

By the Committee on Education Pre-K - 12; and Senator Detert

581-04245-10

20101806c1

1 A bill to be entitled
2 An act relating to education; amending s. 413.20,
3 F.S.; redefining and deleting terms relating to
4 vocational rehabilitation programs; replacing an
5 obsolete term; amending s. 413.30, F.S.; revising
6 provisions relating to eligibility for vocational
7 rehabilitation services; providing for an
8 individualized plan for employment; requiring the
9 Division of Vocational Rehabilitation in the
10 Department of Education to conduct trial work
11 experiences before determining that an individual is
12 incapable of benefiting from services; requiring the
13 division to refer an individual to other services if
14 the division determines that the individual is
15 ineligible for vocational rehabilitation services;
16 requiring the division to serve those having the most
17 significant disabilities first under specified
18 circumstances; conforming provisions to changes made
19 by the act; amending s. 413.341, F.S.; allowing
20 confidential records to be released for audit, program
21 evaluation, or research purposes; amending s. 413.371,
22 F.S.; requiring the division to administer an
23 independent living program; conforming provisions to
24 changes made by the act; repealing the division's
25 authority to contract for specified services; amending
26 s. 413.393, F.S.; correcting references and conforming
27 provisions to changes made by the act; amending s.
28 413.40, F.S.; revising the division's powers to
29 administer the independent living program; authorizing

581-04245-10

20101806c1

30 the division to employ specified individuals and to
31 contract for services in accordance with the state
32 plan for independent living; conforming provisions to
33 changes made by the act; amending s. 413.405, F.S.;
34 revising the membership of the Florida Rehabilitation
35 Council; providing that Department of Education
36 employees may serve only as nonvoting members;
37 revising provisions relating to terms of office;
38 revising council functions; correcting references and
39 replacing obsolete cross-references; amending s.
40 413.407, F.S.; correcting a reference; repealing s.
41 413.206, F.S., relating to a 5-year plan for the
42 division; repealing s. 413.39, F.S., relating to
43 administration of the independent living program;
44 repealing ss. 413.70 and 413.72, F.S., relating to the
45 limiting disabilities program; repealing s. 413.73,
46 F.S., relating to the disability assistance program;
47 repealing s. 1013.05, F.S., relating to the Office of
48 Educational Facilities and SMART Schools
49 Clearinghouse; amending ss. 163.31777, 1001.20, and
50 1013.04, F.S.; deleting obsolete references; amending
51 s. 1013.21, F.S.; deleting obsolete references;
52 requiring the Office of Educational Facilities in the
53 Department of Education to monitor district facilities
54 work programs; amending ss. 1013.33 and 1013.35, F.S.;
55 deleting obsolete references; amending s. 1013.41,
56 F.S.; deleting obsolete references; requiring the
57 Office of Educational Facilities to assist school
58 districts in building SMART schools; amending s.

581-04245-10

20101806c1

59 1013.42, F.S.; deleting obsolete references;
60 specifying criteria for the prioritization of School
61 Infrastructure Thrift Program awards; amending s.
62 1013.72, F.S.; revising the cost per student station
63 for purposes of School Infrastructure Thrift Program
64 awards; deleting obsolete references; amending s.
65 1013.73, F.S.; deleting an obsolete reference;
66 requiring the Division of Statutory Revision of the
67 Office of Legislative Services to prepare a reviser's
68 bill to make conforming changes to address past
69 legislation amending terminology relating to the
70 Florida College System; repealing s. 1004.87, F.S.,
71 relating to Florida College System Task Force;
72 repealing s. 1002.335, F.S., relating to the Florida
73 Schools of Excellence Commission; amending s. 1002.33,
74 F.S.; conforming provisions to changes made by the
75 act; repealing s. 1003.413(5), F.S., relating to the
76 Secondary School Improvement Award Program; repealing
77 s. 1003.62, F.S., relating to academic performance-
78 based charter school districts; amending ss. 1011.69
79 and 1013.64, F.S.; conforming provisions to changes
80 made by the act; repealing ss. 1003.63 and
81 1008.345(7), F.S., relating to the deregulated public
82 schools pilot program; amending s. 1004.68, F.S.;
83 conforming a cross-reference; repealing s. 1006.67,
84 F.S., relating to the reporting of campus crime
85 statistics; amending s. 1013.11, F.S.; conforming
86 provisions to changes made by the act; repealing ss.
87 1009.63 and 1009.631, F.S., relating to the

581-04245-10

20101806c1

88 occupational therapist or physical therapist critical
89 shortage program; repealing s. 1009.632, F.S.,
90 relating to the Critical Occupational Therapist or
91 Physical Therapist Shortage Student Loan Forgiveness
92 Program; repealing s. 1009.633, F.S., relating to the
93 Critical Occupational Therapist or Physical Therapist
94 Shortage Scholarship Loan Program; repealing s.
95 1009.634, F.S., relating to the Critical Occupational
96 Therapist or Physical Therapist Shortage Tuition
97 Reimbursement Program; repealing s. 1009.64, F.S.,
98 relating to the Certified Education Paraprofessional
99 Welfare Transition Program; amending ss. 1009.40 and
100 1009.94, F.S.; conforming provisions to changes made
101 by the act; providing an effective date.

102
103 Be It Enacted by the Legislature of the State of Florida:

104
105 Section 1. Subsections (12) through (33) of section 413.20,
106 Florida Statutes, are amended to read:

107 413.20 Definitions.—As used in this part, the term:

108 (12) "Independent living services" means any appropriate
109 rehabilitation service that will enhance the ability of a person
110 who has a significant ~~severe~~ disability to live independently,
111 to function within her or his family and community and, if
112 appropriate, to secure and maintain employment. Services may
113 include, but are not limited to, psychological counseling and
114 psychotherapeutic counseling; independent living care services;
115 community education and related services; housing assistance;
116 physical and mental restoration; personal attendant care;

581-04245-10

20101806c1

117 transportation; personal assistance services; interpretive
118 services for persons who are deaf; recreational activities;
119 services to family members of persons who have significant
120 ~~severe~~ disabilities; vocational and other training services;
121 telecommunications services; sensory and other technological
122 aids and devices; appropriate preventive services to decrease
123 the needs of persons assisted under the program; and other
124 rehabilitation services appropriate for the independent living
125 needs of a person who has a significant ~~severe~~ disability.

126 ~~(13) "Limiting disability" means a physical condition that~~
127 ~~constitutes, contributes to, or, if not corrected, will result~~
128 ~~in an impairment of one or more activities of daily living but~~
129 ~~does not result in an individual qualifying as a person who has~~
130 ~~a disability.~~

131 (13) ~~(14)~~ "Occupational license" means any license, permit,
132 or other written authority required by any governmental unit to
133 be obtained in order to engage in an occupation.

134 (14) ~~(15)~~ "Ongoing support services" means services provided
135 at a twice-monthly minimum to persons who have a most
136 significant disability, to:

137 (a) Make an assessment regarding the employment situation
138 at the worksite of each individual in supported employment or,
139 under special circumstances at the request of the individual,
140 offsite.

141 (b) Based upon the assessment, provide for the coordination
142 or provision of specific intensive services, at or away from the
143 worksite, that are needed to maintain the individual's
144 employment stability.

581-04245-10

20101806c1

146 The ongoing support services may consist of, but are not limited
147 to, the provision of skilled job trainers who accompany the
148 individual for intensive job-skill training at the worksite, job
149 development and placement, social skills training, followup
150 services, and facilitation of natural supports at the worksite.

151 (15)~~(16)~~ "Person who has a disability" means an individual
152 who has a physical or mental impairment that, for the
153 individual, constitutes or results in a substantial impediment
154 to employment and who can ~~therefore~~ benefit in terms of an
155 employment outcome from vocational rehabilitation services. The
156 term encompasses the terms "person who has a significant
157 disability" and "person who has a most significant disability."

158 (16)~~(17)~~ "Person who has a significant disability" means an
159 individual who has a disability that is a severe physical or
160 mental impairment that seriously limits one or more functional
161 capacities, such as mobility, communication, self-care, self-
162 direction, interpersonal skills, work tolerance, or work skills,
163 in terms of an employment outcome; whose vocational
164 rehabilitation may be expected to require multiple vocational
165 rehabilitation services over an extended period of time; and who
166 has one or more physical or mental disabilities resulting from
167 amputation, arthritis, autism, blindness, burn injury, cancer,
168 cerebral palsy, cystic fibrosis, deafness, head injury, heart
169 disease, hemiplegia, hemophilia, respiratory or pulmonary
170 dysfunction, mental retardation, mental illness, multiple
171 sclerosis, muscular dystrophy, musculoskeletal disorder,
172 neurological disorder, including stroke and epilepsy,
173 paraplegia, quadriplegia, or other spinal cord condition,
174 sickle-cell anemia, specific learning disability, end-stage

581-04245-10

20101806c1

175 renal disease, or another disability or a combination of
176 disabilities that is determined, after an assessment for
177 determining eligibility and vocational rehabilitation needs, to
178 cause comparable substantial functional limitation.

179 (17)~~(18)~~ "Person who has a most significant disability"
180 means a person who has a significant disability who meets the
181 designated administrative unit's criteria for a person who has a
182 most significant disability.

