Florida Resident Access Grant Program.
- Revises eligibility criteria to provide that, in addition to the application and documentation required by the Scholarship Funding Organization (SFO) or by State Board of Education (SBE) rule, the parent may submit a final verification document to receive scholarship funds in the student’s account before the Department of Education (DOE) confirms program eligibility. The bill specifies the items that may constitute a final verification document.

- Specifies that a 3- or 4-year-old child who receives services funded through the FEFP is considered to be a student enrolled in a public school and is not eligible for this program. Funding provided under this this program for a child eligible for enrollment in the VPK Education Program shall constitute funding for the child under part V of this chapter, and no additional funding shall be provided for the child under part V.
- Expands and clarifies authorized uses of program funds to include training on the use of and maintenance agreements for these specified digital and assistive devices, a home education program, contributions to the Florida College Savings Program, tuition and fees for part-time tutoring services, fees for specialized summer education programs and after-school education programs, transition services provided by job coaches, evaluation of educational progress, tuition and fees associated with programs offered by VPK and school readiness providers.
- Revises the duration of program payments and reimbursements and circumstances under which accounts will be closed and for the reversion of funds to the state.
- Provides that, upon request of a parent of a student with a disability who does not have an IEP or who seeks a reevaluation of an existing IEP, the school district is required to complete the IEP and matrix of services within 30 days after receiving notice of the request and must provide the student's parent and the DOE with the student's matrix level within 10 calendar days (rather than school days) after its completion.
- Expands the DOE investigative authority and clarifies the Commissioner of Education's authority regarding participation and fund recovery.
- Revises funding and payment provisions to provide that 100 percent of the funds appropriated for the program will be released to DOE at the beginning of the first quarter of each fiscal year. Upon notification from the SFO that a parent has filed a final verification document or upon notification that a 3- or 4-year-old child's application has been approved, DOE will release the student's scholarship funds to the SFO to be deposited into the student's account. The amount deposited into the student's account will be prorated depending upon a specified date of eligibility. Accrued interest in the student's account is in addition to the awarded funds, but program funds include both the awarded funds and accrued interest.
- Clarifies the duty of SFOs to review and prioritize applications and requires SFOs to notify participants of ability to request a new or revised matrix of services and document each student's eligibility before granting a program scholarship.
- Authorizes a SFO administrative fee of 3% of the amount of each award if the SFO meets certain conditions, prohibits a SFO from charging an application fee, prohibits these funds from being used for lobbying or political activity or related expenses. and prohibits administrative expenses and fees from being deducted from a student's scholarship award.

Florida Tax Credit Scholarship Program (FTC)

The bill amends s. 1002.395, F.S. to provide increased accountability and use for scholarship funds by SFOs. The bill:

- Clarifies audit requirements for SFOs to be able to receive an administrative fee.
- Prohibits SFOs from charging application fees.
- Requires scholarship contributions that are not allowed to be carried forward to transfer to other SFOs and requires funds held by a SFO that is closing to be transferred to another eligible SFO to provide scholarships.
- Clarifies the ability make a claim against a surety bond, and limits recovery to another SFO for use as student scholarships.

Florida Postsecondary Education Options

The bill creates s. 1004.6495, F.S., to establish mechanisms for the statewide coordination of information about programs for students with disabilities, and for the approval of unique postsecondary education programs tailored to the needs of students with intellectual disabilities.

The bill:

- Establishes a Florida Center for Students with Unique Abilities (center) at the University of Central Florida for statewide coordination of information regarding programs and services for students with disabilities and their parents.
- Requires rule adoption by the Board of Governors and the SBE.
- Establishes a process through which postsecondary institutions in Florida can voluntarily seek approval to offer a Florida Postsecondary Comprehensive Transition Program (FPCTP or program) for students with intellectual disabilities.
- Creates a scholarship to provide financial aid to students who meet the student eligibility requirements and are enrolled in a program.
- Outlines processes and application requirements for program approval and renewal.
- Requires annual reporting of student and program performance measures and statutory and budget recommendations for improving program implementation.
- Defines key terms including, but not limited to, FPCTP, eligible institution, eligible student, and the center.

Standard Student Attire Program

The bill creates s. 1011.78, F.S., to establish incentive payments for school districts and charter schools that implement a standard student attire policy. To qualify for the incentive payment, a school district or charter school must, at a minimum, implement a standard attire policy that:

- Applies to all students in kindergarten through grade 8 in the school district or charter school, regardless of individual school grade configurations.
- Prohibits certain types or styles of clothing and requires solid-colored clothing and fabrics for pants, skirts, shorts, or similar clothing and short- or long-sleeved shirts with collars.
- Allows accommodations based on a student's religion, disability, or medical condition.

Subject to appropriation, a qualified school district or charter school shall receive an annual award of not less than \$10 per student. Before the release of funds, but no later than September 1 of each year, the district school superintendent or the charter school governing board must certify to the commissioner that the school district or charter school has implemented a districtwide or schoolwide standard student attire policy, respectively, in accordance with these provisions. A charter school may also qualify by participating in its sponsor's qualifying policy. The commissioner shall make payment of awards to school districts and charter schools in the order in which certifications are received. As of June 30 of each year, any funds provided that have not been disbursed revert to the fund from which they were appropriated.

The bill provides immunity from civil liability to a district school board or a charter school governing board that implements such policy. The bill also amends s. 1001.43, F.S., relating to the powers and duties of school boards and s. 1002.33, F.S., relating to charter schools to authorize these entities to receive standard student attire incentive payments.

Allocations

The bill creates several unnumbered sections of Florida States to make allocations including \$71.2 million for scholarships and \$2,136,000 for expenses under the Gardiner Scholarship Program, \$8 million in support of postsecondary education options; \$1.5 million for the Florida Center for Students with Unique Abilities, and \$14 million for incentive payments under the Standard Student Attire Incentive Program.

HB 701 – Art in the Capitol Competition

By Rep. Lee (*SB 1160 by Sen. Detert*)

CREATES: An unnumbered section of Florida Statutes

EFFECTIVE: July 1, 2016

The bill creates the Art in the Capitol Competition as a statewide visual arts competition to be administered by the Department of Management Services (DMS) and DOE. The bill requires each school district to annually hold an Art in the Capitol Competition for all public, private, and home education students in grades 6 through 8. Submissions will be judged by a selection committee consisting of art teachers whose students have not submitted artwork for consideration. The bill provides that a submission may not violate copyright laws, must not exceed specified size and weight limitations, must be original in concept, design, and execution, and must include the student's name, grade, and school of enrollment and the city in which the school is located.

The bill provides that each winning submission must be provided to the legislator representing the legislative district in which the student resides at least 60 days before the start of each regular legislative session. The legislator must provide the winning submission to DMS which will arrange to have them displayed in the Capitol Building during the regular legislative session. Upon adjournment of the legislative session, the legislator will return the winning submission to the student.

HB 719 – Education Personnel

By Rep. Spano (*SB 894 by Sen. Detert*)

AMENDS: Sections 39.201, 39.202, 1012.05, 1012.2315, 1012.39, 1012.75, 1012.79, 1012.796, F.S.

CREATES: Section 1012.562, F.S.

EFFECTIVE: July 1, 2016

The bill amends s. 39.201, F.S., relating to the Central Abuse Hotline to authorize DOE to use the information in the central abuse hotline for the purposes of educator certification discipline and review. The bill also amends s. 39.202, F.S., to add DOE employees and agents who investigate or prosecute educator misconduct to the list of individuals authorized to access records relating to child abuse, abandonment, or neglect.

The bill amends s. 1012.05, F.S., relating to teacher recruitment and retention to authorize, rather than require, DOE to sponsor a job fair in a central part of the state to match in-state educators and potential educators and out-of-state educators and potential educators with teaching opportunities in this state. In addition, DOE is required to coordinate a best practice community to ensure that school district personnel responsible for teacher recruitment and other human resources functions are operating with the most up-to-date knowledge.

The bill creates s. 1012.562, F.S., to establish public accountability and state approval of school leader preparation programs. The bill requires DOE to establish a process for the approval of Level I and Level II school leader preparation programs that will enable aspiring school leaders to obtain their certificate in educational leadership. School leader preparation programs must be competency-based, aligned to the principal leadership standards adopted by the SBE, and open to individuals employed by public schools, including charter schools and virtual schools. Level I programs may be offered by school districts or postsecondary institutions and lead to initial certification in educational leadership for the purpose of preparing individuals to serve as school administrators. Level II programs may be offered by school districts, build upon Level I training, and lead to renewal certification as a school principal. The bill sets forth the process and requirements for a postsecondary institution or school district to apply to establish a Level I or a Level II program as well as the approval process and accountability measures that will apply.

The bill amends s. 1012.75, F.S., relating to educator liability by removing the expiration date for the educator liability insurance program, thus making it permanent. The bill also amends s. 1012.39, F.S., relating to students performing clinical field experience to provide that the district school board providing the clinical field experience must notify the student electronically or in writing of the availability of educator liability insurance. A postsecondary educational institution or district school board may not require a student enrolled in a state- approved teacher preparation program to purchase liability insurance as a condition of participation in any clinical field experience or related activity on the premises of an elementary or secondary school.

