

1 A bill to be entitled
2 An act relating to education; redesignating the
3 title of ch. 239, F.S.; reenacting and amending
4 s. 239.101, F.S.; revising legislative intent;
5 reenacting and amending s. 239.105, F.S.;
6 defining terms; conforming provisions;
7 reenacting and amending s. 239.113, F.S.;
8 revising provisions governing the registration
9 of adult students; reenacting and amending s.
10 239.115, F.S.; revising provisions governing
11 funding of adult and technical education
12 programs; reenacting and amending s. 239.116,
13 F.S.; revising provisions governing cost
14 accounting and reporting; reenacting and
15 amending s. 239.117, F.S.; revising provisions
16 governing postsecondary student fees; repealing
17 provisions related to fee exemptions and
18 waivers; providing a limit upon the proportion
19 of fee revenue which may be waived; extending a
20 deadline for fee schedules to be submitted to
21 the State Board of Education; authorizing fees
22 for certain courses to vary by course and by
23 section; authorizing the use of certain fee
24 revenues to provide child care; authorizing a
25 single account for revenue produced by the
26 financial aid fee, capital improvement fee,
27 technology fee, and activity and service fee;
28 establishing the amount that may be charged for
29 the fee; regulating collection and use of the
30 fee revenue; establishing a limit upon the
31 amount of fee revenue that may be bonded;

1 deleting redundant provisions for the fee
2 revenue collected for financial aid, capital
3 improvement, technology, and activity and
4 services; eliminating an obsolete reference to
5 a penalty; abolishing a restriction upon
6 programs and courses that may generate a
7 technology fee; repealing s. 239.121, F.S.,
8 relating to occupational specialists;
9 reenacting and amending s. 239.125, F.S.,
10 relating to computer-assisted student advising;
11 repealing s. 239.201, F.S., relating to career
12 education instruction; reenacting and amending
13 s. 239.205, F.S.; revising provisions governing
14 the adoption of rules relating to career
15 education programs; requiring development of
16 certain program standards and industry
17 benchmarks; defining terms; reenacting and
18 amending s. 239.209, F.S.; revising provisions
19 governing the management and information
20 system; eliminating obsolete provisions;
21 reenacting and amending s. 239.213, F.S.;
22 revising provisions governing
23 vocational-preparatory instruction; eliminating
24 a testing requirement for certain students;
25 repealing s. 239.221, F.S., relating to
26 eye-protection devices; repealing s. 239.225,
27 F.S., relating to the vocational improvement
28 program; repealing s. 239.229, F.S., relating
29 to vocational standards; reenacting and
30 amending s. 239.233, F.S., simplifying
31 reporting requirements; reenacting and amending

1 s. 239.241, F.S.; revising provisions governing
2 dual enrollment and early admission; reenacting
3 and amending s. 239.245, F.S.; revising
4 provisions relating to public information
5 concerning career and technical education
6 programs; authorizing certain family literacy
7 programs; eliminating certain requirements for
8 a program for adults with disabilities;
9 repealing s. 239.251, F.S., relating to the
10 Florida Education Technology Foundation;
11 reenacting and amending s. 239.301, F.S.;
12 revising provisions governing adult general
13 education; repealing s. 239.305, F.S., relating
14 to adult literacy; repealing s. 239.309, F.S.,
15 relating to adult literacy centers; reenacting
16 and amending s. 239.401, F.S.; authorizing
17 community education programs to be conducted by
18 certain educational agencies; reenacting and
19 amending s. 239.501, F.S.; revising provisions
20 governing the Florida Literacy Corps;
21 abolishing certain requirements relating to
22 college credit for participating in literacy
23 tutorial services; eliminating obsolete
24 provisions; repealing s. 239.505, F.S.,
25 relating to the Florida Constructive Youth
26 Program; reenacting and amending s. 239.513,
27 F.S.; revising provisions governing workforce
28 literacy programs; eliminating a restriction;
29 reenacting and amending s. 239.514, F.S.;
30 creating the Capitalization Incentive Grant
31 Program; authorizing certain grants moneys for

1 upgrading programs; requiring the Department of
2 Education, rather than the Postsecondary
3 Education Planning commission, to make certain
4 selections; reenacting and amending s.
5 239.5141, F.S.; prescribing duties of the
6 Department of Education with respect to adult
7 and technical education; repealing obsolete
8 provisions relating to certain management
9 information; conforming provisions; authorizing
10 a demonstration program to be called Learning
11 Gateway; creating a steering committee;
12 providing for membership and appointment of
13 steering committee members; establishing duties
14 of the steering committee; authorizing
15 demonstration projects in specified counties;
16 authorizing designated agencies to provide
17 confidential information to such program;
18 providing for funding; providing an effective
19 date.

20
21 Be It Enacted by the Legislature of the State of Florida:

22
23 Section 1. The title of chapter 239, Florida Statutes,
24 is redesignated as Adult, Technical, and Community Education,
25 and that chapter shall not be divided into parts.

26 Section 2. Notwithstanding section 3(7) of chapter
27 2000-321, Laws of Florida, section 239.101, Florida Statutes,
28 shall not be repealed January 7, 2003, but that section is
29 reenacted and amended to read:

30 239.101 Legislative intent.--

31

1 (1) The Legislature recognizes that education is a
2 function of both knowledge and the application of knowledge.
3 In this context, career and technical education assume ~~assumes~~
4 a paramount role. The Legislature finds that technical ~~career~~
5 and academic education are complementary, rather than
6 exclusive. Students are better served by a curriculum that
7 incorporates both forms of education than one that is vested
8 in either area exclusively.

9 (2) The Legislature intends that public secondary
10 schools should prepare students to enroll in
11 postsecondary-level coursework, to attain employment, and to
12 continue self-directed learning. In addition, the Legislature
13 intends that student achievement measures should have a
14 demonstrable practical ~~real-world~~ connection. Accordingly,
15 the high school curriculum should incorporate technical
16 ~~vocational~~ skills, and career and technical ~~vocational~~
17 programs should incorporate academic skills as they relate to
18 an occupation. The curriculum should be competency-based and
19 allow for students to demonstrate competence through a variety
20 of means.

21 (3) ~~Certificate~~ Career and technical education at the
22 postsecondary level should provide job-preparatory instruction
23 through which students attain the job-specific, academic, and
24 employability competencies necessary to enter specific
25 occupations. Institutions are encouraged to conduct
26 ~~certificate~~ career and technical education programs in a
27 manner that enables students to enroll during the academic
28 year and exit a program upon successful demonstration of the
29 competencies required for the program. ~~Certificate~~ Career and
30 technical education should also provide continuing education
31 for adults who seek to update or upgrade skills related to

1 their occupations. ~~Unless specifically addressed, this chapter~~
2 ~~does not affect degree career education college credit~~
3 ~~instruction leading to an associate in science degree.~~

4 (4) The Legislature recognizes that the purpose of
5 career and technical education is to enable students to attain
6 those skills that enable them to become or to remain
7 economically self-sufficient. Consequently, the Legislature
8 intends to require specific justification for a program that
9 prepares for employment that provides no direct route to
10 economic self-sufficiency ~~finds that vocational programs which~~
11 ~~lead to minimum wage employment should be minimized and should~~
12 ~~be conducted only with specific justification.~~

13 (5) The Legislature recognizes the importance of
14 adequate, accurate counseling for student success in
15 education. The Legislature further recognizes that student
16 participation in career and technical education should be
17 based on the interests and aptitudes of the individual
18 students. In order for students to make informed choices
19 about the available educational options, students and
20 counselors must have access to timely, comprehensive
21 counseling and information.

22 (6) The Legislature finds that colleges of education
23 play an important role in the conduct of quality career and
24 technical ~~vocational~~ programs. The colleges shall provide
25 preservice and inservice education for teachers, counselors,
26 and administrators which enables school personnel to implement
27 educationally sound practices. The colleges may also conduct
28 and assist in the dissemination of research that seeks to
29 improve educational methods.

30 (7) The Legislature finds that career and technical
31 education is a crucial component of the educational programs

1 conducted within the education system ~~school districts and~~
2 ~~community colleges~~. Accordingly, career and technical
3 education must be represented in accountability processes
4 undertaken for educational institutions at all levels. ~~It is~~
5 ~~the intent of~~ The Legislature intends that the vocational
6 standards articulated in s. 239.229(2) be considered in the
7 development of accountability measures for public schools
8 pursuant to ss. 229.591, 229.592, and 230.23(16) and for
9 community colleges pursuant to s. 240.324.

