

1998 END OF SESSION SUMMARY

ACADEMIC EXCELLENCE COUNCIL

Bills that Passed Both Houses

CS/HB 161--Education Paraprofessionals

by the Committee on Education K-12 and Representative Dennis (SB 1874 by Senator Turner)

Enhances career development opportunities for teacher aides in the following ways:

- Amends sections of statute to replace the term "teacher aide" with "education paraprofessional."
- Creates s. 231.143, F.S., authorizing school districts to adopt a voluntary career development program for education paraprofessionals which includes five career development levels with differing qualifications.

In addition, the bill specifies duties which education paraprofessionals may not perform.

The effective date of this bill is July 1, 1998.

HB 367--Florida Maximum Class Size Study Act

by Representative Rayson and Others (CS/SB 1374 by Senator Campbell)

Creates the Florida Maximum Class Size Study Act. Requires each school district using class size reduction appropriated funds for the 1998-1999 school year to reduce the teacher-to-student ratio to 1:20 in at least one elementary school in kindergarten through grade three. If the district has a critically low-performing elementary school, the low-performing school must be selected for the funds and the teacher-to-student ratio to be achieved for that school is 1:15.

- Provides that if the district has more than one critically low-performing elementary school, selection of the school will be by lot.
- Requires Department of Education to conduct a study of the efficacy of these class size reductions at the end of the 1998-1999 school year.
- Provides a legislative and school district goal to reduce kindergarten through grade three class sizes to 20 students, except that in critically low-performing schools, the goal is a class size of 15 students for grades kindergarten through grade three.
- Provides first priority for critically low-performing schools; second priority for grades kindergarten and grade one; and third priority for grades two and three.
- Encourages school districts to install character development programs in elementary schools.

The effective date of this bill is July 1, 1998.

HB 755--State University System/Board of Regents

by Representatives Constantine, Turnbull and Others (CS/CS/SB 1358 by Senate Ways & Means, Senate Education, Senators Grant, Kirkpatrick and Others)

- Provides additional administrative flexibility to State University System (SUS) institutions in the following areas:
 1. Deletes the SUS reporting requirements for Other Personnel Services (OPS) employees.
 2. Requires SUS accountability reports to reflect the performance measures defined through Performance Based Program Budgeting.
 3. Authorizes the SUS to administer its own purchasing programs and increases from \$500,000 to \$1,000,000 the threshold requiring Board of Regents (BOR) approval to purchase goods and equipment.
 4. Allows university presidents to adjust property records.
 5. Permits the SUS to expedite the acquisition of land.
- Modifies provisions relating to SUS and Community College System equity accountability programs. Defines “appropriate representation” of women and minorities as equal to comparable national standards; requires each university and community college to plan annually to achieve appropriate representation; modifies the annual equity report; and, requires a corrective plan in any year in which prior year goals were not achieved.
- Establishes a regional autism center at the University of Central Florida bringing the number of centers in the state to six. The other centers are located at Florida State University, the University of Florida, the University of Florida Health Science Center at Jacksonville, the University of South Florida, and the University of Miami. The new center will serve Broward, Lake, Orange, Osceola, Seminole, Sumter, and Volusia counties.
- Modifies provisions relating to funding for joint use facilities.
- Classifies certain members of the Canadian military as residents for tuition purposes.
- Provides that the 5% restriction on overhead or other indirect costs does not apply to contracts or subcontracts between state universities, between community colleges, or between state universities and community colleges.
- Permits the BOR Foundation to participate in the Trust Fund for Major Gifts Program.
- Repeals obsolete or redundant rule-making requirements.
- Requires legislative review for the deposit of certain funds outside the State Treasury.
- Authorizes the State Board of Administration to invest funds appropriated for the purpose of providing Ethics in Business Scholarships for community colleges and private universities.
- Creates the Leadership Board for Applied Research and Public Service (staffed by FSU) and provides a \$450,000 recurring appropriation.

- Provides \$250,000 funding for the State Agency Dispute Resolution Demonstration Project at FSU.

The effective date of this bill is July 1, 1998.

**CS/HB 921--Schools/Education Programs/Funds
by the Committee on Education K-12, Representative Boyd and Others** (SB 174 by Senator Kirkpatrick)

Provides that each district must allocate at least 80 percent of the funds appropriated for advanced placement instruction to the high school that generates the funds.

The effective date of this bill is July 1, 1998.

**CS/CS/HB 1793--Nonprofit Private Schools
by the Committee on General Government Appropriations, the Committee on Education Innovation, Representative Wise and Others** (SB 1896 by Senator Scott and Others)

Amends the *Florida Industrial Development Financing Act* and the *Private School Corporation Law of 1959* to allow the issuance of bonds to help finance the cost of purchase or construction of property used for, or useful in, the operation of any nonprofit private school established pursuant to Florida Statute or the United States Internal Revenue Code.

- Allows nonprofit private preschool, kindergarten, primary, and secondary schools to access the federal tax-exempt bond market through Florida Industrial Development Financing Act.
- Precludes the state, a local agency/authority, or any political subdivision of the state from pledging its faith and credit to support debt issued through Florida Industrial Development Financing Act.

