

Schools & Learning Council Meeting Packet

**April 8, 2008
9:00 am – 12:00 pm
212 Knott**

**Marco Rubio
Speaker**

**Joe H. Pickens
Council Chair**

Council Meeting Notice
HOUSE OF REPRESENTATIVES

Speaker Marco Rubio

Schools & Learning Council

Start Date and Time: Tuesday, April 08, 2008 09:00 am

End Date and Time: Tuesday, April 08, 2008 12:00 pm

Location: 212 Knott Building

Duration: 3.00 hrs

Consideration of the following bill(s):

PCS for HB 231 -- Student Financial Assistance
PCS for HB 297 -- Gifted and Academically Talented Student Education
PCS for HB 885 -- Criminal History Record Checks
PCSCB for HB 1163 & HB 757 -- Public School Physical Education
HB 91 Disability History and Awareness by Richardson
HB 871 Educational Facilities Contracting and Construction Procedures by Kreegel
HB 957 Florida Bright Futures Scholarship Program by Kendrick
HB 1143 University of South Florida Lakeland by McKeel
SM 1742 Educator Ethics by Carlton

Consideration of the following proposed council bill(s):

PCB SLC 08-04 -- Postsecondary Distance Learning

NOTICE FINALIZED on 04/04/2008 16:17 by TJG

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCS for HB 231 Student Financial Assistance

SPONSOR(S): Schools & Learning Council

TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
Orig. Comm.: Schools & Learning Council		Thomas <i>MOT</i>	Cobb <i>CC</i>
1)			
2)			
3)			
4)			
5)			

SUMMARY ANALYSIS

The Proposed Council Substitute (PCS) for HB 231:

- Creates the Sure Futures Graduate Scholarship Program to match private-sector businesses with students who are seeking graduate degrees and employment;
- Provides that a corporate sponsor (sponsor) will provide a scholarship for a student (scholar) who contracts with the sponsor to work for a minimum of four years after graduation from a state university with a graduate degree;
- Establishes the Sure Futures Foundation (foundation) as a non-profit organization and provides for the membership and duties of the foundation board to administer the program;
- Provides that the foundation board may enter into an agreement with a state university, the Department of Education or the Board of Governors for the operations and administration of this program;
- Provides for eligibility of, and contracts between, scholars and sponsors;
- Provides for a scholarship loan to the scholar if the sponsor terminates the employee with cause;
- Authorizes the Office of Student Financial Assistance in the Department of Education to administer the scholarship loans; and
- Authorizes the State Board of Education to adopt rules to administer this program.

The PCS provides for a \$300,000 noninterest loan from nonrecurring general revenue be appropriated for the 2008-09 fiscal year to be repaid by the foundation on or before December 31, 2010. Such funds are for costs associated with administration of the Sure Futures Foundation Program. Beginning July 1, 2009, the PCS provides that sponsor contributions made to the program are eligible to be matched by the Legislature. Sponsor contributions must cover at a minimum of 50% of the total cost of the graduate program. **See Fiscal Comments.**

The PCS provides an effective date of July 1, 2008, except for implementation of the dollar for dollar match, which is effective July 1, 2009.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide limited government –

- The PCS provides for the creation of a Sure Futures Graduate Scholarship Program to match private-sector businesses with students who are seeking advanced degrees and employment.
- The PCS creates the Sure Futures Foundation to administer the scholarship program.
- The PCS authorizes the Office of Student Financial Assistance to administer the scholarship loan; establish a standard application; and establish a central data base of sponsors and student applicants.
- The PCS requires each state university to offer students information concerning the program.
- The PCS requires the Department of Education to annually establish the amount necessary to cover the cost for the degree program for which sponsors may make contributions. DOE is also required to set the interest of scholarship loans and other charges.
- The PCS provides the State Board of Education with rulemaking authority for administration and implementation of the Sure Futures Scholarship Program.

B. EFFECT OF PROPOSED CHANGES:

Background

Academic departments with the state universities provide financial assistance to graduate students who serve as teaching assistants or paid interns. Current law authorizes each university board of trustees to waive tuition and out-of-state fees for purposes which support and enhance the mission of the university, based on policies adopted by the boards of trustees.¹ Graduate students are eligible to borrow a combined subsidized and unsubsidized federal aggregate loan amount of up to \$138,500 and may also be eligible for private student loans with no aggregate maximum.

Florida Scholarship and Loan Forgiveness programs related to work include:

- The Medical Education Reimbursement and Loan Repayment program in s. 1009.65, F.S., administered by the Department of Health;
- The Nursing Student Loan Forgiveness Program in s. 1009.66, F.S., administered by the Department of Health; and,
- The Critical Teacher Shortage Student Loan Forgiveness program in s. 1009.59, F.S., administered by the Department of Education's Office of Student Financial Aid.

Effect of Proposed Changes

The PCS creates the Sure Futures Graduate Scholarship Program to match private-sector businesses, needing employees who have graduate degrees, with students who are seeking both graduate degrees and employment.

¹ s. 1009.26, F.S.

The Sure Futures Foundation (foundation), a non-profit entity under s. 501(c)(3) of the Internal Revenue Code, is created to administer the scholarship program. The foundation will be governed by the Sure Futures Foundation Board. The foundation may enter into an agreement with a state university, the Department of Education or the Board of Governors to provide operational and administrative services to the foundation. Specifically, the foundation would:

- Adopt policies and procedures for implementation of the program;
- Establish of process and procedures for receiving and management of funds for the program;
- Provide awareness of the program;
- Establish a process for matching sponsors with scholars; and,
- Establish, in coordination with the Office of Student Financial Assistance, and maintain the foundation's scholarship loans, when applicable.

The foundation board would administer the foundation and would be comprised of the following eleven members:

- The Commissioner of Education, or designee, as an ex officio member;
- The Chair of the Board of Governors, or designee, as an ex officio member;
- Three members of the state university system, with at least one member being a State University President, appointed by the Governor to serve 2-year terms;
- Three sponsors participating in the program, recommended by the Commissioner of Education and appointed by the Governor, to serve 2-year terms;
- One graduate student recommended by the Commissioner of Education and appointed by the Governor to serve a 1-year term; and,
- One member of the House of Representatives, as an ex-officio member, and one member of the Florida Senate, as an ex-officio member, appointed by the Speaker of the House and President of the Senate respectively, to serve a 2-year term;

The foundation members must serve without compensation, but will be eligible for per diem and travel expenses, pursuant to s. 112.061, F.S., incurred during the performance of their responsibilities.

Student Eligibility and Potential Sponsor Provisions

To be eligible, a student must apply and be admitted into a graduate program within the areas of critical need identified by the Board of Governors in its most recent 10-year strategic plan.² The following students would be eligible to apply to the graduate degree programs for which the sponsors are seeking employees:

- A student in his or her senior year who is an undergraduate student at a state university or a private college or university in Florida;
- A student in his or her senior year who is an undergraduate student at an out-of-state university but who would otherwise qualify as a resident for tuition purposes; and
- A graduate of a state university or a private college or university who qualifies as a resident for tuition purposes.

An employer may participate in the Sure Futures Graduate Scholarship Program by submitting a letter of interest to become a sponsor. The foundation will review student applications and the employer's letters of intent to match students and potential sponsors. The foundation will notify the student applicant and potential sponsor of a match and the potential sponsor will interview and notify the foundation of its prioritized matches. The foundation would make the final match determination.

² The 2005-2015 Board of Governors Strategic Plan identifies critical needs in certain education and health professions.

Contract Provisions

Once a match is finalized, the student and sponsor will execute a contract whereby the scholar agrees to the scholarship loan offered by the sponsor with a waiver-of-payment if a 4-year employment obligation is completed. The scholarship would cover tuition, fees, and books for the degree program, health insurance, and room and board based on the university dormitory and meal plan rate for each year the student is enrolled full time as a graduate student.

A student must maintain a minimum grade point average as determined by the sponsor. If a scholar is unable to take a full course load during a summer semester, the scholar may be required by the sponsor to participate in an internship program. Upon graduation, a graduate would begin working for and remain employed by the sponsor for a minimum of four years in Florida. If a student fails to maintain the required grade point average or the graduate terminates his or her employment before completing the 4-year obligation, a prorated portion of the scholarship will convert to a scholarship loan. Should a sponsor be unable to complete the obligations of the contract, the scholar will be matched to an alternate sponsor.

The terms of the contract must include as a condition of the scholar accepting a match with a sponsor provisions for noncompetition, non-solicitation, and nondisclosure, for up to 4 years following the scholar's completion of graduate degree requirements.

Sponsorships

To participate in the program, a sponsor will contribute funds to the program in amounts equal to 50 percent of the scholarship funds necessary for completion of a degree program from the applicable university plus an annual payment of three percent per year to cover the administrative costs. Contributions must be made in one lump sum payment to the foundation in accordance with guidelines specified by the foundation. Beginning July 1, 2009, the sponsor contributions are eligible for matching by the state on a dollar for dollar basis to the extent funds are appropriated by the Legislature for this purpose.

A sponsor may establish criteria, including, but not limited to: the degree sought, minimum grade point average, and extracurricular activity requirements. A sponsor may select the state universities at which students may enroll, or it may allow its scholarships to be available for study at any state university.

If a sponsor terminates a scholarship employee without cause prior to the employee's completion of the 4-year obligation, the employee will not be required to repay any portion of the scholarship and may be matched with another sponsor to complete the remaining 4-year contracted employment period. However, if a sponsor terminates a scholarship employee with cause prior to the 4-year employment obligation, the employee is required to repay a prorated portion of the scholarship in the form of a scholarship loan.

Accountability and Organizational Provisions

The PCS directs DOE's Office of Student Financial Assistance (OSFA) to establish a central database of sponsors, the graduate degree programs for which the sponsors are seeking candidates, and student applicants and their profiles, as well as establish a standard application for use by all state universities. This PCS further authorizes OSFA to administer the scholarship loan. Credit for repayment of a scholarship loan will not exceed 25% in loan principal plus interest for a full year of employment service. A scholar is required to repay the scholarship loan within 10 years.

On an annual basis, DOE is required to establish the amount necessary to cover the costs for degree programs for which sponsors may make contributions. Further, DOE is required to set the interest rate of scholarship loans and other charges.

The PCS requires that a scholarship loan recipient is responsible for repaying the scholarship loan plus accrued interest and may receive loan repayment credit when matched with another sponsor at any

time during the scheduled repayment period. The repayment credit is applicable only to the current principal and accrued interest balance remaining at the time the repayment credit is earned. A scholarship loan recipient will not be reimbursed for previous cash payments of principal and interest.

The PCS requires each state university to offer students information concerning the program. A university may provide additional information or activities, such as providing one-on-one discussions with advisors, conducting seminars on the program, or working with companies in its service area to create scholarships through the program.

The PCS encourages state agencies, local workforce boards, chambers of commerce, and Enterprise Florida, Inc., to promote participation in the program by students and sponsors.

The State Board of Education is given authority to adopt rules to implement the program, including rules for the necessary forms and the scholarship loan terms, repayment schedules, collection, settlement and charging off of delinquent unpaid and uncanceled scholarship loan notes.

C. SECTION DIRECTORY:

Section 1. Creates s. 1009.893, F.S., creating the Sure Futures Graduate Scholarship Program; providing purposes and goals for the program.

Section 2. Creates s. 1009.894, F.S., providing legislative findings and definitions; establishing the Sure Futures Foundation and a foundation board to administer the program; providing membership and duties of the board; providing eligibility criteria for participation in the program by students and sponsors; providing procedures for application to the program and selection of participants; providing benefits and requirements for students selected to participate in the program; requiring that a participating student who graduates with an advanced degree remain employed by his or her sponsor in this state for a specified period; providing that a prorated portion of the scholarship shall convert to a scholarship loan under certain conditions; requiring that sponsors and students participating in the program enter into a contract and specifying certain terms; requiring that a sponsor make specified monetary contributions for scholarships and administrative costs of the program; authorizing sponsors to establish terms of sponsorship and specify specific universities at which a student shall enroll to receive sponsorship; providing requirements if a sponsor terminates a scholarship employee; requiring that the Department of Education annually establish the amount necessary to cover certain costs; assigning administrative authority over scholarship loans to the Office of Student Financial Assistance in the department; providing duties and responsibilities of the State Board of Education, the department, and recipients with respect to the scholarship loans and their repayment; requiring that state universities make available certain information regarding the program; encouraging certain entities promote participation in the program; requiring rulemaking; providing an appropriation.

Section 3. Provides an effective date of July 1, 3008.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:
See FISCAL COMMENTS.
2. Expenditures:
See FISCAL COMMENTS.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:
2. Expenditures:

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Participating corporate sponsors would be eligible to receive state matching funds for the funding they provide toward the education of a future employee through the scholarship program.

The PCS reduces the cost of recruitment and retention of graduate degree candidates in Florida by providing private businesses in Florida the avenue to secure identified critical need employees in advance of their out-of-state competitors. The PCS provides a work-force development incubator of Florida students for Florida businesses in the identified critical need areas for advancing Florida's growth and economic development

D. FISCAL COMMENTS:

The PCS provides for a noninterest loan of \$300,000 from nonrecurring general revenue to be appropriated for the 2008-09 fiscal year to be repaid by the foundation on or before December 31, 2010. Such funds are for costs associated with administration of the Sure Futures Foundation Program

This PCS provides for an additional 3% contribution to the program over and above the 50% contribution for a scholar to cover administrative costs of the program. Administrative costs will include costs incurred by the entity with which the foundation may contract to implement the program as well as costs associated with reimbursement for travel and per diem expenses incurred by foundation board members.

The Office of Student Financial Assistance may need one additional FTE to develop and maintain the application process and data base management of sponsors and scholars as proposed in this PCS.

Beginning July 1, 2009, to the extent funds are appropriated by the Legislature for the purposes of this program, contributions made for scholarships by eligible sponsors would be eligible for a dollar-for-dollar match. There may be an indeterminate fiscal cost to the universities if these matching funds compete with other gifts to be matched.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This PCS does not appear to require a city or county to expend funds or to take any action requiring the expenditure of funds.

The PCS does not appear to reduce the authority that municipalities or counties have to raise revenues in the aggregate.

This PCS does not appear to reduce the percentage of state tax shared with counties or municipalities.

2. Other:

B. RULE-MAKING AUTHORITY:

This PCS provides rulemaking authority for administration and implementation of the Sure Futures Scholarship Program to the State Board of Education pursuant to ss.120.120.536(1) and 120.54, F.S.

C. DRAFTING ISSUES OR OTHER COMMENTS:

D. STATEMENT OF THE SPONSOR

IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES

1 A bill to be entitled

2 An act relating to student financial assistance; creating
3 s. 1009.893, F.S.; creating the Sure Futures Graduate
4 Scholarship Program; providing purposes and goals for the
5 program; creating s. 1009.894, F.S.; providing legislative
6 findings and definitions; establishing the Sure Futures
7 Foundation and a foundation board to administer the
8 program; providing membership and duties of the board;
9 providing eligibility criteria for participation in the
10 program by students and sponsors; providing procedures for
11 application to the program and selection of participants;
12 providing benefits and requirements for students selected
13 to participate in the program; requiring that a
14 participating student who graduates with an advanced
15 degree remain employed by his or her sponsor in this state
16 for a specified period; providing that a prorated portion
17 of the scholarship shall convert to a scholarship loan
18 under certain conditions; requiring that sponsors and
19 students participating in the program enter into a
20 contract and specifying certain terms; requiring that a
21 sponsor make specified monetary contributions for
22 scholarships and administrative costs of the program;
23 authorizing sponsors to establish terms of sponsorship and
24 specify specific universities at which a student must
25 enroll to receive sponsorship; providing requirements if a
26 sponsor terminates a scholarship employee; requiring that
27 the Department of Education annually establish the amount
28 necessary to cover certain costs; assigning administrative

29 authority over scholarship loans to the Office of Student
 30 Financial Assistance in the department; providing duties
 31 and responsibilities of the State Board of Education, the
 32 department, and recipients with respect to the scholarship
 33 loans and their repayment; requiring that state
 34 universities make available certain information regarding
 35 the program; encouraging certain entities promote
 36 participation in the program; requiring rulemaking;
 37 providing an appropriation; providing an effective date.
 38

39 Be It Enacted by the Legislature of the State of Florida:
 40

41 Section 1. Section 1009.893, Florida Statutes, is created
 42 to read:

43 1009.893 Sure Futures Graduate Scholarship Program. --The
 44 Sure Futures Graduate Scholarship Program is created for the
 45 purpose of establishing a scholarship program to match private-
 46 sector businesses that need employees in Florida having advanced
 47 degrees with students seeking advanced degrees and employment.
 48 The goals of the program are to provide for a more highly
 49 educated workforce in Florida by offering students greater
 50 academic and financial access to the pursuit of advanced degrees
 51 in identified areas of critical need and to recruit and retain
 52 Florida's best and brightest graduate students by offering them
 53 comprehensive financial assistance to obtain advanced degrees
 54 and guaranteed employment in Florida with the private-sector
 55 businesses that have indicated their willingness to enter into
 56 partnerships in the program with provision for guaranteed jobs

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57 in Florida.

58 Section 2. Section 1009.894, Florida Statutes, is created
59 to read:

60 1009.894 The Sure Futures Foundation.--

61 (1) The Legislature finds that public universities in
62 this state can play a vital role in assuring students are given
63 incentives to remain in the Florida education system and seek
64 graduate degrees by offering financial incentives and diversity
65 in education programs that contribute to filling the critical
66 needs of private businesses in Florida. The Legislature
67 recognizes that the United States Armed Forces have been
68 extremely successful for many decades in recruiting and
69 retaining exceptional students through scholarships in the
70 Reserve Officer Training Corps (ROTC) programs resulting in the
71 requirement of a minimum 4-year service commitment from program
72 graduates who are trained in and assigned to critical career
73 fields. Lastly, the Legislature desires to model a workforce-
74 development program in this state which is similar to the proven
75 Armed Forces ROTC programs in an effort to promote, recruit, and
76 retain a qualified workforce to meet the demands of this state
77 and its businesses.

78 (2) As used in this section, the term:

79 (a) "Sure Futures scholar" or "scholar" means a student
80 who is admitted into at least one graduate program in an area of
81 critical need identified by the Board of Governors in its most
82 recent 10-year strategic plan and who has applied and been
83 offered a Sure Futures Graduate Scholarship.

84 (b) "Sure Futures sponsor" or "sponsor" means a

85 corporation, partnership, limited liability company, sole
86 proprietor, or other private-sector business entity
87 participating in the Sure Futures Graduate Scholarship Program
88 through supporting scholarships and providing employment
89 opportunities for scholars pursuant to the provisions of this
90 section.

91 (3) The "Sure Futures Foundation," hereinafter referred to
92 as "foundation," is established and shall seek designation under
93 s. 501(c)(3) of the Internal Revenue Code. The foundation shall
94 be governed by the Sure Futures Foundation Board, which shall
95 administer the Sure Futures Graduate Scholarship Program with
96 guidance from the Board of Governors and the State Board of
97 Education. Duties of the foundation board shall include, but not
98 be limited to:

99 (a) Adoption of policies and procedures for implementation
100 of the program, including, but not limited to, an application
101 and matching process for students, scholars and sponsors
102 participating in the program.

103 (b) Adoption of policies and procedures for receiving,
104 processing and managing contributions from sponsors and state
105 matching dollars.

106 (c) Establishment of a process for approval of printed and
107 electronic materials, marketing, and advertising.

108 (d) Establishment of a process and procedure for matching
109 sponsors with scholars.

110 (e) Establishment and maintenance, when applicable, of the
111 foundation's scholarship loans.

112 (4) The board of the foundation shall be comprised of the

113 following eleven members:

114 (a) The Commissioner of Education, or the Commissioner's
115 designee, as an ex officio member.

116 (b) The chair of the Board of Governors, or the Chair's
117 designee, as an ex officio member.

118 (c) Three members from the state university system, with
119 at least one member being a State University President,
120 appointed by the Governor, who shall serve 2-year terms.

121 (d) Three sponsors participating in the program,
122 recommended by the Commissioner of Education and appointed by
123 the Governor, who shall serve 2-year terms.

124 (e) One graduate student recommended by the Commissioner
125 of Education and appointed by the Governor, who shall serve a 1-
126 year term.

127 (f) One member of the Florida House of Representatives
128 appointed by the Speaker of the House, who shall serve a two-
129 year term as an ex-officio member.

130 (g) One member of the Florida Senate appointed by the
131 President of the Senate, who shall serve a two-year term as an
132 ex-officio member.

133

134 The foundation board members shall serve without compensation,
135 but are entitled to receive reimbursement for travel and per
136 diem expenses incurred in the performance of their duties in
137 accordance with s. 112.061. The foundation board may enter into
138 an agreement with a state university, the Department of
139 Education, or the Board of Governors to provide operational and
140 administrative services to the foundation, including but not

141 limited to, processing student and scholar applications,
 142 responding to sponsor letters of interest, disseminating
 143 information about the program, managing contributions and
 144 matching state dollars, and facilitating student and sponsor
 145 matches.

146 (5) (a) The following students are eligible as candidates
 147 for a Sure Futures Graduate Scholarship and thereby eligible to
 148 obtain a list of sponsors and the graduate degree programs for
 149 which such sponsors are seeking candidates:

150 1. A student in his or her senior year who is an
 151 undergraduate student at a state university or a private college
 152 or university in the state and intends to pursue a graduate
 153 degree program at a state university.

154 2. A student in his or her senior year who is an
 155 undergraduate student at an out-of-state college or university
 156 but who would otherwise qualify as a resident for tuition
 157 purposes pursuant to 1009.21 and intends to pursue a graduate
 158 degree program at a state university.

159 3. A graduate of a college or university who qualifies as
 160 a resident for tuition purposes pursuant to 1009.21 and intends
 161 to pursue a graduate degree program at a state university.

