

EDUCATION GOVERNANCE

SB 1162 — Reorganization of Education Governance

by Senator Sebesta

This act includes the content of CS/CS/SB 2108 (by Appropriations Committee; Education Committee; and Senators Pruitt, Horne, and Lawson), requiring the reorganization of the governance of Florida's education system to commence July 1, 2001, and outlining specific tasks and due dates for the implementation process. It amends the Education Governance Reorganization Act of 2000 (ch. 229, part I, F.S.) and creates new sections of statute to require the reorganization to occur mostly by "type two transfer," which merges an agency or governmental unit into another structure but retains all the former statutory requirements and tangible and fiscal attributes, including staff and funds.

The intent is that, by creating the structural units required to implement the new system, and by allowing them a year to operate under the laws, rules, and guidelines that regulated the previous units, it will become apparent which statutory changes are needed. During the interim between the 2001 and 2002 Legislative Sessions, the bill directs that amendments to rewrite the Florida School Code be drafted with the assistance of the affected organizational units.

Boards to be Abolished or Created

The Governor will appoint the seven members of the Florida Board of Education on July 1, 2001, but the elected State Board of Education retains authority to override any activity of the Florida Board of Education. Members of the Florida Board of Education must be residents of the state and will be confirmed by the Senate. However, they may operate without Senate confirmation throughout the implementation process.

The act abolishes the following boards by a type two transfer to the appointed Florida Board of Education:

- Board of Regents
- State Board of Community Colleges
- Articulation Coordinating Committee
- Education Standards Commission

The Governor will appoint 12 members to the board of trustees for each state university, and a student body president serves as the 13th member. The boards have responsibility formerly given to the Board of Regents for appointment, compensation, and evaluation of the university

presidents; approval of programs through the master's degree level; and other university functions.

The following boards are abolished but merged into new boards with amended responsibilities:

- State Board of Independent Colleges and Universities
- State Board of Nonpublic Career Education
- Postsecondary Education Planning Commission

The changes in responsibility include:

- The independent research function is located in the Office of Legislative Services and is called the Council for Education Policy Research. It has duties assigned to Postsecondary Education Planning Commission, including the Master Plan, but expanded to the K-20 system.
- The two boards with jurisdiction for nonpublic colleges and career schools are merged into one.
- The Commission for Independent Education consists of six members, two from independent colleges, one from a nonpublic proprietary school, one administrator of a public technical education program, and two lay members who are not affiliated with an independent postsecondary education institution.
- Independent colleges whose students are eligible for the William L. Boyd, IV, Florida Resident Access Grant are not under the jurisdiction of the newly created Commission for Independent Education but under the jurisdiction of the Division of Colleges and Universities.

Reorganization of the Department of Education

The Governor appoints the first chairperson of the Florida Board of Education, and after 2 years the board will appoint its chairperson.

The Florida Board of Education appoints a secretary and the heads of the following divisions of the Department of Education:

- Division of Colleges and Universities
- Division of Community Colleges
- Division of Public Schools
- Division of Independent Education

The division heads are called vice presidents and serve at the pleasure of the Secretary of the Florida Board of Education.

The following units are under the Commissioner of Education, instead of within divisions: Legal; Communications; Strategic Planning and Budget Development; General Administration; Assessment and Accountability; Data Management, Education Technology, and an Education Data Warehouse; Access and Opportunity; Office of Student Financial Assistance; Policy Research and Development; Personnel; Workforce and Economic Development; Educational Facilities; and Inspector General.

The SMART Schools Clearinghouse is transferred from the Department of Management Services to a newly created office in the Office of the Commissioner of Education.

Oversight of Transition Process

In addition to the Education Governance Reorganization Transition Task Force, the bill creates the following advisory bodies or teams to assist the transition process:

- The Secretary's Education Reorganization Advisory Workgroup, consisting of

The secretary of the Florida Board of Education

The commissioner

The chancellors of public schools, colleges and universities, and community colleges

The executive director of independent education

The Governor or designee

The chairman of the Education Governance Reorganization Transition Task Force

The legislators who serve on the Education Governance Reorganization Transition Task Force

The *K-20 Education Leadership Team*, consisting of the same membership, except not the representatives of the Governor, the Legislature, or the Education Governance Reorganization Transition Task Force.