The effective date of this bill is upon becoming a law.

**CS/HB 1797--High School Graduation Requirements
by the Committee on Education K-12 and Representative Warner** (The following provisions of this bill passed as CS/SB 706 by Senate Education Committee and Senator Sullivan)

Revises high school graduation requirements in the following ways:

- Provides that upon meeting either the state-required 24 academic credits or an International Baccalaureate curriculum a student may request a diploma, and shall be awarded the diploma upon such request. Once a student has met the credit or curriculum requirements, the student is not precluded from remaining in school to earn additional credits.
- Requires a student to provide notice to the school board prior to the start of the semester in which the graduation requirements would be completed.
- Requires that a student who earns 24 credits and graduates early must be at least 16 years old.

- States that subject to the completion of the 24 required credits or an International Baccalaureate curriculum, district school boards are authorized to establish requirements for high school graduation in excess of the minimum requirements by increasing the required academic courses and decreasing the number of elective credits proportionately.
- Permits district school boards to establish academic credit requirements in excess of 24 credits for academy, magnet, or other special courses of study programs which students may voluntarily enter and agree to the excess requirements.
- Requires public schools to assist academically qualified and motivated students to graduate early from high school and provides partial funding to districts, by formula, for students who graduate early.
- Permits participation in interscholastic sports at the junior varsity or varsity level for two full seasons to satisfy the one-half credit in physical education, provided the student passes a competency test on personal fitness with a score of a “C” or better. The school board may not require that the one-half credit in physical education be taken during the 9th grade year.

The effective date of this bill is July 1, 1998.

**HB 1901 (PCB EI 97-01)--Jobs for Florida’s Graduates
by the Committee on Education Innovation, Representative Melvin and Others (CS/SB 1736 by Senate Education and Senator Horne)**

Creates a school-to-work program to be known as “Jobs for Florida’s Graduates Act” to encourage public and private support to enhance students’ transition from school to work.

- Provides for operation of Jobs for Florida’s Graduates in accordance with the process and outcome standards of Jobs for America’s Graduates, Inc. (JAG).
- Creates a foundation as a direct support organization of the Department of Education.
- Provides performance criteria to be met within specific time frames.
- Requires annual auditing and reporting and a longitudinal study.
- Establishes an apprenticeship program at Okaloosa-Walton Community College.
- Provides that staff positions will not be state employee positions.

The effective date of this bill is July 1, 1998.

**HB 1945 (PCB EI 97-02)--Public Records/Graduates Program
by the Committee on Education Innovation, Representative Melvin and Others (SB 1738 by Senator Horne)**

Provides an exemption from the public records requirements.

- Prohibits release of information which identifies a person who responds to a marketing

project conducted by the Florida Endowment Foundation for Florida's Graduates, a not-for-profit organization.

- Protects donors from solicitations from other organizations or individuals.

The effective date of this bill is contingent upon the passage and enactment date of HB 1901.

CS/HB 3063--Educational Facilities/Contractors

by the Committee on Governmental Operations and Representative Lacasa (The following provisions of this bill passed as CS/SB 482 by Senate Regulated Industries and Senator Rossin)

Requires the prequalification for bidders for construction of educational facilities if the bidder process is used.

- Requires bids on all construction and capital improvement to include evidence that either the bidder holds an appropriate certificate or license, or the prime contractor has a current valid license prior to the bid award.
- Repeals provisions that precluded district school boards and community college boards from prequalifying state certified electrical contractors, alarm system contractors, and fire protection system contractors.
- Continues current law as to when and under what circumstances the bidding process is used; but requires that, if the bidding process is used, bidders be prequalified.
- Aids in elimination of unqualified or irresponsible bidders in order to help reduce construction costs and improve the quality of educational facilities.

The effective date of this bill is July 1, 1998.

HB 3205--National Guard Tuition Assistance Program

by Representative Wiles and Others (SB 534 by Senator Kirkpatrick)

Permits eligibility for members of the Florida National Guard enlisted after June 30, 1997, to receive an exemption of at least one-half of tuition and fees. This provides an educational safety net in the event that an appropriation providing for a full cost exemption is not made.

The effective date of this bill is upon becoming a law.

CS/CS/HB 3351--Corporate Income Tax

by the Committees on Finance & Tax, Colleges & Universities, Representative Fasano and Others (CS/CS/SB 742 by Senate Education, Senate Commerce & Economic Opportunities, Senator Clary and Others)

Provides a tax exemption, under certain conditions, for corporations entering into a sponsored research contract with certain postsecondary institutions after July 1, 1998.