10 (8) This chapter is intended to govern education in
11 programs that lead to credentials that may be awarded by
12 either a community college or a school district, including:

13 (a) Adult high school diploma, including the State of
14 Florida high school diploma awarded after successful
15 completion of the General Educational Development (GED) test.

16 (b) Technical certificate.

17 (c) Applied technology diploma.

18
19 If a provision in this chapter applies to a program that may
20 be conducted solely by a college or community college and not
21 by a school district, that program is specified by name.

22 Section 3. Notwithstanding section 3(7) of chapter
23 2000-321, Laws of Florida, section 239.105, Florida Statutes,
24 shall not be repealed January 7, 2003, but that section is
25 reenacted and amended to read:

26 (Substantial rewording of section. See
27 s. 239.105, F.S., for present text.)

28 239.105 Definitions.--As used in this chapter, the
29 term:

30 (1) "Adult and technical education" means courses of
31 instruction below the baccalaureate-degree level which are

1 designed to equip adults for employment in a specific
2 occupation or for literacy. The term includes adult general
3 education, career and technical education, and continuing
4 workforce education.

5 (2) "Adult basic education" means courses of
6 instruction designed to improve an individual's literacy level
7 and employment opportunities through instruction in
8 mathematics, reading, language, and workforce readiness
9 skills. Adult basic education is classified into the following
10 literacy levels, the attainment of which is to be demonstrated
11 as required by the State Board of Education:

12 (a) "Beginning literacy" means the attainment of
13 academic competence from educational grade levels 0 through
14 1.9.

15 (b) "Basic literacy" means the attainment of academic
16 competence from educational grade levels 2.0 through 5.9.

17 (c) "Functional literacy" or "intermediate adult basic
18 education," means the attainment of academic competence from
19 educational grade levels 6.0 through 8.9.

20 (d) "Workforce readiness" or "workforce literacy"
21 means the basic skills needed to perform in entry-level
22 occupations or to adapt to technological advances in the
23 workplace.

24 (3) "Adult ESOL" or "adult ESL" means noncredit
25 English language courses designed to enhance a person's
26 ability to read, write, speak, and listen in English. The term
27 "ESOL" means English for Speakers of Other Languages. The term
28 "ESL" means English as a Second Language. The two terms are
29 interchangeable.

30 (4) "Adult general education" means courses or
31 programs in adult basic education, adult secondary education,

1 adult ESOL, vocational-preparatory instruction, and
2 instruction for adults with disabilities.

3 (5) "Adult high school credit program" means
4 preparation for a high school diploma by an adult who earns
5 credits by completing courses or passing state assessments
6 approved for that purpose. The high school graduation
7 standards for adults are the same as those for secondary
8 students, except as required by law.

9 (6) "Adult secondary education" means courses through
10 which a person receives high school credit that leads to the
11 award of a high school diploma or courses of instruction
12 through which a student prepares to take the General
13 Educational Development test.

14 (7) "Adult student" means a student who is beyond the
15 compulsory school age and who has legally left elementary or
16 secondary school, or a high school student who is taking an
17 adult course required for high school graduation.

18 (8) "Adult with disability" means an adult who has a
19 physical or mental impairment that substantially limits one or
20 more major life activities, has a record of such impairment,
21 or is regarded as having such an impairment, and who requires
22 modifications to the educational program, adaptive equipment,
23 or specialized instructional methods and services in order to
24 participate in adult and technical education programs that
25 lead to competitive employment.

26 (9) "Applied technology diploma program" means a
27 course of study that is approved for articulation into an
28 associate-in-science-degree program, is less than 60 credit
29 hours, and leads to employment in a specific occupation. An
30 applied technology diploma program may consist of either
31 technical credit or college credit. A public school district

1 may offer an applied technology diploma program only as
2 technical credit, with college credit awarded to a student
3 upon articulation to a community college. Statewide
4 articulation among public schools and community colleges is
5 guaranteed by s. 240.115 and is subject to guidelines and
6 standards adopted by the articulation coordinating committee.

7 (10) "Career and technical education," "career
8 education," and "technical education" have the same meaning
9 and describe education that leads to a specific occupation or
10 a completion point or other benchmark that signifies technical
11 and occupational competency at a specified level. The terms
12 describe programs in secondary school which confer credit
13 toward a high school diploma or programs in postsecondary
14 education which confer credit toward a technical certificate
15 or a technical degree.

16 (11) "Career and technical education program" means a
17 group of specified competencies leading to an occupation
18 identified by a Classification of Instructional Programs
19 number.

20 (12) "College-preparatory instruction" means courses
21 designed to improve the computation and communication skills
22 of a high school graduate who enrolls in a college-credit
23 program but requires assistance to attain the skill level
24 required by rules of the State Board of Education.

25 (13) "Commissioner" means the Commissioner of
26 Education.

27 (14) "Community education" means the use of a school
28 or other public facility as a community center operated
29 together with other public, private, and governmental
30 organizations to provide community services to meet the needs,
31 interests, and concerns of the community related to education,

1 recreation, social or cultural matters, and health, including
2 lifelong learning.

3 (15) "Completion point" or "occupational completion
4 point" means the point at which an individual has mastered the
5 identified technical competencies that qualify the individual
6 to enter an occupation that is linked to a career and
7 technical education program.

8 (16) "Continuing workforce education" means
9 instruction that does not result in a technical certificate,
10 diploma, associate in applied science degree, or associate in
11 science degree. Continuing workforce education is for:

12 (a) Individuals who are required to have training for
13 licensure renewal or certification renewal by a regulatory
14 agency or credentialing body;

15 (b) New or expanding businesses as described in
16 chapter 288;

17 (c) Business, industry, and government agencies the
18 products or services of which are changing so that retraining
19 of employees is necessary or the employees of which need
20 training in specific skills to increase efficiency and
21 productivity; or

22 (d) Individuals who are enhancing occupational skills
23 necessary to maintain current employment, to cross-train, or
24 to upgrade employment.

25 (17) "Department" means the Department of Education.

26 (18) "Family literacy" means a program that has a
27 literacy component for parents and children or other
28 intergenerational literacy components.

29 (19) "General Educational Development (GED) test
30 preparation" means courses of instruction designed to prepare
31

1 adults for success on GED subject area tests leading to a
2 State of Florida high school diploma.

3 (20) "Lifelong learning" means a noncredit community
4 education course or activity offered by a school district or
5 community college which addresses community social and
6 economic issues related to health and human relations,
7 government, parenting, consumer economics, and senior
8 citizens.

9 (21) "Literacy completion point" means the point at
10 which an individual has attained identified skill levels
11 associated with the literacy skill levels in adult general
12 education.

13 (22) "Local educational agency" means a community
14 college or school district.

15 (23) "Program progression point" means the point at
16 which an individual has attained identified levels of college
17 credit within an applied technology diploma program or
18 technical degree program.

19 (24) "Technical certificate program" means a course of
20 study that leads to at least one occupational completion
21 point. The program may also articulate with a diploma program
22 or technical degree program, if authorized by rules of the
23 State Board of Education. Any credit instruction designed to
24 articulate to a degree program is subject to guidelines and
25 standards adopted by the Articulation Coordinating Committee.

26 (25) "Technical credit" is noncollege credit accrued
27 during a technical certificate program or applied technology
28 diploma program. If a technical certificate is a completion
29 point within a technical degree program, its students generate
30 college credit, not technical credit.

31

1 (26) "Technical degree" means an associate in science
2 or an associate in applied science degree.

3 (a) For licensure purposes, the terms are
4 interchangeable.

5 (b) A technical degree program may contain within it
6 an applied technology diploma or technical certificates that
7 confer college credit.

8 (27) "Vocational-preparatory instruction" means adult
9 general education courses designed to improve the computation
10 and communication skills of a person who enrolls in a
11 technical certificate program but requires assistance to
12 attain the skill level required by rules of the State Board of
13 Education.

14 Section 4. Notwithstanding section 3(7) of chapter
15 2000-321, Laws of Florida, section 239.113, Florida Statutes,
16 shall not be repealed January 7, 2003, but that section is
17 reenacted and amended to read:

18 239.113 Registration of adult students.--Each school
19 district and community college shall maintain sufficient
20 information for each student enrolled in adult and technical
21 ~~workforce development~~ education or ~~lifelong learning~~ courses
22 to allow local and state administrators to locate the such
23 student upon the termination of instruction and to determine
24 the appropriateness of student placement in specific
25 instructional programs. The State Board of ~~for Career~~
26 Education shall specify ~~adopt, in rule, specific~~ information
27 that must be maintained and acceptable means of maintaining
28 that information.

