Education Council Meeting Packet

Monday, April 10, 2006
10:00 am - 12:00 pm
Morris Hall

Allan G. Bense
Speaker

Dennis K. Baxley
Council Chair

FLORIDA HOUSE OF REPRESENTATIVES

Allan G. Bense, Speaker

Education Council

Dennis Baxley
Chair

Ralph Arza
Vice Chair

Meeting Agenda
Monday, April 10, 2006
Morris Hall
10:00 AM – 12:00 PM

I. Opening Remarks by Chair Baxley

II. Roll Call

III. Consideration of the following bill(s):

HB 19 University Building Designation by Justice
HB 135 CS Charter Schools by Greenstein
HB 263 Florida Prepaid College Program by Mealor
HB 741 CS Florida Center for Solid and Hazardous Waste Management by Greenstein
HB 765 Discounted Computers and Internet Access for Students by Jennings
HB 795 CS Student Financial Assistance by Flores
HB 801 CS Florida Ready to Work Certification Program by Patterson
HB 873 CS Building Designations by Brandenburg
HB 899 Regional Consortium Service Organizations by Richardson
HB 1171 Travel to Terrorist States by Rivera
HB 1237 CS Advanced Science and Technology Research by Mealor
HB 1373 CS Supplemental Educational Services by Attkisson
HB 7119 CS Student Athlete Recruiting by PreK-12 Committee
HB 7039 K-8 Virtual Schools by Choice & Innovation Committee

IV. Closing Comments / Meeting Adjourned

HB 19

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 19 University Building Designation
SPONSOR(S): Justice
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Colleges & Universities Committee	10 Y, 0 N	Davis	Tilton
2) Education Appropriations Committee	18 Y, 0 N	Hamon	Hamon
3) Education Council		Davis	Cobb
4)			
5)			

SUMMARY ANALYSIS

Current law does not permit a state building, road, bridge, park, recreation complex, or similar facility to be named after a living person unless the name designation is approved by law. Pursuant to this requirement, if a university wishes to name a particular building or facility after a living person, the designation must be approved by the Legislature.

The bill permits the University of South Florida St. Petersburg in Pinellas County to designate the building known as Coquina Hall as "H. William Heller Hall" and to erect suitable markers and signs acknowledging this designation. The bill takes effect upon the effective date of the retirement or resignation of H. William Heller from, or the termination of H. William Heller's employment with, the University of South Florida St. Petersburg.

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:

Section 267.062, F.S., provides that no state building, road, bridge, park, recreational complex, or similar facility can be named after a living person unless approved by law. Therefore, if a university wishes to name a particular building or facility after a living person, the designation must be approved by the Legislature.

A section-by-section analysis of the bill follows. The biographical information was provided by the University of South Florida St. Petersburg.

Section 1: The bill designates the building known as Coquina Hall at the University of South Florida St. Petersburg in Pinellas County as "H. William Heller Hall." Coquina Hall currently houses the College of Education. The bill directs the University of South Florida St. Petersburg to erect suitable markers and signs acknowledging the designation.

H. William Heller is a professor at the University of South Florida St. Petersburg. A former Vice President of the St. Petersburg campus, Dr. Heller joined the staff of the University of South Florida in 1992. Since that time, he has been awarded more than $18 million in grants and contracts and is currently responsible for directing, as principle investigator, projects funded in excess of $1 million.

Dr. Heller has been awarded the Presidential Citation for Exemplary Performance as Vice-Chairman of the White House Conference on Handicapped Individuals as well as the Teacher Educator of the Year Award, Teaching Education Division by the Council of Exceptional Children and the Merrill Publishing Company. He was also the recipient of the 1991 E. Wallace Wallin Award by the Council for Exceptional Children. This award, the highest honor bestowed by the Council, is predicated on excellence in leadership, service, and accomplishments in the education of children with exceptionalities. He has been awarded the United Way Alex de Tocqueville Society Volunteer Service Award, the Outstanding Service Award by the U.S. Air Force and U.S. Department of Defense, and the Romaine Mackie Leadership Award in Special Education by the Pioneer Division of the Council for Exceptional Children. In 2002, Dr. Heller was honored by the City of St. Petersburg for a "Decade of Excellence," and August 21, 2002, was proclaimed Bill Heller Day by the City of St. Petersburg. Dr. Heller was recently nominated for the Outstanding Leadership Award in Special Education by the Council for Exceptional Children; the recipient will be announced in April 2006. In addition, Dr. Heller was selected by faculty to become the first recipient of the Excellence in Professional Service Award from the University of South Florida St. Petersburg.

Dr. Heller has served in leadership roles with the Council for Exceptional Children, the American Association for Mental Retardation, the National Board for Professional Teaching Standards, the American Association for Colleges for Teacher Education, and the National Council for Accreditation of Teacher Education. He served two terms as the head of the Faculty Council for the St. Petersburg campus and was selected by the administration to chair the committee to revise the University of South Florida St. Petersburg Strategic Plan. His professional contributions include more than 350 presentations and publications.

Section 2: Provides an effective date of retirement or resignation of H. William Heller from, or the termination of H. William Heller's employment with, the University of South Florida St. Petersburg.

C. SECTION DIRECTORY:

This bill does not create, repeal, or amend any statutory sections. Please refer to Effect of Proposed Changes for a section by section analysis of the bill.

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:

   Please see FISCAL COMMENTS.

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:

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

D. FISCAL COMMENTS:

There will be an insignificant impact associated with the university erecting suitable markers for this name designation.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

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

2. Other:

   This bill does not appear to raise constitutional issues.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

1 A bill to be entitled
2 An act relating to university building designation;
3 designating a building located at the University of South
4 Florida St. Petersburg as "H. William Heller Hall";
5 directing the university to erect suitable markers;
6 providing an effective date.
7
8 WHEREAS, under H. William Heller's leadership, the
9 University of South Florida St. Petersburg has seen new
10 developments, including the addition of lower-division academic
11 programming which advanced the campus from an institution
12 serving only juniors, seniors, and graduate students to a full
13 4-year institution, and
14 WHEREAS, under H. William Heller's leadership, the
15 University of South Florida St. Petersburg initiated the process
16 to achieve separate accreditation from the Southern Association
17 of Colleges and Schools, and
18 WHEREAS, under H. William Heller's leadership, the
19 University of South Florida St. Petersburg expanded course and
20 program offerings so that students now are able to take entire
21 course loads at the University of South Florida St. Petersburg
22 and graduate on a timely basis, and
23 WHEREAS, under H. William Heller's leadership, the
24 University of South Florida St. Petersburg won approval for
25 residence halls on campus, a first for a University of South
26 Florida regional campus, and
27 WHEREAS, under H. William Heller's leadership, the
28 University of South Florida St. Petersburg obtained nearly a 30-

29 percent budget increase as a result of 2002 legislative
30 appropriations, representing a milestone for the campus and
31 providing an opportunity for the university and campus to shape
32 academic programs for years to come, and
33 WHEREAS, under H. William Heller's leadership, the
34 University of South Florida St. Petersburg fostered
35 university/community partnerships with the Florida Humanities
36 Council, YWCA, All Children's Hospital, USGS, Pinellas County
37 schools, City of St. Petersburg, and Bayboro neighbors, and
38 WHEREAS, under H. William Heller's leadership, the
39 University of South Florida St. Petersburg increased diversity
40 among students and faculty, realizing a gain of 20.5 percent in
41 minority recruitment, and
42 WHEREAS, under H. William Heller's leadership, the
43 University of South Florida St. Petersburg expanded disability
44 services, and
45 WHEREAS, under H. William Heller's leadership, the
46 University of South Florida St. Petersburg implemented a
47 successful SAT preparation program for minorities, increasing
48 student SAT scores by an average of more than 100 points, and
49 WHEREAS, under H. William Heller's leadership, the
50 University of South Florida St. Petersburg completed an economic
51 impact study with projections to 2012, and
52 WHEREAS, under H. William Heller's leadership, the
53 University of South Florida St. Petersburg initiated and
54 completed revision of the 1994-1995 master plan for the campus,
55 and

56 WHEREAS, under H. William Heller's leadership, the
57 University of South Florida St. Petersburg increased access to
58 University of South Florida offerings throughout Pinellas County
59 by offering as many as 10 off-campus sites, and
60 WHEREAS, under H. William Heller's leadership, the
61 University of South Florida St. Petersburg increased student
62 enrollment by 55 percent in 5 years, surpassing FTE enrollment
63 goals, and
64 WHEREAS, under H. William Heller's leadership, the
65 University of South Florida St. Petersburg tripled enrollment in
66 the Honors Program in 2 years, and
67 WHEREAS, under H. William Heller's leadership, the
68 University of South Florida St. Petersburg implemented three new
69 degree programs, and
70 WHEREAS, under H. William Heller's leadership, the
71 University of South Florida St. Petersburg nearly tripled the
72 number of faculty members, and
73 WHEREAS, under H. William Heller's leadership, the
74 University of South Florida St. Petersburg developed a
75 responsive governance infrastructure for the campus,
76 establishing the first A&P and USPS councils, as well as the
77 Vice President's Council, and
78 WHEREAS, under H. William Heller's leadership, the
79 University of South Florida St. Petersburg spearheaded the Urban
80 Initiative, and
81 WHEREAS, under H. William Heller's leadership, the
82 University of South Florida St. Petersburg implemented a St.

83 Petersburg College presence on campus that provides educational
84 opportunities for approximately 500 students, and
85 WHEREAS, under H. William Heller's leadership, the
86 University of South Florida St. Petersburg created an internal
87 infrastructure that permits greater input into campus
88 decisionmaking by all groups on campus, and
89 WHEREAS, under H. William Heller's leadership, the
90 University of South Florida St. Petersburg promoted the offering
91 of Saturday classes on campus, and
92 WHEREAS, under H. William Heller's leadership, the
93 University of South Florida St. Petersburg increased external
94 funding exponentially, and
95 WHEREAS, the Legislature finds it appropriate to honor H.
96 William Heller's leadership and contributions to the University
97 of South Florida St. Petersburg and the Tampa Bay community,
98 NOW, THEREFORE,
99
100 Be It Enacted by the Legislature of the State of Florida:
101
102 Section 1. <u>(1) The building known as Coquina Hall,</u>
103 <u>located on the campus of the University of South Florida St.</u>
104 <u>Petersburg in Pinellas County, is designated "H. William Heller</u>
105 <u>Hall."</u>
106 <u>(2) The University of South Florida St. Petersburg is</u>
107 <u>directed to erect suitable markers designating H. William Heller</u>
108 <u>Hall as described in subsection (1).</u>
109 Section 2. This act shall take effect upon the effective
110 date of the retirement or resignation of H. William Heller from,

111 or the termination of H. William Heller's employment with, the
112 University of South Florida St. Petersburg.

Bill No. **0019**

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	____	

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1 Council/Committee hearing bill: Education Council
2 Representative(s) Justice and Galvano offered the following:
3
4 **Amendment (with title amendment)**
5 Remove everything after the enacting clause and insert:
6 Section 1. (1) The building known as Coquina Hall,
7 located on the campus of the University of South Florida St.
8 Petersburg in Pinellas County, is designated "H. William Heller
9 Hall."
10 (2) The University of South Florida St. Petersburg is
11 directed to erect suitable markers designating H. William Heller
12 Hall as described in subsection (1).
13 (3) This section shall take effect upon the effective date
14 of the retirement or resignation of H. William Heller from, or
15 the termination of H. William Heller's employment with, the
16 University of South Florida St. Petersburg.
17 Section 2. Joseph P. D'Alessandro Office Complex
18 designated; Department of Management Services to erect suitable
19 markers.--

20 (1) The State of Florida Office Complex at 2295 Victoria
21 Avenue in Fort Myers, Lee County, is designated as the "Joseph
22 P. D'Alessandro Office Complex."
23 (2) The Department of Management Services is directed to
24 erect suitable markers designating the Joseph P. D'Alessandro
25 Office Complex as described in subsection (1).
26 Section 3. John M. McKay Visitors' Pavilion designated;
27 Florida State University to erect suitable markers.--
28 (1) The proposed entrance pavilion at the John and Mabel
29 Ringling Museum of Art at the Florida State University Center
30 for Cultural Arts in Sarasota is designated as the "John M.
31 McKay Visitors' Pavilion."
32 (2) Florida State University is authorized to erect
33 suitable markers designating the John M. McKay Visitors'
34 Pavilion as described in subsection (1).
35 Section 4. Reubin O'D. Askew Student Life Center
36 designated; Florida State University to erect suitable
37 markers.--
38 (1) The Student Life Building at Florida State University
39 is designated as the "Reubin O'D. Askew Student Life Center."
40 (2) Florida State University is authorized to erect
41 suitable markers designating the Reubin O'D. Askew Student Life
42 Center as described in subsection (1).
43 Section 5. Sherrill Williams Ragans Hall designated;
44 Florida State University to erect suitable markers.--
45 (1) The new residence hall complex at Florida State
46 University, located at 921 College Avenue, is designated as
47 "Sherrill Williams Ragans Hall."

48 (2) Florida State University is authorized to erect
49 suitable markers designating Sherrill Williams Ragans Hall as
50 described in subsection (1).
51 Section 6. John Thrasher Building designated; Florida
52 State University to erect suitable markers.--
53 (1) The Education and Administration Building at the
54 Florida State University College of Medicine is designated as
55 the "John Thrasher Building."
56 (2) Florida State University is authorized to erect
57 suitable markers designating the John Thrasher Building as
58 described in subsection (1).
59 Section 7. Mike Martin Field at Dick Howser Stadium
60 designated; Florida State University to erect suitable
61 markers.--
62 (1) The baseball field at Florida State University is
63 designated as the "Mike Martin Field at Dick Howser Stadium."
64 (2) Florida State University is authorized to erect
65 suitable markers designating the Mike Martin Field at Dick
66 Howser Stadium as described in subsection (1).
67 Section 8. JoAnne Graf Softball Field designated; Florida
68 State University to erect suitable markers.--
69 (1) The softball field at Florida State University is
70 designated as the "JoAnne Graf Field."
71 (2) Florida State University is authorized to erect
72 suitable markers designating the JoAnne Graf Field as described
73 in subsection (1).
74 Section 9. Powell Family Structures and Materials
75 Laboratory designated; University of Florida to erect suitable
76 markers.--

77 (1) The new Structures and Materials Research Laboratory
78 for the College of Engineering at the University of Florida is
79 designated as the "Powell Family Structures and Materials
80 Laboratory."
81 (2) The University of Florida is directed to erect
82 suitable markers designating the Powell Family Structures and
83 Materials Laboratory as described in subsection (1).
84 Section 10. Steinbrenner Band Hall designated; University
85 of Florida to erect suitable markers.--
86 (1) The proposed band rehearsal facility at the University
87 of Florida is designated as "Steinbrenner Band Hall."
88 (2) The University of Florida is directed to erect
89 suitable markers designating Steinbrenner Band Hall as described
90 in subsection (1).
91 Section 11. Jim and Alexis Pugh Hall designated;
92 University of Florida to erect suitable markers.--
93 (1) The building that will house the Graham Center and
94 other programs at the University of Florida to be built near
95 Newell Hall is designated as "Jim and Alexis Pugh Hall."
96 (2) The University of Florida is directed to erect
97 suitable markers which shall read "Pugh Hall."
98 Section 12. L. E. "Red" Larson Dairy Science Building
99 designated; University of Florida to erect suitable markers.--
100 (1) The Dairy Science Building at the University of
101 Florida is designated as the "L. E. 'Red' Larson Dairy Science
102 Building."
103 (2) The University of Florida is directed to erect
104 suitable markers which shall read "Larson Hall."
105 Section 13. Kleist Health Education Center designated;
106 Florida Gulf Coast University to erect suitable markers.--

107 (1) The student community educational facility for health
108 at Florida Gulf Coast University is designated as "Kleist Health
109 Education Center."
110 (2) Florida Gulf Coast University is directed to erect
111 suitable markers designating the Kleist Health Education Center
112 as described in subsection (1).
113 Section 14. Herbert J. Sugden Hall designated; Florida
114 Gulf Coast University to erect suitable markers.--
115 (1) The Resort and Hospitality Management Program facility
116 is designated as "Herbert J. Sugden Hall."
117 (2) Florida Gulf Coast University is directed to erect
118 suitable markers designating the Herbert J. Sugden Hall as
119 described in subsection (1).
120 Section 15. Holmes Hall designated; Florida Gulf Coast
121 University to erect suitable markers.--
122 (1) The engineering program facility at Florida Gulf Coast
123 University is designated as "Holmes Hall."
124 (2) Florida Gulf Coast University is directed to erect
125 suitable markers designating the Holmes Hall as described in
126 subsection (1).
127 Section 16. Lutgert Hall designated; Florida Gulf Coast
128 University to erect suitable markers.--
129 (1) The College of Business facility at Florida Gulf Coast
130 University is designated as "Lutgert Hall."
131 (2) Florida Gulf Coast University is directed to erect
132 suitable markers designating the Lutgert Hall as described in
133 subsection (1).
134 Section 17. Marleen and Harold Forkas Alumni Center
135 designated; Florida Atlantic University to erect suitable
136 markers.--

137 (1) The new alumni center at the Boca Raton campus of
138 Florida Atlantic University is designated as the "Marleen and
139 Harold Forkas Alumni Center."
140 (2) Florida Atlantic University is directed to erect
141 suitable markers designating the Marleen and Harold Forkas
142 Alumni Center as described in subsection (1).
143 Section 18. Patricia and Phillip Frost Art Museum
144 designated; Florida International University to erect suitable
145 markers.--
146 (1) The art museum on the campus of Florida International
147 University, University Park Campus in Miami, is designated as
148 the "Patricia and Phillip Frost Art Museum."
149 (2) Florida International University is directed to erect
150 suitable markers designating the Patricia and Phillip Frost Art
151 Museum as described in subsection (1).
152 Section 19. John S. Curran, M.D., Children's Health Center
153 designated; University of South Florida to erect suitable
154 markers.--
155 (1) Notwithstanding s. 267.062, Florida Statutes, the
156 building located at the University of South Florida which will
157 house the Children's Medical Services of the Department of
158 Health is designated as the "John S. Curran, M.D., Children's
159 Health Center."
160 (2) The University of South Florida is directed to erect
161 suitable markers designating the John S. Curran, M.D.,
162 Children's Health Center as described in subsection (1).
163 (3) This section shall take effect upon the effective date
164 of the retirement or resignation of John S. Curran from, or the
165 termination of his employment with, the University of South
166 Florida.

167 Section 20. William W. "Bill" Hinkley Center for Solid and
168 Hazardous Waste Management designated; Department of
169 Environmental Protection to erect suitable markers.--
170 (1) The Florida Center for Solid and Hazardous Waste
171 Management in Gainesville is designated as the "William W.
172 'Bill' Hinkley Center for Solid and Hazardous Waste Management."
173 (2) The Department of Environmental Protection, in
174 coordination with the University of Florida and the University
175 of Florida Foundation, shall erect suitable markers designating
176 the William W. "Bill" Hinkley Center for Solid and Hazardous
177 Waste Management as described in subsection (1).
178 Section 21. (1) The Florida Agricultural and Mechanical
179 University-Florida State University College of Engineering
180 Building in Tallahassee is designated as the "Herbert F. Morgan
181 Building."
182 (2) Florida Agricultural and Mechanical University and
183 Florida State University may erect markers for designating the
184 Herbert F. Morgan Building as described in subsection (1).
185 Section 22. (1) The School of Business and Industry
186 Building at Florida Agricultural and Mechanical University is
187 designated as the "Sybil C. Mobley Business Building."
188 (2) Florida Agricultural and Mechanical University is
189 directed to erect suitable markers designating the Sybil C.
190 Mobley Business Building.
191 Section 23. (1) The new Allied Health Building at Florida
192 Agricultural and Mechanical University is designated as the
193 "Margaret W. Lewis/Jacqueline B. Beck Allied Health Building."
194 (2) Florida Agricultural and Mechanical University is
195 directed to erect suitable markers designating the Margaret W.
196 Lewis/Jacqueline B. Beck Allied Health Building.

197 Section 24. (1) The Architecture Building at Florida
198 Agricultural and Mechanical University is designated as the
199 "Walter L. Smith Architecture Building."
200 (2) Florida Agricultural and Mechanical University is
201 directed to erect suitable markers designating the Walter L.
202 Smith Architecture Building.
203 Section 25. (1) The Archives Building at Florida
204 Agricultural and Mechanical University is designated as the
205 "Carrie Meek/James N. Eaton, Sr., Southeastern Regional Black
206 Archives Research Center and Museum."
207 (2) Florida Agricultural and Mechanical University is
208 directed to erect suitable markers designating the Carrie
209 Meek/James N. Eaton, Sr., Southeastern Regional Black Archives
210 Research Center and Museum.
211 Section 26. Hodges Stadium designated; University of North
212 Florida to erect suitable markers.--
213 (1) The Multipurpose Classroom Building Number 46 at the
214 University of North Florida is designated as "Hodges Stadium."
215 (2) The University of North Florida is authorized to erect
216 suitable markers designating Hodges Stadium as described in
217 subsection (1).
218 Section 27. Except as otherwise expressly provided in this
219 act, this act shall take effect July 1, 2006.
220
221
222 ========== T I T L E A M E N D M E N T ==========
223 Remove everything before the enacting clause and insert:
224 A bill to be entitled
225 An act relating to building designations; designating a
226 building located at the University of South Florida St.

227 Petersburg as "H. William Heller Hall"; directing the
228 University of South Florida St. Petersburg to erect
229 suitable markers; designating a building in Lee County as
230 the Joseph P. D'Alessandro Office Complex; directing the
231 Department of Management Services to erect suitable
232 markers; designating the John M. McKay Visitors' Pavilion
233 at the John and Mabel Ringling Museum of Art at the
234 Florida State University Center for Cultural Arts;
235 designating the Reubin O'D. Askew Student Life Center, the
236 Sherrill Williams Ragans Hall, the John Thrasher Building,
237 the Mike Martin Field at Dick Howser Stadium, and the
238 JoAnne Graf Softball Field at Florida State University;
239 authorizing Florida State University to erect markers;
240 designating the Powell Family Structures and Materials
241 Laboratory, the Steinbrenner Band Hall, the Jim and Alexis
242 Pugh Hall, and the L. E. "Red" Larson Dairy Science
243 Building at the University of Florida; directing the
244 University of Florida to erect suitable markers;
245 designating the Kleist Health Education Center, the
246 Herbert J. Sugden Hall, Holmes Hall, and Lutgert Hall at
247 Florida Gulf Coast University; directing Florida Gulf
248 Coast University to erect suitable markers; designating
249 the new alumni center at the Boca Raton campus of Florida
250 Atlantic University as the "Marleen and Harold Forkas
251 Alumni Center"; directing Florida Atlantic University to
252 erect suitable markers; designating the art museum at the
253 University Park campus of Florida International University
254 as the "Patricia and Phillip Frost Art Museum"; directing
255 Florida International University to erect suitable
256 markers; designating the John S. Curran, M.D., Children's

257 Health Center at the University of South Florida;
258 directing the University of South Florida to erect
259 suitable markers; designating the Florida Center for Solid
260 and Hazardous Waste Management as the "William W. 'Bill'
261 Hinkley Center for Solid and Hazardous Waste Management";
262 directing the Department of Environmental Protection to
263 erect suitable markers; designating the FAMU-FSU College
264 of Engineering Building as the "Herbert F. Morgan
265 Building"; authorizing Florida Agricultural and Mechanical
266 University and Florida State University to erect markers;
267 designating the School of Business and Industry Building
268 at Florida Agricultural and Mechanical University as the
269 "Sybil C. Mobley Business Building"; providing for the
270 erection of markers; designating the Allied Health
271 Building at Florida Agricultural and Mechanical University
272 as the "Margaret W. Lewis/Jacqueline B. Beck Allied Health
273 Building"; providing for the erection of markers;
274 designating the Architecture Building at Florida
275 Agricultural and Mechanical University as the "Walter L.
276 Smith Architecture Building"; providing for the erection
277 of markers; designating the Archives Building at Florida
278 Agricultural and Mechanical University as the "Carrie
279 Meek/James N. Eaton, Sr., Southeastern Regional Black
280 Archives Research Center and Museum"; providing for the
281 erection of markers; designating the Multipurpose
282 Classroom Building Number 46 at the University of North
283 Florida as "Hodges Stadium"; authorizing the University of
284 North Florida to erect markers; providing effective dates.

