



Education Committee

Thursday, March 14, 2013

1:30 PM – 3:30 PM

102 HOB

Meeting Packet

**Will Weatherford
Speaker**

**H. Marlene O'Toole
Chair**



AGENDA

Education Committee
Thursday, March 14, 2013
1:30 PM – 3:30 PM
102 HOB

- I. Call to Order/Roll Call
- II. Opening Remarks
- III. Consideration of the following bill(s):
 - CS/CS/HB 53 Student Assessment Program for Public Schools by Education Appropriations Subcommittee, K-12 Subcommittee, Diaz, M.
 - HB 209 Lake-Sumter Community College by Metz
 - HB 627 Brevard Community College by Tobia
 - CS/HB 7001 Repeal of Education Provisions by Rulemaking Oversight & Repeal Subcommittee, K-12 Subcommittee, Adkins
- IV. Discussion of Early Learning
- V. Closing Remarks and Adjournment

Committee Meeting Notice

HOUSE OF REPRESENTATIVES

Education Committee

Start Date and Time: Thursday, March 14, 2013 01:30 pm
End Date and Time: Thursday, March 14, 2013 03:30 pm
Location: Reed Hall (102 HOB)
Duration: 2.00 hrs

Consideration of the following bill(s):

CS/CS/HB 53 Student Assessment Program for Public Schools by Education Appropriations Subcommittee, K-12 Subcommittee, Diaz, M.
HB 209 Lake-Sumter Community College by Metz
HB 627 Brevard Community College by Tobia
CS/HB 7001 Repeal of Education Provisions by Rulemaking Oversight & Repeal Subcommittee, K-12 Subcommittee, Adkins

Discussion of Early Learning

Pursuant to rule 7.12, the deadline for amendments to bills on the agenda by a member who is not a member of the subcommittee shall be 6:00 pm, Wednesday, March 13, 2013.

By request of the Chair, all subcommittee members are asked to have amendments to bills on the agenda submitted by 6:00 pm, Wednesday, March 13, 2013.

NOTICE FINALIZED on 03/12/2013 11:34 by Gilliam.Ann

1 A bill to be entitled
 2 An act relating to the student assessment program for
 3 public schools; amending s. 1008.22, F.S.; requiring
 4 each school district to establish and approve testing
 5 schedules for district-mandated assessments and
 6 publish the schedules on its website; requiring
 7 reporting of the schedules to the Department of
 8 Education; providing an effective date.

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

11
 12 Section 1. Paragraph (d) is added to subsection (8) of
 13 section 1008.22, Florida Statutes, to read:

14 1008.22 Student assessment program for public schools.—

15 (8) LOCAL ASSESSMENTS.—

16 (d) Each school district shall establish schedules for the
 17 administration of any district-mandated assessment and approve
 18 the schedules as an agenda item at a district school board
 19 meeting. The school district shall publish the testing schedules
 20 on its website, clearly specifying the district-mandated
 21 assessments, and report the schedules to the Department of
 22 Education by October 1 of each year.

23 Section 2. This act shall take effect July 1, 2013.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/CS/HB 53 Student Assessment Program for Public Schools
SPONSOR(S): K-12 Subcommittee; Diaz, Jr. and others
TIED BILLS: IDEN./SIM. BILLS: SB 478

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) K-12 Subcommittee	13 Y, 0 N, As CS	Beagle	Ahearn
2) Education Appropriations Subcommittee	12 Y, 0 N, As CS	Seifert	Heflin
3) Education Committee		Beagle <i>GB</i>	Mizereck <i>KLM</i>

SUMMARY ANALYSIS

Beginning with the 2014-15 school year, each school district must adopt a rigorous student assessment for each subject and grade level not tested by statewide assessments. Such assessments must be used to measure student learning gains and mastery of course content and to evaluate the performance of classroom teachers of these courses.

In addition, Florida law requires each district school board to periodically assess student performance based upon the content established in the Next Generation Sunshine State Standards and local goals that are consistent with the state plan for education and that supplement the knowledge and skills necessary for successful grade-to-grade progression and high school graduation.

The law does not specifically require school districts to establish schedules for administering district assessments.

The bill requires each school district to establish schedules for administering district assessments. These schedules must be approved by the district school board as an agenda item at a board meeting. The schedules must be published on the school district website in a manner that clearly identifies each applicable district assessment and reported to the Department of Education annually by October 1.

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

The bill takes effect July 1, 2013.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

School District Assessments

In addition to participation in the statewide assessment program,¹ Florida law requires each district school board to periodically assess student performance based upon the content established in the Next Generation Sunshine State Standards and local goals that are consistent with the state plan for education and that supplement the knowledge and skills necessary for successful grade-to-grade progression and high school graduation.²

In August 2010, Florida was one of 11 states and the District of Columbia awarded federal Race to the Top grant funds.³ Florida received \$700 million to implement various education reforms, including reforms to instructional personnel⁴ and school administrator⁵ performance evaluations.⁶ Sixty-two of 67 school districts, 209 charter schools in 27 of the participating districts, and three university lab schools are participating in Race to the Top.⁷ Fifty local teachers unions agreed to collaborate with their school districts in implementing these reforms.⁸ The Legislature enacted the Student Success Act in May 2011, which, among other things, codified Florida's Race to the Top performance evaluation reforms into state law.⁹

Among other things, the Student Success Act required at least 50 percent of each instructional personnel's and school administrator's performance evaluation to be based upon student performance.

¹ The statewide assessment program for public schools includes the Florida Comprehensive Assessment Test 2.0 (FCAT) and statewide standardized end-of-course (EOC) assessments. FCAT assesses reading (grades 3-10), mathematics (grades 3-8), science (grades 5 and 8), and writing (grades 4, 8, and 10). EOC assessments for high school students include Algebra I, Biology I, geometry, and U.S. History. Beginning in the 2012-13 school year, middle school students will take an EOC assessment in Civics as a field test. Beginning in the 2014-15 school year, students must pass the EOC assessment to be promoted from the middle grades. Section 1008.22(3)(c)2.b., F.S.

² Section 1008.22(5), F.S.

³ American Recovery and Reinvestment Act of 2009, Pub. L. No. 111-5, 123 Stat. 115 (Feb. 17, 2009); Press Release, U.S. Department of Education, *Nine States and the District of Columbia Win Second Round Race to the Top Grants* (Aug. 24, 2010), <http://www.ed.gov/news/press-releases/nine-states-and-district-columbia-win-second-round-race-top-grants> (last visited Feb. 5, 2013).

⁴ Instructional personnel include classroom teachers; student services personnel, e.g., guidance counselors, social workers, career specialists, and school psychologists; librarians and media specialists; other instructional staff, e.g., learning resource specialists; and education paraprofessionals under the direct supervision of instructional personnel. Section 1012.01(2), F.S. Although substitute teachers are classified as classroom teachers, the law specifically excludes them from performance evaluation requirements. Section 1012.34(3)(a), F.S.

⁵ Section 1012.34(1)(a), F.S. School administrators include school principals, school directors, career center directors, and assistant principals. Section 1012.01(3), F.S.

⁶ U.S. Department of Education, *Race to the Top Funding Status*, <http://www2.ed.gov/programs/racetothetop/funding.html> (last visited Feb. 5, 2013); Florida Department of Education, *Florida's Race to the Top: hearing before the House Education Comm.* (Jan. 13, 2011).

⁷ Participating lab schools are the Florida Atlantic University, Florida A & M University, and University of Florida lab schools. The Baker, Dixie, Hamilton, Palm Beach, and Suwannee County school districts are not participating in the grant. Email, Florida Department of Education, Legislative Affairs Director (Nov. 16, 2012).

⁸ Florida Department of Education, *Florida's Race to the Top Memorandum of Understanding: hearing before the House K-20 Competitiveness Subcomm.* (Feb. 23, 2011).

⁹ Section 2, ch. 2011-1, L.O.F., *codified at s. 1012.34, F.S. (2011)*; see Florida Department of Education, *Florida's Race to the Top Memorandum of Understanding for Phase 2*, at 10-13 (May 3, 2010), available at <http://www.fldoe.org/arra/pdf/phase2mou.pdf>.

Student learning growth, with certain exceptions,¹⁰ is the primary measure of student performance used to evaluate these employees. Learning growth must be measured by statewide assessments and, for subjects and grade levels not tested by statewide assessments, school district assessments.¹¹ Student learning growth formulas tied to these assessments must be used to determine the amount of learning growth a student makes in the year he or she is assigned to the instructional personnel or school administrator.¹²

The Student Success Act also required each school district to adopt rigorous student assessments for subjects and grade levels not tested by statewide assessments, which must be implemented no later than the 2014-15 school year. School districts may use nationally recognized standardized assessments, industry certification examinations, and district-developed assessments.¹³ The Commissioner of Education must identify methods to support school districts in the development or acquisition of assessments. Such methods include developing test item banks, facilitating the sharing of assessments among districts, acquiring assessments from state and national curriculum-area organizations, and technical assistance.¹⁴ Accordingly, the Department of Education (DOE) has provided technical assistance and used Race to the Top funds for the development of test item banks, a test platform, and grants to school districts for developing assessments for hard-to-measure courses that can be shared across the state.¹⁵

School district assessments must be used to evaluate classroom teachers of subjects and grade levels not tested by statewide assessments and to measure student learning gains and mastery of course content.¹⁶ The law does not specifically require school districts to establish schedules for administering district assessments and reporting.¹⁷

Effect of Proposed Changes

The bill requires each school district to establish schedules for administering district assessments. These schedules must be approved by the district school board as an agenda item at a board meeting. The schedules must be published on the school district website in a manner that clearly identifies each applicable district assessment and reported to DOE annually by October 1. This will provide parents and students more information regarding school district testing requirements.

¹⁰ For school district assessments, districts may request DOE-approval to use a student achievement measure, a combination of learning growth and achievement, or a combination of learning growth on the district assessment and on FCAT reading or mathematics (as long as learning growth on the school district assessment is given greater weight). Section 1012.34(7)(c)-(d), F.S.

¹¹ Sections 1012.34(3)(a)1. and 1008.22(8), F.S.

¹² Section 1012.34(7)(a)-(b), F.S.

¹³ Sections 1008.22(8) and 1012.34(7)(b), F.S. For courses tested on statewide assessments, this requirement is met by the district's participation in the statewide assessment program. See s. 1008.22(8)(b), F.S.

¹⁴ Section 1008.22(8)(c), F.S.

¹⁵ Florida Department of Education, *American Recovery and Reinvestment Act, Procurements*, <http://www.fldoe.org/arra/procurements.asp> (last visited Feb. 5, 2013). DOE awarded Race to the Top grants to fund seven projects by four Florida school districts to develop assessments for hard-to-measure courses. These projects include assessments of Physical Education and Health Education, Grades K – 8: Miami-Dade County; Physical Education and Health Education, Grades 9 – 12: Hillsborough County; Performing Arts: Chorus and Drama: Polk County; Performing Arts: Band and Instrumental: Polk County; Visual Arts: Miami-Dade County; World Languages (other than Spanish): Duval County; and Career and Technical Education-Hillsborough County. Florida Department of Education, *Race to the Top Assessments Information Sheet*, at 1 (June 2011), available at <http://www.fldoe.org/arra/racetothetop/assessments/pdf/InfoSheet-RTTT.pdf>. Field testing of these assessments will begin in Spring 2013-14. Florida Department of Education, *Race to the Top Assessments Timeline* (Aug. 2011), available at <http://www.fldoe.org/arra/racetothetop/assessments/pdf/Timeline-RTTT.pdf>.

¹⁶ Sections 1008.22(8)(a)-(b) and 1012.34(3)(a)1., F.S.

¹⁷ See s. 1008.22(8), F.S.

B. SECTION DIRECTORY:

Section 1. Amends s. 1008.22(8), F.S., relating to school district assessments; requires each district school board to establish schedules for test administration; provides requirements for adoption and publication of schedules.

Section 2. Provides that the bill takes effect July 1, 2013.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not Applicable. This bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On February 13, 2013, the K-12 Subcommittee adopted one amendment and reported HB 53 favorably as a committee substitute. The committee substitute adds a requirement that school districts report their testing and student results reporting schedules to the DOE.

On March 5, 2013, the House Education Appropriations Subcommittee adopted one amendment and reported the bill favorably as a committee substitute. The amendment removes a requirement that school boards adopt schedules for reporting test results and specifies an October 1 annual deadline for reporting test administration schedules to DOE.

1 A bill to be entitled
 2 An act relating to Lake-Sumter Community College;
 3 amending ss. 288.8175 and 1000.21, F.S.; renaming
 4 Lake-Sumter Community College as "Lake-Sumter State
 5 College"; providing an effective date.

6
 7 Be It Enacted by the Legislature of the State of Florida:
 8

9 Section 1. Paragraph (j) of subsection (4) of section
 10 288.8175, Florida Statutes, is amended to read:

11 288.8175 Linkage institutes between postsecondary
 12 institutions in this state and foreign countries.—

13 (4) The institutes are:

14 (j) Florida-Eastern Europe Institute (University of
 15 Central Florida and Lake-Sumter State ~~Lake-Sumter Community~~
 16 College).

17 Section 2. Paragraph (m) of subsection (3) of section
 18 1000.21, Florida Statutes, is amended to read:

19 1000.21 Systemwide definitions.—As used in the Florida K-
 20 20 Education Code:

21 (3) "Florida College System institution" except as
 22 otherwise specifically provided, includes all of the following
 23 public postsecondary educational institutions in the Florida
 24 College System and any branch campuses, centers, or other
 25 affiliates of the institution:

26 (m) Lake-Sumter State ~~Community~~ College, which serves Lake
 27 and Sumter Counties.

28 Section 3. This act shall take effect July 1, 2013.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 209 Lake-Sumter Community College
SPONSOR(S): Metz
TIED BILLS: IDEN./SIM. **BILLS:** SB 352

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Higher Education & Workforce Subcommittee	11 Y, 0 N	Thomas	Sherry
2) Education Committee		Thomas	Mizereck <i>PKA</i>

SUMMARY ANALYSIS

The bill amends current law to change the name of "Lake-Sumter Community College" to "Lake-Sumter State College." The college has complied with the statutory requirement for its name change.

Current law permits an institution in the Florida College System to change its name and use the designation "college" or "state college" if the name change has been approved by the institution's district board of trustees, the institution has been authorized to grant baccalaureate degrees, and the institution has been accredited as a baccalaureate-degree-granting institution by the Commission on Colleges of the Southern Association of Colleges and Schools. A district board of trustees that approves such a name change must seek statutory codification of the name change during the next regular legislative session.

The fiscal impact of the bill is indeterminate. (See FISCAL COMMENTS).

The bill provides an effective date of July 1, 2013.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

With the approval of its district board of trustees, a Florida college may change the name of the institution as listed in s. 1000.21(3), F.S., and use the designation "college" or "state college" if it has been authorized to grant baccalaureate degrees and has been accredited as a baccalaureate-degree-granting institution by the Commission on Colleges of the Southern Association of Colleges and Schools.¹ A district board of trustees that approves the use of the designation "college" or "state college" must seek statutory codification of the name change during the next regular legislative session.²

Lake-Sumter Community College

The Lake-Sumter Community College (LSCC) District Board of Trustees approved the request to submit a proposal to offer the Baccalaureate of Applied Science in Organizational Management on August 9, 2011. The State Board of Education approved LSCC's proposal to offer a Baccalaureate of Applied Science in Organizational Management on March 27, 2012. LSCC's District Board of Trustees approved the college's name change to Lake-Sumter State College on June 19, 2012. The Southern Association of Colleges and Schools (SACS) approved the college to offer a baccalaureate degree on June 21, 2012.³

Effect of Proposed Changes

The bill amends s. 1000.21, F.S., to change the name of "Lake-Sumter Community College" to "Lake-Sumter State College." The college has complied with the statutory requirement for its name change. The bill makes conforming changes in s. 288.8175, F.S.

B. SECTION DIRECTORY:

- Section 1. Amends s. 288.8175, F.S., conforming provisions.
- Section 2. Amends s. 1000.21, F.S., renaming "Lake-Sumter Community College" to "Lake-Sumter State College."
- Section 3. Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

- 1. Revenues:
None.
- 2. Expenditures:
None.

¹ Section 1001.60(2)(b)1., F.S.

² Section 1001.60(2)(c), F.S.

³ Department of Education Analysis of HB 209 (Feb. 11, 2013).

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

According to the Department of Education, there will be related costs associated with institutional name changes in a variety of areas such as signage, publications, and documentation. Due to the variation among institutions, the costs associated with name changes are indeterminate at this time.⁴

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:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

⁴Department of Education Analysis of HB 209 (Feb. 11, 2013).

1 A bill to be entitled
 2 An act relating to Brevard Community College; amending
 3 ss. 288.8175 and 1000.21, F.S.; renaming Brevard
 4 Community College as "Eastern Florida State College";
 5 providing an effective date.

6
 7 Be It Enacted by the Legislature of the State of Florida:

8
 9 Section 1. Paragraph (e) of subsection (4) of section
 10 288.8175, Florida Statutes, is amended to read:

11 288.8175 Linkage institutes between postsecondary
 12 institutions in this state and foreign countries.—

13 (4) The institutes are:

14 (e) Florida-China Institute (University of West Florida,
 15 University of South Florida, and Eastern Florida State College
 16 ~~Brevard Community College~~).

17 Section 2. Paragraph (a) of subsection (3) of section
 18 1000.21, Florida Statutes, is amended to read:

19 1000.21 Systemwide definitions.—As used in the Florida K-
 20 20 Education Code:

21 (3) "Florida College System institution" except as
 22 otherwise specifically provided, includes all of the following
 23 public postsecondary educational institutions in the Florida
 24 College System and any branch campuses, centers, or other
 25 affiliates of the institution:

26 (a) Eastern Florida State College ~~Brevard Community~~
 27 ~~College~~, which serves Brevard County.

28 Section 3. This act shall take effect upon becoming a law.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 627 Brevard Community College
SPONSOR(S): Tobia
TIED BILLS: IDEN./SIM. **BILLS:** SB 434

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Higher Education & Workforce Subcommittee	9 Y, 0 N	Thomas	Sherry
2) Education Committee		Thomas <i>MT</i>	Mizereck <i>MM</i>

SUMMARY ANALYSIS

The bill amends current law to change the name of "Brevard Community College" to "Eastern Florida State College." The college has complied with the statutory requirement for its name change.

Current law permits an institution in the Florida College System to change its name and use the designation "college" or "state college" if the name change has been approved by the institution's district board of trustees, the institution has been authorized to grant baccalaureate degrees, and the institution has been accredited as a baccalaureate-degree-granting institution by the Commission on Colleges of the Southern Association of Colleges and Schools. A district board of trustees that approves such a name change must seek statutory codification of the name change during the next regular legislative session.

The fiscal impact of the bill is indeterminate. (See FISCAL COMMENTS).