The bill amends s. 1012.79, F.S., relating to the Education Practices Commission to revise the membership of the Commission to provide that the 25 members include 10 (rather than 8) teachers, 5 administrators, at least one of whom represents a private or virtual school, 4 (rather than 7) who are parents of public school students and who are unrelated to public school employees; 2 former charter school governing board or district school board members or former superintendents, assistant superintendents, or deputy superintendents; and 4 sworn law enforcement officials, appointed by the SBE from nominations by the Commissioner of Education and subject to Senate confirmation. The bill also provides that, upon request from from the Commission, the Commissioner of Education may appoint up to 5 emeritus members from the Commission's prior membership to serve 1-year terms. Notwithstanding any prior service on the Commission, an emeritus member may serve up to five 1-year terms and serves as a voting member at a discipline hearing and as a consulting but nonvoting member during a business meeting. The bill provides that all (rather than some) members of the Commission must be residents of the state.

The bill amends s. 1012.796, F.S., relating to complaints against teachers and administrators to authorize the Commissioner of Education to issue a letter of guidance to an educator in lieu of finding probable cause to prosecute misconduct.

HB 793 – Florida Bright Futures Scholarship Program

By Rep. O’Toole (SB 520 by Sen. Lee)

AMENDS: Sections 1009.531, 1009.532, 1009.534, 1009.535, 1009.536, F.S.

EFFECTIVE: Upon becoming a law

The bill amends s. 1009.531, F.S., relating to the eligibility and initial awards of the scholarship to provide that, for a student who is unable to accept an initial award immediately after completion of high school due to a full-time religious or service obligation lasting at least 18 months, the 2-year eligibility period for his or her initial award and the 5-year renewal period begin upon the completion of his or her religious or service obligation. The organization sponsoring the full-time religious or service obligation must meet the certain requirements and the obligation must be documented. The bill also removes the higher SAT and ACT score requirement for home education program students to qualify for the initial Florida Medallion Scholars award, making the test score requirement the same for all students. For the 2016-2017 fiscal year, the sum of \$66,468 is appropriated to the DOE for the home education students made eligible by these provisions.

The bill amends ss. 1009.534 and 1009.535, F.S. relating to the Florida Academic Scholars and the Florida Medallion Scholars awards. The bill replaces the term “community service” with “volunteer service” and provides that the student must identify a civic issue or a professional area of interest and develop a plan for his or her personal involvement in addressing the issue or learning about the area. The bill prohibits the student from receiving remuneration or academic credit for the volunteer service work performed except for credit earned through adopted service-learning courses. Volunteer service work may include, but is not limited to, a business or governmental internship, work for a nonprofit community service organization, or activities on behalf of a candidate for public office. The hours of volunteer service must be documented.

The bill amends s.1009.536, F.S., relating to Florida Gold Seal Vocational Scholars award and s. 1009.532, F.S., relating to renewal of awards by adding language creating the Florida Gold Seal CAPE Scholars award. A high school student graduating in the 2016-2017 academic year and thereafter is eligible for a Florida Gold Seal CAPE Scholars award if he or she meets the general eligibility requirements for the Florida Bright Futures Scholarship Program, and the student earns a minimum of 5 postsecondary credit hours through approved CAPE industry certifications which articulate for college credit and completes at least 30 hours of volunteer service work. The bill allows a student to receive the award for a maximum of 100 percent of the number of credit hours or equivalent clock hours required one of the following programs:

- For an applied technology diploma program, up to 60 credit hours or equivalent clock hours;
- For a technical degree education program, up to the number of hours required for a specific degree, not to exceed 72 credit hours or equivalent clock hours; or
- For a career certificate program, up to the number of hours required for a specific certificate, not to exceed 72 credit hours or equivalent clock hours.

A student who transfers from one of these program levels to another program level is eligible for the higher of the two credit hour limits. The bill also provides that a Florida Gold Seal CAPE Scholar who completes a technical degree education program may also receive an award for:

- A maximum of 60 credit hours for a bachelor of science degree program for which there is an associate in science degree to bachelor of science degree articulation agreement; or
- A maximum of 60 credit hours for a bachelor of applied science degree program at a Florida College System institution.

HB 799 – Out of State Fee Waivers / Active Duty Service

By Rep. Avila (*SB 944 by Sen. Richter*)

AMENDS: Section 1009.36, F.S.

EFFECTIVE: July 1, 2016

The bill amends s. 1009.26, F.S., relating to fee waivers to provide that a state university, Florida College System institution, career center operated by a school district, or charter technical career center must waive out-of-state fees for a person who is an active duty member of the Armed Forces of the United States residing or stationed outside of this state. The bill requires each state university, Florida College System institution, career center operated by a school district, and charter technical career center to report to the Board of Governors and the SBE, respectively, the number and value of all fee waivers granted annually. In addition, the Board of Governors and the SBE are authorized to adopt regulations and rules to administer these provisions.

HB 837 – Education Programs for Individuals with Disabilities

By Reps. Bileca and Cortes (*SB 1088 by Sen. Stargel*)

AMENDS: Sections 1002.39, 1002.41, 1004.935, 1007.271, 1011.61, F.S.

EFFECTIVE: July 1, 2016

The bill amends s. 1002.39, F.S., relating to John M. McKay Scholarships. The bill adds foster children to those who are exempt from the prior school year attendance requirement for determining student eligibility for a scholarship. The bill creates transition-to-work programs for students participating in this scholarship program who are 17-22 years of age and who have not received a high school diploma or certificate of completion. A transition-to-work program consists of academic instruction, work skills training, and a volunteer or paid work experience. To offer a transition-to-work program, a participating private school must develop a transition-to-work program plan and submit it to the Office of Independent Education and Parental Choice. In addition, the private school must:

- Develop a personalized transition-to-work program plan for each student enrolled in the program that must be signed by the student's parent, the student, and the school principal.
- Provide a release of liability form that must be signed by the student's parent, the student, and a representative of the business offering the volunteer or paid work experience.
- Assign a case manager or job coach to visit the student's job site on a weekly basis to observe the student and, if necessary, provide support and guidance to the student.
- Provide to the parent and student a quarterly report that documents and explains the student's progress and performance in the program.
- Maintain accurate attendance and performance records for the student.

A student enrolled in a transition-to-work program must, at a minimum, receive 15 instructional hours at the private school's physical facility, participate in 10 hours of work at the student's volunteer or paid work experience. A participating business must maintain an accurate record of the student's performance and hours worked and provide the information to the private school and must comply with all state and federal child labor laws.

This section of law is also amended to provide that the scholarship amount granted for an eligible student with disabilities is not subject to the maximum value for funding a student under s. 1011.61(4), F.S. In effect, this enables McKay students to take virtual courses without reducing the scholarship amount.

The bill amends s. 1002.41, F.S., relating to home education programs to require (rather than authorize) DOE to make testing and evaluation diagnostic services available to home education program students, including student with disabilities, at diagnostic and resource centers. In addition, the bill provides that a school district may provide exceptional student education-related services, as defined in SBE rule, to a home education program student with a disability who is eligible for the services and who enrolls in a public school solely for the purpose of receiving those related services. The school district providing the services must report each student as a full-time equivalent student in the class and in a manner prescribed by DOE and funding shall be provided through the FEFP.

The bill amends s. 1007.271, F.S., relating to dual enrollment programs to establish August 1 as the annual deadline by which dual enrollment articulation agreements with the district school board, home education program students, private schools, and state universities or eligible private colleges and universities must be submitted to DOE.

The bill also establishes dual enrollment program for a private school student. To participate in the dual enrollment program, an eligible private school student must certain requirements. Each postsecondary institution eligible to participate in the dual enrollment program must enter into a private school articulation agreement with each eligible private school in its geographic service area seeking to offer dual enrollment courses. The private school articulation agreement must include:

- A delineation of courses and programs available to the private school student.
- The initial and continued eligibility requirements for private school student participation, not to exceed those required of other dual enrollment students.
- The student's responsibilities for his/her own instructional materials and transportation.
- A provision clarifying that the private school will award appropriate credit toward high school completion for the postsecondary course under the dual enrollment program.
- A provision expressing that costs associated with tuition and fees, including registration, and laboratory fees, will not be passed along to the student.
- A provision stating whether the private school will compensate the postsecondary institution for the standard tuition rate per credit hour for each dual enrollment course taken by a student.

For students with disabilities, a postsecondary institution must include in its dual enrollment articulation agreement, services and resources that are available to students with disabilities and provide information regarding such services and resources to the Florida Center for Students with Unique Abilities. DOE is required to provide the center with the Internet website link to dual enrollment articulation agreements specific to students with disabilities. The center is responsible for disseminating dual enrollment articulation agreements and opportunities for meaningful campus experience through dual enrollment.

HB 1147 – Character Development Instruction

By Rep. Latvala (*SB 1462 by Sen. Latvala*)

AMENDS: Section 1003.42, F.S.

EFFECTIVE: July 1, 2016

The bill amends s. 1003.42, F.S., relating to required instruction to expand the existing character-development curriculum to provide that, for grades 9 - 12, the curriculum must include, at a minimum, instruction on:

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

The existing provision encouraging the SBE to adopt standards and pursue assessment for all topics listed as required instruction also applies to these new provision.

HB 1157 – Postsecondary Education for Veterans

By Rep. Raburn (*SB 1638 by Sen. Lee*)

AMENDS: Sections 1004.096, 1007.27, 1009.26, 1012.56, F.S.

EFFECTIVE: July 1, 2016

The bill amends s. 1004.096, F.S., relating to college credit for military training and education courses to allow “servicemembers or veterans” (rather than “members”) of the United States Armed Forces to be eligible to earn academic college credit at public postsecondary educational institutions for college-level training and education acquired in the military.

