



Education Committee

**Thursday, April 9, 2015
9:00 a.m. – 11:00 a.m.**

102 HOB

Meeting Packet

REVISED

**Steve Crisafulli
Speaker**

**H. Marlene O'Toole
Chair**



AGENDA

“Our number one priority in education is to ensure that our schools are focused on student success”

Education Committee
Thursday, April 9, 2015
9:00 a.m. – 11:00 a.m.
102 HOB

- I. Call to Order and Roll Call
- II. Opening Remarks
- III. Consideration of the following bill(s):
 - HB 85 Public School Instruction by Hill
 - CS/HB 1045 Instruction for Homebound and Hospitalized Students by K-12 Subcommittee, Burgess
 - CS/CS/HB 1145 Education by Education Appropriations Subcommittee, K-12 Subcommittee, Sprowls
 - CS/HB 1153 Vocational Rehabilitation by Higher Education & Workforce Subcommittee, Ingoglia
 - HB 7125 Postsecondary Access and Affordability by Higher Education & Workforce Subcommittee, Porter
 - HB 7127 Higher Education by Higher Education & Workforce Subcommittee, Rodrigues, R.
- IV. Closing Remarks and Adjournment

1 A bill to be entitled
 2 An act relating to public school instruction; amending
 3 s. 1003.42, F.S.; requiring that instructional staff
 4 of public schools provide instruction to students
 5 about the terrorist attacks occurring on September 11,
 6 2001, and the impact of those events; providing an
 7 effective date.

8
 9 WHEREAS, former Representative Clay Ford, Jr., who lost his
 10 battle with cancer during the 2013 Legislative Session, served
 11 his country in the United States Army as an infantry officer in
 12 a number of assignments ranging from Germany to the Pentagon,
 13 retiring as a full colonel, and

14 WHEREAS, in 1975, Representative Clay Ford, Jr., served as
 15 a member of the Arkansas House of Representatives, and, in
 16 February 2007, he was elected as a member of the Florida House
 17 of Representatives and reelected in 2008, and

18 WHEREAS, as a member of the Florida House of
 19 Representatives, Representative Clay Ford, Jr., had a passion
 20 for education and served on many committees, including the PreK-
 21 12 Policy Committee, and

22 WHEREAS, Representative Clay Ford, Jr., was a member of
 23 many organizations, including the Arkansas Bar Association and
 24 The Florida Bar as an attorney, the Military Officers
 25 Association of America, and the National Rifle Association, and

26 WHEREAS, this act honors Representative Clay Ford, Jr.'s,

27 | legacy of service to this country and his passion for education
 28 | and the military, NOW, THEREFORE,

29 |

30 | Be It Enacted by the Legislature of the State of Florida:

31 |

32 | Section 1. Paragraph (u) is added to subsection (2) of
 33 | section 1003.42, Florida Statutes, to read:

34 | 1003.42 Required instruction.—

35 | (2) Members of the instructional staff of the public
 36 | schools, subject to the rules of the State Board of Education
 37 | and the district school board, shall teach efficiently and
 38 | faithfully, using the books and materials required that meet the
 39 | highest standards for professionalism and historic accuracy,
 40 | following the prescribed courses of study, and employing
 41 | approved methods of instruction, the following:

42 | (u) The events surrounding the terrorist attacks occurring
 43 | on September 11, 2001, and the impact of those events on the
 44 | nation.

45 |

46 | The State Board of Education is encouraged to adopt standards
 47 | and pursue assessment of the requirements of this subsection.

48 | Section 2. This act shall take effect July 1, 2015.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 85 Public School Instruction

SPONSOR(S): Hill and others

TIED BILLS: **IDEN./SIM. BILLS:** SB 358

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) K-12 Subcommittee	9 Y, 0 N	Flynn	Fudge
2) Education Appropriations Subcommittee	11 Y, 0 N	Seifert	Heflin
3) Education Committee		Flynn <i>KF</i>	Mizereck <i>KM</i>

SUMMARY ANALYSIS

The bill requires public schools to provide instruction on the events surrounding the terrorist attacks of September 11, 2001, and the impact of those events on the nation.

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

The bill provides an effective date of July 1, 2015.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation:

Section 1003.42(2), F.S., establishes components of required instruction for public school students. Instructional staff must teach the following content:

- The history and content of the Declaration of Independence, to include specific consents which include in part national sovereignty, natural law, and how they form the philosophical foundation of our government.
- The history, meaning, significance, and effect of the provisions of the Constitution of the United States with emphasis on each of the ten amendments that make up the Bill of Rights;
- The arguments in support of adopting our republican form of government, as they are embodied in the most important of the Federalist Papers;
- Flag education, including proper flag display and flag salute;
- The elements of civil government, including the primary functions of and interrelationships between the Federal Government, the state, and its counties, municipalities, school districts, and special districts;
- The history of the United States, including the period of discovery, early colonies, the War for Independence, the Civil War, the expansion of the United States to its present boundaries, the world wars, and the civil rights movement to the present;
- The history of the Holocaust;
- The history of African Americans;
- The elementary principles of agriculture;
- The true effects of all alcoholic beverages and narcotics upon the human body and mind;
- Kindness to animals;
- The history of the state;
- The conservation of natural resources;
- Comprehensive health education that addresses concepts of community health; consumer health; environmental health; family life, including in part, an awareness of the benefits of sexual abstinence as the expected standard and the consequences of teenage pregnancy; mental and emotional health; students in grades 7 through 12 teen dating violence and abuse education;
- Such additional materials, subjects, courses, or fields in such grades as are prescribed by law or by rules of the State Board of Education and the district school board in fulfilling the requirements of law;
- The study of Hispanic contributions to the United States;
- The study of women's contributions to the United States;
- The nature and importance of free enterprise to the United States economy;
- A character-development program in kindergarten through grade 12; and
- In order to encourage patriotism, the sacrifices that veterans have made in serving our country and protecting democratic values worldwide.

The law does not establish any particular grade level or courses within which instruction on these topics must be provided. However, the Department of Education takes steps to ensure that the enumerated content is taught in public schools.

Current law does not require instruction on the impact of September 11, 2001, on our nation.

Federal law designates September 11, 2001, as Patriot Day in honor of the individuals who lost their lives as a result of the terrorist attacks against the United States on September 11, 2001.¹

Effect of Proposed Changes:

The bill requires that the events surrounding the terrorist attacks of September 11, 2001, and the impact of those events on the nation be included in the required instruction for public school students. School districts could incorporate remembrance of these events in instruction and school-related activities on Patriot Day, September 11, and throughout the year in other subjects.

B. SECTION DIRECTORY:

Section 1. Creates s. 1003.42(2)(u), F.S.; requiring that instructional staff of public schools provide instruction to students about the terrorist attacks occurring on September 11, 2001, and the impact of those events.

Section 2. Provides an effective date of July 1, 2015.

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:

There is no anticipated fiscal impact associated with this bill. Providing instruction as required by the bill would not necessitate expenditure of funds because free resources are available for use. If districts choose to purchase additional instructional materials, funds received pursuant to the instructional materials categorical under the Florida Education Finance Program (FEFP) formula can be used.

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

None.

1 A bill to be entitled
 2 An act relating to instruction for homebound and
 3 hospitalized students; amending s. 1003.57, F.S.;
 4 requiring school districts to provide instruction to
 5 homebound or hospitalized students; requiring the
 6 State Board of Education to adopt rules for student
 7 eligibility, methods of providing instruction to
 8 homebound or hospitalized students, and the initiation
 9 of services; providing an effective date.

10

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

12

13 Section 1. Paragraph (b) of subsection (1) of section
 14 1003.57, Florida Statutes, is amended to read:

15 1003.57 Exceptional students instruction.—

16 (1)

17 (b) Each district school board shall provide for an
 18 appropriate program of special instruction, facilities, and
 19 services for exceptional students as prescribed by the State
 20 Board of Education as acceptable. Each district program must,
 21 ~~including provisions that:~~

22 1. ~~The district school board~~ Provide the necessary
 23 professional services for diagnosis and evaluation of
 24 exceptional students. At least once every 3 years, the district
 25 school board must submit to the department its proposed
 26 procedures for the provision of special instruction and services

27 for exceptional students.

28 2. ~~The district school board~~ Provide the special
 29 instruction, classes, and services, either within the district
 30 school system, in cooperation with other district school
 31 systems, or through contractual arrangements with approved
 32 private schools or community facilities that meet standards
 33 established by the commissioner.

34 3. ~~The district school board~~ Annually provide information
 35 describing the Florida School for the Deaf and the Blind and all
 36 other programs and methods of instruction available to the
 37 parent of a sensory-impaired student.

38 4. Provide instruction to homebound or hospitalized
 39 students in accordance with this section and rules adopted by
 40 the state board, which must establish, at a minimum, the
 41 following:

42 a. Criteria for the eligibility of K-12 homebound or
 43 hospitalized students for specially designed instruction.

44 b. Procedures for determining student eligibility.

45 c. A list of appropriate methods for providing instruction
 46 to homebound or hospitalized students.

47 d. Requirements for initiating instructional services for
 48 a homebound or hospitalized student once the student is
 49 determined to be eligible. ~~The district school board, once every~~
 50 ~~3 years, submit to the department its proposed procedures for~~
 51 ~~the provision of special instruction and services for~~
 52 ~~exceptional students.~~



CS/HB 1045

2015

53 | Section 2. This act shall take effect July 1, 2015. |

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 1045 Instruction for Homebound and Hospitalized Students
SPONSOR(S): K-12 Subcommittee, Burgess, Jr.
TIED BILLS: IDEN./SIM. BILLS:

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) K-12 Subcommittee	12 Y, 0 N	Brink	Fudge
2) Education Appropriations Subcommittee	11 Y, 0 N	Seifert	Heflin
3) Education Committee		Brink 	Mizereck 

SUMMARY ANALYSIS

Although the State Board of Education has adopted rules regulating instruction for students who are homebound or hospitalized, current law does not expressly provide minimum requirements for initiating instruction for such students.

Accordingly, the bill clarifies that districts must provide instruction to homebound or hospitalized students in accordance with rules adopted by the state board. In addition, the bill expressly authorizes the state board to adopt rules relating to instruction for homebound or hospitalized students. The rules must establish, at minimum:

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

The bill also streamlines provisions relating to school district programs of special instruction, facilities, and services for exceptional students.

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

The bill provides an effective date of July 1, 2015.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

A student who is homebound or hospitalized qualifies as an exceptional student, and is thus eligible for certain exceptional student education services.¹

A homebound or hospitalized student is a student who "has a medically diagnosed physical or psychiatric condition which is acute or catastrophic in nature, or a chronic illness, or a repeated intermittent illness due to a persisting medical problem and which confines the student to home or hospital, and restricts activities for an extended period of time."²

State Board of Education rule provides criteria for determining when a student qualifies as hospitalized or homebound for purposes of receiving specially designed instruction.³ A licensed physician⁴ must certify that the student:

- Is expected to be absent from school due to a physical or psychiatric condition for at least fifteen consecutive school days, or, for students with a chronic condition, for at least 15 consecutive or nonconsecutive school days;
- Is confined to home or hospital;
- Will be able to participate in and benefit from an instructional program;
- Is under medical care for illness or injury which is acute, catastrophic, or chronic in nature; and
- Can receive instructional services without endangering the health and safety of the instructor or other students with whom the instructor may come in contact.⁵

In addition, unless a student already meets eligibility criteria for other exceptional student education services, the student must be enrolled in a public school in kindergarten through 12th grade prior to the referral for homebound or hospitalized services.⁶ Finally, the student's parent, guardian, or primary caregiver must sign an agreement concerning homebound or hospitalized policies and parental cooperation.⁷

At minimum, an annual report from a licensed physician must be used to determine the student's eligibility for specially designed instruction. The report must:

- State that the student is unable to attend school;
- Describe the plan of treatment;
- Provide recommendations regarding school reentry; and
- Give an estimated duration of condition or prognosis.⁸

The team determining eligibility may require additional evaluation data, at no cost to the parent. A physical reexamination and medical report by a licensed physician may be requested on a more frequent basis and may be required if the student is scheduled to attend school part of a day while the

¹ Section 1003.01(3)(a), F.S.; rule 6A-6.03020, F.A.C.

² Rule 6A-6.03020(1), F.A.C. A licensed physician must make the medical diagnosis. *Id.*

³ Rule 6A-6.03020(3), F.A.C.

⁴ The physician must be licensed under chapter 458 or 459, F.S.

⁵ Rule 6A-6.03020(3)(a), F.A.C.

⁶ Rule 6A-6.03020(3)(b), F.A.C.

⁷ Rule 6A-6.03020(3)(c), F.A.C.

⁸ Rule 6A-6.03020(4)(a), F.A.C.

student readjusts to a full school schedule. Reexaminations and reports must be provided at no cost to the parent.⁹

The school district is responsible for conducting all initial evaluations to determine if the student is eligible for services and to determine the student's educational needs.¹⁰ An individual educational plan must be developed or revised for the student before he or she is assigned to a homebound or hospitalized student services program.¹¹

State board rule specifies appropriate instructional methods for homebound or hospitalized students, including in-home instruction, instruction in a hospital,¹² and instruction through telecommunications or computer devices.¹³

Effect of Proposed Changes

The bill clarifies that districts must provide instruction to homebound or hospitalized students in accordance with rules adopted by the state board. In addition, the bill authorizes the state board to adopt rules relating to instruction for homebound or hospitalized students. The rules must establish, at minimum:

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

The bill also streamlines provisions relating to school district programs of special instruction, facilities, and services for exceptional students.

B. SECTION DIRECTORY:

Section 1. Amends 1003.57, F.S; requiring districts to provide instruction to homebound or hospitalized students in accordance with state board rule; requiring certain provisions to be adopted in state board rule.

Section 2. Providing an effective date of July 1, 2015.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

⁹ Rule 6A-6.03020(4)(b), F.A.C.

¹⁰ See Rule 6A-6.03020(5); rule 6A-6.0331(3)(e), F.A.C.

¹¹ Rule 6A-6.03020(6), F.A.C.

¹² "The hospital administrator or designee shall provide appropriate space for the teacher and student to work and allow for the establishment of a schedule for student study between teacher visits." Rule 6A-6.03020(7)(b), F.A.C.

¹³ Rules 6A-6.03020(7)(a), (b), and (c), F.A.C.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

The bill codifies current district practice and State Board of Education rule regulating instruction for homebound and hospitalized students. Since school districts are already meeting the minimum requirements for providing instruction to such students there will not be a fiscal impact.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill provides the State Board of Education express rulemaking authority related to instruction for homebound and hospitalized students.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On March 24, 2015, the K-12 Subcommittee heard a proposed committee substitute (PCS) for the bill and reported it favorably. The PCS differs from the bill by:

- Removing language defining homebound instruction, establishing requirements for “in-hospital” teachers, providing for the award of course credit, and requiring district school boards to develop rules.
- Clarifying that districts must provide instruction to homebound or hospitalized students in accordance with rules adopted by the state board.
- Requiring state board rules to establish, at minimum:
 - Criteria for eligibility of K-12 homebound or hospitalized students for specially designed instruction.
 - Procedures for determining student eligibility.
 - A list of appropriate methods for providing instruction to homebound or hospitalized students.

- Requirements for initiating instructional services for a homebound or hospitalized student once the student is determined to be eligible.

The bill analysis reflects the committee substitute as passed by the K-12 Subcommittee.



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 Sprowls offered the following:

Amendment

Remove lines 122-178 and insert:

6 the state in accordance with rule of the State Board of
 7 Education and regulation of the Board of Governors. This
 8 information shall also include the average amount of money, by
 9 source, estimated to be expended for the education of the
 10 student.

11 Section 3. Section 1002.31, Florida Statutes, is amended
 12 to read:

13 1002.31 Controlled open enrollment; public school parental
 14 choice.-

15 (1) As used in this section, "controlled open enrollment"
 16 means a public education delivery system that allows school



Amendment No. 1

17 districts to make student school assignments using parents'
18 indicated preferential school choice as a significant factor.

19 (2) In addition to the existing eligibility criteria for
20 choice programs provided in s. 1002.20(6)(a), each district
21 school board shall allow a parent to enroll his or her child in
22 and transport his or her child to any public school that has not
23 reached capacity in the district. For purposes of continuity of
24 educational choice, a student may continue to attend the chosen
25 school until the student completes the highest grade offered by
26 the school ~~may offer controlled open enrollment within the~~
27 ~~public schools which is in addition to the existing choice~~
28 ~~programs such as virtual instruction programs, magnet schools,~~
29 ~~alternative schools, special programs, advanced placement, and~~
30 ~~dual enrollment.~~

31 (3) Each district school board ~~offering controlled open~~
32 ~~enrollment~~ shall annually adopt by rule and post on its website,
33 no later than January 1, the process required to participate in
34 controlled open enrollment. The process ~~a controlled open~~
35 ~~enrollment plan which must:~~

36 (a) Adhere to federal desegregation requirements.

37 (b) Allow ~~Include an application process required to~~
38 ~~participate in controlled open enrollment that allows parents to~~
39 ~~declare school preferences, including placement of siblings~~
40 ~~within the same school.~~

41 ~~(b)(e)~~ Provide a lottery procedure to determine student
42 assignment and establish an appeals process for hardship cases.



Amendment No. 1

43 (c)~~(d)~~ Afford parents of students in multiple session
44 schools preferred access to controlled open enrollment.

45 (d)~~(e)~~ Maintain socioeconomic, demographic, and racial
46 balance.

47 (e)~~(f)~~ Address the availability of transportation.

48 (f) Identify schools that have not reached capacity,
49 determined as 90 percent of the total student stations of the
50 school by program and grade level. Each school district shall
51 consider the specifications, plans, elements, and commitments
52 contained in the school district educational facilities plan and
53 the long-term work programs required under s. 1013.35 in its
54 determination.

55 (4) In accordance with the reporting requirements of s.
56 1011.62, each district school board shall annually report the
57 number of students exercising public school choice, by type of
58 choice attending the various types of public schools of choice
59 in the district, in accordance with including schools such as
60 virtual instruction programs, magnet schools, and public charter
61 schools, according to rules adopted by the State Board of
62 Education.

63 (5) (a) Beginning in the 2016-2017 school year, a parent
64 may enroll his or her child in and transport his or her child to
65 any public school that has not reached capacity in any school
66 district in the state. The school district shall accept the
67 student and report the student for purposes of the school



Amendment No. 1

68 district's funding pursuant to the Florida Education Finance
69 Program.

70 (b) If a parent chooses to enroll his or her child in a
71 school of another school district pursuant to paragraph (a) for
72 the 2016-2017 school year, the parent shall notify the district
73 of residence and the district of choice no later than November
74 15, 2015. For the 2017-2018 school year and each school year
75 thereafter the parent shall notify the district of residence and
76 the district of choice of his or her intention to enroll in the
77 district of choice no later than February 15 of each preceding
78 school year. For purposes of continuity of educational choice, a
79 student may continue to attend the chosen school until the
80 student completes the highest grade offered by the school.~~For a~~
81 ~~school or program that is a public school of choice under this~~
82 ~~section, the calculation for compliance with maximum class size~~
83 ~~pursuant to s. 1003.03 is the average number of students at the~~
84 ~~school level.~~

85



Amendment No.2

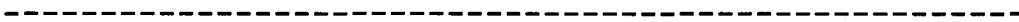
COMMITTEE/SUBCOMMITTEE ACTION

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 Sprowls offered the following:

Amendment (with title amendment)

Remove lines 206-261



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

Remove lines 33-38 and insert:

to any student in the state; amending s. 1012.2315, F.S.;
 specifying which teachers

1 A bill to be entitled

2 An act relating to education; amending s. 1002.20,

3 F.S.; including specific certifications and programs

4 in the public educational choice options available to

5 students; providing that parents of certain public

6 school students may use the Florida Personal Learning

7 Scholarship Accounts Program to seek private

8 educational choice options; providing that parents of

9 public school students have the right to certain

10 information relating to school district finances and

11 the school district's annual financial report;

12 specifying that certain financial information be

13 included and other information not be included in the

14 school report card; requiring that certain financial

15 information be included in the school district's

16 parent guide or a similar publication; amending s.

17 1002.21, F.S.; requiring state universities and

18 Florida College System institutions to annually notify

19 students of certain financial information related to

20 the cost of instruction; amending 1002.31, F.S.;

21 requiring school districts to establish a controlled

22 open enrollment policy; requiring a controlled open

23 enrollment policy to define school capacity; requiring

24 that a district school board annually report the

25 number of students exercising school choice;

26 authorizing a parent to enroll his or her child in any

27 public school in the state that has not reached
 28 capacity; requiring district school boards to
 29 establish a process for a parent to request that his
 30 or her child be transferred to another classroom
 31 teacher; amending s. 1002.33, F.S.; authorizing a
 32 charter school not having reached capacity to be open
 33 to any student in the state; amending s. 1010.215,
 34 F.S; requiring certain information to be included in a
 35 school financial report; requiring the report to be
 36 included in the parent guide or a similar publication
 37 and, if possible, published on the school's website;
 38 amending s. 1012.2315, F.S.; specifying which teachers
 39 are deemed to be in need of improvement for certain
 40 purposes; deleting a provision related to rulemaking;
 41 renaming the term "salary incentives" as "salary
 42 supplements"; amending s. 1012.57, F.S.; requiring the
 43 State Board of Education to adopt rules for the
 44 issuance of adjunct teaching certificates; providing
 45 that adjunct teaching certificates may be used for
 46 full-time teaching positions in certain circumstances;
 47 authorizing charter school governing boards to issue
 48 adjunct teaching certificates; providing an effective
 49 date.

51 Be It Enacted by the Legislature of the State of Florida:
 52

53 Section 1. Paragraphs (a) and (b) of subsection (6) and
 54 subsection (16) of section 1002.20, Florida Statutes, are
 55 amended to read:

56 1002.20 K-12 student and parent rights.—Parents of public
 57 school students must receive accurate and timely information
 58 regarding their child's academic progress and must be informed
 59 of ways they can help their child to succeed in school. K-12
 60 students and their parents are afforded numerous statutory
 61 rights including, but not limited to, the following:

62 (6) EDUCATIONAL CHOICE.—

63 (a) Public educational ~~school~~ choices.—Parents of public
 64 school students may seek whatever public school choice options
 65 that are applicable and available to students in their school
 66 districts. These options may include controlled open enrollment,
 67 single-gender programs, lab schools, virtual instruction
 68 programs, charter schools, charter technical career centers,
 69 magnet schools, alternative schools, special programs, auditory-
 70 oral education programs, career and professional education
 71 (CAPE) digital tool certificates, CAPE industry certifications,
 72 collegiate high school programs, advanced placement, dual
 73 enrollment, International Baccalaureate, International General
 74 Certificate of Secondary Education (pre-AICE), Advanced
 75 International Certificate of Education, early admissions, credit
 76 by examination or demonstration of competency, the New World
 77 School of the Arts, the Florida School for the Deaf and the
 78 Blind, and the Florida Virtual School. These options may also

79 include the public educational ~~school~~ choice options of the
 80 Opportunity Scholarship Program and the McKay Scholarships for
 81 Students with Disabilities Program.

82 (b) Private educational ~~school~~ choices.—Parents of public
 83 school students may seek private educational ~~school~~ choice
 84 options under certain programs.

85 1. Under the McKay Scholarships for Students with
 86 Disabilities Program, the parent of a public school student with
 87 a disability may request and receive a McKay Scholarship for the
 88 student to attend a private school in accordance with s.
 89 1002.39.

90 2. Under the Florida Tax Credit Scholarship Program, the
 91 parent of a student who qualifies for free or reduced-price
 92 school lunch or who is currently placed, or during the previous
 93 state fiscal year was placed, in foster care as defined in s.
 94 39.01 may seek a scholarship from an eligible nonprofit
 95 scholarship-funding organization in accordance with s. 1002.395.

96 3. Under the Florida Personal Learning Scholarship
 97 Accounts Program, the parent of a student with a qualifying
 98 disability may apply for a personal learning scholarship to be
 99 used for educational purposes pursuant to s. 1002.385.

100 (16) SCHOOL ACCOUNTABILITY AND SCHOOL IMPROVEMENT RATING
 101 REPORTS; FISCAL TRANSPARENCY.—Parents of public school students
 102 have the right ~~are entitled~~ to an easy-to-read report card about
 103 the school's grade designation or, if applicable under s.
 104 1008.341, the school's improvement rating; ~~and~~ the school's

105 | accountability report, including the school financial report as
 106 | required under s. 1010.215; and the school district's annual
 107 | financial report, including expenditures by fund type for the
 108 | district's general fund, special revenue funds, debt service
 109 | funds, capital projects funds, and the total of such
 110 | expenditures, calculated per full-time equivalent student.
 111 | Fiduciary funds, enterprise funds, and internal service funds
 112 | shall not be included in the report card. The total expenditures
 113 | per full-time equivalent student as reported in the school
 114 | district's annual financial report, at a minimum, must be
 115 | included in the parent guide or a similar publication.

116 | Section 2. Subsection (6) is added to section 1002.21,
 117 | Florida Statutes, to read:

118 | 1002.21 Postsecondary student and parent rights.—

119 | (6) FISCAL TRANSPARENCY.—Each state university and Florida
 120 | College System institution shall annually notify students of the
 121 | amount and percentage of tuition per credit hour subsidized by
 122 | the state. This information shall also include the average
 123 | amount of money, by source, estimated to be expended for the
 124 | education of the student.

