

**HOUSE OF REPRESENTATIVES STAFF ANALYSIS**

**BILL #:** HB 1867 (PCB-AP-04-21) Education Funding  
**SPONSOR(S):** Appropriations and Simmons  
**TIED BILLS:** **IDEN./SIM. BILLS:**

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REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Appropriations	31 Y, 0 N	Rice	Baker
2)			
3)			
4)			
5)			

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**SUMMARY ANALYSIS**

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The bill makes no substantive changes, but merely codifies into the Florida Statutes a number of issues that have been the subject of proviso to the General Appropriations Act for a number of years.

The bill amends statutes relating to: school advisory council recommendations on the expenditure of lottery funds; lab school indirect costs; the contracting of public school educational assessment programs by the State Board of Education; the prohibiting of reporting for funding purposes FTE in K-12, workforce, and community college programs for which the direct costs are fully funded by an external agency; fee waivers for workforce, community colleges, and the Florida School for the Deaf and the Blind; timing of FEFP and public school instructional materials distributions; reporting of education data related to prison inmates; public school matching grants; the teacher recruitment fair; and the Dale Hickam Excellent Teaching Program.

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

**STORAGE NAME:** h1867.ap.doc  
**DATE:** March 29, 2004

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. DOES THE BILL:

- |                                      |                              |                             |   |
|--------------------------------------|------------------------------|-----------------------------|---|
| 1. Reduce government?                | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. Lower taxes?                      | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom?        | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/>            |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. Empower families?                 | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

#### B. EFFECT OF PROPOSED CHANGES:

The bill makes no substantive changes, but merely codifies into the Florida Statutes a number of issues that have been the subject of proviso to the General Appropriations Act for a number of years.

The bill amends statutes relating to: school advisory council recommendations on the expenditure of lottery funds; lab school indirect costs; the contracting of public school educational assessment programs by the State Board of Education; the prohibiting of reporting for funding purposes FTE in K-12, workforce, and community college programs for which the direct costs are fully funded by an external agency; fee waivers for workforce, community colleges, and the Florida School for the Deaf and the Blind; timing of FEFP and public school instructional materials distributions; reporting of education data related to prison inmates; public school matching grants; the teacher recruitment fair; and the Dale Hickam Excellent Teaching Program.

**Lottery fund enhancements:** The bill amends section 24.121, F.S., specifying that a school district shall, prior to the expenditure of lottery funds, establish polices and procedures that define enhancement and expenditures that are consistent with that definition. The bill prohibits school district staff from overriding expenditure decisions by the school advisory council related to the \$10/FTE of lottery funds received by the school advisory council.

**Lab schools:** The bill restricts the expenditure of lab school funds for overhead or indirect costs described in s. 216.346, F.S., as follows: the agency receiving the contract or grant moneys shall charge no more than 5 percent of the total cost of the contract or grant for overhead or indirect costs or any other costs not required for the payment of direct costs.

**Public school educational assessment program:** Currently, the commissioner is responsible for the design and implementation of a statewide educational assessment program which provides information for improving the operation and management of public schools. The bill authorizes the commissioner to enter into contracts for the continued administration of assessment, testing, and evaluation programs. The contracts authorized may be from one year to the next and may be paid from appropriations of either or both fiscal years. The bill also authorizes the commissioner to negotiate for the sale or lease of tests, test scoring services, scoring protocols, and related materials.

**Community colleges:** The bill amends s. 1009.23, F.S., requiring that identical fees shall be charged for a specific course regardless of the program in which the students taking the course are enrolled.

Currently, s. 1009.26, F.S., provides that fee waivers may not exceed the amount annually set in the General Appropriations Act, which has been 8 percent for many years. The bill establishes the 8 percent maximum requirement in statute.

**Florida School for the Deaf and the Blind:** This bill amends s. 1011.57, F.S., prohibiting the board of trustees and administration of the school from authorizing fee waivers for out-of-state students.

**Determination of FEFP allocation for small, isolated high schools:** Currently, s. 1011.62(1)(h), references the High School Competency Test as the assessment instrument used in determining school performance eligibility in the Small Isolated High Schools program. Due to the decline in the use of the High School Competency Test, the 2003-04 appropriations proviso changed this reference to the school performance accountability grade. This bill amends s. 1011.62(1)(h), F.S., establishing the school accountability performance grade as the school performance criteria in determining eligibility.

**Distribution of FEFP funds:** Amends s. 1011.66, F.S., providing that distributions of FEFP funds to public schools shall be made in equal installments on the 10<sup>th</sup> and 26<sup>th</sup> of each month.

**Reporting for state funding:** The bill creates s. 1011.63, F.S., and amends sections 1011.80, and 1011.84, F.S., prohibiting the reporting of FTE for state funding purposes of public schools, workforce programs, and community college programs in instances where the direct instructional costs of the program or course are fully funded by an external agency.

