



Education Committee

Wednesday, February 17, 2016

9:00 a.m. – 11:00 a.m.

102 HOB

Meeting Packet

Steve Crisafulli
Speaker

H. Marlene O'Toole
Chair



AGENDA

Education Committee
Wednesday, February 17, 2016
9:00 a.m. – 11:00 a.m.

102 HOB

- I. Call to Order and Roll Call – Chair O’Toole
- II. Welcome - Chair O’Toole
- III. Consideration of the following bill(s):
 - CS/HB 343 Public K-12 Education by K-12 Subcommittee, Jones, M.
 - CS/HB 873 Education Funding by Appropriations Committee, Diaz, M.
 - CS/CS/HB 887 Computer Coding Instruction by Education Appropriations Subcommittee, K-12 Subcommittee, Adkins
 - CS/HB 1147 Character-development Instruction by K-12 Subcommittee, Latvala, Fitzenhagen
 - CS/HB 1349 Specialty License Plates/Specified Sororities & Fraternities by Highway & Waterway Safety Subcommittee, Williams, A.
 - HB 1359 Vocational Rehabilitation by Fresen
 - HB 1403 Pledge of Allegiance by Broxson, Hill, Narain
- IV. Closing Remarks and Adjournment

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 343 Public K-12 Education
SPONSOR(S): K-12 Subcommittee and Jones
TIED BILLS: IDEN./SIM. **BILLS:** SB 1596

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) K-12 Subcommittee	11 Y, 0 N	Cherry	Fudge
2) Education Committee		Cherry TC	Mizereck <i>MM</i>

SUMMARY ANALYSIS

In 2010, Legislature enacted Chapter 2010-217, L.O.F., which required that each district school board adopt and implement a dating violence and abuse policy which must be integrated into each school district's discipline policies. Each district's policy must prohibit dating violence and abuse by any student on school property, during a school-sponsored activity, or during school-sponsored transportation; provide procedures for responding to such incidents of dating violence or abuse, including accommodations for students experiencing dating violence or abuse; and define dating violence and abuse and provide for a teen dating violence and abuse component in the health education curriculum.

The bill specifies that Chapter 2010-217, L.O.F., may be cited as the "Taylor's Law for Teen Dating Violence Awareness and Prevention," after Taylor Mack, who survived horrific injuries stemming from an attack by her boyfriend in 2009.

The bill provides an effective date of July 1, 2016.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

Chapter 2010-217, L.O.F., required a teen dating violence and abuse component to be added to the current comprehensive health education curriculum provided to students in grades 7 through 12.¹ The dating violence and abuse component includes, but is not limited to, the definition of dating violence and abuse, the warning signs of dating violence and abusive behavior, the characteristics of healthy relationships, measures to prevent and stop dating violence and abuse, and community resources available to victims of dating violence and abuse.²

Each district school board is also required to adopt and implement a dating violence and abuse policy which is to be integrated into each school district's discipline policies.³ Each district's policy must:

- Prohibit dating violence and abuse by any student on school property, during a school-sponsored activity, or during school-sponsored transportation;
- Provide procedures for responding to such incidents of dating violence or abuse, including accommodations for students experiencing dating violence or abuse;
- Define dating violence and abuse and provide for a teen dating violence and abuse component in the health education curriculum, with emphasis on prevention education.⁴

Each school district must also provide training for teachers, staff, and school administrators to implement the dating violence and abuse policies.⁵

Effect of Proposed Changes

The bill specifies that Chapter 2010-217, L.O.F., may be cited as the "Taylor's Law for Teen Dating Violence Awareness and Prevention," after Taylor Mack, who survived horrific injuries stemming from an attack by her boyfriend in 2009."⁶

B. SECTION DIRECTORY:

Section 1. Provides a short title for chapter 2010-217, L.O.F.

Section 2. Provides an effective date of July 1, 2016.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

¹ Section 1003.42(2)(n), F.S.

² *Id.*

³ Section 1006.148(1), (1)(d), F.S.

⁴ Section 1006.148(1)(a), (b), (c), and (d), F.S.

⁵ Section 1006.148(3), F.S.

⁶ wftv.com, *911 Call Released of Girl Who Was Stabbed, Burned*, <http://www.wftv.com/news/news/911-call-released-of-girl-who-was-stabbed-burned/nFDyC/> (last visited Jan. 27, 2016).

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:

None.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On February 1, 2016, the K-12 Subcommittee adopted a proposed committee substitute and reported the bill favorably as a committee substitute. The committee substitute titles Chapter 2010-217, L.O.F., as the "Taylor's Law for Teen Dating Violence Awareness and Prevention." The analysis is drafted to reflect the committee substitute.

1 A bill to be entitled

2 An act relating to public K-12 education; providing a
3 short title for chapter 2010-217, Laws of Florida,
4 relating to requirements for health education
5 curricula and district school board policies on teen
6 dating violence and abuse; providing an effective
7 date.

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

10
11 Section 1. Chapter 2010-217, Laws of Florida, may be cited
12 as "Taylor's Law for Teen Dating Violence Awareness and
13 Prevention."

14 Section 2. This act shall take effect July 1, 2016.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 873 Education Funding
SPONSOR(S): Appropriations, Diaz, M. and others
TIED BILLS: IDEN./SIM. **BILLS:** SB 1064

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) K-12 Subcommittee	11 Y, 0 N	Cherry	Fudge
2) Appropriations Committee	19 Y, 5 N, As CS	Heflin	Leznoff
3) Education Committee		Cherry 	Mizereck 

SUMMARY ANALYSIS

The bill modifies requirements for education fixed capital outlay funding for school districts and public charter schools. Specifically the bill replaces the existing eligibility criteria for charter school outlay funding. To be eligible for charter school capital outlay funding, a charter school must:

- Be in operation for 2 or more years;
- Not have more than two consecutive school grades lower than "B" unless the school serves a student population at least 50 percent of which is eligible for free or reduced-price meals; and
- Have an annual audit with no financial emergency conditions; or
- Be part of a high-performing charter school system.

Additionally, a charter school must have received final approval from its sponsor for operation during that fiscal year and may not operate in facilities provided by the sponsor in order to receive capital outlay funding.

The bill also eliminates provisions granting priority for funding to charter schools that received capital outlay funding in FY 2005-06 and revises the methodology for calculating the amount of state funding for charter school capital outlay from 1/15th to 1/40th of the cost per student station. If state funds for charter school capital outlay do not fully fund 1/40th of the cost per student station or the amount of per student funding generated by the district school board's discretionary ad valorem tax levy for capital outlay, whichever is less, then the school district must share discretionary ad valorem tax revenues to make up the difference.

The bill also modifies current law regarding the Special Facility Construction Account (SFCA), which provides construction funds to school districts which have urgent construction needs but lack sufficient resources. Specifically, the bill:

- Modifies school district participation requirements pertaining to new construction funding and discretionary capital improvement millage funding.
- Changes the annual deadline for district school boards to certify final phase construction plans as complete and in compliance with the required codes.
- Specifies that a representative of the department must chair the Special Facility Construction Committee (SFCC); and
- Modifies requirements relating to application review, student enrollment projections, educational plant surveys, and project cost overruns.

Changes are also made to the requirements for school district construction costs. The bill:

- Changes the revenue sources which are not allowed to be expended in amounts above the statutory costs per student station to include all capital outlay revenue sources available to school districts;
- Restricts school district eligibility for state Public Capital Outlay and Debt Service Trust Fund (PECO) appropriations for three years if the district exceeds the statutory cost per student station for school construction projects; and
- Requires the Department of Education (DOE) and the Office of Economic and Demographic Research (EDR) to work in consultation to study the actual costs of construction and submit recommendations to the legislature on new statutory costs per student station for school construction projects.

HB 5001, Specific Appropriation 19 of the House 2016-2017 General Appropriations Act (GAA), provides \$90 million in state appropriations for charter school capital outlay. If the GAA were finalized with the \$90 million appropriation, school districts would be required to provide payments totaling \$62.9 million to charter schools from the local ad valorem revenues generated from the 1.5 mill levy. See Fiscal Comments.

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

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DATE: 2/15/2016

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Charter School Capital Outlay

Present Situation

To be eligible for charter school capital outlay funding, a charter school must:

- Have been in operation for at least three years, be governed by a governing board established in Florida for three or more years which operates both charter schools and conversion charter schools within the state, be part of an expanded feeder chain¹ with an existing charter school in the district that is currently receiving charter school capital outlay funds, be accredited by the Commission on Schools of the Southern Association of Colleges and Schools, or serve students in facilities that are provided by a business partner for a charter school-in-the-workplace;
- Demonstrate financial stability for future operation as a charter school;
- Have satisfactory student achievement based upon the state accountability standards applicable to charter schools;
- Have received final approval from its sponsor for operation during that fiscal year; and
- Serve students in facilities that are not provided by the charter school sponsor.²

Capital outlay funds may be used by a charter school's governing board for the:

- Purchase of real property.
- Construction of school facilities.
- Purchase, lease-purchase, or lease of permanent or relocatable school facilities.
- Purchase of vehicles to transport students to and from the charter school.
- Renovation, repair, and maintenance of school facilities that the charter school owns or is purchasing through a lease-purchase or long-term lease of five years or longer.
- Purchase, lease-purchase, or lease of new and replacement equipment, and enterprise resource software applications.³
- Payment of the cost of premiums for property and casualty insurance necessary to insure the school facilities.
- Purchase, lease-purchase, or lease of driver's education vehicles, motor vehicles used for the maintenance or operation of plants and equipment, security vehicles, or vehicles used in storing or distributing materials and equipment.⁴

Charter school capital outlay funding is allocated based upon the following priorities:

- First priority is given to charter schools that received capital outlay funding in FY 2005-06. Such a school receives the same per-student amount that it received in FY 2005-06 up to the lesser of:

¹ A charter school may be considered a part of an expanded feeder chain under s. 1013.62, F.S., if it either sends or receives a majority of its students directly to or from a charter school that is currently receiving capital outlay funding pursuant to Section 1013.62, F.S. Rule 6A-2.0020 (1), F.A.C.

² Section 1013.62(1)(a), F.S. A conversion charter school, i.e., a charter school created by the conversion of an existing public school to charter status, is not eligible for capital outlay funding if it operates in facilities provided by its sponsor at no charge or for a nominal fee or if it is directly or indirectly operated by the school district. Section 1013.62(1)(d), F.S.

³ Enterprise resource software applications must be "classified as capital assets in accordance with definitions of the Governmental Accounting Standards Board, have a useful life of at least 5 years, and are used to support schoolwide administration or state-mandated reporting requirements." Section 1013.62(2)(f), F.S.

⁴ Section 1013.62(2)(a)-(h), F.S.

- The actual number of students enrolled in the current year; or
 - The number of students enrolled in FY 2005-06.
- After calculating the first priority, remaining funds are allocated with the same per-student amount to:
 - Those schools not included in the first priority allocation; and
 - Those schools in the first priority allocation with growth in excess of FY 2005-06 student enrollments.

Any excess funds remaining after the first and second priority calculations are allocated among all eligible charter schools.⁵

Each charter school's capital outlay allocation must not exceed 1/15th of the statutory cost per student station. Based on the December 22, 2015 PECO Revenue Estimating Conference, the cost per student station was \$21,407 for an elementary school, \$23,117 for a middle school, and \$30,027 for a high school. The cost per student station is adjusted annually to reflect increases or decreases in the Consumer Price Index.⁶ DOE must disburse these funds to the sponsoring school district monthly based upon 1/12th of the amount that it expects the charter school to receive during that fiscal year. The funding amount is recalculated during the fiscal year to reflect fluctuations in student enrollment indicated by the second and third enrollment surveys and impacts on available funds resulting from charter school closings and the addition of newly eligible charter schools.⁷

In the most recent five fiscal years, the Legislature appropriated the following charter school capital outlay funds:

Charter School Capital Outlay Appropriations⁸				
Fiscal Year	Appropriation	Total Charter Schools Funded	First Priority	Second Priority
2011-12	\$55.2 million ⁹	372	151	221
2012-13	\$55.2 million ¹⁰	432	144	288
2013-14	\$90.6 million ¹¹	473	138	335
2014-15	\$75.0 million ¹²	487	133	354
2015-16	\$50.0 million ¹³	535	135	400

In addition to the appropriated state funds for charter school capital outlay, the law authorizes, but does not require, school boards to allocate local discretionary capital improvement funds to charter schools.¹⁴

Effect of Proposed Changes

The bill replaces the existing eligibility criteria for charter school outlay funding. To be eligible for charter school capital outlay funding, a charter school must:

⁵ Section 1013.62(1)(b), F.S.

⁶ Sections 1013.62(1)(c), and 1013.64(6)(b), F.S. Adjusted cost per student station may be found at <http://edr.state.fl.us/Content/conferences/peco/archives/141209peco.pdf>.

⁷ Section 1013.62(1)(f), F.S.

⁸ School totals provided by FDOE. Email, Office of Independent Education and Parental Choice (Sept. 17, 2014).

⁹ Specific Appropriation 15A, s. 2, ch. 2011-69, L.O.F.

¹⁰ Specific Appropriation 16, s. 2, ch. 2012-118, L.O.F.

¹¹ Specific Appropriation 18, s. 2, ch. 2013-40, L.O.F.

¹² Specific Appropriation 25, s. 2, ch. 2014-51, L.O.F.

¹³ Specific Appropriation 18, s. 2, ch. 2015-232, L.O.F.

¹⁴ Section 1011.71(2), F.S.

- Be in operation for 2 or more years;
- Not have more than two consecutive school grades lower than "B" unless the school serves a student population at least 50 percent of which is eligible for free or reduced-price meals; and
- Have an annual audit with no financial emergency conditions; or
- Be part of a high-performing charter school system.

Additionally, a charter school must have received final approval from its sponsor for operation during that fiscal year and may not operate in facilities provided by the sponsor in order to receive capital outlay funding.

Additionally, the bill eliminates provisions granting priority for funding to charter schools that received capital outlay funding in FY 2005-06. The bill revises the methodology for calculating the amount of state funding for charter school capital outlay from 1/15th to 1/40th of the cost per student station. If state funds for charter school capital outlay do not fully fund 1/40th of the cost per student station or the amount of per student funding generated by the district school board's discretionary ad valorem tax levy for capital outlay, whichever is less, then the school district must share discretionary ad valorem tax revenues to make up the difference.

The bill adds as allowable uses of capital outlay funds, for both charter schools and non-charter public schools, the purchase or lease of computer hardware necessary for gaining access to electronic content or to serve purposes specified in the charter schools and non-charter public schools digital classrooms plan. Charter schools are also aligned with non-charter public schools to allow payment of the cost of the opening day collection for the library media center of a new school.

Special Facilities Construction Account

Present Situation

The SFCA is established as part of the PECO Trust Fund to provide construction funds to school districts that have urgent construction needs but lack sufficient resources, and have no reasonable expectation of raising the needed funds over the next three years from authorized sources of capital outlay revenue.¹⁵ A district may not receive funds for more than one approved project in any 3-year period.¹⁶ The department must encourage a construction program that reduces the average size of schools in the district.¹⁷

Typically, the projects that receive funds through the SFCA are located in rural areas and that have an insufficient tax base to fund large construction projects.¹⁸ The state's smaller school districts, which serve fewer than 20,000 students, generally raise considerably less through local discretionary property taxes than larger Florida school districts.¹⁹ To improve the effectiveness of programs funded by the SFCA, a recent report by the Office of Program Policy Analysis and Government Accountability recommended the relevant statutes be modified to:

- Clarify the types of projects that are eligible for funding.
- Clarify the department's rule in making funding decisions.
- Require that the department conduct educational plant surveys.
- Require the department to approve the final construction plans for funded projects.
- Change the membership of the project selection committee; and

¹⁵ Section 1013.64(2)(a), F.S.

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ Office of Program Policy Analysis and Government Accountability, *Special Facility Construction Projects Appear Needed, but Have Excess Capacity* (Report No. 11-02), available at <http://www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/1102rpt.pdf>, at 1.

¹⁹ *Id.*

- Require districts to levy the maximum discretionary millage prior to their application.²⁰

District Effort and Participation Requirement

To receive funds from the SFCA, districts must, at the time of request for funds and for a continuing period of 3 years, levy the maximum millage against their nonexempt assessed property value or raise an equivalent amount of revenue from the school capital outlay surtax.²¹ Additionally, districts must apply unencumbered Capital Outlay and Debt Service funds, PECO new construction funds, and discretionary capital improvement millage funds to the project.²² The district must also forego all other fixed capital outlay funding for a period of 3 years.²³ This leaves participating districts with limited ability to pay for other fixed capital outlay needs.

