HB 5003 Implementing the 2016-17 General Appropriations Act
(Chapter 2016-62, Laws of Florida)

Bill Sponsor: Conference Committee on Appropriations
Effective Date: July 1, 2016
DOE Contact: Linda Champion, Deputy Commissioner, Finance and Operations, (850) 245-0406

Executive Summary:

The act provides the implementing and administering provisions that apply to the General Appropriations Act (GAA) for the 2016-17 Fiscal Year (FY). Only those sections of the bill that apply directly to education programs under the jurisdiction of the Commissioner of Education and the State Board of Education (SBE) or to all state functions are included in the section summarized below:

Section 1:
Limits implementing and administering provisions of this act as they apply to the GAA to the 2016-17 fiscal year only.

Section 2:
To implement Specific Appropriations 7 through 9 and 94 through 95 in the 2016-17 GAA:

- Incorporates the 2016-17 Florida Education Finance Program (FEFP) document titled “Public School Funding: The Florida Education Finance Program”, dated March 8, 2016, by reference for the purpose of displaying the calculations used by the Legislature.

Section 3:
To implement Specific Appropriations 7 and 94 in the 2016-17 GAA:

- Requires that funds provided for the instructional materials to be released and expended according to proviso, which specifies the purposes for which the funds are authorized. Proviso, Item 94, provided that, of the $228 million instructional materials funding, $165 million is available to purchase instructional content as well as electronic devices and technology equipment and infrastructure.

Section 4:
To implement Specific Appropriation 23 in the 2016-17 GAA:

- Allows any district school board that generates less than $2 million from a 1-mill levy of ad valorem taxes to contribute 0.75 mills toward the cost of funded special facilities construction projects.

Section 5:
Amends s. 11.45, F.S., Definitions; duties; authorities; reports; rules, to:

- Authorize the Auditor General to annually conduct a financial audit of the Florida School for the Deaf and Blind.

Section 6:
Creates s. 1001.66, F.S., Florida College System Performance-Based Incentive, to:

- Create the Florida College System Performance-Based Incentive that shall be awarded to Florida College System institutions using performance-based metrics adopted by the SBE.

- Require that the performance-based metrics must include:
  - Retention rates;
  - Program completion and graduation rates;
  - Postgraduation employment, salaries, and continuing education for workforce education and baccalaureate programs, with wage thresholds that reflect the added value of the certificate or degree; and
  - Outcome measures appropriate for associate of arts degree recipients.

- Require the SBE is also to adopt benchmarks to evaluate each institution’s performance on the metrics and determine whether each institution has achieved excellence or needs improvement.

- Require the SBE to establish minimum requirements for colleges to receive performance funding.

- Require colleges needing to have an improvement plan to be monitored, submitting reports by December 31 and May 31 of each year.

- State that the amount of funding from the State and the institution’s base will be according to proviso in the GAA. Proviso item 126 provides that $30 million is included in the appropriation as the state investment in performance funding.

- Require the SBE, by Oct. 1, to report to the Governor, Speaker of the House and President on prior fiscal year allocations, which must reflect rankings and award distributions.

- Require the SBE to adopt rules to administer the program.

Section 7:
Creates s. 1001.67, F.S., Distinguished Florida College System institution program, to:

- Establish a collaborative partnership between the SBE and the Legislature to recognize the excellence of Florida's highest-performing Florida College System institutions.
- Require the SBE to designate each Florida College System institution that meets five of the seven standards identified below as a distinguished college. The following excellence standards are established for the program:
  - A 150 percent-of-normal-time completion rate of 50 percent or higher;
  - A 150 percent-of-normal-time completion rate for Pell Grant recipients of 40 percent or higher;
  - A retention rate of 70 percent or higher;
  - A continuing education, or transfer, rate of 72 percent or higher for students graduating with an associate of arts degree;
  - A licensure passage rate on the National Council Licensure Examination for Registered Nurses (NCLEX-RN) of 90 percent or higher for first-time exam takers;
  - A job placement or continuing education rate of 88 percent or higher for workforce programs; or
  - A time-to-degree for students graduating with an associate of arts degree of 2.25 years or less for first-time-in-college students with accelerated college credits.
- A Florida College System institution designated as a distinguished college by the SBE is eligible for a share of $2 million as specified in Item 126 of the GAA.