162 4. Notwithstanding the provisions of this paragraph, a
 163 scholar shall not be an existing employee of the sponsor with
 164 whom they are matched.

165 (b) A student shall apply, using a standard application
 166 form, to the Sure Futures Foundation for a Sure Futures Graduate
 167 Scholarship.

168 (c) An employer interested in participating in the Sure

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169 Futures Graduate Scholarship Program shall submit a letter of
170 interest to the foundation. The letter of interest, at a
171 minimum, shall indicate the interest of the business in becoming
172 a sponsor to the foundation, including the degree and program
173 and the university or universities of interest. The foundation
174 shall notify the employer of the graduate programs, the state
175 university or universities at which the programs are offered,
176 and the total cost of the program.

177 (d) The foundation shall review student applications to
178 match students and potential sponsors. The foundation shall
179 notify each student applicant and potential sponsor of the match
180 or matches. Each potential sponsor is responsible for the
181 interviewing the students and notifying the foundation of the
182 student or students it wishes to sponsor. The foundation is
183 responsible for determining the final match of the sponsor and
184 scholar.

185 (e) Once a match is finalized through the foundation, the
186 student and the sponsor shall sign a contract whereby the
187 scholar agrees to the scholarship loan offered by the sponsor,
188 with a waiver-of-payment provision if a 4-year employment
189 obligation is completed, and the sponsor is required to provide
190 a defined 4-year employment position in the state. For each year
191 that the scholar is enrolled full-time as a graduate student,
192 the scholarship shall cover tuition, fees, and books for the
193 degree program; health insurance with an option for the scholar
194 to purchase additional coverage to buy a family plan for
195 dependents; and room and board based on the university dormitory
196 and meal plan rate.

197 (f) A scholar must maintain a minimum grade point average
 198 as determined by the sponsor.

199 (g) If a scholar does not take a full load of coursework
 200 during a summer semester, the scholar may be required by the
 201 sponsor to participate in an internship program.

202 (h) Upon graduation a scholar shall begin working for the
 203 sponsor and must remain employed in this state by the sponsor
 204 for a minimum of 4 years as stipulated in the contract.

205 (i) If a scholar fails to maintain the required grade
 206 point average or the graduate terminates his or her employment
 207 before completing the 4-year obligation, a prorated portion of
 208 the scholarship shall convert to a scholarship loan administered
 209 by the Office of Student Financial Assistance in the Department
 210 of Education on behalf of the foundation, pursuant to subsection
 211 (8).

212 (j) The contract signed by the sponsor and the scholar
 213 shall clearly state the terms of the scholarship, the sponsor's
 214 expectations for the scholar's performance, employment
 215 requirements, and potential legal remedies if the terms and
 216 conditions of the contract are not met. The contract shall
 217 provide for the conversion of the scholarship to a scholarship
 218 loan under subsection (8) if the scholar is unable to complete
 219 all of the obligations of the contract and shall also provide
 220 for the matching of a scholar to an alternate sponsor if the
 221 original sponsor is unable to complete all of the obligations of
 222 the contract. The terms of such contract shall include as a
 223 condition of the scholar accepting a match with a particular
 224 sponsor provisions for noncompetition, nonsolicitation, and

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225 nondisclosure, as required by the sponsor, for up to 4 years
226 following the scholar's completion of the graduate degree
227 requirements.

228 (6) (a) A sponsor shall make a monetary contribution to the
229 program of at least 50 percent of the total scholarship funds
230 necessary for completion of an eligible degree program pursuant
231 to this section from which it wishes to draw students, plus an
232 additional 3 percent per year for the Sure Future Foundation to
233 cover administrative costs of the Sure Futures Graduate
234 Scholarship Program. Contributions shall be made in one lump-sum
235 payment to the foundation by a date specified and in accordance
236 with guidelines specified by the foundation. Beginning July 1,
237 2009, and continuing thereafter, such funds are eligible to be
238 matched by the state on a dollar for dollar basis to the extent
239 funds are appropriated by the Legislature for this purpose. A
240 sponsor may contribute to one or more scholarships and must
241 offer employment in Florida for each scholar to which the
242 sponsor is matched for the 4-year contracted employment period.

243 (b) A sponsor may establish terms of sponsorship,
244 including, but not limited to, the degree sought, minimum grade
245 point average, and requirements regarding extracurricular
246 activities.

247 (c) A sponsor may select the state universities at which
248 scholars may enroll or it may allow its scholarships to be
249 available for study at any state university.

250 (d) If a sponsor terminates a scholarship employee without
251 cause before the employee completes the 4-year obligation, the
252 employee is not required to repay any portion of the scholarship

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253 and may be matched with another sponsor to complete the
254 remaining 4-year contracted employment period. The sponsor will
255 not be reimbursed in any amount paid to the foundation as a
256 sponsor made on behalf of the scholar.

257 (e) If a sponsor terminates a scholarship employee with
258 cause before the employee completes the 4-year obligation, the
259 employee is required to repay a prorated portion of the
260 scholarship in the form of a scholarship loan under subsection
261 (8).

262 (7) (a) On behalf of the foundation, the Office of Student
263 Financial Assistance in the Department of Education shall
264 establish a central database of sponsors, the graduate degree
265 programs for which the sponsors are seeking scholars, and
266 student applicants and their profiles. For purposes of this
267 section, the foundation, in consultation with the office, shall
268 establish a standard application for use by all state
269 universities.

270 (b) On an annual basis, the Department of Education shall
271 establish the amount necessary to cover the costs for degree
272 programs for which the sponsor may make contributions pursuant
273 to this section. State universities shall provide information
274 to comply with the provisions of this paragraph in the manner
275 and timeframe described by the department.

276 (8) (a) On behalf of the foundation, the Office of Student
277 Financial Assistance in the Department of Education through the
278 Florida Student Scholarship Grant Programs has the authority to
279 administer the scholarship loans pursuant to this section.

280 (b) The State Board of Education shall adopt by rule

281 scholarship loan terms, repayment schedules, collection,
 282 settlement, and charging off of delinquent unpaid and uncanceled
 283 scholarship loan notes. A scholarship loan must be repaid within
 284 10 years.

285 (c) The rate of interest and other charges shall be set by
 286 the Department of Education.

287 1. Credit for repayment of a scholarship loan shall be in
 288 an amount not to exceed 25 percent in loan principal plus
 289 applicable accrued interest for each full year of employment
 290 service.

291 2. A scholarship loan recipient is responsible for
 292 repaying the scholarship loan plus accrued interest at the rate
 293 of interest established pursuant to this section.

294 3. Scholarship loan recipients may receive loan repayment
 295 credit when matched with another sponsor at any time during the
 296 scheduled repayment period. The scholar shall receive credit
 297 only for the remaining employment service provided for in the
 298 terms of the initial employment contract. Further, such
 299 repayment credit shall be applicable only to the current
 300 principal and accrued interest balance that remains at the time
 301 the repayment credit is earned. No scholarship loan recipient
 302 shall be reimbursed for previous cash payments of principal and
 303 interest.

304 (9) Prepared documentation and electronic information
 305 regarding the program shall be made available through the
 306 appropriate office at each state university. As deemed
 307 appropriate by its administration, a state university may
 308 provide additional information or activities, such as providing

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309 one-on-one discussions with advisors, conducting seminars on the
310 program, or working with companies in its service area to create
311 scholarships through the program.

312 (10) State agencies, local workforce boards, chambers of
313 commerce, and Enterprise Florida, Inc., are strongly encouraged
314 to promote sponsor and scholar participation in the program.

315 (11) The State Board of Education shall adopt rules
316 pursuant to ss. 120.536(1) and 120.54 necessary to administer
317 this section, including rules establishing application forms.

318 (12) To the extent the funds contributed by the sponsor
319 and any matching funds provided by the state are not sufficient
320 to pay for the costs identified in (5)(e), the state university
321 that enrolls the Sure Futures scholar may provide the difference
322 in cost through grants or waivers.

323 Section 3. There is appropriated in the form of a
324 noninterest loan from nonrecurring general revenue a sum not to
325 exceed \$300,000 to the Sure Futures Foundation to pay for costs
326 associated with establishing and administering the foundation
327 and the Sure Futures Graduate Scholarship Program. Such
328 appropriation shall be repaid by the foundation on or before
329 December 31, 2010.

330 Section 4. This act shall take effect July 1, 2008.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide Limited Government.—The bill will increase reporting requirements for school districts relating to gifted identification, programming, and expenditures.

Empower Families.—The bill's reporting requirements will increase state oversight of district gifted identification, programming, and expenditures and in turn, will provide policymakers with the data they need to make informed decisions for future improvements in this state's gifted education programming for students in grades K-12. The bill will also benefit families by requiring school districts to annually inform parents of students in grades K-12 of gifted eligibility criteria and the procedures for having their children evaluated.

B. EFFECT OF PROPOSED CHANGES:

Present Situation

Background: State Board of Education (SBE) rule defines "gifted" as "one who has superior intellectual development and is capable of high performance."¹ The rule provides two methods for determining gifted eligibility status. A student must either:

- (a) Demonstrate superior intellectual development as measured by an intelligence quotient (IQ) of at least two standard deviations above the norm,² possess gifted characteristics according to a standard checklist, and need a special program; or
- (b) Be limited English proficient (LEP) or of low socioeconomic status and meet district-determined criteria set forth in an approved school district plan for increasing participation in gifted education by underrepresented groups.³

The latter method for determining gifted status is known as "Plan B." Plan B students need not meet the IQ requirement to obtain gifted status if they otherwise meet the criteria set forth in the school district's plan. Currently, 53 of 67 Florida school districts have an approved alternative identification plan for determining gifted eligibility.⁴

The methods used by school districts to select students who will be evaluated for gifted eligibility vary. Generally, districts consider a student's academic performance, teacher referrals, and review of student records.⁵ In the majority of Florida's school districts, testing to identify a gifted student occurs only upon school employee referral or parental request. A minority of districts use screening of the general student population to identify students whose performance warrants further testing for gifted status.⁶ In such cases, the district either requires screening of all students in a particular grade or screens all students upon entry into the district system.⁷

¹ Rule 6A-6.03019, F.A.C.

² Two standard deviations above the norm is approximately a 130 IQ as measured by most IQ tests. See Office of Program Policy Analysis and Government Accountability, *Florida's Gifted Student Population Grew Faster Than the Overall School Enrollment*, Report No. 08-01 (January 2008).

³ Rule 6A-6.03019, F.A.C.

⁴ OPPAGA, Report No. 08-01 (January 2008).

⁵ *Id.*

⁶ Presentations by representatives of the Department of Education and Florida Association for the Gifted at the January 23, 2007 meeting of the Committee on Education Innovation and Career Preparation.

⁷ OPPAGA, Report No. 08-01 (January 2008).

Methods Used by School Districts to Select Students for Gifted Screening⁸

Criteria Used to Select Students for Screening	Districts
Teacher Referral	62
Student Record Review	60
Parent Referral	44
Screen All Students in a Particular Grade	13
Screen All Students Upon Entry Into the District System	10

According to the Department of Education (DOE), 126,775 students were provided gifted education services during the 2006-2007 school year.⁹

K-12 Students Enrolled in Gifted Education Courses: 2006-2007¹⁰

White	African American	Hispanic	Asian	American Indian	Multi-Racial	Total Gifted
75,819	12,101	28,152	5,794	405	4,504	126,775

The data above describes the total number of gifted students statewide. Data regarding which of these students qualified for gifted status under Plan B is not reported by school districts to the DOE.

Gifted Evaluation and Services: Gifted students are classified as exceptional students, which classification also includes students with disabilities.¹¹ Exceptional students in grades K-12 are statutorily required to be provided with appropriate diagnosis, evaluation, special instruction, facilities, and services.¹²

The evaluation and written services plan required for a gifted student is referred to as an educational plan (EP). The EP must describe the student's educational needs and the services that will be provided to meet those needs. The EP is developed by a multidisciplinary team that includes school and district staff and other experts, if necessary. Parents must participate in the development of the plan.¹³ The EP must be developed by district staff within 30 days of determining that the student is eligible for gifted services. A gifted student must have an EP at the beginning of each school year and it must be reviewed every three years for primary and middle school students and every four years for high school students.¹⁴

While statute requires districts to provide services to gifted students, it does not mandate or describe the specific types of services required.¹⁵ Each district school board is statutorily required to submit a proposed plan for providing ESE services to the DOE every three years.¹⁶ This plan should include identification of gifted education services. In practice, districts typically provide only a summary of gifted services offered and do not specifically identify the grade-level or the number of schools in which the services are provided.¹⁷

School district gifted education services generally fall into one of two categories: (a) enrichment; and (b) acceleration. Enrichment activities provide students with more complex and in-depth study of subjects than is available via the regular education curriculum. Acceleration allows a student to work at a faster pace or engage in higher level work and may include whole-grade or subject matter acceleration, as well as the

⁸ *Id.*

⁹ Florida Department of Education, Bureau of Education Information and Accountability Services, *Statistical Brief: Membership in Programs for Exceptional Students: Fall 2006*, Series 2007-07B (January 2007) available at <http://www.fldoe.org/eias/eiaspubs/pdf/esemem.pdf>. (Data current through October 2006).

¹⁰ *Id.*

¹¹ Section 1003.01(3), F.S.

¹² Section 1003.57(1), F.S.

¹³ Rule 6A-6.030191, F.A.C. See also Florida Department of Education, Bureau of Exceptional Education and Student Services, *Technical Assistance Paper: Development of Educational Plans for Students Who Are Gifted*, No. 2006-3 (November 2005) available at <http://www.fldoe.org/ESE/pdf/y2006-3.pdf>.

¹⁴ Rule 6A-6.030191, F.A.C. See also Florida Department of Education, Bureau of Exceptional Education and Student Services, *Technical Assistance Paper: Development of Educational Plans for Students Who Are Gifted*, No. 2006-3 (November 2005) available at <http://www.fldoe.org/ESE/pdf/y2006-3.pdf>.

¹⁵ Section 1003.57(1), F.S.

¹⁶ Section 1003.57(1)(d), F.S.

¹⁷ OPPAGA, Report No. 08-01 (January 2008).

mechanisms for high school students.¹⁸ Currently, there are no statewide DOE-developed whole-grade and subject matter acceleration policies. Development and implementation of such policies is left to the discretion of the school districts.¹⁹

Statutorily required acceleration mechanisms for high school students include: dual enrollment; early admission to a postsecondary institution; advanced placement; credit by examination; the International Baccalaureate Program, and the Advanced International Certificate of Education program.²⁰ These programs are often utilized to serve both gifted and academically talented high school students.

Teacher Preparation and Gifted Students: Statute requires the SBE to adopt rules establishing a uniform core curriculum (UCC) for state-approved teacher preparation programs. Among other things, such teacher preparation programs must include instruction in teaching LEP students and teaching reading literacy and computational skills at all grade levels.²¹ Currently, state-approved teacher preparation programs do not require instruction related to gifted identification and programming.

Only practicing teachers who seek a gifted education endorsement are required to receive instruction pertaining to gifted students. Persons seeking the gifted endorsement must possess a baccalaureate or higher degree with certification and complete fifteen semester hours in gifted education coursework. Gifted education coursework must address gifted characteristics and strategies for providing instruction, creative learning opportunities, guidance, and counseling to gifted students. Such coursework must also address strategies for teaching gifted students with diverse backgrounds and learning styles.²²

Gifted Funding: Funding for exceptional students is calculated using a system of weighted cost factors. Cost factors are determined using a matrix of services (MOS) that the exceptional student will receive.²³ If an exceptional student does not receive a MOS, e.g., a low or moderately disabled student typically does not receive a MOS nor does a gifted student, funding for his or her services is provided through the ESE Guaranteed Allocation.²⁴ The ESE Guaranteed Allocation is a lump sum allocation that districts receive in addition to base student funding via the Florida Education Finance Program (FEFP).

In 2007, the Legislature appropriated \$1,125,846,285 for the ESE Guaranteed Allocation for the 2007-2008 school year.²⁵ Of this amount, approximately \$290 million was generated by gifted students. Each school district receives \$9,177 for each gifted student. This amount is comprised of basic student funding in the amount of \$6,879 and \$2,298 in ESE Guaranteed Allocation funding.²⁶

According to the Office of Program Policy Analysis and Government Accountability (OPPAGA), the Legislature increased gifted student funding by 26% from 2005-2006 to 2007-2008. The OPPAGA attributes this increase to a 6.7% rise in the statewide number of gifted students. This increase in gifted students caused the amount of ESE Guaranteed Allocation funding for gifted students to increase from \$243 million in 2005-2006 to \$276 million in 2006-2007.²⁷ In response to these increases, the 2007 Legislature amended the FEFP statute to provide that a school district's expenditure of ESE Guaranteed Allocation funds for gifted students in grades nine through 12 may not exceed the amount it expended in 2006-2007.²⁸

¹⁸ Florida Department of Education, Bureau of Exceptional Education and Student Services, Information Brief: Acceleration of Gifted Students (2003) available at http://www.fldoe.org/ESE/pdf/gift_accel.pdf.

¹⁹ Although, whole-grade and subject matter acceleration for elementary and middle school students is not specifically addressed in statute, many school districts have adopted policies addressing these issues pursuant to their statutory authority to adopt rules to admit, classify, promote, and graduate students. See Section 1003.02(1)(a), F.S.

²⁰ See Sections 1007.27 and 1007.271, F.S. (requiring public schools to offer secondary and postsecondary students acceleration methods that shorten the time normally required to complete a high school diploma or college degree).

²¹ Section 1004.04(2), F.S.

²² Rule 6A-4.01791, F.A.C.

²³ Section 1011.62(1)(e), F.S.

²⁴ *Id.*

²⁵ Specific Appropriation 86 of the Conference Committee Report on Senate Bill 2800, Enrolled Chapter 2007-72, L.O.F., as amended by Chapter 2007-326, L.O.F.

²⁶ OPPAGA, Report No. 08-01 (January 2008).

²⁷ *Id.*

²⁸ Section 1011.62(1)(e), F.S.

In order to participate in the FEFP, school districts are required to maintain accurate financial records.²⁹ Each school district must annually report its expenditures of all state, local, and federal funds.³⁰ School districts, however, are not currently required to separately identify the amounts of ESE Guaranteed Allocation funding expended to provide education services to disabled students and gifted students.

Effect of Bill

Parental Notice and District Reporting: The bill creates s. 1003.527, F.S., to require district school boards to annually provide written notice to parents of students in grades K-12 of the eligibility criteria for gifted student classification and the procedures for requesting an evaluation of their children. The bill also requires district school boards to annually report to the DOE by school and grade level:

- The number of students classified as gifted under the generally applicable criteria set forth in SBE rule and the number classified under Plan B.
- The types of gifted student education services that it provides and the number of students receiving each service. Additionally, districts are directed to specify: the number of hours per week each service is provided to each student; whether the service consists of direct instruction in a gifted-only class, differentiated instruction in a class with both gifted and non-gifted students, or non-instructional consultation services; and whether the service is provided by a gifted endorsed teacher.
- Performance data for students receiving gifted services.

Student data must be disaggregated by race, ethnicity, LEP status, and free or reduced price lunch eligibility status. The DOE is required to develop data elements to facilitate district reporting and the SBE must adopt rules to implement the section.

Acceleration: The bill creates s. 1003.573, F.S., to require the DOE to develop, and district school boards to implement, statewide policies that set forth procedures and eligibility criteria for whole-grade and subject matter acceleration for students in grades K-12. Currently, as discussed above in the "Present Situation," whole-grade and subject matter acceleration policies are left to the discretion of each district school board.

The bill also requires district school boards to annually report to the DOE by school and grade:

- The number of, and performance data for, students who were accelerated one or more whole grades.
- The types of subject matter acceleration programs offered.
- The number of, and performance data for, students who participated in subject matter acceleration programs.

Student data must be disaggregated by race, ethnicity, LEP status, and free or reduced price lunch eligibility status. The DOE is required to develop data elements to facilitate district reporting and the SBE must adopt rules to implement the section.

Teacher Preparation and Gifted Students: The bill amends s. 1004.04(3)(c), F.S., to require each state-approved teacher preparation program to incorporate gifted student instruction so that program graduates: will be able to recognize the characteristics of gifted students; have knowledge of gifted eligibility criteria and the procedures for referring a student for gifted evaluation; and have knowledge of how to differentiate the general education curriculum for gifted students.

Gifted Education Funding: The bill amends s. 1011.62(1)(e)2., F.S., to require each school district in its annual financial report to the DOE to separately identify the following amounts that it expends from the ESE Guaranteed Allocation: (a) the amount expended for students identified as exceptional who do not

²⁹ Section 1011.60(1), F.S.

³⁰ Section 1010.20(2), F.S.

have a matrix of services; and (b) the amount expended for gifted students in grades K-12 according to grade level.

Gifted and Academically Talented Task Force: The bill establishes the Gifted and Academically Talented Task Force (task force). The task force is to be composed of the following seven members:

- The chair of the SBE or his or her designee, who shall serve as chair.
- The Commissioner of Education or his or her designee, who shall serve as vice-chair.
- Four members who collectively have experience in gifted and academically talented student screening, identification, and education, one of whom shall be appointed by the Governor, one of whom shall be appointed by the President of the Senate, one of whom shall be appointed by the Speaker of the House of Representatives, and one of whom shall be appointed by the chair of SBE.
- One member who represents an advocacy group for parents of gifted children who shall be appointed by the Governor.

The members must be appointed by July 1, 2008, and the task force must have its first meeting by August 1, 2008. The task force is assigned to the DOE for administrative purposes. Members of the task force are entitled to per diem and travel expenses and are subject to the Code of Ethics for Public Officers and Employees under part III of chapter 112, F.S.