Construction Plans

District school boards must certify that final phase III construction plans are complete and in compliance with the building and life safety codes before August 1.²⁴ This deadline does not provide the department sufficient time to review the construction plans before such plans are considered by the Special Facility Construction Committee (SFCC). Small districts do not have the expertise to determine if an architect used the most cost-effective school design or overbuilt the school. As a result, such districts may not identify features that do not add value or may incur controllable cost overruns.²⁵

Special Facility Construction Committee

The SFCC is responsible for a preapplication review of a school district's funding requests for special facility construction projects. The SFCC is composed of:

- Two department representatives;
- A representative from the Governor's office;
- A representative selected annually by the district school boards; and
- A representative selected annually by the superintendents.²⁶

The law does not specify which representative serves as the committee chair but in practice a department representative serves this role.²⁷ Additionally, the law authorizes a project review subcommittee, convened by the SFCC, to review preapplications.²⁸ The subcommittee is composed of:

- Two department representatives; and
- Two staff from school districts that are not eligible to participate in the Special Facility Construction program.²⁹

The SPCC and the subcommittee evaluate the ability of the projects to relieve critical needs and rank the requests in priority order.³⁰ The statewide priority list for special facilities construction must be submitted to the Legislature in the Commissioner of Education's annual capital outlay legislative budget request at least 45 days before the legislative session.³¹

²⁰ *Id* at 12.

²¹ Section 1013.64(2)(a)8., F.S.

²² Section 1013.64(2)(a)11., F.S.

²³ *Id.*

²⁴ Section 1013.64(2)(a)12., F.S.

²⁵ Florida Department of Education, 2016 Agency Legislative Bill Analysis for SB 1064 (Dec. 4, 2015), at 3.

²⁶ Section 1013.64(2)(b), F.S.

²⁷ Florida Department of Education, 2016 Agency Legislative Bill Analysis for SB 1064 (Dec. 4, 2015), at 3.

²⁸ Section 1013.64(2)(a)1., F.S.

²⁹ *Id.*

³⁰ Section 1013.64(2)(a)1. and (c), F.S.

³¹ Section 1013.64(2)(c), F.S.

Application Review

Within 60 days after receiving the preapplication review request, the SFCC or subcommittee must meet in the school district to review the project proposal and existing facilities.³² The law, however, does not specify a deadline for the school districts to submit the preapplications for review by the committee or subcommittee.³³ In practice, to meet the deadline for the commissioner to submit the capital outlay legislative budget request, the department convenes the committee meeting in August of each year.³⁴

Determining Critical Need

To determine whether a school district's proposed construction project is a critical need, the SFCC or subcommittee must consider:

- The capacity of all existing facilities within the district as determined by the Florida Inventory of School Houses;
- The district's pattern of student growth; and
- The district's existing and projected capital outlay full-time equivalent student enrollment as determined by the department.

Laws governing educational facilities plans³⁵ require such plans to be based on demographic, revenue, and education estimating conferences.³⁶

Educational Plant Surveys

To be considered for funding through the SFCA, the construction project must be recommended in the most recent survey or surveys by the school district under the rules of the State Board of Education.³⁷ School districts may:

- Contract with a private consultant to conduct the educational plant surveys,
- Request the department to conduct facility reviews; or
- Conduct the surveys in-house.³⁸

Since 1998, school districts have hired private consultants to conduct surveys for 19 of the 24 projects that received funding through the SFCA, "in part, because the districts believed this provided an independent, third-party assessment of their facilities' needs."³⁹ Often these consultants also worked for firms that designed or constructed the facilities.⁴⁰ Between 2010 and 2015, 13 school districts requested funding, which included 5 districts that contracted with private consultants to conduct the educational plant surveys.⁴¹

³² *Id.*

³³ Florida Department of Education, 2016 Agency Legislative Bill Analysis for SB 1064 (Dec. 4, 2015), at 3.

³⁴ *Id.*

³⁵ Sections 1013.31 and 1013.35(2)(a)1., F.S.

³⁶ *Id.*

³⁷ Section 1013.64(2)(a)2., F.S.

³⁸ Florida Department of Education, 2016 Agency Legislative Bill Analysis for SB 1064 (Dec. 4, 2015), at 4.

³⁹ Office of Program Policy Analysis and Government Accountability, *Special Facility Construction Projects Appear Needed, but Have Excess Capacity* (Report No. 11-02), available at <http://www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/1102rpt.pdf>, at 8.

⁴⁰ *Id.*

⁴¹ Florida Department of Education, 2016 Agency Legislative Bill Analysis for SB 1064 (Dec. 4, 2015), at 4.

Project Cost Overruns

SFCA Project costs are limited by the statutorily established maximum cost per student station.⁴² However, the law is silent regarding cost increases and changes in project scope.⁴³ The department identified three projects since 1998 in which the final cost exceeded the amount that the committee originally approved.⁴⁴

Effect of Proposed Changes

The bill modifies current law regarding the SFCA to incorporate technical changes suggested by the department and options recommended by OPPAGA to improve the effectiveness of the construction projects funded by the SFCA.⁴⁵

The bill preserves the prohibition on a school district from receiving SFCA funding for more than one approved project within a 3-year period. However, the bill extends this prohibition to any time during which any portion of the district's participation requirement remains outstanding. As a result, this modification may help to allocate SFCA funds for targeted construction projects to meet critical need.

District Effort and Participation Requirement

The bill clarifies that a school district's participation requirement is equivalent to all unencumbered and future revenue acquired during a 3-year period, beginning with the year of the initial appropriation and the next two years from Capital Outlay and Debt Service funding, PECO new construction funding, and discretionary capital improvement millage funding. In addition, the bill:

- Requires that beginning in the 2019-2020 fiscal year, a school district seeking SFCA funding for a construction project must have levied the maximum discretionary capital improvement millage against its nonexempt assessed property value, as authorized in law,⁴⁶ or an equivalent amount of revenue from the school capital outlay sales surtax, as authorized in law,⁴⁷ for a minimum of three years prior to the request and for a continuing period necessary to meet the district's participation requirement;
- Removes the requirement that a school district's participation requirement be satisfied within a 3-year period.
- Reduces from 1.5 mills to 1.0 mill, the value of the discretionary capital improvement millage that a school district with a new or active project must budget annually until the district's participation requirement is met.

A district school board must set the discretionary capital improvement millage levy rate at a public meeting. The school capital outlay surtax is subject to approval by voter referendum.⁴⁸

Construction Plans

The bill makes June 1 the annual deadline for the district school boards to certify their final phase III construction plans as complete and in compliance with the building and life safety codes. This

⁴² Section 1013.62(6)(b)1., F.S., *see also* Florida Department of Education, 2016 Agency Legislative Bill Analysis for SB 1064 (Dec. 4, 2015), at 4. Cost per student station includes contract costs, legal and administrative costs, fees of architects and engineers, furniture and equipment, and site improvement costs. Cost per student station does not include the cost of purchasing or leasing the site for the construction or the cost of related offsite improvements. Section 103.64(6), F.S.

⁴³ Florida Department of Education, 2016 Agency Legislative Bill Analysis for SB 1064 (Dec. 4, 2015), at 4.

⁴⁴ Office of Program Policy Analysis and Government Accountability, *Special Facility Construction Projects Appear Needed, but Have Excess Capacity* (Report No. 11-02), available at <http://www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/1102rpt.pdf>, at 11.

⁴⁵ Florida Department of Education, 2016 Agency Legislative Bill Analysis for SB 1064 (Dec. 4, 2015), at 3.

⁴⁶ Section 1011.71(2), F.S.

⁴⁷ Section 212.055(6), F.S.

⁴⁸ *Id.*

modification addresses an existing issue regarding insufficient time for the department to review the construction plans before such plans are considered by the SFCC. The modified deadline will allow the department to:

- Review the construction plans before convening the committee meeting in August of each year; and
- Advise the committee whether the construction plans are economical and compliant with the required codes.⁴⁹

Special Facility Construction Committee

The bill codifies current practice by specifying that a representative of the department must chair the SFCC. This modification will allow the department to designate one of its two representatives to the SFCC to serve as the committee chair. The bill does not alter the composition of either the SFCC or the project review subcommittee.

Application Review

The bill specifies that a school district may request a preapplication review of the district's construction project proposal at any time. However, if the district school board seeks inclusion in the department's next annual capital outlay legislative budget request, the district must make the preapplication review request before February 1 of the fiscal year before the legislative budget request.

Additionally, the bill changes the deadline for the committee or subcommittee to complete the preapplication review from 60 days to 90 days after receiving the preapplication review request.

Determining Critical Need

The bill modifies the way the SFCC and project review subcommittee determines whether a proposed construction project is a critical need. The bill requires the use of capital outlay enrollment projections that are based on demographic, revenue, and education estimating conferences rather than the enrollment projections determined by the department. This modification aligns the change in projecting student enrollment to existing laws governing educational facilities plans.⁵⁰

Educational Plant Surveys

The bill requires proposed special facility construction projects to be included in the most recent survey or survey amendment that is collaboratively prepared by a school district seeking SFCA funding and the department. This modification will allow the department to better assess the need for special facility construction projects and provide assurance to other school districts and the general public that the SFCA funds are spent on critically needed capital projects.⁵¹

The bill also precludes a district, in preparation of a survey, from using a consultant who is employed by or receiving compensation from a third party that designs or constructs a project recommended by the survey.

⁴⁹ Florida Department of Education, 2016 Agency Legislative Bill Analysis for SB 1064 (Dec. 4, 2015), at 5.

⁵⁰ *Id.*

⁵¹ *Id.*

Project Cost Overruns

The bill authorizes SFCA funds to be used to pay for cost overruns necessitated by a disaster as defined in law⁵² or an unforeseeable circumstance beyond the district's control as determined by the SFCC.

School District Construction Costs

Present Situation

Section 1013.64(5)(2), F.S., limits the cost of school district capital outlay projects to the following student station costs:

- \$17,952 for an elementary school;
- \$19,386 for a middle school; and
- \$25,181 for a high school.

These costs were established in 2006, and the statute provides for an annual adjustment each year by the Office of Economic and Demographic research based on the Consumer Price Index.⁵³ The site cost and offsite improvement costs are not included in the cost per student station. School districts are not required to adhere to these cost maximums when using sales surtax proceeds authorized in s. 212.055, F.S., proceeds from revenue bonds authorized in s. 17, Art. XII of the State Constitution, or voted ad valorem property tax proceeds authorized by a referendum of the general electorate⁵⁴. School districts that exceed the cost maximums are required to report the reasons for the excess costs to the department. The department is required to provide this information to the Legislature each year by December 31.

Effect of Proposed Legislation

The bill requires the department to work in consultation with the Office of Economic and Demographic Research to conduct a study of the statutory cost per student station amounts using the most recent available information on construction costs. The department shall report the final results of the analysis to the Governor, the President of the Senate, and the Speaker of the House of Representatives by March 1, 2017. The bill also prohibits school districts from spending more than the cost per student station from any available revenue sources. The site cost and offsite improvement costs are required to be included in the cost per student station. A district that exceeds the statutory student station costs shall be ineligible for allocations from the PECO Trust Fund for the next three years in which the district would have received allocations had the violation not occurred.

B. SECTION DIRECTORY:

Section 1. Amends s. 1011.71, F.S., providing for the calculation and payment of capital outlay funding to charter schools; and providing that enterprise resource software may be acquired by certain means.

Section 2. Amends s. 1013.62, F.S., revising eligibility requirements for charter school capital outlay funding; revising charter school funding allocations; revising the list of approved uses of charter school capital outlay funds.

Section 3. Amends s. 1013.64, F.S., providing that a school district may not receive funds from the Special Facility Construction Account under certain circumstances; revising the criteria for a request for

⁵² Section 1013.64, F.S.

⁵³ Based on the December 22, 2015 Public Education Capital Outlay (PECO) Revenue Estimating Conference, the cost per student station is \$21,407 for an elementary school, \$23,117 for a middle school, and \$30,027 for a high school. Adjusted cost per student station may be found at <http://edr.state.fl.us/Content/conferences/peco/archives/141209peco.pdf>.

⁵⁴ Section 1011.73, F.S.

funding; authorizing the request for a preapplication review to take place at any time; providing exceptions; revising the time period for completion of the review; providing that certain capital outlay full-time equivalent student enrollment estimates be determined by specified estimating conferences; requiring surveys to be cooperatively prepared by certain entities and approved by the Department of Education; prohibiting certain consultants from specified employment and compensation; requiring the cost per student station to include certain cost overruns; requiring a school district to levy the maximum millage against certain property value or raise a specified amount from the school capital outlay surtax under certain circumstances; reducing the required millage to be budgeted for a project; requiring certain plans to be finalized by a specified date; requiring a representative of the department to chair the Special Facility Construction Committee; prohibiting district school boards from using certain funds for new construction of educational plant space that exceeds maximum thresholds for cost per student station after a specified date; prohibiting new construction initiated after a specified date by a district school board from exceeding the maximum thresholds; providing that school districts that exceed the maximum thresholds are ineligible for certain allocations for a specified period; revising the costs included in calculating the maximum thresholds; and requiring the department to conduct a study of the total cost per student station and provide a report to the Governor and Legislature by a certain date.

Section 4. Provides an effective date of July 1, 2016.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The bill prohibits school districts from spending more than the cost per student station from any available revenue sources. A district that exceeds the statutory student station costs shall be ineligible for allocations from the PECO Trust Fund for the next three years in which the district would have received allocations had the violation not occurred.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

See Fiscal Comments.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

The bill amends s. 1011.71, F.S., relating to district school tax and s. 1013.62, F.S., relating to charter school capital outlay funding. The bill changes the methodology for calculating the amount of funding that shall be provided from state funds for charter school capital outlay from 1/15th to 1/40th of the cost per student station provided in s. 1013.64, F.S. Based on current capital outlay FTE estimates and the January 2016 cost per student station, total funding required at the 1/40th level is estimated to be \$157.9 million. The bill requires school boards to provide to charter schools a portion of the funding generated by the 1.5 mills levied for capital outlay funding if the amount of state funding provided for

charter school capital outlay is insufficient to fully fund the 1/40th of the cost per student station or the amount of funding per student generated by the levy of local ad valorem for capital outlay, whichever is less. HB 5001, Specific Appropriation 19 of the House 2016-2017 General Appropriations Act (GAA), provides \$90 million in state appropriations for charter school capital outlay. If the GAA were finalized with the \$90 million appropriation, school districts would be required to provide payments totaling \$62.9 million to charter schools from the local ad valorem revenues generated from the 1.5 mill levy.⁵⁵

The bill requires proposed special facility construction projects to be included in the most recent survey or survey amendment that is collaboratively prepared by a school district seeking SFCA funding and the department. This modification will allow the department to better assess the need for special facility construction projects and provide assurance to other school districts and the general public that the SFCA funds are spent on critically needed capital projects.

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:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On February 9, 2016, the Appropriations Committee adopted a proposed committee substitute and reported the bill favorably as a committee substitute. The proposed committee substitute:

- Modified the requirements for education fixed capital outlay funding for school districts and public charter schools.
- Revised eligibility criteria for charter school capital outlay funding.
- Modified requirements for the Special Facility Construction Account.
- Revised requirements for school district construction costs.
- Required the Department of Education and the Office of Economic and Demographic Research to study the actual costs of construction and submit recommendations to the Legislature.

The bill analysis reflects the committee substitute as passed by the Appropriations Committee.

⁵⁵ The amount is less than the remaining balance of \$67.9 million due to some charter schools potentially receiving more than the school district local ad valorem revenue per student at the full 1/40th calculated amount. The bill provides for the amount of the 1/40th or the amount the district generates per fixed capital outlay student from the local ad valorem revenue. Charter schools in sixteen districts would receive the lesser amount of the revenue generated by the district's local ad valorem revenue. Those districts are: Clay, Columbia, Dixie, Escambia, Gadsden, Glades, Hernando, Hillsborough, Levy, Madison, Marion, Osceola, Pasco, Polk, Putnam, Santa Rosa, and Wakulla.