The bill amends s. 1007.27, F.S., relating to articulated acceleration mechanisms to require the DOE to identify the minimum scores, maximum credit, and course or courses for which credit can be awarded to servicemembers and veterans for the Excelsior College subject examination, Defense Activity for Non-Traditional Education Support (DANTES) subject standardized test, and Defense Language Proficiency Test (DLPT).

The bill also amends s. 1009.26, F.S., to modify the residency requirements for recipients of a Purple Heart or other combat decoration superior in precedence to qualify for a waiver from tuition for undergraduate college credit programs and career certificate programs if such recipients currently are residents of Florida or were residents of Florida at the time of the military action that resulted in the awarding of the combat decoration.

The bill amends s. 1012.56, F.S., relating to educator certification requirements to allow documentation of successful completion of a United States Defense Language Institute Foreign Language Center program or documentation of a passing score on the Defense Language Proficiency Test to be acceptable means of demonstrating mastery of subject area knowledge.

HB 1219 – Veterans' Employment

By Rep. Raburn (*SB 1538 by Sen. Evers*)

AMENDS: Section 295.07, F.S.

EFFECTIVE: October 1, 2016

The bill amends s. 295.07, F.S., relating to preference in appointment and retention to provide that each state agency shall, and each political subdivision of the state may, develop and implement a written veterans' recruitment plan that establishes annual goals for ensuring the full use of veterans and their family members as described in 295.07(1), F.S., in the agency's or political subdivision's workforce.

The Department of Management Services is directed to collect statistical data from each state agency on the number of persons who claim veterans' preference, the number of persons who are hired through veterans' preference, and the number of persons who are hired as a result of the veterans' recruitment plan and annually publish it on its website and include it in its annual workforce report.

HB 1305 – Emergency Allergy Treatments in Schools

By Rep. Eagle (*SB 1196 by Sen. Bean*)

AMENDS: Sections 381.88, 1002.20, 1002.42, F.S.

EFFECTIVE: July 1, 2016

The bill amends s. 381.88, F.S., relating to emergency allergy treatment to expand the definition of an “authorized entity” to include private schools for the purposes of the expanded availability and immunity from liability with regard to epinephrine auto-injectors

The bill amends s. 1002.20, F.S., relating to epinephrine use and supply to authorize a public school to purchase a supply of epinephrine auto-injectors from a wholesale distributor or may enter into an arrangement with a wholesale distributor or manufacturer for the epinephrine auto-injectors at fair-market, free, or reduced prices for use in the event a student has an anaphylactic reaction. The epinephrine auto-injectors must be maintained in a secure location on the public school's its premises. The bill makes a similar amendment to s. 1002.42, F.S., relating to epinephrine supply at a private school.

HB 1365 – Competency-Based Education Pilot Program

By Reps. Rodrigues and Sprowls (*SB 1714 by Sen. Brandes*)

CREATES: Section 1003.4996, F.S.

EFFECTIVE: July 1, 2016

The bill creates s. 1003.4996, F.S., to establish the Competency-Based Education Pilot Program within DOE for a period of 5 years, to commence with the 2016-2017 school year. The pilot program is intended to provide an educational environment that allows students to advance to higher levels of learning upon the mastery of concepts and skills. The bill authorizes the P. K. Yonge Developmental Research School and the Lake, Palm Beach, Pinellas, and Seminole County School Districts to submit an application to participate in the pilot program. The application must include:

- The vision and timelines for the implementation of competency-based education within the school district, including a list of the schools that will participate.
- The annual goals and performance outcomes for participating schools.
- A communication plan for parents and other stakeholders.
- The scope of and timelines for professional development for school instructional and administrative personnel.

- A plan for student progression based on the mastery of content, including mechanisms that determine and ensure that a student has satisfied the requirements for grade-level promotion and content mastery.
- A plan for using technology and digital and blended learning.
- The proposed allocation of resources for the pilot program at the school and district levels.
- The recruitment and selection of participating schools.
- The rules to be waived for participating schools to implement the pilot program.

The bill provides that, in addition to the waivers authorized in s. 1001.10(3), F.S., the SBE may authorize the commissioner to grant an additional waiver of rules relating to student progression and the awarding of credits. In addition, students enrolled in a participating school must be reported for and generate funding in accordance with current law.

The bill directs DOE to compile the student and staff schedules of participating schools before and after implementation of the pilot program and to provide participating schools with access to statewide, standardized assessments. By June 1 of each year, DOE must provide the Governor and legislative leaders a report summarizing the activities and accomplishments of the pilot program and any recommendations for statutory revisions. The SBE is directed to adopt rules to administer the pilot program.

SB 7012 – Death Benefits under FRS

By Governmental Oversight & Accountability

AMENDS: Sections 121.091, 121.571, 121.591, 121.71, 121.74, 121.75, F.S.

CREATES: Sections 121.5912, 121.735, F.S. and unnumbered sections of Florida Statutes

EFFECTIVE: July 1, 2016

The bill amends s. 121.091 relating to death benefits payable under the Florida Retirement System (FRS). The bill increases the monthly survivor benefits available to the spouses and children of FRS pension plan members in the Special Risk Class when killed in the line of duty from 50 percent of the member's monthly salary at the time of death to 100 percent of the member's monthly salary at the time of death. The bill increases the age to which the surviving child(ren) of a member of the Special Risk Class killed in the line of duty to provide that beginning July 1, 2016, such survivor benefits may be extended for the surviving child(ren) until the 25th birthday of any child of the member if the child is unmarried and enrolled as a full-time student.

The bill amends s. 121.591, F.S., relating to the payment of benefits under the FRS Investment Plan. The bill permits the surviving spouse or child(ren) of an investment plan member in the Special Risk Class when killed in the line of duty to opt into the FRS investment plan survivor benefits program in lieu of receiving normal retirement benefits under the FRS investment plan. By participating in the survivor benefits program, the surviving spouse or child(ren) are eligible to receive annuitized benefits much like the survivor benefits afforded to Special Risk Class members of the FRS pension plan.

The bill provides that, for the 2016-2017 fiscal year only, upon notification by the Department of Management Services that sufficient funds are not available to make survivor benefit payments authorized by the bill, the State Board of Administration must transfer, to the extent necessary, moneys in the Administrative Trust Fund to the survivor benefits account in the FRS Trust Fund to ensure the timely payment of survivor benefits.

The bill provides that, in order to fund the benefit changes provided in this bill, the required employer contribution rates for members of the FRS are adjusted and an allocation is provided to fund the increased employer contribution rates to be paid under this act by state agencies, state universities, state colleges, and school districts.

**SB 7016 – Interstate Compact on Educational Opportunity for Military Children
By Military & Veterans Affairs, Space, and Domestic Security (HB 1171 by Rep. Perry)**

CREATES: Sections 1000.361, 1000.40, F.S.

REPEALS: Section 2 of chapter 2013-20, L.O.F.

EFFECTIVE: April 9, 2016 except as otherwise expressly provided

The bill creates s. 1000.40, F.S., to reenact provisions of law establishing and implementing the Interstate Compact on Educational Opportunity for Military Children (Compact) and provides for future legislative review and repeal of the compact in 2019. In addition, the bill creates s. 1000.361, F.S., to provide that the annual dues assessment for the Compact shall be paid within existing resources by the Department of Education.

HB 7019 – Education Access & Affordability

By Higher Education & Workforce (SB 984 by Sen. Legg)

AMENDS: Sections 1001.7065, 1004.085, 1009.23, 1009.24, F.S.

CREATES: Section 1004.084, F.S.

EFFECTIVE: July 1, 2016

The bill amends s. 1001.7065, F.S. relating to the preeminent state research universities program to provide that tuition for an online degree program must include all costs associated with instruction, materials, and enrollment, excluding the costs associated with the provision of textbooks and instructional materials and physical laboratory supplies.

The bill creates s. 1004.084, F.S., relating to college affordability to provide that the Board of Governors and the SBE must annually identify strategies to promote college affordability for all Floridians by evaluating, at a minimum, the impact of:

- Tuition and fees on undergraduate, graduate, and professional students at public colleges and universities and graduate assistants employed by public universities.
- Federal, state, and institutional financial aid policies on the actual cost of attendance for students and their families.
- The costs of textbooks and instructional materials.

By December 31 of each year, beginning in 2016, the Board of Governors and the SBE must submit a report on their affordability initiatives to the Governor and legislative leaders.

The bill amends s. 1004.085, F.S., relating to textbook affordability, renaming this section as textbook and instructional materials affordability. The bill provides that each semester, each Florida College System (FCS) institution and state university (SUS) board of trustees must examine the cost of textbooks and instructional materials by course and course section to identify any variance in the costs among different sections of the same course and the percentage of textbooks and instructional materials that remain in use for more than one term. Courses that have a wide variance in costs or that have frequent changes in textbook and instructional materials must be identified and reviewed. This portion of the bill is repealed July 1, 2018.

The bill authorizes each FCS institution and SUS board of trustees to adopt policies which allow for the use of innovative pricing techniques and payment options for textbooks and instructional materials. These techniques and options must include an opt-in provision for students and may be approved only if there is documented evidence that the options reduce costs. The bill also requires each FCS institution and state university to post prominently in the course registration system and on its website at least 45 days before the first day of class for each term, a hyperlink to lists of required and recommended textbooks and instructional materials for at least 95 percent of all courses and course sections offered at the institution during the upcoming term.