The bill takes effect upon becoming law.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

With the approval of its district board of trustees, a Florida college may change the name of the institution as listed in s. 1000.21(3), F.S., and use the designation "college" or "state college" if it has been authorized to grant baccalaureate degrees and has been accredited as a baccalaureate-degree-granting institution by the Commission on Colleges of the Southern Association of Colleges and Schools.¹ A district board of trustees that approves the use of the designation "college" or "state college" must seek statutory codification of the name change during the next regular legislative session.²

Brevard Community College

The Brevard Community College (BCC) District Board of Trustees approved the request to submit a proposal to offer the Baccalaureate of Applied Science in Organizational Management on March 19, 2012. The State Board of Education approved BCC's proposal to offer a Baccalaureate of Applied Science in Organizational Management on December 12, 2012. BCC's District Board of Trustees approved the college's name change to Eastern Florida State College on December 17, 2012. The Southern Association of Colleges and Schools (SACS) approved the college to offer a baccalaureate degree on December 9, 2012.³

Effect of Proposed Changes

The bill amends s. 1000.21, F.S., to change the name of "Brevard Community College" to "Eastern Florida State College." The college has complied with the statutory requirement for its name change. The bill makes conforming changes in s. 288.8175, F.S.

B. SECTION DIRECTORY:

Section 1. Amends s. 288.8175, F.S., conforming provisions.

Section 2. Amends s. 1000.21, F.S., renaming "Brevard Community College" to "Eastern Florida State College."

Section 3. Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

¹ Section 1001.60(2)(b)1., F.S.

² Section 1001.60(2)(c), F.S.

³ Department of Education Analysis of HB 627 (Feb. 2013).

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None

D. FISCAL COMMENTS:

According to the Department of Education, there will be related costs associated with institutional name changes in a variety of areas such as signage, publications, and documentation. Due to the variation among institutions, the costs associated with name changes are indeterminate at this time.⁴

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:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

⁴Department of Education Analysis of HB 627 (Feb. 2013).

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 7001 (2013)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE 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 Committee/Subcommittee hearing bill: Education Committee
2 Representative Adkins offered the following:

3
4 **Amendment**

5 Remove lines 217-218 and insert:

6 Section 35. Effective July 1, 2013, subsection (7) of section
7 1013.64, Florida Statutes, is repealed.

8
9 Remove lines 1711-1712 and insert:

10 Section 67. Except as otherwise expressly provided in this act,
11 this act shall take effect upon becoming a law.

1 A bill to be entitled
2 An act relating to the repeal of education provisions;
3 amending s. 403.7032, F.S.; removing a requirement
4 that each K-12 public school annually report to the
5 county on recycled materials; repealing s. 1001.26(3),
6 F.S.; removing duplicative, redundant, or unused
7 rulemaking authority; repealing s. 1001.435, F.S.,
8 relating to a K-12 foreign language curriculum plan;
9 repealing s. 1002.23(4), (6), and (9), F.S., relating
10 to a parent-response center, submission of family
11 involvement and empowerment rules by district school
12 boards, and State Board of Education compliance review
13 and enforcement under the Family and School
14 Partnership for Student Achievement Act; repealing s.
15 1002.32(10), F.S.; removing duplicative, redundant, or
16 unused rulemaking authority; repealing s. 1002.361,
17 F.S., relating to a direct-support organization for
18 the Florida School for the Deaf and the Blind;
19 repealing s. 1002.375, F.S., relating to a pilot
20 project to award alternative credit for high school
21 courses; repealing s. 1003.4285(1), F.S., relating to
22 a standard high school diploma designation that
23 indicates a student's major area of interest;
24 repealing s. 1003.43, F.S., relating to general
25 requirements for high school graduation; repealing s.
26 1003.433(5), F.S.; removing duplicative, redundant, or
27 unused rulemaking authority; repealing s. 1003.453(2),
28 F.S., relating to information on school wellness and

29 physical education policies posted on Department of
 30 Education and school district websites; repealing s.
 31 1003.496, F.S., relating to the High School to
 32 Business Career Enhancement Program; repealing s.
 33 1004.05, F.S., relating to substance abuse training
 34 programs for specified public school personnel;
 35 amending s. 1004.435, F.S.; removing duplicative,
 36 redundant, or unused rulemaking authority; amending s.
 37 1004.45, F.S.; removing unnecessary rulemaking
 38 authority; repealing s. 1004.62, F.S., relating to
 39 incentives for state university student internships to
 40 study urban or socially and economically disadvantaged
 41 areas; repealing s. 1004.77, F.S., relating to centers
 42 of technology innovation; repealing s. 1006.02, F.S.,
 43 relating to provision of information to students and
 44 parents regarding school-to-work transition; repealing
 45 s. 1006.035, F.S., relating to a dropout reentry and
 46 mentor project; repealing s. 1006.051, F.S., relating
 47 to the Sunshine Workforce Solutions Grant Program;
 48 repealing s. 1006.09(1)(d), F.S., relating to duties
 49 of school principals with respect to annual reporting
 50 and analysis of student suspensions and expulsions;
 51 repealing ss. 1006.17 and 1006.70, F.S., relating to
 52 sponsorship of athletic activities similar to those
 53 for which scholarships are offered; repealing s.
 54 1006.65, F.S., relating to safety issues in courses
 55 offered by public postsecondary educational
 56 institutions; repealing s. 1007.21, F.S., relating to

57 | readiness for postsecondary education and the
 58 | workplace; repealing s. 1007.35(10), F.S.; removing
 59 | duplicative, redundant, or unused rulemaking
 60 | authority; repealing s. 1008.31(3)(d) and (e), F.S.,
 61 | relating to review and reporting duties of the
 62 | Commissioner of Education with respect to
 63 | consolidating paperwork under Florida's K-20 education
 64 | performance accountability system; repealing s.
 65 | 1009.68, F.S., relating to the Florida Minority
 66 | Medical Education Program; amending s. 1009.85, F.S.;
 67 | removing duplicative, redundant, or unused rulemaking
 68 | authority; repealing s. 1012.58, F.S., relating to the
 69 | Transition to Teaching Program; repealing s.
 70 | 1012.71(6), F.S., relating to a pilot program for
 71 | establishing an electronic management system for the
 72 | Florida Teachers Lead Program; repealing s. 1013.231,
 73 | F.S., relating to Florida College System institution
 74 | and state university energy consumption reduction;
 75 | repealing s. 1013.32, F.S., relating to exceptions to
 76 | recommendations in educational plant surveys;
 77 | repealing ss. 1013.42 and 1013.72, F.S., relating to
 78 | the School Infrastructure Thrift (SIT) Program;
 79 | repealing ss. 1013.502 and 1013.721, F.S., relating to
 80 | A Business-Community (ABC) School Program; repealing
 81 | s. 1013.64(7), F.S., relating to exceptions from
 82 | Special Facility Construction Account requirements;
 83 | repealing s. 1013.73, F.S., relating to effort index
 84 | grants for school district facilities; amending ss.

85 120.81, 250.115, 409.1451, 1001.11, 1002.20, 1002.33,
 86 1002.34, 1002.45, 1003.03, 1003.429, 1003.438,
 87 1003.49, 1004.70, 1004.71, 1006.025, 1006.15,
 88 1007.263, 1007.271, 1008.22, 1008.23, 1009.40,
 89 1009.531, 1009.94, 1011.61, 1013.35, 1013.356,
 90 1013.41, 1013.64, 1013.69, and 1013.738, F.S.;

91 conforming provisions; providing an effective date.

92
 93 Be It Enacted by the Legislature of the State of Florida:

94
 95 Section 1. Subsection (3) of section 403.7032, Florida
 96 Statutes, is amended to read:

97 403.7032 Recycling.—

98 (3) Each state agency, ~~K-12 public school~~, public
 99 institution of higher learning, community college, and state
 100 university, including all buildings that are occupied by
 101 municipal, county, or state employees and entities occupying
 102 buildings managed by the Department of Management Services,
 103 must, at a minimum, annually report all recycled materials to
 104 the county using the department's designated reporting format.
 105 Private businesses, other than certified recovered materials
 106 dealers, that recycle paper, metals, glass, plastics, textiles,
 107 rubber materials, and mulch, are encouraged to report the amount
 108 of materials they recycle to the county annually beginning
 109 January 1, 2011, using the department's designated reporting
 110 format. Using the information provided, the department shall
 111 recognize those private businesses that demonstrate outstanding
 112 recycling efforts. Notwithstanding any other provision of state

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113 or county law, private businesses, other than certified
 114 recovered materials dealers, shall not be required to report
 115 recycling rates. Cities with less than a population of 2,500 and
 116 per capita taxable value less than \$48,000 and cities with a per
 117 capita taxable value less than \$30,000 are exempt from the
 118 reporting requirement specified in this subsection.

119 Section 2. Subsection (3) of section 1001.26, Florida
 120 Statutes, is repealed.

121 Section 3. Section 1001.435, Florida Statutes, is
 122 repealed.

123 Section 4. Subsections (4), (6), and (9) of section
 124 1002.23, Florida Statutes, are repealed.

125 Section 5. Subsection (10) of section 1002.32, Florida
 126 Statutes, is repealed.

127 Section 6. Section 1002.361, Florida Statutes, is
 128 repealed.

129 Section 7. Section 1002.375, Florida Statutes, is
 130 repealed.

131 Section 8. Subsection (1) of section 1003.4285, Florida
 132 Statutes, is repealed.

133 Section 9. Section 1003.43, Florida Statutes, is repealed.

134 Section 10. Subsection (5) of section 1003.433, Florida
 135 Statutes, is repealed.

136 Section 11. Subsection (2) of section 1003.453, Florida
 137 Statutes, is repealed.

138 Section 12. Section 1003.496, Florida Statutes, is
 139 repealed.

140 Section 13. Section 1004.05, Florida Statutes, is

141 repealed.

142 Section 14. Paragraphs (c) and (d) of subsection (5) of
 143 section 1004.435, Florida Statutes, are amended to read:

144 1004.435 Cancer control and research.—

145 (5) RESPONSIBILITIES OF THE BOARD OF GOVERNORS, THE H. LEE
 146 MOFFITT CANCER CENTER AND RESEARCH INSTITUTE, INC., AND THE
 147 STATE SURGEON GENERAL.—

148 ~~(e) The Board of Governors or the State Surgeon General,~~
 149 ~~after consultation with the council, may adopt rules necessary~~
 150 ~~for the implementation of this section.~~

151 ~~(c) (d) The State Surgeon General, after consultation with~~
 152 ~~the council, shall make rules specifying to what extent and on~~
 153 ~~what terms and conditions cancer patients of the state may~~
 154 ~~receive financial aid for the diagnosis and treatment of cancer~~
 155 ~~in any hospital or clinic selected. The department may furnish~~
 156 ~~to citizens of this state who are afflicted with cancer~~
 157 ~~financial aid to the extent of the appropriation provided for~~
 158 ~~that purpose in a manner which in its opinion will afford the~~
 159 ~~greatest benefit to those afflicted and may make arrangements~~
 160 ~~with hospitals, laboratories, or clinics to afford proper care~~
 161 ~~and treatment for cancer patients in this state.~~

162 Section 15. Paragraph (g) of subsection (2) of section
 163 1004.45, Florida Statutes, is amended to read:

164 1004.45 Ringling Center for Cultural Arts.—

165 (2)

166 (g) The university, in consultation with the direct-
 167 support organization, shall establish policies ~~and may adopt~~
 168 ~~rules~~ for the sale or exchange of works of art.

169 Section 16. Section 1004.62, Florida Statutes, is
 170 repealed.

171 Section 17. Section 1004.77, Florida Statutes, is
 172 repealed.

173 Section 18. Section 1006.02, Florida Statutes, is
 174 repealed.

175 Section 19. Section 1006.035, Florida Statutes, is
 176 repealed.

177 Section 20. Section 1006.051, Florida Statutes, is
 178 repealed.

179 Section 21. Paragraph (d) of subsection (1) of section
 180 1006.09, Florida Statutes, is repealed.

181 Section 22. Sections 1006.17 and 1006.70, Florida
 182 Statutes, are repealed.

183 Section 23. Section 1006.65, Florida Statutes, is
 184 repealed.

185 Section 24. Section 1007.21, Florida Statutes, is
 186 repealed.

187 Section 25. Subsection (10) of section 1007.35, Florida
 188 Statutes, is repealed.

189 Section 26. Paragraphs (d) and (e) of subsection (3) of
 190 section 1008.31, Florida Statutes, are repealed.

191 Section 27. Section 1009.68, Florida Statutes, is
 192 repealed.

193 Section 28. Section 1009.85, Florida Statutes, is amended
 194 to read:

195 1009.85 Participation in guaranteed student loan program.—
 196 ~~The State Board of Education shall adopt rules necessary for~~

197 ~~participation in the guaranteed student loan program, as~~
 198 ~~provided by the Higher Education Act of 1965 (20 U.S.C. ss. 1071~~
 199 ~~et seq.), as amended or as may be amended.~~ The intent of this
 200 act is to authorize student loans when this state, through the
 201 Department of Education, has become an eligible lender under the
 202 provisions of the applicable federal laws providing for the
 203 guarantee of loans to students and the partial payment of
 204 interest on such loans by the United States Government.

205 Section 29. Section 1012.58, Florida Statutes, is
 206 repealed.

207 Section 30. Subsection (6) of section 1012.71, Florida
 208 Statutes, is repealed.

209 Section 31. Section 1013.231, Florida Statutes, is
 210 repealed.

211 Section 32. Section 1013.32, Florida Statutes, is
 212 repealed.

213 Section 33. Sections 1013.42 and 1013.72, Florida
 214 Statutes, are repealed.

215 Section 34. Sections 1013.502 and 1013.721, Florida
 216 Statutes, are repealed.

217 Section 35. Subsection (7) of section 1013.64, Florida
 218 Statutes, is repealed.

219 Section 36. Section 1013.73, Florida Statutes, is
 220 repealed.

221 Section 37. Paragraph (c) of subsection (1) of section
 222 120.81, Florida Statutes, is amended to read:

223 120.81 Exceptions and special requirements; general
 224 areas.—

225 (1) EDUCATIONAL UNITS.—

226 (c) Notwithstanding s. 120.52(16), any tests, test scoring
 227 criteria, or testing procedures relating to student assessment
 228 which are developed or administered by the Department of
 229 Education pursuant to s. 1003.428 ~~1003.43~~, s. 1003.429, s.
 230 1003.438, s. 1008.22, or s. 1008.25, or any other statewide
 231 educational tests required by law, are not rules.

232 Section 38. Subsection (5) of section 250.115, Florida
 233 Statutes, is amended to read:

234 250.115 Department of Military Affairs direct-support
 235 organization.—

236 (5) ACTIVITIES; RESTRICTIONS.—Any transaction or agreement
 237 between the direct-support organization organized pursuant to
 238 this section and another direct-support organization ~~or center~~
 239 ~~of technology innovation designated under s. 1004.77~~ must be
 240 approved by the Department of Military Affairs.

241 Section 39. Paragraph (b) of subsection (5) of section
 242 409.1451, Florida Statutes, is amended to read:

243 409.1451 Independent living transition services.—

244 (5) SERVICES FOR YOUNG ADULTS FORMERLY IN FOSTER CARE.—
 245 Based on the availability of funds, the department shall provide
 246 or arrange for the following services to young adults formerly
 247 in foster care who meet the prescribed conditions and are
 248 determined eligible by the department. The department, or a
 249 community-based care lead agency when the agency is under
 250 contract with the department to provide the services described
 251 under this subsection, shall develop a plan to implement those
 252 services. A plan shall be developed for each community-based

253 care service area in the state. Each plan that is developed by a
 254 community-based care lead agency shall be submitted to the
 255 department. Each plan shall include the number of young adults
 256 to be served each month of the fiscal year and specify the
 257 number of young adults who will reach 18 years of age who will
 258 be eligible for the plan and the number of young adults who will
 259 reach 23 years of age and will be ineligible for the plan or who
 260 are otherwise ineligible during each month of the fiscal year;
 261 staffing requirements and all related costs to administer the
 262 services and program; expenditures to or on behalf of the
 263 eligible recipients; costs of services provided to young adults
 264 through an approved plan for housing, transportation, and
 265 employment; reconciliation of these expenses and any additional
 266 related costs with the funds allocated for these services; and
 267 an explanation of and a plan to resolve any shortages or
 268 surpluses in order to end the fiscal year with a balanced
 269 budget. The categories of services available to assist a young
 270 adult formerly in foster care to achieve independence are:

271 (b) Road-to-Independence Program.—

272 1. The Road-to-Independence Program is intended to help
 273 eligible students who are former foster children in this state
 274 to receive the educational and vocational training needed to
 275 achieve independence. The amount of the award shall be based on
 276 the living and educational needs of the young adult and may be
 277 up to, but may not exceed, the amount of earnings that the
 278 student would have been eligible to earn working a 40-hour-a-
 279 week federal minimum wage job.

280 2. A young adult who has earned a standard high school

281 diploma or its equivalent as described in s. 1003.428, s.
 282 1003.429, ~~1003.43~~ or s. 1003.435, has earned a special diploma
 283 or special certificate of completion as described in s.
 284 1003.438, or has reached 18 years of age but is not yet 21 years
 285 of age is eligible for the initial award, and a young adult
 286 under 23 years of age is eligible for renewal awards, if he or
 287 she:

288 a. Was a dependent child, under chapter 39, and was living
 289 in licensed foster care or in subsidized independent living at
 290 the time of his or her 18th birthday or is currently living in
 291 licensed foster care or subsidized independent living, or, after
 292 reaching the age of 16, was adopted from foster care or placed
 293 with a court-approved dependency guardian and has spent a
 294 minimum of 6 months in foster care immediately preceding such
 295 placement or adoption;

296 b. Spent at least 6 months living in foster care before
 297 reaching his or her 18th birthday;

298 c. Is a resident of this state as defined in s. 1009.40;
 299 and

300 d. Meets one of the following qualifications:

301 (I) Has earned a standard high school diploma or its
 302 equivalent as described in s. 1003.428, s. 1003.429, ~~1003.43~~ or
 303 s. 1003.435, or has earned a special diploma or special
 304 certificate of completion as described in s. 1003.438, and has
 305 been admitted for full-time enrollment in an eligible
 306 postsecondary education institution as defined in s. 1009.533;

307 (II) Is enrolled full time in an accredited high school;
 308 or

309 (III) Is enrolled full time in an accredited adult
 310 education program designed to provide the student with a high
 311 school diploma or its equivalent.

312 3. A young adult applying for the Road-to-Independence
 313 Program must apply for any other grants and scholarships for
 314 which he or she may qualify. The department shall assist the
 315 young adult in the application process and may use the federal
 316 financial aid grant process to determine the funding needs of
 317 the young adult.

318 4. An award shall be available to a young adult who is
 319 considered a full-time student or its equivalent by the
 320 educational institution in which he or she is enrolled, unless
 321 that young adult has a recognized disability preventing full-
 322 time attendance. The amount of the award, whether it is being
 323 used by a young adult working toward completion of a high school
 324 diploma or its equivalent or working toward completion of a
 325 postsecondary education program, shall be determined based on an
 326 assessment of the funding needs of the young adult. This
 327 assessment must consider the young adult's living and
 328 educational costs and other grants, scholarships, waivers,
 329 earnings, and other income to be received by the young adult. An
 330 award shall be available only to the extent that other grants
 331 and scholarships are not sufficient to meet the living and
 332 educational needs of the young adult, but an award may not be
 333 less than \$25 in order to maintain Medicaid eligibility for the
 334 young adult as provided in s. 409.903.

335 5. The amount of the award may be disregarded for purposes
 336 of determining the eligibility for, or the amount of, any other

337 federal or federally supported assistance.

338 6.a. The department must advertise the criteria,
339 application procedures, and availability of the program to:

340 (I) Children and young adults in, leaving, or formerly in
341 foster care.

342 (II) Case managers.

343 (III) Guidance and family services counselors.

344 (IV) Principals or other relevant school administrators.