HB 135 CS

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 135 CS Charter Schools
SPONSOR(S): Greenstein
TIED BILLS: None **IDEN./SIM. BILLS:** SB 1030

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Choice & Innovation Committee	7 Y, 0 N, w/CS	Hunker	Kooi
2) Civil Justice Committee	7 Y, 0 N	Shaddock	Bond
3) Education Appropriations Committee	18 Y, 0 N	Eggers	Hamon
4) Education Council		Hunker	Cobb
5)			

SUMMARY ANALYSIS

This bill provides that a district school board sponsor of a charter school will not be held liable for civil damages for actions or omissions committed by the charter school's governing board, its officers, or employees.

This bill also provides that the sponsor's duty to monitor a charter school may not be used as the basis for a lawsuit against the sponsor. However, a school district sponsor remains subject to tort liability for acts or omissions under the sponsor's direct authority. This bill further insulates a school district from assumption of contractual debts of the charter school to cover all contracts made between the charter school governing body and a third party.

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

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide limited government -- This bill reduces the contractual liability of school district sponsors for the contracts of charter schools.

B. EFFECT OF PROPOSED CHANGES:

Background

Charter schools are public schools that operate under a performance contract, or a "charter," entered into with a sponsoring school district. The charter school statute (s. 1002.33, F.S.) frees a charter school from many regulations created for traditional public schools while holding such a charter school accountable for academic and financial results.

Current Law

School Board Sponsor Liability

Section 1002.33, F.S. is silent with respect to whether a sponsor school district can be held liable for the acts and omissions of charter schools or their agents, employees or governing board. In *P.J. v. Gordon*, the United States District Court for the Southern District of Florida ruled that the school board's statutory responsibilities for approving the school's charter and monitoring its implementation do not subject it to civil liability for actions and omissions relating to the day-to-day management of the charter school.[1] The court noted the district sponsor's statutory duties involve ensuring academic accountability, monitoring revenues and expenditures, and approving and monitoring the provisions of the charter agreement. The court specifically ruled that s.1002.33, F.S. imposes no duty on the school board sponsor to monitor or supervise the hiring, training or supervision of the charter school's employees or to ensure that the charter school maintains adequate procedures for ensuring the safety and welfare of its students.[2]

Sovereign Immunity

"Article X, section 13 of the Florida Constitution provides 'absolute immunity for the state and its agencies absent waiver by legislative enactment or a constitutional amendment.'"[3] Section 768.28(5), F.S., provides a limited waiver of the state's sovereign immunity by making the state and its agencies and subdivisions liable for tort claims in the same manner and to the same extent as a private individual under the circumstances. Florida's Fourth District Court of Appeal recently affirmed that certain discretionary, planning-level decisions of a school board remain immune from tort liability.[4]

Contract Liability

In the event of a non-renewal or termination of a charter, s. 1002.33, F.S. currently prevents a district from assuming any of the charter school's debts for service contracts, except where the district and the

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[1] *P.J. v. Gordon*, 359 F.Supp. 2d 1347, 1351 (SD Fla. 2005).
[2] *Id.* at 1349-50.
[3] *Orlando v. Broward County*, 920 So. 2d 54 (Fla. 4th DCA 2005) (quoting *Cir Ct. of the Twelfth Jud. Cir. v. Dep't of Natural Resources*, 339 So. 2d 1113, 1114 (Fla. 1976).
[4] *Id.* (citing *Commercial Carrier Corp. v. Indian River County*, 371 So. 2d 1010, 1022 (Fla. 1979)(holding that although s. 768.28 evinces the intent of the legislature to waive sovereign immunity on a broad basis, nevertheless, certain "discretionary" governmental functions remain immune from tort liability)).

charter school governing board previously agreed in detail in writing that the district would assume the debt.

Effect of Bill

This bill codifies the court's ruling in *P.J.* with regard to the district's immunity from suit for day-to-day operations (acts and omissions) of a charter school as well as employment actions of a charter school. The bill further provides the district with protection from any private cause of action based on the monitoring responsibilities of the district with regard to any charter school it sponsors.

In the context of charter schools, to the extent a sponsor school district's monitoring duties may be properly characterized as "discretionary" or "planning-level," they may already be immune from tort liability under the doctrine of sovereign immunity. The bill serves as legislative intent *not* to waive sovereign immunity for such duties.

This bill expands the contract limitation to include all contractual debts of the charter school, not just those for services. Finally, the bill includes a provision that school district sponsors remain subject to liability for acts or omissions under the sponsor's direct authority as described in s. 1002.33, F.S.

C. SECTION DIRECTORY:

Section 1, amends s. 1022.33, F.S. relating to charter schools.

Section 2, provides an effective date of July 1, 2006.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

   None.

2. Expenditures:

   None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

   None.

2. Expenditures:

   None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not appear to require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor reduce the percentage of state tax shared with counties or municipalities.

2. Other:

Access to Courts

Article I, section 21 of the Florida Constitution provides: "The courts shall be open to every person for redress of any injury, and justice shall be administered without sale, denial or delay."[5] In *Kluger v. White*,[6] the Florida Supreme Court held that where a right to access the courts for redress for a particular injury predates the adoption of the access to courts provision in the 1968 state constitution, the Legislature cannot abolish the right without providing a reasonable alternative unless the Legislature can show an overpowering public necessity to abolish the right and no alternative method of meeting such public necessity.[7]

Based on the ruling by the court in *P.J. v. Gordon* it does not appear that a person has a cause of action to sue a school board for the torts of a charter school. To the extent that this bill merely codifies existing law, it may not implicate the access to court provision.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

On March 7, 2006, the Choice and Innovation Committee adopted one amendment and reported the bill favorably with a Committee Substitute (CS). The amendment narrowed the scope of the expression of intent not to waive sovereign immunity.

[5] *See generally* 10A Fla. Jur. 2d, Constitutional Law, ss. 360-69.
[6] *Kluger v. White*, 281 So. 2d 1 (Fla. 1973).
[7] *Kluger* at 4.

CHAMBER ACTION

The Choice & Innovation Committee recommends the following:

Council/Committee Substitute

Remove the entire bill and insert:

A bill to be entitled

An act relating to charter schools; amending s. 1002.33, F.S.; providing that the sponsor of a charter school shall not be liable for civil damages for certain actions; providing that the duty to monitor a charter school shall not be the basis for a private cause of action; prescribing limits on immunities of a charter school sponsor; expanding a school district's immunity from assumption of contractual debts; providing an effective date.

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

Section 1. Paragraph (b) of subsection (5) and paragraph (f) of subsection (8) of section 1002.33, Florida Statutes, are amended to read:

1002.33 Charter schools.--

(5) SPONSOR; DUTIES.--

(b) Sponsor duties.--

24 1.a. The sponsor shall monitor and review the charter
25 school in its progress toward the goals established in the
26 charter.
27 b.~~2.~~ The sponsor shall monitor the revenues and
28 expenditures of the charter school.
29 c.~~3.~~ The sponsor may approve a charter for a charter
30 school before the applicant has secured space, equipment, or
31 personnel, if the applicant indicates approval is necessary for
32 it to raise working capital.
33 d.~~4.~~ The sponsor's policies shall not apply to a charter
34 school.
35 e.~~5.~~ The sponsor shall ensure that the charter is
36 innovative and consistent with the state education goals
37 established by s. 1000.03(5).
38 f.~~6.~~ The sponsor shall ensure that the charter school
39 participates in the state's education accountability system. If
40 a charter school falls short of performance measures included in
41 the approved charter, the sponsor shall report such shortcomings
42 to the Department of Education.
43 g. The sponsor shall not be liable for civil damages under
44 state law for personal injury, property damage, or death
45 resulting from an act or omission of an officer, employee,
46 agent, or governing body of the charter school.
47 h. The sponsor shall not be liable for civil damages under
48 state law for any employment actions taken by an officer,
49 employee, agent, or governing body of the charter school.
50 i. The sponsor's duties to monitor the charter school
51 shall not constitute the basis for a private cause of action.

52 2. Immunity for the sponsor of a charter school under
53 subparagraph 1. applies only with respect to acts or omissions
54 not under the sponsor's direct authority as described in this
55 section.
56 3. Nothing contained in this paragraph shall be considered
57 a waiver of sovereign immunity by a district school board.
58
59 A community college may work with the school district or school
60 districts in its designated service area to develop charter
61 schools that offer secondary education. These charter schools
62 must include an option for students to receive an associate
63 degree upon high school graduation. District school boards shall
64 cooperate with and assist the community college on the charter
65 application. Community college applications for charter schools
66 are not subject to the time deadlines outlined in subsection (6)
67 and may be approved by the district school board at any time
68 during the year. Community colleges shall not report FTE for any
69 students who receive FTE funding through the Florida Education
70 Finance Program.
71 (8) CAUSES FOR NONRENEWAL OR TERMINATION OF CHARTER.--
72 (f) If a charter is not renewed or is terminated, the
73 charter school is responsible for all debts of the charter
74 school. The district may not assume the debt from any contract
75 ~~for services~~ made between the governing body of the school and a
76 third party, except for a debt that is previously detailed and
77 agreed upon in writing by both the district and the governing
78 body of the school and that may not reasonably be assumed to
79 have been satisfied by the district.

80 Section 2. This act shall take effect July 1, 2006.

HB 263

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 263 Florida Prepaid College Program
SPONSOR(S): Mealor
TIED BILLS: **IDEN./SIM. BILLS:** SB 550

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Colleges & Universities Committee	9 Y, 0 N	Davis	Tilton
2) Education Appropriations Committee	17 Y, 0 N	Hammock	Hamon
3) Education Council		Davis	Cobb
4)			
5)			

SUMMARY ANALYSIS

The bill removes a restriction on the types of postsecondary educational institutions at which a qualified beneficiary may use his or her benefits under the Florida Prepaid College Program (Florida Prepaid). The bill deletes the requirement that an accredited independent college or university in the state of Florida be not-for-profit in order to be eligible for the transfer of benefits.

The bill appears to have no fiscal impact on state or local government and a positive fiscal impact on the private sector. See the FISCAL ANALYSIS section for further details.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Safeguard individual liberty- The bill removes the restriction that an accredited independent college or university in the state of Florida be not-for-profit to be eligible for the transfer of benefits, thereby expanding the number of choices available to beneficiaries of the Florida Prepaid College Plan.

B. EFFECT OF PROPOSED CHANGES:

Background

The Florida Prepaid College Program (Florida Prepaid) is a state program created to encourage families to save for the expenses of higher education. It was established in 1987 to allow Florida residents to pay the cost of higher education in advance at a fixed level and with statutory state guarantee.[1]

The program allows the purchaser to establish an account for a beneficiary (the student) and to lock in the future cost of a two-year community college program, a four-year university program, or a combination of two years of each. Local fee and dormitory plans may be purchased in addition to the tuition plans. Account holders may make lump sum or periodic payments. Prices are based on the beneficiary's age and actuarial assumptions about rates of tuition, fee, and dormitory cost inflation and investment return.[2]

Florida Prepaid is the largest program of its type in the nation. As of June 2005, the program has sold 1,052,080 contracts.[3] Florida Prepaid is administered by the Florida Prepaid College Board (the Board), which is administratively housed in the State Board of Administration (SBA). The SBA provides administrative and investment services and approves the Board's Comprehensive Investment Strategy. Otherwise, the Board operates independently.[4]

Currently, a qualified beneficiary may apply the benefits of an advance payment contract toward:

- An independent college or university that is located and chartered in Florida that is not-for-profit, that is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools (SACS) or the Accrediting Council for Independent Colleges and Schools (ACICS), and that confers degrees in accordance with s. 1005.02, F.S.;
- An out-of-state college or university that is not-for-profit and is accredited by a regional accrediting association and that confers degrees; or
- An applied technology diploma program or career certificate program conducted by a community college listed in s. 1004.02(2), F.S., or a career center operated by a district school board.

Effect of Proposed Changes

The bill removes the requirement that an accredited independent college or university in the state of Florida be not-for-profit to be eligible for the transfer of Florida Prepaid benefits. The not-for-profit requirement remains in effect for out-of-state colleges and universities.

According to Department of Education and Florida Prepaid representatives, removing the not-for-profit requirement would make at least 17 additional institutions eligible for the transfer of benefits.

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[1] See s. 1009.97, F.S.
[2] See s. 1009.98, F.S.
[3] Florida Prepaid College Board
[4] See ss. 1009.971 and 1009.973, F.S.

The bill provides an effective date of July 1, 2006.

C. SECTION DIRECTORY:

Section 1: Amends paragraph (a) of subsection (3) of s. 1009.98, F.S., deleting the requirement that an accredited independent college or university in the state of Florida be a not-for-profit institution to be eligible for transfer of benefits.

Section 2: Provides an effective date of July 1, 2006.

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

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:

The bill appears to have a positive fiscal impact on the private sector. The transfer of benefits to an accredited for-profit institution provides contract purchasers with increased flexibility and may increase enrollment at such institutions.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

   The bill does not require a municipality or county to spend funds or to take any action requiring the expenditure of funds.

2. Other:

   None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

1 A bill to be entitled
2 An act relating to the Florida Prepaid College Program;
3 amending s. 1009.98, F.S.; deleting the requirement that
4 an independent college or university be a not-for-profit
5 institution to be eligible for transfer of benefits;
6 providing an effective date.
7
8 Be It Enacted by the Legislature of the State of Florida:
9
10 Section 1. Paragraph (a) of subsection (3) of section
11 1009.98, Florida Statutes, is amended to read:
12 1009.98 Florida Prepaid College Program.--
13 (3) TRANSFER OF BENEFITS TO PRIVATE AND OUT-OF-STATE
14 COLLEGES AND UNIVERSITIES AND TO CAREER CENTERS.--A qualified
15 beneficiary may apply the benefits of an advance payment
16 contract toward:
17 (a) An independent college or university that is located
18 and chartered in Florida, ~~that is not for profit,~~ that is
19 accredited by the Commission on Colleges of the Southern
20 Association of Colleges and Schools or the Accrediting Council
21 for Independent Colleges and Schools, and that confers degrees
22 as defined in s. 1005.02.
23
24 The board shall transfer or cause to be transferred to the
25 institution designated by the qualified beneficiary an amount
26 not to exceed the redemption value of the advance payment
27 contract at a state postsecondary institution. If the cost of
28 registration or housing fees at such institution is less than

29 the corresponding fees at a state postsecondary institution, the
30 amount transferred may not exceed the actual cost of
31 registration and housing fees. A transfer authorized under this
32 subsection may not exceed the number of semester credit hours or
33 semesters of dormitory residence contracted on behalf of a
34 qualified beneficiary. Notwithstanding any other provision in
35 this section, an institution must be an "eligible educational
36 institution" under s. 529 of the Internal Revenue Code to be
37 eligible for the transfer of advance payment contract benefits.
38 Section 2. This act shall take effect July 1, 2006.

HB 741 CS

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 741 CS Florida Center for Solid and Hazardous Waste Management
SPONSOR(S): Greenstein
TIED BILLS: **IDEN./SIM. BILLS:** SB 876

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Colleges & Universities Committee	10 Y, 0 N, w/CS	Davis	Tilton
2) Education Appropriations Committee	18 Y, 0 N	Hamon	Hamon
3) Education Council		Davis	Cobb
4)			
5)			

SUMMARY ANALYSIS

This bill designates the Florida Center for Solid and Hazardous Waste Management as the "William W. 'Bill' Hinkley Center for Solid and Hazardous Waste Management" and directs the Department of Environmental Protection, in coordination with the University of Florida and the University of Florida Foundation, to erect suitable markers acknowledging the designation. The bill provides an effective date of July 1, 2006.

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:

A section-by-section analysis of the bill follows. The biographical information was provided by the sponsor of the proposed designation.

Section 1: The bill designates the Florida Center for Solid and Hazardous Waste Management (FCSHWM) as the "William W. 'Bill' Hinkley Center for Solid and Hazardous Waste Management." The Department of Environmental Protection, in coordination with the University of Florida and the University of Florida Foundation, is directed to erect suitable markers reflecting this designation.

The FCSHWM was created by the Legislature in 1988 as a Type I center to coordinate research, training, and service activities related to waste management.[1] The center is responsible for coordinating research efforts at Florida's universities, providing information and technical assistance to government, business, and industry, and fulfilling public needs in the area of waste management.[2] The center is housed at the University of Florida in Gainesville.

The FCSHWM works closely with 9 universities in an effort to fulfill their two major objectives: 1) to develop and test innovative, low-cost, and environmentally sound methods to manage solid and hazardous waste; and 2) to present research results to public and private sectors to develop practical solutions for waste management problems. The center also has a strong research relationship with the Department of Environmental Protection (DEP).

William W. "Bill" Hinkley was employed at the DEP for almost thirty years, serving most recently as the Chief of the Bureau of Solid and Hazardous Waste. A champion of environmental protection, he was responsible for the drafting and enactment of the 1988 Solid Waste Management Act, the growth of the Florida recycling program, and the development of several regulations governing hazardous waste.

Mr. Hinkley was also involved in several national activities aimed at environmental protection, including the U.S. Environmental Protection Agency, the Energy Research Advisory Board of the U.S. Department of Energy, and the National Recycling Coalition.

For his dedication to environmental protection, Mr. Hinkley earned many awards and recognitions. In 2004, he became an honorary member of the Solid Waste Association of America (SWANA). He also earned such honors as being named the Conservationist of the Year by the Florida Wildlife Federation, receiving the Outstanding Contribution Award from SWANA, and receiving a Special Recognition Award from Keep Florida Beautiful, Inc. Mr. Hinkley was also highly regarded among his peers and colleagues, being recognized for Sustained Exemplary Performance in 1999 and being named the DEP Employee of the Year in 2001.

Bill Hinkley passed away on September 12, 2005.

Section 2: Provides an effective date of July 1, 2006.

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[1] s. 1004.47, F.S.

[2] http://www.floridacenter.org/about1.htm, Florida Center for Solid and Hazardous Waste Management, About the Center.

C. SECTION DIRECTORY:

This bill does not create, repeal, or amend any statutory sections. Please refer to EFFECT OF PROPOSED CHANGES for a section by section analysis of the bill.

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:

   Please see FISCAL COMMENTS.

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:

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

D. FISCAL COMMENTS:

There will be an insignificant impact associated with the Department of Environmental Protection, the University of Florida, and the University of Florida Foundation erecting suitable markers for the name designation.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

   The bill does not require a city or county to spend funds or to take any action requiring the expenditure of funds.

2. Other:

   This bill does not appear to raise constitutional issues.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

On March 7, 2006, the Colleges and Universities Committee adopted an amendment to HB 741. The bill was reported favorable with a Committee Substitute (CS). The CS directs the Department of Environmental Protection, in coordination with the University of Florida and the University of Florida Foundation, to erect suitable markers reflecting the designation of the Florida Center for Solid and Hazardous Waste Management as the "William W. 'Bill' Hinkley Center for Solid and Hazardous Waste Management."

CHAMBER ACTION

The Colleges & Universities Committee recommends the following:

Council/Committee Substitute

Remove the entire bill and insert:

A bill to be entitled

An act relating to the Florida Center for Solid and Hazardous Waste Management; designating the Florida Center for Solid and Hazardous Waste Management as the William W. "Bill" Hinkley Center for Solid and Hazardous Waste Management; directing the Department of Environmental Protection, in coordination with the University of Florida and the University of Florida Foundation, to erect suitable markers; providing an effective date.

WHEREAS, efforts to conserve and recycle the natural resources of this state have been well served by the tireless efforts of William W. "Bill" Hinkley throughout his career of public service, and

WHEREAS, Mr. Bill Hinkley has provided leadership, candor, and enthusiasm to the public debate at federal, state, and local levels of government on matters concerning solid and hazardous waste management, and

23 WHEREAS, the laws in this state governing waste management
24 to protect the public health, safety, and welfare have been
25 directly impacted by the active participation of Mr. Bill
26 Hinkley, and
27 WHEREAS, Mr. Bill Hinkley has stressed the promotion,
28 importance, and role of science in all his endeavors to help
29 improve the management of solid and hazardous waste, and
30 WHEREAS, the Florida Center for Solid and Hazardous Waste
31 Management (FCSHWM) was formed in 1988 by action of the
32 Legislature for the purpose of coordinating the research,
33 training, and service activities related to solid and hazardous
34 waste management conducted by state universities, and
35 WHEREAS, the data and information generated by research
36 sponsored by the FCSHWM has been an important factor in
37 decisions made by the Legislature, local governments, and the
38 Department of Environmental Protection, and
39 WHEREAS, Bill Hinkley has been a key staff member of the
40 Department of Environmental Protection for almost 30 years and
41 has been sought out by many members of the Senate and House of
42 Representatives for his thoughts and advice on a large number of
43 very diverse environmental matters that were the object of a
44 great deal of debate, and
45 WHEREAS, Bill Hinkley has always provided sound and
46 unbiased information and counsel to many members of the
47 Legislature, NOW, THEREFORE,
48
49 Be It Enacted by the Legislature of the State of Florida:
50

51 Section 1. William W. "Bill" Hinkley Center for Solid and
52 Hazardous Waste Management designated; Department of
53 Environmental Protection to erect suitable markers.--
54 (1) The Florida Center for Solid and Hazardous Waste
55 Management is designated as the "William W. 'Bill' Hinkley
56 Center for Solid and Hazardous Waste Management."
57 (2) The Department of Environmental Protection, in
58 coordination with the University of Florida and the University
59 of Florida Foundation, is directed to erect suitable markers
60 designating the William W. "Bill" Hinkley Center for Solid and
61 Hazardous Waste Management as described in subsection (1).
62 Section 2. This act shall take effect July 1, 2006.

HB 765

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 765 Discounted Computers and Internet Access for Students
SPONSOR(S): Jennings
TIED BILLS: **IDEN./SIM. BILLS:** SB 502

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Choice & Innovation Committee	7 Y, 0 N	Hunker	Kooi
2) Education Appropriations Committee	17 Y, 0 N	Eggers	Hamon
3) Education Council		Hunker	Cobb
4)			
5)			

SUMMARY ANALYSIS

This bill creates a program to offer computers and broadband Internet access at a discounted price to students enrolled in grades 5 through 12. The program requires the Department of Education (DOE) to negotiate with computer manufacturers and nonprofit corporations that obtain reconditioned computer hardware over the prices, hardware and software packages, warranties, and internet access packages. The bill directs the State Board of Education to make rules regarding implementation of the program.

The bill also creates a pilot project to be implemented by the Digital Divide Council in consultation with DOE to assist low-income students in purchasing discounted computers and Internet access services as negotiated by the DOE. The pilot project is to be funded in an amount determined by the General Appropriations Act, and the Digital Divide Council may accept additional grants from public and private sources to implement the project.

The fiscal impact of the bill would be determined in the General Appropriations Act. See the FISCAL COMMENTS section of the analysis.

The bill states that it shall take effect July 1, 2006.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide Limited Government – This bill grants rulemaking authority to the State Board of Education to implement the discounted computers and internet program.

Empower Families – This bill benefits parents of public school students in grades 5 through 12 by providing them with an option to purchase discounted computers and internet packages negotiated by the Department of Education (DOE).

B. EFFECT OF PROPOSED CHANGES:

The 2005-2006 fiscal year budget provided $49.9 million for public school technology, which is allocated to districts on a per-student basis. Districts use the funds for a number of technology needs and initiatives. Currently, there is no statewide program that provides students with discounted computers and internet access or that provides assistance to low-income students for the purchase of a computer and internet access.

This bill requires DOE to negotiate with computer manufacturers and with nonprofit corporations that obtain reconditioned computer hardware concerning prices of discounted computers and accessories, specialized software and hardware packages, and warranties. Also, the DOE is required to negotiate with broadband Internet access providers the prices of broadband Internet access packages and with non-broadband internet access providers in areas where broadband internet access is unavailable.

The bill requires the State Board of Education to adopt rules that provide for the integration of computer or technical training to students, the notification to parents of the discounted computer and Internet access choices available, the distribution of eligibility certificates, the locations where the discounted computers and Internet services are available, and how students may obtain and pay for the equipment and services.

The bill also creates a pilot project to be implemented by the Digital Divide Council in consultation with the DOE.[1] The bill creates this program to assist low-income students to purchase the discounted computers and Internet access services as negotiated by the DOE. The Digital Divide Council is required to identify the counties, grade levels, and low-income eligibility criteria for participation in the pilot project. The bill provides that the pilot project shall be funded through the General Appropriations Act and that the Digital Divide Council may accept grants from additional public and private sources to implement the project.

C. SECTION DIRECTORY:

Section 1: Creates an unnumbered section of law to establish a program to offer computers and internet access to students at a discounted price.

Section 2: Creates an unnumbered section of law to establish a pilot project to provide computers and internet access to low-income students at a discounted price. References funding provided in the General Appropriations Act.