1 A bill to be entitled
 2 An act relating to education funding; amending s.
 3 1011.71, F.S.; providing for the calculation and
 4 payment of capital outlay funding to charter schools;
 5 providing that enterprise resource software may be
 6 acquired by certain means; amending s. 1013.62, F.S.;
 7 revising eligibility requirements for charter school
 8 capital outlay funding; revising charter school
 9 funding allocations; revising the list of approved
 10 uses of charter school capital outlay funds; amending
 11 s. 1013.64, F.S.; providing that a school district may
 12 not receive funds from the Special Facility
 13 Construction Account under certain circumstances;
 14 revising the criteria for a request for funding;
 15 authorizing the request for a preapplication review to
 16 take place at any time; providing exceptions; revising
 17 the time period for completion of the review;
 18 providing that certain capital outlay full-time
 19 equivalent student enrollment estimates be determined
 20 by specified estimating conferences; requiring surveys
 21 to be cooperatively prepared by certain entities and
 22 approved by the Department of Education; prohibiting
 23 certain consultants from specified employment and
 24 compensation; requiring the cost per student station
 25 to include certain cost overruns; requiring a school
 26 district to levy the maximum millage against certain

27 property value or raise a specified amount from the
 28 school capital outlay surtax under certain
 29 circumstances; reducing the required millage to be
 30 budgeted for a project; requiring certain plans to be
 31 finalized by a specified date; requiring a
 32 representative of the department to chair the Special
 33 Facility Construction Committee; prohibiting district
 34 school boards from using certain funds for new
 35 construction of educational plant space that exceeds
 36 maximum thresholds for cost per student station after
 37 a specified date; prohibiting new construction
 38 initiated after a specified date by a district school
 39 board from exceeding the maximum thresholds; providing
 40 that school districts that exceed the maximum
 41 thresholds are ineligible for certain allocations for
 42 a specified period; revising the costs included in
 43 calculating the maximum thresholds; requiring the
 44 department to conduct a study of the total cost per
 45 student station and provide a report to the Governor
 46 and Legislature by a certain date; providing an
 47 effective date.

48
 49 Be It Enacted by the Legislature of the State of Florida:

50
 51 Section 1. Subsection (2) of section 1011.71, Florida
 52 Statutes, is amended to read:

53 1011.71 District school tax.—

54 (2) In addition to the maximum millage levy as provided in
 55 subsection (1), each school board may levy not more than 1.5
 56 mills against the taxable value for school purposes for district
 57 schools, including charter schools. A charter school shall be
 58 provided an amount equal to the remaining balance of funding
 59 needed to achieve the amount of the state funding allocation
 60 provided in s. 1013.62 after the amount of state appropriations
 61 is deducted. Annually, by December 30, the department shall
 62 calculate the amount of payments to eligible charter schools
 63 using the certified taxable value and millage rate as provided
 64 in the TRIM notice pursuant to s. 200.065 and certify to each
 65 school district the amount the school district must pay to each
 66 charter school based on the remaining balance of funding needed
 67 to achieve the amount of the state funding allocation as
 68 provided in s. 1013.62 after the amount of state appropriations
 69 is deducted. School districts shall make payments to charter
 70 schools no later than February 1 of each year, beginning on
 71 February 1, 2017, for the 2016-2017 fiscal year. Revenues
 72 retained by a school district after payments are made to charter
 73 schools may be used by the school district ~~at the discretion of~~
 74 ~~the school board,~~ to fund:

75 (a) New construction and remodeling projects, as set forth
 76 in s. 1013.64(3)(b) and (6)(b) and included in the district's
 77 educational plant survey pursuant to s. 1013.31, without regard
 78 to prioritization, sites and site improvement or expansion to

79 new sites, existing sites, auxiliary facilities, athletic
 80 facilities, or ancillary facilities.

81 (b) Maintenance, renovation, and repair of existing school
 82 plants or of leased facilities to correct deficiencies pursuant
 83 to s. 1013.15(2).

84 (c) The purchase, lease-purchase, or lease of school
 85 buses.

86 (d) The purchase, lease-purchase, or lease of new and
 87 replacement equipment; computer hardware, including electronic
 88 hardware and other hardware devices necessary for gaining access
 89 to or enhancing the use of electronic content and resources or
 90 to facilitate the access to and the use of a school district's
 91 digital classrooms plan pursuant to s. 1011.62, excluding
 92 software other than the operating system necessary to operate
 93 the hardware or device; and enterprise resource software
 94 applications that are classified as capital assets in accordance
 95 with definitions of the Governmental Accounting Standards Board,
 96 have a useful life of at least 5 years, and are used to support
 97 districtwide administration or state-mandated reporting
 98 requirements. Enterprise resource software may be acquired by
 99 annual license fees, maintenance fees, or lease agreements.

100 (e) Payments for educational facilities and sites due
 101 under a lease-purchase agreement entered into by a district
 102 school board pursuant to s. 1003.02(1)(f) or s. 1013.15(2), not
 103 exceeding, in the aggregate, an amount equal to three-fourths of
 104 the proceeds from the millage levied by a district school board

105 | pursuant to this subsection. The three-fourths limit is waived
 106 | for lease-purchase agreements entered into before June 30, 2009,
 107 | by a district school board pursuant to this paragraph.

108 | (f) Payment of loans approved pursuant to ss. 1011.14 and
 109 | 1011.15.

110 | (g) Payment of costs directly related to complying with
 111 | state and federal environmental statutes, rules, and regulations
 112 | governing school facilities.

113 | (h) Payment of costs of leasing relocatable educational
 114 | facilities, of renting or leasing educational facilities and
 115 | sites pursuant to s. 1013.15(2), or of renting or leasing
 116 | buildings or space within existing buildings pursuant to s.
 117 | 1013.15(4).

118 | (i) Payment of the cost of school buses when a school
 119 | district contracts with a private entity to provide student
 120 | transportation services if the district meets the requirements
 121 | of this paragraph.

122 | 1. The district's contract must require that the private
 123 | entity purchase, lease-purchase, or lease, and operate and
 124 | maintain, one or more school buses of a specific type and size
 125 | that meet the requirements of s. 1006.25.

126 | 2. Each such school bus must be used for the daily
 127 | transportation of public school students in the manner required
 128 | by the school district.

129 | 3. Annual payment for each such school bus may not exceed
 130 | 10 percent of the purchase price of the state pool bid.

131 4. The proposed expenditure of the funds for this purpose
 132 must have been included in the district school board's notice of
 133 proposed tax for school capital outlay as provided in s.
 134 200.065(10).

135 (j) Payment of the cost of the opening day collection for
 136 the library media center of a new school.

137
 138 Section 2. Subsections (1) and (2) of section 1013.62,
 139 Florida Statutes, are amended to read:

140 1013.62 Charter schools capital outlay funding.—

141 (1) In each year in which funds are appropriated for
 142 charter school capital outlay purposes, the Commissioner of
 143 Education shall allocate the funds among eligible charter
 144 schools.

145 (a) To be eligible for a funding allocation, a charter
 146 school must:

147 1.a. Have been in operation for 2 ~~3~~ or more years;

148 b. Have no more than two consecutive school grades lower
 149 than "B" unless the school serves a student population at least
 150 50 percent of which is eligible for free or reduced-price meals
 151 under the National School Lunch Act ~~Be governed by a governing~~
 152 ~~board established in the state for 3 or more years which~~
 153 ~~operates both charter schools and conversion charter schools~~
 154 ~~within the state;~~

155 c. Have an annual audit that does not reveal any of the
 156 financial emergency conditions provided in s. 218.503(1) for the

157 most recent fiscal year for which such audit results are
 158 available ~~Be an expanded feeder chain of a charter school within~~
 159 ~~the same school district that is currently receiving charter~~
 160 ~~school capital outlay funds;~~

161 d. Have received final approval from its sponsor pursuant
 162 to s. 1002.33 for operation during that fiscal year; and

163 e. Serve students in facilities that are not provided by
 164 the charter school's sponsor; or

165 ~~d. Have been accredited by the Commission on Schools of~~
 166 ~~the Southern Association of Colleges and Schools; or~~

167 ~~e. Serve students in facilities that are provided by a~~
 168 ~~business partner for a charter school in the workplace pursuant~~
 169 ~~to s. 1002.33(15)(b).~~

170 2.a. Be part of a high-performing charter school system
 171 pursuant to s. 1002.332; Have financial stability for future
 172 operation as a charter school.

173 ~~3. Have satisfactory student achievement based on state~~
 174 ~~accountability standards applicable to the charter school.~~

175 b.4. Have received final approval from its sponsor
 176 pursuant to s. 1002.33 for operation during that fiscal year;
 177 and-

178 c.5. Serve students in facilities that are not provided by
 179 the charter school's sponsor.

180 ~~(b) The first priority for charter school capital outlay~~
 181 ~~funding is to allocate to charter schools that received funding~~
 182 ~~in the 2005-2006 fiscal year an allocation of the same amount~~

183 ~~per capital outlay full-time equivalent student, up to the~~
 184 ~~lesser of the actual number of capital outlay full-time~~
 185 ~~equivalent students in the current year, or the capital outlay~~
 186 ~~full-time equivalent students in the 2005-2006 fiscal year.~~
 187 ~~After calculating the first priority, the second priority is to~~
 188 ~~allocate excess funds remaining in the appropriation in an~~
 189 ~~amount equal to the per capital outlay full-time equivalent~~
 190 ~~student amount in the first priority calculation to eligible~~
 191 ~~charter schools not included in the first priority calculation~~
 192 ~~and to schools in the first priority calculation with growth~~
 193 ~~greater than the 2005-2006 capital outlay full-time equivalent~~
 194 ~~students. After calculating the first and second priorities,~~
 195 ~~excess funds remaining in the appropriation must be allocated to~~
 196 ~~all eligible charter schools.~~

197 (b)(e) A charter school's allocation may not exceed one-
 198 fortieth ~~one-fifteenth~~ of the cost per student station specified
 199 in s. 1013.64(6) (b) or the amount of revenue per fixed capital
 200 outlay full-time equivalent student generated by the school
 201 district's levy of 1.5 mills pursuant to s. 1011.71(2),
 202 whichever is less. Before releasing capital outlay funds to a
 203 school district on behalf of the charter school, the Department
 204 of Education must ensure that the district school board and the
 205 charter school governing board enter into a written agreement
 206 that provides for the reversion of any unencumbered funds and
 207 all equipment and property purchased with public education funds
 208 to the ownership of the district school board, as provided for

209 in subsection (3) if the school terminates operations. Any funds
 210 recovered by the state shall be deposited in the General Revenue
 211 Fund.

212 ~~(c)(d)~~ A charter school is not eligible for a funding
 213 allocation if it was created by the conversion of a public
 214 school and operates in facilities provided by the charter
 215 school's sponsor for a nominal fee, or at no charge, or if it is
 216 directly or indirectly operated by the school district.

217 ~~(d)(e)~~ Unless otherwise provided in the General
 218 Appropriations Act, the state funding allocation for each
 219 eligible charter school shall be ~~is~~ determined by multiplying
 220 the school's projected student enrollment by one-fortieth ~~one-~~
 221 ~~fifteenth~~ of the cost-per-student station specified in s.
 222 1013.64(6)(b) for an elementary, middle, or high school, as
 223 appropriate. If the funds appropriated are not sufficient, the
 224 charter school shall receive funding to achieve one-fortieth of
 225 the cost per student station or the amount of revenue per fixed
 226 capital outlay full-time equivalent student generated by the
 227 school district's levy of 1.5 mills pursuant to s. 1011.71(2),
 228 whichever is less, from the revenues generated by the school
 229 district levy of ad valorem property taxes ~~the commissioner~~
 230 ~~shall prorate the available funds among eligible charter~~
 231 ~~schools. However,~~ A charter school or charter lab school may not
 232 receive state charter school capital outlay funds or local ad
 233 valorem capital outlay funds greater than the one-fortieth ~~one-~~
 234 ~~fifteenth~~ cost per student station formula if the charter

235 school's combination of state charter school capital outlay
 236 funds, capital outlay funds calculated through the reduction in
 237 the administrative fee provided in s. 1002.33(20), and capital
 238 outlay funds allowed in s. 1002.32(9)(e) and (h) exceeds the
 239 one-fortieth ~~one-fifteenth~~ cost per student station formula.

240 (e) ~~(f)~~ Funds shall be distributed on the basis of the
 241 capital outlay full-time equivalent membership by grade level,
 242 which is calculated by averaging the results of the second and
 243 third enrollment surveys. The Department of Education shall
 244 distribute capital outlay funds monthly, beginning in the first
 245 quarter of the fiscal year, based on one-twelfth of the amount
 246 the department reasonably expects the charter school to receive
 247 during that fiscal year. The commissioner shall adjust
 248 subsequent distributions as necessary to reflect each charter
 249 school's actual student enrollment as reflected in the second
 250 and third enrollment surveys. The commissioner shall establish
 251 the intervals and procedures for determining the projected and
 252 actual student enrollment of eligible charter schools.

253 (2) A charter school's governing body may use charter
 254 school capital outlay funds received pursuant to this section
 255 and s. 1011.71(2) for the following purposes:

- 256 (a) Purchase of real property.
- 257 (b) Construction of school facilities.
- 258 (c) Purchase, lease-purchase, or lease of permanent or
 259 relocatable school facilities.
- 260 (d) Purchase of vehicles to transport students to and from

261 the charter school.

262 (e) Renovation, repair, and maintenance of school
 263 facilities that the charter school owns or is purchasing through
 264 a lease-purchase or long-term lease of 5 years or longer.

265 ~~(f) Effective July 1, 2008, purchase, lease-purchase, or~~
 266 ~~lease of new and replacement equipment, and enterprise resource~~
 267 ~~software applications that are classified as capital assets in~~
 268 ~~accordance with definitions of the Governmental Accounting~~
 269 ~~Standards Board, have a useful life of at least 5 years, and are~~
 270 ~~used to support schoolwide administration or state-mandated~~
 271 ~~reporting requirements.~~

272 (f)(g) Payment of the cost of premiums for property and
 273 casualty insurance necessary to insure the school facilities.

274 (g)(h) Purchase, lease-purchase, or lease of driver's
 275 education vehicles; motor vehicles used for the maintenance or
 276 operation of plants and equipment; security vehicles; or
 277 vehicles used in storing or distributing materials and
 278 equipment.

279 (h) Purchase, lease-purchase, or lease of new and
 280 replacement equipment; computer hardware, including electronic
 281 hardware and other hardware devices necessary for gaining access
 282 to or enhancing the use of electronic content and resources or
 283 to facilitate the access to and the use of a charter school's
 284 digital classrooms plan pursuant to s. 1011.62, excluding
 285 software other than the operating system necessary to operate
 286 the hardware or device; and enterprise resource software

287 applications that are classified as capital assets in accordance
 288 with definitions of the Governmental Accounting Standards Board,
 289 have a useful life of at least 5 years, and are used to support
 290 schoolwide administration or state-mandated reporting
 291 requirements. Enterprise resource software may be acquired by
 292 annual license fees, maintenance fees, or lease agreement.

293 (i) Payment of the cost of the opening day collection for
 294 the library media center of a new school.

295
 296 Conversion charter schools may use capital outlay funds received
 297 through the reduction in the administrative fee provided in s.
 298 1002.33(20) for renovation, repair, and maintenance of school
 299 facilities that are owned by the sponsor.

300 Section 3. Paragraphs (a) and (b) of subsection (2) and
 301 paragraphs (b), (c), (d), and (e) of subsection (6) of section
 302 1013.64, Florida Statutes, are amended to read:

303 1013.64 Funds for comprehensive educational plant needs;
 304 construction cost maximums for school district capital
 305 projects.—Allocations from the Public Education Capital Outlay
 306 and Debt Service Trust Fund to the various boards for capital
 307 outlay projects shall be determined as follows:

308 (2)(a) The department shall establish, as a part of the
 309 Public Education Capital Outlay and Debt Service Trust Fund, a
 310 separate account, in an amount determined by the Legislature, to
 311 be known as the "Special Facility Construction Account." The
 312 Special Facility Construction Account shall be used to provide

313 necessary construction funds to school districts which have
 314 urgent construction needs but which lack sufficient resources at
 315 present, and cannot reasonably anticipate sufficient resources
 316 within the period of the next 3 years, for these purposes from
 317 currently authorized sources of capital outlay revenue. A school
 318 district requesting funding from the Special Facility
 319 Construction Account shall submit one specific construction
 320 project, not to exceed one complete educational plant, to the
 321 Special Facility Construction Committee. A ~~No~~ district may not
 322 ~~shall~~ receive funding for more than one approved project in any
 323 3-year period or while any portion of the district's
 324 participation requirement remains outstanding. The first year of
 325 the 3-year period shall be the first year a district receives an
 326 appropriation. The department shall encourage a construction
 327 program that reduces the average size of schools in the
 328 district. The request must meet the following criteria to be
 329 considered by the committee:

- 330 1. The project must be deemed a critical need and must be
 331 recommended for funding by the Special Facility Construction
 332 Committee. Before ~~Prior to~~ developing construction plans for the
 333 proposed facility, the district school board must request a
 334 preapplication review by the Special Facility Construction
 335 Committee or a project review subcommittee convened by the chair
 336 of the committee to include two representatives of the
 337 department and two staff members from school districts not
 338 eligible to participate in the program. The request for a

339 preapplication review may be made at any time; however, for
 340 inclusion in the Department of Education's next annual capital
 341 outlay legislative budget request, the request for a
 342 preapplication review must be made before February 1 of the
 343 fiscal year before the legislative budget request. Within 90 ~~60~~
 344 days after receiving the preapplication review request, the
 345 committee or subcommittee must meet in the school district to
 346 review the project proposal and existing facilities. To
 347 determine whether the proposed project is a critical need, the
 348 committee or subcommittee shall consider, at a minimum, the
 349 capacity of all existing facilities within the district as
 350 determined by the Florida Inventory of School Houses; the
 351 district's pattern of student growth; the district's existing
 352 and projected capital outlay full-time equivalent student
 353 enrollment as determined by the demographic, revenue, and
 354 education estimating conferences established in s. 216.136
 355 ~~department~~; the district's existing satisfactory student
 356 stations; the use of all existing district property and
 357 facilities; grade level configurations; and any other
 358 information that may affect the need for the proposed project.