The task force is required to submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by February 1, 2009, that provides recommendations, based upon peer-reviewed research and the members' collective expertise, for the following:

- Revisions to statute and rule governing eligibility criteria for gifted student classification generally and in under-represented groups.
- Eligibility criteria for academically talented student classification that identifies students who are not classified as a gifted, but who possess high achievement capability in one or more academic subject areas.
- Annual screening procedures for the determination of students who should be further evaluated for identification as gifted or academically talented students.
- Model gifted and academically talented student education programs. Such programs must include:
 - Classroom-based, school-based, and district-based implementation options.
 - Subject matter acceleration opportunities, differentiated curricula that address the exceptional learning needs of gifted and academically talented students, and enrichment activities that extend learning opportunities available in the classroom.
- Procedures for annually evaluating the effectiveness of model gifted and academically talented student education programs.
- Procedures for evaluating students participating in gifted or academically talented student education programs to determine student performance and whether the students are benefiting from, and continue to be eligible to participate in, the programs.

The bill specifies that the task force is abolished upon delivery of its final report and recommendations.

C. SECTION DIRECTORY:

Section 1.: Creating s. 1003.572, F.S.; requiring district school boards to provide parental notice of gifted eligibility requirements and procedures for requesting evaluations for gifted classification; requiring district school board reporting of gifted classification, services, and performance data; requiring the DOE to develop data elements for district reporting; and requiring rulemaking.

Section 2.: Creating s. 1003.573, F.S.; requiring the DOE to develop procedures and eligibility criteria for whole-grade and subject matter acceleration; requiring district school boards to implement procedures and eligibility criteria; requiring district school board reporting of student acceleration data; requiring the DOE to develop data elements for district reporting; and requiring rulemaking.

Section 3.: Amending s. 1004.04, F.S.; requiring state-approved teacher preparation programs to incorporate specified gifted student instruction.

Section 4.: Amending s. 1011.62, F.S.; requiring certain school district guaranteed allocation expenditures to be reported separately.

Section 5.: Creating the Gifted and Academically Talented Task Force within the DOE; designating members; providing for per diem and travel expenses; requiring the task force to submit a report to the Governor and Legislature; providing report requirements; and providing for the future abolishment of the task force.

Section 6.: Providing an effective date of July 1, 2008.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The bill does not appear to have a fiscal impact on state revenues.

2. Expenditures:

In its fiscal analysis, the DOE projects that it will incur the following costs:

- \$2,760 for three data elements that will be required by the bill's new reporting requirements for school districts (a cost of \$920 per data element). The DOE also states that it will incur costs to train school district staff in how to use the new data elements.
- \$5,050 per meeting of the task force created by the bill. This amount per meeting assumes that all seven members of the task force will have travel expenses from Tallahassee for meetings in Orlando. This cost per meeting may be overstated if meetings are held in Tallahassee and if the majority of members of the task force reside in Tallahassee. Due to the fact that the travel requirements of the task force membership are not yet known and as the bill does not prescribe the number of meetings that the task force must have, the cost for task force travel and per diem is currently indeterminate.³¹

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

The bill does not appear to have a fiscal impact on local revenues.

2. Expenditures:

The bill does not appear to have a fiscal impact on local expenditures. However, please see FISCAL COMMENTS SECTION for a description of the bill's fiscal impact on school districts.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

This bill does not appear to have a direct economic impact on the private sector.

³¹ Department of Education, 2008 Bill Analysis for HB 297, as revised on March 28, 2008.

D. FISCAL COMMENTS:

The DOE fiscal analysis indicates that the bill's reporting requirements for school districts will require each district to create three new data elements. The projected cost for each data element is estimated to range from \$500 to \$3,240. Thus, each district's total non-recurring cost for the three data elements could vary from approximately \$1,500 to \$9,720. Additionally, the DOE analysis indicates that districts may incur recurring data entry and verification costs. One district projects such cost to total \$10,875 annually.³²

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not require counties or municipalities to take an action requiring the expenditure of funds.

The bill does not reduce the authority that counties or municipalities have to raise revenue in the aggregate.

The bill does not reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill requires the SBE to adopt rules to implement the provisions of: (a) s. 1003.572, F.S., which requires annual parental notice of gifted eligibility procedures and specified gifted data reporting by districts; and (b) s. 1003.573, F.S., which requires the DOE to develop statewide whole-grade and subject matter acceleration policies and requires district reporting regarding the implementation of those policies.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

D. STATEMENT OF THE SPONSOR

Representative Legg submitted the following sponsor statement:

Florida's gifted and academically talented students deserve the best education we can provide. I believe HB 297 is an excellent step in the journey toward teaching our best and brightest at a challenging and effective level.

IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES

³² *Id.*

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Section 1. Section 1003.572, Florida Statutes, is created to read:

1003.572 Gifted student education.--

(1) For students in grades K through 12, each district school board shall annually:

(a) Provide written notice to each student's parent of the eligibility criteria for gifted student classification and the procedures for requesting an evaluation of a student to determine his or her eligibility for such classification.

(b) Report to the department by school and grade level:

1. The number of students classified as gifted. Such reporting shall separately identify the number of students classified as gifted under generally applicable criteria set forth in State Board of Education rule and under a department-approved school district plan for increasing the participation of under-represented groups.

2. The types of gifted student education services that it provides and the number of students receiving each service. Such reporting shall:

a. Separately identify gifted student education services that provide: direct instruction to a class consisting only of gifted students; differentiated instruction for gifted students within a class that also includes students who are not gifted; and non-instructional consultation services.

b. Indicate the number of hours per week that each service identified under sub-subparagraph 2.a. is provided to each gifted student and whether the service is provided by a teacher

57 who has received the gifted endorsement under State Board of
 58 Education rule.

59 3. Performance data for students receiving gifted student
 60 education services.

61
 62 When reporting the number of students under this paragraph,
 63 district school boards shall classify students according to
 64 race, ethnicity, limited English proficient status, and free or
 65 reduced price lunch eligibility status under the National School
 66 Lunch Act.

67 (3) The department shall develop data elements to
 68 facilitate district school board reporting under subsection (2).

69 (4) The State Board of Education shall adopt rules
 70 pursuant to ss. 120.536(1) and 120.54, to implement this
 71 section.

72 Section 2. Section 1003.573, Florida Statutes, is created
 73 to read:

74 1003.573 Whole-Grade and Subject Matter Acceleration.--

75 (1) For students in grades K through 12, the department
 76 shall develop, and district school boards shall implement,
 77 statewide policies that set forth procedures and eligibility
 78 criteria for whole-grade and subject matter acceleration.

79 (2) Each district school board shall report annually to
 80 the department by school and grade level: the number of, and
 81 performance data for, students who were accelerated one or more
 82 whole grades; the types of subject matter acceleration programs
 83 offered; and the number of, and performance data for, students
 84 who participated in subject matter acceleration programs. When

85 reporting the number of students, district school boards shall
 86 classify students according to race, ethnicity, limited English
 87 proficient status, and free or reduced price lunch eligibility
 88 status under the National School Lunch Act.

89 (3) The department shall develop data elements to
 90 facilitate district school board reporting under subsection (2).

91 (4) The State Board of Education shall adopt rules
 92 pursuant to ss. 120.536(1) and 120.54, to implement this
 93 section.

94 Section 3. Paragraph (c) of subsection (3) of section
 95 1004.04, Florida Statutes, is amended to read:

96 1004.04 Public accountability and state approval for
 97 teacher preparation programs.--

98 (3) DEVELOPMENT OF TEACHER PREPARATION PROGRAMS.--A system
 99 developed by the Department of Education in collaboration with
 100 postsecondary educational institutions shall assist departments
 101 and colleges of education in the restructuring of their programs
 102 in accordance with this section to meet the need for producing
 103 quality teachers now and in the future.

104 (c) State-approved teacher preparation programs must
 105 incorporate:

106 1. Appropriate English for Speakers of Other Languages
 107 instruction so that program graduates will have completed the
 108 requirements for teaching limited English proficient students in
 109 Florida public schools.

110 2. Scientifically researched, knowledge-based reading
 111 literacy and computational skills instruction so that program
 112 graduates will be able to provide the necessary academic

113 foundations for their students at whatever grade levels they
 114 choose to teach.

115 3. Gifted student instruction so that program graduates
 116 will:

117 a. Be able to recognize the characteristics of gifted
 118 students; and

119 b. Have knowledge of the eligibility criteria for gifted
 120 student classification and the procedures for referring a
 121 student for an evaluation to determine his or her eligibility
 122 for such classification; and

123 c. Have knowledge of how to differentiate the general
 124 education curriculum for gifted students.

125 Section 4. Paragraph (e) of subsection (1) of section
 126 1011.62, Florida Statutes, is amended to read:

127 1011.62 Funds for operation of schools.--If the annual
 128 allocation from the Florida Education Finance Program to each
 129 district for operation of schools is not determined in the
 130 annual appropriations act or the substantive bill implementing
 131 the annual appropriations act, it shall be determined as
 132 follows:

133 (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR
 134 OPERATION.--The following procedure shall be followed in
 135 determining the annual allocation to each district for
 136 operation:

137 (e) Funding model for exceptional student education
 138 programs.--

139 1.a. The funding model uses basic, at-risk, support levels
 140 IV and V for exceptional students and career Florida Education

141 Finance Program cost factors, and a guaranteed allocation for
142 exceptional student education programs. Exceptional education
143 cost factors are determined by using a matrix of services to
144 document the services that each exceptional student will
145 receive. The nature and intensity of the services indicated on
146 the matrix shall be consistent with the services described in
147 each exceptional student's individual educational plan.

148 b. In order to generate funds using one of the two
149 weighted cost factors, a matrix of services must be completed at
150 the time of the student's initial placement into an exceptional
151 student education program and at least once every 3 years by
152 personnel who have received approved training. Nothing listed in
153 the matrix shall be construed as limiting the services a school
154 district must provide in order to ensure that exceptional
155 students are provided a free, appropriate public education.

156 c. Students identified as exceptional, in accordance with
157 chapter 6A-6, Florida Administrative Code, who do not have a
158 matrix of services as specified in sub-subparagraph b. shall
159 generate funds on the basis of full-time-equivalent student
160 membership in the Florida Education Finance Program at the same
161 funding level per student as provided for basic students.
162 Additional funds for these exceptional students will be provided
163 through the guaranteed allocation designated in subparagraph 2.

164 2. For students identified as exceptional who do not have
165 a matrix of services and students who are gifted in grades K
166 through 8, there is created a guaranteed allocation to provide
167 these students with a free appropriate public education, in
168 accordance with s. 1001.42(4) (1) ~~(m)~~ and rules of the State Board

169 of Education, which shall be allocated annually to each school
 170 district in the amount provided in the General Appropriations
 171 Act. These funds shall be in addition to the funds appropriated
 172 on the basis of FTE student membership in the Florida Education
 173 Finance Program, and the amount allocated for each school
 174 district shall not be recalculated during the year. These funds
 175 shall be used to provide special education and related services
 176 for exceptional students and students who are gifted in grades K
 177 through 8. Beginning with the 2007-2008 fiscal year, a
 178 district's expenditure of funds from the guaranteed allocation
 179 for students in grades 9 through 12 who are gifted may not be
 180 greater than the amount expended during the 2006-2007 fiscal
 181 year for gifted students in grades 9 through 12. Each district
 182 school board in its annual financial report to the department
 183 shall separately identify the following amounts expended from
 184 the guaranteed allocation:

- 185 a. The amount expended for students identified as
 186 exceptional who do not have a matrix of services; and
- 187 b. The amount expended for gifted students in grades K
 188 through 12 according to grade level.

189 Section 5. Gifted and Academically Talented Student Task
 190 Force.--

191 (1) Effective upon this act becoming a law, there is
 192 created the Gifted and Academically Talented Student Task Force.
 193 The task force is composed of the following seven members:

194 (a) The chair of the State Board of Education or his or her
 195 designee, who shall serve as chair.

196 (b) The Commissioner of Education or his or her designee,

197 who shall serve as vice-chair.

198 (c) Four members who collectively have experience in gifted
 199 and academically talented student screening, identification, and
 200 education, one of whom shall be appointed by the Governor, one
 201 of whom shall be appointed by the President of the Senate, one
 202 of whom shall be appointed by the Speaker of the House of
 203 Representatives, and one of whom shall be appointed by the chair
 204 of State Board of Education.

205 (d) One member who represents an advocacy group for parents
 206 of gifted children who shall be appointed by the Governor.

207 (2) The members of the task force shall be appointed by
 208 July 1, 2008, and shall convene the initial meeting of the task
 209 force by August 1, 2008.

210 (3) The task force is assigned to the Department of
 211 Education for administrative purposes. Members of the task
 212 force are not entitled to compensation, but are entitled to per
 213 diem and travel expenses under s. 112.061, Florida Statutes.
 214 Members of the task force are subject to the Code of Ethics for
 215 Public Officers and Employees under part III of chapter 112,
 216 Florida Statutes.

217 (4) By February 1, 2009, the task force shall submit a
 218 report to the Governor, the President of the Senate, and the
 219 Speaker of the House of Representatives, which includes, but is
 220 not limited to, recommendations, based upon peer-reviewed
 221 research and the members' collective expertise, for the
 222 following:

223 (a) Revisions to statute and rule governing eligibility
 224 criteria for gifted student classification generally and in

225 under-represented groups.

226 (b) Eligibility criteria for academically talented student
 227 classification. Such criteria shall identify students who are
 228 not classified as gifted, but who possess high achievement
 229 capability in one or more academic subject areas and who would
 230 benefit from participation in accelerated or differentiated
 231 curricula learning opportunities.

232 (c) Annual screening procedures for the determination of
 233 students who should be further evaluated for identification as
 234 gifted or academically talented students. These procedures, at
 235 a minimum, shall identify:

236 1. The most appropriate grade or grades within each of the
 237 elementary, middle, and high school levels to administer such
 238 screenings for all students; and

239 2. One or more recommended screening instruments.

240 (d) Model gifted and academically talented student
 241 education programs. The programs must include, but are not
 242 limited to:

243 1. Classroom-based, school-based, and district-based
 244 implementation options.

245 2. Subject matter acceleration opportunities,
 246 differentiated curricula that address the exceptional learning
 247 needs of gifted and academically talented students, and
 248 enrichment activities that extend learning opportunities
 249 available in the classroom.

250 (e) Procedures for annually evaluating the effectiveness
 251 of model gifted and academically talented student education
 252 programs.

253 (f) Procedures for evaluating students participating in
 254 gifted or academically talented student education programs to
 255 determine student performance and whether the students are
 256 benefiting from, and continue to be eligible to participate in,
 257 the programs.

258 (5) Upon delivery of its final report and recommendations,
 259 the task force is abolished.


260 Section 6. This act shall take effect July 1, 2008.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCS for HB 885 Criminal History Record Checks

SPONSOR(S): Schools & Learning Council; Gibbons

TIED BILLS: IDEN./SIM. BILLS:

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
Orig. Comm.: Schools & Learning Council		Hassell	Cobb 
1)			
2)			
3)			
4)			
5)			

SUMMARY ANALYSIS

The Proposed Council Substitute for HB 885 requires independent sanctioning authorities of youth athletic teams to conduct background screenings using state and federal sexual offender and sexual predator registries for any current or prospective athletic coach to a youth athletic team. Sanctioning authorities are private entities that organize, operate, or coordinate youth athletic teams in the state.

Each sanctioning authority must:

- Conduct screenings using the athletic coach's name or other identifying information.
- Search the on-line state registry provided by the Florida Department of Law Enforcement and the on-line federal registry provided by the Attorney General of the United States.
- Disqualify any person identified on either registry from acting as an athletic coach.
- Provide the person with a written notice of disqualification within seven business days following the screening.
- Maintain documentation of the results for each person screened and each notice of disqualification.

If the sanctioning authority complies with the bill's background screening and disqualification requirements prior to authorizing an athletic coach, it is entitled to a rebuttable presumption that it was not negligent in the authorization of that coach in specified civil actions.

The bill does not appear to have a fiscal impact on state or local governments. The registries are available to the public via the Internet and there are no fees associated with accessing or searching the registries. (See **FISCAL COMMENTS** section)

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

STORAGE NAME: pcs0885.SLC.doc
DATE: 3/31/2008

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Maintain public security - The bill may increase safety for members of an independent youth athletic team with its requirements for the screening of current and prospective athletic coaches on either state or federal sexual offender and predator registries.

B. EFFECT OF PROPOSED CHANGES:

Present Situation

State Sexual Offender and Sexual Predator Registry

Under s. 943.04, F.S., the Florida Department of Law Enforcement (FDLE) may notify the public through the Internet of any information regarding sexual predators and sexual offender.¹ The FDLE is required to provide, through a toll-free telephone number, public access to registration information regarding sexual predators and sexual offenders and may provide other information reported to the department which is not exempt from public disclosure. The FDLE is required to provide to any person, upon request and at a reasonable cost determined by the department, a copy of the photograph of any sexual offender or sexual predator which the department maintains in its files and a printed summary of the information that is available to the public.

Section 943.0435, F.S., identifies the sexual offenders that are required to register with the FDLE and outlines any of the penalties for failure to comply with the requirements. A "sexual offender" means a person who meets the following criteria:

1. Has been convicted of committing, or attempting, soliciting, or conspiring to commit, any of the criminal offenses proscribed in the following statutes in this state or similar offenses in another jurisdiction:
 - a. Section 787.01, F.S., relating to kidnapping and kidnapping of a child under age 13.
 - b. Section 787.02, F.S., relating to false imprisonment and false imprisonment of child under age 13.
 - c. Section 787.025(2)(c), F.S., relating to luring or enticing a child.²
 - d. Section 794.011, F.S., relating to sexual battery.³
 - e. Section 794.05, F.S., relating to unlawful sexual activity with certain minors.⁴
 - f. Section 796.03, F.S., relating to procuring a person under age of 18 for prostitution.
 - g. Section 796.035, F.S., relating to selling or buying of minors into sex trafficking or prostitution.
 - h. Section 800.04, F.S., relating to lewd or lascivious offenses against a minor under 16 years of age.

¹Any information disclosed shall not be confidential and exempt from public disclosure under s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

² This section applies to person adult with a previous conviction under Chapter 794 or s. 800.04, F.S., or similar law of another jurisdiction who intentionally lures or entices, or attempts to lure or entice, a child under the age of 12.

³ Offenses relating to a false accusation of sexual battery under subsection (10) of this section are excluded.

⁴ This section applies to persons 24 years of age or older who engage in sexual activity with a person 16 or 17 years of age.

- i. Section 825.1025, F.S., relating to lewd or lascivious offenses committed against an elderly or disabled person.
 - j. Section 827.071, F.S., relating to sexual performance by a child.
 - k. Section 847.0133, F.S., relating to the dissemination of obscene material to a minor.
 - l. Section 847.0135, F.S. relating to computer pornography.⁵
 - m. Section 847.0137, F.S., relating to the electronic transmission of pornography.
 - n. Section 847.0138, F.S., relating to the electronic transmission of obscene material to minors.
 - o. Section 847.0145, F.S., relating to the selling or buying of minors.
 - p. Section 985.701, F.S., relating to sexual misconduct,⁶ or
 - q. any similar offense committed in this state which has been redesignated from a former statute number to one of those listed above; and
 - r. Has been released on or after October 1, 1997, from the sanction imposed for any conviction of an offense
2. Establishes or maintains a residence in this state and has not been designated as a sexual predator by a court of this state, but who has been designated as a sexual predator, as a sexually violent predator, or by another sexual offender designation in another state and was, as a result of such designation, subjected to registration or community or public notification, or both, in that state;
 3. Establishes or maintains a residence in this state and is in the custody or control of, or under the supervision of, any other state or jurisdiction as a result of a conviction for committing, or attempting, soliciting, or conspiring to commit, any of the criminal offenses outlined in 1.a-r of this analysis; or
 4. Who on or after July 1, 2007, has been adjudicated delinquent for committing, or attempting, soliciting, or conspiring to commit, any of the criminal offenses proscribed in the following statutes in this state or similar offenses in another jurisdiction when the juvenile was 14 years of age or older at the time of the offense:
 - a. (I) Section 794.011, excluding s. 794.011(10);
 - b. (II) Section 800.04(4)(b) where the victim is under 12 years of age or where the court finds sexual activity by the use of force or coercion;
 - c. (III) Section 800.04(5)(c)1. where the court finds molestation involving unclothed genitals; or
 - d. (IV) Section 800.04(5)(d) where the court finds the use of force or coercion and unclothed genitals.

FDLE compiles information regarding sexual offenders and sexual predators from the following sources: the Florida Department of Corrections, Florida Department of Highway Safety and Motor Vehicles, and various law enforcement officials.⁷ It makes the information available via the following public website: <http://offender.fdle.state.fl.us/offender/homepage.do>

Federal Sexual Offender and Sexual Predator Registry

⁵ Offenses involving traveling to meet a minor to commit a prohibited act are excluded.

⁶ "Sexual misconduct" means fondling the genital area, groin, inner thighs, buttocks, or breasts of a person; the oral, anal, or vaginal penetration by or union with the sexual organ of another; or the anal or vaginal penetration of another by any other object.

⁷ See www.offender.fdle.state.fl.us, Florida Department of Law Enforcement (last visited April 4, 2008).

The Dru Sjodin National Sex Offender Public Registry, is a cooperative effort between state agencies that host sexual offender registries and the federal government to create a national sex offender database. By using this website, interested members of the public have access to and may search participating state Web site public information regarding the presence or location of offenders, who, in most cases, have been convicted of sexually-violent offenses against adults and children and certain sexual contact and other crimes against victims who are minors. The public can use this website to educate themselves about the possible presence of such offenders in their local communities.⁸

The website allows the users to search for sex offenders using either a national or state specific search. Users may search by name, ZIP code, county, municipality, or state. Positive identification of a person believed to be a sexual predator or sexual offender cannot be established unless a fingerprint comparison is made. The national registry is maintained by the U.S. Department of Justice.⁹

The Sex Offender Registration and Notification Act (SORNA) which is Title 1 of the Adam Walsh Child Protection and Safety Act of 2006¹⁰ provides a comprehensive set of minimum standards for sex offender registration and notification in the United States. SORNA aims to close potential gaps and loopholes that existed under prior law and aims to strengthen the nationwide network of sex offender registration and notification programs.