183 (18)~~(19)~~ "Personal assistance services" means a range of
184 services, provided by one or more individuals ~~persons~~, designed
185 to assist a person who has a disability to perform daily living
186 activities, on or off the job, that the person ~~individual~~ would
187 typically perform if the person ~~individual~~ did not have a
188 disability. Such services shall be designed to increase the
189 person's ~~individual's~~ control in life and ability to perform
190 everyday activities on or off the job. The services must be
191 necessary for achieving an employment outcome and may be
192 provided only if the person who has a disability is receiving
193 other vocational rehabilitation services. The services may
194 include training in managing, supervising, and directing
195 personal assistance services.

196 (19)~~(20)~~ "Physical and mental restoration" means any
197 medical, surgical, or therapeutic treatment necessary to correct
198 or substantially modify a physical or mental condition that is
199 stable or slowly progressive and constitutes an impediment to
200 employment, but is of such nature that the treatment can
201 reasonably be expected to correct or modify such impediment to
202 employment within a reasonable length of time, including, but
203 not limited to, medical, psychiatric, dental, and surgical

581-04245-10

20101806c1

204 treatment, nursing services, hospital care in connection with
205 surgery or treatment, convalescent home care, drugs, medical and
206 surgical supplies, and prosthetic and orthotic devices.

207 ~~(21) "Program" means an agency, organization, or~~
208 ~~institution, or a unit of an agency, organization, or~~
209 ~~institution, that provides directly or facilitates the provision~~
210 ~~of vocational rehabilitation services as one of its major~~
211 ~~functions.~~

212 ~~(22) "Rehabilitation" means those events and processes~~
213 ~~occurring after injury and progressing to ultimate stabilization~~
214 ~~and maximum possible recovery.~~

215 ~~(23) "Rehabilitation service" means any service, provided~~
216 ~~directly or indirectly through public or private agencies, found~~
217 ~~by the division to be necessary to enable a person who has a~~
218 ~~limiting disability to engage in competitive employment.~~

219 ~~(24) "Rules" means rules adopted by the department in the~~
220 ~~manner prescribed by law.~~

221 (20)~~(25)~~ "State plan" means the state plan approved by the
222 Federal Government as qualifying for federal funds under the
223 Rehabilitation Act of 1973, as amended. However, the term "state
224 plan," as used in ss. 413.393-413.401 ~~413.39-413.401~~, means the
225 state plan for independent living ~~Rehabilitative Services~~ under
226 Title VII(A) of the Rehabilitation Act of 1973, as amended.

227 (21)~~(26)~~ "Supported employment" means competitive work in
228 integrated working settings for persons who have most
229 significant ~~severe~~ disabilities and for whom competitive
230 employment has not traditionally occurred or for whom
231 competitive employment has been interrupted or is intermittent
232 as a result of such ~~a severe~~ disability. Persons who have most

581-04245-10

20101806c1

233 significant ~~severe~~ disabilities requiring supported employment
234 need intensive supported employment services or extended
235 services in order to perform such work.

236 ~~(22)-(27)~~ "Supported employment services" means ongoing
237 support services and other appropriate services needed to
238 support and maintain a person who has a most significant ~~severe~~
239 disability in supported employment. Supported employment
240 services are based upon a determination of the needs of the
241 eligible individual as specified in the person's individualized
242 plan for employment ~~written rehabilitation program~~. The services
243 are provided singly or in combination and are organized and made
244 available in such a way as to assist eligible individuals in
245 entering or maintaining integrated, competitive employment. The
246 services are provided for a period of time not to extend beyond
247 18 months, but can be extended under special circumstances with
248 the consent of the individual in order to achieve the objectives
249 of the rehabilitation plan.

250 ~~(23)-(28)~~ "Third-party coverage" means any claim for, right
251 to receive payment for or any coverage for, the payment of any
252 vocational rehabilitation and related services.

253 ~~(24)-(29)~~ "Third-party payment" means any and all payments
254 received or due as a result of any third-party coverage.

255 ~~(25)-(30)~~ "Transition services" means a coordinated set of
256 activities for a student, designed within an outcome-oriented
257 process, that promote movement from school to postschool
258 activities, including postsecondary education; vocational
259 training; integrated employment; ~~including~~ supported employment;
260 continuing and adult education; adult services; independent
261 living; or community participation. The coordinated set of

581-04245-10

20101806c1

262 activities must be based upon the individual student's needs,
263 taking into account the student's preferences and interests, and
264 must include instruction, community experiences, the development
265 of employment and other postschool adult living objectives, and,
266 if when appropriate, acquisition of daily living skills and
267 functional vocational evaluation.

268 ~~(31) "Transitional living facility" means a state approved~~
269 ~~facility as defined and licensed pursuant to chapter 400 and~~
270 ~~division approved in accord with this part.~~

271 (26)~~(32)~~ "Vocational rehabilitation" and "vocational
272 rehabilitation services" mean any service, provided directly or
273 through public or private entities ~~instrumentalities~~, to enable
274 an individual or group of individuals to achieve an employment
275 outcome, including, but not limited to, medical and vocational
276 diagnosis, an assessment for determining eligibility and
277 vocational rehabilitation needs by qualified personnel;
278 counseling, guidance, and work-related placement services;
279 vocational and other training services; physical and mental
280 restoration services; maintenance for additional costs incurred
281 while participating in rehabilitation; interpreter services for
282 individuals who are deaf; recruitment and training services to
283 provide new employment opportunities in the fields of
284 rehabilitation, health, welfare, public safety, law enforcement,
285 and other appropriate service employment; occupational licenses;
286 tools, equipment, and initial stocks and supplies;
287 transportation; telecommunications, sensory, and other
288 technological aids and devices; rehabilitation technology
289 services; referral services designed to secure needed services
290 from other agencies; transition services; on-the-job or other

581-04245-10

20101806c1

291 related personal assistance services; and supported employment
292 services.

293 ~~(33) "Vocational rehabilitation and related services" means~~
294 ~~any services that are provided or paid for by the division.~~

295 Section 2. Section 413.30, Florida Statutes, is amended to
296 read:

297 413.30 Eligibility for vocational rehabilitation services.-

298 (1) A person is eligible for vocational rehabilitation
299 services if the person has a disability and requires vocational
300 rehabilitation services to prepare for, enter, engage in, or
301 retain gainful employment.

302 (2) Determinations by other state or federal agencies
303 regarding whether an individual satisfies one or more factors
304 relating to the determination that an individual has a
305 disability may be used. Individuals determined to have a
306 disability pursuant to Title II or Title XVI of the Social
307 Security Act shall be considered to have a physical or mental
308 impairment that constitutes or results in a substantial
309 impediment to employment and a significant disability ~~severe~~
310 ~~physical or mental impairment that seriously limits one or more~~
311 ~~functional capacities in terms of an employment outcome.~~

312 (3) An individual is ~~shall be~~ presumed to benefit in terms
313 of an employment outcome from vocational rehabilitation services
314 under this part unless the division can demonstrate by clear and
315 convincing evidence that the individual is incapable of
316 benefiting from vocational rehabilitation services in terms of
317 an employment outcome. Before making a determination, the
318 division must consider the individual's abilities, capabilities,
319 and capacity to perform in a work situation through the use of

581-04245-10

20101806c1

320 trial work experiences. Trial work experiences include supported
321 employment, on-the-job training, or other work experiences using
322 realistic work settings. Under limited circumstances, if an
323 individual cannot take advantage of trial work experiences or if
324 options for trial work experiences have been exhausted ~~To~~
325 ~~demonstrate that an individual cannot benefit from vocational~~
326 ~~rehabilitation services due to the severity of the individual's~~
327 ~~disability,~~ the division shall conduct an extended evaluation,
328 not to exceed 18 months. The evaluation must determine the
329 eligibility of the individual and the nature and scope of needed
330 vocational rehabilitation services. The extended evaluation must
331 be reviewed once every 90 days to determine whether the
332 individual is eligible for vocational rehabilitation services.

333 (4) The division shall determine the eligibility of an
334 individual for vocational rehabilitation services within a
335 reasonable period of time, not to exceed 60 days after the
336 individual has submitted an application to receive vocational
337 rehabilitation services, ~~unless the division notifies the~~
338 ~~individual that exceptional and unforeseen circumstances beyond~~
339 ~~the control of the division prevent the division from completing~~
340 ~~the determination within the prescribed time and the~~ division
341 and the individual agree ~~agrees~~ that an extension of time is
342 warranted ~~or that an extended evaluation is required.~~

343 (5) When the division determines ~~As soon as a determination~~
344 ~~has been made~~ that an individual is eligible for vocational
345 rehabilitation services, the division must complete an
346 assessment for determining eligibility and vocational
347 rehabilitation needs and ensure that an individualized plan for
348 employment ~~written rehabilitation program~~ is prepared.

581-04245-10

20101806c1

349 (a) Each ~~The~~ individualized plan for employment ~~written~~
350 ~~rehabilitation program~~ must be jointly developed, agreed upon,
351 and signed by the vocational rehabilitation counselor or
352 coordinator and the eligible individual or, in an appropriate
353 case, a parent, family member, guardian, advocate, or authorized
354 representative, of the ~~such~~ individual.