The bill provides that the SBE and the Board of Governors each must adopt textbook and instructional materials affordability policies, procedures, and guidelines that further efforts to minimize the costs. Among other things, these policies, procedures, and guidelines must address consultation with school districts to identify practices that impact the cost of dual enrollment textbooks and instructional materials to school districts, including, but not limited to, the length of time that textbooks and instructional materials remain in use.

The bill amends s. 1009.23, F.S., relating to FCS institution student fees to provide that each FCS institution must publicly notice and notify all students of any proposal to increase tuition or fees at least 28 days before its consideration at a board of trustees meeting. The notice must specifically outline the details of existing tuition and fees, the rationale for the proposed increase, and how the funds from the proposed increase will be used. The notice must be posted on the institution's website and issued in a press release. The bill amends s. 1009.24, F.S., relating to state university student fees in a similar way.

HB 7029 – Education

By Reps. Cortes and Diaz (*SB 1166 by Sen. Gaetz*)

AMENDS: Sections 413.207, 1001.42, 1001.67, 1001.7065, 1001.71, 1001.92, 1002.20, 1002.31, 1002.33, 1002.331, 1002.37, 1002.391, 1002.45, 1002.53, 1003.3101, 1003.4282, 1003.4295, 1003.44, 1004.935, 1006.15, 1006.20, 1007.35, 1009.893, 1011.61, 1011.62, 1011.71, 1012.33, 1012.42, 1012.56, 1012.795, 1012.796, 1013.385, 1013.62, 1013.64, F.S.

CREATES: Sections 617.221, 1001.66, 1003.432, 1006.195, 1012.583, F.S.

EFFECTIVE: July 1, 2016 except as otherwise expressly provided

The bill amends numerous sections of the education statutes including, but not limited to, statutes pertaining to K-12 education policy, education funding, school choice, personnel, school construction, and postsecondary education performance funding.

Local Authority

The bill creates s. 617.221, F.S., relating to membership associations. The term "membership association" means a not-for-profit corporation the majority of whose board members are constitutional officers who, pursuant to s. 1001.32(2), F.S., 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 (GAA) or the bill implementing the GAA. The term does not include a labor organization or an entity funded through the Justice Administrative Commission.

This section also provides that dues paid to a membership association which are paid with public funds must be assessed for each elected or appointed public officer and may be paid to a membership association. If a public officer elects not to join the membership association, the dues assessed to that public officer may not be paid to the membership association.

The bill adds a new provision to s. 1001.42, F.S., relating to the powers and duties of district school board to authorize school board members to visit the schools, observe the management and instruction, give suggestions for improvement, and advise citizens with the view of promoting interest in education and improving the school.

The bill amends s. 1003.44, F.S., relating to patriotic programs to provide that each student must be informed by a written notice published in the student handbook or a similar publication (rather than "posting a notice in a conspicuous place") that the student has the right not to participate in reciting the pledge. Upon written request from his or her parent, the student must be excused from reciting the pledge.

Assessment & Accountability

The bill amends s. 1002.20, F.S., relating to K-12 student and parent rights with regard to fiscal transparency to provide that parents have the right to an easy-to-read report card about the school's grade designation or improvement rating, and the school's accountability report, including the school financial report. The school financial report must be provided to the parents and indicate the average amount of money expended per student in the school, which must also be included in the student handbook or a similar publication.

The bill amends s. 1003.4295, F.S., to modify the Credit Acceleration Program (CAP). The bill provides that a school district must award course credit to a student who is not enrolled in the course, or who has not completed the course, if the student attains a passing score on the corresponding end-of-course assessment, Advanced Placement Examination, or College Level Examination Program. The bill also provides that home education students must be permitted to take an assessment or exam during the regular administration of such assessment or exam.

The bill amends s. 1007.35, F.S., relating to the Partnership for Minority and Underrepresented Student Achievement to update terminology to reflect the current ACT test – ACT Aspire – which has replaced the Preliminary ACT (PLAN) test.

The bill creates an unnumbered section of Florida Statutes to provide that, notwithstanding s. 1002.69(5), F.S., for the 2014-2015 and 2015-2016 Voluntary Prekindergarten Education Program years, the office shall not adopt a kindergarten readiness rate. In addition, any private prekindergarten provider or public school that was on probation for the 2013-2014 program year shall remain on probation until the provider or school meets the minimum rate adopted by the office. This section expires July 1, 2017.

Charter Schools

The bill amends s. 1002.33(1), F.S., relating to charter school authorization, to clarify that an existing charter seeking to become a virtual charter must amend its charter or submit a new application to become a virtual charter school.

The bill amends s. 1002.33(6), F.S., relating to charter school applications, to provide that:

- A sponsor must deny an application (rather than “charter”) if the school does not propose a reading curriculum that is consistent with effective teaching strategies that are grounded in scientifically based reading research.
- In addition to existing required information, the application must disclose 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. The sponsor must consider this information in deciding to approve or deny the application.
- Except as provided for a draft application, a sponsor may not charge an applicant for a charter any fee for the processing or consideration of an application.
- If the sponsor denies an application submitted by a high-performing charter school and if an appeal is filed, the applicant must provide a copy of the appeal to the sponsor.
- A charter school may defer the opening of the school's operations for up to 2 years to provide time for adequate facility planning. The charter school must provide written notice of such intent to the sponsor and the parents of enrolled students at least 30 calendar days before the first day of school.

The bill amends s. 1002.33(7), relating to a charter school's charter, to provide that:

- Admission or dismissal must not be based on a student's academic performance.
- A charter may be terminated by a charter school's governing board through voluntary closure. The decision to cease operations must be determined at a public meeting. The governing board must notify the parents and sponsor of the public meeting in writing before the public meeting. The governing board must notify the sponsor, parents of enrolled students, and DOE in writing within 24 hours after the public meeting of its determination. The notice must state the charter school's intent to continue operations or the reason for the closure and acknowledge that the governing board agrees to follow the procedures for dissolution and reversion of public funds in accordance with statutory requirements.
- Requirements relating to the appointment of a representative to facilitate parental involvement, provide access to information, assist parents and others with questions and concerns, and resolve disputes , etc., is deleted and relocated to s. 1002.33(9), F.S.

The bill amends s. 1002.33(9), F.S., relating to charter school requirements, to provide that:

- Upon approval of the charter contract, a charter school must provide the sponsor with a concise, uniform, monthly financial statement summary sheet that contains a balance sheet and a statement of revenue, expenditures, and changes in fund balance.
- The sponsor must review each monthly or quarterly financial statement to identify the existence of any conditions identified in s. 1002.345(1)(a), relating to deteriorating financial conditions and financial emergencies.
- A charter school's charter contract is automatically terminated if the school earns two consecutive grades of "F" after all school grade appeals are final (existing exceptions to termination still apply). The sponsor must notify the charter school's governing board, the charter school principal, and DOE in writing when a charter contract is terminated. A charter terminated under these conditions must follow the procedures for dissolution and reversion of public funds.
- Requirements relating to the appointment of a representative to facilitate parental involvement, provide access to information, assist parents and others with questions and concerns, and resolve disputes , etc., is added to these provisions and revised to provide that the appointed representative and charter school principal or director, or his or her designee, must be physically present at each meeting of the governing board. Members of the governing board may attend in person or by means of communications media technology used in accordance with rules adopted by the Administration Commission.

The bill amends s. 1002.33(10), F.S., relating to eligible students, to provide that a charter school may give enrollment preference to the following student populations: :

- Students who are the children of a resident or employee of a municipality that operates a charter school-in-a-municipality or allows a charter school to use a school facility or portion of land provided by the municipality for the operation of the charter school.
- Students who attended or are assigned to failing schools pursuant to s. 1002.38(2), F.S., relating to the Opportunity Scholarship Program.

The bill amends s. 1002.33(17), F.S., relating to charter school funding, to provide that:

- Charter schools are entitled to receive funding from the research-based reading allocation.
- District school boards are required to make payments of funds to charter schools monthly or twice a month, beginning with the start of the district school board's fiscal year. Each payment must be one-twelfth, or one twenty-fourth, as applicable, of the total state and local funds. For the first 2 years of a charter school's operation, if a minimum of 75 percent

of the projected enrollment is entered into the sponsor's student information system by the first day of the current month the district school board must distribute funds to the school for the months of July through October based on the projected full-time equivalent student membership of the charter school as submitted in the approved application. If less than 75 percent of the projected enrollment is entered into the sponsor's student information system by the first day of the current month, the sponsor shall base payments on the actual number of student enrollment entered into the sponsor's student information system.

- The district school board may not delay payment to a charter school of any portion of the funds provided in the FEFP based on the timing of receipt of local funds by the district school board.
- To be eligible for public education capital outlay (PECO) funds, a charter school must be located in the State of Florida.

The bill amends s. 1002.33(18), F.S., relating to charter school facilities, to provide that, if an official or employee of the local governing authority refuses to treat charter schools equitably in comparison to similar requirements, restrictions, and site planning processes imposed upon traditional public schools, the aggrieved charter school or entity has an immediate right to bring an action in circuit court to enforce its rights by injunction. An aggrieved party that receives injunctive relief may be awarded attorney fees and court costs.

The bill amends s. 1002.331, F.S., relating to high-performing charter schools, by deleting the prohibition against increasing enrollment or expanding grade levels by a high-performing charter school that receives a school grade of C or below.