125 | Section 3. Section 1002.31, Florida Statutes, is amended
 126 | to read:

127 | 1002.31 Controlled open enrollment; public school parental
 128 | choice.—

129 | (1) As used in this section, "controlled open enrollment"
 130 | means a public education delivery system that allows school

131 districts to make student school assignments using parents'
 132 indicated preferential school choice as a significant factor.

133 (2) In addition to the existing choice programs provided
 134 in s. 1002.20(6)(a), each district school board shall allow a
 135 parent to enroll his or her child in and transport his or her
 136 child to any public school that has not reached capacity in the
 137 district. ~~may offer controlled open enrollment within the public~~
 138 ~~schools which is in addition to the existing choice programs~~
 139 ~~such as virtual instruction programs, magnet schools,~~
 140 ~~alternative schools, special programs, advanced placement, and~~
 141 ~~dual enrollment.~~

142 (3) Each district school board ~~offering controlled open~~
 143 ~~enrollment~~ shall ~~adopt by rule and~~ post on its website the
 144 process required to participate in controlled open enrollment.
 145 The process ~~a controlled open enrollment plan which~~ must:

- 146 (a) Adhere to federal desegregation requirements.
- 147 ~~(b) Include an application process required to participate~~
 148 ~~in controlled open enrollment that allows parents to declare~~
 149 ~~school preferences, including placement of siblings within the~~
 150 ~~same school.~~
- 151 ~~(b)(e)~~ Provide a lottery procedure to determine student
 152 assignment and establish an appeals process for hardship cases.
- 153 ~~(c)(d)~~ Afford parents of students in multiple session
 154 schools preferred access to controlled open enrollment.
- 155 ~~(d)(e)~~ Maintain socioeconomic, demographic, and racial
 156 balance.

157 ~~(e)(f)~~ Address the availability of transportation.

158 (f) Identify schools that have not reached capacity,
 159 determined by grade level as 90 percent of the allowable core
 160 class size for the class average based upon the class size
 161 calculation pursuant to s. 1003.03.

162 (4) In accordance with the reporting requirements of s.
 163 1011.62, each district school board shall annually report the
 164 number of students exercising public school choice, by type of
 165 choice attending the various types of public schools of choice
 166 in the district, in accordance with including schools such as
 167 virtual instruction programs, magnet schools, and public charter
 168 schools, according to rules adopted by the State Board of
 169 Education.

170 (5) A parent may enroll his or her child in and transport
 171 his or her child to any public school that has not reached
 172 capacity in any school district in the state. The school
 173 district shall accept the student and report the student for
 174 purposes of the school district's funding pursuant to the
 175 Florida Education Finance Program ~~For a school or program that~~
 176 ~~is a public school of choice under this section, the calculation~~
 177 ~~for compliance with maximum class size pursuant to s. 1003.03 is~~
 178 ~~the average number of students at the school level.~~

179 (6) Each district school board shall establish a transfer
 180 process for a parent to request that his or her child be
 181 transferred to another classroom teacher. This subsection does
 182 not give a parent the right to choose a specific classroom

183 teacher. A school must grant or deny the transfer within 2 weeks
 184 after receiving the request. If a request for transfer is
 185 denied, the school shall notify the parent and specify the
 186 reasons for the denial. An explanation of the transfer process
 187 must be made available in the parent guide or a similar
 188 publication.

189 Section 4. Paragraph (a) of subsection (10) of section
 190 1002.33, Florida Statutes, is amended to read:

191 1002.33 Charter schools.—

192 (10) ELIGIBLE STUDENTS.—

193 (a) A charter school shall be open to any student covered
 194 in an interdistrict agreement or residing in the school district
 195 in which the charter school is located; however, in the case of
 196 a charter lab school, the charter lab school shall be open to
 197 any student eligible to attend the lab school as provided in s.
 198 1002.32 or who resides in the school district in which the
 199 charter lab school is located. Any eligible student shall be
 200 allowed interdistrict transfer to attend a charter school when
 201 based on good cause. Good cause shall include, but is not
 202 limited to, geographic proximity to a charter school in a
 203 neighboring school district. A charter school that has not
 204 reached capacity as defined in s. 1002.31(3)(g) may be open to
 205 any student in the state.

206 Section 5. Subsection (5) of section 1010.215, Florida
 207 Statutes, is amended to read:

208 1010.215 Educational funding accountability.—

209 (5) The annual school public accountability report
 210 required by ss. 1001.42(18) and 1008.345 must include a school
 211 financial report. The purpose of the school financial report is
 212 to better inform parents and the public concerning how funds
 213 were spent to operate the school during the prior fiscal year
 214 and to inform parents of the average amount of money expended
 215 per student in the school, including operating and capital
 216 outlay expenses. Each school's financial report must follow a
 217 uniform, districtwide format that is easy to read and
 218 understand. The school financial report must be included in the
 219 parent guide required under s. 1002.23(5) or a similar
 220 publication and, if possible, published on the school's website.

221 (a) Total revenue must be reported at the school,
 222 district, and state levels. The revenue sources that must be
 223 addressed are state and local funds, other than lottery funds;
 224 lottery funds; federal funds; and private donations.

225 (b) Expenditures must be reported as the total
 226 expenditures per unweighted full-time equivalent student at the
 227 school level and the average expenditures per full-time
 228 equivalent student at the district and state levels in each of
 229 the following categories and subcategories:

230 1. Teachers, excluding substitute teachers, and education
 231 paraprofessionals who provide direct classroom instruction to
 232 students enrolled in programs classified by s. 1011.62 as:

- 233 a. Basic programs;
- 234 b. Students-at-risk programs;

- 235 c. Special programs for exceptional students;
 236 d. Career education programs; and
 237 e. Adult programs.
- 238 2. Substitute teachers.
- 239 3. Other instructional personnel, including school-based
 240 instructional specialists and their assistants.
- 241 4. Contracted instructional services, including training
 242 for instructional staff and other contracted instructional
 243 services.
- 244 5. School administration, including school-based
 245 administrative personnel and school-based education support
 246 personnel.
- 247 6. The following materials, supplies, and operating
 248 capital outlay:
- 249 a. Textbooks;
 250 b. Computer hardware and software;
 251 c. Other instructional materials;
 252 d. Other materials and supplies; and
 253 e. Library media materials.
- 254 7. Food services.
 255 8. Other support services.
 256 9. Operation and maintenance of the school plant.
- 257 (c) The school financial report must also identify the
 258 types of district-level expenditures that support the school's
 259 operations. The total amount of these district-level
 260 expenditures must be reported and expressed as total

261 expenditures per full-time equivalent student.

262 Section 6. Subsections (1), (2), (3), and (4) and
 263 paragraph (a) of subsection (5) of section 1012.2315, Florida
 264 Statutes, are amended to read:

265 1012.2315 Assignment of teachers.—

266 (1) LEGISLATIVE FINDINGS AND INTENT.—The Legislature finds
 267 disparities between teachers assigned to teach in a majority of
 268 schools that do not need improvement and schools that do need
 269 improvement pursuant to s. 1008.33. The disparities may be found
 270 in the assignment of temporarily certified teachers, teachers
 271 who received a performance evaluation rating of needs
 272 improvement or unsatisfactory pursuant to s. 1012.34 ~~in need of~~
 273 ~~improvement~~, and out-of-field teachers and in the performance of
 274 the students. It is the intent of the Legislature that district
 275 school boards have flexibility through the collective bargaining
 276 process to assign teachers more equitably across the schools in
 277 the district.

278 (2) ASSIGNMENT TO SCHOOLS GRADED "D" or "F".—

279 (a) A school district may not assign a higher percentage
 280 than the school district average of temporarily certified
 281 teachers, teachers who received a performance evaluation rating
 282 of needs improvement or unsatisfactory pursuant to s. 1012.34 ~~in~~
 283 ~~need of improvement~~, or out-of-field teachers to schools graded
 284 "D" or "F" pursuant to s. 1008.34.

285 (b)1. ~~Beginning July 1, 2014,~~ A school district may assign
 286 an individual newly hired as instructional personnel to a school

287 that has earned a grade of "F" in the previous year or any
 288 combination of three consecutive grades of "D" or "F" in the
 289 previous 3 years pursuant to s. 1008.34 if the individual:

290 a. Has received an effective rating or highly effective
 291 rating in the immediate prior year's performance evaluation
 292 pursuant s. 1012.34;

293 b. Has successfully completed or is enrolled in a teacher
 294 preparation program pursuant to s. 1004.04, s. 1004.85, or s.
 295 1012.56, or a teacher preparation program specified in State
 296 Board of Education rule, is provided with high quality mentoring
 297 during the first 2 years of employment, holds a certificate
 298 issued pursuant to s. 1012.56, and holds a probationary contract
 299 pursuant to s. 1012.335(2)(a); or

300 c. Holds a probationary contract pursuant to s.
 301 1012.335(2)(a), holds a certificate issued pursuant to s.
 302 1012.56, and has successful teaching experience, and if, in the
 303 judgment of the school principal, students would benefit from
 304 the placement of that individual.

305 2. As used in this paragraph, the term "mentoring"
 306 includes the use of student achievement data combined with at
 307 least monthly observations to improve the educator's
 308 effectiveness in improving student outcomes. Mentoring may be
 309 provided by a school district, a teacher preparation program
 310 approved pursuant to s. 1004.04, s. 1004.85, or s. 1012.56, or a
 311 teacher preparation program specified in State Board of
 312 Education rule.

313 ~~3. The State Board of Education shall adopt rules under~~
 314 ~~ss. 120.536(1) and 120.54 to implement this paragraph.~~

315

316 Each school district shall annually certify to the Commissioner
 317 of Education that the requirements in this subsection have been
 318 met. If the commissioner determines that a school district is
 319 not in compliance with this subsection, the State Board of
 320 Education shall be notified and shall take action pursuant to s.
 321 1008.32 in the next regularly scheduled meeting to require
 322 compliance.

323 (3) SALARY SUPPLEMENTS ~~INCENTIVES~~.—District school boards
 324 are authorized to provide salary supplements ~~incentives~~ to meet
 325 the requirement of subsection (2). A district school board may
 326 not sign a collective bargaining agreement that precludes the
 327 school district from providing sufficient supplements ~~incentives~~
 328 to meet this requirement.

329 (4) COLLECTIVE BARGAINING.—Notwithstanding provisions of
 330 chapter 447 relating to district school board collective
 331 bargaining, collective bargaining provisions may not preclude a
 332 school district from providing supplements ~~incentives~~ to high-
 333 quality teachers and assigning such teachers to low-performing
 334 schools.

335 (5) REPORT.—

336 (a) ~~By July 1, 2012,~~ The Department of Education shall
 337 annually report on its website, in a manner that is accessible
 338 to the public, the performance rating data reported by district

339 school boards under s. 1012.34. The report must include the
 340 percentage of classroom teachers, instructional personnel, and
 341 school administrators receiving each performance rating
 342 aggregated by school district and by school.

343 Section 7. Section 1012.57, Florida Statutes, is amended
 344 to read:

345 1012.57 Certification of adjunct educators.—

346 (1) Notwithstanding the provisions of ss. 1012.32,
 347 1012.55, and 1012.56, or any other provision of law or rule to
 348 the contrary, the State Board of Education ~~district school~~
 349 ~~boards~~ shall adopt rules to allow for the issuance of an adjunct
 350 teaching certificate by a district school board and charter
 351 school governing board to any applicant who fulfills the
 352 requirements of s. 1012.56(2)(a)-(f) and (10) and who has
 353 expertise in the subject area to be taught. An applicant shall
 354 be considered to have expertise in the subject area to be taught
 355 if the applicant demonstrates sufficient subject area mastery
 356 pursuant to rules of the state board ~~through passage of a~~
 357 ~~subject area test~~. The adjunct teaching certificate shall be
 358 used for part-time teaching positions and may be used for full-
 359 time teaching positions upon demonstrating competency in the
 360 following:

- 361 (a) The Florida Educator Accomplished Practices.
- 362 (b) The state-adopted student content standards.
- 363 (c) Scientifically research-based reading instruction.
- 364 (d) Content literacy and mathematical practices.

365 (e) Strategies appropriate for instruction of English
 366 language learners.

367 (f) Strategies appropriate for instruction of students
 368 with disabilities.

369 (2) Adjunct certification enables ~~The Legislature intends~~
 370 ~~that this section allow school districts to tap the wealth of~~
 371 ~~talent and expertise represented in Florida's citizens who may~~
 372 ~~wish to teach part-time in a Florida public school by permitting~~
 373 school districts and charter schools to enhance the diversity of
 374 course offerings, whether face-to-face or online, by using the
 375 wealth of talent and expertise represented by the residents of
 376 the state ~~issue adjunct certificates to qualified applicants.~~

377 ~~(3) Adjunct certificateholders should be used as a~~
 378 ~~strategy to enhance the diversity of course offerings offered to~~
 379 ~~all students. School districts may use the expertise of~~
 380 ~~individuals in the state who wish to provide online instruction~~
 381 ~~to students by issuing adjunct certificates to qualified~~
 382 ~~applicants.~~

383 (3)(4) Each adjunct teaching certificate is valid through
 384 the term of the annual contract between the educator and the
 385 school district or charter school. An additional annual
 386 certification and an additional annual contract may be awarded
 387 ~~by the district at the district's discretion but only~~ if the
 388 applicant is rated effective or highly effective under s.
 389 1012.34 during each year of teaching under adjunct teaching
 390 certification.

CS/CS/HB 1145

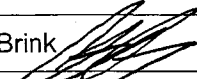

2015

391 (4) ~~(5)~~ Individuals who are certified and employed under
392 this section shall have the same rights and protection of laws
393 as teachers certified under s. 1012.56.

394 Section 8. This act shall take effect July 1, 2015.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/CS/HB 1145 Education
SPONSOR(S): K-12 Subcommittee, Sprowls and others
TIED BILLS: IDEN./SIM. BILLS:

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) K-12 Subcommittee	11 Y, 2 N	Brink	Fudge
2) Education Appropriations Subcommittee	8 Y, 3 N, As CS	Seifert	Heflin
3) Education Committee		Brink 	Mizereck 

SUMMARY ANALYSIS

The bill enhances K-20 fiscal transparency and revises provisions relating to public and private educational choice options and assignment and certification of teachers by:

- Specifying that CAPE digital tools, CAPE industry certifications, and collegiate high school programs are considered public educational choice options and that the Florida Personal Learning Savings Account Program is a private educational choice option.
- Requiring that parents be provided information about the average amount expended per student in their child's school using the parent guide or a similar publication.
- Requiring that each state university and Florida College System institution annually notify students of state expenditures used for the education of the student.
- Requiring district school boards to publish an open controlled enrollment process that allows a parent to enroll his or her child and transport the child to any public school.
- Defining the term "capacity" for purposes of determining choices available for public K-12 enrollment.
- Specifying that a charter school that has not reached capacity may be open to any student in the state.
- Requiring district school boards to establish a transfer process by which a parent may request that his or her child be transferred to another teacher.
- Conforming language related to the assignment of teachers.
- Requiring the state board to establish rules for the issuance of adjunct certificates, allowing adjunct certificates to be used for full-time positions in certain circumstances, and authorizing charter school boards to issue adjunct certificates.

The authorization in the bill for students to enroll in any district in the state would result in a redistribution of funding among the 67 school districts in the Florida Education Finance Program (FEFP). See fiscal comments.

The bill provides an effective date of July 1, 2015.

School, and the public school options for the Opportunity Scholarship Program and the McKay Scholarships for Students with Disabilities Program.⁷

Controlled Open Enrollment

Controlled open enrollment is a public education delivery system that gives school districts the option of making student school assignments using a parent's indicated preferential public school choice as a significant factor.⁸

Each district school board offering the controlled open enrollment must adopt by rule a controlled open enrollment plan and post the plan on the district's website.⁹ The plan must:¹⁰

- Adhere to federal desegregation requirements.
- Include an application process required to participate in controlled open enrollment that allows parents to declare school preferences, including placement of siblings within the same school.
- Provide a lottery procedure to determine student assignment and establish an appeals process for hardship cases.
- Afford parents of students in multiple session schools preferred access to controlled open enrollment.
- Maintain socioeconomic, demographic, and racial balance.
- Address the availability of transportation.

During the 2013-14 school year, 52 districts offered some form of controlled open enrollment.¹¹

Private Educational Choices

Current law allows parents of public school students to seek private school choice options under the McKay Scholarships for Students with Disabilities Program and the Florida Tax Credit Scholarship Program.¹² Under the McKay program, the parent of a public school student with a disability may request and receive a McKay Scholarship for the student to attend a private school.¹³ Under the Florida Tax Credit Scholarship Program, the parent of a student who qualifies for free or reduced-price school lunch or who is currently placed, or during the previous state fiscal year was placed, in foster care may seek a scholarship from an eligible nonprofit scholarship-funding organization.¹⁴

Legislation enacted in 2014 established the Florida Personal Learning Scholarship Accounts (PLSA) Program for students who:

- Are Florida residents;
- Are eligible to enroll in kindergarten through grade 12 in a public school;
- Have an eligible disability;¹⁵ and
- Are the subject of an IEP or have a diagnosis of an eligible disability from a physician or psychologist.

⁷ Section 1002.20(6), F.S.

⁸ Section 1002.31(1), F.S.; Implementation of the plan by a district school board is optional. Section 1002.31(2), F.S.

⁹ Section 1002.31(3), F.S.

¹⁰ Section 1002.31(3), F.S.

¹¹ Email, Florida Department of Education, Office of Independent Education and Parental Choice (Mar. 15, 2015). The department no longer collects information related to controlled open enrollment plans, as the districts are no longer required to submit the plans to the department for approval. *See s. 21, ch. 2014-39, L.O.F.*

¹² Section 1002.20(6)(b), F.S.

¹³ Section 1002.20(6)(b)1., F.S.

¹⁴ Section 1002.20(6)(b)2., F.S.

¹⁵ Eligible disabilities are autism; cerebral palsy; Down syndrome; an intellectual disability; Prader-Willi syndrome; Spina bifida; Williams syndrome; and, for a student in kindergarten, being a high-risk child.

Persons seeking employment at a public school as a school supervisor, school principal, teacher, library media specialist, school counselor, athletic coach, or in another instructional capacity must be certified.²¹ The purpose of certification is to require school-based personnel to “possess the credentials, knowledge, and skills necessary to allow the opportunity for a high-quality education in the public schools.”²²

To be eligible for an educator certificate, a person must:²³

- Be at least 18 years of age;
- Sign an affidavit attesting that the applicant will uphold the U.S. and State Constitutions;
- Earn a bachelor’s or higher degree from an accredited institution of higher learning or from a nonaccredited institution identified by the department as having a quality program resulting in a bachelor’s or higher degree;²⁴
- Submit to fingerprinting and background screening and not have a criminal history that requires the applicant’s disqualification from certification or employment;
- Be of good moral character; and
- Be competent and capable of performing the duties, functions, and responsibilities of a teacher.

In addition, each applicant must submit an application and the required fee to the department.²⁵

The department issues three types of educator certificates:

- **Professional Certificate.** The professional certificate is Florida’s highest type of full-time educator certification.²⁶ The professional certificate is valid for five years and is renewable.²⁷ There are multiple ways to obtain a professional certificate, including through teacher preparation programs, certificate reciprocity, and other alternative routes, such as college teaching experience and professional training options.²⁸
- **Temporary Certificate.** The temporary certificate covers employment in full-time positions for which educator certification is required.²⁹ The temporary certificate is valid for three years and is nonrenewable.³⁰
- **Athletic Coaching Certificate.** The athletic coaching certificate covers full-time and part-time employment as a public school’s athletic coach.³¹ DOE issues two types of athletic coaching certificates – one is valid for five years and is renewable and the other is valid for three years

²¹ Sections 1002.33(12)(f) (charter school teachers) and 1012.55(1), F.S. District school boards and charter school governing boards are authorized to hire non-certificated individuals who possess expertise in a given field to serve in an instructional capacity. Rule 6A-1.0502, F.A.C.; ss. 1002.33(12)(f) and 1012.55(1)(c), F.S. Occupational therapists, physical therapists, audiologists, and speech therapists are not required to be certified educators. Rule 6A-1.0502(10) and (11), F.A.C.

²² Section 1012.54, F.S.; see rule 6A-4.001(1), F.A.C.

²³ Section 1012.56(2)(a)-(f), F.S.

²⁴ Section 1012.56(2)(c), F.S.; rule 6A-4.003(2), F.A.C. (criteria for approval of nonaccredited institutions of higher learning). For initial certification, an applicant must attain at least a 2.5 overall grade point average on a 4.0 scale in the applicant’s major field of study. Section 1012.56(2)(c), F.S.

²⁵ Section 1012.56(1), F.S.; see s. 1012.59, F.S. The fee for initial certification is \$75 per subject area. Rule 6A-4.0012(1)(a)1. and 2., F.A.C.

²⁶ Rule 6A-4.004(2), F.A.C.

²⁷ Section 1012.56(7)(a), F.S.; see rule 6A-4.0051(3)(c), F.A.C. (validity period is expressed as 5 years from July 1 of the school fiscal year).

²⁸ See Florida Department of Education, *Routes to a Florida Professional Certificate* (2014), available at <http://www.fldoe.org/core/fileparse.php/5423/urlt/Routes2014Chart.pdf>.

²⁹ Rule 6A-4.004(1)(a)2., F.A.C.

³⁰ Section 1012.56(7), F.S. (flush-left provisions at end of subsection; validity period is expressed in school fiscal years); rule 6A-4.004(1)(a), F.A.C. DOE also issues a nonrenewable temporary certificate, which is valid for 2 years, in the area of speech-language impairment. Sections 1012.56(7)(c) and 1012.54, F.S.; rule 6A-4.001(1), F.A.C.

³¹ Section 1012.55(2), F.S.

Section 2. Amends s. 1002.21, F.S.; requiring state universities and Florida College System institutions to annually notify students of certain financial information related to cost of instruction.

Section 3. Amends s. 1002.31, F.S.; requiring districts to publish a process for controlled open enrollment; defining capacity; requiring a district school board to annually report the number of student exercising school choice; allowing a parent to enroll his or her child in a public school in the state that has not reached capacity; requiring districts to establish a process for a parent to request his or her child to be transferred to another teacher and providing requirements for the process.

Section 4. Amends s. 1002.33, F.S.; specifying that a charter school with capacity may be open to any student in the state.

Section 5. Amends s. 1010.215, F.S.; requiring certain information to be included in a school financial report.

Section 6. Amends s. 1012.2315, F.S.; conforming language relating to assignment of teachers.

Section 7. Amends s. 1012.57, F.S.; requiring the state board to adopt rules for the issuance of adjunct teaching certificates; allowing adjunct certificates to be used for full-time positions in certain circumstances; allowing charter school boards to issue adjunct certificates.

Section 8. Provides an effective date of July 1, 2015.

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:

The bill requires each district school board to allow a parent to choose to enroll his or her child in and transport his or her child to any public school that has not reached capacity in the district. Further, the bill provides that a parent may enroll his or her child in and transport his or her child to any public school, including charter schools, that has not reached capacity in any school district in the state. The school district must accept the student and report the student for purposes of the district's funding pursuant to the Florida Education Finance Program.

On March 31, 2015, the Education Appropriations Subcommittee adopted one amendment and reported the bill favorably as a committee substitute. The amendment clarifies the school district per student expenditure data and specifies the information to be provided by the school district to parents in the parent guide or similar document.

1 A bill to be entitled
 2 An act relating to vocational rehabilitation; amending
 3 s. 445.003, F.S.; requiring Workforce Florida, Inc.,
 4 to include certain measurable performance goals
 5 relating to employment of persons who have a
 6 disability in its state strategic plan; providing an
 7 effective date.

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

10
 11 Section 1. Subsection (6) is added to section 445.003,
 12 Florida Statutes, to read:

13 445.003 Implementation of the federal Workforce Investment
 14 Act of 1998.—

15 (6) STRATEGIC PLAN PERFORMANCE GOALS FOR PERSONS WHO HAVE
 16 A DISABILITY.—As part of the state's implementation of the
 17 federal Workforce Innovation and Opportunity Act, Pub. L. No.
 18 113-128, the president of Workforce Florida, Inc., shall include
 19 in the state strategic plan required under s. 445.006 specific,
 20 measurable performance goals for the employment of persons who
 21 have a disability. The goals shall be designed to elevate the
 22 state's vocational rehabilitation program to one of the top 10
 23 in the nation and must address the number and percentage of:

- 24 (a) Individuals receiving services.
 25 (b) Individuals receiving postsecondary workforce
 26 education.

CS/HB 1153

2015

27 (c) Cases closed due to the employment of the eligible
28 individual.