**Funds for instructional materials:** The bill amends s. 1011.67, F.S., setting forth a distribution schedule of instructional materials funds to school districts as follows: 50% on or about July 10; 35% on or about October 10; 10% on or about January 10; and 5% on or about June 10. This bill also requires that school districts pay for instructional materials used to instruct public high school students earning credit under the dual enrollment program.

**School district matching grants:** The bill amends s. 1011.765, F.S., deleting all language relating to school district matching grants administered by the Department of Education, and establishes school district matching grants that shall be administered by the Consortium of Florida Education Foundations for programs serving low performing students. Grant amounts shall be equal to private contributions, with in-kind contributions not considered for matching purposes. The foundation must certify to the Commissioner of Education that private cash has been received by the foundation prior to the release of any matching funds. Administrative costs must not exceed 5%.

**Community College Program Fund:** The bill amends s. 1011.84, F.S., requiring that all state inmate education provided by community colleges be reported and projected separately by program, FTE expenditure, and revenue source. The bill prohibits the FTE generated through the instruction of state inmates from inclusion in the full-time equivalent student enrollment for CCPF funding and prohibits the use of CCPF funds for college-level courses to inmates who do not pay their own fees.

**Teacher recruitment:** The bill amends s.1012.05, F.S., authorizing the Department of Education to collect job fair registration fees (maximum \$20/person or \$250/booth) and to use the revenue from the fees to promote and operate the job fair and to purchase promotional items.

**Dale Hickam Excellent Teaching Program:** The bill amends s. 1011.72, F.S., (the Dale Hickam Excellent Teaching Program) authorizing the use of these funds for payment of the employer's share of social security and medicare taxes for those teachers who qualify for certification under the National Board of Professional Teaching Standards and who receive bonus awards.

#### C. SECTION DIRECTORY:

Section 1. Amends s. 24.121, F.S., requiring each school district to establish definitions, policies, and procedures relating to educational enhancements (lottery fund enhancements), and adds that school district staff cannot override recommendations of advisory committees in their selection of programs or projects on which to expend funds.

Section 2. Amends s. 1002.32, F. S., directing that no funds appropriated for lab schools shall be used to pay overhead or indirect costs.

Section 3. Amends s. 1008.22, F.S., allowing the commissioner to enter into contracts to continue administration of assessment programs.

Section 4. Amends s. 1009.23, F.S., requiring identical fees for a specific community college course, regardless of the program for which it is taken.

Section 5. Amends s. 1009.26, F.S., specifying the maximum fee waiver value at 8 percent of the fee revenues that would otherwise be collected.

Section 6. Adds subsection 5 to s. 1011.57, F.S., prohibiting fee waivers for out-of-state students enrolled at the Florida School for the Deaf and the Blind.

Section 7. Amends s. 1011.62, F.S., changing the school performance assessment reference from the High School Competency Test to the school accountability grade for the school performance eligibility criteria in the small and isolated high schools program.

Section 8. Creates s. 1011.63, F.S., prohibiting the reporting of FTE for public schools funding purposes when the direct instructional costs of the program or course in which the FTE was generated were fully funded by an external agency.

Section 9. Amends s. 1011.66, F.S., specifying the timing of the distribution of FEFP funds.

Section 10. Amends s. 1011.67, F.S., specifying the timing of the distribution of funds for instructional materials.

Section 11. Amends. s. 1011.765, F.S., revising the school district matching grants program.

Section 12. Amends s. 1011.80, F.S., prohibiting the reporting of FTE for workforce funding when the direct instructional costs of the program or course in which the FTE was generated were fully funded by an external agency.

Section 13. Amends s. 1011.84, F. S., requiring separate reporting of FTE earned by community colleges in state inmate education programs and prohibits the reporting of FTE for funding purposes when the direct instructional costs of any program or course are funded by an external agency.

Section 14. Amends s. 1012.05, F.S., authorizing the Department of Education to collect job fair fees and limiting use of funds generated by such fees.

Section 15. Amends s. 1012.72, F.S., authorizing the payment of the employer's share of social security and medicare taxes from the Dale Hickam Excellent Teaching Program funds.

Section 16. The bill is effective July 1, 2004.

## **II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

### **A. FISCAL IMPACT ON STATE GOVERNMENT:**

No fiscal impact.

### **B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

No fiscal impact

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None

D. FISCAL COMMENTS:

None

**III. COMMENTS**

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision: Not Applicable

2. Other:

B. RULE-MAKING AUTHORITY: Not Applicable

C. DRAFTING ISSUES OR OTHER COMMENTS: None

**IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES**

## FULL ANALYSIS

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#### B. EFFECT OF PROPOSED CHANGES:

#### C. SECTION DIRECTORY:

### II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

#### E. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

2. Expenditures:

#### F. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

2. Expenditures:

#### G. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

#### H. FISCAL COMMENTS:

### III. COMMENTS

D. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

2. Other:

E. RULE-MAKING AUTHORITY:

F. DRAFTING ISSUES OR OTHER COMMENTS:

**IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES**