



Committee on K-12

Meeting

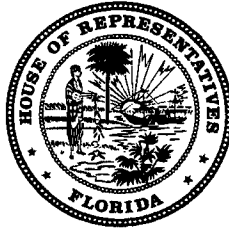
Tuesday, March 20, 2007

9:00 a.m. — 12:00 p.m.

212 Knott Building

**Marco Rubio
Speaker**

**Anitere Flores
Chair**



Florida House of Representatives

Marco Rubio

Speaker

Committee on K-12

Anitere Flores, Chair
Representative Gary Aubuchon
Representative Dorothy Bendross-Mindingall
Representative Will Kendrick

Marti Coley, Vice Chair
Representative Curtis Richardson
Representative Garrett Richter
Representative Shelley Vana

AGENDA

March 20, 2007

- I. Call to Order**
- II. Roll Call**
- III. Comments, Chair Flores**
- IV. Consideration of the following bills:**
 - **HB 379 Use of School District Millage by Poppell**
 - **HB 511 Uses of the District School Tax by Kendrick**
 - **HB 967 Public School Physical Education by Weatherford**
 - **HB 1107 Child Care by Ausley**
 - **HB 561 Human Papillomavirus by Homan**
- V. Consideration of the following recommendations for Proposed Council Bills relating to:**
 - **Early Learning**
 - **Education**
- VI. Adjournment**

1 A bill to be entitled
 2 An act relating to use of school district millage;
 3 amending ss. 200.065 and 1011.71, F.S.; expanding
 4 authorized school board millage levy funding to include
 5 payment of premiums for property and casualty insurance
 6 necessary to insure school district educational plants;
 7 limiting expenditures of operating revenues; providing an
 8 effective date.

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

11
 12 Section 1. Paragraph (a) of subsection (9) of section
 13 200.065, Florida Statutes, is amended to read:
 14 200.065 Method of fixing millage.--
 15 (9) (a) In addition to the notice required in subsection
 16 (3), a district school board shall publish a second notice of
 17 intent to levy additional taxes under s. 1011.71(2). Such notice
 18 shall specify the projects or number of school buses anticipated
 19 to be funded by such additional taxes and shall be published in
 20 the size, within the time periods, adjacent to, and in
 21 substantial conformity with the advertisement required under
 22 subsection (3). The projects shall be listed in priority within
 23 each category as follows: construction and remodeling;
 24 maintenance, renovation, and repair; motor vehicle purchases;
 25 new and replacement equipment; payments for educational
 26 facilities and sites due under a lease-purchase agreement;
 27 payments for renting and leasing educational facilities and
 28 sites; payments of loans approved pursuant to ss. 1011.14 and

29 1011.15; payment of costs of compliance with environmental
 30 statutes and regulations; payment of premiums for property and
 31 casualty insurance necessary to insure the educational plants of
 32 the school district; payment of costs of leasing relocatable
 33 educational facilities; and payments to private entities to
 34 offset the cost of school buses pursuant to s. 1011.71(2)(i).
 35 The additional notice shall be in the following form, except
 36 that if the district school board is proposing to levy the same
 37 millage under s. 1011.71(2) which it levied in the prior year,
 38 the words "continue to" shall be inserted before the word
 39 "impose" in the first sentence, and except that the second
 40 sentence of the second paragraph shall be deleted if the
 41 district is advertising pursuant to paragraph (3)(e):

42
 43 NOTICE OF TAX FOR SCHOOL
 44 CAPITAL OUTLAY
 45

46 The (name of school district) will soon consider a
 47 measure to impose a (number) mill property tax for the
 48 capital outlay projects listed herein.

49 This tax is in addition to the school board's proposed tax
 50 of (number) mills for operating expenses and is proposed
 51 solely at the discretion of the school board. THE PROPOSED
 52 COMBINED SCHOOL BOARD TAX INCREASE FOR BOTH OPERATING EXPENSES
 53 AND CAPITAL OUTLAY IS SHOWN IN THE ADJACENT NOTICE.

54 The capital outlay tax will generate approximately \$
 55 (amount) , to be used for the following projects:
 56

57 (list of capital outlay projects)

58

59 All concerned citizens are invited to a public hearing to
60 be held on (date and time) at (meeting place) .

61 A DECISION on the proposed CAPITAL OUTLAY TAXES will be
62 made at this hearing.

63 Section 2. Paragraph (j) is added to subsection (2) of
64 section 1011.71, Florida Statutes, and paragraph (a) of
65 subsection (5) of that section is amended, to read:

66 1011.71 District school tax.--

67 (2) In addition to the maximum millage levy as provided in
68 subsection (1), each school board may levy not more than 2 mills
69 against the taxable value for school purposes for district
70 schools, including charter schools at the discretion of the
71 school board, to fund:

72 (j) Payment of premiums for property and casualty
73 insurance necessary to insure the educational plants of the
74 school district.

75

76 Violations of these expenditure provisions shall result in an
77 equal dollar reduction in the Florida Education Finance Program
78 (FEFP) funds for the violating district in the fiscal year
79 following the audit citation.

80 (5)(a) It is the intent of the Legislature that, by July
81 1, 2003, revenue generated by the millage levy authorized by
82 subsection (2) should be used only for the costs of
83 construction, renovation, remodeling, maintenance, and repair of
84 the educational plant; for the purchase, lease, or lease-

85 purchase of equipment, educational plants, and construction
 86 materials directly related to the delivery of student
 87 instruction; for the rental or lease of existing buildings, or
 88 space within existing buildings, originally constructed or used
 89 for purposes other than education, for conversion to use as
 90 educational facilities; for payment of premiums for property and
 91 casualty insurance necessary to insure the educational plants of
 92 the school district; for the opening day collection for the
 93 library media center of a new school; for the purchase, lease-
 94 purchase, or lease of school buses or the payment to a private
 95 entity to offset the cost of school buses pursuant to paragraph
 96 (2) (i); and for servicing of payments related to certificates of
 97 participation issued for any purpose prior to the effective date
 98 of this act. Costs associated with the lease-purchase of
 99 equipment, educational plants, and school buses may include the
 100 issuance of certificates of participation on or after the
 101 effective date of this act and the servicing of payments related
 102 to certificates so issued. For purposes of this section,
 103 "maintenance and repair" is defined in s. 1013.01. Each year
 104 operating revenues are made available through the payment of
 105 property and casualty insurance premiums from revenues generated
 106 under this subsection or subsection (2), such operating revenues
 107 may be expended only for nonrecurring operational expenditures
 108 of the school district.

109
 110 A district that violates these expenditure restrictions shall
 111 have an equal dollar reduction in funds appropriated to the
 112 district under s. 1011.62 in the fiscal year following the audit

HB 379

2007

113 citation. The expenditure restrictions do not apply to any
114 school district that certifies to the Commissioner of Education
115 that all of the district's instructional space needs for the
116 next 5 years can be met from capital outlay sources that the
117 district reasonably expects to receive during the next 5 years
118 or from alternative scheduling or construction, leasing,
119 rezoning, or technological methodologies that exhibit sound
120 management.

121 Section 3. This act shall take effect July 1, 2007.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 379 Use of School District Millage
SPONSOR(S): Poppell and others
TIED BILLS: IDEN./SIM. BILLS: SB 574

Table with 4 columns: REFERENCE, ACTION, ANALYST, STAFF DIRECTOR. Row 1: 1) Committee on K-12, Gillespie, Ahearn. Rows 2-5 are empty.

SUMMARY ANALYSIS

House Bill 379 allows a school district to use revenues from the 2-mill nonvoted capital improvement levy for payment of the district's property and casualty insurance costs which are necessary to insure the district's educational plants. The bill limits a school district's use of operating revenues made available through payment of property and casualty insurance from the 2-mill levy to nonrecurring operational expenditures.

The bill also requires a school district, if the district anticipates using revenues from the 2-mill levy for property and casualty insurance costs, to list that anticipated use on the list of projects included on its annual public tax notice published in a newspaper of general paid circulation in the district.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

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

B. EFFECT OF PROPOSED CHANGES:

Present Situation:

Section 9, Article VII of the State Constitution permits a school district, if authorized by law, to levy up to 10 mills¹ of property taxes for school purposes. From the 10 mills, current law authorizes a school district to levy up to 2 mills for the following uses without voter approval (commonly known as the “nonvoted capital improvement millage”).²

- New construction and remodeling projects;
- Maintenance, renovation, and repair of existing educational plants³ or leased facilities to correct nonconformity with the Florida Building Code or Fire Safety Prevention Code;
- Purchase, lease-purchase, or lease of school buses and other school vehicles;
- Purchase, lease-purchase, or lease of new and replacement equipment;
- Payment for educational facilities and sites under certain lease-purchase agreements;
- Payment of loans for specific school-related purposes;
- Payment of costs to comply with state and federal environmental laws, rules, and regulations;
- Payment of costs for renting or leasing educational facilities; and
- Purchase, lease-purchase, or lease of school buses or payment to a private entity to offset the cost of school buses.

In 1997, the Legislature limited the use of revenues from the discretionary 2-mill levy, phased out over 6 years. Thus, since July 1, 2003, current law limits the use of revenues from the 2-mill levy to the following projects:⁴

- Construction, renovation, remodeling, maintenance, and repair of the educational plant;
- Purchase, lease, or lease-purchase of equipment, educational plants, and construction materials directly related to the delivery of student instruction;
- Rental or lease of existing buildings or space converted for use as educational facilities;
- Opening day collection for the library media center of a new school;
- Purchase, lease-purchase, or lease of school buses or payment to a private entity to offset the cost of school buses; and
- Payments for certificates of participation⁵ issued before January 7, 2003.⁶

¹ A mill is 0.001 of one dollar. Thus, one mill of \$100,000 of taxable value is \$100.

² Section 1011.71(2), Florida Statutes.

³ Section 1013.01(7), Florida Statutes, defines the term “educational plant” to comprise the educational facilities, site, and site improvements necessary to accommodate students, faculty, administrators, staff, and the activities of the educational program of each plant.

⁴ Section 8, chapter 97-265, Laws of Florida; Section 35, chapter 97-384, Laws of Florida; section 1011.71(5), Florida Statutes.

⁵ A “certificate of participation” is an instrument evidencing a pro rata share in a specific pledged revenue stream, usually lease payments by the issuer that are subject to annual appropriation. The certificate generally entitles the holder to receive a share, or participation, in the lease payments from a particular project. Municipal Securities Rulemaking Board, *Glossary of Municipal Securities Terms* 2d ed. (Jan. 2004), at <http://www.msrb.org/msrb1/glossary/default.asp> (last visited Mar. 7, 2007).

⁶ See sections 663 and 1065, chapter 2002-387, Laws of Florida.

A school district that spends revenues from the 2-mill levy in violation of these limits is subject to an equal-dollar reduction in funds appropriated to the district under the Florida Education Finance Program the fiscal year after an audit finds the violation.⁷

Current law exempts a school district from these limits, thereby allowing the district to spend revenues from the 2-mill levy on any of the projects listed, including those authorized before the 1997 restrictions previously discussed in this analysis, if the Commissioner of Education certifies that all of the district's instructional space needs for the next 5 years can be met from capital outlay sources that the district reasonably expects to receive within 5 years or from sound methods of meeting the district's space needs (i.e., alternative scheduling or construction, leasing, rezoning, or technological methodologies).⁸

A review by the Department of Education of the legislative history of the 2-mill nonvoted capital improvement levy shows that the levy "has always been restricted to costs associated with capital outlay, and not with operating expenses."⁹

The department reports that, for 2006-2007, the value of 1 mill of school taxable value is \$1.56 billion. Thus, the 2-mill levy could generate a statewide value of \$ 3.11 billion. The following table shows the millage rates levied by Florida's school districts for 2006-2007:¹⁰

2006-2007 Capital Improvement Millage Rates	
Levy of Discretionary 2 Mills	School Districts
Three school districts do not levy millage	Calhoun, Holmes, and Jackson
Three school districts levy 0.001 to 0.500 mills	Gulf, Madison, and Monroe
Seven school districts levy 0.501 to 1.500 mills	Bay, DeSoto, Orange, Pasco, Santa Rosa, Walton, and Washington
Two school districts levy 1.501 to 1.999 mills	Citrus and Okaloosa
<i>The remaining 52 school districts levy the maximum of 2.000 mills</i>	

Tax Notices:

Current law requires a school district to annually publish certain notices of its tentative budget, tax increases, and budget hearings in a newspaper of general paid circulation in the district, which is of general interest and readership in the community and not one of limited subject matter.¹¹ If a school district levies the nonvoted capital improvement millage (up to 2 mills), current law requires the district to publish a second notice of that tax, which also must appear in a newspaper of general paid circulation in the district.¹² The notice must include a list of the projects anticipated to be funded by the capital improvement tax.¹³

⁷ Flush-left provisions of section 1011.71(5), Florida Statutes.

⁸ *Id.*

⁹ Florida Department of Education, *2007 Bill Analysis of HB 511 2* (Feb. 6, 2007).

¹⁰ Florida Department of Education, Office of Funding and Financial Reporting, *Florida Education Finance Program 2006-07 Third Calculation 47* (Dec. 15, 2006), available at <http://info.fldoe.org/docushare/dsweb/Get/Document-4169/coefo-07-12c.pdf>.

¹¹ Section 200.065(2)(f) and (3), Florida Statutes.

¹² Section 200.065(9)(a), Florida Statutes.

¹³ *Id.*

Proposed Changes:

The bill allows a school district to use revenues from the 2-mill nonvoted capital improvement levy for payment of the district's property and casualty insurance necessary to insure the district's educational plants. The bill limits a school district's use of operating revenues made available through payment of property and casualty insurance costs from the 2-mill levy to nonrecurring operational expenditures.

The bill also requires a school district, if the district anticipates using revenues from the 2-mill levy for payment of property and casualty insurance costs, to list that anticipated use on the list of projects included on its annual public tax notice published in a newspaper of general paid circulation in the district.

The bill provides an effective date of July 1, 2007.

C. SECTION DIRECTORY:

Section 1. Amends section 200.065, Florida Statutes, requiring the addition of specified information in an annual tax notice.

Section 2. Amends section 1011.71, Florida Statutes, to allow revenues from the 2-mill nonvoted capital improvement levy to be used to pay certain insurance costs.

Section 3. Provides an effective date.

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 allows a school district to use revenues from the 2-mill nonvoted capital improvement levy for the district's property and casualty insurance costs, regardless of whether the district meets the class-size reduction requirements¹⁴ or has other demands for capital outlay funds. According to the Department of Education, 24 school districts are subject to transfers of operating funds to the district's

¹⁴ See Section 1(a), Article IX of the State Constitution; section 1003.03, Florida Statutes.

fixed capital outlay account for class-size reduction¹⁵ because the districts have one or more public schools that did not meet the 2006-2007 class-size reduction requirements.¹⁶

School District	Transfer Amount
Bay	\$68,834
Brevard	\$2,474
Broward	\$954,157
Clay	\$37,392
Collier	\$2,573
Miami-Dade	\$518,149
Duval	\$34,210
Gadsden	\$4,294
Hendry	\$35,956
Lee	\$37,685
Levy	\$7,392
Manatee	\$596,123

School District	Transfer Amount
Monroe	\$13,041
Orange	\$1,766,907
Osceola	\$444,463
Palm Beach	\$59,831
Pasco	\$7,226
Pinellas	\$153,569
Polk	\$120,551
Putnam	\$7,151
Sarasota	\$20,623
Seminole	\$722
Sumter	\$193,466
Washington	\$19,220

In addition to these school districts, five districts had at least one public school that did not meet the class-size reduction requirements, but, as a result of the department's appeal and adjustment process, are not subject to the transfer of operating funds to fixed capital outlay: Alachua, Franklin, Lake, Okaloosa, and Walton.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. The bill does not appear to require a county or municipality to spend funds or take an action requiring expenditures; reduce the authority that counties and municipalities had as of February 1, 1989, to raise revenues in the aggregate; or reduce the percentage of a state tax shared in the aggregate with counties and municipalities as of February 1, 1989.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

D. STATEMENT OF THE SPONSOR

No statement submitted.

IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES

¹⁵ See section 1003.03(4)(a), Florida Statutes.

¹⁶ Florida Department of Education, *2006-07 Class Size Reduction Transfer to Fixed Capital Outlay: All Schools* (Feb. 2007).

1 A bill to be entitled
 2 An act relating to uses of the district school tax;
 3 amending ss. 200.065 and 1011.71, F.S.; including health,
 4 property, and casualty insurance costs as authorized uses
 5 of school district millage; specifying nonapplication of
 6 certain expenditure restrictions to school districts
 7 meeting certain class size requirements; providing an
 8 effective date.

9

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

11

12 Section 1. Paragraph (a) of subsection (9) of section
 13 200.065, Florida Statutes, is amended to read:

14 200.065 Method of fixing millage.--

15 (9) (a) In addition to the notice required in subsection
 16 (3), a district school board shall publish a second notice of
 17 intent to levy additional taxes under s. 1011.71(2). Such notice
 18 shall specify the projects or number of school buses anticipated
 19 to be funded by such additional taxes and shall be published in
 20 the size, within the time periods, adjacent to, and in
 21 substantial conformity with the advertisement required under
 22 subsection (3). The projects shall be listed in priority within
 23 each category as follows: construction and remodeling;
 24 maintenance, renovation, and repair; motor vehicle purchases;
 25 new and replacement equipment; payments for educational
 26 facilities and sites due under a lease-purchase agreement;
 27 payments for renting and leasing educational facilities and
 28 sites; payments of loans approved pursuant to ss. 1011.14 and

HB 511

2007

29 1011.15; payment of costs of compliance with environmental
 30 statutes and regulations; payment of health, property, and
 31 casualty insurance costs of the school district; payment of
 32 costs of leasing relocatable educational facilities; and
 33 payments to private entities to offset the cost of school buses
 34 pursuant to s. 1011.71(2)(i). The additional notice shall be in
 35 the following form, except that if the district school board is
 36 proposing to levy the same millage under s. 1011.71(2) which it
 37 levied in the prior year, the words "continue to" shall be
 38 inserted before the word "impose" in the first sentence, and
 39 except that the second sentence of the second paragraph shall be
 40 deleted if the district is advertising pursuant to paragraph
 41 (3)(e):

42
 43 NOTICE OF TAX FOR SCHOOL
 44 CAPITAL OUTLAY
 45

46 The (name of school district) will soon consider a
 47 measure to impose a (number) mill property tax for the
 48 capital outlay projects listed herein.

49 This tax is in addition to the school board's proposed tax
 50 of (number) mills for operating expenses and is proposed
 51 solely at the discretion of the school board. THE PROPOSED
 52 COMBINED SCHOOL BOARD TAX INCREASE FOR BOTH OPERATING EXPENSES
 53 AND CAPITAL OUTLAY IS SHOWN IN THE ADJACENT NOTICE.

54 The capital outlay tax will generate approximately \$
 55 (amount) , to be used for the following projects:
 56

57 (list of capital outlay projects)

58

59 All concerned citizens are invited to a public hearing to
60 be held on (date and time) at (meeting place) .

61 A DECISION on the proposed CAPITAL OUTLAY TAXES will be
62 made at this hearing.

63 Section 2. Paragraph (j) is added to subsection (2) of
64 section 1011.71, Florida Statutes, and subsection (5) of that
65 section is amended, to read:

66 1011.71 District school tax.--

67 (2) In addition to the maximum millage levy as provided in
68 subsection (1), each school board may levy not more than 2 mills
69 against the taxable value for school purposes for district
70 schools, including charter schools at the discretion of the
71 school board, to fund:

72 (j) Health, property, and casualty insurance costs of the
73 school district.

74

75 Violations of these expenditure provisions shall result in an
76 equal dollar reduction in the Florida Education Finance Program
77 (FEFP) funds for the violating district in the fiscal year
78 following the audit citation.

79 (5) (a) It is the intent of the Legislature that, by July
80 1, 2003, revenue generated by the millage levy authorized by
81 subsection (2) should be used only for the costs of
82 construction, renovation, remodeling, maintenance, and repair of
83 the educational plant; for the purchase, lease, or lease-
84 purchase of equipment, educational plants, and construction

85 materials directly related to the delivery of student
 86 instruction; for the rental or lease of existing buildings, or
 87 space within existing buildings, originally constructed or used
 88 for purposes other than education, for conversion to use as
 89 educational facilities; for the opening day collection for the
 90 library media center of a new school; for the purchase, lease-
 91 purchase, or lease of school buses or the payment to a private
 92 entity to offset the cost of school buses pursuant to paragraph
 93 (2) (i); and for servicing of payments related to certificates of
 94 participation issued for any purpose prior to the effective date
 95 of this act. Costs associated with the lease-purchase of
 96 equipment, educational plants, and school buses may include the
 97 issuance of certificates of participation on or after the
 98 effective date of this act and the servicing of payments related
 99 to certificates so issued. For purposes of this section,
 100 "maintenance and repair" is defined in s. 1013.01.

101 (b) For purposes not delineated in paragraph (a) for which
 102 proceeds received from millage levied under subsection (2) may
 103 be legally expended, a district school board may spend no more
 104 than the following percentages of the amount the district spent
 105 for these purposes in fiscal year 1995-1996:

- 106 1. In fiscal year 2000-2001, 40 percent.
- 107 2. In fiscal year 2001-2002, 25 percent.
- 108 3. In fiscal year 2002-2003, 10 percent.

109 (c) Beginning July 1, 2003, revenue generated by the
 110 millage levy authorized by subsection (2) must be used only for
 111 the purposes delineated in paragraph (a).

112 (d) Notwithstanding any other provision of this

HB 511

2007

113 subsection, if through its adopted educational facilities plan a
 114 district has clearly identified the need for an ancillary plant,
 115 has provided opportunity for public input as to the relative
 116 value of the ancillary plant versus an educational plant, and
 117 has obtained public approval, the district may use revenue
 118 generated by the millage levy authorized by subsection (2) for
 119 the acquisition, construction, renovation, remodeling,
 120 maintenance, or repair of an ancillary plant.

121

122 A district that violates these expenditure restrictions shall
 123 have an equal dollar reduction in funds appropriated to the
 124 district under s. 1011.62 in the fiscal year following the audit
 125 citation. The expenditure restrictions do not apply to any
 126 school district that has met the current year class size
 127 reduction requirements of s. 1003.03 and certifies to the
 128 Commissioner of Education that all of the district's
 129 instructional space needs for the next 5 years can be met from
 130 capital outlay sources that the district reasonably expects to
 131 receive during the next 5 years or from alternative scheduling
 132 or construction, leasing, rezoning, or technological
 133 methodologies that exhibit sound management.

134 Section 3. This act shall take effect July 1, 2007.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 511 Uses of the District School Tax
SPONSOR(S): Kendrick and others
TIED BILLS: IDEN./SIM. BILLS: SB 1750

Table with 4 columns: REFERENCE, ACTION, ANALYST, STAFF DIRECTOR. Row 1: 1) Committee on K-12, Gillespie, Ahearn. Row 2: 2) Schools & Learning Council. Row 3: 3) Policy & Budget Council. Row 4: 4). Row 5: 5).

SUMMARY ANALYSIS

House Bill 511 allows a school district to use revenues from the 2-mill nonvoted capital improvement levy for the district's health, property, and casualty insurance costs, if the district meets current-year class-size reduction requirements and the Commissioner of Education certifies that all of the district's instructional space needs for the next 5 years can be met from capital outlay sources that the district reasonably expects to receive within 5 years or from sound methods of meeting the district's space needs.

The bill also requires a school district, if the district anticipates using revenues from the 2-mill levy for payment of health, property, and casualty insurance costs, to list that anticipated use on the list of projects included on its annual public tax notice published in a newspaper of general paid circulation in the district.

It is anticipated that the bill's sponsor will file an amendment that removes provisions from the bill which allow a school district to use revenues from the 2-mill levy for the payment of health insurance costs.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

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

B. EFFECT OF PROPOSED CHANGES:

Present Situation:

Section 9, Article VII of the State Constitution permits a school district, if authorized by law, to levy up to 10 mills¹ of property taxes for school purposes. From the 10 mills, current law authorizes a school district to levy up to 2 mills for the following uses without voter approval (commonly known as the “nonvoted capital improvement millage”):²

- New construction and remodeling projects;
- Maintenance, renovation, and repair of existing educational plants³ or leased facilities to correct nonconformity with the Florida Building Code or Fire Safety Prevention Code;
- Purchase, lease-purchase, or lease of school buses and other school vehicles;
- Purchase, lease-purchase, or lease of new and replacement equipment;
- Payment for educational facilities and sites under certain lease-purchase agreements;
- Payment of loans for specific school-related purposes;
- Payment of costs to comply with state and federal environmental laws, rules, and regulations;
- Payment of costs for renting or leasing educational facilities; and
- Purchase, lease-purchase, or lease of school buses or payment to a private entity to offset the cost of school buses.

