



Committee:

**EDUCATION PRE-K - 12
APPROPRIATIONS**

Senator Wise, Chair
Senator Siplin, Vice Chair

Meeting Packet

Monday, April 19, 2010

10:30—11:30 a.m.

Pat Thomas Committee Room, 412 Knott Building

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

EDUCATION PRE-K - 12 APPROPRIATIONS

Senator Wise, Chair
Senator Siplin, Vice Chair

MEETING DATE: Monday, April 19, 2010
TIME: 10:30—11:30 a.m.
PLACE: Pat Thomas Committee Room, 412 Knott Building

MEMBERS: Senator Wise, Chair; Senator Siplin, Vice Chair; Senators Bullard, Detert, Garcia, and Richter

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	CS/CS/SB 434 Children, Families, and Elder Affairs / Education Pre-K - 12 / Sobel (Identical CS/CS/H 1061)	Suicide Prevention Education [SPSC]; Deletes references to inactive organizations represented by members of the Suicide Prevention Coordinating Council and replaces with active organizations. Requires that district school boards provide access to suicide prevention educational resources to all instructional and administrative personnel as part of the school district professional development system.	ED 03/17/2010 Fav/CS CF 03/26/2010 Fav/CS EA 04/19/2010
2	SJR 718 Fasano (Similar HJR 27, HJR 39, SJR 2650)	Homestead Property Assessed Value [WPSC]; Proposes amendments to the State Constitution to prohibit increases in the assessed value of homestead property if the fair market value of the property decreases.	CA 03/23/2010 Favorable EA 04/19/2010 WPSC RC
3	CS/SB 896 Health Regulation / Peaden (Compare CS/CS/H 747)	Students with Diabetes [SPSC]; Requires the DOH to develop guidelines, with the assistance of certain entities, for the training of diabetes personnel. Requires each district school board and the governing body of each private and charter school to provide training to a minimum number of school employees. Prohibits a school district from restricting the assignment of a student who has diabetes to a particular school, etc.	ED 03/17/2010 Fav/1 Amendment HR 03/26/2010 Fav/CS EA 04/19/2010

COMMITTEE MEETING EXPANDED AGENDA

Education Pre-K - 12 Appropriations

Monday, April 19, 2010, 10:30 —11:30 a.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	CS/SB 2262 Education Pre-K - 12 / Thrasher (Compare H 1173, S 534) (If Received)	Charter Virtual Schools [SPSC]; Provides for the establishment of charter virtual schools. Provides requirements for participation in the program. Provides requirements for student eligibility. Provides for funding. Provides exceptions from certain requirements. ED 04/14/2010 Fav/CS EA 04/19/2010 If received	
5	SB 2356 Sobel (Similar CS/H 1233)	Educational Plant Surveys [WPSC]; Authorizes an extension to a school district educational plant survey submission deadline. Provides requirements for the submission of a request for an extension to the Department of Education and requiring department approval. Provides restrictions on school district construction during the extension period. Requires the State Board of Education to adopt rules. ED 04/14/2010 Favorable EA 04/19/2010 WPSC	
6	SB 2686 Garcia (Identical H 1451)	District School Costs Study [SPSC]; Requires the Department of Education to contract with an out-of-state postsecondary educational institution to conduct a study to analyze Florida's district cost differential amenities index and to develop a cost-of-education index. Requires a report and submission of the report to the Legislature and the Governor. ED 03/23/2010 Favorable EA 04/19/2010	

The meeting materials for bills on the agenda are in the following order behind each tab:

If a Proposed Committee Substitute is being offered, materials precede the original bill in this order (a separate tab may be used for combined PCS and materials):

- o Bill Analysis for the PCS*
- o Filed amendments to the PCS*
- o Proposed Committee Substitute*
- o Miscellaneous information*

- Bill Analysis**
- Filed amendments to the bill**
- Bill**
- Amendments from previous committees**
- Miscellaneous information**

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Education Pre-K - 12 Appropriations Committee

BILL: CS/CS/SB 434

INTRODUCER: Children, Families, and Elder Affairs, Education Pre-K-12, and Senator Sobel and Others

SUBJECT: Suicide Prevention Education

DATE: April 14, 2010 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Carrouth	Matthews	ED	Fav/CS
2.	Preston	Walsh	CF	Fav/CS
3.	Armstrong	Hamon <i>R.W.H.</i>	EA	Pre-meeting
4.				
5.				
6.				

Please see Section VIII. for Additional Information:

- A. COMMITTEE SUBSTITUTE..... Statement of Substantial Changes
 B. AMENDMENTS..... Technical amendments were recommended
 Amendments were recommended
 Significant amendments were recommended

I. Summary:

The bill requires, beginning with the 2010-2011 school year, that district school boards provide access to educational resources regarding suicide prevention, as approved by the Statewide Office of Suicide Prevention, to all instructional and administrative personnel. The bill also changes the membership on the Suicide Prevention Coordinating Council.

This bill amends sections 14.20195 and 1006.07 of the Florida Statutes.

II. Present Situation:

Florida Suicide Prevention Strategy

In 2008, suicide was the third leading cause of death for Florida's youth ages 15-24.¹ One of the state's long-term goals is to decrease the incidence of teen suicide in Florida by one-third, from approximately 9.5 per 100,000 in 2001 to approximately 6.3 per 100,000 by the end of 2010.²

¹ Florida Suicide Prevention Coalition. See http://www.floridasuicideprevention.org/the_facts.htm. (Last visited March 23, 2010).

Florida's strategy for suicide prevention includes school interventions. Schools in partnership with families and communities are in a unique position to identify youth at risk of suicide. Prevention, education, intervention and follow-up are keys to reducing the number of young people who take their own lives.³ Schools offer both the opportunity for recognition of suicide ideation⁴ and a process for response. At school, students have the greatest exposure to potential responders such as teachers, counselors, coaches, staff and classmates who have the opportunity to help.⁵

Suicide Prevention Coordinating Council

The Suicide Prevention Coordinating Council was created within the Statewide Office for Suicide Prevention within the Executive Office of the Governor, to develop strategies for preventing suicide.⁶ Responsibilities of the Council include:

- Advising the Statewide Office for Suicide Prevention regarding the development of a statewide plan for suicide prevention, with the guiding principle being that suicide is a preventable problem;
- Assembling an ad hoc advisory committee comprised of members from outside the council, if necessary, in order for the council to receive advice and assistance in carrying out its responsibilities; and
- Making findings and recommendations regarding suicide prevention programs and activities.⁷

The council is required to submit an annual report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 1, 2008, and each year thereafter.⁸

School Community Professional Development Act

The School Community Professional Development Act established under s. 1012.98, F.S., requires each school district to develop a professional development system to include in-service activities for instructional personnel, one component of which requires a focus on classroom management, parent involvement, and school safety.

According to the Florida Department of Education, student personnel services staff⁹ identified under s. 1012.01(2)(b), F.S., are responsible for addressing personal and social adjustment needs

² *Florida Suicide Prevention Strategy, 2005-2010*, Office of Drug Control, Statewide Office of Suicide Prevention, Executive Office of the Governor, January 2005 at p. I. See <http://www.flgov.com/pdfs/SP-FlaSuicidePreventionStrategy.pdf>. (Last visited March 23, 2010).

³ *Id.* at p. 4-11.

⁴ Suicide ideation is the process of fantasizing, planning, practicing, and motivating oneself to commit suicide. *Id.* at pp. 2-3 and 2-16.

⁵ *Florida Suicide Prevention Strategy, 2005-2010*, Office of Drug Control, Statewide Office of Suicide Prevention, Executive Office of the Governor, January 2005 at p. 4-11. See <http://www.flgov.com/pdfs/SP-FlaSuicidePreventionStrategy.pdf>. (Last visited March 23, 2010).

⁶ s. 14.20195, F.S.

⁷ *Id.*

⁸ *Id.*

of students, providing suicide prevention and awareness training and resources to students and staff, consulting with other school personnel regarding social-emotional concerns, and providing direct intervention support for students with mental health needs, including those students who are at risk for suicide.¹⁰ These staff members, although equipped professionally to address adolescent mental health issues, often do not interact with most students on a daily basis.

Based on information provided by the Statewide Office of Suicide Prevention,¹¹ nine out of ten adolescents who die by suicide give clues to someone before they attempt. School personnel interact with students on a daily basis and may notice changes in student behavior or attitude. According to the Statewide Office of Suicide Prevention, many suicidal students will likely go to a teacher or coach before they go to a school counselor, yet teachers and coaches lack the training necessary to deal with these issues.

III. Effect of Proposed Changes:

The bill requires, beginning with the 2010-2011 school year, each school district to provide access to suicide prevention education for all instructional and administrative personnel using resources approved by the Statewide Office of Suicide Prevention.¹² Appropriate training of school staff who work most closely with students to increase their awareness of student behaviors associated with thoughts of harming themselves may help reduce the number of youth suicides.