- The Education Governance Reorganization Transition Task Force remains active throughout the transition and may intervene in any activity by reporting it to the State Board of Education.

Florida Virtual High School

The Florida On-line High School is to be a body corporate renamed the Florida Virtual High School and housed in the commissioner's office for administrative purposes. The Governor will appoint a seven-member board of trustees. The bill requires the school to be self-sufficient through the Florida Education Finance Program (by FY 2003-2004).

Early Childhood Provisions

The Agency for Workforce Innovation will administer school readiness funds, and the Partnership for School Readiness and the following programs are transferred by type transfer to AWI:

- Child care executive partnership
- Child care resource and referral
- Subsidized child care
- Prekindergarten
- Migrant prekindergarten
- Florida First Start

The School Readiness Act is amended to add four new members to the partnership, two from childcare industry, two from business. The Executive Director serves at the pleasure of the Governor. Reimbursement rates may not limit parental choice or exceed legislative authorization. The Partnership reviews coalition plans annually. DOE must implement uniform school readiness screening statewide in 2002-2003.

Effective January 1, 2002, the bill repeals prekindergarten, subsidized child care, and Florida First Start programs; various child care enhancements; and the State Coordinating Council for Early Childhood Services.

Access to Baccalaureate-Degree Level Programs

The bill contains the following measures designed to increase community access to baccalaureate-level education:

- Procedures are authorized to allow a community college to obtain the authority to offer a limited number of selected baccalaureate-degree level programs. These provisions are contained in SB 1636, by Senator Pruitt, as amended by the Education Committee.
- St. Petersburg Junior College is authorized to conduct selected baccalaureate degree level programs upon approval of its accrediting agency, and is renamed St. Petersburg College. These provisions are contained in CS/SB 1190, by Appropriations Committee and Senator Sullivan.
- The branch campuses of the University of South Florida in Sarasota/Manatee and in St. Petersburg are converted into fiscally autonomous campuses with separate campus boards and executive officers. These provisions are contained in CS/SB 986, by Senator Sullivan, and SB 1596, by Senators Sebesta, Sullivan, Miller, Latvala, and Lee.

New College, which is currently a branch campus of the University of South Florida, is designated as the eleventh member of the State University System, while it retains its distinctive

mission as the 4-year residential liberal arts honors college of the State of Florida. Its board of trustees will consist of 13 members, including seven members who currently serve on the Board of Trustees of the New College Foundation. These provisions are contained in CS/SB 986, by Education Committee and Senators Sullivan and Carlton.

Bright Futures Testing Program

The act requires recipients of a Bright Futures Academic or Merit Scholarship who enroll in a public postsecondary education institution to take at least five CLEP examinations. The tests will be provided at no cost in the 2001-02 year, but they become mandatory in the 2002-03 school year.

- Students who have earned college credit through dual enrollment, Advanced Placement, or International Baccalaureate programs may take one less CLEP test for each high school course accepted for college credit.
- Credit earned by passing a test or by completing an accelerated high school course reduces eligibility for Bright Futures by the number of college credit hours earned.
- Students who do not pass the tests and who have not earned college credit through an acceleration program in high school retain the full 132 hours of eligibility formerly authorized under the Bright Futures program.
- The Department of Education must negotiate with the College Board regarding the cost, which must not exceed \$46 per test and is to be paid out of lottery dollars.
- No other vendor may compete for the testing program.

Prepaid College Program

The act amends provisions of the Florida Prepaid College Program that govern transfers or refunds from the program. The transfer or refund value will be equivalent to the value of an advanced payment contract at a Florida public postsecondary education institution.

A nonprofit corporation that is exempt from federal taxation under s. 501(c)(3) of the Internal Revenue Code may purchase advanced payment contracts for a scholarship program under the Prepaid College Program. The scholarship program will be approved by the Prepaid College Board and operated by the nonprofit corporation.

These provisions are the text of SB 1162, by Senator Sebesta, and CS/SB 2088, by the Education Committee and Senators Rossin and Crist.

If approved by the Governor, these provisions take effect upon becoming a law, unless otherwise provided in the act.