In 1997, the Legislature limited the use of revenues from the discretionary 2-mill levy, phased out over 6 years. Thus, since July 1, 2003, current law limits the use of revenues from the 2-mill levy to the following projects:⁴

- Construction, renovation, remodeling, maintenance, and repair of the educational plant;
- Purchase, lease, or lease-purchase of equipment, educational plants, and construction materials directly related to the delivery of student instruction;
- Rental or lease of existing buildings or space converted for use as educational facilities;
- Opening day collection for the library media center of a new school;
- Purchase, lease-purchase, or lease of school buses or payment to a private entity to offset the cost of school buses; and
- Payments for certificates of participation⁵ issued before January 7, 2003.⁶

¹ A mill is 0.001 of one dollar. Thus, one mill of \$100,000 of taxable value is \$100.

² Section 1011.71(2), Florida Statutes.

³ Section 1013.01(7), Florida Statutes, defines the term “educational plant” to comprise the educational facilities, site, and site improvements necessary to accommodate students, faculty, administrators, staff, and the activities of the educational program of each plant.

⁴ Section 8, chapter 97-265, Laws of Florida; Section 35, chapter 97-384, Laws of Florida; section 1011.71(5), Florida Statutes.

⁵ A “certificate of participation” is an instrument evidencing a pro rata share in a specific pledged revenue stream, usually lease payments by the issuer that are subject to annual appropriation. The certificate generally entitles the holder to receive a share, or participation, in the lease payments from a particular project. Municipal Securities Rulemaking Board, *Glossary of Municipal Securities Terms* 2d ed. (Jan. 2004), at <http://www.msrb.org/msrb1/glossary/default.asp> (last visited Mar. 7, 2007).

⁶ See sections 663 and 1065, chapter 2002-387, Laws of Florida.

A school district that spends revenues from the 2-mill levy in violation of these limits is subject to an equal-dollar reduction in funds appropriated to the district under the Florida Education Finance Program the fiscal year after an audit finds the violation.⁷

Current law exempts a school district from these limits, thereby allowing the district to spend revenues from the 2-mill levy on any of the projects listed, including those authorized before the 1997 restrictions previously discussed in this analysis, if the Commissioner of Education certifies that all of the district's instructional space needs for the next 5 years can be met from capital outlay sources that the district reasonably expects to receive within 5 years or from sound methods of meeting the district's space needs (i.e., alternative scheduling or construction, leasing, rezoning, or technological methodologies).⁸

A review by the Department of Education of the legislative history of the 2-mill nonvoted capital improvement levy shows that the levy "has always been restricted to costs associated with capital outlay, and not with operating expenses."⁹

The department reports that, for 2006-2007, the value of 1 mill of school taxable value is \$1.56 billion. Thus, the 2-mill levy could generate a statewide value of \$ 3.11 billion. The following table shows the millage rates levied by Florida's school districts for 2006-2007:¹⁰

2006-2007 Capital Improvement Millage Rates	
Levy of Discretionary 2 Mills	School Districts
Three school districts do not levy millage	Calhoun, Holmes, and Jackson
Three school districts levy 0.001 to 0.500 mills	Gulf, Madison, and Monroe
Seven school districts levy 0.501 to 1.500 mills	Bay, DeSoto, Orange, Pasco, Santa Rosa, Walton, and Washington
Two school districts levy 1.501 to 1.999 mills	Citrus and Okaloosa
<i>The remaining 52 school districts levy the maximum of 2.000 mills</i>	

Class-Size Reduction:

In 2002, the voters of Florida approved an amendment to the State Constitution requiring the reduction of class sizes by the 2010 school year so that the maximum number of students per public school classroom assigned to a teacher is:¹¹

- Eighteen students for prekindergarten through third grade;
- Twenty-two students for grades 4 through 8; and
- Twenty-five students for grades 9 through 12.

The constitutional amendment requires the Legislature, beginning with the 2003-2004 fiscal year, to provide funds for reducing the average number of students in each classroom by at least two students per year until reaching the maximum class sizes.¹²

To implement the constitutional amendment, the Legislature required a school district that did not comply with the maximum class sizes to reduce its average number of students per classroom¹³ by at least two students per year. The Legislature also specified how the averages are calculated:

⁷ Flush-left provisions of section 1011.71(5), Florida Statutes.

⁸ *Id.*

⁹ Florida Department of Education, *2007 Bill Analysis of HB 511 2* (Feb. 6, 2007).

¹⁰ Florida Department of Education, Office of Funding and Financial Reporting, *Florida Education Finance Program 2006-07 Third Calculation 47* (Dec. 15, 2006), available at <http://info.fldoe.org/docushare/dsweb/Get/Document-4169/coefo-07-12c.pdf>.

¹¹ Section 1(a), Article IX of the State Constitution.

¹² *Id.*

- For fiscal years 2003-2004 through 2005-2006, the average number of students per classroom is calculated at the district level.
- For fiscal years 2006-2007 through 2007-2008, the average is calculated at the school level.
- For fiscal year 2008-2009 and thereafter, the average is calculated at the individual classroom level.

Thus, for fiscal years 2003-2004 through 2005-2006, a school district that did not meet the maximum class sizes for its classrooms was required to reduce the district's average number of students per classroom by two students. A school district was permitted to have a school whose average class size was not reduced as long as the district's average showed an overall reduction by two students.

For fiscal years 2006-2007 and 2007-2008, a public school (including a charter school) that does not meet the maximum class sizes for its classrooms is required to reduce the school's average number of students per classroom by two students. A school is permitted to have individual classrooms that are not reduced as long as the school's average shows an overall reduction by two students.

Beginning in fiscal year 2008-2009, an individual classroom that does not meet the maximum class size must be reduced by two students to meet the maximum class size.

Under current law, if the Department of Education determines for any year that a school district has not reduced average class size as required, the department must calculate an amount of the district's operating funds that is proportionate to the amount of class-size reduction not accomplished. Once the department's calculation is verified, the Executive Office of the Governor transfers the operating funds to the district's fixed capital outlay account for class-size reduction.¹⁴ If, however, the Commissioner of Education recommends that the State Board of Education has reviewed evidence indicating that a school district was unable to meet class-size reduction requirements despite appropriate efforts, current law allows the Legislative Budget Commission to approve an alternative amount of funds to be transferred from the district's operating funds to fixed capital outlay for class-size reduction.

For 2006-2007, if a school district had at least one public school (including a charter school) that did not meet the class-size reduction requirements, the Department of Education allowed the district to appeal the department's calculation of the amount of operating funds to be transferred to fixed capital outlay. The Commissioner of Education subsequently recommended an adjustment to the transfer calculations if the district demonstrated that one of the following affected the calculation:

- Correction of data errors;
- District was actively recruiting (e.g., advertising of vacancy) a teacher to fill a vacancy before the class-size calculations and subsequently filled the position; or
- District experienced unexpected student enrollment growth.

¹³ The State Constitution specifies that the class-size requirements do not apply to "extracurricular classes." *Id.* Section 1003.03(1), Florida Statutes, specifies that the maximum class sizes apply to "core-curricula courses," which section 1003.01(14), Florida Statutes, defines as "courses defined by the Department of Education as mathematics, language arts/reading, science, social studies, foreign language, English for Speakers of Other Languages, exceptional student education, and courses taught in traditional self-contained elementary school classrooms."

¹⁴ Section 1003.03(4)(a), Florida Statutes.

Based on the adjusted calculations resulting from the appeals, operating funds of 24 school districts are subject to transfer to fixed capital outlay:¹⁵

School District	Transfer Amount
Bay	\$68,834
Brevard	\$2,474
Broward	\$954,157
Clay	\$37,392
Collier	\$2,573
Miami-Dade	\$518,149
Duval	\$34,210
Gadsden	\$4,294
Hendry	\$35,956
Lee	\$37,685
Levy	\$7,392
Manatee	\$596,123

School District	Transfer Amount
Monroe	\$13,041
Orange	\$1,766,907
Osceola	\$444,463
Palm Beach	\$59,831
Pasco	\$7,226
Pinellas	\$153,569
Polk	\$120,551
Putnam	\$7,151
Sarasota	\$20,623
Seminole	\$722
Sumter	\$193,466
Washington	\$19,220

In addition to these school districts, five districts had at least one public school that did not meet the class-size reduction requirements, but, as a result of the department's appeals process, are not subject to the transfer of operating funds to fixed capital outlay: Alachua, Franklin, Lake, Okaloosa, and Walton.

Tax Notices:

Current law requires a school district to annually publish certain notices of its tentative budget, tax increases, and budget hearings in a newspaper of general paid circulation in the district, which is of general interest and readership in the community and not one of limited subject matter.¹⁶ If a school district levies the nonvoted capital improvement millage (up to 2 mills), current law requires the district to publish a second notice of that tax, which also must appear in a newspaper of general paid circulation in the district.¹⁷ The notice must include a list of the projects anticipated to be funded by the capital improvement tax.¹⁸

Proposed Changes:

The bill allows a school district to use revenues from the 2-mill nonvoted capital improvement levy for payment of the district's health, property, and casualty insurance costs, if:

- The district has met the current-year class-size-reduction requirements; and
- The Commissioner of Education certifies that all of the district's instructional space needs for the next 5 years can be met from capital outlay sources that the district reasonably expects to receive within 5 years or from sound methods of meeting the district's space needs (i.e., alternative scheduling or construction, leasing, rezoning, or technological methodologies).

Since current law provides for the calculation of class-size reduction requirements at the school level for fiscal years 2006-2007 and 2007-2008,¹⁹ the bill is unclear when a school district is considered to have met the current-year class-size reduction requirements, especially in light of the appeals and adjustment process being implemented by the Department of Education, which is previously discussed in this analysis. Moreover, beginning in fiscal year 2008-2009, the class-size reduction requirements will be calculated at the level of individual classrooms, further obscuring whether a school district is considered to have met the current-year class-size reduction requirements.

¹⁵ Florida Department of Education, *2006-07 Class Size Reduction Transfer to Fixed Capital Outlay: All Schools* (Feb. 2007).

¹⁶ Section 200.065(2)(f) and (3), Florida Statutes.

¹⁷ Section 200.065(9)(a), Florida Statutes.

¹⁸ *Id.*

¹⁹ Section 1003.03(2)(b)2., Florida Statutes.

The bill also requires a school district, if the district anticipates using revenues from the 2-mill levy for payment of health, property, and casualty insurance costs, to list that anticipated use on the list of projects included on its annual public tax notice published in a newspaper of general paid circulation in the district.

The bill provides an effective date of July 1, 2007.

C. SECTION DIRECTORY:

Section 1. Amends section 200.065, Florida Statutes, requiring the addition of specified information in an annual tax notice.

Section 2. Amends section 1011.71, Florida Statutes, to allow revenues from the 2-mill nonvoted capital improvement levy to be used to pay certain insurance costs.

Section 3. Provides an effective date.

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 allows a school district to use revenues from the 2-mill nonvoted capital improvement levy for the district's health, property, and casualty insurance costs, if the district meets current-year class-size reduction requirements and the Commissioner of Education certifies that all of the district's instructional space needs for the next 5 years can be met from capital outlay sources that the district reasonably expects to receive within 5 years or from sound methods of meeting the district's space needs.

The bill accordingly allows a district that does not confront short-term capital outlay demands to use revenues from the levy to support the operational costs of paying the district's insurance premiums, thereby allowing the district to use operational funds for other purposes. If, however, the school district confronts unexpected long-term capital outlay demands, the district could experience challenges in shifting expenditures for the district's insurance premiums back to its operational funds after an extended period of supporting these expenses with revenues from the 2-mill levy.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. The bill does not appear to require a county or municipality to spend funds or take an action requiring expenditures; reduce the authority that counties and municipalities had as of February 1, 1989, to raise revenues in the aggregate; or reduce the percentage of a state tax shared in the aggregate with counties and municipalities as of February 1, 1989.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

As previously discussed in the EFFECT OF PROPOSED CHANGES (I. B.), the bill is unclear whether a school district meets the current-year class-size reduction requirements, thereby causing the bill to be unclear whether a district is eligible to use revenues from the 2-mill nonvoted capital improvement levy for the district's health, property, and casualty insurance costs.

D. STATEMENT OF THE SPONSOR

No statement submitted.

IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (1)

Bill No. 0561

COUNCIL/COMMITTEE ACTION

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

1 Council/Committee hearing bill: Committee on K-12

2 Representative(s) Homan offered the following:

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

5 Remove everything after the enacting clause and insert:

6 Section 1. (1)(a) No later than January 1, 2009, the
7 Department of Health shall adopt a rule adding the human
8 papillomavirus to the list of communicable diseases set forth in
9 s. 1003.22, Florida statutes, for which immunizations are
10 required.

11 (b) The rule must include procedures for exempting a
12 student from this immunization requirement without requiring a
13 reason for doing so.

14 (2) Beginning with the 2009-2010 school year, each student
15 in any public or private school in the state who is entering
16 grade 6 for whom the human papillomavirus vaccine is approved by
17 the United States Food and Drug Administration, and his or her
18 parent or guardian, must be given information by the school
19 concerning the connection between the human papillomavirus and
20 cervical cancer and that a vaccine preventing human

3-15-07 5:37 pm

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (1)

21 papillomavirus infection is available and recommended to be
22 given before the student enters grade 8.

23 (3) Beginning with the 2011-2012 school year, each student
24 for whom the human papillomavirus vaccine is approved by the
25 United States Food and Drug Administration who is entering grade
26 8 in any public or private school in the state shall submit to
27 the school a certificate of immunization showing that the
28 student has completed the immunization protocol for the human
29 papillomavirus or a written statement, signed by his or her
30 parent or guardian, that, after receiving the information about
31 the human papillomavirus and its vaccine, the parent or guardian
32 has elected that the student not receive the vaccine, with no
33 reason required.

34 (4) Beginning with the 2011-2012 school year, a principal
35 or any other person in charge of a public or private school in
36 the state may not knowingly admit into grade 8 any student for
37 whom the human papillomavirus vaccine is approved by the United
38 States Food and Drug Administration until such student submits
39 to the school a certificate of immunization showing the
40 completion of the immunization protocol for the human
41 papillomavirus or a written statement, signed by his or her
42 parent or guardian, that, after receiving the information about
43 the human papillomavirus and its vaccine, the parent or guardian
44 has elected that the student not receive the vaccine, with no
45 reason required.

46 (5) The information required to be provided to students
47 and their parents or guardians and the students for whom the
48 human papillomavirus vaccine is approved and recommended shall
49 be prescribed by the Department of Health, in consultation with

3-15-07 5:37 pm

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (1)

50 the Department of Education, in the rule adopted under
51 subsection (1).

52 Section 2. This act shall take effect July 1, 2007.

53
54 ===== T I T L E A M E N D M E N T =====

55 Remove the entire title and insert:

56 A bill to be entitled
57 An act relating to the human papillomavirus; requiring the
58 Department of Health to adopt a rule adding the human
59 papillomavirus to the list of communicable diseases for
60 which immunization is required for school admittance;
61 requiring public and private schools in the state to
62 provide to certain students and their parents or guardians
63 information concerning the human papillomavirus, its
64 vaccine, and cervical cancer; prohibiting certain students
65 from admission to school without providing evidence of
66 immunization for the human papillomavirus; providing an
67 exception; providing requirements for school
68 administrators; requiring the Department of Health, in
69 consultation with the Department of Education, to
70 prescribe in rule the required information and the
71 students for whom the vaccine is approved and recommended;
72 providing an effective date.

1 A bill to be entitled
 2 An act relating to the human papillomavirus; requiring
 3 public and private middle schools in the state to provide
 4 to certain students and their parents or guardians
 5 information concerning the human papillomavirus, its
 6 vaccine, and cervical cancer; prohibiting certain students
 7 from admission into school without providing evidence of
 8 vaccination for the human papillomavirus; providing an
 9 exception; prohibiting a principal from knowingly
 10 admitting a student into school without evidence of
 11 vaccination for the human papillomavirus; providing an
 12 exception; requiring the Department of Education, in
 13 consultation with the Department of Health, to prescribe
 14 the content of the information regarding the connection
 15 between the human papillomavirus and cervical cancer and
 16 the availability of a vaccine preventing human
 17 papillomavirus; providing an effective date.

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

20
 21 Section 1. (1) Beginning with the 2008-2009 school year,
 22 each public or private middle school in this state shall provide
 23 to each student who is 11 years of age or 12 years of age and to
 24 the parents or guardian of such student information concerning
 25 the connection between the human papillomavirus (HPV) and
 26 cervical cancer and the availability of a vaccine preventing
 27 human papillomavirus.

28 (2) Beginning with the 2008-2009 school year:

29 (a) A student who is 11 years of age or 12 years of age
 30 may not be admitted to any private or public school in this
 31 state until that student submits to the school acceptable
 32 evidence of vaccination for the human papillomavirus or proof
 33 that, after receiving the information required in subsection
 34 (1), the student's parent or guardian has elected that the
 35 student not receive the vaccine.

36 (b) A principal or any other person in charge of a public
 37 or private school may not knowingly admit a student who is 11
 38 years of age or 12 years of age until that student submits to
 39 the school acceptable evidence of vaccination for the human
 40 papillomavirus or proof that, after receiving the information
 41 required in subsection (1), the student's parent or guardian has
 42 elected that the student not receive the vaccine.

43 (3) The Department of Education, in consultation with the
 44 Department of Health, shall prescribe the content of the
 45 information required in subsection (1).

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

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 561 Human Papillomavirus
SPONSOR(S): Homan and others
TIED BILLS: IDEN./SIM. BILLS: SB 660

Table with 4 columns: REFERENCE, ACTION, ANALYST, STAFF DIRECTOR. Row 1: 1) Committee on K-12, Ahearn, Ahearn.

SUMMARY ANALYSIS

The human papillomavirus (HPV) is the most common sexually transmitted virus in the United States. By age 50, at least 80 percent of women will have acquired the HPV infection at some point in their lives of at least one or more of the 30 known strains of HPV.

The bill requires, beginning with the 2008-2009 school year, that each public and private middle school in Florida provide each student, age 11 or 12, and the parent or guardian, information regarding the connection between HPV and cervical cancer as well as the "availability of a vaccine preventing HPV".

The bill provides that, beginning with the 2008-2009 school year, a student who is 11 or 12 years of age may not be admitted to any school in Florida, public or private, until the student provides evidence of vaccination for HPV, or proof that the parent or guardian, after receiving the required HPV information, has elected for the student to not receive the vaccine.

The bill has a fiscal impact; see Section II of this analysis for additional details.

The sponsor has filed a strike-all amendment.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide Limited Government, Safeguard Individual Liberty, Empower Families: The bill requires that as of the 2008-2009 school year, a student who is 11 or 12 years of age may not be admitted to any private or public school in this state until that student submits to the school acceptable evidence of vaccination for the human papillomavirus (HPV) or proof that, after receiving information concerning HPV and cervical cancer and the availability of a vaccine preventing HPV, the parent or guardian has elected that the student not receive the vaccine.

Requires the Department of Education (DOE), in consultation with the Department of Health (DOH), to determine the content of the information the parent is to receive.

B. EFFECT OF PROPOSED CHANGES:

Current Law

Section 1003.22(3), F.S., requires students to receive seven named immunizations: poliomyelitis, diphtheria, rubeola, rubella, pertussis, mumps, tetanus; and, allows the Department of Health to supplement the list with immunizations for other communicable diseases, as adopted in rule. The DOH, in consultation with the DOE, has adopted rules governing the immunization of children against, the testing for, and the control of preventable communicable diseases. The rules include procedures for exempting a child from immunization requirements.

The Department of Health supervises and secures the enforcement of the required immunizations. *Immunizations required by s. 1003.22(3), F.S., must be made available at no cost from the county health departments.*

Neither s. 1003.22(3), F.S., or the agency rules, require immunization for HPV. However, the DOH "routinely informs the parents or guardians of female patients in the age range of 11-12 years of age who present for services at county health department that the HPV vaccine is available [at no cost] for those who are eligible under the federal Vaccines for Children Program (VFC). Children age 0-18 are eligible for the VPC Program if they meet one of the following criteria: Medicaid covered, uninsured, underinsured (insurance does not cover immunization), Alaskan Native or American Indian."¹

Proposed Changes

"HPV is the most common sexually transmitted virus in the United States. By age 50, at least 80% of women will have acquired the HPV infection at some point in their lives of at least one or more of the 30 known strains of HPV that infect the genital tract. The HPV vaccine was released in June by the FDA **for use in girls** age 9-26. The Advisory Committee on Immunization Practices, a panel of expert advisors to the Centers for Disease Control, recommended the vaccine for 11 to 12 year old girls. Gardasil (Merek & Co., Inc.) **protects against 4 strains of HPV.**"²

The bill requires that beginning with the 2008-2009 school year and extending to each subsequent school year thereafter, each public and private school in Florida will be required "to provide each 11 or 12 year old student, and the parent or guardian, information regarding the connection between [HPV] and cervical cancer, as well as the availability of a vaccine to prevent HPV", a sexually transmitted disease (STD). However, as indicated in the above-quoted material, the vaccine does not totally "prevent HPV"; the vaccine protects against 4 of the most common 30 strains of the virus.

¹ DOH analysis, HB 561, Feb. 13, 2007

² HB 561 Vaccination for Cervical Cancer by Rep. Ed Homan, MD, March 2007.

The bill further requires that beginning with the 2008-2009 school year and extending to each subsequent school year thereafter, *students* who are 11 or 12 years of age are excluded from admission to any school in the state, public or private, until *each student* provides evidence of vaccination for HPV, or proof that the parent or guardian has elected for the student not to receive HPV vaccine after receiving the HPV information required to be given to the student and parent by the school.

The HPV vaccine on the market, at this time, is gender specific and is licensed for *females only*. Nonetheless, the bill requires boys to receive the vaccine as well.

The bill requires a principal or other person in charge of a public and private school to prohibit the admission of students to school who are 11 or 12 years of age until the student provides evidence of vaccination for the HPV series, or proof that the parent or guardian has elected for the student to not receive HPV vaccine after receiving the HPV information required to be provided by the school. This requires each public and private school with students that are 11 or 12 years of age to develop policy and procedures to implement the provisions of this proposal.

Since the HPV vaccine is given in a series of three injections over a 6-month period, schools (public and private) and district school boards will need to develop and implement an ongoing immunization tracking system to monitor students' completion of the three dose series over a six-month timeframe.

Finally, the bill requires that the DOE, in consultation with the DOH, prescribe the content of the HPV information requirement to students who are 11 or 12 years of age and their parents or guardians.

This bill takes effect July 1, 2008.

C. SECTION DIRECTORY:

Section 1. Creates an unnumbered section regarding required information and immunization for HPV.

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

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

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

2. Expenditures:

DOH has provided a fiscal analysis, which is based on the cost of the vaccine as well as the additional staffing needed to provide the services at the county health departments.

DOH construed the bill literally to mean that whether a student is 11 or 12 years old, the student is to receive the vaccine: "provide to each **student** who is 11 years of age **or** 12 years of age." However, DOH did not include boys in its calculations, despite the fact that a literal interpretation of the bill includes boys. DOH did not include boys because the vaccine is not approved for boys, at this time. Irrespective of what may have been intended by a bill, an analysis of a bill must address the provisions of the bill. Accordingly, a literal interpretation of the bill would increase the fiscal impact over the DOH projections for the cost of the vaccine.

Currently, according to DOH, there are approximately 257,563 girls that are 11 or 12 years old. The Vaccines for Children (VFC) program, a federally funded program, will cover the cost of vaccinating

approximately 116,660 of these girls³. The remaining 140,903 females will be eligible to be vaccinated at the county health departments, free of charge. Some of these girls will be vaccinated in private health care clinics and thus covered by private health care insurance. However, DOH estimates, from experience, that approximately 30% of girls who normally receive services in the private health care sector will be referred to county health departments for service. Thus, approximately 42,271 girls will need to be served by the county health departments.