The Committee Substitute amends the membership on the Suicide Prevention Coordinating Council by replacing representatives from the Alzheimer's Association and from Volunteer Florida with representatives from the American Foundation of Suicide Prevention and from the National Council for Suicide Prevention.

Other Potential Implications:

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

⁹ Student personnel services staff include guidance counselors, school psychologists, and school social workers.

¹⁰ Department of Education, bill analysis, November 10, 2009, on file with the committee.

¹¹ The Statewide Office of Suicide Prevention is located in the Office of the Governor. See http://www.flgov.com/suicide_prevention_toolkit. (Last visited March 23, 2010).

¹² The Statewide Office for Suicide Prevention makes available on its website links to numerous free, online training opportunities for teachers and administrators. The office especially recommends two training opportunities: *Making Educators Partners in Youth Suicide Prevention* and *Youth Suicide Awareness and Prevention*. The training opportunities are available at: <http://www.helppromotehope.com/resources/schools.php>.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill will have a minimal fiscal impact on school districts. The Statewide Office of Suicide Prevention offers many educational training opportunities or resources for free.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by the Pre-K – 12 Education Committee on March 17, 2010.

The Committee Substitute clarifies that the suicide prevention educational resources, as approved by the Office of Suicide Prevention, will be provided to all instructional and administrative personnel as part of the school district's professional development system.

CS by the Children, Families, and Elder Affairs Committee on March 26, 2010.

The Committee Substitute amends the membership on the Suicide Prevention Coordinating Council by replacing a representative from the Alzheimer's Association and from Volunteer Florida with representatives from the American Foundation of Suicide Prevention and from the National Council for Suicide Prevention.

B. Amendments:

None.

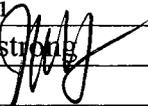
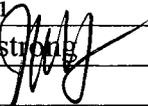
This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Education Pre-K-12 Appropriations Committee

BILL: SJR 718
 INTRODUCER: Senator Fasano
 SUBJECT: Homestead Property Assessed Value
 DATE: April 14, 2010 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Gizzi 	Yeatman	CA	Favorable
2.	Armstrong 	Hamon <i>K.W.H.</i>	EA	Pre-meeting
3.			WPSC	
4.			RC	
5.				
6.				

I. Summary:

This joint resolution proposes an amendment to section 4, Article VII, of the State Constitution, to prohibit increases in the assessed value of homestead property in any year where the market value of the property decreases.

This joint resolution will require approval by a three-fifths vote of the membership of each house of the Legislature.

II. Present Situation:

Property Valuation

Just Value

Section 4, Art. VII, of the State Constitution, requires that all property be assessed at just value for ad valorem tax purposes. Under Florida law, “just valuation” is synonymous with “fair market value”, and is defined as what a willing buyer would pay a willing seller for the property in an arm’s length transaction.¹

Assessed Value

The Florida Constitution authorizes certain alternatives to the just valuation standard for specific types of property.² Agricultural land, land producing high water recharge to Florida’s aquifers,

¹ Section 193.011, F.S., see also *Walter v. Shuler*, 176 So.2d 81 (Fla. 1965); *Deltona Corp. v. Bailey*, 336 So.2d 1163 (Fla. 1976); and *Southern Bell Tel. & Tel. Co. v. Dade County*, 275 So.2d 4 (Fla. 1973).

² The constitutional provisions in section 4, Art. VII, of the State Constitution, were implemented in Part II of ch. 193, F.S.

and land used exclusively for noncommercial recreational purposes may be assessed solely on the basis of their character or use.³ Livestock and tangible personal property that is held for sale as stock in trade may be assessed at a specified percentage of its value or totally exempt from taxation.⁴ Counties and municipalities may authorize historic properties to be assessed solely on the basis of character and use.⁵ Counties may also provide a reduction in the assessed value of property improvements on existing homesteads made to accommodate parents or grandparents that are 62 years of age or older.⁶ The Legislature is authorized to prohibit the consideration of improvements to residential real property for purposes of improving the property's wind resistance or the installation of renewable energy source devices in the assessment of the property.⁷ Certain working waterfront property is assessed based upon the property's current use.⁸

Taxable Value

The taxable value of real and tangible personal property is the assessed value minus any exemptions provided by the Florida Constitution or by Florida Statutes. Such exemptions include, but are not limited to: homestead exemptions and exemptions for property used for educational, religious, or charitable purposes.⁹

“Save Our Homes” Assessment Limitation

The “Save Our Homes” provision in section 4(d), Art. VII, of the State Constitution, limits the amount that a homestead's assessed value can increase annually to the lesser of three percent or the Consumer Price Index (CPI).¹⁰ The Save Our Homes limitation was amended into the Florida Constitution in 1992, to provide that:

- All persons entitled to a homestead exemption under section 6, Art. VII of the State Constitution, have their homestead assessed at just value by January 1 of the year following the effective date of the amendment.
- Thereafter, annual changes in homestead assessments on January 1 of each year could not exceed the lower of three percent of last year's assessment or the Consumer Price Index (CPI) for All Urban Consumers, U.S. City Average, all items 1967= 100, or successor reports for the preceding calendar year as initially reported by the United States Department of Labor, Bureau of Labor Statistics.
- No assessment may exceed just value.

In 2008, Florida voters approved an additional amendment to section 4(d), Art. VII, State Constitution, to provide for the portability of the accrued “Save Our Homes” benefit. This amendment allows homestead property owners that relocate to a new homestead to transfer up to \$500,000 of the “Save Our Homes” accrued benefit to the new homestead.

³ Art. VII, section 4(a) of the Florida Constitution.

⁴ Art. VII, section 4(c) of the Florida Constitution.

⁵ Art. VII, section 4(e) of the Florida Constitution.

⁶ Art. VII, section 4(f) of the Florida Constitution.

⁷ Art. VII, section 4(i) of the Florida Constitution.

⁸ Art. VII, section 4(j) of the Florida Constitution.

⁹ Art. VII, sections 3 and 6 of the Florida Constitution. *See also* ch. 196, F.S.

¹⁰ Art. VII, section 4(d) of the Florida Constitution.

Section 193.155, Florida Statutes

In 1994, the Legislature enacted ch. 94-353, Laws of Florida, to implement the “Save Our Homes” amendment into s. 193.155, F.S. The legislation required all homestead property to be assessed at just value by January 1, 1994.¹¹ Starting on January 1, 1995, or the year after the property receives a homestead exemption (whichever is later), property receiving a homestead exemption must be reassessed annually on January 1 of each year. As provided in the “Save Our Homes” provision in section 4(d), Art. VII, State Constitution, s. 193.155, F.S., requires that any change resulting from the reassessment may not exceed the lower of:

- Three percent of the assessed value from the prior year; or
- The percentage change in the CPI for All Urban Consumers, U.S. City Average, all items 1967= 100, or successor reports for the preceding calendar year as initially reported by the United States Department of Labor, Bureau of Labor Statistics.¹²

Pursuant to s. 193.155(2), F.S., if the assessed value of the property exceeds the just value, the assessed value must be lowered to just value of the property.

Rule 12D-8.0062, Florida Administrative Code (F.A.C.): “The Recapture Rule”

In October 1995, the Governor and the Cabinet adopted rule 12D-8.0062, F.A.C. of the Department of Revenue, entitled “Assessments; Homestead; and Limitations”.¹³ The administrative intent of this rule is to govern “the determination of the assessed value of property subject to the homestead assessment limitation under Article VII, section s. 4(c), Florida Constitution and s. 193.155, F.S.”¹⁴

Subsection (5) of Rule 12D-8.0062, F.A.C., is popularly known as the “recapture rule”. This subsection requires property appraisers to increase the prior year’s assessed value of a homestead property by the lower of three percent or the CPI on all property where the value is lower than the just value. The specific language in Rule 12D-8.0062(5), F.A.C., which is referred to as the “recapture provision” states:

(5) Where the current year just value of an individual property exceeds the prior year assessed value, the property appraiser is *required* to increase the prior year’s assessed value¹⁵

Under current law, this requirement applies even if the just value of the homestead property has decreased from the prior year. Therefore, homestead owners entitled to the “Save Our Homes”

¹¹ See *Fuchs v. Wilkinson*, 630 So. 2d 1044 (Fla. 1994) (“the clear language of the amendment establishes January 1, 1994, as the first “just value” assessment date, and as a result, requires the operative date of the amendment’s limitations, which establish the “tax value” of homestead property, to be January 1, 1995”).

¹² Section 193.155(1), F.S.

¹³ While s. 193.155, F.S., did not provide specific rulemaking authority, the Department of Revenue adopted Rule 12S-9.0062, F.A.C., pursuant to its general rulemaking authority under s. 195.927, F.S. Section 195.027, F.S., provides that the Department of Revenue shall prescribe reasonable rules and regulations for the assessing and collecting of taxes, and that the Legislature intends that the department shall formulate such rules and regulations that property will be assessed, taxes will be collected, and that the administration will be uniform, just and otherwise in compliance with the requirements of general law and the constitution.