SORNA establishes the Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (the "SMART Office"), a component of the Office of Justice Programs within the U.S. Department of Justice. The SMART Office is authorized by law to administer the standards for sex offender registration and notifications that are set forth in SORNA. It is further authorized to cooperate and provide assistance to states, local and tribal governments, and other public and private entities in relation to sex offender registration and notification for the protection of the public from sexual abuse or exploitation. All jurisdictions are required to substantially implement SORNA by July 27, 2009.¹¹

Effects of Proposed Changes

Athletic Coaches for Independent Sanctioning Authorities

The bill requires independent sanctioning authorities (sanctioning authority) of youth athletic teams to conduct background screenings using state and federal sexual offender and sexual predator registries for any current or prospective athletic coach to a youth athletic team.

A sanctioning authority is a private, non-governmental entity that organizes, operates, or coordinates a youth athletic team in this state. A youth athletic team is a team that includes at least one minor, defined as any person who has not attained the age of 18 years, and that is not affiliated with a private

⁸ <http://www.nsopr.gov/> (last visited April 4, 2008).

⁹ Id. Information from the various state Web sites is not hosted by the Department, and the Department has neither responsibility for nor control over the information available for public inspection or search from individual state Web sites that are accessible through this Web site. The Department does not guarantee the accuracy, completeness, or timeliness of the information contained in state Web sites regarding specific offenders or with respect to the omission of information about other offenders who may be residing, working, or attending school in the vicinity of any location that is the subject of any search using this Web site. In this regard, the Department accepts no responsibility or liability for damages of any kind resulting from reliance on this information or lack thereof.

¹⁰ Public Law 248-109

¹¹ United State Department of Justice, Office of Justice Programs: *Frequently Asked Questions: The Sex Offender Registration and Notification Act (SORNA) Proposed Guidelines*. www.ojp.usdoj.gov (Last visited April 4, 2008). Guidelines are available at <http://www.ojp.usdoj.gov/smart/guidelines.htm>

school.¹² An athletic coach is a person who is authorized by a sanctioning authority to work, whether for compensation or as a volunteer, for a youth athletic team for at least 20 hours within a calendar year and who has direct contact with at least one minor on the team.

Each sanctioning authority must:

- Conduct background screenings for each current and prospective athletic coach.
- Conduct the screening using the athletic coach's name or other identifying information.
- Search the state sexual predator and sexual offender registry provided by the Florida Department of Law Enforcement and available to the public on the Internet.¹³
- Search the federal sexual predator and sexual offender registry provided by the Attorney General of the United States and available to the public on the internet.¹⁴
- Disqualify any person from acting as an athletic coach if he or she is identified on either the state or federal registries.
- Provide a disqualified person with a written notice of disqualification, including the results, within seven business days following the screening.
- Maintain documentation of the results for each person screened.
- Maintain documentation of the notice provided to each disqualified person.
- Annually repeat a background screening for each athletic coach

Beginning July 1, 2008, a sanctioning authority can only authorize a person to act as an athletic coach after the background screening is conducted and the screening results do not require disqualification of the person. Sanctioning authorities are encouraged, but not required, to participate in the Volunteer and Employee Criminal History System (VECHS), as authorized by the National Child Protection Act of 1993 and s. 943.0542.¹⁵ If a sanctioning authority chooses to participate in VECHS, it must still comply with the background screenings and disqualification requirements detailed in the bill.

A sanctioning authority fulfills its statutory duty for authorizing athletic coaches if it complies with the background screening and disqualification requirements prior to authorizing an athletic coach. If the sanctioning authority complies with these requirements, the bill provides the sanctioning authority with a rebuttable presumption that it was not negligent in the authorization of an athletic coach in a civil action against the sanctioning authority for the death of, or injury or damage to, a third party caused by an intentional tort of an athletic coach, relating to sexual misconduct. Conversely, if a sanctioning authority

¹² S. 1002.01(2), F.S., A "private school" is a nonpublic school defined as an individual, association, copartnership, or corporation, or department, division, or section of such organizations, that designates itself as an educational center that includes kindergarten or a higher grade or as an elementary, secondary, business, technical, or trade school below college level or any organization that provides instructional services that meet the intent of s. 1003.01(13) or that gives preemployment or supplementary training in technology or in fields of trade or industry or that offers academic, literary, or career training below college level, or any combination of the above, including an institution that performs the functions of the above schools through correspondence or extension, except those licensed under the provisions of chapter 1005. A private school may be a parochial, religious, denominational, for-profit, or nonprofit school. This definition does not include home education programs conducted in accordance with s. 1002.41.

¹³ <http://offender.fdle.state.fl.us/offender/homepage.do;jsessionid=H1QpTsF1gykZKBZgDyLPyJbT6rtvwRdSyls2GgVmq7b5RMJplc9w!-897273147>

¹⁴ <http://www.nsopr.gov/>

¹⁵ According to the Florida Department of Law Enforcement, each VECHS request is \$33.25. Eighteen dollars goes to the FDLE Operating Trust Fund and \$15.25 is forwarded to the Federal Bureau of Investigation. Information provided by FDLE on February 19, 2008.

fails to conduct the required background screenings or fails to disqualify an athletic coach identified on a registry, it has not met its statutory duty for authorizing athletic coaches for youth athletic teams.

C. SECTION DIRECTORY:

Section 1. Creating an unnumbered section of law relating to athletic coaches for independent sanctioning authorities; defining "athletic coach" and "independent sanctioning authorities;" requiring the sanctioning authority to screen current and prospective athletic coaches through designated state and federal sex offender and predator Internet websites; requiring the sanctioning authority to maintain results; requiring sanctioning authority to disqualify any athletic coach appearing on either registry; requiring notice of disqualification and proof of such documentation; providing that a sanctioning authority is presumed to be not negligent in a civil action for an intentional tort related to sexual misconduct by an athletic coach if the authority complied with the screening and disqualification requirements,; encouraging sanctioning authorities to participate in Volunteer and Employee Criminal History System.

Section 2. Provides for an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The bill does not appear to have a fiscal impact on state government revenues.

2. Expenditures:

The bill does not appear to have a fiscal impact on state government expenditures.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

The bill does not appear to have a fiscal impact on local government revenues.

2. Expenditures:

The bill does not appear to have a fiscal impact on local government expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

See "Fiscal Comments" section below.

D. FISCAL COMMENTS:

The state and federal sexual offender and sexual predator registries are available to the public via the Internet. There are no fees associated with accessing or searching the registries.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not appear to require a city or county to expend funds or take any action requiring the expenditure of funds. The bill does not appear to reduce the authority that municipalities or counties have to raise revenues in the aggregate. The bill does not appear to reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:-

None.

D. STATEMENT OF THE SPONSOR

IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES

1 A bill to be entitled

2 An act relating to athletic coaches; defining the terms

3 "athletic coach" and "independent sanctioning authority";

4 requiring the independent sanctioning authority of a youth

5 athletic team to background screen current and prospective

6 athletic coaches through designated federal and state sex

7 offender Internet websites; requiring the independent

8 sanctioning authority to disqualify any athletic coach

9 appearing on either registry; requiring the independent

10 sanctioning authority to provide a disqualified coach with

11 written notice; requiring the independent sanctioning

12 authority to maintain documentation of screening results

13 and disqualification notices; providing a rebuttable

14 presumption that an independent sanctioning authority did

15 not negligently authorize an athletic coach for purposes

16 of a civil action for an intentional tort relating to

17 sexual misconduct if the authority complied with the

18 screening and disqualification requirements; encouraging

19 independent sanctioning authorities for youth athletic

20 teams to participate in the Volunteer and Employee

21 Criminal History System; providing an effective date.

22

23 Be It Enacted by the Legislature of the State of Florida:

24

25 Section 1. Athletic coaches for independent sanctioning

26 authorities.--

- 27 (1) As used in this section, the term:
- 28 (a) "Athletic coach" means a person who:

29 1. Is authorized by an independent sanctioning authority
 30 to work, whether for compensation or as a volunteer, for a youth
 31 athletic team for 20 or more hours within a calendar year; and

32 2. Has direct contact with one or more minors on the youth
 33 athletic team.

34 (b) "Independent sanctioning authority" means a private,
 35 non-governmental entity that organizes, operates, or coordinates
 36 a youth athletic team in this state. Such team shall include one
 37 or more minors, as defined in s. 1.01, and may not be affiliated
 38 with a private school as defined in s. 1002.01(2).

39 (2) An independent sanctioning authority shall:

40 (a) Conduct a background screening of each current and
 41 prospective athletic coach. No person shall be authorized by the
 42 independent sanctioning authority to act as an athletic coach
 43 after July 1, 2008, unless the background screening has been
 44 conducted and did not result in disqualification under paragraph
 45 (b). Background screenings shall be annually repeated for each
 46 athletic coach. For purposes of this section, the background
 47 screening shall be conducted with a search of the athletic
 48 coach's name or other identifying information against state and
 49 federal registries of sexual predators and sexual offenders,
 50 which are available to the public on an Internet site provided
 51 by:

52 1. The Department of Law Enforcement under s. 943.043; and

53 2. The Attorney General of the United States under 42
 54 U.S.C. § 16920.

55 (b) Disqualify any person from acting as an athletic coach
 56 if he or she is identified on either registry under paragraph

57 | (a).

58 | (c) Provide written notice to a person disqualified within
 59 | seven business days following the background screening under
 60 | paragraph (a), which advises the person of the results and of
 61 | his or her disqualification.

62 | (d) Maintain documentation of:

63 | 1. The results for each person screened under paragraph
 64 | (a); and

65 | 2. The written notice of disqualification provided to each
 66 | person under paragraph (c).

67 | (3) In a civil action for the death of, or injury or
 68 | damage to, a third person caused by the intentional tort of an
 69 | athletic coach, which relates to sexual misconduct, it is a
 70 | rebuttable presumption that the independent sanctioning
 71 | authority was not negligent in authorizing the athletic coach if
 72 | prior to such authorization it complied with the background
 73 | screening and disqualification requirements of subsection (2).

74 | (4) The Legislature encourages independent sanctioning
 75 | authorities for youth athletic teams to participate in the
 76 | Volunteer and Employee Criminal History System, as authorized by
 77 | the National Child Protection Act of 1993 and s. 943.0542.

78 | Section 2. This act shall take effect July 1, 2008.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS



BILL #: PCSCB FOR HB 1163 & HB 757

Physical Education in Public Schools

SPONSOR(S): Dorworth, Davis, D.

TIED BILLS:

IDEN./SIM. BILLS: CS/CS/SB 610

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
Orig. Comm.: Schools & Learning Council		Kutasi 	Cobb 
1)			
2)			
3)			
4)			
5)			

SUMMARY ANALYSIS

Florida law requires a district school board to provide 150 minutes of physical education (P.E.) each week for students in kindergarten through grade 5. The proposed council substitute requires that, with regard to those 150 minutes, students must participate in at least 30 consecutive minutes of P.E. whenever they are participating in P.E.

The proposed council substitute expands the 150 minute P.E. requirement to include students in grade 6 who are enrolled in a school that contains one or more elementary grades.

Beginning with the 2009-2010 school year, the proposed council substitute requires that students in grade 6, who are enrolled in a school that does not contain an elementary grade, and students in grades 7 and 8 must take "one class period per day, or the equivalent, of P.E. for one semester of each school year." These students may be exempted from this requirement if:

- The parent requests, in writing and prior to the student's enrollment, an exemption from the P.E. requirement; or
- The schedule for the student's courses of study cannot be modified to provide adequate time for P.E. without interfering with the student's normal progression or enrollment in a remedial course.

The proposed council substitute deletes language *encouraging* a district school board to provide 225 minutes of P.E. each week for students in grades 6 through 8.

The proposed council substitute does not appear to have a fiscal impact on state or local governments.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

The proposed council substitute does not appear to implicate any of the House Principles.

B. EFFECT OF PROPOSED CHANGES:

Background:

Between 1976–1980 and 2003–2004, the percentage of overweight children increased from 5.0% to 13.9% for those aged 2–5 years, 6.5% to 18.8% for those aged 6–11 years, and 5.0% to 17.4% for those aged 12–19 years.¹ As a result, states are implementing various health policies and programs within schools, including revising physical education (P.E.) requirements. According to a national study using data from the 2006-2007 school year, 69.3% of elementary schools, 83.9% of middle schools, and 95.2% of high schools required P.E.² During that same school year, 3.8% of elementary schools, 7.9% of middle schools, and 2.1% of high schools provided daily P.E., or its equivalent, for the entire school year for students in all grades of the school.³

Present Situation:

Florida law requires a district school board to develop a P.E. program that stresses physical fitness and encourages healthful, active lifestyles.⁴ P.E. must consist of physical activities of at least a moderate intensity level and for a duration sufficient to provide a significant health benefit to students, subject to the differing capabilities of students.⁵ Each district school board must adopt a written P.E. policy detailing the school district's P.E. program and expected program outcomes.⁶

Florida law requires a district school board to provide 150 minutes of P.E. each week for students in kindergarten through grade 5.⁷ Furthermore, a district school board is encouraged to provide 225 minutes of P.E. each week for students in grades 6 through 8.⁸ As a part of Florida's general requirements for high school graduation, a student must receive one credit in P.E.⁹

P.E. instruction in kindergarten through grade 5 may be provided by any instructional personnel¹⁰ regardless of certification, as designated by the school principal.¹¹

¹ The Center for Disease Control and Prevention, *Physical Activity and Good Nutrition: Essential Elements to Prevent Chronic Disease and Obesity*, available at <http://www.cdc.gov/nccdphp/publications/aag/dnpa.htm> (last viewed Apr. 2, 2008).

² The Center for Disease Control and Prevention, *SHPPS 2006: School Health Policies and Programs Study-Physical Education*, available at http://www.cdc.gov/HealthyYouth/shpps/2006/factsheets/component_index.htm (last viewed Apr. 2, 2008).

³ *Id.* (The equivalent of daily physical education is 150 minutes per week in elementary schools and 225 minutes per week in middle and high schools.)

⁴ §1003.455(1), Fla. Stat.

⁵ *Id.*

⁶ §1003.455(2), Fla. Stat.

⁷ §1003.455(3), Fla. Stat.

⁸ *Id.*

⁹ §1003.428(2)(a)(6), Fla. Stat.

¹⁰ §1012.01(2), Fla. Stat., defines "instruction personnel" as classroom teachers, staff members responsible for student personnel services, librarians and media specialists, other instructional staff, and education paraprofessionals.

¹¹ §1003.455(3), Fla. Stat.

Effect of Proposed Changes:

This proposed council substitute adds a requirement for a district school board's written P.E. policy to include "the benefits of physical education, and the availability of one-on-one counseling concerning the benefits of physical education."

The proposed council substitute expands the 150 minute per week P.E. requirement for students from kindergarten through grade 5 to include "students in grade 6 who are enrolled in a school that contains one or more elementary grades." The proposed council substitute requires that, with regard to those 150 minutes, students must participate in at least 30 consecutive minutes of P.E. whenever they are participating in P.E.

Additionally, beginning with the 2009-2010 school year, the proposed council substitute requires a student in grade 6, enrolled in a school that does *not* contain an elementary grade, and students in grades 7 and 8 to take "one class period per day, or the equivalent, of physical education for one semester of each school year." The effective date of this provision allows school districts adequate time to establish teacher and student schedules in compliance with the new P.E. requirement.

The proposed council substitute exempts students from P.E. in grade 6, who are enrolled in a school that does not contain an elementary grade, and students in grades 7 and 8 if:

- The parent requests in writing, prior to the student's enrollment, an exemption from the physical education requirement. The parent may make such a written request for each school year the student is in grades 6, 7, or 8; or
- The schedule for the student's courses of study cannot be modified to provide adequate time for the required minutes of physical education without interfering with the student's normal progression¹² or enrollment in a remedial course.¹³

The proposed council substitute deletes the provision encouraging a district school board to provide 225 minutes of P.E. each week for students in grades 6 through 8.

C. SECTION DIRECTORY:

Section 1. Amends s. 1003.455, adding requirements regarding a district school board's P.E. policy; requiring 30 consecutive minutes of P.E. on any day P.E. is provided for certain grades; expanding P.E. requirements to grades 6 through 8; and creating exceptions to the P.E. requirement.

Section 2. Provides an effective date of July 1, 2008.

¹² §1003.4156, Fla. Stat., provides that in order to be promoted to the ninth grade a student must complete the following: three middle school or higher courses in English (emphasizing literature, composition, and technical text); three middle school or higher courses in mathematics; three middle school or higher courses in social studies (one semester of which must include the study of state and federal government and civics education); three middle school or higher courses in science; and one semester-long course in career and education planning to be completed in seventh or eighth grade.

¹³ §1003.4156, Fla. Stat., provides that in order to be promoted to the ninth grade, a student receiving a score at Level 1 on FCAT Reading must be enrolled in and complete an intensive reading course the following year. Students receiving a score at Level 2 on FCAT Reading must be placed in either an intensive reading course or a content area course in which reading strategies are delivered and determined by diagnosis of reading needs. The statute further provides that a student receiving a score at Level 1 or Level 2 on FCAT Mathematics must receive remediation the following year which may be integrated into the student's required mathematics course.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The proposed council substitute does not appear to have a fiscal impact on state government revenues.

2. Expenditures:

The proposed council substitute does not appear to have a fiscal impact on state government expenditures.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

The proposed council substitute does not appear to have a fiscal impact on local government revenues.

2. Expenditures:

The proposed council substitute requires one class period of P.E. per day for one semester of each year a student is enrolled in the sixth, seventh, and eighth grades. According to the Department of Education, if each school district uses only certified P.E. teachers, 1,835 additional P.E. teachers would be required at a cost of \$89,500,290 annually in salaries and benefits. However, the proposed council substitute retains a school district's ability to use *any* instructional personnel to teach P.E. (not simply certified P.E. teachers), thereby reducing costs. Costs will also be reduced as a result of students not taking P.E. because of parental requests or because the students' courses of study cannot be modified to provide adequate time for P.E. without interfering with their normal progression or enrollment in remedial courses. Also, P.E. classes are not subject to class size maximum restrictions.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The proposed council substitute does not appear to require a city or county to expend funds or to take any action requiring the expenditure of funds.

The proposed council substitute does not appear to reduce the authority that municipalities or counties have to raise revenues in the aggregate.

The proposed council substitute does not appear to reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

D. STATEMENT OF THE SPONSOR

Not applicable.

IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES

Not applicable.

1 A bill to be entitled
 2 An act relating to physical education; amending s.
 3 1003.455, F.S.; adding requirements regarding a school
 4 district's physical education policy; adding a condition
 5 to existing physical education requirements; requiring
 6 physical education in grades 6 through 8; providing
 7 exceptions under certain circumstances; providing an
 8 effective date.

9
 10 Be It Enacted by the Legislature of the State of Florida:

11
 12 Section 1. Section 1003.455, Florida Statutes, is amended
 13 to read:

14 1003.455 Physical education; assessment.--

15 (1) It is the responsibility of each district school board
 16 to develop a physical education program that stresses physical
 17 fitness and encourages healthful, active lifestyles and to
 18 encourage all students in prekindergarten through grade 12 to
 19 participate in physical education. Physical education shall
 20 consist of physical activities of at least a moderate intensity
 21 level and for a duration sufficient to provide a significant
 22 health benefit to students, subject to the differing
 23 capabilities of students. All physical education programs and
 24 curricula must be reviewed by a certified physical education
 25 instructor.

26 (2) Each district school board shall adopt a written
 27 physical education policy that details the school district's
 28 physical education program, the ~~and~~ expected program outcomes,

PCSCB for HBs 1163 and 757

Original

2008

29 the benefits of physical education, and the availability of one-
30 on-one counseling concerning the benefits of physical education.

31 (3) Each district school board, except as otherwise
32 permitted under subsection (4), shall provide:

33 (a) One hundred fifty ~~150~~ minutes of physical education
34 each week, of which at least 30 consecutive minutes must be
35 provided on any day that physical education is provided, for
36 students in kindergarten through grade 5 and students in grade 6
37 who are enrolled in a school that contains one or more
38 elementary grades; and

39 (b) Beginning with the 2009-2010 school year, one class
40 period per day, or the equivalent, of physical education for one
41 semester of each school year for students in grade 6 who are
42 enrolled in a school that does not contain an elementary grade
43 and for students in grades 7 and 8.

44

45 Students enrolled in such instruction shall be reported through
46 the periodic student membership surveys, and records of such
47 enrollment shall be audited under ~~pursuant to~~ s. 1010.305. Such
48 instruction may be provided by any instructional personnel as
49 defined in s. 1012.01(2), regardless of certification, who are
50 designated by the school principal. ~~Each district school board~~
51 ~~is encouraged to provide 225 minutes of physical education each~~
52 ~~week for students in grades 6 through 8.~~

53 (4) A district school board is not required to provide
54 physical education for a student in grade 6, who is enrolled in
55 a school that does not contain an elementary grade, and for
56 students in grades 7 and 8, if:

PCSCB for HBs 1163 and 757

Original

2008

57 | (a) The parent requests, in writing, prior to the
58 | student's enrollment, an exemption from the physical education
59 | requirement for that school year. The parent may make such a
60 | written request for each school year the student is in grades 6,
61 | 7, or 8; or

62 | (b) The schedule for the student's courses of study cannot
63 | be modified to provide adequate time for physical education
64 | without interfering with the student's normal progression or
65 | enrollment in a remedial course.

66 | Section 2. This act shall take effect July 1, 2008.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

This bill does not appear to implicate any of the House principles.