29 Section 5. Notwithstanding section 3(7) of chapter
30 2000-321, Laws of Florida, section 239.115, Florida Statutes,
31

1 shall not be repealed January 7, 2003, but that section is
2 reenacted and amended to read:

3 239.115 Funds for operation of adult ~~general education~~
4 and technical ~~vocational~~ education programs.--

5 (1) This section governs funding for the following
6 programs:~~As used in this section, the terms "workforce~~
7 ~~development education" and "workforce development program"~~
8 ~~include:~~

9 (a) Adult general education programs ~~designed to~~
10 ~~improve the employability skills of the state's workforce~~
11 ~~through adult basic education, adult secondary education, GED~~
12 ~~preparation, and vocational-preparatory education.~~

13 (b) ~~Vocational~~ Technical certificate programs,
14 ~~including courses that lead to an occupational completion~~
15 ~~point within a program that terminates in either a~~
16 ~~certificate, a diploma or a degree.~~

17 (c) Applied technology diploma programs.

18 (d) Continuing workforce education courses.

19 (e) Technical degree ~~vocational~~ education programs,
20 including any technical certificate programs within technical
21 degree programs.

22 (f) Advanced technical certificate programs.

23 (g)~~(f)~~ Apprenticeship and preapprenticeship programs
24 as defined in s. 446.021.

25 (2) Any adult and technical ~~workforce development~~
26 ~~education program may be conducted by a community college or a~~
27 ~~school district, except that college credit and a technical ~~an~~~~
28 ~~associate in science degree may be awarded only by a community~~
29 ~~college. However, if a technical ~~an associate in science~~~~
30 ~~degree program contains within it an occupational completion~~
31 ~~point that confers a technical certificate or an applied~~

1 technology diploma, that portion of the program may be
2 conducted by a school district technical center. Any
3 instruction designed to articulate to a degree program is
4 subject to guidelines and standards adopted by the
5 Articulation Coordinating Committee pursuant to s.
6 229.551(1)(g).

7 (3) If a program for ~~disabled~~ adults having a
8 disability pursuant to s. 239.301 is an adult and technical ~~a~~
9 ~~workforce development~~ program as defined in law it must be
10 funded as provided in this section.

11 (4) The Florida Adult and Technical Workforce
12 ~~Development~~ Education Fund is created to provide
13 performance-based funding for all adult and technical
14 ~~workforce development~~ programs, whether the programs are
15 offered by a school district or a community college. Funding
16 for all adult and technical ~~workforce development~~ education
17 programs must be from the Florida Adult and Technical
18 ~~Workforce Development~~ Education Fund and must be based on ~~cost~~
19 ~~categories,~~ performance output measures and performance
20 outcome measures. ~~This subsection takes effect July 1, 1999.~~

21 ~~(a) The cost categories must be calculated to identify~~
22 ~~high-cost programs, medium-cost programs, and low-cost~~
23 ~~programs. The cost analysis used to calculate and assign a~~
24 ~~program of study to a cost category must include at least both~~
25 ~~direct and indirect instructional costs, consumable supplies,~~
26 ~~equipment, and standard program length.~~

27 ~~(a)(b)1.~~ The performance output measure for career and
28 technical vocational education programs of study is student
29 completion of a ~~vocational~~ program of study or partial program
30 leading to a specific completion point ~~that leads to an~~
31 ~~occupational completion point associated with a certificate;~~

1 ~~an apprenticeship program, or a program that leads to an~~
2 ~~applied technology diploma or an associate in science degree.~~

3 Performance output measures for registered apprenticeship
4 programs shall be based on program lengths that coincide with
5 lengths established pursuant to the requirements of chapter
6 446.

7 2. The performance output measure for an adult general
8 education course of study is measurable improvement in student
9 skills. This measure shall include improvement in literacy
10 skills, grade level improvement as measured by an approved
11 test or approved competency standards, or attainment of a
12 Florida high school ~~general education development~~ diploma
13 (GED) or an adult high school diploma.

14 **(b)(c)** The performance outcome measures for programs
15 funded through the Adult and Technical ~~Workforce Development~~
16 Education Fund are associated with placement and retention of
17 students after reaching a literacy level or completion point
18 or completing a program of study. These measures include
19 placement or retention in employment ~~that is related to the~~
20 ~~program of study~~; placement into or retention in employment in
21 an occupation on the Workforce Estimating Conference list of
22 high-wage, high-skill occupations with sufficient openings, or
23 other High Wage/High Skill Program occupations as determined
24 by Workforce Florida, Inc.; and placement and retention of
25 participants or former participants in the welfare transition
26 program in employment. Continuing postsecondary education at a
27 level that will further enhance employment is a performance
28 outcome for adult and technical ~~general~~ education programs.
29 Placement and retention must be reported pursuant to ss.
30 229.8075 and 239.233.

31

1 ~~(5) Effective July 1, 1999, for school districts~~
2 ~~providing adult basic education for the elderly to at least~~
3 ~~10,000 students during fiscal year 1996-1997, and to at least~~
4 ~~10,000 students during subsequent fiscal years, funds for~~
5 ~~these adult basic education courses for the elderly may be~~
6 ~~provided in a separate categorical subject to provisions~~
7 ~~defined in the General Appropriations Act. Unless exempt~~
8 ~~pursuant to s. 239.117, fees for these courses shall be set at~~
9 ~~no less than 10 percent of the average cost of instruction.~~

10 (5)(6) State funding and student fees for adult and
11 technical workforce development instruction funded through the
12 Adult and Technical Workforce Development Education Fund shall
13 be established as follows:

14 (a) For a continuing workforce education course
15 provided by a community college or school district, at least
16 50 percent of the expenditures must be derived from fees,
17 ~~state funding shall equal 50 percent of the cost of~~
18 ~~instruction, with student fees, business support,~~
19 ~~quick-response training funds, or other means making up the~~
20 ~~remaining 50 percent.~~

21 (b) For all other programs workforce development
22 education funded through the Adult and Technical Workforce
23 Development Education Fund, state funding shall equal 75
24 percent of the average cost of instruction with the remaining
25 25 percent made up from student fees. Fees for courses within
26 a program shall not vary according to the cost of the
27 individual program, but instead shall be based on a uniform
28 fee calculated and set at the state level, as adopted by the
29 State Board of Education, unless otherwise specified in the
30 General Appropriations Act.

31

1 (c) For fee-exempt students ~~pursuant to s. 239.117,~~
2 ~~unless otherwise provided for in law,~~ state funding shall
3 equal 100 percent of the average cost of instruction.

4 ~~(6)(7)(a) Beginning in fiscal year 1999-2000,~~A school
5 district or a community college that provides ~~workforce~~
6 ~~development~~ education funded through the Adult and Technical
7 ~~Workforce Development~~ Education Fund shall receive funds in
8 accordance with distributions for base and performance funding
9 established by the Legislature in the General Appropriations
10 Act, with the following requirements pursuant to the following
11 conditions:

12 ~~(a)1.~~ Base funding shall not exceed 85 percent of the
13 current fiscal year total ~~Workforce Development Education Fund~~
14 allocation from the fund, which shall be distributed by the
15 Legislature in the General Appropriations Act based on a
16 maximum of 85 percent of the institution's prior year total
17 allocation from base and performance funds.

18 ~~(b)2.~~ Performance funding shall be at least 15 percent
19 of the current fiscal year total ~~Workforce Development~~
20 ~~Education Fund~~ allocation from the fund, which shall be
21 distributed by the Legislature in the General Appropriations
22 Act based on the previous fiscal year's achievement of output
23 and outcomes in accordance with formulas adopted pursuant to
24 ~~subsection(8)(9).~~ Performance funding must incorporate
25 payments for at least three levels of placements that reflect
26 wages and workforce demand. Payments for completions must not
27 exceed 60 percent of the payments for placement. ~~For fiscal~~
28 ~~year 1999-2000, school districts and community colleges shall~~
29 ~~be awarded funds pursuant to this paragraph based on~~
30 ~~performance output data generated for fiscal year 1998-1999~~
31 ~~and performance outcome data available in that year.~~

1 (c)3. If a local educational agency achieves a level
2 of performance sufficient to generate a full allocation as
3 authorized by the ~~workforce development~~ funding formula, the
4 agency may earn performance incentive funds as appropriated
5 for that purpose in a General Appropriations Act. If
6 performance incentive funds are funded and awarded, these
7 funds must be added to the local educational agency's prior
8 year total allocation from the Adult and Technical Workforce
9 ~~Development~~ Education Fund and shall be used to calculate the
10 following year's base funding.