¹⁴ Rule 12D-8.0062(1), F.A.C.

¹⁵ Rule 12D-8.0062(5), F.A.C. (emphasis added)

cap whose property is assessed at less than just value may see an increase in the assessed value of their home in years where the just/market value of their property decreased.¹⁶

Subsection (6) provides that if the change in the CPI is negative, then the assessed value shall be equal to the prior year's assessed value decreased by that percentage.

Markham v. Department of Revenue¹⁷

On March 17, 1995, William Markham, a Broward County Property Appraiser, filed a petition challenging the validity of the Department of Revenue's proposed "recapture rule" within Rule 12D-8.0062, F.A.C. Markham alleged that the proposed rule was "an invalid exercise of delegated legislative authority and is arbitrary and capricious".¹⁸ Markham also claimed that subsection (5) of the rule was at variance with the constitution- specifically that it conflicted with the "intent" of the ballot initiative and that a third limitation relating to market value or movement¹⁹ should be incorporated into the language of the rule to make it compatible with the language in section 4(c), Art. VII, State Constitution.

A final order was issued by The Division of Administrative Hearings on June 21, 1995, which upheld the validity of Rule 12D-8.0062, F.A.C., and the Department of Revenue's exercise of delegated legislative authority. The hearing officer determined that subsection (5) and (6) of the administrative rule were consistent with Section 4(c), Art. VII, State Constitution. The hearing officer also held that the challenged portions of the rule were consistent with the agency's mandate to adopt rules under s. 195.027(1), F.S., since the rule had a factual and logical underpinning, was plain and unambiguous, and did not conflict with the implemented law.²⁰

In response to the petitioner's assertion of a third limitation on market movement, the hearing officer concluded that the rule was not constitutionally infirm since there was no mention of "market movement" or "market value" in the ballot summary of the amendment nor did the petitioner present any evidence of legislative history concerning the third limitation.²¹

III. Effect of Proposed Changes:

This joint resolution proposes an amendment to section 4, Article VII, of the State Constitution, to prohibit increases in the assessed value of a homestead property in any year where the market value of the property decreases.

The joint resolution also deletes obsolete language in section 4(d)(8), Article VII, of the State Constitution.

If approved by Florida voters, this joint resolution will take effect on January 1, 2011.

¹⁶ *Markham v. Dep't of Revenue*, Case No. 95-1339RP (Fla. DOAH 1995) (stating that "subsection (5) requires an increase to the prior year's assessed value in a year where the CPI is greater than zero").

¹⁷ *Markham v. Dep't of Revenue*, Case No. 95-1339RP (Fla. DOAH 1995).

¹⁸ *Id.*

¹⁹ *Id.* at ¶ 21 (stating that "[t]his limitation, grounded on "market movement," would mean that in a year in which market value did not increase, the assessed value of a homestead property would not increase").

²⁰ *Id.* at ¶ 20.

²¹ *Id.* at ¶ 22.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. Other Constitutional Issues:

Section 1, Art. XI, State Constitution, authorizes the Legislature to propose amendments to the State Constitution by joint resolution approved by three-fifths vote of the membership of each house. The amendment must be placed before the electorate at the next general election held after the proposal has been filed with the Secretary of State, or at a special election held for that purpose.

Section 5(e), Art. XI, State Constitution, requires a 60 percent voter approval for a constitutional amendment to take effect. An approved amendment becomes effective on the first Tuesday after the first Monday in January following the election at which it is approved, or on such other date as may be specified in the amendment or revision.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

If approved by the voters, the joint resolution will reduce local revenue as described in "Government Sector Impact".

B. Private Sector Impact:

If approved by the voters, taxes will be reduced for those taxpayers whose homesteads have depreciated but are still assessed at less than just value. The joint resolution will redistribute the tax burden. It may benefit homestead property that has a "Save Our Homes" differential; however, non-homestead and recently established homestead property will pay a larger proportion of the cost of local services. To the extent that local governments do not raise millage rates, taxpayers may experience a reduction in government and education services due to any reductions in ad valorem tax revenues.

C. Government Sector Impact:

The Revenue Estimating Conference has determined that the fiscal impact on ad valorem revenues, if the joint resolution is approved by the voters, will be an \$11 million

reduction in 2011-12 and a \$37 million recurring reduction for school purposes, and an \$87 million recurring reduction for all levies.

Section 5(d), Art. XI, State Constitution, requires proposed amendments or constitutional revisions to be published in a newspaper of general circulation in each county where a newspaper is published. The amendment or revision must be published once in the tenth week and again in the sixth week immediately preceding the week the election is held. The Division of Elections within the Department of State estimated that the average cost per word to advertise an amendment to the State Constitution is \$94.68 for this fiscal year. The division estimates the full publication costs for this joint resolution to be \$164,459.16.²²

If this joint resolution is approved by Florida voters, the Department of Revenue will have a minimal cost associated with amending Rule 12D-8.0062, F.A.C.

VI. Technical Deficiencies:

None.

VII. Related Issues:

If this joint resolution is approved by Florida voters and enacted into law, similar provisions will likely be proposed for the assessment limitations provided in subsections 4(g) and (h), Art. VII, of the State Constitution.²³

Section 4(g), Art. VII, State Constitution, provides that for all levies other than school levies, the assessed value of residential real property containing nine or fewer units may not be increased annually by more than 10 percent of the assessment in the prior year.

Section 4(h), Art. VII, State Constitution, provides that for all levies other than school levies, the assessed value of real property not subject to limitations in other provisions of the constitution may not be increased annually by more than 10 percent of the assessment in the prior year.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

²² Department of State, *Senate Joint Resolution 718 Fiscal Analysis* (Jan. 6, 2010) (on file with the Senate Committee on Community Affairs).

²³ Sections 4(g) and (h), Art. VII, State Constitution, were created in January 2008, when Florida electors approved Amendment 1 to provide an assessment limitation for residential real property containing nine or fewer units, and for all real property not subject to other specified classes or uses.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Education Pre-K-12 Appropriations Committee

BILL: CS/SB 896

INTRODUCER: Health Regulation Committee and Senators Peaden and others

SUBJECT: Students with Diabetes

DATE: April 13, 2010 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Harkey	Matthews	ED	Fav/1 amendment
2.	Harper	Wilson	HR	Fav/CS
3.	Armstrong	Hamon <i>K.W.H.</i>	EA	Pre-meeting
4.				
5.				
6.				

Please see Section VIII. for Additional Information:

A. COMMITTEE SUBSTITUTE..... Statement of Substantial Changes

B. AMENDMENTS..... Technical amendments were recommended

Amendments were recommended

Significant amendments were recommended

I. Summary:

This bill requires each public and private school in Florida in which a student with diabetes is enrolled to have at least three trained employees to provide medical management and care to the student. The Department of Health (DOH) is required to adopt by rule guidelines for diabetes care training by August 1, 2010. The bill specifies the elements of training, required care, and reporting requirements. The bill provides immunity from civil liability for a physician, nurse, school employee, or school district that carries out the activities authorized by the bill.

This bill creates an undesignated section of law.

II. Present Situation:

Growing Prevalence of Diabetes

Diabetes is a disease associated with high levels of blood glucose resulting from defects in insulin production that causes sugar to build up in the body. It is the seventh leading cause of death in the country and can cause serious health complications including heart disease,

blindness, kidney failure, and lower-extremity amputations.¹ The term “diabetes” often refers to either Type 1 diabetes or Type 2 diabetes. Type 1 diabetes more often affects children and young adults, and was previously called “juvenile-onset diabetes.” Type 2 diabetes accounts for 90 to 95 percent of all diagnosed cases of diabetes in adults, and was previously called “adult-onset diabetes.” Type 2 diabetes tends to be associated with older age, obesity, physical inactivity, and race/ethnicity. Type 2 diabetes in children and adolescents, although still rare, is being diagnosed more frequently among American Indians, African Americans, Hispanic/Latino Americans, and Asians/Pacific Islanders.²

According to the Centers for Disease Control and Prevention (CDC), in 2007 there were 23.6 million people (7.8 percent of the population) who had diabetes and the overall prevalence of the disease is rising.³ In 2008, the number of people with diabetes increased to 24 million.⁴ In the state of Florida, 8.1 to 9.1 percent of adults had diabetes in 2008.⁵ The CDC reported that in 2007, about 186,300 people younger than 20 years had diabetes, which represents 0.2 percent of all people in this age group.⁶

Students who have Diabetes in Florida

According to the DOH, there were 1,169 registered nurses providing oversight for 7,968 students reportedly diagnosed with diabetes in 3,658 traditional public schools (not including charter schools) in 2008-2009.