DOH will have to purchase 126,813 doses of the HPV vaccine (42,271 x 3 injections) at \$96 per dose for a total of \$12,174,048 – girls only.

In addition, more staff would be needed to administer the additional service in the 67 county health departments. DOH projects the need for 100 additional nurses; and, including overhead, the cost would be approximately \$3.8 million (without factoring in annualization or recurring costs). Without administrative overhead, and with a more conservative assessment of staff needed, the cost would be closer to approximately \$1.5 million. However, these estimates only relate to the provision of the vaccines to girls, not boys. Including boys, would substantially increase the cost.

A strike all amendment has been filed by the sponsor, which provides, among other things that “beginning with the 2011-2012 school year, each student for whom the human papillomavirus vaccine is approved by the United States Food and Drug Administration” must either be immunized or elect not to receive the vaccine. Accordingly, one might conclude from the continued inclusion of boys (i.e., students), that by 2011-2012 a vaccine could be available for use on boys. Therefore, a fiscal analysis including that population of recipients would not be inappropriate.

The DOH and DOE will experience some fiscal impact, though limited, with regard to prescribing the content of the information regarding HPV that the school districts must provide to the students and parents.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

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

2. Expenditures:

This bill does not appear to be a fiscal impact on local government expenditures.

³ Children age 0-18 are eligible for the VFC program if they meet one of the following criteria: Medicaid covered, uninsured, underinsured (insurance does not cover immunization), Alaskan Native or American Indian.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The private health care sector will assume some burden for the costs of implementing the required vaccinations through administration of additional required vaccinations and the provision of information dissemination and documentation of any exemptions for school attendance. Private health care insurers will also bear the costs of covering the vaccine.

1. Private Sector Costs: Private health insurers who cover the vaccination will be affected by the costs of implementing the bill.
2. Private Sector Benefits: The primary benefits of the bill include potentially lowering the number of cases of cervical cancer due to the increase in HPV vaccinations administered in 11 or 12 year olds.⁴

D. FISCAL COMMENTS:

Public and private schools must disseminate information "to each student who is 11 years of age or 12 years of age and to the parents or guardian regarding the connection between the HPV and cervical cancer and the availability of a vaccine preventing HPV." (Please note discussion above: the vaccine does not prevent all strains of HPV.) The cost of production and dissemination of such information is indeterminate.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not appear to apply to counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

This bill does not create rule-making authority.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

D. STATEMENT OF THE SPONSOR

The discovery of a vaccine to prevent the HPV infection that causes most cases of cervical cancer is one of the greatest advances in women's health in the last century.

When the vaccine to prevent Hepatitis B became available it was incorporated into the schools immunization program without hesitation or controversy, despite the fact that Hepatitis B is a sexually transmitted disease just like the HPV virus. The difference being that the Hepatitis B virus is uncommon, but 44% of women and 59% of men in the 20-24 year age group harbor the HPV virus. We need to get this problem under control and we have a vaccine to do it. The fiscal impact in the analysis is overstated because it was done on the original bill that has been rewritten in the strike all amendment. This bill is a true representative of IDEA # 88, i.e. better health care through prevention.

⁴ DOE analysis, HB 561, Feb. 13, 2007

- • • An up front investment to prevent disease saves many more dollars than treating the disease, in addition to saving lives as well.

IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (1)

Bill No. 0967

COUNCIL/COMMITTEE ACTION

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

1 Council/Committee hearing bill: Committee on K-12

2 Representative(s) Weatherford offered the following:

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

5 Remove everything after the enacting clause and insert:

6 Section 1. Subsection (7) is added to section 1001.11,

7 Florida Statutes, to read:

8 1001.11 Commissioner of Education; other duties.--

9 (7) The commissioner shall dedicate financial and
10 departmental staff resources to provide professional development
11 to physical education teachers; elementary and secondary
12 teachers whose assignments include physical education courses;
13 and developers of physical education curricula. Such
14 professional development shall incorporate current physical
15 education and nutrition philosophy and best practices that
16 result in student participation in physical activities that
17 promote lifelong physical and mental well-being.

18 Section 2. Subsection (16) is added to section 1003.01,
19 Florida Statutes, to read:

20 1003.01 Definitions.--As used in this chapter, the term:

3-15-07 7:25 pm

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (1)

21 (16) "Physical education" means the development or
22 maintenance of skills related to strength, agility, flexibility,
23 movement, and stamina; the development of knowledge and skills
24 regarding teamwork and fair play; the development of knowledge
25 and skills regarding nutrition and physical fitness as part of a
26 healthy lifestyle; and the development of positive attitudes
27 regarding sound nutrition and physical activity as a component
28 of personal well-being.

29 Section 3. Subsection (3) of section 1003.455, Florida
30 Statutes, is amended to read:

31 1003.455 Physical education; assessment.--

32 (3) Each district school board shall provide 150 minutes
33 of physical education each week for students in kindergarten
34 through grade 5. Students enrolled in such instruction shall be
35 reported separately through the Florida Education Finance
36 Program, and records of such enrollment shall be audited
37 pursuant to s. 1010.305. Each district school board is
38 encouraged to provide 150 minutes of physical education each
39 week for students in kindergarten through grade 5 and 225
40 minutes of physical education each week for students in grades 6
41 through 8.

42 Section 4. During the 2007-2008 school year, the State
43 Board of Education shall review and revise the Sunshine State
44 Standards related to physical education to reflect state-of-the-
45 art philosophy and practice. The revised standards shall
46 emphasize the role of physical education in promoting the
47 knowledge, skills, and attitudes that prepare students to make
48 healthy lifelong nutrition and physical fitness choices.

49 Section 5. This act shall take effect upon becoming a law.

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

3-15-07 7:25 pm

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (1)

51 Remove the entire title and insert:

52 A bill to be entitled

53 An act relating to physical education; amending s.
54 1001.11, F.S.; requiring the Commissioner of Education to
55 dedicate resources to provide professional development in
56 physical education; amending s. 1003.01, F.S.; defining
57 the term "physical education"; amending s. 1003.455, F.S.;
58 requiring district school boards to provide specified
59 physical education for certain students; requiring
60 reporting for funding purposes and auditing of records;
61 requiring the Department of Education to review and revise
62 the Sunshine State Standards regarding physical education;
63 providing an effective date.

3-15-07 7:25 pm

Page 3 of 3

Amendment 1 by Weatherford - HB 967.doc

1 A bill to be entitled
 2 An act relating to public school physical education;
 3 amending s. 1003.455, F.S.; providing requirements for
 4 student participation in physical education; requiring
 5 review and revision of the Sunshine State Standards for
 6 physical education; amending s. 1012.98, F.S.; requiring
 7 the Department of Education to develop and school
 8 districts to provide a professional development program;
 9 providing an effective date.

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

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

15 1003.455 Physical education programs; ~~assessment~~.--

16 (1) It is the responsibility of each district school board
 17 to develop a physical education program that stresses physical
 18 fitness and encourages healthful, active lifestyles. Each
 19 district school board shall require all students in kindergarten
 20 through grade 5, and to encourage all students in grades 6
 21 through ~~prekindergarten through grade 12~~, to participate in
 22 physical education. Physical education shall consist of physical
 23 activities of at least a moderate intensity level and for a
 24 duration sufficient to provide a significant health benefit to
 25 students, subject to the differing capabilities of students. All
 26 physical education programs and curricula must be reviewed by a
 27 certified physical education instructor.

28 (2) Each district school board shall adopt a written
 29 physical education policy that details the school district's
 30 physical education program and expected program outcomes.

31 (3) Each district school board shall require each
 32 kindergarten through grade 5 student to participate in physical
 33 education daily to consist of ~~is encouraged to provide~~ 150
 34 minutes of physical education each week ~~for students in~~
 35 ~~kindergarten through grade 5~~ and shall encourage each student in
 36 grades 6 through 12 to participate in physical education for 225
 37 minutes each week ~~for students in grades 6 through 8.~~

38 (4) The State Board of Education shall review and revise
 39 as necessary the Sunshine State Standards for physical education
 40 to ensure that the standards reflect state-of-the-art physical
 41 education philosophy and practice.

42 Section 2. Paragraph (c) of subsection (4) of section
 43 1012.98, Florida Statutes, is redesignated as paragraph (d) and
 44 a new paragraph (c) is added to that subsection to read:

45 1012.98 School Community Professional Development Act.--

46 (4) The Department of Education, school districts,
 47 schools, community colleges, and state universities share the
 48 responsibilities described in this section. These
 49 responsibilities include the following:

50 (c) The department shall develop and each school district
 51 shall provide a professional development program for physical
 52 education instructors, elementary and secondary school teachers
 53 whose responsibilities include teaching physical education
 54 classes, and developers of physical education curricula.

55 Section 3. This act shall take effect July 1, 2007.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 967 Public School Physical Education
SPONSOR(S): Weatherford and others
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Committee on K-12		Barnhill <i>JB</i>	Ahearn <i>JA</i>
2) Schools & Learning Council			
3) Policy & Budget Council			
4) _____			
5) _____			

SUMMARY ANALYSIS

Currently, Florida law *encourages* all students in prekindergarten through grade 12 to participate in physical education. More particularly, school boards are *encouraged* to provide 150 minutes of physical education each week to students in kindergarten through grade 5 and to provide 225 minutes of physical education each week to students in grades 6 through 8. Students in grades 9 through 12 are encouraged to participate in physical education, although no amount of time is suggested. However, high school graduation requirements require one credit of physical education.

This bill *requires* all students in kindergarten through grade 5 to participate in physical education. The bill *requires* these students to participate in a total of 150 minutes of physical education each week. This bill encourages students in grades 6 through 12 to participate in 225 minutes of physical education each week, thus providing students in grades 9 through 12 a suggested amount of time each week to spend on physical education.

This bill also requires the State Board of Education to review, and revise as necessary, the Sunshine State Standards to ensure the standards reflect the state-of-the-art physical education philosophy and practice in this state.

This bill also requires the Department of Education and the district school boards to provide a professional development program for physical education instructors and developers of physical education curricula.

This bill does not appear to have a significant fiscal impact on state government. This bill does not appear to have an impact on local governments. Please see FISCAL ANALYSIS, section II.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide limited government – This bill requires the State Board of Education to revise the Sunshine State Standards to reflect Florida's state-of-the-art physical education philosophy and practice. This bill also requires the Department of Education and district school boards to provide a professional development program for physical education instructors and developers of physical education curricula.

B. EFFECT OF PROPOSED CHANGES:

Background

Obesity is a growing concern across the country and in this state. Overweight rates have doubled among children and tripled among adolescents in the last 25 years.¹ Obesity has been linked to inactivity, yet schools have reduced or completely excluded physical education from the curriculum in an effort to spend more time in the classroom.

Present Situation

Currently, Florida law *encourages* all students in prekindergarten through grade 12 to participate in physical education.² Section 1003.455(2), F.S., states the district school boards are responsible for developing a physical education program that stresses physical fitness and encourages healthy, active lifestyles. Physical education must include physical activities of moderate intensity, for enough time to provide a significant health benefit to students. Differing capabilities of students must be considered in the development of the physical education program.

Each school board must adopt a written policy for physical education. This policy must detail the school district's physical education program and include the district's expected program outcomes.

Current law *encourages* district school boards to provide 150 minutes of physical education each week for students in kindergarten through grade 5. District school boards are encouraged to provide 225 minutes of physical education each week to students in grades 6 through 8. Students in grades 9 through 12 are encouraged to participate in physical education, although no amount of time is suggested. However, high school graduation requirements require one credit of physical education.³

There are currently 6,233 physical education teachers employed in Florida. There are also an unknown number of additional teachers involved in physical education.

Effects of Proposed Changes

This bill changes the law from requiring school districts to *encourage* student participation in physical education, to requiring school districts to *require* students in kindergarten through grade 5 to participate in physical education and *encourage* students in grades 6 through 12 to participate in physical education.

More particularly, district school boards must require students in kindergarten through grade 5 to participate in daily physical activity, for a total of 150 minutes per week. The district school board must encourage students in grades 6 through 12 to participate in physical activity for a total of 225 minutes

¹ <http://www.cdc.gov/HealthyYouth/index.htm>

² s. 1003.455(1), F.S.

³ s. 1003.428(2)(a)(6), F.S.

per week, thus providing school boards a suggested amount of time each week students in grades 9 through 12 should spend on physical education.

This bill requires the State Board of Education to review and revise as necessary the Sunshine State Standards for physical education. These standards should reflect Florida's state-of-the-art physical education philosophy and practice.

This bill requires the Department of Education and each school district to provide a professional development program for physical education instructors and developers of physical education curricula. Physical education instructors include elementary and secondary school teachers whose responsibilities include teaching physical education classes.

C. SECTION DIRECTORY:

Section 1. Amends s. 1003.455, F.S., providing requirements for student participation in physical education and requiring review and revision of the Sunshine State Standards for physical education.

Section 2. Amends s. 1012.98, F.S., requiring the Department of Education to develop and school districts to provide a professional development program.

Section 3. Provides an effective date of July 1, 2007.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

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

2. Expenditures:

This bill has an indeterminate fiscal impact on the Department of Education (DOE). This bill requires the DOE to provide a professional development program for physical education instructors and developers of physical education curricula. These costs depend on availability of existing material and professional analysis of needed content.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

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

2. Expenditures:

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

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

Each school district may experience additional costs to provide the required professional development program for physical education instructors and developers of physical education curricula. Costs will vary depending on the method of delivery (e.g., online, demonstration) and the duration of the program.

III. COMMENTS

***A. CONSTITUTIONAL ISSUES:**

1. Applicability of Municipality/County Mandates Provision:

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

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

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

2. Other:

None.

B. RULE-MAKING AUTHORITY:

This bill does not raise the need for rules or rulemaking authority or direct an agency to adopt rules.

C. DRAFTING ISSUES OR OTHER COMMENTS:

This bill will have an impact on daily instructional time for elementary schools. Districts that do not currently follow the recommendations in statute will have to eliminate instruction time in other areas.

This bill will have an impact on teacher certification requirements. Enrollment in physical education classes will increase significantly, causing a need for more teachers.

The language of this bill requires an actual physical *education* class. This is different from required physical *activity* (i.e., recess).

The bill does not provide for exemptions that will be needed for some students.

D. STATEMENT OF THE SPONSOR

No statement submitted.

IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES

1 A bill to be entitled
 2 An act relating to child care; creating s. 402.3012, F.S.;
 3 establishing the Florida's Sunshine State Stars Quality
 4 Rating System, a voluntary rating system, in the Agency
 5 for Workforce Innovation; providing quality rating
 6 requirements for early learning programs, child care
 7 facilities, and facilities participating in the Voluntary
 8 Prekindergarten Education Program; establishing a
 9 voluntary pilot program in specified counties; providing
 10 financial incentives for advancement in quality rating;
 11 providing for technical support; providing for expiration
 12 of the program; requiring the Office of Early Learning
 13 within the Agency for Workforce Innovation to develop a
 14 workforce development plan; providing an appropriation;
 15 providing an effective date.

16
 17 Be It Enacted by the Legislature of the State of Florida:

18
 19 Section 1. Section 402.3012, Florida Statutes, is created
 20 to read:

21 402.3012 Florida's Sunshine State Stars Quality Rating
 22 System.--

23 (1) FLORIDA'S SUNSHINE STATE STARS QUALITY RATING
 24 SYSTEM.--The Office of Early Learning within the Agency for
 25 Workforce Innovation shall establish the Florida's Sunshine
 26 State Stars Quality Rating System to provide a voluntary,
 27 statewide standard rating system for licensed early learning
 28 programs, child care facilities as defined in s. 402.302, and

29 facilities participating in the Voluntary Prekindergarten
 30 Education Program created under s. 1002.53.

31 (a) The rating system shall consist of five tiers. For the
 32 purposes of this section, a "tier" refers to each level of
 33 progression and represents a higher level of quality within the
 34 quality rating system. To communicate the level of quality to
 35 parents, consumers, and the participating early learning
 36 program, a star symbol shall be used. Programs that meet the
 37 highest level of quality in the rating system shall be awarded
 38 five stars.

39 (b) Programs must meet all the criteria of a tier before
 40 advancing to the next tier. The office shall be responsible for
 41 implementing the requirements for each tier in each category
 42 based upon recommendations of the Early Learning Advisory
 43 Council's Quality Rating System Task Force and recommendations
 44 from organized meetings to gather local input from parent and
 45 provider focus groups and interviews.

46 (2) REQUIREMENTS FOR CHILD CARE FACILITIES AND FACILITIES
 47 PARTICIPATING IN THE VOLUNTARY PREKINDERGARTEN EDUCATION
 48 PROGRAM.--

49 (a) Overall quality rating assessment shall be based on
 50 the following major components that have been documented by
 51 research or best practices to positively impact child and family
 52 outcomes:

- 53 1. Learning environment.
- 54 2. Curricula, screening, and assessment.
- 55 3. Staff qualifications.
- 56 4. Professional development.

57 5. Business practices.
 58 6. Family involvement.
 59 (b) Advancement through the tiers in each major component
 60 shall be based on the following:
 61 1. Learning environment, verified through document
 62 submission or use of the appropriate Early Childhood Environment
 63 Rating Scales (Harms, Clifford, and Cryer).
 64 2. Curricula, screening, and assessment, verified through
 65 document review and observation.
 66 3. Staff qualifications, verified by linkage with
 67 licensing and document review.
 68 4. Professional development for the director, lead
 69 teacher, and assistant teacher, verified by linkage with
 70 licensing and document review.
 71 5. Business practices, verified by document review and
 72 observation. Consideration shall be given to child care
 73 providers possessing a Gold Seal Quality Care designation and
 74 Head Start and Early Head Start programs of quality and
 75 excellence.
 76 6. Family involvement, verified through document review.
 77 Section 2. Florida's Sunshine State Stars Quality Rating
 78 System Voluntary Pilot Program.--
 79 (1) FLORIDA'S SUNSHINE STATE STARS QUALITY RATING SYSTEM
 80 VOLUNTARY PILOT PROGRAM.--Florida's Sunshine State Stars Quality
 81 Rating System voluntary pilot program is created for the
 82 implementation of the rating system tier program in the
 83 following counties: Broward, Duval, Hillsborough, Leon, Miami-
 84 Dade, Orange, Palm Beach, and Pinellas. The identified counties

85 include urban counties and rural counties that have established
 86 or are in the process of establishing quality rating systems.

87 (2) FINANCIAL INCENTIVES FOR ADVANCEMENT IN THE RATING
 88 SYSTEM.--

89 (a) Centers and programs in tiers 1, 2, and 3 shall be
 90 eligible for grants and awards to improve quality.

91 (b) Centers and programs in tiers 4 and 5 shall be
 92 eligible for merit awards to maintain high quality.

93 (3) TECHNICAL SUPPORT.--Technical support shall be
 94 provided to programs to ensure successful entry into the rating
 95 system and movement through the system. The Office of Early
 96 Learning within the Agency for Workforce Innovation shall
 97 coordinate with the participating early learning coalitions to
 98 facilitate the successful participation of child care facilities
 99 in the pilot program and with those programs currently
 100 implementing a quality rating system.

101 (4) OTHER COUNTIES.--Nothing in this section shall
 102 preclude early learning coalitions from implementing a quality
 103 rating system in other counties.

104 (5) EXPIRATION OF THE PILOT PROGRAM.--The pilot program
 105 shall expire on July 1, 2009.

106 Section 3. In order to ensure the availability of
 107 qualified teachers to meet the needs associated with higher
 108 standards, the Office of Early Learning within the Agency for
 109 Workforce Innovation shall develop a workforce development plan.
 110 The plan shall include recommendations for the funding and
 111 expansion of current child care professional development
 112 credentialing programs, such as the Teacher Education and

HB 1107

2007

113 Compensation Helps program (TEACH), as well as other programs
114 designed to provide professional development, credentialing, and
115 advanced education.

116 Section 4. The sum of \$25 million is appropriated from the
117 General Revenue Fund to the Agency for Workforce Innovation for
118 the 2007-2008 fiscal year to implement the provisions of this
119 act.

120 Section 5. This act shall take effect upon becoming a law.

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A bill to be entitled
 An act relating to early learning; creating s. 14.204,
 F.S.; creating a Chancellor of Early Learning within the
 Executive Office of the Governor; providing for the
 appointment and duties of the chancellor; amending ss.
 402.302, 402.3025, 402.305, 402.3054, 402.3057, 402.308,
 402.309, 402.313, 402.3131, 402.316, F.S.; revising
 requirements for screening and rescreening of child care
 personnel and prekindergarten instructors; requiring
 denial of employment or termination of personnel and
 instructors disqualified by screening; providing
 exemptions from screening and disqualification; providing
 responsibilities of the office; authorizing the Department
 of Children and Family Services to exempt operators of
 family day care homes and large family child care homes
 from certain training requirements; amending s. 1002.53,
 F.S.; revising requirements for the Voluntary
 Prekindergarten Education Program; revising requirements
 for application forms, enrollment of children, and
 advertising the program; amending s. 1002.55, F.S.;
 revising requirements for screening of prekindergarten
 instructors; amending s. 1002.57, F.S.; permitting the
 Department of Education to authorize the Department of
 Children and Family Services to issue certain credentials;
 amending ss. 1002.61, 1002.63, F.S.; revising requirements
 for screening of prekindergarten instructors; amending s.
 1002.67, F.S.; encouraging dual-language instruction in
 prekindergarten programs; amending s. 1002.71, F.S.;
 deleting requirements for monthly attendance verification
 by parent; limiting a provider's or school's enrollment or

BILL

ORIGINAL

2007

31 removal of children from prekindergarten programs;
 32 encouraging the establishment of transportation systems in
 33 specified communities; amending s. 1002.77, F.S.; revising
 34 the purpose of the Florida Early Learning Advisory
 35 Council; requiring the Agency for Workforce Innovation to
 36 establish the Early Learning Information System and
 37 replace the current information system; providing minimum
 38 requirements for the information system; requiring the
 39 Agency for Workforce Innovation to submit reports;
 40 requiring the Office of Program Policy Analysis and
 41 Government Accountability to submit a report; providing a
 42 definition; providing an appropriation; providing an
 43 effective date.

44

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

46

47 Section 1. Section 14.204, Florida Statutes, is created to
 48 read:

49 14.204 Chancellor of Early Learning.--

50 (1) There is created within the Executive Office of the
 51 Governor a Chancellor of Early Learning who is appointed by the
 52 Governor, subject to confirmation by the Senate, and who serves
 53 at the pleasure of the Governor. The Governor shall make the
 54 initial appointment by October 1, 2007. The Chancellor of Early
 55 Learning shall serve as the state's principal coordinator and
 56 advocate for early learning programs and child care regulation.

57 (2) The Chancellor of Early Learning shall:

58 (a) Advise the Governor and Legislature on the early
 59 learning and child care policies of the state, including policies
 60 relating to administration of the Voluntary Prekindergarten

BILL

ORIGINAL

2007

61 Education Program under part V of chapter 1002, school readiness
 62 programs under s. 411.01, child care regulation under ss.
 63 402.301-402.319, and child care resource and referral under s.
 64 402.27;

65 (b) Establish a 5-year strategic plan for early learning
 66 programs and child care regulation by October 1, 2008; revise the
 67 plan at least once every 5 years; and submit the initial and
 68 revised plans to the Governor, the President of the Senate, and
 69 the Speaker of the House of Representatives; and

70 (c) Facilitate interagency coordination among the
 71 Department of Education, the Office of Early Learning of the
 72 Agency for Workforce Innovation, and the Child Care Services
 73 Program Office of the Department of Children and Family Services.

74 (3) The Department of Education, Agency for Workforce
 75 Innovation, and Department of Children and Family Services shall
 76 cooperate with, and provide administrative support to, the
 77 Chancellor of Early Learning for the chancellor's activities and
 78 duties under this section.

79 (4) This section does not authorize the Chancellor of Early
 80 Learning to govern the powers, duties, functions, records,
 81 personnel, or property; expenditure of appropriations,
 82 allocations, or other funds; rulemaking authority; or contractual
 83 authority of the Department of Education, Agency for Workforce
 84 Innovation, or Department of Children and Family Services.