Educational Choice & Controlled Open Enrollment

The bill amends s. 1002.20, F.S., relating to K-12 student and parent rights with regard to educational choice. The bill deletes the term "school choice" and replaces it with "educational choice" in this, and related, sections of law. The bill provides the parents of public school students may seek any public educational choice options that are applicable and available to students throughout the state. The bill expands the existing list of public educational choice options by adding CAPE digital tools, CAPE industry certifications, and collegiate high school programs. The bill also expands the existing list of private educational choice options by adding the Florida Personal Learning Scholarship Accounts Program (Gardiner Scholarship Program) and providing that the parent of a student with a qualifying disability may apply for a Gardiner Scholarship to be used for individual educational needs.

The bill amends s. 1002.31, F.S., relating to controlled open enrollment to provide that, beginning by the 2017-2018 school year, as part of a school district's or charter school's controlled open enrollment process, each district school board or charter school must allow a parent from any school district in the state whose child is not subject to a current expulsion or suspension to enroll his or her child in, and transport his or her child to, any public school, including charter schools, that has not reached capacity, subject to the maximum class size. The school district or charter school must accept the student, pursuant to their controlled open enrollment process, and report the student for purposes of FEFP funding. The bill also provides that a school district or charter school may provide transportation to students taking advantage of controlled open enrollment.

In addition, the bill provides that each school district and charter school capacity determinations for its schools must be current and must be identified on the school district and charter school's websites. In determining the capacity of each district school, the district school board must incorporate the specifications, plans, elements, and commitments contained in the school district educational facilities plan and the long-term work programs required under s. 1013.35, F.S. Each charter school governing board must determine capacity based upon its charter school contract.

The bill requires each district school board to provide preferential treatment in its controlled open enrollment process to all of the following:

- Dependent children of active duty military personnel whose move resulted from military orders.
- Children who have been relocated due to a foster care placement in a different school zone.
- Children who move due to a court-ordered change in custody due to separation or divorce, or the serious illness or death of a custodial parent.
- Students residing in the school district.

As part of its controlled open enrollment process, a charter school may provide preferential treatment in its controlled open enrollment participation process to the enrollment limitations of s. 1002.33(10), F.S., relating to students eligible to enroll in the charter school, if such special purposes are identified in the charter agreement. Each charter school must annually post on its website the application process required to participate in controlled open enrollment, consistent with this section and s. 1002.33, F.S., relating to charter schools.

The bill specifies that students residing in the district, including charter school students, may not be displaced by a student from another district seeking enrollment under the controlled open enrollment process. In addition, for purposes of continuity of educational choice, a student who transfers under the provisions of controlled open enrollment may remain at the school chosen by the parent until the student completes the highest grade level at the school.

The bill requires each district school board to adopt by rule and post on its website the process required to participate in controlled open enrollment. The process must:

- Adhere to federal desegregation requirements.
- Allow parents to declare school preferences, including placement of siblings within the same school.
- Provide a lottery procedure to determine student assignment and establish an appeals process for hardship cases.
- Afford parents of students in multiple session schools preferred access to controlled open enrollment.
- Maintain socioeconomic, demographic, and racial balance.
- Address the availability of transportation.
- Maintain existing academic eligibility criteria for public school choice programs.
- Identify schools that have not reached capacity, as determined by the school district.
- Ensure that each district school board adopts a policy to provide preferential treatment as required by these provisions.

In addition, the bill:

- Provides that, for a school or program that is a public school of choice, the calculation for compliance with maximum class size is the average number of students at the school level.
- The bill requires each district school board to annually report the number of students exercising choice by type.
- Establishes provisions relating to high school athletics and extracurricular programs for students taking advantage of a controlled open enrollment option (see “High School Athletics and Extracurricular Programs section below for details).
- Amends s. 1002.20, F.S., relating to K-12 student and parent rights with regard to transportation to conform with these controlled open enrollment provisions.

High School Athletics and Extracurricular Programs

The bill amends s. 1006.15, F.S., relating to interscholastic and intrascholastic extracurricular student activities.. For the purposes of this section and s. 1006.20, F.S., the bill defines the term "eligible to participate" to include, but not be limited to, a student participating in tryouts, off-season conditioning, summer workouts, preseason conditioning, in-season practice, or contests. The term does not mean that a student must be placed on any specific team for interscholastic or intrascholastic extracurricular activities.

The bill provides that a school district or charter school may not delay eligibility or otherwise prevent a student participating in controlled open enrollment or a choice program from being immediately eligible to participate in interscholastic and intrascholastic extracurricular activities. In addition, the bill provides that a student may not participate in a sport if the student participated in that same sport at another school during that school year, unless the student meets one of the following criteria:

- Dependent children of active duty military personnel whose move resulted from military orders.
- Children who have been relocated due to a foster care placement in a different school zone.
- Children who move due to a court-ordered change in custody due to separation or divorce, or the serious illness or death of a custodial parent.
- Authorized for good cause in district or charter school policy.

This section is also amended to provide that a private school student may participate in a sport at public high school even if the private school in which student is enrolled is not a member of FHSAA and language relating to whether the private school offers the athletic program is deleted. In addition, the bill provides that a student who transfers to a school during the school year may seek to immediately join an existing team if the roster for the specific interscholastic or intrascholastic extracurricular activity has not reached the activity's identified maximum size and if the coach for the activity determines that the student has the requisite skill and ability to participate. The bill specifies that FHSAA and school district or charter school may not declare such a student ineligible because the student did not have the opportunity to comply with qualifying requirements. The bill repeats that a student may not participate in a sport if the student participated in that same sport at another school during that school year, unless the student meets specified criteria.

The bill creates s. 1006.195, F.S., to establish district school board and charter school authority and responsibility to establish student eligibility regarding participation in interscholastic and intrascholastic extracurricular activities. The bill provides that, notwithstanding any provision to the contrary in ss. 1006.15, 1006.18, and 1006.20, F.S., regarding student eligibility to participate in interscholastic and intrascholastic extracurricular activities, a district school board must establish, through its code of student conduct, student eligibility standards and related student disciplinary actions regarding student participation in interscholastic and intrascholastic extracurricular activities. The code of student conduct must provide that:

- A student not currently suspended from interscholastic or intrascholastic extracurricular activities, or suspended or expelled from school, pursuant to a district school board's suspension or expulsion powers provided in law is eligible to participate in interscholastic and intrascholastic extracurricular activities.
- A student may not participate in a sport if the student participated in that same sport at another school during that school year, unless the student meets the criteria in s. 1006.15, F.S.
- A student's eligibility to participate in any interscholastic or intrascholastic extracurricular activity may not be affected by any alleged recruiting violation until final disposition of the allegation pursuant to s. 1006.20(2)(b).

Students who participate in interscholastic and intrascholastic extracurricular activities for, but are not enrolled in, a public school, are subject to the district school board's code of student conduct for the limited purpose of establishing and maintaining the student's eligibility to participate at the school. In addition, the bill provides that these provisions also apply to interscholastic and intrascholastic extracurricular activities conducted by charter schools and private schools except that the charter school governing board, or equivalent private school authority, is responsible for the authority and responsibility otherwise provided to district school boards.

The bill provides that the FHSAA continues to retain jurisdiction over the following provisions in s. 1006.20, which may not be implemented in a manner contrary to this section: membership in the FHSAA; recruiting prohibitions and violations; student medical evaluations; investigations; and sanctions for coaches; school eligibility and forfeiture of contests; student concussions or head injuries; the sports medical advisory committee; and the general operational provisions of the FHSAA. The FHSAA must adopt, and prominently publish, the text of this section on its website and in its bylaws, rules, procedures, training and education materials, and all other governing authority documents by August 1, 2016.

The bill amends s. 1006.20, F.S., relating to athletics in public K-12 schools to provide that the 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 also may allow a public school the option to apply for consideration to join another athletic association.

This section is also amended to provide that the FHSAA bylaws governing residence and transfer must allow the student to be immediately eligible in the school in which he or she first enrolls each school year, the school in which the student makes himself or herself a candidate for an athletic team by engaging in a practice prior to enrolling in the school, or the school to which the student has transferred. Existing timelines to establish eligibility are deleted.

This section is also amended to establish escalating penalties by recruitment violations by a school district employee or contractor in violation of FHSAA bylaws to provide:

- For a first offense, a \$5,000 forfeiture of pay for the school district employee or contractor who committed the violation.
- For a second offense, suspension without pay for 12 months from coaching, directing, or advertising an extracurricular activity and a \$5,000 forfeiture of pay.
- For a third offense, a \$5,000 forfeiture of pay. If the individual who committed the violation holds an educator certificate, the FHSAA shall also refer the violation to DOE for review to determine whether probable cause exists, and, if so, the commissioner shall file a formal complaint against the individual. If the complaint is upheld, the individual's educator certificate shall be revoked for 3 years, in addition to any penalties available under s. 1012.796, F.S. Additionally, DOE shall revoke any adjunct teaching certificates and all permissions and the educator is ineligible for such certificates or permissions for a period of time equal to the period of revocation of his or her state-issued certificate.

In addition, and notwithstanding any other provision of law, a school, team, or activity shall forfeit all competitions, including honors resulting from such competitions, in which a student who participated in any fashion was recruited in a manner prohibited pursuant to state law or the FHSAA bylaws. However, the bill provides that a student's eligibility to participate in any interscholastic or intrascholastic extracurricular activity, as determined by a district school board pursuant to s. 1006.195, F.S., may not be affected by any alleged recruiting violation until final disposition of the allegation. Ineligibility must be established by a preponderance of (rather than clear and convincing) evidence.