345 (V) Guardians ad litem.

346 (VI) Foster parents.

347 b. The department shall issue awards from the program for
348 each young adult who meets all the requirements of the program
349 to the extent funding is available.

350 c. An award shall be issued at the time the eligible
351 student reaches 18 years of age.

352 d. A young adult who is eligible for the Road-to-
353 Independence Program, transitional support services, or
354 aftercare services and who so desires shall be allowed to reside
355 with the licensed foster family or group care provider with whom
356 he or she was residing at the time of attaining his or her 18th
357 birthday or to reside in another licensed foster home or with a
358 group care provider arranged by the department.

359 e. If the award recipient transfers from one eligible
360 institution to another and continues to meet eligibility
361 requirements, the award must be transferred with the recipient.

362 f. Funds awarded to any eligible young adult under this
363 program are in addition to any other services or funds provided
364 to the young adult by the department through transitional

365 support services or aftercare services.

366 g. The department shall provide information concerning
 367 young adults receiving funding through the Road-to-Independence
 368 Program to the Department of Education for inclusion in the
 369 student financial assistance database, as provided in s.
 370 1009.94.

371 h. Funds are intended to help eligible young adults who
 372 are former foster children in this state to receive the
 373 educational and vocational training needed to become independent
 374 and self-supporting. The funds shall be terminated when the
 375 young adult has attained one of four postsecondary goals under
 376 subsection (3) or reaches 23 years of age, whichever occurs
 377 earlier. In order to initiate postsecondary education, to allow
 378 for a change in career goal, or to obtain additional skills in
 379 the same educational or vocational area, a young adult may earn
 380 no more than two diplomas, certificates, or credentials. A young
 381 adult attaining an associate of arts or associate of science
 382 degree shall be permitted to work toward completion of a
 383 bachelor of arts or a bachelor of science degree or an
 384 equivalent undergraduate degree. Road-to-Independence Program
 385 funds may not be used for education or training after a young
 386 adult has attained a bachelor of arts or a bachelor of science
 387 degree or an equivalent undergraduate degree.

388 i. The department shall evaluate and renew each award
 389 annually during the 90-day period before the young adult's
 390 birthday. In order to be eligible for a renewal award for the
 391 subsequent year, the young adult must:

392 (I) Complete the number of hours, or the equivalent

393 considered full time by the educational institution, unless that
 394 young adult has a recognized disability preventing full-time
 395 attendance, in the last academic year in which the young adult
 396 earned an award, except for a young adult who meets the
 397 requirements of s. 1009.41.

398 (II) Maintain appropriate progress as required by the
 399 educational institution, except that, if the young adult's
 400 progress is insufficient to renew the award at any time during
 401 the eligibility period, the young adult may restore eligibility
 402 by improving his or her progress to the required level.

403 j. Funds may be terminated during the interim between an
 404 award and the evaluation for a renewal award if the department
 405 determines that the award recipient is no longer enrolled in an
 406 educational institution as defined in sub-subparagraph 2.d., or
 407 is no longer a state resident. The department shall notify a
 408 recipient who is terminated and inform the recipient of his or
 409 her right to appeal.

410 k. An award recipient who does not qualify for a renewal
 411 award or who chooses not to renew the award may subsequently
 412 apply for reinstatement. An application for reinstatement must
 413 be made before the young adult reaches 23 years of age, and a
 414 student may not apply for reinstatement more than once. In order
 415 to be eligible for reinstatement, the young adult must meet the
 416 eligibility criteria and the criteria for award renewal for the
 417 program.

418 Section 40. Subsection (7) of section 1001.11, Florida
 419 Statutes, is amended to read:

420 1001.11 Commissioner of Education; other duties.—

421 (7) The commissioner shall make prominently available on
 422 the department's website the following: links to the Internet-
 423 based clearinghouse for professional development regarding
 424 physical education; the school wellness and physical education
 425 policies and other resources required under s. 1003.453(1) and
 426 ~~(2)~~; and other Internet sites that provide professional
 427 development for elementary teachers of physical education as
 428 defined in s. 1003.01(16). These links must provide elementary
 429 teachers with information concerning current physical education
 430 and nutrition philosophy and best practices that result in
 431 student participation in physical activities that promote
 432 lifelong physical and mental well-being.

433 Section 41. Paragraph (f) of subsection (3) and subsection
 434 (8) of section 1002.20, Florida Statutes, are amended to read:

435 1002.20 K-12 student and parent rights.—Parents of public
 436 school students must receive accurate and timely information
 437 regarding their child's academic progress and must be informed
 438 of ways they can help their child to succeed in school. K-12
 439 students and their parents are afforded numerous statutory
 440 rights including, but not limited to, the following:

441 (3) HEALTH ISSUES.—

442 (f) Career education courses involving hazardous
 443 substances.—High school students must be given plano safety
 444 glasses or devices in career education courses involving the use
 445 of hazardous substances likely to cause eye injury, ~~in~~
 446 ~~accordance with the provisions of s. 1006.65.~~

447 (8) STUDENTS WITH DISABILITIES.—Parents of public school
 448 students with disabilities and parents of public school students

449 in residential care facilities are entitled to notice and due
 450 process in accordance with the provisions of ss. 1003.57 and
 451 1003.58. Public school students with disabilities must be
 452 provided the opportunity to meet the graduation requirements for
 453 a standard high school diploma in accordance with the provisions
 454 of s. 1003.428(3) ~~1003.43(4)~~. Certain public school students
 455 with disabilities may be awarded a special diploma upon high
 456 school graduation.

457 Section 42. Paragraph (a) of subsection (7) of section
 458 1002.33, Florida Statutes, is amended to read:

459 1002.33 Charter schools.—

460 (7) CHARTER.—The major issues involving the operation of a
 461 charter school shall be considered in advance and written into
 462 the charter. The charter shall be signed by the governing board
 463 of the charter school and the sponsor, following a public
 464 hearing to ensure community input.

465 (a) The charter shall address and criteria for approval of
 466 the charter shall be based on:

467 1. The school's mission, the students to be served, and
 468 the ages and grades to be included.

469 2. The focus of the curriculum, the instructional methods
 470 to be used, any distinctive instructional techniques to be
 471 employed, and identification and acquisition of appropriate
 472 technologies needed to improve educational and administrative
 473 performance which include a means for promoting safe, ethical,
 474 and appropriate uses of technology which comply with legal and
 475 professional standards.

476 a. The charter shall ensure that reading is a primary

477 focus of the curriculum and that resources are provided to
 478 identify and provide specialized instruction for students who
 479 are reading below grade level. The curriculum and instructional
 480 strategies for reading must be consistent with the Sunshine
 481 State Standards and grounded in scientifically based reading
 482 research.

483 b. In order to provide students with access to diverse
 484 instructional delivery models, to facilitate the integration of
 485 technology within traditional classroom instruction, and to
 486 provide students with the skills they need to compete in the
 487 21st century economy, the Legislature encourages instructional
 488 methods for blended learning courses consisting of both
 489 traditional classroom and online instructional techniques.
 490 Charter schools may implement blended learning courses which
 491 combine traditional classroom instruction and virtual
 492 instruction. Students in a blended learning course must be full-
 493 time students of the charter school and receive the online
 494 instruction in a classroom setting at the charter school.
 495 Instructional personnel certified pursuant to s. 1012.55 who
 496 provide virtual instruction for blended learning courses may be
 497 employees of the charter school or may be under contract to
 498 provide instructional services to charter school students. At a
 499 minimum, such instructional personnel must hold an active state
 500 or school district adjunct certification under s. 1012.57 for
 501 the subject area of the blended learning course. The funding and
 502 performance accountability requirements for blended learning
 503 courses are the same as those for traditional courses.

504 3. The current incoming baseline standard of student

505 academic achievement, the outcomes to be achieved, and the
 506 method of measurement that will be used. The criteria listed in
 507 this subparagraph shall include a detailed description of:

508 a. How the baseline student academic achievement levels
 509 and prior rates of academic progress will be established.

510 b. How these baseline rates will be compared to rates of
 511 academic progress achieved by these same students while
 512 attending the charter school.

513 c. To the extent possible, how these rates of progress
 514 will be evaluated and compared with rates of progress of other
 515 closely comparable student populations.

516

517 The district school board is required to provide academic
 518 student performance data to charter schools for each of their
 519 students coming from the district school system, as well as
 520 rates of academic progress of comparable student populations in
 521 the district school system.

522 4. The methods used to identify the educational strengths
 523 and needs of students and how well educational goals and
 524 performance standards are met by students attending the charter
 525 school. The methods shall provide a means for the charter school
 526 to ensure accountability to its constituents by analyzing
 527 student performance data and by evaluating the effectiveness and
 528 efficiency of its major educational programs. Students in
 529 charter schools shall, at a minimum, participate in the
 530 statewide assessment program created under s. 1008.22.

531 5. In secondary charter schools, a method for determining
 532 that a student has satisfied the requirements for graduation in

533 s. 1003.428 or, s. 1003.429, ~~or s. 1003.43.~~

534 6. A method for resolving conflicts between the governing
535 board of the charter school and the sponsor.

536 7. The admissions procedures and dismissal procedures,
537 including the school's code of student conduct.

538 8. The ways by which the school will achieve a
539 racial/ethnic balance reflective of the community it serves or
540 within the racial/ethnic range of other public schools in the
541 same school district.

542 9. The financial and administrative management of the
543 school, including a reasonable demonstration of the professional
544 experience or competence of those individuals or organizations
545 applying to operate the charter school or those hired or
546 retained to perform such professional services and the
547 description of clearly delineated responsibilities and the
548 policies and practices needed to effectively manage the charter
549 school. A description of internal audit procedures and
550 establishment of controls to ensure that financial resources are
551 properly managed must be included. Both public sector and
552 private sector professional experience shall be equally valid in
553 such a consideration.

554 10. The asset and liability projections required in the
555 application which are incorporated into the charter and shall be
556 compared with information provided in the annual report of the
557 charter school.

558 11. A description of procedures that identify various
559 risks and provide for a comprehensive approach to reduce the
560 impact of losses; plans to ensure the safety and security of

561 students and staff; plans to identify, minimize, and protect
 562 others from violent or disruptive student behavior; and the
 563 manner in which the school will be insured, including whether or
 564 not the school will be required to have liability insurance,
 565 and, if so, the terms and conditions thereof and the amounts of
 566 coverage.

567 12. The term of the charter which shall provide for
 568 cancellation of the charter if insufficient progress has been
 569 made in attaining the student achievement objectives of the
 570 charter and if it is not likely that such objectives can be
 571 achieved before expiration of the charter. The initial term of a
 572 charter shall be for 4 or 5 years. In order to facilitate access
 573 to long-term financial resources for charter school
 574 construction, charter schools that are operated by a
 575 municipality or other public entity as provided by law are
 576 eligible for up to a 15-year charter, subject to approval by the
 577 district school board. A charter lab school is eligible for a
 578 charter for a term of up to 15 years. In addition, to facilitate
 579 access to long-term financial resources for charter school
 580 construction, charter schools that are operated by a private,
 581 not-for-profit, s. 501(c)(3) status corporation are eligible for
 582 up to a 15-year charter, subject to approval by the district
 583 school board. Such long-term charters remain subject to annual
 584 review and may be terminated during the term of the charter, but
 585 only according to the provisions set forth in subsection (8).

586 13. The facilities to be used and their location.

587 14. The qualifications to be required of the teachers and
 588 the potential strategies used to recruit, hire, train, and

589 retain qualified staff to achieve best value.

590 15. The governance structure of the school, including the
 591 status of the charter school as a public or private employer as
 592 required in paragraph (12)(i).

593 16. A timetable for implementing the charter which
 594 addresses the implementation of each element thereof and the
 595 date by which the charter shall be awarded in order to meet this
 596 timetable.

597 17. In the case of an existing public school that is being
 598 converted to charter status, alternative arrangements for
 599 current students who choose not to attend the charter school and
 600 for current teachers who choose not to teach in the charter
 601 school after conversion in accordance with the existing
 602 collective bargaining agreement or district school board rule in
 603 the absence of a collective bargaining agreement. However,
 604 alternative arrangements shall not be required for current
 605 teachers who choose not to teach in a charter lab school, except
 606 as authorized by the employment policies of the state university
 607 which grants the charter to the lab school.

608 18. Full disclosure of the identity of all relatives
 609 employed by the charter school who are related to the charter
 610 school owner, president, chairperson of the governing board of
 611 directors, superintendent, governing board member, principal,
 612 assistant principal, or any other person employed by the charter
 613 school who has equivalent decisionmaking authority. For the
 614 purpose of this subparagraph, the term "relative" means father,
 615 mother, son, daughter, brother, sister, uncle, aunt, first
 616 cousin, nephew, niece, husband, wife, father-in-law, mother-in-

617 law, son-in-law, daughter-in-law, brother-in-law, sister-in-law,
 618 stepfather, stepmother, stepson, stepdaughter, stepbrother,
 619 stepsister, half brother, or half sister.

620 19. Implementation of the activities authorized under s.
 621 1002.331 by the charter school when it satisfies the eligibility
 622 requirements for a high-performing charter school. A high-
 623 performing charter school shall notify its sponsor in writing by
 624 March 1 if it intends to increase enrollment or expand grade
 625 levels the following school year. The written notice shall
 626 specify the amount of the enrollment increase and the grade
 627 levels that will be added, as applicable.

628 Section 43. Paragraph (g) of subsection (4) of section
 629 1002.34, Florida Statutes, is amended to read:

630 1002.34 Charter technical career centers.—

631 (4) CHARTER.—A sponsor may designate centers as provided
 632 in this section. An application to establish a center may be
 633 submitted by a sponsor or another organization that is
 634 determined, by rule of the State Board of Education, to be
 635 appropriate. However, an independent school is not eligible for
 636 status as a center. The charter must be signed by the governing
 637 body of the center and the sponsor and must be approved by the
 638 district school board and Florida College System institution
 639 board of trustees in whose geographic region the facility is
 640 located. If a charter technical career center is established by
 641 the conversion to charter status of a public technical center
 642 formerly governed by a district school board, the charter status
 643 of that center takes precedence in any question of governance.
 644 The governance of the center or of any program within the center

645 remains with its board of directors unless the board agrees to a
 646 change in governance or its charter is revoked as provided in
 647 subsection (15). Such a conversion charter technical career
 648 center is not affected by a change in the governance of public
 649 technical centers or of programs within other centers that are
 650 or have been governed by district school boards. A charter
 651 technical career center, or any program within such a center,
 652 that was governed by a district school board and transferred to
 653 a Florida College System institution prior to the effective date
 654 of this act is not affected by this provision. An applicant who
 655 wishes to establish a center must submit to the district school
 656 board or Florida College System institution board of trustees,
 657 or a consortium of one or more of each, an application on a form
 658 developed by the Department of Education which includes:

659 (g) A method for determining whether a student has
 660 satisfied the requirements for graduation specified in s.
 661 1003.428 or s. 1003.429 ~~1003.43~~ and for completion of a
 662 postsecondary certificate or degree.

663
 664 Students at a center must meet the same testing and academic
 665 performance standards as those established by law and rule for
 666 students at public schools and public technical centers. The
 667 students must also meet any additional assessment indicators
 668 that are included within the charter approved by the district
 669 school board or Florida College System institution board of
 670 trustees.

671 Section 44. Paragraph (b) of subsection (4) of section
 672 1002.45, Florida Statutes, is amended to read:

673 1002.45 Virtual instruction programs.—

674 (4) CONTRACT REQUIREMENTS.—Each contract with an approved
675 provider must at minimum:

676 (b) Provide a method for determining that a student has
677 satisfied the requirements for graduation in s. 1003.428 or s.
678 1003.429, ~~or s. 1003.43~~ if the contract is for the provision of
679 a full-time virtual instruction program to students in grades 9
680 through 12.

681 Section 45. Paragraph (e) of subsection (3) of section
682 1003.03, Florida Statutes, is amended to read:

683 1003.03 Maximum class size.—

684 (3) IMPLEMENTATION OPTIONS.—District school boards must
685 consider, but are not limited to, implementing the following
686 items in order to meet the constitutional class size maximums
687 described in subsection (1):

688 (e) Use innovative methods to reduce the cost of school
689 construction by using prototype school designs, using SMART
690 Schools designs, ~~participating in the School Infrastructure~~
691 ~~Thrift Program~~, or any other method not prohibited by law.

692 Section 46. Subsection (1), paragraph (c) of subsection
693 (7), and subsection (8) of section 1003.429, Florida Statutes,
694 are amended to read:

695 1003.429 Accelerated high school graduation options.—

696 (1) Students who enter grade 9 in the 2006-2007 school
697 year and thereafter may select, upon receipt of each consent
698 required by this section, one of the following three high school
699 graduation options:

700 (a) Completion of the general requirements for high school

701 graduation pursuant to s. 1003.428 ~~or s. 1003.43~~, as applicable;

702 (b) Completion of a 3-year standard college preparatory
 703 program requiring successful completion of a minimum of 18
 704 academic credits in grades 9 through 12. At least 6 of the 18
 705 credits required for completion of this program must be received
 706 in classes that are offered pursuant to the International
 707 Baccalaureate Program, the Advanced Placement Program, dual
 708 enrollment, Advanced International Certificate of Education, or
 709 specifically listed or identified by the Department of Education
 710 as rigorous pursuant to s. 1009.531(3). The 18 credits required
 711 for completion of this program shall be primary requirements and
 712 shall be distributed as follows:

713 1. Four credits in English, with major concentration in
 714 composition and literature;

715 2. Three credits and, beginning with students entering
 716 grade 9 in the 2010-2011 school year, four credits in
 717 mathematics at the Algebra I level or higher from the list of
 718 courses that qualify for state university admission. Beginning
 719 with students entering grade 9 in the 2010-2011 school year, in
 720 addition to the Algebra I credit requirement, one of the four
 721 credits in mathematics must be geometry or a series of courses
 722 equivalent to geometry as approved by the State Board of
 723 Education. Beginning with students entering grade 9 in the 2010-
 724 2011 school year, the end-of-course assessment requirements
 725 under s. 1008.22(3)(c)2.a.(I) must be met in order for a student
 726 to earn the required credit in Algebra I. Beginning with
 727 students entering grade 9 in the 2011-2012 school year, the end-
 728 of-course assessment requirements under s. 1008.22(3)(c)2.a.(I)

729 must be met in order for a student to earn the required credit
 730 in geometry. Beginning with students entering grade 9 in the
 731 2012-2013 school year, in addition to the Algebra I and geometry
 732 credit requirements, one of the four credits in mathematics must
 733 be Algebra II or a series of courses equivalent to Algebra II as
 734 approved by the State Board of Education;

735 3. Three credits in science, two of which must have a
 736 laboratory component. Beginning with students entering grade 9
 737 in the 2011-2012 school year, one of the three credits in
 738 science must be Biology I or a series of courses equivalent to
 739 Biology I as approved by the State Board of Education. Beginning
 740 with students entering grade 9 in the 2011-2012 school year, the
 741 end-of-course assessment requirements under s.