85 Section 2. Paragraph (e) of subsection (2), subsection (3),
 86 and subsection (13) of section 402.302, Florida Statutes, are
 87 amended to read:

88 402.302 Definitions.--

89 (2) "Child care facility" includes any child care center or
 90 child care arrangement which provides child care for more than

BILL

ORIGINAL

2007

91 five children unrelated to the operator and which receives a
 92 payment, fee, or grant for any of the children receiving care,
 93 wherever operated, and whether or not operated for profit. The
 94 following are not included:

95 (e) Operator ~~Operators~~ of a transient establishment
 96 establishments, as defined in s. 509.013 ~~chapter 509~~, which
 97 provides ~~provide~~ child care services exclusively ~~solely~~ for the
 98 guests of the ~~their~~ establishment ~~or resort~~, if provided that all
 99 child care personnel of the establishment are screened under s.
 100 402.3057 ~~according to the level 2 screening requirements of~~
 101 ~~chapter 435~~.

102 (3) "Child care personnel" means all owners, operators,
 103 employees, and volunteers working in a child care facility. The
 104 term does not include persons who work in a child care facility
 105 after hours when children are not present or parents of children
 106 in Head Start. For purposes of screening, the term includes any
 107 member, over the age of 12 years, of a child care facility
 108 operator's family, or person, over the age of 12 years, residing
 109 with a child care facility operator if the child care facility is
 110 located in or adjacent to the home of the operator or if the
 111 family member of, or person residing with, the child care
 112 facility operator has any direct contact with ~~the~~ children in the
 113 facility during its hours of operation. Members of the operator's
 114 family or persons residing with the operator who are between the
 115 ages of 12 years and 18 years are ~~shall~~ not ~~be~~ required to be
 116 fingerprinted or screened under s. 402.3057, but shall be
 117 screened through statewide juvenile records checks by the Florida
 118 Department of Law Enforcement ~~for delinquency records~~. For
 119 purposes of screening, the term ~~shall~~ also includes ~~include~~
 120 persons who work in child care programs which provide care for

BILL

ORIGINAL

2007

121 children 15 hours or more each week in public or nonpublic
 122 schools, summer day camps, family day care homes, or those
 123 programs otherwise exempted under s. 402.316. The term does not
 124 include public or nonpublic school personnel who are providing
 125 care during regular school hours, or after hours for activities
 126 related to a school's program for grades kindergarten through 12.
 127 A volunteer who assists on an intermittent basis for less than 40
 128 hours per month is not included in the term "personnel" for the
 129 purposes of screening and training, if ~~provided that~~ the
 130 volunteer is under direct and constant supervision by persons who
 131 are screened under s. 402.3057 ~~meet the personnel requirements of~~
 132 ~~s. 402.305(2)~~. Students who observe and participate in a child
 133 care facility as a part of their required coursework are ~~shall~~
 134 not ~~be~~ considered child care personnel, if the provided ~~such~~
 135 observation and participation are on an intermittent basis and
 136 the students are under direct and constant supervision of child
 137 care personnel.

138 (13) "Screening" includes, but is not limited to, ~~means the~~
 139 ~~act of~~ assessing the background of child care personnel and
 140 volunteers under s. 402.3057 and checks of the central abuse
 141 registry under s. 39.201(4) ~~includes, but is not limited to,~~
 142 ~~employment history checks, local criminal records checks through~~
 143 ~~local law enforcement agencies, fingerprinting for all purposes~~
 144 ~~and checks in this subsection, statewide criminal records checks~~
 145 ~~through the Department of Law Enforcement, and federal criminal~~
 146 ~~records checks through the Federal Bureau of Investigation.~~

147 Section 3. Paragraph (c) of subsection (2) of section
 148 402.3025, Florida Statutes, is amended to read:
 149 402.3025 Public and nonpublic schools.--For the purposes of
 150 ss. 402.301-402.319, the following shall apply:

BILL

ORIGINAL

2007

151 (2) NONPUBLIC SCHOOLS.--

152 (c) Programs for children who are at least 3 years of age,
 153 but under 5 years of age, are ~~shall not be~~ deemed to be child
 154 care and are ~~shall not be~~ subject to the provisions of ss.
 155 402.301-402.319 relating to child care facilities, if provided
 156 the programs in the schools are operated and staffed directly by
 157 the schools, ~~provided~~ a majority of the children enrolled in the
 158 schools are 5 years of age or older, and the programs comply
 159 ~~provided there is compliance~~ with the screening requirements for
 160 personnel in pursuant to s. 402.305 or s. 402.3057. A nonpublic
 161 school may designate certain programs as child care, in which
 162 case these programs are ~~shall be~~ subject to ~~the provisions of~~ ss.
 163 402.301-402.319.

164 Section 4. Paragraph (a) of subsection (2) of section
 165 402.305, Florida Statutes, is amended to read:

166 402.305 Licensing standards; child care facilities.--

167 (2) PERSONNEL.--Minimum standards for child care personnel
 168 shall include minimum requirements as to:

169 (a) ~~Good moral character based upon~~ Screening under s.
 170 402.3057. ~~This screening shall be conducted as provided in~~
 171 ~~chapter 435, using the level 2 standards for screening set forth~~
 172 ~~in that chapter.~~

173 Section 5. Subsection (3) of section 402.3054, Florida
 174 Statutes, is amended to read:

175 402.3054 Child enrichment service providers.--

176 (3) A child enrichment service provider shall be screened
 177 under s. 402.3057, except that ~~of good moral character based upon~~
 178 screening clearances must be received by a child care facility
 179 before the . ~~This screening shall be conducted as provided in~~
 180 ~~chapter 435, using the level 2 standards for screening set forth~~

BILL

ORIGINAL

2007

181 ~~in that chapter.~~ A child enrichment service provider may provide
 182 ~~must meet the screening requirements prior to providing services~~
 183 to a child in the a child care facility. A child enrichment
 184 service provider whose ~~who as met the screening clearances are~~
 185 received by the child care facility is ~~standards shall not be~~
 186 required to be under the direct and constant supervision of child
 187 care personnel.

188 Section 6. Section 402.3057, Florida Statutes, is amended
 189 to read:

190 402.3057 Background screening and rescreening;
 191 disqualification from employment; exemptions ~~Persons not required~~
 192 ~~to be refingerprinted or rescreened.--~~

193 (1) INITIAL SCREENING.--Upon employment in a position
 194 requiring screening under this section, or upon reemployment in a
 195 position requiring screening under this section after a break in
 196 employment which exceeds 90 days, a person must:

197 (a) Attest under penalty of perjury on forms prescribed by
 198 the department that the person is of good moral character;

199 (b) Be screened by the employer through employment history
 200 checks of the person's former employers from the previous 2
 201 years; and

202 (c) Be fingerprinted and screened:

203 1. According to the level 2 standards in s. 435.04 through
 204 local criminal records checks by local law enforcement agencies,
 205 statewide criminal and juvenile records checks by the Florida
 206 Department of Law Enforcement, and federal criminal records
 207 checks by the Federal Bureau of Investigation; or

208 2. By a school district according to the standards in s.
 209 1012.32.

BILL

ORIGINAL

2007

210 (2) EXEMPTIONS.--Upon employment in a position requiring
 211 screening under this section, a person screened within the
 212 previous 5 years for a position requiring screening under Any
 213 provision of law to the contrary notwithstanding, human resource
 214 personnel who have been fingerprinted or screened chapter
 215 pursuant to chapters 393, chapter 394, chapter 397, chapter 402,
 216 chapter and 409, part V of chapter 1002, or and teachers and
 217 noninstructional personnel who have been fingerprinted pursuant
 218 to chapter 1012, is not required to repeat the screening under
 219 this section, if:

220 (a) The person attests, who have not been unemployed for
 221 more than 90 days thereafter, and who under the penalty of
 222 perjury on forms prescribed by the department that the person is
 223 of attest to the completion of such fingerprinting or screening
 224 and to compliance with the provisions of this section and the
 225 standards for good moral character;

226 (b) The employer is provided documentation of the person's
 227 screening clearances which show that the person was screened
 228 within the previous 5 years according to the level 2 standards in
 229 s. 435.04 or the standards in s. 1012.32; and

230 (c) The person did not terminate employment from the
 231 position for which the person was screened more than 90 days
 232 before employment in the position requiring screening under this
 233 section.

234 (3) RESCREENING.--A person required to be screened under
 235 this section must be rescreened at least once every 5 years. A
 236 rescreening requires the person to:

237 (a) Attest under penalty of perjury on forms prescribed by
 238 the department that the person is of good moral character; and

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ORIGINAL

2007

239 (b) Be rescreened according to the standards in s. 435.04
 240 through local criminal records checks by local law enforcement
 241 agencies and statewide criminal and juvenile records checks by
 242 the Florida Department of Law Enforcement. A rescreening does not
 243 require refingerprinting or federal criminal records checks by
 244 the Federal Bureau of Investigation.

245
 246 However, a person fingerprinted and screened by a school district
 247 under s. 1012.32 is not required to be rescreened under this
 248 section if the person's fingerprints are retained in the
 249 statewide automated fingerprint identification system and subject
 250 to search against arrest fingerprint cards as required in s.
 251 1012.32(3).

252 (4) DISQUALIFICATION FROM EMPLOYMENT.--A person
 253 disqualified from employment under s. 435.06, unless granted an
 254 exemption from disqualification under s. 435.07, must be denied
 255 employment or terminated from the position requiring screening
 256 under this section as contained in such provisions as ss.
 257 110.1127(3), 393.0655(1), 394.457(6), 397.451, 402.305(2), and
 258 409.175(6), shall not be required to be refingerprinted or
 259 rescreened in order to comply with any caretaker screening or
 260 fingerprinting requirements.

261 Section 7. Paragraph (d) of subsection (3) and paragraph
 262 (d) of subsection (4) and of section 402.308, Florida Statutes,
 263 are amended to read:

264 402.308 Issuance of license.--

265 (3) STATE ADMINISTRATION OF LICENSING.--In any county in
 266 which the department has the authority to issue licenses, the
 267 following procedures shall be applied:

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2007

268 (d) The department shall issue or renew a license upon
 269 receipt of the license fee and upon being satisfied that all
 270 standards required by ss. 402.301-402.319 are ~~have been~~ met. A
 271 license may be issued if all ~~the~~ screening materials are ~~have~~
 272 ~~been~~ timely submitted under s. 402.3057; however, a license may
 273 not be issued or renewed if any of the child care personnel at
 274 the applicant facility are disqualified from employment under s.
 275 435.06 unless granted an exemption from disqualification under s.
 276 435.07 ~~have failed the screening required by ss. 402.305(2) and~~
 277 ~~402.3055.~~

278 (4) LOCAL ADMINISTRATION OF LICENSING.--In any county in
 279 which there is a local licensing agency approved by the
 280 department, the following procedures shall apply:

281 (d) The local licensing agency shall issue a license or
 282 renew a license upon being satisfied that all standards required
 283 by ss. 402.301-402.319 are ~~have been~~ met. A license may be issued
 284 or renewed if all ~~the~~ screening materials are ~~have been~~ timely
 285 submitted under s. 402.3057; however, the local licensing agency
 286 may shall not issue or renew a license if any of the child care
 287 personnel at the applicant facility are disqualified from
 288 employment under s. 435.06 unless granted an exemption from
 289 disqualification under s. 435.07 ~~have failed the screening~~
 290 ~~required by ss. 402.305(2) and 402.3055.~~

291 Section 8. Subsection (2) of section 402.309, Florida
 292 Statutes, is amended to read:

293 402.309 Provisional license or registration.--

294 (2) A provisional license or registration may not be issued
 295 unless the operator or owner makes adequate provisions for the
 296 health and safety of the child. A provisional license may be
 297 issued for a child care facility if all ~~of the~~ screening

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ORIGINAL

2007

298 materials are ~~have been~~ timely submitted under s. 402.3057. A
 299 provisional license or registration may not be issued unless the
 300 child care facility, family day care home, or large family child
 301 care home complies ~~is in compliance~~ with the requirements for
 302 screening of child care personnel in s. 402.3057 ~~ss. 402.305,~~
 303 ~~402.3055, 402.313, and 402.3131, respectively.~~

304 Section 9. Paragraph (a) of subsection (1) and subsections
 305 (3) and (4) of section 402.313, Florida Statutes, are amended to
 306 read:

307 402.313 Family day care homes.--

308 (1) Family day care homes shall be licensed under this act
 309 if they are presently being licensed under an existing county
 310 licensing ordinance, if they are participating in the subsidized
 311 child care program, or if the board of county commissioners
 312 passes a resolution that family day care homes be licensed. If no
 313 county authority exists for the licensing of a family day care
 314 home, the department shall have the authority to license family
 315 day care homes under contract for the purchase-of-service system
 316 in the subsidized child care program.

317 (a) If not subject to license, a family day care home ~~homes~~
 318 shall register annually with the department, providing the
 319 following information:

- 320 1. The name and address of the home.
- 321 2. The name of the operator.
- 322 3. The number of children served.
- 323 4. Proof of a written plan to provide at least one other
 324 competent adult to be available to substitute for the operator in
 325 an emergency. This plan shall include the name, address, and
 326 telephone number of the designated substitute.

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ORIGINAL

2007

327 5. Proof of screening under s. 402.3057 ~~and background~~
 328 ~~checks.~~

329 6. Proof of successful completion of the 30-hour training
 330 course, as evidenced by passage of a competency examination,
 331 which shall include:

332 a. State and local rules and regulations that govern child
 333 care.

334 b. Health, safety, and nutrition.

335 c. Identifying and reporting child abuse and neglect.

336 d. Child development, including typical and atypical
 337 language development; and cognitive, motor, social, and self-help
 338 skills development.

339 e. Observation of developmental behaviors, including using
 340 a checklist or other similar observation tools and techniques to
 341 determine a child's developmental level.

342 f. Specialized areas, including early literacy and language
 343 development of children from birth to 5 years of age, as
 344 determined by the department, for owner-operators of family day
 345 care homes.

346 7. Proof that immunization records are kept current.

347 8. Proof of completion of the required continuing education
 348 units or clock hours.

349 (3) Child care personnel in a family day care home must
 350 ~~homes shall be screened under s. 402.3057 subject to the~~
 351 ~~applicable screening provisions contained in ss. 402.305(2) and~~
 352 ~~402.3055. For purposes of screening in family day care homes, the~~
 353 ~~term includes~~ Any member over the age of 12 years of a family day
 354 care home operator's family, or persons over the age of 12 years
 355 residing with the operator in the family day care home, must also
 356 be screened under s. 402.3057. Members of the operator's family,

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ORIGINAL

2007

357 or persons residing with the operator, who are between the ages
358 of 12 years and 18 years are ~~shall~~ not ~~be~~ required to be
359 fingerprinted or screened under s. 402.3057, but shall be
360 screened through statewide juvenile records checks by the Florida
361 Department of Law Enforcement ~~for delinquency records~~.

362 (4) Operators of family day care homes must successfully
363 complete an approved 30-clock-hour introductory course in child
364 care, as evidenced by passage of a competency examination, before
365 caring for children. The department may grant the operator of a
366 family day care home an exemption from all or part of the
367 training required under this subsection in the same manner that
368 child care personnel are granted an exemption from required
369 training under the flush-left provisions of s. 402.305(2)(d).

370 Section 10. Subsections (2) and (3) of section 402.3131,
371 Florida Statutes, are amended to read:

372 402.3131 Large family child care homes.--

373 (2) Child care personnel in a large family child care home
374 must ~~homes shall~~ be screened under s. 402.3057 ~~subject to the~~
375 ~~applicable screening provisions contained in ss. 402.305(2) and~~
376 ~~402.3055. For purposes of screening child care personnel in large~~
377 ~~family child care homes, the term "child care personnel" includes~~
378 Any member of a large family child care home operator's family 12
379 years of age or older, or any person 12 years of age or older
380 residing with the operator in the large family child care home,
381 must also be screened under s. 402.3057. Members of the
382 operator's family, or persons residing with the operator, who are
383 between the ages of 12 years and 18 years, inclusive, are ~~shall~~
384 not ~~be~~ required to be fingerprinted or screened under s.
385 402.3057, but shall be screened through statewide juvenile

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ORIGINAL

2007

386 records checks by the Florida Department of Law Enforcement for
 387 delinquency records.

388 (3) Operators of large family child care homes must
 389 successfully complete an approved 40-clock-hour introductory
 390 course in group child care, as evidenced by passage of a
 391 competency examination. Successful completion of the 40-clock-
 392 hour introductory course shall articulate into community college
 393 credit in early childhood education, under ~~pursuant to~~ ss.
 394 1007.24 and 1007.25. The department may grant the operator of a
 395 large family child care home an exemption from all or part of the
 396 training required under this subsection in the same manner that
 397 child care personnel are granted an exemption from required
 398 training under the flush-left provisions of s. 402.305(2)(d).

399 Section 11. Subsection (1) of section 402.316, Florida
 400 Statutes, is amended to read:

401 402.316 Exemptions.--

402 (1) Sections ~~The provisions of ss. 402.301-402.319,~~ except
 403 for ~~the~~ requirements regarding screening of child care personnel,
 404 do shall not apply to a child care facility that ~~which~~ is an
 405 integral part of a church or parochial school ~~schools~~ conducting
 406 regularly scheduled classes, courses of study, or educational
 407 programs accredited by, or by a member of, an organization that
 408 ~~which~~ publishes and requires compliance with its standards for
 409 health, safety, and sanitation. However, such facilities shall
 410 meet minimum requirements of the applicable local governing body
 411 as to health, sanitation, and safety and shall meet the screening
 412 requirements of s. 402.3057 ~~pursuant to ss. 402.305 and 402.3055.~~
 413 Failure by a facility to comply with the ~~such~~ screening
 414 requirements shall result in the loss of the facility's exemption
 415 from licensure.

BILL

ORIGINAL

2007

416 Section 12. Subsections (1) and (4) of section 1002.53,
 417 Florida Statutes, are amended, and subsection (7) is added to
 418 that section, to read:

419 1002.53 Voluntary Prekindergarten Education Program;
 420 eligibility and enrollment.--

421 (1) There is created the Voluntary Prekindergarten
 422 Education Program. The program shall ~~take effect in each county~~
 423 ~~at the beginning of the 2005-2007 school year and shall be~~ be
 424 organized, designed, and delivered in accordance with s. 1(b) and
 425 (c), Art. IX of the State Constitution.

426 (4)(a) A ~~Each~~ parent enrolling a child in the Voluntary
 427 Prekindergarten Education Program must complete and submit an
 428 application to the early learning coalition through the single
 429 point of entry established under s. 411.01.

430 (b) The application must be submitted on forms prescribed
 431 by the Agency for Workforce Innovation and must be accompanied by
 432 a certified copy of the child's birth certificate. ~~The forms must~~
 433 ~~include a certification, in substantially the form provided in s.~~
 434 ~~1002.71(6)(b)2., that the parent chooses the private~~
 435 ~~prekindergarten provider or public school in accordance with this~~
 436 ~~section and directs that payments for the program be made to the~~
 437 ~~provider or school.~~ The Agency for Workforce Innovation may
 438 authorize alternative methods for submitting proof of the child's
 439 age in lieu of a certified copy of the child's birth certificate.

440 (c) The Agency for Workforce Innovation and early learning
 441 coalitions shall adopt and administer procedures for enrolling
 442 children in prekindergarten programs which maximize convenience
 443 for parents and administrative efficiency for private
 444 prekindergarten providers and public schools, while minimizing
 445 the potential for fraud.

BILL

ORIGINAL

2007

446 (d)~~(e)~~ An Each early learning coalition shall coordinate
 447 with each of the school districts within the coalition's county
 448 or multicounty region in the development of procedures for
 449 enrolling children in prekindergarten programs delivered by
 450 public schools.

451 (7) The Agency for Workforce Innovation and early learning
 452 coalitions, when advertising the Voluntary Prekindergarten
 453 Education Program or providing outreach materials and activities
 454 for parents, shall concentrate a proportional share of its
 455 advertising and outreach on:

456 (a) Families who predominately speak a language other than
 457 English; and

458 (b) Families residing in communities where additional
 459 advertising and outreach is needed, as determined by the State
 460 Board of Education, based on results of the statewide
 461 kindergarten screening administered under s. 1002.69.

462
 463 Advertising and outreach materials and activities for these
 464 families and communities should be provided in the language
 465 predominately spoken, and the media most frequently accessed, by
 466 the families.

467 Section 13. Paragraph (d) of subsection (3) of section
 468 1002.55, Florida Statutes, is amended to read:

469 1002.55 School-year prekindergarten program delivered by
 470 private prekindergarten providers.--

471 (3) To be eligible to deliver the prekindergarten program,
 472 a private prekindergarten provider must meet each of the
 473 following requirements:

474 (d) Each prekindergarten instructor employed by the private
 475 prekindergarten provider must be of good moral character, ~~must be~~

BILL

ORIGINAL

2007

476 ~~screened, using the level 2 screening standards in s. 435.04~~
 477 ~~before employment and rescreened at least once every 5 years, and~~
 478 ~~must be~~ denied employment or terminated as if required in s.
 479 402.3057. The prekindergarten instructor under s. 435.06, and
 480 must also not be ineligible to teach in a public school because
 481 his or her educator certificate is suspended or revoked.

482 Section 14. Subsection (5) is added to section 1002.57,
 483 Florida Statutes, to read:

484 1002.57 Prekindergarten director credential.--

485 (5) The department may authorize the Department of Children
 486 and Family Services to issue a prekindergarten director
 487 credential under this section.

488 Section 15. Subsection (5) of section 1002.61, Florida
 489 Statutes, is amended to read:

490 1002.61 Summer prekindergarten program delivered by public
 491 schools and private prekindergarten providers.--

492 (5) Each prekindergarten instructor employed by a public
 493 school or private prekindergarten provider delivering the summer
 494 prekindergarten program must be of good moral character, ~~must be~~
 495 ~~screened, using the level 2 screening standards in s. 435.04~~
 496 ~~before employment and rescreened at least once every 5 years, and~~
 497 ~~must be~~ denied employment or terminated as if required in s.
 498 402.3057. The prekindergarten instructor under s. 435.06, and
 499 must also not be ineligible to teach in a public school because
 500 his or her educator certificate is suspended or revoked. This
 501 subsection does not supersede employment requirements for
 502 instructional personnel in public schools which are more
 503 stringent than the requirements of this subsection.

504 Section 16. Subsection (6) of section 1002.63, Florida
 505 Statutes, is amended to read:

BILL

ORIGINAL

2007

506 1002.63 School-year prekindergarten program delivered by
507 public schools.--

508 (6) Each prekindergarten instructor employed by a public
509 school delivering the school-year prekindergarten program must be
510 of good moral character, ~~must be screened, using the level 2~~
511 ~~screening standards in s. 435.04 before employment and rescreened~~
512 ~~at least once every 5 years, and must be denied employment or~~
513 ~~terminated as if required in s. 402.3057. The prekindergarten~~
514 ~~instructor under s. 435.06, and must also not be ineligible to~~
515 teach in a public school because his or her educator certificate
516 is suspended or revoked. This subsection does not supersede
517 employment requirements for instructional personnel in public
518 schools which are more stringent than the requirements of this
519 subsection.

520 Section 17. Paragraph (d) is added to subsection (2) of
521 section 1002.67, Florida Statutes, to read:

522 1002.67 Performance standards; curricula and
523 accountability.--

524 (2)

525 (d) A private prekindergarten provider or public school is
526 encouraged to select or design a curriculum that includes
527 instruction in English and the language predominately spoken by
528 families in the program.

529 Section 18. Subsections (6), (8), and (9) of section
530 1002.71, Florida Statutes, are amended to read:

531 1002.71 Funding; financial and attendance reporting.--

532 (6)(a) ~~A~~ A Each parent enrolling his or her child in the
533 Voluntary Prekindergarten Education Program must agree to comply
534 with the attendance policy of the private prekindergarten
535 provider or district school board, as applicable. Upon enrollment

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ORIGINAL

2007

536 of the child, the private prekindergarten provider or public
 537 school, as applicable, must provide the child's parent with a
 538 copy of the provider's or school district's attendance policy, as
 539 applicable.