- Requires the sponsored research contracts to be conducted in conjunction with and through either a state university or a nonpublic university that is chartered in Florida and authorized to offer professional programs or graduate programs at the doctoral level.
- Revises provisions which provide for apportionment of adjusted federal income for corporate income tax purposes.
- Amends property factor fraction to exclude property certified to the Department of Revenue by the Board of Regents (BOR) or by the president of a nonpublic institution as dedicated solely to research and development activities performed pursuant to sponsored research through a state university or private postsecondary institution.
- Amends the payroll factor fraction to exclude compensation paid to employees certified as dedicated exclusively to sponsored research activities.
- Provides that such activities will not cause a corporation to be subject to a corporate income tax, if the corporation would otherwise not be subject to the tax levied under chapter 222, Florida Statutes.
- Requires that property and payroll exemptions be granted only for the duration of the sponsored research contract.
- Requires that the reduction in tax not exceed the amount paid to the state university or nonpublic institution for the conduct of the sponsored research.
- Prohibits sponsored research contracts that were in existence prior to July 1, 1998, from participating in the tax exemption.
- Requires the BOR to certify contracts for state universities and the university president to certify contracts for a nonpublic university.

The effective date of this bill is July 1, 1998.

CS/HB 3389--Nonpublic Postsecondary Institutions

by the Committee on Colleges and Universities, Representative Trovillion & Others (CS/SB 924 by Senate Education and Senator Sullivan) The substance of SB 2156 was amended onto this bill--Excellent Teaching Program.

Creates the Excellent Teaching Program as a categorical program within the FEFP to provide incentives for teachers to seek national certification and to reward teachers who demonstrate teaching excellence by attaining national certification and sharing their expertise with other teachers. The incentives and rewards include:

- A fee subsidy to support qualified teachers who seek certification from the National Board of Professional Teaching Standards (NBPTS). The fee subsidy is an amount equal to 90 percent of the NBPTS fee, but no more than \$1,800.
- A one-time portfolio preparation incentive of \$150 for each teacher participating in the program.
- An annual bonus equal to 10 percent of the prior fiscal year's statewide average salary for

classroom teachers to teachers employed by the district who hold NBPTS certification.

- An annual bonus equal to 10 percent of the prior year's statewide average salary for classroom teachers to teachers who hold NBPTS certification and provide the equivalent of 12 days of mentoring and related services to public teachers who do not hold NBPTS certification. Credit may not be granted for mentoring or providing related services during the regular school day or during the 196 days of required service for the school year.
- A professional development incentive award for the district equal to 50 percent of the amount the district receives for the annual monetary awards for the NBPTS-certified teachers and for NBPTS-certified teachers who mentor other teachers. These funds must be used for the professional development of teachers. The district must give priority to using all of these funds for professional development of teachers employed at critically low performing schools.
- Provides that out-of-state applicants who are NBPTS-certified, hold valid certification in another state, and pass Florida's background and fingerprint check requirements qualify for a professional certificate.
- Provides that a teacher who holds NBPTS certification is deemed to meet state renewal requirements for the life of the teacher's national certificate.
- Provides that student credit hours generated by state employee fee waivers are fundable credit hours.
- Revises membership of the State Board of Independent Colleges and Universities to provide representation from the various categories of institutions under the jurisdiction of the Board.
- Modifies the requirement that degrees issued by certain nonpublic colleges include a religious modifier to include a requirement that the religious modifier be placed on the title line of the degree.
- Establishes statutory criteria that an education association must meet to be eligible to conduct licensure compliance reviews of selected colleges or to oversee the review and collection of data from these colleges.
- Revises provisions relating to review of accreditation standards and to delete obsolete terminology.

The effective date of this bill is July 1, 1998.

HB 3407--Schools/Instructional Materials
by Representative Barreiro and Others (CS/SB 1142 by Senate Education Committee and Senator Gutman) (See also HB 4259)

Amends the required instruction statute, s. 233.061, Florida Statutes, to add the study of:

- Hispanic contributions to the United States.
- Women's contributions to the United States.

The effective date of this bill is July 1, 1998.

CS/HB 3409--Community College Direct Support Organizations
by the Committee on Community Colleges and Career Prep and Representative Goode
(The substance of this bill passed as SB 564 by Senator Kurth)

- Requires community college boards of trustees to appoint members to community college direct support organization (DSO) boards of directors and executive committees, and provides for the appointment of the community college president to boards and committees.
- Requires DSOs to submit Internal Revenue Service forms relating to their tax-exempt status to the community college board of trustees. Allows DSOs, at the request of the community college board of trustees, to provide residency opportunities on or near campus. Requires DSOs to have sole responsibility for their acts, debts, liabilities, and obligations.
- Provides that the chairperson of the State Board of Community Colleges shall appoint a representative to, and also serve on, the board of directors and executive committee of any statewide community college DSO. Provides for the State Board of Community Colleges to approve agreements between a statewide DSO and another DSO or a center of technology; restricts a statewide DSO from using public funds to acquire, construct, maintain, or operate any facility; and requires that statewide DSOs submit Internal Revenue Service forms relating to their tax-exempt status to the State Board of Community Colleges.

The effective date of this bill is July 1, 1998.