B. EFFECT OF PROPOSED CHANGES:

Background

In the year 2000, Florida had a population of 15,982,378, including 3,274,566 individuals over the age of five with a disability.¹ The Florida Department of Education (DOE) reported that in 2006-07 school 390,827 students with a disability enrolled in K-12 public schools.² DOE defines children with disabilities as "children with mental handicaps, hearing impairments, visual impairments, dual-sensory impairments, speech or language impairments, emotional handicaps or serious emotional disturbance, orthopedic impairments, autism, traumatic brain injury, other health impairments, or specific learning disabilities."³

Present Situation

Three states (Illinois, Montana, and Washington) have proposed legislation to establish disability education weeks within public schools and two states (West Virginia and North Carolina) have adopted legislation recognizing specific weeks during a designated month each year for disability awareness education to occur within public schools.⁴

Three states (Idaho, Iowa, and New York) have adopted resolutions recognizing specific weeks during a designated month for disability education to occur within public schools. In addition, Florida adopted a resolution during the 2007 Legislative Session designating October 1-15, 2007, as "Disability History and Awareness Weeks" in order to "provide instruction on disability history, people with disabilities, and the disability rights movement."⁵

Florida law does not specifically require a district school board to provide disability history and awareness instruction in K-12 public schools.

Effects of Proposed Changes

This bill creates s. 1003.4205, F.S., requiring a district school board to annually provide disability history and awareness instruction in all K-12 public schools during the first two weeks in October, designated as "Disability History and Awareness Weeks." The purpose of "Disability History and

¹ The U.S. Census Bureau, 2007 Population Estimates, Census 2000, *available at* http://factfinder.census.gov/servlet/SAFFPopulation?_event=Search&_name=&_state=04000US12&_county=&_cityTown=&_zip=&_sse=on&_lang=en&pctxt=fphState & County Quick Facts-Florida 2000, also available at <http://quickfacts.census.gov/qfd/states/12000.html>.

² Florida Department of Education, Bureau of Education Information & Accountability Services, *Membership in Programs for Exceptional Students Fall 2006*, January 2007.

³ Florida Department of Education, Exceptional Student Education, Definition of terms, *available at* <http://www.oppaga.state.fl.us/profiles/2012/01/>.

⁴ The Museum of DisABILITY History, Disability History Week-Legislation, *available at* <http://disabilityhistoryweek.org/legislations/>.

⁵ Senate Resolution, 11-132-07, SR 346

Awareness Weeks” is to expand students’ “knowledge, understanding, and awareness of individuals with disabilities, the history of disability and the disability rights movement.”

This bill provides that disability history instruction consist of specific topics, including, “the events and timelines of the development and evolution of service to, and the civil rights of individuals with disabilities.” The bill further provides, “Disability history must also include the contributions of specific individuals with disabilities, including the contributions of acknowledged national leaders.”

The bill provides for the goals of disability history and awareness instruction as: better treatment for individuals with disabilities; encouragement to individuals with disabilities; and reaffirmation of the local, state, and federal commitment to all individuals with disabilities.

Finally, the bill encourages state postsecondary institutions to “conduct and promote activities . . . that provide education, understanding, and awareness of individuals with disabilities, disability history, and the disability rights movement.”

By requiring a school district to include disability history and awareness instruction in its curriculum, teachers will need additional instructional materials. Existing resources may provide adequate information for the required instruction. Also, the DOE website provides a webpage of resources for the “Bureau of Exceptional Education and Student Services,” which has multiple links to websites containing information on disability and disability history.⁶

The disability history and awareness instruction will require a school district to create different curriculum guidelines for elementary, middle, and high schools. A school district will need to ensure the curriculum contains the appropriate content for the different grades within each school. Additionally, a school district will need to enforce the bill’s provisions to ensure compliance with the state law within each school.

The bill requires students receive “intensive instruction” by “qualified school personnel” or “knowledgeable guest speakers.” Florida law classifies instructional personnel as: classroom teachers, student personnel services, librarians/media specialists, other instructional staff, and education paraprofessionals.⁷ The term “qualified school personnel” is not defined in the bill.

C. SECTION DIRECTORY:

This bill creates s. 1003.4205, F.S., designating the first two weeks in October each year as “Disability History and Awareness Weeks.”

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

⁶ Florida Department of Education, Bureau of Exceptional Education and Student Services-Resources, *available at* <http://www.fldoe.org/ese/linkhome.asp>.

⁷ s. 1012.01(2)(a)-(e), Fla. Stat.

2. Expenditures:
None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:
None.

2. Expenditures:

The cost for a school district to supply instructional materials to teachers, create curriculum guidelines, and enforce the bill's provisions is indeterminate.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not appear to require a city or county to expend funds or to take any action requiring the expenditure of funds.

This bill does not appear to reduce the authority that municipalities or counties have to raise revenues in the aggregate.

This bill does not appear to reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

The term "school personnel" is not defined, thereby allowing school districts the discretion to determine which "school personnel" are qualified to provide disability history and awareness instruction.

D. STATEMENT OF THE SPONSOR

No statement submitted.

IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES

On March 18, 2008, the Committee on K-12 adopted one strike-all amendment offered by Representative Richardson, and reported the bill favorably.

The strike-all amendment:

- Retains the requirement that a district school board annually designate the first two weeks of October as "Disability History and Awareness Weeks."
- Removes the requirement that a district school board provide disability history and awareness instruction making the provision of such instruction optional.
- Retains the purpose and goals of providing disability history and awareness instruction, as well as how instruction may be integrated into existing school curriculum.
- Retains the provision encouraging state postsecondary institutions to conduct and promote activities relating to disability education.

HB 91

2008

1 A bill to be entitled
 2 An act relating to disability history and awareness;
 3 creating s. 1003.4205, F.S.; requiring district school
 4 boards to designate "Disability History and Awareness
 5 Weeks" during the first 2 weeks in October each year;
 6 requiring students in all K-12 public schools to be
 7 provided disability history and awareness instruction;
 8 providing the content and goals of such instruction;
 9 encouraging state postsecondary institutions to conduct
 10 and promote activities related to disability history and
 11 awareness; providing an effective date.

12
 13 Be It Enacted by the Legislature of the State of Florida:

14
 15 Section 1. Section 1003.4205, Florida Statutes, is created
 16 to read:

17 1003.4205 Disability history and awareness instruction.--

18 (1) Each district school board shall provide disability
 19 history and awareness instruction in all K-12 public schools in
 20 the district during the first 2 weeks in October each year. The
 21 district school board shall designate these 2 weeks as
 22 "Disability History and Awareness Weeks."

23 (2) (a) During this 2-week period, students must be
 24 provided intensive instruction to expand their knowledge,
 25 understanding, and awareness of individuals with disabilities,
 26 the history of disability, and the disability rights movement.
 27 Disability history must include the events and timelines of the
 28 development and evolution of services to, and the civil rights

29 of, individuals with disabilities. Disability history must also
 30 include the contributions of specific individuals with
 31 disabilities, including the contributions of acknowledged
 32 national leaders.

33 (b) The instruction must be integrated into the existing
 34 school curriculum in ways including, but not limited to,
 35 supplementing lesson plans, holding school assemblies, or
 36 providing other school-related activities. The instruction may
 37 be delivered by qualified school personnel or by knowledgeable
 38 guest speakers, with a particular focus on including individuals
 39 with disabilities.

40 (3) The goals of disability history and awareness
 41 instruction include:

42 (a) Better treatment for individuals with disabilities,
 43 especially for youth in school, and increased attention to
 44 preventing the bullying or harassment of students with
 45 disabilities.

46 (b) Encouragement to individuals with disabilities to
 47 develop increased self-esteem, resulting in more individuals
 48 with disabilities gaining pride in being an individual with a
 49 disability, obtaining postsecondary education, entering the
 50 workforce, and contributing to their communities.

51 (c) Reaffirmation of the local, state, and federal
 52 commitment to the full inclusion in society of, and the equal
 53 opportunity for, all individuals with disabilities.

54 Section 2. State postsecondary institutions are encouraged
 55 to conduct and promote activities on their campuses that provide
 56 education, understanding, and awareness of individuals with

HB 91

2008

57 | disabilities, disability history, and the disability rights
58 | movement.

59 | Section 3. This act shall take effect July 1, 2008.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. **HB 91**

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

This amendment is traveling with the bill and requires no further action.

1 Council/Committee hearing bill: Schools & Learning Council
2 The Committee on K-12 offered the following:

3
4 **House Amendment (with title amendment)**

5 Delete everything after the enacting clause and insert:

6
7 Section 1. Section 1003..4205, Florida Statutes, is
8 created to read:

9
10 1003.4205 Disability history and awareness instruction.--

11 (1) Each district school board may provide disability
12 history and awareness instruction in all K-12 public schools in
13 the district during the first 2 weeks in October each year. The
14 district school board shall designate these 2 weeks as
15 "Disability History and Awareness Weeks."

16 (2) (a) During this 2-week period, students may be provided
17 intensive instruction to expand their knowledge, understanding,
18 and awareness of individuals with disabilities, the history of
19 disability, and the disability rights movement. Disability

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

20 history may include the events and timelines of the development
21 and evolution of services to, and the civil rights of,
22 individuals with disabilities. Disability history may also
23 include the contributions of specific individuals with
24 disabilities, including the contributions of acknowledged
25 national leaders.

26 (b) The instruction may be integrated into the existing
27 school curriculum in ways including, but not limited to,
28 supplementing lesson plans, holding school assemblies, or
29 providing other school-related activities. The instruction may
30 be delivered by qualified school personnel or by knowledgeable
31 guest speakers, with a particular focus on including individuals
32 with disabilities.

33 (3) The goals of disability history and awareness
34 instruction include:

35 (a) Better treatment for individuals with disabilities,
36 especially for youth in school, and increased attention to
37 preventing the bullying or harassment of students with
38 disabilities.

39 (b) Encouragement to individuals with disabilities to
40 develop increased self-esteem, resulting in more individuals
41 with disabilities gaining pride in being an individual with a
42 disability, obtaining postsecondary education, entering the
43 workforce, and contributing to their communities.

44 (c) Reaffirmation of the local, state, and federal
45 commitment to the full inclusion in society of, and the equal
46 opportunity for, all individuals with disabilities.

47 Section 2. State postsecondary institutions are encouraged to
48 conduct and promote activities on their campuses that provide
49 education, understanding, and awareness of individuals with

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

50 disabilities, disability history, and the disability rights
51 movement.

52 Section 3. This act shall take effect July 1, 2008.

53

54 -----

55

T I T L E A M E N D M E N T

56

And the title is amended as follows:

57

Delete everything before the enacting clause

58

and insert:

59

A bill to be entitled

60

An act relating to disability history and awareness; creating s.

61

1003.4205, F.S.; requiring district school boards to designate

62

"Disability History and Awareness Weeks" during the first 2

63

weeks in October each year; providing that district school

64

boards may provide disability history and awareness instruction

65

in all K-12 public schools during "Disability History and

66

Awareness Weeks"; providing the content and goals of such

67

instruction; encouraging state postsecondary institutions to

68

conduct and promote activities related to disability history and

69

awareness; providing an effective date.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 871
SPONSOR(S): Kreegel
TIED BILLS:

Educational Facilities Contracting and Construction Procedures

IDEN./SIM. BILLS: SB 1276

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Schools & Learning Council		Beagle	Cobb <i>lcc</i>
2) Policy & Budget Council			
3)			
4)			
5)			

SUMMARY ANALYSIS

Section 1013.45(1)(e), F.S., authorizes district school boards, university and community college boards of trustees, and the Board of Trustees of the Florida School for the Deaf and Blind to use day-labor contracts for new construction and renovation, remodeling, or maintenance of existing facilities. A "day-labor contract" is a project constructed using persons employed directly by a board or by contracted labor. Day-labor contracts entered into for facilities purposes may not exceed \$200,000. This threshold has been in statute since 1995. A project that exceeds this amount must be competitively bid pursuant to s. 255.20, F.S., which requires competitive bidding for public construction and facility improvement projects costing in excess of \$200,000.

House Bill 871 amends s. 1013.45, F.S., to increase the maximum threshold for day-labor contracts from \$200,000 to \$300,000. The bill also requires that the threshold be annually adjusted based upon changes in the Engineering News-Record (ENR) construction and building cost indexes. By changing the threshold, a day-labor project may cost up to \$300,000 before it must be competitively bid. Projects conducted by non-educational public entities are not affected by bill and remain subject to the competitive bidding requirements of s. 255.20, F.S.

The bill does not appear to have a fiscal impact on state or local governments. (See FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT).

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide Limited Government.— Under the bill, the threshold amount that is required to trigger the competitive bidding requirements for a day-labor contract is increased from \$200,000 to \$300,000. Accordingly, fewer day-labor projects will have to be competitively bid.

B. EFFECT OF PROPOSED CHANGES:

Present Situation

Section 1013.45(1)(e), F.S., authorizes boards¹ to use day-labor contracts for new construction and renovation, remodeling, or maintenance of existing facilities. A “day-labor contract” is a project constructed using persons employed directly by a board or by contracted labor.² A day-labor contract entered into for facilities purposes may not exceed \$200,000.³ This threshold has been in statute since 1995.⁴ A project that exceeds this amount must be competitively bid in its entirety pursuant to s. 255.20, F.S.

Section 255.20, F.S., requires counties, municipalities, special districts, and other political subdivisions, including public educational institutions, to solicit competitive bids for any new construction or improvement project that is projected to exceed \$200,000 and for electrical projects projected to exceed \$50,000. In addition, the section provides that:

- Such a project must be bid in its entirety. It may not be divided into multiple smaller projects to avoid competitive bidding requirements.
- Repair or maintenance projects on an existing public facility are excluded from this requirement.

The \$200,000/\$50,000 threshold must be adjusted by the percentage change in the Consumer Price Index (CPI) from January 1, 1994, to January 1 of the year in which the project is scheduled to begin.⁵ According to the Office of Economic and Demographic Research, the 2008 adjusted threshold for a new construction or improvement project is approximately \$288,000.⁶

A public entity may elect to perform a project using its own services, employees, and equipment if its governing board, by a majority vote at a properly noticed public meeting, decides that it is in the public's best interest to do so. Such projects need not be competitively bid.⁷

Effect of Proposed Changes

House Bill 871 amends s. 1013.45, F.S., to increase the statutory maximum threshold for day-labor contracts from \$200,000 to \$300,000. The bill also requires that the threshold be annually adjusted based upon changes in the ENR construction and building cost indexes.

¹ Statute defines “board” to mean a district school board, community college board of trustees, university board of trustees, and the Board of Trustees for the Florida School for the Deaf and the Blind. It does not include the State Board of Education or Board of Governors. See Section 1013.01(3), F.S.

² Section 1013.45(2), F.S.

³ Section 1013.45(1)(e), F.S.

⁴ Department of Education, 2008 Bill Analysis for House Bill 871.

⁵ Section 255.20(2), F.S.

⁶ Correspondence with Office of Economic and Demographic Research staff on April 3, 2008.

⁷ Section 255.20(1)(c), F.S.

In changing the threshold, a day-labor project may cost up to \$300,000 before it must be competitively bid. Projects conducted by non-educational public entities are not affected by bill and remain subject to the competitive bidding requirements under s. 255.20, F.S.

C. SECTION DIRECTORY:

Section 1.: Amending s. 1013.45, F.S.; increasing the statutory threshold for day-labor contracts; requiring that the threshold be annually adjusted according to a specified cost index.

Section 2.: Providing an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The bill does not appear to have a fiscal impact on state revenues.

2. Expenditures:

The bill does not appear to have a fiscal impact on state expenditures.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

The bill does not appear to have a fiscal impact on local revenues.

2. Expenditures:

The bill does not appear to have a fiscal impact on local expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill increases the threshold amount that is required to trigger the competitive bidding requirements for a day-labor contract. As such, private companies may have fewer opportunities to competitively bid for such contracts.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. The bill does not require counties or municipalities to take an action requiring the expenditure of funds; reduce the authority that counties or municipalities had as of February 1, 1989, to raise revenue in the aggregate; or reduce the percentage of state tax shared with counties or municipalities as of February 1, 1989.

2. Other:

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

At lines 19-21, the bill requires the maximum threshold for day-labor contracts to be annually adjusted based upon changes published in the ENR's construction and building cost indexes. The ENR, a subsidiary of McGraw Hill Publishing, produces a variety of resources for building and construction professionals, including market reports and building, construction, labor, and materials cost indexes.⁸

The Department of Education recommends using a universally accepted construction cost index such as the RS Means or data from the Office of Economic and Demographic Research, rather than the ENR.⁹ Also, the competitive bidding provisions in s. 255.20, F.S., set forth a similar adjustment procedure using the CPI. Thus, it appears that the resources used to make such adjustments vary.

D. STATEMENT OF THE SPONSOR

IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES

⁸ McGraw Hill Construction, Engineering News-Record *available* at <http://enr.construction.com/>.

⁹ Department of Education, 2008 Bill Analysis for House Bill 871 and correspondence with DOE Office of Educational Facilities staff on March 12, 2008.

HB 871

2008

1 A bill to be entitled
 2 An act relating to educational facilities contracting and
 3 construction procedures; amending s. 1013.45, F.S.;
 4 increasing the maximum contract costs for day labor;
 5 providing for annual adjustments; providing an effective
 6 date.

7

8 Be It Enacted by the Legislature of the State of Florida:

9

10 Section 1. Paragraph (e) of subsection (1) of section
 11 1013.45, Florida Statutes, is amended to read:

12 1013.45 Educational facilities contracting and
 13 construction techniques.--

14 (1) Boards may employ procedures to contract for
 15 construction of new facilities, or major additions to existing
 16 facilities, that will include, but not be limited to:

17 (e) Day-labor contracts not exceeding \$300,000 ~~\$200,000~~
 18 for construction, renovation, remodeling, or maintenance of
 19 existing facilities. This amount shall be adjusted annually
 20 based upon changes in the Engineering News-Record construction
 21 and building cost indexes.

22 Section 2. This act shall take effect July 1, 2008.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 957 Florida Bright Futures Scholarship Program
SPONSOR(S): Kendrick and others
TIED BILLS: IDEN./SIM. BILLS: SB 2262

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Committee on Education Innovation & Career Preparation</u>	<u>6 Y, 0 N</u>	<u>Beagle</u>	<u>White</u>
2) <u>Schools & Learning Council</u>	<u></u>	<u>Beagle</u>	<u>Cobb <i>Ice</i></u>
3) <u>Policy & Budget Council</u>	<u></u>	<u></u>	<u></u>
4) <u></u>	<u></u>	<u></u>	<u></u>
5) <u></u>	<u></u>	<u></u>	<u></u>

SUMMARY ANALYSIS

The Florida Medallion Scholars (FMS) award is one of three lottery funded scholarships available to Florida students under the Florida Bright Futures Scholarship (Bright Futures) Program. FMS awards may be used for tuition and fees at private and public postsecondary colleges and universities, and award amounts range from 75 to 100 percent of the cost of public postsecondary tuition and fees.

To receive a FMS award, statute requires public, private, and home education students to satisfy specified criteria that include residency, conduct, and Scholastic Aptitude Test (SAT) or ACT Assessment Program (ACT) requirements. Statute directs the State Board of Education (SBE) to adopt rule establishing minimum SAT and ACT scores. Such rule, however, has not been adopted. Instead, Department of Education (DOE) policies currently require the following:

- A combined score of 970 on the SAT or a 20 on the ACT for public and private school students and for home education students who have taken a SBE approved college-preparatory curriculum in grades 11 and 12; or
- A combined score of 1070 on the SAT or a 23 on the ACT for home education students who have taken a non-SBE approved college preparatory curriculum in grades 11 and 12.

House Bill 957 amends s. 1009.535, F.S., to statutorily codify DOE's above-described current policy for required SAT and ACT scores for home education students. Thus, under the bill, a home education student will be eligible for a FMS award if he or she takes: (a) a SBE approved college-preparatory curriculum in grades 11 and 12, and achieves the same SAT or ACT score required for public and private school students; or (b) a non-SBE approved college-preparatory curriculum in grades 11 and 12, and achieves a SAT score that is 100 points higher (or the equivalent ACT score) than that required for public and private school students.

The bill's codification of the DOE's current practice will: enable greater public notice of FMS award requirements for home education students; mandate uniform application among home education students; and remove any possibility of agency changes to the current practice in the future.

The bill does not appear to have a fiscal impact on state or local governments.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

STORAGE NAME: h0957c.SLC.doc
DATE: 4/3/2008

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Empower Families.-- The bill codifies existing DOE policy relating to FMS award eligibility requirements for home education students; thereby, enabling greater public awareness of the requirements and ensuring consistent, future application for such students.

B. EFFECT OF PROPOSED CHANGES:

Present Situation

The FMS award is one of three lottery funded scholarships available to Florida students under the Bright Futures Program. FMS scholarship recipients enrolled in a state university or community college baccalaureate degree program are eligible for an award amounting to 75% of tuition and fees. Recipients enrolled in a community college associate degree program are eligible for an award amounting to 100% of tuition and fees for college credit courses. Recipients enrolled in a nonpublic postsecondary education institution are eligible for an award amounting to 75% of the tuition and fees charged by a comparable public postsecondary education institution.¹

For initial FMS award eligibility, a student must satisfy the general eligibility requirements for the Bright Futures Program. A student must:

- Be a Florida resident;
- Earn a standard Florida high school diploma or its equivalent;
- Be accepted by and enroll in an eligible Florida public or independent postsecondary education institution;
- Enroll in at least six semester credit hours or the equivalent in quarter hours or clock hours.
- Never have been adjudicated for a felony charge unless pardoned by the state; and
- Apply for a scholarship before high school graduation.²

In addition, a student must complete 15 credits in high school-level college-preparatory³ coursework and achieve a weighted⁴ grade point average (GPA) of 3.0. The student must also achieve a 970 on the combined verbal and quantitative parts of the SAT or a score of 20 on the ACT.⁵ Students

¹ Section 1009.535(2), F.S.