742 1008.22(3)(c)2.a.(II) must be met in order for a student to earn
 743 the required credit in Biology I. Beginning with students
 744 entering grade 9 in the 2013-2014 school year, one of the three
 745 credits must be Biology I or a series of courses equivalent to
 746 Biology I as approved by the State Board of Education, one
 747 credit must be chemistry or physics or a series of courses
 748 equivalent to chemistry or physics as approved by the State
 749 Board of Education, and one credit must be an equally rigorous
 750 course, as approved by the State Board of Education;

751 4. Three credits in social sciences, which must include
 752 one credit in United States history, one credit in world
 753 history, one-half credit in United States government, and one-
 754 half credit in economics;

755 5. Two credits in the same second language unless the
 756 student is a native speaker of or can otherwise demonstrate

757 competency in a language other than English. If the student
 758 demonstrates competency in another language, the student may
 759 replace the language requirement with two credits in other
 760 academic courses; and

761 6. Three credits in electives and, beginning with students
 762 entering grade 9 in the 2010-2011 school year, two credits in
 763 electives; or

764 (c) Completion of a 3-year career preparatory program
 765 requiring successful completion of a minimum of 18 academic
 766 credits in grades 9 through 12. The 18 credits shall be primary
 767 requirements and shall be distributed as follows:

768 1. Four credits in English, with major concentration in
 769 composition and literature;

770 2. Three credits and, beginning with students entering
 771 grade 9 in the 2010-2011 school year, four credits in
 772 mathematics, one of which must be Algebra I. Beginning with
 773 students entering grade 9 in the 2010-2011 school year, in
 774 addition to the Algebra I credit requirement, one of the four
 775 credits in mathematics must be geometry or a series of courses
 776 equivalent to geometry as approved by the State Board of
 777 Education. Beginning with students entering grade 9 in the 2010-
 778 2011 school year, the end-of-course assessment requirements
 779 under s. 1008.22(3)(c)2.a.(I) must be met in order for a student
 780 to earn the required credit in Algebra I. Beginning with
 781 students entering grade 9 in the 2011-2012 school year, the end-
 782 of-course assessment requirements under s. 1008.22(3)(c)2.a.(I)
 783 must be met in order for a student to earn the required credit
 784 in geometry. Beginning with students entering grade 9 in the

785 | 2012-2013 school year, in addition to the Algebra I and geometry
 786 | credit requirements, one of the four credits in mathematics must
 787 | be Algebra II or a series of courses equivalent to Algebra II as
 788 | approved by the State Board of Education;

789 | 3. Three credits in science, two of which must have a
 790 | laboratory component. Beginning with students entering grade 9
 791 | in the 2011-2012 school year, one of the three credits in
 792 | science must be Biology I or a series of courses equivalent to
 793 | Biology I as approved by the State Board of Education. Beginning
 794 | with students entering grade 9 in the 2011-2012 school year, the
 795 | end-of-course assessment requirements under s.

796 | 1008.22(3)(c)2.a.(II) must be met in order for a student to earn
 797 | the required credit in Biology I. Beginning with students
 798 | entering grade 9 in the 2013-2014 school year, one of the three
 799 | credits must be Biology I or a series of courses equivalent to
 800 | Biology I as approved by the State Board of Education, one
 801 | credit must be chemistry or physics or a series of courses
 802 | equivalent to chemistry or physics as approved by the State
 803 | Board of Education, and one credit must be an equally rigorous
 804 | course, as approved by the State Board of Education;

805 | 4. Three credits in social sciences, which must include
 806 | one credit in United States history, one credit in world
 807 | history, one-half credit in United States government, and one-
 808 | half credit in economics;

809 | 5. Three credits in a single vocational or career
 810 | education program, three credits in career and technical
 811 | certificate dual enrollment courses, or five credits in
 812 | vocational or career education courses; and

813 6. Two credits and, beginning with students entering grade
 814 9 in the 2010-2011 school year, one credit in electives unless
 815 five credits are earned pursuant to subparagraph 5.

816
 817 Any student who selected an accelerated graduation program
 818 before July 1, 2004, may continue that program, and all
 819 statutory program requirements that were applicable when the
 820 student made the program choice shall remain applicable to the
 821 student as long as the student continues that program.

822 (7) If, at the end of each grade, a student is not on
 823 track to meet the credit, assessment, or grade-point-average
 824 requirements of the accelerated graduation option selected, the
 825 school shall notify the student and parent of the following:

826 (c) The right of the student to change to the 4-year
 827 program set forth in s. 1003.428 ~~or s. 1003.43, as applicable.~~

828 (8) A student who selected one of the accelerated 3-year
 829 graduation options shall automatically move to the 4-year
 830 program set forth in s. 1003.428 ~~or s. 1003.43, if applicable,~~
 831 if the student:

832 (a) Exercises his or her right to change to the 4-year
 833 program;

834 (b) Fails to earn 5 credits by the end of grade 9 or fails
 835 to earn 11 credits by the end of grade 10;

836 (c) Does not achieve a score of 3 or higher on the grade
 837 10 FCAT Writing assessment; or

838 (d) By the end of grade 11 does not meet the requirements
 839 of subsections (1) and (6).

840 Section 47. Section 1003.438, Florida Statutes, is amended

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841 to read:

842 1003.438 Special high school graduation requirements for

843 certain exceptional students.—A student who has been identified,

844 in accordance with rules established by the State Board of

845 Education, as a student with disabilities who has an

846 intellectual disability; an autism spectrum disorder; a language

847 impairment; an orthopedic impairment; an other health

848 impairment; a traumatic brain injury; an emotional or behavioral

849 disability; a specific learning disability, including, but not

850 limited to, dyslexia, dyscalculia, or developmental aphasia; or

851 students who are deaf or hard of hearing or dual sensory

852 impaired shall not be required to meet all requirements of ~~s.~~

853 ~~1003.43~~ or s. 1003.428 or s. 1003.429 and shall, upon meeting

854 all applicable requirements prescribed by the district school

855 board pursuant to s. 1008.25, be awarded a special diploma in a

856 form prescribed by the commissioner; however, such special

857 graduation requirements prescribed by the district school board

858 must include minimum graduation requirements as prescribed by

859 the commissioner. Any such student who meets all special

860 requirements of the district school board, but is unable to meet

861 the appropriate special state minimum requirements, shall be

862 awarded a special certificate of completion in a form prescribed

863 by the commissioner. However, this section does not limit or

864 restrict the right of an exceptional student solely to a special

865 diploma or special certificate of completion. Any such student

866 shall, upon proper request, be afforded the opportunity to fully

867 meet all requirements of ~~s. 1003.43~~ or s. 1003.428 or s.

868 1003.429 through the standard procedures established therein and

869 thereby to qualify for a standard diploma upon graduation.

870 Section 48. Subsection (1) of section 1003.49, Florida
871 Statutes, is amended to read:

872 1003.49 Graduation and promotion requirements for publicly
873 operated schools.—

874 (1) Each state or local public agency, including the
875 Department of Children and Family Services, the Department of
876 Corrections, the boards of trustees of universities and Florida
877 College System institutions, and the Board of Trustees of the
878 Florida School for the Deaf and the Blind, which agency is
879 authorized to operate educational programs for students at any
880 level of grades kindergarten through 12 shall be subject to all
881 applicable requirements of ss. 1003.428, 1003.429 ~~1003.43,~~
882 1008.23, and 1008.25. Within the content of these cited statutes
883 each such state or local public agency or entity shall be
884 considered a "district school board."

885 Section 49. Paragraph (c) of subsection (4) of section
886 1004.70, Florida Statutes, is amended to read:

887 1004.70 Florida College System institution direct-support
888 organizations.—

889 (4) ACTIVITIES; RESTRICTIONS.—

890 (c) Any transaction or agreement between one direct-
891 support organization and another direct-support organization ~~or~~
892 ~~between a direct-support organization and a center of technology~~
893 ~~innovation designated under s. 1004.77~~ must be approved by the
894 board of trustees.

895 Section 50. Paragraph (b) of subsection (4) of section
896 1004.71, Florida Statutes, is amended to read:

897 1004.71 Statewide Florida College System institution
 898 direct-support organizations.-
 899 (4) RESTRICTIONS.-
 900 (b) Any transaction or agreement between a statewide,
 901 direct-support organization and any other direct-support
 902 organization ~~or between a statewide, direct-support organization~~
 903 ~~and a center of technology innovation designated under s.~~
 904 ~~1004.77~~ must be approved by the State Board of Education.

905 Section 51. Paragraph (f) of subsection (2) of section
 906 1006.025, Florida Statutes, is amended to read:

907 1006.025 Guidance services.-

908 (2) The guidance report shall include, but not be limited
 909 to, the following:

910 ~~(f) Actions taken to provide information to students for~~
 911 ~~the school to work transition pursuant to s. 1006.02.~~

912 Section 52. Paragraph (a) of subsection (3) of section
 913 1006.15, Florida Statutes, is amended to read:

914 1006.15 Student standards for participation in
 915 interscholastic and intrascholastic extracurricular student
 916 activities; regulation.-

917 (3)(a) To be eligible to participate in interscholastic
 918 extracurricular student activities, a student must:

919 1. Maintain a grade point average of 2.0 or above on a 4.0
 920 scale, or its equivalent, in the previous semester or a
 921 cumulative grade point average of 2.0 or above on a 4.0 scale,
 922 or its equivalent, in the courses required by s. 1003.428 or s.
 923 1003.429 ~~1003.43(1)~~.

924 2. Execute and fulfill the requirements of an academic

925 performance contract between the student, the district school
 926 board, the appropriate governing association, and the student's
 927 parents, if the student's cumulative grade point average falls
 928 below 2.0, or its equivalent, on a 4.0 scale in the courses
 929 required by s. 1003.428 or s. 1003.429 ~~1003.43(1) or, for~~
 930 ~~students who entered the 9th grade prior to the 1997-1998 school~~
 931 ~~year, if the student's cumulative grade point average falls~~
 932 ~~below 2.0 on a 4.0 scale, or its equivalent, in the courses~~
 933 ~~required by s. 1003.43(1) which are taken after July 1, 1997. At~~
 934 a minimum, the contract must require that the student attend
 935 summer school, or its graded equivalent, between grades 9 and 10
 936 or grades 10 and 11, as necessary.

937 3. Have a cumulative grade point average of 2.0 or above
 938 on a 4.0 scale, or its equivalent, in the courses required by s.
 939 1003.428 or s. 1003.429 ~~1003.43(1)~~ during his or her junior or
 940 senior year.

941 4. Maintain satisfactory conduct, including adherence to
 942 appropriate dress and other codes of student conduct policies
 943 described in s. 1006.07(2). If a student is convicted of, or is
 944 found to have committed, a felony or a delinquent act that would
 945 have been a felony if committed by an adult, regardless of
 946 whether adjudication is withheld, the student's participation in
 947 interscholastic extracurricular activities is contingent upon
 948 established and published district school board policy.

949 Section 53. Subsection (4) of section 1007.263, Florida
 950 Statutes, is amended to read:

951 1007.263 Florida College System institutions; admissions
 952 of students.—Each Florida College System institution board of

953 trustees is authorized to adopt rules governing admissions of
 954 students subject to this section and rules of the State Board of
 955 Education. These rules shall include the following:

956 (4) A student who has been awarded a special diploma as
 957 defined in s. 1003.438 or a certificate of completion as defined
 958 in s. 1003.428(7)(b) ~~1003.43(10)~~ is eligible to enroll in
 959 certificate career education programs.

960
 961 Each board of trustees shall establish policies that notify
 962 students about, and place students into, adult basic education,
 963 adult secondary education, or other instructional programs that
 964 provide students with alternatives to traditional college-
 965 preparatory instruction, including private provider instruction.
 966 A student is prohibited from enrolling in additional college-
 967 level courses until the student scores above the cut-score on
 968 all sections of the common placement test.

969 Section 54. Subsections (2) and (9) of section 1007.271,
 970 Florida Statutes, are amended to read:

971 1007.271 Dual enrollment programs.—

972 (2) For the purpose of this section, an eligible secondary
 973 student is a student who is enrolled in a Florida public
 974 secondary school or in a Florida private secondary school which
 975 is in compliance with s. 1002.42(2) and provides a secondary
 976 curriculum pursuant to s. 1003.428 or ~~s. 1003.429, or s.~~
 977 ~~1003.43~~. Students who are eligible for dual enrollment pursuant
 978 to this section may enroll in dual enrollment courses conducted
 979 during school hours, after school hours, and during the summer
 980 term. However, if the student is projected to graduate from high

981 school before the scheduled completion date of a postsecondary
 982 course, the student may not register for that course through
 983 dual enrollment. The student may apply to the postsecondary
 984 institution and pay the required registration, tuition, and fees
 985 if the student meets the postsecondary institution's admissions
 986 requirements under s. 1007.263. Instructional time for dual
 987 enrollment may vary from 900 hours; however, the school district
 988 may only report the student for a maximum of 1.0 FTE, as
 989 provided in s. 1011.61(4). Any student enrolled as a dual
 990 enrollment student is exempt from the payment of registration,
 991 tuition, and laboratory fees. Vocational-preparatory
 992 instruction, college-preparatory instruction, and other forms of
 993 precollegiate instruction, as well as physical education courses
 994 that focus on the physical execution of a skill rather than the
 995 intellectual attributes of the activity, are ineligible for
 996 inclusion in the dual enrollment program. Recreation and leisure
 997 studies courses shall be evaluated individually in the same
 998 manner as physical education courses for potential inclusion in
 999 the program.

1000 (9) The Commissioner of Education shall appoint faculty
 1001 committees representing public school, Florida College System
 1002 institution, and university faculties to identify postsecondary
 1003 courses that meet the high school graduation requirements of s.
 1004 1003.428 or s. 1003.429, ~~or s. 1003.43~~ and to establish the
 1005 number of postsecondary semester credit hours of instruction and
 1006 equivalent high school credits earned through dual enrollment
 1007 pursuant to this section that are necessary to meet high school
 1008 graduation requirements. Such equivalencies shall be determined

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1009 solely on comparable course content and not on seat time
 1010 traditionally allocated to such courses in high school. The
 1011 Commissioner of Education shall recommend to the State Board of
 1012 Education those postsecondary courses identified to meet high
 1013 school graduation requirements, based on mastery of course
 1014 outcomes, by their course numbers, and all high schools shall
 1015 accept these postsecondary education courses toward meeting the
 1016 requirements of s. 1003.428 or, s. 1003.429, ~~or s. 1003.43.~~

1017 Section 55. Paragraph (c) of subsection (3) of section
 1018 1008.22, Florida Statutes, is amended to read:

1019 1008.22 Student assessment program for public schools.—

1020 (3) STATEWIDE ASSESSMENT PROGRAM.—The commissioner shall
 1021 design and implement a statewide program of educational
 1022 assessment that provides information for the improvement of the
 1023 operation and management of the public schools, including
 1024 schools operating for the purpose of providing educational
 1025 services to youth in Department of Juvenile Justice programs.
 1026 The commissioner may enter into contracts for the continued
 1027 administration of the assessment programs authorized and funded
 1028 by the Legislature. Contracts may be initiated in 1 fiscal year
 1029 and continue into the next and may be paid from the
 1030 appropriations of either or both fiscal years. The commissioner
 1031 is authorized to negotiate for the sale or lease of tests,
 1032 scoring protocols, test scoring services, and related materials
 1033 developed pursuant to law. Pursuant to the statewide assessment
 1034 program, the commissioner shall:

1035 (c) Develop and implement a student achievement assessment
 1036 program as follows:

1037 1. The Florida Comprehensive Assessment Test (FCAT)
 1038 measures a student's content knowledge and skills in reading,
 1039 writing, science, and mathematics. The content knowledge and
 1040 skills assessed by the FCAT must be aligned to the core
 1041 curricular content established in the Next Generation Sunshine
 1042 State Standards. FCAT Reading and FCAT Mathematics shall be
 1043 administered annually in grades 3 through 10 except, beginning
 1044 with the 2010-2011 school year, the administration of grade 9
 1045 FCAT Mathematics shall be discontinued, and beginning with the
 1046 2011-2012 school year, the administration of grade 10 FCAT
 1047 Mathematics shall be discontinued, except as required for
 1048 students who have not attained minimum performance expectations
 1049 for graduation as provided in paragraph (9)(c). FCAT Writing and
 1050 FCAT Science shall be administered at least once at the
 1051 elementary, middle, and high school levels except, beginning
 1052 with the 2011-2012 school year, the administration of FCAT
 1053 Science at the high school level shall be discontinued. Students
 1054 enrolled in an Algebra I, geometry, or Biology I course or an
 1055 equivalent course with a statewide, standardized end-of-course
 1056 assessment are not required to take the corresponding grade-
 1057 level FCAT assessment.

1058 2.a. End-of-course assessments must be rigorous,
 1059 statewide, standardized, and developed or approved by the
 1060 department. The content knowledge and skills assessed by end-of-
 1061 course assessments must be aligned to the core curricular
 1062 content established in the Next Generation Sunshine State
 1063 Standards.

1064 (I) Statewide, standardized end-of-course assessments in

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1065 mathematics shall be administered according to this sub-sub-
 1066 subparagraph. Beginning with the 2010-2011 school year, all
 1067 students enrolled in Algebra I or an equivalent course must take
 1068 the Algebra I end-of-course assessment. For students entering
 1069 grade 9 during the 2010-2011 school year and who are enrolled in
 1070 Algebra I or an equivalent, each student's performance on the
 1071 end-of-course assessment in Algebra I shall constitute 30
 1072 percent of the student's final course grade. Beginning with the
 1073 2012-2013 school year, the end-of-course assessment in Algebra I
 1074 shall be administered four times annually. Beginning with
 1075 students entering grade 9 in the 2011-2012 school year, a
 1076 student who is enrolled in Algebra I or an equivalent must earn
 1077 a passing score on the end-of-course assessment in Algebra I or
 1078 attain an equivalent score as described in subsection (11) in
 1079 order to earn course credit. Beginning with the 2011-2012 school
 1080 year, all students enrolled in geometry or an equivalent course
 1081 must take the geometry end-of-course assessment. For students
 1082 entering grade 9 during the 2011-2012 school year, each
 1083 student's performance on the end-of-course assessment in
 1084 geometry shall constitute 30 percent of the student's final
 1085 course grade. Beginning with students entering grade 9 during
 1086 the 2012-2013 school year, a student must earn a passing score
 1087 on the end-of-course assessment in geometry or attain an
 1088 equivalent score as described in subsection (11) in order to
 1089 earn course credit.

1090 (II) Statewide, standardized end-of-course assessments in
 1091 science shall be administered according to this sub-sub-
 1092 subparagraph. Beginning with the 2011-2012 school year, all

1093 students enrolled in Biology I or an equivalent course must take
 1094 the Biology I end-of-course assessment. For the 2011-2012 school
 1095 year, each student's performance on the end-of-course assessment
 1096 in Biology I shall constitute 30 percent of the student's final
 1097 course grade. Beginning with students entering grade 9 during
 1098 the 2012-2013 school year, a student must earn a passing score
 1099 on the end-of-course assessment in Biology I in order to earn
 1100 course credit.

1101 b. During the 2012-2013 school year, an end-of-course
 1102 assessment in civics education shall be administered as a field
 1103 test at the middle school level. During the 2013-2014 school
 1104 year, each student's performance on the statewide, standardized
 1105 end-of-course assessment in civics education shall constitute 30
 1106 percent of the student's final course grade. Beginning with the
 1107 2014-2015 school year, a student must earn a passing score on
 1108 the end-of-course assessment in civics education in order to
 1109 pass the course and be promoted from the middle grades. The
 1110 school principal of a middle school shall determine, in
 1111 accordance with State Board of Education rule, whether a student
 1112 who transfers to the middle school and who has successfully
 1113 completed a civics education course at the student's previous
 1114 school must take an end-of-course assessment in civics
 1115 education.