Vote: Senate 27-10; House 70-45

EXCEPTIONAL STUDENT EDUCATION

CS/SB 1018 — Young Children/Learning Gateway

by Education Committee and Senators Pruitt and Crist

This bill implements recommendations of the Commission on the Study of Children with Developmental Delays. The study commission proposed 3-year pilot programs as a method for getting the latest research findings on learning disabilities and learning problems into the systems that serve children from birth to age nine. The bill authorizes pilot programs in Broward, Manatee, and St. Lucie Counties to identify and address learning problems in children from birth to age 9, earlier and more efficiently than currently happens.

Each pilot programs will develop a Learning Gateway to provide a single point of access for a parent who suspect that his or her child has a potential learning problem. The Learning Gateway will inform parents, pediatricians, and teachers of the early warning signs of learning problems according to the best current research. The projects will design a system for addressing learning problems and learning disabilities and will determine what portion of the system can be funded using existing funds, pilot program funds, and other available private and community funds. The pilot programs will recommend linking or combining local planning bodies concerned with services for young children if the change would improve coordination and reduce unnecessary duplication of effort.

A 23-member steering committee of university researchers, parents, practitioners, and agency representatives will support and oversee the pilot programs. Fifteen members who are academic experts, practitioners, and parents will be appointed by the Governor, President of the Senate, and Speaker of the House of Representatives, who will each make 5 appointments. In addition, eight agency and program representatives will be designated by their agencies to support and facilitate system improvements. The steering committee is assigned to the Department of Education for administrative purposes.

The steering committee will work with the Florida Pediatric Society, the Florida Partnership for School Readiness, and the Department of Education to establish guidelines for screening children from birth to age nine for early learning problems, mild developmental delays, and child-specific precursors of school failure. In cooperation with universities in the state and the Department of Education, the steering committee will identify competencies for instructional personnel to identify learning problems and learning disabilities. Every teacher preparation program in the state must require a minimum of 3 hours of coursework in normal child development and the disorders of development.

The steering committee will oversee a formative evaluation of the project during implementation and will report on short-term outcomes and system improvements. By January 2003, the steering committee will make recommendations to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Commissioner of Education related to the merits of expansion of the demonstration projects.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 35-0; House 116-1

CS/CS/SB 1180 — John McKay Scholarships for Students with Disabilities

by Appropriations Committee; Education Committee; and Senator Pruitt

This bill amends s. 229.05371, F.S., to clarify procedures for the scholarship program for students with disabilities. The bill names the program after Senate President John McKay who sponsored the legislation that created the program in 1999.

Under the John McKay Scholarships for Students with Disabilities Program, a student with a disability for whom an individual education plan has been written is provided the option of attending a different public school of choice or a private school that participates in the scholarship program. The student must have been enrolled at a Florida public school in the previous October and February Florida Education Finance Program (FEFP) surveys. The student's parent must be dissatisfied with the student's progress and must request the scholarship and obtain acceptance of the student in a private school that is eligible to participate in the program. The parent must notify the school district in writing of intent to participate in the program at least 60 days prior to the first scholarship payment.

The bill provides a method for calculating the maximum scholarship amount equivalent to what the student would have received in the public school. The scholarship amount will be the cost of the private school's tuition and fees or the maximum calculated amount, whichever is less. The scholarship will be paid in four quarterly payments, and students may enter the program in any quarter with appropriate documentation. The scholarship payment is in the form of a warrant made payable to the student's parents that is mailed to the private school by DOE. The parent must restrictively endorse the warrant to the private school for deposit into the private school's account.

A school district must notify parents of students with disabilities of the opportunity to attend a public school of their choice or apply for a scholarship. The district must complete a matrix of services under s. 236.025, F.S., for scholarship applicants who do not have such a matrix and must notify the Department of Education (DOE) of the student's matrix level. The district must provide scholarship students the opportunity to take the statewide assessments under s. 229.57, F.S.