Section 1006.062, F.S., currently allows nonmedical district school board personnel to perform health-related services upon successful completion of child-specific training by a licensed health care professional—a registered nurse, advanced registered nurse practitioner, physician, or a physician assistant. All health-related procedures are required to be monitored periodically by a nurse, advanced registered nurse practitioner, physician assistant, or physician. The statute specifically authorizes monitoring blood glucose and administration of emergency injectable medication. Each school board must have written policies and procedures for the administration of prescription medications and must receive, count, and store the medication in its original container. The statute exempts the person administering the medication from civil liability.

The DOH, in cooperation with the Department of Education (DOE), local school health providers, and community stakeholders, has developed the “Nursing Guidelines for the Delegation of Care for Students with Diabetes in Florida Schools” (2003)⁷ to help ensure that

¹ U.S. Centers for Disease Control and Prevention (CDC), Press Release available at:

<http://www.cdc.gov/media/pressrel/2008/r080624.htm> (Last visited on March 25, 2010).

² CDC, “National Diabetes Fact Sheet, 2007.” Available at: http://www.cdc.gov/diabetes/pubs/pdf/ndfs_2007.pdf (Last visited on March 25, 2010).

³ CDC, “National Diabetes Fact Sheet, 2007.” Available at: http://www.cdc.gov/diabetes/pubs/pdf/ndfs_2007.pdf (Last visited on March 25, 2010).

⁴ CDC, Press Release available at: <http://www.cdc.gov/media/pressrel/2008/r080624.htm> (Last visited on March 25, 2010).

⁵ Found at: “Florida – Percentage of Adults Diagnosed with Diabetes 1984 – 2008”

<http://apps.nccd.cdc.gov/ddtstrs/Index.aspx?stateId=12&state=Florida&cat=prevalence&Data=data&view=TO&trend=prevalence&id=1> (Last visited on March 25, 2010).

⁶ CDC, “National Diabetes Fact Sheet, 2007.” Available at: http://www.cdc.gov/diabetes/pubs/pdf/ndfs_2007.pdf (Last visited on March 25, 2010).

⁷ Available at: <http://www.doh.state.fl.us/Family/school/reports/DiabetesGuidelines2003.pdf> (Last visited on March 25, 2010).

students with diabetes are provided a safe learning environment. Diabetes management means monitoring or checking blood glucose levels throughout the day, following an individualized meal plan, getting regular physical activity, and administering insulin or medications to help keep blood glucose levels in the target range and to prevent the onset of hypoglycemia or hyperglycemia.⁸ As recommended in the guidelines, all students with diabetes need an individual health care plan that includes an emergency care plan. Section 504 of the federal Rehabilitation Act of 1973⁹, requires school personnel to provide appropriate accommodations in order for students with diabetes to participate in the same academic, nonacademic, and extracurricular activities as their peers.

According to the DOE, effective school-based diabetes management requires a two-pronged approach:

- All school staff members who have contact with students with diabetes should receive training that provides a basic understanding of general diabetes management, how to identify medical emergencies related to diabetes, and whom to contact in case of an emergency.
- In addition to the above general diabetes training, certain designated school staff members should receive training from a qualified health care professional for child-specific management and emergency care in accordance with an individual health care plan so that at least one school staff member is always on campus for each student with diabetes.¹⁰

The Florida Nurse Practice Act¹¹ defines the process for delegating nursing tasks and activities, such as insulin and glucagon administration, to unlicensed assistive personnel. Since many Florida schools do not have a full-time nurse on campus, “Technical Assistance Guidelines: The Role of the Professional School Nurse in the Delegation of Care in Florida Schools” (2006)¹² has been developed by the DOH, in cooperation with the DOE, local school health providers, and community stakeholders, in order to address delegation of health care services in Florida schools to ensure the well-being and safe care of students.

In addition to the Florida Diabetes and Delegation Guidelines, the Florida School Health Administrative Guidelines (2007)¹³ provides overall policy guidance for school health administrators in Florida. Chapter 6 of the guidelines addresses the necessity for an Individual Health Care Plan (IHCP) based on the student’s medical management plan from the physician.

Section 381.0056, F.S., defines “school health services plan” as the document that describes the health services to be provided, responsibility for provision of the services, anticipated expenditures to provide the health services, and evidence of cooperative planning by school districts and county health departments. The school health services plan must include annual

⁸ National Diabetes Education Program “Helping Students with Diabetes Succeed: A Guide for School Personnel.” Available at: <<http://ndep.nih.gov/publications/OnlineVersion.aspx?NdepId=NDEP-61#page8>> (Last visited on March 25, 2010).

⁹ 29 U.S.C. Section 794

¹⁰ Department of Education SB 896 Bill Analysis, January 7, 2010. On file with the Senate Committee on Health Regulation.

¹¹ Chapter 464, F.S., and ch. 64B9-14.001-14.003, F.A.C.

¹² Found at: <http://www.doh.state.fl.us/Family/school/attachments/Documents/TA_guidelines.html> (Last visited on March 25, 2010).

¹³ Available at: <http://www.doh.state.fl.us/Family/school/attachments/sh_index.htm#Administrative%20Guidelines> (Last visited on March 25, 2010).

notification to the local nonpublic schools of the opportunity for representatives of these schools to voluntarily participate in the school health services program.

III. **Effect of Proposed Changes:**

The bill provides whereas clauses describing the health significance of diabetes, and providing reasons for legislative action.

The bill defines the following terms:

“Diabetes medical management plan” means a document developed by the student’s personal health care professional which sets out the health services needed by the student at school and is signed by the student’s personal health care professional and parent or legal guardian.

“Glucagon” means a hormone that immediately raises blood glucose levels for severe hypoglycemia.

“School” means any primary or secondary public school, charter school, or private school located within the state.

“School employee” means a person employed by: a school; a local health department that assists a school under this section; or, another entity with which a school has contracted to perform its duties under this section.

“Trained diabetes personnel” means a group of school employees who volunteer and have successfully completed the training required under subsection (3). Such employee need not be a health care professional.

Required Training

The bill requires annual training of at least three school employees at each public school, charter school, or private school attended by a student who has diabetes. The bill also requires training for bus drivers who are responsible for the transportation of a diabetic student. The training must be coordinated by a school nurse or other health care professional and must include instruction in:

- Recognizing and treating hypoglycemia and hyperglycemia;
- Understanding the appropriate actions to take when blood glucose levels are outside of target ranges;
- Understanding the instructions from the student’s personal health care professional concerning drug dosage, amount and the manner of administration of the student’s medication;
- Performing finger sticks to check blood-glucose levels, checking urine ketone levels, and recording the results;
- Administering glucagon and insulin and recording the doses;
- Understanding how to perform basic insulin pump functions;
- Recognizing complications that require emergency assistance;
- Understanding the recommended schedules for food intake, the effect of physical activity upon blood-glucose levels, and the proper actions to be taken if the student’s schedule is disrupted; and

- Understanding and operating glucose monitors.

The bill requires that the training take place before the commencement of each school year, or as needed when a student who has diabetes is newly enrolled at a school or a student is newly diagnosed with diabetes. The school nurse is required to provide follow-up training and supervision.

DOH Rules

The bill requires the DOH to adopt, by rule, guidelines by August 1, 2010. The guidelines must be developed with the assistance of the DOE, American Diabetes Association, American Association of Diabetes Educators, and the Florida Association of School Nurses.

Required Care

If a student's parent submits the student's diabetes medical management plan to the school, the school nurse or trained diabetes personnel must implement the plan including blood glucose monitoring, insulin injections, diabetes medication, dietary management, and physical activity. The bill would permit student self-management of diabetes upon written parental request and authorization by the student's diabetes medical management plan. This bill's requirement for a diabetes medical management plan does not reference the IHCP and appears to require a separate disease-specific plan for students with diabetes. The school nurse or trained diabetes personnel must be onsite and available to provide care during school, extracurricular activities, and during bus transportation when the bus driver has not completed diabetes training. The bill prohibits assigning a student to a particular school based on the availability of a nurse or trained diabetes personnel.

Activities of Nurses and Unlicensed Personnel

The bill stipulates that the required diabetes care activities do not constitute the practice of nursing and are exempt from any applicable state law or rule that restricts activities that may be delegated to, or performed by unlicensed personnel. This bill references "school nurse" but does not specify the level of practice. According to the DOH, requirements for nursing scope of practice are established by the Nurse Practice Act (ch. 464, F.S.). Only a registered nurse has the authority to perform acts requiring specialized knowledge and judgment, delegation, supervision, and to provide training. This includes many of the tasks related to student diabetes care contained in this bill. A licensed practical nurse may perform selected acts under the direction of a registered nurse or other specified licensed providers. In addition, nursing practice guidelines agree that it is the registered nurse that meets the necessary requirements to ensure student safety in these independent practice settings.