11 ~~(b)~~ A program is established to assist school
12 districts and community colleges in responding to the needs of
13 new and expanding businesses and thereby strengthening the
14 state's workforce and economy. The program may be funded in
15 the General Appropriations Act. A school district or community
16 college may expend funds under the program without regard to
17 performance criteria set forth in subparagraph (a)2. The
18 district or community college shall use the program to provide
19 customized training for businesses which satisfies the
20 requirements of s. 288.047. Business firms whose employees
21 receive the customized training must provide 50 percent of the
22 cost of the training. Balances remaining in the program at the
23 end of the fiscal year shall not revert to the general fund,
24 but shall be carried over for 1 additional year and used for
25 the purpose of serving incumbent worker training needs of area
26 businesses with fewer than 100 employees. Priority shall be
27 given to businesses that must increase or upgrade their use of
28 technology to remain competitive.

29 (7)(8) A school district or community college that
30 earns performance funding must use the money to benefit the
31 career and technical programs ~~postsecondary vocational~~ and

1 adult education programs it provides. The money may be used
2 for equipment upgrades, program expansions, or any other use
3 that would result in ~~workforce development~~ program
4 improvement. The school board or community college board of
5 trustees may not withhold any portion of the performance
6 funding for indirect costs. Notwithstanding s. 216.351, funds
7 awarded pursuant to this section may be carried across fiscal
8 years and shall not revert to any other fund maintained by the
9 school board or community college board of trustees.

10 ~~(8)(9)~~ The Department of Education, ~~the State Board of~~
11 ~~Community Colleges~~, and Workforce Florida, Inc., shall provide
12 the commissioner ~~Legislature~~ with recommended formulas,
13 criteria, timeframes, and mechanisms for distributing
14 performance funds. The commissioner shall consolidate the
15 recommendations and develop a consensus proposal for funding.
16 The Legislature shall adopt a formula and distribute the
17 performance funds to the director of the Division of Community
18 Colleges and, for the school districts, to the director of the
19 Division of Public Schools ~~the Division of Workforce~~
20 ~~Development~~ through the General Appropriations Act. These
21 recommendations shall be based on formulas that would
22 discourage low-performing or low-demand programs and encourage
23 through performance-funding awards:

24 (a) Programs that prepare people to enter high-wage
25 occupations identified by the Workforce Estimating Conference
26 created by s. 216.136 and other programs as approved by
27 Workforce Florida, Inc. At a minimum, performance incentives
28 shall be calculated for adults who reach completion points or
29 complete programs that lead to specified high-wage employment
30 and to their placement in that employment.

31

1 (b) Programs that successfully prepare adults who are
2 eligible for public assistance, economically disadvantaged,
3 disabled, not proficient in English, or dislocated workers for
4 high-wage occupations. At a minimum, performance incentives
5 shall be calculated at an enhanced value for the completion of
6 adults identified in this paragraph ~~and job placement of such~~
7 ~~adults upon completion~~. In addition, adjustments may be made
8 in payments for job placements for areas of high unemployment.

9 (c) Programs that are specifically designed to be
10 consistent with the workforce needs of private enterprise and
11 regional economic development strategies, as defined in
12 guidelines set by Workforce Florida, Inc. Workforce Florida,
13 Inc., shall develop guidelines to identify such needs and
14 strategies based on localized research of private employers
15 and economic development practitioners.

16 (d) Programs identified by Workforce Florida, Inc., as
17 increasing the effectiveness and cost efficiency of education.

18 ~~(9)(10)~~ A high school student dually enrolled under s.
19 240.116 in a career and technical education workforce
20 ~~development~~ program funded through the Adult and Technical
21 ~~Workforce Development~~ Education Fund and operated by a
22 community college or school district technical center
23 generates the amount calculated by the Adult and Technical
24 ~~Workforce Development~~ Education Fund, including any payment of
25 performance funding, and the proportional share of full-time
26 equivalent enrollment generated through the Florida Education
27 Finance Program for the student's enrollment in a high school.
28 If a high school student is dually enrolled in a community
29 college program, including a program conducted at a high
30 school, the community college earns the funds generated
31 through the Adult and Technical ~~Workforce Development~~

1 Education Fund and the school district earns the proportional
2 share of full-time equivalent funding from the Florida
3 Education Finance Program. If a student is dually enrolled in
4 a technical center operated by the same district as the
5 district in which the student attends high school, that
6 district earns the funds generated through the Adult and
7 Technical ~~Workforce Development~~ Education Fund and also earns
8 the proportional share of full-time equivalent funding from
9 the Florida Education Finance Program. If a student is dually
10 enrolled in a ~~workforce development~~ program provided by a
11 technical center operated by a different school district, the
12 funds must be divided between the two school districts
13 proportionally from the two funding sources. A student may not
14 be reported for funding in a dual enrollment adult and
15 technical ~~workforce development~~ program unless the student has
16 completed the basic skills assessment required by pursuant to
17 s. 239.213.

18 ~~(10)(11)~~ The State Board ~~Department~~ of Education may
19 adopt rules to administer this section.

20 ~~(11)(12)~~ The Auditor General shall annually audit the
21 Adult and Technical ~~Workforce Development~~ Education Fund. The
22 Office of Program Policy Analysis and Government
23 Accountability shall review the adult and technical education
24 ~~workforce development~~ program and provide a report ~~to the~~
25 ~~Legislature by December 31, 2000, and thereafter~~ at the
26 direction of the Joint Legislative Auditing Committee. Such
27 audits and reviews shall be based on source data at the
28 community colleges and school districts.

29 Section 6. Notwithstanding section 3(7) of chapter
30 2000-321, Laws of Florida, section 239.116, Florida Statutes,
31

1 shall not be repealed January 7, 2003, but that section is
2 reenacted and amended to read:

3 239.116 Cost accounting and reporting for adult and
4 technical ~~workforce~~ education.--

5 (1) Each school district and each community college
6 shall account for expenditures of all state, local, federal,
7 and other funds in the manner prescribed by the Department of
8 Education.

9 (2) Each school district and each community college
10 shall report expenditures for adult and technical ~~workforce~~
11 education in accordance with requirements prescribed by the
12 Department of Education.

13 (3) The Department of Education, in cooperation with
14 school districts and community colleges, shall develop and
15 maintain a database of valid comparable information on adult
16 and technical ~~workforce~~ education that ~~which~~ will meet both
17 state and local needs.

18 Section 7. Notwithstanding section 3(7) of chapter
19 2000-321, Laws of Florida, section 239.117, Florida Statutes,
20 shall not be repealed January 7, 2003, but that section is
21 reenacted and amended to read:

22 239.117 ~~Workforce development~~ Postsecondary student
23 fees for adult and technical education.--

24 (1) This section applies to students enrolled in adult
25 and technical ~~workforce development~~ programs who are reported
26 for funding through the Adult and Technical ~~Workforce~~
27 ~~Development~~ Education Fund, except the ~~that~~ college credit
28 fees for the community colleges that are governed by s.
29 240.35.

30 (2) All students shall be charged fees except students
31 who are exempt from fees as provided in s. 240.4043, as

1 created by Senate Bill 1564, or similar legislation, or
2 students whose fees are waived.