1116 c. The commissioner may select one or more nationally
 1117 developed comprehensive examinations, which may include, but
 1118 need not be limited to, examinations for a College Board
 1119 Advanced Placement course, International Baccalaureate course,
 1120 or Advanced International Certificate of Education course, or

1121 industry-approved examinations to earn national industry
 1122 certifications identified in the Industry Certification Funding
 1123 List, pursuant to rules adopted by the State Board of Education,
 1124 for use as end-of-course assessments under this paragraph, if
 1125 the commissioner determines that the content knowledge and
 1126 skills assessed by the examinations meet or exceed the grade
 1127 level expectations for the core curricular content established
 1128 for the course in the Next Generation Sunshine State Standards.
 1129 The commissioner may collaborate with the American Diploma
 1130 Project in the adoption or development of rigorous end-of-course
 1131 assessments that are aligned to the Next Generation Sunshine
 1132 State Standards.

1133 d. Contingent upon funding provided in the General
 1134 Appropriations Act, including the appropriation of funds
 1135 received through federal grants, the Commissioner of Education
 1136 shall establish an implementation schedule for the development
 1137 and administration of additional statewide, standardized end-of-
 1138 course assessments in English/Language Arts II, Algebra II,
 1139 chemistry, physics, earth/space science, United States history,
 1140 and world history. Priority shall be given to the development of
 1141 end-of-course assessments in English/Language Arts II. The
 1142 Commissioner of Education shall evaluate the feasibility and
 1143 effect of transitioning from the grade 9 and grade 10 FCAT
 1144 Reading and high school level FCAT Writing to an end-of-course
 1145 assessment in English/Language Arts II. The commissioner shall
 1146 report the results of the evaluation to the President of the
 1147 Senate and the Speaker of the House of Representatives no later
 1148 than July 1, 2011.

1149 3. The assessment program shall measure student content
 1150 knowledge and skills adopted by the State Board of Education as
 1151 specified in paragraph (a) and measure and report student
 1152 performance levels of all students assessed in reading, writing,
 1153 mathematics, and science. The commissioner shall provide for the
 1154 tests to be developed or obtained, as appropriate, through
 1155 contracts and project agreements with private vendors, public
 1156 vendors, public agencies, postsecondary educational
 1157 institutions, or school districts. The commissioner shall obtain
 1158 input with respect to the design and implementation of the
 1159 assessment program from state educators, assistive technology
 1160 experts, and the public.

1161 4. The assessment program shall be composed of criterion-
 1162 referenced tests that shall, to the extent determined by the
 1163 commissioner, include test items that require the student to
 1164 produce information or perform tasks in such a way that the core
 1165 content knowledge and skills he or she uses can be measured.

1166 5. FCAT Reading, Mathematics, and Science and all
 1167 statewide, standardized end-of-course assessments shall measure
 1168 the content knowledge and skills a student has attained on the
 1169 assessment by the use of scaled scores and achievement levels.
 1170 Achievement levels shall range from 1 through 5, with level 1
 1171 being the lowest achievement level, level 5 being the highest
 1172 achievement level, and level 3 indicating satisfactory
 1173 performance on an assessment. For purposes of FCAT Writing,
 1174 student achievement shall be scored using a scale of 1 through 6
 1175 and the score earned shall be used in calculating school grades.
 1176 A score shall be designated for each subject area tested, below

1177 | which score a student's performance is deemed inadequate. The
 1178 | school districts shall provide appropriate remedial instruction
 1179 | to students who score below these levels.

1180 | 6. The State Board of Education shall, by rule, designate
 1181 | a passing score for each part of the grade 10 assessment test
 1182 | and end-of-course assessments. Any rule that has the effect of
 1183 | raising the required passing scores may apply only to students
 1184 | taking the assessment for the first time after the rule is
 1185 | adopted by the State Board of Education. Except as otherwise
 1186 | provided in this subparagraph and as provided in s.

1187 | 1003.428(8) (b) ~~or s. 1003.43(11)(b)~~, students must earn a
 1188 | passing score on grade 10 FCAT Reading and grade 10 FCAT
 1189 | Mathematics or attain concordant scores as described in
 1190 | subsection (10) in order to qualify for a standard high school
 1191 | diploma.

1192 | 7. In addition to designating a passing score under
 1193 | subparagraph 6., the State Board of Education shall also
 1194 | designate, by rule, a score for each statewide, standardized
 1195 | end-of-course assessment which indicates that a student is high
 1196 | achieving and has the potential to meet college-readiness
 1197 | standards by the time the student graduates from high school.

1198 | 8. Participation in the assessment program is mandatory
 1199 | for all students attending public school, including students
 1200 | served in Department of Juvenile Justice programs, except as
 1201 | otherwise prescribed by the commissioner. A student who has not
 1202 | earned passing scores on the grade 10 FCAT as provided in
 1203 | subparagraph 6. must participate in each retake of the
 1204 | assessment until the student earns passing scores or achieves

1205 | scores on a standardized assessment which are concordant with
 1206 | passing scores pursuant to subsection (10). If a student does
 1207 | not participate in the statewide assessment, the district must
 1208 | notify the student's parent and provide the parent with
 1209 | information regarding the implications of such nonparticipation.
 1210 | A parent must provide signed consent for a student to receive
 1211 | classroom instructional accommodations that would not be
 1212 | available or permitted on the statewide assessments and must
 1213 | acknowledge in writing that he or she understands the
 1214 | implications of such instructional accommodations. The State
 1215 | Board of Education shall adopt rules, based upon recommendations
 1216 | of the commissioner, for the provision of test accommodations
 1217 | for students in exceptional education programs and for students
 1218 | who have limited English proficiency. Accommodations that negate
 1219 | the validity of a statewide assessment are not allowable in the
 1220 | administration of the FCAT or an end-of-course assessment.
 1221 | However, instructional accommodations are allowable in the
 1222 | classroom if included in a student's individual education plan.
 1223 | Students using instructional accommodations in the classroom
 1224 | that are not allowable as accommodations on the FCAT or an end-
 1225 | of-course assessment may have the FCAT or an end-of-course
 1226 | assessment requirement waived pursuant to the requirements of s.
 1227 | 1003.428(8)(b) ~~or s. 1003.43(11)(b)~~.

1228 | 9. A student seeking an adult high school diploma must
 1229 | meet the same testing requirements that a regular high school
 1230 | student must meet.

1231 | 10. District school boards must provide instruction to
 1232 | prepare students in the core curricular content established in

1233 the Next Generation Sunshine State Standards adopted under s.
 1234 1003.41, including the core content knowledge and skills
 1235 necessary for successful grade-to-grade progression and high
 1236 school graduation. If a student is provided with instructional
 1237 accommodations in the classroom that are not allowable as
 1238 accommodations in the statewide assessment program, as described
 1239 in the test manuals, the district must inform the parent in
 1240 writing and must provide the parent with information regarding
 1241 the impact on the student's ability to meet expected performance
 1242 levels in reading, writing, mathematics, and science. The
 1243 commissioner shall conduct studies as necessary to verify that
 1244 the required core curricular content is part of the district
 1245 instructional programs.

1246 11. District school boards must provide opportunities for
 1247 students to demonstrate an acceptable performance level on an
 1248 alternative standardized assessment approved by the State Board
 1249 of Education following enrollment in summer academies.

1250 12. The Department of Education must develop, or select,
 1251 and implement a common battery of assessment tools that will be
 1252 used in all juvenile justice programs in the state. These tools
 1253 must accurately measure the core curricular content established
 1254 in the Next Generation Sunshine State Standards.

1255 13. For students seeking a special diploma pursuant to s.
 1256 1003.438, the Department of Education must develop or select and
 1257 implement an alternate assessment tool that accurately measures
 1258 the core curricular content established in the Next Generation
 1259 Sunshine State Standards for students with disabilities under s.
 1260 1003.438.

1261 14. The Commissioner of Education shall establish
 1262 schedules for the administration of statewide assessments and
 1263 the reporting of student test results. When establishing the
 1264 schedules for the administration of statewide assessments, the
 1265 commissioner shall consider the observance of religious and
 1266 school holidays. The commissioner shall, by August 1 of each
 1267 year, notify each school district in writing and publish on the
 1268 department's Internet website the testing and reporting
 1269 schedules for, at a minimum, the school year following the
 1270 upcoming school year. The testing and reporting schedules shall
 1271 require that:

1272 a. There is the latest possible administration of
 1273 statewide assessments and the earliest possible reporting to the
 1274 school districts of student test results which is feasible
 1275 within available technology and specific appropriations;
 1276 however, test results for the FCAT must be made available no
 1277 later than the week of June 8. Student results for end-of-course
 1278 assessments must be provided no later than 1 week after the
 1279 school district completes testing for each course. The
 1280 commissioner may extend the reporting schedule under exigent
 1281 circumstances.

1282 b. FCAT Writing may not be administered earlier than the
 1283 week of March 1, and a comprehensive statewide assessment of any
 1284 other subject may not be administered earlier than the week of
 1285 April 15.

1286 c. A statewide, standardized end-of-course assessment is
 1287 administered at the end of the course. The commissioner shall
 1288 select an administration period for assessments that meets the

1289 intent of end-of-course assessments and provides student results
 1290 prior to the end of the course. School districts shall
 1291 administer tests in accordance with the schedule determined by
 1292 the commissioner. For an end-of-course assessment administered
 1293 at the end of the first semester, the commissioner shall
 1294 determine the most appropriate testing dates based on a review
 1295 of each school district's academic calendar.

1296

1297 The commissioner may, based on collaboration and input from
 1298 school districts, design and implement student testing programs,
 1299 for any grade level and subject area, necessary to effectively
 1300 monitor educational achievement in the state, including the
 1301 measurement of educational achievement of the Next Generation
 1302 Sunshine State Standards for students with disabilities.

1303 Development and refinement of assessments shall include
 1304 universal design principles and accessibility standards that
 1305 will prevent any unintended obstacles for students with
 1306 disabilities while ensuring the validity and reliability of the
 1307 test. These principles should be applicable to all technology
 1308 platforms and assistive devices available for the assessments.
 1309 The field testing process and psychometric analyses for the
 1310 statewide assessment program must include an appropriate
 1311 percentage of students with disabilities and an evaluation or
 1312 determination of the effect of test items on such students.

1313 Section 56. Section 1008.23, Florida Statutes, is amended
 1314 to read:

1315 1008.23 Confidentiality of assessment instruments.—All
 1316 examination and assessment instruments, including developmental

1317 materials and workpapers directly related thereto, which are
 1318 prepared, prescribed, or administered pursuant to ss. ~~1003.43,~~
 1319 1008.22~~7~~ and 1008.25 shall be confidential and exempt from the
 1320 provisions of s. 119.07(1) and from s. 1001.52. Provisions
 1321 governing access, maintenance, and destruction of such
 1322 instruments and related materials shall be prescribed by rules
 1323 of the State Board of Education.

1324 Section 57. Paragraph (a) of subsection (1) of section
 1325 1009.40, Florida Statutes, is amended to read:

1326 1009.40 General requirements for student eligibility for
 1327 state financial aid awards and tuition assistance grants.—

1328 (1)(a) The general requirements for eligibility of
 1329 students for state financial aid awards and tuition assistance
 1330 grants consist of the following:

1331 1. Achievement of the academic requirements of and
 1332 acceptance at a state university or Florida College System
 1333 institution; a nursing diploma school approved by the Florida
 1334 Board of Nursing; a Florida college or university which is
 1335 accredited by an accrediting agency recognized by the State
 1336 Board of Education; any Florida institution the credits of which
 1337 are acceptable for transfer to state universities; any career
 1338 center; or any private career institution accredited by an
 1339 accrediting agency recognized by the State Board of Education.

1340 2. Residency in this state for no less than 1 year
 1341 preceding the award of aid or a tuition assistance grant for a
 1342 program established pursuant to s. 1009.50, s. 1009.505, s.
 1343 1009.51, s. 1009.52, s. 1009.53, s. 1009.56, s. 1009.60, s.
 1344 1009.62, ~~s. 1009.68,~~ s. 1009.72, s. 1009.73, s. 1009.77, s.

1345 | 1009.89, or s. 1009.891. Residency in this state must be for
 1346 | purposes other than to obtain an education. Resident status for
 1347 | purposes of receiving state financial aid awards shall be
 1348 | determined in the same manner as resident status for tuition
 1349 | purposes pursuant to s. 1009.21.

1350 | 3. Submission of certification attesting to the accuracy,
 1351 | completeness, and correctness of information provided to
 1352 | demonstrate a student's eligibility to receive state financial
 1353 | aid awards or tuition assistance grants. Falsification of such
 1354 | information shall result in the denial of any pending
 1355 | application and revocation of any award or grant currently held
 1356 | to the extent that no further payments shall be made.
 1357 | Additionally, students who knowingly make false statements in
 1358 | order to receive state financial aid awards or tuition
 1359 | assistance grants commit a misdemeanor of the second degree
 1360 | subject to the provisions of s. 837.06 and shall be required to
 1361 | return all state financial aid awards or tuition assistance
 1362 | grants wrongfully obtained.

1363 | Section 58. Paragraph (b) of subsection (1) of section
 1364 | 1009.531, Florida Statutes, is amended to read:

1365 | 1009.531 Florida Bright Futures Scholarship Program;
 1366 | student eligibility requirements for initial awards.—

1367 | (1) Effective January 1, 2008, in order to be eligible for
 1368 | an initial award from any of the three types of scholarships
 1369 | under the Florida Bright Futures Scholarship Program, a student
 1370 | must:

1371 | (b) Earn a standard Florida high school diploma or its
 1372 | equivalent pursuant to s. 1003.428, s. 1003.4281, s. 1003.429,

1373 ~~s. 1003.43~~, or s. 1003.435 unless:

1374 1. The student completes a home education program
1375 according to s. 1002.41; or

1376 2. The student earns a high school diploma from a non-
1377 Florida school while living with a parent or guardian who is on
1378 military or public service assignment away from Florida.

1379 Section 59. Paragraph (c) of subsection (2) of section
1380 1009.94, Florida Statutes, is amended to read:

1381 1009.94 Student financial assistance database.—

1382 (2) For purposes of this section, financial assistance
1383 includes:

1384 (c) Any financial assistance provided under s. 1009.50, s.
1385 1009.505, s. 1009.51, s. 1009.52, s. 1009.53, s. 1009.55, s.
1386 1009.56, s. 1009.60, s. 1009.62, ~~s. 1009.68~~, s. 1009.70, s.
1387 1009.701, s. 1009.72, s. 1009.73, s. 1009.74, s. 1009.77, s.
1388 1009.89, or s. 1009.891.

1389 Section 60. Paragraph (c) of subsection (1) of section
1390 1011.61, Florida Statutes, is amended to read:

1391 1011.61 Definitions.—Notwithstanding the provisions of s.
1392 1000.21, the following terms are defined as follows for the
1393 purposes of the Florida Education Finance Program:

1394 (1) A "full-time equivalent student" in each program of
1395 the district is defined in terms of full-time students and part-
1396 time students as follows:

1397 (c)1. A "full-time equivalent student" is:

1398 a. A full-time student in any one of the programs listed
1399 in s. 1011.62(1)(c); or

1400 b. A combination of full-time or part-time students in any

1401 one of the programs listed in s. 1011.62(1)(c) which is the
 1402 equivalent of one full-time student based on the following
 1403 calculations:

1404 (I) A full-time student in a combination of programs
 1405 listed in s. 1011.62(1)(c) shall be a fraction of a full-time
 1406 equivalent membership in each program equal to the number of net
 1407 hours per school year for which he or she is a member, divided
 1408 by the appropriate number of hours set forth in subparagraph
 1409 (a)1. or subparagraph (a)2. The sum of the fractions for each
 1410 program may not exceed the maximum value set forth in subsection
 1411 (4).

1412 (II) A prekindergarten student with a disability shall
 1413 meet the requirements specified for kindergarten students.

1414 (III) A full-time equivalent student for students in
 1415 kindergarten through grade 12 in a full-time virtual instruction
 1416 program under s. 1002.45 or a virtual charter school under s.
 1417 1002.33 shall consist of six full-credit completions or the
 1418 prescribed level of content that counts toward promotion to the
 1419 next grade in programs listed in s. 1011.62(1)(c). Credit
 1420 completions may be a combination of full-credit courses or half-
 1421 credit courses. Beginning in the 2014-2015 fiscal year, when s.
 1422 1008.22(3)(g) is implemented, the reported full-time equivalent
 1423 students and associated funding of students enrolled in courses
 1424 requiring passage of an end-of-course assessment shall be
 1425 adjusted after the student completes the end-of-course
 1426 assessment.

1427 (IV) A full-time equivalent student for students in
 1428 kindergarten through grade 12 in a part-time virtual instruction

1429 program under s. 1002.45 shall consist of six full-credit
 1430 completions in programs listed in s. 1011.62(1)(c)1. and 3.
 1431 Credit completions may be a combination of full-credit courses
 1432 or half-credit courses. Beginning in the 2014-2015 fiscal year,
 1433 when s. 1008.22(3)(g) is implemented, the reported full-time
 1434 equivalent students and associated funding of students enrolled
 1435 in courses requiring passage of an end-of-course assessment
 1436 shall be adjusted after the student completes the end-of-course
 1437 assessment.

1438 (V) A Florida Virtual School full-time equivalent student
 1439 shall consist of six full-credit completions or the prescribed
 1440 level of content that counts toward promotion to the next grade
 1441 in the programs listed in s. 1011.62(1)(c)1. and 3. for students
 1442 participating in kindergarten through grade 12 part-time virtual
 1443 instruction and the programs listed in s. 1011.62(1)(c) for
 1444 students participating in kindergarten through grade 12 full-
 1445 time virtual instruction. Credit completions may be a
 1446 combination of full-credit courses or half-credit courses.
 1447 Beginning in the 2014-2015 fiscal year, when s. 1008.22(3)(g) is
 1448 implemented, the reported full-time equivalent students and
 1449 associated funding of students enrolled in courses requiring
 1450 passage of an end-of-course assessment shall be adjusted after
 1451 the student completes the end-of-course assessment.

1452 (VI) Each successfully completed full-credit course earned
 1453 through an online course delivered by a district other than the
 1454 one in which the student resides shall be calculated as 1/6
 1455 FTE.

1456 ~~(VII) Each successfully completed credit earned under the~~

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1457 ~~alternative high school course credit requirements authorized in~~
 1458 ~~s. 1002.375, which is not reported as a portion of the 900 net~~
 1459 ~~hours of instruction pursuant to subparagraph (1)(a)1., shall be~~
 1460 ~~calculated as 1/6 FTE.~~

1461 (VII)~~(VIII)~~(A) A full-time equivalent student for courses
 1462 requiring a statewide, standardized end-of-course assessment
 1463 pursuant to s. 1008.22(3)(c)2.a. shall be defined and reported
 1464 based on the number of instructional hours as provided in this
 1465 subsection for the first 3 years of administering the end-of-
 1466 course assessment. Beginning in the fourth year of administering
 1467 the end-of-course assessment, the FTE shall be credit-based and
 1468 each course shall be equal to 1/6 FTE. The reported FTE shall
 1469 be adjusted after the student successfully completes the end-of-
 1470 course assessment pursuant to s. 1008.22(3)(c)2.a.

1471 (B) For students enrolled in a school district as a full-
 1472 time student, the district may report 1/6 FTE for each student
 1473 who passes a statewide, standardized end-of-course assessment
 1474 without being enrolled in the corresponding course.