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[1] The Digital Divide Council was established by the 2001 Legislature and was created within the State Technology Office (STO). The STO was abolished in the 2005 Legislature Session; however, the Council is presently reorganizing under new council membership and will focus much of its future work on the coordination of multiple initiatives and funding streams from local and state organizations to impact technology literacy, accessibility, and learning for struggling and low income students and their families. *Senate Staff Analysis and Economic Impact Statement: SB 502, prepared by the Education Committee, 2006.*

Section 3: Provides an effective date of July 1, 2006.

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:

   See FISCAL COMMENTS.

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:

This bill may create an opportunity for parent-consumers to purchase computers and Internet services that would not otherwise exist. The manufacturers and non-profit organizations providing the computers may make sales to parent-consumers that would not otherwise have taken place.

D. FISCAL COMMENTS:

There will be an increase in state government expenditures to the extent the program and pilot project are funded by the General Appropriations Act (GAA). The House proposed General Appropriations Act (House Bill 5001, Specific Appropriation 138) contains $1.7 million for Santa Fe Community College to implement a Rural and Urban Technology Initiative in a manner similar to the provisions of this bill.

There may be an indeterminate cost to the Department of Education for the costs associated with organizing the program, negotiating prices with computer manufacturers and internet service providers, and providing computer and technical training to students.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

   The bill does not require a municipality or county to spend funds or to take any action requiring the expenditure of funds.

   This bill does not reduce the authority of counties or municipalities to raise revenues.

   This bill does not reduce the percentage of a state tax shared with cities and counties.

2. Other:

   None.

B. RULE-MAKING AUTHORITY:

The bill requires the State Board of Education to adopt rules regarding integration of the pilot program into training students at the district level. It also directs the State Board of Education to make rules on notifying parents of the discounted computer and Internet access choices available, the distribution of eligibility certificates to students, and how and where computers and internet access service will be made available for purchase.

C. DRAFTING ISSUES OR OTHER COMMENTS:

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

1 A bill to be entitled
2 An act relating to discounted computers and Internet
3 access for students; creating a program to offer
4 discounted computers and Internet access to public school
5 students and students in home education programs in grades
6 5 through 12; requiring the Department of Education to
7 negotiate terms with computer manufacturers, certain
8 nonprofit corporations, and broadband Internet access
9 providers; requiring the State Board of Education to adopt
10 rules, including rules for provision of technical training
11 to students; requiring the Digital Divide Council to
12 implement a pilot project to assist low-income students
13 with purchasing discounted computers and Internet access
14 services; requiring the council to identify eligibility
15 criteria for participation in the pilot project; providing
16 for funding and authorizing the council to accept grants
17 to implement the pilot project; providing an effective
18 date.
19
20 Be It Enacted by the Legislature of the State of Florida:
21
22 Section 1. Discounted computers and Internet access for
23 students.--
24 (1) There is created a program to offer computers and
25 Internet access at a discounted price to students enrolled in
26 grades 5 through 12 in a public school, including a charter
27 school, or a home education program in the state.
28 (2) The Department of Education shall negotiate with

29 computer manufacturers and with nonprofit corporations that
30 obtain reconditioned computer hardware concerning:
31 (a) The prices of discounted computers and whether
32 computer accessories such as printers or scanners will be
33 offered to the students at reduced prices.
34 (b) Specialized software and hardware packages, including,
35 but not limited to:
36 1. A word processor.
37 2. Software and hardware necessary to enable broadband
38 Internet access.
39 3. An operating system.
40 (c) The type of warranty that is to be provided to the
41 students and whether an extended warranty will be available to
42 the students and under what terms.
43 (3) The Department of Education shall negotiate with
44 broadband Internet access providers concerning the prices of
45 discounted broadband Internet access packages. In areas in which
46 broadband Internet access is not currently available, the
47 department shall negotiate with non-broadband Internet access
48 providers.
49 (4) The State Board of Education shall adopt rules
50 concerning:
51 (a) How to integrate into this program the provision of
52 computer or technical training to students in their respective
53 school districts.
54 (b) How parents and students may be notified of the
55 discounted computer and Internet access choices available.
56 (c) The distribution of eligibility certificates to the

57 students, the locations at which discounted computers and
58 Internet access services are available for purchase, and how
59 students may obtain and pay for the equipment and services
60 covered by this program.
61 Section 2. Discounted computers and Internet access for
62 low-income students; pilot project.--
63 (1) The Digital Divide Council, in consultation with the
64 Department of Education, shall implement a pilot project to
65 assist low-income students to purchase discounted computers and
66 Internet access services as negotiated by the department. The
67 council shall identify counties, grade levels, and low-income
68 eligibility criteria for participation in the pilot project.
69 (2) The pilot project shall be funded in an amount to be
70 determined in the General Appropriations Act. The Digital Divide
71 Council is authorized to accept grants from additional public
72 and private sources to implement the pilot project.
73 Section 3. This act shall take effect July 1, 2006.

HB 795 CS

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 795 CS Student Financial Assistance
SPONSOR(S): Flores
TIED BILLS: **IDEN./SIM. BILLS:** SB 1750

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Colleges & Universities Committee	9 Y, 1 N, w/CS	Hatfield	Tilton
2) Education Appropriations Committee	15 Y, 2 N	Hammock	Hamon
3) Education Council		Hatfield	Cobb
4)			
5)			

SUMMARY ANALYSIS

HB 795 creates the First Generation Matching Grants Program (program). The program is created to enable each state university and community college to provide donors with a matching grant incentive for contributions that will create grant-based student financial aid for undergraduate students who demonstrate financial need and whose parents have not earned a baccalaureate degree. The bill requires that applicants meet certain eligibility requirements to be eligible to receive a grant.

The bill requires appropriated funds for the program to be allocated by the Office of Student Financial Assistance (OSFA) to match private contributions on a dollar-for-dollar basis. The bill requires that 50 percent of the allocated funds be reserved for state universities and the remaining 50 percent for community colleges. Within this allocation, OSFA must reserve a proportionate allocation for each state university and community college on the basis of full-time equivalent enrollments. Funds that remain unmatched as of December 1 must be reallocated to state universities and community colleges that have remaining unmatched private contributions for the program on the basis of full-time equivalent enrollments.

Each participating state university and community college is required to establish an application process, determine student eligibility for initial and renewal awards in conformance with the eligibility requirements each applicant must fulfill, identify the amount awarded to each recipient, and notify recipients of the amount of their awards. The bill also requires annual reports by each participating institution.

This bill also revises provisions relating to the determination of a student's residency status for tuition purposes by extending residency status to any student, other than a nonimmigrant alien within the meaning of federal law, who meets the following criteria:

- Has resided in Florida with a parent for at least 3 consecutive years immediately preceding the date the student received a high school diploma or its equivalent.
- Has attended a Florida high school for at least 3 consecutive years during such time.
- Has filed an affidavit with the institution of higher education stating that the student has filed an application to legalize his or her immigration status or will file such application as soon as he or she is eligible to do so.

The House Proposed General Appropriations Bill (House Bill 5001, Specific Appropriation 79) provides an appropriation of $14,000,000 for the program.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide limited government—The bill creates the First Generation Matching Grant Program to provide financial aid to undergraduate students with financial need whose parents have not earned college degrees. In creating this program, the bill provides duties of state universities and community colleges participating in the program.

Safeguard individual liberty—The bill provides for grants to be awarded to eligible applicants to cover the annual cost of attendance at a state university or community college. Recipients of this grant have the ability to attend a state university or community college where previously this may not have been possible.

Empower families—The bill provides for grants to be awarded to eligible applicants to cover the annual cost of attendance at a state university or community college. This may benefit families who do not have the financial means to send a family member to college if a family member is awarded a grant under this program. The bill expands the categories of students who may be classified as residents for tuition purposes. Those who previously could not afford a post-secondary education may now be eligible for in-state tuition, providing a more affordable education.

B. EFFECT OF PROPOSED CHANGES:

Background

On January 11, 2006 Governor Bush announced his Access and Diversity Initiative (Initiative). According to the Governor's January 11th Press Release, the purpose of the Initiative is to provide incentives to traditionally underrepresented students seeking an education in Florida's state university system. The Initiative includes recommendations by the Governor for increased funding for need based financial aid, the creation of a new scholarship program titled the First Generation Matching Grants, and the creation of an Access and Diversity Commission (Commission).

In addition to the announcement of the Initiative, the Governor also signed Executive Order 06-05 creating the 17-member Commission. The Executive Order provides for the Commission to meet in conjunction with the Student Affairs Committee of the Florida Board of Governors to evaluate issues surrounding disadvantaged and traditionally underrepresented students and advocate and make recommendations concerning the following:

- Specific accountability and performance measures regarding traditionally underrepresented and economically disadvantaged students for the Board of Governors and state universities to include in their strategic plans or performance evaluations.

- Need-based financial aid: Enhanced public and private need-based aid and financial assistance and, specifically, increased funding for Florida Student Assistance Grants (FSAG).

    - According to the Governor's Press Release, the Governor plans to recommend a $35.8 million increase in need-based funding through FSAG and will also recommend an additional $1.1 million in funding for need-based financial aid at Florida's four Historically Black Colleges and Universities.

- College Board Partnership: Additional funding for the College Board Partnership to expand services that enhance student college readiness for traditionally underrepresented students. Services include AP, PSAT and SAT teacher training; college admission test preparation; SAT

preparation; tutoring programs to help students transition into college and family information on colleges.

  - According to the Governor's Press Release, the Governor plans to recommend an increase in funding for the state's partnership with the College Board from $7.1 million to $10.1 million.

- Stanley Tate Project STARS SCHOLARSHIP Program: Additional funding for the STARS Program, which provides prepaid scholarships for at-risk, low-income students who remain drug and crime-free, stay in school and work with a mentor.

  - According to the Governor's Press Release, the Governor plans to recommend an increase in funding for this program by $4 million, for a total of $10 million. These state funds combined with private donations will provide an additional 2,090 scholarships, which pay for tuition at state universities and community colleges.

- College Reach-Out Program (CROP): Increased funding for CROP to provide additional after-school and weekend counseling and tutorial services, to increase participation in AP classes, to provide transportation to classes for dually enrolled students, and to purchase computers to provide increased access to the Florida Virtual School.

  - According to the Governor's Press Release, the Governor will recommend a $1 million increase in funding for the CROP program. The funding will expand counseling and tutorial services, serving an additional 1,654 individuals, for a total of 10,200 students. It will also help expand after-school and Saturday programs, provide transportation to classes for dually enrolled students and assist in the purchase of computers to provide access to the Florida Virtual School across the 38 CROP post-secondary institutions.

- First Generation Matching Grants: The establishment of this program will provide scholarships to full-time students who are Florida residents, are the first in their families to attend college, and have demonstrated a financial need.

  - According to the Governor's Press Release, this $6.5 million program will provide a dollar-for-dollar match for private donations to state universities

- University Presidents' Focus on Achievement Mentoring Partnership: Expanding mentoring to target low income middle school students and matching them with local campus compact mentors trained by Volunteer Florida Foundation. The purpose is to encourage economically disadvantaged and traditionally underrepresented students to pursue post-secondary goals and prepare these students for state university enrollment.

Executive Order 06-05 requires the Commission to present a Final Report on its findings and recommendations to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Board of Governors by June 30, 2006. At such time the Commission will also disband.

Residency

Current law designates certain categories of persons as residents for tuition purposes, such as active duty members of the Armed Services of the U.S. residing or stationed in Florida and their dependents, U.S. citizens living on the Isthmus of Panama who have completed 12 consecutive months of college work at the FSU Panama Canal Branch and their dependents, and active duty members of a foreign nation's military who are serving as liaison officers and are residing or stationed in this state and their dependents.[1]

[1] Section 1009.21(10), F.S.

Undocumented aliens, with certain exceptions as provided in federal law, may not establish legal residence in the state for tuition purposes because their residency in the state is in violation of federal law, as they have not been properly admitted into the United States.[2] Undocumented aliens are accordingly classified as nonresidents for tuition purposes. Many of these undocumented aliens attend Florida high schools and obtain a high school diploma or the equivalent, as the state may not bar these individuals from attending elementary, middle, or secondary schools.[3] Due to the increased cost of attending a public post-secondary institution as a nonresident, these students may not be able to pursue their education at the post-secondary level.

Nonimmigrant aliens, as defined in 8 U.S.C. s. 1101(a)(15), are aliens lawfully admitted into the U.S. but whose duration of stay is set forth in the applicable visa under which admittance is granted. These classes include, among others, foreign diplomats and their dependents, temporary business or tourist visitors, crew of merchant vessels and civil aircraft, and foreign students having *bona fide* residences abroad that they do not intend to abandon. Most nonimmigrant visas, but not all, require the holder of the visa to intend to return to the nonimmigrant's country of residence upon termination of the visa. Students under an F-1 visa or an M-1 visa are required to intend to return to their country of residence. If a nonimmigrant stays beyond the limitations of the visa, the nonimmigrant is no longer lawfully within the U.S. and may be subject to deportation.[4]

Effect of Proposed Changes

The bill creates the First Generation Matching Grant Program (program), one of the seven initiatives addressed by the Governor's Executive Order. The program is created to enable each state university and community college to provide donors with a matching grant incentive for contributions that will create grant-based student financial aid for undergraduate students who demonstrate financial need and whose parents have not earned a baccalaureate degree.

The bill requires appropriated funds for the program to be allocated by the Office of Student Financial Assistance (OSFA) to match private contributions on a dollar-for-dollar basis. Matching funds must be generated through contributions pledged for the purpose of this program and not for any other state matching program. Pledged contributions are not eligible for matching prior to the actual collection of the total funds. The bill requires that 50 percent of the allocated funds be reserved for state universities and the remaining 50 percent for community colleges. Within this allocation, OSFA must reserve a proportionate allocation for each state university and community college on the basis of full-time equivalent enrollments. Funds that remain unmatched as of December 1 must be reallocated to state universities and community colleges that have remaining unmatched private contributions for the program on the basis of full-time equivalent enrollments.

The bill provides that payment of the state matching grant is to be transmitted to the president of each participating institution or his or her representative in advance of the student registration period.

Each participating state university and community college must establish an application process, determine student eligibility for initial and renewal awards in conformance with the eligibility requirements each applicant must meet, identify the amount awarded to each recipient, and notify recipients of the amount of their awards.

In order to be eligible to receive a grant from this program, the bill requires an applicant to:

- Be a resident for tuition purposes pursuant to s. 1009.21, F.S.
- Be a first-generation college student. For the purposes of this program, a student is considered "first-generation" if neither of the student's parents, as defined in s. 1009.21(1), F.S., earned a college degree at the baccalaureate level or higher.
- Be accepted at a state university or community college.

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[2] Most undocumented aliens, absent a change in federal law or a grant of amnesty, would not qualify for permanent residency.
[3] See Plyler v. Doe, 457 U.S 202, 102 S. Ct. 2382, 72 L.Ed.2d 786 (1982).
[4] See http://uscis.gov/graphics/services/tempbenefits/index.htm, U.S. Citizenship and Immigration Services, Temporary Visitors.

- Be enrolled for a minimum of six credit hours per term as a degree-seeking undergraduate student.
- Have demonstrated financial need by completing the Free Application for Federal Student Aid.

The bill requires that the award amount be based on the student's need assessment after any scholarship or grant aid, including, but not limited to, a Pell Grant or a Bright Futures award, has been applied. No award may exceed the institution's estimated annual cost of attendance for comparable undergraduate students attending the institution.

Each participating institution must report the eligible students to whom grant moneys are dispersed each academic term to OSFA by the date they establish. Institutions are also required to certify the amount of funds disbursed to each student and remit undisbursed funds to OSFA by June 1 of each year.

The bill also requires an annual report by each participating institution to be submitted to the Executive Office of the Governor, the Speaker of the House of Representatives, and the President of the Senate. Each community college must also report to the State Board of Education and each state university must also report to the Board of Governors. The annual report must include eligibility requirements for recipients, the aggregate demographics of recipients, retention and graduation rates of recipients, and a delineation of funds awarded to recipients.

The bill requires that the program be implemented as specifically funded.

Residency
The bill also revises provisions relating to the determination of a student's residency status for tuition purposes by extending residency status to any student, other than a nonimmigrant alien within the meaning of federal law, who meets the following criteria:

- Has resided in Florida with a parent for at least 3 consecutive years immediately preceding the date the student received a high school diploma or its equivalent.
- Has attended a Florida high school for at least 3 consecutive years during such time.
- Has filed an affidavit with the institution of higher education stating that the student has filed an application to legalize his or her immigration status or will file such application as soon as he or she is eligible to do so.

The effective date of the bill is July 1, 2006.

C. SECTION DIRECTORY:

Section 1: Creates s. 1009.701, F.S., which creates the First Generation Matching Grant Program to provide financial aid to undergraduate students with financial need whose parents have not earned a baccalaureate degree; providing for appropriation, allocation, and distribution of funds; providing student eligibility requirements; providing the basis for the amount of awards; and providing duties of institutions participating in the program

Section 2: Amends s. 1009.21, F.S., providing an additional category within which students may be classified as residents for tuition purposes.

Section 3: Provides an effective date of July 1, 2006.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

   Please see FISCAL COMMENTS.

2. Expenditures:

   Please see FISCAL COMMENTS.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

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

2. Expenditures:

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

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill requires matching funds; therefore, there will be an impact on the private sector as universities and community colleges will need donations to be made for this program in order to receive any funding from the state.

The bill provides for grants to be awarded to eligible applicants to cover the annual cost of attendance at a state university or community college. Recipients of this grant have the ability to attend a state university or community college where previously this may not have been possible.

In addition, students who, in the past, may have been unable to afford a post-secondary education will have expanded educational opportunities if they fall into the new category within which students may be classified as residents for tuition purposes.

D. FISCAL COMMENTS:

First Generation Matching Grant Program
The House Proposed General Appropriations Bill (House Bill 5001, Specific Appropriation 79) provides an appropriation of $14,000,000 for the program.

Residency
Expanding the categories of students who may be classified as residents for tuition purposes may increase the number of students who enroll in state universities and community colleges because of the reduced cost to such students; therefore, these institutions may experience an increase in tuition and fee revenues. However, to the extent a student may have attended a state university or community college even if classified as an out-of-state student; an institution could experience a loss in tuition and fee revenues. Expanding the categories of students who may be classified as residents for tuition purposes could also result in the state funding more of the cost to provide instruction to such students.

The fiscal impact of the additional residency for tuition purposes category on funding required or award amount for programs such as Bright Futures, FSAG, and FRAG is indeterminate.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

   The bill does not require a city or county to spend funds or to take any action requiring the expenditure of funds.

2. Other:

The U.S. Constitution provides the Federal Government with preeminent power over the regulation of aliens within the U.S.[5] Any state action that imposes discriminatory burdens upon the entrance or residence of aliens lawfully admitted into the U.S. conflicts with the Supremacy Clause of the U.S. Constitution.[6] The bill specifically excludes certain nonimmigrant aliens from meeting eligibility requirements for establishing residency for tuition purposes. In Toll v. Moreno,[7] a Maryland statute was struck down on Supremacy Clause concerns when the law categorically prohibited G-4 nonimmigrant aliens from acquiring in-state status for tuition purposes. G-4 nonimmigrant visa holders are not required to have intent to return to their country of residence. Unlike the Maryland law, the bill does not categorically prohibit a nonimmigrant alien from qualifying for residency; it provides only that a nonimmigrant may not qualify under the specific criteria outlined in the bill. There still remains a concern that the bill may be challenged because of the limitation on the ability of lawfully admitted nonimmigrant aliens to obtain in-state tuition status.

The bill authorizes any student to qualify for residency for tuition purposes if the student meets specified criteria. Accordingly, 8 U.S.C. s. 1623, which bars any alien who is unlawfully present in the United States from receiving any post-secondary education benefit on the basis of residence in the state unless a U.S. citizen or national is eligible for such benefit in the same amount, duration, and scope, would not be applicable.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

History of Similar Legislation in other States and the Federal Government
Nine other states have a similar law that provides students, who meet certain criteria, with an in-state tuition classification. These states are: California, Texas, New York, Utah, Washington, Illinois, Oklahoma, Kansas, and New Mexico. The laws differ slightly between the states, as some statutes offer state financial aid benefits along with the tuition classification, while other statutes are purely for tuition purposes. Currently, federal law prohibits illegal immigrant students from receiving federal loans and grants; work-study jobs are also prohibited.

After the Kansas legislation was signed into law in May 2004, a lawsuit was filed in the United States District Court of Kansas[8] charging that the new law violated the U.S. Constitution's Equal Protection clause of the 14th Amendment[9] and 1996 immigration laws.[10] The lawsuit, the first of its kind, argued that the Kansas statute violated the federal law that prohibits states from giving public benefits to immigrants who are in the country illegally and was discriminatory to out-of-state students who pay a higher tuition rate. The plaintiffs were all students from out of state attending Kansas universities claiming that they had been denied the same in-state tuition benefits afforded to illegal immigrants. On July 5, 2005, the Court held that the students lacked standing under both the federal statute prohibiting states from offering in-state tuition to illegal aliens and the Equal Protection Clause.[11]

A lawsuit was filed in California in December 2005, challenging 2001 state legislation that provides students, who meet certain criteria, with an in-state tuition classification. A group of out-of-state students and parents filed the class-action lawsuit against California's public university and community college systems.

A proposal in the U.S. Congress may also affect states that provide in-state tuition without regard to immigration status. The Development, Relief, and Education for Alien Minors (DREAM) Act, was first introduced in 2003 and again introduced in 2004; however, Congress recessed without taking action on

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[5] See Takahaski v. Fish & Game Commission, 334 U.S. 410, 418-420, 68 S.Ct. 1138, 1142-1143, 92 L.Ed. 1478 (1948).
[6] *Id.*
[7] Toll v. Moreno, 458 U.S. 1, 17, 102 S.Ct. 2977, 2986, 73 L.Ed.2d 563 (1982).
[8] *Day v. Sebelius*, 376 F. Supp.2d 1022 (D. Kan. 2005).
[9] U.S. Const. amend. XIV, § 1.
[10] 8 U.S.C. 1621 and 8 U.S.C. 1623
[11] *Day v. Sebelius,* 376 F. Supp.2d 1022, 1040 (D. Kan. 2005).

the Act. In November 2005, the DREAM Act was introduced as S. 2075, giving new life to the legislation.

The DREAM Act would enact two major changes in current law: eliminate the federal provision that discourages states from providing in-state tuition without regard to immigration status and permit some immigrant students who have grown up in the U.S. to apply for legal status.[12] If passed it would provide illegal immigrants in the U.S. the ability to sustain legal status if they graduated from high school, attended at least two years of college or spent two years in the military, and stayed out of trouble. Those students who live in the U.S for at least five years would also be eligible for federal financial aid.[13] The DREAM Act would permit qualified students to become temporary legal residents, putting them on a path to permanent legal status.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

On March 7, 2006, the Colleges and Universities Committee adopted amendments to HB 795. The bill was reported favorably with a Committee Substitute (CS). The CS differs from the original bill in the following ways:

- Extends the First Generation Matching Grant Program to include community colleges.
- Provides for allocation of funds by the Office of Student Financial Aid instead of the Board of Governors due to the addition of community colleges.
- Requires a 50-50 split in allocated funds between the 28 community colleges and 11 state universities. Within each 50-percent allocation a proportionate allocation is reserved for each state university and community college on the basis of full-time equivalent enrollments.
- Provides for any unmatched funds as of December 1 to be reallocated to state universities and community colleges that have remaining unmatched funds.
- Removes duplicative Pell Grant eligibility requirement.
- Clarifies that any award from the program will be issued after other aid has been applied.
- Requires participating institutions to fulfill certain reporting requirements.

The CS also revises provisions relating to the determination of a student's residency status for tuition purposes by extending residency status to any student, other than a nonimmigrant alien within the meaning of federal law, who meets the following criteria:

- Has resided in Florida with a parent for at least 3 consecutive years immediately preceding the date the student received a high school diploma or its equivalent.
- Has attended a Florida high school for at least 3 consecutive years during such time.
- Has filed an affidavit with the institution of higher education stating that the student has filed an application to legalize his or her immigration status or will file such application as soon as he or she is eligible to do so.

[12] National Immigration Law Center, *Immigrants' Rights Update: Immigrant Student Adjustment and Access to Higher Education*, Vol. 17, No. 5, September 4, 2003.
[13] Matthew Hansen, *Tuition relief for illegal immigrants?*, Lincoln Journal Star, January 19, 2005.