Immunity from Civil Liability

The bill provides that a physician, nurse, school employee, or school district is not liable for civil damages or subject to disciplinary action under professional licensing rules or school disciplinary policies as a result of the activities authorized by this bill, when such acts are committed as an ordinarily reasonably prudent person would have acted under the same or similar circumstances. The bill does not extend immunity from civil liability to a charter school or private school.

Reporting Requirements

The bill requires each district school board, and the governing board of each charter school and private school, to submit annual reports beginning by August 15, 2011 to the DOE showing compliance with the requirements of the bill. The bill does not provide a penalty for noncompliance. The report must be in accordance with the federal Family Educational Rights and Privacy Act, 20 U.S.C. s. 1232g.

The bill provides an effective date of July 1, 2010.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

The provisions of this bill have no impact on municipalities and the counties under the requirements of Article VII, Section 18 of the Florida Constitution.

B. Public Records/Open Meetings Issues:

The provisions of this bill have no impact on public records or open meetings issues under the requirements of Article I, Section 24(a) and (b) of the Florida Constitution.

C. Trust Funds Restrictions:

The provisions of this bill have no impact on the trust fund restrictions under the requirements of Article III, Subsection 19(f) of the Florida Constitution.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

Private schools that educate students with diabetes may have costs associated with training and reporting as a result of the requirements in the bill.

C. Government Sector Impact:

According to the DOE, the cost is indeterminate. The cost of training three employees at each school having a student with diabetes could potentially impact all 2,866 traditional public schools and 412 charter schools. It is unknown how many of the 15,288 permanent and 1,520 substitute bus drivers will have to be trained; however, it is possible that most drivers will require training. District school boards and charter school governing bodies would incur annual costs to report compliance.

The DOE will incur costs associated with collecting reports from school districts, charter school governing bodies, and private schools regarding compliance with the provisions of

the bill. In addition, the Department of Health will incur costs for developing guidelines for training and associated rule making.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Health Regulation on March 26, 2010:

This Committee Substitute clarifies that bus drivers who are responsible for the transportation of students who have diabetes are to be trained in the recognition of hypoglycemia and hyperglycemia and in actions to take in response to emergency situations.

- B. **Amendments:**

None.



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LEGISLATIVE ACTION

Senate	.	House
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EDUCATION PRE K-12 APPROPRIATIONS

DATE: 4/16/10
TIME: 8:45 a.m.

The Committee on Education Pre-K - 12 Appropriations (Siplin) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Subsection (3) of section 385.203, Florida Statutes, is amended to read:

385.203 Diabetes Advisory Council; creation; function; membership.—

(3) The council shall be composed of 26 ~~25~~ citizens of the state who have knowledge of, or work in, the area of diabetes mellitus as follows:

(a) Five interested citizens, three of whom are affected by



969476

13 diabetes.

14 (b) Twenty-one ~~Twenty~~ members, who must include one
15 representative from each of the following areas: nursing with
16 diabetes-educator certification; dietary with diabetes educator
17 certification; podiatry; ophthalmology or optometry; psychology;
18 pharmacy; adult endocrinology; pediatric endocrinology; the
19 American Diabetes Association (ADA); the Juvenile Diabetes
20 Foundation (JDF); the Florida Academy of Family Physicians; a
21 community health center; a county health department; an American
22 Diabetes Association recognized community education program;
23 each medical school in the state; an osteopathic medical school;
24 the insurance industry; a Children's Medical Services diabetes
25 regional program; and an employer.

26 (c) One or more representatives from the Department of
27 Health, who shall serve on the council as ex officio members.

28 Section 2. Paragraph (j) is added to subsection (3) of
29 section 1002.20, Florida Statutes, to read:

30 1002.20 K-12 student and parent rights.—Parents of public
31 school students must receive accurate and timely information
32 regarding their child's academic progress and must be informed
33 of ways they can help their child to succeed in school. K-12
34 students and their parents are afforded numerous statutory
35 rights including, but not limited to, the following:

36 (3) HEALTH ISSUES.—

37 (j) Diabetes management.—A school district shall not
38 restrict the assignment of a student who has diabetes to a
39 particular school on the basis that the student has diabetes,
40 that the school does not have a full-time school nurse, or that
41 the school does not have trained diabetes personnel. Diabetic



969476

42 students whose parent and physician provide their written
43 authorization to the school principal may carry diabetic
44 supplies and equipment on their person and attend to the
45 management and care of their diabetes while in school,
46 participating in school-sponsored activities, or in transit to
47 or from school or school-sponsored activities to the extent
48 authorized by the parent and physician and within the parameters
49 set forth by State Board of Education rule. The written
50 authorization shall identify the diabetic supplies and equipment
51 that the student is authorized to carry and shall describe the
52 activities the child is capable of performing without
53 assistance, such as performing blood-glucose level checks and
54 urine ketone testing, administering insulin through the insulin-
55 delivery system used by the student, and treating hypoglycemia
56 and hyperglycemia. The State Board of Education, in cooperation
57 with the Department of Health, shall adopt rules to ensure every
58 school in which a student with diabetes is enrolled to have
59 personnel trained in routine and emergency diabetes care. The
60 State Board of Education, in cooperation with the Department of
61 Health, shall also adopt rules for the management and care of
62 diabetes by students in schools that include provisions to
63 protect the safety of all students from the misuse or abuse of
64 diabetic supplies or equipment. A school district, county health
65 department, and public-private partner, and the employees and
66 volunteers of those entities, shall be indemnified by the parent
67 of a student authorized to carry diabetic supplies or equipment
68 for any and all liability with respect to the student's use of
69 such supplies and equipment pursuant to this paragraph.

70 Section 3. This act shall take effect July 1, 2010.



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

And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled
An act relating to the treatment of diabetes; amending
s. 385.203, F.S.; revising the Diabetes Advisory
Council membership; amending s. 1002.20, F.S.;
prohibiting school districts from restricting the
assignment of diabetic students to certain schools for
certain reasons; authorizing a student to manage
diabetes while at school, at school-sponsored
activities, or in transit to or from school or school-
sponsored activities with written authorization from
the parent and physician; requiring the State Board of
Education to adopt rules; providing for
indemnification of specified employees, volunteers,
and entities; providing an effective date.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Education Pre-K - 12 Appropriations Committee

BILL: CS/SB 2262

INTRODUCER: Education Pre-K - 12 Committee and Senator Thrasher

SUBJECT: Education/Virtual School

DATE: April 15, 2010 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	deMarsh, Mathues	Matthews	ED	Fav/CS
2.	Armstrong	Hamon <i>K.W.H.</i>	EA	Pre-meeting
3.				
4.				
5.				
6.				

Please see Section VIII. for Additional Information:	
A. COMMITTEE SUBSTITUTE.....	<input checked="" type="checkbox"/> Statement of Substantial Changes
B. AMENDMENTS.....	<input type="checkbox"/> Technical amendments were recommended
	<input type="checkbox"/> Amendments were recommended
	<input type="checkbox"/> Significant amendments were recommended

I. Summary:

The bill authorizes the establishment of charter virtual schools.

The bill permits an approved provider of virtual instruction that has a district-approved charter to establish a charter virtual school and provide virtual instruction to students who reside in the district in which the charter is granted.

Charter virtual schools are subject to the same requirements as other providers in the district virtual instruction program (VIP) with respect to definitions, provider qualifications, virtual instruction, contract requirements, student participation, and assessment and accountability.

The bill provides for funding for a charter virtual school, reporting full-time equivalent (FTE) students through the Florida Education Finance Program (FEFP), and an annual allocation for operations. Under the bill, a charter virtual school will receive an allocation that is equivalent to the funds per unweighted student for the Florida Virtual School (FLVS).

This bill creates section 1002.46 of the Florida Statutes.

II. Present Situation:

Florida Virtual Instruction

A virtual instruction program is instruction provided in an interactive learning environment created through technology in which students are separated from their teachers by time or space, or both.¹ Virtual courses may be offered on a part-time or full-time basis. A Florida certified teacher is responsible for at least 50 percent of the direct instruction to students in kindergarten through grade 5 or 80 percent of the direct instruction to students in grades 6 through 12.²

Types of Virtual Instruction Programs Offered in Florida

Florida currently offers three virtual instruction programs:

- The school district virtual instruction program (VIP) provides full-time virtual courses for students in kindergarten through grade twelve and full-time or part-time courses for students enrolled in dropout prevention and academic intervention programs or Department of Juvenile Justice (DJJ) education programs in grades nine through 12.³
- The Florida Virtual School (FLVS) provides virtual education courses to students in grades six through 12 and through district franchise programs.⁴
- The statewide K-8 Virtual School program provides a full-time virtual instruction program to eligible students in kindergarten through grade eight.⁵ This program is currently being phased-out and incorporated into the VIP program.⁶ Existing students are allowed to complete the program.⁷

School District Virtual Instruction Program (VIP)

Virtual instruction programs are a component of the K-20 public education system.⁸ District programs are included among the public school choice options available to parents and students.⁹ In 2008, the Legislature required each school district to establish its own virtual instruction program by the 2009-2010 school year.¹⁰ Districts were authorized, but not required, to offer a virtual instruction program for the 2008-2009 school year.¹¹

*Student Eligibility*¹²

Enrollment in a school district virtual instruction program is open to any student residing in the district who meets at least one of the following conditions:

¹ ch. 2009-59, L.O.F., codified in s. 1002.45 (1)(a)2., F.S.