Sections 1002.20, F.S., relating to K-12 student and parent rights, 1002.31, F.S., relating to controlled open enrollment, 1012.795, F.S., relating to the Education Practices Commission, 1012.796, F.S., relating to complaints against teachers are amended to conform with these provisions.

Programs and Curriculum

The bill amends s. 1002.53, F.S., relating to the Voluntarily Prekindergarten Education (VPK) Program to allow a parent to defer enrollment in a VPK Program for one year. Specifically, the bill provides that each child who will have attained the age of 4 years on or before September 1 of the school year is eligible for VPK during either that school year or the following school year. The child remains eligible until the child is admitted to kindergarten, or unless he or she will have attained the age of 6 years by February 1 of any school year.

The bill amends s. 1003.4282, F.S., relating to requirements for a standard high school diploma with regard to online course requirements. The bill authorizes a district school board or a charter school governing board to offer students additional options to satisfy the online course requirements, including:

- Completion of a course in which a student earns a nationally recognized industry certification in information technology that is identified on the CAPE Industry Certification Funding List or passage of the information technology certification examination without enrollment in, or completion of, the corresponding course or courses.
- Passage of an online content assessment, without enrollment in, or completion of, the corresponding course or courses by which the student demonstrates skills and competency in locating information and applying technology for instructional purposes.

The bill amends s. 1002.391, F.S., relating to auditory-oral education programs, by adding new language to provide that, beginning with the 2017-2018 school year, a school district shall add four special consideration points to the calculation of a matrix of services for a student who is deaf and enrolled in an auditory-oral education program.

The bill amends s. 1004.935, F.S., relating to the Adults with Disabilities Workforce Education Pilot Program, to remove the sunset provision for the program so that, effective June 29, 2016, this program is no longer a "Pilot" Program.

The bill amends s. 413.207, F.S., relating to the Division of Vocational Rehabilitation, to require that, no later than October 1, 2016, to develop and implement a performance improvement plan designed to achieve specified goals designed to elevate the state Vocational Rehabilitation program to one of the top 10 in the nation. The Division must annually submit a performance report with specified data to the Governor and the legislative leaders.

The bill creates s. 1003.432, F.S., to establish the Florida Seal of Biliteracy Program for high school graduates. As used in this context, the term "biliteracy" means attainment of a high level of competency in listening, speaking, reading, and writing in one or more foreign languages in addition to English, which is signified on a high school graduate's diploma and transcript as either a Gold Seal of Biliteracy or a Silver Seal of Biliteracy. The bill establishes the purposes for the Program and provides that beginning with the 2016-2017 school year, the Gold Seal of Biliteracy or the Silver Seal of Biliteracy must be awarded to a high school student who has earned a standard high school diploma and who has earned four foreign language course credits in the same foreign language with a cumulative 3.0 grade point average, has achieved a qualifying score on a foreign language assessment, or has satisfied alternative requirements as determined by the SBE. The SBE is directed to adopt rules to implement these provisions.

Personnel

The bill creates s. 1003.3101, F.S., relating to educational choice options, to provide that each school district board must establish a transfer process for a parent to request his or her child be transferred to another classroom teacher. This section does not give a parent the right to choose a specific classroom teacher. A school must approve or deny the transfer within 2 weeks after receiving a request. If a request for transfer is denied, the school must notify the parent and specify the reasons for the denial. The bill requires that an explanation of the transfer process must be made available in the student handbook or a similar publication.

The bill amends s. 1012.42, F.S., relating to a teacher teaching out-of-field to require each school district to report out-of-field teachers on the district's website within 30 days before the beginning of each semester. A parent whose student is assigned an out-of-field teacher may request that his or her child be transferred to an in-field classroom teacher within the school and grade in which the student is currently enrolled. The school district must approve or deny the parent's request and transfer the student to a different classroom teacher within a reasonable period of time, not to exceed 2 weeks, if an in-field teacher for that course or grade level is employed by the school and the transfer does not violate maximum class size. If a request for transfer is denied, the school must notify the parent and specify the reasons for the denial. An explanation of the transfer process must be made available in the student handbook or a similar publication. The bill specifies that these provisions do not provide a parent the right to choose a specific teacher.

The bill amends s. 1012.56, F.S., relating to educator certification requirements to provide that each school district must and a private school or state-supported public school, including a charter school, may develop and maintain a system by which members of the instructional staff may demonstrate mastery of professional preparation and education competence as required by law.

The bill creates s. 1012.583, F.S., relating to continuing education and inservice training for youth suicide awareness and prevention. The bill provides that, beginning with the 2016-2017 school year, DOE, in consultation with the Statewide Office for Suicide Prevention and suicide prevention experts, must develop a list of approved youth suicide awareness and prevention training materials that may be used for training in youth suicide awareness and prevention for instructional personnel in elementary, middle, and high schools. The bill provides criteria for the list of materials. The bill provides that the training must be included in the existing continuing education or inservice training requirements for instructional personnel and may not add to the total hours currently required by DOE and, if a school chooses to participate in the training, all instructional personnel are required to participate. The bill establishes reporting requirements. A school that chooses to incorporate 2 hours of training shall be considered a "Suicide Prevention Certified School."

The bill provides that a person has no cause of action for any loss or damage caused by an act or omission resulting from the implementation of this section or resulting from any training required by this section unless the loss or damage was caused by willful or wanton misconduct. This section does not create any new duty of care or basis of liability. The SBE is authorized, but not required, to adopt rules to implement these provisions.

The bill amends s. 1012.33, F.S., relating to contracts with instructional staff, to provide that, notwithstanding any other provision of law, a retired member may interrupt retirement and be reemployed in any public school as instructional personnel under a 1-year probationary contract. If the retiree successfully completes the probationary contract, the district school board may reemploy the retiree under an annual contract. The retiree is not eligible for a professional service contract.

Facilities and Construction

The bill amends s. 1013.62, F.S., relating to charter schools capital outlay funding. The bill revises existing eligibility criteria to provide that, in order to be eligible for funding and in addition to other existing requirements, the charter school must have been in operation for 2 (rather than 3) or more years and must have an annual audit that does not reveal any of the financial emergency conditions provided in s. 218.503(1), F.S., for the most recent fiscal year for which such audit results are available (rather than have stability for future operation as a charter school).

The bill deletes existing priorities and methodology for the distribution of charter school capital outlay funding for charter schools and replaces it with new methodology to provide that the funding allocation for eligible charter schools shall be calculated as follows:

- Eligible charter schools shall be grouped into categories based on their student populations according to the following two criteria:
 - Seventy-five percent or greater who are eligible for free or reduced-price school lunch.
 - Twenty-five percent or greater with disabilities as defined in state board rule and consistent with the requirements of the Individuals with Disabilities Education Act.
- If an eligible charter school does not meet the criteria for either category, its FTE shall be provided as the base amount of funding and shall be assigned a weight of 1.0.
- An eligible charter school that meets one of the criteria shall be provided an additional 25 percent above the base funding amount, and the total FTE shall be multiplied by a weight of 1.25.
- An eligible charter school that meets both of the criteria shall be provided an additional 50 percent above the base funding amount, and the FTE for that school shall be multiplied by a weight of 1.5.
- The state appropriation for charter school capital outlay shall be divided by the total weighted FTE for all eligible charter schools to determine the base charter school per weighted FTE allocation amount. The per weighted FTE allocation amount shall be multiplied by the weighted FTE to determine each charter school's capital outlay allocation.

The bill requires DOE calculate the eligible charter school funding allocations. Funds shall be allocated using full-time equivalent membership from the second and third enrollment surveys and free and reduced-price school lunch data. DOE must recalculate the allocations periodically based on the receipt of revised information, on a schedule established by the Commissioner of Education. The bill deletes language authorizing the Commissioner to submit a recommendation for a dedicated funding source for charter school capital outlay in the annual DOE legislative budget request.

The bill amends s. 1013.64, F.S., relating to funds for comprehensive educational plant needs and construction cost maximums for school district capital projects. The bill makes several revisions to s. 1013.64(2), F.S., relating to the Special Facilities Construction Account. The bill:

- Provides that a district shall not receive funding for more than one project during any 3 year period or while any share or portion of the district's project costs is outstanding.
- Specifies that only the chair may convene the Special Facility Construction Committee.
- Requires a school board to request a pre-application review before developing construction plans.
- Provides that a school district may request a pre-application review at any time, but, if the district school board seeks inclusion in the DOE's next annual capital outlay legislative budget request, the pre-application review request must be made before February 1.
- Provides that within 90 days (rather than 60 days) after receiving the request, the committee must meet in the district to review the project proposal and existing facilities.

- Requires the use of data from the demographic, revenue, and education estimating conferences in determining the district's existing and projected Capital Outlay FTE.
- Requires site surveys and amendments be prepared cooperatively by DOE and the district and approved by DOE pursuant to SBE rules.
- Provides that, if the district employs a consultant in preparation of a survey or survey amendment, the consultant may not be employed by or receive compensation from a third party that designs or constructs a project recommended by the survey.
- Provides that the total project cost must not exceed the cost per student station as provided in s.1013.64 (6), F.S., except for costs overruns necessitated by a disaster as defined in s.252.34, F.S., or unforeseeable circumstances beyond the district's control as determined by the Special Facility Construction Account Committee.
- Requires that beginning with the 2019-20 FY, districts seeking Special Facility funding must have levied 1.5 mills for 3 years prior to the request in addition to the maximum levy of 3 years beginning the first year of funding.
- Provides that the annual budgeting commitment to the project is reduced to no more than the value of 1.0 mill until the district's participation requirement of 4.5 mills is met.
- Defines the commitment to be an amount equivalent all of the encumbered and future revenue acquired in 3 year period following the year of the initial appropriation from PECO and s. 1011.71(2).
- Amends the required timeframe for submittal of School Board Certified Final Phase III plans to June 1 of the year the application is made.
- Clarifies that the DOE representative shall serve as the Chair of the Special Facility Construction Account Committee.