CHAMBER ACTION

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1 The Colleges & Universities Committee recommends the following:
2
3 **Council/Committee Substitute**
4 Remove the entire bill and insert:
5 A bill to be entitled
6 An act relating to student financial assistance; creating
7 s. 1009.701, F.S.; creating the First Generation Matching
8 Grant Program to provide financial aid to undergraduate
9 students with financial need whose parents have not earned
10 a baccalaureate degree; providing for appropriation,
11 allocation, and distribution of funds; providing student
12 eligibility requirements; providing the basis for the
13 amount of awards; providing duties of institutions
14 participating in the program; amending s. 1009.21, F.S.;
15 providing an additional category within which students may
16 be classified as residents for tuition purposes; providing
17 an effective date.
18
19 Be It Enacted by the Legislature of the State of Florida:
20
21 Section 1. Section 1009.701, Florida Statutes, is created
22 to read:
23 1009.701 First Generation Matching Grant Program.--

24 (1) The First Generation Matching Grant Program is created
25 to enable each state university and community college to provide
26 donors with a matching grant incentive for contributions that
27 will create grant-based student financial aid for undergraduate
28 students who demonstrate financial need and whose parents, as
29 defined in s. 1009.21(1), have not earned a baccalaureate
30 degree.
31 (2) Funds appropriated by the Legislature for the program
32 shall be allocated by the Office of Student Financial Assistance
33 to match private contributions on a dollar-for-dollar basis.
34 Contributions made to a state university or community college
35 and pledged for the purposes of this section are eligible for
36 state matching funds appropriated for this program and are not
37 eligible for any other state matching grant program. Pledged
38 contributions are not eligible for matching prior to the actual
39 collection of the total funds. The Office of Student Financial
40 Assistance shall reserve 50 percent of the total appropriated
41 funds for state universities and the remaining 50 percent for
42 community colleges. Within each 50-percent portion, the Office
43 of Student Financial Assistance shall reserve a proportionate
44 allocation for each state university and community college on
45 the basis of full-time equivalent enrollments. Funds that remain
46 unmatched as of December 1 shall be reallocated to state
47 universities and community colleges that have remaining
48 unmatched private contributions for the program on the basis of
49 full-time equivalent enrollments.
50 (3) Payment of the state matching grant shall be
51 transmitted to the president of each participating institution

52 or his or her representative in advance of the student
53 registration period.
54 (4) Each participating state university and community
55 college shall establish an application process, determine
56 student eligibility for initial and renewal awards in
57 conformance with subsection (5), identify the amount awarded to
58 each recipient, and notify recipients of the amount of their
59 awards.
60 (5) In order to be eligible to receive a grant pursuant to
61 this section, an applicant shall:
62 (a) Be a resident for tuition purposes pursuant to s.
63 1009.21.
64 (b) Be a first generation college student. For the
65 purposes of this section, a student is considered "first
66 generation" if neither of the student's parents, as defined in
67 s. 1009.21(1), earned a college degree at the baccalaureate
68 level or higher.
69 (c) Be accepted at a state university or community
70 college.
71 (d) Be enrolled for a minimum of 6 credit hours per term
72 as a degree-seeking undergraduate student.
73 (e) Have demonstrated financial need by completing the
74 Free Application for Federal Student Aid.
75 (6) The award amount shall be based on the student's need
76 assessment after any scholarship or grant aid, including, but
77 not limited to, a Pell Grant or a Florida Bright Futures
78 Scholarship Program award, has been applied. No award may exceed

79 the institution's estimated annual cost of attendance for
80 comparable undergraduate students attending the institution.
81 (7) Each participating institution shall report to the
82 Office of Student Financial Assistance, by the date established
83 by the office, the eligible students to whom grant moneys are
84 disbursed each academic term. Institutions shall certify to the
85 Office of Student Financial Assistance the amount of funds
86 disbursed to each student and shall remit to the office any
87 undisbursed advances by June 1 of each year.
88 (8) No later than July 1 of each year, each participating
89 institution shall report to the Executive Office of the
90 Governor, the Speaker of the House of Representatives, and the
91 President of the Senate, each community college shall report to
92 the State Board of Education, and each state university shall
93 report to the Board of Governors regarding eligibility
94 requirements for recipients, the aggregate demographics of
95 recipients, retention and graduation rates of recipients, and a
96 delineation of funds awarded to recipients.
97 (9) This section shall be implemented only as specifically
98 funded.
99 Section 2. Paragraph (l) is added to subsection (10) of
100 section 1009.21, Florida Statutes, to read:
101 1009.21 Determination of resident status for tuition
102 purposes.--Students shall be classified as residents or
103 nonresidents for the purpose of assessing tuition in community
104 colleges and state universities.
105 (10) The following persons shall be classified as
106 residents for tuition purposes:

107 (1) A student, other than a nonimmigrant alien within the
108 meaning of 8 U.S.C. s. 1001(a)(15), who meets the following
109 criteria:
110 1. Has resided in Florida with a parent for at least 3
111 consecutive years immediately preceding the date the student
112 received a high school diploma or its equivalent.
113 2. Has attended a Florida high school for at least 3
114 consecutive school years during such time.
115 3. Has filed an affidavit with the institution of higher
116 education stating that the student has filed an application to
117 legalize his or her immigration status or will file such
118 application as soon as he or she is eligible to do so.
119 Section 3. This act shall take effect July 1, 2006.

HB 801 CS

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 801 CS Florida Ready to Work Certification Program
SPONSOR(S): Patterson
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Community Colleges & Workforce Committee	7 Y, 0 N, w/CS	Thomas	Ashworth
2) Education Appropriations Committee	16 Y, 0 N	Hammock	Hamon
3) Education Council		Thomas MOT	Cobb Dee
4)			
5)			

SUMMARY ANALYSIS

The bill creates the Florida Ready to Work Certification Program which will enhance Florida students' workplace skills to better prepare them for successful entry-level employment in specific occupations.

Florida Ready to Work Certification Programs shall be composed of:

- A comprehensive identification of workplace skills for each occupation identified for inclusion in the program by the Agency for Workforce Innovation.
- A preinstructional assessment that delineates the student's mastery level on the specific workplace skills identified for that occupation.
- A targeted instructional program limited to those identified workplace skills in which the student is not proficient. Instruction may be web based and must meet specific needs of local employers.
- A certificate and portfolio awarded to students upon successful completion of the instruction.

Florida Ready to Work Certification Programs may be conducted at public high schools, community colleges, technical centers, one-stop career centers, vocational rehabilitation centers and Department of Juvenile Justice educational facilities.

The bill requires the Department of Education (DOE) to establish institutional readiness criteria for the implementation of the Florida Ready to Work Certification Program.

The bill provides rulemaking authority to the State Board of Education, in consultation with the Agency for Workforce Innovation, for the implementation of the Florida Ready to Work Certification Program.

The House Proposed General Appropriations Bill (House Bill 5001, Specific Appropriation 132A) provides $15,000,000 for the program for the Department of Education. No funds have been appropriated for the Agency for Workforce Innovation.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Promote personal responsibility – The bill provides students graduating from high school the opportunity to be workforce ready.

Provide limited government – The bill provides rulemaking authority to the State Board of Education and the Agency for Workforce Innovation for the implementation of the Florida Ready to Work Certification Program.

Empower families – The bill provides the opportunity for students who complete the Florida Ready to Work Certification Program to be able to obtain and sustain a job and realize economic self-sufficiency.

B. EFFECT OF PROPOSED CHANGES:

Present Situation

According to a new RAND report, *The 21st Century at Work*, rapid technological change and increased international competition place the spotlight on the skill and preparation of the workforce, particularly the ability to adapt to changing technologies and shifting product demand. The growing importance of knowledge-based work favors workers with the skills of abstract reasoning, problem solving, communication and collaboration. Knowledge workers will need high-level skills for managing, interpreting, validating, transforming, communicating and acting on information.[1]

Career education (a term often interchangeably used for vocational education, workforce education, or technical education) is critically important to Florida's students and to Florida's economic development. A significant percentage of Florida's students currently leave high school without adequate preparation to enter a career or continue into a technical center, community college or university program. Of every ten 9th graders, three students drop out and three of the remaining seven do not purse additional education; six students (60%) do not go to college. Only four out of the 10 (40%) attend college.[2] Reformed career education programs in the high school years would not only benefit the six students who do not attend college, but has the potential of benefiting all students.

Career Education Certification

Currently, section 1003.431, F.S., provides that a career education certification may be placed on a student's high school diploma. The certification is designed to indicate that a student is prepared for both postsecondary education without the need for remediation and that the student has marketable employment skills. The State Board of Education was given the authority to adopt rules for a standard format for the career education certification. Currently, the SBE has not adopted rules for the career education certification and no school districts offer this for high school diplomas.

Work Readiness Credential Models

National Work Readiness Credential Project

The U.S. Chamber's Center for Workforce Preparation (CWP) and the Equipped for the Future Work Readiness Credential are in the process of developing a new program which will provide an assessment-based certification that affirms that entry-level job seekers have communication, interpersonal, decision-making, and lifelong learning skills. This partnership is in response to business

[1] Education Commission of the States, January 2005. *State Strategies for Redesigning High Schools and Promoting High School to College Transitions,* p. 1.

[2] *Career and Professional Education: Preparing Florida's Students for the Knowledge Economy*, Council for Education Policy, Research and Improvement (CEPRI), September 2004

concerns about the difficulty in finding qualified applicants for entry-level work. National and state leaders in business, government, and labor have come together to build a national Work Readiness Credential (WRC) based on a business-defined standard of the critical skills needed by entry-level workers. Employers using the Work Readiness Credential will reduce recruitment cost, improve productivity, minimize turnover and lower on-the-job training costs by being able to confidently hire entry-level workers. The credential assessment and delivery system is currently being field tested in 6 partner states. Florida is one of those states. The program is expected to be available for broad use by chambers, businesses, one-stop centers, and education and training providers in June 2006.

WorkKeys
WorkKeys is a job skills assessment system measuring "real world" skills that employers believe are critical to job success. The abilities to learn, listen, communicate, work in teams and solve problems are important assets for any worker, regardless of career choice. WorkKeys assessments measures these abilities in three key areas:

- communication – (business writing, listening, reading for information, writing);
- problem solving – (applied mathematics, applied technology, locating information, observation); and
- interpersonal skills – (teamwork).

The WorkKeys job profiling component analyzes the skills needed for specific jobs and describes those needs to educators, students and job applicants. By comparing job profile information with an individual's scores on the WorkKeys tests, skill gaps can be identified and guide training decisions to improve the individual's WorkKeys scores. The certificates validate the WorkKeys skill levels an individual has achieved. Several states are developing WorkKeys readiness certificates to help individuals document their skills for potential employers.

Effect of Proposed Changes

HB 801 CS creates the Florida Ready to Work Certification Program which will enhance Florida students' workplace skills to better prepare them for successful entry-level employment in specific occupations.

Florida Ready to Work Certification Programs shall be composed of:

- A comprehensive identification of workplace skills for each occupation identified for inclusion in the program by the Agency for Workforce Innovation.
- A preinstructional assessment that delineates the student's mastery level on the specific workplace skills identified for that occupation.
- A targeted instructional program limited to those identified workplace skills in which the student is not proficient. Instruction may be web-based and must meet specific needs of local employers.
- A certificate and portfolio awarded to students upon successful completion of the instruction.

Florida Ready to Work Certification Programs may be conducted at public high schools, community colleges, technical centers, one-stop career centers, vocational rehabilitation centers and Department of Juvenile Justice educational facilities.

HB 801 CS requires the Department of Education (DOE) to establish institutional readiness criteria for the implementation of the Florida Ready to Work Certification Program.

HB 801 CS provides rulemaking authority to the State Board of Education, in consultation with the Agency for Workforce Innovation, for the implementation of the Florida Ready to Work Certification Program.

C. SECTION DIRECTORY:

Section 1: Creates s. 1004.99, F.S., The Florida Ready to Work Certification Program; providing students with workforce skills assessment, instruction related to an occupation, and certification based on demonstration of such skills; providing for institutional eligibility; providing program components; authorizing rulemaking.

Section 2: Providing an effective date of July 1, 2006.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues: See FISCAL COMMENTS

2. Expenditures: See FISCAL COMMENTS

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

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

2. Expenditures: None

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

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

D. FISCAL COMMENTS:

The House Proposed General Appropriations Bill (House Bill 5001, Specific Appropriation 132A) provides $15,000,000 for the program for the Department of Education. No funds have been appropriated for the Agency for Workforce Innovation.

The implementation of this program would cause staff workload for the Department of Education and Agency for Workforce Innovation for assessments, curriculum, instruction, business outreach and profiling. The Department of Education has requested five (5) positions: one (1) supervisor, three (3) program specialists, and one (1) administrative support person.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

   The bill does not require a municipality or county to spend funds or to take any action requiring the expenditure of funds.

2. Other: None

B. RULE-MAKING AUTHORITY:

The State Board of Education, in consultation with the Agency for Workforce Innovation are given rulemaking authority for the implementation of the Florida Ready to Work Certification Program.

C. DRAFTING ISSUES OR OTHER COMMENTS:

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

On March 7, 2006, the Community College and Workforce Committee adopted a strike-all amendment. The strike-all amendment:

- Removed all fiscal appropriations language.
- Clarified language creating the program, the purpose of the program, and the components of the program.
- Clarified agency roles for rulemaking authority.

CHAMBER ACTION

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1 The Community Colleges & Workforce Committee recommends the
2 following:
3
4 **Council/Committee Substitute**
5 Remove the entire bill and insert:
6 A bill to be entitled
7 An act relating to the Florida Ready to Work Certification
8 Program; creating s. 1004.99, F.S.; creating the program
9 to enhance student workplace skills; providing for
10 implementation; providing program components; authorizing
11 rulemaking; providing an effective date.
12
13 Be It Enacted by the Legislature of the State of Florida:
14
15 Section 1. Section 1004.99, Florida Statutes, is created
16 to read:
17 1004.99 Florida Ready to Work Certification Program.--
18 (1) There is created the Florida Ready to Work
19 Certification Program to enhance the workplace skills of
20 Florida's students to better prepare them for successful entry-
21 level employment in specific occupations.
22 (2) The Florida Ready to Work Certification Program may be
23 conducted in public high schools, community colleges, technical

24 centers, one-stop career centers, vocational rehabilitation
25 centers, and Department of Juvenile Justice educational
26 facilities. The Department of Education shall establish
27 institutional readiness criteria for program implementation.
28 (3) The Florida Ready to Work Certification Program shall
29 be composed of:
30 (a) A comprehensive identification of workplace skills for
31 each occupation identified for inclusion in the program by the
32 Agency for Workforce Innovation.
33 (b) A preinstructional assessment that delineates the
34 student's mastery level on the specific workplace skills
35 identified for that occupation.
36 (c) A targeted instructional program limited to those
37 identified workplace skills in which the student is not
38 proficient as measured by the preinstructional assessment.
39 Instruction must utilize a web-based program and be customized
40 to meet identified specific needs of local employers.
41 (d) A certificate and portfolio awarded to students upon
42 successful completion of the instruction. Each portfolio must
43 delineate the skills demonstrated by the student as evidence of
44 the student's preparation for employment.
45 (4) The State Board of Education, in consultation with the
46 Agency for Workforce Innovation, may adopt rules pursuant to ss.
47 120.536(1) and 120.54 to implement the provisions of this
48 section.
49 Section 2. This act shall take effect upon becoming a law.

HB 873 CS

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 873 CS Building Designations
SPONSOR(S): Brandenburg
TIED BILLS: **IDEN./SIM. BILLS:** SB 1636

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Colleges & Universities Committee	10 Y, 0 N, w/CS	Davis	Tilton
2) Education Appropriations Committee	16 Y, 0 N	Hamon	Hamon
3) Education Council		Davis	Cobb
4)			
5)			

SUMMARY ANALYSIS

Current law does not permit a state building, road, bridge, park, recreation complex, or similar facility to be named after a living person unless the name designation is approved by law. Pursuant to this requirement, if a university wishes to name a particular building or facility after a living person, the designation must be approved by the Legislature.

The bill designates the new alumni center at Florida Atlantic University as the "Marleen and Harold Forkas Alumni Center" and the Florida Agricultural and Mechanical University-Florida State University College of Engineering building as the "Herbert F. Morgan Building." Florida Atlantic University, Florida Agricultural and Mechanical University, and Florida State University are directed to erect suitable markers to reflect these designations.

The bill provides an effective date of upon becoming law.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

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

B. EFFECT OF PROPOSED CHANGES:

Section 267.062, F.S., provides that no state building, road, bridge, park, recreational complex, or similar facility can be named after a living person unless approved by law. Therefore, if a university wishes to name a particular building or facility after a living person, the designation must be approved by the Legislature.

A section-by-section analysis of the bill follows. The biographical information was provided by the sponsors of the proposed designations.

Section 1: The bill designates the new alumni center at Florida Atlantic University as the "Marleen and Harold Forkas Alumni Center" and directs Florida Atlantic University to erect suitable markers.

Marleen Forkas was the first woman to graduate from the Fashion Institute of Technology's Management Engineering Division. She went on to build a 40-year career as a designer and manufacturer for leading fashion houses.

Harold Forkas began his career working in the office supply business before moving on to sales and management for the Coca-Cola Company. He later had the opportunity to explore entrepreneurship as a Midas Muffler franchisee; by 1988, he owned eight Midas Muffler dealerships.

Marleen and Harold Forkas have a strong philanthropic background. They are involved in several charitable organizations including the Boca Raton Community Hospital Foundation and the Boca Raton Museum of Art. Their involvement with Florida Atlantic University began in 1997 when the couple began attending performances at Florida Atlantic University's University Center. They became members of the University's Inner Circle of Football Founders, and were behind the university's efforts to establish a football team.

More recently, the couple has turned their philanthropic interests to the efforts of the Florida Atlantic University National Alumni Association, donating $1 million for the construction of a permanent facility to house the association.

Section 2: The bill designates the Florida Agricultural and Mechanical University-Florida State University College of Engineering Building as the "Herbert F. Morgan Building" and directs Florida Agricultural and Mechanical University and Florida State University to erect suitable markers.

Herbert F. Morgan earned a business degree from Florida State University in 1966. While there, he received the James D. Westcott Distinguished Service Medal. In 2003, Mr. Morgan received an honorary doctoral degree from Florida State University. Florida State University and Tallahassee Community College have established a joint scholarship in Mr. Morgan's name.

Mr. Morgan was elected to the Florida House of Representatives in 1974 and served until 1986. As a state representative, he served for eight years as Chairman of the Appropriation Committee and also served as Chair of the Rules and Calendar Committee. Mr. Morgan was a key player in the revision of Florida's Budgeting system. He was dedicated to improving Florida's educational system and improving care for disabled and mentally ill Floridians. Mr. Morgan is a two-time recipient of the Allen Morris Award for the most effective member of the House of Representatives.

Mr. Morgan was instrumental in the creation and funding of the Florida Agricultural and Mechanical University-Florida State University Engineering Program.

Section 3: This bill will take effect upon becoming law.

C. SECTION DIRECTORY:

This bill does not create, repeal, or amend any statutory sections. Please refer to EFFECT OF PROPOSED CHANGES for a section-by-section analysis of the bill.

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:

   Please see FISCAL COMMENTS.

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:

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

D. FISCAL COMMENTS:

There will be an insignificant cost associated with the universities erecting suitable markers for the name designations.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

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

2. Other:

   This bill does not appear to raise constitutional issues.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

On March 7, 2006, the colleges and Universities Committee adopted an amendment to HB 873. The bill was reported favorable with a Committee Substitute (CS). The CS adds the designation of Florida Agricultural and Mechanical University-Florida State University College of Engineering building as the "Herbert F. Morgan Building."

CHAMBER ACTION

The Colleges & Universities Committee recommends the following:

Council/Committee Substitute

Remove the entire bill and insert:

A bill to be entitled

An act relating to building designations; designating the new alumni center at Florida Atlantic University as the Marleen and Harold Forkas Alumni Center; designating the Florida Agricultural and Mechanical University-Florida State University College of Engineering Building as the Herbert F. Morgan Building; directing the erection of suitable markers; providing an effective date.

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

Section 1. Marleen and Harold Forkas Alumni Center designated; Florida Atlantic University to erect suitable markers.--

(1) The new alumni center at Florida Atlantic University is designated as the "Marleen and Harold Forkas Alumni Center."

(2) Florida Atlantic University is directed to erect suitable markers designating the Marleen and Harold Forkas Alumni Center as described in subsection (1).

24 Section 2. Herbert F. Morgan Building designated; Florida
25 Agricultural and Mechanical University and Florida State
26 University to erect suitable markers.--
27 (1) The Florida Agricultural and Mechanical University-
28 Florida State University College of Engineering Building in
29 Tallahassee is designated as the "Herbert F. Morgan Building."
30 (2) Florida Agricultural and Mechanical University and
31 Florida State University are directed to erect suitable markers
32 designating the Herbert F. Morgan Building as described in
33 subsection (1).
34 Section 3. This act shall take effect upon becoming a law.

HB 899

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 899 Regional Consortium Service Organizations
SPONSOR(S): Richardson and others
TIED BILLS: **IDEN./SIM. BILLS:** SB 1710

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) PreK-12 Committee	9 Y, 0 N	Hunker	Mizereck
2) Education Appropriations Committee	15 Y, 0 N	Eggers	Hamon
3) Education Council		Hunker	Cobb
4)			
5)			

SUMMARY ANALYSIS

House Bill 899 amends s. 1001.451, F.S., regarding regional consortium service organizations (RCSOs).

The bill requires that the boards of directors of RCSOs determine which services will be purchased with the funds received from the Department of Education (DOE).

The bill authorizes the boards of directors of RCSOs to replace individual school district bid arrangements with RCSO purchasing and bidding programs.

The bill authorizes boards of directors of RCSOs to establish educational foundations governed by educational foundation boards of directors. RCSOs may permit educational foundations to use the property, facilities and personnel services of an RCSO to raise funds for the district members. The bill requires financial audits for certain educational foundations.

The bill has an indeterminate fiscal impact. See FISCAL ANALYSIS.

The bill takes effect July 1, 2006.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide Limited Government – This bill permits regional consortium services organizations to provide bidding, purchasing and fundraising operations to multiple school districts, thus reducing duplicative effort which would occur if each district had to provide these services for themselves.

B. EFFECT OF PROPOSED CHANGES:

Currently, section 1001.451, F.S., authorizes the creation of regional consortium service organizations (RCSOs). RCSOs permit smaller school districts,[1] developmental research (laboratory) schools,[2] and the Florida School for the Deaf and the Blind to pool their resources to provide common programs and services such as teacher training, staff development, exceptional student education, federal grant procurement and coordination, data processing, health insurance, risk management insurance, purchasing, and planning and accountability.

There are currently three regional consortium service organizations in operation in Florida:

(1) The North Florida Education Consortium (NEFEC): Comprising Baker, Bradford, Columbia, Dixie, Flagler, Gilchrist, Hamilton, Lafayette, Levy, Nassau, Putnam, Suwannee, Union, P.K. Younge DRS, and the Florida School For the Deaf and the Blind[3]

(2) Panhandle Area Education Consortium (PAEC): Comprising Calhoun, FSU Schools, Inc., Franklin, Gadsden, Gulf, Holmes, Jackson, Jefferson, Liberty, Madison, Taylor, Wakulla, Walton, and Washington.[4]

(3) Heartland Educational Consortium (HEC): Comprising De Soto, Glades, Hardee, Hendry, Highlands, and Okeechobee.[5]

Currently, the DOE provides these organizations with incentive grants of $50,000 per school district to be used for the delivery of services within those districts. The bill authorizes the boards of directors of the RCSOs to determine which services the funds will be used for.

The bill grants authority to the boards of directors of the RCSOs to establish purchasing and bidding programs, including construction and construction management arrangements, through their school district fiscal agent. An individual district school board could choose to use contracts in place through RCSO bids by submitting a letter of intent to participate and by reflecting the intent to participate in official district school board minutes.

The bill also clarifies that an RCSO board of directors may elect to establish an educational foundation independent of the organization's school district of record. An educational foundation must be governed by an educational foundation board of directors, must be a Florida not-for-profit corporation under chapter 617, F.S., and must be approved by the Department of State. This bill authorizes RCSOs to permit approved educational foundations to use RCSO property, facilities, and personnel services to raise funds for school district members of the RCSO. The bill also provides that each approved educational foundation with more than $100,000 in expenditures or expenses must provide for an annual financial audit of its accounts and records by an independent certified public accountant. The audit report must be submitted to the boards of directors of both the educational foundation and the RCSO within 9 months after the end of the fiscal year.

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1 Smaller school districts are those that have 20,000 or fewer unweighted full-time equivalent students

2 *See* s. 1002.32, Fla. Stat.

3 The North East Florida Educational Consortium, http://www.nefec.org (last visited Mar. 16, 2006).

4 Panhandle Area Educational Consortium, http://www.paec.org (last visited Mar. 16, 2006).

5 Heartland Educational Consortium, http://www.flalearningalliance.org (last visited Mar. 16, 2006).

The bill provides that the act will take effect July 1, 2006.