540 ~~(b)1. Each private prekindergarten provider's and district~~
 541 ~~school board's attendance policy must require the parent of each~~
 542 ~~student in the Voluntary Prekindergarten Education Program to~~
 543 ~~verify, each month, the student's attendance on the prior month's~~
 544 ~~certified student attendance.~~

545 ~~2. The parent must submit the verification of the student's~~
 546 ~~attendance to the private prekindergarten provider or public~~
 547 ~~school on forms prescribed by the Agency for Workforce~~
 548 ~~Innovation. The forms must include, in addition to the~~
 549 ~~verification of the student's attendance, a certification, in~~
 550 ~~substantially the following form, that the parent continues to~~
 551 ~~choose the private prekindergarten provider or public school in~~
 552 ~~accordance with s. 1002.53 and directs that payments for the~~
 553 ~~program be made to the provider or school:~~

554
 555 ~~VERIFICATION OF STUDENT'S ATTENDANCE~~
 556 ~~AND CERTIFICATION OF PARENTAL CHOICE~~
 557

558 ~~I, (Name of Parent), swear (or affirm) that my child, (Name~~
 559 ~~of Student), attended the Voluntary Prekindergarten Education~~
 560 ~~Program on the days listed above and certify that I continue to~~
 561 ~~choose (Name of Provider or School) to deliver the program~~
 562 ~~for my child and direct that program funds be paid to the~~
 563 ~~provider or school for my child.~~

564 ~~(Signature of Parent)~~

565 ~~(Date)~~

BILL

ORIGINAL

2007

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567 ~~3. The private prekindergarten provider or public school~~
568 ~~must keep each original signed form for at least 2 years. Each~~
569 ~~private prekindergarten provider must permit the early learning~~
570 ~~coalition, and each public school must permit the school~~
571 ~~district, to inspect the original signed forms during normal~~
572 ~~business hours. The Agency for Workforce Innovation shall adopt~~
573 ~~procedures for early learning coalitions and school districts to~~
574 ~~review the original signed forms against the certified student~~
575 ~~attendance. The review procedures shall provide for the use of~~
576 ~~selective inspection techniques, including, but not limited to,~~
577 ~~random sampling. Each early learning coalition and school~~
578 ~~district must comply with the review procedures.~~

579 (b) ~~(e)~~ A private prekindergarten provider or school
580 district, as applicable, may dismiss a student who does not
581 comply with the provider's or district's attendance policy. A
582 student dismissed under this paragraph is not removed from the
583 Voluntary Prekindergarten Education Program and may continue in
584 the program through reenrollment with another private
585 prekindergarten provider or public school. Notwithstanding s.
586 1002.53(6)(b), a school district is not required to provide for
587 the admission of a student dismissed under this paragraph.

588 (c) ~~(d)~~ The Agency for Workforce Innovation shall adopt, for
589 funding purposes, a uniform attendance policy for the Voluntary
590 Prekindergarten Education Program. The attendance policy must
591 apply statewide and apply equally to all private prekindergarten
592 providers and public schools. The attendance policy must
593 establish a minimum requirement for student attendance and
594 include the following provisions:

BILL

ORIGINAL

2007

595 1. A student who meets the minimum requirement may be
596 reported as a full-time equivalent student for funding purposes.

597 2. A student who does not meet the minimum requirement may
598 be reported only as a fractional part of a full-time equivalent
599 student, reduced pro rata based on the student's attendance.

600 3. A student who does not meet the minimum requirement may
601 be reported as a full-time equivalent student if the student is
602 absent for good cause in accordance with exceptions specified in
603 the uniform attendance policy.

604
605 The uniform attendance policy shall be used only for funding
606 purposes and does not prohibit a private prekindergarten provider
607 or public school from adopting and enforcing its attendance
608 policy under paragraphs (a) and (c).

609 (8) Except as otherwise expressly authorized by law, a
610 private prekindergarten provider or public school may not:

611 (a) Require payment of a fee or charge for services
612 provided for a child enrolled in the Voluntary Prekindergarten
613 Education Program during a period reported for funding purposes;
614 or

615 (b) Require a child to enroll for, or require the payment
616 of any fee or charge for, full-day, extended-day, or other
617 additional supplemental services as a condition of admitting a
618 child for enrollment, or allowing the child to remain enrolled,
619 in the Voluntary Prekindergarten Education Program.

620 (9) (a) A parent is responsible for the transportation of
621 his or her child to and from the Voluntary Prekindergarten
622 Education Program, regardless of whether the program is delivered
623 by a private prekindergarten provider or a public school.
624 However, a provider or school may use part of the funds it is

BILL

ORIGINAL

2007

625 paid under paragraph (5)(b) for transporting students to and from
 626 the program. A student enrolled in the Voluntary Prekindergarten
 627 Education Program may not be reported under s. 1011.68 for
 628 student transportation funds.

629 (b) An early learning coalition or school district is
 630 encouraged to establish and coordinate a system for transporting
 631 children to and from the Voluntary Prekindergarten Education
 632 Program using funds provided by private prekindergarten providers
 633 and public schools who voluntarily choose to participate in the
 634 transportation system. An early learning coalition or school
 635 district establishing a transportation system shall, to the
 636 maximum extent practicable, encourage the participation of
 637 private prekindergarten providers and public schools in a rural
 638 community or an urban community with a concentrated population of
 639 low-income families.

640 Section 19. Subsection (1) of section 1002.77, Florida
 641 Statutes, is amended to read:

642 1002.77 Florida Early Learning Advisory Council.--

643 (1) There is created the Florida Early Learning Advisory
 644 Council within the Agency for Workforce Innovation. The purpose
 645 of the advisory council is to submit recommendations to the
 646 Chancellor of Early Learning, the department, and the Agency for
 647 Workforce Innovation on the early learning policy of this state,
 648 including recommendations relating to administration of the
 649 Voluntary Prekindergarten Education Program under this part and
 650 the school readiness programs under s. 411.01.

651 Section 20. Early Learning Information System.--

652 (1) The Agency for Workforce Innovation shall establish the
 653 Early Learning Information System to replace the current
 654 information system used by the agency and early learning

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ORIGINAL

2007

655 coalitions to administer the Voluntary Prekindergarten Education
656 Program, school readiness programs, and child care resource and
657 referral. The Early Learning Information System shall, at a
658 minimum, provide the following:

659 (a) A centralized database and a data warehouse that
660 maintains historical information about early learning programs;

661 (b) Continuation of core functions of the current
662 information system, including, but not limited to, processing
663 payments to providers of early learning programs and child care
664 resource and referral;

665 (c) Collection of child, staff, and financial data required
666 to produce robust analyses of the developmental and academic
667 growth of children and the state's return on investment for early
668 learning programs. The data may include, but is not limited to,
669 child attendance and performance data, staff demographics and
670 credentialing data, and financial data adequate to evaluate the
671 state's return on investment;

672 (d) An overall conceptual design that integrates compatible
673 data elements from databases among the Agency for Workforce
674 Innovation, Department of Education, and Department of Children
675 and Family Services;

676 (d) A system that allows the Agency for Workforce
677 Innovation and Department of Education to jointly conduct
678 longitudinal tracking of child performance through the third
679 grade, which compares the performance of children participating
680 in the Voluntary Prekindergarten Education Program or school
681 readiness programs with the performance of children not
682 participating in the programs;

683 (e) A system for recording the results of developmental
684 screenings and child assessments administered to a child

BILL

ORIGINAL

2007

685 participating in an early learning program and transferring the
686 results to the child's kindergarten program or school; and

687 (f) A system for measuring the educational impact and
688 overall quality of early learning programs and publishing the
689 information on an Internet website for parents.

690 (2) The Agency for Workforce Innovation shall establish a
691 project timeline that requires the Early Learning Information
692 System to be fully operational by July 1, 2010. The Agency for
693 Workforce Innovation shall submit quarterly reports to the
694 Governor, the President of the Senate, the Speaker of the House
695 of Representatives, the Chancellor of Early Learning, the
696 Technology Review Workgroup, and the State Technology Office
697 describing the agency's progress in meeting the project timeline
698 and, if the agency revises the project timeline, specifying the
699 reasons for revising the timeline.

700 Section 21. (1) The Office of Program Policy Analysis and
701 Government Accountability, by December 31, 2007, shall submit a
702 report to the Governor, the President of the Senate, the Speaker
703 of the House of Representatives, and the Chancellor of Early
704 Learning evaluating the administrative expenditures of the
705 Voluntary Prekindergarten Education Program. The report shall:

706 (a) Analyze and compare the administrative expenditures of
707 early learning coalitions for the Voluntary Prekindergarten
708 Education Program and school readiness programs, including
709 expenditures for nondirect services; and

710 (b) Based on the analysis and comparison, recommend a
711 methodology for establishing appropriate limits on expenditures
712 for administration and nondirect services for the Voluntary
713 Prekindergarten Education Program.

BILL

ORIGINAL

2007

714 (2) As used in this section, the term "nondirect services"
 715 includes, but is not limited to, enrolling and determining the
 716 eligibility of children, registering and determining the
 717 eligibility of providers, onsite inspections and verification of
 718 provider compliance with program requirements, advertising and
 719 other outreach to parents and providers, and training and
 720 technical assistance for providers.

721 Section 22. The sum of \$ is provided from the
 722 General Revenue Fund to, and positions are authorized for, the
 723 Executive Office of the Governor for the 2007-2008 fiscal year to
 724 implement section 14.204, Florida Statutes.

725 Section 23. This act shall take effect July 1, 2007.

BILL

ORIGINAL

2007

1 A bill to be entitled
 2 An act relating to education; amending s. 1001.03, F.S.;
 3 requiring the State Board of Education to review and
 4 replace the Sunshine State Standards with World Class
 5 Education Standards; establishing requirements for the
 6 standards; requiring reports; providing for contracting
 7 and allowing funding for contracts to extend across fiscal
 8 years; creating the World Class Education Standards
 9 Advisory Council within the Department of Education;
 10 providing for appointment of the advisory council;
 11 requiring the advisory council to conduct hearings and
 12 submit a report; providing for the future abolishment of
 13 the advisory council; requiring the Commissioner of
 14 Education and State Board of Education to submit reports;
 15 providing for per diem and travel expenses for advisory
 16 council members; amending ss. 39.0016, 445.049, F.S.;
 17 conforming provisions; amending s. 1002.21, F.S.; revising
 18 a systemwide definition; conforming provisions; amending
 19 s. 1001.02, F.S.; revising provisions authorizing the
 20 State Board of Education to adopt rules; amending ss.
 21 1001.215, 1001.41, 1001.42, F.S.; conforming provisions;
 22 creating s. 1001.55, F.S.; requiring the State Board of
 23 Education to designate academically high-performing school
 24 districts; requiring the districts to submit plans and
 25 give certain authority to specified school principals;
 26 requiring annual reports; amending ss. 1002.33, 1002.415,
 27 F.S.; conforming provisions; amending s. 1003.41, F.S.;
 28 revising requirements for World Class Education Standards;
 29 amending s. 1003.428, F.S.; requiring school districts to
 30 include certain notations on diplomas and academic

BILL

ORIGINAL

2007

31 transcripts under specified conditions; creating s.
 32 1003.451, F.S.; providing legislative intent; requiring
 33 the State Board of Education to adopt standards for
 34 foreign language instruction and provide flexibility in
 35 foreign language teacher certification; requiring school
 36 districts and certain schools to submit plans; providing
 37 for instructional materials for elementary world-language
 38 curriculum; revising standards and authorizing use of
 39 funds for instructional materials; creating s. 1003.59,
 40 F.S.; requiring the State Board of Education to adopt a
 41 model policy for accelerated learning opportunities for
 42 certain students; requiring schools districts to implement
 43 an accelerated learning policy; amending s. 1004.04, F.S.;
 44 conforming provisions; amending s. 1007.271, F.S.;
 45 providing exemptions from certain qualifications for early
 46 admission and dual enrollment programs based on student
 47 scores on the Florida Comprehensive Assessment Test;
 48 amending s. 1007.35, F.S.; conforming provisions; amending
 49 s. 1008.22, F.S., requiring the content knowledge and
 50 skills of the statewide assessment program and Florida
 51 Comprehensive Assessment Test to align to the World Class
 52 Education Standards; providing for the expedited revision
 53 of the Florida Comprehensive Assessment Test; requiring
 54 the Commissioner of Education to submit reports;
 55 establishing a proficiency designation in a subject area
 56 based on students scores on the Florida Comprehensive
 57 Assessment Test; amending s. 1008.25, F.S.; conforming
 58 provisions; amending s. 1008.30, F.S.; exempting a student
 59 from taking the common placement test under specified
 60 conditions; amending s. 1008.385, F.S.; conforming

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2007

61 provisions; amending ss. 1009.534, 1009.535, 1009.536,
 62 F.S.; exempting a student from certain eligibility
 63 requirements of the Florida Bright Futures Scholarship
 64 Program based on scores on the Florida Comprehensive
 65 Assessment Test; amending s. 1012.05, F.S.; conforming
 66 provisions; amending s. 1012.56, F.S.; requiring the State
 67 Board of Education to align subject area examinations to
 68 the World Class Education Standards; amending ss. 1012.28,
 69 1012.52, 1012.56, F.S.; conforming provisions; amending s.
 70 1012.585, F.S.; revising requirements for the renewal of
 71 educator professional certificates; applying certain
 72 inservice points toward renewal of a specialization area;
 73 amending s. 1012.72, F.S.; conforming provisions; amending
 74 s. 1012.98, F.S.; providing that an individual
 75 professional development plan requires instructional
 76 employees to complete specified inservice activities;
 77 requiring passage of a competency examination for
 78 completion of certain inservice points; requiring
 79 statewide standardization of certain professional
 80 development for educators; requiring alignment of
 81 professional development to the World Class Education
 82 Standards; requiring outcome measurement of professional
 83 development programs; requiring school districts to
 84 inventory professional development programs; directing the
 85 Department of Education to submit inventory to Governor
 86 and Legislature; establishing priority for use of
 87 professional development funds; requiring schools
 88 districts to submit a report; providing legislative
 89 intent; requiring the Office of Program Policy Analysis
 90 and Government Accountability to submit reports; creating

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91 the Public-Private Partnering Task Force within the
 92 Department of Management Services; providing for
 93 appointment of the task force members; providing for per
 94 diem and travel expenses for task force members; requiring
 95 the task force to submit a report to the Governor and
 96 Legislature; providing for the future abolishment of the
 97 task force; providing appropriations; providing an
 98 effective date.
 99

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

101
 102 Section 1. Subsection (1) of section 1001.03, Florida
 103 Statutes, is amended to read:

104 1001.03 Specific powers of State Board of Education.--

105 (1) PUBLIC K-12 STUDENT PERFORMANCE STANDARDS.--

106 (a) The State Board of Education shall review and
 107 systematically replace ~~approve the student performance standards~~
 108 ~~known as~~ the Sunshine State Standards by adopting World Class
 109 Education Standards that prepare Florida's students to compete
 110 globally with students around the world. The World Class
 111 Education Standards shall, at a minimum:

112 1. Establish the essential content knowledge and skills, by
 113 each in key academic subject areas and grade level, which are
 114 necessary for student academic achievement; ~~levels~~

115 2. Identify the general content knowledge that a student is
 116 expected to know for reading proficiency;

117 3. Identify the specific content knowledge and skills that
 118 a student is expected to know and be able to demonstrate for each
 119 subject area listed in s. 1003.41 by grade level; and

120 4. Provide for the sequential development of a student's

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121 content knowledge and skills grade by grade for each subject
122 area.

123 (b) By January 31, 2008, the State Board of Education shall
124 establish an expedited a schedule for to facilitate the adoption
125 periodic review of the World Class Education Standards, and for
126 the periodic review and revision of the standards, to ensure
127 superior adequate rigor, relevance, logical student progression,
128 and integration of reading, writing, and mathematics across all
129 subject areas. Effective January 1, 2009, the state board shall,
130 by January 1 of each year, submit a report to the Governor, the
131 President of the Senate, and the Speaker of the House of
132 Representatives detailing the status of the adoption and
133 subsequent revisions of the World Class Education Standards.

134 (c) The State Board of Education, before adopting the World
135 Class Education Standards, shall consider the recommendations of
136 the World Class Education Standards Advisory Council and, to
137 expedite adoption of the standards, shall consider student
138 performance standards implemented by other states or nations
139 which are regarded to be exceptionally rigorous by national or
140 international curricular experts in each subject area.

141 (d) The State Board of Education shall consult national or
142 international curricular experts in each subject area before
143 adoption or revision of the World Class Education the Standards.
144 The state board shall also review by subject area must include
145 participation of curriculum leaders in other content areas,
146 including the arts, to ensure valid content area integration and
147 to address the instructional requirements of different learning
148 styles.

149 (e) The process for adoption and revision of the World
150 Class Education Standards review and proposed revisions must

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151 include leadership and input from the state's classroom teachers,
 152 school administrators, and community colleges and universities,
 153 and from representatives from business and industry who are
 154 identified by local education foundations.

155 (f) The Department of Education may contract for the
 156 development of the World Class Education Standards and the
 157 identification of appropriate curricula aligned to the standards.
 158 The department has flexibility to enter into multiple contracts
 159 and may expand the contracts to include training. Contracts may
 160 be initiated in 1 fiscal year and continue into the next fiscal
 161 year and may be paid from the appropriations of either or both
 162 fiscal years.

163 (g) The State Board of Education, before adopting or
 164 revising the World Class Education Standards for a subject area,
 165 shall submit the proposed standards for evaluation by one or more
 166 nationally respected foundations, institutes, organizations, or
 167 boards with expertise in performance standards for K-12
 168 curricula. The state board shall submit the results of the
 169 evaluations to the Governor, President of the Senate, and Speaker
 170 of the House of Representatives before adopting the proposed
 171 standards ~~a report including proposed revisions must be submitted~~
 172 ~~to the Governor, the President of the Senate, and the Speaker of~~
 173 ~~the House of Representatives annually to coincide with the~~
 174 ~~established review schedule. The review schedule and an annual~~
 175 ~~status report must be submitted to the Governor, the President of~~
 176 ~~the Senate, and the Speaker of the House of Representatives~~
 177 ~~annually not later than January 1.~~

178 Section 2. World Class Education Standards Advisory
 179 Council.--

180 (1) (a) The World Class Education Standards Advisory Council

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181 is created within the Department of Education. The advisory
 182 council is composed of 12 outstanding teachers appointed as
 183 follows: two members appointed by the Governor, two members
 184 appointed by the Speaker of the House of Representatives, two
 185 members appointed by the President of the Senate, and six members
 186 appointed by the State Board of Education. Members of the
 187 advisory council shall be appointed by July 1, 2007.

188 (b) The advisory council must publicly notice and conduct
 189 at least five public hearings throughout the state. In addition,
 190 the advisory council, by November 1, 2007, shall submit a report
 191 to the Commissioner of Education. The report shall include
 192 recommendations that identify innovative and unique methods to
 193 expedite the timeline for replacing the Sunshine State Standards
 194 with the World Class Education Standards. Each recommendation
 195 must include a fiscal impact statement and the added value of the
 196 expedited process or procedure. The advisory council's
 197 recommendations shall include, at a minimum, realistic and
 198 practical solutions that result in:

- 199 1. An efficient and effective process for adoption of
 200 instructional materials;
- 201 2. Strategies for timely and appropriate deployment of
 202 professional development;
- 203 3. The integration of technology;
- 204 4. Attaining instructional validity through student access
 205 to instruction on the World Class Education Standards;
- 206 5. Options for expediting the implementation of valid and
 207 reliable assessments; and
- 208 6. Options for designating curriculum leaders for the World
 209 Class Education Standards who will be available to all schools.

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211 The advisory council is abolished upon submission of its report
 212 and recommendations.

213 (b) By December 31, 2007, the Commissioner of Education
 214 shall submit a report and recommendations to the State Board of
 215 Education which incorporate recommendations from the advisory
 216 council and other education stakeholder groups. The State Board
 217 of Education, by January 31, 2008, shall submit its findings and
 218 recommendations to the Governor, the President of the Senate, the
 219 Speaker of the House of Representatives, and the chairs of the
 220 education committees of the Senate and the House of
 221 Representatives.

222 (c) Members of the advisory council shall serve without
 223 compensation but are entitled to per diem and reimbursement of
 224 travel expenses under section 112.061, Florida Statutes.

225 Section 3. Paragraphs (b) and (d) of subsection (4) of
 226 section 39.0016, Florida Statutes, is amended to read:

227 39.0016 Education of abused, neglected, and abandoned
 228 children.--

229 (4) The department shall enter into agreements with
 230 district school boards or other local educational entities
 231 regarding education and related services for children known to
 232 the department who are of school age and children known to the
 233 department who are younger than school age but who would
 234 otherwise qualify for services from the district school board.
 235 Such agreements shall include, but are not limited to:

236 (b) A requirement that the district school board shall:

237 1. Provide the department with a general listing of the
 238 services and information available from the district school
 239 board, including, but not limited to, the World Class Education
 240 ~~current Sunshine State~~ Standards, the Surrogate Parent Training

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241 Manual, and other resources accessible through the Department of
 242 Education or local school districts to facilitate educational
 243 access for a child known to the department.

244 2. Identify all educational and other services provided by
 245 the school and school district which the school district believes
 246 are reasonably necessary to meet the educational needs of a child
 247 known to the department.

248 3. Determine whether transportation is available for a
 249 child known to the department when such transportation will avoid
 250 a change in school assignment due to a change in residential
 251 placement. Recognizing that continued enrollment in the same
 252 school throughout the time the child known to the department is
 253 in out-of-home care is preferable unless enrollment in the same
 254 school would be unsafe or otherwise impractical, the department,
 255 the district school board, and the Department of Education shall
 256 assess the availability of federal, charitable, or grant funding
 257 for such transportation.

258 4. Provide individualized student intervention or an
 259 individual educational plan when a determination has been made
 260 through legally appropriate criteria that intervention services
 261 are required. The intervention or individual educational plan
 262 must include strategies to enable the child known to the
 263 department to maximize the attainment of educational goals.

264 (d) Training of caseworkers regarding the services and
 265 information available through the Department of Education and
 266 local school districts, including, but not limited to, the World
 267 Class Education ~~current Sunshine State Standards~~, the Surrogate
 268 Parent Training Manual, and other resources accessible through
 269 the Department of Education or local school districts to
 270 facilitate educational access for a child known to the

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2007

271 department.

272 Section 4. Paragraph (g) of subsection (7) of section
273 445.049, Florida Statutes, is amended to read:

274 445.049 Digital Divide Council.--

275 (7) PROGRAM OBJECTIVES AND GOALS.--The programs authorized
276 by this section shall have the following objectives and goals:

277 (g) Using information technology to facilitate achievement
278 of the World Class Education Sunshine State Standards by all
279 children enrolled in the state's K-12 school system who are
280 members of at-risk families.

281 Section 5. Subsection (7) of section 1000.21, Florida
282 Statutes, is amended to read:

283 1000.21 Systemwide definitions.--As used in the Florida K-
284 20 Education Code:

285 (7) "World Class Education Sunshine State Standards" means
286 the student content are standards, as described in ss. 1001.03(1)
287 and 1003.41, which that identify what public school students are
288 expected to should know and be able to demonstrate de. The term
289 includes the Sunshine State Standards for a subject area until
290 the standards are replaced under s. 1003.01(3) by the World Class
291 Education Standards for the subject area. These standards
292 delineate the academic achievement of students for which the
293 state will hold its public schools accountable in grades K-2, 3-
294 5, 6-8, and 9-12, in the subjects of language arts, mathematics,
295 science, social studies, the arts, health and physical education,
296 foreign languages, reading, writing, history, government,
297 geography, economics, and computer literacy.

298 Section 6. Subsection (1) of section 1001.02, Florida
299 Statutes, is amended to read:

300 1001.02 General powers of State Board of Education.--

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301 (1) The State Board of Education is the chief implementing
 302 and coordinating body of public education in Florida, and it
 303 shall focus on high-level policy decisions. The state board ~~it~~
 304 has authority to adopt rules under ~~pursuant to~~ ss. 120.536(1) and
 305 120.54 to implement the provisions of law conferring duties upon
 306 the State Board of Education, the Commissioner of Education, and
 307 the Department of Education ~~it for the improvement of the state~~
 308 ~~system of K-20 public education~~. Except as otherwise provided by
 309 law herein, the State Board of Education ~~it~~ may, as it finds
 310 appropriate, delegate its general powers to the Commissioner of
 311 Education or the directors of the divisions of the department.

