

Tab 2	SPB 7032 by HE ; Education
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Tab 1	SB 1128 by Martin ; (Compare to H 00707) University Carry Forward Balances
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The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

EDUCATION POSTSECONDARY
Senator Grall, Chair
Senator Stewart, Vice Chair

MEETING DATE: Tuesday, January 16, 2024
TIME: 11:00 a.m.—1:00 p.m.
PLACE: 301 Senate Building

MEMBERS: Senator Grall, Chair; Senator Stewart, Vice Chair; Senators Book, Burgess, Collins, Garcia, Jones, Perry, and Simon

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 1128 Martin (Compare H 707)	University Carry Forward Balances; Providing that a university carry forward spending plan may include retention of a carry forward balance as a reserve fund that a university may expend at its discretion, etc. HE 01/16/2024 Fav/CS AED FP	Fav/CS Yeas 8 Nays 0

Consideration of proposed bill:

2	SPB 7032	Education; Requiring district school boards to notify all candidates for the high school equivalency diploma of adult secondary and postsecondary education options; providing that high school students enrolled in the GATE Program are not included in a high school's graduation rate; creating the GATE Scholarship Program; creating the GATE Program Student Success Incentive Fund, etc.	Submitted and Reported Favorably as Committee Bill Yeas 8 Nays 0
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Other Related Meeting Documents

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Education Postsecondary

BILL: SPB 7032

INTRODUCER: For consideration by the Education Postsecondary Committee

SUBJECT: Education

DATE: January 16, 2024

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. <u>Brick/Palazes</u>	<u>Bouck</u>	_____	HE Submitted as Comm. Bill/Fav

I. Summary:

SPB 7032 creates the Graduation Alternative to Traditional Education (GATE) Program, GATE Scholarship Program, and GATE Student Success Incentive Fund. All three programs are aimed at providing high school students the opportunity to earn postsecondary course credits at no cost to the student while pursuing the completion of a standard high school diploma or equivalent credential.

The bill provides eligibility criteria for students to enroll in the GATE Program and defines the career education programs and certificates that can be offered to students enrolled in the GATE Program. The bill exempts students that are enrolled in the GATE program from the payment of tuition and specified fees and the costs of instructional materials.

To assist Florida College System institutions, school districts, and charter technical career centers in administering the GATE Program, the GATE Scholarship Program reimburses participating institutions for the tuition and fees and instructional materials for students enrolled in the GATE program. Additionally, the bill provides incentive funding for institutions through the GATE Student Success Incentive Fund. The incentive funding is provided based on the number of students enrolled in the GATE program who earn a standard high school diploma or equivalent credential and postsecondary industry certifications.

The bill is effective July 1, 2024.

II. Present Situation:

High School Graduation in Florida

Florida's High School Graduation Requirements

To earn a standard high school diploma a student must complete 24 credits, an International Baccalaureate curriculum, or an Advanced International Certificate of Education curriculum.¹

The 24-credit option for a standard high school diploma includes:²

- Four credits in English Language Arts (ELA) I, II, III, and IV.
- Four credits in mathematics, including one in Algebra I and one in Geometry.
- Three credits in science, two of which must have a laboratory component and one of which must include Biology I.
- Three credits in social studies including one credit in United States History, one credit in World History, one-half credit in economics, and one-half credit in United States Government.
- One credit in fine or performing arts, speech and debate, or career and technical education.
- One credit in physical education which includes the integration of health.
- Seven and one-half credits in electives.
- One-half credit in personal financial literacy.

All students must pass the statewide, standardized grade 10 ELA assessment, or earn a concordant score, and must pass the statewide, standardized Algebra I end-of-course (EOC) assessment, or earn a comparative score, in order to earn a standard high school diploma.³

Students who earn the required credits to graduate, but fail to pass the required assessments or achieve a 2.0 grade point average (GPA) are awarded a certificate of completion in a form prescribed by the State Board of Education (SBE). In the 2021-2022 graduation cohort, 5,818 students earned a certificate of completion.⁴

High School Equivalency Diploma Program

The high school equivalency diploma offers students who are no longer enrolled in high school an opportunity to earn a high school diploma by successfully passing the standard GED tests. To be eligible for the high school equivalency diploma program students must meet the following criteria:⁵

- At least 16 years old and currently enrolled in a prekindergarten-12 program.
- Enrolled in and attending high school courses that meet high school graduation requirements.

¹ Section 1003.4282(1)(a), F.S.

² Section 1003.4282(3)(a)-(g), F.S.

³ Section 1003.4282(3), F.S. A student enrolled in an Advanced Placement (AP), International Baccalaureate (IB), or Advanced International Certificate of Education (AICE) course who takes the respective AP, IB, or AICE assessment and earns a specified score is not required to take the corresponding EOC assessment. Section 1008.22(3)(b)6., F.S.

⁴ Florida Department of Education, *Florida's High School Cohort 2021-22 Graduation Rate*, <https://www.fldoe.org/core/fileparse.php/7584/urlt/GradRates2122.pdf>, (last visited Jan. 9, 2023).

⁵ Rule 6A-6.0212, F.A.C

- In jeopardy of not graduating with their kindergarten cohort because they are overage for grade, behind in credits, or have a low GPA.
- Assessed at a seventh grade reading level or higher at the time of selection as documented by the Test of Adult Basic Education (TABE) reading component or other assessment to determine grade level proficiency.

Each school district is required to offer and administer the high school equivalency diploma examinations and the subject area examination to candidates.⁶ A candidate for a high school equivalency diploma must be at least 18 years of age on the date of the examination, except that in extraordinary circumstances, as provided for in rules of the district school board of the district in which the candidate resides or attends school, a candidate may take the examination after reaching the age of 16.⁷ School districts may not require a student who has reached the age of 16 to take any course before taking the examination unless the student fails to achieve a passing score on the GED practice test.⁸

As seen in the tables below, the number of students enrolling in GED programs at both school districts and college in the Florida College System (FCS) has increased since the 2020-21 school year.⁹

Students enrolled in a School District GED program		
School Year	Number of Students enrolled in a GED program	Number Students enrolled in a GED program who are 21 years of age or less
2020-2021	5,256	2,851
2021-2022	7,499	4,123
2022-2023	8,888	5,330

Students enrolled in an FCS GED program		
School Year	Number of Students enrolled in a GED program	Number Students enrolled in a GED program who are 21 years of age or less
2020-2021	780	353
2021-2022	1,034	525
2022-2023	1,166	552

⁶ Section 1003.435(3), F.S.

⁷ Section 1003.435(4), F.S.

⁸ *Id.*

⁹ Email, Florida Department of Education, Governmental Relations (Dec. 8, 2023).

Florida's High School Graduation Rate

SBE rule provides that the 4-year graduation rate used in the school grades model be based on the “uniform or federal graduation rate” or the four-year adjusted cohort graduation rate outlined in the Elementary and Secondary Education Act (ESEA).¹⁰ The ESEA defines the cohort for graduation in four years is the number of students in the adjusted cohort for the graduating class that formed based on first time ninth graders that entered in the fall four years prior.¹¹ The following adjustments are made to the graduation cohort over time to:¹²

- Add incoming transfer students based on their grade level and year of entry;
- Remove deceased students; and
- Remove students who withdrew to attend school in another state, private school, or a home-education program.