29 Section 2. This act shall take effect July 1, 2015.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 1153 Vocational Rehabilitation Services
SPONSOR(S): Higher Education and Workforce Subcommittee, Ingoglia
TIED BILLS: IDEN./SIM. BILLS: SB 802

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Higher Education & Workforce Subcommittee	10 Y, 0 N, As CS	Banner	Sherry
2) Education Committee		Banner <i>12</i>	Mizereck <i>WA</i>

SUMMARY ANALYSIS

The bill establishes specific, measurable performance goals for the employment of persons who have disabilities as part of the state plan to implement the federal Workforce Innovation and Opportunity Act (WIOA). The goals focus on elevating the state vocational rehabilitation program to one of the top ten in the nation by addressing the following metrics:

- Number and percentage of individuals receiving services;
- Number and percentage of individuals receiving postsecondary workforce education; and
- Number and percentage of cases closed due to the individual obtaining employment.

The bill has an effective date of July 1, 2015.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Florida's population includes approximately 2.4 million individuals with disabilities, which represents nearly 13 percent of the state's population. Approximately 10 percent are within working-age (i.e., ages 18-64). These individuals may qualify for vocational rehabilitation services.¹ Vocational rehabilitation is a federal-state program that helps people who have physical or mental disabilities get or keep a job.²

The Division of Vocational Rehabilitation (VR) is housed within the Florida Department of Education (DOE) and is the designated administrative unit for the state's compliance with the Vocational Rehabilitation Act of 1973, as amended.³ The division is responsible for maintaining an internal system of quality assurance and monitoring compliance with state and federal laws, rules, and regulations.⁴

The Workforce Innovation and Opportunity Act (WIOA) became law on July 22, 2014.⁵ WIOA replaces the federal Workforce Innovation Act of 1998 (WIA), which the state implemented under the Workforce Innovation Act of 2000.⁶ Until the enactment of WIOA, WIA was the primary federal platform that provided investment and support in employment services, workforce development activities, job training, adult education, and vocational training through the country.⁷

In general, WIOA maintains the framework of WIA but includes provisions aimed at streamlining programs, easing reporting requirements, and reducing administrative barriers. Under the WIOA provisions, VR is required to work with the Department of Economic Opportunity and CareerSource Florida on the development of a single, unified state plan with common performance standards and metrics aligned to outcomes designed to create opportunities for long-term career pathways and the delivery of market-relevant skills.

Additionally, WIOA increases individuals with disabilities' access to high-quality workforce services to prepare them for competitive integrated employment by requiring better employer engagement and promoting physical and programmatic accessibility to employment and training services. Youth with disabilities receive extensive pre-employment transition services to obtain and retain competitive integrated employment. WIOA also creates an Advisory Committee on strategies to increase competitive integrated employment for individuals with disabilities.⁸ WIOA requires state vocational rehabilitation agencies to set aside at least 15 percent of their funding to provide transition services to youth with disabilities and provides state grant programs aimed at engaging employers to improve participant employment outcomes.⁹

¹ U.S. Census Bureau, *2009-2013 American Community Survey 5-Year Estimates*, <http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?src=bkmk> (last visited March 23, 2015).

² Florida Department of Education, Division of Vocational Rehabilitation, *Frequently Asked Questions*, <http://www.rehabworks.org/faq.shtml> (last visited March 23, 2015).

³ Section 413.202, F.S.; see also Pub. L. No. 93-112, 87 Stat. 355 (Sep. 26, 1973).

⁴ Section 413.207, F.S.

⁵ Library of Congress, 113th Congress (2013-2014), H.R. 803 – Workforce Innovation and Opportunity Act, Congress.gov, available at <https://www.congress.gov/bill/113th-congress/house-bill/803/actions> (last visited March 23, 2015).

⁶ Ch. 445, F.S. and section 445.003, F.S.

⁷ Section 445.003, F.S.

⁸ U.S. Department of Labor, Employment and Training Administration, *WIOA Factsheet*, <http://www.doleta.gov/wioa/pdf/WIOA-Factsheet.pdf>.

⁹ U.S. Department of Labor, Employment and Training Administration, *WIOA Overview*, <http://www.doleta.gov/wioa/pdf/WIOA-Overview.pdf>.

WIOA officially becomes effective on July 1, 2015, however the state unified plans and common performance accountability provisions become effective July 1, 2016.¹⁰ The United State Department of Labor is currently in the rulemaking process for WIOA, which it expects to complete by spring 2015. Until the rulemaking process is complete, the law's specific implementation procedures and processes remain unclear.¹¹

Effect of Proposed Changes

The bill establishes specific, measureable performance goals for the employment of persons who have disabilities as part of the state plan to implement the federal Workforce Innovation and Opportunity Act (WIOA). The goals focus on elevating the state vocational rehabilitation program to one of the top ten in the nation by addressing the following metrics:

- Number and percentage of individuals receiving services;
- Number and percentage of individuals receiving postsecondary workforce education; and
- Number and percentage of cases closed due to the individual obtaining employment.

B. SECTION DIRECTORY:

Section 1. Amends s. 445.003, F.S., to provide specific performance goals for the state plan to implement the federal Workforce Innovation and Opportunity Act.

Section 2. Provides an effective date of July 1, 2015.

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

¹⁰ *Id.*

¹¹ U.S. Department of Labor, Employment and Training Administration, Workforce Innovation and Opportunity Act of 2014, available at <http://www.doleta.gov/WIOA/> (last visited March 23, 2015).

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable.

2. Other:

None

B. RULE-MAKING AUTHORITY:

None

C. DRAFTING ISSUES OR OTHER COMMENTS:

None

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On March 25, 2015, the Higher Education and Workforce Subcommittee reported the proposed committee substitute for HB 1153 favorably as a committee substitute. The proposed committee substitute establishes specific, measureable performance goals for the employment of persons who have disabilities as part of the state plan to implement the federal Workforce Innovation and Opportunity Act (WIOA).

The bill analysis reflects the bill as passed by the Higher Education and Workforce Subcommittee.



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 Porter offered the following:

Amendment

5 Remove lines 338-358 and insert:

6 ~~(5) (3) Florida College System institutions and state~~
 7 ~~universities shall post on their websites, as early as is~~
 8 ~~feasible, but not less than 30 days prior to the first day of~~
 9 ~~class for each term, a list of each textbook required for each~~
 10 ~~course offered at the institution during the upcoming term.~~
 11 Within 15 days of receiving an instructional assignment at a
 12 Florida College System institution or state university, each
 13 course instructor shall identify and report to the institution
 14 ~~The posted list must include~~ the International Standard Book
 15 Number (ISBN) for each required and recommended textbook and
 16 instructional material or other identifying information, which
 17 must include, at a minimum, all of the following: the title, all



Amendment No. 1

18 authors listed, publishers, edition number, copyright date,
19 published date, and other relevant information necessary to
20 identify the specific ~~textbook or~~ textbooks or instructional
21 materials required and recommended for their each course. Each
22 Florida College System institution and state university shall
23 post prominently in the course registration system and on its
24 website a hyperlink to required and recommended textbooks and
25 instructional materials for each course offered at the
26 institution during the upcoming term. This information must be
27 posted within 3 business days after receiving the required and
28 recommended textbook and instructional material selections from
29 each course instructor. The State Board of Education and the
30 Board of Governors shall include in the policies, procedures,
31 and guidelines adopted under subsection (6)~~(4)~~ certain limited
32 exceptions to this notification requirement for classes added
33 after the notification deadline.

34

1 A bill to be entitled
2 An act relating to postsecondary access and
3 affordability; amending s. 446.021, F.S.; revising
4 definitions relating to state apprenticeship and job-
5 training programs; amending s. 446.032, F.S.;
6 conforming provisions; amending s. 446.045, F.S.;
7 revising criteria for certain appointments to the
8 State Apprenticeship Advisory Council; amending s.
9 446.081, F.S.; limiting applicability of state
10 apprenticeship and job-training program requirements
11 with respect to certain provisions for veterans,
12 minority persons, and women; amending s. 446.091,
13 F.S.; conforming provisions; amending s. 446.092,
14 F.S.; revising criteria for apprenticeship
15 occupations; amending s. 1001.7065, F.S.; specifying
16 that the costs of instructional materials are not
17 included in tuition for certain online degree
18 programs; amending s. 1004.015, F.S.; revising the
19 membership of the Higher Education Coordinating
20 Council; creating s. 1004.084, F.S.; requiring the
21 Board of Governors of the State University System and
22 the State Board of Education to submit annual reports
23 to the Governor and Legislature relating to college
24 affordability; amending s. 1004.085, F.S.; revising
25 provisions relating to textbook affordability to
26 include instructional materials; defining the term

27 "instructional materials"; requiring Florida College
 28 System institution and state university boards of
 29 trustees to identify wide variances in the costs of,
 30 and in the frequency of changes in the selection of,
 31 textbooks and instructional materials for certain
 32 courses; requiring the boards of trustees to send
 33 identified courses to the academic department chairs
 34 for review; providing for legislative review and
 35 repeal of specified provisions; requiring
 36 postsecondary institutions to consult with certain
 37 school districts to identify certain practices;
 38 requiring cost-benefit analyses relating to textbooks
 39 and instructional materials; providing reporting
 40 requirements; amending s. 1004.92, F.S.; revising the
 41 program standards for career, adult, and community
 42 education programs; providing for rulemaking; amending
 43 s. 1009.23, F.S.; requiring Florida College System
 44 institutions to provide a public notice relating to
 45 increases in tuition and fees; amending s. 1009.24,
 46 F.S.; revising provisions relating to the assessment
 47 of a tuition differential by a state university board
 48 of trustees; revising requirements for the use of
 49 tuition differential revenues; deleting a requirement
 50 that a certain percentage of tuition differential
 51 revenues be used for the purpose of improvements in
 52 the quality of undergraduate education; requiring

53 state universities to provide a public notice relating
 54 to increases in tuition and fees; creating s.
 55 1011.802, F.S.; creating the Florida Apprenticeship
 56 Grant Program within the Department of Education to
 57 provide grants to specific centers and institutions
 58 for the creation of new apprenticeship programs or the
 59 expansion of existing apprenticeship programs;
 60 providing requirements related to applications,
 61 program priority, use of grant funds, and quarterly
 62 reports; creating s. 1011.803, F.S.; creating the
 63 Rapid Response Grant Program; providing for the
 64 purpose, requirements, and administration of the
 65 program; requiring certain career centers to provide
 66 quarterly reports; requiring an annual analysis of the
 67 program; providing appropriations; providing an
 68 effective date.

69
 70 Be It Enacted by the Legislature of the State of Florida:

71
 72 Section 1. Subsections (2), (4), and (9) of section
 73 446.021, Florida Statutes, are amended to read:

74 446.021 Definitions of terms used in ss. 446.011-446.092.-
 75 As used in ss. 446.011-446.092, the term:

76 (2) "Apprentice" means a person at least 16 years of age
 77 who is engaged in learning a recognized skilled trade through
 78 actual work experience under the supervision of a journeyworker

79 ~~journeymen craftsmen~~, which training should be combined with
 80 properly coordinated studies of related technical and
 81 supplementary subjects, and who has entered into a written
 82 agreement, which may be cited as an apprentice agreement, with a
 83 registered apprenticeship sponsor who may be ~~either~~ an employer,
 84 an association of employers, or a local joint apprenticeship
 85 committee.

86 (4) "Journeyworker Journeyman" means a worker who has
 87 attained a level of skill and the abilities and competencies
 88 recognized within an industry as having mastered the skills and
 89 competencies required for the occupation. The term includes a
 90 mentor, technician, or specialist or other skilled worker who
 91 has documented sufficient skills and knowledge of an occupation,
 92 either through formal apprenticeship or through practical on-
 93 the-job experience and formal training ~~person working in an~~
 94 ~~apprenticeable occupation who has successfully completed a~~
 95 ~~registered apprenticeship program or who has worked the number~~
 96 ~~of years required by established industry practices for the~~
 97 ~~particular trade or occupation.~~

98 (9) "Related instruction" means an organized and
 99 systematic form of instruction designed to provide the
 100 apprentice with knowledge of the theoretical and technical
 101 subjects related to a specific trade or occupation. Such
 102 instruction may be given in a classroom, through occupational or
 103 industrial courses or correspondence courses of equivalent
 104 value, through electronic media, or through other forms of self-

105 study approved by the department.

106 Section 2. Subsection (1) of section 446.032, Florida
 107 Statutes, is amended to read:

108 446.032 General duties of the department for
 109 apprenticeship training.—The department shall:

110 (1) Establish uniform minimum standards and policies
 111 governing apprentice programs and agreements. The standards and
 112 policies shall govern the terms and conditions of the
 113 apprentice's employment and training, including the quality
 114 training of the apprentice for, but not limited to, such matters
 115 as ratios of apprentices to journeyworkers ~~journeymen~~, safety,
 116 related instruction, and on-the-job training; but these
 117 standards and policies may not include rules, standards, or
 118 guidelines that require the use of apprentices and job trainees
 119 on state, county, or municipal contracts. The department may
 120 adopt rules necessary to administer the standards and policies.

121 Section 3. Paragraph (b) of subsection (2) of section
 122 446.045, Florida Statutes, is amended to read:

123 446.045 State Apprenticeship Advisory Council.—

124 (2)(b) The Commissioner of Education or the commissioner's
 125 designee shall serve ex officio as chair of the State
 126 Apprenticeship Advisory Council, but may not vote. The state
 127 director of the Office of Apprenticeship of the United States
 128 Department of Labor shall serve ex officio as a nonvoting member
 129 of the council. The Governor shall appoint to the council four
 130 members representing employee organizations and four members

HB 7125

2015

131 representing employer organizations. Each of these eight members
 132 shall represent industries that have registered apprenticeship
 133 programs. The Governor shall also appoint two public members who
 134 are knowledgeable about registered apprenticeship and
 135 apprenticeable occupations and who are independent of any joint
 136 or nonjoint organization, ~~one of whom shall be recommended by~~
 137 ~~joint organizations, and one of whom shall be recommended by~~
 138 ~~nonjoint organizations.~~ Members shall be appointed for 4-year
 139 staggered terms. A vacancy shall be filled for the remainder of
 140 the unexpired term.

141 Section 4. Subsection (4) is added to section 446.081,
 142 Florida Statutes, to read:

143 446.081 Limitation.—

144 (4) Nothing in ss. 446.011-446.092 or in any rules
 145 adopted, or in any apprentice agreement approved, under those
 146 sections shall operate to invalidate any special provision for
 147 veterans, minority persons, or women in the standards,
 148 apprentice qualifications, or operation of the program, which is
 149 not otherwise prohibited by law, executive order, or authorized
 150 regulation.

151 Section 5. Section 446.091, Florida Statutes, is amended
 152 to read:

153 446.091 On-the-job training program.—All provisions of ss.
 154 446.011-446.092 relating to apprenticeship and
 155 preapprenticeship, including, but not limited to, programs,
 156 agreements, standards, administration, procedures, definitions,

157 expenditures, local committees, powers and duties, limitations,
 158 grievances, and ratios of apprentices and job trainees to
 159 journeyworkers ~~journeymen~~ on state, county, and municipal
 160 contracts, shall be appropriately adapted and made applicable to
 161 a program of on-the-job training authorized under those
 162 provisions for persons other than apprentices.

163 Section 6. Section 446.092, Florida Statutes, is amended
 164 to read:

165 446.092 Criteria for apprenticeship occupations.—An
 166 apprenticeable occupation is a skilled trade which possesses all
 167 of the following characteristics:

168 (1) It is customarily learned in a practical way through a
 169 structured, systematic program of on-the-job, supervised
 170 training.

171 (2) It is clearly identified and commonly recognized
 172 throughout an ~~the~~ industry ~~or recognized with a positive view~~
 173 ~~towards changing technology.~~

174 (3) It involves manual, mechanical, or technical skills
 175 and knowledge which, in accordance with the industry standards
 176 for the occupation, would require a minimum of 2,000 hours of
 177 on-the-job ~~work and~~ training, which hours are excluded from the
 178 time spent at related instruction.

179 (4) It requires related instruction to supplement on-the-
 180 job training. Such instruction may be given in a classroom,
 181 through occupational or industrial courses or ~~through~~
 182 correspondence courses of equivalent value, through electronic

HB 7125

2015

183 media, or through other forms of self-study approved by the
 184 department.

185 ~~(5) It involves the development of skill sufficiently~~
 186 ~~broad to be applicable in like occupations throughout an~~
 187 ~~industry, rather than of restricted application to the products~~
 188 ~~or services of any one company.~~

189 ~~(6) It does not fall into any of the following categories:~~

190 ~~(a) Selling, retailing, or similar occupations in the~~
 191 ~~distributive field.~~

192 ~~(b) Managerial occupations.~~

193 ~~(c) Professional and scientific vocations for which~~
 194 ~~entrance requirements customarily require an academic degree.~~

195 Section 7. Paragraph (k) of subsection (4) of section
 196 1001.7065, Florida Statutes, is amended to read:

197 1001.7065 Preeminent state research universities program.-

198 (4) PREEMINENT STATE RESEARCH UNIVERSITY INSTITUTE FOR
 199 ONLINE LEARNING.-A state research university that, as of July 1,
 200 2013, meets all 12 of the academic and research excellence
 201 standards identified in subsection (2), as verified by the Board
 202 of Governors, shall establish an institute for online learning.
 203 The institute shall establish a robust offering of high-quality,
 204 fully online baccalaureate degree programs at an affordable cost
 205 in accordance with this subsection.

206 (k) The university shall establish a tuition structure for
 207 its online institute in accordance with this paragraph,
 208 notwithstanding any other provision of law.

209 1. For students classified as residents for tuition
 210 purposes, tuition for an online baccalaureate degree program
 211 shall be set at no more than 75 percent of the tuition rate as
 212 specified in the General Appropriations Act pursuant to s.
 213 1009.24(4) and 75 percent of the tuition differential pursuant
 214 to s. 1009.24(16). No distance learning fee, fee for campus
 215 facilities, or fee for on-campus services may be assessed,
 216 except that online students shall pay the university's
 217 technology fee, financial aid fee, and Capital Improvement Trust
 218 Fund fee. The revenues generated from the Capital Improvement
 219 Trust Fund fee shall be dedicated to the university's institute
 220 for online learning.

221 2. For students classified as nonresidents for tuition
 222 purposes, tuition may be set at market rates in accordance with
 223 the business plan.

224 3. Tuition for an online degree program shall include all
 225 costs associated with instruction, materials, and enrollment,
 226 excluding costs associated with the provision of textbooks and
 227 instructional materials pursuant to s. 1004.085 and physical
 228 laboratory supplies.

229 4. Subject to the limitations in subparagraph 1., tuition
 230 may be differentiated by degree program as appropriate to the
 231 instructional and other costs of the program in accordance with
 232 the business plan. Pricing must incorporate innovative
 233 approaches that incentivize persistence and completion,
 234 including, but not limited to, a fee for assessment, a bundled

235 or all-inclusive rate, and sliding scale features.

236 5. The university must accept advance payment contracts
237 and student financial aid.

238 6. Fifty percent of the net revenues generated from the
239 online institute of the university shall be used to enhance and
240 enrich the online institute offerings, and 50 percent of the net
241 revenues generated from the online institute shall be used to
242 enhance and enrich the university's campus state-of-the-art
243 research programs and facilities.

244 7. The institute may charge additional local user fees
245 pursuant to s. 1009.24(14) upon the approval of the Board of
246 Governors.

247 8. The institute shall submit a proposal to the president
248 of the university authorizing additional user fees for the
249 provision of voluntary student participation in activities and
250 additional student services.

251 Section 8. Subsection (2) of section 1004.015, Florida
252 Statutes, is amended to read:

253 1004.015 Higher Education Coordinating Council.—

254 (2) Members of the council shall include:

255 (a) One member of the Board of Governors, appointed by the
256 chair of the Board of Governors.

257 (b) The Chancellor of the State University System.

258 (c) The Chancellor of the Florida College System.

259 (d) The Chancellor of Career and Adult Education.

260 (e) ~~(d)~~ One member of the State Board of Education,

261 appointed by the chair of the State Board of Education.

262 ~~(f)(e)~~ The Executive Director of the Florida Association
 263 of Postsecondary Schools and Colleges.

264 ~~(g)(f)~~ The president of the Independent Colleges and
 265 Universities of Florida.

266 ~~(h)(g)~~ The president of Workforce Florida, Inc., or his or
 267 her designee.

268 ~~(i)(h)~~ The president of Enterprise Florida, Inc., or a
 269 designated member of the Stakeholders Council appointed by the
 270 president.

271 ~~(j)(i)~~ Three representatives of the business community,
 272 one appointed by the President of the Senate, one appointed by
 273 the Speaker of the House of Representatives, and one appointed
 274 by the Governor, who are committed to developing and enhancing
 275 world class workforce infrastructure necessary for Florida's
 276 citizens to compete and prosper in the ever-changing economy of
 277 the 21st century.

278 Section 9. Section 1004.084, Florida Statutes, is created
 279 to read:

280 1004.084 College affordability.-

281 (1) The Board of Governors and the State Board of
 282 Education shall annually identify strategies to promote college
 283 affordability for all Floridians by evaluating, at a minimum,
 284 the impact of:

285 (a) Tuition and fees at public colleges and universities.

286 (b) Federal, state, and institutional financial aid

287 policies on the actual cost of attendance for students and their
 288 families.

289 (c) The costs of textbooks and instructional materials.

290 (2) By December 31 of each year, beginning in 2015, the
 291 Board of Governors and the State Board of Education shall submit
 292 a report on their respective college affordability initiatives
 293 to the Governor, the President of the Senate, and the Speaker of
 294 the House of Representatives.

295 Section 10. Section 1004.085, Florida Statutes, is amended
 296 to read:

297 1004.085 Textbook and instructional materials
 298 affordability.-

299 (1) As used in this section, the term "instructional
 300 materials" means educational materials for use within a course
 301 which may be available in printed or digital format.

302 (2)~~(1)~~ An ~~Ne~~ employee of a Florida College System
 303 institution or state university may not demand or receive any
 304 payment, loan, subscription, advance, deposit of money, service,
 305 or anything of value, present or promised, in exchange for
 306 requiring students to purchase a specific textbook or
 307 instructional material for coursework or instruction.

308 (3)~~(2)~~ An employee may receive:

309 (a) Sample copies, instructor copies, or instructional
 310 materials. These materials may not be sold for any type of
 311 compensation if they are specifically marked as free samples not
 312 for resale.

313 (b) Royalties or other compensation from sales of
 314 textbooks or instructional materials that include the
 315 instructor's own writing or work.

316 (c) Honoraria for academic peer review of course
 317 materials.

318 (d) Fees associated with activities such as reviewing,
 319 critiquing, or preparing support materials for textbooks or
 320 instructional materials pursuant to guidelines adopted by the
 321 State Board of Education or the Board of Governors.

322 (e) Training in the use of course materials and learning
 323 technologies.

324 (4) Each Florida College System institution and state
 325 university board of trustees shall, each semester, examine the
 326 cost of textbooks and instructional materials by course and
 327 course section for all general education courses offered at the
 328 institution to identify any variance in the cost of textbooks
 329 and instructional materials among different sections of the same
 330 course and the percentage of textbooks and instructional
 331 materials that remain in use for more than one term. Courses
 332 that have a wide variance in costs among sections or that have
 333 frequent changes in textbook and instructional material
 334 selections shall be identified and sent to the appropriate
 335 academic department chair for review. This subsection is
 336 repealed July 1, 2017, unless reviewed and saved from repeal
 337 through reenactment by the Legislature.

338 (5)~~(3)~~ Each Florida College System institution

339 ~~institutions~~ and state university ~~universities~~ shall post
 340 prominently in the course registration system and on its website
 341 ~~on their websites~~, as early as is feasible, but at least not
 342 ~~less than~~ 30 days before ~~prior to~~ the first day of class for
 343 each term, a hyperlink to lists ~~list~~ of ~~each textbook~~ required
 344 and recommended textbooks and instructional materials for each
 345 course offered at the institution during the upcoming term. The
 346 lists ~~posted list~~ must include the International Standard Book
 347 Number (ISBN) for each required and recommended textbook and
 348 instructional material or other identifying information, which
 349 must include, at a minimum, all of the following: the title, all
 350 authors listed, publishers, edition number, copyright date,
 351 published date, and other relevant information necessary to
 352 identify the specific ~~textbook or~~ textbooks or instructional
 353 materials required and recommended for each course. The State
 354 Board of Education and the Board of Governors shall include in
 355 the policies, procedures, and guidelines adopted under
 356 subsection (6) ~~(4)~~ certain limited exceptions to this
 357 notification requirement for classes added after the
 358 notification deadline.

359 (6) ~~(4)~~ The State Board of Education and the Board of
 360 Governors each shall adopt textbook and instructional material
 361 affordability policies, procedures, and guidelines for
 362 implementation by Florida College System institutions and state
 363 universities, respectively, that further efforts to minimize the
 364 cost of textbooks and instructional materials for students

365 attending such institutions while maintaining the quality of
 366 education and academic freedom. The policies, procedures, and
 367 guidelines shall address ~~provide for the following:~~

368 (a) The adoption of textbooks ~~that textbook and~~
 369 instructional materials ~~adoptions are made~~ with sufficient lead
 370 time so that ~~to~~ bookstores may ~~so as to~~ confirm availability of
 371 the requested materials and, where possible, maximize ~~ensure~~
 372 ~~maximum~~ availability of used textbooks or instructional
 373 materials ~~books~~.