A private school that participates in the scholarship program must demonstrate fiscal soundness, comply with anti-discrimination laws and health and safety standards, be academically accountable to the parent, employ or contract with teachers with specified qualifications, comply with state laws that regulate private schools, and adhere to the tenets of its published disciplinary procedures. A private school must notify the DOE of its intent to participate by May 1 of the previous school year.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 33-4; House 76-39

ELEMENTARY AND SECONDARY EDUCATION

SB 708 — Education Employees/Unused Sick Leave

by Senator Sullivan

The bill limits the amount of unused sick leave that may be accumulated for terminal pay purposes after July 1, 2001, to no more than 60 days for full-time school district and community college personnel, other than instructional and educational support employees. The 60-day limit does not affect employee contracts entered into prior to July 1, 2001; however, if such contracts are renewed after the July 1st date, they will be considered new contracts for accumulated leave purposes. Leave accumulated prior to July 1, 2001, will be governed by board policies in effect on June 30, 2001. In addition, non-instructional employees of school districts and community colleges who have accumulated 60 days or more of sick leave prior to July 1, 2001, will not be able to accumulate additional sick leave for terminal pay purposes after that date until their pre-July 1, 2001, accumulated leave total dips below 60 days. The same leave accumulation restrictions apply to vacation or annual leave accrued by school district non-instructional employees. The limitations created by the bill affect prospective leave accumulation only, there is no provision to reduce the number of leave days accumulated by an employee prior to July 1, 2001.

If approved by the Governor, these provisions take effect July 1, 2001

Vote: Senate 30-9; House 61-47

CS/HB 1633 — Student Assessment/School Performance Grades

by Education Innovation Committee and Rep. Attkisson and others (CS/SB 988 by Education Committee and Senators Sullivan and Holzendorf)

This bill amends s. 229.57, F.S., to establish the framework for the determination of school grades based on student learning gains. Beginning with the 2001-2002 school year, school grades will be based only on student performance. School grades will be based on student

learning gains, as measured by annual FCAT assessments in grades 3-10, and on improvement of the lowest twenty-fifth percentile of students in the school in reading, writing and math, unless those students are performing above satisfactory performance.

In order for a school to receive a performance grade of “C,” the school must demonstrate that adequate progress has been made by students in the school who are in the lowest twenty-fifth percentile in reading, math or writing on the FCAT, unless those students are performing above satisfactory performance. Thus, a school that receive a grade of a “C” must demonstrate adequate progress of the school’s lowest performing students.

Requirements are deleted that limited the Department of Education to a particular statistical model for calculating learning gains. Thus, the department may study and assess several statistical models for calculating learning gains. The Commissioner of Education will establish a schedule for the administration of the statewide assessment that must provide for the latest possible administration and the earliest possible results. The department must consult with the Office of Program Policy Analysis and Government Accountability (OPPAGA) in monitoring and reporting the implementation of the methodology used to identify student learning gains.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 37-0; House 68-43

CS/SB 1684 — Transition to Teaching Program

by Appropriations Committee and Senators Klein and Crist

This act creates a program to recruit retiring or career-changing professionals into teaching. It is designed to make Florida eligible for federal funds recently released for state programs called Transition to Teaching. Modeled after the successful Troops to Teachers Program, the program funds an applicant to:

- Work with local firms to recruit participants
- Work with postsecondary education institutions to prepare the participants for certification
- Assist the participants for at least 1 year when they are employed as teachers

In exchange for the services and up to \$5,000 for a training stipend, participants will agree to become certified and teach in Florida schools for at least 3 years.

If approved by the Governor, these provisions take effect July 1, 2001.

Vote: Senate 39-0; House 120-0

CS/CS/HB 1193 — Teacher Recruitment, Retention, and Professional Development

by Lifelong Learning Council; General Education Committee; and Reps. Arza, Atwater, Brutus, and others. (CS/SB 1704 by Education Committee and Senators Sullivan and Jones)

This act contains a number of provisions to enable Florida to recruit and retain teachers. Under the provisions of the act:

- A type of alternate certification is created for “adjunct educators,” who must have a bachelor’s degree but do not need to demonstrate mastery of general knowledge, subject area knowledge, or professional preparation and education competence.
- Adjunct educators must be employed part time.
- School districts rather than the department will administer the certification process for adjunct educators.
- The school district must determine that the adjunct educator has expertise in the subject to be taught.
- The certificate requires certain supportive activities during the adjunct educator’s first year.
- Adjunct educators are authorized to operate under contract and enjoy the same employment status as state-certified teachers.
- The open enrollment period for DROP is eliminated for public school teachers. Teachers may enroll in DROP anytime after their normal retirement date and participate for 5 years. Eliminating the DROP enrollment period allows the teacher to work additional years before committing to the 5-year DROP program.
- A school district may use another district’s approved alternate route to certification, without the Department of Education’s review and approval.
- School districts are required to recognize and accept for credit towards salary increases provided for years-of-service every year in which a teacher was employed, earned credit in the Florida Retirement System, and received a satisfactory performance evaluation. This provision applies only to teachers employed after July 1, 2001.
- The period is extended during which a teacher may be employed without demonstrating mastery of general knowledge. Teachers may remain in the position through the end of the school year for which they were contracted.