Each student in the graduation cohort receives a final classification as a graduate, dropout, or non-graduate. Students who earned a GED-based diploma are counted as non-graduates in the high school graduation rate, because the GED-based diploma is not recognized as a standard diploma.¹³ In the 2021-2022 graduation cohort, 392 students earned a GED-based diploma and 4,837 were enrolled in an Adult Education program.¹⁴

School Grades

School grades are used to explain a school’s performance in a familiar, easy-to-understand manner for parents and the public.¹⁵ School grades are also used to determine whether a school must select or implement a turnaround option¹⁶ or whether a school is eligible for school recognition funds as appropriated by the Legislature.¹⁷

Each school must receive a school grade based on the school’s performance on the following components:¹⁸

- The percentage of eligible students passing statewide, standardized assessments in ELA, mathematics, science, and social studies.
- The percentage of eligible students who make learning gains in ELA and mathematics as measured by statewide, standardized assessments.
- The percentage of eligible students in the lowest 25 percent in ELA and mathematics, as identified by prior year performance on statewide, standardized assessments, who make learning gains as measured by statewide, standardized ELA assessments.

¹⁰ State Board of Education rule 6A-1.09981, F.A.C.

¹¹ Section 8101(25) of the Elementary and Secondary Education Act.

¹² Florida Department of Education, *2021-22 Information Guide for the 4-year Graduation Rate Cohort*, <https://www.fldoe.org/core/fileparse.php/7584/urlt/2122GradRateInfoGuide.pdf>, (last visited Jan. 11, 2023).

¹³ Section 8101(43) of ESEA defines a “regular high school diploma” and specifies that it may not be aligned to a State’s alternate academic achievement standards and does not include a general equivalency diploma, certificate of completion, certificate of attendance, or any other similar or lesser credential.

¹⁴ Florida Department of Education, *Florida’s High School Cohort 2021-22 Graduation Rate*, <https://www.fldoe.org/core/fileparse.php/7584/urlt/GradRates2122.pdf>, (last visited Jan. 9, 2023).

¹⁵ Section 1008.34(1), F.S.

¹⁶ Section 1008.33(4), F.S.

¹⁷ Section 1008.36, F.S.

¹⁸ Section 1008.34(3)(b)1.a.-j., F.S.

- For schools comprised of grade levels that include grade 3, the percentage of eligible students who score an achievement level 3 or higher on the grade 3 statewide, standardized ELA assessment.
- For schools comprised of middle grades 6 through 8 or grades 7 and 8, the percentage of eligible students passing high school level statewide, standardized end-of-course assessments or attaining national industry certifications identified in the CAPE Industry Certification Funding List pursuant to SBE rule.

For a school comprised of grades 9-12, or 10-12 the school's grade is based on the following components:¹⁹

- The 4-year high school graduation rate of the school.
- The percentage of students who were eligible to earn college and career credit in a specified acceleration mechanism, who earn a specified industry certification, or who participate in Junior Reserve Officers' Training Corps courses and earn a qualifying score on the Armed Services Vocational Aptitude Battery.

Existing Initiatives in Adult Secondary and Career Education

Workforce Innovation and Opportunity Act of 2014

In 2014, Congress passed the Workforce Innovation and Opportunity Act (WIOA), which superseded the Workforce Investment Act of 1998.²⁰ WIOA requires each state to develop a single, unified plan for aligning workforce services through the identification and evaluation of core workforce programs.²¹

WIOA identifies four core programs that coordinate and complement each other to ensure job seekers have access to needed resources.²² The core programs are:

- Adult, Dislocated Worker and Youth Programs;
- Adult Education and Literacy Activities;
- Employment Services under the Wagner-Peyser Act;²³ and
- Vocational Rehabilitation Services.²⁴

In Fiscal Year 2021-2022, CareerSource Florida allocated \$245 million in funding²⁵ and assisted 86,503 job seekers in obtaining employment.²⁶

¹⁹ Section 1008.34(3)(b)2., F.S. State Board of Education rule 6A-1.09981 defines the four-year high school graduation rate as measured according to 34 CFR §200.19, Other Academic Indicators.

²⁰ Workforce Innovation and Opportunity Act, 29 U.S.C. s. 3101 et seq. (2014).

²¹ See 29 U.S.C. s. 3112(a).

²² See 29 U.S.C. s. 3102(13).

²³ See 29 U.S.C. s. 49 et seq.

²⁴ See 29 U.S.C. s. 720 et. seq.

²⁵ CareerSource Florida, *Strategic Policy and Performance Council Meeting* (Feb. 16, 2022), available at https://careersourceflorida.com/wp-content/uploads/2022/08/2022-02-16-Closer-Look-Fed_Funding_State_Board_Initiatives.pdf, at 5.

²⁶ CareerSource Florida, *CareerSource Florida Celebrates 2022 Workforce Development Accomplishments*, <https://careersourceflorida.com/2022/12/29/careersource-florida-celebrates-2022-workforce-development-accomplishments/> (last visited Mar. 11, 2023).

WIOA includes funding to provide adult education and literacy activities for individuals who are at least 16 years of age, not enrolled in secondary school, and do not have a secondary school diploma or its recognized equivalent.²⁷ Adult education and family literacy activities include programs, activities, and services that include adult education, literacy, workplace adult education and literacy activities, family literacy activities, English language acquisition activities, integrated English literacy and civics education, workforce preparation activities, or integrated education and training.²⁸ The estimated award for Fiscal Year 2023 for basic adult education and family literacy activities in Florida is \$40,506,044.²⁹

WIOA also provides funds to local workforce boards to provide youth workforce investment activities that provide:³⁰

- Activities leading to the attainment of a secondary school diploma or its recognized equivalent, or a recognized postsecondary credential;
- Preparation for postsecondary educational and training opportunities;
- Strong linkages between academic instruction and occupational education that lead to the attainment of recognized postsecondary credentials;
- Preparation for unsubsidized employment opportunities, in appropriate cases; and
- Effective connections to employers, including small employers, in in-demand industry sectors and occupations of the local and regional labor markets.

Florida's allotment for youth workforce investment activities under WIOA is \$39,224,930 for the 2023 Program Year.³¹

Perkins V

The Carl D. Perkins Career and Technical Education Act of 2006, as amended by the Strengthening Career and Technical Education for the 21st Century Act (Perkins V), assists states and outlying areas in expanding and improving career and technical education (CTE) in secondary schools, technical schools, and community colleges.³² The term "career and technical education" means organized educational activities that:³³

- Offer a sequence of courses that provides individuals with rigorous academic content and relevant technical knowledge and skills needed to prepare for further education and careers.
- Include competency-based, work-based, or other applied learning that supports the development of academic knowledge, higher-order reasoning and problem-solving skills, work attitudes, employability skills, technical skills, and occupation-specific skills, and knowledge of all aspects of an industry, including entrepreneurship, of an individual.
- To the extent practicable, coordinate between secondary and postsecondary education programs through programs of study that provide postsecondary credit or advanced standing.

²⁷ 29 U.S.C. s. 3272(4).

²⁸ 29 U.S.C. s. 3272(2).

²⁹ USDOE, Office of Career, Technical, and Adult Education, *FY_2023_State_Grant_Allocations_Memo*, available at <https://aefta.ed.gov/state-grants> at 2.

³⁰ 29 U.S.C. s. 3164(c)(1)(C).

³¹ USDOL, ETA, *WIOA Youth Activities State Allotments (2023)*, available at <https://www.dol.gov/sites/dolgov/files/ETA/budget/pdfs/23you%24.pdf>.

³² 20 U.S.C. s. 2301 et seq.

³³ 20 U.S.C. s. 2302(5).

- May include career exploration at the high school level or as early as the middle grades.

Florida received \$82,363,333 under Perkins V for Fiscal Year 2023.

The Gateway to College Program

The Gateway to College is a program designed for students who are behind in credits or out of school to complete their high school diploma on a college campus while earning college credits.³⁴ Since 2000, the Gateway to College program has helped more than 10,000 students earn a diploma while gaining postsecondary credentials.³⁵ The Gateway to College program has the following eligibility requirements:³⁶

- Students aged 16-20 years old at entry.
- Be enrolled in a high school approved by the postsecondary institution.
- Need for an alternative placement which typically includes students who are not on track to graduate with their graduation cohort.