374 (b) Confirmation by the course instructor or academic
 375 department offering the course, before the textbook or
 376 instructional material adoption is finalized ~~That, in the~~
 377 ~~textbook adoption process,~~ of the intent to use all items
 378 ordered, particularly each individual item sold as part of a
 379 bundled package, ~~is confirmed by the course instructor or the~~
 380 ~~academic department offering the course before the adoption is~~
 381 ~~finalized~~.

382 (c) Determination by ~~That~~ a course instructor or the
 383 academic department offering the course ~~determines~~, before a
 384 textbook or instructional material is adopted, of the extent to
 385 which a new edition differs significantly and substantively from
 386 earlier versions and the value to the student of changing to a
 387 new edition or the extent to which an open-access textbook or
 388 instructional material is available ~~may exist and be used~~.

389 (d) ~~That the establishment of policies shall address~~ The
 390 availability of required and recommended textbooks and

391 instructional materials to students otherwise unable to afford
 392 the cost, including consideration of the extent to which an
 393 open-access textbook or instructional material may be used.

394 (e) Participation by ~~That~~ course instructors and academic
 395 departments ~~are encouraged to participate~~ in the development,
 396 adaptation, and review of open-access textbooks and
 397 instructional materials and, in particular, open-access
 398 textbooks and instructional materials for high-demand general
 399 education courses.

400 (f) Consultation with school districts to identify
 401 practices that impact the cost of dual enrollment textbooks and
 402 instructional materials to school districts, including but not
 403 limited to, the length of time that textbooks or instructional
 404 materials remain in use.

405 (g) Selection of textbooks and instructional materials
 406 through cost-benefit analyses that enable students to obtain the
 407 highest-quality product at the lowest available price, by
 408 considering:

- 409 1. Purchasing digital textbooks in bulk.
- 410 2. Expanding the use of open-access textbooks and
 411 instructional materials.
- 412 3. Providing rental options for textbooks and
 413 instructional materials.
- 414 4. Increasing the availability and use of affordable
 415 digital textbooks and learning objects.
- 416 5. Developing mechanisms to assist in buying, renting,

417 selling, and sharing textbooks and instructional materials.

418 6. The length of time that textbooks and instructional
 419 materials remain in use.

420 (7) The board of trustees of each Florida College System
 421 institution and state university shall report, by September 30
 422 of each year, beginning in 2015, to the Chancellor of the
 423 Florida College System or the Chancellor of the State University
 424 System, as applicable, the textbook and instructional material
 425 selection process for general education courses with a wide cost
 426 variance identified pursuant to subsection (4) and high-
 427 enrollment courses; specific initiatives of the institution
 428 designed to reduce the costs of textbooks and instructional
 429 materials; policies implemented in accordance with subsection
 430 (6); the number of courses and course sections that were not
 431 able to meet the textbook and instructional materials posting
 432 deadline for the previous academic year; and any additional
 433 information determined by the chancellors. By November 1 of each
 434 year, beginning in 2015, each chancellor shall provide a summary
 435 of the information provided by institutions to the State Board
 436 of Education and the Board of Governors, as applicable.

437 Section 11. Paragraph (b) of subsection (2) of section
 438 1004.92, Florida Statutes, is amended, and subsection (4) is
 439 added to that section, to read:

440 1004.92 Purpose and responsibilities for career
 441 education.—

442 (2)

443 (b) Department of Education accountability for career
 444 education includes, but is not limited to:
 445 1. The provision of timely, accurate technical assistance
 446 to school districts and Florida College System institutions.
 447 2. The provision of timely, accurate information to the
 448 State Board of Education, the Legislature, and the public.
 449 3. The development of policies, rules, and procedures that
 450 facilitate institutional attainment of the accountability
 451 standards and coordinate the efforts of all divisions within the
 452 department.
 453 4. The development of program standards and industry-
 454 driven benchmarks for career, adult, and community education
 455 programs, which must be updated every 3 years. The standards
 456 must reflect the quality components of a career and technical
 457 education program and include career, academic, and workplace
 458 skills; viability of distance learning for instruction; and
 459 work/learn cycles that are responsive to business and industry.
 460 5. Overseeing school district and Florida College System
 461 institution compliance with the provisions of this chapter.
 462 6. Ensuring that the educational outcomes for the
 463 technical component of career programs are uniform and designed
 464 to provide a graduate who is capable of entering the workforce
 465 on an equally competitive basis regardless of the institution of
 466 choice.
 467 (4) The State Board of Education shall adopt rules to
 468 administer this section.

469 Section 12. Subsection (20) is added to section 1009.23,
 470 Florida Statutes, to read:

471 1009.23 Florida College System institution student fees.—

472 (20) Each Florida College System institution shall
 473 publicly notice and notify all enrolled students of any proposal
 474 to increase tuition or fees at least 28 days before its
 475 consideration at a board of trustees meeting. The notice must:

476 (a) Include the date and time of the meeting at which the
 477 proposal will be considered.

478 (b) Specifically outline the details of existing tuition
 479 and fees, the rationale for the proposed increase, and how the
 480 funds from the proposed increase will be used.

481 (c) Be posted on the institution's website and issued in a
 482 press release.

483 Section 13. Paragraph (b) of subsection (4) and subsection
 484 (16) of section 1009.24, Florida Statutes, are amended, and
 485 subsection (20) is added to that section, to read:

486 1009.24 State university student fees.—

487 (4)

488 (b) The Board of Governors, ~~or the board's designee,~~ may
 489 establish tuition for graduate and professional programs, and
 490 out-of-state fees for all programs. Except as otherwise provided
 491 in this section, the sum of tuition and out-of-state fees
 492 assessed to nonresident students must be sufficient to offset
 493 the full instructional cost of serving such students. However,
 494 adjustments to out-of-state fees or tuition for graduate

495 | programs and professional programs may not exceed 15 percent in
 496 | any year.

497 | (16) Each university board of trustees may assess
 498 | ~~establish~~ a tuition differential for undergraduate courses if
 499 | such fee was approved by the Board of Governors before July 1,
 500 | 2014 upon receipt of approval from the Board of Governors.
 501 | ~~However, beginning July 1, 2014, the Board of Governors may only~~
 502 | ~~approve the establishment of or an increase in tuition~~
 503 | ~~differential for a state research university designated as a~~
 504 | ~~preeminent state research university pursuant to s.~~
 505 | ~~1001.7065(3).~~ The tuition differential shall promote
 506 | improvements in the quality of undergraduate education and shall
 507 | provide financial aid to undergraduate students who exhibit
 508 | financial need.

509 | (a) Thirty Seventy percent of the revenues from the
 510 | ~~tuition differential shall be expended for purposes of~~
 511 | ~~undergraduate education. Such expenditures may include, but are~~
 512 | ~~not limited to, increasing course offerings, improving~~
 513 | ~~graduation rates, increasing the percentage of undergraduate~~
 514 | ~~students who are taught by faculty, decreasing student-faculty~~
 515 | ~~ratios, providing salary increases for faculty who have a~~
 516 | ~~history of excellent teaching in undergraduate courses,~~
 517 | ~~improving the efficiency of the delivery of undergraduate~~
 518 | ~~education through academic advisement and counseling, and~~
 519 | ~~reducing the percentage of students who graduate with excess~~
 520 | ~~hours. This expenditure for undergraduate education may not be~~

521 ~~used to pay the salaries of graduate teaching assistants. Except~~
 522 ~~as otherwise provided in this subsection, the remaining 30~~
 523 percent of the revenues from the tuition differential, or the
 524 equivalent amount of revenue from private sources, shall be
 525 expended to provide financial aid to undergraduate students who
 526 exhibit financial need, including students who are scholarship
 527 recipients under s. 1009.984, to meet the cost of university
 528 attendance. This expenditure for need-based financial aid shall
 529 not supplant the amount of need-based aid provided to
 530 undergraduate students in the preceding fiscal year from
 531 financial aid fee revenues, the direct appropriation for
 532 financial assistance provided to state universities in the
 533 General Appropriations Act, or from private sources. The total
 534 amount of tuition differential waived under subparagraph (b)7.
 535 ~~(b)8.~~ may be included in calculating the expenditures for need-
 536 based financial aid to undergraduate students required by this
 537 subsection. This expenditure for need-based financial aid is not
 538 required if the entire tuition and fee costs of resident
 539 students who have applied for and received Pell Grant funds have
 540 been met and the university has excess funds remaining from the
 541 30 percent of the revenues from the tuition differential
 542 required to be used to assist students who exhibit financial
 543 need, ~~the university may expend the excess portion in the same~~
 544 ~~manner as required for the other 70 percent of the tuition~~
 545 ~~differential revenues.~~

546 (b) Each tuition differential is subject to the following

547 conditions:

548 1. The tuition differential may be assessed on one or more
 549 undergraduate courses or on all undergraduate courses at a state
 550 university.

551 2. The tuition differential may vary by course or courses,
 552 by campus or center location, and by institution. Each
 553 university board of trustees shall strive to maintain and
 554 increase enrollment in degree programs related to math, science,
 555 high technology, and other state or regional high-need fields
 556 when establishing tuition differentials by course.

557 ~~3. For each state university that is designated as a~~
 558 ~~preeminent state research university by the Board of Governors,~~
 559 ~~pursuant to s. 1001.7065, the aggregate sum of tuition and the~~
 560 ~~tuition differential may be increased by no more than 6 percent~~
 561 ~~of the total charged for the aggregate sum of these fees in the~~
 562 ~~preceding fiscal year. The tuition differential may be increased~~
 563 ~~if the university meets or exceeds performance standard targets~~
 564 ~~for that university established annually by the Board of~~
 565 ~~Governors for the following performance standards, amounting to~~
 566 ~~no more than a 2-percent increase in the tuition differential~~
 567 ~~for each performance standard:~~

568 a. ~~An increase in the 6-year graduation rate for full-~~
 569 ~~time, first-time-in-college students, as reported annually to~~
 570 ~~the Integrated Postsecondary Education Data System.~~

571 b. ~~An increase in the total annual research expenditures.~~

572 c. ~~An increase in the total patents awarded by the United~~

573 ~~States Patent and Trademark Office for the most recent years.~~

574 3.4. The aggregate sum of undergraduate tuition and fees
 575 per credit hour, including the tuition differential, may not
 576 exceed the national average of undergraduate tuition and fees at
 577 4-year degree-granting public postsecondary educational
 578 institutions.

579 4.5. The tuition differential shall not be included in any
 580 award under the Florida Bright Futures Scholarship Program
 581 established pursuant to ss. 1009.53-1009.538.

582 5.6. Beneficiaries having prepaid tuition contracts
 583 pursuant to s. 1009.98(2)(b) which were in effect on July 1,
 584 2007, and which remain in effect, are exempt from the payment of
 585 the tuition differential.

586 6.7. The tuition differential may not be charged to any
 587 student who was in attendance at the university before July 1,
 588 2007, and who maintains continuous enrollment.

589 7.8. The tuition differential may be waived by the
 590 university for students who meet the eligibility requirements
 591 for the Florida public student assistance grant established in
 592 s. 1009.50.

593 ~~9. Subject to approval by the Board of Governors, the~~
 594 ~~tuition differential authorized pursuant to this subsection may~~
 595 ~~take effect with the 2009 fall term.~~

596 (c) Each state university that is designated as a
 597 preeminent state research university by the Board of Governors
 598 pursuant to s. 1001.7065 may increase the tuition differential

599 annually in accordance with this subsection. However, the
 600 aggregate sum of tuition and the tuition differential may be
 601 increased by no more than 6 percent of the total charged for the
 602 aggregate sum of these fees in the preceding fiscal year. The
 603 tuition differential may be increased only if the university
 604 meets or exceeds performance standard targets for that
 605 university established annually by the Board of Governors for
 606 the following performance standards, amounting to no more than a
 607 2-percent increase in the tuition differential for each
 608 performance standard:

609 1. An increase in the 6-year graduation rate for full-
 610 time, first-time-in-college students, as reported annually to
 611 the Integrated Postsecondary Education Data System.

612 2. An increase in total annual research expenditures.

613 3. An increase in total patents awarded by the United
 614 States Patent and Trademark Office for the most recent years.

615 ~~(c) A university board of trustees may submit a proposal~~
 616 ~~to the Board of Governors to implement a tuition differential~~
 617 ~~for one or more undergraduate courses. At a minimum, the~~
 618 ~~proposal shall:~~

619 ~~1. Identify the course or courses for which the tuition~~
 620 ~~differential will be assessed.~~

621 ~~2. Indicate the amount that will be assessed for each~~
 622 ~~tuition differential proposed.~~

623 ~~3. Indicate the purpose of the tuition differential.~~

624 ~~4. Indicate how the revenues from the tuition differential~~

625 ~~will be used.~~

626 ~~5. Indicate how the university will monitor the success of~~
 627 ~~the tuition differential in achieving the purpose for which the~~
 628 ~~tuition differential is being assessed.~~

629 ~~(d) The Board of Governors shall review each proposal and~~
 630 ~~advise the university board of trustees of approval of the~~
 631 ~~proposal, the need for additional information or revision to the~~
 632 ~~proposal, or denial of the proposal. The Board of Governors~~
 633 ~~shall establish a process for any university to revise a~~
 634 ~~proposal or appeal a decision of the board.~~

635 ~~(d)(e)~~ (d) The Board of Governors shall submit a report to the
 636 President of the Senate, the Speaker of the House of
 637 Representatives, and the Governor describing the implementation
 638 of the provisions of this subsection no later than February 1 of
 639 each year. The report shall ~~summarize proposals received by the~~
 640 ~~board during the preceding fiscal year and actions taken by the~~
 641 ~~board in response to such proposals. In addition, the report~~
 642 ~~shall~~ provide the following information for each university that
 643 assesses ~~has been approved by the board to assess a tuition~~
 644 differential:

645 1. The course or courses for which the tuition
 646 differential was assessed and the amount assessed.

647 2. The total revenues generated by the tuition
 648 differential.

649 3. With respect to waivers authorized under subparagraph
 650 (b)7. ~~(b)8.~~, the number of students eligible for a waiver, the

651 number of students receiving a waiver, and the value of waivers
 652 provided.

653 4. Detailed expenditures of the revenues generated by the
 654 tuition differential.

655 5. Changes in retention rates, graduation rates, the
 656 percentage of students graduating with more than 110 percent of
 657 the hours required for graduation, pass rates on licensure
 658 examinations, the number of undergraduate course offerings, the
 659 percentage of undergraduate students who are taught by faculty,
 660 student-faculty ratios, and the average salaries of faculty who
 661 teach undergraduate courses.

662 ~~(e)(f)~~ A No state university is not shall be required to
 663 lower a any tuition differential that was approved by the Board
 664 of Governors and in effect before July 1, 2014 ~~prior to January~~
 665 ~~1, 2009~~, in order to comply with ~~the provisions of this~~
 666 subsection.

667 (20) Each state university shall publicly notice and
 668 notify all enrolled students of any proposal to increase tuition
 669 or fees at least 28 days before its consideration at a board of
 670 trustees meeting. The notice must:

671 (a) Include the date and time of the meeting at which the
 672 proposal will be considered.

673 (b) Specifically outline the details of existing tuition
 674 and fees, the rationale for the proposed increase, and how the
 675 funds from the proposed increase will be used.

676 (c) Be posted on the university's website and issued in a

677 press release.

678 Section 14. Section 1011.802, Florida Statutes, is created
679 to read:

680 1011.802 Florida Apprenticeship Grant (FLAG) Program.—

681 (1) The Florida Apprenticeship Grant Program is created to
682 provide grants to career centers, charter technical career
683 centers, and Florida College System institutions on a
684 competitive basis to establish new apprenticeship programs and
685 expand existing apprenticeship programs. The Division of Career
686 and Adult Education within the Department of Education shall
687 administer the grant program.

688 (2) Applications from career centers, charter technical
689 career centers, and Florida College System institutions must
690 contain projected enrollment and projected costs for the new or
691 expanded apprenticeship program.

692 (3) The department shall give priority to apprenticeship
693 programs in the areas of information technology, health, and
694 machining and manufacturing. Grant funds may be used for
695 instructional equipment, supplies, personnel, student services,
696 and other expenses associated with the creation or expansion of
697 an apprenticeship program. Grant funds may not be used for
698 recurring instructional costs or for a center's or an
699 institution's indirect costs. Grant recipients must submit
700 quarterly reports in a format prescribed by the department.

701 Section 15. Section 1011.803, Florida Statutes, is created
702 to read:

703 1011.803 Rapid Response Grant Program.—

704 (1) The Rapid Response Grant Program is established to
 705 provide a competitive grant process for the expansion or
 706 implementation of high-demand postsecondary programs at career
 707 centers, as defined in ss. 1001.44 and 1002.34.

708 (2) Each career center applying for a grant shall submit
 709 an application to the Department of Education in the format
 710 prescribed by the department. The application must include, but
 711 is not limited to, program expansion or development details,
 712 projected enrollment, and projected costs.

713 (3) Each career center that is awarded a grant under this
 714 section shall submit quarterly reports to the department in the
 715 format prescribed by the department. Grant funds may not be used
 716 to supplant current funds and must be used to expand enrollment
 717 in existing postsecondary programs or develop new postsecondary
 718 programs.

719 (4) The Department of Education shall administer the
 720 program and shall conduct an annual analysis and assessment of
 721 the effectiveness of the postsecondary programs funded under
 722 this section in meeting labor market demand.

723 Section 16. For the 2015-2016 fiscal year:

724 (1) The sum of \$3 million in recurring funds is
 725 appropriated from the General Revenue Fund to the Department of
 726 Education to implement the Florida Apprenticeship Grant Program.

727 (2) The sum of \$10 million in recurring funds is
 728 appropriated from the General Revenue Fund to the Department of

HB 7125

2015

729 Education to implement the Rapid Response Grant Program.

730 Section 17. This act shall take effect July 1, 2015.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 7125 PCB HEWS 15-01 Postsecondary Access and Affordability
SPONSOR(S): Higher Education & Workforce Subcommittee, Porter
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Higher Education & Workforce Subcommittee	12 Y, 0 N	Banner	Sherry
1) Education Appropriations Subcommittee	11 Y, 0 N	deNagy	Heflin
2) Education Committee		Banner <i>AD</i>	Mizereck <i>VMA</i>

SUMMARY ANALYSIS

The bill promotes access and affordability for students seeking a postsecondary education by:

- Promoting apprenticeship programs by creating the Florida Apprenticeship Grant (FLAG) Program to expand existing programs and establish new apprenticeship programs, updating terminology, revising membership on the State Apprenticeship Advisory Council, and clarifying language relating to industry standards.
- Establishing the Rapid Response Grant Program to provide a competitive grant process for the expansion or implementation of high-demand postsecondary programs at career or charter technical career centers.
- Adding the Chancellor of Career and Adult Education to the membership of the Higher Education Coordinating Council.
- Revising career and technical education program standards and authorizing the State Board of Education to adopt rules relating to program accountability.
- Promoting college affordability by:
 - Requiring each Florida College System (FCS) institution and state university to publicly notice any proposal to increase tuition or fees at least 28 days prior to consideration by the board of trustees.
 - Eliminating the ability for state universities to seek approval from the Board of Governors (BOG) for an increase in the tuition differential fee.
 - Clarifying that preeminent universities may increase the tuition differential by no more than 6 percent only if they meet specific performance benchmarks established by the BOG.
 - Removing the requirement that seventy percent of revenues generated by the tuition differential fee be spent on undergraduate education.
 - Removing the authority for the BOG to delegate the establishment of tuition for graduate and professional programs and out-of-state fees to the university boards of trustees.
 - Requiring the SBE and the BOG to annually identify strategies and initiatives to promote college affordability (including the impact of tuition and fee increases, financial aid policies, and textbook costs) and submit an annual report to the Governor, Senate President, and Speaker of the House of Representatives.
 - Enhancing the current textbook affordability law to provide students with sufficient time and information to seek out the lowest available prices by:
 - Requiring postsecondary institutions to conduct cost benefit analyses and report annually to chancellors on implementation of textbook affordability policies;
 - Requiring chancellors to summarize institutional reports and submit a summary to SBE and BOG respectively; and
 - Requiring institution boards of trustees to report, by semester, the cost variance among sections and length of time textbooks and other materials are in use for all general education courses. This provision expires July 1, 2017.

The bill provides \$3 million in recurring general revenue to implement the FLAG Program and \$10 million in recurring general revenue to implement the Rapid Response Grant Program. See fiscal impact section.

The bill has an effective date of July 1, 2015.

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

STORAGE NAME: h7125b.EDC.DOCX

DATE: 4/2/2015

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Apprenticeships

Present Situation

The Department of Education (DOE) serves as the state apprenticeship agency and registers apprentices and apprenticeship programs on behalf of the United States Department of Labor's (USDOL) Office of Apprenticeship. The purpose of apprenticeships is to enable employers to develop and apply industry standards to training programs for registered apprentices that can increase productivity and improve the quality of the workforce. An apprenticeship is a highly structured training system in which the apprentice works full-time during the day for a sponsoring employer, learning the skills of the trade through on-the-job training along with related classroom instruction. While enrolled in the program, apprentices earn a progressive wage and upon completion of the program are considered a journeyworker and receive a nationally recognized State Certificate of Completion.¹

Apprenticeships are offered through school district programs, Florida College System institution programs and independent agencies. Approximately 80 percent of the programs are offered through school districts and colleges and 20 percent through independent agencies. For the 2013-14 academic year, there were 6,884 students enrolled in school district programs and 2,262 students enrolled in Florida College System institution programs. Based on 2012-13 cost data, the school districts spent approximately \$18.3 million on apprenticeship programs and the Florida College System institutions spent approximately \$5.2 million.²

During the 2002 Legislative Special Session E, the department's rulemaking authority regarding Instructional Components of Vocational Education was repealed.³ As a result, DOE is unable to update a rule regarding instructional components of Career and Technical Education programs.

Effect of Proposed Changes

The bill redefines "journeyworker" to further identify individuals who may serve as journeyworkers as mentors, technicians, specialists or other skilled workers who can document extensive occupational experience through an alternative means to traditional registered apprenticeship completion. It also revises the definition of "related instruction" to include instruction provided in the classroom, correspondence courses or self-study courses approved by DOE. The bill clarifies that no statute, rule, or agreement relating to apprenticeships shall invalidate any special provision for veterans, minorities or women in apprenticeship programs and modifies the requirements for the two public members appointed to the State Apprenticeship Advisory Council to be independent of any joint or non-joint organization.

The bill creates the Florida Apprenticeship Grant (FLAG) Program to provide competitive grants to career centers, charter technical career centers and Florida College System (FCS) institutions for the purpose of expanding existing programs and establishing new apprenticeship programs. Program applications must contain projected enrollment and cost data and funds may be used for instructional equipment, supplies, personnel, students services or other administrative costs. The Division of Career

¹ Florida Department of Education, *Apprenticeship in Florida: presentation to Higher Education and Workforce Subcommittee* (Jan. 21, 2015), available at [http://myfloridahouse.gov/Sections/Documents/publications.aspx?CommitteeId=2853&PublicationType=Committees&DocumentType=Meeting Packets&SessionId=76](http://myfloridahouse.gov/Sections/Documents/publications.aspx?CommitteeId=2853&PublicationType=Committees&DocumentType=Meeting%20Packets&SessionId=76).

² Email, Florida Department of Education, Apprenticeship Program Enrollment Information (March 10, 2015).

³ Chapter 2002-387, L.O.F.

and Adult Education within the DOE shall administer the program and give priority to applications for programs in the critical need areas of information technology, health, and machining and manufacturing. Grant recipients must submit quarterly reports to the DOE.

The bill provides \$3 million in recurring general revenue to the Department of Education to implement the FLAG Program.

Higher Education Coordinating Council

Present Situation

The Higher Education Coordinating Council (HECC) was created in 2010 for the purpose of identifying unmet needs and facilitating solutions to disputes regarding the creation of new degree programs and the establishment of new institutes, campuses, or centers.⁴ The HECC is comprised of eleven members:

- One member of the Board of Governors,
- One member of the State Board of Education,
- Chancellor of the State University System,
- Chancellor of the Florida College System,
- Executive Director of the Florida Association of Postsecondary Schools and Colleges,
- President of the Independent Colleges and Universities of Florida,
- President of Workforce Florida, Inc,
- President of Enterprise Florida, Inc, and
- Three business community representatives, one appointed by the Speaker of the House of Representatives, one appointed by the President of the Senate, and one appointed by the Governor.⁵

Effect of Proposed Changes

The bill adds the Chancellor of Career and Adult Education to the membership of the HECC to provide representation of career centers in discussions and recommendations relating to higher education policies.

Career and Technical Education Programs

Present Situation

Current law outlines the issues related to career education for which school boards, Florida College System institution boards of trustees and the Department of Education are responsible.⁶ However, the State Board of Education (SBE) does not currently have the rulemaking authority to define the quality components of a career and technical education program.

Effect of Proposed Changes

The bill improves the quality of career and technical education programs by revising standards and authorizing the SBE to adopt rules related to program accountability.

⁴ Section 1004.015, F.S.

⁵ *Id.*

⁶ Section 1004.92, F.S.