312 Section 7. Subsection (8) of section 1001.215, Florida
 313 Statutes, is amended to read:

314 1001.215 Just Read, Florida! Office.--There is created in
 315 the Department of Education the Just Read, Florida! Office. The
 316 office shall be fully accountable to the Commissioner of
 317 Education and shall:

318 (8) Periodically review the World Class Education Sunshine
 319 ~~State~~ Standards for reading at all grade levels.

320 Section 8. Subsection (3) of section 1001.41, Florida
 321 Statutes, is amended to read:

322 1001.41 General powers of district school board.--The
 323 district school board, after considering recommendations
 324 submitted by the district school superintendent, shall exercise
 325 the following general powers:

326 (3) Prescribe and adopt standards and policies to provide
 327 each student the opportunity to receive a complete education
 328 program, including language arts, mathematics, science, social
 329 studies, health, physical education, foreign languages, and the
 330 arts, as defined by the World Class Education Sunshine State

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331 Standards. The standards and policies must emphasize integration
 332 and reinforcement of reading, writing, and mathematics skills
 333 across all subjects, including career awareness, career
 334 exploration, and career and technical education.

335 Section 9. Paragraph (a) of subsection (16) of section
 336 1001.42, Florida Statutes, is amended to read:

337 1001.42 Powers and duties of district school board.--The
 338 district school board, acting as a board, shall exercise all
 339 powers and perform all duties listed below:

340 (16) IMPLEMENT SCHOOL IMPROVEMENT AND ACCOUNTABILITY.--
 341 Maintain a system of school improvement and education
 342 accountability as provided by statute and State Board of
 343 Education rule. This system of school improvement and education
 344 accountability shall be consistent with, and implemented through,
 345 the district's continuing system of planning and budgeting
 346 required by this section and ss. 1008.385, 1010.01, and 1011.01.
 347 This system of school improvement and education accountability
 348 shall include, but is not limited to, the following:

349 (a) School improvement plans.--Annually approve and require
 350 implementation of a new, amended, or continuation school
 351 improvement plan for each school in the district. A district
 352 school board may establish a district school improvement plan
 353 that includes all schools in the district operating for the
 354 purpose of providing educational services to youth in Department
 355 of Juvenile Justice programs. The school improvement plan shall
 356 be designed to achieve the state education priorities pursuant to
 357 s. 1000.03(5) and student proficiency on the World Class
 358 Education Sunshine State Standards under pursuant to s. 1003.41.
 359 Each plan shall address student achievement goals and strategies
 360 based on state and school district proficiency standards. The

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2007

361 plan may also address issues relative to other academic-related
 362 matters, as determined by district school board policy, and shall
 363 include an accurate, data-based analysis of student achievement
 364 and other school performance data. Beginning with plans approved
 365 for implementation in the 2007-2008 school year, each secondary
 366 school plan must include a redesign component based on the
 367 principles established in s. 1003.413. For each school in the
 368 district that earns a school grade of "C" or below, or is
 369 required to have a school improvement plan under federal law, the
 370 school improvement plan shall, at a minimum, also include:

371 1. Professional development that supports enhanced and
 372 differentiated instructional strategies to improve teaching and
 373 learning.

374 2. Continuous use of disaggregated student achievement data
 375 to determine effectiveness of instructional strategies.

376 3. Ongoing informal and formal assessments to monitor
 377 individual student progress, including progress toward mastery of
 378 the World Class Education Sunshine State Standards, and to
 379 redesign instruction if needed.

380 4. Alternative instructional delivery methods to support
 381 remediation, acceleration, and enrichment strategies.

382 Section 10. Section 1001.55, Florida Statutes, is created
 383 to read:

384 1001.55 Site-based management.--The State Board of
 385 Education, based on criteria established by the state board,
 386 including, but not limited to, annual gains in student academic
 387 performance, shall designate academically high-performing school
 388 districts. A school district designated as an academically high-
 389 performing school district shall submit a plan to the state
 390 board, and implement the plan, which gives the district's

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391 highest-performing principals significant decisionmaking and
 392 budgetary authority over their respective schools. The school
 393 district shall annually audit, monitor, and report to the state
 394 board on the implementation of this section at each school site.
 395 The State Board of Education shall submit a statewide annual
 396 report to the Governor, President of the Senate, and Speaker of
 397 the House of Representatives on the implementation of this
 398 section. The state board may adopt rules under ss. 120.536(1) and
 399 120.54 to administer this section.

400 Section 11. Paragraph (a) of subsection (6) and paragraph
 401 (a) of subsection (7) of section 1002.33, Florida Statutes, are
 402 amended to read:

403 1002.33 Charter schools.--

404 (6) APPLICATION PROCESS AND REVIEW.--Charter school
 405 applications are subject to the following requirements:

406 (a) A person or entity wishing to open a charter school
 407 shall prepare an application that:

408 1. Demonstrates how the school will use the guiding
 409 principles and meet the statutorily defined purpose of a charter
 410 school.

411 2. Provides a detailed curriculum plan that illustrates how
 412 students will be provided services to attain the World Class
 413 Education Sunshine State Standards.

414 3. Contains goals and objectives for improving student
 415 learning and measuring that improvement. These goals and
 416 objectives must indicate how much academic improvement students
 417 are expected to show each year, how success will be evaluated,
 418 and the specific results to be attained through instruction.

419 4. Describes the reading curriculum and differentiated
 420 strategies that will be used for students reading at grade level

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421 or higher and a separate curriculum and strategies for students
 422 who are reading below grade level. A sponsor shall deny a charter
 423 if the school does not propose a reading curriculum that is
 424 consistent with effective teaching strategies that are grounded
 425 in scientifically based reading research.

426 5. Contains an annual financial plan for each year
 427 requested by the charter for operation of the school for up to 5
 428 years. This plan must contain anticipated fund balances based on
 429 revenue projections, a spending plan based on projected revenues
 430 and expenses, and a description of controls that will safeguard
 431 finances and projected enrollment trends.

432 (7) CHARTER.--The major issues involving the operation of a
 433 charter school shall be considered in advance and written into
 434 the charter. The charter shall be signed by the governing body of
 435 the charter school and the sponsor, following a public hearing to
 436 ensure community input.

437 (a) The charter shall address, and criteria for approval of
 438 the charter shall be based on:

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

441 2. The focus of the curriculum, the instructional methods
 442 to be used, any distinctive instructional techniques to be
 443 employed, and identification and acquisition of appropriate
 444 technologies needed to improve educational and administrative
 445 performance which include a means for promoting safe, ethical,
 446 and appropriate uses of technology which comply with legal and
 447 professional standards. The charter shall ensure that reading is
 448 a primary focus of the curriculum and that resources are provided
 449 to identify and provide specialized instruction for students who
 450 are reading below grade level. The curriculum and instructional

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451 strategies for reading must be consistent with the World Class
 452 Education Sunshine State Standards and grounded in scientifically
 453 based reading research.

454 3. The current incoming baseline standard of student
 455 academic achievement, the outcomes to be achieved, and the method
 456 of measurement that will be used. The criteria listed in this
 457 subparagraph shall include a detailed description for each of the
 458 following:

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

461 b. How these baseline rates will be compared to rates of
 462 academic progress achieved by these same students while attending
 463 the charter school.

464 c. To the extent possible, how these rates of progress will
 465 be evaluated and compared with rates of progress of other closely
 466 comparable student populations.

467
 468 The district school board is required to provide academic student
 469 performance data to charter schools for each of their students
 470 coming from the district school system, as well as rates of
 471 academic progress of comparable student populations in the
 472 district school system.

473 4. The methods used to identify the educational strengths
 474 and needs of students and how well educational goals and
 475 performance standards are met by students attending the charter
 476 school. Included in the methods is a means for the charter school
 477 to ensure accountability to its constituents by analyzing student
 478 performance data and by evaluating the effectiveness and
 479 efficiency of its major educational programs. Students in charter
 480 schools shall, at a minimum, participate in the statewide

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481 assessment program created under s. 1008.22.

482 5. In secondary charter schools, a method for determining
483 that a student has satisfied the requirements for graduation in
484 s. 1003.43.

485 6. A method for resolving conflicts between the governing
486 body of the charter school and the sponsor.

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

489 8. The ways by which the school will achieve a
490 racial/ethnic balance reflective of the community it serves or
491 within the racial/ethnic range of other public schools in the
492 same school district.

493 9. The financial and administrative management of the
494 school, including a reasonable demonstration of the professional
495 experience or competence of those individuals or organizations
496 applying to operate the charter school or those hired or retained
497 to perform such professional services and the description of
498 clearly delineated responsibilities and the policies and
499 practices needed to effectively manage the charter school. A
500 description of internal audit procedures and establishment of
501 controls to ensure that financial resources are properly managed
502 must be included. Both public sector and private sector
503 professional experience shall be equally valid in such a
504 consideration.

505 10. The asset and liability projections required in the
506 application which are incorporated into the charter and which
507 shall be compared with information provided in the annual report
508 of the charter school. The charter shall ensure that, if a
509 charter school internal audit or annual financial audit reveals a
510 state of financial emergency as defined in s. 218.503 or deficit

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2007

511 financial position, the auditors are required to notify the
 512 charter school governing board, the sponsor, and the Department
 513 of Education. The internal auditor shall report such findings in
 514 the form of an exit interview to the principal or the principal
 515 administrator of the charter school and the chair of the
 516 governing board within 7 working days after finding the state of
 517 financial emergency or deficit position. A final report shall be
 518 provided to the entire governing board, the sponsor, and the
 519 Department of Education within 14 working days after the exit
 520 interview. When a charter school is in a state of financial
 521 emergency, the charter school shall file a detailed financial
 522 recovery plan with the sponsor. The department, with the
 523 involvement of both sponsors and charter schools, shall establish
 524 guidelines for developing such plans.

525 11. A description of procedures that identify various risks
 526 and provide for a comprehensive approach to reduce the impact of
 527 losses; plans to ensure the safety and security of students and
 528 staff; plans to identify, minimize, and protect others from
 529 violent or disruptive student behavior; and the manner in which
 530 the school will be insured, including whether or not the school
 531 will be required to have liability insurance, and, if so, the
 532 terms and conditions thereof and the amounts of coverage.

533 12. The term of the charter which shall provide for
 534 cancellation of the charter if insufficient progress has been
 535 made in attaining the student achievement objectives of the
 536 charter and if it is not likely that such objectives can be
 537 achieved before expiration of the charter. The initial term of a
 538 charter shall be for 4 or 5 years. In order to facilitate access
 539 to long-term financial resources for charter school construction,
 540 charter schools that are operated by a municipality or other

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541 public entity as provided by law are eligible for up to a 15-year
 542 charter, subject to approval by the district school board. A
 543 charter lab school is eligible for a charter for a term of up to
 544 15 years. In addition, to facilitate access to long-term
 545 financial resources for charter school construction, charter
 546 schools that are operated by a private, not-for-profit, s.
 547 501(c)(3) status corporation are eligible for up to a 15-year
 548 charter, subject to approval by the district school board. Such
 549 long-term charters remain subject to annual review and may be
 550 terminated during the term of the charter, but only according to
 551 the provisions set forth in subsection (8).

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

553 14. The qualifications to be required of the teachers and
 554 the potential strategies used to recruit, hire, train, and retain
 555 qualified staff to achieve best value.

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

559 16. A timetable for implementing the charter which
 560 addresses the implementation of each element thereof and the date
 561 by which the charter shall be awarded in order to meet this
 562 timetable.

563 17. In the case of an existing public school being
 564 converted to charter status, alternative arrangements for current
 565 students who choose not to attend the charter school and for
 566 current teachers who choose not to teach in the charter school
 567 after conversion in accordance with the existing collective
 568 bargaining agreement or district school board rule in the absence
 569 of a collective bargaining agreement. However, alternative
 570 arrangements shall not be required for current teachers who

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2007

571 choose not to teach in a charter lab school, except as authorized
 572 by the employment policies of the state university which grants
 573 the charter to the lab school.

574 Section 12. Paragraph (b) of subsection (2) of section
 575 1002.415, Florida Statutes, is amended to read:

576 1002.415 K-8 Virtual School Program.--Subject to annual
 577 legislative appropriation, a kindergarten through grade 8 virtual
 578 school program is established within the Department of Education
 579 for the purpose of making academic instruction available to full-
 580 time students in kindergarten through grade 8 using on-line and
 581 distance learning technology. The department shall use an
 582 application process to select schools to deliver program
 583 instruction.

584 (2) APPLICATION.--

585 (b) In addition to a completed application form, each
 586 applicant must provide the department with:

587 1. A detailed plan describing how the school curriculum and
 588 course content will conform to the World Class Education Sunshine
 589 ~~State~~ Standards; and

590 2. An annual financial plan for each year of operation of
 591 the school for a minimum of 3 years. The plan must contain
 592 anticipated fund balances based on revenue projections, a
 593 spending plan based on projected revenues and expenses, and a
 594 description of controls that will safeguard finances and
 595 projected enrollment trends.

596 Section 13. Section 1003.41, Florida Statutes, is amended
 597 to read:

598 1003.41 World Class Education Sunshine State Standards.--
 599 Public K-12 educational instruction in Florida is based on the
 600 "World Class Education Sunshine State Standards." The ~~These~~

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2007

601 standards are ~~have been~~ adopted by the State Board of Education
 602 and delineate the academic achievement of students, for which the
 603 state holds ~~will hold~~ schools accountable, in each K-12 grade
 604 level grades K-2, 3-5, 6-8, and 9-12 in, at a minimum, the
 605 subject areas ~~subjects~~ of language arts, mathematics, science,
 606 social studies, the arts, health and physical education, and
 607 foreign languages. The World Class Education Standards shall ~~They~~
 608 include standards for problem-solving and higher-order skills and
 609 standards for ~~in~~ reading, writing, history, government,
 610 geography, economics, and computer literacy.

611 Section 14. Subsection (7) of section 1003.428, Florida
 612 Statutes, is amended to read:

613 1003.428 General requirements for high school graduation;
 614 revised.--

615 (7)(a) A student who meets all requirements prescribed in
 616 subsections (1), (2), (3), and (4) shall be awarded a standard
 617 diploma in a form prescribed by the State Board of Education.

618 (b) The standard diploma awarded to a student, and the
 619 student's high school academic transcript, shall include a
 620 notation of distinguished honors if the student earns a score
 621 demonstrating superior academic achievement, as determined by the
 622 Commissioner of Education, on the grade 10 administration of the
 623 Florida Comprehensive Assessment Test.

624 (c) ~~(b)~~ A student who completes the minimum number of
 625 credits and other requirements prescribed by subsections (1),
 626 (2), and (3), but who is unable to meet the standards of
 627 paragraph (4)(b), paragraph (4)(c), or paragraph (4)(d), shall be
 628 awarded a certificate of completion in a form prescribed by the
 629 State Board of Education. However, any student who is otherwise
 630 entitled to a certificate of completion may elect to remain in

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ORIGINAL

2007

631 | the secondary school either as a full-time student or a part-time
 632 | student for up to 1 additional year and receive special
 633 | instruction designed to remedy his or her identified
 634 | deficiencies.

635 | Section 15. Section 1003.451, Florida Statutes, is created
 636 | to read:

637 | 1003.451 World-language curriculum for elementary
 638 | schools.--

639 | (1) It is the intent of the Legislature that the state
 640 | shall move toward the goal of establishing a world-language focus
 641 | that begins in elementary school and continues through the middle
 642 | and high school grades.

643 | (2) The State Board of Education shall:

644 | (a) Establish content standards for foreign language
 645 | instruction and encourage course offerings in a wide variety of
 646 | world languages; and

647 | (b) Provide for flexibility in foreign-language teacher
 648 | certification, so that Florida schools can take advantage of the
 649 | many Floridians who are fluent in native languages from around
 650 | the world.

651 | (3) By December 1, 2007, each district school board, and
 652 | each school in the K-8 Virtual School Program, shall develop and
 653 | submit to the Commissioner of Education a plan for an articulated
 654 | elementary world-language curriculum for students performing at
 655 | or above grade level beginning by grade 4. The plan may include
 656 | the use of video conferencing, technology devices with digital
 657 | content, or online technology.

658 | (4) Notwithstanding chapter 1006, instructional materials
 659 | used to implement an elementary world-language curriculum may
 660 | include video conferencing technologies, technology devices with

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ORIGINAL

2007

661 digital content, and online content. The Commissioner of
 662 Education shall prescribe uniform standards for technologies that
 663 facilitate the sharing of content among school districts.
 664 District school boards may use up to 10 percent of instructional
 665 materials funds available for the purchase of materials not on
 666 the state-adopted list to purchase these materials.

667 Section 16. Section 1003.59, Florida Statutes, is created
 668 to read:

669 1003.59 Accelerated learning opportunities for academically
 670 talented students.--

671 (1) By June 30, 2008, the State Board of Education shall
 672 adopt a model policy for the accelerated learning of academically
 673 talented students in grades K-12, regardless of whether the
 674 students are classified as gifted. The model policy shall
 675 address, but not be limited to, whole grade acceleration,
 676 continuous progress exceeding chronological-age peers, subject-
 677 matter acceleration, virtual-education acceleration, and early
 678 postsecondary enrollment. The model policy shall include a plan
 679 for:

680 (a) Providing teachers and guidance counselors with
 681 professional training that addresses effective implementation of
 682 the policy, providing strategies for identifying gifted and
 683 academically talented students in the elementary grades, and
 684 identifying methods for placing the students in programming that
 685 allows them to work at suitably challenging academic levels; and

686 (b) Assisting school district interactions with students
 687 and parents to help guide them in making the most appropriate
 688 choice for each student.

689 (2) Each district school board shall implement an
 690 academically talented student acceleration policy effective

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ORIGINAL

2007

691 beginning with the 2008-2009 school year. The policy shall either
 692 be the model policy adopted by the State Board of Education or a
 693 substantially similar policy adopted by the school board. The
 694 school board shall widely publicize and disseminate the policy so
 695 that teachers, students, and parents are aware of the
 696 opportunities.

697 Section 17. Paragraph (b) of subsection (2), paragraph (b)
 698 of subsection (3), paragraph (e) of subsection (5), and paragraph
 699 (c) of subsection (6) of section 1004.04, Florida Statutes, are
 700 amended to read:

701 1004.04 Public accountability and state approval for
 702 teacher preparation programs.--

703 (2) UNIFORM CORE CURRICULA.--

704 (b) The rules to establish uniform core curricula for each
 705 state-approved teacher preparation program must include, but are
 706 not limited to, a State Board of Education identified foundation
 707 in scientifically researched, knowledge-based reading literacy
 708 and computational skills acquisition; classroom management;
 709 school safety; professional ethics; educational law; human
 710 development and learning; and understanding of the World Class
 711 Education Sunshine ~~State~~ Standards content measured by state
 712 achievement tests, reading and interpretation of data, and use of
 713 data to improve student achievement.

714 (3) DEVELOPMENT OF TEACHER PREPARATION PROGRAMS.--A system
 715 developed by the Department of Education in collaboration with
 716 postsecondary educational institutions shall assist departments
 717 and colleges of education in the restructuring of their programs
 718 in accordance with this section to meet the need for producing
 719 quality teachers now and in the future.

720 (b) Departments and colleges of education shall emphasize

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ORIGINAL

2007

721 the state system of school improvement and education
 722 accountability concepts and standards, including World Class
 723 Education ~~Sunshine State~~ Standards.

724 (5) CONTINUED PROGRAM APPROVAL.--Notwithstanding subsection
 725 (4), failure by a public or nonpublic teacher preparation program
 726 to meet the criteria for continued program approval shall result
 727 in loss of program approval. The Department of Education, in
 728 collaboration with the departments and colleges of education,
 729 shall develop procedures for continued program approval that
 730 document the continuous improvement of program processes and
 731 graduates' performance.

732 (e) Continued approval of teacher preparation programs is
 733 contingent upon compliance with the student admission
 734 requirements of subsection (4) and upon the receipt of at least a
 735 satisfactory rating from public schools and private schools that
 736 employ graduates of the program. Each teacher preparation program
 737 shall guarantee the high quality of its graduates during the
 738 first 2 years immediately following graduation from the program
 739 or following initial certification, whichever occurs first. Any
 740 educator in a Florida school who fails to demonstrate the
 741 essential skills specified in subparagraphs 1.-5. shall be
 742 provided additional training by the teacher preparation program
 743 at no expense to the educator or the employer. Such training must
 744 consist of an individualized plan agreed upon by the school
 745 district and the postsecondary educational institution that
 746 includes specific learning outcomes. The postsecondary
 747 educational institution assumes no responsibility for the
 748 educator's employment contract with the employer. Employer
 749 satisfaction shall be determined by an annually administered
 750 survey instrument approved by the Department of Education that,

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ORIGINAL

2007

751 at a minimum, must include employer satisfaction of the
 752 graduates' ability to do the following:

753 1. Write and speak in a logical and understandable style
 754 with appropriate grammar.

755 2. Recognize signs of students' difficulty with the reading
 756 and computational process and apply appropriate measures to
 757 improve students' reading and computational performance.

758 3. Use and integrate appropriate technology in teaching and
 759 learning processes.

760 4. Demonstrate knowledge and understanding of the World
 761 Class Education Sunshine State Standards.

762 5. Maintain an orderly and disciplined classroom conducive
 763 to student learning.

764 (6) PRESERVICE FIELD EXPERIENCE.--All postsecondary
 765 instructors, school district personnel and instructional
 766 personnel, and school sites preparing instructional personnel
 767 through preservice field experience courses and internships shall
 768 meet special requirements. District school boards are authorized
 769 to pay student teachers during their internships.

770 (c) Preservice field experience programs must provide
 771 specific guidance and demonstration of effective classroom
 772 management strategies, strategies for incorporating technology
 773 into classroom instruction, strategies for incorporating
 774 scientifically researched, knowledge-based reading literacy and
 775 computational skills acquisition into classroom instruction, and
 776 ways to link instructional plans to the World Class Education
 777 Sunshine State Standards, as appropriate. The length of
 778 structured field experiences may be extended to ensure that
 779 candidates achieve the competencies needed to meet certification
 780 requirements.

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ORIGINAL

2007

781 Section 18. Subsection (3) of section 1007.271, Florida
 782 Statutes, is amended to read:

783 1007.271 Dual enrollment programs.--

784 (3) (a) The Department of Education shall adopt guidelines
 785 designed to achieve comparability across school districts of both
 786 student qualifications and teacher qualifications for dual
 787 enrollment courses.

788 (b) Student qualifications must demonstrate readiness for
 789 college-level coursework if the student is to be enrolled in
 790 college courses. Student qualifications must demonstrate
 791 readiness for career-level coursework if the student is to be
 792 enrolled in career courses. In addition to the common placement
 793 examination, student qualifications for enrollment in college
 794 credit dual enrollment courses must include a 3.0 unweighted
 795 grade point average, and student qualifications for enrollment in
 796 career certificate dual enrollment courses must include a 2.0
 797 unweighted grade point average.

798 (c) Exceptions to the required grade point averages may be
 799 granted if the educational entities agree and the terms of the
 800 agreement are contained within the dual enrollment
 801 interinstitutional articulation agreement.

802 (d) Community college boards of trustees may establish
 803 additional admissions criteria, which shall be included in the
 804 district interinstitutional articulation agreement developed
 805 according to s. 1007.235, to ensure student readiness for
 806 postsecondary instruction. Additional requirements included in
 807 the agreement shall not arbitrarily prohibit students who have
 808 demonstrated the ability to master advanced courses from
 809 participating in dual enrollment courses. District school boards
 810 may not refuse to enter into an agreement with a local community

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ORIGINAL

2007

811 college if that community college has the capacity to offer dual
812 enrollment courses.

813 (e) Student qualifications for early admission and dual
814 enrollment programs shall exempt a student from the common
815 placement examination and required grade point averages if the
816 student earns a score on the grade 10 administration of the
817 Florida Comprehensive Assessment Test which is linked, as
818 determined by the Commissioner of Education, with a passing score
819 on the common placement examination.

820 Section 19. Paragraph (c) of subsection (6) of section
821 1007.35, Florida Statutes, is amended to read:

822 1007.35 Florida Partnership for Minority and
823 Underrepresented Student Achievement.--

824 (6) The partnership shall:

825 (c) Provide teacher training and materials that are aligned
826 with the World Class Education ~~Sunshine State~~ Standards and are
827 consistent with best theory and practice regarding multiple
828 learning styles and research on learning, instructional
829 strategies, instructional design, and classroom assessment.
830 Curriculum materials must be based on current, accepted, and
831 essential academic knowledge. Materials for prerequisite courses
832 should, at a minimum, address the skills assessed on the Florida
833 Comprehensive Assessment Test (FCAT).