Trade School Scholarship for Adult Students

Through the Imagine America's Foundation's Adults Skills Education Program (ASEP), one-time grants are provided to qualified adults to attend an eligible career college.³⁷ Students who meet the following criteria are eligible for the grant:³⁸

- Be enrolling in a participating college.
- Meet the eligibility requirements of the college.
- Be a U.S. citizen or permanent resident.
- Be at least 19 years of age and have a high school diploma, GED or pass an Ability to Benefit test.
- Not be a previous recipient of any other Imagine America Foundation scholarships/awards.
- Complete the NCCT Educational Success Potential Assessment.
- Demonstrate Financial Need.

There are currently over 400 career colleges that participate in the ASEP program that offer programs in many areas including:³⁹

- Welding
- Mechanics
- Medical
- Information Technology (IT)
- Business
- Graphic Design & the Arts

³⁴ Achieving the Dream, *Gateway to College*, <https://achievingthedream.org/gateway-to-college/>, (last visited Jan. 10, 2024).

³⁵ *Id.*

³⁶ Portland Community College, *Gateway to College*, <https://www.pcc.edu/gateway-to-college/>, (last visited Jan. 10, 2024).

³⁷ Imagine America Foundation, *Trade School Scholarships for Adult Students*, <https://www.imagine-america.org/scholarshipsforadults/>, (last visited Jan. 10, 2024).

³⁸ Imagine America Foundation, *Adult Skills Education Program Student Qualifications*, <https://www.imagine-america.org/scholarshipsforadultsqualifications/>, (last visited Jan. 10, 2024).

³⁹ *Id.*

Florida Workforce Education

“Workforce education” is adult general education or career education and may consist of a continuing workforce education course or a program of study leading to an occupational completion point, a career certificate, an applied technology diploma, a career degree, or a registered apprenticeship certificate of completion.

At the postsecondary level, the terms “workforce education” and “workforce education program” include:⁴⁰

- Adult general education programs designed to improve the employability skills of the state’s workforce.⁴¹
- Career certificate programs, which are defined as a course of study that leads to one completion point.⁴²
- Applied technology diploma programs.
- Continuing workforce education courses.
- Degree career education programs.
- Apprenticeship and preapprenticeship programs.

Adult Education programs in Florida were established to encourage the provision of educational services that will enable adults to acquire:⁴³

- The basic skills necessary to attain basic and functional literacy.
- A high school diploma or successfully complete the high school equivalency examination.
- An educational foundation that will enable them to become more employable, productive, and self-sufficient citizens.

The major program areas are Adult Basic Education Adult High School and GED® Preparation, and English for Speakers of Other Languages (ESOL). These programs emphasize basic skills such as reading, writing, math, and English language competency. Adult education programs also help adult learners gain the knowledge and skills they need to enter and succeed in postsecondary education.⁴⁴

“Adult secondary education” is a course through which a person receives high school credit that leads to the award of a high school diploma or a course of instruction through which a student prepares to take the high school equivalency examination.⁴⁵

An “applied technology diploma program” (ATD) is a course of study that is part of a technical degree program, is less than 60 credit hours, and leads to employment in a specific occupation.⁴⁶ An ATD program may consist of either technical credit or college credit. A public school district may offer an ATD program only as technical credit, with college credit awarded to a student

⁴⁰ Section 1011.80(1), F.S.

⁴¹ Section 1011.80(1), F.S.

⁴² Section 1004.02(20), F.S.

⁴³ Section 1004.93(1)(a), F.S.

⁴⁴ Florida Department of Education, *Adult Education*, <https://www.fldoe.org/academics/career-adult-edu/adult-edu/>, (last visited Jan. 10, 2024).

⁴⁵ Section 1004.02(4), F.S.

⁴⁶ Section 1004.02(7), F.S.

upon articulation to an FCS institution. Statewide articulation among public schools and FCS institutions is guaranteed.⁴⁷

To qualify for admission to an ATD program, a student must:⁴⁸

- Have a high school diploma, a high school equivalency diploma, or a certificate of completion; or
- Submit a signed affidavit by the student's parent or legal guardian attesting that the student has completed a home education program that satisfies school attendance requirements.⁴⁹

A “career certificate program” is a course of study that leads to at least one occupational completion point.⁵⁰ An “occupational completion point” means the occupational competencies that qualify a person to enter an occupation that is linked to a career and technical program.⁵¹ The career certificate program may also confer credit that may articulate with a diploma or career degree education program.⁵² The DOE has established 29 statewide articulation agreements for career certificate programs to career degree education programs.⁵³

CAPE Industry Certification Funding List

The State Board of Education is required to adopt, at least annually, based on recommendations by the Commissioner of Education, the CAPE Industry Certification Funding List that assigns additional full-time equivalent membership to certifications identified in the Master Credentials List that meet a statewide, regional, or local demand.⁵⁴

Certifications included on the CAPE Industry Certification Funding List:⁵⁵

- Require at least 150 hours of instruction and
- Can be earned in middle and high school.
- Usually require passage of a subject area examination and some combination of work experience, educational attainment, or on-the-job training.

Funds for Operation of Workforce Education Programs

State funding for workforce education programs is calculated based on weighted student enrollment and program costs, minus tuition and fee revenues, and including various supplemental cost factors.⁵⁶

⁴⁷ Section 1007.23(5), F.S.

⁴⁸ Rule 6A-10.024(7), F.A.C.

⁴⁹ Section 1002.41, F.S.

⁵⁰ Section 1004.02(20), F.S.

⁵¹ Section 1004.02(21), F.S.

⁵² Section 1004.02(20), F.S.

⁵³ Florida Department of Education, *Statewide Articulation Agreements: Statewide Career Pathways*,

<https://www.fldoe.org/academics/career-adult-edu/career-technical-edu-agreements/psav-to-aas-as-degree.html> (last visited Jan. 10, 2024).

⁵⁴ Section 1008.44(1), F.S.

⁵⁵ Rule 6A-6.0576(5)-(6), F.S.

⁵⁶ Section 1011.80(6)(b), F.S. Continuing workforce education programs provided by district school boards or Florida College System institutions must be fully supported by fees. Section 1011.80(6)(a), F.S. For fee-exempt students (e.g., students in an apprenticeship program), state funding is 100 percent of the average cost of instruction. Section 1011.80(6)(c), F.S.

Annual performance funding distributions to district school boards and state colleges are based on student attainment of the credentials included in the CAPE Industry Certification Funding List.⁵⁷ Performance funding for industry certifications for school district workforce education programs is contingent upon specific appropriation in the General Appropriations Act.⁵⁸

Each district school board or FCS institution is provided \$1,000 for each industry certification earned by a workforce education student, or prorated if funds are insufficient to fully fund the calculated total award.⁵⁹

Workforce Education Tuition and Fees

For programs leading to a career certificate or an ATD, the standard tuition is be \$2.33 per contact hour for residents.⁶⁰ A block tuition of \$45 per half year or \$30 per term is assessed for students enrolled in adult general education, which includes adult secondary education programs.⁶¹ Each district school board and FCS institution may adopt tuition that is within the range of five percent below to five percent above the standard tuition.⁶² Institutions may also adopt student financial aid,⁶³ capital improvement,⁶⁴ and technology fees⁶⁵ for students that are not enrolled in adult general education programs. The student financial aid fee is capped at 10 percent of tuition, while the capital improvement and technology fees are capped at 5 percent of tuition.⁶⁶

Florida College System institution boards of trustees and district school boards are also authorized to establish fee schedules for the following user fees and fines: laboratory fees; parking fees and fines; library fees and fines; fees and fines relating to facilities and equipment use or damage; access or identification card fees; duplicating, photocopying, binding, or microfilming fees; standardized testing fees; diploma replacement fees; transcript fees; application fees; graduation fees; and late fees related to registration and payment. Such user fees and fines may not exceed the cost of the services provided and may only be charged to persons receiving the service.⁶⁷

The total tuition and fee estimate for district career centers for postsecondary certificate and adult general education programs in the 2023-24 fiscal year is \$40,152, 198.⁶⁸

⁵⁷ Section 1008.44(2), F.S.