The bill amends s. 1013.64(6), F.S., relating to costs per student station, to provide that school districts must maintain accurate documentation related to the costs of all new construction of educational plant space reported to DOE. The Auditor General is directed to review this documentation and verify compliance with the cost per student station limits during its scheduled operational audits of the school district. DOE must make the final determination on district compliance based on the recommendation of the Auditor General.

The bill provides that the Office of Economic and Demographic Research (EDR), in consultation with DOE, shall conduct a study of the cost per student station amounts using the most recent available information on construction costs. In this study, the costs per student station should represent the costs of classroom construction and administrative offices as well as the supplemental costs of core facilities, including media centers, gymnasiums, music rooms, and cafeterias, vocational areas, and other defined specialty areas, including exceptional student education areas. The study must take into account appropriate cost-effectiveness factors in school construction and should include input from industry experts. EDR must provide the results of the study and recommendations on the cost per student station to the Governor, and legislative leaders no later than January 31, 2017.

The bill also provides that the Office of Program Policy Analysis and Government Accountability (OPPAGA) shall conduct a study of the State Requirements for Education Facilities (SREF) to identify current requirements that can be eliminated or modified in order to decrease the cost of construction of educational facilities while ensuring student safety. OPPAGA must provide the results of the study, and an overall recommendation as to whether SREF should be retained, to the Governor and legislative leaders no later than January 31, 2017.

The bill provides that, effective July 1, 2017, a district school board may not use funds from any sources for new construction of educational plant space with a total cost per student station, including change orders, which equals more than the current adjusted cost per student station amounts, as adjusted annually to reflect increases or decreases in the Consumer Price Index. A

school district that exceeds the cost per student station limits, as determined by the Auditor General, shall be subject to sanctions unless the Auditor General determines that the overage is de minimus or due to extraordinary circumstances outside the control of the district. The sanctions are as follows:

- The school district shall be ineligible for allocations from the Public Education Capital Outlay and Debt Service Trust Fund for the next 3 years in which the school district would have received allocations had the violation not occurred.
- The school district shall be subject to the supervision of a district capital outlay oversight committee. The oversight committee is authorized to approve all capital outlay expenditures of the school district, including new construction, renovations, and remodeling, for 3 fiscal years following the violation. Each oversight committee shall be composed of the following:
 - One appointee of the Commissioner of Education who has significant financial management, school facilities construction, or related experience.
 - One appointee of the office of the state attorney with jurisdiction over the district.
 - One appointee of the Chief Financial Officer who is a licensed certified public accountant.

An appointee to the oversight committee may not be employed by the school district, be a relative of any school district employee, or be an elected official. Each appointee must sign an affidavit attesting to these conditions and affirming that no conflict of interest exists in his or her oversight role.

The bill requires DOE to provide the reports submitted by districts relating to exceeding the cost per student station limits to the Auditor General for verification purposes rather than to the Governor and legislative leaders.

The bill also deletes a provision exempting certain funds from being subject to inclusion in the cost per student station limits. In effect, this means that proceeds received by districts through the provisions of ss. 212.055 (discretionary sales surtaxes) and 1011.73 (district millage elections) and s. 9, Art. VII of the State Constitution (local taxes) would be included under the cost per student station limitation.

The bill creates s. 1013.385, F.S., relating to school district construction flexibility, to provide that a district school board may, with a supermajority vote, adopt a resolution to implement one or more specified exceptions to SREF requirements relating to interior non-load-bearing walls; walkways, roadways, driveways, and parking areas; standards for relocatables; and site lighting. Before adopting such a resolution, the district must assemble evidence that describes, among other things, how each exception selected achieves cost savings, improves the efficient use of school district resources, and demonstrates that implementation of the exception will not compromise student safety or the quality of student instruction.

Funding

The bill amends ss. 1002.37, 1002.45, and 1011.61, F.S., to repeal provisions relating to performance funding tied to passage of an EOC assessment for student in the Florida Virtual School, in virtual instruction programs, or in courses requiring passage in order to earn a standard diploma.

The bill amends s. 1011.61, F.S., to delete reference to instruction in a double-session school or a school utilizing an experimental school calendar and to provide that a student who receives instruction in a school that operates for less than the minimum term shall generate full-time equivalent student membership proportional to the amount of instructional hours provided by the school divided by the minimum term requirement.

The bill amends s. 1011.62, F.S., relating to funds for operation of schools to make several changes that will become effective July 1, 2016. The bill:

- Provides for the recalculation of ESE Guaranteed Allocation once during the year based on the actual student membership from the October FTE survey.
- Provides that, if a student earns a certification through a dual enrollment course and the certification is not a fundable certification on the postsecondary certification funding list, or the dual enrollment certification is earned as a result of an agreement between a school district and a nonpublic postsecondary institution, the bonus value shall be funded in the same manner as other nondual enrollment course industry certifications. In such cases, the school district may provide for an agreement between the high school and the technical center, or the school district and the postsecondary institution may enter into an agreement for equitable distribution of the bonus funds.
- Revises CAPE Industry Certification bonuses and weights to provide a bonus of \$50 per student for a CAPE Industry Certification Funding List with a weight of 0.2; a bonus of \$75 per student with a weight of 0.3; a bonus of \$100 per student with a weight of 0.5 or 1.0; and provides that a bonus award to a teacher may not exceed \$3,000 (rather than \$2,000).
- codifies the Federally Connected Student Supplement.

Postsecondary Institutions

The bill creates s. 1001.67, F.S., to establish the Distinguished Florida College System Program to recognize excellence of highest-performing Florida College System (FCS) institution. The bill establishes excellence standards and requires the SBE to designate each FCS institution that meets five of the seven standards as a distinguished college. A distinguished college is eligible for additional funding as provided in the GAA.

The bill creates s. 1001.66, F.S., to establish the Florida College System Performance-Based Incentive (FCS Incentive) to provide that:

- The FCS Incentive will be awarded using performance-based metrics adopted by the SBE. The SBE must adopt benchmarks to evaluate each institution's performance to measure the institution's achievement of institutional excellence or need for improvement.
- Each fiscal year, funds available for allocation for the performance-based funding model will consist of the state's investment in performance funding plus institutional investments consisting of funds to be redistributed from the base funding of the FCS Program Fund.
- A FCS Institution that meets the minimum institutional investment eligibility threshold, but fails to meet the minimum state investment eligibility threshold, shall have its institutional investment restored but is ineligible for a share of the state's investment in performance funding.
- A FCS institution that fails to meet the minimum performance funding eligibility threshold will have a portion of its institutional investment withheld and must submit an improvement plan which specifies the activities and strategies for improving the institution's performance.
- The SBE must review and approve the improvement plan and must monitor the institution's progress in implementing it.
- A FCS institution that makes satisfactory progress on implementing the improvement plan will have its withheld institutional investment restored in two increments. An institution that fails to make satisfactory progress may not have its full institutional investment restored. Any institutional investment funds that are not restored will be redistributed in accordance with the state board's performance-based metrics.
- By October 1 of each year, the SBE must submit to the Governor and legislative leaders a report on the previous fiscal year's performance funding allocation, which must reflect the rankings and award distributions.
- The SBE is directed to adopt rules to administer this program.

The bill reenacts and amends s. 1001.7065, F.S., relating to the preeminent state research universities program established as a collaborative partnership between the Board of Governors and the Legislature to elevate the academic and research preeminence of Florida's highest-performing state research universities. The bill:

- Updates academic and research excellence standards.
- Requires the Board of Governors to designate each state university that annually meets at least six of 12 academic and research excellence standards as an “emerging preeminent state research university.”
- Requires “emerging preeminent universities” to submit 5-year benchmark plan with target rankings on key performance metrics.
- Provides that awards of additional funding is contingent upon appropriation and all preeminent universities will receive an equal amount and all emerging preeminent universities will receive one-half of the funds received by the preeminent universities.
- Authorizes a preeminent university to require incoming first-time-in-college students to take a six-credit (rather than 9- to 12-credit) set of unique courses.
- Provides that designated emerging preeminent state research universities are granted additional authority and flexibility as is provided to designated preeminent universities..

The bill amends s. 1001.71, F.S., relating to university boards of trustees, by adding new provisions to this section. The bill:

- Provides that the chair and vice chair of each board must be selected from the appointed members of the board.
- Establishes the allowable term of office, duties, and responsibilities of the chair.
- Requires each university board of trustees to keep detailed meeting minutes for all meetings and post them on the university's website.
- Directs the Board of Governors to adopt regulations to implement these provisions.

The bill amends s. 1001.92, F.S., relating to the State University System Performance-Based Incentive. As amended, the bill:

- Revises performance-based metrics relating to postgraduation employment and salaries to include wage thresholds that reflect the added value of a baccalaureate degree.
- Requires the Board of Governors to establish minimum performance funding eligibility thresholds for the state's investment and the institutional investments.
- A state university that meets the minimum institutional investment eligibility threshold, but fails to meet the minimum state investment eligibility threshold, shall have its institutional investment restored but is ineligible for a share of the state's performance funding.
- Directs the Board of Governors to adopt regulations to implement these provisions.