834 Section 20. Paragraphs (a) of subsection (1), and
835 paragraphs (a), (c), and (g) of subsection (3), of section
836 1008.22, Florida Statutes, are amended to read:

837 1008.22 Student assessment program for public schools.--

838 (1) PURPOSE.--The primary purposes of the student
839 assessment program are to provide information needed to improve
840 the public schools by enhancing the learning gains of all

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ORIGINAL

2007

841 students and to inform parents of the educational progress of
 842 their public school children. The program must be designed to:

843 (a) Assess the annual learning gains of each student toward
 844 achieving the World Class Education Sunshine State Standards
 845 appropriate for the student's grade level.

846 (3) STATEWIDE ASSESSMENT PROGRAM.--The commissioner shall
 847 design and implement a statewide program of educational
 848 assessment that provides information for the improvement of the
 849 operation and management of the public schools, including schools
 850 operating for the purpose of providing educational services to
 851 youth in Department of Juvenile Justice programs. The
 852 commissioner may enter into contracts for the continued
 853 administration of the assessment, testing, and evaluation
 854 programs authorized and funded by the Legislature. Contracts may
 855 be initiated in 1 fiscal year and continue into the next and may
 856 be paid from the appropriations of either or both fiscal years.
 857 The commissioner is authorized to negotiate for the sale or lease
 858 of tests, scoring protocols, test scoring services, and related
 859 materials developed pursuant to law. Pursuant to the statewide
 860 assessment program, the commissioner shall:

861 (a) Submit to the State Board of Education the content
 862 knowledge and a list that specifies student skills expected of a
 863 student by and competencies to which the goals for education
 864 specified in the state plan apply, including, but not limited to,
 865 reading, writing, science, and mathematics. The skills and
 866 competencies must include problem solving and higher order skills
 867 as appropriate and shall be known as the World Class Education
 868 Sunshine State Standards as defined in s. 1000.21. The
 869 commissioner shall select such skills and competencies after
 870 receiving recommendations from educators, citizens, and members

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ORIGINAL

2007

871 ~~of the business community. The commissioner shall submit to the~~
 872 ~~State Board of Education revisions to the list of student skills~~
 873 ~~and competencies in order to maintain continuous progress toward~~
 874 ~~improvements in student proficiency.~~

875 (c) Develop and implement a student achievement testing
 876 program known as the Florida Comprehensive Assessment Test (FCAT)
 877 as part of the statewide assessment program to measure reading,
 878 writing, science, and mathematics. Other content areas may be
 879 included as directed by the commissioner. The assessment of
 880 reading and mathematics shall be administered annually in grades
 881 3 through 10. The assessment of writing and science shall be
 882 administered at least once at the elementary, middle, and high
 883 school levels. The content knowledge and skills assessed by the
 884 Florida Comprehensive Assessment Test must be aligned to the
 885 content knowledge and skills expected of a student by the World
 886 Class Education Standards. As the Sunshine State Standards are
 887 replaced by the World Class Education Standards under s.
 888 1003.01(1), the commissioner, to the maximum extent practicable,
 889 shall expedite revision of the Florida Comprehensive Assessment
 890 Test for alignment to the standards. The commissioner shall
 891 report any barriers to expedited alignment, including, but not
 892 limited to, funding and staff support, to the State Board of
 893 Education, the Governor, the President of the Senate, and the
 894 Speaker of the House of Representatives. The state board shall
 895 consider the use of other validated assessments, including, but
 896 not limited to, assessments administered by other states, to
 897 expedite alignment of the Florida Comprehensive Assessment Test
 898 to the World Class Education Standards. The commissioner must
 899 document the procedures used to ensure that the versions of the
 900 FCAT which are taken by students retaking the grade 10 FCAT are

BILL

ORIGINAL

2007

901 | equally as challenging and difficult as the tests taken by
 902 | students in grade 10 which contain performance tasks. The testing
 903 | program must be designed so that:

904 | 1. The tests measure student content knowledge and skills
 905 | ~~and competencies~~ adopted by the State Board of Education as
 906 | specified in paragraph (a). The tests must measure and report
 907 | student proficiency levels of all students assessed in reading,
 908 | writing, mathematics, and science. The commissioner shall provide
 909 | for the tests to be developed or obtained, as appropriate,
 910 | through contracts and project agreements with private vendors,
 911 | public vendors, public agencies, postsecondary educational
 912 | institutions, or school districts. The commissioner shall obtain
 913 | input for ~~with respect to~~ the design and implementation of the
 914 | testing program from state educators, assistive technology
 915 | experts, and the public.

916 | 2. The testing program will include a combination of norm-
 917 | referenced and criterion-referenced tests and include, to the
 918 | extent determined by the commissioner, questions that require the
 919 | student to produce information or perform tasks in such a manner
 920 | in which the content knowledge and way that the skills used by
 921 | the student ~~and competencies he or she uses~~ can be measured.

922 | 3. Each testing program, whether at the elementary, middle,
 923 | or high school level, includes a test of writing in which
 924 | students are required to produce writings that are then scored by
 925 | appropriate and timely methods.

926 | 4. A score is designated for each subject area tested,
 927 | below which score a student's performance is deemed inadequate.
 928 | The school districts shall provide appropriate remedial
 929 | instruction to students who score below these levels.

930 | 5. Except as provided in s. 1003.428(8)(b) or s.

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ORIGINAL

2007

931 1003.43(11)(b), students must earn a passing score on the grade
 932 10 assessment test described in this paragraph or attain
 933 concordant scores as described in subsection (9) in reading,
 934 writing, and mathematics to qualify for a standard high school
 935 diploma. The State Board of Education shall designate a passing
 936 score for each part of the grade 10 assessment test. In
 937 establishing passing scores, the state board shall consider any
 938 possible negative impact of the test on minority students. The
 939 State Board of Education shall adopt rules which specify the
 940 passing scores for the grade 10 FCAT. Any such rules, which have
 941 the effect of raising the required passing scores, shall only
 942 apply to students taking the grade 10 FCAT for the first time
 943 after such rules are adopted by the State Board of Education.

944 6. Participation in the testing program is mandatory for
 945 all students attending public school, including students served
 946 in Department of Juvenile Justice programs, except as otherwise
 947 prescribed by the commissioner. If a student does not participate
 948 in the statewide assessment, the district must notify the
 949 student's parent and provide the parent with information
 950 regarding the implications of such nonparticipation. A parent
 951 must provide signed consent for a student to receive classroom
 952 instructional accommodations that would not be available or
 953 permitted on the statewide assessments and must acknowledge in
 954 writing that he or she understands the implications of such
 955 instructional accommodations. The State Board of Education shall
 956 adopt rules, based upon recommendations of the commissioner, for
 957 the provision of test accommodations for students in exceptional
 958 education programs and for students who have limited English
 959 proficiency. Accommodations that negate the validity of a
 960 statewide assessment are not allowable in the administration of

BILL

ORIGINAL

2007

961 the FCAT. However, instructional accommodations are allowable in
 962 the classroom if included in a student's individual education
 963 plan. Students using instructional accommodations in the
 964 classroom that are not allowable as accommodations on the FCAT
 965 may have the FCAT requirement waived pursuant to the requirements
 966 of s. 1003.428(8)(b) or s. 1003.43(11)(b).

967 7. A student seeking an adult high school diploma must meet
 968 the same testing requirements that a regular high school student
 969 must meet.

970 8. District school boards must provide instruction to
 971 prepare students to demonstrate proficiency in the content
 972 knowledge and skills ~~and competencies~~ necessary for successful
 973 grade-to-grade progression and high school graduation. If a
 974 student is provided with instructional accommodations in the
 975 classroom that are not allowable as accommodations in the
 976 statewide assessment program, as described in the test manuals,
 977 the district must inform the parent in writing and must provide
 978 the parent with information regarding the impact on the student's
 979 ability to meet expected proficiency levels in reading, writing,
 980 and math. The commissioner shall conduct studies as necessary to
 981 verify that the required content knowledge and skills ~~and~~
 982 ~~competencies~~ are part of the district instructional programs.

983 9. District school boards must provide opportunities for
 984 students to demonstrate an acceptable level of performance on an
 985 alternative standardized assessment approved by the State Board
 986 of Education following enrollment in summer academies.

987 10. The Department of Education must develop, or select,
 988 and implement a common battery of assessment tools that will be
 989 used in all juvenile justice programs in the state. These tools
 990 must accurately measure the content knowledge and skills ~~and~~

BILL

ORIGINAL

2007

991 ~~competencies~~ established in the World Class Education Sunshine
 992 State Standards.

993 11. For students seeking a special diploma under ~~pursuant~~
 994 ~~to~~ s. 1003.438, the Department of Education must develop or
 995 select and implement an alternate assessment tool that accurately
 996 measures the content knowledge and skills ~~and competencies~~
 997 established in the World Class Education Sunshine State Standards
 998 for students with disabilities under s. 1003.438.

999 12. A student earns the designation of "proficient" in a
 1000 subject area if the student earns a score, as determined by the
 1001 commissioner, on the Florida Comprehensive Assessment Test which
 1002 demonstrates proficiency in the subject area. The commissioner
 1003 shall determine scores demonstrating proficiency in each grade
 1004 and subject area of the Florida Comprehensive Assessment Test.

1005
 1006 The commissioner may, based on collaboration and input from
 1007 school districts, design and implement student testing programs,
 1008 for any grade level and subject area, necessary to effectively
 1009 monitor educational achievement in the state, including the
 1010 measurement of educational achievement of the World Class
 1011 Education Sunshine State Standards for students with
 1012 disabilities. Development and refinement of assessments shall
 1013 include universal design principles and accessibility standards
 1014 that will prevent any unintended obstacles for students with
 1015 disabilities while ensuring the validity and reliability of the
 1016 test. These principles should be applicable to all technology
 1017 platforms and assistive devices available for the assessments.
 1018 The field testing process and psychometric analyses for the
 1019 statewide assessment program must include an appropriate
 1020 percentage of students with disabilities and an evaluation or

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ORIGINAL

2007

1021 determination of the effect of test items on such students.

1022 (g) Study the cost and student achievement impact of
 1023 secondary end-of-course assessments, including web-based and
 1024 performance formats, and report to the Legislature by December 1,
 1025 2007 ~~prior to implementation.~~

1026 Section 21. Paragraph (b) of subsection (6) and paragraph
 1027 (b) of subsection (7) of section 1008.25, Florida Statutes, are
 1028 amended to read:

1029 1008.25 Public school student progression; remedial
 1030 instruction; reporting requirements.--

1031 (6) ELIMINATION OF SOCIAL PROMOTION.--

1032 (b) The district school board may only exempt students from
 1033 mandatory retention, as provided in paragraph (5)(b), for good
 1034 cause. Good cause exemptions shall be limited to the following:

1035 1. Limited English proficient students who have had less
 1036 than 2 years of instruction in an English for Speakers of Other
 1037 Languages program.

1038 2. Students with disabilities whose individual education
 1039 plan indicates that participation in the statewide assessment
 1040 program is not appropriate, consistent with the requirements of
 1041 State Board of Education rule.

1042 3. Students who demonstrate an acceptable level of
 1043 performance on an alternative standardized reading assessment
 1044 approved by the State Board of Education.

1045 4. Students who demonstrate, through a student portfolio,
 1046 that the student is reading on grade level as evidenced by
 1047 demonstration of mastery of the World Class Education Sunshine
 1048 State Standards in reading equal to at least a Level 2
 1049 performance on the FCAT.

1050 5. Students with disabilities who participate in the FCAT

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ORIGINAL

2007

1051 and who have an individual education plan or a Section 504 plan
 1052 that reflects that the student has received intensive remediation
 1053 in reading for more than 2 years but still demonstrates a
 1054 deficiency in reading and was previously retained in
 1055 kindergarten, grade 1, grade 2, or grade 3.

1056 6. Students who have received intensive remediation in
 1057 reading for 2 or more years but still demonstrate a deficiency in
 1058 reading and who were previously retained in kindergarten, grade
 1059 1, grade 2, or grade 3 for a total of 2 years. Intensive reading
 1060 instruction for students so promoted must include an altered
 1061 instructional day that includes specialized diagnostic
 1062 information and specific reading strategies for each student. The
 1063 district school board shall assist schools and teachers to
 1064 implement reading strategies that research has shown to be
 1065 successful in improving reading among low-performing readers.

1066 (7) SUCCESSFUL PROGRESSION FOR RETAINED READERS.--

1067 (b) Beginning with the 2004-2005 school year, each school
 1068 district shall:

1069 1. Conduct a review of student progress monitoring plans
 1070 for all students who did not score above Level 1 on the reading
 1071 portion of the FCAT and did not meet the criteria for one of the
 1072 good cause exemptions in paragraph (6)(b). The review shall
 1073 address additional supports and services, as described in this
 1074 subsection, needed to remediate the identified areas of reading
 1075 deficiency. The school district shall require a student portfolio
 1076 to be completed for each such student.

1077 2. Provide students who are retained under the provisions
 1078 of paragraph (5)(b) with intensive instructional services and
 1079 supports to remediate the identified areas of reading deficiency,
 1080 including a minimum of 90 minutes of daily, uninterrupted,

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ORIGINAL

2007

1081 scientifically research-based reading instruction and other
 1082 strategies prescribed by the school district, which may include,
 1083 but are not limited to:

- 1084 a. Small group instruction.
- 1085 b. Reduced teacher-student ratios.
- 1086 c. More frequent progress monitoring.
- 1087 d. Tutoring or mentoring.
- 1088 e. Transition classes containing 3rd and 4th grade
 1089 students.

1090 f. Extended school day, week, or year.

1091 g. Summer reading camps.

1092 3. Provide written notification to the parent of any
 1093 student who is retained under the provisions of paragraph (5)(b)
 1094 that his or her child has not met the proficiency level required
 1095 for promotion and the reasons the child is not eligible for a
 1096 good cause exemption as provided in paragraph (6)(b). The
 1097 notification must comply with the provisions of s. 1002.20(15)
 1098 and must include a description of proposed interventions and
 1099 supports that will be provided to the child to remediate the
 1100 identified areas of reading deficiency.

1101 4. Implement a policy for the midyear promotion of any
 1102 student retained under the provisions of paragraph (5)(b) who can
 1103 demonstrate that he or she is a successful and independent
 1104 reader, reading at or above grade level, and ready to be promoted
 1105 to grade 4. Tools that school districts may use in reevaluating
 1106 any student retained may include subsequent assessments,
 1107 alternative assessments, and portfolio reviews, in accordance
 1108 with rules of the State Board of Education. Students promoted
 1109 during the school year after November 1 must demonstrate
 1110 proficiency above that required to score at Level 2 on the grade

BILL

ORIGINAL

2007

1111 3 FCAT, as determined by the State Board of Education. The State
 1112 Board of Education shall adopt standards that provide a
 1113 reasonable expectation that the student's progress is sufficient
 1114 to master appropriate 4th grade level reading skills.

1115 5. Provide students who are retained under the provisions
 1116 of paragraph (5)(b) with a high-performing teacher as determined
 1117 by student performance data and above-satisfactory performance
 1118 appraisals.

1119 6. In addition to required reading enhancement and
 1120 acceleration strategies, provide parents of students to be
 1121 retained with at least one of the following instructional
 1122 options:

1123 a. Supplemental tutoring in scientifically research-based
 1124 reading services in addition to the regular reading block,
 1125 including tutoring before and/or after school.

1126 b. A "Read at Home" plan outlined in a parental contract,
 1127 including participation in "Families Building Better Readers
 1128 Workshops" and regular parent-guided home reading.

1129 c. A mentor or tutor with specialized reading training.

1130 7. Establish a Reading Enhancement and Acceleration
 1131 Development (READ) Initiative. The focus of the READ Initiative
 1132 shall be to prevent the retention of grade 3 students and to
 1133 offer intensive accelerated reading instruction to grade 3
 1134 students who failed to meet standards for promotion to grade 4
 1135 and to each K-3 student who is assessed as exhibiting a reading
 1136 deficiency. The READ Initiative shall:

1137 a. Be provided to all K-3 students at risk of retention as
 1138 identified by the statewide assessment system used in Reading
 1139 First schools. The assessment must measure phonemic awareness,
 1140 phonics, fluency, vocabulary, and comprehension.

BILL

ORIGINAL

2007

1141 b. Be provided during regular school hours in addition to
1142 the regular reading instruction.

1143 c. Provide a state-identified reading curriculum that has
1144 been reviewed by the Florida Center for Reading Research at
1145 Florida State University and meets, at a minimum, the following
1146 specifications:

1147 (I) Assists students assessed as exhibiting a reading
1148 deficiency in developing the ability to read at grade level.

1149 (II) Provides skill development in phonemic awareness,
1150 phonics, fluency, vocabulary, and comprehension.

1151 (III) Provides scientifically based and reliable
1152 assessment.

1153 (IV) Provides initial and ongoing analysis of each
1154 student's reading progress.

1155 (V) Is implemented during regular school hours.

1156 (VI) Provides a curriculum in core academic subjects to
1157 assist the student in maintaining or meeting proficiency levels
1158 for the appropriate grade in all academic subjects.

1159 8. Establish at each school, where applicable, an Intensive
1160 Acceleration Class for retained grade 3 students who subsequently
1161 score at Level 1 on the reading portion of the FCAT. The focus of
1162 the Intensive Acceleration Class shall be to increase a child's
1163 reading level at least two grade levels in 1 school year. The
1164 Intensive Acceleration Class shall:

1165 a. Be provided to any student in grade 3 who scores at
1166 Level 1 on the reading portion of the FCAT and who was retained
1167 in grade 3 the prior year because of scoring at Level 1 on the
1168 reading portion of the FCAT.

1169 b. Have a reduced teacher-student ratio.

1170 c. Provide uninterrupted reading instruction for the

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1171 majority of student contact time each day and incorporate
 1172 opportunities to master the World Class Education Standards for
 1173 grade 4 ~~Sunshine State Standards~~ in other core subject areas.

1174 d. Use a reading program that is scientifically research-
 1175 based and has proven results in accelerating student reading
 1176 achievement within the same school year.

1177 e. Provide intensive language and vocabulary instruction
 1178 using a scientifically research-based program, including use of a
 1179 speech-language therapist.

1180 f. Include weekly progress monitoring measures to ensure
 1181 progress is being made.

1182 g. Report to the Department of Education, in the manner
 1183 described by the department, the progress of students in the
 1184 class at the end of the first semester.

1185 9. Report to the State Board of Education, as requested, on
 1186 the specific intensive reading interventions and supports
 1187 implemented at the school district level. The Commissioner of
 1188 Education shall annually prescribe the required components of
 1189 requested reports.

1190 10. Provide a student who has been retained in grade 3 and
 1191 has received intensive instructional services but is still not
 1192 ready for grade promotion, as determined by the school district,
 1193 the option of being placed in a transitional instructional
 1194 setting. Such setting shall specifically be designed to produce
 1195 learning gains sufficient to meet grade 4 performance standards
 1196 while continuing to remediate the areas of reading deficiency.

1197 Section 22. Subsection (6) is added to section 1008.30,
 1198 Florida Statutes, to read:

1199 1008.30 Common placement testing for public postsecondary
 1200 education.--

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1201 (6) Upon alignment of the grade 10 administration of the
 1202 Florida Comprehensive Assessment Test to the World Class
 1203 Education Standards, a student is exempt from taking the common
 1204 placement test if the student earns a score on the grade 10
 1205 administration of the Florida Comprehensive Assessment Test which
 1206 is linked, as determined by the Commissioner of Education, with a
 1207 passing score on the common placement test.

1208 Section 23. Paragraph (b) of subsection (1) of section
 1209 1008.385, Florida Statutes, is amended to read:

1210 1008.385 Educational planning and information systems.--

1211 (1) EDUCATIONAL PLANNING.--

1212 (b) Each district school board shall maintain a continuing
 1213 system of planning and budgeting designed to aid in identifying
 1214 and meeting the educational needs of students and the public.
 1215 Provision shall be made for coordination between district school
 1216 boards and community college boards of trustees concerning the
 1217 planning for career education and adult educational programs. The
 1218 major emphasis of the system shall be upon locally determined
 1219 goals and objectives, the state plan for education, and the World
 1220 Class Education ~~Sunshine State~~ Standards developed by the
 1221 Department of Education and adopted by the State Board of
 1222 Education. The district planning and budgeting system must
 1223 include consideration of student achievement data obtained
 1224 pursuant to ss. 1008.22 and 1008.34. The system shall be
 1225 structured to meet the specific management needs of the district
 1226 and to align the budget adopted by the district school board with
 1227 the plan the board has also adopted. Each district school board
 1228 shall utilize its system of planning and budgeting to emphasize a
 1229 system of school-based management in which individual school
 1230 centers become the principal planning units and to integrate

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1231 planning and budgeting at the school level.

1232 Section 24. Subsection (1) of section 1009.534, Florida
1233 Statutes, is amended to read:

1234 1009.534 Florida Academic Scholars award.--

1235 (1) A student is eligible for a Florida Academic Scholars
1236 award if the student meets the general eligibility requirements
1237 for the Florida Bright Futures Scholarship Program and the
1238 student:

1239 (a) Has achieved a 3.5 weighted grade point average as
1240 calculated under ~~pursuant to~~ s. 1009.531, or its equivalent, in
1241 high school courses ~~that are~~ designated by the State Board of
1242 Education as college-preparatory academic courses; and has
1243 attained at least the score identified by rules of the State
1244 Board of Education on the combined verbal and quantitative parts
1245 of the Scholastic Aptitude Test, the Scholastic Assessment Test,
1246 or the recentered Scholastic Assessment Test of the College
1247 Entrance Examination, ~~or~~ an equivalent score on the ACT
1248 Assessment Program, or a concordant score on the grade 10
1249 administration of the Florida Comprehensive Assessment Test; or

1250 (b) Has attended a home education program according to s.
1251 1002.41 during grades 11 and 12 or has completed the
1252 International Baccalaureate curriculum but failed to earn the
1253 International Baccalaureate Diploma or has completed the Advanced
1254 International Certificate of Education curriculum but failed to
1255 earn the Advanced International Certificate of Education Diploma,
1256 and has attained at least the score identified by rules of the
1257 State Board of Education on the combined verbal and quantitative
1258 parts of the Scholastic Aptitude Test, the Scholastic Assessment
1259 Test, or the recentered Scholastic Assessment Test of the College
1260 Entrance Examination, or an equivalent score on the ACT

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1261 Assessment Program; or
 1262 (c) Has been awarded an International Baccalaureate Diploma
 1263 from the International Baccalaureate Office or an Advanced
 1264 International Certificate of Education Diploma from the
 1265 University of Cambridge International Examinations Office; or
 1266 (d) Has been recognized by the merit or achievement
 1267 programs of the National Merit Scholarship Corporation as a
 1268 scholar or finalist; or
 1269 (e) Has been recognized by the National Hispanic
 1270 Recognition Program as a scholar recipient.
 1271
 1272 A student must complete a program of community service work, as
 1273 approved by the district school board or the administrators of a
 1274 nonpublic school, which shall include a minimum of 75 hours of
 1275 service work and require the student to identify a social problem
 1276 that interests him or her, develop a plan for his or her personal
 1277 involvement in addressing the problem, and, through papers or
 1278 other presentations, evaluate and reflect upon his or her
 1279 experience.
 1280 Section 25. Paragraph (a) of subsection (1) of section
 1281 1009.535, Florida Statutes, is amended to read:
 1282 1009.535 Florida Medallion Scholars award.--
 1283 (1) A student is eligible for a Florida Medallion Scholars
 1284 award if the student meets the general eligibility requirements
 1285 for the Florida Bright Futures Scholarship Program and the
 1286 student:
 1287 (a) Has achieved a weighted grade point average of 3.0 as
 1288 calculated under ~~pursuant to~~ s. 1009.531, or the equivalent, in
 1289 high school courses ~~that are~~ designated by the State Board of
 1290 Education as college-preparatory academic courses; and has

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1291 attained at least the score identified by rules of the State
 1292 Board of Education on the combined verbal and quantitative parts
 1293 of the Scholastic Aptitude Test, the Scholastic Assessment Test,
 1294 or the recentered Scholastic Assessment Test of the College
 1295 Entrance Examination, ~~or~~ an equivalent score on the ACT
 1296 Assessment Program, or a concordant score on the grade 10
 1297 administration of the Florida Comprehensive Assessment Test; or

1298 Section 26. Paragraph (b) of subsection (1) of section
 1299 1009.536, Florida Statutes, is amended to read:

1300 1009.536 Florida Gold Seal Vocational Scholars award.--The
 1301 Florida Gold Seal Vocational Scholars award is created within the
 1302 Florida Bright Futures Scholarship Program to recognize and
 1303 reward academic achievement and career preparation by high school
 1304 students who wish to continue their education.