HB 3599 (PCB EI 98-04)--Educational Facilities (Rental or Leasing Space)
by the Committee on Education Innovation, Representative Melvin and Others (CS/SB
1664 by Senate Governmental Reform & Oversight, Senator Burt and Others)

Relaxes the statutory criteria to provide more opportunity for a district school board to rent or lease an existing building, which was originally used for some purpose other than education, and convert and use it as an educational facility. The rental or lease can be funded through the school district operations budget or the school district tax for capital outlay.

- Exempts such agreements from the excise tax on documents for leases and rentals.
- Allows a building which was constructed to meet state minimum building and life safety codes to be considered as meeting the requirements for use and occupancy as an educational facility provided that the school board holds a public meeting and adopts a resolution certifying that certain circumstances apply.
- Requires that specific circumstances apply relating to growth, need, safety, cost, building codes, licensed contractors, and inspections.

The effective date of this bill is July 1, 1998.

HB 3799 (PCB CCCP 98-02)--Community Colleges Facilities/Capital Improvement Fees
by the Committee on Community Colleges & Career Prep, Representatives Sindler, Fasano

and Others (CS/SB 962 by Senate Education and Senator Grant)

Expands the purposes for which community colleges can bond capital improvement fees to include renovation, remodeling, and equipment. Clarifies that financing for an asset cannot exceed its useful life, and that capital improvement fee revenues may be used for technology enhancements.

The effective date of this bill is July 1, 1998.

HB 3901--Education/School Advisory Committees
by Representative Wasserman Schultz (CS/SB 1158 by Senate Education and Senator Dyer)

Revises school advisory council (SAC) provisions as follows:

- Prohibits the release of lottery funds to school districts which do not comply with school advisory council membership composition requirements.
- Requires The Florida Commission on Education Reform and Accountability to serve as a review board to determine if schools have maximized efforts to include minority persons and persons of lower socioeconomic status on their SACs.
- Requires SACs to assist in the preparation of the school's annual budget and plan.
- Requires school improvement plans, as of 1999-2000, to address issues related to budget, training, instructional materials, technology, staffing, student support services, and school advisory council member training.
- Requires school boards to adopt policies which encourage and enhance school site decision making.

The effective date of this bill is July 1, 1998.

CS/HB 3939--Education
by the Committee on Education Appropriations, Representative Murman and Others (The following provisions of this bill passed as HB 4837 by the Committee on Education Appropriations and Representative Sublette; and CS/SB 2000 by Senate Education and Senator Lee)

HB 4837 amends provisions regarding school improvement and accountability, teacher certification, professional development, and recognition of educators in the following ways:

- Removes the requirement that school advisory councils of vocational-technical and adult education centers include parents as members.
- Removes an obsolete date regarding release of lottery funds to school boards.
- Amends Goal 6 of the state system of school improvement and education accountability to require *postsecondary institutions*, in addition to schools and districts, to ensure professional teachers and staff.
- Establishes clear authority for the State Board to designate certification subject areas and

establish competencies and certification requirements for all school-based personnel.

- Clarifies provisions regarding the accreditation of institutions of higher learning for purposes of proof of receipt of a bachelor's or higher degree. The state board is given the authority to define, by rule, accredited institutions for purposes of certification and establish rules regarding the validation of degrees from foreign institutions or other institutions of higher learning.
- Removes the authority of school districts to employ noncertificated teachers in areas determined by the school board to be areas of critical teacher shortage.
- More narrowly defines existing rulemaking authority to specify that the Education Practices Commission has the authority "to establish procedures for operations and administration, disciplinary proceedings, indexing, implementation of orders, and retention of records, and to establish disciplinary guidelines."
- Authorizes the clerk of the Education Practices Commission to issue an "order to show cause" when an educator violates conditions of his or her probation or settlement agreement enforced by a final order of the commission.
- Requires the professional development system in each district to provide training activities *and* follow-up support. The assessment of the effectiveness of the professional development system must assess the progress or lack of progress of *all* students, rather than certain groups of students.
- Repeals s. 231.613, Florida Statutes, relating to inservice training institutes which have not been funded since 1994.
- Clarifies that the Department of Education will develop and annually distribute the application and selection criteria for the Teacher of the Year program.
- Creates the Florida Educator Hall of Fame and provides for the design, nominations, recommendations, and selection of members.

HB 4837 contains the following additional provisions:

- Revises the procedure to be used to calculate funding for students enrolled in group 2 of the Florida Education Finance Program. (Exceptional Student Education (ESE) provision)
- Creates two new divisions within the Department of Education to conform with the department's current operating structure.
- Authorizes the Commissioner of Education to establish criteria that would exempt students who have successfully demonstrated proficiency in reading or math from the corresponding section of the High School Competency Test (HSCT) or the College Placement Test (CPT).
- Authorizes "deregulated public school" pilot programs in 6 districts (Palm Beach, Pinellas, Seminole, Leon, Walton, and Citrus) that would permit a maximum of 6 deregulated schools (2 elementary, 2 middle, and 2 high schools) in each of the 6 districts during the 1998-1999 school year.