355 (b) The division must ensure that each individualized plan
356 for employment ~~written rehabilitation program~~ is designed to
357 achieve the specific employment outcome ~~objective~~ of the
358 individual, consistent with the unique strengths, resources,
359 priorities, concerns, abilities, and capabilities of the
360 individual, and otherwise meets the content requirements for an
361 individualized plan for employment ~~written rehabilitation~~
362 ~~programs~~ as set out in federal law or regulation.

363 (c) Each individualized plan for employment ~~written~~
364 ~~rehabilitation program~~ shall be reviewed annually, at which time
365 the individual, or the individual's parent, guardian, advocate,
366 or authorized representative, shall be afforded an opportunity
367 to review the plan ~~program~~ and jointly redevelop and agree to
368 its terms. Each plan ~~individualized written rehabilitation~~
369 ~~program~~ shall be revised as needed.

370 (6) The division must ensure that a determination of
371 ineligibility made with respect to an individual before ~~prior to~~
372 the initiation of an individualized plan for employment ~~written~~
373 ~~rehabilitation program~~, based upon the review, and, to the
374 extent necessary, upon the preliminary assessment, includes
375 specification of the reasons for such a determination; the
376 rights and remedies available to the individual, including, if
377 appropriate, recourse to administrative remedies; and the

581-04245-10

20101806c1

378 availability of services provided by the client assistance
 379 program to the individual. If there is a determination of
 380 ineligibility, the division must refer the individual to other
 381 services that are part of the one-stop delivery system under s.
 382 445.009 and that address the individual's training or
 383 employment-related needs or to local extended employment
 384 providers if the determination is based on a finding that the
 385 individual is incapable of achieving an employment outcome.

386 (7) If the division provides an eligible individual ~~person~~
 387 with vocational rehabilitation services in the form of vehicle
 388 modifications, the division shall consider all options
 389 available, including the purchase of a new, original equipment
 390 manufacturer vehicle that complies with the Americans with
 391 Disabilities Act for transportation vehicles. The division shall
 392 make the decision on vocational rehabilitation services based on
 393 the best interest of the eligible individual ~~client~~ and cost-
 394 effectiveness.

395 (8) If ~~In the event~~ the division is unable to provide
 396 services to all eligible individuals, the division shall
 397 establish an order of selection and serve ~~first~~ those persons
 398 who have the most significant ~~severe~~ disabilities first.

399 Section 3. Subsection (1) of section 413.341, Florida
 400 Statutes, is amended to read:

401 413.341 Applicant and eligible individual ~~client~~ records;
 402 confidential and privileged.—

403 (1) All oral and written records, information, letters, and
 404 reports received, made, or maintained by the division relative
 405 to any ~~client or applicant~~ or eligible individual are
 406 privileged, confidential, and exempt from the provisions of s.

581-04245-10

20101806c1

407 119.07(1). Any person who discloses or releases such records,
408 information, or communications in violation of this section
409 commits a misdemeanor of the second degree, punishable as
410 provided in s. 775.082 or s. 775.083. Such records may not be
411 released except that:

412 (a) Records may be released to the ~~client or~~ applicant or
413 eligible individual or his or her representative upon receipt of
414 a written waiver from the ~~client or~~ applicant or eligible
415 individual. Medical, psychological, or other information that
416 the division believes may be harmful to an a ~~client or~~ applicant
417 or eligible individual may not be released directly to him or
418 her, but must be provided through his or her designated
419 representative.

420 (b) Records ~~that do not identify clients or applicants~~ may
421 be released to an entity or individual officially engaged in an
422 audit, a program evaluation, or for the purpose of research,
423 ~~when the research is approved by the division director.~~
424 Personally identifying information released under this paragraph
425 remains privileged, confidential, and exempt under this section
426 and may not be disclosed to third parties.

427 (c) Records used in administering the program may be
428 released as required to administer the program or as required by
429 an agency or political subdivision of the state in the
430 performance of its duties. Any agency or political subdivision
431 to which records are released under this paragraph may not
432 disclose the records to third parties.

433 (d) Records may be released upon the order of an
434 administrative law judge, a hearing officer, a judge of
435 compensation claims, an agency head exercising quasi-judicial

581-04245-10

20101806c1

436 authority, or a judge of a court of competent jurisdiction
437 following a finding in an in camera proceeding that the records
438 are relevant to the inquiry before the court and should be
439 released. The in camera proceeding and all records relating
440 thereto are confidential and exempt from the provisions of s.
441 119.07(1).

442 (e) Whenever an applicant or eligible individual receiving
443 services has declared any intention to harm other persons or
444 property, such declaration may be disclosed.

445 (f) The division may also release personal information
446 about an applicant or eligible individual receiving services in
447 order to protect him or her or others when he or she poses a
448 threat to his or her own safety or to the safety of others and
449 shall, upon official request, release such information to law
450 enforcement agencies investigating the commission of a crime.

451 Section 4. Section 413.371, Florida Statutes, is amended to
452 read:

453 413.371 Independent living program; establishment and
454 administration ~~maintenance~~.—The division shall establish and
455 administer ~~maintain~~ an independent living program that will
456 provide any appropriate rehabilitation services or other
457 services to enhance the ability of persons who have significant
458 ~~severe~~ disabilities to live independently and function within
459 their communities and, if appropriate, to secure and maintain
460 employment. ~~The division, at its sole discretion and within the~~
461 ~~constraints of its funding, may contract with centers for~~
462 ~~independent living to provide such services.~~

463 Section 5. Subsection (1) of section 413.393, Florida
464 Statutes, is amended to read:

581-04245-10

20101806c1

465 413.393 State plan for independent living.-

466 (1) The state plan for independent living shall be jointly
467 developed and submitted by the Florida Independent Living
468 Council and the division, and the plan must:

469 (a) Include the existence of appropriate planning,
470 financial support and coordination, and other assistance to
471 appropriately address, on a statewide and comprehensive basis,
472 needs in the state for the provision of state independent living
473 services; the development and support of a statewide network of
474 centers for independent living; and working relationships
475 between programs providing independent living services and
476 independent living centers and the vocational rehabilitation
477 program established to provide services for persons who have
478 disabilities.

479 (b) Specify the objectives to be achieved under the plan,
480 establish time periods for the achievement of the objectives,
481 and explain how such objectives are consistent with and further
482 the purpose of this part.

483 (c) Specify that the state will provide independent living
484 services under this part to persons who have significant ~~severe~~
485 disabilities and will provide the services in accordance with an
486 independent living plan mutually agreed upon by an appropriate
487 staff member of the service provider and the individual, unless
488 the individual signs a waiver stating that such a plan is
489 unnecessary.

490 (d) Describe the extent and scope of independent living
491 services to be provided under this part to meet such objectives.
492 If the state makes arrangements, by grant or contract, for
493 providing such services, such arrangements shall be described in

581-04245-10

20101806c1

494 the plan.

495 (e) Set forth a design for the establishment of a statewide
496 network of centers for independent living that comply with the
497 standards and assurances set forth in federal law.

498 (f) Set forth the steps that will be taken to maximize the
499 cooperation, coordination, and working relationships among the
500 independent living rehabilitation service program, the Florida
501 Independent Living Council, centers for independent living, the
502 division, other agencies represented on such council, other
503 councils that address the needs of specific disability
504 populations and issues, and other public and private entities
505 determined to be appropriate by the council.

506 (g) Describe how services funded under this part will be
507 coordinated with, and complement, other services in order to
508 avoid unnecessary duplication with other federal and state
509 funding for centers for independent living and independent
510 living services.

511 (h) Set forth steps to be taken regarding outreach to
512 populations that are not served or that are underserved by
513 programs under the act, including minority groups and urban and
514 rural populations.

515 (i) Provide satisfactory assurances that all entities
516 receiving financial assistance funds under this part will notify
517 all individuals seeking or receiving services under this part
518 about the availability of the client-assistance program, the
519 purposes of the services provided under such program, and how to
520 contact such program; take affirmative action to employ and
521 advance in employment qualified persons who have disabilities on
522 the same terms and conditions required with respect to the

581-04245-10

20101806c1

523 employment of such persons; adopt such fiscal control and fund-
524 accounting procedures as may be necessary to ensure the proper
525 disbursement of and accounting for funds paid to the state under
526 this part and meet all the other requirements of federal law or
527 regulation.

528 (j) Establish a method for the periodic evaluation of the
529 effectiveness of the state plan in meeting the objectives of the
530 state plan, including evaluation of satisfaction by persons who
531 have disabilities.