359 2. The construction project must be recommended in the
 360 most recent survey or survey amendment cooperatively prepared
 361 ~~surveys~~ by the district and the department, and approved by the
 362 department under the rules of the State Board of Education. If a
 363 district employs a consultant in the preparation of a survey or
 364 survey amendment, the consultant may not be employed by or

365 receive compensation from a third party that designs or
 366 constructs a project recommended by the survey.

367 3. The construction project must appear on the district's
 368 approved project priority list under the rules of the State
 369 Board of Education.

370 4. The district must have selected and had approved a site
 371 for the construction project in compliance with s. 1013.36 and
 372 the rules of the State Board of Education.

373 5. The district shall have developed a district school
 374 board adopted list of facilities that do not exceed the norm for
 375 net square feet occupancy requirements under the State
 376 Requirements for Educational Facilities, using all possible
 377 programmatic combinations for multiple use of space to obtain
 378 maximum daily use of all spaces within the facility under
 379 consideration.

380 6. Upon construction, the total cost per student station,
 381 including change orders, may ~~must~~ not exceed the cost per
 382 student station as provided in subsection (6), except for cost
 383 overruns created by a disaster as defined in s. 252.34 or an
 384 unforeseeable circumstance beyond the district's control as
 385 determined by the Special Facility Construction Committee.

386 7. There shall be an agreement signed by the district
 387 school board stating that it will advertise for bids within 30
 388 days of receipt of its encumbrance authorization from the
 389 department.

390 8. For construction projects for which Special Facility

391 Construction Account funding is sought before the 2019-2020
 392 fiscal year, the district shall, at the time of the request and
 393 for a continuing period necessary to meet the district's
 394 participation requirement under subparagraph 11. ~~of 3 years,~~
 395 levy the maximum millage against their nonexempt assessed
 396 property value as allowed in s. 1011.71(2) or shall raise an
 397 equivalent amount of revenue from the school capital outlay
 398 surtax authorized under s. 212.055(6). Beginning with the 2019-
 399 2020 fiscal year, for construction projects for which Special
 400 Facility Construction Account funding is sought, the district
 401 shall, for a minimum of 3 years before the request and for a
 402 continuing period necessary to meet the district's participation
 403 requirement under subparagraph 11., levy the maximum millage
 404 against their nonexempt assessed property value as allowed in s.
 405 1011.71(2) or raise an equivalent amount of revenue from the
 406 school capital outlay surtax authorized under s. 212.055(6). Any
 407 district with a new or active project, funded under the
 408 provisions of this subsection, shall be required to budget no
 409 more than the value of 1.0 mill ~~4.5 mills~~ per year to the
 410 project until the district's ~~to satisfy the annual~~ participation
 411 requirement relating to the local discretionary capital
 412 improvement millage authorized under s. 1011.71(2) or the
 413 equivalent amount of revenue from the school capital outlay
 414 surtax authorized under s. 212.055(6) is satisfied in the
 415 Special Facility Construction Account.

416 9. If a contract has not been signed 90 days after the

417 advertising of bids, the funding for the specific project shall
 418 revert to the Special Facility New Construction Account to be
 419 reallocated to other projects on the list. However, an
 420 additional 90 days may be granted by the commissioner.

421 10. The department shall certify the inability of the
 422 district to fund the survey-recommended project over a
 423 continuous 3-year period using projected capital outlay revenue
 424 derived from s. 9(d), Art. XII of the State Constitution, as
 425 amended, paragraph (3)(a) of this section, and s. 1011.71(2).

426 11. The district shall have on file with the department an
 427 adopted resolution acknowledging its ~~3-year~~ commitment to
 428 satisfy its participation requirement. The district's
 429 participation requirement is equivalent to ~~of~~ all unencumbered
 430 and future revenue acquired in the year of the initial
 431 appropriation and for the 2 years immediately following the
 432 initial appropriation from s. 9(d), Art. XII of the State
 433 Constitution, as amended, paragraph (3)(a) of this section, and
 434 s. 1011.71(2).

435 12. Final phase III plans must be certified by the
 436 district school board as complete and in compliance with the
 437 building and life safety codes before June 1 of the year the
 438 application is made ~~prior to August 1.~~

439 (b) The Special Facility Construction Committee shall be
 440 composed of the following: two representatives of the Department
 441 of Education, a representative from the Governor's office, a
 442 representative selected annually by the district school boards,

443 and a representative selected annually by the superintendents. A
 444 representative of the department shall chair the committee.

445 (6)

446 (b)1. A district school board may ~~must~~ not use funds from
 447 the following sources: Public Education Capital Outlay and Debt
 448 Service Trust Fund; School District and Community College
 449 District Capital Outlay and Debt Service Trust Fund; Classrooms
 450 First Program funds provided in s. 1013.68; nonvoted 1.5-mill
 451 levy of ad valorem property taxes provided in s. 1011.71(2);
 452 Classrooms for Kids Program funds provided in s. 1013.735;
 453 District Effort Recognition Program funds provided in s.
 454 1013.736; and ~~or~~ High Growth District Capital Outlay Assistance
 455 Grant Program funds provided in s. 1013.738 for any new
 456 construction of educational plant space with a total cost per
 457 student station, including change orders, that equals more than:

- 458 a. \$17,952 for an elementary school,
- 459 b. \$19,386 for a middle school, or
- 460 c. \$25,181 for a high school,

461
 462 (January 2006) as adjusted annually to reflect increases or
 463 decreases in the Consumer Price Index.

464 2. Effective July 1, 2017, in addition to the funding
 465 sources listed in subparagraph 1., a district school board may
 466 not use funds from the following sources: nonvoted 1.5-mill levy
 467 of ad valorem property taxes provided in s. 1011.71(3); proceeds
 468 received through the provisions of s. 1011.73 and s. 9, Art. VII

469 of the State Constitution; funds provided by school district
 470 bonds; sales surtax funds authorized in s. 212.055; impact fees
 471 authorized in s. 163.31801; and funds received pursuant to s.
 472 212.20(6)(d)6.a., for any new construction of educational plant
 473 space with a total cost per student station, including change
 474 orders, that equals more than the current adjusted amounts
 475 provided in sub-subparagraphs 1.a.-c., which shall subsequently
 476 be adjusted annually to reflect increases or decreases in the
 477 Consumer Price Index.

478 3. A district school board may ~~must~~ not use funds from the
 479 Public Education Capital Outlay and Debt Service Trust Fund or
 480 the School District and Community College District Capital
 481 Outlay and Debt Service Trust Fund for any new construction of
 482 an ancillary plant that exceeds 70 percent of the average cost
 483 per square foot of new construction for all schools.

484 (c)1. Except as otherwise provided, new construction
 485 initiated by a district school board may ~~after June 30, 1997,~~
 486 ~~must~~ not exceed the cost per student station as provided in
 487 paragraph (b).

488 2. New construction initiated by a district school board
 489 on or after July 1, 2017, may not exceed the cost per student
 490 station provided in paragraph (b). A district that exceeds the
 491 cost per student station provided in paragraph (b) is ineligible
 492 for allocations from the Public Capital Outlay and Debt Service
 493 Trust Fund for the next 3 years in which the district would have
 494 received allocations had the violation not occurred.

495 (d) The department shall:

496 1. Compute for each calendar year the statewide average
 497 construction costs for facilities serving each instructional
 498 level, for relocatable educational facilities, for
 499 administrative facilities, and for other ancillary and auxiliary
 500 facilities. The department shall compute the statewide average
 501 costs per student station for each instructional level.

502 2. Annually review the actual completed construction costs
 503 of educational facilities in each school district. For any
 504 school district in which the total actual cost per student
 505 station, including change orders, exceeds the statewide limits
 506 established in paragraph (b), the school district shall report
 507 to the department the actual cost per student station and the
 508 reason for the school district's inability to adhere to the
 509 limits established in paragraph (b). The department shall
 510 collect all such reports and shall report to the Governor, the
 511 President of the Senate, and the Speaker of the House of
 512 Representatives by December 31 of each year a summary of each
 513 school district's spending in excess of the cost per student
 514 station provided in paragraph (b) as reported by the school
 515 districts.

516
 517 Cost per student station includes contract costs, legal and
 518 administrative costs, fees of architects and engineers,
 519 furniture and equipment, site costs, ~~and~~ site improvement costs,
 520 and offsite improvement costs. Cost per student station does not

521 include the cost of purchasing or leasing the site for the
522 construction or the cost of related offsite improvements.

523 (e) The department shall conduct a study, in consultation
524 with the Office of Economic and Demographic Research, of the
525 total cost per student station amounts under paragraph (b) using
526 the most recent available information. The department shall
527 report the final results of the analysis to the Governor, the
528 President of the Senate, and the Speaker of the House of
529 Representatives by March 1, 2017 ~~The restrictions of this~~
530 ~~subsection on the cost per student station of new construction~~
531 ~~do not apply to a project funded entirely from proceeds received~~
532 ~~by districts through provisions of ss. 212.055 and 1011.73 and~~
533 ~~s. 9, Art. VII of the State Constitution, if the school board~~
534 ~~approves the project by majority vote.~~

535 Section 4. This act shall take effect July 1, 2016.



Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

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

1 Committee/Subcommittee hearing bill: Education Committee
 2 Representative Fresen offered the following:

Amendment

Remove lines 232-237 and insert:

6 receive state charter school capital outlay funds greater than
 7 the one-fortieth ~~one-fifteenth~~ cost per student station formula
 8 if the charter school's combination of state charter school
 9 capital outlay funds, ~~capital outlay funds calculated through~~
 10 ~~the reduction in the administrative fee provided in s.~~
 11 ~~1002.33(20)~~, and capital



Amendment No. 2

COMMITTEE/SUBCOMMITTEE ACTION

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

1 Committee/Subcommittee hearing bill: Education Committee
 2 Representative La Rosa offered the following:

Amendment (with title amendment)

Between lines 534 and 535, insert:

6 Section 4. Subsection (2) and paragraph (a) of subsection
 7 (3) of section 1013.738, Florida Statutes, is amended to read:
 8 1013.738 High Growth District Capital Outlay Assistance
 9 Grant Program.—

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

12 (a) The district must have levied the full ~~1.5 mills of~~
 13 nonvoted discretionary capital outlay millage authorized in s.
 14 1011.71(2) for each of the past 4 fiscal years.

15 (b) ~~Fifty percent~~ One-third of the revenue derived from
 16 the ~~2-mill~~ nonvoted discretionary capital outlay millage for the
 17 past 4 fiscal years, when divided by the district's growth in



Amendment No. 2

18 capital outlay FTE students over this period, produces a value
19 that is less than the average weighted cost per student station
20 calculated pursuant to s. 1013.64(6)(b)1., ~~and weighted by~~
21 ~~statewide growth in capital outlay FTE students in elementary,~~
22 ~~middle, and high schools for the past 4 fiscal years.~~

23 (c) The district must have a combined unweighted FTE
24 enrollment in charter schools, the virtual instruction program,
25 the Florida Virtual School, and educational scholarship programs
26 under Part III of chapter 1002 of at least 10 percent of the
27 total student population of the district.

28 ~~(d)(e)~~ The district must have a cumulative ~~equaled or~~
29 ~~exceeded twice the statewide average of growth in capital outlay~~
30 FTE students over this same 4-year period.

31 ~~(d) The Commissioner of Education must have released all~~
32 ~~funds allocated to the district from the Classrooms First~~
33 ~~Program authorized in s. 1013.68, and these funds were fully~~
34 ~~expended by the district as of February 1 of the current fiscal~~
35 ~~year.~~

36 ~~(e) The total capital outlay FTE students of the district~~
37 ~~is greater than 15,000 students.~~

38 (3) The funds provided in the General Appropriations Act
39 shall be allocated pursuant to the following methodology:

40 (a) For each eligible district, the Department of
41 Education shall calculate the value of one-third ~~50 percent~~ of
42 the revenue derived from the ~~2-mill~~ nonvoted discretionary



Amendment No. 2

43 capital outlay millage for the past 4 fiscal years divided by
44 the increase in capital outlay FTE students for the same period.

45

46

47

48

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

49

Remove line 46 and insert:

50

And Legislature by a certain date; amending 1013.738, F.S.;

51

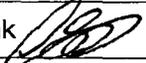
revising criteria for the High Growth District Capital Outlay

52

Assistance Grant Program; providing an

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/CS/HB 887 Computer Coding Instruction
SPONSOR(S): Education Appropriations Subcommittee, K-12 Subcommittee, Adkins and others
TIED BILLS: IDEN./SIM. BILLS: CS/SB 468

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

SUMMARY ANALYSIS

The bill promotes student access to education in computer science and related fields by requiring the Higher Education Coordinating Council to develop recommendations that identify, among other things:

- High school courses in computer science, including computer coding and computer programming, which may be used to satisfy state university admissions requirements for foreign language, math, and science.
- Gaps in current policy, curricula, programs, and practices that inhibit students from pursuing postsecondary education and careers in computer science and related fields.
- Common definitions for terms such as computer coding and computer programming so that stakeholders at all educational levels can use the terms clearly.

In addition, the bill requires the Commissioner of Education to establish academic standards for computer science, coding, and programming and identify high school-level courses that incorporate the standards in the Course Code Directory. The Florida Virtual School must offer the identified courses; school districts that do not offer an identified course must provide access to the course through the Florida Virtual School or through other means.

The bill requires the Department of Education to annually report to the Board of Governors and the Legislature:

- The courses identified in the Course Code Directory by the commissioner in accordance with the bill.
- The number of students, by district, including the Florida Virtual School, who are enrolled in a course identified in the Course Code Directory by the commissioner in accordance with the bill.
- The number of individuals who hold a valid educator certificate in computer science or a related field.

The bill requires the State Board of Education to work with the Board of Governors and school districts to develop strategies for recruiting and supporting computer science teachers.

Providing the required administrative support and coordination necessary for the council to perform these additional responsibilities significantly increases the workload of the Office of Articulation. The bill appropriates one full-time equivalent position and associated salary rate and the sum of \$79,326 in recurring general revenue finds to the Department of Education's Office of Articulation for these purposes. See fiscal comments.

The bill takes effect July 1, 2016.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Computer Science and Technology Instruction

Public schools are required to provide students in grades K-12 opportunities for learning computer science including, but not limited to, computer coding and computer programming.¹ Such opportunities may include:²

- Instruction regarding computer coding in elementary and middle school;
- Instruction to develop computer usage and digital literacy skills in middle school; and
- Courses in computer science, computer coding, and computer programming in high school, including opportunities to earn industry certifications related to the courses.

The law allows high schools to provide students opportunities to satisfy certain math and science graduation requirements by taking computer science courses of sufficient rigor and earning a related industry certification.³ To qualify, the course must be in the area of computer science or 3D rapid prototype printing and the Commissioner of Education must identify the course and the related industry certification in the Course Code Directory.⁴

A qualifying computer science course may satisfy up to one mathematics or science course credit, so long as the course is not Algebra I or higher-level mathematics or Biology I or higher-level science. A qualifying 3D rapid prototype printing course may satisfy up to two mathematics course credits, except for Algebra I.⁵

Currently, courses in computer coding are not approved by the State Board of Education as foreign language courses in the Course Code Directory. Rather, the courses are listed in the Career Technical Education Program and Course Listing section in the Course Code Directory.⁶

Foreign Language Instruction

Each district school board must “provide all courses required for middle grades promotion, high school graduation, and appropriate instruction to ensure that students meet the State Board of Education adopted standards” in reading and other language arts, mathematics, science, social studies, foreign languages, health and physical education, and the arts.⁷

Students are not required to earn credits in foreign language to graduate from high school with a standard high school diploma.⁸ However, to earn the Scholar designation on the standard high school diploma, a student must earn two credits in the same foreign language.⁹

¹ Section 1007.2616(1), F.S.

² Section 1007.2616(1), F.S.

³ Section 1007.2616(3), F.S.