C. SECTION DIRECTORY:

Section 1: Amends s. 1001.451, F.S.; requiring the board of directors of a regional consortium service organization to determine use of funds; authorizing establishment of purchasing and bidding programs; authorizing establishment of an educational foundation board of directors and providing for use of property, facilities, and personnel services; requiring audits.

Section 2: Provides an effective date.

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

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:

The bill requires an RCSO educational foundation with more than $100,000 in expenditures or expenses to hire an independent certified public accountant to prepare an audit report. Although the fiscal impact is indeterminate, it is expected to be small.

D. FISCAL COMMENTS:

The bill may reduce administrative costs of school districts operating their own bidding and purchasing processes and fundraising, if the school district obtains these services from a RCSO. To the extent a RCSO expands bidding and purchasing services for school districts, additional costs may be incurred. Although potential school district savings and RCSO increased costs are indeterminate, they are expected to be small.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

   The bill does not require a city or county to spend funds or take any action requiring the expenditure of funds.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

1 A bill to be entitled
2 An act relating to regional consortium service
3 organizations; amending s. 1001.451, F.S.; requiring the
4 determination of services and use of funds to be
5 established by the board of directors of a regional
6 consortium service organization; authorizing establishment
7 of purchasing and bidding programs in lieu of individual
8 school district bid arrangements; authorizing
9 establishment of an educational foundation governed by an
10 educational foundation board of directors; providing for
11 use of property, facilities, and personnel services by an
12 educational foundation; requiring audits; providing an
13 effective date.
14
15 Be It Enacted by the Legislature of the State of Florida:
16
17 Section 1. Section 1001.451, Florida Statutes, is amended
18 to read:
19 1001.451 Regional consortium service organizations.--In
20 order to provide a full range of programs to larger numbers of
21 students, minimize duplication of services, and encourage the
22 development of new programs and services:
23 (1) School districts with 20,000 or fewer unweighted full-
24 time equivalent students, developmental research (laboratory)
25 schools established pursuant to s. 1002.32, and the Florida
26 School for the Deaf and the Blind may enter into cooperative
27 agreements to form a regional consortium service organization.
28 Each regional consortium service organization shall provide, at

29 a minimum, three of the following services: exceptional student
30 education; teacher education centers; environmental education;
31 federal grant procurement and coordination; data processing;
32 health insurance; risk management insurance; staff development;
33 purchasing; or planning and accountability.
34 (2)(a) Each regional consortium service organization that
35 consists of four or more school districts is eligible to
36 receive, through the Department of Education, an incentive grant
37 of $50,000 per school district and eligible member to be used
38 for the delivery of services within the participating school
39 districts. The determination of services and use of such funds
40 shall be established by the board of directors of the regional
41 consortium service organization.
42 (b) Application for incentive grants shall be made to the
43 Commissioner of Education by July 30 of each year for
44 distribution to qualifying regional consortium service
45 organizations by January 1 of the fiscal year.
46 (3) In order to economically provide programs and services
47 to participating school districts and members, a regional
48 consortium service organization may establish purchasing and
49 bidding programs, including construction and construction
50 management arrangements, in lieu of individual school district
51 bid arrangements. Participation in regional consortium service
52 organization bids shall be accomplished by action of an
53 individual district school board through a letter of intent to
54 participate and shall be reflected in official district school
55 board minutes.

56 (4) A regional consortium service organization board of
57 directors may elect to establish an educational foundation
58 independent of the regional consortium service organization's
59 school district of record to be governed by an educational
60 foundation board of directors. The educational foundation must
61 be a Florida not-for-profit corporation incorporated under the
62 provisions of chapter 617 and approved by the Department of
63 State. A regional consortium service organization board of
64 directors may permit the use of property, facilities, and
65 personnel services of the regional consortium service
66 organization by an approved educational foundation. An approved
67 educational foundation with more than $100,000 in expenditures
68 or expenses must provide for an annual financial audit of its
69 accounts and records to be conducted by an independent certified
70 public accountant. The annual audit report shall be submitted
71 within 9 months after the end of the fiscal year to the
72 educational foundation board of directors and the regional
73 consortium service organization board of directors.
74 Section 2. This act shall take effect July 1, 2006.

HB 1171

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1171 Travel to Terrorist States
SPONSOR(S): Rivera and others
TIED BILLS: **IDEN./SIM. BILLS:** SB 2434

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Community Colleges & Workforce Committee	7 Y, 0 N	Thomas	Ashworth
2) Education Appropriations Committee	16 Y, 0 N	Hamon	Hamon
3) Education Council		Thomas MOT	Cobb Lee
4)			
5)			

SUMMARY ANALYSIS

The bill requires that no funds in the Community College Program Fund, funds made available to community colleges outside the Community College Program Fund or state or non-state funds made available to state universities may be used to implement, organize, direct, coordinate, administer, or to support the implementation, organization, direction, coordination, or administration of activities related to or involving travel to a terrorist state.

The bill defines "terrorist state" as any state, country, or nation designated by the United States Department of State as a state sponsor of terrorism. Currently, the State Department designates six countries under these authorities: Cuba, Iran, Libya, North Korea, Sudan and Syria. Cuba is the only designated country in the Western Hemisphere.

The bill prohibits travel expenses of public officers or employees for implementing, organizing, directing, coordinating, or administering activities related to or involving travel to a terrorist state.

The bill has no fiscal impact. See FISCAL COMMENTS for historical use of funds.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Maintain public security – The bill prohibits the use of community college or university funds for public officer or employee travel to terrorist states.

B. EFFECT OF PROPOSED CHANGES:

Present Situation

Community College Program Fund
Section 1011.81, F.S., establishes the Community College Program Fund to provide funding for the basic operations of Florida's 28 community colleges.

State University Funding
Section 1011.90, F.S., establishes the primary funding for the basic operations for Florida's 11 state universities.

Per Diem and Travel Expenses
Section 112.061, F.S., governs the per diem and travel expenses of agencies' public officers, employees, and authorized persons.

"Agencies" are defined as any office, department, agency, division, subdivision, political subdivision, board, bureau, commission, authority, district, public body, body politic, county, city, town, village, municipality, or other separate unit of government created by law.[1] A variety of conditions are placed on the travel that may be paid and what amounts may be paid.

"Officer or public officer" is defined as an individual who in the performance of his or her official duties is vested by law with sovereign powers of government and who is either elected by the people, or commissioned by the Governor and has jurisdiction extending throughout the state, or any person lawfully serving instead of either of the forgoing two classes of individuals as initial designee or successor.[2]

"Employee or public employee" is defined as an individual, whether commissioned or not, other than an officer or authorized person, who is filling a regular or full-time authorized position and is responsible to an agency heard, who is called upon by an agency to contribute time and services as a consultant or adviser, who is a candidate for an executive of professional position.[3]

"Authorized person" is defined as a person other than a public officer or employee, whether elected or commissioned or not, who is authorized by an agency head to incur travel expenses in the performance of official duties.[4]

Terrorist States
The United States Department of State maintains a list of countries determined to have repeatedly provided support for acts of international terrorism. The countries are designated "terrorist states" under the requirements of three federal laws: section 6(j) of the Export Administration Act; section 40 of the Arms Export Control Act; and section 620A of the Foreign Assistance Act. Sanctions resulting from designation under these acts include:

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[1] Section 112.061(2)(a).
[2] Section 112.061(2)(c).
[3] Section 112.061(2)(d).
[4] Section 112.061(2)(e).

- A ban on arms-related exports and sales.

- Controls over exports of dual-use items, requiring a 30-day Congressional notification for goods or services that could significantly enhance the terrorist-list country's military capability or ability to support terrorism.

- Prohibitions on economic assistance.

- Imposition of miscellaneous financial and other restrictions, including:
  - Requiring the United States to oppose loans by the World Bank and other international financial institutions;
  - Lifting the diplomatic immunity to allow families of terrorist victims to file civil lawsuits in U.S. courts;
  - Denying companies and individuals tax credits for income earned in terrorist-list countries;
  - Denial of duty-free treatment for goods exported to the United States;
  - Authority to prohibit any U.S. person from engaging in a financial transaction with a terrorism-list government without a Treasury Department License;
  - Prohibition of Defense Department contracts above $100,000 with companies controlled by terrorist-list states.

Currently, the State Department designates six countries under these authorities: Cuba, Iran, Libya, North Korea, Sudan and Syria. Cuba is the only designated country in the Western Hemisphere.

Charter Travel to Terrorist States

Title 31 of the Code of Federal Regulations, Chapter V, prescribes the ability and legal method to travel to and do business with countries such as Cuba, Iran, Libya, North Korea, Sudan and Syria. The ability to travel to these countries varies as do the requirements for and the ability to be authorized or licensed by the Office of Foreign Assets Control (OFAC) within the United States Department of the Treasury for such travel. Because of its proximity to Florida and the demographic makeup of the state, Cuba is likely the only listed terrorist state receiving regular charter air and vessel travelers from Florida.

Cultural and Educational Travel to Cuba

Under the Cuban Assets Control Regulations, OFAC may issue specific licenses to accredited United States academic institutions to authorize travel-related transactions related to certain educational activities by students or employees affiliated with the institution. Such licenses are valid for multiple trips over a two-year period. Specific licenses may also be issued (in some instances with extended validity permitting multiple trips) for educational activities that do not take place under the auspices of accredited United States academic institutions. Religious organizations are also eligible for multiple-trip two-year specific licenses authorizing travel-related transactions by their representatives in connection with a program of religious activities in Cuba.

Other travel categories for which specific licenses may be issued include, but are not limited to: free-lance journalism; activities of recognized human rights organizations and other humanitarian projects that directly benefit the Cuban people; certain public performances, clinics, workshops, exhibitions and athletic and other competitions; certain non-commercial activities of private foundations or research or educational institutions; and travel-related transactions involving informational materials, donations of food or exportations of goods licensed by the Department of Commerce.

Effect of Proposed Changes

HB 1171 prohibits funds in the Community College Program Fund and funds made available to community colleges outside the Community College Program Fund to be used to implement, organize, direct, coordinate, or administer, or to support the implementation, organization, direction, coordination, or administration of activities related to or involving travel to a terrorist state. The prohibition includes

state or private funds made available to a community college. The bill also places the same prohibition on state or non-state funds made available to the state universities.

HB 1171 defines "terrorist state" as any state, country, or nation designated by the United States Department of State as a state sponsor of terrorism. Currently, the State Department designates six countries under these authorities: Cuba, Iran, Libya, North Korea, Sudan and Syria. Cuba is the only designated country in the Western Hemisphere[5].

HB 1171 prohibits travel expenses of public officers or employees for implementing, organizing, directing, coordinating, or administering activities related to or involving travel to a terrorist state.

C. SECTION DIRECTORY:

Section 1. Amends s. 1011.81, F.S., prohibiting the use of funds from the Community College Program Fund, or funds made available to community colleges from outside the fund, to implement, organize, direct, coordinate, or administer activities related to or involving travel to a terrorist state; defining " terrorist state".

Section 2. Amends s. 1011.90, F.S., prohibiting the use of state or non-state funds made available to state universities to implement, organize, direct, coordinate, or administer activities related to or involving travel to a terrorist state; defining " terrorist state".

Section 3. Amends s. 112.061, F.S., providing that travel expenses of public officers or employees for the purpose of implementing, organizing, directing, coordinating, or administering activities related to or involving travel to a terrorist state shall not be allowed under any circumstances.

Section 4. Provides an effective date of July 1, 2006.

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:

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[5] Office of the Coordinator for Counter Terrorism, U.S. Department of State, *Country Reports on Terrorism 2004*, p. 88, April 2005.

A survey conducted by the Division of Community Colleges and Workforce Education of the Florida Department of Education indicated that, in the last five years, one community college has sponsored a trip to a country classified by the Department of State as a terrorist state – i.e., an educational trip to Cuba that was paid for with private funds rather than Community College Program Fund or other state funds.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

   None

2. Other:

   None

B. RULE-MAKING AUTHORITY:

None

C. DRAFTING ISSUES OR OTHER COMMENTS:

Section 112.061, F.S., is about per diem and travel expenses of public officers, employees, and *authorized persons*. The bill provides travel expense limitations on public officers and employees, but it is silent on authorized person's travel limitations.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

1 A bill to be entitled
2 An act relating to travel to terrorist states; amending s.
3 1011.81, F.S.; prohibiting the use of funds from the
4 Community College Program Fund, or funds made available to
5 community colleges from outside the fund, to implement,
6 organize, direct, coordinate, or administer activities
7 related to or involving travel to a terrorist state;
8 defining "terrorist state"; amending s. 1011.90, F.S.;
9 prohibiting the use of state or nonstate funds made
10 available to state universities to implement, organize,
11 direct, coordinate, or administer activities related to or
12 involving travel to a terrorist state; defining "terrorist
13 state"; amending s. 112.061, F.S.; providing that travel
14 expenses of public officers or employees for the purpose
15 of implementing, organizing, directing, coordinating, or
16 administering activities related to or involving travel to
17 a terrorist state shall not be allowed under any
18 circumstances; defining "terrorist state"; providing an
19 effective date.
20
21 Be It Enacted by the Legislature of the State of Florida:
22
23 Section 1. Section 1011.81, Florida Statutes, is amended
24 to read:
25 1011.81 Community College Program Fund.--
26 (1) There is established a Community College Program Fund.
27 This fund shall comprise all appropriations made by the
28 Legislature for the support of the current operating program and

29 shall be apportioned and distributed to the community college
30 districts of the state on the basis of procedures established by
31 law and rules of the State Board of Education. The annual
32 apportionment for each community college district shall be
33 distributed monthly in payments as nearly equal as possible.
34 (2) None of the funds made available in the Community
35 College Program Fund, or funds made available to community
36 colleges outside the Community College Program Fund, may be used
37 to implement, organize, direct, coordinate, or administer, or to
38 support the implementation, organization, direction,
39 coordination, or administration of, activities related to or
40 involving travel to a terrorist state. For purposes of this
41 section, "terrorist state" is defined as any state, country, or
42 nation designated by the United States Department of State as a
43 state sponsor of terrorism.
44 Section 2. Subsection (6) is added to section 1011.90,
45 Florida Statutes, to read:
46 1011.90 State university funding.--
47 (6) None of the state or nonstate funds made available to
48 state universities may be used to implement, organize, direct,
49 coordinate, or administer, or to support the implementation,
50 organization, direction, coordination, or administration of,
51 activities related to or involving travel to a terrorist state.
52 For purposes of this section, "terrorist state" is defined as
53 any state, country, or nation designated by the United States
54 Department of State as a state sponsor of terrorism.
55 Section 3. Paragraphs (e), (f), and (g) of subsection (3)
56 of section 112.061, Florida Statutes, are redesignated as

57 paragraphs (f), (g), and (h), respectively, and a new paragraph
58 (e) is added to that subsection to read:
59 112.061 Per diem and travel expenses of public officers,
60 employees, and authorized persons.--
61 (3) AUTHORITY TO INCUR TRAVEL EXPENSES.--
62 (e) Travel expenses of public officers or employees for
63 the purpose of implementing, organizing, directing,
64 coordinating, or administering, or supporting the
65 implementation, organization, direction, coordination, or
66 administration of, activities related to or involving travel to
67 a terrorist state shall not be allowed under any circumstances.
68 For purposes of this section, "terrorist state" is defined as
69 any state, country, or nation designated by the United States
70 Department of State as a state sponsor of terrorism.
71 Section 4. This act shall take effect July 1, 2006.

HB 1237 CS

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1237 CS Advanced Science and Technology Research
SPONSOR(S): Mealor
TIED BILLS: **IDEN./SIM. BILLS:** SB 2084

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Colleges & Universities Committee	10 Y, 0 N, w/CS	Hatfield	Tilton
2) Economic Development, Trade & Banking Committee	11 Y, 0 N	Olmedillo	Carlson
3) Education Appropriations Committee	18 Y, 0 N, w/CS	Hamon	Hamon
4) Education Council		Hatfield	Cobb
5)			

SUMMARY ANALYSIS

The bill creates the 21st Century Technology, Research, and Scholarship Enhancement Act (the Act). The Act provides for the creation of the Florida Technology, Research, and Scholarship Board (the board) within the Board of Governors (BOG) to guide the establishment of Centers of Excellence and the attraction of world class scholars. The board is charged with recommending criteria to the BOG for the 21st Century World Class Scholars Program and with providing guidance to the BOG regarding the implementation and administration of the Centers of Excellence. The Act expires June 30, 2011.

The bill provides for the allocation of state matching funds to attract world class scholars to state universities. The bill requires a state university to raise no less than $1 million to be eligible for state matching funds to recruit a world class scholar. Funds raised will be eligible for a one-to-one match from the state. The bill prohibits revenues received from state appropriations, student tuition and fees, and state funded contracts or grants to be eligible for the state match.

The bill provides for the creation or expansion of Centers of Excellence. Applicants may include state universities; private universities; the Moffitt Cancer Center; the Florida Institute for Human and Machine Cognition; and any community college, training center or other public or private research center in the state that coordinates with a state university for this purpose. The bill requires the board to recommend to the BOG criteria for the approval of proposals to create or expand a center and provides guidelines for the criteria. The bill also requires the board to recommend to the BOG for approval and funding the proposals that meet the approved criteria.

The bill appropriates $50 million to the 21st Century World Class Scholars Program and $50 million to the Centers of Excellence Program. See the FISCAL COMMENTS section for further details.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide limited government—The bill creates the Florida Technology, Research, and Scholarship Board (the board) within the Board of Governors (BOG), requires certain duties of the board, and requires the BOG to provide staff support and other support for the board.

B. EFFECT OF PROPOSED CHANGES:

Background

In 2002, the Governor proposed $100 million for the creation of Centers of Excellence to increase technology research at state universities and diversify the state's economy by stimulating the high-tech economic job sector. Three Centers of Excellence were created: the Center of Excellence in Biomedical and Marine Biotechnology at Florida Atlantic University, the Florida Photonics Center of Excellence at the University of Central Florida, and the Center of Excellence in Regenerative Health Biotechnology at the University of Florida. The Legislature provided $30 million for these Centers of Excellence in the 2002-2003 General Appropriations Act (GAA).[1]

According to the BOG, as of January 2006, the centers have leveraged the state's investment to achieve the following outcomes:

FISCAL PERFORMANCE MEASURES	FAU	UCF	UF	TOTAL
Amount Of:				
Initial State Funds Awarded	$10,000,000	$10,000,000	$10,000,000	$30,000,000
Venture Funding Attracted	$0	$10,500,000	$0	$10,500,000
Other State Grants and Funds Awarded	$827,138	$5,062,900	$0	$5,890,038
Federal Research Funds Awarded	$18,789,389	$15,970,187	$3,250,000	$38,009,576
Private Research Funds Awarded	$3,157,859	$8,952,539	$10,000	$12,120,398
Foundation Funds Invested	$2,300,000	$0	$10,000,000	$12,300,000
License Income Earned	$5,500	$181,250	$0	$186,750
TOTAL				$109,006,762

[1] 2002-2003 General Appropriations Act, Specific Appropriation 173A.

In addition to their performance on fiscal measures, the centers report the following measures of research productivity:

PRODUCTIVITY PERFORMANCE MEASURES[2]	FAU	UCF	UF	TOTAL
Number Of:				
Research Studies and Articles Published	55	138	125	318
Research Collaborations	27	29	2	58
K-20 Students and Teachers Served	2470	15	100	2585
Industry Internships Granted to Graduate Students	3	15	0	18
Patents Filed	21	40	0	61
Patents Issued	23	14	0	37
Technologies Licensed	3	3	0	6
Affiliated Companies	0	2	1	3
Start up Businesses	3	4	0	7
Out-of-State Businesses Contacted	31	34	5	70
Contacts with Venture Capitalists	14	10	3	27

In a January 30, 2006 press release, the Governor launched new economic development initiatives to bolster the state's efforts to diversify and build Florida's Innovation Economy. To coincide with this initiative, the Governor recommended a $630 million investment in the 2006-2007 budget for programs that will generate the innovation needed to create the industries of the future; this included $200 million to create and fund the 21st Century Technology, Research and Scholarship Enhancement Act.

- $100 million recommended to be used to create and expand the Centers of Excellence around key sectors of the economy. According to the press release, this program would allow state universities and their research partners to leverage public and private dollars to build the infrastructure to support emerging research and development projects. The collaboration between industry and academia would help drive inventions and innovations from the lab to the marketplace.

- $100 million recommended to be used to create the World Class Scholars Program. According to the press release, this program would give universities the financial resources to attract leading researchers from around the globe to Florida. Funds may be used for incentives, including building labs, providing high-tech equipment or funding support staff. The state would match the investment of universities dollar-for-dollar.

Effects of Proposed Changes

The bill creates the 21st Century Technology, Research, and Scholarship Enhancement Act (the Act) and provides legislative findings and intent.

The purpose of the Act is to:

- Invest in programs that attract world class scholars and build Centers of Excellence, both of which are important means of increasing technology-based business in this state.
- Require co-investment as a means of leveraging state dollars.
- Align research and development efforts with established, statewide economic-development strategies, including an emphasis on identified economic clusters.
- Facilitate value-added job creation through continuous improvement in university research, as well as entrepreneurship and capital-development programs.
- Establish Florida as a leading state for entrepreneurship and innovation, with continued commitment to university centers and an expanding base of research and development.

The bill defines the following terms for purposes of the Act:

- "A 21st Century World Class Scholar" means a principle researcher/investigator who has high academic credentials, demonstrated competence, and experience that meets the requirements established by the board for a 21st Century World Class Scholar.
- "Board" means the Florida Technology, Research, and Scholarship Board.
- "Center of Excellence" means an organization of personnel, facilities, and equipment established to accomplish the purposes and objectives of this act.
- "Community College" means a Florida public community college as defined in s. 1000.21, F.S.
- "Private University" means a baccalaureate degree-granting independent nonprofit university which is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools (SACS) and which is located in and chartered as a domestic corporation of the state.
- "Research center" means an institute, center, or clinic that includes research and development or education as a principal mission of the organization.
- "State university" means a Florida public university as defined in s. 1000.21, F.S.

Florida Technology, Research, and Scholarship Board

The bill creates the Florida Technology, Research, and Scholarship Board (the board) within the Board of Governors (BOG) to guide the establishment of centers and the attraction of world class scholars. The board consists of 11 members, seven of whom must be appointed by the Governor, two appointed by the President of the Senate, and two appointed by the Speaker of the House. The Governor's appointees must include a member of the board of directors of Enterprise Florida, Inc., and a member of the BOG. Appointed members must be representative of business leaders, industrial researchers, academic researchers, scientists, and leaders in the emerging and advanced technology sector and may not serve more than four years. The chair of the`board is appointed by the Governor.

The board members serve without compensation, but are entitled to reimbursement for per diem and travel expenses in accordance with s. 112.061, F.S. The BOG must provide support staff for the activities of the board and per diem and travel expenses for board members.

The board is charged with recommending to the BOG criteria for the 21st Century World Class Scholars Program and with providing guidance to the BOG regarding the implementation and administration of the Centers of Excellence Program. In addition, the board must recommend to the BOG the qualifications, standards, and requirements for approval of investments in Centers of Excellence. The bill provides that the board may form committees of its members and encourages the board to consult with certain research entities whose input may be helpful in determining the requirements and standards for the Centers of Excellence Program.

21st Century World Class Scholars Program

The bill provides for the allocation of state matching funds to attract world class scholars to state universities. The bill requires the World Class Scholars Program to be used as a tool to develop the state's capabilities in science and high-technology research, emphasizing Florida's identified strengths in science and technology while also recognizing new technologies as they may emerge.

The bill requires the board to consult with certain state university officials, the Office of Tourism, Trade, and Economic Development, the board of directors of Enterprise Florida, Inc., and leading members of the private industry, to develop and recommend to the BOG the criteria for the World Class Scholars Program. The criteria recommended to the BOG must address, at a minimum:

- The presence of distinguished faculty members, outstanding students, and adequate research and scholarly support services.
- The existence of an academic environment having appropriate infrastructure
- The demonstration of concordance with Florida's strategic plan for economic development or an emphasis on one or more emerging sciences or technologies that could favorably impact the state's economic future.

The bill requires a state university to raise no less than $1 million to be eligible for state matching funds to recruit a world class scholar. Funds raised will be eligible for a one-to-one match from the state.

The bill prohibits revenues received from state appropriations, student tuition and fees, and state funded contracts or grants to be eligible for the state match. Upon verification by the BOG that a state university has met the criteria for a world class scholar, the BOG must release matching funds to the university. The bill requires funds to be used for the purpose of recruiting a World Class Scholar. Funds must also be expended according to an expenditure plan approved by the BOG.

The bill provides that the Act does not replace or obviate existing programs.