⁵⁸ Section 1011.80(7)(b), F.S.

⁵⁹ Sections 1011.80(7)(b)2. and 1011.81(2)(b), F.S.

⁶⁰ Section 1009.22, F.S.

⁶¹ Section 1009.22(3)(c), F.S.

⁶² Section 1009.22(3)(d), F.S. Florida Department of Education, *State Funding for Districts: 2023-24 District Workforce Education Tuition and Fees (Attachment)*, available at <https://www.fldoe.org/core/fileparse.php/7529/urlt/2023-24-Workforce-Education-Tuition-and-Fees-Attachment.pdf> at 1.

⁶³ Section 1009.22(6), F.S.

⁶⁴ Section 1009.22(7), F.S.

⁶⁵ Section 1009.22(8), F.S.

⁶⁶ Section 1009.22(6)-(8), F.S.

⁶⁷ Section 1009.22(10), F.S.

⁶⁸ Florida Department of Education, *2023-24 District Workforce Education Funding Summary*, available at <https://www.fldoe.org/core/fileparse.php/7529/urlt/2324-wf-fundingsummary.pdf> at 32.

Workforce Education Funding for Co-enrollment

School districts and FCS institutions are permitted to allow students currently enrolled in high school to co-enroll in their Adult High School program.⁶⁹ A student who is coenrolled in a K-12 education program and an adult education program may be reported for purposes of funding in an adult education program. If a student is coenrolled in core curricula courses for credit recovery or dropout prevention purposes and does not have a pattern of excessive absenteeism or habitual truancy or a history of disruptive behavior in school, the student may be reported for funding for up to two courses per year. Such a student is exempt from the payment of the block tuition for adult general education programs. The Department of Education is required to develop a list of courses to be designated as core curricula courses for the purposes of coenrollment.⁷⁰

State Financial Aid and Grants

The general requirements for eligibility of students for state financial aid awards and tuition assistance grants consist of the following:⁷¹

- Achievement of the academic requirements of and acceptance at a state university or state college; a nursing diploma school approved by the Florida Board of Nursing; a Florida college or university which is accredited by an accrediting agency recognized by the SBE; a Florida institution the credits of which are acceptable for transfer to state universities; a career center; or a private career institution accredited by an accrediting agency recognized by the SBE.
- Residency in this state for no less than one year preceding the award of aid or a tuition assistance grant.⁷² Residency in this state must be for purposes other than to obtain an education.
- Submission of certification attesting to the accuracy, completeness, and correctness of information provided to demonstrate a student's eligibility to receive state financial aid awards or tuition assistance grants.

III. Effect of Proposed Changes:

SPB 7032 creates the Graduation Alternative to Traditional Education (GATE) Program, GATE Scholarship Program, and GATE Student Success Incentive Fund. All three programs are aimed at providing high school students the opportunity to earn postsecondary course credits at no cost to the student while pursuing the completion of a standard high school diploma or equivalent credential.

The bill provides eligibility criteria for students to enroll in the GATE Program and defines the career education programs and certificates that can be offered to students enrolled in the GATE Program. The bill exempts students that are enrolled in the GATE program from the payment of tuition and specified fees and the costs of instructional materials.

⁶⁹ Florida Department of Education, *Memorandum: 2022-23 Adult High School Co-Enrollment Program Eligible Course List* (July 12, 2022), available at <https://www.fldoe.org/core/fileparse.php/7671/urlt/2223-AdultHighCoEnroll-Memo.pdf>.

⁷⁰ Section 1011.80(10), F.S.

⁷¹ Section 1009.40(1)(a), F.S.

⁷² The residency requirement is specific to awards under ss. 1009.50, 1009.505, 1009.51, 1009.52, 1009.53, 1009.60, 1009.62, 1009.72, 1009.73, 1009.75, 1009.77, 1009.89, and 1009.894, F.S.

To assist Florida College System (FCS) institutions, school districts, and charter technical career centers in administering the GATE Program, the GATE Scholarship Program reimburses participating institutions for the tuition and fees and instructional materials for students enrolled in the GATE program. Additionally, the bill provides incentive funding for institutions through the GATE Student Success Incentive Fund. The incentive funding is provided based on the number of students enrolled in the GATE program who earn a standard high school diploma or equivalent credential and postsecondary industry certifications.

Graduation Alternative to Traditional Education (GATE) Program

The bill creates s. 1004.933, F.S., to establish the Graduation Alternative to Traditional Education (GATE) Program within the Department of Education (DOE). In regards to the GATE Program, the bill specifies the intent of the Legislature:

- For each high school student to have the opportunity to earn postsecondary course credits at no cost to the student while pursuing the completion of a standard high school diploma or equivalent credential.
- That high school students have access to high-quality workforce education programs that can help them build their basic education abilities and attain industry-recognized postsecondary credentials.
- To assist students who may have challenges in completing the requirements for a standard high school diploma in a traditional setting.
- To create an alternative education pathway that supports this state's commitment to educational accessibility for all students by providing additional opportunities for students 16 to 21 years of age who have discontinued enrollment in traditional high school programs.
- To increase the number of students who successfully earn a high school credential in this state.
- To increase the interest and participation of students in career and technical education (CTE) programs.

To be eligible to participate in the GATE Program, the bill specifies that a student must:

- Not have earned a standard high school diploma or a high school equivalency diploma.
- Be a resident of this state for tuition purposes.
- Be concurrently enrolled in an adult secondary education program and a career education program at a FCS institution, a career center, or a charter technical career center.
- Be 16 to 21 years of age at the time of initial enrollment.
- Select the CTE pathway or program of his or her choice at the time of enrollment. The student may not change the requested pathway after enrollment.
- Maintain a 2.0 grade point average (GPA) for CTE coursework.
- Complete the adult secondary education program and the career education program within three years unless the institution determines that an extension is warranted due to extenuating circumstances.

The bill defines a “career education program” as an applied technology diploma program⁷³ or a career certificate program⁷⁴ and defines an “institution” as a school district career center,⁷⁵ a charter technical career center,⁷⁶ or a Florida College System institution.⁷⁷

The bill provides that students enrolled in the GATE Program are exempt from the payment of registration, tuition, laboratory, and examination fees to a participating institution. Additionally, instructional materials assigned for use under the GATE Program must be made available to GATE Program students free of charge. The bill prohibits an institution from:

- Imposing additional criteria to determine a student’s eligibility to receive a fee waiver under the GATE Program.
- Requiring students to pay for instructional materials costs that are eligible for reimbursement under the GATE Scholarship Program.

GATE Scholarship Program

The bill creates 1009.711, F.S., to implement the GATE Scholarship Program. The GATE Scholarship Program is created to financially support institutions in providing the GATE Program.

Under the bill, the GATE Scholarship Program will reimburse eligible institutions for registration, tuition, laboratory, and examination fees and related instructional materials costs for students enrolled in the GATE Program. The bill requires the GATE Scholarship Program to reimburse career centers and Florida College System institutions at their respective in-state resident tuition rates.

Each participating institution is required to report to the DOE all students enrolled in the GATE Program during the fall, spring, or summer terms within 30 days after the end of regular registration. For each eligible student, the institution is required to report the total reimbursable expenses by category, which the DOE must consider in determining an institution’s GATE Scholarship Program award. The bill requires the DOE to reimburse each participating institution no later than 30 days after the institution has reported enrollment for that term.