Additional provisions included in HB 3939 were passed in CS/SB 2000. This rule-authorization portion of the bill contains the following provisions:

- Provides the Commissioner of Education the authority to make decisions relative to certification under extenuating circumstances not provided for in statute or rule.
- Authorizes the State Board to adopt rules for the “banking” of inservice hours or college credits completed to fulfill ESOL training requirements for application toward the renewal of a professional certificate.
- Authorizes the State Board to adopt rules establishing guidelines for the submission, review, and approval of district procedures for the annual assessment of instructional personnel and that include criteria for evaluating professional performance.
- Authorizes the State Board to adopt rules for dual-enrollment programs involving requirements for high school graduation.
- Authorizes the State Board to establish rules that standardize the competency level required for students to move from high school foreign language courses to college foreign language courses.

The effective date of this bill is upon becoming a law.

HB 3951--School Attendance/Home Education
by Representative Trovillion (CS/SB 2110 by Senate Education, Senator Lee and Others)

Provides clarification of requirements, responsibilities, and restrictions relating to home education programs as follows:

- Removes the provision that required home education programs be conducted at the home of the parent or guardian, in order to permit flexibility for field trips and other educational activities outside the home.
- Clarifies that the state or school district does not have authority to oversee or control curricula of home education programs and that home education programs are not required to provide attendance records and reports to the state or school district.
- Clarifies that home education programs are not considered “nonpublic schools” for purposes of the annual nonpublic school survey requirements.
- Clarifies that the parent or guardian is responsible for selecting the evaluation method to be used for purposes of the annual educational evaluation required of all home schooled students.
- Requires the parent or guardian to file a copy of the annual educational evaluation with the superintendent’s office, rather than with both the district school board office and the superintendent’s office.
- Requires a pupil who chooses to take a state student assessment test to take the test *used by the school district and administered by a certified teacher, at a location and under testing conditions approved by the school district.*

- Provides that a home education program is not required to meet the definition of a school day as provided in s. 228.041, Florida Statutes. This permits flexibility with respect to the parent's or guardian's arrangement of instructional time.

Additionally, requires parents or legal guardians to sign their child's declaration of intent to terminate school enrollment and requires the district to notify the parent or legal guardian of receipt of the child's declaration of intent to terminate school enrollment.

The effective date of this bill is upon becoming a law.

CS/HB 4101--1998 Personal Fitness Education Act

by the Committee on Education Innovation, Representative Byrd and Others (CS/SB 1840 by Senate Education and Senator Grant) (The following provisions of this bill we passed in HB 4259)

Increases the required credit in physical education for high school graduation from one-half credit to one credit and decreases the required elective credits from nine credits to eight and one-half credits, effective for high school graduates graduating in the year 2000.

- Permits participation in interscholastic sports at the junior varsity or varsity level, but not at the freshman level, for two full seasons to satisfy the required one credit in physical education, provided the student passes a personal fitness competency test developed by the Department of Education (department) with a score of a "C" or better.
- Encourages elementary and middle schools to implement a personal fitness program approved by the department and in compliance with the guidelines from the American Heart Association.
- Authorizes the department to allocate any incentive funds provided in the General Appropriations Act to schools implementing personal fitness programs.
- Authorizes the department to allocate funds from funds provided in the General Appropriations Act to upgrade physical education specialist position in the department to a full-time position.

The effective date of the provision relating to the changes for high school graduation requirements is July 1, 1999. The effective date of the provisions to encourage personal fitness programs and to funding is July 1 of the year in which it is enacted.

HB 4111--Public Schools/Trust Fund Grants

by Representatives Dockery and Safley (The following provisions of this bill passed as SB 2276 by Senator Diaz-Balart)

Changes the following provisions of the Florida School Improvement and Academic Achievement Trust Fund:

- Specifies that the public school district education foundations will be the recipient of funds from the Florida School Improvement and Academic Achievement Trust Fund for challenge grants and matching endowment grants.
- Models the formula for matching private contributions with state dollars after the Florida

Academic Improvement Trust Fund for community colleges.

- Provides that challenge grants will be proportionately allocated from the Florida School Improvement and Academic Achievement Trust Fund on the basis of matching each \$4 of state funds with \$6 of private funds, with a minimum of \$4,500 raised from private sources to be eligible for matching state funds.
- Allows discretionary use of the funds by the foundation for improving schools and academic achievement, except that the funds may not be used for facility construction or support of interscholastic athletics.

The effective date of this bill is July 1, 1998.