- District school board policy will determine how to classify a teacher as teaching “in-field” rather than “out-of-field.” Current law authorizes a district to classify a teacher as in-field by demonstrating subject area expertise, but until this bill becomes a law, it is not clear what determines expertise.
- When the superintendent proposes to transfer a teacher, the principal of the receiving school will have the opportunity to review records, conduct an interview, and approve the transfer of the teacher to his or her school.
- A program is created to award bonuses to teachers whose students successfully pass an examination in the International Baccalaureate program. This bonus is awarded in the same way as provided by a program created in 2000 for teachers of Advanced Placement classes.
- A Teacher Education Pilot Program is created for high achieving students at UCF, UNF, and USF. Selected students will have a yearlong, paid teaching assignment in lieu of university coursework.
- Under a program created in 1999, regional educational consortia are eligible for grants to create professional development academies without a funding match required of other providers. This provision is the text of CS/SB 1640, by Senator Clary.
- If a school district employee fails to report complaints against teachers, the bill requires appropriate punishment. Each district will create procedures for informing the superintendent of each legally sufficient complaint.
- A program is eliminated that awarded bonuses or salary supplements to teachers with demonstrated mastery who taught at low performing schools or schools for violent or disruptive youth. The program did not include a way to demonstrate mastery and caused confusion.
- The Department of Education will:
 - Develop a system for posting teaching vacancies
 - Establish an applicant database
 - Identify best practices for retaining high-quality teachers
 - Develop a long-range plan for educator recruitment.
 - Communicate quarterly with Workforce Florida, Inc., and regional workforce boards to access resources to improve teacher recruitment and retention.
 - Seek waivers or reductions or matching contributions that may be required of district school boards to access workforce funding.

- A requirement is eliminated that teachers must have a professional teaching certificate to be classified as associate teachers or teachers participating in the Florida mentor teacher school pilot program. Teachers with temporary certificates and adjunct certificates will also be eligible.
- A mentor teacher under the Excellent Teaching Program will be allowed to provide mentoring or related services during the regular school day, but not during student contact time.

If approved by the Governor, these provisions take effect July 1, 2001.

Vote: Senate 37-0; House 97-1

CS/CS/HB 269 — Sharpening the Pencil Act/Land Acquisition/Charter Schools

by Lifelong Learning Council; Education Appropriations Committee; and Reps. Murman, Lacasa, Byrd, Mack, Melvin, Diaz-Balart, Cantens, Bense, Argenziano, Lynn, and others (CS/SB 1780 by Appropriations Committee and Senator Horne)

The bill, named the “Sharpening the Pencil Act,” combines the current school district review program and the best financial management practices review program into a single revised and expanded best financial management practices review program. The Office of Program Policy Analysis and Government Accountability (OPPAGA) will manage the program and the Department of Education will assist by providing technical expertise to enhance the review process and by supporting school districts before, during, and after the reviews. No longer optional, the reviews will be conducted for all districts on a 5-year cycle, the review schedule is included in the legislation. Private contractors, selected through a request for proposal process, are to conduct most of the reviews to the extent funds are provided for that purpose in the General Appropriations Act; however, OPPAGA will conduct some reviews each fiscal year. Some of the more prominent changes created by the act are as follows:

1. School districts must complete a best practices self-assessment not later than 60 days prior to their scheduled reviews.
2. Increased public awareness and participation will be encouraged by at least two public forums to be held in a district being reviewed: the first to explain the process and elicit public concerns, and the second to explain the review findings and recommendations. Representatives from OPPAGA and the contract consultant are to attend both forums.
3. In districts found not to be meeting best financial management practices, the review recommendations must include an action plan describing how the district can meet the standards within two years.