⁴ *Id.*

⁵ *Id.*

⁶ Staff of the Florida Department of Education, *Staff Analysis of Senate Bill 468* (2016).

⁷ Section 1003.42(1), F.S.

⁸ Section 1003.4282(3), F.S.

⁹ Section 1003.4285(1)(a)4., F.S.

The Florida Department of Education is required to identify the competencies that students must demonstrate upon completing two credits of sequential high school foreign language instruction.¹⁰ Additionally, the law directs the department to identify in rule¹¹ the correlation between high school foreign language competencies and the competencies required of students in the FCS institutions' courses.¹² Based on this correlation, each FCS institution must identify the minimum number of postsecondary credits that students must earn to demonstrate a level of competence in foreign language equivalent to the competence of students who completed two credits of foreign language instruction in high school.¹³

The law authorizes alternative means of demonstrating foreign language competence. The department may specify means by which a student whose native language is not English may demonstrate proficiency in the native language.¹⁴ A student who demonstrates proficiency in a native language other than English is exempt from the requirement to complete foreign language courses at the secondary level or FCS level.¹⁵ The completion of a postsecondary course at the elementary level 2 in one foreign language or American Sign Language (ASL) is also considered to demonstrate the required foreign language competency.¹⁶ Additionally, FCS institutions may determine other means by which students may demonstrate completion of foreign language competencies.¹⁷

A first-time-in-college student who is admitted to a state university is expected to demonstrate competency in a foreign language or ASL equivalent to the second high school level or higher (Spanish 2, French 2, etc.).¹⁸ Students may also meet the foreign language admission requirement by demonstrating:¹⁹

- Competency at the elementary 2 level in one foreign language or ASL at an undergraduate institution;
- Equivalent foreign language based on Credit-by-Exam Equivalencies²⁰ adopted by the State University System (SUS) Board of Governors (BOG); or
- Equivalent foreign language or ASL competence through other means approved by the university.

Pursuant to its constitutional authority outlined under s. 1001.705, F.S., the Board of Governors has adopted regulations establishing baseline admissions requirements for the SUS. In addition, the Articulation Coordinating Committee (ACC) serves as an advisory board to the State Board of Education and the BOG on postsecondary transition issues.

The ACC reports to the Commissioner of Education and is comprised of the following members: two members each representing the SUS, the FCS, public career and technical education, public K-12 education, and non-public education, and one member representing students. Among other things, the ACC monitors the alignment between the exit and admission requirements of education systems and makes recommendations for improving transfer of students from one education system to another education system.

¹⁰ Section 1007.262, F.S.

¹¹ Rule 6A-10.02412, F.A.C. This rule adopted by the State Board of Education specifies the competencies that students must demonstrate upon successful completion of two credits of secondary instruction in one foreign language.

¹² *Id.*

¹³ *Id.*

¹⁴ Section 1007.262, F.S.

¹⁵ *Id.*

¹⁶ Rule 6A-10.02412, F.A.C.

¹⁷ *Id.*

¹⁸ Board of Governors Regulation 6.002(1)(h).

¹⁹ *Id.*

²⁰ Florida Department of Education, *Articulation Coordinating Committee Credit-by-Exam Equivalencies*, available at <http://www.fldoe.org/core/fileparse.php/5421/urlt/0078391-acc-cbe.pdf>.

FCS institutions and the SUS do not recognize computer coding course credits as foreign language credits.

The Florida Virtual School

The Florida Virtual School (FLVS) offers tuition-free, online courses to all K-12 public, private, and home education students residing in Florida.²¹ The FLVS is available to students in all of Florida's school districts.²² At the beginning of each school year, district school boards must notify parents of high school students of the opportunity to take FLVS courses and options for early or accelerated high school graduation.²³

School districts must provide students at all grade levels access to FLVS courses during and after the normal school day and through summer school enrollment.²⁴ High school students earn credit toward graduation for successful completion of high-school level FLVS courses,²⁵ and Florida law does not place limits on the number of credits that a student may earn through the FLVS.²⁶ For transfer purposes, credit for courses completed through the FLVS must be treated the same as courses listed in the Course Code Directory or courses offered by regionally accredited Florida public schools.²⁷ The FLVS may enter into franchise agreements with Florida district school boards to provide FLVS courses in grades K-12 at the district level.²⁸

Higher Education Coordinating Council

The Higher Education Coordinating Council (HECC) was created by the Legislature in 2010 to identify unmet needs and to facilitate solutions to disputes regarding the creation of new degree programs and the establishment of new institutes, campuses, or centers.²⁹ The HECC must act as an advisory board to the Legislature, the State Board of Education, and the BOG. Recommendations of the HECC must be consistent with the following guiding principles:

- To achieve within existing resources a seamless academic educational system that fosters an integrated continuum of kindergarten through graduate school education for Florida's students;
- To promote consistent education policy across all educational delivery systems, focusing on students;
- To promote substantially improved articulation across all educational delivery systems;
- To promote a system that maximizes educational access and allows the opportunity for a high-quality education for all Floridians; and
- To promote a system of coordinated and consistent transfer of credit and data collection for improved accountability purposes between the educational delivery systems.³⁰

The HECC includes the following members:

- One member of the Board of Governors, appointed by the chair.

²¹ Florida Virtual School, *How is FLVS Free?*, available at <http://www.flvs.net/Pages/default.aspx> (last visited Jan. 20, 2016).

²² Florida Virtual School, *Florida Virtual School 2013-14 Legislative Report* (2015), at 5, available at <https://www.flvs.net/docs/default-source/district/legislative-report-2013-14.pdf?sfvrsn=4>.

²³ Section 1003.02(1)(i), F.S.

²⁴ Sections 1001.42(23) and 1003.498 F.S.

²⁵ Sections 1002.37(3)(a)1.-2. and 1001.42(23), F.S.

²⁶ Sections 1002.37(3)(c) and 1001.42(23), F.S.

²⁷ Florida Department of Education, *Memorandum: Florida Virtual School as a School Choice Option*, at 4 (Jan. 8, 2009), available at <http://info.fldoe.org/docushare/dsweb/Get/Document-5250/dps-2009-007.pdf>.

²⁸ Florida Department of Education, *Florida's K-12 Virtual Education Options Chart* (2015), available at <http://www.fldoe.org/core/fileparse.php/7509/urlt/2015-16-Options-Chart.pdf>.

²⁹ Section 1004.015(1), F.S.

³⁰ Section 1004.015(3), F.S.

- One member of the State Board of Education, appointed by the chair.
- The chancellor of the Florida College System.
- The chancellor of the State University System.
- The president of Enterprise Florida, Inc. or a designated member of the Stakeholder Council appointed by the president.
- The executive director of the Florida Association of Postsecondary Schools and Colleges.
- The president of the Independent Colleges and Universities of Florida.
- The President of CareerSource Florida, Inc. or his or her designee.
- Three representatives of the business community: one appointed by the President of the Senate, one appointed by the Speaker of the House of Representatives, and one appointed by the Governor.

Appointed members serve on the HECC for two years and a single chair must be annually elected by the membership by a majority vote.³¹

Effect of Proposed Changes

The bill promotes student access to education in computer science and related fields by requiring the Higher Education Coordinating Council (HECC) to develop recommendations that identify:

- High school courses in computer science, including computer coding and computer programming, which may be used to satisfy state university admissions requirements for foreign language, math, and science.
- Common academic and technical skills needed for students to help meet projected labor market demands in computer science, information technology, and related fields in Florida.
- How middle and high school students, including underrepresented and nontraditional students, can be encouraged to pursue further studies and careers in computer science, information technology, and related fields.
- Secondary course sequences which prepare students to succeed in postsecondary educational programs in computer science, information technology, and related fields.
- Gaps in current policy, curricula, programs, and practices that inhibit students from pursuing postsecondary education and careers in computer science and related fields.
- Appropriate educator qualifications and computer science pedagogy to maintain technologically current instructional knowledge and practices in teacher preparation programs.
- Common definitions for terms related to computer science, including terms such as computer coding and computer programming, for consistent use across the Florida K-20 education system.

The HECC must report its recommendations to the Board of Governors and the Legislature by December 31, 2017.

The bill requires the Commissioner of Education to establish academic standards for computer science, coding, and programming and identify high school-level courses that incorporate the standards in the Course Code Directory by June 30, 2017. The bill requires the FLVS to offer the identified courses and requires school districts that do not offer an identified course to provide access to the course through the FLVS or through other means.

The bill requires the department to annually report to the Board of Governors and the Legislature:

- The courses identified in the Course Code Directory pursuant by the commissioner in accordance with the bill.

- The number of students, by district, including the FLVS, who are enrolled in a course so identified.
- The number of individuals who hold a valid educator certificate in computer science or a related field.

The bill requires the state board to consult with the Board of Governors and school districts to develop strategies for:

- Recruiting qualified teachers to provide computer science instruction.
- Updating computer science educator certification requirements.
- Providing appropriate professional development to maintain technologically current instructional knowledge and practices in the school districts.
- Identifying and streamlining traditional and alternative pathways toward computer science educator certification.

If a student enrolls in an identified course that satisfies any FCS or SUS admission requirements for foreign language, mathematics, or science, the student may not know if the course would satisfy similar admission requirements at a private or out-of-state postsecondary institution. Accordingly, the bill requires the school district in such situations to notify the student that he or she should contact any out-of-state or private postsecondary institution to which the student is applying and inquire whether the course credit satisfies any of the institution's admissions requirements.

B. SECTION DIRECTORY:

Section 1. Amends s. 1004.015, F.S.; requiring the Higher Education Coordinating Council to make recommendations related to computer science instruction and identify certain items; requiring the Council to report its findings and recommendations to the State University System Board of Governors and the Legislature.

Section 2. Amends s. 1007.2616, F.S.; requiring the Commissioner of Education to develop certain standards and identify certain courses in the Course Code Directory; requiring the Florida Virtual School to offer certain courses identified by the Commissioner of Education and requiring school districts to provide students access to such courses; requiring the Department of Education to annually report certain information; requiring the State Board of Education, the State University System Board of Governors, and school districts to develop strategies relating to computer science educator certification and teacher recruitment.

Section 3. Provides an appropriation and authorizing a position.

Section 4. Provides an effective date of July 1, 2016.

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:

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:

None.

D. FISCAL COMMENTS:

Currently, there are no resources specifically provided to the Office of Articulation, Florida Department of Education for the administrative support of the Higher Education Coordinating Council. The bill expands the responsibilities of the Higher Education Coordinating Council to include developing recommendations and reports, establishing academic standards, and working with the State Board of Education, the Board of Governors and school districts to prepare students for postsecondary education and careers in computer science, information technology and related fields.³²

Providing the required administrative support and coordination necessary for the council to perform these additional responsibilities significantly increases the workload of the Office of Articulation. The bill appropriates one full-time equivalent position and associated salary rate and the sum of \$79,326 in recurring general revenue finds to the Department of Education's Office of Articulation for these purposes.

The Department of Education will absorb reporting requirements within existing resources.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill would require the State Board of Education to update the Course Code Directory through the rulemaking process.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On January 20, 2016, the K-12 Subcommittee adopted a strike all amendment and reported the bill favorably as a committee substitute. The strike all amendment:

- Requires the Higher Education Coordinating Council (HECC) to provide recommendations to the Board of Governors and the Legislature that identify:
 - High school courses in computer science, including computer coding and computer programming that may be used to satisfy state university admissions requirements for foreign language, math, and science.
 - Common academic and technical skills needed for students to help meet projected labor market demands in computer science, information technology, and related fields in Florida.
 - How middle and high school students, including underrepresented and nontraditional students, can be encouraged to pursue further studies and careers in computer science, information technology, and related fields.
 - Secondary course sequences which prepare students to succeed in postsecondary educational programs in computer science, information technology, and related fields.
 - Gaps in current policy, curricula, programs, and practices that inhibit students from pursuing postsecondary education and careers in computer science and related fields.
 - Appropriate educator qualifications and computer science pedagogy to maintain technologically current instructional knowledge and practices in teacher preparation programs.
 - Common definitions for terms related to computer science, including terms such as computer coding and computer programming, for consistent use across the Florida K-20 education system.
- Requires the Commissioner of Education to establish academic standards for computer science, coding, and programming and identify high school-level courses that incorporate the standards in the Course Code Directory.
- Requires the Florida Virtual School to offer the identified courses and requires school districts that do not offer an identified course to provide access to the course through the Florida Virtual School or through other means.
- Requires the State Board of Education to work with the Board of Governors and school districts to develop strategies for recruiting and supporting computer science teachers.

The strike all amendment eliminates the bill's requirement that state universities and Florida College System institutions accept certain computer coding courses as satisfying foreign language admissions requirements. The amendment also eliminates the bill's requirement that districts develop and submit a computer coding curriculum plan.

On February 9, 2016, the Education Appropriations Subcommittee adopted one amendment and reported the bill favorably as a committee substitute. The amendment appropriates one full-time equivalent position and associated salary rate and the sum of \$79,326 in recurring general revenue finds to the Department of Education's Office of Articulation for the purposes of the bill.

This bill analysis is drafted to the bill as amended and reported favorably by the Education Appropriations Subcommittee.

1 A bill to be entitled

2 An act relating to computer coding instruction;
3 amending s. 1004.015, F.S.; requiring the Higher
4 Education Coordinating Council to make recommendations
5 related to computer science instruction; providing
6 requirements for such recommendations; requiring the
7 council to report its findings and recommendations to
8 the Board of Governors of the State University System
9 and the Legislature; providing for expiration of
10 certain council duties; amending s. 1007.2616, F.S.;
11 requiring the Commissioner of Education to develop
12 certain standards and identify certain courses in the
13 Course Code Directory; requiring the Florida Virtual
14 School to offer certain courses identified by the
15 Commissioner of Education and requiring school
16 districts to provide students access to such courses
17 under certain circumstances; requiring the Department
18 of Education to annually report certain information to
19 the Board of Governors and the Legislature; requiring
20 the State Board of Education, the Board of Governors,
21 and school districts to develop strategies relating to
22 computer science educator certification and teacher
23 recruitment; providing an appropriation and
24 authorizing a position; providing an effective date.

25
26 Be It Enacted by the Legislature of the State of Florida:

Page 1 of 5

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

hb0887-02-c2

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Section 1. Subsection (6) of section 1004.015, Florida Statutes, is renumbered as subsection (7), and a new subsection (6) is added to that section, to read:

1004.015 Higher Education Coordinating Council.—

(6) (a) The council shall develop recommendations to prepare students for successful postsecondary education and careers in computer science, information technology, and related fields. In developing the recommendations, the council shall consider policies and practices that are designed to increase access to high-quality educational experiences that help more students obtain careers in these fields.

(b) The council's recommendations must identify:

1. High school courses in computer science, including computer coding and computer programming, of sufficient rigor that may be used to satisfy specified State University System admissions requirements, including requirements for foreign languages, mathematics, and science.

2. Common academic and technical skills needed for students to meet projected labor market demands in computer science, information technology, and related fields in the state.

3. How middle and high school students, including underrepresented and nontraditional students, can be encouraged to pursue further studies and careers in computer science, information technology, and related fields.

53 4. Secondary course sequences which prepare students to
 54 succeed in postsecondary educational programs in computer
 55 science, information technology, and related fields.

56 5. Gaps in current policy, curricula, programs, and
 57 practices at the state, school district, and postsecondary level
 58 which inhibit students from pursuing advanced studies and
 59 careers in computer science, information technology, and related
 60 fields.

61 6. Appropriate educator qualifications and computer
 62 science pedagogy to maintain technologically current
 63 instructional knowledge and practices in teacher preparation
 64 programs.

65 7. Common definitions for terms related to computer
 66 science, including terms such as "computer coding" and "computer
 67 programming," for consistent use across the Florida K-20
 68 education system.

69 (c) By December 31, 2017, the council shall report its
 70 recommendations to the Board of Governors, the State Board of
 71 Education, and the Legislature.

72 (d) This subsection expires July 1, 2018.

73 Section 2. Subsection (4) of section 1007.2616, Florida
 74 Statutes, is renumbered as subsection (5), and a new subsection
 75 (4) is added to that section, to read:

76 1007.2616 Computer science and technology instruction.—

77 (4)(a) By June 30, 2017, the commissioner shall develop
 78 academic standards for computer science, including standards and

79 benchmarks for computer coding and computer programming, and
 80 include in the Course Code Directory high school-level courses
 81 which incorporate the standards and prepare students for
 82 postsecondary success in computer science, information
 83 technology, and related fields.

84 (b) The Florida Virtual School shall offer computer
 85 science courses identified in the Course Code Directory. If a
 86 school district does not offer an identified course, it must
 87 provide students access to the course through the Florida
 88 Virtual School or through other means.