² s. 1002.45(1)(a)2., F.S.

³ s. 1002.45(1)(b), F.S.

⁴ ss. 1002.37 and 1011.61(1)(c) 1.b.(V), F.S.

⁵ Until 2009-2010, the K-8 Virtual School program was funded by a specific line-item appropriation in the General Appropriations Act (GAA). Proviso set forth the amount authorized per full-time equivalent student. Chapter 2006-48, L.O.F., established the statutory framework for the program, which was codified in s. 1002.415, F.S.

⁶ Phase-out proviso language is incorporated into the FEFP line-item in the 2009-2010 GAA (Specific Appropriations 5A and 76, s. 1, ch. 2009-81, L.O.F.)

⁷ s. 1002.45(5)(c), F.S.

⁸ s. 1000.04(1), F.S.

⁹ s. 1002.20(6)(a) and 1002.31(2), F.S.

¹⁰ s. 4, ch. 2008-147, L.O.F.

¹¹ s. 1002.45(11), F.S. (2008). The school district virtual instruction program was further modified by ch. 2009-59, L.O.F.

¹² s. 1002.45(5), F.S.

- The student attended a Florida public school during the prior year and was reported for funding during the October and February Florida Education Finance Program (FEFP) surveys.
- The student is the dependent child of a member of the military who transfers into Florida with his or her parent from another state or country within 12 months of seeking enrollment in a district virtual instruction program.
- The student was enrolled in a district virtual instruction program¹³ or K-8 Virtual School program during the prior school year.

Participating students must comply with the compulsory school attendance requirements which must be verified by the district. Students must also participate in the state assessment program.¹⁴

Eligible Providers¹⁵

Each school district may:

- Contract with one or more virtual instruction providers approved by the DOE;
- Contract with the FLVS;
- Establish a franchise of the FLVS; or
- Participate in multi-district agreements to provide virtual instruction services.

Multidistrict agreements may be executed by regional consortiums on behalf of their member districts.¹⁶ A charter school may enter a joint agreement with the school district in which it is located to have its students participate in the district's program.¹⁷

Annually, the DOE must provide school districts with a list of providers approved to offer virtual instruction programs.¹⁸ The law grants approved-provider status to the FLVS. To obtain DOE approval, a private provider of virtual instruction programs must document that it:¹⁹

- Is nonsectarian in its programs, admission policies, employment practices, and operations;
- Complies with statutory antidiscrimination provisions;
- Locates its administrative offices in the state;
- Requires all administrative personnel to be Florida residents;
- Requires all instructional staff to be Florida-certified teachers;
- Subjects all employees or contract personnel to background screening;
- Has prior successful experience offering online courses to K-12 students; and
- Is accredited by a specific entity.²⁰

¹³ In 2008-2009, eligibility at the high school level was limited to the DJJ programs, dropout prevention programs, and career and vocational programs. *See* s. 1002.45(7)(c), F.S. (2008).

¹⁴ s. 1002.45(6), F.S.

¹⁵ s. 1002.45(1)(c), F.S.

¹⁶ *Id.*

¹⁷ s. 1002.45(1)(d), F.S.

¹⁸ s. 1002.45(2), F.S.

¹⁹ *Id.* Rule 6A-8.0981, L.O.F.

²⁰ The Southern Association of Colleges and Schools Council on Accreditation and School Improvement, the North Central Association Commission on Accreditation and School Improvement, the Middle States Association of Colleges and Schools Commission on Elementary Schools and Commission on Secondary Schools, the New England Association of Schools and

On March 12, 2010, the DOE notified districts that it approved the following providers for the next three years: Advanced Academics (Grades 6-12); Educational Options, Inc. (Grades 6-12); Florida Connections Academy, L.L.C. (Grades K-12); Kaplan Virtual Education (Grades 6-12); K12 Florida, L.L.C. (Grades K-12); and National Network of Digital Schools (Grades 6-12).²¹

Program Criteria and Contract Requirements²²

Each virtual instruction program must:

- Align its curriculum and content to the Sunshine State Standards;
- Design instruction to enable students to achieve proficiency in each virtual course;
- Provide each student with all necessary instructional materials;
- Provide each full time student, when appropriate, all necessary computer equipment and access to, or reimbursement for, Internet services; and
- Not require tuition or student registration fees.

Each contract with an approved provider must at a minimum:

- Set forth a detailed curriculum plan that illustrates how students will be provided services to attain proficiency on the Sunshine State Standards;
- Provide a method for determining that a student has satisfied the requirements for graduation if the contract is for the provision of a full-time virtual instruction program to students in grades 9 through 12;
- Specify a method for resolving conflicts among the parties;
- Specify authorized reasons for termination of the contract; and
- Require the approved provider to be responsible for all debts of the school district virtual instruction program if the contract is not renewed or is terminated.

Accountability

Each provider of a school district virtual instruction program receives a school grade or a school improvement rating, as applicable.²³ A provider's school grade or school improvement rating is based upon the aggregated assessment scores of all students served by the provider statewide. The performance of part-time students in grades nine through 12 will be factored into the school grade or school improvement ratings of the student's nonvirtual school of record.²⁴

An approved provider that receives a school grade of "D" or "F" or a school improvement rating of "Declining" must file with the DOE a school improvement plan for correcting low performance. An approved provider's contract must be terminated if the provider receives a school grade of "D" or "F" or a school improvement rating of "Declining" for any two years

Colleges, the Northwest Association of Accredited Schools, the Western Association of Schools and Colleges, or the Commission on International and Trans-Regional Accreditation.

²¹ DOE, March 12, 2010. See <http://www.fldoe.org/Schools/virtual-schools/pdf/VIPApprovedProviders.pdf>. The six approved providers operate in a number of school districts: K12 Florida and Florida Connections Academy (FLVSCA) have contracts with over 40 districts each; Educational Options and Kaplan Virtual Education have contracts with fewer than five districts; and Advanced Academics has a contract with one district. CompuHigh does not have any contracts. The FLVS is also an approved provider and currently has contracts with over 50 districts.

²² s. 1002.45(3) and (4), F.S.

²³ ss. 1008.34 and 1008.341, F.S.

²⁴ s. 1002.45(8), F.S.

during a four-year period. A provider that has a contract terminated may not be an approved provider for a period of at least one year and until the DOE determines that the provider qualifies for participation in the program and has corrected each cause of the provider's low performance.²⁵

Funding

District virtual instruction programs are funded through the FEFP.²⁶ Students in full-time kindergarten through grade five programs are funded based on program completion and promotion to the next grade-level.²⁷

Full and part-time students in grades six through 12 are funded on a credit completion basis. Funding is only received if the course is successfully completed.²⁸ Six credits equal one full-time equivalent (FTE) student. Half credit completions are included in determining an FTE student.²⁹ For this program, districts may only earn one FTE per student, per school year and they are not eligible for summer school FTE funding.³⁰

If a district contracts with a provider, funding flows to the district and the provider is paid by the district pursuant to the terms of the contract.³¹ Districts may use FEFP funds to provide equipment or Internet access to students under appropriate circumstances.³²

Florida Virtual School

The FLVS is an online school offering virtual education for students in grades six through 12.³³ The FLVS may provide services to school districts under the school district virtual instruction program.³⁴ It offers more than 90 courses that include core subjects, foreign languages, electives, honors, and advanced placement.³⁵ All FLVS courses are delivered over the Internet. Students have access to these courses at any time during the day. Certified teachers guide students through these courses and communicate with them on a regular basis via phone, e-mail, instant

²⁵ *Id.*

²⁶ s. 1002.45(7), F.S.

²⁷ s. 1011.61(1)(c)1.b.(III), F.S.

²⁸ A "successful completion" for students in grades K-5 is completion of a basic education program and promotion to a higher grade level. "Successful completion" for students in grades 6-12 is based on course credits earned for high school students or course completions with a passing grade for middle school students. See DOE, *School District Virtual Instruction Program (SB 1676) Questions and Answers #1*, available at: <http://www.fldoe.org/Schools/virtual-schools/pdf/DistrictVIP-FAQ.pdf>.

²⁹ s. 1011.61(1)(c)1.b.(IV), F.S.

³⁰ DOE, Office of Funding and Financial Reporting, *FTE General Instructions (2008-2009)*, See <http://www.fldoe.org/fefp/pdf/Instructions08-09.pdf>.