² Section 1009.531(1), F.S.

³ Section 1004.02, F.S. (This section defines "College-preparatory instruction" to mean "courses through which a high school graduate who applies for any college credit program may attain the communication and computation skills necessary to enroll in college credit instruction." Section 1001.02, F.S., requires the SBE to identify college-preparatory high school coursework and postsecondary-level coursework that prepares students with the academic skills necessary to succeed in postsecondary education. The college-preparatory courses that a student must take to satisfy the FMS eligibility requirements are those courses reviewed and approved by the SBE, and listed in the course code directory. See Florida Department of Education, *2007-2008 Florida Course Code Directory and Personnel Assignments* (February 2007) available at <http://www.fldoe.org/bii/curriculum/CCD/0708.asp>).

⁴ For purposes of calculating a student's weighted GPA, the DOE is required to assign additional weighting to Advanced Placement, pre-International Baccalaureate, International Baccalaureate, International General Certificate of Secondary Education, Advanced International Certificate of Education, academic dual enrollment courses, and other courses it identifies as academically rigorous. The additional weight assigned to a course must not exceed 0.5 per course. See Section 1009.531(3), F.S.

⁵ Section 1009.535(1)(a), F.S. (This section also lists the Scholastic Assessment Test and the recentered Scholastic Assessment Test of the College Entrance Examination as authorized assessments for FMS eligibility. According to the DOE, these are obsolete versions of the SAT that are no longer used. See also Florida Department of Education, Office of Student Financial Assistance, *Initial Eligibility Requirements of 2008 High School Graduates* (Accessed March 12, 2008) available at <http://www.floridastudentfinancialaid.org/SSFAD/bf/fmsrequire.htm>).

recognized as scholars or finalists by the National Merit Scholarship Corporation or as a scholar by the National Hispanic Recognition Program, who have not completed the community service requirements for a Florida Academic Scholars award, may also qualify for a FMS award.⁶

Home education students are also eligible for Bright Futures scholarships, including FMS scholarships.⁷ Such students must satisfy the residency, enrollment, conduct, application, and test score requirements for Bright Futures eligibility. In addition, the student must have attended a home education program during grades 11 and 12.⁸

The DOE Office of Student Financial Assistance (OSFA) has established separate test score requirements for home education students based on the type of home education curriculum that the student completed. Home education students who complete a SBE-approved college-preparatory curriculum offered through a Florida public school, private school, or dual enrollment program must achieve the same score required for other FMS applicants, i.e., a 970 on the SAT, or an equivalent score of 20 on the ACT. Home education students who complete a non-SBE approved home education curriculum must achieve a score that is at least 100 points higher than the standard eligibility score, i.e., a 1070 on the SAT, or an equivalent score of 23 on the ACT.⁹ Current statute does not reflect this variance. The SBE has not adopted a rule designating required test scores.

OSFA has implemented separate test score requirements for students who take non-SBE approved home education curricula because it is difficult to quantify whether the courses taken via such curricula are college-preparatory in nature. In contrast, state-approved home education curricula are based upon, or comparable to, Florida's high school curriculum; thus, making it possible to determine for FMS award eligibility purposes whether the home education student has successfully completed college-preparatory coursework.¹⁰

Effect of Proposed Changes

House Bill 957 amends s. 1009.535, F.S., to codify OSFA's current eligibility score requirements for home education students. A home education student who completes:

- A SBE approved college-preparatory curriculum must achieve the standard eligibility score on the SAT or an equivalent ACT score.
- A non-SBE approved home education curriculum must achieve a score of at least 100 points higher than the standard score or an equivalent ACT score.

The bill also clarifies that, to be eligible for the FMS award, a home education student must have attended a home education program in *at least* grades 11 and 12.

C. SECTION DIRECTORY:

Section 1.: Amending s. 1009.535, F.S.; amending the FMS program eligibility requirements for home education students; codifying current test score requirements for home education students.

Section 2.: Providing an effective date.

⁶ Section 1009.535(1), F.S.

⁷ Section 1002.41(5), F.S.

⁸ Section 1009.535(1)(b), F.S.

⁹ Florida Department of Education, Office of Student Financial Assistance, *Initial Eligibility Requirements of 2008 High School Graduates* (Accessed March 12, 2008) available at <http://www.floridastudentfinancialaid.org/SSFAD/bf/fmsrequire.htm>.

¹⁰ Correspondence with Florida Department of Education staff, Office of Student Financial Assistance, March 12, 2008.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The bill does not appear to have a fiscal impact on state revenues.

2. Expenditures:

The bill does not appear to have a fiscal impact on state expenditures.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

The bill does not appear to have a fiscal impact on local revenues.

2. Expenditures:

The bill does not appear to have a fiscal impact on local expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill does not appear to have a direct economic impact on the private sector.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. The bill does not require counties or municipalities to take an action requiring the expenditure of funds; reduce the authority that counties or municipalities had as of February 1, 1989, to raise revenue in the aggregate; or reduce the percentage of state tax shared with counties or municipalities as of February 1, 1989.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

D. STATEMENT OF THE SPONSOR

None.

IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES

1 A bill to be entitled
2 An act relating to the Florida Bright Futures Scholarship
3 Program; amending s. 1009.535, F.S.; revising the academic
4 requirements for eligibility for a Florida Medallion
5 Scholars award for a student who has attended a home
6 education program; providing an effective date.

7
8 Be It Enacted by the Legislature of the State of Florida:

9
10 Section 1. Subsection (1) of section 1009.535, Florida
11 Statutes, is amended to read:

12 1009.535 Florida Medallion Scholars award.--

13 (1) A student is eligible for a Florida Medallion Scholars
14 award if the student meets the general eligibility requirements
15 for the Florida Bright Futures Scholarship Program and the
16 student:

17 (a) Has achieved a weighted grade point average of 3.0 as
18 calculated pursuant to s. 1009.531, or the equivalent, in high
19 school courses that are designated by the State Board of
20 Education as college-preparatory academic courses, and has
21 attained at least the score identified by rules of the State
22 Board of Education on the combined verbal and quantitative parts
23 of the Scholastic Aptitude Test, the Scholastic Assessment Test,
24 or the recentered Scholastic Assessment Test of the College
25 Entrance Examination, or an equivalent score on the ACT
26 Assessment Program; or

27 (b) Has attended a home education program according to s.
28 1002.41 at least during grades 11 and 12 and has attained a

29 score of at least 100 points higher than the score identified by
 30 rules of the State Board of Education under paragraph (a) on the
 31 combined verbal and quantitative parts of the Scholastic
 32 Aptitude Test, the Scholastic Assessment Test, or the recentered
 33 Scholastic Assessment Test of the College Entrance Examination,
 34 or an equivalent score on the ACT Assessment Program; or has
 35 attended a home education program according to s. 1002.41 at
 36 least during grades 11 and 12, has documented successful
 37 completion of a college-preparatory curriculum as outlined in
 38 paragraph (a) through a Florida public school, a private school
 39 registered with the Department of Education, or dual enrollment
 40 pursuant to s. 1007.271, and has attained at least the score
 41 identified by rules of the State Board of Education under
 42 paragraph (a) on the combined verbal and quantitative parts of
 43 the Scholastic Aptitude Test, the Scholastic Assessment Test, or
 44 the recentered Scholastic Assessment Test of the College
 45 Entrance Examination, or an equivalent score on the ACT
 46 Assessment Program; or

47 (c) Has completed the International Baccalaureate
 48 curriculum but failed to earn the International Baccalaureate
 49 Diploma or has completed the Advanced International Certificate
 50 of Education curriculum but failed to earn the Advanced
 51 International Certificate of Education Diploma, and has attained
 52 at least the score identified by rules of the State Board of
 53 Education on the combined verbal and quantitative parts of the
 54 Scholastic Aptitude Test, the Scholastic Assessment Test, or the
 55 recentered Scholastic Assessment Test of the College Entrance

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56 Examination, or an equivalent score on the ACT Assessment
 57 Program; or
 58 (d)~~(e)~~ Has been recognized by the merit or achievement
 59 program of the National Merit Scholarship Corporation as a
 60 scholar or finalist but has not completed a program of community
 61 service as provided in s. 1009.534; or

62 (e)~~(d)~~ Has been recognized by the National Hispanic
 63 Recognition Program as a scholar, but has not completed a
 64 program of community service as provided in s. 1009.534.

65 Section 2. This act shall take effect July 1, 2008.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1143 University of South Florida Lakeland

SPONSOR(S): McKeel

TIED BILLS: IDEN./SIM. BILLS: SB 186

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Schools & Learning Council</u>	_____	Thomas <i>MC</i>	Cobb <i>cc</i>
2) <u>Policy & Budget Council</u>	_____	_____	_____
3) _____	_____	_____	_____
4) _____	_____	_____	_____
5) _____	_____	_____	_____

SUMMARY ANALYSIS

HB 1143 designates the Lakeland campus of the University of South Florida as the "University of South Florida Lakeland." The University of South Florida Lakeland (USF Lakeland) would be a separate organizational and budget entity of the University of South Florida (USF).

HB 1143 requires USF Lakeland to have a Campus Board and a Campus Executive Officer. The Campus Board would be comprised of four residents of the Lakeland campus service area appointed by the President of USF. The fifth member of the Campus Board must be selected by the USF Board of Trustees from among its membership and that trustee will serve jointly as a member of the USF Board of Trustees and the Campus Board.

HB 1143 requires the Campus Board to submit a legislative budget request to the USF Board of Trustees.

HB 1143 provides for USF Lakeland to apply for accreditation from the Commission on Colleges of the Southern Association of Colleges and Schools when separate accreditation is in the best interest of the campus.

The fiscal impact of the bill is indeterminate. (See Fiscal Comments)

The effective date provided is July 1, 2008.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide limited government – HB 1143 requires the USF Lakeland to have a Campus Board and a Campus Executive Officer.

B. EFFECT OF PROPOSED CHANGES:

Background

The University of South Florida Lakeland (USF Lakeland) campus was established in 1988. USF Lakeland serves over 2,000 students and offers over 20 complete undergraduate and graduate degrees through the areas of Arts and Sciences, Business, Education, Engineering, and Information Technology. USF Lakeland partners with Polk Community College, South Florida Community College and Hillsborough Community College-Plant City to provide a 2+2 education whereby students obtain their Associate of Arts or Associate of Science degree from the local community college and complete their baccalaureate and/or graduate degree through USF Lakeland. The campus also supports a number of individual classes, electives, web-based courses, certificate programs and program partnerships with the main campus in Tampa.¹

USF Lakeland would be the third USF campus to be established as a separate entity. The 2001 Legislature established the University of South Florida St. Petersburg² and the University of South Florida Sarasota/Manatee³ as separate organizational and budget entities.⁴ In 2006, USF St. Petersburg earned separate accreditation from the Southern Association of Colleges and Schools.

Effect of Proposed Changes

HB 1143 designates the Lakeland campus of USF as the "University of South Florida Lakeland." USF Lakeland would be a separate organization and budget entity from USF. The bill requires USF Lakeland to have a Campus Board and a Campus Executive Officer. The Campus Board would be comprised of four residents of the Lakeland campus service area appointed by the USF President. The fifth member of the Campus Board must be selected by the USF Board of Trustees from among its membership and that trustee will serve jointly as a member of the USF Board of Trustees and the Campus Board.

Members of the Campus Board would serve 4-year terms and may be reappointed for one term. The bill provides for staggered terms for the initial appointment. The Campus Board would have the power to:

- Review and approve an annual legislative budget request to be submitted to the USF Board of Trustees;

¹ See http://www.lakeland.usf.edu/about_usf_lklnd.html

² s. 1004.33, F.S.

³ s. 1004.34, F.S.

⁴ Ch. 2001-170, L.O.F.

- Approve and submit an annual operating plan and budget for review and consultation with the USF Board of Trustees;
- Enter into central support services contracts with the USF Board of Trustees for any services that the Lakeland campus could not provide more economically, such as payroll processing, accounting, technology, and construction administration; and
- Enter into a central services contract with USF for all legal services.

HB 1143 requires the Campus Board to submit a legislative budget request to the USF Board of Trustees. The bill does not indicate whether the USF Board of Trustees could modify the budget request.

The requirement for USF Lakeland to enter into a central services contract with USF for legal services does not appear to anticipate a situation in which a legal conflict could arise concerning the governance of USF Lakeland.

The bill provides for USF Lakeland to apply for accreditation from the Commission on Colleges of the Southern Association of Colleges and Schools when separate accreditation is in the best interest of the campus. The Campus Board must ensure that sufficient student enrollment, faculty, and administration are in place before requesting that the USF Board of Trustees apply for separate accreditation for USF Lakeland. Upon approval by the USF Board of Trustees, the USF President must begin the application process for separate accreditation on behalf of the USF Board of Trustees. If the application is not approved, or is provisionally approved, the USF President must correct any identified deficiencies and must continue to work for separate accreditation.

USF Lakeland would be administered by a Campus Executive Officer appointed by the USF President. The Campus Executive Officer would have the authority to:

- Administer campus operations within the annual operating budget as approved by the Campus Board;
- Recommend to the Campus Board an annual legislative budget request, an annual campus operating budget, and appropriate services, terms, and conditions for the annual support services contracts; and
- Carry out additional responsibilities assigned by the USF President.

HB 1143 requires USF to provide a comprehensive and coordinated system of student registration so that a student enrolled at any campus of USF has the ability to register for courses at any other campus of USF.

C. SECTION DIRECTORY:

Section 1. Creates s. 1004.345, F.S.; establishing and designating the University of South Florida Lakeland campus; providing legislative intent; requiring the Board of Trustees to appoint a Campus Board; providing membership, powers, and duties of the Campus Board; providing that the university is administered by a Campus Executive Officer; requiring the President of the University of South Florida to consult with the Campus Board before hiring or terminating the Campus Executive Officer; providing that students enrolled at a branch campus of the university have the same rights as other students; requiring the University of South Florida to provide for a system of student registration that meets certain conditions.

Section 2. Provides an effective date of July 1, 2008.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

2. Expenditures:

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

2. Expenditures:

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

D. FISCAL COMMENTS:

The fiscal impact of the bill is indeterminate. The University of South Florida Lakeland would be a separate organizational and budget entity from the University of South Florida. The administrative cost or other costs associated with the operation of USF Lakeland as a separate entity are indeterminate.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not appear to require a city or county to expend funds or to take any action requiring the expenditure of funds.

The bill does not appear to reduce the authority that municipalities or counties have to raise revenues in the aggregate.

This bill does not appear to reduce the percentage of state tax shared with counties or municipalities.

2. Other:

Article II, section 5 of the State Constitution prohibits a person from holding more than one state office at one time. The bill requires a member of the University of South Florida Board of Trustee to serve as a member of the Campus Board, which is not an advisory body. If the USF Board of Trustees and the Campus Board are considered state offices, the appointment of a dually serving member could be challenged under the dual-office holding prohibition.

B. RULE-MAKING AUTHORITY:

C. DRAFTING ISSUES OR OTHER COMMENTS:

D. STATEMENT OF THE SPONSOR

Waived by the sponsor due to time constraints.

IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES

1 A bill to be entitled
 2 An act relating to the University of South Florida
 3 Lakeland; creating s. 1004.345, F.S.; establishing and
 4 designating the University of South Florida Lakeland
 5 campus; providing legislative intent; requiring the Board
 6 of Trustees to appoint a Campus Board; providing
 7 membership, powers, and duties of the Campus Board;
 8 providing that the university is administered by a Campus
 9 Executive Officer; requiring the President of the
 10 University of South Florida to consult with the Campus
 11 Board before hiring or terminating the Campus Executive
 12 Officer; providing duties and powers of the Campus
 13 Executive Officer; providing that students enrolled at a
 14 branch campus of the university have the same rights as
 15 other students; requiring the University of South Florida
 16 to provide for a system of student registration that meets
 17 certain conditions; providing an effective date.

18
 19 Be It Enacted by the Legislature of the State of Florida:

20
 21 Section 1. Section 1004.345, Florida Statutes, is created
 22 to read:

23 1004.345 The University of South Florida Lakeland.--
 24 (1) The Lakeland campus of the University of South Florida
 25 is established and shall be known as the "University of South
 26 Florida Lakeland."

27 (a) The Legislature intends that the University of South
 28 Florida Lakeland be operated and maintained as a separate

29 organizational and budget entity of the University of South
 30 Florida, and that all legislative appropriations for the
 31 University of South Florida Lakeland be set forth as separate
 32 line items in the annual General Appropriations Act.

33 (b) The University of South Florida Lakeland shall have a
 34 Campus Board and a Campus Executive Officer.

35 (c) The Legislature intends that the University of South
 36 Florida Lakeland operate under separate accreditation from the
 37 Commission on Colleges of the Southern Association of Colleges
 38 and Schools when separate accreditation is in the best interest
 39 of the campus. The Campus Board shall ensure that sufficient
 40 student enrollment, faculty, and administration are in place
 41 before requesting that the Board of Trustees of the University
 42 of South Florida apply for separate accreditation for the
 43 University of South Florida Lakeland. Upon approval by the Board
 44 of Trustees of the University of South Florida, the President of
 45 the University of South Florida shall begin the application
 46 process for separate accreditation on behalf of the Board of
 47 Trustees of the University of South Florida. If the application
 48 is not approved, or is provisionally approved, the President of
 49 the University of South Florida shall correct any identified
 50 deficiencies and shall continue to work for separate
 51 accreditation.

52 (2) The Board of Trustees of the University of South
 53 Florida shall appoint, from a list of candidates recommended by
 54 the President of the University of South Florida, four residents
 55 of the Lakeland campus service area to serve on the Campus
 56 Board. The fifth member of the Campus Board shall be selected by

57 the Board of Trustees of the University of South Florida from
 58 among its membership, and that trustee shall serve jointly as a
 59 member of the Board of Trustees of the University of South
 60 Florida and the Campus Board. A trustee who serves jointly on
 61 the Campus Board must be a resident of the Lakeland campus
 62 service area, unless none of the appointed members of the Board
 63 of Trustees of the University of South Florida meet this
 64 criteria, in which case any trustee may be appointed to serve
 65 jointly on the Campus Board. The Board of Trustees of the
 66 University of South Florida shall ensure, to the greatest extent
 67 possible, that each county in the Lakeland campus service area
 68 is represented among the membership of the Campus Board. Each
 69 member of the Campus Board shall be appointed to a 4-year term
 70 and may be reappointed for one additional 4-year term. However,
 71 for purposes of staggering the terms of the initial appointees,
 72 the Board of Trustees of the University of South Florida shall
 73 select and appoint one member to serve a term of 1 year, one
 74 member to serve a term of 2 years, and one member to serve a
 75 term of 3 years, each of whom may be reappointed to a subsequent
 76 4-year term. The Campus Board has the powers and duties provided
 77 by law, which include the authority to:

78 (a) Review and approve an annual legislative budget
 79 request to be submitted to the Board of Trustees of the
 80 University of South Florida. The Campus Executive Officer shall
 81 prepare the legislative budget request in accordance with
 82 guidelines established by the Board of Governors of the State
 83 University System. This request must include items for campus
 84 operations and fixed capital outlay.

85 (b) Approve and submit an annual operating plan and budget
86 for review and consultation by the Board of Trustees of the
87 University of South Florida. The campus operating budget must
88 reflect the actual funding available to that campus from
89 separate line-item appropriations contained in each annual
90 General Appropriations Act. Such line-item appropriations must
91 initially reflect the funds reported to the Legislature for the
92 University of South Florida Lakeland campus for the 2007-2008
93 fiscal year and any additional funds provided in the legislative
94 appropriation for the 2007-2008 fiscal year.

95 (c) Enter into central support services contracts with the
96 Board of Trustees of the University of South Florida for any
97 services that the Lakeland campus cannot provide more
98 economically, including payroll processing, accounting,
99 technology, construction administration, and other desired
100 services. However, all legal services for the campus must be
101 provided by a central services contract with the university. The
102 Board of Trustees of the University of South Florida and the
103 Campus Board shall determine in a letter of agreement any
104 allocation or sharing of student fee revenue between the
105 University of South Florida's main campus and the Lakeland
106 campus.

107
108 The Board of Trustees of the University of South Florida may
109 lawfully delegate other powers and duties to the Campus Board
110 for the efficient operation and improvement of the campus and
111 for the purpose of vesting in the campus the attributes
112 necessary to meet the requirements for separate accreditation by

113 the Southern Association of Colleges and Schools.

114 (3) The University of South Florida Lakeland shall be
 115 administered by a Campus Executive Officer who shall be
 116 appointed by, report directly to, and serve at the pleasure of
 117 the President of the University of South Florida. The President
 118 shall consult with the Campus Board before hiring or terminating
 119 the Campus Executive Officer. The Campus Executive Officer has
 120 authority and responsibility as provided in law, including the
 121 authority to:

122 (a) Administer campus operations within the annual
 123 operating budget as approved by the Campus Board.

124 (b) Recommend to the Campus Board an annual legislative
 125 budget request that includes funding for campus operations and
 126 fixed capital outlay.

127 (c) Recommend to the Campus Board an annual campus
 128 operating budget.

129 (d) Recommend to the Campus Board appropriate services and
 130 terms and conditions to be included in annual central support
 131 services contracts.

132 (e) Carry out any additional responsibilities assigned or
 133 delegated by the President of the University of South Florida
 134 for the efficient operation and improvement of the campus,
 135 especially any authority necessary for the purpose of vesting in
 136 the campus attributes necessary to meet the requirements for
 137 separate accreditation.

138 (4) Students enrolled at the University of South Florida,
 139 including those enrolled at a branch campus, have the same
 140 rights and obligations as provided by law, policy, or rule

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141 adopted by the University of South Florida, the Board of
 142 Governors of the State University System, the Department of
 143 Education, or any other lawful entity. The University of South
 144 Florida shall provide a comprehensive and coordinated system of
 145 student registration so that a student enrolled at any campus of
 146 the University of South Florida has the ability to register for
 147 courses at any other campus of the University of South Florida.

