

The Florida Senate
HOUSE MESSAGE SUMMARY

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

[2008s1414.hms.doc]

BILL: CS/SB 1414

INTRODUCER: Education Pre-K - 12 Committee and Senator Diaz de la Portilla

SUBJECT: Supplemental Educational Services Providers

DATE: April 30, 2008

I. Amendments Contained in Message:

House Amendment 1 — 549469 to CS/SB 1414 (body with title)

II. Summary of Amendments Contained in Message:

House Amendment 1 limits the facility rental fee that Miami Dade County School District may charge a state-approved supplemental education services (SES) provider. The fee is limited to only the hours that a classroom is used for the provider to tutor students. Districts are currently required by law to allow an SES provider access to school sites under the same policies that apply to other organizations. Miami Dade's school district policy requires outside entities to rent the facilities for a minimum of 3 hours on weekdays and 4 hours on the weekend, based on the district's assessment of cost (e.g., utilities, staff support, and building depreciation) and labor contract requirements. According to Miami Dade staff, this policy has been in effect since 1974.

The amendment provides an advantage to SES providers that is not available to other entities that rent school district facilities based on the 3-hour rental requirement. SES providers are currently responsible for compensating the school district for rental of facilities according to a temporary use of school building facilities agreement.

The amendment is limited in application to Miami Dade County School District by virtue of an assigned student population threshold. Article III, s. 11 of the State Constitution provides that in the enactment of general laws, political subdivisions or other governmental entities may only be classified on a basis that is reasonably related to the subject of the law. *City of Miami v. McGrath*, 824 So.2d 143, 148 (Fla. 2002).