Tuition Differential

Present Situation

The tuition differential fee was established in 2007 as a mechanism to generate revenue for state universities to improve the quality of direct undergraduate instruction and support services.⁷ Revenues from this fee are also used to provide financial aid to undergraduate students exhibiting financial need.⁸

During the 2009 Legislative Session, Senate Bill 762⁹ prescribed more specific expenditure requirements related to the revenues generated by this fee. The law requires that seventy percent of the revenues be expended for purposes of undergraduate education, such as increasing course offerings, improving graduation rates, decreasing student-faculty ratios and use of adjunct professors, improving efficiency, and reducing the number of students enrolling in excess credit hours. The remaining thirty percent, or an equivalent amount from private sources, is to provide financial aid to undergraduate students exhibiting financial need. Current law prohibits these funds from supplanting the amount of need-based aid provided from financial aid fee revenues, direct appropriations for student financial assistance, or other private sources. If the entire amount of tuition and fees for resident students receiving Pell grants has been met, the remaining revenues dedicated to student financial aid may be used in the same manner as the seventy percent set aside for undergraduate education.¹⁰

During the 2014 Legislative Session, House Bill 851¹¹ limited the authority for state universities to increase the tuition differential fee to only those institutions designated as preeminent state research universities. Additionally, the annual percentage increase was lowered from fifteen percent to six percent and the increase is based on meeting or exceeding performance standard targets established by the Board of Governors (BOG). A preeminent university may increase its tuition differential by up to two percent for meeting each of these specified performance targets:

- Increase in 6-year graduation rate for full-time, first-time-in-college students, as reported annually to the Integrated Postsecondary Education Data System;
- Increase in the total annual research expenditures; and
- Increase in the total patents awarded by the United State Patent and Trademark Office for the most recent years.¹²

Current law outlines twelve specific academic and research excellence standards for preeminent research programs. Institutions must meet at least eleven of them to be designated by the BOG as a preeminent state research university.¹³ The University of Florida and Florida State University are the only two state universities that have been designated as preeminent state research universities.

Effect of Proposed Changes

The bill authorizes state universities to continue to assess a tuition differential fee if the fee was approved prior to July 1, 2014. However, the bill removes the ability for universities to seek approval from the BOG for an increase in the tuition differential fee, effectively capping tuition differential fees at non-preeminent universities at the level in place as of July 1, 2014. The bill further clarifies that institutions with preeminent research university status may increase the tuition differential fee by no more than 6 percent provided they meet the specified performance benchmarks established by the BOG.

⁷ Chapter 2007-225, L.O.F.

⁸ Section 1009.24(16), F.S.

⁹ Chapter 2009-98, L.O.F.

¹⁰ Section 1009.24(16)(a), F.S.

¹¹ Chapter 2014-62, L.O.F.

¹² Section 1009.24(16)3., F.S.

¹³ Section 1001.7065, F.S.

The bill also removes the provision requiring state universities to expend seventy percent of tuition differential fee revenues on specific purposes related to undergraduate instruction; however the requirement to expend thirty percent on student financial aid remains in effect.

State University and Florida College System Institution Tuition and Fees

Present Situation

Current law authorizes the Board of Governors (BOG), or the board's designee, to establish tuition for graduate and professional programs and out-of-state fees for all programs.¹⁴ The BOG has adopted regulations related to the adoption of tuition and fees at state universities. The regulations authorize undergraduate tuition per credit hour to be charged as established in law and that each university board of trustees (UBOT) set out-of-state fees, graduate fees and myriad other associated student fees.¹⁵ All university actions pertaining to undergraduate student tuition and fees require BOG approval and do not become effective until such approval is received.¹⁶

Boards of Trustees Meetings

BOG regulation requires the board to authorize all fees assessed to students and that only tuition and fees outlined in the board regulations may be charged.¹⁷ The BOG's regulation development procedures for the university boards of trustees (UBOT) require that UBOTs give at least 30 days notice prior to any proposed adoption or repeal of a regulation. Notice of the proposed regulation, amendment or repeal must be published on a clearly marked area of the institution's website and include a summary of the proposed action, the full text of the proposed action, a reference to the authority for the regulation, the university official initiating the proposed action and a procedure for commenting on the proposed action. Following the adoption by the UBOT, the regulation must be provided to the BOG for adoption. All regulations pertaining to student tuition and fees require BOG approval and do not become effective until such approval is received.¹⁸

BOG staff surveyed each university to obtain information regarding the meeting notice policies for their boards of trustees. The majority of the university boards of trustees post meeting notices and/or materials on the institution website at least 7 days prior to the meeting. One institution posts meeting notices and/or materials at least 10 days in advance and several others at least 14 days in advance of the meeting. One institution also posts meeting notices in the local newspaper. In addition, three institutions indicated that meeting dates are provided as far in advance as an entire academic year.¹⁹

The State Board of Education has adopted a rule related to student fees. The rule authorizes each FCS institution board of trustees to establish, publish, collect, and budget student fees, and establish dates for the payment of such fees.²⁰ Department of Education (DOE) staff surveyed the Florida College System (FCS) institutions to obtain information regarding the meeting notice policies for their boards of trustees. The majority of FCS institutions post meeting notices and/or materials their websites 7 to 14 days in advance of the meeting. Many institutions also indicated that the president speaks with student groups (e.g., student government association) to discuss consideration of tuition

¹⁴ Section 1009.24(4)(b), F.S.

¹⁵ Board of Governors Regulation 7.001

¹⁶ Board of Governors, Regulation Development Procedure for University Boards of Trustees, *available at* <http://www.flbog.edu/aboutsus/ubt.php> (last viewed March 9, 2015).

¹⁷ Board of Governors Regulation 7.003

¹⁸ Board of Governors, Regulation Development Procedure for University Boards of Trustees, *available at* <http://www.flbog.edu/aboutsus/ubt.php> (last viewed March 9, 2015).

¹⁹ Email, Board of Governors, General Counsel (March 9, 2015)

²⁰ Rule 6A-14.054, F.A.C.

changes. In addition, several institutions indicated that meeting dates are provided as far in advance as an entire academic year.²¹

Effect of Proposed Changes

The bill removes the authority for the BOG to delegate the establishment of tuition for graduate and professional programs and out-of-state fees for all programs to the university boards of trustees.

The bill requires that each state university and FCS institution board of trustees publicly notice and notify all enrolled students of any proposal to increase tuition or fees at least 28 days before its consideration at a board of trustees meeting. The notice must be posted on the institution's website and issued in a press release. Additionally, the notice must include the day and time of the meeting, specific details of the original tuition and fee, the rationale for the increase and intended use of the funds generated by the increase in tuition rate or fee.

College Affordability

Present Situation

The average published annual cost of attendance for a full-time, undergraduate Florida resident at a state university for the 2013-14 academic year is \$20,529 for students living on campus and \$11,407 for students living off-campus with family. Comparably, at Florida College System (FCS) institutions, the average published annual cost of attendance for a full-time, Florida resident is \$16,511 for students living on campus and \$8,514 for students living off-campus with family.²² The cost of attendance data published by these institutions represents a general estimate and does not account for any financial assistance a student may receive.²³

The average 2014-15 in-state tuition and fees at public four-year institutions in Florida is \$6,263, an increase of 43.5 percent over the last five years.²⁴ The average 2014-15 in-state tuition and fees at public two-year institutions in Florida is \$3,105, an increase of 22 percent over the last five years.²⁵ Nationally, the average cost of attendance has increased 14.4 percent at public four-year institutions and 22.1 percent at public two-year institutions from 2009-10 to 2011-12.²⁶

Of the full-time resident undergraduates attending state universities, approximately 40 percent have a family income below \$40,000. At FCS institutions, approximately 50 percent of students have a family income below \$40,000.²⁷ In 2012-13, 100,568 students enrolled in state universities received federal Pell grants.²⁸ In 2012-13, 211,905 students enrolled in FCS institutions received federal Pell grants.²⁹

²¹ Email, Department of Education, Florida College System (March 10, 2015).

²² Email, Florida Department of Education, Division of Florida Colleges and Florida Board of Governors, State University System (March 10, 2015)

²³ Florida Board of Governors, *Affordability Study: presentation to the Education Appropriations Subcommittee* (March 4, 2015) available at

[http://myfloridahouse.gov/Sections/Documents/publications.aspx?CommitteeId=2830&PublicationType=Committees&DocumentType=Meeting Packets&SessionId=76](http://myfloridahouse.gov/Sections/Documents/publications.aspx?CommitteeId=2830&PublicationType=Committees&DocumentType=Meeting%20Packets&SessionId=76).

²⁴ Board of Governors, Tuition and Fees, available at <http://www.flbog.edu/about/budget/current.php> (last visited March 10, 2015).

²⁵ Florida Department of Education, Division of Florida Colleges, Tuition and Fees

²⁶ U.S. Department of Education, College Affordability and Transparency Center, <http://collegecost.ed.gov/catc/> (last visited March 10, 2015)

²⁷ Florida Board of Governors, *Affordability Study: presentation to the Education Appropriations Subcommittee* (March 4, 2015) available at

[http://myfloridahouse.gov/Sections/Documents/publications.aspx?CommitteeId=2830&PublicationType=Committees&DocumentType=Meeting Packets&SessionId=76](http://myfloridahouse.gov/Sections/Documents/publications.aspx?CommitteeId=2830&PublicationType=Committees&DocumentType=Meeting%20Packets&SessionId=76).

²⁸ Email, Florida Department of Education, Division of Florida Colleges (March 11, 2015).

²⁹ Florida Board of Governors State University System of Florida, *Performance Funding Metrics, University Access Rate, Overview of Methodology and Procedures*, available at http://www.flbog.edu/about/budget/performance_funding.php (last visited March 11, 2015).

Current law regarding textbook affordability requires FCS institutions and state universities to post textbooks required for each course offered during the upcoming term at least 30 days prior to the beginning of the term. The posted list must include the International Standard Book Number (ISBN) for each required textbook or other identifying information, which must include, at a minimum: the title, all authors listed, publishers, edition number, copyright date, published date and any other relevant information necessary to identify the required textbook. Additionally, the State Board of Education (SBE) and the BOG are required to adopt policies, procedures, and guidelines for the implementation of efforts to further minimize the cost of textbooks for students while ensuring that the quality of education and academic freedom is maintained.³⁰

Effect of Proposed Changes

The bill requires the SBE and the BOG to annually identify strategies and initiatives to promote college affordability (including the impact of tuition & fees, financial aid policies, and textbook and instructional materials costs) and submit an annual report to the Governor, President of the Senate, and Speaker of the House of Representatives by December 31st of each year.

The bill also enhances the current textbook affordability law to provide that students are given sufficient time and information to seek out the lowest available prices by requiring each FCS institution and state university board of trustees to examine, by semester, the cost of textbooks and instructional materials by course and section for all general education courses offered at the institution. This examination is intended to identify the variance in the cost of textbooks and instructional materials among different sections of the same course and the percentage of materials that remained in use for more than one term. All courses identified to have a wide variance in cost or frequent changes in textbook or instructional material selection shall be identified and sent to the appropriate academic department chair for review. This provision shall expire on July 1, 2017, unless reviewed and reenacted.

The bill also requires each postsecondary institution to conduct cost benefit analyses that consider the following guiding principles:

- Purchasing digital textbooks in bulk;
- Expanding the use of open-access textbooks and instructional materials;
- Providing rental options for textbooks and instructional materials;
- Increasing the availability and use of affordable digital textbooks and learning objects;
- Developing mechanisms to assist in buying, renting, selling, and sharing textbooks and instructional materials; and
- Examining the length of time textbooks and instructional materials remain in use.

Each FCS institution and state university board of trustees shall report to their respective chancellor by September 30 of each year beginning in 2015, the institution's textbook and instructional material selection process for general education courses with identified cost variances and high-enrollment courses, specific initiatives designed to reduce costs, policies implemented to address the guiding principles of the cost-benefit analysis, and the number of courses and sections that were unable to meet the textbook and instructional material posting deadline. By November 1 of each year, beginning in 2015, each chancellor is required to provide a summary of the institution reports to the SBE and BOG, as appropriate.

The bill includes instructional materials in the textbook affordability section of law and expands the definition of "instructional material" to include educational materials used within a course that are available in either print or digital format. Each FCS institution and state university must post in the course registration system and on its website a hyperlink to both required and recommended textbooks and course materials for each course being offered during the upcoming term.

The bill also requires FCS institutions and state universities to consult with school districts in identifying practices that impact the cost of dual enrollment textbooks and instructional materials to school districts, including the length of time textbook and related instructional materials should remain in use.

Rapid Response Grant Program

Present Situation

Florida does not currently have a formal mechanism for recruiting and retaining industry in the state by providing education and training programs specifically geared toward business employees. The lack of such a process may result in businesses choosing not to locate in Florida because they are not given adequate assurance that they will have the skilled workers needed for their enterprise to be successful in this state. Other states often have a competitive advantage over Florida in industry attraction, expansion, and retention projects and lose out on the associated jobs that they create.

Effect of Proposed Changes

The bill creates the Rapid Response Grant Program to provide a competitive grant process for the expansion or implementation of high-demand postsecondary programs at career centers or charter technical career centers. Career centers applying for the program must submit an application that includes, at a minimum, the details regarding the program expansion and development, projected enrollment and projected costs. Career centers that are granted awards must submit quarterly reports. Grant funds may not be used to supplant current funds and must be used to expand enrollment in existing programs or create new programs.

The Department of Education shall administer the program and conduct an annual analysis and assessment of the effectiveness of the postsecondary programs in meeting labor market demands.

The bill provides \$10 million in recurring general revenue to the Department of Education to implement this program.

B. SECTION DIRECTORY:

Section 1. Amends s. 446.021, F.S., amending the definitions of “journeyworker” and “related instruction”.

Section 2. Amends s. 446.032, F.S., making a technical change of “journeymen” to “journeyworker”.

Section 3. Amends s. 446.045, F.S., clarifying that public members of the State Apprenticeship Advisory Council are to be independent of any joint or nonjoint organization.

Section 4. Amends s. 446.081, F.S., clarifying that nothing in ss. 446.011-446.092, F.S. or implementing rules shall operate to invalidate any special provisions for veterans, minorities, or women in apprenticeship programs.

Section 5. Amends s. 446.091, F.S., making a technical change of “journeymen” to “journeyworker”.

Section 6. Amends s. 446.092, F.S., clarifying language related to industry standards.

Section 7. Amends s. 1001.7065, F.S., adding instructional materials to those costs not included in tuition at the Preeminent State Research University Institute for Online Learning at the University of Florida.

Section 8. Amends s. 1004.015, F.S., adding the Chancellor of Career and Adult Education at the Department of Education to the Higher Education Coordinating Council.

Section 9. Creates s. 1004.084, F.S., requiring the Board of Governors and the State Board of Education to annually identify strategies and initiatives aimed at promoting college affordability, including, but not limited to, tuition and fees, financial aid policies, cost of attendance, and the cost of textbooks and instructional materials. The bill also requires the submission of an annual report, beginning December 31, 2015, on identified college affordability initiatives.

Section 10. Amends s. 1004.085, F.S., providing a definition of “instructional materials”; requiring Florida College System institutions and state universities post prominently in course registrations systems and websites hyperlinks to lists of required and recommended textbooks and instructional materials for courses offered during the upcoming term; requiring postsecondary institutions to consult with school districts on the cost of dual enrollment textbooks; requiring postsecondary institutions to conduct cost-benefit analyses; requiring Florida College System institutions and state universities to annually report textbook affordability information to their respective chancellors; and requiring the Florida College System institution and state university boards of trustees to compile information regarding the instructional materials selection process for high enrollment courses and general education courses with a cost variance and overall instructional material affordability and report annually to the State Board of Education and Board of Governors, respectively. The bill also requires Florida College System institutions and state universities to examine, by semester, the cost of textbooks and materials for all general education courses to identify any variance in cost across different sections of the same courses. This provision expires July 1, 2017.

Section 11. Amends s. 1004.92, F.S., revising language regarding career and technical education program standards and requiring the State Board of Education to adopt rules.

Section 12. Amends s. 1009.23, F.S., requiring each Florida College System institution to publicly notice any proposal to increase tuition or fees at least 28 days prior to it being considered at a Board of Trustees meeting.

Section 13. Amends s. 1009.24, F.S., removing the Board of Governor’s authority to delegate the establishment of tuition for graduate and professional programs and out-of-state fees to the university boards of trustees; authorizing state universities to continue assessing tuition differential fees approved prior to July 1, 2014; eliminating the ability for a state university to seek approval for an increase in the tuition differential fee; clarifying that preeminent universities may increase the tuition differential by no more than 6 percent provided they meet specific performance benchmarks established by the Board of Governors; removing the requirement that seventy percent of tuition differential fee revenues be expended for the purpose of undergraduate education; and requiring each state university to publicly notice any proposal to increase tuition or fees at least 28 days prior to it being considered at a Board of Trustees meeting.

Section 14. Creates s. 1011.802, F.S., establishing the Florida Apprenticeship Grant (FLAG) Program to provide competitive grants for career centers, charter technical career centers and Florida College System institutions to expand existing or create new apprenticeship programs.

Section 15. Creates s. 1011.803, F.S., establishing the Rapid Response Grant Program for the purpose of providing a competitive grant process for the expansion or implementation of high-demand postsecondary programs at career centers and charter technical career centers.

Section 16. Provides \$3 million in recurring general revenue to implement the Florida Apprenticeship Grant (FLAG) Program and \$10 million in recurring general revenue to implement the Rapid Response Grant Education and Training Program to the Department of Education.

Section 17. Provides an effective date of July 1, 2015.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The bill removes the ability for universities to seek approval from the BOG for an increase in the tuition differential fee, effectively capping tuition differential fees at non-preeminent universities at the level in place as of July 1, 2014. This provision reduces the ability for universities to increase revenues in the Education and General Student and Other Fees Trust Fund.

2. Expenditures:

This bill provides the Department of Education with \$3 million in recurring general revenue to implement the Florida Apprenticeship Grant (FLAG) Program and \$10 million in recurring general revenue to implement the Rapid Response Grant Program.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill creates the Rapid Response Grant Program to provide a competitive grant process for the expansion or implementation of high-demand postsecondary programs at career centers or charter technical career centers. This new program may result in businesses choosing to locate in Florida because they will be given adequate assurance that they will have the skilled workers needed for their enterprise to be successful in this state.

The Florida Apprenticeship Grant Program will provide start-up funding for new apprenticeship programs and allow for expansion of existing apprenticeship programs at Florida College System institutions, career centers, and charter technical career centers. The program will benefit both businesses and students enrolled in the programs. Businesses have expressed the need for increased apprenticeship programs. Students enrolled in apprenticeship programs are exempt from the payment of tuition and fees.

Students at state universities and colleges will benefit from having a sufficient amount of time and information to seek out the lowest available prices for textbooks and instructional materials.

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:

B. RULE-MAKING AUTHORITY:

The bill provides rulemaking authority to the State Board of Education regarding instructional components of Career and Technical Education programs. The bill may also require the State Board of Education to modify rules relating to textbook affordability and Florida College System institution boards of trustees meeting notice policies.

The bill may require the Board of Governors to modify regulations relating to textbook affordability, the delegation of the establishment of graduate and professional tuition and all out-of-state fees to the university boards of trustees, tuition differential fees, and Board of Governors and university boards of trustees meeting notice policies.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES



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 Porter offered the following:

Amendment (with title amendment)

Between lines 638 and 639, insert:

Section 1. Subsection (1) of section 1008.46, Florida Statutes, is amended to read:

1008.46 State university accountability process.—It is the intent of the Legislature that an accountability process be implemented that provides for the systematic, ongoing evaluation of quality and effectiveness of state universities. It is further the intent of the Legislature that this accountability process monitor performance at the system level in each of the major areas of instruction, research, and public service, while recognizing the differing missions of each of the state universities. The accountability process shall provide for the adoption of systemwide performance standards and performance



Amendment No. 1

18 goals for each standard identified through a collaborative
19 effort involving state universities, the Board of Governors, the
20 Legislature, and the Governor's Office, consistent with
21 requirements specified in s. 1001.706. These standards and goals
22 shall be consistent with s. 216.011(1) to maintain congruity
23 with the performance-based budgeting process. This process
24 requires that university accountability reports reflect measures
25 defined through performance-based budgeting. The performance-
26 based budgeting measures must also reflect the elements of
27 teaching, research, and service inherent in the missions of the
28 state universities.

29 (1) By March 15 ~~December 31~~ of each year, the Board of
30 Governors shall submit an annual accountability report providing
31 information on the implementation of performance standards,
32 actions taken to improve university achievement of performance
33 goals, the achievement of performance goals during the prior
34 year, and initiatives to be undertaken during the next year. The
35 accountability reports shall be designed in consultation with
36 the Governor's Office, the Office of Program Policy Analysis and
37 Government Accountability, and the Legislature.

38
39
40 -----
41 **T I T L E A M E N D M E N T**

42 Remove line 47 and insert:



Amendment No. 1

43 | circumstances; amending s. 1008.46, F.S.; revising date for
44 | accountability report; amending s. 1009.22, F.S.; revising



Amendment No. 2

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 Porter offered the following:

3
 4 **Amendment**
 5 Remove lines 744-747 and insert:
 6 except that ~~college credit in~~ an associate in applied science or
 7 an associate in science degree may be awarded only by a Florida
 8 College System institution. However, if an associate in applied
 9 science or an associate in science degree program contains

1 A bill to be entitled
 2 An act relating to higher education; amending s.
 3 446.021, F.S.; revising definitions relating to state
 4 apprenticeship and job-training programs; amending s.
 5 446.032, F.S.; conforming provisions; amending s.
 6 446.045, F.S.; revising criteria for certain
 7 appointments to the State Apprenticeship Advisory
 8 Council; amending s. 446.081, F.S.; limiting
 9 applicability of state apprenticeship and job-training
 10 program requirements with respect to certain
 11 provisions for veterans, minority persons, and women;
 12 amending s. 446.091, F.S.; conforming provisions;
 13 amending s. 446.092, F.S.; revising criteria for
 14 apprenticeship occupations; amending s. 1001.03, F.S.;
 15 deleting an obsolete prohibition relating to the
 16 approval of certain baccalaureate degree program
 17 proposals; amending s. 1001.44, F.S.; revising
 18 requirements for the establishment and operation of
 19 career centers; providing requirements for a career
 20 center to be designated as a technical college;
 21 amending s. 1002.34, F.S.; providing requirements for
 22 a charter technical career center to be designated as
 23 a charter technical college; amending s. 1002.345,
 24 F.S.; conforming cross-references; amending s.
 25 1004.015, F.S.; revising the membership of the Higher
 26 Education Coordinating Council; amending s. 1004.02,

27 F.S.; revising definitions relating to public
 28 postsecondary education; renaming the applied
 29 technology diploma program as the college credit
 30 certificate program; amending s. 1004.92, F.S.;
 31 revising the program standards for career, adult, and
 32 community education programs; providing for
 33 rulemaking; amending ss. 1007.23 and 1007.25, F.S.;
 34 conforming provisions; amending s. 1007.33, F.S.;
 35 deleting provisions authorizing St. Petersburg College
 36 to establish additional baccalaureate degree programs
 37 under certain circumstances; deleting an obsolete
 38 provision; amending s. 1008.30, F.S.; deleting a
 39 requirement for high schools to evaluate certain
 40 students using results from specified assessments;
 41 deleting requirements for the use of the evaluation
 42 results and required instruction based on certain
 43 evaluation results; deleting an exemption from the
 44 common placement assessment and required developmental
 45 education instruction; providing that certain students
 46 may enroll in a gateway course under certain
 47 circumstances; amending s. 1009.22, F.S.; revising
 48 tuition and fees for specific workforce education
 49 programs; amending ss. 1009.53, 1009.532, and
 50 1009.536, F.S.; conforming provisions to changes made
 51 by the act; amending s. 1011.80, F.S.; conforming
 52 provisions; requiring school districts and Florida

53 College System institutions to maintain certain
 54 records; revising operational and performance funding
 55 calculation and allocation for workforce education
 56 programs; deleting provisions relating to a program to
 57 assist in responding to the needs of new and expanding
 58 businesses; providing an effective date.

59

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

61

62 Section 1. Subsections (2), (4), and (9) of section
 63 446.021, Florida Statutes, are amended to read:

64 446.021 Definitions of terms used in ss. 446.011-446.092.—

65 As used in ss. 446.011-446.092, the term:

66 (2) "Apprentice" means a person at least 16 years of age
 67 who is engaged in learning a recognized skilled trade through
 68 actual work experience under the supervision of a journeyworker
 69 ~~journeymen-craftsmen~~, which training should be combined with
 70 properly coordinated studies of related technical and
 71 supplementary subjects, and who has entered into a written
 72 agreement, which may be cited as an apprentice agreement, with a
 73 registered apprenticeship sponsor who may be ~~either~~ an employer,
 74 an association of employers, or a local joint apprenticeship
 75 committee.