89 (c) If a student is enrolled in an identified course that
 90 satisfies a foreign language, mathematics, or science admissions
 91 requirement for the Florida College System or the State
 92 University System, the school district must notify the student
 93 that he or she should contact any out-of-state or private
 94 postsecondary institution to which the student is applying and
 95 inquire whether the course credit satisfies any of the
 96 institution's admissions requirements.

97 (d) The Department of Education shall annually report to
 98 the Board of Governors and the Legislature:

99 1. The courses identified in the Course Code Directory
 100 that meet the academic standards for computer science.

101 2. The number of students, by district, including the
 102 Florida Virtual School, who are enrolled in a course identified
 103 in the Course Code Directory that meets the academic standards
 104 for computer science.

105 3. The number of individuals who hold a valid educator
 106 certificate in computer science or a related field.

107 (e) The State Board of Education shall consult with the
 108 Board of Governors and school districts to develop strategies
 109 for recruiting qualified teachers to provide computer science
 110 instruction, updating computer science educator certification
 111 requirements, providing appropriate professional development to
 112 maintain technologically current instructional knowledge and
 113 practices in the school districts, and identifying and
 114 streamlining traditional and alternative pathways toward
 115 computer science educator certification.

116 Section 3. For the 2016-2017 fiscal year, the sum of
 117 \$79,326 in recurring funds from the General Revenue Fund is
 118 appropriated to the Office of K-20 Articulation of the
 119 Department of Education, and one full-time equivalent position
 120 with associated salary rate is authorized, for the purpose of
 121 implementing this act.

122 Section 4. This act shall take effect July 1, 2016.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 1147 Educational Instruction
SPONSOR(S): K-12 Subcommittee, Latvala and others
TIED BILLS: IDEN./SIM. **BILLS:** SB 1462

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) K-12 Subcommittee	10 Y, 0 N, As CS	Brink	Fudge
2) Education Appropriations Subcommittee	10 Y, 0 N	Seifert	Heflin
3) Education Committee		Brink 	Mizereck 

SUMMARY ANALYSIS

Current law requires each school district to develop or adopt a curriculum for a K-12 character-development program and submit it to the department for approval. The curriculum must "stress the qualities of patriotism; responsibility; citizenship; kindness; respect for authority, life, liberty and personal property; honesty; charity; self-control; racial, ethnic, and religious tolerance; and cooperation".

In addition to current instructional requirements, the bill requires character-development programs in high schools to include instruction on:

- Developing leadership skills, interpersonal skills, organization skills, and research skills;
- Creating a resume;
- Developing and practicing the skills necessary for employment interviews;
- Managing stress and expectations; and
- Developing skills that enable students to become more resilient and self-motivated.

School districts currently provide a variety of character-development programs for K-12 students. The specified requirements for high school students are not expected to have any fiscal impact on school districts.

The bill does not appear to affect the state or local governments.

The bill takes effect July 1, 2016.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

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

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

The law does not establish any particular grade level or courses within which instruction on these topics must be provided. However, the Department of Education takes steps to ensure that the enumerated content is taught in public schools. The law encourages the State Board of Education to "adopt standards and pursue assessment of the requirements" of subsection (2) of s. 1003.42, F.S.

Each school district must develop or adopt a curriculum for its K-12 character-development program and submit it to the department for approval.¹ The curriculum must “stress the qualities of patriotism; responsibility; citizenship; kindness; respect for authority, life, liberty and personal property; honesty; charity; self-control; racial, ethnic, and religious tolerance; and cooperation.”²

Effect of Proposed Changes

In addition to current instructional requirements, the bill requires character-development programs in high schools to include instruction on:

- Developing leadership skills, interpersonal skills, organization skills, and research skills;
- Creating a resume;
- Developing and practicing the skills necessary for employment interviews;
- Managing stress and expectations; and
- Developing skills that enable students to become more resilient and self-motivated.

As a result, all public school students will receive instruction on these life and career skills topics while in high school.

B. SECTION DIRECTORY:

Section 1. Amends s. 1003.42, F.S.; requiring character education programs to provide certain instruction to students in grades 9-12.

Section 2. Provides an effective date of July 1, 2016.

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.

¹ Section 1003.42(2)(s), F.S.

² *Id.*

D. FISCAL COMMENTS:

School districts currently provide a variety of character-development programs for K-12 students. The specified requirements for high school students are not expected to have any fiscal impact on school districts.

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:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On February 1, 2016, the K-12 Subcommittee adopted a proposed committee substitute and reported the bill favorably as a committee substitute. The proposed committee substitute requires character-development programs in high schools to include instruction on:

- Developing leadership skills, interpersonal skills, organization skills, and research skills;
- Creating a resume;
- Developing and practicing the skills necessary for employment interviews;
- Managing stress and expectations; and
- Developing skills that enable students to become more resilient and self-motivated.

This analysis reflects the proposed committee substitute as reported favorably by the K-12 Subcommittee.

1 A bill to be entitled

2 An act relating to character-development instruction;
 3 amending s. 1003.42, F.S.; requiring character-
 4 development programs to provide certain instruction to
 5 students in grades 9-12; providing an effective date.
 6

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

9 Section 1. Paragraph (s) of subsection (2) of section
 10 1003.42, Florida Statutes, is amended to read:

11 1003.42 Required instruction.—

12 (2) Members of the instructional staff of the public
 13 schools, subject to the rules of the State Board of Education
 14 and the district school board, shall teach efficiently and
 15 faithfully, using the books and materials required that meet the
 16 highest standards for professionalism and historic accuracy,
 17 following the prescribed courses of study, and employing
 18 approved methods of instruction, the following:

19 (s) A character-development program in the elementary
 20 schools, similar to Character First or Character Counts, which
 21 is secular in nature. Beginning in school year 2004-2005, the
 22 character-development program shall be required in kindergarten
 23 through grade 12. Each district school board shall develop or
 24 adopt a curriculum for the character-development program that
 25 shall be submitted to the department for approval. The
 26 character-development curriculum shall stress the qualities of

27 | patriotism; responsibility; citizenship; kindness; respect for
28 | authority, life, liberty, and personal property; honesty;
29 | charity; self-control; racial, ethnic, and religious tolerance;
30 | and cooperation. The character-development curriculum for grades
31 | 9 through 12 shall, at a minimum, include instruction on
32 | developing leadership skills, interpersonal skills, organization
33 | skills, and research skills; creating a résumé; developing and
34 | practicing the skills necessary for employment interviews;
35 | managing stress and expectations; and developing skills that
36 | enable students to become more resilient and self-motivated.

37 |
38 | The State Board of Education is encouraged to adopt standards
39 | and pursue assessment of the requirements of this subsection.

40 | Section 2. This act shall take effect July 1, 2016.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 1349 Specialty License Plates/National Pan-Hellenic Council Sorority or Fraternity
SPONSOR(S): Williams
TIED BILLS: IDEN./SIM. **BILLS:** SB 1008

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Highway & Waterway Safety Subcommittee	13 Y, 0 N, As CS	Whittaker	Smith
2) Transportation & Economic Development Appropriations Subcommittee	11 Y, 0 N	Cobb	Davis
3) Education Committee		Cherry TC	Mizereck 

SUMMARY ANALYSIS

The bill directs the Department of Highway Safety and Motor Vehicles (DHSMV) to create the below eight National Pan-Hellenic Council Sorority and Fraternity specialty license plates, with an annual use fee of \$25 for each plate:

- Alpha Phi Alpha Fraternity
- Omega Psi Phi Fraternity
- Kappa Alpha Psi Fraternity
- Phi Beta Sigma Fraternity
- Zeta Phi Beta Sorority
- Delta Sigma Theta Sorority
- Alpha Kappa Alpha Sorority
- Sigma Gamma Rho Sorority

The annual use fees from the sale of each plate will be distributed as follows:

- Ten percent to the respective Fraternity or Sorority organization, solely for marketing of the plate.
- Eighty-five percent to promote community awareness and action through educational, economic, and cultural service activities.
- Five percent to the United Negro College Fund to be used for college scholarships for Florida residents attending Historically Black Colleges and Universities.

The new plates will display the word "Florida" at the top of the plate and the name of the respective sorority or fraternity must appear at the bottom of the plate.

According to DHSMV, the bill will have a negative, but insignificant fiscal impact to state expenditures. See FISCAL COMMENTS.

An effective date of October 1, 2016, is provided in the bill.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Specialty License Plates in General

The first Florida specialty license plates were enacted in 1986 and included the creation of the Challenger plate and ten Florida collegiate plates. Today, there are over 120 specialty license plates available to any owner or lessee of a motor vehicle who is willing to pay the additional use fee for the privilege, typically \$25 annually.¹ The collected fees are distributed by the DHSMV to statutorily designated organizations in support of a particular cause or charity. Vehicles registered under the International Registration Plan, a commercial truck required to display two license plates, or truck tractors are not eligible for specialty license plates.²

Only the Legislature may create new specialty license plates. If a specialty license plate is created by law, the following requirements must then be met:

- Within 60 days, the organization must submit an art design, in a medium prescribed by DHSMV.³
- Within 120 days, DHSMV must establish a method to issue a specialty license plate voucher to allow for the pre-sale of the specialty plate.⁴
- Within 24 months after the voucher is established, the organization must obtain a minimum of 1,000 voucher sales before manufacturing may begin. If this requirement is not met, the plate is deauthorized and DHSMV must discontinue development of the plate and issuance of the vouchers.⁵

DHSMV must discontinue the issuance of an approved specialty license plate if the number of valid specialty plate registrations falls below 1,000 plates for at least 12 consecutive months. A warning letter is mailed to the sponsoring organization following the first month in which the total number of valid specialty plate registrations falls below 1,000 plates (does not apply to collegiate license plates).⁶

Organizations in receipt of specialty license plate revenue must adhere to certain accountability requirements found in statute. These requirements include an annual attestation document affirming, under penalty of perjury, that funds received have been spent in accordance with applicable statutes.⁷

A moratorium on the issuance of specialty license plates was imposed by lawmakers in 2008, originally set to expire in 2011. The moratorium has subsequently been extended to July 1, 2016.⁸

Effect of Proposed Changes

Pan-Hellenic Sorority or Fraternity

The bill directs the Department of Highway Safety and Motor Vehicles (DHSMV) to create the below eight National Pan-Hellenic Council Sorority and Fraternity specialty license plates, with an annual use fee of \$25 for each plate:

- Alpha Phi Alpha Fraternity

¹ Florida Department of Highway Safety and Motor Vehicles, *Specialty License Plates Index*, <http://www.flhsmv.gov/dmv/specialtytags/> (last visited February 12, 2016)

² s. 320.08056(2), F.S.

³ s. 320.08053(1), F.S.

⁴ s. 320.08053(2)(a), F.S.

⁵ s. 320.08053(2)(b), F.S.

⁶ s. 320.08056 (8)(a), F.S.

⁷ s. 320.08062, F. S.

⁸ Ch. 2008-176, Laws of Fla., as amended by Ch. 2010-223 and Ch. 2014-216, Laws of Fla.

- Omega Psi Phi Fraternity
- Kappa Alpha Psi Fraternity
- Phi Beta Sigma Fraternity
- Zeta Phi Beta Sorority
- Delta Sigma Theta Sorority
- Alpha Kappa Alpha Sorority
- Sigma Gamma Rho Sorority

The annual use fees from the sale of each respective plate will be distributed as follows:

Alpha Phi Alpha Fraternity, Inc.

- Ten percent shall be distributed to the Florida Federation of Alpha Chapters, solely for marketing of the plate.
- Eighty-five percent shall be distributed to the Florida Federation of Alpha Chapters to promote community awareness and action through educational, economic, and cultural service activities.
- Five percent shall be distributed to the United Negro College Fund to be used for college scholarships for Florida residents attending Historically Black Colleges and Universities.

Alpha Phi Alpha Fraternity was founded on December 4, 1906 at Cornell University and was the first intercollegiate Greek-letter fraternity established for African-Americans.⁹ The mission for Alpha Phi Alpha Fraternity, Inc. is to develop leaders, promote brotherhood and academic excellence, while providing service and advocacy for communities.¹⁰

Omega Psi Phi Fraternity, Inc.

- Ten percent shall be distributed to the State of Florida Omega Friendship Foundation, Inc., solely for marketing of the plate.
- Eighty-five percent shall be distributed to the State of Florida Omega Friendship Foundation, Inc., to promote community awareness and action through educational, economic, and cultural service activities.
- Five percent shall be distributed to the United Negro College Fund to be used for college scholarships for Florida residents attending Historically Black Colleges and Universities.

Omega Psi Phi Fraternity, Inc., founded in 1911, was the first international fraternal organization founded on the campus of Howard University with “manhood, scholarship, perseverance and uplift” adopted as the cardinal principles.¹¹

Kappa Alpha Psi Fraternity, Inc.

- Ten percent shall be distributed to Southern Province of Kappa Alpha Psi Foundation, Inc., solely for marketing of the plate.
- Eighty-five percent shall be distributed to the Southern Province of Kappa Alpha Psi Foundation, Inc., to promote community awareness and action through educational, economic, and cultural service activities.
- Five percent shall be distributed to the United Negro College Fund to be used for college scholarships for Florida residents attending Historically Black Colleges and Universities.

⁹ Florida Federation of Alpha Chapters, *Brief History of Alpha Phi Alpha, Inc.*, <http://flfederation.org/about-us/history/> (last visited February 12, 2016)

¹⁰ Florida Federation of Alpha Chapters, *About Alpha Phi Alpha Fraternity, Inc.*, <http://flfederation.org/about-us/> (last visited February 12, 2016)

¹¹ Omega Psi Phi Fraternity, Inc., *About Omega*, http://www.oppf.org/about_omega.asp (last visited February 12, 2016)

Kappa Alpha Psi Fraternity is a college Fraternity chartered and incorporated originally under the laws of the State of Indiana as Kappa Alpha Nu on May 15, 1911. Its name changed to Kappa Alpha Psi effective April 15, 1915.¹²

Phi Beta Sigma Fraternity, Inc.

- Ten percent shall be distributed to TMB Charitable Foundation, Inc., solely for marketing of the plate.
- Eighty-five percent shall be distributed to the TMB Charitable Foundation, Inc., to promote community awareness and action through educational, economic, and cultural service activities.
- Five percent shall be distributed to the United Negro College Fund to be used for college scholarships for Florida residents attending Historically Black Colleges and Universities.

Phi Beta Sigma Fraternity was founded at Howard University January 9, 1914. Its mission statement provides that in order to accomplish the Fraternity's objectives, it is essential that systems are instituted that effectively embody "Culture For Service and Service For Humanity" and promote brotherhood, scholarship and service.¹³

Zeta Phi Beta Sorority, Inc.

- Ten percent shall be distributed to Florida Pearls, Inc., solely for marketing of the plate.
- Eighty-five percent shall be distributed to the Florida Pearls, Inc., to promote community awareness and action through educational, economic, and cultural service activities.
- Five percent shall be distributed to the United Negro College Fund to be used for college scholarships for Florida residents attending Historically Black Colleges and Universities.

Zeta Phi Beta Sorority was founded January 16, 1920, at Howard University. Zeta Phi Beta Sorority's national and local programs include the endowment of its National Educational Foundation community outreach services and support of multiple affiliate organizations. Zeta Phi Beta Sorority chapters and auxiliaries give hours of voluntary service to educate the public, assist youth, provide scholarships, support organized charities, and promote legislation for social and civic change.¹⁴

Delta Sigma Theta Sorority, Inc.

- Ten percent shall be distributed to the Delta Research and Educational Foundation, solely for marketing of the plate.
- Eighty-five percent shall be distributed to the Delta Research and Educational Foundation, to promote community awareness and action through educational, economic, and cultural service activities.
- Five percent shall be distributed to the United Negro College Fund to be used for college scholarships for Florida residents attending Historically Black Colleges and Universities.

Delta Sigma Theta Sorority was founded on January 13, 1913 by 22 collegiate women at Howard University.¹⁵ Its purpose is to provide assistance and support through established programs in local communities throughout the world.¹⁶

¹² Kappa Alpha Psi, *A Brief History*, <http://www.kappaalphapsi1911.com/?page=history> (last visited February 12, 2016)

¹³ Phi Beta Sigma Fraternity, Inc., *About Us*, <http://www.phibetasigma1914.org/our-history/> (last visited February 12, 2016)

¹⁴ Zeta Phi Beta Sorority, Inc., *About Zeta Phi Beta*, <http://www.zphib1920.org/our-history/> (last visited February 12, 2016)

¹⁵ Delta Sigma Theta Sorority, Inc., *Founders*, http://www.deltasigmatheta.org/about_founders.html (last visited February 12, 2016)

Alpha Kappa Alpha Sorority, Inc.