148 Section 2. This act shall take effect July 1, 2008.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Education Pre-K - 12 Committee

BILL: SM 1742

INTRODUCER: Senator Carlton

SUBJECT: Educator Ethics

DATE: March 1, 2008

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Carrouth	Matthews	ED	Favorable
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

The Senate Memorial urges the Congress of the United States to support the passage of laws that would establish ethical standards for professional educators and develop a national clearinghouse to strengthen state efforts in the reporting, screening, and sharing of critical information relative to educator misconduct.

II. Present Situation:

Current Federal Law

Currently, federal law does not provide a mechanism for systematically reporting and sharing of data relating to educator misconduct. Florida recruits and employs a large percentage of its teachers from other states¹ and its ability to effectively screen out-of-state applicants depends largely on the disclosure of information provided by other states and entities.

Current Practice

The Florida Department of Education (DOE) is an active member of the National Association of State Directors of Teacher Education and Certification (NASDTEC).² This professional organization administers the NASDTEC clearinghouse, a searchable database restricted to registered users and administered by the education departments of NASDTEC members. Although a valuable screening tool for state-level administrators, the clearinghouse is only as effective as the educator ethics laws enacted in other states and the accuracy of the reporting of

¹ According to the DOE, approximately 29 percent of new teaching certificates are issued to teachers from other states.

² See <http://www.nasdtec.org/>

educator misconduct. Its value is also diminished when Florida school districts fail to avail themselves of the information provided through the DOE.

Proposed Federal Legislation

The Student Protection Act - 2007 House Resolution 1829, has been introduced in Congress to develop a national system of oversight of States for sexual misconduct in the elementary and secondary school system.³ Under the resolution, the Secretary of Education would be required to maintain a national database of incidents in which an educator has committed an act of sexual misconduct against a student. This federal legislation has been filed by Florida Representative Adam Putnam and now has fifteen co-sponsors representing nine states.

The resolution also requires that for fiscal year 2010 and each fiscal year thereafter, each state must have in effect laws and policies that ensure efficient reporting policies and procedures, investigative training protocols, and financial penalties for non-compliance.

III. Effect of Proposed Changes:

Fifteen states are currently considering legislation to strengthen laws related to screening for and reporting of misconduct by educators, primarily as it relates to unethical conduct with students.⁴ These efforts by individual states are commendable; however, without adopting systematic policies and procedures at the national level, all states will remain vulnerable when hiring educators from states with substandard educator ethics laws and reporting procedures.

Florida has been cited in recent news reports as having the most comprehensive and far reaching legislation currently proposed.⁵ By urging Congress to pass federal legislation and to support the development and implementation of a national clearinghouse to reflect and support the stringent requirements outlined in Florida legislation, Florida would be poised to provide a leadership role at the national level, and unfit educators would be much less likely to have access to students.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

³ 2007 H.R. 1829, 110th Congress

⁴ California, Colorado, Florida, Indiana, Kentucky, Maine, Massachusetts, Minnesota, Missouri, New York, South Carolina, Virginia, Washington, and West Virginia – See <http://www.cnn.com/2008/US/01/27/teacher.sex.abuse.ap/>

⁵ <http://www.heraldtribune.com/article/20080207/NEWS/802070468>

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

By Senator Carlton

23-03549A-08

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Senate Memorial

A memorial to the Congress of the United States, urging Congress to support national standards for educator ethics and a national clearinghouse to strengthen state efforts in the reporting, screening, and sharing of critical information relative to educator misconduct.

WHEREAS, teachers are entrusted with the care and supervision of minor children away from the direct observation of parents, and

WHEREAS, the student-teacher relationship is necessarily built on a child's trust and respect for an adult in authority, and

WHEREAS, parents and the community rely upon school district officials and individual educators to protect the integrity of that relationship, and

WHEREAS, educators rely upon the state and school districts to promote respect for the teaching profession through the timely investigation and disposition of allegations of misconduct, assurance of due process, and elimination from the teaching ranks of those who bring discredit to the profession, NOW, THEREFORE,

Be It Resolved by the Legislature of the State of Florida:

That the Congress of the United States is urged to support the passage of laws establishing ethical standards for professional educators and to support a national clearinghouse to provide for the reporting of data concerning educator misconduct. A national database is necessary to promote the timely sharing of

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30 critical information among states and to provide for the safety
31 and welfare of students.

32 BE IT FURTHER RESOLVED that copies of this memorial be
33 dispatched to the President of the United States, to the
34 President of the United States Senate, to the Speaker of the
35 United States House of Representatives, and to each member of the
36 Florida delegation to the United States Congress.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCB SLC 08-04 Postsecondary Distance Learning

SPONSOR(S): Schools & Learning Council

TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
Orig. Comm.: Schools & Learning Council		Merritt <i>gm</i>	Cobb <i>cc</i>
1)			
2)			
3)			
4)			
5)			

SUMMARY ANALYSIS

The Proposed Council Bill (PCB) establishes the Florida Distance Learning Consortium to advocate and facilitate access to distance learning resources that enable public postsecondary education institutions to fulfill their missions while contributing to and sharing in the distance learning resources of the Consortium. The Consortium is governed by a board with members appointed by the Governor subject to Senate confirmation.

The PCB establishes the Florida Higher Education Distance Learning Catalog as an interactive, web-based single point of access to distance learning courses, degree programs, and resources offered by public postsecondary education institutions and is intended to assist in the coordination and collaboration of articulation and access.

The PCB authorizes community colleges and state university boards of trustees to establish a distance learning course fee that may be assessed for courses listed in the Florida Higher Education Distance Learning Catalog.

The fiscal impact of the PCB is indeterminate. See FISCAL COMMENTS section.

The effective date provided is July 1, 2008.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide Limited Government – The PCB establishes the Florida Distance Learning Consortium to advocate and facilitate access to distance learning resources that enable public postsecondary education institutions to fulfill their missions while contributing to and sharing in the distance learning resources of the consortium. The PCB establishes the Florida Higher Education Distance Learning Catalog as an interactive, web-based single point of access to distance learning courses, degree programs, and resources offered by public postsecondary education institutions and is intended to assist in the coordination and collaboration of articulation and access.

Ensure Lower Taxes – The PCB authorizes community colleges and state university boards of trustees to establish a distance learning course fee that may be assessed for courses listed in the Florida Higher Education Distance Learning Catalog.

B. EFFECT OF PROPOSED CHANGES:

Background

The Proposed Council Bill (PCB) is the result of research completed by the Florida Legislature and Technology Review Workgroup in an effort to better understand how postsecondary distance learning policy and practices have changed over the years, and how such policies and practices have encouraged collaboration or increased access to postsecondary education.

Organization and Governance

In 1996, the State Board of Community Colleges (SBCC) established the Florida Community College Distance Learning Consortium (FCCDLC) as an advisory committee to the SBCC for purposes of:

- Advising the SBCC on policy and fiscal issues relating to distance learning and technology.
- Coordinating the establishment of a technology-enhanced delivery system that supports the mission of Florida's community colleges while also increasing access to higher education for all Florida residents.
- Representing the Community College System on regional and national committees.

Also in 1996, the Institute for Public Postsecondary Distance Learning was created by the Board of Regents (BOR) and the SBCC through a Memorandum of Understanding and was administratively assigned to Florida Gulf Coast University. The primary purpose of the Institute was to encourage and facilitate the cooperative development and delivery of distance learning instruction between the state universities and the community colleges. The Institute was governed by a board comprised of an equal number of community college and state university presidents.

In 1999, the BOR and the SBCC replaced the Institute with the Florida Virtual Campus (FVC). The FVC was designed to be a full-service, one-stop shopping source for statewide public postsecondary distance learning activities, courses, programs, and services. Its mission was to assist Florida's public postsecondary institutions in providing affordable access to quality distance learning and to facilitate a seamless distance learning experience for students.

Chapter 2002-387, LOF, created s. 1001.28, F.S., which assigned specific distance learning duties to the Department of Education, including the duty to “facilitate the implementation of a statewide coordinated system and resource system for cost-efficient advanced telecommunications services and distance education which will increase overall student access to education.”

In 2003, the governing bodies of the FCCDLC and the FVC decided to consolidate the two entities and create the Florida Distance Learning Consortium (FDLC). The FDLC was designed to:

- Take on the responsibility for providing strong distance learning leadership for a K-20 educational delivery system.
- Exist as a membership organization open to any Florida accredited school district, community college, state university, or any Independent Colleges and Universities of Florida (ICUF) institution.
- Exist as an advisory body to the SBE in order to support the distance learning process at all educational levels and serve as a catalyst for greater collaboration and coordination.

While the FCCDLC and the FVC were informally consolidated in July 2003, neither the SBE nor the Board of Governors has taken official action to establish and formalize the FDLC. Since the FDLC has not been formally established within the state’s postsecondary educational structure to include the identification of clearly defined roles and responsibilities, institutional participation and use of the FDLC services and activities is voluntary.

Postsecondary Distance Learning Catalog

Given the proliferation of distance learning courses within the community college system, the FCCDLC decided students would benefit from having a single source of distance learning course information. In 1997, the FCCDLC developed the first system-wide online catalog listing the distance learning courses offered by Florida’s public community colleges. All participating community colleges entered their distance learning courses into the catalog and prospective students could search for the availability of distance learning courses by term, college, course number, or course prefix. Once a prospective student located a course of interest, the student would be linked to the appropriate college’s website for course registration and enrollment.

By 2002, the FVC had created a similar online distance learning course catalog for the state universities. When the governing bodies of the FVC and the FCCDLC decided to consolidate, the two online distance learning course catalogs were combined to create a single comprehensive postsecondary distance learning course and degree program catalog.

Currently, the FDLC hosts the online distance learning catalog and includes searchable information on distance learning courses and degree programs available from community colleges, state universities, and participating ICUF institutions. Based on a set of pre-determined data elements, each institution is responsible for entering and updating its own course and degree program information in the catalog. One data element that is not required and therefore not included in the catalog is the cost and/or fee of the distance learning course. Additionally, some of the course/degree program links are somewhat misleading because they connect the prospective students to sections of the offering institutions’ websites that have nothing to do with distance learning.

For 2006-2007, the FDLC reported that approximately 12,800 courses were listed in the catalog.¹ A Fall 2007 review of the 39 public postsecondary educational institutions’ websites showed that only 7 community colleges and 1 state university had links on their sites to the FDLC’s online distance

¹ Florida Distance Learning Consortium, PowerPoint Presentation, March 13, 2008.

learning catalog. Of these 8 sites, only 1 institution had placed the link along with its description on the section of its website dealing with distance learning; the other 7 institutions had placed the link under a "Helpful/Other Links" button which may not be easily found by a prospective student. Since the FDLC does not currently advertise the availability of the online distance learning catalog and only a limited number of postsecondary institutions provide a link/description about the catalog on their websites, it is unclear how students can find the catalog and access its courses.

Distance Learning Course Fee

Part II of chapter 1009 authorizes and establishes postsecondary student fees. These fees can be categorized into two broad categories: 1) general fees charged to all students, i.e., tuition, activity and service fee, financial aid fee, capital improvement fee, etc.; and 2) specific user fees for certain services charged only to those students receiving the service with the fee amount not exceeding the cost of the service, i.e., parking fee, laboratory fee, access or identification card fee, etc.

The overwhelming majority of postsecondary educational institutions charge some type of distance learning course fee; however, the amount of the fee varies depending upon the institution, the course level, the course subject matter, and resource requirements.² In the Community College System the distance learning course fee ranges from approximately \$5 to \$50 per 3-credit course, and in the State University System the distance learning course fee ranges from approximately \$25 to \$299 per 3-credit course.

Community Colleges

Section 1009.23(12), F.S., authorizes each community college board of trustees to establish a fee schedule for the statutorily-established user fees and fines listed in this subsection. Additionally, this subsection states that "a community college may not charge any fee except as authorized by law or rules of the State Board of Education." Section 1001.02(6)(e), F.S., authorizes the SBE to establish rules for the purpose of implementing statutorily-established requirements for student admissions, conduct and discipline, non-classroom activities, and fees. This rule authority, however, is for the purpose of implementing or interpreting the statutorily-established fees; it does not authorize the creation of new ones.

In establishing a fee for distance learning courses, it appears the phrase "or rules of the State Board of Education" has been interpreted to mean that the SBE has the power to expand upon the list of user fees and fines authorized in s. 1009.23(12), F.S., through the promulgation of a rule. The Division of Community Colleges cites rule 6A-14.054(6), F.A.C., as its authority for the assessment of a distance learning course fee. This rule states that "each board of trustees may establish user fees in addition to tuition fees for services that incur unusual costs. Such user fees will not exceed the cost of the goods or services provided and will only be charged to students or agencies receiving those goods or services." Section 1009.23(12), F.S., is cited as the authority for this rule. While this section of statute establishes and authorizes certain user fees and fines within the community college system, a distance learning course fee is not specified.

State Universities

Section 1009.24(13), F.S., provides authority for each board of trustees to establish a "fee for off-campus course offerings when the location results in specific, identifiable increased costs to the

² During 2007 a review of all 39 public postsecondary educational institutions' websites were reviewed to identify if the institution charged a distance learning course fee and, if charged, at what amount.

university.” The State University System cites this section of statute and rule 6C-7.003 F.A.C., as its authority for the assessment of a distance learning course fee. While it appears that this section of statute was originally intended for traditional classroom-type teaching done at an off-campus site, the university boards of trustees have expanded its applicability to include courses offered through distance learning.

Effect of Proposed Changes

Florida Distance Learning Consortium

The PCB establishes the Florida Distance Learning Consortium (Consortium) and adjunctively assigns the Consortium to the Department of Education; however, the Consortium is not subject to control, supervision, or direction by the department. The Consortium will contract with the department or a public postsecondary education institution for the provision of administrative services to include, but not be limited to, payroll, procurement, and legal counsel.

The Consortium is governed by a board comprised of nine members who are appointed, in 4-year staggered terms, by the Governor and subject to confirmation by the Senate. The membership of the board will consist of:

- Four members from the state university system
 - o One member being a state university president;
 - o One member having experience in academic affairs or student affairs;
 - o One member having experience in finance or business services; and,
 - o One member being from the Chancellor’s Office of the Board of Governors and having experience in distance learning policy.
- Four members from the community college system
 - o One member being a community college president;
 - o One member having experience in academic affairs or student affairs;
 - o One member having experience in finance or business services; and,
 - o One member being from the Chancellor’s Office of the Division of Community Colleges and having experience in distance learning policy.
- One member who is a private citizen having experience in distance learning education.

The board will appoint a chair and vice chair from among its members to 1-year terms. The board will also appoint an executive director who will serve at the pleasure of the board. Membership of the board will serve without compensation, but are entitled to be reimbursed for per diem and travel expenses.

The board will establish procedures governing its operations and the completion of its responsibilities. These procedures will comply with the requirements of s. 20.052, F.S. This section of law requires, inter alia, the following:

- The Legislature and the public must be kept informed of the numbers, purposes, memberships, activities, and expenses of certain collegial bodies.
- All meetings of the collegial body are public meeting under s. 286.011, F.S., with minutes and a record of all votes cast being maintained for all meetings.
- The collegial body must be terminated by the Legislature when it is no longer necessary or beneficial to the furtherance of public purpose. If this body is abolished its records must be

appropriately stored, within 30 days after the effective date of its abolition, by the executive agency to which it was adjunct, and any property assigned to it must be reclaimed by the executive agency. The body must not perform any activities after the effective date of its abolition.³

The board will also establish standing committees or work groups comprised of faculty, professional staff, and distance learning students from the postsecondary educational system. The board will meet at least two times each year. A majority of the board members constitutes a quorum and the affirmative vote of a majority of the quorum is necessary to take action.

The PCB authorizes a type two transfer of all duties, functions, records, personnel, and property; unexpended balances of appropriations, allocations, and other funds; pending issues; and existing contracts of the Florida Community College Distance Learning Consortium and the Florida Virtual Campus to the Florida Distance Learning Consortium.

The Consortium will have the following duties:

- Develop, operate, and promote the Florida Higher Education Distance Learning Catalog to help increase student access to distance learning courses and degree programs and in particular, to help students seeking accelerated access in order to complete their degrees.
- Serve as a central content repository for instructional resources that can be used by faculty in their development, evaluation, and enhancement of distance learning courses and degree programs.
- Assess, in collaboration with public postsecondary education institutions, the potential use of distance learning as a means to address critical educational needs of the state.
- Coordinate the evaluation and promotion of new and proven instructional methods, emerging technologies, and quality distance learning courses and degree programs.
- Coordinate and support educational programs and other training opportunities for faculty and professional staff in developing, evaluating, and enhancing distance learning courses and degree programs.
- Coordinate on behalf of participating public postsecondary education institutions the negotiation of statewide licensing and pricing agreements for distance learning resources and enter into agreements with distance learning resource providers that will result in cost savings for the participating institutions.
- Assist in building partnerships among educational institutions, businesses, and communities.

The Consortium, in collaboration with public postsecondary education institutions, will also be required, to:

- Recommend the definition of a distance learning course.
- Recommend revenue-sharing models for distance learning fee revenues generated when a student enrolls in a distance learning course that is offered by a public postsecondary education institution which is not the student's degree-granting or home institution.
- Recommend a plan for developing and implementing an on-line system that streamlines and automates the registration process for students who have been admitted to a public postsecondary education institution and who want to enroll in a course or courses listed in the Florida Higher Education Distance Learning Catalog. The Consortium will work in partnership with the institutions to identify and address the applicable administrative, program, and technical issues and protocols necessary to ensure the implementation of

³ See s. 20.052, F.S.

such a system as an alternative to the standard registration process of each institution. At a minimum, the system should:

- Allow a qualified student to automatically register for any course listed in the catalog to include courses offered by an institution that is not the student's degree-granting or home institution.
- Allow for the automatic transfer of the distance learning course credit awarded by the institution offering the distance learning course to the student's degree-granting or home institution upon the student's successful completion of the distance learning course or courses.
- Be accessible from the catalog.
- Comply with all applicable technology security standards and guidelines established by the Agency for Enterprise Information Technology to ensure the secure transmission of student information.

The Consortium will be required to submit these recommendations to the Governor, the President of the Senate, the Speaker of the House of Representatives, the State Board of Education (SBE), and the Board of Governors (BOG) no later than March 1, 2009.

The Consortium will annually submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives, the SBE, and the BOG a detailed report that includes, but is not limited to:

- An operational plan that summarizes the activities and accomplishments of the Consortium, identifies opportunities for partnerships, and recommends methods that will improve student access to and completion of distance learning courses and degree programs.
- Recommended policies that address ways to increase the access and cost effectiveness in the development and delivery of distance learning courses and degree programs. These recommendations will consider the cost variations that exist within the delivery systems and identify the best practices that minimize costs of the development and delivery of distance learning courses while enhancing the effectiveness of instruction.
- Recommendations regarding an accountability mechanism to assess the effectiveness of the services provided by the Consortium.
- A detailed summary and analysis of the data collected by the Florida Higher Education Distance Learning Catalog.

Florida Higher Education Distance Learning Catalog

The PCB establishes the Florida Higher Education Distance Learning Catalog as an interactive, web-based single point of access to distance learning courses, degree programs, and resources offered by public postsecondary education institutions and is intended to assist in the coordination and collaboration of articulation and access.

The Florida Distance Learning Consortium will be responsible for the catalog and will establish its operational guidelines and procedures, which will include, but is not limited to:

- Requiring participating institutions to be responsible for providing clear, complete, and timely information on the distance learning course and degree program requirements; type of technology and technical equipment requirements; any prerequisite courses or technology competencies and skills; availability of academic support services; identification of financial aid resources; and all cost, fee, and payment information policies.

- Requiring that all distance learning courses and degree programs meet all applicable and appropriate accreditation standards and criteria.
- Requiring that, at a minimum, the catalog is reviewed at the start of each academic semester to ensure all distance learning courses and degree programs comply with the operational guidelines and procedures established by the board.

The catalog will include a web-based analytic tool that allows for the collection and analysis of data to include:

- The number and type of students who use the catalog to search for distance learning courses and degree programs.
- The number and type of requests for information on distance learning courses and degree programs not listed in the catalog.
- A comparison of distance learning course and degree program cost data.
- A summary of specific requests by course type or course number, delivery method, offering institution, and semester.
- Other types of data as determined by the Consortium.

Community College Student Fees

The PCB authorizes each community college to assess a student who enrolls in a course listed in the Florida Higher Education Distance Learning Catalog a per credit hour distance learning course user fee. The amount of the distance learning course user fee will not exceed the additional costs of the services provided that are attributable exclusively to the development and delivery of the distance learning course. The community college may only assess the distance learning course fee for courses that are listed in the Florida Higher Education Distance Learning Catalog, and may not assess any other fees to cover the same costs. The community college is required to prominently display the link for the catalog on its website, informing students of the catalog.

By September 1 of each year, each board of trustees will report to the Division of Community Colleges the total amount of revenue generated by the distance learning course user fee for the prior academic year and how the revenue was expended.

The PCB clarifies the authority of the State Board of Education to adopt rules to administer the provisions of s. 1009.23(12), F.S.

State University Student Fees

The PCB authorizes each state university board of trustees to assess a student who enrolls in a course listed in the Florida Higher Education Distance Learning Catalog a per credit hour distance learning course user fee. The amount of the distance learning course user fee will not exceed the additional costs of the services provided that are attributable exclusively to the development and delivery of the distance learning course. The state university may only assess the distance learning course fee for courses that are listed in the catalog, and may not assess any other fees to cover the same costs. The state university is required to prominently display the link for the catalog on its website, informing students of the catalog.

By September 1 of each year, each board of trustees will report to the Board of Governors the total amount of revenue generated by the distance learning course user fee for the prior academic year and how the revenue was expended.