Section 12:
Amends s. 1009.23, F.S., Florida College System institution student fees, to:

- Authorize the institutions to assess a distance learning user fee not to exceed $15 per credit hour.
- Require SBE approval of an increase in an institution's current distance learning fee.

Sections 14, 15, 16, and 17:
To implement Specific Appropriations 6 and 76 related to Public Student Assistance Grant Program; Public Postsecondary Career Education Student Assistance Grant Program; Private Student Assistance Grant Program; and Postsecondary Student Assistance Program in the 2016-17 GAA are amended.

- Amends 1009.50; 1009.505; 1009.51; and 1009.52, F.S., which states after the expected family contribution and all other aid available to the student is accounted for that institutions awarding grant moneys must conduct an assessment of all of the financial resources available to each student.
• Any institutions that provide preliminary award packages before receiving from the department the final student eligibility determinations for state grants and scholarships, including merit awards, shall reassess each student's award package after the allocation of funds and final student eligibility determinations are received from the department.

• Priority shall be given to students with the highest unmet need after the assessment of available financial resources pursuant to the above list.

• Each participating institution shall report to the department by a prescribed date students eligible for the program; expected family contributions; other grant, scholarship, and aid awards; prepaid contracts; and student loans received by the students.

Section 18:
Amends s. 1011.62 F.S. Funds for operation of schools, to:

• Require recalculation of the Exceptional Student Guaranteed Allocation following the October FTE student membership survey. Upon recalculation, if the generated allocation is greater than the amount provided in the GAA, the total shall be prorated to the level of the appropriation based on each district’s share of the total recalculated amount.

• Require recalculation of the Supplemental Academic Instruction (SAI) categorical following the October FTE student membership survey. Additionally, provision is made for the allocation of a portion of SAI funds to the districts with the 300 lowest performing elementary schools. These funds are based on actual student membership from the October FTE survey. Amends the Supplement Academic Instruction Categorical Fund for the 2016-17 FY that will allow the designation of the 300 lowest-performing elementary schools shall be based on the 2015-16 state reading assessment. These funds shall be provided annually in the FEFP as specified in the GAA and is a supplement to the funds appropriated for basic funding level and shall be included in the total funds of each district. The funding is to be recalculated based on an updated designation of the 300 schools and the October FTE survey.

Section 19:
Amends s. 1011.62 F.S., Funds for operation of schools, to:

• Increase the minimum district amount of the Florida Digital Classrooms Allocation from $250,000 to $500,000. The remaining balance of the allocation is distributed based on each district’s proportion of the total K-12 full-time equivalent student enrollment. Each district’s digital classrooms allocation plan must give preference to funding the number of devices that comply with the requirements of s.1001.20 (4)(a)1.b. and that are needed to allow each school to administer the Florida Standards Assessments (FSA) to an entire grade at the same time. If the district’s digital classrooms plan does not include the purchase of devices, the district must certify in the plan that the district currently has sufficient devices to allow each school to administer the FSA in the manner described.
Section 20:
Reenacts the Federally Connected Student Supplement in s. 1011.62(13), F.S., and clarifies student eligibility.

Section 21:
Amends s. 1011.62 F.S., Funds for operation of schools, to:

- Prohibit a positive adjustment to a district’s Florida Education Finance Program funds as a result of an under allocation in a prior year caused by a school district’s reporting error.

Section 22:
Reenacts s. 1011.71(1), F.S., District School Tax

Section 23:
Provides that the revisions to subsections of ss. 1011.62, F.S., Funds for Operation of Schools, and 1011.71 F.S., District School Tax, expire July 1, 2017.

Section 24:
Amends s. 1012.39 F.S. Employment of substitute teachers, teachers of adult education, nondegree teachers of career education, and career specialists; students performing clinical field experience, to:

- Require the district school board providing clinical field experience to notify students electronically or in writing of the availability of educator liability insurance under s. 1012.75, F.S. A postsecondary institution or district school board may not require a student enrolled in a state-approved teacher preparation program to purchase liability insurance as a condition of participation in any clinical field experience or related activity in the premises of an elementary or secondary school.