4. A school district that meets the best practices standards within two years is eligible for a Seal of Best Financial Management Practices. The seal is good for five years, and a district maintaining best practices at the end of the five years may apply to the Legislative Budget Commission for a waiver from the next scheduled district review.
5. A school board must vote within 90 days of receipt of the final review report on whether or not to implement the recommended action plan. The district superintendent must notify the Commissioner of Education of the local school board's decision.
6. A school board failing to vote on the adoption of the action plan, or failing to implement an adopted action plan may be asked to appear before a legislative committee to explain its position.

Land Acquisition and Facilities Advisory Board

The Land Acquisition and Facilities Advisory Board program is created to assist school districts experiencing deficiencies in the areas of land acquisition and facilities operational processes. If OPPAGA or the Auditor General determine, after review, that a school district's land acquisition and facilities operations demonstrate serious deficiencies, the agency is to notify the Governor, the presiding officers of the Legislature, and the Legislative Budget Commission of the situation. In response, the Legislative Budget Commission determines if the district's funds are to be placed in reserve until the deficiencies are corrected, and the Governor, President of the Senate, and Speaker of the House of Representatives appoint a Land Acquisition and Facilities Advisory Board to assist the district in correcting the deficiencies and improving its land acquisition and facilities processes. Upon certification by the advisory board that corrective actions have been taken that are consistent with the recommendations of OPPAGA or the Auditor General, the funds placed in reserve may be released and the advisory board is dissolved.

Charter Schools

The bill amends s. 228.056, F.S., to revise the law relating to charter schools. Three additional purposes for charter schools are established: promoting competition within the school district, improving academic choice, and expanding the capacity of the public school system. A sponsor may not charge a charter school an application fee to submit an application and may not base its decision on a promise of future payment.

The bill requires a public school to have been in operation for at least two years prior to applying to convert to charter status. A school board that denies an application for a conversion school must provide clear reasons and documentation for the denial. PECO maintenance funds generated by a public school that converts to charter school status must remain with that school.

The governing board of a charter school must adopt and maintain an operating budget annually. Charter schools may form cooperatives for administrative, evaluation, and professional

development services. Capital outlay funds will be distributed monthly, rather than twice per year.

Charter schools can admit students who meet academic, artistic, or other eligibility standards consistent with the school's mission and purpose. With the sponsor's approval, admission policies can accommodate articulation agreements between charter schools. The governing board will determine the capacity of a charter school annually, in conjunction with the sponsor. A charter may be granted for a charter school-in-a-development. With this designation, the charter school may give admission preference to residents of the municipality.

A charter school will be able to apply directly to the Commissioner of Education for a waiver of a portion of the school code. The commissioner must give the sponsor a copy of the school's request. Charter schools will be exempt from the policies of the sponsor.

The bill amends s. 159.27, F.S., to let charter schools take advantage of federal tax benefits when industrial development authorities issue federal tax exempt bonds for educational facilities. Under an amendment to s. 232.245, F.S., charter school students may participate in extra curricular activities in the non-charter public school they otherwise would have attended.

If approved by the Governor, these provisions take effect July 1, 2001.

Vote: Senate 36-1; House 117-0

SB 636 — High School Grading Scale

by Senators Pruitt and Cowin

The bill amends s. 232.2463, F.S., to change the requirements for high school teachers to convert percentage grades to letter grades and grade points. The required conversion is:

- A=90-100 percent, 4 grade points
- B=80-89 percent, 3 grade points
- C=70-79 percent, 2 grade points
- D=60-69 percent, 1 grade point
- F=below 60 percent, 0 grade points

If approved by the Governor, these provisions take effect July 1, 2001.

Vote: Senate 39-0; House 96-19.

HB 1545 — Schools/Performance Reporting

by Education Appropriations Committee and Rep. Lynn and others (SB 1710 by Senator Webster)

The bill creates the “Dollars to the Classroom Act of 2001,” and provides that beginning with the 2000-2001 school and student performance data, the required annual report for the student assessment program will include district performance grades based on average school performance grades by level, elementary schools, middle schools, and high schools. The Legislature will establish, in the annual General Appropriations Act, minimum academic performance standards for districts as well as minimum classroom expenditure requirements. Districts not meeting the minimum academic standards at one or more of the school levels will be required to meet the minimum expenditure requirements for classroom instruction. Districts subject to the minimum classroom expenditure requirements must include this information in their public advertisements of the proposed annual budget. These districts will also be required to file two reports with the Department of Education: a report at the beginning of the year describing the proposed budget and an explanation of why the classroom expenditures must be increased; and a second report at the end of the year that includes the amount of current operating funds actually spent on classroom instruction. If a district is unable to comply with the expenditure requirements, the second report must include an explanation for the noncompliance that has been adopted at a public hearing and signed by the superintendent and school board members.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 38-0; House 97-21