The bill provides that reimbursements from the GATE Scholarship Program are contingent upon an annual appropriation in the General Appropriations Act (GAA). If the statewide reimbursement amount is greater than the appropriation, the institutional reimbursement amounts must be prorated among the institutions that have timely reported eligible students.

The bill requires the State Board of Education to adopt rules to implement the GATE Program and the GATE Scholarship Program.

⁷³ Section 1004.02(7), F.S.

⁷⁴ Section 1004.02(20), F.S.

⁷⁵ Section 1001.44, F.S.

⁷⁶ Section 1002.34, F.S.

⁷⁷ Section 1000.21, F.S.

GATE Program Student Success Incentive Fund

The bill creates s. 1011.804, F.S., to establish the GATE Program Student Success Incentive fund to reward school districts and FCS institutions for the documented success of students participating in the GATE Program. Subject to legislative appropriation, each participating institution may receive an allocation based on the performance of students in its GATE Program according to the following metrics:

- The number of students obtaining a standard high school diploma or high school equivalency diploma while participating in the program.
- The number of postsecondary industry certifications or other program completion credentials earned by students participating in the program. Eligible industry certifications must be identified on the CAPE Industry Certification Funding List

The bill requires that unless otherwise specified in the GAA, each institution must be provided:

- An amount of \$750 per student who obtains a standard high school diploma or high school equivalency diploma.
- An amount of \$1,000 per student earning career certificates or credentials.

The bill provides that if funding is insufficient to fully fund the calculated total award, such funds must be prorated among the institutions.

Funds for the Operation of Workforce Education

The bill modifies s. 1011.80, F.S., to increase from 2 to 4 the number of courses that may be reported for funding for a student who is coenrolled in a K-12 education program and adult education program. The bill also removes the requirement that the courses funded must be core curricula.

High School Equivalency Diploma Program

The bill modifies s. 1003.435, F.S., to require district school boards to notify each candidate for the high school equivalency diploma of the adult secondary and postsecondary education options available in or near the district. Additionally, the candidate must be informed of the eligibility requirements and any minimum academic requirements for each available option.

School Grades

The bill modifies s. 1008.34, F.S., to provide that students enrolled in high school, who choose to enroll in the GATE Program may not be included in the graduation rate used in the school grades model. By removing high school students who choose to enroll in the GATE program from the graduation rate in the school grades model, high schools will not have their school grade impacted by students enrolling in the GATE program.

The bill is effective July 1, 2024.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The funding for the Graduation Alternative to Traditional Education (GATE) Program is subject to legislative appropriation.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 1003.435, 1008.34, and 1011.80.

This bill creates the following sections of the Florida Statutes: 1004.933, 1009.711, and 1011.804.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

FOR CONSIDERATION By the Committee on Education Postsecondary

589-01972A-24

20247032pb

1 A bill to be entitled
 2 An act relating to education; amending s. 1003.435,
 3 F.S.; requiring district school boards to notify all
 4 candidates for the high school equivalency diploma of
 5 adult secondary and postsecondary education options;
 6 creating s. 1004.933, F.S.; providing legislative
 7 intent; defining the terms "career education program"
 8 and "institution"; establishing the Graduation
 9 Alternative to Traditional Education (GATE) Program;
 10 providing the purpose of the program; providing that
 11 students enrolled in the program are exempt from
 12 payments for registration, tuition, laboratory, and
 13 examination fees; providing eligibility requirements;
 14 prohibiting an institution from imposing additional
 15 eligibility requirements; requiring the State Board of
 16 Education to adopt rules; amending s. 1008.34, F.S.;
 17 providing that high school students enrolled in the
 18 GATE Program are not included in a high school's
 19 graduation rate; creating s. 1009.711, F.S.; creating
 20 the GATE Scholarship Program; requiring the Department
 21 of Education to administer the program; requiring the
 22 program to reimburse eligible institutions for student
 23 costs; requiring participating institutions to report
 24 to the department all students enrolled in the
 25 program; providing that reimbursements are contingent
 26 on legislative appropriations and may be prorated in
 27 the event that total reimbursements owed exceed
 28 available funds; requiring the state board to adopt
 29 rules; amending s. 1011.80, F.S.; revising the number

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30 of courses certain students may be reported for
 31 relating to funding purposes; providing that such
 32 courses do not have to be core curricula courses;
 33 deleting a requirement for the department to develop a
 34 list of courses to be designated as core curricula
 35 courses; creating s. 1011.804, F.S.; creating the GATE
 36 Program Student Success Incentive Fund; defining the
 37 term "institution"; providing that, subject to the
 38 appropriation of funds by the Legislature, each
 39 participating institution must receive specified
 40 allocations; providing for proration of funds, as
 41 necessary; providing an effective date.

42
 43 Be It Enacted by the Legislature of the State of Florida:

44
 45 Section 1. Subsection (3) of section 1003.435, Florida
 46 Statutes, is amended to read:

47 1003.435 High school equivalency diploma program.—

48 (3) Each district school board shall:

49 (a) Offer and administer the high school equivalency
 50 diploma examinations and the subject area examinations to all
 51 candidates pursuant to rules of the State Board of Education.

52 (b) Notify each candidate of adult secondary and
 53 postsecondary education options available in or near the
 54 district. The candidate must also be informed of the eligibility
 55 requirements and any minimum academic requirements for each
 56 available option.

57 Section 2. Section 1004.933, Florida Statutes, is created
 58 to read:

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59 1004.933 Graduation Alternative to Traditional Education
60 (GATE) Program.

61 (1) LEGISLATIVE INTENT.—It is the intent of the Legislature
62 that each high school student have the opportunity to earn
63 postsecondary course credits at no cost to the student while
64 pursuing the completion of a standard high school diploma or
65 equivalent credential. Furthermore, to help meet this state’s
66 workforce skill needs, it is the intent of the Legislature that
67 high school students have access to high-quality workforce
68 education programs that can help them build their basic
69 education abilities and attain industry-recognized postsecondary
70 credentials.

71 (2) DEFINITIONS.—As used in this section, the term:

72 (a) “Career education program” means an applied technology
73 diploma program as defined in s. 1004.02(7) or a career
74 certificate program as defined in s. 1004.02(20).

75 (b) “Institution” means a school district career center
76 established under s. 1001.44, a charter technical career center
77 established under s. 1002.34, or a Florida College System
78 institution identified in s. 1000.21.

79 (3) ESTABLISHMENT; PURPOSE.—The Graduation Alternative to
80 Traditional Education (GATE) Program is created within the
81 Department of Education for the following purposes:

82 (a) Assisting students who may have challenges in
83 completing the requirements for a standard high school diploma
84 in a traditional setting.

85 (b) Creating an alternative education pathway that supports
86 this state’s commitment to educational accessibility for all
87 students by providing additional opportunities for students 16

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88 to 21 years of age who have discontinued enrollment in
89 traditional high school programs.

90 (c) Increasing the number of students who successfully earn
91 a high school credential in this state.

92 (d) Increasing the interest and participation of students
93 in career and technical education (CTE) programs.

94 (4) PAYMENT EXEMPTION; ELIGIBILITY.—

95 (a) Any student enrolled in the GATE Program is exempt from
96 the payment of registration, tuition, laboratory, and
97 examination fees to a participating institution. Instructional
98 materials assigned for use under the GATE program must be made
99 available to GATE Program students free of charge. An
100 institution may not require payment by students of instructional
101 material costs eligible for reimbursement under s. 1009.711.