CS/HB 4131--Postsecondary Education/Workforce Development Education by the Committee on Education Appropriations, the Committee on Community Colleges & Career Prep, Representatives Sindler and Others (The following provisions of this bill passed as CS/CS/SB's 1124, 2048 & 1120 by Senate Ways & Means, Senate Education, Senators Grant, Horne, Diaz-Balart and Others)

Restructures the service delivery, funding, and transfer of adult and postsecondary vocational education credits for public and private postsecondary education institutions. Specifically, the bill implements the majority of the recommendations of the Task Force on Workforce Development, which was created in CS/CS/SB 1688 as passed by the 1997 Florida Legislature. The bill:

- Includes guidelines for the implementation of a reporting system for workforce development education including individually identifiable student information.
- Delays implementation of funding changes for one year and extends to 2001 the implementation deadline for fee increases passed in CS/CS/SB 1688.
- Specifies that the Applied Technology Diploma (ATD) is vocational credit if offered by a school district and college credit if offered by a community college. An ATD becomes college credit upon articulation to a community college.
- Guarantees the statewide articulation of an ATD between school districts and community colleges. The ATD is guaranteed articulation into an Associate in Applied Science or Associate in Science (AS) degree; and appropriate AS degree course work is required to articulate into bachelor degree programs.
- Changes the CS/CS/SB 1688 funding model to provide up to 85 percent based on prior year allocation and at least 15 percent awarded for performance based on prior year program completion and job placement. Of the 15 percent for performance, payments for completions are limited to 60 percent and the remaining 40 percent is reserved for placements. Allows for adjustments in performance payments for placements in areas of high unemployment.
- Establishes a uniform statewide fee rather than fees which vary based on program cost.
- Maintains current law as amended by CS/CS/SB 1688 with Associate in Science degree funds in the Workforce Development Education Fund.
- Requires (in s. 239.301, Florida Statutes) "additional incentives" for achievement of performance outputs and outcomes for adults with disabilities enrolled in workforce

development programs and a separate appropriation in the General Appropriations Act (GAA) for students whose Individual Education Plan does not include competitive employment.

- Requires community colleges to be reimbursed for costs incurred because of a high school student's coenrollment in adult education, "as provided in the GAA".
- Creates the Workforce Development Capitalization Incentive Grant Program for the competitive award of funds for new and expanding workforce development education programs. Uses the Postsecondary Education Planning Commission, in consultation with the Department of Education, the Division of Community Colleges, and the Jobs and Education Partnership, to rank applications for grant awards.
- Maintains current law with provisions for funding program completions based on occupational completion points.
- Allows nonpublic, nonprofit postsecondary institutions to participate in the common course numbering system without payment of fees.
- Requires the State Board of Education to adopt an implementation schedule that establishes standard fees for instruction.
- Does not prohibit school boards or community colleges from offering any programs that are currently being provided, including English as a Second Language (ESOL), adult education, education for the elderly, and postsecondary vocational certificate education.

The effective date of this bill is July 1, 1998, except as otherwise provided in the bill.

**CS/HB 4135--Charter Technical Career Centers
by the Committee on Community Colleges and Career Prep, Representative Lynn and
Others (CS/SB 2074 by Senate Education and Senator Burt)**

Creates the authority for a school district, community college, or a consortium of each, to sponsor a charter technical career center (CTCC), largely consistent with the authority to operate a charter school granted in s. 228.056, F.S.

- Provides authority for CTCC to:
 1. Allow the sponsor to review and approve or deny an application.
 2. Open student eligibility requirements to all students on a space-available basis.
 3. Require the legal entity to be a nonprofit organization.
 4. Be either a public or a private employer.
 5. Establish requirements for facilities and funding.
 6. Allow exemption from certain statutes.
 7. Establish accountability requirements through annual reporting.

- Directs the Commissioner of Education to provide an annual comparative evaluation of charter technical career centers and public technical centers.
- Permits CTCC employees to participate in the Florida retirement system or community college retirement system.
- Provides authorization for a school district to receive a declining enrollment allocation for student transfers related to the creation of a CTCC.
- Provides \$3 million to Daytona Beach Community College for planning and design costs for a CTCC which will serve Volusia and Flagler County students in grades eleven through fourteen on a model basis.

The effective date of this bill is upon becoming a law.

**HB 4159 (PCB CU 98-02)--Designations of Buildings & Programs
by the Committee on Colleges & Universities, Representative Casey and Others (The following provisions of this bill passed as CS/SB 752 by Senate Education and Senator Klein)**

Designates the following:

- The tennis court complex at the University of West Florida as “The Harold ‘Skeeter’ Carson Tennis Complex.”
- The Lifelong Learning Center at Florida Atlantic University as the “Barry and Florence Friedberg Lifelong Learning Center.”
- The swim/dive office and training facility at the University of Florida as the “Wayne and Jimmie Carse Swimming and Diving Complex.”
- Flint Hall at the University of Florida as the “Keene-Flint Hall.”
- The residence hall known as 2nd Court, Pei Residence Halls, located on the Sarasota/Manatee Campus of the New College of the University of South Florida as the “Peggy Bates Residence Hall.”
- The library tower located on the campus of Florida International University as the “Steven and Dorothea Green Library.”
- The recording facility donated to Florida State University by Echelon International Development Corporation, as “Critchfield Hall.”
- The Florida Resident Access Grant Program as the “William L. Boyd, IV, Florida Resident Access Grant Program.”
- The Children’s Medical Services Clinic of St. Lucie County as the “Dr. William R. Dannahower Building.”
- The Regional Office of the Fresh Water Fish Commission in West Palm Beach as the “Woodrow ‘Woody’ Darden Building.”