1305 (1) A student is eligible for a Florida Gold Seal
 1306 Vocational Scholars award if the student meets the general
 1307 eligibility requirements for the Florida Bright Futures
 1308 Scholarship Program and the student:

1309 (b) Demonstrates readiness for postsecondary education by:

1310 1. Earning a passing score on the Florida College Entry
 1311 Level Placement Test or its equivalent as identified by the
 1312 Department of Education; or

1313 2. Earning a score on the grade 10 administration of the
 1314 Florida Comprehensive Assessment Test, which is linked to a
 1315 passing score on the Florida College Entry Level Test, as
 1316 determined by the Commissioner of Education upon alignment of the
 1317 Florida Comprehensive Assessment Test to the World Class
 1318 Education Standards.

1319 Section 27. Paragraph (o) of subsection (2) of section
 1320 1012.05, Florida Statutes, is amended to read:

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1321 1012.05 Teacher recruitment and retention.--

1322 (2) The Department of Education shall:

1323 (o) Develop and implement an online Teacher Toolkit that
 1324 contains a menu of resources, based on the World Class Education
 1325 ~~Sunshine State~~ Standards, that all teachers can use to enhance
 1326 classroom instruction and increase teacher effectiveness, thus
 1327 resulting in improved student achievement.

1328 Section 28. Subsection (4) of section 1012.56, Florida
 1329 Statutes, is amended to read:

1330 1012.56 Educator certification requirements.--

1331 (4) MASTERY OF SUBJECT AREA KNOWLEDGE.--Acceptable means of
 1332 demonstrating mastery of subject area knowledge are:

1333 (a) Achievement of passing scores on subject area
 1334 examinations required by state board rule;

1335 (b) Completion of the subject area specialization
 1336 requirements specified in state board rule and verification of
 1337 the attainment of the essential subject matter competencies by
 1338 the district school superintendent of the employing school
 1339 district or chief administrative officer of the employing state-
 1340 supported or private school for a subject area for which a
 1341 subject area examination has not been developed and required by
 1342 state board rule;

1343 (c) Completion of the subject area specialization
 1344 requirements specified in state board rule for a subject coverage
 1345 requiring a master's or higher degree and achievement of a
 1346 passing score on the subject area examination specified in state
 1347 board rule;

1348 (d) A valid professional standard teaching certificate
 1349 issued by another state; or

1350 (e) A valid certificate issued by the National Board for

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1351 Professional Teaching Standards or a national educator
 1352 credentialing board approved by the State Board of Education.

1353
 1354 School districts are encouraged to provide mechanisms for those
 1355 middle school teachers holding only a K-6 teaching certificate to
 1356 obtain a subject area coverage for middle grades through
 1357 postsecondary coursework or district add-on certification. As the
 1358 Sunshine State Standards are replaced by the World Class
 1359 Education Standards under s. 1001.03(1), and professional
 1360 development for educators is aligned to the World Class Education
 1361 Standards under s. 1012.98(12)(a), the State Board of Education
 1362 shall align the subject area examinations to the World Class
 1363 Education Standards.

1364 Section 29. Subsection (5) of section 1012.28, Florida
 1365 Statutes, is amended to read:

1366 1012.28 Public school personnel; duties of school
 1367 principals.--

1368 (5) Each school principal shall perform such duties as may
 1369 be assigned by the district school superintendent, pursuant to
 1370 the rules of the district school board. Such rules shall include,
 1371 but are not limited to, rules relating to administrative
 1372 responsibility, instructional leadership in implementing the
 1373 World Class Education ~~Sunshine State~~ Standards and the overall
 1374 educational program of the school to which the school principal
 1375 is assigned, submission of personnel recommendations to the
 1376 district school superintendent, administrative responsibility for
 1377 records and reports, administration of corporal punishment, and
 1378 student suspension.

1379 Section 30. Subsection (1) of section 1012.52, Florida
 1380 Statutes, is amended to read:

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1381 1012.52 Teacher quality; legislative findings.--

1382 (1) The Legislature intends to implement a comprehensive
 1383 approach to increase students' academic achievement and improve
 1384 teaching quality. The Legislature recognizes that professional
 1385 educators play an important role in shaping the future of this
 1386 state and the nation by developing the knowledge and skills of
 1387 our future workforce and laying the foundation for good
 1388 citizenship and full participation in community and civic life.
 1389 The Legislature also recognizes its role in meeting the state's
 1390 educational priorities so as to provide opportunity for all
 1391 students to achieve at the levels set by the World Class
 1392 Education Sunshine State Standards.

1393 Section 31. Paragraph (a) of subsection (7) of section
 1394 1012.56, Florida Statutes, is amended to read:

1395 1012.56 Educator certification requirements.--

1396 (7) PROFESSIONAL PREPARATION ALTERNATIVE CERTIFICATION AND
 1397 EDUCATION COMPETENCY PROGRAM.--

1398 (a) The Department of Education shall develop and each
 1399 school district must provide a cohesive competency-based
 1400 professional preparation alternative certification program by
 1401 which members of a school district's instructional staff may
 1402 satisfy the mastery of professional preparation and education
 1403 competence requirements specified in this subsection and rules of
 1404 the State Board of Education. Participants must hold a state-
 1405 issued temporary certificate. A school district shall provide a
 1406 competency-based alternative certification preparation program
 1407 developed by the Department of Education or developed by the
 1408 district and approved by the Department of Education. The program
 1409 shall include the following components:

1410 1. A minimum period of initial preparation prior to

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1411 assuming duties as the teacher of record.
 1412 2. An option for collaboration between school districts and
 1413 other supporting agencies for implementation.
 1414 3. Experienced peer mentors.
 1415 4. An assessment that provides for:
 1416 a. An initial evaluation of each educator's competencies to
 1417 determine an appropriate individualized professional development
 1418 plan.
 1419 b. A postevaluation to assure successful completion of the
 1420 program.
 1421 5. Professional education preparation content knowledge
 1422 that includes, but is not limited to, the following:
 1423 a. Requirements specified in state board rule for
 1424 professional preparation.
 1425 b. The educator-accomplished practices approved by the
 1426 state board.
 1427 c. A variety of data indicators for student progress.
 1428 d. Methodologies, including technology-based methodologies,
 1429 for teaching subject content that supports the World Class
 1430 Education Sunshine State Standards for students.
 1431 e. Techniques for effective classroom management.
 1432 f. Techniques and strategies for operationalizing the role
 1433 of the teacher in assuring a safe learning environment for
 1434 students.
 1435 g. Methodologies for assuring the ability of all students
 1436 to read, write, and compute.
 1437 6. Required achievement of passing scores on the
 1438 professional education competency examination required by state
 1439 board rule.
 1440 Section 32. Paragraph (c) of subsection (3) of section

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2007

1441 1012.585, Florida Statutes, is amended to read:

1442 1012.585 Process for renewal of professional
1443 certificates.--

1444 (3) For the renewal of a professional certificate, the
1445 following requirements must be met:

1446 (a) The applicant must earn a minimum of 6 college credits
1447 or 120 inservice points or a combination thereof. For each area
1448 of specialization to be retained on a certificate, the applicant
1449 must earn at least 3 of the required credit hours or equivalent
1450 inservice points in the specialization area. Education in
1451 "clinical educator" training under ~~pursuant to~~ s. 1004.04(6)(b)
1452 and credits or points that provide training in the area of
1453 scientifically researched, knowledge-based reading literacy and
1454 computational skills acquisition, exceptional student education,
1455 normal child development, and the disorders of development may be
1456 applied toward any specialization area. Credits or points that
1457 provide training in the areas of drug abuse, child abuse and
1458 neglect, strategies in teaching students having limited
1459 proficiency in English, or dropout prevention, or training in
1460 areas identified in the educational goals and performance
1461 standards adopted under ~~pursuant to~~ ss. 1000.03(5) and 1008.345
1462 may be applied toward any specialization area. Credits or points
1463 earned through approved summer institutes may be applied toward
1464 the fulfillment of these requirements. Inservice points earned
1465 under s. 1012.98(4)(b)5.c. for professional development on the
1466 content and instruction of the World Class Education Standards
1467 may be applied toward any specialization area. Inservice points
1468 may also be earned by participation in professional growth
1469 components approved by the State Board of Education and specified
1470 under ~~pursuant to~~ s. 1012.98 in the district's approved master

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1471 plan for inservice educational training, including, but not
 1472 limited to, serving as a trainer in an approved teacher training
 1473 activity, serving on an instructional materials committee or a
 1474 state board or commission that deals with educational issues, or
 1475 serving on an advisory council created under ~~pursuant to~~ s.
 1476 1001.452.

1477 Section 33. Subsection (1) of section 1012.72, Florida
 1478 Statutes, is amended to read:

1479 1012.72 Dale Hickam Excellent Teaching Program.--

1480 (1) The Legislature recognizes that teachers play a
 1481 critical role in preparing students to achieve the high levels of
 1482 academic performance expected by the World Class Education
 1483 ~~Sunshine State~~ Standards. The Legislature further recognizes the
 1484 importance of identifying and rewarding teaching excellence and
 1485 of encouraging good teachers to become excellent teachers. The
 1486 Legislature finds that the National Board of Professional
 1487 Teaching Standards (NBPTS) has established high and rigorous
 1488 standards for accomplished teaching and has developed a national
 1489 voluntary system for assessing and certifying teachers who
 1490 demonstrate teaching excellence by meeting those standards. It is
 1491 therefore the Legislature's intent to provide incentives for
 1492 teachers to seek NBPTS certification and to reward teachers who
 1493 demonstrate teaching excellence by attaining NBPTS certification
 1494 and sharing their expertise with other teachers.

1495 Section 34. Subsection (1) and paragraph (b) of subsection
 1496 (4) of section 1012.98, Florida Statutes, are amended, and
 1497 subsections (12) and (13) are added to that section, to read:

1498 1012.98 School Community Professional Development Act.--

1499 (1) The Department of Education, public postsecondary
 1500 educational institutions, public school districts, public

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1501 schools, state education foundations, consortia, and professional
 1502 organizations in this state shall work collaboratively to
 1503 establish a coordinated system of professional development. The
 1504 purpose of the professional development system is to increase
 1505 student achievement, enhance classroom instructional strategies
 1506 that promote rigor and relevance throughout the curriculum, and
 1507 prepare students for continuing education and the workforce. The
 1508 system of professional development must align to the World Class
 1509 Education Standards ~~adopted by the state~~ and support the
 1510 framework for standards adopted by the National Staff Development
 1511 Council.

1512 (4) The Department of Education, school districts, schools,
 1513 community colleges, and state universities share the
 1514 responsibilities described in this section. These
 1515 responsibilities include the following:

1516 (b) Each school district shall develop a professional
 1517 development system as specified in subsection (3). The system
 1518 shall be developed in consultation with teachers, teacher-
 1519 educators of community colleges and state universities, business
 1520 and community representatives, and local education foundations,
 1521 consortia, and professional organizations. The professional
 1522 development system must:

1523 1. Be approved by the department. All substantial revisions
 1524 to the system must ~~shall~~ be submitted to the department for
 1525 review for continued approval.

1526 2. Be based on analyses of student achievement data and
 1527 instructional strategies and methods that support rigorous,
 1528 relevant, and challenging curricula for all students. Schools and
 1529 districts, in developing and refining the professional
 1530 development system, shall also review and monitor school

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2007

1531 | discipline data; school environment surveys; assessments of
 1532 | parental satisfaction; performance appraisal data of teachers,
 1533 | managers, and administrative personnel; and other performance
 1534 | indicators to identify school and student needs that can be met
 1535 | by improved professional performance.

1536 | 3. Provide inservice activities coupled with followup
 1537 | support appropriate to accomplish district-level and school-level
 1538 | improvement goals and standards. The inservice activities for
 1539 | instructional personnel shall focus on analysis of student
 1540 | achievement data, ongoing formal and informal assessments of
 1541 | student achievement, identification and use of enhanced and
 1542 | differentiated instructional strategies that emphasize rigor,
 1543 | relevance, and reading in the content areas, enhancement of
 1544 | subject content expertise, integrated use of classroom technology
 1545 | that enhances teaching and learning, classroom management, parent
 1546 | involvement, and school safety.

1547 | 4. Include a master plan for inservice activities, in
 1548 | accordance with ~~pursuant to~~ rules of the State Board of
 1549 | Education, for all district employees from all fund sources. The
 1550 | master plan shall be updated annually by September 1, must be
 1551 | based on input from teachers and district and school
 1552 | instructional leaders, and must use the latest available student
 1553 | achievement data and research to enhance rigor and relevance in
 1554 | the classroom. Each district inservice plan must be aligned to
 1555 | and support the school-based inservice plans and school
 1556 | improvement plans under ~~pursuant to~~ s. 1001.42(16). District
 1557 | plans must be approved by the district school board annually in
 1558 | order to ensure compliance with subsection (1) and to allow for
 1559 | dissemination of research-based best practices to other
 1560 | districts. District school boards must submit verification of

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2007

1561 their approval to the Commissioner of Education by no later than
 1562 October 1 of each year,~~annually.~~

1563 5. Require each school principal to establish and maintain
 1564 an individual professional development plan for each
 1565 instructional employee assigned to the school as a seamless
 1566 component to the school improvement plans developed under
 1567 ~~pursuant to~~ s. 1001.42(16). The individual professional
 1568 development plan must:

1569 a. Be related to specific performance data for the students
 1570 to whom the teacher is assigned.

1571 b. Define the inservice objectives and specific measurable
 1572 improvements expected in student performance as a result of the
 1573 inservice activity.

1574 c. Require the instructional employee to successfully
 1575 complete 30 inservice points in professional development on the
 1576 content and instruction of the World Class Education Standards
 1577 within 18 months after the standards are adopted under s.
 1578 1001.03, and, subsequently, within 18 months after the World
 1579 Class Education Standards are substantially revised, as
 1580 determined by the Commissioner of Education. Successful
 1581 completion of inservice points under this sub-subparagraph is
 1582 conditioned upon the employee's passage of a professional
 1583 development competency examination approved by the Commissioner
 1584 of Education which evaluates the employee's comprehension of the
 1585 content and instruction of the World Class Education Standards.

1586 ~~d.e.~~ Include an evaluation component that determines the
 1587 effectiveness of the professional development plan.

1588 6. Include inservice activities for school administrative
 1589 personnel that address updated skills necessary for instructional
 1590 leadership and effective school management under ~~pursuant to~~ s.

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ORIGINAL

2007

1591 1012.986.

1592 7. Provide for systematic consultation with regional and
 1593 state personnel designated to provide technical assistance and
 1594 evaluation of local professional development programs.

1595 8. Provide for delivery of professional development by
 1596 distance learning and other technology-based delivery systems to
 1597 reach more educators at lower costs.

1598 9. Provide for the continuous evaluation of the quality and
 1599 effectiveness of professional development programs in order to
 1600 eliminate ineffective programs and strategies and to expand
 1601 effective ones. Evaluations must consider the impact of such
 1602 activities on the performance of participating educators and
 1603 their students' achievement and behavior.

1604 (12) (a) The State Board of Education shall require the
 1605 statewide standardized delivery of professional development for
 1606 Florida educators on the content and instruction of the World
 1607 Class Education Standards. As the Sunshine State Standards are
 1608 replaced by the World Class Education Standards under s.
 1609 1001.03(1), the Department of Education shall align the
 1610 professional development to the World Class Education Standards.

1611 (b) The professional development delivered under this
 1612 subsection must be measurable for the outcomes of both an
 1613 educator and the educator's students. The Department of Education
 1614 shall use the professional development competency examinations
 1615 required under sub-subparagraph (4) (b)5.c., aligned to
 1616 professional development for the World Class Education Standards,
 1617 as the primary outcome measure for an educator. The department
 1618 shall use annual gains in student academic performance as the
 1619 primary outcome measure for the educator's students.

1620 (13) The State Board of Education shall require the

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1621 statewide standardized delivery of professional development for
 1622 Florida educators on the Florida Comprehensive Assessment Test,
 1623 including, at a minimum, how the test is developed and scored,
 1624 what information is available to parents and students about the
 1625 test, how to use the test specifications and other resources for
 1626 teaching students, the ethics of testing, and the process used in
 1627 grading schools for the state's accountability system.

1628 Section 35. Funding for professional development.--

1629 (1) By January 15, 2008, a school district shall submit to
 1630 the Department of Education, in the format prescribed by the
 1631 department, an inventory of all professional development programs
 1632 offered by the district during the 2006-2007 fiscal year. The
 1633 department shall compile a statewide inventory of the programs
 1634 using the information submitted by each district.

1635 (2)(a) The Department of Education and school districts
 1636 shall give priority in the allocation and use of professional
 1637 development funds provided for the 2008-2009 fiscal year to
 1638 professional development programs on the World Class Education
 1639 Standards which have measurable outcomes, with an emphasis on
 1640 programs delivered through the use of information technology.

1641 (b) By December 31, 2009, a school district shall submit to
 1642 the Department of Education, in the format prescribed by the
 1643 department, a report detailing the district's use of professional
 1644 development funds during the 2008-2009 fiscal year. The report,
 1645 at a minimum, shall identify each program within the district
 1646 which is provided state funds, the portion of the program devoted
 1647 professional development on the World Class Education Standards,
 1648 and, the measurable outcomes of the program.

1649 Section 36. Statewide end-of-course examinations.--

1650 (1) It is the intent of the Legislature that, to enhance

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2007

1651 the goal of student mastery of the essential content knowledge
 1652 expected by the World Class Education Standards, the state shall
 1653 establish high-quality statewide end-of-course examinations.

1654 (2) The Office of Program Policy Analysis and Government
 1655 Accountability shall, by December 1, 2007, submit a report to the
 1656 Governor, the President of the Senate, and the Speaker of the
 1657 House of Representatives on statewide end-of-course examinations.

1658 The report shall:

1659 (a) Review the use by other states of statewide end-of-
 1660 course examinations;

1661 (b) Identify the benefits and challenges of implementing
 1662 statewide end-of-course examinations in this state;

1663 (c) Identify school districts in this state which currently
 1664 administer end-of-course examinations and describe the districts'
 1665 implementation framework, including, but not limited to, how the
 1666 districts use the examination results; the use of technology in
 1667 administering the examinations; the districts' strategies for
 1668 ensuring the rigor of the examinations, test security, and
 1669 updating of the examinations; and the implementation issues
 1670 confronted by the districts;

1671 (d) Identify implementation issues that Florida confronts
 1672 in administering statewide end-of-course examinations.

1673 Section 37. After-school programs.--

1674 (1) The Office of Program Policy Analysis and Government
 1675 Accountability, by January 1, 2008, shall submit a report to the
 1676 Governor, the President of the Senate, and the Speaker of the
 1677 House of Representatives on after-school programs. The report
 1678 shall:

1679 (a) Review different types of public and private after-
 1680 school programs available for families;

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2007

1681 (b) Identify strong accountability measures, including
 1682 outcomes, which could be used to measure the success of after-
 1683 school programs;

1684 (c) Review existing research that analyzes the types of
 1685 after-school programs which provide important educational
 1686 benefits for students and families;

1687 (d) Provide options for providing incentives to create
 1688 public-private partnerships to expand after-school programs;

1689 (e) Review how Florida could maximize federal funding of
 1690 after-school programs, including, but not limited to, an
 1691 examination of current methods for obtaining funding from the
 1692 Federal Government, including grants, and other methods to obtain
 1693 federal funding; and

1694 (f) Options for correcting the state's deficiencies in
 1695 obtaining federal funding for after-school programs, if the
 1696 report finds any deficiencies, and the projected cost of
 1697 implementing the options.

1698 (2) The Office of Program Policy Analysis and Government
 1699 Accountability, in conducting research for the report, shall
 1700 consult with the Department of Education, the Department of
 1701 Children and Family Services, and other interested entities that
 1702 may offer unique experiences and perspectives on after-school
 1703 programs.

1704 Section 38. Public-private partnering.--The Office of
 1705 Program Policy Analysis and Government Accountability, by
 1706 December 1, 2007, shall submit a report to the Governor, the
 1707 President of the Senate, and the Speaker of the House of
 1708 Representatives on facilities construction by school districts.
 1709 The report shall:

1710 (1) Review the amount of sales tax paid by contractors when

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2007

1711 building public school facilities;

1712 (2) Review the estimated impact on sales taxes of
 1713 construction costs; and

1714 (3) Identify mechanisms that the state could use to provide
 1715 tax exemptions for contractors building public school facilities.

1716 Section 39. Public-Private Partnering Task Force.--

1717 (1) There is created the Public-Private Partnering Task
 1718 Force. The task force is composed of the following members: the
 1719 Secretary of Management Services or the secretary's designee, who
 1720 shall serve as chair; the chair of the State Board of Education
 1721 or the chair's designee, who shall serve as vice chair; and five
 1722 members who are not members of the Legislature or school district
 1723 officers or employees and who have a broad variety of business
 1724 experience in public-private partnering. The public-private
 1725 partnering members shall be appointed as follows: one member
 1726 appointed by the Governor, two members appointed by the President
 1727 of the Senate, and two members appointed by Speaker of the House
 1728 of Representatives.

1729 (2) The members of the task force shall be appointed by
 1730 July 1, 2007, and shall convene the initial meeting of the task
 1731 force by August 1, 2007.

1732 (3) The task force is assigned to the Department of
 1733 Management Services for administrative purposes. Members of the
 1734 task force are entitled to per diem and travel expenses under
 1735 section 112.061, Florida Statutes, and are subject to the Code of
 1736 Ethics for Public Officers and Employees under part III of
 1737 chapter 112, Florida Statutes.

1738 (4) The task force shall make recommendations to the
 1739 Governor and the Legislature by February 1, 2008. The
 1740 recommendations must include, but are not limited to, the

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1741 following:

1742 (a) Public-private partnering for school construction,
 1743 leasing, and maintenance:

1744 1. The feasibility and advisability of, and possible
 1745 methodologies for, achieving greater facilities construction and
 1746 maintenance cost efficiencies and reducing construction times
 1747 through public-private partnering.

1748 2. Optimal design and performance standards for safe and
 1749 functional school facilities that are space efficient and
 1750 technologically advanced.

1751 3. Optimal construction standards that ensure appropriate
 1752 industry standards and optimal life cycles, including, but not
 1753 limited to, standards for optimal size of core facility space,
 1754 design-build performance contracting, energy efficiency, and
 1755 life-cycle systems costing.

1756 4. Maintenance, repair, renovation, remodeling, and site
 1757 acquisition standards, guidelines, and protocols.

1758 5. Optimal use of permanent versus relocatable facilities
 1759 and protocols for decisionmaking regarding both facility options.

1760 6. Protocols for regular assessments of facility capacity
 1761 to ensure maximization of space utilization.

1762 7. Energy performance contracting with guaranteed annual
 1763 energy savings.

1764 (b) Public-private partnering for school transportation
 1765 services:

1766 1. Fuel and bus efficiencies.

1767 2. Route planning, times, and design efficiencies.

1768 (c) Public-private partnering for school food services:

1769 1. Relevant federal law and implications.

1770 2. Potential liability issues.

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1771 3. Quality control.
 1772 (5) Upon delivery of its final report and recommendations,
 1773 the task force is abolished.
 1774 Section 40. (1) The sum of \$ is provided from the
 1775 General Revenue Fund to, and positions are authorized for, the
 1776 Department of Education for the 2007-2008 fiscal year for
 1777 purposes of implementing this act.
 1778 (2) The sum of \$ is provided from the General
 1779 Revenue Fund to the Department of Management Services for the
 1780 2007-2008 fiscal year for purposes of implementing section 39 of
 1781 this act.
 1782 Section 41. This act shall take effect July 1, 2007.