The bill amends s. 1009.893, F.S., to rename the “Florida National Merit Scholar Incentive Program” as the “Benacquisto Scholarship Program” and a student who receives an award under the scholarship program shall be known as a Benacquisto Scholar. In addition, all eligible Florida public or independent postsecondary institutions are encouraged to become, and all eligible state universities shall become, college sponsors of the National Merit Scholarship Program.

SB 7040 – Workforce Innovation Act

By Commerce & Tourism (*HB 7065 by Economic Development and Tourism*)

AMENDS: Sections 20.6, 115.01, 212.08, 220.183, 250.1, 250.482, 250.81, 288.047, 290.0056, 322.34, 341.052, 414.045, 414.065, 414.085, 414.095, 414.105, 414.106, 414.295, 420.623, 420.624, 427.013, 427.0155, 427.0157, 443.091, 443.1116, 445.003, 445.004, 445.006, 445.007, 445.0071, 445.009, 445.014, 445.016, 445.017, 445.021, 445.022, 445.024, 445.025, 445.026, 445.03, 445.031, 445.048, 445.051, 445.07, 985.622, 1002.83, 1003.491, 1003.492, 1003.493, 1003.4935, 1003.52, 1004.93, 1006.261, 1009.25, F.S.

EFFECTIVE: July 1, 2016

The bill amends multiple sections of law relating to workforce services in order to comply with and implement the Federal Workforce Innovation and Opportunity Act of 2014 (WIOA). The federal law requires coordination between core programs in the delivery of workforce services. The four core programs are those under the adult, dislocated worker, and youth programs; employment services under the Wagner-Peyser Employment Act; Vocational rehabilitation services; and Adult education and literacy activities.

The bill deletes or replaces references to the federal Workforce Investment Act of 1998, which has been replaced by the WIOA. The bill also provides membership guidelines for the state workforce board, CareerSource Florida, Inc., to include membership representation for each of the core programs and the vice chairperson of Enterprise Florida, Inc. The bill changes methods of measuring performance accountability and preparing the state plan in order to conform to federal law. The state plan must be based on a 4-year strategy and is required to include operational and strategic elements for the core programs.

The bill requires DOE to enter into a memorandum of understanding with CareerSource Florida, Inc. in order to ensure compliance with federal law. A local workforce development board is required to enter into a memorandum of understanding with each one-stop delivery partner regarding sharing of infrastructure costs. The Governor is authorized to establish policy guidelines to allocate infrastructure costs when an agreement cannot be reached between a local workforce development board and a one-stop delivery partner.

HB 7053 – Child Care and Development Block Grant Program

By Education (*SB 7058 by Education PreK-12*)

AMENDS: Sections 39.201, 39.202, 383.141, 391.025, 391.026, 391.301, 391.302, 391.308, 402.302, 402.3025, 402.306, 402.311, 402.319, 413.092, 435.07, 1002.82, 1002.84, 1002.87, 1002.88, 1002.89, 1003.575, F.S.

REPEALS: Sections 391.303, 391.304, 391.305, 391.306, 391.307, 402.3057, F.S.

EFFECTIVE: July 1, 2016

The bill amends multiple sections of law to revise the Infants and Toddlers Early Intervention Program within the Department of Health, renamed as the “Early Steps” program, and revises provisions of the School Readiness program to align to federal requirements in the 2014 reauthorization of the Child Care and Development Block Grant.

As amended, the Early Steps program provides screening and early intervention services to parents with infants and toddlers who have or may have a developmental delay. The bill:

- Expands the duties of the DOH clearinghouse for information on early intervention services for parents and providers of early intervention services.
- Provides goals for the Early Steps program, defines terms, and assigns duties to the DOH, as well as the local Early Steps offices.
- Establishes eligibility criteria for the program.

- Requires a statewide plan, performance standards, and an accountability report each year.
- Designates the Florida Interagency Coordinating Council for Infants and Toddlers as the state interagency coordination council as required under federal law.
- Provides procedures for the successful transition of children from the Early Steps program to the local school districts.
- Repeals obsolete sections of the Florida Statutes relating to the Early Steps program.

The School Readiness program provides subsidies for child care services and early childhood education for children of low-income families, children in protective services, and children with disabilities. To comply with federal requirements, the bill:

- Increases health and safety standards.
- Expands requirements for employment history checks and child care personnel background screenings.
- Expands availability of child care information, including inspection and monitoring reports.
- Expands School Readiness provider standards to include preservice and inservice training requirements and appropriate group size and staff-to-child ratios.
- Aligns child eligibility criteria to the federal requirements.

HB 7071 – Public Corruption

By Rules, Calendar, and Ethics (SB 582 by Sen. Gaetz)

AMENDS: Sections 838.014, 838.015, 838.016, 838.022, 838.22, F.S.

EFFECTIVE: October 1, 2016

This bill amends the laws relating to public corruption. The bill amends s. 838.014, F.S., to delete the definition of “corruptly” and to revise several definitions as follows:

- “Governmental entity” is defined as an agency or entity of the state, a county, municipality, or special district or any other public entity created or authorized by law.
- “Public contractor” is defined 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.
- “Public servant” is defined as:
 - (a) Any officer or employee of a governmental entity including any executive, legislative, or judicial branch officer or employee;
 - (b) Any person, except a witness, who acts as a general or special magistrate, receiver, auditor, arbitrator, umpire, referee, consultant, or hearing officer while performing a governmental function; or
 - (c) A candidate for election or appointment to any of the officer positions listed above, or an individual who has been elected to, but has yet to officially assume the responsibilities of, public office.

The bill amends s. 838.015, F.S., relating to bribery by deleting the term “corruptly” and replacing it with the term “knowingly and intentionally” in this section of law. Similarly, the bill amends s. 838.016, F.S., relating to unlawful compensation or reward for official behavior by deleting the term “corruptly” and replacing it with the term “knowingly and intentionally” in this section of law.

The bill amends s. 838.022, F.S., relating to official misconduct to expand the application of official misconduct which currently applies to public servants, to include public contractors. In addition, the term “with corrupt intent” is replaced with “knowingly and intentionally” and other clarifying and technical amendments are made to this section so that, as amended, this section provides that it is unlawful for a public servant or public contractor to knowingly and intentionally obtain a benefit for any person or to cause unlawful harm to another, by:

- Falsifying, or causing another person to falsify, any official record or official document;
- Concealing, covering up, destroying, mutilating, or altering any official record or official document, except as authorized by law or contract, or causing another person to perform such an act; or
- Obstructing, delaying, or preventing the communication of information relating to the commission of a felony that directly involves or affects the government entity served by the public servant or public contractor.

For the purposes of this section of law, the term "public servant" does not include a candidate who does not otherwise qualify as a public servant. In addition, an official record or official document includes only public records.

The bill amends s. 838.22, F.S., relating to bid tampering to expand the application of this section of law to include public contractors who contract to assist a governmental entity in a competitive procurement. In addition, the term "with corrupt intent" is replaced with "knowingly and intentionally" and other clarifying and technical amendments are made to this section.

SB 7076 – 2018 Legislative Session

By Ethics and Elections (*HB 7103 by Sen. Dean*)

CREATES: An unnumbered section of Florida Statutes

EFFECTIVE: Upon becoming a law

In accordance with the authority provided in Article III, Section 3 of the State Constitution, the bill provides that the 2018 Regular Session of the Legislature will convene on January 9, 2018 rather than the first Tuesday after the first Monday in March which would be March 6, 2018.

HB 7099 – Taxation

By Finance and Tax

AMENDS: Sections 124.0104, 196.012, 196.1995, 201.15, 206.9825, 210.13, 210.25, 212.05, 212.06, 212.08, 220.03, 220.13, 220.222, 220.241, 220.33, 220.34, 561.121, 564.06, 565.02, 951.22, F.S.

CREATES: Unnumbered sections of Florida Statutes

EFFECTIVE: July 1, 2016 except as otherwise expressly provided

The bill provides for a wide range of tax reductions that will directly impact Florida households and businesses. Among other things, the bill makes permanent the sales tax exemption for machinery and equipment used in manufacturing, agricultural post-harvest activities, and by metal recyclers and provides a sales tax exemption for sales of food and drink by veterans service organizations. Of particular interest to school districts, the bill creates a scaled down "back-to-school" sales tax holiday from August 5, 2016 through August 7, 2016. During the holiday, certain clothing, footwear, wallets and bags that cost \$60 or less are exempt from the state sales tax and county discretionary sales surtaxes. The bill also exempts "school supplies" that cost \$15 or less per item during the holiday. In addition, the bill allows the holiday to apply at the option of a dealer if less than 5 percent of the dealer's gross sales of tangible personal property in the prior calendar year are comprised of items that would be for clothing and footwear costing \$60 or less, and school supplies costing less than \$15. This three-day sales tax holiday is scheduled for August 5, 2016 to August 7, 2016 and is expected to provide approximately \$28.7 million in sales tax savings for consumers.

[EDITOR'S NOTE: I am infinitely grateful to the members of Florida Education Legislative Liaisons (FELL) for their assistance in compiling these summaries. FELL members are among the most talented, insightful, and hard-working people in Tallahassee. – RHM]

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