The effective date of this bill is upon becoming a law.

HB 4163--Postsecondary Education

by the Committee on Colleges & Universities, Representative Casey and Others. (The following provisions of this bill passed as part of HB 4259 by the Committee on Community Colleges & Career Prep, Representative Sindler and Others)

- Revises the due date for the annual evaluation of the College Reach Out Program (CROP) by the Postsecondary Education Planning Commission (PEPC).
- Repeals provisions relating to three programs which no longer receive funding from the Legislature: undergraduate enhancement grants, required course programs and the Quality Assurance Fund.

The effective date of this bill is July 1, 1998.

HB 4195--Postsecondary Education

by Representative Casey (The following provisions of this bill passed as part of HB 4259 by the Committee on Community Colleges & Career Prep, Representative Sindler and Others)

- Reduces the length of term of office for members of the BOR from 6 years to 4 years.
- Repeals the restriction that prohibits the BOR from granting a tenured faculty appointment to any university president the BOR had removed from office.
- Requires that each state university and community college student government association establish a process for the removal of any student government official elected on or after January 1, 1998, who has been convicted of a violation of criminal law or has been found civilly liable of an act of moral turpitude. The process must include a procedure for registered students to petition for a referendum to remove the official from office. The official may be removed from office by a majority vote of the students participating in the referendum.

The effective date of this bill is July 1, 1998.

HB 4259 (PCB CCCP 98-05)--Postsecondary Education

by the Committee on Community Colleges & Career Prep, Representative Sindler and Others (CS/SB 2100 by Senate Education and Senator Forman)

Revises several provisions related to community colleges and nonpublic career educational institutions to remove administrative barriers, authorize certain fee exemptions, provide greater flexibility and local control, and clarify accountability processes and requirements. Contains the substance of a number of other bills, as indicated.

The bill:

- Clarifies the requirements and benefits of the college-ready diploma.
- Authorizes a fee exemption for students negatively-financially affected by the State buy-out

of property around Lake Apopka.

- Exempts electronically-originated instruction (i.e. Internet courses) from annual administrative reviews when the intent is to offer the instruction in the community college's home district.
- Removes a rule requirement related to the Vocational Improvement Program.
- Provides a mechanism for the statewide acceptance of appropriate dual enrollment courses.
- Requires college-level dual enrollment classes to be weighed the same as advanced placement and honors courses when grade point averages are calculated.
- Requires community colleges to notify students of alternative remedial education instructional opportunities.
- Aligns reporting dates for the State Board of Community Colleges to submit the accountability report and the agency strategic plan.
- Permits Academic Improvement Trust Fund scholarships and grants to be awarded based on need rather than merit only.
- Renames the State Board of Independent Postsecondary Vocational, Technical, Trade and Business Schools to the State Board of Nonpublic Career Education, authorizes the board to issue statements of exemption from licensure, and authorizes the board to bring civil action against institutions which violate the terms of exemption.
- Decentralizes the administration of need-based student financial aid programs associated with the Florida Student Assistance Grant Program for the Department of Education to the institutions participating in the program. *(Refer to HB 4693 for more information.)*
- Expands the list of institutions eligible to participate in the College Reach-Out Program. *(Refer to HB 4163 for more information.)*
- Encourages elementary and middle schools to implement personal fitness programs that comply with American Heart Association guidelines. *(Refer to HB 4101 for more information.)*
- Changes the name of the "Florida Prepaid Postsecondary Education Expense Program" to the "Florida Prepaid College Program". Allows prepaid contracts to cover local fees. Exempts prepaid contracts from the probate claims of creditors. *(Refer to HB 4371 for more information)*
- Clarifies membership, and changes appointment and length-of-term requirements for the BOR. *(Refer to HB 4195 for more information.)*
- Requires state universities and community college student government associations to establish a process for the removal of officers. *(Refer to HB 4195 for more information.)*
- Requires public school curricula to include teachings about the contributions of women and Hispanics. *(Refer to HB 3407 for more information)*

The effective date of this bill is July 1, 1998, except as otherwise provided in the bill.

HB 4371--Florida Prepaid College Program

by Representative Rayson (The following provisions of this bill passed as part of HB 4259 by the Committee on Community Colleges & Career Prep, Representative Sindler and Others)

- Renames the Florida Prepaid Postsecondary Education Expense Program as the Florida Prepaid College Program (Program).
- Reorganizes and deletes obsolete language.
- Authorizes the Program to provide contracts that cover local fees at community colleges and state universities.
- Exempts the Program's contracts from the probate claims of creditors.

The effective date of this bill is July 1, 1998.