76 (4) "Journeyworker Journeyman" means a worker who has
 77 attained a level of skill and the abilities and competencies
 78 recognized within an industry as having mastered the skills and

79 competencies required for the occupation. The term includes a
 80 mentor, technician, or specialist or other skilled worker who
 81 has documented sufficient skills and knowledge of an occupation,
 82 either through formal apprenticeship or through practical on-
 83 the-job experience and formal training ~~person working in an~~
 84 ~~apprenticeable occupation who has successfully completed a~~
 85 ~~registered apprenticeship program or who has worked the number~~
 86 ~~of years required by established industry practices for the~~
 87 ~~particular trade or occupation.~~

88 (9) "Related instruction" means an organized and
 89 systematic form of instruction designed to provide the
 90 apprentice with knowledge of the theoretical and technical
 91 subjects related to a specific trade or occupation. Such
 92 instruction may be given in a classroom, through occupational or
 93 industrial courses or correspondence courses of equivalent
 94 value, through electronic media, or through other forms of self-
 95 study approved by the department.

96 Section 2. Subsection (1) of section 446.032, Florida
 97 Statutes, is amended to read:

98 446.032 General duties of the department for
 99 apprenticeship training.—The department shall:

100 (1) Establish uniform minimum standards and policies
 101 governing apprentice programs and agreements. The standards and
 102 policies shall govern the terms and conditions of the
 103 apprentice's employment and training, including the quality
 104 training of the apprentice for, but not limited to, such matters

105 as ratios of apprentices to journeyworkers ~~journeymen~~, safety,
 106 related instruction, and on-the-job training; but these
 107 standards and policies may not include rules, standards, or
 108 guidelines that require the use of apprentices and job trainees
 109 on state, county, or municipal contracts. The department may
 110 adopt rules necessary to administer the standards and policies.

111 Section 3. Paragraph (b) of subsection (2) of section
 112 446.045, Florida Statutes, is amended to read:

113 446.045 State Apprenticeship Advisory Council.—

114 (2) (b) The Commissioner of Education or the commissioner's
 115 designee shall serve ex officio as chair of the State
 116 Apprenticeship Advisory Council, but may not vote. The state
 117 director of the Office of Apprenticeship of the United States
 118 Department of Labor shall serve ex officio as a nonvoting member
 119 of the council. The Governor shall appoint to the council four
 120 members representing employee organizations and four members
 121 representing employer organizations. Each of these eight members
 122 shall represent industries that have registered apprenticeship
 123 programs. The Governor shall also appoint two public members who
 124 are knowledgeable about registered apprenticeship and
 125 apprenticeable occupations and who are independent of any joint
 126 or nonjoint organization, ~~one of whom shall be recommended by~~
 127 ~~joint organizations, and one of whom shall be recommended by~~
 128 ~~nonjoint organizations~~. Members shall be appointed for 4-year
 129 staggered terms. A vacancy shall be filled for the remainder of
 130 the unexpired term.

HB 7127

2015

131 Section 4. Subsection (4) is added to section 446.081,
 132 Florida Statutes, to read:
 133 446.081 Limitation.—
 134 (4) Nothing in ss. 446.011-446.092 or in any rules
 135 adopted, or in any apprentice agreement approved, under those
 136 sections shall operate to invalidate any special provision for
 137 veterans, minority persons, or women in the standards,
 138 apprentice qualifications, or operation of the program, which is
 139 not otherwise prohibited by law, executive order, or authorized
 140 regulation.

141 Section 5. Section 446.091, Florida Statutes, is amended
 142 to read:
 143 446.091 On-the-job training program.—All provisions of ss.
 144 446.011-446.092 relating to apprenticeship and
 145 preapprenticeship, including, but not limited to, programs,
 146 agreements, standards, administration, procedures, definitions,
 147 expenditures, local committees, powers and duties, limitations,
 148 grievances, and ratios of apprentices and job trainees to
 149 journeyworkers ~~journeymen~~ on state, county, and municipal
 150 contracts, shall be appropriately adapted and made applicable to
 151 a program of on-the-job training authorized under those
 152 provisions for persons other than apprentices.

153 Section 6. Section 446.092, Florida Statutes, is amended
 154 to read:
 155 446.092 Criteria for apprenticeship occupations.—An
 156 apprenticeable occupation is a skilled trade which possesses all

157 of the following characteristics:

158 (1) It is customarily learned in a practical way through a
 159 structured, systematic program of on-the-job, supervised
 160 training.

161 (2) It is clearly identified and commonly recognized
 162 throughout an the industry ~~or recognized with a positive view~~
 163 ~~towards changing technology.~~

164 (3) It involves manual, mechanical, or technical skills
 165 and knowledge which, in accordance with the industry standards
 166 for the occupation, would require a minimum of 2,000 hours of
 167 on-the-job work and training, which hours are excluded from the
 168 time spent at related instruction.

169 (4) It requires related instruction to supplement on-the-
 170 job training. Such instruction may be given in a classroom,
 171 through occupational or industrial courses or ~~through~~
 172 correspondence courses of equivalent value, through electronic
 173 media, or through other forms of self-study approved by the
 174 department.

175 ~~(5) It involves the development of skill sufficiently~~
 176 ~~broad to be applicable in like occupations throughout an~~
 177 ~~industry, rather than of restricted application to the products~~
 178 ~~or services of any one company.~~

179 ~~(6) It does not fall into any of the following categories:~~

180 ~~(a) Selling, retailing, or similar occupations in the~~
 181 ~~distributive field.~~

182 ~~(b) Managerial occupations.~~

183 ~~(c) Professional and scientific vocations for which~~
 184 ~~entrance requirements customarily require an academic degree.~~

185 Section 7. Subsection (15) of section 1001.03, Florida
 186 Statutes, is amended to read:

187 1001.03 Specific powers of State Board of Education.—

188 (15) FLORIDA COLLEGE SYSTEM INSTITUTION BACCALAUREATE
 189 DEGREE PROGRAMS.—The State Board of Education shall provide for
 190 the review and approval of proposals by Florida College System
 191 institutions to offer baccalaureate degree programs pursuant to
 192 s. 1007.33. A Florida College System institution, as defined in
 193 s. 1000.21, that is approved to offer baccalaureate degrees
 194 pursuant to s. 1007.33 remains under the authority of the State
 195 Board of Education and the Florida College System institution's
 196 board of trustees. ~~The State Board of Education may not approve~~
 197 ~~Florida College System institution baccalaureate degree program~~
 198 ~~proposals from March 31, 2014, through May 31, 2015.~~

199 Section 8. Section 1001.44, Florida Statutes, is amended
 200 to read:

201 (Substantial rewording of section. See

202 s. 1001.44, F.S., for present text.)

203 1001.44 Career centers; designation as technical
 204 colleges.—

205 (1) In order to provide additional career pathways, career
 206 centers shall support and enhance a competitive workforce by
 207 offering high-quality career and technical education programs
 208 that prepare graduates for current and emerging careers.

209 (2) (a) A career center is an educational institution that
 210 offers postsecondary career and technical education programs and
 211 is under the control of the district school board of the school
 212 district in which the center is located. A district school
 213 board, after first obtaining the approval of the Commissioner of
 214 Education, may organize, establish, and operate a career center
 215 or acquire and operate a career center previously established. A
 216 career center that uses the "technical college" designation
 217 pursuant to subsection (3) remains under the control of the
 218 district school board of the school district in which the center
 219 is located.

220 (b) The district school boards of two or more contiguous
 221 districts may, after first obtaining the approval of the
 222 commissioner, enter into an agreement to organize, establish,
 223 and operate, or acquire and operate, a career center under this
 224 section.

225 (3) With the approval of its district school board, a
 226 career center may use the designation "technical college" only
 227 if it meets the following requirements:

228 (a) Offers college credit certificate programs or
 229 technical certificate programs that are terminal in nature; and

230 (b) Offers only career and technical education programs
 231 that are approved by an accrediting agency recognized by the
 232 United States Department of Education.

233 (4) A career center shall maintain an academic transcript
 234 for each student enrolled in the center. A student's transcript

235 shall include each course completed, credit earned, and
 236 credentials earned by the student. Each course shall be
 237 delineated by the course prefix and title assigned pursuant to
 238 s. 1007.24. A career center shall make each student's transcript
 239 available to that student.

240 (5) A career center shall annually, and upon the request
 241 of the state board, the Chancellor of Career and Adult
 242 Education, or the Legislature, report on the career center's
 243 status using the following performance and compliance
 244 indicators:

245 (a) Obtaining and maintaining appropriate accreditation.

246 (b) Maintaining qualified faculty and institutional
 247 resources.

248 (c) Maintaining enrollment in previously approved
 249 programs.

250 (d) Managing fiscal resources appropriately.

251 (e) Measuring program success, including program
 252 completions, placements, licensures, and employer satisfaction
 253 with the job performance of graduates.

254 Section 9. Subsections (4) through (19) of section
 255 1002.34, Florida Statutes, are renumbered as subsections (5)
 256 through (20), respectively, present subsection (4) and
 257 paragraphs (b) and (g) of present subsection (11) are amended,
 258 and a new subsection (4) is added to that section, to read:

259 1002.34 Charter technical career centers; designation as
 260 charter technical colleges.-

261 (4) PROGRAMS.—With the approval of its board of directors,
 262 a charter technical career center may use the designation
 263 "charter technical college" only if it meets the following
 264 requirements:

265 (a) Offers college credit certificate programs or
 266 technical certificate programs that are terminal in nature; and

267 (b) Offers only career and technical education programs
 268 that are approved by an accrediting agency recognized by the
 269 United States Department of Education.

270 (5) ~~(4)~~ CHARTER.—A sponsor may designate centers as
 271 provided in this section. An application to establish a center
 272 may be submitted by a sponsor or another organization that is
 273 determined, by rule of the State Board of Education, to be
 274 appropriate. However, an independent school is not eligible for
 275 status as a center. The charter must be signed by the governing
 276 body of the center and the sponsor and must be approved by the
 277 district school board and Florida College System institution
 278 board of trustees in whose geographic region the facility is
 279 located. If a charter technical career center is established by
 280 the conversion to charter status of a public technical center
 281 formerly governed by a district school board, the charter status
 282 of that center takes precedence in any question of governance.
 283 The governance of the center or of any program within the center
 284 remains with its board of directors unless the board agrees to a
 285 change in governance or its charter is revoked as provided in
 286 subsection (16) ~~(15)~~. Such a conversion charter technical career

287 center is not affected by a change in the governance of public
288 technical centers or of programs within other centers that are
289 or have been governed by district school boards. A charter
290 technical career center, or any program within such a center,
291 that was governed by a district school board and transferred to
292 a Florida College System institution prior to the effective date
293 of this act is not affected by this provision. An applicant who
294 wishes to establish a center must submit to the district school
295 board or Florida College System institution board of trustees,
296 or a consortium of one or more of each, an application on a form
297 developed by the Department of Education which includes:

298 (a) The name of the proposed center.

299 (b) The proposed structure of the center, including a list
300 of proposed members of the board of directors or a description
301 of the qualifications for and method of their appointment or
302 election.

303 (c) The workforce development goals of the center, the
304 curriculum to be offered, and the outcomes and the methods of
305 assessing the extent to which the outcomes are met.

306 (d) The admissions policy and criteria for evaluating the
307 admission of students.

308 (e) A description of the staff responsibilities and the
309 proposed qualifications of the teaching staff.

310 (f) A description of the procedures to be implemented to
311 ensure significant involvement of representatives of business
312 and industry in the operation of the center.

313 (g) A method for determining whether a student has
 314 satisfied the requirements for graduation specified in s.
 315 1002.3105(5), s. 1003.4281, or s. 1003.4282 and for completion
 316 of a postsecondary certificate or degree.

317 (h) A method for granting secondary and postsecondary
 318 diplomas, certificates, and degrees.

319 (i) A description of and address for the physical facility
 320 in which the center will be located.

321 (j) A method for resolving conflicts between the governing
 322 body of the center and the sponsor and between consortium
 323 members, if applicable.

324 (k) A method for reporting student data as required by law
 325 and rule.

326 (l) A statement that the applicant has participated in the
 327 training provided by the Department of Education.

328 (m) The identity of all relatives employed by the charter
 329 technical career center who are related to the center owner,
 330 president, chairperson of the governing board of directors,
 331 superintendent, governing board member, principal, assistant
 332 principal, or any other person employed by the center who has
 333 equivalent decisionmaking authority. As used in this paragraph,
 334 the term "relative" means father, mother, son, daughter,
 335 brother, sister, uncle, aunt, first cousin, nephew, niece,
 336 husband, wife, father-in-law, mother-in-law, son-in-law,
 337 daughter-in-law, brother-in-law, sister-in-law, stepfather,
 338 stepmother, stepson, stepdaughter, stepbrother, stepsister, half

339 | brother, or half sister.

340 | (n) Other information required by the district school
341 | board or Florida College System institution board of trustees.

342 |

343 | Students at a center must meet the same testing and academic
344 | performance standards as those established by law and rule for
345 | students at public schools and public technical centers. The
346 | students must also meet any additional assessment indicators
347 | that are included within the charter approved by the district
348 | school board or Florida College System institution board of
349 | trustees.

350 | (12)~~(11)~~ FUNDING.—

351 | (b) Each district school board and Florida College System
352 | institution that sponsors a charter technical career center
353 | shall pay directly to the center an amount stated in the
354 | charter. State funding shall be generated for the center for its
355 | student enrollment and program outcomes as provided in law. A
356 | center is eligible for funding from workforce education funds,
357 | the Florida Education Finance Program, and the Florida College
358 | System Program Fund, depending upon the programs offered
359 | ~~conducted~~ by the center, pursuant to s. 1011.80.

360 | (g) A center must describe ~~define~~ in the charter agreement
361 | the delivery system in which the instructional offering of
362 | educational services will be placed. The rules governing this
363 | delivery system must be applied to all of the center's students
364 | and must authorize all other sponsoring educational systems to

365 | report required enrollment and student data based solely on the
 366 | rules of the offering institution. Each sponsor shall earn full-
 367 | time equivalent membership for each student for funding and
 368 | reporting purposes.

369 | Section 10. Paragraphs (a) and (d) of subsection (1) and
 370 | paragraph (b) of subsection (2) of section 1002.345, Florida
 371 | Statutes, are amended to read:

372 | 1002.345 Determination of deteriorating financial
 373 | conditions and financial emergencies for charter schools and
 374 | charter technical career centers.—This section applies to
 375 | charter schools operating pursuant to s. 1002.33 and to charter
 376 | technical career centers operating pursuant to s. 1002.34.

377 | (1) EXPEDITED REVIEW; REQUIREMENTS.—

378 | (a) A charter school or a charter technical career center
 379 | is subject to an expedited review by the sponsor if one of the
 380 | following occurs:

- 381 | 1. Failure to provide for an audit required by s. 218.39.
- 382 | 2. Failure to comply with reporting requirements pursuant
 383 | to s. 1002.33(9) or s. 1002.34(12)(f) or (15) ~~1002.34(11)(f) or~~
 384 | ~~(14)~~.

- 385 | 3. A deteriorating financial condition identified through
 386 | an annual audit pursuant to s. 218.39(5), a monthly financial
 387 | statement pursuant to s. 1002.33(9)(g) or s. 1002.34(12)(f)
 388 | ~~1002.34(11)(f)~~, or a quarterly financial statement pursuant to
 389 | s. 1002.331(2)(c). "Deteriorating financial condition" means a
 390 | circumstance that significantly impairs the ability of a charter

391 school or a charter technical career center to generate enough
 392 revenues to meet its expenditures without causing the occurrence
 393 of a condition described in s. 218.503(1).

394 4. Notification pursuant to s. 218.503(2) that one or more
 395 of the conditions specified in s. 218.503(1) have occurred or
 396 will occur if action is not taken to assist the charter school
 397 or charter technical career center.

398 (d) The governing board shall include the corrective
 399 action plan and the status of its implementation in the annual
 400 progress report to the sponsor which is required pursuant to s.
 401 1002.33(9)(k) or s. 1002.34(15) ~~1002.34(14)~~.

402 (2) FINANCIAL EMERGENCY; REQUIREMENTS.—

403 (b) The governing board shall include the financial
 404 recovery plan and the status of its implementation in the annual
 405 progress report to the sponsor which is required under s.
 406 1002.33(9)(k) or s. 1002.34(15) ~~1002.34(14)~~.

407 Section 11. Subsection (2) of section 1004.015, Florida
 408 Statutes, is amended to read:

409 1004.015 Higher Education Coordinating Council.—

410 (2) Members of the council shall include:

411 (a) One member of the Board of Governors, appointed by the
 412 chair of the Board of Governors.

413 (b) The Chancellor of the State University System.

414 (c) The Chancellor of the Florida College System.

415 (d) The Chancellor of Career and Adult Education.

416 (e) ~~(d)~~ One member of the State Board of Education,

417 appointed by the chair of the State Board of Education.

418 ~~(f)(e)~~ The Executive Director of the Florida Association
 419 of Postsecondary Schools and Colleges.

420 ~~(g)(f)~~ The president of the Independent Colleges and
 421 Universities of Florida.

422 ~~(h)(g)~~ The president of Workforce Florida, Inc., or his or
 423 her designee.

424 ~~(i)(h)~~ The president of Enterprise Florida, Inc., or a
 425 designated member of the Stakeholders Council appointed by the
 426 president.

427 ~~(j)(i)~~ Three representatives of the business community,
 428 one appointed by the President of the Senate, one appointed by
 429 the Speaker of the House of Representatives, and one appointed
 430 by the Governor, who are committed to developing and enhancing
 431 world class workforce infrastructure necessary for Florida's
 432 citizens to compete and prosper in the ever-changing economy of
 433 the 21st century.

434 Section 12. Subsections (7) and (25) of section 1004.02,
 435 Florida Statutes, are amended to read:

436 1004.02 Definitions.—As used in this chapter:

437 (7) "College credit certificate ~~Applied technology diploma~~
 438 program" means a course of study that is part of a technical
 439 degree program, is less than 60 credit hours, and leads to
 440 employment in a specific occupation. ~~An applied technology~~
 441 ~~diploma program may consist of either technical credit or~~
 442 ~~college credit. A public school district may offer an applied~~

443 ~~technology diploma program only as technical credit, with~~
 444 ~~college credit awarded to a student upon articulation to a~~
 445 ~~Florida College System institution.~~ Statewide articulation among
 446 public schools and Florida College System institutions is
 447 guaranteed by s. 1007.23~~7~~ and is subject to guidelines and
 448 standards adopted by the State Board of Education pursuant to
 449 ss. 1007.24 and 1007.25.

450 (25) "Workforce education" means adult general education
 451 or career education and may consist of a continuing workforce
 452 education course or a program of study leading to an
 453 occupational completion point, a career certificate, a college
 454 credit certificate ~~an applied technology diploma~~, or a career
 455 degree.

456 Section 13. Paragraph (b) of subsection (2) of section
 457 1004.92, Florida Statutes, is amended, and subsection (4) is
 458 added to that section, to read:

459 1004.92 Purpose and responsibilities for career
 460 education.—

461 (2)

462 (b) Department of Education accountability for career
 463 education includes, but is not limited to:

464 1. The provision of timely, accurate technical assistance
 465 to school districts and Florida College System institutions.

466 2. The provision of timely, accurate information to the
 467 State Board of Education, the Legislature, and the public.

468 3. The development of policies, rules, and procedures that

469 facilitate institutional attainment of the accountability
 470 standards and coordinate the efforts of all divisions within the
 471 department.

472 4. The development of program standards and industry-
 473 driven benchmarks for career, adult, and community education
 474 programs, which must be updated every 3 years. The standards
 475 must reflect the quality components of a career and technical
 476 education program and include career, academic, and workplace
 477 skills; viability of distance learning for instruction; and
 478 work/learn cycles that are responsive to business and industry.

479 5. Overseeing school district and Florida College System
 480 institution compliance with the provisions of this chapter.

481 6. Ensuring that the educational outcomes for the
 482 technical component of career programs are uniform and designed
 483 to provide a graduate who is capable of entering the workforce
 484 on an equally competitive basis regardless of the institution of
 485 choice.

486 (4) The State Board of Education shall adopt rules to
 487 administer this section.

488 Section 14. Subsections (1) and (4) of section 1007.23,
 489 Florida Statutes, are amended to read:

490 1007.23 Statewide articulation agreement.-

491 (1) The State Board of Education and the Board of
 492 Governors shall enter into a statewide articulation agreement
 493 which the State Board of Education shall adopt by rule. The
 494 agreement must preserve Florida's "2+2" system of articulation,

495 facilitate the seamless articulation of student credit across
 496 and among Florida's educational entities, and reinforce ~~the~~
 497 ~~provisions of~~ this chapter by governing:

498 (a) Articulation between secondary and postsecondary
 499 education.+

500 (b) Admission of associate in arts degree graduates from
 501 Florida College System institutions and state universities.+

502 (c) Admission of college credit certificate ~~applied~~
 503 ~~technology diploma~~ program graduates from Florida College System
 504 institutions or career centers.+

505 (d) Admission of associate in science degree and associate
 506 in applied science degree graduates from Florida College System
 507 institutions.+

508 (e) The use of acceleration mechanisms, including
 509 nationally standardized examinations through which students may
 510 earn credit.+

511 (f) General education requirements and statewide course
 512 numbers as provided for in ss. 1007.24 and 1007.25.+ ~~and~~

513 (g) Articulation among programs in nursing.

514 (4) The articulation agreement must guarantee the
 515 statewide articulation of appropriate workforce development
 516 programs and courses between school districts and Florida
 517 College System institutions and specifically provide that every
 518 college credit certificate ~~applied technology diploma~~ graduate
 519 must be granted the same amount of credit upon admission to an
 520 associate in science degree or associate in applied science

521 degree program unless it is a limited access program. Preference
 522 for admission must be given to graduates who are residents of
 523 Florida.

524 Section 15. Subsections (2) and (11) of section 1007.25,
 525 Florida Statutes, are amended to read:

526 1007.25 General education courses; common prerequisites;
 527 other degree requirements.—

528 (2) The department shall identify postsecondary career
 529 education programs offered by Florida College System
 530 institutions and district school boards. The department shall
 531 also identify career courses designated as college credit
 532 courses applicable toward a college credit certificate ~~career~~
 533 ~~education diploma~~ or degree. Such courses must be identified
 534 within the statewide course numbering system.

535 (11) The Commissioner of Education shall appoint faculty
 536 committees representing both Florida College System institution
 537 and public school faculties to recommend to the commissioner for
 538 approval by the State Board of Education a standard program
 539 length and appropriate occupational completion points for each
 540 postsecondary career certificate program, college credit
 541 certificate ~~diploma~~, and degree offered by a school district or
 542 a Florida College System institution.

543 Section 16. Subsection (4) of section 1007.33, Florida
 544 Statutes, is amended to read:

545 1007.33 Site-determined baccalaureate degree access.—

546 (4) A Florida College System institution may:

547 (a) Offer specified baccalaureate degree programs through
 548 formal agreements between the Florida College System institution
 549 and other regionally accredited postsecondary educational
 550 institutions pursuant to s. 1007.22.

551 (b) Offer baccalaureate degree programs that were
 552 authorized by law before ~~prior to~~ July 1, 2009.

553 (c) Beginning July 1, 2009, establish a first or
 554 subsequent baccalaureate degree program for purposes of meeting
 555 district, regional, or statewide workforce needs if approved by
 556 the State Board of Education under this section.

557
 558 Beginning July 1, 2009, the Board of Trustees of St. Petersburg
 559 College is authorized to establish one or more bachelor of
 560 applied science degree programs based on an analysis of
 561 workforce needs in Pinellas, Pasco, and Hernando Counties and
 562 other counties approved by the Department of Education. For each
 563 program selected, St. Petersburg College must offer a related
 564 associate in science or associate in applied science degree
 565 program, and the baccalaureate degree level program must be
 566 designed to articulate fully with at least one associate in
 567 science degree program. The college is encouraged to develop
 568 articulation agreements for enrollment of graduates of related
 569 associate in applied science degree programs. ~~The Board of~~
 570 ~~Trustees of St. Petersburg College is authorized to establish~~
 571 ~~additional baccalaureate degree programs if it determines a~~
 572 ~~program is warranted and feasible based on each of the factors~~

573 | ~~in paragraph (5)(d). However, the Board of Trustees of St.~~
 574 | ~~Petersburg College may not establish any new baccalaureate~~
 575 | ~~degree programs from March 31, 2014, through May 31, 2015.~~ Prior
 576 | to developing or proposing a new baccalaureate degree program,
 577 | St. Petersburg College shall engage in need, demand, and impact
 578 | discussions with the state university in its service district
 579 | and other local and regional, accredited postsecondary providers
 580 | in its region. Documentation, data, and other information from
 581 | inter-institutional discussions regarding program need, demand,
 582 | and impact shall be provided to the college's board of trustees
 583 | to inform the program approval process. Employment at St.
 584 | Petersburg College is governed by the same laws that govern
 585 | Florida College System institutions, except that upper-division
 586 | faculty are eligible for continuing contracts upon the
 587 | completion of the fifth year of teaching. Employee records for
 588 | all personnel shall be maintained as required by s. 1012.81.