³¹ DOE, *School District Virtual Instruction Program (SB 1676) Questions and Answers #1*, available at: <http://www.fldoe.org/Schools/virtual-schools/pdf/DistrictVIP-FAQ.pdf>.

³² s. 1002.45(3)(d), F.S.

³³ ss. 1002.37 and 1011.61(1)(c) 1.b.(V), F.S. In 2008, the FLVS and Connections Academy, L.L.C., formed the Florida Virtual School's Connections Academy (FLVSCA). The FLVSCA offers a full-time virtual education program to students in kindergarten through grade eight (K-8). Press Release, *Partnership Between Florida Virtual School and Connections Academy Expands Online Learning Opportunities* (August 8, 2008), See http://www.connectionsacademy.com/libraries/pdfs/2008-08-08_flvsca-florida-virtual-school-partnership.sflb.ashx.

³⁴ s. 1002.45(1)(c)1., F.S.

³⁵ Florida Virtual School, *Frequently Asked Questions: FLVS Course Questions*, available at: <http://www.fldoe.org/schools/virtual-schools/faqs.asp>.

messaging, and discussion forums.³⁶ Students must have access to a computer. Internet access is not provided by the FLVS.³⁷

The FLVS is governed by a Board of Trustees comprised of seven members appointed by the Governor to four-year staggered terms and is administratively housed within the DOE.³⁸ The school's performance is monitored by the Commissioner of Education and reported to the State Board of Education and the Legislature.³⁹ It is accredited by the Southern Association of Colleges and Schools and the Commission on International and Trans-Regional Accreditation.⁴⁰

Student Eligibility

The law requires that enrollment priority be given to students who need expanded access to courses in order to meet their educational goals, such as home education students, students in inner-city and rural high schools that do not have access to advanced courses, and students seeking accelerated access to a high school diploma.⁴¹ The FLVS does not award high school diplomas.⁴²

Funding

In the FEFP, the FLVS FTE funding is based on credit successfully completed. Credit completed by a student in excess of the minimum required for that student for high school graduation is not eligible for funding.⁴³

Six credits equal one full-time equivalent (FTE) student. A student who completes less than six credits is a fraction of an FTE student. Half-credit completions are included in determining an FTE student.⁴⁴ Each half credit successfully completed generates 0.0834 FTE.⁴⁵

School District Participation

The FLVS is available to students in all 67 Florida school districts.⁴⁶ School districts must provide students with access to FLVS courses during or after the normal school day and through summer school enrollment.⁴⁷

The FLVS Board of Trustees may enter into franchise agreements with Florida district school boards. The board establishes the criteria that define the elements of an approved franchise, the terms and conditions governing franchise agreements, and the performance and accountability

³⁶ *Id.*

³⁷ Florida Virtual School, *Hardware/Software Requirements*, See <http://www.flvs.net/areas/flvscourses/Pages/HardwareRequirements.aspx>.

³⁸ s. 1002.37(1) and (2), F.S.

³⁹ s. 1002.37(1)(a), F.S.

⁴⁰ Florida Virtual School, See <http://www.flvs.net/areas/aboutus/Pages/accreditation.aspx>.

⁴¹ s. 1002.37(1)(b), F.S.

⁴² Florida Virtual School, See <http://www.flvs.net/areas/aboutus/Pages/accreditation.aspx>.

⁴³ s. 1002.37(3)(a), F.S.

⁴⁴ ss. 1002.37(3)(a) and 1011.61(1)(c)1.b.(V), F.S.

⁴⁵ DOE, Office of Funding and Financial Reporting, *FTE General Instructions (2008-2009)*, available at: <http://www.fldoe.org/fefp/pdf/Instructions08-09.pdf>.

⁴⁶ s. 1001.42(23), F.S.

⁴⁷ s. 1001.42(23), F.S.

measures for a school district franchise.⁴⁸ The board also reports the performance of each school district franchise to the Commissioner of Education.⁴⁹

FLVS franchises are active in 17 school districts: Broward, Escambia, Flagler, Hillsborough, Levy, Marion, Miami-Dade, Nassau, Okaloosa, Osceola, Palm Beach, Pasco, Polk, Santa Rosa, Seminole, St. Johns, and Walton.⁵⁰ School districts that operate an approved FLVS franchise count FTE students for funding purposes in the FEFP.⁵¹

Charter Schools in Florida

Florida law specifies that all charter schools are considered public schools.⁵² Charter schools are formed through the creation of a new school or the conversion of an existing public school.⁵³ A charter, or the written contractual agreement between the sponsor and applicant, establishes the terms and conditions of operation.⁵⁴ According to the Department of Education (DOE), there were 118,169 students enrolled in 389 charter schools operating in the state for the 2008-2009 school year.⁵⁵

Existing charter schools are sponsored by a district school board or a state university, in which case the charter school was converted from a lab school to a charter lab school. Sponsors are responsible for monitoring the charter school, reviewing revenues and expenditures, and ensuring innovation and consistency with state education goals, including the state accountability system.⁵⁶ Charter lab school applications are subject to review by the state university in consultation with the district school board in that jurisdiction.⁵⁷ With the exception of the charter lab schools, district school boards review and approve charter school applications.⁵⁸

A sponsor must provide certain administrative and educational services to charter schools (e.g., contract management services, FTE and data reporting services, exceptional student education administration services, services related to eligibility and reporting duties required for school lunch services under the federal lunch program).⁵⁹ The sponsor may withhold up to 5 percent of the funding for the charter school for the provision of the administrative services. The law provides for the calculation of the fee.⁶⁰

⁴⁸ s. 1002.37(2)(i), F.S.

⁴⁹ s. 1002.37(2)(i), F.S.

⁵⁰ DOE, e-mail correspondence, April 12, 2010. *See also* <http://www.fldoe.org/Schools/virtual-schools/district-franchises.asp>.

⁵¹ s. 1002.37(3)(a) and (4), F.S.

⁵² s. 1002.33(1), F.S.

⁵³ *Id.*

⁵⁴ s. 1002.33(6)(i), F.S.

⁵⁵ *See* https://www.floridaschoolchoice.org/information/charter_schools/files/fast_facts_charter_schools.pdf.

⁵⁶ s. 1002.33(5)(b), F.S.

⁵⁷ s. 1002.33(6)(h), F.S.

⁵⁸ s. 1002.33(6)(b), F.S.

⁵⁹ s. 1002.33(20), F.S.

⁶⁰ *Id.*

III. Effect of Proposed Changes:

The bill permits an approved provider of virtual instruction that has a district-approved charter school agreement to establish a charter virtual school. The school will be able to enroll and provide virtual instruction to students who reside in the district in which the charter is granted.

Charter virtual schools are subject to the same requirements as other providers for the district virtual instruction program (VIP) with respect to definitions, provider qualifications, virtual instruction, contract requirements, student participation, and assessment and accountability. A charter virtual school is not required to meet the educational facilities or student transportation requirements for charter schools.

The bill provides for funding a charter virtual school through the FEFP and requires the school to report its FTE students to the school district in which the charter is granted. The FTE is reported in the same manner as other providers for the district VIP program.

For each eligible FTE reported in the FEFP, the school district will receive an annual allocation for operation which will be equivalent to the funds per unweighted student for the Florida Virtual School. This amount will be included in the basic amount for operation under the FEFP for each district; however, these payments and FTE students may not be used for any other FEFP calculation. The school district may retain an administrative fee pursuant to s. 1002.33(20)(a) prior to the distribution of funds to the charter virtual school.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill authorizes funding from the Florida Education Finance Program (FEFP) for charter virtual schools that meet the requirements of the bill. The FEFP funding allocation will be equivalent to the Florida Virtual School funds per FTE and will be provided in the basic amount for current operation with no other adjustments in the FEFP formula. Students who enroll in charter virtual schools must have been served by the school district in the prior fiscal year; therefore, no additional funds are needed for this program. There may be a savings, particularly when taking into account the reduced infrastructure needs for virtual instruction.

Like other providers in the VIP program and FLVS, funding will be based on student performance, either on credit successfully completed (VIP or FLVS) or on promotion (VIP).

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Education Pre-K – 12 Committee on April 14, 2010:

The committee substitute:

- Corrects a typographical error.

B. Amendments:

None.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

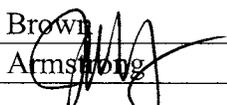
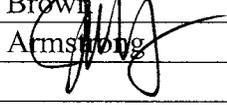
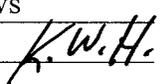
Prepared By: The Professional Staff of the Education Pre-K - 12 Appropriations Committee

BILL: SB 2356

INTRODUCER: Senator Sobel

SUBJECT: Educational Plant Surveys

DATE: April 14, 2010 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Brown 	Matthews	ED	Favorable
2.	Armstrong 	Hamon 	EA	Pre-meeting
3.	_____	_____	WPSC	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

This bill provides an extension of up to 180 days to school districts for submission of educational plant surveys. Requests for extension must be made by a district school superintendent to the Department of Education no later than 90 days before the submission deadline, and are limited to four consecutive extensions per survey. This bill specifies requirements for request content. The Department is required to develop and provide the application for request for extension.