1475 (C) The FTE earned under this sub-sub-subparagraph and any
 1476 FTE for courses or programs listed in s. 1011.62(1)(c) that do
 1477 not require passing a statewide, standardized end-of-course
 1478 assessment are subject to the requirements in subsection (4).

1479 2. A student in membership in a program scheduled for more
 1480 or less than 180 school days or the equivalent on an hourly
 1481 basis as specified by rules of the State Board of Education is a
 1482 fraction of a full-time equivalent membership equal to the
 1483 number of instructional hours in membership divided by the
 1484 appropriate number of hours set forth in subparagraph (a)1.;

1485 however, for the purposes of this subparagraph, membership in
 1486 programs scheduled for more than 180 days is limited to students
 1487 enrolled in juvenile justice education programs and the Florida
 1488 Virtual School.

1489
 1490 The department shall determine and implement an equitable method
 1491 of equivalent funding for experimental schools and for schools
 1492 operating under emergency conditions, which schools have been
 1493 approved by the department to operate for less than the minimum
 1494 school day.

1495 Section 61. Paragraph (b) of subsection (2) of section
 1496 1013.35, Florida Statutes, is amended to read:

1497 1013.35 School district educational facilities plan;
 1498 definitions; preparation, adoption, and amendment; long-term
 1499 work programs.—

1500 (2) PREPARATION OF TENTATIVE DISTRICT EDUCATIONAL
 1501 FACILITIES PLAN.—

1502 (b) The plan must also include a financially feasible
 1503 district facilities work program for a 5-year period. The work
 1504 program must include:

1505 1. A schedule of major repair and renovation projects
 1506 necessary to maintain the educational facilities and ancillary
 1507 facilities of the district.

1508 2. A schedule of capital outlay projects necessary to
 1509 ensure the availability of satisfactory student stations for the
 1510 projected student enrollment in K-12 programs. This schedule
 1511 shall consider:

1512 a. The locations, capacities, and planned utilization

1513 rates of current educational facilities of the district. The
 1514 capacity of existing satisfactory facilities, as reported in the
 1515 Florida Inventory of School Houses must be compared to the
 1516 capital outlay full-time-equivalent student enrollment as
 1517 determined by the department, including all enrollment used in
 1518 the calculation of the distribution formula in s. 1013.64.

1519 b. The proposed locations of planned facilities, whether
 1520 those locations are consistent with the comprehensive plans of
 1521 all affected local governments, and recommendations for
 1522 infrastructure and other improvements to land adjacent to
 1523 existing facilities. The provisions of ss. 1013.33(6), (7), and
 1524 (8) and 1013.36 must be addressed for new facilities planned
 1525 within the first 3 years of the work plan, as appropriate.

1526 c. Plans for the use and location of relocatable
 1527 facilities, leased facilities, and charter school facilities.

1528 d. Plans for multitrack scheduling, grade level
 1529 organization, block scheduling, or other alternatives that
 1530 reduce the need for additional permanent student stations.

1531 e. Information concerning average class size and
 1532 utilization rate by grade level within the district which will
 1533 result if the tentative district facilities work program is
 1534 fully implemented.

1535 f. The number and percentage of district students planned
 1536 to be educated in relocatable facilities during each year of the
 1537 tentative district facilities work program. For determining
 1538 future needs, student capacity may not be assigned to any
 1539 relocatable classroom that is scheduled for elimination or
 1540 replacement with a permanent educational facility in the current

1541 year of the adopted district educational facilities plan and in
 1542 the district facilities work program adopted under this section.
 1543 Those relocatable classrooms clearly identified and scheduled
 1544 for replacement in a school-board-adopted, financially feasible,
 1545 5-year district facilities work program shall be counted at zero
 1546 capacity at the time the work program is adopted and approved by
 1547 the school board. However, if the district facilities work
 1548 program is changed and the relocatable classrooms are not
 1549 replaced as scheduled in the work program, the classrooms must
 1550 be reentered into the system and be counted at actual capacity.
 1551 Relocatable classrooms may not be perpetually added to the work
 1552 program or continually extended for purposes of circumventing
 1553 this section. All relocatable classrooms not identified and
 1554 scheduled for replacement, including those owned, lease-
 1555 purchased, or leased by the school district, must be counted at
 1556 actual student capacity. The district educational facilities
 1557 plan must identify the number of relocatable student stations
 1558 scheduled for replacement during the 5-year survey period and
 1559 the total dollar amount needed for that replacement.

1560 g. Plans for the closure of any school, including plans
 1561 for disposition of the facility or usage of facility space, and
 1562 anticipated revenues.

1563 h. Projects for which capital outlay and debt service
 1564 funds accruing under s. 9(d), Art. XII of the State Constitution
 1565 are to be used shall be identified separately in priority order
 1566 on a project priority list within the district facilities work
 1567 program.

1568 3. The projected cost for each project identified in the

1569 district facilities work program. For proposed projects for new
 1570 student stations, a schedule shall be prepared comparing the
 1571 planned cost and square footage for each new student station, by
 1572 elementary, middle, and high school levels, to the low, average,
 1573 and high cost of facilities constructed throughout the state
 1574 during the most recent fiscal year for which data is available
 1575 from the Department of Education.

1576 4. A schedule of estimated capital outlay revenues from
 1577 each currently approved source which is estimated to be
 1578 available for expenditure on the projects included in the
 1579 district facilities work program.

1580 5. A schedule indicating which projects included in the
 1581 district facilities work program will be funded from current
 1582 revenues projected in subparagraph 4.

1583 6. A schedule of options for the generation of additional
 1584 revenues by the district for expenditure on projects identified
 1585 in the district facilities work program which are not funded
 1586 under subparagraph 5. Additional anticipated revenues may
 1587 include ~~effort index grants, SIT Program awards, and Classrooms~~
 1588 First funds.

1589 Section 62. Subsection (2) of section 1013.356, Florida
 1590 Statutes, is amended to read:

1591 1013.356 Local funding for educational facilities benefit
 1592 districts or community development districts.—Upon confirmation
 1593 by a district school board of the commitment of revenues by an
 1594 educational facilities benefit district or community development
 1595 district necessary to construct and maintain an educational
 1596 facility contained within an individual district facilities work

1597 program or proposed by an approved charter school or a charter
 1598 school applicant, the following funds shall be provided to the
 1599 educational facilities benefit district or community development
 1600 district annually, beginning with the next fiscal year after
 1601 confirmation until the district's financial obligations are
 1602 completed:

1603 (2) For construction and capital maintenance costs not
 1604 covered by the funds provided under subsection (1), an annual
 1605 amount contributed by the district school board equal to one-
 1606 half of the remaining costs of construction and capital
 1607 maintenance of the educational facility. Any construction costs
 1608 above the cost-per-student criteria established in s.
 1609 1013.64(6)(b)1. ~~for the SIT Program in s. 1013.72(2)~~ shall be
 1610 funded exclusively by the educational facilities benefit
 1611 district or the community development district. Funds
 1612 contributed by a district school board shall not be used to fund
 1613 operational costs.

1614
 1615 Educational facilities funded pursuant to this act may be
 1616 constructed on land that is owned by any person after the
 1617 district school board has acquired from the owner of the land a
 1618 long-term lease for the use of this land for a period of not
 1619 less than 40 years or the life expectancy of the permanent
 1620 facilities constructed thereon, whichever is longer. All
 1621 interlocal agreements entered into pursuant to this act shall
 1622 provide for ownership of educational facilities funded pursuant
 1623 to this act to revert to the district school board if such
 1624 facilities cease to be used for public educational purposes

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1625 prior to 40 years after construction or prior to the end of the
 1626 life expectancy of the educational facilities, whichever is
 1627 longer.

1628 Section 63. Subsections (4), (5), and (6) of section
 1629 1013.41, Florida Statutes, are amended to read:

1630 1013.41 SMART schools; Classrooms First; legislative
 1631 purpose.—

1632 (4) OFFICE OF EDUCATIONAL FACILITIES.—It is the purpose of
 1633 the Legislature to require the Office of Educational Facilities
 1634 to assist school districts in building SMART schools utilizing
 1635 functional and frugal practices. The Office of Educational
 1636 Facilities must review district facilities work programs and
 1637 projects and ~~identify districts qualified for incentive funding~~
 1638 ~~available through School Infrastructure Thrift Program awards;~~
 1639 identify opportunities to maximize design and construction
 1640 savings; develop school district facilities work program
 1641 performance standards; and provide for review and
 1642 recommendations to the Governor, the Legislature, and the State
 1643 Board of Education.

1644 ~~(5) EFFORT INDEX GRANTS. It is the purpose of the~~
 1645 ~~Legislature to create s. 1013.73, in order to provide grants~~
 1646 ~~from state funds to assist school districts that have provided a~~
 1647 ~~specified level of local effort funding.~~

1648 ~~(6) SCHOOL INFRASTRUCTURE THRIFT (SIT) PROGRAM AWARDS. It~~
 1649 ~~is the purpose of the Legislature to convert the SIT Program~~
 1650 ~~established in ss. 1013.42 and 1013.72 to an incentive award~~
 1651 ~~program to encourage functional, frugal facilities and~~
 1652 ~~practices.~~

1653 Section 64. Paragraph (b) of subsection (6) of section
 1654 1013.64, Florida Statutes, is amended to read:

1655 1013.64 Funds for comprehensive educational plant needs;
 1656 construction cost maximums for school district capital
 1657 projects.—Allocations from the Public Education Capital Outlay
 1658 and Debt Service Trust Fund to the various boards for capital
 1659 outlay projects shall be determined as follows:

1660 (6)

1661 (b)1. A district school board must not use funds from the
 1662 following sources: Public Education Capital Outlay and Debt
 1663 Service Trust Fund; School District and Community College
 1664 District Capital Outlay and Debt Service Trust Fund; Classrooms
 1665 First Program funds provided in s. 1013.68; ~~effort index grant~~
 1666 ~~funds provided in s. 1013.73~~; nonvoted 1.5-mill levy of ad
 1667 valorem property taxes provided in s. 1011.71(2); Classrooms for
 1668 Kids Program funds provided in s. 1013.735; District Effort
 1669 Recognition Program funds provided in s. 1013.736; or High
 1670 Growth District Capital Outlay Assistance Grant Program funds
 1671 provided in s. 1013.738 for any new construction of educational
 1672 plant space with a total cost per student station, including
 1673 change orders, that equals more than:

- 1674 a. \$17,952 for an elementary school,
- 1675 b. \$19,386 for a middle school, or
- 1676 c. \$25,181 for a high school,

1677

1678 (January 2006) as adjusted annually to reflect increases or
 1679 decreases in the Consumer Price Index.

1680 2. A district school board must not use funds from the

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1681 Public Education Capital Outlay and Debt Service Trust Fund or
 1682 the School District and Community College District Capital
 1683 Outlay and Debt Service Trust Fund for any new construction of
 1684 an ancillary plant that exceeds 70 percent of the average cost
 1685 per square foot of new construction for all schools.

1686 Section 65. Section 1013.69, Florida Statutes, is amended
 1687 to read:

1688 1013.69 Full bonding required to participate in programs.—
 1689 Any district with unused bonding capacity in its Capital Outlay
 1690 and Debt Service Trust Fund allocation that certifies in its
 1691 district educational facilities plan that it will not be able to
 1692 meet all of its need for new student stations within existing
 1693 revenues must fully bond its Capital Outlay and Debt Service
 1694 Trust Fund allocation before it may participate in Classrooms
 1695 First, ~~the School Infrastructure Thrift (SIT) Program, or the~~
 1696 ~~Effort Index Grants Program.~~

1697 Section 66. Paragraph (b) of subsection (2) of section
 1698 1013.738, Florida Statutes, is amended to read:

1699 1013.738 High Growth District Capital Outlay Assistance
 1700 Grant Program.—

1701 (2) In order to qualify for a grant, a school district
 1702 must meet the following criteria:

1703 (b) Fifty percent of the revenue derived from the 2-mill
 1704 nonvoted discretionary capital outlay millage for the past 4
 1705 fiscal years, when divided by the district's growth in capital
 1706 outlay FTE students over this period, produces a value that is
 1707 less than the average cost per student station calculated
 1708 pursuant to s. 1013.64(6)(b)1. ~~1013.72(2)~~, and weighted by

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2013

1709 | statewide growth in capital outlay FTE students in elementary,
1710 | middle, and high schools for the past 4 fiscal years.
1711 | Section 67. This act shall take effect upon becoming a
1712 | law.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 7001 PCB KTS 13-01 Repeal of Education Provisions
SPONSOR(S): K-12 Subcommittee, Adkins
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: K-12 Subcommittee	13 Y, 0 N	Beagle	Ahearn
1) Rulemaking Oversight & Repeal Subcommittee	12 Y, 0 N, As CS	Miller	Rubottom
2) Education Committee		Beagle <i>GB</i>	Mizereck <i>[Signature]</i>

SUMMARY ANALYSIS

This bill is a coordinated effort to reduce regulation of public educational institutions by the Governor, Legislature, district school superintendents, and other education stakeholders. In the 2012 interim, the K-12 Subcommittee was directed to identify unnecessary, obsolete, or unfunded K-20 Education Code requirements for repeal. Staff consulted the Office of the Governor, Department of Education (DOE), and other education stakeholders to identify potential repeals. Similarly, in October 2012, the Governor selected seven district school superintendents to formulate recommendations for eliminating unnecessary or outdated statutes and State Board of Education rules. DOE disseminated a statewide survey soliciting recommendations from the remaining 60 superintendents. The statutes proposed for repeal by this bill are the product of these combined efforts. Accordingly, the bill repeals:

- Inactive or underutilized programs, including the Alternative Credit for High School Courses Pilot Project, High School to Business Career Enhancement Program, Incentives for Urban or Socially and Economically Disadvantaged Area Internships, Centers of Technology Innovation, Dropout Reentry and Mentor Project, Sunshine Workforce Solutions Grants, Florida Minority Medical Education Program, Transition to Teaching Program, School Infrastructure Thrift (SIT) Program, A Business-Community (ABC) School Program, and Effort Index Grants.
- Provisions that are unnecessary or duplicate other law, including state board review of school district compliance with the Family and School Partnership for Student Achievement Act, certain requirements regarding school-to-work transition and postsecondary and workforce readiness, school district reporting of suspensions and expulsions, provisions requiring alignment of public high school athletic programs with those offered by public postsecondary institutions, certain public postsecondary institution safety policies, and Commissioner of Education authority to grant exceptions to recommendations in educational plant surveys.
- Provisions that are not being implemented or contain outdated or expired statutory authority, including reporting of K-12 Foreign Language Curriculum plans, a DOE parent-response center, Florida School for the Deaf and the Blind authority to create a direct-support organization, high school diploma designations related to high school major areas of interest, high school graduation requirements for students who entered 9th grade before the 2007-08 school year, certain substance abuse training programs, the Florida Teachers Lead Program electronic management system pilot project, provisions relating to reduction of energy consumption by public postsecondary institutions, and exceptions to Special Facilities Construction Account millage contribution requirements granted to three school districts.
- Burdensome, incorrect, or unnecessary reporting requirements relating to K-12 public school recycling efforts, school board family involvement rules, school wellness and physical education policies, and paperwork reduction.

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

The bill takes effect upon becoming law.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

This bill is a coordinated effort to reduce regulation of public educational institutions by the Governor, Legislature, district school superintendents, and other education stakeholders. In the 2012 interim, the K-12 Subcommittee was directed to identify unnecessary, obsolete, or unfunded K-20 Education Code requirements for repeal. Staff consulted the Office of the Governor, Department of Education (DOE), and other education stakeholders to identify potential repeals. Similarly, in October 2012, the Governor selected seven district school superintendents to formulate recommendations for eliminating unnecessary or outdated statutes and State Board of Education rules. DOE disseminated a statewide survey soliciting recommendations from the remaining 60 superintendents. The statutes proposed for repeal by this bill are the product of these combined efforts.¹

Recycling

Legislation enacted in 2010 required, among others, each state agency, local government, and “K-12 public school, public institution of higher learning, community college, and state university” to annually report all recycled materials to the appropriate county. The Department of Environmental Protection was directed to designate a reporting format, but has not done so. Thus, reporting by public sector entities has not yet commenced.²

The bill eliminates the recycling reporting requirement for K-12 public schools, as requested by school district superintendents.³

K-12 Foreign Language Curriculum Plan Submittal

Legislation enacted in 2002 required each district school board to develop a K-12 foreign language curriculum plan to be submitted to the Commissioner of Education by June 30, 2004. K-12 foreign language curriculum plans were submitted to the commissioner in 2004 and subsequently implemented by school districts.⁴

The bill repeals s. 1001.435, F.S., relating to K-12 Foreign Language Curriculum, as the purpose of this statute has been accomplished.

Family and School Partnership for Student Achievement Act

First enacted in 2003, the Family and School Partnership for Student Achievement Act established several requirements designed to strengthen collaboration among parents and school personnel.⁵ Among other things, the Act requires DOE to establish a parent-response center; annual submission of family involvement rules by school boards to DOE; and annual State Board of Education review of

¹ Press Release, Florida Department of Education, *Superintendents Recommend Ways to Reduce Red Tape, Regulations* (Nov. 5, 2012), http://www.fldoe.org/news/2012/2012_11_05-2.asp (last visited Jan. 8, 2013). The superintendents of Bay County, Broward County, Charlotte County, Highlands County, Orange County, St. Johns County, and Volusia County school districts participated on the governor’s panel. *Id.*

² Section 3, ch. 2010-143, L.O.F., *codified at* s. 403.7032(3), F.S.; Email, House Agriculture and Natural Resource Subcommittee, Policy Chief (Nov. 26, 2012).

³ Florida Department of Education, *School District Superintendent Deregulation Survey* (Oct. 25, 2012).

⁴ Section 1061, ch. 2002-387, L.O.F., *codified at* s. 1001.435, F.S.; Email, Florida Department of Education, Legislative Affairs Director (Dec. 12, 2011).

⁵ Section 2, ch. 2003-118, L.O.F., *codified at* s. 1002.23, F.S.

school district's compliance with the Act.⁶ The parent-response center does not exist, as DOE uses other means to assist parents and the public. DOE simply acknowledges receipt of school board family involvement rules, but does nothing further.⁷ State board review of school board compliance with the Act duplicates another law which provides the Commissioner of Education authority to investigate school board noncompliance with state law and the state board authority to withhold funds for such noncompliance.⁸

The bill repeals subsections (4), (6), and (9) of s. 1002.23, F.S., relating to the parent-response center, school board reporting of parent involvement rules, and state board review of compliance with the Act, respectively. DOE and district school superintendents concur with these repeals.⁹

Florida School for the Deaf and the Blind Direct-Support Organization

Legislation enacted in 2004 authorized the Florida School for the Deaf and the Blind (FSDB) board to establish a direct support organization (DSO). The DSO may receive, hold, invest, and administer property and make expenditures to or for the benefit of FSDB or the board.¹⁰

The bill repeals s. 1002.361, F.S., relating to a DSO for FSDB, as no DSO exists and FSDB has no future intent to create one. FSDB concurs with repeal of this statute.¹¹

Alternative Credit for High School Courses Pilot Project

Legislation enacted in 2008 established the Alternative Credit for High School Courses Pilot Project to enable high school students enrolled in industry certification courses to simultaneously earn credit in Algebra, Geometry, or Biology without having to enroll in a separate course.¹² In order to earn such credit, students were required to pass an end-of-course (EOC) assessment. The legislation required the Commissioner of Education to select up to three school districts to participate in the pilot project, beginning in the 2008-09 school year, and authorized DOE to approve eligible courses and EOC assessments.¹³ Only one high school participated in the pilot project and no eligible students sought credit through the pilot program.¹⁴

The bill repeals s. 1002.375, F.S., relating to the Alternative Credit for High School Courses Pilot Project, which is no longer in existence, and has been made unnecessary by the Legislature's enactment of the Credit Acceleration Program (CAP) in 2010. Similar to the pilot project, CAP enables students to earn credit in courses tested by a statewide standardized EOC assessment without enrolling in the course. DOE and district school superintendents concur with repeal of this statute.¹⁵

Standard High School Diploma Designations

Legislation enacted in 2006 required high school students to select a major area of interest comprised of four credits in a career, academic, or fine or performing arts content area, in order to earn a standard

⁶ Section 1002.23(4), (6), and (9), F.S.