102 (b) To be eligible for participation in the GATE Program, a
103 student may not have earned a standard high school diploma
104 pursuant to s. 1003.4282 or a high school equivalency diploma
105 pursuant to s. 1003.435 before enrolling in the GATE Program and
106 must:

107 1. Be a resident of this state as defined under s. 1009.21;

108 2. Be concurrently enrolled in an adult secondary education
109 program as defined in s. 1004.02(4) and a career education
110 program at a Florida College System institution, a school
111 district career center, or a charter technical career center;

112 3. Be 16 to 21 years of age at the time of initial
113 enrollment;

114 4. Select the CTE pathway or program of his or her choice
115 at the time of enrollment. The student may not change the
116 requested pathway after enrollment;

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117 5. Maintain a 2.0 GPA for CTE coursework; and
 118 6. Complete the programs under subparagraph 2. within 3
 119 years after initial enrollment unless the institution determines
 120 that an extension is warranted due to extenuating circumstances.

121 (c) An institution may not impose additional criteria to
 122 determine a student's eligibility to receive a waiver under this
 123 section.

124 (5) RULES.—The State Board of Education shall adopt rules
 125 to implement this section.

126 Section 3. Paragraph (b) of subsection (3) of section
 127 1008.34, Florida Statutes, is amended to read:

128 1008.34 School grading system; school report cards;
 129 district grade.—

130 (3) DESIGNATION OF SCHOOL GRADES.—

131 (b)1. A school's grade shall be based on the following
 132 components, each worth 100 points:

133 a. The percentage of eligible students passing statewide,
 134 standardized assessments in English Language Arts under s.
 135 1008.22(3).

136 b. The percentage of eligible students passing statewide,
 137 standardized assessments in mathematics under s. 1008.22(3).

138 c. The percentage of eligible students passing statewide,
 139 standardized assessments in science under s. 1008.22(3).

140 d. The percentage of eligible students passing statewide,
 141 standardized assessments in social studies under s. 1008.22(3).

142 e. The percentage of eligible students who make Learning
 143 Gains in English Language Arts as measured by statewide,
 144 standardized assessments administered under s. 1008.22(3).

145 f. The percentage of eligible students who make Learning

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146 Gains in mathematics as measured by statewide, standardized
 147 assessments administered under s. 1008.22(3).

148 g. The percentage of eligible students in the lowest 25
 149 percent in English Language Arts, as identified by prior year
 150 performance on statewide, standardized assessments, who make
 151 Learning Gains as measured by statewide, standardized English
 152 Language Arts assessments administered under s. 1008.22(3).

153 h. The percentage of eligible students in the lowest 25
 154 percent in mathematics, as identified by prior year performance
 155 on statewide, standardized assessments, who make Learning Gains
 156 as measured by statewide, standardized Mathematics assessments
 157 administered under s. 1008.22(3).

158 i. For schools comprised of middle grades 6 through 8 or
 159 grades 7 and 8, the percentage of eligible students passing high
 160 school level statewide, standardized end-of-course assessments
 161 or attaining national industry certifications identified in the
 162 CAPE Industry Certification Funding List pursuant to state board
 163 rule.

164 j. Beginning in the 2023-2024 school year, for schools
 165 comprised of grade levels that include grade 3, the percentage
 166 of eligible students who score an achievement level 3 or higher
 167 on the grade 3 statewide, standardized English Language Arts
 168 assessment administered under s. 1008.22(3).

169
 170 In calculating Learning Gains for the components listed in sub-
 171 subparagraphs e.-h., the State Board of Education shall require
 172 that learning growth toward achievement levels 3, 4, and 5 is
 173 demonstrated by students who scored below each of those levels
 174 in the prior year. In calculating the components in sub-

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175 subparagraphs a.-d., the state board shall include the
 176 performance of English language learners only if they have been
 177 enrolled in a school in the United States for more than 2 years.

178 2. For a school comprised of grades 9, 10, 11, and 12, or
 179 grades 10, 11, and 12, the school's grade shall also be based on
 180 the following components, each worth 100 points:

181 a. The 4-year high school graduation rate of the school as
 182 defined by state board rule. Students enrolled in high school
 183 who choose to enroll in the GATE Program, pursuant to s.
 184 1004.933, may not be included in the graduation rate.

185 b. The percentage of students who were eligible to earn
 186 college and career credit through an assessment identified
 187 pursuant to s. 1007.27(2), College Board Advanced Placement
 188 examinations, International Baccalaureate examinations, dual
 189 enrollment courses, including career dual enrollment courses
 190 resulting in the completion of 300 or more clock hours during
 191 high school which are approved by the state board as meeting the
 192 requirements of s. 1007.271, or Advanced International
 193 Certificate of Education examinations; who, at any time during
 194 high school, earned national industry certification identified
 195 in the CAPE Industry Certification Funding List, pursuant to
 196 rules adopted by the state board; or who earned an Armed
 197 Services Qualification Test score that falls within Category II
 198 or higher on the Armed Services Vocational Aptitude Battery and
 199 earned a minimum of two credits in Junior Reserve Officers'
 200 Training Corps courses from the same branch of the United States
 201 Armed Forces.

202 Section 4. Section 1009.711, Florida Statutes, is created
 203 to read:

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204 1009.711 GATE Scholarship Program.—

205 (1) The GATE Scholarship Program is created to financially
 206 support institutions in providing the GATE Program established
 207 pursuant to s. 1004.933.

208 (2) The Department of Education shall administer the GATE
 209 Scholarship Program in accordance with rules adopted by the
 210 State Board of Education pursuant to subsection (6).

211 (3) The program shall reimburse eligible institutions for
 212 registration, tuition, laboratory, and examination fees and
 213 related instructional materials costs for students enrolled in
 214 the GATE Program. School district career centers and Florida
 215 College System institutions must be reimbursed at the in-state
 216 resident tuition rate established in s. 1009.22(3)(c).

217 (4) Each participating institution shall report to the
 218 department all students enrolled in the GATE Program during the
 219 fall, spring, or summer terms within 30 days after the end of
 220 regular registration. For each eligible student, the institution
 221 shall report the total reimbursable expenses by category, which
 222 the department must consider in determining an institution's
 223 award under this section. The department shall reimburse each
 224 participating institution no later than 30 days after the
 225 institution has reported enrollment for that term.

226 (5) Reimbursements from the GATE Scholarship Program are
 227 contingent upon an annual appropriation in the General
 228 Appropriations Act. If the statewide reimbursement amount is
 229 greater than the appropriation, the institutional reimbursement
 230 amounts specified in subsection (3) must be prorated among the
 231 institutions that have timely reported eligible students to the
 232 department.

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233 (6) The State Board of Education shall adopt rules to
 234 implement this section.

235 Section 5. Subsection (10) of section 1011.80, Florida
 236 Statutes, is amended to read:

237 1011.80 Funds for operation of workforce education
 238 programs.—

239 (10) A high school student dually enrolled under s.
 240 1007.271 in a workforce education program operated by a Florida
 241 College System institution or school district career center
 242 generates the amount calculated for workforce education funding,
 243 including any payment of performance funding, and the
 244 proportional share of full-time equivalent enrollment generated
 245 through the Florida Education Finance Program for the student's
 246 enrollment in a high school. If a high school student is dually
 247 enrolled in a Florida College System institution program,
 248 including a program conducted at a high school, the Florida
 249 College System institution earns the funds generated for
 250 workforce education funding, and the school district earns the
 251 proportional share of full-time equivalent funding from the
 252 Florida Education Finance Program. If a student is dually
 253 enrolled in a career center operated by the same district as the
 254 district in which the student attends high school, that district
 255 earns the funds generated for workforce education funding and
 256 also earns the proportional share of full-time equivalent
 257 funding from the Florida Education Finance Program. If a student
 258 is dually enrolled in a workforce education program provided by
 259 a career center operated by a different school district, the
 260 funds must be divided between the two school districts
 261 proportionally from the two funding sources. A student may not

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262 be reported for funding in a dual enrollment workforce education
 263 program unless the student has completed the basic skills
 264 assessment pursuant to s. 1004.91. A student who is coenrolled
 265 in a K-12 education program and an adult education program may
 266 be reported for purposes of funding in an adult education
 267 program. If a student is coenrolled in ~~core-curricula~~ courses
 268 for credit recovery or dropout prevention purposes and does not
 269 have a pattern of excessive absenteeism or habitual truancy or a
 270 history of disruptive behavior in school, the student may be
 271 reported for funding for up to four ~~two~~ courses per year. Such a
 272 student is exempt from the payment of the block tuition for
 273 adult general education programs provided in s. 1009.22(3)(c).
 274 ~~The Department of Education shall develop a list of courses to~~
 275 ~~be designated as core-curricula courses for the purposes of~~
 276 ~~coenrollment.~~

277 Section 6. Section 1011.804, Florida Statutes, is created
 278 to read:

279 1011.804 GATE Program Student Success Incentive Fund.—

280 (1) A GATE Program Student Success Incentive Fund is
 281 created to reward school districts and Florida College System
 282 institutions for the documented success of students
 283 participating in the GATE Program established under s. 1004.933.