532 Section 6. Section 413.40, Florida Statutes, is amended to
533 read:

534 413.40 Powers of division; independent living program.—The
535 division, in administering ~~carrying out~~ a program to provide ~~of~~
536 ~~providing~~ independent living ~~rehabilitation~~ services to persons
537 who have significant ~~severe~~ disabilities, shall be authorized,
538 contingent upon available funding, to:

539 (1) Employ necessary personnel and-

540 ~~(2) Employ consultants.~~

541 ~~(3) Provide diagnostic, medical, and psychological and~~
542 ~~other evaluation services.~~

543 ~~(4) Provide training necessary for rehabilitation.~~

544 ~~(5) Provide for persons found to require financial~~
545 ~~assistance with respect thereto and provide maintenance,~~
546 ~~including:~~

547 ~~(a) Personal care attendant services while undergoing~~
548 ~~rehabilitation.~~

549 ~~(b) Transportation incident to necessary rehabilitation~~
550 ~~services.~~

551 ~~(c) Physical and mental restoration services, prosthetic~~

581-04245-10

20101806c1

552 ~~appliances, and other equipment determined to be necessary for~~
553 ~~rehabilitation.~~

554 ~~(6) Provide rehabilitation facilities necessary for the~~
555 ~~rehabilitation of persons who have severe disabilities or~~
556 ~~contract with facilities such as centers for independent living~~
557 ~~for necessary services. The division shall not, however, assume~~
558 ~~responsibility for permanent custodial care of any individual~~
559 ~~and shall provide rehabilitation services only for a period long~~
560 ~~enough to accomplish the rehabilitation objective or to~~
561 ~~determine that rehabilitation is not feasible through the~~
562 ~~services available under this section.~~

563 ~~(2)(7)~~ Contract with any entity, public or private entity,
564 including centers for independent living, to provide independent
565 living services in accordance with the state plan for
566 independent living.

567 Section 7. Subsections (1), (2), (7), (9), (10), and (11)
568 of section 413.405, Florida Statutes, are amended to read:

569 413.405 Florida Rehabilitation Council.—There is created
570 the Florida Rehabilitation Council to assist the division in the
571 planning and development of statewide rehabilitation programs
572 and services, to recommend improvements to such programs and
573 services, and to perform the functions listed in this section.

574 (1) The council shall be composed of:

575 (a) At least one representative of the Florida Independent
576 Living Council, one of whom must ~~which representative may~~ be the
577 chairperson or other designee of the Florida Independent Living
578 Council.

579 (b) At least one representative of a parent training and
580 information center established pursuant to s. 671 ~~631(e)(9)~~ of

581-04245-10

20101806c1

581 the Individuals with Disabilities Education Act, 20 U.S.C. s.
582 1471 ~~1431(e)(9)~~.

583 (c) At least one representative of the client assistance
584 program established under s. 112 of the act, one of whom must be
585 the director of the program or other individual recommended by
586 the program.

587 (d) At least one qualified vocational rehabilitation
588 counselor who has knowledge of and experience in vocational
589 rehabilitation programs ~~services~~, who shall serve as an ex
590 officio, nonvoting member of the council if the counselor is an
591 employee of the department.

592 (e) At least one representative of community rehabilitation
593 program service providers.

594 (f) ~~At least~~ Four representatives of business, industry,
595 and labor.

596 (g) Representatives of disability ~~advocacy~~ groups that
597 include ~~representing~~ a cross-section of:

598 1. Individuals ~~Persons~~ who have physical, cognitive,
599 sensory, or mental disabilities.

600 2. ~~Parents, family members, guardians, advocates, or~~
601 ~~authorized~~ Representatives of individuals with ~~persons who have~~
602 ~~disabilities and who~~ have difficulty representing themselves
603 ~~find it difficult to~~ or are unable due to their disabilities to
604 represent themselves.

605 (h) Current or former applicants for, or recipients of,
606 vocational rehabilitation services.

607 (i) The director of the division, who shall be an ex
608 officio member of the council.

609 (j) At least one representative of the state educational

581-04245-10

20101806c1

610 agency responsible for the public education of students with
611 disabilities ~~who have a disability and~~ who are eligible to
612 receive vocational rehabilitation services and services under
613 the Individuals with Disabilities Education Act.

614 (k) At least one representative of the board of directors
615 of Workforce Florida, Inc.

616 (1) At least one representative who is a director of a
617 Vocational Rehabilitation Services Project for American Indians
618 with Disabilities under s. 121 of the act, if this state
619 participates in one or more such projects.

620 (2) Employees of the department may serve only as nonvoting
621 members of the council. ~~Other persons who have disabilities,~~
622 ~~representatives of state and local government, employers,~~
623 ~~community organizations, and members of the former Occupational~~
624 ~~Access and Opportunity Commission may be considered for council~~
625 ~~membership.~~

626 (7) (a) Each member of the council shall serve for a term of
627 not more than 3 years, except that:

628 1. (a) A member appointed to fill a vacancy occurring prior
629 to the expiration of the term for which a predecessor was
630 appointed shall be appointed for the remainder of such term.

631 2. (b) The terms of service of the members initially
632 appointed shall be, as specified by the Governor, for such fewer
633 number of years as will provide for the expiration of terms on a
634 staggered basis.

635 (b) A ~~no~~ member of the council may not serve more than two
636 consecutive full terms; however, this provision does not apply
637 to a member appointed under paragraph (1) (c) or paragraph
638 (1) (1).

581-04245-10

20101806c1

639 (9) In addition to the other functions specified in this
640 section, the council shall, after consulting with the board of
641 directors of Workforce Florida, Inc.:

642 (a) Review, analyze, and advise the division regarding the
643 performance of the responsibilities of the division under Title
644 I of the act, particularly responsibilities relating to:

645 1. Eligibility, including order of selection.

646 2. The extent, scope, and effectiveness of services
647 provided.

648 3. Functions performed by state agencies that affect or
649 potentially affect the ability of individuals with ~~who have~~
650 disabilities in achieving employment outcomes ~~to achieve~~
651 ~~rehabilitation goals and objectives~~ under Title I.

652 (b) In partnership with the division:

653 1. Develop, agree to, and review state goals and priorities
654 in accordance with 34 C.F.R. 361.29(c); and

655 2. Evaluate the effectiveness of the vocational
656 rehabilitation program and submit reports of progress to the
657 Governor, the President of the Senate, the Speaker of the House
658 of Representatives, and the United States Secretary of Education
659 in accordance with 34 C.F.R. 361.29(e).

660 (c) Advise the department and the division and assist in
661 the preparation of the state plan and amendments to the plan,
662 applications, reports, needs assessments, and evaluations
663 required by Title I.

664 (d) To the extent feasible, conduct a review and analysis
665 of the effectiveness of, and consumer satisfaction with:

666 1. The functions performed by state agencies and other
667 public and private entities responsible for performing functions

581-04245-10

20101806c1

668 for individuals who have disabilities.

669 2. Vocational rehabilitation services:

670 a. Provided or paid for from funds made available under the
671 act or through other public or private sources.

672 b. Provided by state agencies and other public and private
673 entities responsible for providing vocational rehabilitation
674 services to individuals who have disabilities.

675 3. The employment outcomes achieved by eligible individuals
676 receiving services under this part, including the availability
677 of health or other employment benefits in connection with those
678 employment outcomes.

679 (e) Prepare and submit an annual report on the status of
680 vocational rehabilitation programs ~~services~~ in the state to the
681 Governor, the President of the Senate, the Speaker of the House
682 of Representatives, and the United States Secretary of Education
683 and make the report available to the public.

684 (f) Coordinate with other councils within Florida,
685 including the Florida Independent Living Council, the advisory
686 panel established under s. 612(a)(21) ~~613(a)(12)~~ of the
687 Individuals with Disabilities Education Act, 20 U.S.C. s.
688 1412(a)(21) ~~1413(a)(12)~~, the State Planning Council described in
689 s. 124 of the Developmental Disabilities Assistance and Bill of
690 Rights Act, 42 U.S.C. s. 15024 ~~6024~~, the state mental health
691 planning council established under s. 1914 ~~1916(e)~~ of the Public
692 Health Service Act, 42 U.S.C. s. 300x-3 ~~300x-4(e)~~, and the board
693 of directors of Workforce Florida, Inc.

694 (g) Advise the department and division and provide for
695 coordination and the establishment of working relationships
696 among the department, the division, the Florida Independent

581-04245-10

20101806c1

697 Living Council, and centers for independent living in the state.

698 (h) Perform ~~such~~ other functions that are consistent with
699 the duties and responsibilities of as the council determines to
700 ~~be appropriate that are comparable to functions performed by the~~
701 council under this section.

702 (10) (a) The council shall prepare, in conjunction with the
703 division, a plan for the provision of such resources, including
704 at least four staff persons, as may be necessary to carry out
705 the functions of the council. The resource plan shall, to the
706 maximum extent possible, rely on the use of resources in
707 existence during the period of implementation of the plan.

708 (b) ~~If there is~~ A disagreement between the council and the
709 division regarding ~~in regard to~~ the amount of resources
710 necessary to carry out the functions of the council as set forth
711 in this section, ~~the disagreement~~ shall be resolved by the
712 Governor.

713 (c) The council shall, consistent with law, supervise and
714 evaluate such staff and other personnel as may be necessary to
715 carry out its functions.

716 (d) While assisting the council in carrying out its duties,
717 staff and other personnel may ~~shall~~ not be assigned duties by
718 the division or any other state agency or office that would
719 create a conflict of interest.

720 (11) The council shall convene at least four meetings each
721 year in locations determined by. ~~These meetings shall occur in~~
722 ~~such places as~~ the council to be ~~deems~~ necessary to conduct
723 council business. The council may conduct such forums or
724 hearings as the council considers appropriate. The meetings,
725 hearings, and forums shall be publicly announced. The meetings

581-04245-10

20101806c1

726 shall be open and accessible to the public unless there is a
727 valid reason for an executive session. The council shall make a
728 report of each meeting which shall include a record of its
729 discussions and recommendations, all of which reports shall be
730 made available to the public.