⁷ Email, Florida Department of Education, Legislative Affairs Director (Aug. 20, 2012).

⁸ See s. 1008.32, F.S.

⁹ Email, Florida Department of Education, Legislative Affairs Director (Aug. 20, 2012); Florida Department of Education, *School District Superintendent Deregulation Survey* (Oct. 25, 2012).

¹⁰ Section 6, ch. 2004-331, L.O.F., *codified at* s. 1002.361, F.S.

¹¹ Telephone Interview, Florida School for the Deaf and the Blind, President (Oct. 17, 2012).

¹² Section 1, ch. 2008-174, L.O.F., *codified at* s. 1002.375, F.S.

¹³ Section 1002.375(1), (2), and (4), F.S. The law authorizes use of a statewide standardized EOC assessment or EOC assessment developed by the Florida Virtual School for assessing student mastery of Algebra, Geometry, or Biology. Section 1002.375(4), F.S.

¹⁴ Florida Department of Education, *Legislative Bill Analysis for HB 4185* (2011).

¹⁵ Florida Department of Education, *Legislative Report on Alternative Credit for High School Courses Pilot*, (2010)(on file with the subcommittee); Florida Department of Education, *School District Superintendent Deregulation Survey* (Oct. 25, 2012); see s. 5, ch. 2010-22, L.O.F., *codified at* s. 1003.4295(3), F.S.

high school diploma.¹⁶ Legislation enacted in 2008 created a standard high school diploma designation signifying the student's completion of a major.¹⁷ Legislation enacted in 2010 repealed the major area of interest graduation requirement, but did not eliminate the diploma designation.¹⁸

The bill repeals s. 1003.4285(1), F.S., relating to the major area of interest diploma designation, which is now obsolete due to the repeal of the corresponding graduation requirement.

General Requirements for High School Graduation

Since 2006, Florida law has specified two sets of high school graduation requirements. Section 1003.43, F.S., was enacted in 1978 and applies to students who entered 9th grade before the 2007-08 school year, whereas s. 1003.428, F.S., applies to students entering the 9th grade in the 2007-08 school year and thereafter. Six school years have passed since entering 9th graders have been subject to s. 1003.43, F.S.¹⁹

The bill repeals s. 1003.43, F.S., relating to the General Requirements for High School Graduation for students entering 9th grade before the 2007-08 school year. Despite repeal, these requirements will remain applicable to any students still enrolled in Florida public schools who were subject to them at the time they entered 9th grade.²⁰ DOE and district school superintendents concur with repeal of this statute.²¹

School Wellness and Physical Education Policies

Legislation enacted in 2006 required each school district to provide the most recent version of its school wellness and physical education policy on its website. DOE was required to post on its website links to these policies.²²

School wellness policies are required by federal law governing child nutrition programs. Legislation enacted in 2011 transferred oversight of federal child nutrition programs from DOE to the Department of Agriculture and Consumer Services (DACS). Accordingly, DACS, not DOE, posts school wellness policies on its website. However, the law was never changed reflect this.²³

The DOE website includes a page devoted entirely to physical education. The webpage includes online links to school district physical education policies and numerous additional resources. Posting of physical education policies is the only resource that is statutorily required.²⁴

The bill repeals s. 1003.453(2), F.S., relating to online posting of school wellness and physical education policies, thereby removing the outdated requirement that DOE post links to school wellness

¹⁶ Section 23, ch. 2006-74, L.O.F., *codified at* s. 1003.428(2)(b)1., F.S.

¹⁷ Section 8, ch. 2008-235, L.O.F., *codified at* s. 1003.4285(1), F.S.

¹⁸ Section 3, ch. 2010-22, L.O.F.

¹⁹ Chapter 78-424, L.O.F., *initially codified at* s. 232.246, F.S., *redesignated in* 2002 as s. 1003.43, F.S., and s. 23, ch. 2006-74, L.O.F., *codified as* s. 1003.428, F.S.

²⁰ *Memorial Hospital-West Volusia, Inc. v. News-Journal Corp.*, 784 So. 2d 438 (Fla. 2001) The general rule is that in the absence of clear legislative intent to the contrary, a law affecting substantive rights, liabilities and duties is presumed to apply prospectively. *Id.*

²¹ Email, Florida Department of Education, Deputy General Counsel (Aug. 29, 2012); Florida Department of Education, *School District Superintendent Deregulation Survey* (Oct. 25, 2012).

²² Section 18, ch. 2006-301, L.O.F., *codified at* s. 1003.453(2), F.S.

²³ See Healthy, Hunger Free Kids Act of 2010, Pub. L. No. 111-296, 124 Stat. 3183; s. 8, 2011-217, L.O.F.; Florida Department of Agriculture and Consumer Services, *Wellness*, <http://www.freshforfloridakids.com/Sponsors/Programs/Wellness.aspx> (last visited Jan. 7, 2013)(see Florida Links to Local Wellness Policies).

²⁴ See, Florida Department of Education, *Physical Education*, http://www.fldoe.org/BII/CSHP/Education/Physical_Ed/default.asp (last visited Jan. 7, 2013)(see Links to Florida School District's Physical Education Policies); see ss. 1003.453 and 1003.455, F.S.

policies on its website. DOE and district school superintendents requested repeal of this outdated and unnecessary reporting requirement.²⁵

High School to Business Career Enhancement Program

Legislation enacted in 2007 established the High School to Business Career Enhancement Program, which authorizes school boards to adopt policies for providing high school students internships with local employers.²⁶ Among other things, participating students must earn at least a 2.0 GPA, internships must be between 8 and 20 consecutive weeks in duration, and participants are limited to 20 work hours weekly and one internship annually.²⁷ No school districts have participated in this program in recent years.²⁸

The bill repeals s. 1003.496, F.S., relating to the High School to Business Career Enhancement Program, as the program is not currently being implemented by school districts.

Substance Abuse Training Programs

Legislation enacted in 1993 authorized state universities and Florida College System (FCS) institutions to develop courses designed to train public school teachers, counselors, physicians, law enforcement personnel, and other professionals in recognizing symptoms of substance abuse impairment.²⁹ These programs are inactive and unfunded.³⁰

The bill repeals s. 1004.05, F.S., which created the Substance Abuse Training Programs. DOE and the Board of Governors of the State University System (BOG) concur with the repeal of this statute.³¹

Incentives for Urban or Socially and Economically Disadvantaged Area Internships

Legislation enacted in 1994 established the Incentives for Urban or Socially and Economically Disadvantaged Area Internships program to give university students the opportunity to study the social, economic, educational, and political life of inner cities and economically disadvantaged areas of the state.³² This program is not currently being implemented and has not received funding since FY 1999-2000.³³

The bill repeals s. 1004.62, F.S., relating to Incentives for Urban or Socially and Economically Disadvantaged Area Internships. BOG concurs with the repeal of this inactive program.³⁴

Centers of Technology Innovation

Legislation enacted in 1994 authorized individual FCS institutions, consortia of multiple FCS institutions, or consortia of FCS institutions and other educational institutions to establish centers of technology innovation.³⁵ These centers were authorized to perform various functions, including

²⁵ Florida Department of Education, *School District Superintendent Deregulation Survey* (Oct. 25, 2012).

²⁶ Section 1, ch. 2007-122, L.O.F., *codified at* s. 1003.496, F.S.

²⁷ Section 1003.496(2), F.S.

²⁸ Email, Florida Department of Education, Legislative Affairs Director (Nov. 4, 2011).

²⁹ Section 12, ch. 93-39, L.O.F., *initially codified at* s. 240.70, F.S., *redesignated in* 2002 as s. 1004.05, F.S.

³⁰ Telephone conversation with Budget Analyst, Florida House of Representatives, Higher Education Appropriations Subcommittee (Oct. 11, 2011).

³¹ Email, Board of Governors, State University System of Florida, Legislative Affairs Director (Oct. 11, 2011); Email, Florida Department of Education, Legislative Affairs Director (Nov. 4, 2011).

³² Section 38, ch. 94-230, L.O.F., *initially codified at* s. 240.701, F.S., *redesignated in* 2002 as s. 1004.62

³³ Email, Board of Governors, State University System of Florida, Director of Academic and Student Affairs (Dec. 21, 2011); Email, Florida House of Representatives, Higher Education Appropriations Subcommittee (Nov. 4, 2011).

³⁴ Email, Board of Governors, State University System of Florida, Director of Academic and Student Affairs (Dec. 21, 2011)

³⁵ Section 39, ch. 94-230, L.O.F., *initially codified at* s. 240.3335, F.S., *redesignated in* 2002 as s. 1004.77, F.S.

curriculum and faculty development; research, testing, and technology transfer; instructional materials development; and the formation of partnerships with technology industries seeking to update or expand existing technology.³⁶ According to DOE, no such centers exist.³⁷

The bill repeals s. 1004.77, F.S., relating to Centers of Technology Innovation, as the program is inactive. DOE concurs with repeal of this statute.³⁸

Provision of Information to Students and Parents Regarding School-to-Work Transition

Legislation enacted in 1994 required, among other things, each K-12 public school to document actions taken to prepare students for the workforce. Each public high school was required to assess each student's preparation for employment before graduation and provide the student and the student's parent with the results of the assessment.³⁹

Subsequent legislation has increased the state's focus on workforce preparation. Among other things, each school district, in collaboration with the local workforce board and public postsecondary institutions serving the district, must develop a 3-year strategic plan for identifying high-demand career fields and creating career academies in those fields; recruiting students to enroll in career academies; providing personalized student advisement with parent participation; supporting education planning; and coordinating middle school and high school career education programs.⁴⁰ Additionally, middle school students must complete a career and education planning course which results in completion of an academic and career plan for the student.⁴¹

The bill repeals s. 1006.02, F.S., relating to Provision of Information to Students and Parents Regarding School-to-Work Transition, as these requirements have been supplanted by other provisions governing workforce preparation and education planning.

Dropout Reentry and Mentor Project

Legislation enacted in 1990 created the Dropout Reentry and Mentoring Project, a pilot project to be implemented by the Florida Agricultural and Mechanical University National Alumni Association in Tallahassee, Jacksonville, Daytona Beach, and Miami.⁴² The project assisted 15 African American students in each of these four locations who had dropped out of high school for reasons unrelated to academic difficulty. Participants received mentoring; academic evaluation for, and enrollment in, a regular high school, General Educational Development (GED) program, career center, or alternative school; and instruction regarding test-taking, study, goal setting, conflict management, and time management skills.⁴³ This project is no longer operational⁴⁴ and has received no funding in over 10 years.⁴⁵

The bill repeals s. 1006.035, F.S., which created the Dropout Reentry and Mentor Project. The Florida Agricultural and Mechanical University and district school superintendents concur with repeal of this statute.⁴⁶

³⁶ Section 1004.77(2), F.S.

³⁷ Letter from Agency Clerk, Florida Department of Education, to Attorney, Joint Administrative Procedures Committee (Nov. 17, 2011).

³⁸ *Id.*

³⁹ Section 5, ch. 94-319, L.O.F., *initially codified at s. 229.595, F.S., redesignated in 2002 as s. 1006.02, F.S.*

⁴⁰ Section 1003.491(3), F.S.; *see e.g.* s. 1, ch. 2007-216 and s. 13, ch. 2012-191, L.O.F.

⁴¹ Section 1003.4156(1)(a)5., F.S.; s. 21, ch. 2006-74, L.O.F.

⁴² Section 11, ch. 90-365, L.O.F., *initially codified at s. 228.503, F.S., redesignated in 2002 as s. 1006.035, F.S.*

⁴³ Section 1006.035(2), (5), and (7), F.S.

⁴⁴ Email, Florida Agricultural and Mechanical University, Governmental Relations Director (Oct. 12, 2011).

⁴⁵ Email, Florida House of Representatives, Higher Education Appropriations Subcommittee (Sept. 9, 2011).

⁴⁶ Email, Florida Agricultural and Mechanical University, Governmental Relations Director (Oct. 12, 2011); Florida Department of Education, *School District Superintendent Deregulation Survey* (Oct. 25, 2012).

Sunshine Workforce Solutions Grant Program

Legislation enacted in 2002 created the Sunshine Workforce Solutions Grant Program, to provide school districts with grants for establishing nursing-themed middle school and high school career education programs.⁴⁷ The program was never implemented or funded.⁴⁸

The bill repeals s. 1006.051, F.S., which created the Sunshine Workforce Solutions Grant Program. DOE and district school superintendents concur with repeal of this statute.⁴⁹

Duties of School Principal relating to Student Discipline and School Safety

Section 1006.09(1)(d), F.S., requires each school principal (or designee) to include an analysis of suspensions and expulsions in the annual report of school progress. Subsection (6) of s. 1006.09, F.S., requires each school principal to report data concerning school safety and discipline to DOE.⁵⁰ The discipline data reported to DOE includes information regarding suspensions and expulsions. Thus, it appears these two provisions are redundant.⁵¹

The bill repeals s. 1006.09(1)(d), F.S., relating to Duties of School Principal relating to Student Discipline and School Safety, as the information reported under this paragraph duplicates that reported under s. 1006.09(6), F.S. DOE and district school superintendents concur with repeal of this statute.⁵²

Sponsorship of Athletic Activities Similar to those for which Scholarships are Offered

Two substantively identical statutes enacted in 1986 required public high schools, FCS institutions, and state universities to align their sports offerings to enable opportunities for students to play sports for which collegiate scholarships are offered.⁵³ The law was specifically enacted in order to induce public schools to transition from slow pitch softball to fast pitch softball.⁵⁴

The bill repeals ss. 1006.17 and 1006.70, F.S., relating to Sponsorship of Athletic Activities Similar to those for which Scholarships Offered. Fast-pitch softball is the version of softball currently sponsored by the Florida High School Athletic Association (FHSAA), the Florida College System Athletic Association (FCSAA), and the National Collegiate Athletic Association.⁵⁵ FHSAA and FCSAA concur with these repeals.⁵⁶

Safety Issues in Courses Offered by Public Postsecondary Educational Institutions

Legislation enacted in 2002 required the State Board of Education and BOG to adopt policies for protecting the health and safety of students, instructional personnel, and visitors who participate in

⁴⁷ Section 4, ch. 2002-230, L.O.F., *codified at* s. 1006.051, F.S.

⁴⁸ Email, Florida House of Representatives, PreK-12 Appropriations Subcommittee (Sept. 6, 2011).

⁴⁹ Email, Florida Department of Education, Legislative Affairs Director (Dec. 12, 2011); Florida Department of Education, *School District Superintendent Deregulation Survey* (Oct. 25, 2012).

⁵⁰ Section 279, ch. 2002-387, L.O.F., *codified at* s. 1006.09(1)(d) and (6), F.S.

⁵¹ Email, Florida Department of Education, Legislative Affairs Director, (Nov. 29, 2012).

⁵² Email, Florida Department of Education, Legislative Affairs Director, (November 29, 2012); Florida Department of Education, *School District Superintendent Deregulation Survey* (Oct. 25, 2012).

⁵³ Section 4, ch. 86-172, L.O.F., *initially codified at* s. 232.426, F.S., *redesignated in* 2002 as ss. 1006.17 and 1006.70, F.S.

⁵⁴ Staff of the Florida House of Representatives, *Legislative Bill Analysis for CS/HB 90* (1986).

⁵⁵ Florida High School Athletic Association, *Sports and Programs*, <http://www.fhsaa.org/sports> (last visited Jan. 8, 2013); Florida College System Activities Association, *Athletics*, <http://www.thefcsaa.com/> (last visited Jan. 8, 2013); National Collegiate Athletic Association, *Championships List*, <http://www.ncaa.org/wps/wcm/connect/public/ncaa/championships/championships+list> (last visited Jan. 8, 2013).

⁵⁶ Florida Department of Education, *Legislative Bill Analysis for HB 4041* (2012).

courses offered by FCS institutions or state universities, respectively.⁵⁷ According to DOE, these safety policies are already required by federal law and accrediting bodies and included in affiliation contracts with hospitals and law enforcement agencies.⁵⁸

The bill repeals s. 1006.65, F.S., relating to Safety Issues in Courses Offered by Public Postsecondary Institutions. DOE concurs with repeal of this statute.⁵⁹

Readiness for Postsecondary Education and the Workplace

Legislation enacted in 1997 required that entering 9th graders and their parents develop a four to five year academic and career plan while the student is in middle school, based upon the student's postsecondary and career goals.⁶⁰ Legislation enacted subsequently required middle school students to complete a career and education planning course which results in completion of an academic and career plan for the student.⁶¹

The bill repeals s. 1007.21, F.S., relating to Readiness for Postsecondary Education and the Workplace, as this provision is duplicative. DOE and district school superintendents concur with repeal of this statute.⁶²

Paperwork Reduction

Legislation enacted in 2010 required the Commissioner of Education to annually monitor and review paperwork, data collection, and reporting requirements and report recommendations for eliminating or consolidating such requirements to school districts.⁶³ Although this provision is intended to reduce paperwork, it actually creates more paperwork for DOE and school districts.

The bill repeals s. 1008.31(3)(d) and (e), F.S., relating to Paperwork Reduction. DOE and school district superintendents concur with repeal of these provisions.⁶⁴

Florida Minority Medical Education Program

Legislation enacted in 1991 established a scholarship program for minority students pursuing medical education at the University of Florida, the University of South Florida, Florida State University, and the University of Miami, or Southeastern University Health Sciences, for the purpose of addressing the primary health care needs of underserved groups.⁶⁵ According to DOE, the program has not been funded in 15 years.⁶⁶

The bill repeals s. 1009.68, F.S., relating to the Florida Minority Medical Education Program. DOE concurs with repeal of this statute.⁶⁷

⁵⁷ Section 335, ch. 2002-387, L.O.F., *codified at* s. 1006.65, F.S.

⁵⁸ Letter from Agency Clerk, Florida Department of Education, to Attorney, Joint Administrative Procedures Committee (Nov. 17, 2011); *see e.g.*, 20 U.S.C. s. 1092(f)(requiring disclosure of campus security policies and crime statistics by postsecondary institutions participating federal financial aid programs).

⁵⁹ Letter from Agency Clerk, Florida Department of Education, to Attorney, Joint Administrative Procedures Committee (Nov. 17, 2011).

⁶⁰ Section 1, ch. 97-21, L.O.F., *initially codified at* s. 232.2451, F.S., *redesignated in* 2002 as s. 1007.21, F.S.

⁶¹ Section 1003.4156(1)(a)5., F.S.; s. 21, ch. 2006-74, L.O.F.