284 (2) As used in this section, the term "institution" means a
 285 school district career center established under s. 1001.44, a
 286 charter technical career center established under s. 1002.34, or
 287 a Florida College System institution identified in s. 1000.21
 288 which offers the GATE Program pursuant to s. 1004.933.

289 (3) Subject to legislative appropriation, each
 290 participating institution must receive an allocation based on

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291 the performance of students in its GATE Program according to the
292 following metrics:

293 (a) The number of students obtaining a standard high school
294 diploma or high school equivalency diploma while participating
295 in the program.

296 (b) The number of postsecondary industry certifications or
297 other program completion credentials earned by students
298 participating in the program. Eligible industry certifications
299 must be identified on the CAPE Industry Certification Funding
300 List approved by the State Board of Education under s. 1008.44.

301 (c) Unless otherwise specified in the General
302 Appropriations Act, each institution must be provided \$750 per
303 student described in paragraph (a) and \$1,000 per student
304 earning certificates or credentials as provided in paragraph
305 (b). If funds are insufficient to fully fund the calculated
306 total award, such funds must be prorated among the institutions.

307 Section 7. This act shall take effect July 1, 2024.

The Florida Senate

APPEARANCE RECORD

1/10/24

Meeting Date

7032

Bill Number or Topic

Deliver both copies of this form to Senate professional staff conducting the meeting

Committee

Name

Patricia Rendon - Hillsborough School Board

Phone

727-580-7147

Amendment Barcode (if applicable)

Address

2227 Longmore Circle

Email

patricia.rendone@hcps.net

Street

Valrico

71

33596

City

State

Zip

Speaking:



For



Against



Information

OR

Waive Speaking:



In Support



Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without compensation or sponsorship.



I am a registered lobbyist, representing:



I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

1/16/24

Meeting Date

5PB 7032

Bill Number or Topic

(S) Edu. Postsecondary

Committee

Deliver both copies of this form to Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name

TOM CERRA

Phone

305/513/9995

Address

9320 NW 50 Doral Cir. N.

Email

tcerra@gmail.com

Street

MIAMI

FL

33178

City

State

Zip

Speaking:



For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

MIAMI-DADE PUBLIC SCHOOLS

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

01/16/24

Meeting Date

7032

Bill Number or Topic

Education Post Secondary

Committee

Deliver both copies of this form to Senate professional staff conducting the meeting

Education

Amendment Barcode (if applicable)

Name Karen Mazzola Florida PTA Phone 407-855-7604

Address 1747 Orlando Central Parkway Email vp.education@floridapta.org

Street

Orlando FL 32809

City

State

Zip

Speaking: [X] For [] Against [] Information OR Waive Speaking: [] In Support [] Against

PLEASE CHECK ONE OF THE FOLLOWING:

[] I am appearing without compensation or sponsorship.

[] I am a registered lobbyist, representing:

[X] I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by: Florida PTA

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022 Joint Rules.pdf (flsenate.gov)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Education Postsecondary

BILL: SB 1128

INTRODUCER: Senator Martin

SUBJECT: University Carry Forward Balances

DATE: January 16, 2024

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Jahnke	Bouck	HE	Fav/CS
2.			AED	
3.			FP	

I. Summary:

SB 1128 authorizes a state university spending plan to include retention of the carry forward balance as a reserve fund that the university may expend at its discretion.

This bill takes effect July 1, 2024.

II. Present Situation:

Generally, at the end of each fiscal year, state operational funds for state agencies and departments revert to the fund from which they were appropriated for reappropriation by the Legislature.¹ However, unexpended amounts in any fund in a university current year operating budget are carried forward and included as the balance forward for that fund in the approved operating budget for the following year.²

End-of-Year Carry Forward Balances

Each state university is required to maintain a minimum carry forward balance of at least seven percent of its state operating budget. If a university fails to maintain a seven percent balance in state operating funds, the university is required to submit a plan to the Board of Governors (BOG) to attain the seven percent balance in state operating funds within the next fiscal year.³

If a university retains a state operating fund carry forward balance in excess of seven percent, it must submit a spending plan for the excess carry forward balance to the university's board of trustees by September 30. The BOG must review, approve, and amend, if necessary, each

¹ Section 206.301(1)(a), F.S.

² Section 1011.45, F.S.

³ Section 1011.45(1), F.S.

university's carry forward spending plan by November 15.⁴ A university's carry forward spending plan must include the estimated cost per planned expenditure and a timeline for completion of the expenditure. The authorized expenditures in the spending plan include:⁵

- Commitment of funds to a public education capital outlay project for which an appropriation has previously been provided that requires additional funds for completion.⁶
- Completion of a renovation, repair, or maintenance project or replacement of a minor facility.
- Completion of a remodeling or infrastructure project, including a project for a developmental research school, if such project is survey recommended.
- Completion of repair or replacement project necessary due to damage caused by a natural disaster.
- Operating expenditures that support the university mission.
- Any purpose specified by the board or in the General Appropriations Act.
- A commitment of funds to a contingency reserve for expenses incurred as a result of a state of emergency declared by the Governor

Annually, by September 30, the chief financial officer of each university is required to certify the unexpended amount of funds appropriated to the university from the General Revenue Fund, the Educational Enhancement Trust Fund, and the Education/General Student and Other Fees Trust Fund as of June 30 of the previous fiscal year.⁷

A university is authorized to spend the minimum carry forward balance of seven percent if a demonstrated emergency exists and the plan is approved by the university's board of trustees and the BOG.⁸

Florida Auditor General Operational Audit

In an operational audit of the Board of Governors for the State University System the Florida Auditor General (AG) included a finding related to state university carryforward spending plans.⁹ The AG found that carryforward spending plans at two universities included reserves for various non-recurring expenses during the year. Despite reports of a legitimate need for these reserves for contingencies, the AG found that Florida law only allows reserves for expenses under a declared state of emergency; other reserves were not allowed.¹⁰

III. Effect of Proposed Changes:

The bill modifies s. 1011.45, F.S., by authorizing a state university spending plan to include retention of the carry forward balance as a reserve fund that the university may expend at its discretion. This allows universities to spend reserve carry forward balance funds on university operations that are not listed as authorized expenditures in law.

⁴ Section 1011.45(2), F.S.

⁵ Section 1011.45(3), F.S.

⁶ The project must be included on the list maintained by the State Board of Education of all public education capital outlay projects for which state funds were previously appropriated and have not been completed. Section 1001.706(12)(d), F.S.

⁷ Section 1011.45(4), F.S.

⁸ Section 1011.45(5), F.S.

⁹ State of Florida Auditor General, *Operational Audit, State University System Board of Governors* (Report No. 2023-049, Nov. 2022), available at https://flauditor.gov/pages/pdf_files/2023-049.pdf.

¹⁰ *Id.* at 3.

This bill takes effect July 1, 2024.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 1011.45 of the Florida Statutes.