Centers of Excellence
The bill also specifies the purposes and objectives of Centers of Excellence, which include recruiting and retaining world class scholars. The bill requires the board to recommend to the BOG criteria for approving proposals to create or expand Centers of Excellence and provides certain factors that must be considered.

The bill requires the board to periodically solicit proposals for Centers of Excellence. Applicants may include state universities; private universities; the Moffitt Cancer Center; the Florida Institute for Human and Machine Cognition; and any community college, training center or other public or private research center in the state that coordinates with a state university. The board must notify the president of each state university and applicable research centers in this state of the call for proposals.

The board must recommend to the BOG for approval and funding the proposals that meet the approved criteria. If no program is judged worthy of approval during a solicitation cycle, an approval does not have to be made. The bill provides that the Act does not establish a limit for an investment amount; however, any approval for a single center exceeding $20 million must be documented to have superior prospects for success in its field of research and offer outstanding opportunities to leverage state dollars.

The bill requires a Center of Excellence that receives funding under the Act to provide at least annual reports to the board and the BOG concerning its achievement of objectives as identified in the approved proposal.

Other Provisions
The BOG is required to issue an annual report by December 31 of each year that provides information relating to the World Class Scholars Program and the created or expanded Centers of Excellence. The annual BOG report must be presented to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The report must include a copy of an independent audit of the board and a review of the progress of the programs established pursuant to the Act.

The Act expires June 30, 2011.

The bill appropriates $50 million to the 21st Century World Class Scholars Program and $50 million to the Centers of Excellence Program. See the FISCAL COMMENTS section for further details.

The bill provides an effective date of July 1, 2006.

C. SECTION DIRECTORY:

Section 1: Creates s. 1004.226, F.S., the 21st Century Technology, Research, and Scholarship Enhancement Act; providing legislative findings and intent; providing definitions; creating the Florida Technology, Research, and Scholarship Board within the Board of Governors; providing for members of the board and terms; providing for board members to be reimbursed for per diem and expenses incurred in the performance of their duties; requiring that the Board of Governors provide staff support and other support for the board; requiring that the board provide recommendations for the 21st Century World Class Scholars Program and the Centers of Excellence Program; authorizing the board to form committees and consult with certain other entities; providing for the 21st Century World Class Scholar Program to provide matching funds to state universities; providing guidelines for the board in the development of criteria for recommendation to the Board of Governors; requiring a minimum investment

of funds; specifying the purposes of the Centers of Excellence; specifying entities eligible to submit proposals; requiring the board to recommend to the Board of Governors criteria for approving proposals to create or expand a Center of Excellence, to solicit proposals, and to recommend proposals that meet such criteria; requiring documentation if funds are approved for a Center of Excellence in excess of a specified amount; requiring reports by Centers of Excellence and the Board of Governors; and providing for the expiration of the act.

Section 2: Appropriates $100 million from nonrecurring general revenue for the 2006-2007 fiscal year to the Board of Governors, of which $50 million is allocated for the 21st Century World Class Scholars Program and $50 million for the Centers of Excellence Program; and provides for carrying forward certain unexpended balances.

Section 3 Provides an effective date of July 1, 2006.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

   None.

2. Expenditures:

   See FISCAL COMMENTS.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

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

2. Expenditures:

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

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill provides for the establishment of the 21st Century World Class Scholars Program and the creation or expansion of Centers of Excellence. These programs may increase the economic development in this state which in turn may provide for additional employment opportunities for Florida citizens.

D. FISCAL COMMENTS:

For the fiscal year 2006-2007, the bill appropriates a total of $100 million from nonrecurring general revenue to the BOG, of which $50 million must be allocated for the 21st Century World Class Scholars Program and $50 million for the Centers of Excellence Program.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not require a municipality or county to spend funds or to take any action requiring the expenditure of funds.

2. Other:

In the 2002 General Election, the people amended the State Constitution to create a Statewide Board of Governors to govern, operate, regulate, control, and be fully responsible for the management of the state university system.[2] The responsibilities include defining university missions, defining articulation with public schools and community colleges, coordinating and operating the university system, and avoiding wasteful duplication of facilities or programs. In addition, the Board of Governors must establish the powers and duties of the university boards of trustees. The Board of Governors' management of the state university system is subject to the power of the Legislature to appropriate for the expenditure of funds. The Board of Governors must account for the expenditure of funds as provided by law.

On December 21, 2004, Floridians for Constitutional Integrity, Inc., filed a complaint for declaratory judgment against the State Board of Education seeking to clarify the powers of the Board of Governors.[3] That suit has been partially settled by entry of an order ratifying a mediation agreement between the parties. The agreement declares that the Board of Governors has "full control and authority over the state university system" and that the Board has authority over all "non-appropriated funds administered by the state university system."[4] The Florida Legislature was not a party to the lawsuit and is not bound by the agreement.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

On March 14, 2006, the Colleges and Universities Committee adopted an amendment to HB 1237. The bill was reported favorably with a Committee Substitute (CS). The CS differs from the original bill in the following ways:

- Removes the endowment language.
- Prohibits revenues received from student tuition and fees and state funded contracts or grants from being eligible for a state match.
- Requires funds to be expended according to an expenditure plan approved by the BOG.
- Changes the dates funds are to be carried forward and reverted from 2009-2010 to 2010-2011.

On April 4, 2006, the Education Appropriations Committee adopted two amendments to HB 1237. The bill was reported favorable with a Committee Substitute (CS). The CS differs from the previous CS in the following ways:

- Expands entitles eligible to become Centers of Excellence beyond state universities to include private universities; the Moffitt Cancer Center; the Florida Institute for Human and Machine Cognition; and any community college, training center or other public or private research center in the state that coordinates with a state university.

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[2] s. 7 art. IX, State Constitution.
[3] Case No. 2004 CA 003040, filed in the Circuit Court for the Second Judicial Circuit of Florida, Leon County.
[4] Mediation Agreement dated November 29, 2005, on file with Committee staff.

- Removes extended carried forward of funds and reversion language.
- Removes two FTE and associated operating appropriations.
- Changes the appropriation from $200 million to $100 million, of which $50 million is allocated to each the 21st Century World Class Scholars program and the Centers of Excellence program.

CHAMBER ACTION

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1 The Education Appropriations Committee recommends the following:
2
3 **Council/Committee Substitute**
4 Remove the entire bill and insert:
5 A bill to be entitled
6 An act relating to advanced science and technology
7 research; creating s. 1004.226, F.S.; creating the 21st
8 Century Technology, Research, and Scholarship Enhancement
9 Act; providing legislative findings and intent; providing
10 definitions; creating the Florida Technology, Research,
11 and Scholarship Board within the Board of Governors of the
12 State University System; providing for members of the
13 board; providing for terms; providing for board members to
14 be reimbursed for per diem and expenses incurred in the
15 performance of their duties; requiring that the Board of
16 Governors of the State University System provide staff
17 support and other support for the board; requiring that
18 the board provide recommendations for the 21st Century
19 World Class Scholars Program and the Centers of Excellence
20 Program; authorizing the board to form committees and
21 consult with certain other entities; providing for the
22 21st Century World Class Scholars Program to provide
23 matching funds to state universities; providing guidelines

24 for the board in the development of criteria for
25 recommendation to the Board of Governors; requiring a
26 minimum investment of funds; specifying the purposes of
27 the Centers of Excellence; specifying entities eligible to
28 submit proposals; requiring the board to recommend to the
29 Board of Governors criteria for approving proposals to
30 create or expand a Center of Excellence, to solicit
31 proposals, and to recommend proposals that meet such
32 criteria; requiring documentation if funds are approved
33 for a Center of Excellence in excess of a specified
34 amount; requiring reports by Centers of Excellence and the
35 Board of Governors; providing for expiration of the act;
36 providing appropriations; providing an effective date.
37
38 Be It Enacted by the Legislature of the State of Florida:
39
40 Section 1. Section 1004.226, Florida Statutes, is created
41 to read:
42 1004.226 The 21st Century Technology, Research, and
43 Scholarship Enhancement Act.--
44 (1) LEGISLATIVE FINDINGS AND INTENT.--
45 (a) The Legislature finds that diversifying this state's
46 economy requires a focus on building a growing base of high-wage
47 jobs and on nurturing those technologies and clusters that will
48 be the foundation of Florida's growing economic diversity and
49 prosperity.
50 (b) The Legislature further finds that special programs
51 are needed to facilitate the recruitment of exceptional talent

52 to Florida's research universities and centers and to provide
53 the infrastructure and resources that precipitate joint efforts
54 and coinvestment among state research and development
55 institutions, private industry, and government. Florida needs
56 consistent commitment and investment in order to further the
57 state's strategy of capitalizing on innovative research and
58 development to build a thriving, technology-rich economy.
59 (2) CREATION.--The 21st Century Technology, Research, and
60 Scholarship Enhancement Act is created for the purpose of:
61 (a) Investing in programs that attract world class
62 scholars and building Centers of Excellence as an important
63 means of increasing technology-based business in this state;
64 (b) Requiring coinvestment as a means of leveraging state
65 dollars;
66 (c) Aligning research and development efforts with
67 established, statewide economic-development strategies,
68 including an emphasis on identified economic clusters;
69 (d) Facilitating value-added job creation through
70 continuous improvement in university research, as well as
71 entrepreneurship and capital-development programs; and
72 (e) Establishing Florida as a leading state for
73 entrepreneurship and innovation, with continued commitment to
74 university Centers of Excellence and an expanding base of
75 research and development.
76 (3) DEFINITIONS.--As used in this section, the term:
77 (a) "A 21st Century World Class Scholar" means a principal
78 researcher/investigator who has high academic credentials,
79 demonstrated competence, and experience that meets the

80 requirements established by the board for a 21st Century World
81 Class Scholar.
82 (b) "Board" means the Florida Technology, Research, and
83 Scholarship Board.
84 (c) "Center of Excellence" means an organization of
85 personnel, facilities, and equipment established to accomplish
86 the purposes and objectives of this act.
87 (d) "Community college" means a Florida public community
88 college as defined in s. 1000.21.
89 (e) "Private university" means a baccalaureate degree-
90 granting independent nonprofit university which is accredited by
91 the Commission on Colleges of the Southern Association of
92 Colleges and Schools and which is located in and chartered as a
93 domestic corporation by the state.
94 (f) "Research center" means an institute, center, or
95 clinic that includes research and development or education as a
96 principal mission of the organization.
97 (g) "State university" means a Florida public university
98 as defined in s. 1000.21.
99 (4) FLORIDA TECHNOLOGY, RESEARCH, AND SCHOLARSHIP
100 BOARD.--The Florida Technology, Research, and Scholarship Board
101 is created within the Board of Governors of the State University
102 System to guide the establishment of Centers of Excellence and
103 the attraction of world class scholars.
104 (a) The board shall consist of 11 members. Seven members
105 shall be appointed by the Governor, one of whom the Governor
106 shall appoint as chair of the board, one of whom must be a
107 member of the board of directors of Enterprise Florida, Inc.,

108 and one of whom must be a member of the Board of Governors of
109 the State University System. Two members shall be appointed by
110 the President of the Senate and two members shall be appointed
111 by the Speaker of the House of Representatives. Appointed
112 members must be representative of business leaders, industrial
113 researchers, academic researchers, scientists, and leaders in
114 the emerging and advanced technology sector. Appointed members
115 may not serve for more than 4 years and any vacancy that occurs
116 during these appointees' terms shall be filled in the same
117 manner as the original appointment. A majority of members
118 constitutes a quorum.
119 (b) Members of the board shall serve without compensation,
120 but are entitled to receive reimbursement for per diem and
121 travel expenses in accordance with s. 112.061 while in the
122 performance of their duties.
123 (c) The Board of Governors shall provide staff support for
124 the activities of the board and per diem and travel expenses for
125 board members.
126 (d) The board is charged with recommending criteria to the
127 Board of Governors for the 21st Century World Class Scholars
128 Program and with providing guidance to the Board of Governors
129 regarding the implementation and administration of the Centers
130 of Excellence Program. The board shall recommend to the Board of
131 Governors the qualifications, standards, and requirements for
132 approval of investments in Centers of Excellence under this act.
133 The board may form committees of its members and is encouraged
134 to consult with Enterprise Florida, Inc., the Florida Research
135 Consortium, Bio-Florida, IT Florida, the Florida Aviation and

136 Aerospace Alliance, and any other entity whose input may be
137 helpful in determining the requirements and standards for the
138 program.
139 (5) THE 21ST CENTURY WORLD CLASS SCHOLARS PROGRAM.--
140 (a) This act allocates state matching funds to attract
141 21st Century World Class Scholars to state universities.
142 (b) The 21st Century World Class Scholars Program shall be
143 used as a tool to develop the state's capabilities in science
144 and high-technology research, emphasizing Florida's identified
145 strengths in science and technology while also recognizing new
146 technologies as they may emerge.
147 (c) The board, in consultation with senior administrators
148 of state universities, state university foundation directors,
149 the Office of Tourism, Trade, and Economic Development, the
150 board of directors of Enterprise Florida, Inc., and leading
151 members of private industry, shall develop and recommend to the
152 Board of Governors criteria for the 21st Century World Class
153 Scholars Program. Such criteria shall address, at a minimum, the
154 following:
155 1. The presence of distinguished faculty members,
156 including whether the university has a substantial history of
157 external funding, along with the strong potential for attracting
158 a scholar of national or international eminence.
159 2. The presence of academically outstanding students,
160 along with the promise and potential for attracting additional
161 highly qualified students.
162 3. The presence of adequate research and scholarly support
163 services.

164 4. The existence of an academic environment having
165 appropriate infrastructure, including buildings, classrooms,
166 libraries, laboratories, and specialized equipment, that is
167 conducive to the conduct of the highest quality of scholarship
168 and research.
169 5. The demonstration of concordance with Florida's
170 strategic plan for economic development or an emphasis on one or
171 more emerging sciences or technologies that could favorably
172 impact the state's economic future.
173 (d) A state university must raise a minimum of $1 million
174 to be eligible for state matching funds to recruit a 21st
175 Century World Class Scholar. Funds raised by the university
176 shall be eligible for a one-to-one match from the state.
177 Revenues received from state appropriations, student tuition and
178 fees, and state-funded contracts or grants are not eligible for
179 state match.
180 (e) Upon the verification by the Board of Governors that a
181 state university has met the criteria for a 21st Century World
182 Class Scholar, the Board of Governors shall release matching
183 funds to the university. Funds shall be used for the purpose of
184 recruiting a 21st Century World Class Scholar and shall be
185 expended according to an expenditure plan approved by the Board
186 of Governors.
187 (f) Nothing in this act is intended to replace or obviate
188 existing programs.
189 (6) CENTERS OF EXCELLENCE.--
190 (a) The purposes and objectives of a Center of Excellence
191 include:

192 1. Identifying and pursuing opportunities for university
193 scholars, research center scientists and engineers, and private
194 businesses to form collaborative partnerships to foster and
195 promote the research required to develop commercially promising,
196 advanced, and innovative science and technology and to transfer
197 those discoveries to commercial sectors.
198 2. Acquiring and leveraging public-sector and private-
199 sector funding to provide the totality of funds, personnel,
200 facilities, equipment, and other resources needed to support the
201 research required to develop commercially promising, advanced,
202 and innovative science and technology and to transfer those
203 discoveries to commercial sectors.
204 3. Recruiting and retaining world class scholars, high-
205 performing students, and leading scientists and engineers in
206 technology disciplines to engage in research in this state and
207 to develop commercially promising, advanced, and innovative
208 science and technology.
209 4. Enhancing and expanding science and technology
210 curricula and laboratory resources at universities and research
211 centers in this state.
212 5. Increasing the number of high-performing students in
213 science and technology disciplines who graduate from
214 universities in this state and pursue careers in this state.
215 6. Stimulating and supporting the inception, growth, and
216 diversification of science and technology-based businesses and
217 ventures in Florida and increasing employment opportunities for
218 the workforce needed to support such businesses.

219 (b) The following entities are eligible to submit
220 proposals for a Center of Excellence:
221 1. Any state university.
222 2. Any private university.
223 3. The H. Lee Moffitt Cancer Center and Research
224 Institute.
225 4. The Florida Institute for Human and Machine Cognition,
226 Inc..
227 5. Any community college, training center, or other public
228 or private research center in the state that coordinates with a
229 state university for purposes of this act.
230 (c) The board shall recommend to the Board of Governors
231 criteria for approving proposals to create or expand a Center of
232 Excellence. Such criteria shall consider:
233 1. The maturity of the applicant's existing programs
234 relating to a proposed Center of Excellence.
235 2. The comprehensiveness and effectiveness of site plans
236 relating to a proposed Center of Excellence.
237 3. The existing amount of the applicant's resources
238 dedicated to activities relating to a proposed Center of
239 Excellence.
240 4. The regional economic structure and climate.
241 5. The degree to which the applicant identifies and seizes
242 opportunities to collaborate with other public or private
243 entities for research purposes.
244 6. The presence of a comprehensive performance and
245 accountability measurement system.

246 7. The use of an integrated research and development
247 strategy using multiple levels of the educational system.
248 8. The ability of the applicant to raise research funds
249 and leverage public and private investment dollars to support
250 advanced and emerging scientific and technological research and
251 development projects.
252 9. The degree to which the applicant transfers advanced
253 and emerging sciences and technologies from its laboratories to
254 the commercial sector.
255 10. The degree to which the applicant stimulates and
256 supports the creation of new ventures.
257 11. The existence of a plan to enhance academic curricula
258 by improving communication between academia and industry.
259 12. The existence of a plan to increase the number,
260 quality, and retention rate of faculty and graduate students in
261 advancing and emerging science and technology-based disciplines.
262 13. The existence of a plan to increase the likelihood of
263 faculty and graduate students pursuing private-sector careers in
264 the state.
265 14. The ability of the applicant to provide capital
266 facilities necessary to support research and development.
267 (d) The board shall periodically solicit proposals for
268 Centers of Excellence. To call for proposals, the board shall
269 notify the president or chief executive officer of the eligible
270 entities identified in paragraph (b).
271 (e) The board shall recommend to the Board of Governors
272 for approval and funding those proposals that meet the criteria
273 approved by the Board of Governors.

274 (f) If no proposal is judged worthy of approval during a
275 solicitation cycle, an approval need not be made. This act does
276 not establish a limit for an investment amount; however, any
277 approval for a single Center of Excellence exceeding $20 million
278 must be documented to have superior prospects for success in its
279 field of research and offer outstanding opportunities to
280 leverage state dollars.
281 (7) ANNUAL REPORT.--
282 (a) Any Center of Excellence receiving funding pursuant to
283 this section shall provide at least annual reports to the board
284 and the Board of Governors concerning its achievement of
285 objectives as identified and presented in the approved proposal.
286 (b) The Board of Governors shall issue an annual report by
287 December 31 each year of the activities conducted, including the
288 accomplishments and overall economic benefits to the state, the
289 number of 21st Century World Class Scholars attracted, the
290 number of Centers of Excellence created or expanded, the success
291 of collaborations with related industries, and the success of
292 these programs. The annual report shall be presented to the
293 Governor, the President of the Senate, and the Speaker of the
294 House of Representatives. The annual report must include a copy
295 of an independent audit of the board and a review of the
296 progress of programs established pursuant to this section.
297 (8) EXPIRATION.--This section shall expire June 30, 2011.
298 Section 2. For the 2006-2007 fiscal year, the sum of $100
299 million is appropriated from nonrecurring general revenue to the
300 Board of Governors of the State University System, of which $50
301 million shall be allocated for the 21st Century World Class

302 Scholars Program and $50 million for the Centers of Excellence
303 Program.
304 Section 3. This act shall take effect July 1, 2006.

HB 1373 CS

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1373 CS Supplemental Educational Services
SPONSOR(S): Attkisson
TIED BILLS: **IDEN./SIM. BILLS:** SB 2616

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) PreK-12 Committee	9 Y, 0 N, w/CS	Beagle	Mizereck
2) Education Appropriations Committee	16 Y, 0 N	Eggers	Hamon
3) Education Council		Beagle GB	Cobb Occ.
4)			
5)			

SUMMARY ANALYSIS

The No Child Left Behind Act of 2001 (NCLB) authorizes the use of federal funds to provide supplemental educational services (SES) to low income children attending low performing schools. States are required to adopt standards governing the provision of SES to eligible students. Currently, there are no provisions in Florida law establishing state standards for SES services.

The bill establishes statewide standards governing the provision of SES and prescribes certain responsibilities to the Department of Education (DOE), local education agencies (LEA), SES providers, and parents.

The bill sets an effective date of July 1, 2006.

This bill does not have a fiscal impact. See Fiscal Comments.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Safeguard Individual Liberty: The bill requires the Department of Education and school districts to take certain measures to increase access to supplemental educational services.

Empower Families: The bill increases opportunities for parents to enroll their child in supplemental education services. The bill establishes standards for supplemental educational services providers.

B. EFFECT OF PROPOSED CHANGES:

Present Situation:

NCLB authorizes the use of federal funds to provide SES to low income children attending low performing schools. SES may include tutoring, additional instruction, or other services provided outside of the regular school day in reading, language arts, or mathematics.[1]

Generally, a student is eligible for SES if the student meets school district established criteria for low income status and is attending a school subject to restructuring or corrective action or in its second year of school improvement.[2] NCLB requires state education agencies (SEA) to take certain measures to promote provider participation in the provision of SES.[3] Each SEA must also follow federally established criteria in establishing state standards for approving providers. Each SEA must maintain and disseminate to school districts a list of the approved providers available in each school district.

School districts are required by NCLB to promptly inform parents that the school their child is attending is in need of improvement.[4] In addition, school districts must provide parents a list of state-approved providers.[5] Parents may utilize approved programs conducted by a non-profit entity, a for-profit entity, LEA, an educational service agency, a public school, a public charter school, or a private school.[6]

Currently, there are no provisions in Florida law establishing state standards for SES services.

Effect of Proposed Changes:

House bill 1373 establishes statewide standards governing the provision of SES and prescribes certain responsibilities to the DOE, LEA, SES providers, and parents. Many of these requirements are already in federal law and some build on current requirements of federal law.

Department of Education Responsibilities:

- Identify, notify, promote participation, and approve potential providers.
- Develop pre- and post-assessments to identify and target instruction to student needs and monitor the effectiveness of services.
- Maintain a statewide and regional list of approved providers, and make lists available to school districts.
- Develop standards for monitoring quality and effectiveness of provider services.
- Ensure that LEAs have met obligations to parents.
- Notify LEAs of specific schools that are subject to restructuring or corrective action or in the second year of school improvement.

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[1] 34 C.F.R. § 200.45.

[2] U.S. Department of Education, Supplemental Education Services: Quick Reference for Parents, available at http://www.ed.gov/parents/academic/help/supplemental-services.html (Accessed Mar. 16, 2006).

[3] Id.

[4] 34 C.F.R. § 200.37.

[5] 34 C.F.R. § 200.46.

[6] 34 C.F.R § 200.47

- Post a downloadable enrollment application on the DOE website.
- Convene an advisory council to assist DOE in developing regulations to guide the selection and oversight of SES providers.

Local Education Agency Responsibilities:
- Provide recurrent notification to parents of eligible students about the availability of SES.
- Assist parents in obtaining and registering for services.
- Determine per-student funding based on federal law limits.
- Follow prescribed procedures for agreements with SES providers.
- Approve providers in a fair and transparent manner and establish procedures for monitoring provider quality and performance.

Provider Responsibilities:
- Set and target instruction to student achievement goals.
- Establish and explain procedures for monitoring progress and notifying parents and classroom instructors of student progress.
- Ensure that all instruction is secular, neutral, and nonideological.

Parent Responsibilities:
- Request services and select a provider.
- Provide transportation to the student when not otherwise provided by the provider.
- Work with providers to set student goals and maintain open communication with the provider.

In addition, the bill establishes eligibility criteria that SES providers must meet to gain state approval and requires the DOE to establish a system for conducting annual evaluations of all SES providers. The bill establishes a complaint process for parents, students, LEAs, and SES providers for determining whether the DOE and LEAs are in compliance with applicable laws and regulations governing SES.

The bill authorizes the DOE to withhold Title I funds from LEAs that fail to provide SES to eligible students.

C. SECTION DIRECTORY:

Section 1. Creates an unnumbered section of law governing the provision of SES.

Section 2. Provides an effective date of July 1, 2006.

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

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:

The bill requires the DOE and LEAs to take certain measures to notify parents of eligible students of the availability of supplemental educational services. Private providers approved by DOE may experience an increase in demand for their services.

D. FISCAL COMMENTS:

NCLB requires school districts with schools subject to restructuring or corrective action or in the second year of school improvement to set aside 20% of their Title I funds to pay for SES. The bill requires LEAs to establish per student funding amounts and take certain measures to increase the availability of SES to eligible students. The increased demand for SES that is likely to occur will result in greater expenditures of Title I funds within the 20% set aside for providing SES.