POSTSECONDARY EDUCATION

CS/SB 302 — Financing for Private Higher Education Facilities

by Appropriations Committee and Senators Pruitt and Horne

This act creates a public corporation called the Higher Education Facilities Financing Authority to finance projects of private higher education institutions that:

- Are accredited by the Commission on Colleges of the Southern Association of Colleges and Schools
- Award baccalaureate degrees
- Have not-for-profit status
- Are chartered in Florida
- Are located in Florida
- Have a secular purpose.

The effect will be to create a statewide method for private colleges to obtain tax-exempt financing under a uniform set of rules and standards, rather than the varying rules adopted by local authorities.

Projects may be construction of dormitories, student service facilities, parking facilities, administration buildings, academic buildings, libraries, and loans in anticipation of tuition revenues.

The authority will be placed in the Department of Education for administrative purposes; the Governor will appoint the members. The authority may issue tax exempt or taxable revenue bonds, has contractual powers, and may execute loans, leases, and other legal instruments. It may acquire real estate. Bonds issued by the authority are incontestable and do not constitute a debt or liability of the authority, the state, or any political subdivision of the state. Bonds issued by the authority and any security for the bonds are exempt from taxes except corporate income taxes imposed under ch. 220, F.S.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 38-0; House 115-0

CS/SB 1256 — Nurses' Training Programs

by Health, Aging & Long-Term Care Committee and Senator Campbell

This bill requires the Board of Nursing to hold in abeyance until July 1, 2002, the development of any rule that relates to faculty/student clinical ratios. The Board of Nursing and the Department of Education must submit to the President of the Senate and the Speaker of the House of Representatives by December 31, 2001, an implementation plan that details both the impact and the cost of any such rule change.

Under the bill, community colleges that conduct training programs for nurses will be notified of an impending change in the requirements in time to request state funds to recover their costs.

The bill also amends requirements for the Nursing Student Loan Forgiveness Program and the Nursing Scholarship Program (ss. 240.4075 and 240.4076, F.S.) so that nurses who are employed by family practice teaching hospitals and specialty children's hospitals are eligible for loan repayment and forgiveness. In case funds are insufficient to grant every eligible applicant an award, the bill creates a priority listing, by employer, for the disbursement of funds.

By a type two transfer, the bill transfers from the Board of Regents to the Department of Health all statutory powers, duties, functions and the records, personnel, property, and unexpended balances of appropriations, allocations, or other funds of the Nursing Student Loan Forgiveness Program.

If approved by the Governor, these provisions take effect July 1, 2001.
Vote: Senate 40-0; House 117-1

PUBLIC RECORDS EXEMPTIONS

HB 407 — Public Records and Meetings/University Health Services Support Organizations

by State Administration Committee and Rep. Brummer (SB 418 by Education Committee)

Under ss. 240.2995 and 240.2996, F.S., university health services support organizations are statutorily authorized to enter into arrangements with other entities as providers for accountable health partnerships and providers in other integrated health care systems or similar entities for the benefit of public university academic health sciences centers. The organizations were established to serve as the corporate entities through which public colleges of medicine may participate as partners in integrated health care delivery organizations.

The bill (Chapter 2001-35, L.O.F.) revises the exemptions for the organization's marketing plans. The marketing plans are limited to those plans which, if disclosed, may reasonably be expected by the governing board to be used by a competitor or affiliated provider to frustrate, circumvent, or exploit the plan's purpose before it is implemented and which is not otherwise known or cannot be legally obtained by a competitor or affiliated provider. The bill also reenacts without changes the current public records and public meetings exemptions for trade secrets, managed care contracts, and the credentialing and peer review process. The bill repeals s. 240.2995(6), F.S., and incorporates the provisions into s. 240.2996, F.S., for the Department of Insurance to obtain records needed to discharge its duties.

These provisions were approved by the Governor and take effect October 1, 2001.
Vote: Senate 37-0; House 118-0