3 ~~(3) The following students are exempt from any~~
4 ~~requirement for the payment of registration, matriculation,~~
5 ~~and laboratory fees for adult basic, adult secondary, or~~
6 ~~vocational-preparatory instruction:~~

7 ~~(a) A student who does not have a high school diploma~~
8 ~~or its equivalent.~~

9 ~~(b) A student who has a high school diploma or its~~
10 ~~equivalent and who has academic skills at or below the eighth~~
11 ~~grade level pursuant to state board rule. A student is~~
12 ~~eligible for this exemption from fees if the student's skills~~
13 ~~are at or below the eighth grade level as measured by a test~~
14 ~~administered in the English language and approved by the~~
15 ~~Department of Education, even if the student has skills above~~
16 ~~that level when tested in the student's native language.~~

17 ~~(4) The following students are exempt from the payment~~
18 ~~of registration, matriculation, and laboratory fees:~~

19 ~~(a) A student enrolled in a dual enrollment or early~~
20 ~~admission program pursuant to s. 239.241.~~

21 ~~(b) A student enrolled in an approved apprenticeship~~
22 ~~program, as defined in s. 446.021.~~

23 ~~(c) A student for whom the state is paying a foster~~
24 ~~care board payment pursuant to s. 409.145(3) or pursuant to~~
25 ~~parts II and III of chapter 39, for whom the permanency~~
26 ~~planning goal pursuant to part III of chapter 39 is long-term~~
27 ~~foster care or independent living, or who is adopted from the~~
28 ~~Department of Children and Family Services after May 5, 1997.~~
29 ~~Such exemption includes fees associated with enrollment in~~
30 ~~vocational-preparatory instruction and completion of the~~
31 ~~college-level communication and computation skills testing~~

1 ~~program. Such exemption shall be available to any student~~
2 ~~adopted from the Department of Children and Family Services~~
3 ~~after May 5, 1997; however, the exemption shall be valid for~~
4 ~~no more than 4 years after the date of graduation from high~~
5 ~~school.~~

6 ~~(d) A student enrolled in an employment and training~~
7 ~~program under the welfare transition program. The regional~~
8 ~~workforce board shall pay the community college or school~~
9 ~~district for costs incurred for welfare transition program~~
10 ~~participants.~~

11 ~~(e) A student who lacks a fixed, regular, and adequate~~
12 ~~nighttime residence or whose primary nighttime residence is a~~
13 ~~public or private shelter designed to provide temporary~~
14 ~~residence for individuals intended to be institutionalized, or~~
15 ~~a public or private place not designed for, or ordinarily used~~
16 ~~as, a regular sleeping accommodation for human beings.~~

17 ~~(f) A student who is a proprietor, owner, or worker of~~
18 ~~a company whose business has been at least 50 percent~~
19 ~~negatively financially impacted by the buy-out of property~~
20 ~~around Lake Apopka by the State of Florida. Such a student may~~
21 ~~receive a fee exemption only if the student has not received~~
22 ~~compensation because of the buy-out, the student is designated~~
23 ~~a Florida resident for tuition purposes, pursuant to s.~~
24 ~~240.1201, and the student has applied for and been denied~~
25 ~~financial aid, pursuant to s. 240.404, which would have~~
26 ~~provided, at a minimum, payment of all student fees. The~~
27 ~~student is responsible for providing evidence to the~~
28 ~~postsecondary education institution verifying that the~~
29 ~~conditions of this paragraph have been met, including support~~
30 ~~documentation provided by the Department of Revenue. The~~
31 ~~student must be currently enrolled in, or begin coursework~~

1 ~~within, a program area by fall semester 2000. The exemption~~
2 ~~is valid for a period of 4 years from the date that the~~
3 ~~postsecondary education institution confirms that the~~
4 ~~conditions of this paragraph have been met.~~

5 ~~(5)~~ School districts and community colleges may waive
6 fees for any fee-nonexempt student. The total value of fee
7 waivers granted by the school district or community college
8 may not exceed 8 percent of total related fee revenue or the
9 amount established annually in the General Appropriations Act.
10 Any student whose fees are waived in excess of the authorized
11 amount may not be reported for state funding purposes. ~~Any~~
12 ~~school district or community college that waives fees and~~
13 ~~requests state funding for a student in violation of the~~
14 ~~provisions of this section shall be penalized at a rate equal~~
15 ~~to 2 times the value of the full-time student enrollment~~
16 ~~reported.~~

17 ~~(3)(6)~~(a) The Commissioner of Education shall provide
18 to the State Board of Education no later than January 31
19 ~~December 31~~ of each year a schedule of fees for adult and
20 technical workforce development education, excluding
21 continuing workforce education, for school districts and
22 community colleges. The fee schedule shall be based on the
23 amount of student fees necessary to produce 25 percent of the
24 prior year's average cost of a course of study leading to a
25 certificate or diploma. ~~At the discretion of a school board or~~
26 ~~a community college, this fee schedule may be implemented over~~
27 ~~a 3-year period, with full implementation in the 1999-2000~~
28 ~~school year. In years preceding that year, if fee increases~~
29 ~~are necessary for some programs or courses, the fees shall be~~
30 ~~raised in increments designed to lessen their impact upon~~
31 ~~students already enrolled.~~Fees for students who are not

1 residents for tuition purposes must offset the full cost of
2 instruction. Fee-nonexempt students enrolled in
3 vocational-preparatory instruction shall be charged fees equal
4 to the fees charged for adult basic education or technical
5 certificate ~~career education~~ instruction. Each community
6 college that conducts college-preparatory and
7 vocational-preparatory instruction in the same class section
8 may charge a single fee for both types of instruction.

9 (b) Fees for continuing workforce education shall be
10 locally determined by the school board or community college.
11 However, at least 50 percent of the expenditures for the
12 continuing workforce education program provided by the
13 community college or school district must be derived from
14 fees. These fees may vary by course and by section.

15 (c) The State Board of Education shall adopt a fee
16 schedule for school districts that produces the fee revenues
17 calculated pursuant to paragraph (a). The schedule so
18 calculated shall take effect, unless otherwise specified in
19 the General Appropriations Act.

20 (d) The State Board of Education shall adopt, by rule,
21 the definitions and procedures that school boards shall use in
22 the calculation of cost borne by students.

23 ~~(7) Each year the State Board of Community Colleges~~
24 ~~shall review and evaluate the percentage of the cost of adult~~
25 ~~programs and certificate career education programs supported~~
26 ~~through student fees. For students who are residents for~~
27 ~~tuition purposes, the schedule so adopted must produce~~
28 ~~revenues equal to 25 percent of the prior year's average~~
29 ~~program cost for college-preparatory and certificate-level~~
30 ~~workforce development programs. Fees for continuing workforce~~
31 ~~education shall be locally determined by the school board or~~

1 ~~community college. However, at least 50 percent of the~~
2 ~~expenditures for the continuing workforce education program~~
3 ~~provided by the community college or school district must be~~
4 ~~derived from fees. Fees for students who are not residents for~~
5 ~~tuition purposes must offset the full cost of instruction.~~

6 (4)(8) Each school board and community college board
7 of trustees may establish a separate fee of up to 20 percent
8 of the matriculation and tuition fees for adult and technical
9 education programs. This fee is to be collected as a component
10 part of the registration and tuition fees and must be
11 deposited into a separate account of the local educational
12 agency. Any undisbursed balance remaining in the account and
13 interest income accruing to investments from the account
14 increase the total funds available for distribution as
15 authorized in this subsection. Revenue generated by this fee
16 may be used for financial aid, capital improvements,
17 technology, and student activities and services. The local
18 educational agency may expend the revenue generated by this
19 fee under the following requirements:

20 (a) Student financial assistance, to provide awards to
21 students who demonstrate financial need in accordance with a
22 nationally recognized system of need analysis. Financial
23 assistance may also be provided by establishing child care for
24 students in adult and technical education programs.

25 (b) Capital improvements, to construct and equip,
26 maintain, improve, or enhance the adult and technical
27 education facilities of the school district or community
28 college.

29 (c) Technology, to be expended in accordance with
30 technology improvement plans.

31

1 (d) Student activities and services, to be expended
2 for lawful purposes to benefit the student body in general.
3 These purposes include student publications and grants to duly
4 recognized student organizations, the membership of which is
5 open to all students at the local educational agency without
6 regard to race, gender, or religion.