731 Section 8. Paragraph (a) of subsection (1) of section
732 413.407, Florida Statutes, is amended to read:

733 413.407 Assistive Technology Advisory Council.—There is
734 created the Assistive Technology Advisory Council, responsible
735 for ensuring consumer involvement in the creation, application,
736 and distribution of technology-related assistance to and for
737 persons who have disabilities. The council shall fulfill its
738 responsibilities through statewide policy development, both
739 state and federal legislative initiatives, advocacy at both the
740 state and federal level, planning of statewide resource
741 allocations, policy-level management, reviews of both consumer
742 responsiveness and the adequacy of program service delivery, and
743 by performing the functions listed in this section.

744 (1)(a) The council shall be composed of:

745 1. Individuals who have disabilities and who are assistive
746 technology consumers or family members or guardians of those
747 individuals.

748 2. Representatives of consumer organizations concerned with
749 assistive technology.

750 3. Representatives of business and industry, including the
751 insurance industry, concerned with assistive technology.

752 4. A representative of the Division of Vocational
753 Rehabilitation.

754 5. A representative of the Division of Blind Services.

581-04245-10

20101806c1

755 6. A representative of the Florida Independent Living
756 Council.

757 7. A representative of Workforce Florida, Inc.

758 8. A representative of the Department of Education.

759 9. Representatives of other state agencies that provide or
760 coordinate services for persons with disabilities.

761
762 Total membership on the council shall not exceed 27 at any one
763 time. A majority of the members shall be appointed in accordance
764 with subparagraph 1.

765 Section 9. Sections 413.206, 413.39, 413.70, 413.72, and
766 413.73, Florida Statutes, are repealed.

767 Section 10. Section 1013.05, Florida Statutes, is repealed.

768 Section 11. Paragraph (a) of subsection (1) and paragraph
769 (a) of subsection (3) of section 163.31777, Florida Statutes,
770 are amended to read:

771 163.31777 Public schools interlocal agreement.—

772 (1) (a) The county and municipalities located within the
773 geographic area of a school district shall enter into an
774 interlocal agreement with the district school board which
775 jointly establishes the specific ways in which the plans and
776 processes of the district school board and the local governments
777 are to be coordinated. The interlocal agreements shall be
778 submitted to the state land planning agency and the Office of
779 Educational Facilities ~~and the SMART Schools Clearinghouse~~ in
780 accordance with a schedule published by the state land planning
781 agency.

782 (3) (a) The Office of Educational Facilities ~~and SMART~~
783 ~~Schools Clearinghouse~~ shall submit any comments or concerns

581-04245-10

20101806c1

784 regarding the executed interlocal agreement to the state land
785 planning agency within 30 days after receipt of the executed
786 interlocal agreement. The state land planning agency shall
787 review the executed interlocal agreement to determine whether it
788 is consistent with the requirements of subsection (2), the
789 adopted local government comprehensive plan, and other
790 requirements of law. Within 60 days after receipt of an executed
791 interlocal agreement, the state land planning agency shall
792 publish a notice of intent in the Florida Administrative Weekly
793 and shall post a copy of the notice on the agency's Internet
794 site. The notice of intent must state whether the interlocal
795 agreement is consistent or inconsistent with the requirements of
796 subsection (2) and this subsection, as appropriate.

797 Section 12. Paragraph (c) of subsection (4) of section
798 1001.20, Florida Statutes, is amended to read:

799 1001.20 Department under direction of state board.—

800 (4) The Department of Education shall establish the
801 following offices within the Office of the Commissioner of
802 Education which shall coordinate their activities with all other
803 divisions and offices:

804 (c) *Office of Educational Facilities* ~~and SMART Schools~~
805 ~~Clearinghouse~~.—Responsible for validating all educational plant
806 surveys and verifying Florida Inventory of School Houses (FISH)
807 data. The office shall provide technical assistance to public
808 school districts when requested.

809 Section 13. Subsection (1) of section 1013.04, Florida
810 Statutes, is amended to read:

811 1013.04 School district educational facilities plan
812 performance and productivity standards; development;

581-04245-10

20101806c1

813 measurement; application.—

814 (1) The Office of Educational Facilities ~~and SMART Schools~~
815 ~~Clearinghouse~~ shall develop and adopt measures for evaluating
816 the performance and productivity of school district educational
817 facilities plans. The measures may be both quantitative and
818 qualitative and must, to the maximum extent practical, assess
819 those factors that are within the districts' control. The
820 measures must, at a minimum, assess performance in the following
821 areas:

- 822 (a) Frugal production of high-quality projects.
823 (b) Efficient finance and administration.
824 (c) Optimal school and classroom size and utilization rate.
825 (d) Safety.
826 (e) Core facility space needs and cost-effective capacity
827 improvements that consider demographic projections.
828 (f) Level of district local effort.

829 Section 14. Paragraph (a) of subsection (1) of section
830 1013.21, Florida Statutes, is amended to read:

831 1013.21 Reduction of relocatable facilities in use.—

832 (1) (a) It is a goal of the Legislature that all school
833 districts shall provide a quality educational environment for
834 their students such that, by July 1, 2003, student stations in
835 relocatable facilities exceeding 20 years of age and in use by a
836 district during the 1998-1999 fiscal year shall be removed and
837 the number of all other relocatable student stations at over-
838 capacity schools during that fiscal year shall be decreased by
839 half. The Legislature finds, however, that necessary maintenance
840 of existing facilities and public school enrollment growth
841 impair the ability of some districts to achieve the goal of this

581-04245-10

20101806c1

842 section within 5 years. Therefore, the Legislature is increasing
843 its commitment to school funding in this act, in part to help
844 districts reduce the number of temporary, relocatable student
845 stations at over-capacity schools. The Legislature intends that
846 local school districts also increase their investment toward
847 meeting this goal. Each district's progress toward meeting this
848 goal shall be measured annually by comparing district facilities
849 work programs for replacing relocatables with the state capital
850 outlay projections for education prepared by the Office of
851 Educational Facilities ~~and SMART Schools Clearinghouse~~. District
852 facilities work programs shall be monitored by the Office of
853 Educational Facilities ~~SMART Schools Clearinghouse~~ to measure
854 the commitment of local school districts toward this goal.

855 Section 15. Paragraph (a) of subsection (2), paragraph (a)
856 of subsection (4), and subsection (9) of section 1013.33,
857 Florida Statutes, are amended to read:

858 1013.33 Coordination of planning with local governing
859 bodies.—

860 (2) (a) The school board, county, and nonexempt
861 municipalities located within the geographic area of a school
862 district shall enter into an interlocal agreement that jointly
863 establishes the specific ways in which the plans and processes
864 of the district school board and the local governments are to be
865 coordinated. The interlocal agreements shall be submitted to the
866 state land planning agency and the Office of Educational
867 Facilities ~~and the SMART Schools Clearinghouse~~ in accordance
868 with a schedule published by the state land planning agency.

869 (4) (a) The Office of Educational Facilities ~~and SMART~~
870 ~~Schools Clearinghouse~~ shall submit any comments or concerns

581-04245-10

20101806c1

871 regarding the executed interlocal agreement to the state land
872 planning agency within 30 days after receipt of the executed
873 interlocal agreement. The state land planning agency shall
874 review the executed interlocal agreement to determine whether it
875 is consistent with the requirements of subsection (3), the
876 adopted local government comprehensive plan, and other
877 requirements of law. Within 60 days after receipt of an executed
878 interlocal agreement, the state land planning agency shall
879 publish a notice of intent in the Florida Administrative Weekly
880 and shall post a copy of the notice on the agency's Internet
881 site. The notice of intent must state that the interlocal
882 agreement is consistent or inconsistent with the requirements of
883 subsection (3) and this subsection as appropriate.

884 (9) A board and the local governing body must share and
885 coordinate information related to existing and planned school
886 facilities; proposals for development, redevelopment, or
887 additional development; and infrastructure required to support
888 the school facilities, concurrent with proposed development. A
889 school board shall use information produced by the demographic,
890 revenue, and education estimating conferences pursuant to s.
891 216.136 when preparing the district educational facilities plan
892 pursuant to s. 1013.35, as modified and agreed to by the local
893 governments, when provided by interlocal agreement, and the
894 Office of Educational Facilities ~~and SMART Schools~~
895 ~~Clearinghouse~~, in consideration of local governments' population
896 projections, to ensure that the district educational facilities
897 plan not only reflects enrollment projections but also considers
898 applicable municipal and county growth and development
899 projections. The projections must be apportioned geographically

581-04245-10

20101806c1

900 with assistance from the local governments using local
901 government trend data and the school district student enrollment
902 data. A school board is precluded from siting a new school in a
903 jurisdiction where the school board has failed to provide the
904 annual educational facilities plan for the prior year required
905 pursuant to s. 1013.35 unless the failure is corrected.