- Ten percent shall be distributed to Alpha Kappa Alpha Educational Advancement Foundation, Inc., solely for marketing of the plate.
- Eighty-five percent shall be distributed to the Alpha Kappa Alpha Educational Advancement Foundation, Inc., to promote community awareness and action through educational, economic, and cultural service activities.
- Five percent shall be distributed to the United Negro College Fund to be used for college scholarships for Florida residents attending Historically Black Colleges and Universities.

Alpha Kappa Alpha Sorority began as the vision of nine college students on the campus of Howard University in 1908.¹⁷ Alpha Kappa Alpha's mission is to cultivate and encourage high scholastic and ethical standards, to promote unity and friendship among college women, to study and help alleviate problems concerning girls and women in order to improve their social stature, to maintain a progressive interest in college life, and to be of "Service to All Mankind".¹⁸

Sigma Gamma Rho Sorority, Inc.

- Ten percent shall be distributed to the Sigma Gamma Rho Sorority National Education Fund, Inc., solely for marketing of the plate.
- Eighty-five percent shall be distributed to the Sigma Gamma Rho Sorority National Education Fund, Inc., to promote community awareness and action through educational, economic, and cultural service activities.
- Five percent shall be distributed to the United Negro College Fund to be used for college scholarships for Florida residents attending Historically Black Colleges and Universities.

Sigma Gamma Rho Sorority was established November 12, 1922, at Butler University in Indianapolis, Indiana. Its mission is to enhance the quality of life for women and their families in the U.S. and globally through community service. Its goal is to achieve greater progress in the areas of education, healthcare, and leadership development.¹⁹

The new license plates will display the word "Florida" at the top of the plate and the name of the respective sorority or fraternity must appear at the bottom of the plate.

National Pan-Hellenic Council

The National Pan-Hellenic Council, Incorporated (NPHC) is currently composed of nine International Greek letter Sororities and Fraternities: Alpha Kappa Alpha Sorority, Inc., Alpha Phi Alpha Fraternity, Inc., Delta Sigma Theta Sorority, Inc., Zeta Phi Beta Sorority, Inc., Iota Phi Theta Fraternity, Inc., Kappa Alpha Psi Fraternity, Inc., Sigma Gamma Rho Sorority, Inc., Phi Beta Sigma Fraternity, Inc. and Omega Psi Phi Fraternity, Inc. NPHC promotes interaction through forums, meetings and other mediums for the exchange of information, and engages in cooperative programming and initiatives through various activities and functions.²⁰

B. SECTION DIRECTORY:

Section 1 Amends s. 320.08056, F.S., establishing an annual use fee of \$25 for the Pan-Hellenic sorority or fraternity specialty license plates.

¹⁶ Delta Sigma Theta Sorority, Inc., *Statement of Purpose*, http://www.deltasigmatheta.org/about_mission.html (last visited February 12, 2016)

¹⁷ Alpha Kappa Alpha Sorority, Inc., *About*, <http://www.aka1908.com/about> (last visited February 12, 2016)

¹⁸ Alpha Kappa Alpha Sorority, Inc., *Mission*, <http://www.aka1908.com/about/mission> (last visited February 12, 2016)

¹⁹ Sigma Gamma Rho Sorority, Inc., *History*, <http://www.sgrho1922.org/about-sigma> (last visited February 12, 2016)

²⁰ National Pan-Hellenic Council, Incorporated, *Mission*, <http://www.nphchq.org/mission/> (last visited February 12, 2016)

Section 2 Amends s. 320.08058, F.S., directing the Department of Highway Safety and Motor Vehicles to create Pan-Hellenic sorority or fraternity specialty license plates and provides for the distribution of the annual use fees collected.

Section 3 Provides an effective date of October 1, 2016.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

DHSMV estimates that 996 programming hours, or \$51,450 in FTE and contracted resources will be required in order to implement the bill. These costs can be absorbed within existing resources.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Revenue generated from the sales of specialty license plates are distributed to various organizations as provided in statute.

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 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. The bill does not require a reduction of the percentage of state tax shared with municipalities or counties.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On January 26, 2016, the Highway and Waterway Safety Subcommittee adopted a strike-all amendment and reported the bill favorably as a committee substitute. The strike-all amendment:

- Makes some technical changes and makes the language consistent with the creation of other specialty plates.

This analysis is written to the Committee Substitute as it was reported out of the Highway & Waterway Safety Subcommittee.

1 A bill to be entitled
 2 An act relating to specialty license plates; amending
 3 ss. 320.08056 and 320.08058, F.S.; directing the
 4 Department of Highway Safety and Motor Vehicles to
 5 develop certain specialty license plates; establishing
 6 annual use fees for the plates; providing for
 7 distribution and use of fees collected from the sale
 8 of the plates; providing an effective date.

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

11
 12 Section 1. Paragraphs (ffff) through (mmmm) are added to
 13 subsection (4) of section 320.08056, Florida Statutes, to read:

14 320.08056 Specialty license plates.—

15 (4) The following license plate annual use fees shall be
 16 collected for the appropriate specialty license plates:

17 (ffff) Alpha Phi Alpha Fraternity license plate, \$25.

18 (gggg) Omega Psi Phi Fraternity license plate, \$25.

19 (hhhh) Kappa Alpha Psi Fraternity license plate, \$25.

20 (iiii) Phi Beta Sigma Fraternity license plate, \$25.

21 (jjjj) Zeta Phi Beta Sorority license plate, \$25.

22 (kkkk) Delta Sigma Theta Sorority license plate, \$25.

23 (llll) Alpha Kappa Alpha Sorority license plate, \$25.

24 (mmmm) Sigma Gamma Rho Sorority license plate, \$25.

25 Section 2. Subsections (84) through (91) are added to
 26 section 320.08058, Florida Statutes, to read:

27 | 320.08058 Specialty license plates.—

28 | (84) ALPHA PHI ALPHA FRATERNITY LICENSE PLATES.—

29 | (a) The department shall develop an Alpha Phi Alpha
 30 | Fraternity license plate as provided in this section and s.
 31 | 320.08053. The plates must bear the colors and design approved
 32 | by the department. The word "Florida" must appear at the top of
 33 | the plate, and the name of the fraternity must appear at the
 34 | bottom of the plate.

35 | (b) The annual use fees from the sale of the plate shall
 36 | be distributed as follows:

37 | 1. Ten percent shall be distributed to the Florida
 38 | Federation of Alpha Chapters and used solely for marketing of
 39 | the Alpha Phi Alpha Fraternity license plate.

40 | 2. Eighty-five percent shall be distributed to the Florida
 41 | Federation of Alpha Chapters and used to promote community
 42 | awareness and action through educational, economic, and cultural
 43 | service activities.

44 | 3. Five percent shall be distributed to the United Negro
 45 | College Fund to be used for college scholarships for Florida
 46 | residents attending historically black colleges and
 47 | universities.

48 | (85) OMEGA PSI PHI FRATERNITY LICENSE PLATES.—

49 | (a) The department shall develop an Omega Psi Phi
 50 | Fraternity license plate as provided in this section and s.
 51 | 320.08053. The plates must bear the colors and design approved
 52 | by the department. The word "Florida" must appear at the top of

53 the plate, and the name of the fraternity must appear at the
 54 bottom of the plate.

55 (b) The annual use fees from the sale of the plate shall
 56 be distributed as follows:

57 1. Ten percent shall be distributed to the State of
 58 Florida Omega Friendship Foundation, Inc., and used solely for
 59 marketing of the Omega Psi Phi Fraternity license plate.

60 2. Eighty-five percent shall be distributed to the State
 61 of Florida Omega Friendship Foundation, Inc., and used to
 62 promote community awareness and action through educational,
 63 economic, and cultural service activities.

64 3. Five percent shall be distributed to the United Negro
 65 College Fund to be used for college scholarships for Florida
 66 residents attending historically black colleges and
 67 universities.

68 (86) KAPPA ALPHA PSI FRATERNITY LICENSE PLATES.—

69 (a) The department shall develop a Kappa Alpha Psi
 70 Fraternity license plate as provided in this section and s.
 71 320.08053. The plates must bear the colors and design approved
 72 by the department. The word "Florida" must appear at the top of
 73 the plate, and the name of the fraternity must appear at the
 74 bottom of the plate.

75 (b) The annual use fees from the sale of the plate shall
 76 be distributed as follows:

77 1. Ten percent shall be distributed to the Southern
 78 Province of Kappa Alpha Psi Foundation, Inc., and used solely

79 for marketing of the Kappa Alpha Psi Fraternity license plate.

80 2. Eighty-five percent shall be distributed to the
 81 Southern Province of Kappa Alpha Psi Foundation, Inc., and used
 82 to promote community awareness and action through educational,
 83 economic, and cultural service activities.

84 3. Five percent shall be distributed to the United Negro
 85 College Fund to be used for college scholarships for Florida
 86 residents attending historically black colleges and
 87 universities.

88 (87) PHI BETA SIGMA FRATERNITY LICENSE PLATES.—

89 (a) The department shall develop a Phi Beta Sigma
 90 Fraternity license plate as provided in this section and s.
 91 320.08053. The plates must bear the colors and design approved
 92 by the department. The word "Florida" must appear at the top of
 93 the plate, and the name of the fraternity must appear at the
 94 bottom of the plate.

95 (b) The annual use fees from the sale of the plate shall
 96 be distributed as follows:

97 1. Ten percent shall be distributed to TMB Charitable
 98 Foundation, Inc., and used solely for marketing of the Phi Beta
 99 Sigma Fraternity license plate.

100 2. Eighty-five percent shall be distributed to TMB
 101 Charitable Foundation, Inc., and used to promote community
 102 awareness and action through educational, economic, and cultural
 103 service activities.

104 3. Five percent shall be distributed to the United Negro

105 College Fund to be used for college scholarships for Florida
 106 residents attending historically black colleges and
 107 universities.

108 (88) ZETA PHI BETA SORORITY LICENSE PLATES.—

109 (a) The department shall develop a Zeta Phi Beta Sorority
 110 license plate as provided in this section and s. 320.08053. The
 111 plates must bear the colors and design approved by the
 112 department. The word "Florida" must appear at the top of the
 113 plate, and the name of the sorority must appear at the bottom of
 114 the plate.

115 (b) The annual use fees from the sale of the plate shall
 116 be distributed as follows:

117 1. Ten percent shall be distributed to Florida Pearls,
 118 Inc., and used solely for marketing of the Zeta Phi Beta
 119 Sorority license plate.

120 2. Eighty-five percent shall be distributed to Florida
 121 Pearls, Inc., and used to promote community awareness and action
 122 through educational, economic, and cultural service activities.

123 3. Five percent shall be distributed to the United Negro
 124 College Fund to be used for college scholarships for Florida
 125 residents attending historically black colleges and
 126 universities.

127 (89) DELTA SIGMA THETA SORORITY LICENSE PLATES.—

128 (a) The department shall develop a Delta Sigma Theta
 129 Sorority license plate as provided in this section and s.
 130 320.08053. The plates must bear the colors and design approved

131 by the department. The word "Florida" must appear at the top of
 132 the plate, and the name of the sorority must appear at the
 133 bottom of the plate.

134 (b) The annual use fees from the sale of the plate shall
 135 be distributed as follows:

136 1. Ten percent shall be distributed to the Delta Research
 137 and Educational Foundation and used solely for marketing of the
 138 Delta Sigma Theta Sorority license plate.

139 2. Eighty-five percent shall be distributed to the Delta
 140 Research and Educational Foundation and used to promote
 141 community awareness and action through educational, economic,
 142 and cultural service activities.

143 3. Five percent shall be distributed to the United Negro
 144 College Fund to be used for college scholarships for Florida
 145 residents attending historically black colleges and
 146 universities.

147 (90) ALPHA KAPPA ALPHA SORORITY LICENSE PLATES.-

148 (a) The department shall develop an Alpha Kappa Alpha
 149 Sorority license plate as provided in this section and s.
 150 320.08053. The plates must bear the colors and design approved
 151 by the department. The word "Florida" must appear at the top of
 152 the plate, and the name of the sorority must appear at the
 153 bottom of the plate.

154 (b) The annual use fees from the sale of the plate shall
 155 be distributed as follows:

156 1. Ten percent shall be distributed to the Alpha Kappa

157 Alpha Educational Advancement Foundation, Inc., and used solely
 158 for marketing of the Alpha Kappa Alpha Sorority license plate.

159 2. Eighty-five percent shall be distributed to the Alpha
 160 Kappa Alpha Educational Advancement Foundation, Inc., and used
 161 to promote community awareness and action through educational,
 162 economic, and cultural service activities.

163 3. Five percent shall be distributed to the United Negro
 164 College Fund to be used for college scholarships for Florida
 165 residents attending historically black colleges and
 166 universities.

167 (91) SIGMA GAMMA RHO SORORITY LICENSE PLATES.—

168 (a) The department shall develop a Sigma Gamma Rho
 169 Sorority license plate as provided in this section and s.
 170 320.08053. The plates must bear the colors and design approved
 171 by the department. The word "Florida" must appear at the top of
 172 the plate, and the name of the sorority must appear at the
 173 bottom of the plate.

174 (b) The annual use fees from the sale of the plate shall
 175 be distributed as follows:

176 1. Ten percent shall be distributed to the Sigma Gamma Rho
 177 Sorority National Education Fund, Inc., and used solely for
 178 marketing of the Sigma Gamma Rho Sorority license plate.

179 2. Eighty-five percent shall be distributed to the Sigma
 180 Gamma Rho Sorority National Education Fund, Inc., and used to
 181 promote community awareness and action through educational,
 182 economic, and cultural service activities.

CS/HB 1349

2016

183 | 3. Five percent shall be distributed to the United Negro
184 | College Fund to be used for college scholarships for Florida
185 | residents attending historically black colleges and
186 | universities.

187 | Section 3. This act shall take effect October 1, 2016.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1359 Vocational Rehabilitation
SPONSOR(S): Fresen
TIED BILLS: IDEN./SIM. **BILLS:** SB 962

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Higher Education & Workforce Subcommittee	11 Y, 0 N	Banner	Bishop
2) Education Appropriations Subcommittee	12 Y, 0 N	deNagy	Heflin
3) Education Committee		 Banner	Mizereck 

SUMMARY ANALYSIS

The 2015-2016 General Appropriations Act (GAA) includes proviso language requiring the Division of Vocational Rehabilitation to report significant measurable quarterly progress on specific performance indicators related to the vocational rehabilitation (VR) program. This requirement will expire on July 1, 2016.

The bill requires the division to develop and implement a performance improvement plan by October 1, 2016 aimed at achieving specified performance goals.

The bill also codifies in law existing reporting requirements enacted in the 2015-2016 GAA. The performance metrics are modified to align with new federal requirements outlined in the Workforce Innovation and Opportunity Act of 2014.

The Division of Vocational Rehabilitation will establish the improvement plan and meet the reporting requirements within existing resources. See fiscal section.

The bill has an effective date of July 1, 2016.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Vocational Rehabilitation (VR) is a federal-state program that assists individuals with disabilities prepare for, gain, or retain employment in meaningful careers.¹ The United States Department of Education's Rehabilitation Services Administration (RSA) oversees and administers the program and provides funds to state agencies for these services.² In Florida, the Division of Vocational Rehabilitation within the Department of Education is designated as the administrative unit responsible for ensuring compliance with federal and state laws.³

The Rehabilitation Act of 1973, as amended, provides that the purpose of VR services is to:

- Empower individuals with disabilities to maximize employment, economic self-sufficiency, independence, and inclusion and integration into society; and
- Ensure that the federal government plays a leadership role in promoting the employment of individuals with disabilities and in assisting states and providers of services fulfill gainful employment and independent living aspirations of individuals with disabilities.⁴

The RSA oversees grant programs that help individuals with disabilities obtain employment and live more independently through the provision of such supports as counseling, medical and psychological services, job training and other individualized services. The RSA's major Title I formula grant program provides funds to state vocational rehabilitation agencies to provide employment-related services for individuals with disabilities.⁵

The Workforce Innovation and Opportunity Act of 2014 (WIOA), enacted on July 22, 2014,⁶ aims to increase opportunities for individuals facing barriers to employment and increases the focus on the connection between education and career preparation. Beginning in March 2016, WIOA requires states to submit a unified plan to the U.S. Departments of Education and Labor outlining performance measures and benchmarks. Florida's unified plan will include the Department of Education's Divisions of Career and Adult Education, Vocational Rehabilitation and Blind Services, as well as CareerSource Florida. WIOA also requires state VR agencies to set aside a portion of federal funds for services related to youth beginning at age 15.⁷

Florida law defines a person with a disability as one that "has a physical or mental impairment that constitutes or results in substantial impediment to employment."⁸ Such a person is eligible for VR services if they require assistance in preparing for, engaging in, or retaining gainful employment.⁹ If an individual is deemed eligible for services by the division, then the division must:

¹ Division of Vocational Rehabilitation, Florida Department of Education, *Frequently Asked Questions*, <http://www.rehabworks.org/faq.shtml> (last visited January 20, 2016).