7 (e) Repayment of debt, including lease-purchase and
8 revenue bonds, but a local educational agency may pledge no
9 more than 25 percent of the total revenue generated by this
10 fee as a dedicated revenue source to this purpose. Fee
11 revenues may be bonded only to finance or refinance new
12 construction and equipment, renovation, or remodeling of
13 educational facilities for adult and technical education
14 programs. Projects funded for capital improvement must meet
15 the survey and construction requirements of chapter 235. As
16 required in s. 216.0158, each school board and community
17 college board of trustees shall identify each project,
18 including maintenance projects, proposed to be funded by
19 revenue from this fee. Revenues pledged for repayment of debt
20 must be for projects with a term not to exceed 20 years, and
21 not to exceed the useful life of the asset being financed,
22 only for technology improvements or for newly constructing and
23 equipping, renovating, or remodeling educational facilities.
24 Local educational agencies may use the services of the
25 Division of Bond Finance of the State Board of Administration
26 to issue any bonds authorized by this subsection. Bonds issued
27 by the Division of Bond Finance must be in compliance with the
28 State Bond Act. Bonds issued pursuant to the State Bond Act
29 shall be validated in the manner provided by chapter 75. The
30 complaint for such validation shall be filed in the circuit
31 court of the county where the seat of state government is

1 situated, the notice required to be published by s. 75.06
2 shall be published only in the county where the complaint is
3 filed, and the complaint and order of the circuit court shall
4 be served only on the state attorney of the circuit in which
5 the action is pending.~~for financial aid purposes in an~~
6 ~~additional amount of up to 10 percent of the student fees~~
7 ~~collected for workforce development programs funded through~~
8 ~~the Workforce Development Education Fund. All fees collected~~
9 ~~shall be deposited into a separate workforce development~~
10 ~~student financial aid fee trust fund of the district or~~
11 ~~community college to support students enrolled in workforce~~
12 ~~development programs. Any undisbursed balance remaining in the~~
13 ~~trust fund and interest income accruing to investments from~~
14 ~~the trust fund shall increase the total funds available for~~
15 ~~distribution to workforce development education students.~~
16 ~~Awards shall be based on student financial need and~~
17 ~~distributed in accordance with a nationally recognized system~~
18 ~~of need analysis approved by the State Board for Career~~
19 ~~Education. Fees collected pursuant to this subsection shall be~~
20 ~~allocated in an expeditious manner.~~

21 ~~(9) The State Board of Education and the State Board~~
22 ~~of Community Colleges shall adopt rules to allow the deferral~~
23 ~~of registration and tuition fees for students receiving~~
24 ~~financial aid from a federal or state assistance program when~~
25 ~~such aid is delayed in being transmitted to the student~~
26 ~~through circumstances beyond the control of the student. The~~
27 ~~failure to make timely application for such aid is an~~
28 ~~insufficient reason to receive a deferral of fees. The rules~~
29 ~~must provide for the enforcement and collection or other~~
30 ~~settlement of delinquent accounts.~~

31

1 ~~(10) Any veteran or other eligible student who~~
2 ~~receives benefits under chapter 30, chapter 31, chapter 32,~~
3 ~~chapter 34, or chapter 35 of Title 38, U.S.C., or chapter 106~~
4 ~~of Title 10, U.S.C., is entitled to one deferment each~~
5 ~~academic year and an additional deferment each time there is a~~
6 ~~delay in the receipt of benefits.~~

7 (5)(11) Each school district and community college
8 shall be responsible for collecting all deferred fees pursuant
9 to s. 240.4043, as created by SB 1564 or similar legislation.

10 If a school district or community college has not collected a
11 deferred fee, the student may not earn state funding for any
12 course for which the student subsequently registers until the
13 fee has been paid.

14 (6)(12) Any school district or community college that
15 reports students who have not paid fees in an approved manner
16 in calculations of full-time equivalent enrollments for state
17 funding purposes shall be penalized at a rate equal to 2 times
18 the value of such enrollments. Such penalty shall be charged
19 against the following year's allocation from the Florida
20 Workforce Development Education Fund or the Community College
21 Program Fund and shall revert to the General Revenue Fund.
22 The State Board of Education shall specify, in rule, approved
23 methods of student fee payment. Such methods must include,
24 but need not be limited to, student fee payment; payment
25 through federal, state, or institutional financial aid; and
26 employer fee payments.

27 (7)(13) Each school district and community college
28 shall report only those students who have actually enrolled in
29 instruction provided or supervised by instructional personnel
30 under contract with the district or community college in
31 calculations of actual full-time enrollments for state funding

1 purposes. A student who has been exempted from taking a
2 course or who has been granted academic or technical
3 ~~vocational~~ credit through means other than actual coursework
4 completed at the granting institution may not be calculated
5 for enrollment in the course from which the student has been
6 exempted or for which the student has been granted credit.
7 School districts and community colleges that report
8 enrollments in violation of this subsection shall be penalized
9 at a rate equal to 2 times the value of such enrollments. Such
10 penalty shall be charged against the following year's
11 allocation from the Adult and Technical ~~Workforce Development~~
12 Education Fund and shall revert to the General Revenue Fund.

13 (8)~~(14)~~ School boards and community college boards of
14 trustees may establish scholarship funds using donations. If
15 such funds are established, school boards and community
16 college boards of trustees shall adopt rules that provide for
17 the criteria and methods for awarding scholarships from the
18 fund.

19 ~~(15) Each school board and community college board of~~
20 ~~trustees may establish a separate fee for capital~~
21 ~~improvements, technology enhancements, or equipping buildings~~
22 ~~which may not exceed 5 percent of the matriculation fee for~~
23 ~~resident students or 5 percent of the matriculation and~~
24 ~~tuition fee for nonresident students. Funds collected by~~
25 ~~community colleges through these fees may be bonded only for~~
26 ~~the purpose of financing or refinancing new construction and~~
27 ~~equipment, renovation, or remodeling of educational~~
28 ~~facilities. The fee shall be collected as a component part of~~
29 ~~the registration and tuition fees, paid into a separate~~
30 ~~account, and expended only to construct and equip, maintain,~~
31 ~~improve, or enhance the certificate career education or adult~~

1 ~~education facilities of the school district or community~~
2 ~~college. Projects funded through the use of the capital~~
3 ~~improvement fee must meet the survey and construction~~
4 ~~requirements of chapter 235. Pursuant to s. 216.0158, each~~
5 ~~school board and community college board of trustees shall~~
6 ~~identify each project, including maintenance projects,~~
7 ~~proposed to be funded in whole or in part by such fee. Capital~~
8 ~~improvement fee revenues may be pledged by a board of trustees~~
9 ~~as a dedicated revenue source to the repayment of debt,~~
10 ~~including lease-purchase agreements and revenue bonds, with a~~
11 ~~term not to exceed 20 years, and not to exceed the useful life~~
12 ~~of the asset being financed, only for the new construction and~~
13 ~~equipment, renovation, or remodeling of educational~~
14 ~~facilities. Community colleges may use the services of the~~
15 ~~Division of Bond Finance of the State Board of Administration~~
16 ~~to issue any bonds authorized through the provisions of this~~
17 ~~subsection. Any such bonds issued by the Division of Bond~~
18 ~~Finance shall be in compliance with the provisions of the~~
19 ~~State Bond Act. Bonds issued pursuant to the State Bond Act~~
20 ~~shall be validated in the manner provided by chapter 75. The~~
21 ~~complaint for such validation shall be filed in the circuit~~
22 ~~court of the county where the seat of state government is~~
23 ~~situated, the notice required to be published by s. 75.06~~
24 ~~shall be published only in the county where the complaint is~~
25 ~~filed, and the complaint and order of the circuit court shall~~
26 ~~be served only on the state attorney of the circuit in which~~
27 ~~the action is pending. A maximum of 15 cents per credit hour~~
28 ~~may be allocated from the capital improvement fee for child~~
29 ~~care centers conducted by the school board or community~~
30 ~~college board of trustees.~~
31

1 (9)~~(16)~~ Community colleges and district school boards
2 are not authorized to charge students enrolled in adult and
3 technical workforce development programs any fee that is not
4 specifically authorized by law ~~statute~~. In addition to
5 matriculation, tuition, financial aid, capital improvement,
6 and technology fees, as authorized in this section, community
7 colleges and district school boards are authorized to
8 establish fee schedules for the following user fees and fines:
9 laboratory fees; parking fees and fines; library fees and
10 fines; fees and fines relating to facilities and equipment use
11 or damage; access or identification card fees; duplicating,
12 photocopying, binding, or microfilming fees; standardized
13 testing fees; diploma replacement fees; transcript fees;
14 application fees; graduation fees; and late fees related to
15 registration and payment. Such user fees and fines shall not
16 exceed the cost of the services provided and shall only be
17 charged to persons receiving the service. Parking fee revenues
18 may be pledged by a community college board of trustees as a
19 dedicated revenue source for the repayment of debt, including
20 lease-purchase agreements and revenue bonds with terms not
21 exceeding 20 years and not exceeding the useful life of the
22 asset being financed. Community colleges shall use the
23 services of the Division of Bond Finance of the State Board of
24 Administration to issue any revenue bonds authorized by the
25 provisions of this subsection. Any such bonds issued by the
26 Division of Bond Finance shall be in compliance with the
27 provisions of the State Bond Act. Bonds issued pursuant to the
28 State Bond Act shall be validated in the manner established in
29 chapter 75. The complaint for such validation shall be filed
30 in the circuit court of the county where the seat of state
31 government is situated, the notice required to be published by

1 s. 75.06 shall be published only in the county where the
2 complaint is filed, and the complaint and order of the circuit
3 court shall be served only on the state attorney of the
4 circuit in which the action is pending.