906 Section 16. Paragraph (c) of subsection (1) and paragraph
907 (a) of subsection (2) of section 1013.35, Florida Statutes, are
908 amended to read:

909 1013.35 School district educational facilities plan;
910 definitions; preparation, adoption, and amendment; long-term
911 work programs.—

912 (1) DEFINITIONS.—As used in this section, the term:

913 (c) "Tentative educational facilities plan" means the
914 comprehensive planning document prepared annually by the
915 district school board and submitted to the Office of Educational
916 Facilities and ~~SMART Schools Clearinghouse~~ and the affected
917 general-purpose local governments.

918 (2) PREPARATION OF TENTATIVE DISTRICT EDUCATIONAL
919 FACILITIES PLAN.—

920 (a) Annually, prior to the adoption of the district school
921 budget, each district school board shall prepare a tentative
922 district educational facilities plan that includes long-range
923 planning for facilities needs over 5-year, 10-year, and 20-year
924 periods. The plan must be developed in coordination with the
925 general-purpose local governments and be consistent with the
926 local government comprehensive plans. The school board's plan
927 for provision of new schools must meet the needs of all growing
928 communities in the district, ranging from small rural

581-04245-10

20101806c1

929 communities to large urban cities. The plan must include:

930 1. Projected student populations apportioned geographically
931 at the local level. The projections must be based on information
932 produced by the demographic, revenue, and education estimating
933 conferences pursuant to s. 216.136, where available, as modified
934 by the district based on development data and agreement with the
935 local governments and the Office of Educational Facilities ~~and~~
936 ~~SMART Schools Clearinghouse~~. The projections must be apportioned
937 geographically with assistance from the local governments using
938 local development trend data and the school district student
939 enrollment data.

940 2. An inventory of existing school facilities. Any
941 anticipated expansions or closures of existing school sites over
942 the 5-year, 10-year, and 20-year periods must be identified. The
943 inventory must include an assessment of areas proximate to
944 existing schools and identification of the need for improvements
945 to infrastructure, safety, including safe access routes, and
946 conditions in the community. The plan must also provide a
947 listing of major repairs and renovation projects anticipated
948 over the period of the plan.

949 3. Projections of facilities space needs, which may not
950 exceed the norm space and occupant design criteria established
951 in the State Requirements for Educational Facilities.

952 4. Information on leased, loaned, and donated space and
953 relocatables used for conducting the district's instructional
954 programs.

955 5. The general location of public schools proposed to be
956 constructed over the 5-year, 10-year, and 20-year time periods,
957 including a listing of the proposed schools' site acreage needs

581-04245-10

20101806c1

958 and anticipated capacity and maps showing the general locations.
959 The school board's identification of general locations of future
960 school sites must be based on the school siting requirements of
961 s. 163.3177(6) (a) and policies in the comprehensive plan which
962 provide guidance for appropriate locations for school sites.

963 6. The identification of options deemed reasonable and
964 approved by the school board which reduce the need for
965 additional permanent student stations. Such options may include,
966 but need not be limited to:

- 967 a. Acceptable capacity;
- 968 b. Redistricting;
- 969 c. Busing;
- 970 d. Year-round schools;
- 971 e. Charter schools;
- 972 f. Magnet schools; and
- 973 g. Public-private partnerships.

974 7. The criteria and method, jointly determined by the local
975 government and the school board, for determining the impact of
976 proposed development to public school capacity.

977 Section 17. Subsections (3) and (4) of section 1013.41,
978 Florida Statutes, are amended to read:

979 1013.41 SMART schools; Classrooms First; legislative
980 purpose.—

981 (3) SCHOOL DISTRICT EDUCATIONAL FACILITIES PLAN.—It is the
982 purpose of the Legislature to create s. 1013.35, requiring each
983 school district annually to adopt an educational facilities plan
984 that provides an integrated long-range facilities plan,
985 including the survey of projected needs and the 5-year work
986 program. The purpose of the educational facilities plan is to

581-04245-10

20101806c1

987 keep the district school board, local governments, and the
 988 public fully informed as to whether the district is using sound
 989 policies and practices that meet the essential needs of students
 990 and that warrant public confidence in district operations. The
 991 educational facilities plan will be monitored by the Office of
 992 Educational Facilities ~~and SMART Schools Clearinghouse~~, which
 993 will also apply performance standards pursuant to s. 1013.04.

994 (4) OFFICE OF EDUCATIONAL FACILITIES ~~AND SMART SCHOOLS~~
 995 ~~CLEARINGHOUSE~~.—It is the purpose of the Legislature to require
 996 ~~create s. 1013.05, establishing~~ the Office of Educational
 997 Facilities ~~and SMART Schools Clearinghouse~~ to assist the school
 998 districts in building SMART schools utilizing functional and
 999 frugal practices. The Office of Educational Facilities ~~and SMART~~
 1000 ~~Schools Clearinghouse~~ must review district facilities work
 1001 programs and projects and identify districts qualified for
 1002 incentive funding available through School Infrastructure Thrift
 1003 Program awards; identify opportunities to maximize design and
 1004 construction savings; develop school district facilities work
 1005 program performance standards; and provide for review and
 1006 recommendations to the Governor, the Legislature, and the State
 1007 Board of Education.

1008 Section 18. Paragraphs (a) and (b) of subsection (6) of
 1009 section 1013.42, Florida Statutes, are amended to read:

1010 1013.42 School Infrastructure Thrift (SIT) Program Act.—

1011 (6) (a) Each school district may submit to the Office of
 1012 Educational Facilities ~~and SMART Schools Clearinghouse~~, with
 1013 supporting data, its request, based on eligibility pursuant to
 1014 s. 1013.72 for an award of SIT Program dollars.

1015 (b) The Office of Educational Facilities ~~and SMART Schools~~

581-04245-10

20101806c1

1016 ~~Clearinghouse~~ shall examine the supporting data from each school
 1017 district and shall report to the commissioner each district's
 1018 eligibility pursuant to s. 1013.72. ~~Based on the office's report~~
 1019 ~~and pursuant to ss. 1013.04 and 1013.05,~~ The office shall make
 1020 recommendations, ranked in order of priority, for SIT Program
 1021 awards to eligible districts. Priority shall be based on a
 1022 review of the evaluations conducted under s. 1013.04, district
 1023 facilities work programs, and proposed construction projects.

1024 Section 19. Section 1013.72, Florida Statutes, is amended
 1025 to read:

1026 1013.72 SIT Program award eligibility; maximum cost per
 1027 student station of educational facilities; frugality incentives;
 1028 recognition awards.—

1029 (1) It is the intent of the Legislature that district
 1030 school boards that seek awards of SIT Program funds use due
 1031 diligence and sound business practices in the design,
 1032 construction, and use of educational facilities.

1033 (2) A school district may seek an award from the SIT
 1034 Program, pursuant to this section and s. 1013.42, based on the
 1035 district's new construction of educational facilities if the
 1036 cost per student station is less than:

- 1037 (a) \$17,952 ~~\$11,600~~ for an elementary school,
- 1038 (b) \$19,386 ~~\$13,300~~ for a middle school, or
- 1039 (c) \$25,181 ~~\$17,600~~ for a high school,

1040
 1041 (January 2006) ~~(1997)~~ as adjusted annually by the Consumer Price
 1042 Index. The award shall be up to 50 percent of such savings, as
 1043 recommended by the Office of Educational Facilities ~~and SMART~~
 1044 ~~Schools Clearinghouse.~~

581-04245-10

20101806c1

1045 (3) A school district may seek a SMART school of the year
1046 recognition award for building the highest quality functional,
1047 frugal school. The commissioner may present a trophy or plaque
1048 and a cash award to the school recommended by the Office of
1049 Educational Facilities ~~and SMART Schools Clearinghouse~~ for a
1050 SMART school of the year recognition award.

1051 Section 20. Subsection (1) of section 1013.73, Florida
1052 Statutes, is amended to read:

1053 1013.73 Effort index grants for school district
1054 facilities.—

1055 (1) The Legislature hereby allocates for effort index
1056 grants the sum of \$300 million from the funds appropriated from
1057 the Educational Enhancement Trust Fund by s. 46, chapter 97-384,
1058 Laws of Florida, contingent upon the sale of school capital
1059 outlay bonds. From these funds, the Commissioner of Education
1060 shall allocate to the four school districts deemed eligible for
1061 an effort index grant ~~by the SMART Schools Clearinghouse~~ the
1062 sums of \$7,442,890 to the Clay County School District,
1063 \$62,755,920 to the Miami-Dade County Public Schools, \$1,628,590
1064 to the Hendry County School District, and \$414,950 to the
1065 Madison County School District. The remaining funds shall be
1066 allocated among the remaining district school boards that
1067 qualify for an effort index grant by meeting the local capital
1068 outlay effort criteria in paragraph (a) or paragraph (b).

1069 (a) Between July 1, 1995, and June 30, 1999, the school
1070 district received direct proceeds from the one-half-cent sales
1071 surtax for public school capital outlay authorized by s.
1072 212.055(6) or from the local government infrastructure sales
1073 surtax authorized by s. 212.055(2).

581-04245-10

20101806c1

1074 (b) The school district met two of the following criteria:

1075 1. Levied the full 2 mills of nonvoted discretionary
1076 capital outlay authorized by s. 1011.71(2) during 1995-1996,
1077 1996-1997, 1997-1998, and 1998-1999.