² Section 413.202, F.S.

³ Office of Program Policy Analysis and Government Accountability, Presentation to the Florida Senate Appropriations Subcommittee on Education (Oct. 7, 2015), available at <http://www.oppaga.state.fl.us/Presentations.aspx>.

⁴ 29 U.S.C. s. 701(b); see also Pub. L. No. 93-112, 87 Stat. 355 (Sep. 26, 1973).

⁵ U.S. Department of Education, *Welcome to RSA*, <http://www2.ed.gov/about/offices/list/osers/rsa/index.html> (last visited January 19, 2016).

⁶ Pub. L. No. 113-128, 128 Stat. 1425 (July 22, 2014).

⁷ Office of Program Policy Analysis and Government Accountability, Presentation to the Florida Senate Appropriations Subcommittee on Education (Oct. 7, 2015), available at <http://www.oppaga.state.fl.us/Presentations.aspx>.

⁸ Section 413.20(7), F.S.

⁹ Section 413.30(1), F.S.

- Complete an assessment for determining the eligibility and vocational rehabilitation needs, and
- Ensure that an individualized plan for employment (IPE)¹⁰ is prepared, which must be jointly developed and signed by VR counselor or coordinator and the eligible individual, or in an appropriate case, a parent, family member, guardian, advocate, or authorized representative of the individual.¹¹ Each IPE must be reviewed annually and revised, as needed.¹²

Based on the individual's needs, services may include things such as vocational evaluation and planning, career counseling and guidance, job-site assessment and accommodations, job placement and coaching, and on-the-job training.¹³

In the event that sufficient resources are not available to serve all eligible individuals, federal law requires that individuals be served based on their level of disability through an Order of Selection (OOS) process.¹⁴ The OOS categories include:

- Category 1 is comprised of individuals with the most significant disabilities;
- Category 2 is comprised of individuals with significant disabilities; and
- Category 3 is comprised of individuals with disabilities.¹⁵

The Rehabilitation Act of 1973 requires the RSA to develop evaluation standards and performance indicators, as well as establish minimum levels of performance for each.¹⁶ These measures include, but are not limited to:

- Change in employment outcomes;
- Closed cases with employment;
- Closed cases with competitive employment;
- Individuals with significant disabilities who are employed;
- Comparison of earnings to all employed individuals; and
- Use of income to self-support.¹⁷

Each state VR agency is required to report on these data to the RSA annually. Those states that fail to meet the minimum levels of performance are required to develop a Program Improvement Plan (PIP) outlining specific actions to improve program performance.¹⁸

The 2015-2016 General Appropriations Act (GAA), which will expire on July 1, 2016, includes quarterly reporting requirements on the following measures:

- Average wait list time;
- Number of active cases (persons currently receiving services);
- Number and percentage of customers receiving postsecondary education;
- Number and percentage of customers receiving Career and Professional Education (CAPE) industry certifications;
- Number and percentage of customers gainfully employed;

¹⁰ Section 413.20(3), F.S.

¹¹ Section 413.30(5)(a), F.S.; Rule 6A-25.007, F.A.C.

¹² Section 413.30(5)(c), F.S.

¹³ Division of Vocational Rehabilitation, Florida Department of Education, *Frequently Asked Questions*, <http://www.rehabworks.org/faq.shtml> (last visited January 20, 2016).

¹⁴ U.S. Department of Education, *RSA – Frequently Asked Questions About RSA*, <http://www2.ed.gov/about/offices/list/osers/rsa/faq.html#services> (last visited Jan. 20, 2016).

¹⁵ Office of Program Policy Analysis and Government Accountability, Presentation to the Florida Senate Appropriations Subcommittee on Education (Oct. 7, 2015), available at <http://www.oppaga.state.fl.us/Presentations.aspx>.

¹⁶ U.S. Department of Education, *Evaluation Standards and Performance Indicators for the Vocational Rehabilitation Services Program*, <http://www2.ed.gov/rschstat/eval/rehab/standards.html> (last visited Jan. 20, 2016).

¹⁷ Office of Program Policy Analysis and Government Accountability, Presentation to the Florida Senate Appropriations Subcommittee on Education (Oct. 7, 2015), available at <http://www.oppaga.state.fl.us/Presentations.aspx>.

¹⁸ U.S. Department of Education, *Evaluation Standards and Performance Indicators for the Vocational Rehabilitation Services Program*, <http://www2.ed.gov/rschstat/eval/rehab/standards.html> (last visited Jan. 20, 2016).

- Average earnings of customers at placement; and
- Number of students receiving preemployment transition services.¹⁹

Effect of Proposed Changes

The bill requires the Division of Vocational Rehabilitation to develop and implement, by October 1, 2016, a performance improvement plan (PIP) based on the measureable quarterly progress indicators outlined in the 2015-2016 GAA. The PIP must address plans to achieve the following goals:

- Decreasing the average wait list time for serving clients.
- Increasing the percentage of participants who:
 - Are in unsubsidized employment during the second and fourth quarters after exit from the program;
 - Obtain a recognized postsecondary credential or a secondary school diploma (or its equivalent) within 1 year of exiting the program;
 - Enroll in education or training programs that lead to a recognized postsecondary credential or employment while in the program.
- Increasing the number of individuals earning CAPE industry certifications and CAPE postsecondary industry certifications and receiving pre-employment transition services.
- Increasing the median earnings of those in unsubsidized employment during the second quarter after exiting the program.
- Increasing the percentage of youth receiving pre-employment transition services without applying for additional VR services and who obtained an educational credential within 1 year of exiting the program.
- Increasing the division's effectiveness in serving employers, as indicated in the WIOA.

The bill also requires the division to submit, by December 1 of each year, a performance report to the Governor, the President of the Senate and the Speaker of the House of Representatives that includes:

- Caseload data, including the number of individuals who apply for and receive services, by service type;
- Service use data, by service type, including the number of units provided;
- Financial data, including expenditures for administration and the provision of services; and
- Outcome data, including the number of cases closed with and without employment.

The performance report must include information for the five most recent fiscal years, reported statewide and by service area.

B. SECTION DIRECTORY:

Section 1. Amends s. 413.207, F.S., codifying 2015-2016 General Appropriations Act language in law requiring the development of a performance improvement plan for the Division of Vocational Rehabilitation within the Department of Education.

Section 2. Provides an effective date of July 1, 2016

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The bill does not appear to have any impact on state revenues.

¹⁹ Specific Appropriation 35, s. 2, ch. 2015-232, L.O.F.

2. Expenditures:

The Division of Vocational Rehabilitation will establish the improvement plan and meet the reporting requirements within existing resources.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

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

2. Expenditures:

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

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

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

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None.

1 A bill to be entitled

2 An act relating to vocational rehabilitation; amending
 3 s. 413.207, F.S.; requiring the Division of Vocational
 4 Rehabilitation to initiate, by a specified date, a
 5 performance improvement plan designed to achieve
 6 specified goals; requiring the division to submit a
 7 performance report annually, by a specified date, to
 8 the Governor and the Legislature which includes
 9 specified information; providing an effective date.

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

12
 13 Section 1. Section 413.207, Florida Statutes, is amended
 14 to read:

15 413.207 Division of Vocational Rehabilitation; quality
 16 assurance; performance improvement plan.-

17 (1) The Division of Vocational Rehabilitation shall
 18 maintain an internal system of quality assurance, have proven
 19 functional systems, perform due diligence, review provider
 20 systems of quality assurance, and be subject to monitoring for
 21 compliance with state and federal laws, rules, and regulations.

22 (2) No later than October 1, 2016, the division shall
 23 develop and implement a performance improvement plan designed to
 24 achieve the following goals:

25 (a) Decrease the average wait list time for reportable
 26 individuals.

27 (b) Increase the percentage of participants who are in
 28 unsubsidized employment during the second quarter after they
 29 exit from the program.

30 (c) Increase the percentage of participants who are in
 31 unsubsidized employment during the fourth quarter after they
 32 exit from the program.

33 (d) Increase the number of persons earning CAPE industry
 34 certifications and CAPE postsecondary industry certifications
 35 approved pursuant to s. 1008.44.

36 (e) Increase the median earnings of participants who are
 37 in unsubsidized employment during the second quarter after they
 38 exit from the program.

39 (f) Increase the percentage of participants who obtained a
 40 recognized postsecondary credential or a secondary school
 41 diploma or its recognized equivalent during participation in, or
 42 within 1 year after their exit from, the program.

43 (g) Increase the percentage of youth who received
 44 preemployment transition services without applying for
 45 additional vocational rehabilitation services and who obtained a
 46 recognized postsecondary credential or a secondary school
 47 diploma or its recognized equivalent during participation in, or
 48 within 1 year after their exit from, the program.

49 (h) Increase the percentage of participants who, during a
 50 program year, are in an education or training program that leads
 51 to a recognized postsecondary credential or to employment and
 52 who are achieving a measurable gain of skill, including

53 documented academic, technical, occupational gains or other
 54 forms of progress toward a postsecondary credential or
 55 employment.

56 (i) Increase the number of students receiving pre-
 57 employment transition services.

58 (j) Increase the division's effectiveness in serving
 59 employers, based on indicators developed as required by section
 60 116(b)(2)(A)(iv) of the federal Workforce Innovation and
 61 Opportunity Act.

62 (3) The goals established under subsection (2) must be
 63 designed to elevate the state vocational rehabilitation program
 64 to one of the top 10 in the nation.

65 (4) By December 1 of each year, the division shall submit
 66 a performance report to the Governor, the President of the
 67 Senate, and the Speaker of the House of Representatives which
 68 includes the following information for each of the 5 most recent
 69 fiscal years:

70 (a) Caseload data, including the number of individuals who
 71 apply for services and who receive services, by service type,
 72 reported statewide and by service area.

73 (b) Service use data, by service type, including the
 74 number of units of service provided, statewide and by service
 75 area.

76 (c) Financial data, by service type, including
 77 expenditures for administration and the provision of services.
 78 Expenditure data shall be reported on a statewide basis and by

HB 1359

2016

79 service area, and expenditures for education-related services
80 must be identified in specific categories such as tuition and
81 fees, program fees, and support services.

82 (d) Outcome data, statewide and by service area, including
83 the number of cases closed without employment and the number of
84 cases closed with employment. Employment data must be provided
85 separately for supported employment.

86 Section 2. This act shall take effect July 1, 2016.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1403 Pledge of Allegiance
SPONSOR(S): Broxson and others
TIED BILLS: IDEN./SIM. **BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) K-12 Subcommittee	10 Y, 0 N	Dehmer	Fudge
2) Education Appropriations Subcommittee	11 Y, 0 N	Seifert	Heflin
3) Education Committee		Dehmer 50	Mizereck JM

SUMMARY ANALYSIS

Currently, each school district board may adopt rules that require, in all district schools, programs of a patriotic nature. The programs are designed to encourage greater respect for the United States government, the national anthem and the flag. The programs are subject to other existing laws of the United States or the state.

In each public elementary, middle and high school in the state, the pledge of allegiance (the pledge) shall be recited at the beginning of the day. The pledge shall be rendered by students standing with the student's right hand over their heart. When the pledge is given, civilians must show full respect to the flag by standing at attention. Men must remove their headdress, unless worn for a religious purpose.

Each student must be informed of the right not to participate in the pledge by a notice posted in a conspicuous place. The student is excused from the pledge when the student obtains a written request from their parent.

The bill repeals the requirement to conspicuously post notice of the right not to participate and instead provides that students shall be informed of the right not to participate in the pledge by a written notice published in the student handbook, the code of student conduct or a similar school publication. School districts are currently required to provide written codes of conduct and the inclusion of the right not to participate in the pledge is not expected to have any fiscal impact on school districts.

The bill removes the requirement that all civilians, including excused students, stand and place their hand over their heart during the pledge. Instead, only unexcused students must stand and recite the pledge.

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

The bill takes effect July 1, 2016.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

The Pledge of Allegiance

Present Situation

Currently, each school district board may adopt rules that require, in all district schools, programs of a patriotic nature. The programs are designed to encourage greater respect for the United States government, the national anthem and the flag. The programs are subject to other existing laws of the United States or the state.¹

When the national anthem is played, students and civilians shall stand at attention and men shall remove their headdress, unless worn for a religious purpose.²

In each public elementary, middle and high school in the state, the pledge shall be recited at the beginning of the day. The pledge shall be rendered by students standing with their right hand over his or her heart. When the pledge is given, civilians must show full respect to the flag by standing at attention. Men must remove their headdress, unless worn for a religious purpose.³

Each student must be informed of the right not to participate in the reciting of the pledge by a notice posted in a conspicuous place. The student is excused from reciting the pledge when the student obtains a written statement from their parent.⁴

In Frazier ex rel. Frazier v. Winn, a high school student, without a signed, written excuse from his parent, refused to stand and recite the pledge.⁵ The court upheld the requirement that students must obtain a signed, written statement from their parent before being excused from the pledge.⁶ The court "conclude[d] that the State's interest in recognizing and protecting the rights of parents on some educational issues is sufficient to justify the restriction of some students' freedom of speech."⁷

However, the court found that the requirement that all civilians, including excused students, stand and place their hand on his or her heart during the pledge, violated the constitution.⁸ An excused student has the right to remain quietly seated during the pledge.⁹

Effect of Proposed Changes

The bill repeals the requirement to conspicuously post notice of the right not to participate and instead provides that students shall be informed of the right not to participate in the pledge by a written notice published in the student handbook, the code of student conduct or a similar school publication.

The bill addresses the constitutional issues cited in Frazier by removing the requirement that all civilians, including excused students, stand and place their hand over their heart during the pledge. Instead, only unexcused students must stand and recite the pledge.

¹ Section 1003.44(1), F.S.

² *Id.*

³ *Id.*

⁴ *Id.*

⁵ Frazier ex rel. Frazier v. Winn, 535 F.3d 1279, 1285-86 (11th Cir. 2008).

⁶ *Id.* at 1285.

⁷ *Id.*

⁸ *Id.* at 1282 (holding that the "standing at attention" provision should not be enforced).

⁹ *Id.*

B. SECTION DIRECTORY:

Section 1. Amends s. 1003.44, F.S., relating to patriotic programs and rules.

Section 2. Provides an effective date of July 1, 2016.

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:

School districts are currently required to provide written codes of conduct and the inclusion of the right not to participate in the pledge is not expected to have any fiscal impact on school districts.

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:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None.

A bill to be entitled

An act relating to the pledge of allegiance; amending s. 1003.44, F.S.; requiring a written notice of a student's right not to participate in the pledge of allegiance to be included in a specific publication; providing that a student may be excused from certain actions associated with the pledge of allegiance; requiring unexcused students to show full respect to the flag during the pledge of allegiance; providing an effective date.

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

Section 1. Subsection (1) of section 1003.44, Florida Statutes, is amended to read:

1003.44 Patriotic programs; rules.—

(1) Each district school board may adopt rules to require, in all of the schools of the district, programs of a patriotic nature to encourage greater respect for the government of the United States and its national anthem and flag, subject always to other existing pertinent laws of the United States or of the state. When the national anthem is played, students and all civilians shall stand at attention, men removing the headdress, except when such headdress is worn for religious purposes. The pledge of allegiance to the flag, "I pledge allegiance to the flag of the United States of America and to the republic for

27 | which it stands, one nation under God, indivisible, with liberty
 28 | and justice for all," shall be rendered by students standing
 29 | with the right hand over the heart. The pledge of allegiance to
 30 | the flag shall be recited at the beginning of the day in each
 31 | public elementary, middle, and high school in the state. Each
 32 | student shall be informed by a written notice published in the
 33 | student handbook or a similar publication pursuant to s.
 34 | 1006.07(2) ~~posting a notice in a conspicuous place~~ that the
 35 | student has the right not to participate in reciting the pledge.
 36 | Upon written request by his or her parent, the student must be
 37 | excused from reciting the pledge, including standing and placing
 38 | the right hand over his or her heart. When the pledge is given,
 39 | unexcused students ~~civilians~~ must show full respect to the flag
 40 | by standing at attention, men removing the headdress, except
 41 | when such headdress is worn for religious purposes, as provided
 42 | by Pub. L. ch. 77-435, s. 7, approved June 22, 1942, 56 Stat.
 43 | 377, as amended by Pub. L. ch. 77-806, 56 Stat. 1074, approved
 44 | December 22, 1942.

45 | Section 2. This act shall take effect July 1, 2016.