HB 4509--Alternative Education Programs

by Representative Alexander and Others (The following provisions of this bill passed as CS/SB 2480 by Senate Criminal Justice and Senator Lee)

Revises provisions relating to the residential facility originally authorized to be constructed by the Alternative Education Institute (AEI) in the following ways:

- Transfers ownership of the facility and related assets to the Department of Management Services (DMS).
- Allows the DMS to access funds previously appropriated to AEI, in order to complete the construction of the facility.
- Authorizes the DMS to receive and review bids and proposals for the use of the facility.
- Creates a working group to develop a plan for the use of the facility, based on the recommendation of the DMS.
- Requires the DMS to make a recommendation to the working group created under this section, taking into account local and state interests and concerns. By November 1, 1998, the working group must make a final determination for the use or disposition of the facility and related assets, and the working group is disbanded upon that date.
- Subjects the final determination for the use or disposition of the facility to the review and objection procedures of s. 216.177, F.S. If, pursuant to this section, the final determination is objected to, the 1999 Legislature must determine the use or disposition of the facility.

The effective date of this bill is upon becoming a law.

HB 4543 (PCB EDK 98-01)--Charter Schools

by the Committee on Education K-12, Representative Andrews and Others (The following provisions of this bill passed as CS/CS/SB 1996 by the Senate Ways and Means, Senate Education, and Senator Grant)

Revises provisions relating to charter schools in the following ways:

- Permits district school boards to initiate a conversion charter school proposal and revises the provision relating to parental approval of a conversion charter school.
- Revises the dispute resolution process, requiring the Department of Education to provide mediation services for any dispute subsequent to the approval of a charter application, except disputes regarding charter school application denials. Those disputes that cannot be resolved through mediation must be referred to DOAH for an administrative hearing, to be paid by the party the administrative law judge rules against.
- Doubles current caps on the number of newly created charter schools and conversion public schools per district.
- States that employees of a conversion charter school remain public employees for all purposes, unless they choose not to do so, and that school districts are restricted from requiring resignations of teachers desiring to teach in a charter school.
- Creates charter schools-in-the-workplace to increase business partnerships in education, reduce school and classroom overcrowding, and offset the high costs for educational facility construction.
- Addresses capital outlay funding for charters; provides eligibility requirements to receive funds; provides authorized uses for the funds; provides for the reversion of unencumbered funds and equipment and property purchased with public funds to the ownership of the school board.
- Appropriates \$13,244,151 of PECO funds to the Columbia County School district or the Ft. White High School upon approval of the project by the Special Facility Construction Committee.
- Reinstates funding to the Commission on Education Reform and Accountability.
- Dissolves the Governor's Commission on Education on October 31, 1998.

The effective date of this bill is upon becoming a law.

HB 4693 -- Student Grants

by Representative Wise (The following provisions of this bill passed as part of HB 4259 by the Committee on Community Colleges & Career Prep, Representative Sindler and Others)

- Transfers administration of the Florida Public Student Assistance Grant Program, the Florida Private Student Assistance Grant Program, and the Florida Postsecondary Student Assistance Grant Program from the Department of Education to the postsecondary institutions participating in the programs.
- Requires development of a formula for distributing grant funds to participating institutions.

- Requires DOE to establish the maximum Estimated Family Contribution that can be used in providing an award under one of the grant programs.
- Requires participating institutions to certify to DOE the amount of funds disbursed to each student and to remit any undisbursed funds to DOE by June 1 of each year.
- Provides for the Education Estimating Conference to address financial aid funding.
- Delays the effective date of the decentralization until July 1, 1999.

The effective date of this bill is July 1, 1998.

Rule Authorizing Bills (RAB)

**HB 4335--District School System/Rule Making
by Representatives Bullard, Burroughs and Others** (Passed as CS/SB 1722 by Senate Education and Senator McKay)

Provides school boards with rulemaking authority in the following areas:

- Authorizes school boards to adopt rules necessary to implement the provisions of s. 230.23, Florida Statutes, relating to school board powers and duties.
- Authorizes school boards to adopt rules related to specific topics listed in the bill. The main topics include student management, fiscal management, instructional aids, facilities management, school community relations, legal issues, first aid and emergencies, student assessment and affairs, administrative support services, school board governance and operations, and personnel.

The effective date of this bill is July 1, 1998.

**CS/SB 2000--Education/Rule Making Authority (RAB)
by Senate Education and Senator Lee**
(See CS/HB 3939)

**SB 2314--Community College Board of Trustees (RAB)
by Senator Grant**

Revises and clarifies the rulemaking authority of community college boards of trustees specified in s. 240.319, Florida Statutes, as required by Administrative Procedures Act (APA) provisions pursuant to s. 120.536, Florida Statutes. Provides the specific authority required by the APA, without granting further authority than what is currently in law.

The effective date of this bill is July 1, 1998.

SB 2316--Independent Colleges & Universities (RAB)

by Senator Grant

Authorizes the State Board of Colleges & Universities to adopt rules on the following topics:

- The conditions under which students of foreign medical schools may serve clinical clerkships in Florida.
- The review of a college's certificate of exemption from licensure.
- The conditions affecting the licensure of agents for a college.
- Change in ownership or the closing of a college.
- The fair consumer practices required of a college.
- The conditions under which the board may grant an out-of-state college permission to have a minimal presence in Florida.

The effective date of this bill is July 1, 1998.