C. SECTION DIRECTORY:

- Section 1. Creates s. 1004.09, F.S., establishing the Florida Distance Learning Consortium; requiring the consortium to contract with the Department of Education or a public postsecondary education institution for certain administrative services; providing that a board govern the consortium; providing membership and terms for such board; providing for the reimbursement of per diem and travel expenses; requiring the board to establish procedures governing its operations and responsibilities; providing for meetings to be held a certain number of times each year; providing that a majority of the board members constitutes a quorum; providing for the appointment of an executive director; providing duties and responsibilities; requiring the consortium to submit a report to the Governor, the Legislature, the State Board of Education, and the Board of Governors; requiring that certain information be included in such report; providing for the future expiration of certain provisions.
- Section 2. Creates s. 1004.091, F.S., establishing the Florida Higher Education Distance Learning Catalog; providing the responsibilities for such catalog; requiring the catalog to establish its operational guidelines and procedures; requiring that the catalog include a web-based analytic tool.
- Section 3. Amends s. 1009.23, F.S., revising provisions relating to community college student fees; authorizing the State Board of Education to adopt rules; authorizing a community college to assess a per credit hour distance learning course user fee; requiring an annual report; requiring the community college to assess the fee only for courses listed in the catalog; requiring a link to the catalog on the institution's website.
- Section 4. Amends s. 1009.24, F.S., revising provisions relating to state university student fees; authorizing a state university to assess a per credit hour distance learning course user fee; requiring an annual report; requiring the state university to assess the fee only for courses listed in the catalog; requiring a link to the catalog on the institution's website.
- Section 5. Provides an effective date of July 1, 2008.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

See Fiscal Comments.

2. Expenditures:

See Fiscal Comments.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

See Fiscal Comments.

2. Expenditures:

See Fiscal Comments.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

D. FISCAL COMMENTS:

Florida Distance Learning Consortium and Online Course Catalog

The Florida Distance Learning Consortium currently receives appropriations in the Community College and State University budgets. In FY 2007-08, the Consortium was appropriated approximately \$697,000⁴. These funds support the operations of the Consortium and the administration of the online course catalog.

Distance Learning Fee

The bill authorizes community colleges and state universities to assess a fee for distance learning courses that are included in the online course catalog. Currently, most of the community colleges and state universities are charging fees for distance learning courses; however, data on the revenues generated by these fees is not currently collected by the state.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not appear to require a city or county to expend funds or to take any action requiring the expenditure of funds.

The bill does not appear to reduce the authority that municipalities or counties have to raise revenues in the aggregate.

This bill does not appear to reduce the percentage of state tax shared with counties or municipalities.

⁴ Specific Appropriations 134 and 156, Chapter 2007-72, L.O.F.; Specific Appropriations 70, 70A, 87, and 87A, Chapter 2007-326, L.O.F.; and Specific Appropriations 72 and 89, Conference Report on House Bill 7009.

2. Other:

B. RULE-MAKING AUTHORITY:

C. DRAFTING ISSUES OR OTHER COMMENTS:

D. STATEMENT OF THE SPONSOR

IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES

1 A bill to be entitled
 2 An act relating to postsecondary distance learning;
 3 creating s. 1004.09, F.S.; establishing the Florida
 4 Distance Learning Consortium; requiring the consortium to
 5 contract with the Department of Education or a public
 6 postsecondary education institution for certain
 7 administrative services; providing that a board govern the
 8 consortium; providing membership and terms for such board;
 9 providing for the reimbursement of per diem and travel
 10 expenses; requiring the board to establish procedures
 11 governing its operations and responsibilities; providing
 12 for meetings to be held a certain number of times each
 13 year; providing that a majority of the board members
 14 constitutes a quorum; providing for the appointment of an
 15 executive director; providing duties and responsibilities;
 16 requiring the consortium to submit a report to the
 17 Governor, the Legislature, the State Board of Education,
 18 and the Board of Governors; requiring that certain
 19 information be included in such report; providing for the
 20 future expiration of certain provisions; creating s.
 21 1004.091, F.S.; establishing the Florida Higher Education
 22 Distance Learning Catalog; providing the responsibilities
 23 for such catalog; requiring the catalog to establish its
 24 operational guidelines and procedures; requiring that the
 25 catalog include a web-based analytic tool; amending ss.
 26 1009.23 and 1009.24, F.S.; revising provisions relating to
 27 community college student fees and state university
 28 student fees; authorizing the State Board of Education to

29 adopt rules; authorizing a community college and a state
 30 university to assess a per credit hour distance learning
 31 course fee; requiring an annual report; requiring the
 32 community college or state university to assess the fee
 33 only for courses listed in the catalog; requiring a link
 34 to the catalog on the institution's website; providing an
 35 effective date.

36
 37 Be It Enacted by the Legislature of the State of Florida:

38
 39 Section 1. Section 1004.09, Florida Statutes, is created
 40 to read:

41 1004.09 Florida Distance Learning Consortium.-

42 (1) (a) The Florida Distance Learning Consortium is
 43 established to advocate and facilitate access to distance
 44 learning resources that enable public postsecondary education
 45 institutions to fulfill their missions while contributing to and
 46 sharing in the distance learning resources of the consortium.

47 (b) The consortium is created adjunct to the Department of
 48 Education but is not subject to control, supervision, or
 49 direction by the department. The consortium shall contract with
 50 the department or a public postsecondary education institution
 51 for the provision of administrative services to include, but not
 52 be limited to, payroll, procurement, and legal counsel.

53 (c) All duties, functions, records, personnel, and
 54 property; unexpended balances of appropriations, allocations,
 55 and other funds; pending issues; and existing contracts of the
 56 Florida Community College Distance Learning Consortium and the

57 Florida Virtual Campus are transferred by a type two transfer
 58 pursuant to s. 20.06(2) to the consortium.

59 (2) (a) The consortium shall be governed by a board
 60 comprised of nine members who shall be appointed by the Governor
 61 subject to confirmation by the Senate, and who shall be
 62 appointed to 4-year staggered terms. The membership of the board
 63 shall consist of:

64 1. Four members from the state university system, with one
 65 member being a state university president, one member having
 66 experience in academic affairs or student affairs, one member
 67 having experience in finance or business services, and one
 68 member being from the Chancellor's Office of the Board of
 69 Governors and having experience in distance learning policy.

70 2. Four members from the community college system, with
 71 one member being a community college president, one member
 72 having experience in academic affairs or student affairs, one
 73 member having experience in finance or business services, and
 74 one member being from the Chancellor's Office of the Division of
 75 Community Colleges and having experience in distance learning
 76 policy.

77 3. One member who is a private citizen having experience
 78 in distance learning education.

79 (b) The board shall appoint a chair and vice chair from
 80 among its members to serve 1-year terms.

81 (c) Members of the board shall serve without compensation,
 82 but are entitled to be reimbursed for per diem and travel
 83 expenses pursuant to s. 112.061.

84 (d)1. The board shall establish procedures governing its
 85 operations and the completion of its responsibilities which
 86 shall comply with the requirements of s. 20.052, unless
 87 otherwise authorized by law, and which shall include the
 88 establishment of standing committees or work groups comprised of
 89 faculty, professional staff, and distance learning students from
 90 the postsecondary educational system.

91 2. The board shall meet at least two times each year, upon
 92 the call of the chair or at the request of a majority of the
 93 members. Meetings of the board may be held via teleconference or
 94 other electronic means.

95 3. A majority of the board members constitutes a quorum
 96 and the affirmative vote of a majority of a quorum is necessary
 97 to take action.

98 4. The board shall appoint an executive director who shall
 99 serve at the pleasure of the board.

100 (3) The consortium shall have the following duties and
 101 responsibilities:

102 (a) Develop, operate, and promote the Florida Higher
 103 Education Distance Learning Catalog to help increase student
 104 access to distance learning courses and degree programs and in
 105 particular, students seeking accelerated access in order to
 106 complete their degrees.

107 (b) Serve as a central content repository for
 108 instructional resources that can be used by faculty in their
 109 development, evaluation, and enhancement of distance learning
 110 courses and degree programs.

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111 (c) Assess, in collaboration with public postsecondary
112 education institutions, the potential use of distance learning
113 as a means to address critical educational needs of the state.

114 (d) Coordinate the evaluation and promotion of new and
115 proven instructional methods, emerging technologies, and quality
116 distance learning courses and degree programs.

117 (e) Coordinate and support educational programs and other
118 training opportunities for faculty and professional staff in
119 developing, evaluating, and enhancing distance learning courses
120 and degree programs.

121 (f) Coordinate on behalf of participating public
122 postsecondary education institutions the negotiation of
123 statewide licensing and pricing agreements for distance learning
124 resources and enter into agreements with distance learning
125 resource providers when such negotiations and agreements result
126 in cost savings for the participating institutions.

127 (g) Assist in building partnerships among educational
128 institutions, businesses, and communities.

129 (4) The consortium shall annually submit to the Governor,
130 the President of the Senate, the Speaker of the House of
131 Representatives, the State Board of Education, and the Board of
132 Governors a detailed report that includes, but is not limited
133 to:

134 (a) An operational plan that summarizes the activities and
135 accomplishments of the consortium, identifies opportunities for
136 partnerships, and recommends methods that will improve student
137 access to and completion of distance learning courses and degree
138 programs.

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139 (b) Recommended policies that address ways to increase the
140 access and cost effectiveness in the development and delivery of
141 distance learning courses and degree programs. Such
142 recommendation shall consider the cost variations that exist
143 within the delivery systems and identify best practices that
144 minimize costs of the development and delivery of distance
145 learning courses while enhancing the effectiveness of
146 instruction.

147 (c) Recommendations regarding an accountability mechanism
148 to assess the effectiveness of the services provided by the
149 consortium.

150 (d) A detailed summary and analysis of the data collected
151 by the Florida Higher Education Distance Learning Catalog.

152 (5) The consortium, in collaboration with public
153 postsecondary education institutions, shall:

154 (a) 1. Recommend the definition of a distance learning
155 course.

156 2. Recommend revenue-sharing models for distance
157 learning fee revenues generated when a student enrolls in a
158 distance learning course that is offered by a public
159 postsecondary education institution which is not the student's
160 degree-granting or home institution.

161 3. Recommend a plan for developing and implementing an
162 on-line system that streamlines and automates the registration
163 process for students who have been admitted to a public
164 postsecondary education institution and who want to enroll in a
165 course or courses listed in the Florida Higher Education
166 Distance Learning Catalog. The consortium shall work in

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167 partnership with the institutions to identify and address the
168 applicable administrative, program, and technical issues and
169 protocols necessary to ensure the implementation of such a
170 system as an alternative to the standard registration process of
171 each institution. At a minimum, the system should:

172 a. Allow a qualified student to automatically register for
173 any course listed in the catalog to include courses offered by
174 an institution that is not the student's degree-granting or home
175 institution.

176 b. Allow for the automatic transfer of the distance
177 learning course credit awarded by the institution offering the
178 distance learning course to the student's degree-granting or
179 home institution upon the student's successful completion of the
180 distance learning course or courses.

181 c. Be accessible from the catalog.

182 d. Comply with all applicable technology security standards
183 and guidelines established by the Agency for Enterprise
184 Information Technology to ensure the secure transmission of
185 student information.

186 4. The consortium shall submit its recommended definition,
187 models, and plan as required in subparagraphs 1. through 3. to
188 the Governor, the President of the Senate, the Speaker of the
189 House of Representatives, the State Board of Education, and the
190 Board of Governors no later than March 1, 2009.

191 (b) This subsection expires July 1, 2009.

192 Section 2. Section 1004.091, Florida Statutes, is created
193 to read:

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194 1004.091 Florida Higher Education Distance Learning
 195 Catalog.-

196 (1) The Florida Higher Education Distance Learning Catalog
 197 is established as an interactive, web-based single point of
 198 access to distance learning courses, degree programs, and
 199 resources offered by public postsecondary education institutions
 200 and is intended to assist in the coordination and collaboration
 201 of articulation and access pursuant to part II of chapter 1007.

202 (2) The Florida Distance Learning Consortium shall be
 203 responsible for the catalog and shall establish its operational
 204 guidelines and procedures, which shall include, but is not
 205 limited to:

206 (a) Requiring participating institutions to be responsible
 207 for providing clear, complete, and timely information on the
 208 distance learning course and degree program requirements; type
 209 of technology and technical equipment requirements; any
 210 prerequisite courses or technology competencies and skills;
 211 availability of academic support services; identification of
 212 financial aid resources; and all cost, fee, and payment
 213 information and policies.

214 (b) Requiring that all distance learning courses and
 215 degree programs meet all applicable and appropriate
 216 accreditation standards and criteria.

217 (c) Requiring that, at a minimum, the catalog is reviewed
 218 at the start of each academic semester to ensure all distance
 219 learning courses and degree programs comply with the operational
 220 guidelines and procedures established by the board.

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221 (3) The catalog shall include a web-based analytic tool
 222 that allows for the collection and analysis of data to include:

223 (a) Number and type of students who use the catalog to
 224 search for distance learning courses and degree programs.

225 (b) Number and type of requests for information on
 226 distance learning courses and degree programs not listed in the
 227 catalog.

228 (c) Comparison of distance learning course and degree
 229 program cost data.

230 (d) Summary of specific requests by course type or course
 231 number, delivery method, offering institution, and semester.

232 (e) Other types of data as determined by the consortium.

233 Section 3. Subsection (12) of section 1009.23, Florida
 234 Statutes, is amended, present subsection (16) of that section is
 235 renumbered as subsection (17), and a new subsection (16) is
 236 added to that section, to read:

237 1009.23 Community college student fees.--

238 (12) (a) In addition to tuition, out-of-state, financial
 239 aid, capital improvement, student activity and service, and
 240 technology fees authorized in this section, each community
 241 college board of trustees is authorized to establish fee
 242 schedules for the following user fees and fines: laboratory
 243 fees, which shall not apply to a distance learning course;
 244 parking fees and fines; library fees and fines; fees and fines
 245 relating to facilities and equipment use or damage; access or
 246 identification card fees; duplicating, photocopying, binding, or
 247 microfilming fees; standardized testing fees; diploma
 248 replacement fees; transcript fees; application fees; graduation

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249 fees; and late fees related to registration and payment. Such
 250 user fees and fines shall not exceed the cost of the services
 251 provided and shall only be charged to persons receiving the
 252 service. A community college may not charge any fee except as
 253 authorized by law ~~or rules of the State Board of Education.~~
 254 Parking fee revenues may be pledged by a community college board
 255 of trustees as a dedicated revenue source for the repayment of
 256 debt, including lease-purchase agreements and revenue bonds with
 257 terms not exceeding 20 years and not exceeding the useful life
 258 of the asset being financed. Community colleges shall use the
 259 services of the Division of Bond Finance of the State Board of
 260 Administration to issue any revenue bonds authorized by the
 261 provisions of this subsection. Any such bonds issued by the
 262 Division of Bond Finance shall be in compliance with the
 263 provisions of the State Bond Act. Bonds issued pursuant to the
 264 State Bond Act shall be validated in the manner established in
 265 chapter 75. The complaint for such validation shall be filed in
 266 the circuit court of the county where the seat of state
 267 government is situated, the notice required to be published by
 268 s. 75.06 shall be published only in the county where the
 269 complaint is filed, and the complaint and order of the circuit
 270 court shall be served only on the state attorney of the circuit
 271 in which the action is pending.

272 (b) The State Board of Education may adopt rules pursuant
 273 to s. 120.536(1) and s. 120.54 to administer this subsection.

274 (16)(a) Each community college may assess a student who
 275 enrolls in a course listed in the Florida Higher Education

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276 Distance Learning Catalog established pursuant to s. 1004.091 a
 277 per credit hour distance learning course user fee.

278 (b) The amount of the distance learning course user fee
 279 shall not exceed the additional costs of the services provided
 280 that are attributable exclusively to the development and
 281 delivery of the distance learning course. In the event that the
 282 distance learning course user fee is assessed by a community
 283 college, the institution shall not assess any other fees to
 284 cover the same additional costs. By September 1 of each year,
 285 each board of trustees shall report to the Division of Community
 286 Colleges the total amount of revenue generated by the distance
 287 learning course user fee for the prior academic year and how the
 288 revenue was expended.

289 (c) The community college may assess the distance learning
 290 course user fee only for courses that are listed in the catalog.

291 (d) The link for the catalog shall be prominently
 292 displayed on the institution's web site informing students of
 293 the catalog.

294 Section 4. Paragraph (k) of subsection (13) of section
 295 1009.24, Florida Statutes, is amended, present subsection (17)
 296 of that section is redesignated as subsection (18), and a new
 297 subsection (17) is added to that section, to read:

298 1009.24 State university student fees.--

299 (13) Each university board of trustees is authorized to
 300 establish the following fees:

301 (k) A fee for off-campus course offerings when the
 302 location results in specific, identifiable increased costs to

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303 the university, except such a fee shall not apply to a distance
304 learning course.

305 (17) (a) A state university may assess a student who
306 enrolls in a course listed in the Florida Higher Education
307 Distance Learning Catalog established pursuant to s. 1004.091 a
308 per credit hour distance learning course user fee.

309 (b) The amount of the distance learning course user fee
310 shall not exceed the additional costs of the services provided
311 that are attributable exclusively to the development and
312 delivery of the distance learning course. In the event that the
313 distance learning course user fee is assessed by a state
314 university, the institution shall not assess any other fees to
315 cover the same additional costs. By September 1 of each year,
316 each board of trustees shall report to the Board of Governors
317 the total amount of revenue generated by the distance learning
318 course user fee for the prior academic year and how the revenue
319 was expended.

320 (c) The state university may assess the distance learning
321 course user fee only for courses that are listed in the catalog.

322 (d) The link for the catalog shall be prominently
323 displayed on the institution's web site informing students of
324 the catalog.

325 Section 5. This act shall take effect July 1, 2008.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

Bill No. **PCB SLC 08-04**

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

1 Council/Committee hearing bill: Schools & Learning Council
2 Representative(s) Coley offered the following:

3
4 **Amendment**

5 Remove line(s) 169-197 and insert:

6 protocols necessary to ensure that the implementation of such a
7 system as an alternative to the standard registration process of
8 each institution complies with the academic policies and
9 procedures of the institution offering the course. At a minimum,
10 the system should:

11 a. Allow a qualified student to register for any course
12 listed in the catalog to include courses offered by an
13 institution that is not the student's degree-granting or home
14 institution.

15 b. Allow for the expedited transfer of the distance
16 learning course credit awarded by the institution offering the
17 distance learning course to the student's degree-granting or
18 home institution upon the student's successful completion of the
19 distance learning course or courses.

20 c. Be accessible from the catalog.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

21 d. Comply with all applicable technology security standards
22 and guidelines established by the Agency for Enterprise
23 Information Technology to ensure the secure transmission of
24 student information.

25 4. The consortium shall submit its recommended definition,
26 models, and plan as required in subparagraphs 1. through 3. to
27 the Governor, the President of the Senate, the Speaker of the
28 House of Representatives, the State Board of Education, and the
29 Board of Governors no later than March 1, 2009.

30 (b) This subsection expires July 1, 2009.

31 Section 2. Section 1004.091, Florida Statutes, is created
32 to read:

33 1004.091 Florida Higher Education Distance Learning
34 Catalog.—

35 (1) The Florida Higher Education Distance Learning Catalog
36 is established as an interactive, central point of
37
38

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2

Bill No. **PCB SLC 08-04**

COUNCIL/COMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Council/Committee hearing bill: Schools & Learning Council
2 Representative(s) Coley offered the following:

Amendment

5 Remove line(s) 281-312 and insert:

6 delivery of the distance learning course or program. In the
7 event that the distance learning course user fee is assessed by
8 a community college, the institution shall not assess any other
9 fees to cover the same additional costs. By September 1 of each
10 year, each board of trustees shall report to the Division of
11 Community Colleges the total amount of revenue generated by the
12 distance learning course user fee for the prior academic year
13 and how the revenue was expended.

14 (c) The community college may assess the distance learning
15 course user fee only for courses that are listed in the catalog.

16 (d) The link for the catalog shall be prominently
17 displayed on the institution's web site informing students of
18 the catalog.

19 Section 4. Paragraph (k) of subsection (13) of section
20 1009.24, Florida Statutes, is amended, present subsection (17)

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2

21 of that section is redesignated as subsection (18), and a new
22 subsection (17) is added to that section, to read:

23 1009.24 State university student fees.--

24 (13) Each university board of trustees is authorized to
25 establish the following fees:

26 (k) A fee for off-campus course offerings when the
27 location results in specific, identifiable increased costs to
28 the university, except such a fee shall not apply to a distance
29 learning course.

30 (17) (a) A state university may assess a student who
31 enrolls in a course listed in the Florida Higher Education
32 Distance Learning Catalog established pursuant to s. 1004.091 a
33 per credit hour distance learning course user fee.

34 (b) The amount of the distance learning course user fee
35 shall not exceed the additional costs of the services provided
36 that are attributable exclusively to the development and
37 delivery of the distance learning course or program. In the
38 event that the

39

40

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 3

Bill No. **PCB SLC 08-04**

COUNCIL/COMMITTEE ACTION

ADOPTED ___ (Y/N)
ADOPTED AS AMENDED ___ (Y/N)
ADOPTED W/O OBJECTION ___ (Y/N)
FAILED TO ADOPT ___ (Y/N)
WITHDRAWN ___ (Y/N)
OTHER _____

1 Council/Committee hearing bill: Schools & Learning Council
2 Representative(s) Coley, Marti offered the following:

3
4 **Amendment**

5 Remove line(s) 69-76 and insert:

6 Governors and having experience in distance learning education.

7 2. Four members from the community college system, with
8 one member being a community college president, one member
9 having experience in academic affairs or student affairs, one
10 member having experience in finance or business services, and
11 one member being from the Chancellor's Office of the Division of
12 Community Colleges and having experience in distance learning
13 education.