The bill prohibits school districts from using leftover SES funds for other Title I purposes unless the district ensures that a minimum of 50% of eligible students are being served. School districts are required to take additional measures to notify, enroll, and serve SES students and must also obtain a documented denial of services from each parent who does not enroll their student in SES. School districts that fall short of the 50% enrollment criteria despite reasonable efforts to comply with these measures may request authorization from the DOE to redesignate unused SES funds for other Title I purposes.

The bill allows the DOE to withhold Title I funds from school districts that fail to meet certain obligations pertaining to SES services.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable because the bill does not require a city or county to spend funds or to take any action requiring the expenditure of funds; reduce authority that cities or counties have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with cities or counties.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

On March 21, 2006, the PreK-12 Committee adopted two amendments to the bill.
The first amendment provides a procedure for LEAs to redesignate unused SES funds for other Title I purposes. The second amendment establishes an advisory council to assist DOE in developing regulations to guide the selection and oversight of SES providers.

This bill analysis reflects the bill as amended.

CHAMBER ACTION

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1 The PreK-12 Committee recommends the following:
2
3 **Council/Committee Substitute**
4 Remove the entire bill and insert:
5 A bill to be entitled
6 An act relating to supplemental educational services;
7 providing for student access to and provider
8 accountability for supplemental educational services in
9 Title I schools; providing definitions; providing
10 responsibilities of the Department of Education, local
11 educational agencies, providers of supplemental
12 educational services, and parents to provide additional
13 academic instruction designed to increase the academic
14 achievement of eligible students; providing criteria that
15 must be met by a provider approved by the department;
16 providing for department monitoring and evaluation of
17 provider performance; providing a complaint process for
18 determination of provider and local educational agency
19 compliance with law; providing an effective date.
20
21 Be It Enacted by the Legislature of the State of Florida:
22

23 Section 1. Supplemental educational services in Title I
24 schools; student access and provider accountability.--
25 (1) DEFINITIONS.--As used in this section:
26 (a) "Adequate yearly progress" or "AYP" means performance
27 based on a series of performance goals that each school, each
28 local educational agency, and the state must achieve within
29 specified timeframes in order to meet the 100-percent
30 proficiency goal established by the federal No Child Left Behind
31 Act of 2001.
32 (b) "Eligible student" means a student from a low-income
33 family who attends a Title I school in the school's second year
34 of school improvement, corrective action, or restructuring, as
35 defined by the No Child Left Behind Act of 2001.
36 (c) "Instructor" or "tutor" means a person employed by a
37 supplemental educational service provider to deliver instruction
38 in reading, language arts, or mathematics to eligible students
39 enrolled in the provider's program.
40 (d) "Local educational agency" or "LEA" means a local
41 board of education.
42 (e) "No Child Left Behind Act of 2001" or "NCLB" is a
43 reauthorization of the Elementary and Secondary Education Act of
44 1965, which is the principal federal law affecting education
45 from kindergarten through high school. The NCLB is designed to
46 improve student achievement and close achievement gaps. States
47 are required to develop challenging academic standards, educate
48 all students to 100-percent proficiency by 2014, and create and
49 implement a single, statewide accountability system.

50 (f) "Parent" means the person or persons legally
51 responsible for the guardianship of the student, including a
52 legal guardian.
53 (g) "Supplemental educational service providers" or "SES
54 providers" are faith-based organizations, for-profit and
55 nonprofit businesses, local educational agencies, schools,
56 institutes of higher education, community groups, and regional
57 educational service agencies approved by the Department of
58 Education to provide additional academic instruction designed to
59 increase the academic achievement of eligible Title I students.
60 (h) "Supplemental educational services" or "SES" means
61 additional academic instruction provided outside the regular
62 school day that is designed to increase the academic achievement
63 of low-income students, as defined by eligibility for free or
64 reduced-price meals, who attend qualifying schools as defined by
65 the No Child Left Behind Act of 2001.
66 (i) "Title I" is the Elementary and Secondary Education
67 Act of 1965 program that focuses on improving the academic
68 achievement of disadvantaged students by ensuring that all
69 students have a fair, equal, and significant opportunity to
70 obtain a high-quality education and reach, at a minimum,
71 proficiency on challenging state academic standards and
72 assessments.
73 (2) REQUIREMENTS.--
74 (a) State responsibilities.--The Department of Education
75 shall:
76 1. Consult with parents, teachers, school districts, and
77 interested members of the public to identify a large number of

78 SES providers so that parents have a wide variety of high-
79 quality choices.
80 2. Provide and disseminate broadly an annual notice to
81 potential providers outlining the process for obtaining approval
82 to be an SES provider. There shall be at least two opportunities
83 each year for potential providers to submit their applications
84 to the department.
85 3. Develop and apply objective criteria for approving
86 potential providers. Each provider's SES program shall:
87 a. Include an appropriate, diagnostic assessment for use
88 in identifying a student's weaknesses and achievement gaps upon
89 which to build an individual student learning plan and learning
90 goals.
91 b. Use targeted remediation or instruction that is aimed
92 at addressing a student's skill gaps revealed during the
93 assessment and that is based upon an individual student learning
94 plan.
95 c. Include a post assessment linked to the diagnostic
96 assessment to determine whether student learning gains occurred
97 and to further develop a plan for either reteaching skills or
98 identifying new skills for instruction.
99 d. Align with the Sunshine State Standards in the area of
100 reading or mathematics, or both.
101 e. Supplement the academic program a student experiences
102 in the regular school day.
103 f. Use high-quality, research-based instructional
104 practices that are specifically designed to increase students'
105 academic achievement.

106 4. Maintain an updated list of approved providers.
107 5. Exercise authority to investigate and remove providers
108 from the approved list based on evaluation results.
109 6. Make available to school districts a list of available
110 approved providers in their general geographic locations.
111 7. Develop, implement, and publicly report on monitoring
112 standards for providers to ensure the quality and effectiveness
113 of services offered by approved providers.
114 8. Ensure that an LEA has fully met parental demands for
115 SES. In determining whether an LEA has fully met parental
116 demands for SES, the department shall consider whether an LEA
117 has:
118 a. Appropriately notified all eligible parents of the
119 availability of SES.
120 b. Adequately publicized options to parents through
121 multiple forums in understandable formats and languages.
122 c. Offered parents a reasonable period of time to
123 investigate their options and submit their requests for SES.
124 9. No later than May 1 each year, notify LEAs of the
125 specific schools that are in the second year of school
126 improvement, corrective action, or restructuring and have not
127 achieved AYP since such identification.
128 10. Place on its Internet website a standard, downloadable
129 enrollment application to be used by parents of eligible
130 students, which must be used by all LEAs for SES enrollment
131 purposes.
132 11. Convene an advisory committee to assist it in
133 developing regulations to guide the selection and oversight of

134 SES providers. These regulations shall be designed in order to
135 ensure that qualified providers utilize sound practices, provide
136 financial accountability, and utilize recommended or sufficient
137 metrics to best gauge provider effectiveness, such as
138 effectiveness in raising student achievement. The committee
139 shall include:
140 a. Two members appointed by the Speaker of the House of
141 Representatives.
142 b. Two members appointed by the President of the Senate.
143 c. Two district school board members appointed by the
144 Governor.
145 d. Parents appointed by the Governor.
146 e. Seven providers representing the different types of
147 providers in the SES field, such as on-line providers and small
148 and large for-profit, nonprofit, community-based, district-
149 based, and faith-based providers, appointed by the Governor.
150
151 The Commissioner of Education or his or her designee shall chair
152 the committee and submit for approval a proposal to the
153 Legislature no later than the end of the 2007 legislative
154 session.
155 (b) LEA responsibilities.--An LEA shall:
156 1. No later than 90 days prior to the start of the school
157 year, notify parents of eligible students about the availability
158 of SES. Notification shall meet the following criteria:
159 a. Be sent at least twice annually.

160 b. Be provided in an understandable and uniform format
161 and, to the extent practicable, in a language the parents can
162 understand.
163 c. Describe how parents may obtain services.
164 d. Provide a minimum of 20 school days for parents to
165 select and notify the LEA regarding a selected provider.
166 e. Create a streamlined, one-step SES parent registration
167 and provider selection process that is user friendly.
168 2. Help parents choose a provider, if such assistance is
169 requested, making sure that such assistance is unbiased and does
170 not provide advantage for one provider over another, including
171 the LEA if such LEA is an approved provider, and obtain
172 permission from parents to release assessment data to a selected
173 provider.
174 3. Determine and prioritize students who shall receive
175 services if not all students can be served. Determination shall
176 be made in accordance with eligibility criteria established in
177 federal law and with guidance from the United States Department
178 of Education, ensuring that prioritization does not take place
179 in advance of actual demand being documented and shall be based
180 on the 20-percent set-aside minus any actual costs associated
181 with providing transportation for public school choice pursuant
182 to subparagraph 18.
183 4. Determine the per-student spending limit according to
184 federal law only, which amount shall not be reduced or otherwise
185 altered.
186 5. Ensure that the opportunity to acquire SES is offered
187 to eligible students on a continuous basis or, at a minimum,

188 twice every school year, such as once at or near the start of
189 the school year and once at or near the start of each new
190 calendar year. An LEA that does not offer at least two
191 opportunities for SES enrollment shall not amend unobligated SES
192 into the general Title I budget.
193 6. Enter into an agreement with a provider selected by the
194 parent of an eligible student no later than 45 days after the
195 beginning of the school year or within 45 days after receiving
196 notification of school improvement status. The same procedure
197 shall be followed for subsequent enrollments during the school
198 year. An LEA that does not begin to offer SES within such time
199 periods shall not amend unobligated SES funds into the general
200 Title I budget. The agreement shall include, at a minimum:
201 a. A statement of specific achievement goals for each
202 eligible student whose parent elects to receive SES from the
203 approved provider.
204 b. A description of how student progress will be measured.
205 c. Progress reports for each student to whom a provider
206 gives services under the agreement.
207 d. Procedures for obtaining parental consent to release
208 assessment data to a selected provider.
209 e. Procedures for termination of the agreement with the
210 provider based on specific and material cause and include an
211 opportunity for the provider to cure any such breach.
212 Termination for convenience clauses shall not be allowed.
213 f. The payment process for students receiving SES, with
214 reimbursement for services to occur within 60 days following
215 submission of a complete invoice.

216 g. Records of attendance for each student receiving SES.
217 h. Security of information relating to students receiving
218 SES.
219 i. The procedure for facility access for providers, using
220 a fair, transparent, and objective process, to operate on site
221 in a school or schools identified for school improvement,
222 corrective action, or restructuring, free of charge or for a
223 reasonable fee, on the same basis and terms as are available to
224 other groups that seek access to the school building.
225 j. The process for records maintenance of a provider's SES
226 to students.
227 k. Guidelines specifying secular, neutral, and
228 nonideological instruction and content.
229 l. An outline of applicable federal, state, and local
230 laws, and rules and regulations required by law, in connection
231 with providing tutorial service.
232 7. Establish monitoring procedures to ensure that
233 providers fulfill their contractual obligations. Monitoring
234 should include tracking student progress toward meeting the
235 state's academic standards.
236 8. Select an approved provider or providers, using a fair,
237 transparent, and objective process, to operate on site in a
238 school or schools identified for school improvement, corrective
239 action, or restructuring, free of charge or for a reasonable
240 fee, on the same basis and terms as are available to other
241 groups that seek access to the school building. The LEA shall
242 not select a provider or providers based on a reduced per-
243 student amount as calculated under federal law or other criteria

244 that would otherwise be a department responsibility or
245 programmatic design criteria, such as the requirement of
246 specific student-tutor ratios.
247 9. Enter into a compact with the provider, parent, and
248 student. The compact, which shall be maintained for monitoring
249 purposes, shall include, at a minimum:
250 a. A notification letter to the parent of a student who is
251 eligible to receive SES from an approved provider.
252 b. Procedures regarding how the SES provider may contact
253 schools and parents regarding available services.
254 c. Development of a collaborative relationship with the
255 LEA to ensure that issues and concerns are handled in a timely
256 and efficient manner.
257 d. Specific achievement goals for the student, which shall
258 be developed in consultation with the student's parent.
259 e. An established timetable for improving the student's
260 achievement.
261 f. Selection of a provider from the department's approved
262 provider list.
263 g. Scheduled tutoring sessions.
264 10. Assist the department as needed in identifying
265 potential providers within the school district.
266 11. Provide the information the department needs to
267 monitor the quality and effectiveness of the SES offered by
268 providers as specified in federal law.
269 12. Protect the privacy of students who receive SES. The
270 LEA shall provide achievement data of students to providers
271 serving those students.

272 13. Notify parents immediately if a provider becomes
273 ineligible to serve as an SES provider. Notification shall
274 include the steps parents must follow in order to secure another
275 provider.
276 14. Provide approved providers with registration forms and
277 logistical information, including the procedures parents must
278 follow in obtaining SES for their children.
279 15. While appealing an AYP decision, continue to provide
280 services while the appeal is being resolved and a final AYP
281 determination is being made. If an appeal is granted, the LEA
282 shall continue to serve students currently receiving SES until
283 the end of the contract period but is not obligated to provide
284 SES to additional students.
285 16. Include in a school improvement plan steps to ensure
286 that eligible students will receive SES as required by law
287 whenever a school is classified as needing improvement for a
288 second or subsequent year.
289 17. Ensure that eligible students from any school that is
290 in the second year of school improvement, corrective action, or
291 restructuring and has not achieved AYP at least once since such
292 identification shall be offered SES before the start of the
293 school year.
294 18. Set aside up to 20 percent of its Title I, Part A
295 allocation for SES. Before determining that an amount less than
296 20 percent of its allocation is needed for choice-related
297 transportation and SES, an LEA shall document to the department
298 that it has fully met demands for these services. An LEA must
299 document, and make publicly available, that it has:

300 a. Appropriately notified all parents of eligible students
301 of the availability of public school choice and SES.
302 b. Adequately publicized the options to parents in
303 understandable formats and multiple forums.
304 c. Offered parents a reasonable period of time to
305 investigate their options and submit their requests for either
306 public school choice or SES.
307
308 LEAs may redesignate unused SES funds for other Title I purposes
309 by the May 15 consolidated application budget amendment deadline
310 by ensuring that a minimum of 50 percent of the students
311 eligible to receive SES are served by an approved provider. LEAs
312 not meeting the 50-percent requirement shall submit to the
313 department a list of eligible students, students receiving
314 services, and otherwise eligible students on a wait list. LEAs
315 must obtain documentation from the parents of unserved, but
316 otherwise eligible, students that they decline to participate in
317 SES for that school year. LEAs that are unable to meet the 50-
318 percent requirement despite reasonable efforts to comply with
319 these provisions may submit a request to the department for
320 authorization to redesignate unused SES funds. Redesignation
321 requests shall be approved if the department finds that the LEA
322 has met the requirements of subparagraph (a)8.
323 (c) Provider responsibilities.--The provider shall:
324 1. Agree to negotiate directly with LEAs to determine
325 scheduled sessions per student. Cost of services shall not
326 exceed the per-student spending limit calculated by each LEA.

327 2. Set specific achievement goals for each student, which
328 shall be developed in consultation with each student's parent.
329 3. Provide a description of how each student's progress
330 will be measured and how each student's parent and instructors
331 will be regularly informed of that progress.
332 4. Establish a timetable for improving each student's
333 achievement.
334 5. Agree not to disclose to the public the identity of any
335 student eligible for or receiving SES without the written
336 permission of the student's parent.
337 6. Agree to meet all applicable federal, state, and local
338 health, safety, and civil rights laws.
339 7. Ensure that all instruction and content are secular,
340 neutral, and nonideological.
341 8. Ensure that instruction is consistent with student
342 achievement goals.
343 9. Agree to abide by the education industry association's
344 current version of the SES code of ethics.
345 (d) Parent responsibilities.--The parent shall:
346 1. Request SES for the student.
347 2. Select a provider from the department's approved
348 provider list.
349 3. Transport students to and from the place of service
350 when not provided by the provider.
351 4. Work with the provider to set achievement goals for the
352 student.
353 5. Maintain open communication with a provider about a
354 student's progress.

355 (e) Provider criteria.--
356 1. Providers shall meet the following criteria:
357 a. Have a demonstrated record of effectiveness in
358 improving student academic achievement.
359 b. Document that the instructional strategies used by the
360 provider are of high quality, based upon research, and designed
361 to increase student academic achievement.
362 c. Document that services are aligned with the Sunshine
363 State Standards in the area of reading or mathematics, or both.
364 d. Provide evidence that the provider is financially
365 sound.
366 e. Document that the provider will provide SES consistent
367 with all applicable federal, state, and local health, safety,
368 and civil rights laws.
369 f. Meet all requirements set forth in guidelines issued by
370 the department, including, but not limited to, reporting
371 requirements, application requirements, deadlines, timelines,
372 and standards.
373 g. Provide instruction that is secular, neutral, and
374 nonideological.
375 2. Providers applying for statewide provider status upon
376 request shall serve students in any LEA regardless of the
377 geographical location. Providers approved for statewide provider
378 status may be removed from the provider list if this requirement
379 is not met. Providers removed from the statewide list may
380 reapply and specify a geographical area for their service.
381 (f) Monitoring and evaluation.--

382 1. The department shall monitor, at least annually, all
383 providers currently serving students. Monitoring shall be
384 conducted at a representative sample of the locations at which
385 the provider serves participating students.
386 a. The department shall schedule with the provider a
387 mutually agreeable date and time for a monitoring visit. Prior
388 to a monitoring visit, the department shall send to the
389 provider, in writing, confirmation of the scheduled date and
390 time.
391 b. Prior to a monitoring visit, the department shall
392 notify the provider of all documentation necessary to
393 demonstrate compliance with all applicable state and federal
394 laws related to SES. The provider may request technical
395 assistance from the department in identifying the relevant
396 documents.
397 c. A provider's performance on each monitoring standard
398 and a provider's overall performance rating shall be indicated
399 on the SES provider monitoring form. The department shall send
400 to the provider, in a timely manner, a copy of the completed
401 monitoring form that includes notes regarding items of
402 documentation that are missing or incomplete.
403 2. The department shall develop specific procedures to
404 annually evaluate all providers that have served students for 2
405 or more consecutive years in reading, language arts, or
406 mathematics. These procedures shall:
407 a. Account for, and be fair to, providers that serve both
408 large and small populations of students and that use varying
409 methods of instruction.

410 b. Be fair and sensitive enough to record gains of
411 individual students, especially students whose achievement level
412 is several grades behind grade level.
413 c. Isolate the effects of SES from other variables that
414 might affect a student's achievement using regression analysis,
415 comparison groups, or other valid and reliable statistical
416 means.
417 d. Collect qualitative data on parental satisfaction with
418 provider services.
419 e. Include safeguards against potential conflicts of
420 interests when the LEA is also an approved provider and is
421 involved in provider monitoring and evaluation.
422 3. If the department determines that a provider has failed
423 to contribute to increasing the academic proficiency of students
424 for 2 or more consecutive years in reading, language arts, or
425 mathematics in a specific LEA, the department shall remove the
426 provider from the approved provider list for that LEA.
427 4. The provider shall have the opportunity to appeal the
428 department's decision to the State Board of Education. The
429 provider may reapply to the department for approval after a 1-
430 year waiting period.
431 5. The department shall require an LEA to submit:
432 a. The parental notification letters the LEA has developed
433 and utilized to inform parents of eligible students.
434 b. At least twice during the school year, updated
435 information on how many students in the LEA are eligible for SES
436 and how many students make use of SES.

437 c. How much money, in total dollars and per student, is
438 being spent by the LEA on SES.
439 (g) Complaint process.--
440 1. The department shall monitor complaints from parents,
441 students, SES providers, school districts, and other individuals
442 to determine whether LEAs and SES providers are in compliance
443 with the applicable state and federal laws, rules, regulations,
444 and guidance governing the provision of SES. The department
445 shall annually provide a summary report to the State Board of
446 Education.
447 2. An organization or individual may file with the
448 department a signed, written complaint setting forth allegations
449 of noncompliance. The written complaint shall include, at a
450 minimum:
451 a. A clear statement of the allegation.
452 b. A summary of the facts upon which the allegation is
453 based.
454 c. Any documentation supporting the allegation.
455 d. The complainant's contact information, including the
456 name of an individual complainant or an authorized
457 representative of the complainant organization and the address
458 and telephone number of the individual or representative.
459 3. Complaints received from an organization or individual
460 shall be signed and addressed in writing to the department.
461 4. The department shall acknowledge, in writing, its
462 receipt of a complaint within 15 business days.
463 5. The department shall, in a timely manner, commence an
464 investigation of the allegations set forth in the complaint and

465 make an independent determination as to whether the allegations
466 warrant further review or action.
467 6. If necessary, the department may conduct an onsite
468 visit to clarify any issues raised by the complaint. An onsite
469 investigation team may examine relevant records and conduct
470 interviews of relevant persons to determine whether there has
471 been a violation of any applicable state or federal law, rule,
472 regulation, or guideline.
473 7. The department shall send written notification to all
474 appropriate parties of the steps necessary to resolve the
475 complaint, including technical assistance activities,
476 negotiations, and corrective actions to achieve compliance. This
477 notification may include specific requirements and timelines
478 that must be met in order to ensure that providers other than
479 LEAs continue to receive SES funds from the LEA. LEAs that are
480 providers shall meet the requirements in order to ensure that
481 funds equal to the amount of their SES set-aside are available
482 in the department's grants accounting system.
483 8. Upon conclusion of the department's investigation, the
484 department shall take appropriate action to remedy violations of
485 applicable laws, rules, regulations, or guidelines, including
486 removal of a provider from the approved provider list.
487 9. If the department makes the decision to remove a
488 provider from the approved provider list, the LEA shall be
489 notified no later than 10 business days after the department's
490 action. Each provider notified of the decision shall have the
491 right to appeal such decision prior to its becoming final.

492 10. If an LEA does not comply with providing SES to
493 eligible students within the established timeframe, the
494 department shall withhold funds equal to the amount of the LEA's
495 SES set-aside funds until the LEA complies.
496 11. If funds are withheld from an LEA for not providing
497 SES to eligible students within the specified timeframe, the
498 department may enter into agreements with providers in lieu of
499 the LEA.
500 Section 2. This act shall take effect July 1, 2006.

HB 7039

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 7039 PCB CI 06-01 K-8 Virtual Schools
SPONSOR(S): Choice & Innovation Committee
TIED BILLS: **IDEN./SIM. BILLS:** SB 1282

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
Orig. Comm.: Choice & Innovation Committee	7 Y, 0 N	Hassell	Kooi
1) Education Appropriations Committee	15 Y, 1 N	Eggers	Hamon
2) Education Council		Hassell	Cobb
3)			
4)			
5)			

SUMMARY ANALYSIS

The bill establishes the K-8 Virtual School Program as an optional educational choice program within the Department of Education. Like the K-8 Virtual School pilot programs, the K-8 Virtual School Program is established to deliver academic instruction through the use of on-line and distance learning technology to full-time students in kindergarten through eighth grade.

The bill provides for K-8 Virtual School Program student and school eligibility requirements, application procedures, participating school responsibilities, funding mechanisms, assessment and accountability, and causes for nonrenewal or termination of contract. Additionally, this bill addresses the participation of current schools currently in the K-8 Virtual School pilot program.

The K-8 Virtual School Program is subject to annual legislative appropriation in the General Appropriations Act. The Department of Education states that it would require 4 additional FTE staff positions in order to implement the K-8 Virtual School Program. Please see the FISCAL ANALYSIS section of the analysis.

The bill allows for the State Board of Education to adopt rules to implement and administer the K-8 Virtual School Program.

The bill provides for an effective date of July 1, 2006.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide limited government – The bill increases the number of public school educational choice options available to K-8 public school students.

Safeguard individual liberty – The bill codifies a K-8 virtual educational choice option for parents of public school students.

Empower families – The bill provides parents of K-8 public school students with an opportunity to exercise parental choice by enrolling their child in a K-8 Virtual School program.

B. EFFECT OF PROPOSED CHANGES:

Background

In 2003, the Legislature authorized the Department of Education (DOE) to provide for the creation of at least two K-8 Virtual School pilot programs. The two pilot programs selected by the DOE were Connections Academy, Inc. and K12, Inc. The schools provide computers and help cover the cost of Internet access for their students who complete 10 to 30% of their work on-line depending on the grade level. Both of these schools utilize the parent or other responsible adult as the students' primary teachers while the virtual school teachers oversee the students' progress by checking samples of their work. These programs use on-line curriculum, lessons, and progress tests as well as books and other more traditional learning materials. A parent-teacher telephone conference is required at least once every two weeks. However, parents can reach virtual school teachers through e-mail or telephone at other times.