589 | Section 17. Subsection (3) and paragraphs (a) and (b) of
 590 | subsection (4) of section 1008.30, Florida Statutes, are amended
 591 | to read:

592 | 1008.30 Common placement testing for public postsecondary
 593 | education.—

594 | ~~(3) The State Board of Education shall adopt rules that~~
 595 | ~~require high schools to evaluate before the beginning of grade~~
 596 | ~~12 the college readiness of each student who scores Level 2 or~~
 597 | ~~Level 3 on grade 10 FCAT Reading or the English Language Arts~~
 598 | ~~assessment under s. 1008.22, as applicable, or Level 2, Level 3,~~

599 ~~or Level 4 on the Algebra I assessment under s. 1008.22. High~~
 600 ~~schools shall perform this evaluation using results from the~~
 601 ~~corresponding component of the common placement test prescribed~~
 602 ~~in this section, or an alternative test identified by the State~~
 603 ~~Board of Education. The high school shall use the results of the~~
 604 ~~test to advise the students of any identified deficiencies and~~
 605 ~~to provide 12th grade students, and require them to complete,~~
 606 ~~appropriate postsecondary preparatory instruction before high~~
 607 ~~school graduation. The curriculum provided under this subsection~~
 608 ~~shall be identified in rule by the State Board of Education and~~
 609 ~~encompass Florida's Postsecondary Readiness Competencies. Other~~
 610 ~~elective courses may not be substituted for the selected~~
 611 ~~postsecondary mathematics, reading, writing, or English Language~~
 612 ~~Arts preparatory course unless the elective course covers the~~
 613 ~~same competencies included in the postsecondary mathematics,~~
 614 ~~reading, writing, or English Language Arts preparatory course.~~

615 (3)(4) By October 31, 2013, the State Board of Education
 616 shall establish by rule the test scores a student must achieve
 617 to demonstrate readiness to perform college-level work, and the
 618 rules must specify the following:

619 ~~(a) A student who entered 9th grade in a Florida public~~
 620 ~~school in the 2003-2004 school year, or any year thereafter, and~~
 621 ~~earned a Florida standard high school diploma or a student who~~
 622 ~~is serving as an active duty member of any branch of the United~~
 623 ~~States Armed Services shall not be required to take the common~~
 624 ~~placement test and shall not be required to enroll in~~

625 ~~developmental education instruction in a Florida College System~~
 626 ~~institution. However, a student who is not required to take the~~
 627 ~~common placement test and is not required to enroll in~~
 628 ~~developmental education under this paragraph may opt to be~~
 629 ~~assessed and to enroll in developmental education instruction,~~
 630 ~~and the college shall provide such assessment and instruction~~
 631 ~~upon the student's request.~~

632 (a) ~~(b)~~ A student who takes the common placement test and
 633 whose score on the common placement test indicates a need for
 634 developmental education must be advised of all the developmental
 635 education options offered at the institution and, after
 636 advisement, shall be allowed to enroll in a ~~the~~ developmental
 637 education option or gateway course, as defined in s. 1008.02, of
 638 his or her choice.

639 Section 18. Paragraphs (d) and (e) of subsection (3) of
 640 section 1009.22, Florida Statutes, are redesignated as
 641 paragraphs (e) and (f), respectively, paragraph (c) of that
 642 subsection is amended, and a new paragraph (d) is added to that
 643 subsection, to read:

644 1009.22 Workforce education postsecondary student fees.-
 645 (3)

646 (c) Effective July 1, 2014, for programs leading to a
 647 career certificate ~~or an applied technology diploma,~~ the
 648 standard tuition shall be \$2.33 per contact hour for residents
 649 and nonresidents and the out-of-state fee shall be \$6.99 per
 650 contact hour. For adult general education programs, a block

651 | tuition of \$45 per half year or \$30 per term shall be assessed.
 652 | Each district school board and Florida College System
 653 | institution board of trustees shall adopt policies and
 654 | procedures for the collection of and accounting for the
 655 | expenditure of the block tuition. All funds received from the
 656 | block tuition shall be used only for adult general education
 657 | programs. Students enrolled in adult general education programs
 658 | may not be assessed the fees authorized in subsection (5),
 659 | subsection (6), or subsection (7).

660 | (d) Effective July 1, 2015, for programs leading to a
 661 | college credit certificate, the standard tuition shall be \$71.98
 662 | per credit hour for residents and nonresidents and the out-of-
 663 | state fee shall be \$215.94 per credit hour in addition to the
 664 | standard credit hour rate of \$71.98.

665 | Section 19. Subsection (1) of section 1009.53, Florida
 666 | Statutes, is amended to read:

667 | 1009.53 Florida Bright Futures Scholarship Program.—

668 | (1) The Florida Bright Futures Scholarship Program is
 669 | created to establish a lottery-funded scholarship program to
 670 | reward any Florida high school graduate who merits recognition
 671 | of high academic achievement and who enrolls in a degree
 672 | program, certificate program, or college credit certificate
 673 | ~~applied technology~~ program at an eligible Florida public or
 674 | private postsecondary education institution within 3 years after
 675 | ~~of~~ graduation from high school.

676 | Section 20. Paragraph (c) of subsection (3) of section

677 1009.532, Florida Statutes, is amended to read:

678 1009.532 Florida Bright Futures Scholarship Program;
679 student eligibility requirements for renewal awards.—

680 (3)

681 (c) A student who is initially eligible in the 2012-2013
682 academic year and thereafter may receive an award for a maximum
683 of 100 percent of the number of credit hours required to
684 complete an associate degree program, a baccalaureate degree
685 program, or a postsecondary career certificate program or, for a
686 Florida Gold Seal Vocational Scholars award, may receive an
687 award for a maximum of 100 percent of the number of credit hours
688 or equivalent clock hours required to complete one of the
689 following at a Florida public or nonpublic education institution
690 that offers these specific programs: for a college credit
691 certificate ~~an applied technology diploma~~ program as defined in
692 s. 1004.02(7), up to 60 credit hours or equivalent clock hours;
693 for a technical degree education program as defined in s.
694 1004.02(13), up to the number of hours required for a specific
695 degree not to exceed 72 credit hours or equivalent clock hours;
696 or for a career certificate program as defined in s.
697 1004.02(20), up to the number of hours required for a specific
698 certificate not to exceed 72 credit hours or equivalent clock
699 hours. A student who transfers from one of these program levels
700 to another program level becomes eligible for the higher of the
701 two credit hour limits.

702 Section 21. Paragraph (c) of subsection (4) of section

703 1009.536, Florida Statutes, is amended to read:

704 1009.536 Florida Gold Seal Vocational Scholars award.—The
 705 Florida Gold Seal Vocational Scholars award is created within
 706 the Florida Bright Futures Scholarship Program to recognize and
 707 reward academic achievement and career preparation by high
 708 school students who wish to continue their education.

709 (4)

710 (c) A student who is initially eligible in the 2012-2013
 711 academic year and thereafter may earn a Florida Gold Seal
 712 Vocational Scholarship for a maximum of 100 percent of the
 713 number of credit hours or equivalent clock hours required to
 714 complete one of the following at a Florida public or nonpublic
 715 education institution that offers these specific programs: for a
 716 college credit certificate ~~an applied technology diploma~~ program
 717 as defined in s. 1004.02(7), up to 60 credit hours or equivalent
 718 clock hours; for a technical degree education program as defined
 719 in s. 1004.02(13), up to the number of hours required for a
 720 specific degree not to exceed 72 credit hours or equivalent
 721 clock hours; or for a career certificate program as defined in
 722 s. 1004.02(20), up to the number of hours required for a
 723 specific certificate not to exceed 72 credit hours or equivalent
 724 clock hours.

725 Section 22. Section 1011.80, Florida Statutes, is
 726 reordered and amended to read:

727 1011.80 Funds for operation of workforce education
 728 programs.—

729 (1) As used in this section, the terms "workforce
 730 education" and "workforce education program" include:
 731 (a) Adult general education programs designed to improve
 732 the employability skills of the state's workforce as defined in
 733 s. 1004.02(3).
 734 (b) Career certificate programs, as defined in s.
 735 1004.02(20).
 736 (c) College credit certificate ~~Applied technology diploma~~
 737 ~~programs,~~ as defined in s. 1004.02(7).
 738 (d) Continuing workforce education courses.
 739 (e) Degree career education programs.
 740 (f) Apprenticeship and preapprenticeship programs as
 741 defined in s. 446.021.
 742 (2) A ~~Any~~ workforce education program may be conducted by
 743 a Florida College System institution or a school district,
 744 except that ~~college credit in an associate in applied science or~~
 745 an associate in science degree may be awarded only by a Florida
 746 College System institution. However, if an ~~associate in applied~~
 747 ~~science or an~~ associate in science degree program contains
 748 within it an ~~occupational completion point that confers a~~
 749 college credit certificate ~~or an applied technology diploma,~~
 750 that portion of the program may be offered ~~conducted~~ by a school
 751 district career center. ~~Any~~ Instruction designed to articulate
 752 to a degree program is subject to guidelines and standards
 753 adopted by the State Board of Education pursuant to s. 1007.25.
 754 (3) Each school district and Florida College System

755 institution receiving state appropriations for workforce
 756 education programs must maintain adequate and accurate records,
 757 including a system to record school district workforce education
 758 funding and expenditures, in order to maintain separation of
 759 postsecondary workforce education expenditures from secondary
 760 education expenditures. These records must be filed with the
 761 Department of Education in correct and proper form on or before
 762 the date due as provided by law or rule for each annual or
 763 periodic report that is required by rules of the State Board of
 764 Education.

765 (4)~~(9)~~ School districts shall report full-time equivalent
 766 students by discipline category for the programs specified in
 767 subsection (1). There shall be an annual cost analysis for the
 768 school district workforce education programs that reports cost
 769 by discipline category consistent with the reporting for full-
 770 time equivalent students. The annual financial reports submitted
 771 by the school districts must accurately report on the student
 772 fee revenues by fee type according to the programs specified in
 773 subsection (1). The Department of Education shall develop a plan
 774 for comparable reporting of program, student, facility,
 775 personnel, and financial data between the Florida College System
 776 institutions and the school district workforce education
 777 programs.

778 ~~(3) If a program for disabled adults pursuant to s.~~
 779 ~~1004.93 is a workforce program as defined in law, it must be~~
 780 ~~funded as provided in this section.~~

781 ~~(4) Funding for all workforce education programs must be~~
 782 ~~based on cost categories, performance output measures, and~~
 783 ~~performance outcome measures.~~

784 ~~(a) The cost categories must be calculated to identify~~
 785 ~~high cost programs, medium cost programs, and low cost programs.~~
 786 ~~The cost analysis used to calculate and assign a program of~~
 787 ~~study to a cost category must include at least both direct and~~
 788 ~~indirect instructional costs, consumable supplies, equipment,~~
 789 ~~and standard program length.~~

790 ~~(b) The performance output measure for an adult general~~
 791 ~~education course of study is measurable improvement in student~~
 792 ~~skills. This measure shall include improvement in literacy~~
 793 ~~skills, grade level improvement as measured by an approved test,~~
 794 ~~or attainment of a State of Florida diploma or an adult high~~
 795 ~~school diploma.~~

796 ~~(c) The performance outcome measures for adult general~~
 797 ~~education programs are associated with placement and retention~~
 798 ~~of students after reaching a completion point or completing a~~
 799 ~~program of study. These measures include placement or retention~~
 800 ~~in employment. Continuing postsecondary education at a level~~
 801 ~~that will further enhance employment is a performance outcome~~
 802 ~~for adult general education programs.~~

803 (5) State funding and student fees for workforce education
 804 instruction shall be established as follows:

805 (a) Expenditures for the continuing workforce education
 806 programs provided by the Florida College System institutions or

HB 7127

2015

807 school districts must be fully supported by fees. Enrollments in
 808 continuing workforce education courses shall not be counted for
 809 purposes of funding full-time equivalent enrollment.

810 (b) For all other workforce education programs, state
 811 funding shall be calculated based on weighted enrollment and
 812 program costs minus fee revenues generated to offset program
 813 operational costs equal 75 percent of the average cost of
 814 instruction with the remaining 25 percent made up from student
 815 fees. Fees for courses within a program shall not vary according
 816 to the cost of the individual program, but instead shall be as
 817 provided in s. 1009.22 ~~based on a uniform fee calculated and set~~
 818 ~~at the state level, as adopted by the State Board of Education,~~
 819 unless otherwise specified in the General Appropriations Act.

820 ~~(c) For fee-exempt students pursuant to s. 1009.25, unless~~
 821 ~~otherwise provided for in law, state funding shall equal 100~~
 822 ~~percent of the average cost of instruction.~~

823 (c)(d) For a public educational institution that has been
 824 fully funded by an external agency for direct instructional
 825 costs of any course or program, the FTE generated shall not be
 826 reported for state funding.

827 (6) (a) ~~A school district or a Florida College System~~
 828 ~~institution that provides workforce education programs shall~~
 829 ~~receive funds in accordance with distributions for base and~~
 830 ~~performance funding established by the Legislature in the~~
 831 ~~General Appropriations Act.~~ To ensure equitable funding for all
 832 school district workforce education programs and to recognize

833 enrollment growth, the Department of Education shall use the
 834 funding model developed by the District Workforce Education
 835 Funding Steering Committee to determine each district's
 836 workforce education funding needs. To assist the Legislature in
 837 allocating workforce education funds in the General
 838 Appropriations Act, the funding model shall annually be provided
 839 to the legislative appropriations committees no later than March
 840 1.

841 (b) Operational funding shall be provided to school
 842 districts for workforce education programs based on weighted
 843 student enrollment and program costs determined by cost
 844 categories. The cost categories must be calculated to identify
 845 high-cost programs, medium-cost programs, and low-cost programs.
 846 The cost analysis used to calculate and assign a program of
 847 study to a cost category must include at least both direct and
 848 indirect instructional costs, consumable supplies, equipment,
 849 and standard program length.

850 (7) Performance funding for workforce education programs
 851 shall be contingent upon specific appropriation in the General
 852 Appropriations Act. To assist the Legislature in determining
 853 performance funding allocations, the State Board of Education
 854 shall provide the Legislature with recommended formulas,
 855 criteria, timeframes, and mechanisms for distributing
 856 performance funds no later than March 1. These recommendations
 857 shall reward programs that:

858 (a) Prepare people to enter high-skill and high-wage
 859 occupations identified by the Workforce Estimating Conference
 860 pursuant to s. 216.136 and other programs as approved by
 861 Workforce Florida, Inc. At a minimum, performance incentives
 862 shall be calculated for adults who reach completion points or
 863 complete programs that lead to specified high-wage employment
 864 and to their placement in that employment.

865 (b) Prepare adults who are eligible for public assistance,
 866 economically disadvantaged, disabled, not proficient in English,
 867 or dislocated workers, for high-wage occupations. At a minimum,
 868 performance incentives shall be calculated at an enhanced value
 869 for the completion by adults identified in this paragraph and
 870 the job placement of such adults upon completion. In addition,
 871 adjustments may be made in payments for job placements for areas
 872 of high unemployment.

873 (c) Increase student achievement in adult general
 874 education courses by measuring performance output and outcome
 875 measures.

876 1. The performance output measure for an adult general
 877 education course of study is measurable improvement in student
 878 skills. This measure shall include improvement in literacy
 879 skills, grade-level improvement as measured by an approved test,
 880 or attainment of a Florida diploma or an adult high school
 881 diploma.

882 2. The performance outcome measures for adult general
 883 education programs are associated with placement and retention

884 of students after reaching a completion point or completing a
 885 program of study. These measures include placement or retention
 886 in employment. Continuing postsecondary education at a level
 887 that will further enhance employment is a performance outcome
 888 for adult general education programs.

889 (d) ~~(b)~~ Award industry certifications. Performance funding
 890 for industry certifications ~~for school district workforce~~
 891 ~~education programs is contingent upon specific appropriation in~~
 892 ~~the General Appropriations Act and shall be determined as~~
 893 follows:

894 1. Occupational areas for which industry certifications
 895 may be earned, as established in the General Appropriations Act,
 896 are eligible for performance funding. Priority shall be given to
 897 the occupational areas emphasized in state, national, or
 898 corporate grants provided to Florida educational institutions.

899 2. The Chancellor of Career and Adult Education shall
 900 identify the industry certifications eligible for funding on the
 901 Postsecondary Industry Certification Funding List approved by
 902 the State Board of Education pursuant to s. 1008.44, based on
 903 the occupational areas specified in the General Appropriations
 904 Act.

905 3. Each school district shall be provided \$1,000 for each
 906 industry certification earned by a workforce education student.
 907 The maximum amount of funding appropriated for performance
 908 funding pursuant to this paragraph shall be limited to \$15

909 million annually. If funds are insufficient to fully fund the
 910 calculated total award, such funds shall be prorated.

911 ~~(c) A program is established to assist school districts
 912 and Florida College System institutions in responding to the
 913 needs of new and expanding businesses and thereby strengthening
 914 the state's workforce and economy. The program may be funded in
 915 the General Appropriations Act. The district or Florida College
 916 System institution shall use the program to provide customized
 917 training for businesses which satisfies the requirements of s.
 918 288.047. Business firms whose employees receive the customized
 919 training must provide 50 percent of the cost of the training.
 920 Balances remaining in the program at the end of the fiscal year
 921 shall not revert to the general fund, but shall be carried over
 922 for 1 additional year and used for the purpose of serving
 923 incumbent worker training needs of area businesses with fewer
 924 than 100 employees. Priority shall be given to businesses that
 925 must increase or upgrade their use of technology to remain
 926 competitive.~~

927 (8) ~~(7)~~ (a) A school district or Florida College System
 928 institution that receives workforce education funds must use the
 929 money to benefit the workforce education programs it provides.
 930 The money may be used for equipment upgrades, program
 931 expansions, or any other use that would result in workforce
 932 education program improvement. The district school board or
 933 Florida College System institution board of trustees may not

934 withhold any portion of the performance funding for indirect
 935 costs.

936 (b) State funds provided for the operation of
 937 postsecondary workforce programs may not be expended for the
 938 education of state or federal inmates.

939 ~~(8) The State Board of Education and Workforce Florida,~~
 940 ~~Inc., shall provide the Legislature with recommended formulas,~~
 941 ~~criteria, timeframes, and mechanisms for distributing~~
 942 ~~performance funds. The commissioner shall consolidate the~~
 943 ~~recommendations and develop a consensus proposal for funding.~~
 944 ~~The Legislature shall adopt a formula and distribute the~~
 945 ~~performance funds to the State Board of Education for Florida~~
 946 ~~College System institutions and school districts through the~~
 947 ~~General Appropriations Act. These recommendations shall be based~~
 948 ~~on formulas that would discourage low-performing or low-demand~~
 949 ~~programs and encourage through performance-funding awards:~~

950 ~~(a) Programs that prepare people to enter high-wage~~
 951 ~~occupations identified by the Workforce Estimating Conference~~
 952 ~~created by s. 216.136 and other programs as approved by~~
 953 ~~Workforce Florida, Inc. At a minimum, performance incentives~~
 954 ~~shall be calculated for adults who reach completion points or~~
 955 ~~complete programs that lead to specified high-wage employment~~
 956 ~~and to their placement in that employment.~~

957 ~~(b) Programs that successfully prepare adults who are~~
 958 ~~eligible for public assistance, economically disadvantaged,~~
 959 ~~disabled, not proficient in English, or dislocated workers for~~

960 ~~high wage occupations. At a minimum, performance incentives~~
 961 ~~shall be calculated at an enhanced value for the completion of~~
 962 ~~adults identified in this paragraph and job placement of such~~
 963 ~~adults upon completion. In addition, adjustments may be made in~~
 964 ~~payments for job placements for areas of high unemployment.~~

965 ~~(c) Programs that are specifically designed to be~~
 966 ~~consistent with the workforce needs of private enterprise and~~
 967 ~~regional economic development strategies, as defined in~~
 968 ~~guidelines set by Workforce Florida, Inc. Workforce Florida,~~
 969 ~~Inc., shall develop guidelines to identify such needs and~~
 970 ~~strategies based on localized research of private employers and~~
 971 ~~economic development practitioners.~~

972 ~~(d) Programs identified by Workforce Florida, Inc., as~~
 973 ~~increasing the effectiveness and cost efficiency of education.~~

974 (9)~~(10)~~ A high school student dually enrolled under s.
 975 1007.271 in a workforce education program operated by a Florida
 976 College System institution or school district career center
 977 generates the amount calculated for workforce education funding,
 978 including any payment of performance funding, and the
 979 proportional share of full-time equivalent enrollment generated
 980 through the Florida Education Finance Program for the student's
 981 enrollment in a high school. If a high school student is dually
 982 enrolled in a Florida College System institution program,
 983 including a program conducted at a high school, the Florida
 984 College System institution earns the funds generated for
 985 workforce education funding, and the school district earns the

986 proportional share of full-time equivalent funding from the
 987 Florida Education Finance Program. If a student is dually
 988 enrolled in a career center operated by the same district as the
 989 district in which the student attends high school, that district
 990 earns the funds generated for workforce education funding and
 991 also earns the proportional share of full-time equivalent
 992 funding from the Florida Education Finance Program. If a student
 993 is dually enrolled in a workforce education program provided by
 994 a career center operated by a different school district, the
 995 funds must be divided between the two school districts
 996 proportionally from the two funding sources. A student may not
 997 be reported for funding in a dual enrollment workforce education
 998 program unless the student has completed the basic skills
 999 assessment pursuant to s. 1004.91. A student who is coenrolled
 1000 in a K-12 education program and an adult education program may
 1001 be reported for purposes of funding in an adult education
 1002 program. If a student is coenrolled in core curricula courses
 1003 for credit recovery or dropout prevention purposes and does not
 1004 have a pattern of excessive absenteeism or habitual truancy or a
 1005 history of disruptive behavior in school, the student may be
 1006 reported for funding for up to two courses per year. Such a
 1007 student is exempt from the payment of the block tuition for
 1008 adult general education programs provided in s. 1009.22(3)(c).
 1009 The Department of Education shall develop a list of courses to
 1010 be designated as core curricula courses for the purposes of
 1011 coenrollment.

HB 7127

2015

1012 | (10)~~(11)~~ The State Board of Education may adopt rules to
1013 | administer this section.

1014 | Section 23. This act shall take effect July 1, 2015.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 7127 PCB HEWS 15-03 Higher Education
SPONSOR(S): Higher Education & Workforce Subcommittee, Rodrigues
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Higher Education & Workforce Subcommittee	12 Y, 0 N	Banner	Sherry
1) Education Appropriations Subcommittee	11 Y, 0 N	Butler	Heflin
2) Education Committee		Banner <i>AB</i>	Mizereck <i>KW</i>

SUMMARY ANALYSIS

The bill:

- Authorizes career centers and charter technical career centers to offer college credit certificate programs.
- Authorizes career centers and charter technical career centers to use the “technical college” designation only if they offer college credit certificate programs or technical certification programs that are terminal in nature.
- Establishes fees for college credit programs at career centers commensurate with Florida College System fees.
- Promotes apprenticeship programs by updating terminology, revising membership on the State Apprenticeship Advisory Council, and clarifying language relating to industry standards.
- Revises the standards for career, adult, and community education programs and provides rule-making authority for the State Board of Education to make rules regarding accountability for career education.
- Adds the Chancellor for Career and Adult Education to the membership of the Higher Education Coordinating Council.
- Requires more accurate financial reporting for workforce education programs.
- Strengthens student advising by requiring students to take the common placement test upon entry to a public postsecondary institution and requiring institutions to use the test scores to advise students regarding course placement options.
 - Eliminates common placement testing requirement in high school and the exemption from PERT testing for students who entered high school in 2003-04 or thereafter.
 - Allows all students to choose to enroll in a developmental option or a gateway college credit course after advisement.
- Repeals the moratorium on the approval of new Florida College System institution baccalaureate degree program proposals and St. Petersburg College Board of Trustees’ authority to approve their own baccalaureate degree program proposals.

The bill has an indeterminate fiscal impact. (SEE FISCAL COMMENTS SECTION)

The bill has an effective date of July 1, 2015.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Apprenticeships

Present Situation

The Department of Education (DOE) serves as the state apprenticeship agency and registers apprentices and apprenticeship programs on behalf of the United States Department of Labor's (USDOL) Office of Apprenticeship. The purpose of apprenticeships is to enable employers to develop and apply industry standards to training programs for registered apprentices that can increase productivity and improve the quality of the workforce. An apprenticeship is a highly structured training system in which the apprentice works full-time during the day for a sponsoring employer, learning the skills of the trade through on-the-job training along with related classroom instruction. While enrolled in the program, apprentices earn a progressive wage and upon completion of the program are considered a journeyworker and receive a nationally recognized State Certificate of Completion.¹

Apprenticeship enrollment is obtained through school district programs, state college programs and independent agencies. Approximately 80 percent of the programs are offered through school districts and colleges and 20 percent through independent agencies. For the 2013-14 academic year, there were 6,884 students enrolled in school district programs and 2,262 students enrolled in state college programs. Based on 2012-13 cost data, the school districts spent approximately \$18.3 million on apprenticeship programs and the state colleges spent approximately \$5.2 million.²

During the 2002 Legislative Special Session E³, the department's rulemaking authority regarding Instructional Components of Vocational Education was repealed. As a result, DOE is unable to update a rule regarding instructional components of Career and Technical Education programs.