⁶² Florida Department of Education, *School District Superintendent Deregulation Survey* (Oct. 25, 2012).

⁶³ Section 199, ch. 2010-102, L.O.F., *codified at* s. 1008.31(3)(d)-(e), F.S.

⁶⁴ Florida Department of Education, *School District Superintendent Deregulation Survey* (Oct. 25, 2012).

⁶⁵ Section 1, ch. 91-203, L.O.F., *initially codified at* s. 240.4987, F.S., *redesignated in* 2002 as s. 1009.68, F.S.

⁶⁶ Email, Florida Department of Education, Legislative Affairs Director (Jan. 4, 2012).

⁶⁷ *Id.*

Transition to Teaching Program

Legislation enacted in 2001 created the Transition to Teaching Program to award grants for establishing programs to facilitate the transition of midcareer professionals into the teaching profession. An individual participating in programs created under the grant was eligible for financial assistance, upon condition that he or she commit to teach in a Florida school district for at least three years. The award of grants was contingent upon legislative funding.⁶⁸ DOE was awarded federal Transition to Teaching grants in 2003 and 2007. However, these grants expired in October 2011.⁶⁹

The bill repeals s. 1012.58, F.S. creating the Transition to Teaching Program, which is inactive and no longer funded. DOE concurs with repeal of this statute.⁷⁰

The Florida Teachers Lead Program

The Florida Teachers Lead program provides a classroom materials and supplies stipend to each public school classroom teacher.⁷¹ Legislation enacted in 2009, authorized DOE to establish a pilot program to study the feasibility of creating a centralized electronic system for managing Florida Teachers Lead Program disbursements. The program was authorized only for FY 2009-10. School district participation was voluntary and DOE was not required to implement the program if school district participation was insufficient to measure the viability of an electronic management system. According to DOE, no school districts agreed to participate and the program was never implemented.⁷²

The bill repeals s. 1012.71(6), F.S., relating to the Florida Teachers Lead Program centralized electronic management system pilot program, as authority for the program has expired.

Florida College System Institution and University Energy Consumption

Legislation enacted in 2010 required each FCS institution and state university to strive to reduce campus-wide energy consumption by 10 percent and submit a report to the Governor, Speaker of the House of Representatives, and President of the Senate by January 1, 2011, describing how this goal was met or providing a plan for meeting the goal in the future.⁷³ While this statute requires each FCS institution and state university to formulate a plan to reduce energy consumption by 10 percent, it does not require that they actually meet this goal. Furthermore, the report submission deadline of January 1, 2011, has passed.⁷⁴

The bill repeals s. 1013.231, F.S., relating to reduction in energy consumption by FCS institutions and universities, as the purpose of this statute has been served.

Exception to Recommendations in Educational Plant Survey

Legislation enacted in 1977 authorized school districts to request exceptions to recommendations made in an educational plant survey based upon potential cost savings or other educational benefits. These exceptions must be approved by the Commissioner of Education.⁷⁵ A separate provision of law similarly authorizes the commissioner to waive survey requirements upon school district request.⁷⁶

⁶⁸ Sections 1 and 2, ch. 2001-219, L.O.F., *initially codified at s. 229.604, F.S., redesignated in 2002 as s. 1012.58, F.S.*

⁶⁹ Email, Florida Department of Education, Legislative Affairs Director (Oct. 27, 2011).

⁷⁰ Email, Florida Department of Education, Legislative Affairs Director (Dec. 12, 2011).

⁷¹ Section 1012.71, F.S.

⁷² Section 37, ch. 2009-59, L.O.F., *codified at s. 1012.71(6), F.S.*

⁷³ Section 30, ch. 2010-155, L.O.F., *codified at s. 1013.321, F.S.*

⁷⁴ *See s. 1013.231, F.S.*

⁷⁵ Section 9, ch. 77-458, L.O.F., *initially codified at s. 235.155, F.S., redesignated in 2002 as s. 1013.32, F.S.*

⁷⁶ Section 1013.03(10), F.S.

The bill repeals s. 1013.32, F.S., relating to exceptions to recommendations in educational plant surveys. DOE concurs with repeal of this statute.⁷⁷

School Infrastructure Thrift Program

Legislation enacted in 1997 established the School Infrastructure Thrift (SIT) program, which was designed to reward school districts that achieved construction cost savings.⁷⁸ Among other things, the legislation required DOE to identify for elimination obsolete, excessively restrictive, and unnecessary education facilities regulations and practices.⁷⁹ School districts that achieved reduced costs per student station specified in statute were eligible to apply for SIT program awards.⁸⁰ The SIT program has not been funded since FY 2004-05, when funding was awarded to the Orange and Osceola County school districts.⁸¹ A related program, the SMART Schools Clearinghouse, was repealed in 2010.⁸²

The bill repeals ss. 1013.42 and 1013.72, F.S., relating to the SIT program. DOE concurs with these repeals.⁸³

A Business-Community School Program

The A Business-Community (ABC) School Program encourages the formation of business and education partnership schools which operate in facilities owned or operated by a local business.⁸⁴ ABC schools may serve students in kindergarten through 3rd grade. Children of employees of the business must be given first preference for enrollment.⁸⁵ School districts are not required to establish an ABC school, nor do they need statutory authority to do so.

The bill repeals ss. 1013.502 and 1013.721, F.S., relating to the ABC School Program. School district superintendents concur with these repeals.⁸⁶

Exceptions to Special Facilities Construction Account requirements

The Special Facility Construction Account (SFCA) provides funding to school districts with urgent construction needs that cannot be met by existing resources or resources anticipated in the next three year period.⁸⁷ Among other things, school districts receiving SFCA funding must levy the maximum authorized discretionary millage for capital outlay (1.5 mills), or its equivalent from the school capital outlay surtax.⁸⁸ Legislation enacted in 2009 reduced this millage contribution for the school districts of Wakulla county (1 mill for FY 2009-10 and .5 mill for FY 2010-11), Liberty county (1 mill for FYs 2009-10 to 2011-12), and Calhoun county (1.125 mills for FYs 2009-10 to 2012-13).⁸⁹ This provision will be obsolete as of June 30, 2013, when Calhoun County's exception expires. Wakulla County's exception expired June 30, 2011, and Liberty County's exception expired June 30, 2012.⁹⁰

⁷⁷ Email, Office of the Governor, Education Policy and Budget Analyst (Dec. 17, 2012).

⁷⁸ Section 22 ch. 97-153, L.O.F., *initially codified at s. 235.2155, F.S., redesignated in 2002 as s. 1013.42, F.S.*; Section 23, ch. 97-153, L.O.F., *initially codified at s. 235.216, F.S., redesignated in 2002 as s. 1013.72, F.S.*

⁷⁹ Section 1013.42(2), F.S.

⁸⁰ Section 1013.72(2), F.S.

⁸¹ Email, Florida Department of Education, Legislative Affairs Director (Dec. 18, 2012).

⁸² Chapter 2010-70, L.O.F.

⁸³ Email, Office of the Governor, Education Policy and Budget Analyst (Dec. 17, 2012).

⁸⁴ Section 21, ch. 2003-391, L.O.F., *initially codified at s. 1013.501, F.S., redesignated in 2006 as s. 1013.721, F.S.* Initially known as the Florida Business and Education in School Together (Florida BEST) Program, the name of the program was changed to the ABC Schools Program in 2006. *Id.*

⁸⁵ Section 1013.721(2) and (5)(a), F.S.

⁸⁶ Florida Department of Education, *School District Superintendent Deregulation Survey* (Oct. 25, 2012).

⁸⁷ Section 1013.64(2)(a), F.S.

⁸⁸ Section 1013.64(2)(a)8., F.S.; *see s. 1011.71(2), F.S.*

⁸⁹ Section 40, ch. 2009-59, L.O.F., *codified at s. 1013.64(7), F.S.*

⁹⁰ Email, Office of the Governor, Education Policy and Budget Analyst (Dec. 17, 2012).

The bill repeals s. 1013.64(7), F.S., relating to exceptions to SFCA millage contribution requirements, as the last exception expires June 30, rendering the provision obsolete. DOE concurs with repeal of this provision.⁹¹

Effort Index Grants

Legislation enacted in 1997 provided grants to school districts which met a specified level of local effort funding, but still had a need for new student stations or core facilities to meet student demand.⁹² The legislation provided a one-time appropriation of \$300 million for the grants, the last of which was disbursed in 2008.⁹³ A related program, the SMART Schools Clearinghouse, was repealed in 2010.⁹⁴

The bill repeals s. 1013.73, F.S., relating to Effort Index Grants, which are no longer funded. DOE concurs with the repeal of this statute.⁹⁵

Unused Rulemaking Provisions

The bill repeals several statutory provisions containing duplicative, redundant, or unused rulemaking authority. These provisions include:

- Section 1001.26(3), F.S., rulemaking relating to the Public Broadcasting System.
- Section 1002.32(10), F.S., rulemaking relating to Developmental Research Schools.
- Section 1003.433(5), F.S., rulemaking relating to Out-of-state and Out-of-country Transfer Students.
- Section 1004.435(5)(c) and (d), F.S., rulemaking relating to Cancer Control and Research.
- Section 1004.45(2)(g), F.S., rulemaking relating to sale of art by the Ringling Center for Cultural Arts.
- Section 1007.35(10), F.S., rulemaking relating to Florida Partnership for Minority and Underrepresented Student Achievement.
- Section 1009.85, rulemaking relating to student loan programs.

Affected agencies were consulted regarding these repeals.

B. SECTION DIRECTORY:

Section 1. Amends s. 403.7032 (3), F.S., relating to Recycling; removes K-12 public schools from recycling reporting requirement.

Section 2. Repeals s. 1001.26(3), F.S., containing duplicative, redundant, or unused rulemaking authority pertaining to the public broadcasting program system. Section 1001.02(1), F.S., provides sufficient rulemaking authority for the State Board of Education.

Section 3. Repeals s. 1001.435, F.S., relating to K-12 Foreign Language Curriculum plans.

Section 4. Repeals s. 1002.23(4), (6), and (9), F.S., relating to Family and School Partnership for Student Achievement Act.

Section 5. Repeals s. 1002.32(10), F.S., containing duplicative, redundant, or unused rulemaking authority pertaining to developmental research schools. Section 1001.02(1), F.S., provides sufficient rulemaking authority for the State Board of Education.

Section 6. Repeals s. 1002.361, F.S., relating to the Florida School for the Deaf and the Blind Direct Support Organization.

Section 7. Repeals s. 1002.375, F.S., relating to the Alternative Credit for High School Courses Pilot Project.

Section 8. Repeals s. 1003.4285 (1), F.S., relating to Standard High School Diploma Designations.

⁹¹*Id.*

⁹² Section 5, ch. 97-384, L.O.F., *initially codified at* s. 235.186, F.S., *redesignated in* 2002 as s. 1013.73, F.S.

⁹³ Email, Florida House of Representatives, Education Appropriations Subcommittee, Analyst (Dec. 17, 2012).

⁹⁴ Chapter 2010-70, L.O.F.

⁹⁵ Email, Office of the Governor, Education Policy and Budget Analyst (Dec. 17, 2012).

Section 9. Repeals s. 1003.43, F.S., relating to General Requirements for High School Graduation (for students entering 9th grade before the 2007-08 school year).

Section 10. Repeals s. 1003.433(5), F.S., containing duplicative, redundant, or unused rulemaking authority pertaining to learning opportunities for certain high school students. Section 1001.02(1), F.S., provides sufficient rulemaking authority for the State Board of Education.

Section 11. Repeals s. 1003.453(2), F.S., relating to School Wellness and Physical Education Policies.

Section 12. Repeals s. 1003.496, F.S., relating to the High School to Business Career Program.

Section 13. Repeals s. 1004.05, F.S., relating to Substance Abuse Training Programs.

Section 14. Amends s. 1004.435(5)(c) & (d), F.S., removing unnecessary or unused rulemaking authority of the Board of Governors and the State Surgeon General pertaining to awarding grants and contracts for certain cancer programs.

Section 15. Amends s. 1004.45(2)(g), F.S., removing duplicative, redundant, or unused rulemaking authority of Florida State University pertaining to the sale or exchange of works of art relating to the John and Mable Ringling Museum of Art.

Section 16. Repeals s. 1004.62, F.S., relating to Incentives for Urban or Socially and Economically Disadvantaged Area Internships.

Section 17. Repeals s. 1004.77, F.S., relating to Centers of Technology Innovation.

Section 18. Repeals s. 1006.02, F.S., relating to Provision of Information to Students and Parents Regarding School-to-work Transition.

Section 19. Repeals s. 1006.035, F.S., relating to the Dropout Reentry and Mentor Project.

Section 20. Repeals s. 1006.051, F.S., relating to Sunshine Workforce Solutions Grants.

Section 21. Repeals s. 1006.09(1)(d), F.S., relating to Duties of School Principal relating to Student Discipline and School Safety.

Section 22. Repeals s. 1006.17 and 1006.70, F.S., relating to Sponsorship of Athletic Activities Similar to those for which Scholarships Offered.

Section 23. Repeals s. 1006.65, F.S., relating to Safety Issues in Courses Offered by Public Postsecondary Educational Institutions.

Section 24. Repeals s. 1007.21, F.S., relating to Readiness for Postsecondary Education and the Workplace.

Section 25. Repeals s. 1007.35(10), F.S., containing duplicative, redundant, or unused rulemaking authority pertaining to the Florida Partnership for Minority and Underrepresented Student Achievement. Section 1001.02(1), F.S., provides sufficient rulemaking authority for the State Board of Education.

Section 26. Repeals s. 1008.31 (3)(d) and (e), F.S., relating to Florida's K-20 Education Performance Accountability System.

Section 27. Repeals s. 1009.68, F.S., relating to the Florida Minority Medical Education Program.

Section 28. Amends s. 1009.85, F.S., removing duplicative, redundant, or unused rulemaking authority pertaining to participation in the guaranteed student loan program. Section 1001.02(1), F.S., provides sufficient rulemaking authority for the State Board of Education.

Section 29. Repeals s. 1012.58, F.S., relating to the Transition to Teaching Program.

Section 30. Repeals s. 1012.71(6), F.S., relating to the Florida Teachers Lead Program.

Section 31. Repeals s. 1013.231, F.S., relating to Florida College System Institution and State University Energy Consumption.

Section 32. Repeals s. 1013.32, F.S., relating to Exceptions to Recommendations in Educational Plant Survey.

Section 33. Repeals ss. 1013.42 and 1013.72, F.S., relating to the School Infrastructure Thrift (SIT) Program.

Section 34. Repeals ss. 1013.502 and 1013.721, F.S., relating to the A Business-Community (ABC) School Program.

Section 35. Repeals s. 1013.64(7), F.S., relating to exceptions to Special Facilities Construction Account Millage contribution requirements.

Section 36. Repeals s. 1013.73, F.S., relating to Effort Index Grants.

Section 37. Amends s. 120.81, F.S., relating to Exceptions and special requirements; conforms provisions.

Section 38. Amends s. 250.115, F.S., relating to Department of Military Affairs direct-support organization; conforms provisions.

- Section 39.** Amends s. 409.1451, F.S., relating to Independent living transition services; conforms provisions.
- Section 40.** Amends s. 1001.11, F.S., relating to Commissioner of Education; conforms provisions.
- Section 41.** Amends s. 1002.20, F.S., relating to K-12 student and parent rights; conforms provisions.
- Section 42.** Amends s. 1002.33, F.S., relating to Charter schools; conforms provisions.
- Section 43.** Amends s. 1002.34, F.S., relating to Charter Technical Career Centers; conforms provisions.
- Section 44.** Amends s. 1002.45, F.S., relating to Virtual Instruction Programs; conforms provisions.
- Section 45.** Amends s. 1003.03, F.S., relating to Maximum Class Size; conforms provisions.
- Section 46.** Amends s. 1003.429, F.S., relating to Accelerated High School Graduation Options; conforms provisions.
- Section 47.** Amends s. 1003.438, F.S., relating to Special High School Graduation Requirements for Certain Exceptional Students; conforms provisions.
- Section 48.** Amends s. 1003.49, F.S., relating to Graduation and Promotion Requirements for Public Schools; conforms provisions.
- Section 49.** Amends s. 1004.70, F.S., relating to Florida College System Institution Direct-Support Organizations; conforms provisions.
- Section 50.** Amends s. 1004.71, F.S., relating to Statewide Florida College System Institution Direct-Support Organizations; conforms provisions.
- Section 51.** Amends s. 1006.025, F.S., relating to Guidance Services; conforms provisions.
- Section 52.** Amends s. 1006.15, F.S., relating to Student Standards for Participation in Interscholastic and Intrascholastic Extracurricular Activities; conforms provisions.
- Section 53.** Amends s. 1007.263, F.S., relating to Florida College System Institution Admissions; conforms provisions.
- Section 54.** Amends s. 1007.271, F.S., relating to Dual Enrollment Programs; conforms provisions.
- Section 55.** Amends s. 1008.22, F.S., relating to Student Assessment; conforms provisions.
- Section 56.** Amends s. 1008.23, F.S., relating to Confidentiality of Assessment Instruments; conforms provisions.
- Section 57.** Amends s. 1009.40, F.S., relating to Student Eligibility for State Financial Aid; conforms provisions.
- Section 58.** Amends s. 1009.531, F.S., relating to the Florida Bright Futures Scholarship Program; conforms provisions.
- Section 59.** Amends s. 1009.94, F.S., relating to the Student Financial Assistance Database; conforms provisions.
- Section 60.** Amends s. 1011.61, F.S., relating to Definitions of Full-Time Equivalent Student; conforms provisions.
- Section 61.** Amends s. 1013.35, F.S., relating to School District Educational Facilities Plans; conforms provisions.
- Section 62.** Amends s. 1013.356, F.S., relating to Local Funding for Educational Facilities Benefit Districts or Community Development Districts; conforms provisions.
- Section 63.** Amends s. 1013.41, F.S., relating to SMART schools; conforms provisions.
- Section 64.** Amends s. 1013.64, F.S., relating to Funds for Comprehensive Educational Plant Needs; conforms provisions.
- Section 65.** Amends s. 1013.69, F.S., relating to Bonding Requirements for Participation in the Classrooms First Program; conforms provisions.
- Section 66.** Amends s. 1013.738, F.S., relating to the High Growth Capital Outlay Assistance Grant Program; conforms provisions.
- Section 67.** Provides that the bill takes effect upon becoming law.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not Applicable. This bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

By repealing ss. 1001.26(3), 1002.32(10), 1003.433(5), 1003.496, 1004.77, 1006.17, 1006.65, 1006.70, 1007.35(10), 1009.68, and 1013.42, F.S., and amending ss. 1004.435(5)(c) & (d), 1004.45(2)(g), and 1009.85, the bill repeals the rulemaking authority in these statutes previously identified as duplicative, redundant, or unused pursuant to s. 11.242(5)(j), F.S. In addition, the bill's repeal of ss. 1002.361, and 1006.051, F.S., also repeals unused rulemaking authority.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On February 20, 2013, the Rulemaking Oversight & Repeal Subcommittee amended the bill to include repealing ss. 1001.26(3), 1002.32(10), 1003.433(5), and 1007.35(10), and amending ss. 1004.435(5)(c) & (d), 1004.45(2)(g), and 1009.85, to remove rulemaking authority in these statutes previously identified as duplicative, redundant, or unused pursuant to s. 11.242(5)(j), F.S. This analysis is drawn to the Committee Substitute.