IX. Additional Information:

- A. **Committee Substitute – Statement of Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

- B. **Amendments:**

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.



263702

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/16/2024	.	
	.	
	.	
	.	

The Committee on Education Postsecondary (Martin) recommended the following:

Senate Amendment (with directory and title amendments)

Delete lines 17 - 23

and insert:

(1) Each university shall maintain a minimum carry forward balance of at least 7 percent of its state operating budget, however, a university may retain and report to the Board of Governors an annual reserve balance exceeding that amount. If a university fails to maintain a 7 percent balance in state operating funds, the university shall submit a plan to the Board



263702

11 of Governors to attain the 7 percent balance of state operating
12 funds within the next fiscal year.

13 (3) A university's carry forward spending plan must include
14 the estimated cost per planned expenditure and a timeline for
15 completion of the expenditure. A carry forward spending plan may
16 include retention of the carry forward balance as a reserve fund
17 to be used for authorized expenses in subsequent years.

18 Authorized expenditures in a carry forward spending plan may
19 include:

20

21 ===== D I R E C T O R Y C L A U S E A M E N D M E N T =====

22 And the directory clause is amended as follows:

23 Delete lines 11 - 12

24 and insert:

25 Subsections (1) and (3) of section 1011.45, Florida
26 Statutes, are amended to read:

27

28 ===== T I T L E A M E N D M E N T =====

29 And the title is amended as follows:

30 Delete lines 3 - 6

31 and insert:

32 amending s. 1011.45, F.S.; authorizing a university to
33 retain and report a reserve balance exceeding a
34 specified amount; authorizing a university's carry
35 forward spending plan to include a reserve fund to be
36 used for authorized expenses; providing an

By Senator Martin

33-01412-24

20241128__

1 A bill to be entitled
 2 An act relating to university carry forward balances;
 3 amending s. 1011.45, F.S.; providing that a university
 4 carry forward spending plan may include retention of a
 5 carry forward balance as a reserve fund that a
 6 university may expend at its discretion; providing an
 7 effective date.

8
 9 Be It Enacted by the Legislature of the State of Florida:

10 Section 1. Subsection (3) of section 1011.45, Florida
 11 Statutes, is amended to read:

12 1011.45 End of year balance of funds.—Unexpended amounts in
 13 any fund in a university current year operating budget shall be
 14 carried forward and included as the balance forward for that
 15 fund in the approved operating budget for the following year.

16 (3) A university's carry forward spending plan must include
 17 the estimated cost per planned expenditure and a timeline for
 18 completion of the expenditure. A carry forward spending plan may
 19 include retention of the carry forward balance as a reserve fund
 20 that the university may expend at its discretion. Authorized
 21 expenditures in A carry forward spending plan may also include
 22 all of the following authorized expenditures:

23 (a) Commitment of funds to a public education capital
 24 outlay project for which an appropriation has previously been
 25 provided that requires additional funds for completion and which
 26 is included in the list required by s. 1001.706(12) (d) ~~;~~

27 (b) Completion of a renovation, repair, or maintenance
 28 project that is consistent with s. 1013.64(1) or replacement of
 29

Page 1 of 2

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

33-01412-24

20241128__

30 a minor facility ~~;~~

31 (c) Completion of a remodeling or infrastructure project,
 32 including a project for a developmental research school, if such
 33 project is survey recommended pursuant to s. 1013.31 ~~;~~

34 (d) Completion of a repair or replacement project necessary
 35 due to damage caused by a natural disaster for buildings
 36 included in the inventory required pursuant to s. 1013.31 ~~;~~

37 (e) Operating expenditures that support the university's
 38 mission ~~;~~

39 (f) Any purpose specified by the board or in the General
 40 Appropriations Act, including the requirements in s.
 41 1001.706(12) (c) or similar requirements pursuant to Board of
 42 Governors regulations ~~;~~ ~~and~~

43 (g) A commitment of funds to a contingency reserve for
 44 expenses incurred as a result of a state of emergency declared
 45 by the Governor pursuant to s. 252.36.

46 Section 2. This act shall take effect July 1, 2024.

Page 2 of 2

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

1/16/24
Meeting Date

1128
Bill Number or Topic

Ed Postsecondary
Committee

Amendment Barcode (if applicable)

Name Sarah Massey Phone 850 545 0543

Address 136 S. Brenough St. Email

City State Zip

Speaking: For Against Information OR Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

Florida Chamber of Commerce

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

CourtSmart Tag Report

Room: SB 301

Case No.:

Type:

Caption: Senate Committee on Education Postsecondary

Judge:

Started: 1/16/2024 11:01:18 AM

Ends: 1/16/2024 11:12:17 AM

Length: 00:11:00

11:01:20 AM Chair Grall calls meeting to order
11:01:31 AM Tab 1, SB 1128 on University Carry Forward Balances by Senator Martin
11:01:40 AM Senator Martin explains the bill
11:02:00 AM Amendment #263702 by Senator Martin
11:02:10 AM Senator Martin explains the amendment
11:02:44 AM Senator Martin waives close on amendment
11:03:03 AM Debate on the bill:
11:03:12 AM Senator Jones
11:03:15 AM Senator Martin
11:03:20 AM Public comments
11:03:24 AM Sarah Massey, FL Chamber of Commerce, waives in support
11:03:39 AM Senator Martin waves close on bill
11:03:46 AM Roll call
11:04:09 AM Chair Grall passes gavel to Senator Burgess
11:04:52 AM Tab 2, SPB 7032 on Education by the committee
11:05:48 AM Senator Grall explains the bill
11:05:58 AM Questions:
11:06:02 AM Senator Jones
11:06:55 AM Tom Cerra, Miami-Dade Public Schools
11:07:14 AM Patti Rendor, Hillsborough County School Board
11:09:19 AM Karen Mazzola, Florida PTA
11:10:16 AM Comments:
11:10:28 AM Senator Grall
11:10:57 AM Roll call
11:11:23 AM Senator Burgess passes the gavel back to Chair Grall
11:11:38 AM Senator Stewart recorded voting
11:11:53 AM Senator Collins recorded voting
11:12:02 AM Senator Collins moves to adjourn
11:12:08 AM Meeting adjourned



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Appropriations Committee on Education, *Chair*
Rules, *Vice Chair*
Appropriations
Criminal Justice
Education Postsecondary
Education Pre-K -12

JOINT COMMITTEE:
Joint Legislative Budget Commission

SENATOR KEITH PERRY

9th District

January 16, 2024

The Honorable Erin Grall-Chair
The Committee on Education Postsecondary
415 Knott Building
404 South Monroe Street
Tallahassee, FL 32399-1100

RE: COMMITTEE MEETING EXCUSAL

Honorable Chair Grall:

Please excuse my absence from the Education Postsecondary Committee meeting to be held on January, 16th 2024 at 11:00am. I have a prior commitment that cannot be rescheduled and will be unable to attend the meeting.

Please feel free to contact me with any questions.

Sincerely,

A handwritten signature in black ink that reads "W. Keith Perry". The signature is written in a cursive style.

Keith Perry
Senator
District 9

CC: Matthew Bouck, Staff Director
Secret Williams, Committee Administrative Assistant
Megan Ramba, Administrative Assistant: Senate President's Office
Ronnie Whitaker, Director: Senate Majority Office

REPLY TO:

- 5700 SW 34th Street, Suite 225, Gainesville, Florida 32608 (352) 264-4040
- Levy County Government Complex, 310 School Street, Room 106, Bronson, Florida 32621 (352) 670-4212
- Marion County Board of County Commissioners, 115 SE 25th Avenue, Ocala, Florida 34471 (352) 732-1249
- 405 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5009

Senate's Website: www.flsenate.gov

KATHLEEN PASSIDOMO
President of the Senate

DENNIS BAXLEY
President Pro Tempore