5 (10)~~(17)~~ Each district school board and community
6 college district board of trustees is authorized to establish
7 specific fees for adult and technical ~~workforce development~~
8 instruction not reported for state funding purposes or for
9 adult and technical ~~workforce development~~ instruction not
10 reported as state funded full-time equivalent students.
11 District school boards and district boards of trustees are not
12 required to charge any other fee specified in this section for
13 this type of instruction.

14 ~~(18) Each district school board and community college~~
15 ~~district board of trustees is authorized to establish a~~
16 ~~separate fee for technology, not to exceed \$1.80 per credit~~
17 ~~hour or credit-hour equivalent for resident students and not~~
18 ~~more than \$5.40 per credit hour or credit-hour equivalent for~~
19 ~~nonresident students, or the equivalent, to be expended in~~
20 ~~accordance with technology improvement plans. The technology~~
21 ~~fee may apply only to associate degree programs and courses.~~
22 ~~Fifty percent of technology fee revenues may be pledged by a~~
23 ~~community college board of trustees as a dedicated revenue~~
24 ~~source for the repayment of debt, including lease-purchase~~
25 ~~agreements, not to exceed the useful life of the asset being~~
26 ~~financed. Revenues generated from the technology fee may not~~
27 ~~be bonded.~~

28 Section 8. Section 239.121, Florida Statutes, is
29 repealed.

30 Section 9. Notwithstanding section 3(7) of chapter
31 2000-321, Laws of Florida, section 239.125, Florida Statutes,

1 shall not be repealed January 7, 2003, but that section is
2 reenacted to read:

3 239.125 Computer-assisted student advising.--In
4 conjunction with s. 240.2099, each public secondary school
5 shall provide computer-assisted student advising through which
6 students obtain information related to career descriptions and
7 corresponding educational requirements; institutional
8 admission requirements for state universities, community
9 colleges, and area technical centers; and available sources of
10 student financial aid. Such advising must also enable
11 students to examine their interests and aptitudes for the
12 purpose of curricular and career planning.

13 Section 10. Section 239.201, Florida Statutes, is
14 repealed.

15 Section 11. Notwithstanding section 3(7) of chapter
16 2000-321, Laws of Florida, section 239.205, Florida Statutes,
17 shall not be repealed January 7, 2003, but that section is
18 reenacted and amended to read:

19 239.205 State Board of Education rules regarding
20 career and technical education programs; common definitions;
21 criteria for determining program level.--

22 ~~(1) The State Board of Education shall adopt, by rule,~~
23 ~~common definitions for associate in science degrees and for~~
24 ~~certificates.~~

25 (1)~~(2)~~ The State Board of Education shall develop
26 guidelines to determine the criteria by which the level of
27 degree or certificate is assigned to a career and technical
28 ~~vocational~~ program. The guidelines must ensure that
29 assignments are made at the lowest level possible commensurate
30 with sound professional practice. ~~;~~ ~~however,~~ The guidelines
31 must also ensure that assignments consider the ~~are updated for~~

1 ~~programs that increase in~~ technical complexity or general
2 education requirements beyond the parameters of a certificate
3 program. ~~Institutions may continue to offer existing programs~~
4 ~~that are assigned to a lower level; however, such programs~~
5 ~~shall be funded at the assigned level. The State Board of~~
6 ~~Education shall adopt rules regarding reporting requirements~~
7 ~~for vocational programs.~~

8 (2) The department shall develop and update at least
9 every 3 years program standards and industry-based benchmarks
10 for adult and technical education programs. The standards must
11 include technical, academic, and workplace skills; viability
12 of distance learning for instruction; and cycles of working
13 and learning which are responsive to business and industry.

14 Section 12. Notwithstanding section 3(7) of chapter
15 2000-321, Laws of Florida, section 239.209, Florida Statutes,
16 shall not be repealed January 7, 2003, but that section is
17 reenacted and amended to read:

18 239.209 Adult and technical ~~Career~~ education;
19 management information system.--

20 (1) The commissioner shall coordinate uniform program
21 structures, common definitions, and uniform management
22 information systems ~~for career education for all divisions~~
23 ~~within the department.~~ In performing these functions, the
24 commissioner shall designate deadlines after which data
25 elements may not be changed for the coming fiscal or school
26 year. School districts and community colleges shall be
27 notified of data element changes at least 90 days prior to the
28 start of the subsequent fiscal or school year. Such systems
29 must provide for:

30 (a) Individual student reporting.

31

1 (b) Compliance with state and federal confidentiality
2 requirements, except that the department shall have access to
3 the unemployment insurance wage reports to collect and report
4 placement information about former students as provided in s.
5 229.8075. ~~These~~ ~~Such~~ placement reports must not disclose the
6 individual identities of former students.

7 (c) Maximum use of automated technology and records in
8 existing data bases and data systems. To the extent feasible,
9 the Florida Information Resource Network shall be employed for
10 this purpose.

11 (d) Annual reports of student enrollment, completion,
12 and placement by program.

13 (2) The State Board of Education shall identify, by
14 rule, the components to be included in the adult and technical
15 ~~vocational~~ management information system. All such components
16 shall be comparable between school districts and community
17 colleges.

18 ~~(3)~~ Planning and evaluation of career and technical
19 ~~job-preparatory~~ programs shall be based on standard sources of
20 data and use standard occupational definitions and coding
21 structures, ~~including, but not limited to:~~

22 ~~(a) The Florida Occupational Information System;~~

23 ~~(b) The Florida Education and Training Placement~~
24 ~~Information Program;~~

25 ~~(c) The Department of Labor and Employment Security;~~

26 ~~(d) The United States Department of Labor; and~~

27 ~~(e) Other sources of data developed using~~
28 ~~statistically valid procedures.~~

29 Section 13. Notwithstanding section 3(7) of chapter
30 2000-321, Laws of Florida, section 239.213, Florida Statutes,
31

1 shall not be repealed January 7, 2003, but that section is
2 reenacted and amended to read:

3 239.213 Vocational-preparatory instruction.--

4 (1) The State Board of ~~for Career~~ Education shall
5 adopt, by rule, standards of basic skill mastery for technical
6 certificate ~~career education~~ programs. Each school district
7 and community college that conducts ~~certificate career~~
8 ~~education~~ programs that confer technical credit shall provide
9 vocational-preparatory instruction to assist students to
10 attain the skill level required for the program through which
11 ~~students receive the basic skills instruction required~~
12 ~~pursuant to this section.~~

13 (2) Students who enroll in a ~~certificate career~~
14 ~~education~~ program offered for technical credit of 450 hours or
15 more shall complete an entry-level examination within the
16 first 6 weeks of admission into the program. The state board
17 shall ensure that the basic skills examinations used are
18 current and comparable across institutions designate
19 ~~examinations that are currently in existence, the results of~~
20 ~~which are comparable across institutions, to assess student~~
21 ~~mastery of basic skills.~~ Any student found deemed to lack the
22 required a minimal level of basic skills, including adult ESOL
23 skills, for such program shall be referred to
24 vocational-preparatory instruction or adult basic education
25 for a structured program of basic skills instruction. A
26 student may concurrently enroll in vocational-preparatory
27 courses and technical-credit courses, but ~~Such instruction may~~
28 ~~include English for speakers of other languages.~~ A student
29 ~~Such instruction may include English for speakers of other~~
30 ~~languages.~~ A student may not receive a technical certificate
31 ~~of vocational program completion prior to~~ without first

1 demonstrating the basic skills required in the state
2 curriculum frameworks for the ~~vocational~~ program.

3 (3)(a) An adult student with a disability may be
4 exempted from this section.~~Exceptional students, as defined~~
5 ~~in s. 228.041, may be exempted from the provisions of this~~
6 ~~section.~~

7 (b) A student who possesses a college degree at the
8 associate in applied science level or higher is exempt from
9 this section.~~an associate in arts, baccalaureate, or~~
10 ~~graduate-level degree,~~

11 (c) A student who has completed or who is exempt from
12 the college-level communication and computation skills
13 examination pursuant to s. 240.107 is exempt, ~~or who is exempt~~
14 ~~from the college entry-level examination pursuant to s.~~
15 ~~240.107 may be exempted from the provisions of this section.~~

16 (d) A student who has passed a licensure examination
17 at the national, state, or industry level is exempt from this
18 section.