Effect of Proposed Changes

The bill redefines "journeyworker" to further identify individuals who may serve as journeyworkers as mentors, technicians, specialists or other skilled workers who can document extensive occupational experience through an alternative means to traditional registered apprenticeship completion. It also revises the definition of "related instruction" to include instruction provided in the classroom, correspondence courses or self-study courses approved by DOE. The bill clarifies that no statute, rule, or agreement relating to apprenticeships shall invalidate any special provision for veterans, minorities or women in apprenticeship programs and modifies the requirements for the two public members appointed to the State Apprenticeship Advisory Council to be independent of any joint or non-joint organization.

Career Centers and Charter Technical Career Centers

Present Situation

Current law defines a career center as an educational institution offering terminal courses of a technical nature, and courses for out-of-school youth and adults.⁴ Any district school board is authorized to

¹ Department of Education, *Apprenticeship in Florida: presentation to Higher Education and Workforce Subcommittee* (Jan. 21, 2015), available at [http://myfloridahouse.gov/Sections/Documents/publications.aspx?CommitteeId=2853&PublicationType=Committees&DocumentType=Meeting Packets&SessionId=76](http://myfloridahouse.gov/Sections/Documents/publications.aspx?CommitteeId=2853&PublicationType=Committees&DocumentType=Meeting%20Packets&SessionId=76).

² Email, Florida Department of Education, Apprenticeship Program Enrollment Information (March 10, 2015).

³ Chapter 2002-387, L.O.F.

establish and operate a career center after obtaining approval from the Department of Education (DOE).⁵ In addition, district school boards of contiguous districts may enter into an agreement to establish a career center after obtaining approval from DOE.⁶

There are currently 48 public career centers operating in 30 school districts in Florida.⁷ Forty-seven of the career centers are accredited by the Council on Occupational Education (COE). Gadsden Technical Institute became a candidate for accreditation in 2013.⁸ The COE is recognized as a national institutional accrediting agency by the United States Secretary of Education for participation in Title IV programs.⁹ COE accredits educational institutions in 35 states, the District of Columbia, and two foreign countries,¹⁰ and its current scope includes accreditation of non-degree-granting and applied associate degree-granting postsecondary occupational education institutions.¹¹

Both school districts and Florida College System (FCS) institutions offer workforce education programs.¹² School districts may provide workforce education programs through one or more career centers, and may provide workforce education programs by sponsoring charter technical career centers in coordination with an FCS institution.¹³ Workforce education programs include: adult general education programs; career certificate programs; applied technology diploma programs; continuing workforce education courses; degree career education programs; and apprenticeship and preapprenticeship programs.¹⁴ The career centers enrolled 47,659 students in career and technical education programs in 2013-14.¹⁵

In an effort to create a positive image and perception of the programs, services, staff and students, career centers have been changing their names to “technical college”. Currently, 23 schools (approximately 50 percent) in 12 districts have changed their name to include “technical college”. They are:

- First Coast Technical College (St. Johns County)
- Lake Technical College (Lake County)
- Atlantic Technical College, Sheridan Technical College, and William T. McFatter Technical College (Broward County)
- Pinellas Technical College – St. Pete and Pinellas Technical College – Clearwater (Pinellas County)
- Florida Panhandle Technical College (Washington County)
- Emerald Coast Technical College (Walton County)
- Withlacoochee Technical College (Citrus County)
- Suncoast Technical College (Sarasota County)
- Aparicio-Levy Technical College, Brewster Technical College, Erwin Technical College, and Learey Technical College (Hillsborough County)
- Manatee Technical College (Manatee County)

⁴ Section 1001.44(3), F.S.

⁵ Section 1001.44(1), F.S.

⁶ Section 1001.44(2), F.S.

⁷ Department of Education, District Technical Center Directors List, available at <http://www.fldoe.org/academics/career-adult-edu> last visited (March 4, 2015).

⁸ Council on Occupational Education, *Accredited Institutions – January 2015*, available at <http://www.council.org/accredited-institutions/>.

⁹ Financial Aid for Postsecondary Students, Accreditation in the United States, available at http://www2.ed.gov/admins/finaid/accred/accreditation_pg6.html.

¹⁰ COE, *Accredited Institutions – January 2015*, available at <http://www.council.org/accredited-institutions/>.

¹¹ COE, *Handbook of Accreditation: 2015 Edition*, available at <http://www.council.org/manuals/>.

¹² Section 1011.80(2), F.S.

¹³ Florida House of Representatives, Schools and Learning Council, *2008 Education Fact Sheets*, available at <http://www.myfloridahouse.gov/Sections/Committees/committeesdetail.aspx?CommitteeId=2366>.

¹⁴ Section 1011.80(1), F.S.

¹⁵ Email, Department of Education, Division of Career and Adult Education (March 5, 2015).

- D.A. Dorsey Technical College, George T. Baker Aviation Technical College, Lindsey Hopkins Technical College, Miami Lakes Educational Center and Technical College, Robert Morgan Education Center and Technical College, and South Dade Technical College (Miami-Dade County)
- Fred K. Marchman Technical College (Pasco County)¹⁶

Current law defines a charter technical career center as a public school or a public technical center operated under a charter granted by a district school board, Florida College System (FCS) institution board of trustees, or consortium of the above entities, and managed by a board of directors.¹⁷ The purpose of a charter technical career center is to:

- develop a competitive workforce to support local business and industry and economic development;
- create a training and education model that is reflective of marketplace realities;
- offer a continuum of career educational opportunities using a school-to-work, tech-prep, technical, academy, and magnet school model;
- provide career pathways for lifelong learning and career mobility; and
- enhance career and technical training.¹⁸

Charter technical career centers are authorized, through charters with their school district or FCS institution, to offer workforce education programs.¹⁹ Charter technical career centers are not currently authorized to award college credit or degrees. However, if an associate in applied science (AAS) or an associate in science (AS) degree program contains within it an occupational completion point that confers a certificate or applied technology diploma, that portion of the program may be conducted by a school district career center.²⁰

There are currently two charter technical career centers operating in Florida, Lake Technical College in Eustis and First Coast Technical College in St. Augustine. Both are accredited by COE.²¹

Effect of Proposed Changes

The bill authorizes career centers and charter technical career centers to offer college credit certificate programs or technical certificate programs that are terminal in nature and approved by an accrediting agency recognized by the United States Department of Education.

The career center must annually, and upon request of the state board, the Chancellor of DCAE, or the Legislature, submit a status report regarding the career center's programs. The bill outlines specific performance and compliance indicators that must be included in the report.

The bill specifies that a career center or a charter technical career center may use the designation "technical college" only if the center:

- offers college credit certificate programs or technical certificate programs that are terminal in nature; and
- offers only career and technical education programs that are approved by an accrediting agency recognized by the United States Department of Education.

¹⁶ Email, Atlantic Technical College & Technical High School, Director (March 10, 2015).

¹⁷ Section 1002.34(3)(a), F.S.

¹⁸ Section 1002.34(2), F.S.

¹⁹ Section 1002.34(3)(a), F.S.

²⁰ Section 1011.80(2), F.S., Although the subsection states school district career center, charter technical center is implied through its authorization by the school district career center under s. 1002.34(3)(a), F.S.

²¹ Office of Program Policy and Governmental Accountability, *Technical Centers*, presentation to Higher Education and Workforce Subcommittee (Jan. 8, 2014), available at <http://www.oppaga.state.fl.us/Presentations.aspx>.

The bill clarifies that a career center that changes its name to technical college remains under the control of the district school board of the school district in which the center is located.

Applied Technology Diploma

Present Situation

An applied technology diploma (ATD) is currently defined as a course of study that is part of a technical degree program, is less than 60 credit hours, and leads to employment in a specific occupation. It may consist of either technical (clock hour) or college credit; however a public school district (through a career center or charter technical career center), may offer the ATD only as technical credit, and college credit can be awarded to the student only upon articulation to an Florida College System institution.²² Enrollment data for the 2013-14 academic year indicates that ATD programs were offered in eight districts and enrolled 1,087 students statewide. Pasco-Hernando State College offered two clock hour ATD programs, with enrollment of 105 students.²³ Clock hour tuition rates are established at \$2.33 per clock hour for residents and nonresidents and the out-of-state fee is \$6.99 per contact hour, which is in addition to the resident and nonresident tuition amount.²⁴ Workforce education postsecondary student fees are subject to tuition and fee variances of no more than five percent below of five percent above the combined total of established standard tuition and out-of-state fees.²⁵

Effect of Proposed Changes

The bill renames and redefines “applied technology diploma” to “college credit certificate” to align with the career centers’ authority to offer college credit. ATDs, currently offered as clock hour programs, will be converted to college credit. College credit courses may be offered by a career center only as part of a college credit certificate or Associate in Applied Science degree program, and faculty credentials must meet guidelines required in the state course numbering system to ensure appropriate transfer of credit.

The bill establishes a new tuition rate for “college credit certificates” to align with current tuition rates established for credit courses in Florida College System institutions, which is \$71.98 per credit hour. This fee will be subject to the tuition and fee variances established in s. 1009.22(3)(d), F.S.

Career and Technical Education Programs

Present Situation

Current law outlines the issues related to career education for which school boards, Florida College System institution boards of trustees and the Department of Education are responsible.²⁶ However, the State Board of Education (SBE) does not currently have the rulemaking authority to define the quality components of a career and technical education program.

Effect of Proposed Changes

The bill improves the quality of career and technical education programs by revising standards and authorizing the SBE to adopt rules related to program accountability.

²² Section 1004.02(8), F.S.

²³ Email, Florida Department of Education Division of Career and Adult Education (March 25, 2015).

²⁴ Section 1009.22(3)(c), F.S.

²⁵ Section 1009.22(3)(d), F.S.

²⁶ Section 1004.92, F.S.

Higher Education Coordinating Council

Present Situation

The Higher Education Coordinating Council (HECC) was created in 2010 for the purpose of identifying unmet needs and facilitating solutions to disputes regarding the creation of new degree programs and the establishment of new institutes, campuses, or centers.²⁷ The HECC is comprised of eleven members:

- One member of the Board of Governors,
- One member of the State Board of Education
- Chancellor of the State University System,
- Chancellor of the Florida College System,
- Executive Director of the Florida Association of Postsecondary Schools and Colleges,
- President of the Independent Colleges and Universities of Florida,
- President of Workforce Florida, Inc,
- President of Enterprise Florida, Inc, and
- Three business community representatives, one appointed by the Speaker of the House of Representatives, one appointed by the President of the Senate, and one appointed by the Governor.²⁸

Effect of Proposed Changes

The bill adds the Chancellor of Career and Adult Education to the membership of the HECC to provide for the adequate representation of career centers in discussions and recommendations relating to higher education policies.

Common Placement Testing

Present Situation

There are a variety of indicators of college readiness that postsecondary institutions can use to determine if a student has the necessary skills to succeed in college-level coursework. Each Florida College System Board of Trustees is required to develop a plan which includes, at a minimum, local policies that outline documented student achievements such as grade point average, work history, military experience, participation in juried competitions, career interests, degree major declaration, or any combination of such activities that the institution may consider in addition to common placement test scores, for advising students regarding enrollment options.²⁹

Current law requires the State Board of Education, in conjunction with the Board of Governors, to develop and implement a common placement test to assess the basic computation and communication skills of students who intend to enter a degree program at any public postsecondary institution.³⁰ All First-Time-In-College (FTIC) students who have not either met college level competencies through the completion of developmental education requirements or been awarded credit for college-level coursework shall be assessed prior to the completion of initial registration³¹. However, the following students are exempt from this requirement:

- Students who entered the 9th grade in a Florida public school in the 2003-2004 school year, or any year thereafter, and graduated with a Florida standard high school diploma, and

²⁷ Section 1004.015, F.S.

²⁸ *Id.*

²⁹ Section 1008.30(6)(a)1., F.S.

³⁰ Sections 1001.03(10) and 1008.30(1), F.S.

³¹ Rule 6A-1-.0315(1)(b), F.A.C.

- Students who presently serve as active duty members of any branch of the United States Armed Services.³²

Students who graduated from a public high school after a specified date are not required to take the common placement test upon entry to a public postsecondary institution, but all other students are required to take the test (unless they have demonstrated competencies in an alternative way). The rationale for this exemption is that all high schools are currently required to evaluate the college readiness of students with specified achievement levels on standardized assessments by administering the common placement test before the beginning of the 12th grade. High schools must use scores on the common placement test, or an approved alternative assessment, to advise students of any identified deficiencies. Students with identified deficiencies are required to complete appropriate postsecondary preparatory instruction before high school graduation³³.

A student who takes the common placement test upon entry at a public postsecondary institution and whose score on the test indicates a need for developmental education must be advised of all developmental education options offered at the institution and, after advisement, shall be allowed to enroll in the developmental education option of his or her choice³⁴. All students must be provided admissions counseling which must include information on all available and appropriate developmental education instruction options. For students not exempt from testing, the counseling must use tests to measure achievement of college-level communication and computation competencies.

A student who demonstrates readiness by achieving or exceeding the test scores established by rule and enrolls in a FCS institution within 2 years after achieving the scores cannot be required to retest or enroll in developmental education when admitted into any FCS institution.³⁵

Effect of Proposed Changes

The bill strengthens student advising by requiring all students to take the common placement test upon entry to a public postsecondary institution and requiring institutions to use test scores, along with other indicators of success in college-level coursework, to advise students regarding course placement options. Common placement scores will not only provide students with more diagnostic information to make the appropriate decision on course placement, but will also provide institutions with a full array of data which will assist in determining which developmental options are most effective.

The bill eliminates the common placement testing requirement in high schools and eliminates the exemption from testing for students who entered high school in 2003-04 or thereafter and students who are as active duty members of any branch of the military. By moving the testing requirement closer to the point of entry at a public postsecondary institution, the diagnostic information provided by the test will be more meaningful and relevant in predicting student success in college level coursework. Students will still have the ability to enroll in the developmental education option or gateway college course of their choice, but the information they use to make that decision will be more comprehensive.

Workforce Education Funding

Present Situation

Funds provided for career and charter technical centers are appropriated separately in the General Appropriations Act (GAA) from other K-12 programs. Proviso language included in the GAA specifies that the funds appropriated shall not be used to support K-12 programs or district K-12 administrative indirect costs. The Auditor General verifies compliance with this requirement during scheduled audits

³² Section 1008.30(4)(a), F.S.

³³ Section 1008.30(3), F.S.

³⁴ Section 1008.31(4)(b), F.S.

³⁵ Section 1008.30(4)(c), F.S.

of these institutions.³⁶ As part of the school district, career and charter technical centers benefit from the use of school district personnel and services for many activities which may include: payroll/human resources; building maintenance and repair; pest control; lawn care; risk management and liability insurance; marketing; financial and legal services; professional development; school police; technology and MIS; transportation for limited high school students; and utilities. By sharing services, the centers do not have to hire additional full-time staff, or contract for these activities. School districts, in turn, charge their center(s) associated indirect and administrative fees for usage. Currently the Department of Education's (DOE) financial data system does not separate secondary expenditures from postsecondary expenditures; thus, it has been difficult to obtain data or ascertain how the career education centers' indirect service charges are calculated. The indirect costs charged by school districts to the 48 centers vary in percentage of total allocations.

Postsecondary education, including workforce education programs, once conformed to a calculated percentage of the average cost of instruction funded with 75 percent from state general revenue and 25 percent from student fees. This ratio is no longer applicable, as tuition and fee revenues currently make up a larger percentage of total funding. Funding for workforce education is currently calculated based on weighted enrollment minus fee revenues generated to offset program operational costs.

Effect of Proposed Changes

The bill requires each school district and Florida College System (FCS) institution receiving state appropriations for workforce education programs to maintain adequate and accurate records including a system to record school district workforce education funding and expenditures in order to maintain separation of postsecondary workforce education expenditures from secondary education expenditures.

The bill revises the calculation methodology for determining state funding for workforce education programs consistent with the current method used to allocate funds, and removes obsolete references for programs that are no longer funded.

The bill clarifies the requirements for workforce performance funding to reward all types of workforce education programs, including those that:

- prepare people to enter high-skill/high wage occupations;
- increase student achievement in Adult General Education courses; and
- award industry certifications

Florida College System Institution Baccalaureate Degrees

Present Situation

Current law authorizes the State Board of Education (SBE) to review and approve Florida College System (FCS) institution baccalaureate degree program proposals that meet certain specifications and requirements.³⁷ During the 2014 Legislative Session, House Bill 5101³⁸ placed a one-year moratorium on the SBE's authority to approve new programs. The moratorium expires May 21, 2015.

Additionally, the Board of Trustees of St. Petersburg College is authorized to establish additional baccalaureate degrees in program areas deemed to be feasible and warranted. The one-year moratorium on the approval of new programs also applies to St. Petersburg College.³⁹

³⁶ Chapter 2014-51, L.O.F., see Specific Appropriation 122 proviso referencing Specific Appropriations 13, 120, and 122

³⁷ Section 1001.03(15), F.S.

³⁸ Chapter 2014-56, L.O.F.

³⁹ Section 1007.33, F.S.

Effect of Proposed Changes

The bill repeals the moratorium on the approval of new FCS institution baccalaureate degree programs and removes St. Petersburg College's authority to approve its own baccalaureate degree programs, thereby requiring them to seek approval from the State Board of Education for any additional baccalaureate degrees.

B. SECTION DIRECTORY:

Section 1. Amends s. 446.021, F.S., amending the definitions of "journeyworker" and "related instruction".

Section 2. Amends s. 446.032, F.S., making a technical change of "journeymen" to "journeyworker".

Section 3. Amends s. 446.045, F.S., clarifying that public members of the State Apprenticeship Advisory Council are to be independent of any joint or nonjoint organization.

Section 4. Amends s. 446.081, F.S., clarifying that nothing in ss. 446.011-446.092, F.S. or implementing rules shall operate to invalidate any special provisions for veterans, minorities, or women in apprenticeship programs.

Section 5. Amends s. 446.091, F.S., making a technical change of "journeymen" to "journeyworker".

Section 6. Amends s. 446.092, F.S., clarifying language related to industry standards.

Section 7. Amends s. 1001.03, F.S., removing the moratorium on approval of Florida College System institutions' baccalaureate degree program proposals.

Section 8. Amends s. 1001.44, F.S., providing the purpose and definition of a career center; authorizing a career center, with appropriate approval, to use the designation "technical college" only if it offers college credit certificate programs or technical certificate programs that are terminal in nature; and offers only career and technical education programs that are approved by an accrediting agency recognized by the U.S. Department of Education; requiring the career center to maintain academic transcripts; requiring career centers to report status using specific performance and compliance indicators.

Section 9. Amends s. 1002.34, F.S., authorizing a charter technical career center, with appropriate approval, to use the designation "charter technical college" only if it offers college credit certificate programs or technical certificate programs that are terminal in nature; and offers only career and technical education programs that are approved by an accrediting agency recognized by the U.S. Department of Education.

Section 10. Amends s. 1002.345, F.S., updating cross references.

Section 11. Amends s. 1004.015, F.S., adding the Chancellor of Career and Adult Education at the Department of Education to the Higher Education Coordinating Council.

Section 12. Amends s. 1004.02, F.S., renaming the applied technology diploma program as the college credit certificate program to provide clarification and reflect that a career center or charter technical career center can now offer college credit in such programs.

Section 13. Amends s. 1004.92, F.S., revising language regarding career and technical education program standards and requiring the State Board of Education to adopt rules.

Section 14. Amends s. 1007.23, F.S., correcting a cross reference from applied technology diploma to college credit certificate.

Section 15. Amends s. 1007.25, F.S., correcting a cross reference from applied technology diploma to college credit certificate.

Section 16. Amends s. 1007.33, F.S., removing St. Petersburg College Board of Trustees' authority to approve baccalaureate degree program proposals.

Section 17. Amends s. 1008.30, F.S., eliminating the Postsecondary Education Readiness Test (PERT) testing requirement in high school and the testing exemption for students who entered high school in the 2003-04 academic year and thereafter; and allowing all students the option to enroll in a developmental education option or gateway course of his or her choice after being advised based on test scores and other readiness factors.

Section 18. Amends s. 1009.22, F.S., removes the reference to the applied technology diploma under the per contact hour fee structure; and provides a new tuition fee structure for college credit certificate programs at the same rates as those charged by the Florida College System for college credit programs.

Section 19. Amends s. 1009.53, F.S., correcting a cross reference from applied technology diploma to college credit certificate.

Section 20. Amends s. 1009.532, F.S., correcting a cross reference from applied technology diploma to college credit certificate.

Section 21. Amends s. 1009.536, F.S., correcting a cross reference from applied technology diploma to college credit certificate.

Section 22. Amends s. 1011.80, F.S., authorizing a career center or charter technical career center to offer college credit certificates; requiring school districts and colleges to maintain adequate and accurate records, separating postsecondary workforce education expenditures from secondary education expenditures; clarifying the requirements for funding calculations to align with the current methodology for determining workforce education funding; clarifying the requirements for workforce performance funding.

Section 23. Provides an effective date of July 1, 2015.

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:

Renaming and redefining “applied technology diploma” to college credit certificate” and converting the tuition rates from contact hour to credit hour will result in a minimal increase in cost for some students. The student does, however, receive an upgraded product with college credit that is more easily transferrable. The conversion of credit hours could potentially lower costs to some students depending upon length of program, and its conversion to credit hours.

D. FISCAL COMMENTS:

Based on 2013-2014 enrollment data, the conversion would likely result in tuition revenue increases of \$74,114 for school districts, and a decrease of \$47,652 for Pasco-Hernando State College, the only college institution offering clock hour programs.⁴⁰ The bill has an indeterminate future fiscal impact on tuition and fee revenues for career centers and charter technical centers. Authorizing career centers and charter technical centers to offer college credit certificates could encourage increased student enrollment in these programs. Enrollment increases, if significant, could require additional state funding in future years since tuition covers only a portion of a student’s educational costs.

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:

The bill provides rulemaking authority to the State Board of Education regarding instructional components of Career and Technical Education programs. The bill may also require the State Board of Education to modify rules relating to common placement testing for public postsecondary education, workforce education program funding reporting, and the approval of Florida College System institution baccalaureate degree program proposals.

The bill may require the Board of Governors to modify regulations relating to common placement testing for public postsecondary education.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

⁴⁰ Email, Department of Education Division of Career and Adult Education (March 26, 2015)
STORAGE NAME: h7127b.EDC.DOCX
DATE: 4/2/2015



Education Committee

**Thursday, April 9, 2015
9:00 a.m. – 11:00 a.m.**

AMENDMENT PACKET

**Steve Crisafulli
Speaker**

**H. Marlene O'Toole
Chair**



Amendment No. a1-1

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 Antone offered the following:

Amendment to Amendment (692907) by Representative Sprowls

Remove line 26 of the amendment and insert:

3
 4
 5
 6 the school. If a student transfers under the school district
 7 controlled open enrollment process, the parent of such student
 8 shall reimburse the enrolling school district the prorated
 9 student amount of any local revenues generated by all local
 10 voter approved referendums. The prorated amount shall be
 11 determined by the district where the student is enrolling and
 12 shall be remitted directly to the tax collector. Upon receipt of
 13 such reimbursement, the parent shall be permitted to enroll the
 14 student in the under capacity school of his or her choice ~~may~~
 15 ~~offer controlled open enrollment within the~~



Amendment No. 2

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 Rehwinkel Vasilinda offered the following:

Amendment

Remove line 285 and insert:

6 (a) Tuition and fees on undergraduate, graduate, and
 7 professional students at public colleges and universities.



Amendment No. sal

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 Porter offered the following:

3
 4 **Substitute Amendment for Amendment (888765) by**
 5 **Representative Porter (with title amendment)**

6 Between lines 638 and 639, insert:

7 Section 1. Subsection (1) of section 1008.46, Florida
 8 Statutes, is amended to read:

9 1008.46 State university accountability process.—It is the
 10 intent of the Legislature that an accountability process be
 11 implemented that provides for the systematic, ongoing evaluation
 12 of quality and effectiveness of state universities. It is
 13 further the intent of the Legislature that this accountability
 14 process monitor performance at the system level in each of the
 15 major areas of instruction, research, and public service, while
 16 recognizing the differing missions of each of the state
 17 universities. The accountability process shall provide for the



Amendment No. sal

18 adoption of systemwide performance standards and performance
19 goals for each standard identified through a collaborative
20 effort involving state universities, the Board of Governors, the
21 Legislature, and the Governor's Office, consistent with
22 requirements specified in s. 1001.706. These standards and goals
23 shall be consistent with s. 216.011(1) to maintain congruity
24 with the performance-based budgeting process. This process
25 requires that university accountability reports reflect measures
26 defined through performance-based budgeting. The performance-
27 based budgeting measures must also reflect the elements of
28 teaching, research, and service inherent in the missions of the
29 state universities.

30 (1) By March 31 ~~December 31~~ of each year, the Board of
31 Governors shall submit an annual accountability report providing
32 information on the implementation of performance standards,
33 actions taken to improve university achievement of performance
34 goals, the achievement of performance goals during the prior
35 year, and initiatives to be undertaken during the next year. The
36 accountability reports shall be designed in consultation with
37 the Governor's Office, the Office of Program Policy Analysis and
38 Government Accountability, and the Legislature.

39

40

41

42

43

T I T L E A M E N D M E N T
Remove line 47 and insert:



COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7127 (2015)

Amendment No. sal

44 | circumstances; amending s. 1008.46, F.S.; revising date for
45 | accountability report; amending s. 1009.22, F.S. revising