1078 2. Levied a cumulative voted millage for capital outlay and
1079 debt service equal to 2.5 mills for fiscal years 1995 through
1080 1999.

1081 3. Received proceeds of school impact fees greater than
1082 \$500 per dwelling unit which were in effect on July 1, 1998.

1083 4. Received direct proceeds from either the one-half-cent
1084 sales surtax for public school capital outlay authorized by s.
1085 212.055(6) or from the local government infrastructure sales
1086 surtax authorized by s. 212.055(2).

1087 Section 21. The Legislature recognizes that there is a need
1088 to conform the Florida K-20 Education Code to changes in
1089 terminology relating to community colleges which were enacted by
1090 chapter 2008-52, Laws of Florida, establishing the Florida
1091 College System, and chapter 2009-228, Laws of Florida, renaming
1092 the "Division of Community Colleges" as the "Division of Florida
1093 Colleges" and defining the term "Florida college." Therefore, in
1094 the interim between this act becoming a law and the 2011 Regular
1095 Session of the Legislature, the Division of Statutory Revision
1096 of the Office of Legislative Services shall prepare a reviser's
1097 bill to substitute the term "Florida College System institution"
1098 for the terms "Florida college," "community college," and
1099 "junior college" where those terms appear in the Florida K-20
1100 Education Code.

1101 Section 22. Section 1004.87, Florida Statutes, is repealed.

1102 Section 23. Section 1002.335, Florida Statutes, is

581-04245-10

20101806c1

1103 repealed.

1104 Section 24. Paragraphs (a) and (d) through (i) of
1105 subsection (6) of section 1002.33, Florida Statutes, are amended
1106 to read:

1107 1002.33 Charter schools.—

1108 (6) APPLICATION PROCESS AND REVIEW.—Charter school
1109 applications are subject to the following requirements:

1110 (a) A person or entity wishing to open a charter school
1111 shall prepare and submit an application on a model application
1112 form prepared by the Department of Education which:

1113 1. Demonstrates how the school will use the guiding
1114 principles and meet the statutorily defined purpose of a charter
1115 school.

1116 2. Provides a detailed curriculum plan that illustrates how
1117 students will be provided services to attain the Sunshine State
1118 Standards.

1119 3. Contains goals and objectives for improving student
1120 learning and measuring that improvement. These goals and
1121 objectives must indicate how much academic improvement students
1122 are expected to show each year, how success will be evaluated,
1123 and the specific results to be attained through instruction.

1124 4. Describes the reading curriculum and differentiated
1125 strategies that will be used for students reading at grade level
1126 or higher and a separate curriculum and strategies for students
1127 who are reading below grade level. A sponsor shall deny a
1128 charter if the school does not propose a reading curriculum that
1129 is consistent with effective teaching strategies that are
1130 grounded in scientifically based reading research.

1131 5. Contains an annual financial plan for each year

581-04245-10

20101806c1

1132 requested by the charter for operation of the school for up to 5
1133 years. This plan must contain anticipated fund balances based on
1134 revenue projections, a spending plan based on projected revenues
1135 and expenses, and a description of controls that will safeguard
1136 finances and projected enrollment trends.

1137 6. Documents that the applicant has participated in the
1138 training required in subparagraph (f)~~(g)~~2. A sponsor may require
1139 an applicant to provide additional information as an addendum to
1140 the charter school application described in this paragraph.

1141 ~~(d) For charter school applications in school districts~~
1142 ~~that have not been granted exclusive authority to sponsor~~
1143 ~~charter schools pursuant to s. 1002.335(5), the right to appeal~~
1144 ~~an application denial under paragraph (c) shall be contingent on~~
1145 ~~the applicant having submitted the same or a substantially~~
1146 ~~similar application to the Florida Schools of Excellence~~
1147 ~~Commission or one of its cosponsors. Any such applicant whose~~
1148 ~~application is denied by the commission or one of its cosponsors~~
1149 ~~subsequent to its denial by the district school board may~~
1150 ~~exercise its right to appeal the district school board's denial~~
1151 ~~under paragraph (c) within 30 days after receipt of the~~
1152 ~~commission's or cosponsor's denial or failure to act on the~~
1153 ~~application. However, the applicant forfeits its right to appeal~~
1154 ~~under paragraph (c) if it fails to submit its application to the~~
1155 ~~commission or one of its cosponsors by August 1 of the school~~
1156 ~~year immediately following the district school board's denial of~~
1157 ~~the application.~~

1158 (d)~~(e)~~ The sponsor shall act upon the decision of the State
1159 Board of Education within 30 calendar days after it is received.
1160 The State Board of Education's decision is a final action

581-04245-10

20101806c1

1161 subject to judicial review in the district court of appeal.

1162 (e)~~(f)~~1. A Charter School Appeal Commission is established
1163 to assist the commissioner and the State Board of Education with
1164 a fair and impartial review of appeals by applicants whose
1165 charter applications have been denied, whose charter contracts
1166 have not been renewed, or whose charter contracts have been
1167 terminated by their sponsors.

1168 2. The Charter School Appeal Commission may receive copies
1169 of the appeal documents forwarded to the State Board of
1170 Education, review the documents, gather other applicable
1171 information regarding the appeal, and make a written
1172 recommendation to the commissioner. The recommendation must
1173 state whether the appeal should be upheld or denied and include
1174 the reasons for the recommendation being offered. The
1175 commissioner shall forward the recommendation to the State Board
1176 of Education no later than 7 calendar days prior to the date on
1177 which the appeal is to be heard. The state board must consider
1178 the commission's recommendation in making its decision, but is
1179 not bound by the recommendation. The decision of the Charter
1180 School Appeal Commission is not subject to the provisions of the
1181 Administrative Procedure Act, chapter 120.

1182 3. The commissioner shall appoint the members of the
1183 Charter School Appeal Commission. Members shall serve without
1184 compensation but may be reimbursed for travel and per diem
1185 expenses in conjunction with their service. One-half of the
1186 members must represent currently operating charter schools, and
1187 one-half of the members must represent sponsors. The
1188 commissioner or a named designee shall chair the Charter School
1189 Appeal Commission.

581-04245-10

20101806c1

1190 4. The chair shall convene meetings of the commission and
1191 shall ensure that the written recommendations are completed and
1192 forwarded in a timely manner. In cases where the commission
1193 cannot reach a decision, the chair shall make the written
1194 recommendation with justification, noting that the decision was
1195 rendered by the chair.

1196 5. Commission members shall thoroughly review the materials
1197 presented to them from the appellant and the sponsor. The
1198 commission may request information to clarify the documentation
1199 presented to it. In the course of its review, the commission may
1200 facilitate the postponement of an appeal in those cases where
1201 additional time and communication may negate the need for a
1202 formal appeal and both parties agree, in writing, to postpone
1203 the appeal to the State Board of Education. A new date certain
1204 for the appeal shall then be set based upon the rules and
1205 procedures of the State Board of Education. Commission members
1206 shall provide a written recommendation to the state board as to
1207 whether the appeal should be upheld or denied. A fact-based
1208 justification for the recommendation must be included. The chair
1209 must ensure that the written recommendation is submitted to the
1210 State Board of Education members no later than 7 calendar days
1211 prior to the date on which the appeal is to be heard. Both
1212 parties in the case shall also be provided a copy of the
1213 recommendation.

1214 (f)~~(g)~~1. The Department of Education shall offer or arrange
1215 for training and technical assistance to charter school
1216 applicants in developing business plans and estimating costs and
1217 income. This assistance shall address estimating startup costs,
1218 projecting enrollment, and identifying the types and amounts of

581-04245-10

20101806c1

1219 state and federal financial assistance the charter school may be
1220 eligible to receive. The department may provide other technical
1221 assistance to an applicant upon written request.

1222 2. A charter school applicant must participate in the
1223 training provided by the Department of Education before filing
1224 an application. However, a sponsor may require the charter
1225 school applicant to attend training provided by the sponsor in
1226 lieu of the department's training if the sponsor's training
1227 standards meet or exceed the standards developed by the
1228 Department of Education. The training shall include instruction
1229 in accurate financial planning and good business practices. If
1230 the applicant is a management company or other nonprofit
1231 organization, the charter school principal and the chief
1232 financial officer or his or her equivalent must also participate
1233 in the training.

1234 (g)~~(h)~~ In considering charter applications for a lab
1235 school, a state university shall consult with the district
1236 school board of the county in which the lab school is located.
1237 The decision of a state university may be appealed pursuant to
1238 the procedure established in this subsection.