The 2003 and 2005 Legislature appropriated $4,800,000 for the K-8 Virtual School pilot programs. The pilot programs were funded with grants of up to $4,800 per student with a total enrollment not to exceed 1,000 students. The 2004 Legislature funded the grants in the same amount per student with total funding not to exceed $3,800,000, reducing student enrollment to 800 students. However, total student enrollment for the pilot programs returned to 1,000 students with the 2005 appropriation.

Effects of Proposed Changes

The bill establishes the K-8 Virtual School Program as an optional educational choice program within the Department of Education. Like the K-8 Virtual School pilot programs, the K-8 Virtual School Program is established to deliver academic instruction through the use of on-line and distance learning technology to full-time students in kindergarten through eighth grade. The bill provides for K-8 Virtual School Program student and school eligibility requirements, application procedures, participating school responsibilities, funding mechanisms, assessment and accountability, and causes for nonrenewal or termination of contract. Additionally, this bill addresses the participation of current schools in the K-8 Virtual School pilot program.

The K-8 Virtual School Program would still be subject to annual legislative appropriation. State funding for each participating school will continue to be based on total program enrollment and an amount per full-time equivalent student that is established each year in the General Appropriations Act. Consequently, until funds are appropriated it is unclear as to how many students would be able to participate in the program.

Student Eligibility

The bill provides that any K-8 student in Florida is eligible for enrollment in one of the participating K-8 Virtual Schools if the student meets one of the following conditions:

- The student has spent the prior school year in attendance at a Florida public school.
- The student was enrolled during the prior school year in a K-8 virtual school.
- The student is eligible to enroll in kindergarten or the first grade.
- The student has a sibling who is currently enrolled in a K-8 virtual school and was enrolled at the end of the prior school year.

Students enrolled in a K-8 virtual school are subject to the compulsory school attendance requirements of s. 1003.21, F.S., and must take the statewide assessments required under s.1008.22. Furthermore, the bill requires that the student's school district of residence must provide that student with access to the district's testing facilities.

School Eligibility and Application Procedures

The bill provides that schools eligible to participate in the K-8 Virtual School program include for-profit and nonprofit entities. However, an eligible school must meet all of the following conditions:

- Be nonsectarian in its programs, admission policies, employment practices, and operations.
- Comply with the antidiscrimination provisions of s. 1000.05, F.S.
- Participate in the state's performance accountability system pursuant to s. 1008.31, F.S.
- Locate its administrative office in the state and require all administrative and instructional personnel to be Florida residents.
- Require no tuition or student registration fee.

The bill requires the DOE to provide applicants with an application form in a sufficient time so that schools can apply and be approved by the DOE by the beginning of the 2007-2008 school year. Also, the bill requires the DOE to approve or deny an application within 90 days after the receipt of the application.

In addition to information that the DOE may require, the bill requires applicants to verify that they meet all eligibility criteria, that their school's instructional staff are professional educators certified pursuant to chapter 1012, and that all school employees have undergone the background screening requirement under s. 1012.32, F.S. Furthermore, the bill requires that each applicant provide the DOE with an education plan detailing how their curriculum and course content conforms to the Sunshine State Standards and a detailed annual financial plan for each year of operation for a minimum of 3 years.

Participating Schools and Pilot Schools

The bill provides for an initial 3-year contract between an approved virtual school and the DOE, subject to annual DOE review and legislative appropriation. Also, the bill provides for contract renewals for up to 5 years, subject to annual legislative appropriation.

The bill requires all schools participating in the K-8 Virtual School Program to provide each student with all necessary instructional material, each household with equipment such as a computer, monitor, and printer, and each household with access to or reimbursement for all Internet services necessary for the delivery of on-line instruction.

The bill authorizes the two K-8 Virtual School pilot programs to continue operation for the 2006-2007 school year, subject to the applicable provisions detailed in this bill. Furthermore, the bill requires the two pilot programs to apply to and be approved by the DOE in order to participate in the K-8 Virtual School Program beyond the 2006-2007 school year.

Assessment and Accountability

The bill provides that schools participating in the K-8 Virtual Schools must participate in the statewide assessments and be subject to the school grading system pursuant to s. 1008.34, F.S. Furthermore, a participating school that receives a performance grade of D or F is required to develop and file a school improvement plan with the DOE. In the event that a participating school receives a performance grade category of D or F for 2 school years in a 4-year period, the bill requires the DOE to terminate the contract.

Causes for nonrenewal or termination of contract

The bill grants the DOE authority to choose not to renew a contract or to terminate a current contract with a school participating in the K-8 Virtual School Program for any of the following reasons:

- Failure to participate in the state's performance accountability system.
- Failure to receive a school performance grade of C or better for 2 school years in a 4-year period.
- Failure to meet generally acceptable standards of financial management.
- Violation of law.
- Failure of the Legislature to fund the K-8 Virtual School Program.
- Other good cause shown.

The bill requires students who attended a school that is either not renewed or terminated to apply to and be enrolled in another public school. Also, the bill provides that the virtual school is responsible for all debts of the school in the event that it is either not renewed or terminated.

C. SECTION DIRECTORY:

Section 1. Creates s. 1002.375, F.S., establishing the K-8 Virtual School Program.

Section 2. Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

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

2. Expenditures:

   The K-8 Virtual School Program is subject to annual legislative appropriation in the General Appropriations Act. Operational expenses for traditional students are funded predominantly through the Florida Education Finance Program (FEFP) which is a combination of state and local funds.

   According to the DOE analysis, the DOE would need 4 additional FTE staff positions for the implementation of this program.[1] However, the DOE currently administers and oversees the K-8 Virtual School pilot program within existing resources. Therefore, unless the funds appropriated are significantly increased, any additional costs should be minimal.

   The classifications of the 4 positions proposed by the DOE and associated recurring costs are as follows:

[1] Florida Department of Education, Governmental Relations Office, 2006 Legislative Bill Analysis on PCB06-01: K-8 Virtual School Program

Program Specialist II (2)	
Base Salary	33,826
Benefits	13,159
Expenses	9,746
OCO	1,900
Human Resource Services	393
	$59,024 x 2 = $118,048

Program Specialist IV (1)	
Base Salary	42,655
Benefits	14,570
Expenses	9,746
OCO	1,900
Human Resource Services	393
	$69,264 x 2 = $138,528

The total recurring costs for additional staff, assuming additional funding made them necessary, would be $256,576.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

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

2. Expenditures:

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

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

For traditional students in the FEFP, per full time equivalent student funding for operations is $6,153 in Fiscal Year 2005-06.[2] Current funding for the K-8 Virtual Schools pilot program is $4,800 as specified in the 2005-06 General Appropriations Act. The House Proposed General Appropriations Act for 2006-07 (House Bill 5001, Specific Appropriation 106B) contains $7 million for K-8 Virtual Education with grants of up $5,200 per student.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

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

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

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

[2] Florida Education Finance Program third calculation, dated December 19, 2005.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill gives the State Board of Education rulemaking authority pursuant to ss. 120.536(1) and 120.54, F.S., to adopt rules for the implementation and administration of this program.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

1 A bill to be entitled
2 An act relating to K-8 virtual schools; creating s.
3 1002.375, F.S.; establishing the Kindergarten through
4 Grade 8 (K-8) Virtual School Program within the Department
5 of Education; providing student eligibility requirements;
6 requiring enrolled students to meet compulsory school
7 attendance requirements and participate in the statewide
8 assessment program; providing school eligibility
9 requirements; authorizing schools to be for-profit or
10 nonprofit entities; providing a school application
11 procedure; requiring applicants to verify certain
12 information and submit certain plans; providing for 3-year
13 contracts for approved schools and authorizing contract
14 renewals; designating participating schools as independent
15 schools; requiring schools to provide each student with
16 the materials, equipment, and services necessary to
17 receive instruction; authorizing the current pilot K-8
18 virtual schools to continue operation through the 2006-
19 2007 school year; requiring pilot schools to meet all
20 application requirements in order to operate beyond the
21 2006-2007 school year; requiring program funding to be
22 established annually in the General Appropriations Act and
23 providing a payment schedule to schools; requiring schools
24 to participate in the statewide assessment program and be
25 subject to the school grading system; requiring school
26 improvement plans for low-performing schools and contract
27 termination for continued low school performance;
28 providing causes for nonrenewal or termination of a school

29 contract and responsibility for debt; providing for
30 student enrollment in another public school under certain
31 circumstances; requiring rulemaking; providing an
32 effective date.
33
34 Be It Enacted by the Legislature of the State of Florida:
35
36 Section 1. Section 1002.375, Florida Statutes, is created
37 to read:
38 1002.375 K-8 Virtual School Program.--
39 (1) K-8 VIRTUAL SCHOOL PROGRAM.--Subject to annual
40 legislative appropriation, the Kindergarten through Grade 8 (K-
41 8) Virtual School Program is established within the Department
42 of Education for the purpose of making academic instruction
43 available to full-time students in kindergarten through grade 8
44 using on-line and distance learning technology. The department
45 must use an application process to select schools to participate
46 in the program and to deliver program instruction.
47 (2) STUDENT ELIGIBILITY.--
48 (a) Enrollment in each participating school is open to any
49 K-8 student in the state provided the student meets at least one
50 of the following conditions:
51 1. The student has spent the prior school year in
52 attendance at a Florida public school. Prior year school
53 attendance means the student was enrolled and reported by a
54 public school district for funding during the preceding October
55 and February Florida Education Finance Program surveys.

56 2. The student was enrolled during the prior school year
57 in a K-8 virtual school funded pursuant to this section or the
58 2005-2006 General Appropriations Act.
59 3. The student is eligible to enroll in kindergarten or
60 the first grade.
61 4. The student has a sibling who is currently enrolled in
62 a participating K-8 virtual school and was enrolled at the end
63 of the prior school year.
64 (b) Students enrolled in a participating K-8 virtual
65 school are subject to the compulsory school attendance
66 requirements of s. 1003.21. Student attendance must be verified
67 according to department procedures.
68 (c) Each student enrolled in a participating K-8 virtual
69 school must take the statewide assessments required under s.
70 1008.22 within the student's school district of residence, which
71 must provide that student with access to the district's testing
72 facilities.
73 (3) SCHOOL ELIGIBILITY.--
74 (a) To be eligible to participate in the K-8 Virtual
75 School Program, a school must meet the following conditions:
76 1. Be nonsectarian in its programs, admission policies,
77 employment practices, and operations.
78 2. Comply with the antidiscrimination provisions of s.
79 1000.05.
80 3. Participate in the state's performance accountability
81 system created under s. 1008.31.

82 4. Locate its administrative office in the state and
83 require its administrative and instructional staff members to be
84 state residents.
85 5. Require no tuition or student registration fee.
86 (b) Schools applying to participate in the K-8 Virtual
87 School Program may be for-profit or nonprofit entities.
88 (4) APPLICATION PROCEDURES.--
89 (a) The department must provide an application form to be
90 completed by schools seeking to participate in the K-8 Virtual
91 School Program. Initial application forms must be made available
92 in sufficient time to enable schools to apply and be approved to
93 participate in the program by the beginning of the 2007-2008
94 school year. In addition to information that may be required by
95 the department, each applicant must provide verification that:
96 1. The applicant meets the eligibility criteria required
97 by this section.
98 2. All members of the school's instructional staff are
99 professional educators certified according to the provisions of
100 chapter 1012.
101 3. All school employees have undergone background
102 screening as required by s. 1012.32.
103 (b) In addition to a completed application form, each
104 applicant must provide the department with:
105 1. A detailed plan describing how the school curriculum
106 and course content will conform to the Sunshine State Standards.
107 2. An annual financial plan for each year of operation of
108 the school for a minimum of 3 years. The plan must contain
109 anticipated fund balances based on revenue projections, a

110 spending plan based on projected revenues and expenses, and a
111 description of controls that will safeguard finances and
112 projected enrollment trends.
113 (c) The department must approve or deny a school's
114 participation in the K-8 Virtual School Program within 90 days
115 after the receipt of an application.
116 (5) PARTICIPATING SCHOOLS.--
117 (a) A school approved by the department to participate in
118 the K-8 Virtual School Program must receive an initial 3-year
119 contract with the department to provide program services,
120 subject to annual department review and legislative
121 appropriation. Contract renewals may be for up to 5 years upon
122 agreement of both parties, contingent upon annual funding in the
123 General Appropriations Act.
124 (b) A school approved to participate in the program is
125 deemed to be an independent virtual school, providing on behalf
126 of the state a full-time, 180-day, on-line program of
127 instruction to students in kindergarten through grade 8.
128 (c) A school approved to participate in the program must
129 provide each student with:
130 1. All necessary instructional materials.
131 2. All equipment, including, but not limited to, a
132 computer, computer monitor, and printer for each household that
133 has a student enrolled in the virtual school.
134 3. Access to or reimbursement for all Internet services
135 necessary for on-line delivery of instruction for each household
136 that has a student enrolled in the virtual school.
137 (6) PILOT SCHOOLS.--

138 (a) The two pilot K-8 virtual schools for which funding
139 was provided in the 2005-2006 General Appropriations Act are
140 authorized to continue operation for the 2006-2007 school year.
141 (b) With the exception of the application and contracting
142 requirements, the pilot schools are subject to the provisions of
143 this section for the 2006-2007 school year.
144 (c) Each pilot school must complete the application
145 requirements of this section and be approved by the department
146 in order to participate in the K-8 Virtual School Program beyond
147 the 2006-2007 school year.
148 (7) FUNDING.--
149 (a) State funding for each participating K-8 virtual
150 school must be based on total program enrollment and an amount
151 per full-time equivalent student established annually in the
152 General Appropriations Act.
153 (b) Upon proper documentation of student enrollment
154 reviewed and approved by the department, payments must be made
155 to participating K-8 virtual schools in four equal payments no
156 later than September 1, November 1, February 1, and April 15 of
157 each academic year. The initial payment must be made after
158 department verification of student admission acceptance, and
159 subsequent payments must be made upon verification of continued
160 enrollment and attendance.
161 (8) ASSESSMENT AND ACCOUNTABILITY.--
162 (a) Each participating K-8 virtual school must participate
163 in the statewide assessment program created under s. 1008.22 and
164 be subject to the school grading system created under s.
165 1008.34.

166 (b) A participating K-8 virtual school with a performance
167 grade category of "D" or "F" must file a school improvement plan
168 with the department for consultation to determine the causes for
169 low performance and to develop a plan for correction and
170 improvement.
171 (c) The department must terminate the contract of any K-8
172 virtual school receiving a performance grade category of "D" or
173 "F" for 2 school years in a 4-year period.
174 (9) CAUSES FOR NONRENEWAL OR TERMINATION OF CONTRACT.--
175 (a) At the end of a contract with a K-8 virtual school,
176 the department may choose not to renew the contract on any of
177 the following grounds:
178 1. Failure to participate in the state's performance
179 accountability system created under s. 1008.31, as required in
180 this section.
181 2. Failure to receive a school performance grade category
182 of "C" or better under the school grading system created under
183 s. 1008.34 for 2 school years in a 4-year period.
184 3. Failure to meet generally accepted standards of fiscal
185 management.
186 4. Violation of law.
187 5. Failure of the Legislature to fund the K-8 Virtual
188 School Program.
189 6. Other good cause shown.
190 (b) During the term of a contract, the department may
191 terminate the contract on any of the grounds listed in paragraph
192 (a).

193 (c) If a contract is not renewed or is terminated, the K-8
194 virtual school is responsible for all debts of the school.
195 (d) If a contract is not renewed or is terminated, a
196 student who attended the school may apply to and shall be
197 enrolled in another public school.
198 (10) RULES.--The State Board of Education shall adopt
199 rules under ss. 120.536(1) and 120.54 as may be necessary to
200 implement and administer this section.
201 Section 2. This act shall take effect July 1, 2006.

HB 7119

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 7119 CS PCB PKT 06-02 Student Athlete Recruiting
SPONSOR(S): PreK-12 Committee
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
Orig. Comm.: PreK-12 Committee	8 Y, 0 N	Beagle	Mizereck
1) Education Appropriations Committee	15 Y, 0 N, w/CS	Eggers	Hamon
2) Education Council		Beagle GB	Cobb
3)			
4)			
5)			

SUMMARY ANALYSIS

The bill requires the Florida High School Athletic Association (FHSAA) to hold in abeyance certain newly adopted bylaws governing student athlete residence and transfer. The bill creates a task force to review issues concerning student athlete recruiting and make recommendations that preserve parents' rights to school choice and protect the integrity of Florida's interscholastic athletic programs.

The bill requires the Office of Program Policy Analysis and Government Accountability (OPPAGA) to conduct an independent review of documented recruiting violations by FHSAA member schools.

The bill appropriates $60,000 from the General Revenue Fund to OPPAGA to support the work of the Student Athlete Recruiting Task Force.

The provisions of the bill are effective upon becoming law.

The bill has a minimal fiscal impact. See Fiscal Impact on State Government.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:
Provide Limited Government-- The bill requires the FHSAA to hold in abeyance certain bylaws governing student athlete residence and transfer.

B. EFFECT OF PROPOSED CHANGES:

Present Situation:
Founded in 1920, the FHSAA is a non-profit organization that governs interscholastic athletics among Florida's public and private secondary schools. In 1997, the Florida Legislature enacted section 1006.20, F.S., which sets forth FHSAA's organizational structure and governing authority in statute.

Section 1006.20, F.S. grants FHSAA authority to adopt bylaws governing participation of member schools and individual student athletes unless specifically provided for in statute. Statute specifically requires FHSAA bylaws governing student athlete residence and transfer to allow student athletes to be eligible for participation in athletics in the school the student first enrolls in each year.[1] Statute also requires FHSAA to adopt bylaws that specifically prohibit recruiting of student athletes for athletic purposes.[2]

In January of 2006, the FHSAA Representative Assembly voted to adopt revisions to sections 11.01, 11.02, 11.2, 11.3, and 11.4 of the FHSAA bylaws governing student athlete residence and transfer. The revised bylaws are intended to curtail recruiting of student athletes by placing certain penalties on student athletes who transfer to another school. The revised bylaws apply to all transfers except a move by the student and all members of the student's household that necessitates a change in schools.[3] According to the revised bylaws, student athletes who transfer to another school may not participate in varsity athletics for one calendar year but may participate in junior varsity athletics during this time.[4] Upon the expiration of one calendar year, the student athlete is deemed to have established residency at the new school and may participate in varsity athletics. The revised bylaws contain several exceptions which, if applicable, allow student athletes to transfer without penalty. The receiving school must first make an application for waiver to the FHSAA on the student's behalf. The FHSAA commissioner reviews the waiver application to determine whether the exception applies and the waiver is justified. Subsequent procedures are available for appealing waiver denials and for undue hardship requests. This rule becomes effective for the 2007-2008 school year.

At its February 7, 2006 meeting, the PreK-12 Committee heard public testimony from proponents and opponents of the new FHSAA residence and transfer bylaws. Opponents of the bylaws testified that the new rules violate the statutory provisions on residence and transfer bylaws contained in s.1006.20(2)(a) and impede parents' rights to school choice. Proponents of the bylaws stated that the rules were necessary to prevent student athletes from "shopping" for better teams and more advantageous opportunities for playing time, as well as curtailing illegal recruiting of student athletes.

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[1] Section 1006.20(2)(a), F.S.
[2] Section 1006.20(2)(b), F.S.
[3] Section 11.4, Proposed 2006 revisions to the Bylaws of the Florida High School Athletic Association, Inc.
[4] Id.

Effect of Proposed Changes:
The bill requires FHSAA to hold in abeyance sections 11.01, 11.02, 11.2, 11.3, and 11.4 of the FHSAA bylaws until July 1, 2007. The bill creates a balanced task force comprised of home school and public and private secondary school proponents and opponents of the revised bylaws. The task force must make recommendations to the Governor and the Legislature that preserve parents' rights to school choice and protect the integrity of Florida's interscholastic athletic programs. The bill requires OPPAGA to provide administrative support and staff for the task force.

The bill also requires OPPAGA to conduct an independent review of secondary school recruiting violations among FHSAA member schools. The bill requires FHSAA to grant full access to its records for purposes of OPPAGA's review.

C. SECTION DIRECTORY:

Section 1. Creates an unnumbered section of law requiring FHSAA to hold in abeyance certain bylaws; creates a task force.

Section 2. Requires OPPAGA to review recruiting violations.

Section 3. Provides an appropriation.

Section 4. Provides an effective date upon becoming law.

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:

   The bill appropriates $60,000 from the General Revenue Fund to OPPAGA to support the work of the Student Athlete Recruiting Task Force.

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:

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

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

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

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

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

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

On April 4, 2006, the Education Appropriations Committee adopted an amendment deleting the $50,000 appropriation from the General Revenue Fund to OPPAGA to fund its independent review of secondary school recruiting violations. OPPAGA staff stated that they could do the review within existing resources.

CHAMBER ACTION

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1 The Education Appropriations Committee recommends the following:
2
3 **Council/Committee Substitute**
4 Remove the entire bill and insert:
5 A bill to be entitled
6 An act relating to student athlete recruiting; requiring
7 the Florida High School Athletic Association to hold
8 certain bylaws in abeyance; providing for creation of a
9 task force to review student athlete recruiting issues;
10 providing for task force membership and duties; requiring
11 recommendations to the Governor and the Legislature;
12 requiring the Office of Program Policy Analysis and
13 Government Accountability to conduct a review of
14 recruiting violations by Florida High School Athletic
15 Association member schools; providing an appropriation;
16 providing an effective date.
17
18 Be It Enacted by the Legislature of the State of Florida:
19
20 Section 1. (1) The Florida High School Athletic
21 Association shall, until July 1, 2007, hold in abeyance the
22 2006-2007 revisions to sections 11.01, 11.02, 11.2, 11.3, and
23 11.4, Bylaws of the Florida High School Athletic Association,

24 relating to student athlete residence and transfer, adopted
25 pursuant to s. 1006.20, Florida Statutes.
26 (2) A Student Athlete Recruiting Task Force shall be
27 created to review issues concerning recruiting of secondary
28 school student athletes. The task force shall make
29 recommendations that preserve the parental right to school
30 choice while protecting the integrity of Florida's
31 interscholastic athletic programs. The task force shall
32 consider:
33 (a) The definition of recruiting.
34 (b) Current and proposed procedures governing recruiting
35 of secondary school student athletes.
36 (c) Documented past recruiting practices and violations.
37 Practices to be reviewed shall include, but not be limited to,
38 the provision of tuition scholarships and other inducements,
39 recruitment of foreign athletes, and active solicitation of
40 student athletes and parents by school employees or boosters.
41 (d) The impact of student athlete recruiting rules on
42 parental school choice.
43 (e) The relationship between student athlete transfers and
44 recruiting, including the role of student athlete transfer rules
45 in preventing recruiting.
46 (f) Measures for preventing improper student athlete
47 recruiting and penalties for recruiting violations.
48 (3) The task force shall be comprised of representatives
49 from home school and public and private secondary school
50 proponents and opponents of the 2006-2007 revisions to the

51 bylaws specified in subsection (1). The task force members shall
52 be appointed as follows:
53 (a) Three proponents of the bylaws and three opponents of
54 the bylaws each appointed by the President of the Senate.
55 (b) Three proponents of the bylaws and three opponents of
56 the bylaws each appointed by the Speaker of the House of
57 Representatives.
58 (c) A task force chair appointed by the Governor.
59 (4) Task force members shall serve without compensation
60 but shall be reimbursed for per diem and travel expenses in
61 accordance with s. 112.061, Florida Statutes.
62 (5) The task force shall be staffed by the Office of
63 Program Policy Analysis and Government Accountability and be
64 monitored by the Department of Education. The chair shall
65 convene meetings of the task force as needed and shall ensure
66 that the recommendations are completed and forwarded on time.
67 (6) The task force shall hold its initial meeting not
68 later than June 1, 2006, and shall submit its recommendations to
69 the Governor, the President of the Senate, and the Speaker of
70 the House of Representatives by January 1, 2007. The task force
71 shall dissolve upon rendering its recommendations.
72 Section 2. The Office of Program Policy Analysis and
73 Government Accountability shall conduct an independent review of
74 secondary school recruiting violations among Florida High School
75 Athletic Association member schools and shall have full access
76 to Florida High School Athletic Association records for the
77 purpose of this review.

78 Section 3. The sum of $60,000 is appropriated from the
79 General Revenue Fund to the Office of Program Policy Analysis
80 and Government Accountability for the 2006-2007 fiscal year to
81 support the work of the Student Athlete Recruiting Task Force.
82 Section 4. This act shall take effect upon becoming a law.