During an extension, this bill prohibits school districts from contracting for new construction projects, except for local bonded projects and those funded by voter-approved, one-half-cent sales surtax for public school capital outlay monies.

The State Board of Education is authorized to adopt rules.

This bill substantially amends section 1013.31, of the Florida Statutes.

II. Present Situation:

Educational Plant Surveys

Section 1013.31, F.S., requires school districts to provide for educational plant surveys at least once every five years. These surveys are required prior to the expenditure of Public Education Capital outlay (PECO), Lottery, or Capital Outlay and Debt Service funds.¹

¹ s. 1013.31(1), F.S.

Surveys must be conducted by the local school boards themselves, or an agency employed by the board. Areas to be addressed in the surveys include:

- An inventory of existing educational and ancillary plants;
- Recommendations for existing and new educational plants;
- The use of school plants based on an extended school day or year-round operation; and
- Other needs as determined by the Department of Education.²

After completion, surveys must be reviewed and approved by the board, with a copy submitted to the Department of Education.³

The school district's survey must be submitted as part of the overall district educational facilities plan.⁴ The district educational facilities plan, provided in s. 1013.35, F.S., represents a long-range plan for facility needs over five, 10, and 20 year periods, through a coordinated approach with local government. The plan generally provides estimates for new school needs based on projected student population, an inventory of existing schools, and alternative options to reduce the need for additional permanent student stations.⁵

OPPAGA Study

OPPAGA recently published a report on current authority for granting extensions for educational plant surveys.⁶ The report indicated that state law does not include express criteria for evaluating district requests to extend deadlines for school district educational plant surveys. However, s. 1001.42(13)(b), F.S., does grant general authority to the Department of Education (Department) to withhold salaries of district superintendents who fail to file required reports within the specified period. The Department has not used this option and typically grants the request for extension instead.

OPPAGA notes that the pool of school districts that fail to submit educational plant surveys timely is relatively small. In the last five-year period, the Department has either accepted a late submission or granted an extension for submission from five school districts. These were Broward, Duval, Highlands, Pinellas, and Polk counties. Of these, Broward County received the most extensions, which were two six-month extensions and a one-year extension.⁷

The Department indicates that late educational plant surveys may result in unnecessary construction, as follows:

....delays in submitting...surveys...may enable a school district to circumvent the state-level review and approval process prior to beginning a major construction project....For example, during its extension period,

² s. 1013.31(1)(a), F.S.

³ *Id.*

⁴ s. 1013.31(1)(b)1., F.S.

⁵ s. 1013.35(2)(a), F.S.

⁶ *The Criteria Used to Grant Extensions for Educational Plant Surveys Should Be Clarified*, Research Memorandum, OPPAGA (February 12, 2010).

⁷ *Id.* at 2.

the Broward County School Board began constructing several new schools and upgrading existing schools based on outdated survey data that was seven years old. The department reports that in May 2009, it received and approved Broward's new...survey but could not halt several construction projects that the district began during the extension period, even though the department deemed these projects to be unnecessary based on the new survey data. Broward County currently has 32,000 excess student stations.⁸

Based on these findings, OPPAGA recommends a more formal criteria approval process, and a statutory prohibition on new project construction during an extension period.

III. Effect of Proposed Changes:

This bill provides an extension of up to 180 days to school districts for submission of educational plant surveys. Requests for extension must be made by a district school superintendent to the Department of Education no later than 90 days before the submission deadline, and are limited to four consecutive extensions per survey. This bill specifies requirements for request content. The Department is required to develop and provide the application for request for extension.

During an extension, this bill prohibits school districts from contracting for new construction projects, except for local bonded projects and those funded by voter-approved, one-half-cent sales surtax for public school capital outlay monies.

The prohibition on new project construction during the duration of the extension may prevent unnecessary construction. It is unclear whether an extension can be requested based upon the rejection of an earlier request.

The State Board of Education is authorized to adopt rules.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

⁸ *Id.*

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Department of Education will incur a minimal level of cost to develop a rule to create the application form and adopt criteria for evaluating applications for extensions.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

II. Present Situation:

Currently, school districts are funded through both local and state dollars. Local dollars are provided through ad valorem, or property tax, collections.

State dollars are allocated to school districts through the Florida Education Finance Program (FEFP).¹ The calculation of the FEFP is adjusted by a variable known as a district cost differential (DCD), based on the Florida Price Level Index for School Personnel (FPLI).² The index is explained as follows:

The index uses extensive data on wages, occupational location, and the prices of goods and services to estimate the relative wage level needed to maintain a given standard of living for occupations comparable to school personnel across Florida's counties.³

The district cost differential is calculated annually by adding each district's price level index as published in Florida Price Level Index for the most recent 3 years and dividing by 3. The result for each district shall be multiplied by 0.008 and to the resulting product shall be added 0.200; the sum thus obtained shall be the cost differential for that district for that year.⁴ Therefore, the DCD slightly shifts every year, based on the updated 3 year average. For example, each district's price level index as published in 2007, 2008, and 2009 are used to calculate each district's 2009-2010 district cost differential.

The legitimacy of the FPLI as an accurate measure of relative wages was challenged in the case of The School Board of Miami-Dade County v. James E. King, Jr.⁵ In this case, a few school boards around the state alleged that the 2004-2005 General Appropriations Act violated Section 1, Article 9 of the State Constitution. In addition to bringing suit against the Department of Education, the State Board of Education, and the Florida Legislature, various school boards joined the case as defendants. The plaintiff school boards argued that the use of the recently amended FPLI in the FEFP violated the state's constitutional obligation to adequately provide for a uniform system of free public schools. At issue in the case was the finding of a 2003 FPLI report, which recommended that the wage index be added to the FPLI as a factor in calculating personnel costs.⁶ The Legislature adopted this suggestion, which resulted in the General Appropriations Act providing increases in funding to some counties, at the expense of concurrent decreases in other counties.⁷ The District Court of Appeal decided this case on other grounds ("We consider the holding in this case to be that no private cause of action exists for the enforcement of Article IX, section I, against *individual school boards*..."), and the court did not

¹ s. 1011.62, F.S.

² The FPLI is published annually by the Bureau of Economic and Business Research at the University of Florida, Gainesville, Florida. The latest FPLI can be viewed at: <http://www.bebr.ufl.edu/category/subject-index/publications/florida-price-level-index-fpli>. Last checked March 18, 2010.

³ James F. Dewey, David A. Denslow and Babak T. Lotfinia, *2009 Florida Price Level Index*, pg. 2, Bureau of Economic and Business Research, University of Florida (2010).

⁴ s. 1011.62(2), F.S.

⁵ 940 So.2d 593 (Fla. 1st DCA 2006).

⁶ *Id.* at 596.

⁷ *Id.* Leon, Duval, Gadsden, and Nassau counties received the largest increases in funding (up to 5.4 percent) and Monroe, Miami-Dade, and Broward counties incurred the biggest decreases (up to 7.6 percent).

invalidate the use of the FPLI.⁸ The Florida Supreme Court subsequently denied review of the case.⁹

III. Effect of Proposed Changes:

The bill requires the Department of Education to contract with a qualified out-of-state postsecondary educational institution to analyze the state's current school district cost differential index and to develop a cost-of-education index that focuses on the cost differences integral to K-12 public school district operations.

For purposes of the study, the cost-of-education index shall be a tool used to adjust state education calculations to compensate for regional variations in costs of education beyond the control of the school districts and may include, but not limited to, costs for teacher salaries, employee health insurance, property insurance and student transportation costs.

The Department is required to provide the final report to the Senate President, the Speaker of the House of Representatives, and the Governor by January 1, 2011.

The Department is provided little direction regarding the commissioning of this study.

Chapter 287, F.S., subjects state agencies to state procurement and competitive bid law. A contractual service is defined to include "research and development studies or reports on the findings of consultants engaged thereunder" by independent contractors.¹⁰ The bill does not specify whether compensation would be offered to the entity conducting the study, and if that individual would provide this service as an independent contractor. In the event that the Department does commission a study for compensation with an independent contractor, as a qualifying state agency, it appears that the Department would be subject to state purchasing requirements regarding the competitive bid process.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

⁸ *Id.* at 603.

⁹ 954 So.2d 1156 (Table).

¹⁰ s. 287.012(9), F.S.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Senate Bill 2700, the General Appropriations Bill for fiscal year 2010-2011, provides a maximum of \$100,000 from the Contracted Services category, Specific Appropriation 123, for the Department of Education to contract with an entity located outside the state of Florida to conduct a study of the Florida Education Finance Program. The study will review the current formula and the funding equity among districts with the purpose of recommending improvements. This appropriation and the proviso language is provided to meet the requirements of the bill.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.