1239 (h)~~(i)~~ The terms and conditions for the operation of a
1240 charter school shall be set forth by the sponsor and the
1241 applicant in a written contractual agreement, called a charter.
1242 The sponsor shall not impose unreasonable rules or regulations
1243 that violate the intent of giving charter schools greater
1244 flexibility to meet educational goals. The sponsor shall have 60
1245 days to provide an initial proposed charter contract to the
1246 charter school. The applicant and the sponsor shall have 75 days
1247 thereafter to negotiate and notice the charter contract for

581-04245-10

20101806c1

1248 final approval by the sponsor unless both parties agree to an
1249 extension. The proposed charter contract shall be provided to
1250 the charter school at least 7 calendar days prior to the date of
1251 the meeting at which the charter is scheduled to be voted upon
1252 by the sponsor. The Department of Education shall provide
1253 mediation services for any dispute regarding this section
1254 subsequent to the approval of a charter application and for any
1255 dispute relating to the approved charter, except disputes
1256 regarding charter school application denials. If the
1257 Commissioner of Education determines that the dispute cannot be
1258 settled through mediation, the dispute may be appealed to an
1259 administrative law judge appointed by the Division of
1260 Administrative Hearings. The administrative law judge may rule
1261 on issues of equitable treatment of the charter school as a
1262 public school, whether proposed provisions of the charter
1263 violate the intended flexibility granted charter schools by
1264 statute, or on any other matter regarding this section except a
1265 charter school application denial, a charter termination, or a
1266 charter nonrenewal and shall award the prevailing party
1267 reasonable attorney's fees and costs incurred to be paid by the
1268 losing party. The costs of the administrative hearing shall be
1269 paid by the party whom the administrative law judge rules
1270 against.

1271 Section 25. Subsection (5) of section 1003.413, Florida
1272 Statutes, is repealed.

1273 Section 26. Section 1003.62, Florida Statutes, is repealed.

1274 Section 27. Subsection (2) of section 1011.69, Florida
1275 Statutes, is amended to read:

1276 1011.69 Equity in School-Level Funding Act.—

581-04245-10

20101806c1

1277 (2) Beginning in the 2003-2004 fiscal year, district school
1278 boards shall allocate to schools within the district an average
1279 of 90 percent of the funds generated by all schools and
1280 guarantee that each school receives at least 80 percent of the
1281 funds generated by that school based upon the Florida Education
1282 Finance Program as provided in s. 1011.62 and the General
1283 Appropriations Act, including gross state and local funds,
1284 discretionary lottery funds, and funds from the school
1285 district's current operating discretionary millage levy. Total
1286 funding for each school shall be recalculated during the year to
1287 reflect the revised calculations under the Florida Education
1288 Finance Program by the state and the actual weighted full-time
1289 equivalent students reported by the school during the full-time
1290 equivalent student survey periods designated by the Commissioner
1291 of Education. If the district school board is providing programs
1292 or services to students funded by federal funds, any eligible
1293 students enrolled in the schools in the district shall be
1294 provided federal funds. ~~Only academic performance-based charter~~
1295 ~~school districts, pursuant to s. 1003.62, are exempt from the~~
1296 ~~provisions of this section.~~

1297 Section 28. Paragraph (b) of subsection (6) of section
1298 1013.64, Florida Statutes, is amended to read:

1299 1013.64 Funds for comprehensive educational plant needs;
1300 construction cost maximums for school district capital
1301 projects.—Allocations from the Public Education Capital Outlay
1302 and Debt Service Trust Fund to the various boards for capital
1303 outlay projects shall be determined as follows:

1304 (6)

1305 (b)1. A district school board, ~~including a district school~~

581-04245-10

20101806c1

1306 ~~board of an academic performance-based charter school district,~~
1307 must not use funds from the following sources: Public Education
1308 Capital Outlay and Debt Service Trust Fund; School District and
1309 Community College District Capital Outlay and Debt Service Trust
1310 Fund; Classrooms First Program funds provided in s. 1013.68;
1311 effort index grant funds provided in s. 1013.73; nonvoted 1.5-
1312 mill levy of ad valorem property taxes provided in s.
1313 1011.71(2); Classrooms for Kids Program funds provided in s.
1314 1013.735; District Effort Recognition Program funds provided in
1315 s. 1013.736; or High Growth District Capital Outlay Assistance
1316 Grant Program funds provided in s. 1013.738 for any new
1317 construction of educational plant space with a total cost per
1318 student station, including change orders, that equals more than:
1319 a. \$17,952 for an elementary school,
1320 b. \$19,386 for a middle school, or
1321 c. \$25,181 for a high school,

1322
1323 (January 2006) as adjusted annually to reflect increases or
1324 decreases in the Consumer Price Index.

1325 2. A district school board must not use funds from the
1326 Public Education Capital Outlay and Debt Service Trust Fund or
1327 the School District and Community College District Capital
1328 Outlay and Debt Service Trust Fund for any new construction of
1329 an ancillary plant that exceeds 70 percent of the average cost
1330 per square foot of new construction for all schools.

1331 Section 29. Section 1003.63 and subsection (7) of section
1332 1008.345, Florida Statutes, are repealed.

1333 Section 30. Subsection (2) of section 1004.68, Florida
1334 Statutes, is amended to read:

581-04245-10

20101806c1

1335 1004.68 Community college; degrees and certificates; tests
1336 for certain skills.—

1337 (2) Each community college board of trustees shall require
1338 the use of scores on tests for college-level communication and
1339 computation skills provided in s. 1008.345 (7) ~~(8)~~ as a condition
1340 for graduation with an associate in arts degree.

1341 Section 31. Section 1006.67, Florida Statutes, is repealed.

1342 Section 32. Section 1013.11, Florida Statutes, is amended
1343 to read:

1344 1013.11 Postsecondary institutions assessment of physical
1345 plant safety.—The president of each postsecondary institution
1346 shall conduct or cause to be conducted an annual assessment of
1347 physical plant safety. An annual report shall incorporate the
1348 findings obtained through such assessment and recommendations
1349 for the improvement of safety on each campus. The annual report
1350 shall be submitted to the respective governing or licensing
1351 board of jurisdiction no later than January 1 of each year. Each
1352 board shall compile the individual institutional reports and
1353 convey the aggregate institutional reports to the Commissioner
1354 of Education or the Chancellor of the State University System,
1355 as appropriate. The Commissioner of Education and the Chancellor
1356 of the State University System shall convey these reports ~~and~~
1357 ~~the reports required in s. 1006.67~~ to the President of the
1358 Senate and the Speaker of the House of Representatives no later
1359 than March 1 of each year.

1360 Section 33. Sections 1009.63, 1009.631, 1009.632, 1009.633,
1361 1009.634, and 1009.64, Florida Statutes, are repealed.

1362 Section 34. Paragraph (a) of subsection (1) of section
1363 1009.40, Florida Statutes, is amended to read:

581-04245-10

20101806c1

1364 1009.40 General requirements for student eligibility for
1365 state financial aid awards and tuition assistance grants.-

1366 (1) (a) The general requirements for eligibility of students
1367 for state financial aid awards and tuition assistance grants
1368 consist of the following:

1369 1. Achievement of the academic requirements of and
1370 acceptance at a state university or community college; a nursing
1371 diploma school approved by the Florida Board of Nursing; a
1372 Florida college, university, or community college which is
1373 accredited by an accrediting agency recognized by the State
1374 Board of Education; any Florida institution the credits of which
1375 are acceptable for transfer to state universities; any career
1376 center; or any private career institution accredited by an
1377 accrediting agency recognized by the State Board of Education.

1378 2. Residency in this state for no less than 1 year
1379 preceding the award of aid or a tuition assistance grant for a
1380 program established pursuant to s. 1009.50, s. 1009.505, s.
1381 1009.51, s. 1009.52, s. 1009.53, s. 1009.54, s. 1009.56, s.
1382 1009.57, s. 1009.60, s. 1009.62, ~~s. 1009.63~~, s. 1009.68, s.
1383 1009.72, s. 1009.73, s. 1009.77, s. 1009.89, or s. 1009.891.

1384 Residency in this state must be for purposes other than to
1385 obtain an education. Resident status for purposes of receiving
1386 state financial aid awards shall be determined in the same
1387 manner as resident status for tuition purposes pursuant to s.
1388 1009.21.

1389 3. Submission of certification attesting to the accuracy,
1390 completeness, and correctness of information provided to
1391 demonstrate a student's eligibility to receive state financial
1392 aid awards or tuition assistance grants. Falsification of such

581-04245-10

20101806c1

1393 information shall result in the denial of any pending
1394 application and revocation of any award or grant currently held
1395 to the extent that no further payments shall be made.
1396 Additionally, students who knowingly make false statements in
1397 order to receive state financial aid awards or tuition
1398 assistance grants commit a misdemeanor of the second degree
1399 subject to the provisions of s. 837.06 and shall be required to
1400 return all state financial aid awards or tuition assistance
1401 grants wrongfully obtained.

1402 Section 35. Paragraph (c) of subsection (2) of section
1403 1009.94, Florida Statutes, is amended to read:

1404 1009.94 Student financial assistance database.—

1405 (2) For purposes of this section, financial assistance
1406 includes:

1407 (c) Any financial assistance provided under s. 1009.50, s.
1408 1009.505, s. 1009.51, s. 1009.52, s. 1009.53, s. 1009.54, s.
1409 1009.55, s. 1009.56, s. 1009.57, s. 1009.60, s. 1009.62, ~~s.~~
1410 ~~1009.63~~, s. 1009.68, s. 1009.70, s. 1009.701, s. 1009.72, s.
1411 1009.73, s. 1009.74, s. 1009.77, s. 1009.89, or s. 1009.891.

1412 Section 36. This act shall take effect July 1, 2010.