Section 25:
Creates s. 1012.731, F.S., The Florida Best and Brightest Teacher Scholarship Program, to:

- Establish the Florida Best and Brightest Teacher Scholarship Program to provide up to $10,000 for classroom teachers as defined in s. 1012.01(2)(a), F.S., who have demonstrated high academic achievement.

- Make eligible those classroom teachers who have achieved a composite score at or above the 80th percentile on either SAT or ACT based on the National Percentile Ranks in effect when the classroom teacher took the assessment and have been rated highly effective pursuant to s. 1012.34, F.S., in the school year immediately preceding the year in which the scholarship is awarded (unless the classroom teacher is newly hired and has not been evaluated). Once a classroom teacher is deemed eligible by a school district, including those deemed eligible in 2015-2016, the teacher shall remain eligible as long as he or she remains employed by the school.
district as a classroom teacher at the time of the award and receives a highly effective performance evaluation rating.

- Identify annual timelines for determining eligibility and distribution of funds to include:
  - By November 1, classroom teachers must submit to their school district an official record of their SAT or ACT scores.
  - By December 1, school districts must submit number of eligible classroom teachers to the department.
  - By February 1, the department must disburse scholarship funds to each school district. If the number of eligible classroom teachers exceeds the total authorized appropriate, the department must prorate the per-teacher amount.
  - By April 1, school districts must award the scholarship to eligible classroom teachers.

- Establish that for purposes of this section, “school district” includes Florida School for the Deaf and the Blind and charter school governing boards.

- Provide an expiration date for this section of July 1, 2017.

Section 26:

Amends s. 1012.75 F.S. Liability of teacher or principal; excessive force, to

- Extend the educator liability insurance program until July 1, 2017.

Section 27:

Amends s. 1013.64 F.S., Funds for comprehensive educational plant needs; construction cost maximums for school district capital projects, to:

- Delete references to full-time equivalent before membership, adds prekindergarten exceptional student as part of the capital outlay membership, changes the calculation for capital outlay membership to counting instead of averaging, adds that if the prior year’s third survey count is higher than the current year’s second survey, the prior year’s third survey count shall be used for determining current capital outlay membership, adds FISH will be updated with current capital outlay membership after verification of the membership and realphabetized the section.

Section 28:

Amends s. 1004.935 F.S. Adults with Disabilities Workforce Education Pilot Program, to

- Extend the Adults with Disabilities Workforce Education Pilot Program to June 30, 2017.

Section 29:

Provides that the revisions to s.1004.935 (1), F.S., expire July 1, 2017.
Section 32:
Amends s. 1009.986 F.S. Florida ABLE program, to:

- Limit the amount of the appropriation of the Minority Teaching Scholarship that can be spent for administration.

Section 33:
Amends s. 1009.986 F.S. Florida ABLE program, to:

- Require that if Federal Regulations are finalized before July 1, 2016 or the Florida ABLE board determines that a superior or equivalent alternative through contracting with another state at a significant savings to the state, then the implementation date of Florida ABLE may be extended to December 31, 2016.

Section 35:
Amends s. 1011.62 F.S., Funds for operation of schools, to:

- Extend the policy for calculation of the Prior Period Funding Adjustment Millage for 2016-17.

General Implementation Timeline:

July 1, 2016  The act shall take effect unless expressed otherwise in the act.

2 working days prior to July 19, 2016  Department of Revenue to report to Commissioner of Education its most recent estimate of the taxable value for school districts.

July 19, 2016  Commissioner of Education to certify to each district school board the millage rate.

September 1, 2016  Board of Trustees will report to the Division of Florida Colleges revenue generated by the distance learning course user fee for prior fiscal year and how the total amount of revenue was expended.

October 1, 2016  State Board of Education shall submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives a report of the prior fiscal year's Performance-Base Incentives funding allocation, which must reflect the rankings and award distributions.

December 1, 2016  School districts will submit to DOE the number of eligible classroom teachers who qualify for the Best and Brightest Scholarships.
December 31, 2016  Florida College System institutions submit monitoring reports, including improvement plans, for the Performance-Base Incentives to the state board.

February 1, 2017  DOE must disburse Best and Brightest Scholarship funds to each school district.

May 31, 2017  Florida College System institutions submit monitoring reports, including improvement plans, for the Performance-Base Incentives to the state board.