19 Section 14. Section 239.221, Florida Statutes, is
20 repealed.

21 Section 15. Section 239.225, Florida Statutes, is
22 repealed.

23 Section 16. Section 239.229, Florida Statutes, is
24 repealed.

25 Section 17. Notwithstanding section 3(7) of chapter
26 2000-321, Laws of Florida, section 239.233, Florida Statutes,
27 shall not be repealed January 7, 2003, but that section is
28 reenacted and amended to read:

29 239.233 Reporting requirements.--

30 ~~(1)(a) The Department of Education shall develop a~~
31 ~~system of performance measures in order to evaluate the~~

1 ~~vocational and technical education programs as required in s.~~
2 ~~239.229. This system must measure program enrollment,~~
3 ~~completion rates, placement rates, and amount of earnings at~~
4 ~~the time of placement. Placement and employment information,~~
5 ~~where applicable, shall contain data relevant to job~~
6 ~~retention, including retention rates. The State Board of~~
7 ~~Education shall adopt by rule the specific measures and any~~
8 ~~definitions needed to establish the system of performance~~
9 ~~measures.~~

10 **(b)** To measure and report program enrollments and
11 completions ~~enrollment and completion rates~~, the Department of
12 Education shall use data in the automated student databases
13 generated by the public schools and community colleges. To
14 measure and report placement rates and amount of earnings at
15 the time of placement, the department shall use data in the
16 reports produced by the Florida Education and Training
17 Placement Information Program as required in s. 229.8075. If
18 any placement information is not available from the Florida
19 Education and Training Placement Information Program, the
20 school district or the community college may provide placement
21 information collected by the school district or the community
22 college. However, this supplemental information must be
23 verifiable by the department and must not be commingled with
24 the database maintained by the Florida Education and Training
25 Placement Information Program. The State Board of Education
26 shall specify by rule the statistically valid, verifiable,
27 uniform procedures by which school districts and community
28 colleges may collect and report placement information to
29 supplement the reports from the Florida Education and Training
30 Placement Information Program.

31

1 ~~(c) The State Board of Education shall adopt standards~~
2 ~~for the department, district school boards, and community~~
3 ~~college district boards of trustees to use in program~~
4 ~~planning, program review, and program evaluation. The~~
5 ~~standards must include, at a minimum, the completion rates,~~
6 ~~placement rates, and earnings from employment of former~~
7 ~~students of vocational and technical education programs.~~

8 (2) The State Board of Education shall recommend ~~adopt~~
9 ~~procedures for~~ district school boards and community college
10 boards of trustees to use in reviewing their career and
11 technical education programs ~~the vocational and technical~~
12 ~~education programs administered by the district school boards~~
13 ~~and the community college district boards of trustees when~~
14 ~~program performance falls below~~ established ~~the~~ standards
15 ~~required by this section.~~

16 (3) Annually the department shall compile the reports
17 submitted in compliance with the rules adopted under this
18 section and shall produce a statewide report that addresses
19 the extent to which school districts and community colleges
20 are meeting the established standards ~~established under~~
21 ~~paragraph (1)(c).~~

22 (4) The State Board of Education may adopt any other
23 rules necessary to administer this section.

24 Section 18. Notwithstanding section 3(7) of chapter
25 2000-321, Laws of Florida, section 239.241, Florida Statutes,
26 shall not be repealed January 7, 2003, but that section is
27 reenacted and amended to read:

28 239.241 ~~Vocational~~ Dual enrollment and early admission
29 in career and technical education programs.--

30 (1) ~~Vocational~~ Dual enrollment in career and technical
31 education programs is an ~~shall be provided as a curricular~~

1 option for secondary students who seek to pursue in order to
2 earn a series of elective credits toward the high school
3 diploma. However, ~~vocational~~ dual enrollment may not permit a
4 student to bypass the high school ~~supplant student acquisition~~
5 ~~of the diploma.~~ ~~Vocational~~ Dual enrollment must be available
6 for a secondary student seeking a degree or a career and
7 technical education credential ~~certificate~~ from a complete
8 job-preparatory program, but may not sustain student
9 enrollment in isolated technical ~~vocational~~ courses. ~~It is the~~
10 ~~intent of the Legislature that~~ Student enrollment in a
11 ~~vocational~~ dual enrollment program should reflect the
12 interests and aptitudes of the student. The Legislature
13 supports ~~The provision of~~ a comprehensive academic and
14 technical ~~vocational~~ dual enrollment program within the
15 technical ~~vocational-technical~~ center or community college,
16 but such a program is supportive of legislative intent,
17 ~~however, such provision is not mandatory.~~

18 (2) ~~Vocational~~ Early admission in career and technical
19 education programs is a form of ~~vocational~~ dual enrollment
20 through which eligible secondary students enroll full time in
21 a ~~an area~~ technical center or a community college in courses
22 that are creditable toward the high school diploma and the
23 certificate or associate degree. ~~Participation in the~~
24 ~~vocational~~ Early admission into a career and technical
25 education program is ~~shall be~~ limited to students who have
26 completed a minimum of 6 semesters of full-time secondary
27 enrollment, including studies undertaken in the ninth grade.
28 Students enrolled in dual enrollment or early admissions
29 ~~pursuant to this section~~ are exempt from the payment of
30 registration, matriculation, and laboratory fees.

31

1 Section 19. Notwithstanding section 3(7) of chapter
2 2000-321, Laws of Florida, section 239.245, Florida Statutes,
3 shall not be repealed January 7, 2003, but that section is
4 reenacted and amended to read:

5 239.245 Public information concerning ~~on~~ career and
6 technical education programs.--

7 ~~(1) Beginning in the 1994-1995 school year, as a~~
8 ~~public service, the Department of Education shall disseminate~~
9 ~~information derived from the reports required by s. 239.233.~~
10 ~~The department shall ensure that the information disseminated~~
11 ~~does not name or otherwise identify a student, a former~~
12 ~~student, or the student's employer.~~

13 ~~(2) The dissemination shall be conducted in accordance~~
14 ~~with the following procedures:~~

15 (1)(a) Annually, the Department of Education shall
16 publish the placement rates and average quarterly earnings for
17 students who complete each type of technical certificate
18 ~~career education~~ program and degree career education program.
19 This information must be aggregated to the state level and
20 must be included in any accountability reports. A program that
21 was created or modified so that placement rates cannot be
22 calculated must be so identified in such reports.

23 ~~(b)1. Each school district shall publish, at a~~
24 ~~minimum, the most recently available placement rate for each~~
25 ~~certificate career education program conducted by that school~~
26 ~~district at the secondary school level and at the degree~~
27 ~~career education level. The placement rates for the preceding~~
28 ~~3 years shall be published, if available; shall be included in~~
29 ~~each publication that informs the public of the availability~~
30 ~~of the program; and shall be made available to each school~~
31 ~~guidance counselor. If a program does not have a placement~~

1 ~~rate, a publication that lists or describes that program must~~
2 ~~state that the rate is unavailable.~~

3 2. ~~Each community college shall publish, at a minimum,~~
4 ~~the most recent placement rate for each certificate career~~
5 ~~education program and for each degree career education program~~
6 ~~in its annual catalog. The placement rates for the preceding 3~~
7 ~~years shall be published, if available, and shall be included~~
8 ~~in any publication that informs the public of the availability~~
9 ~~of the program. If a program does not have a placement rate,~~
10 ~~the publication that lists or describes that program must~~
11 ~~state that the rate is unavailable.~~

12 (2)3. If a school district or a community college has
13 calculated for a program a placement rate that differs from
14 the rate reported by the department, and if each record of a
15 placement was obtained through a process that was capable of
16 being audited, procedurally sound, and consistent statewide,
17 the district or the community college may use the locally
18 calculated placement rate in the report required by this
19 section. However, that rate may not be combined with the rate
20 maintained in the computer files of the Department of
21 Education's Florida Education and Training Placement
22 Information Program.

23 (3)4. An independent postsecondary degree career
24 ~~education, technical, trade, or business~~ school may not
25 publish a placement rate unless the placement rate was
26 determined as provided by this section.

27 Section 20. Section 239.251, Florida Statutes, is
28 repealed.

29 Section 21. Notwithstanding section 3(7) of chapter
30 2000-321, Laws of Florida, section 239.301, Florida Statutes,
31

1 shall not be repealed January 7, 2003, but that section is
2 reenacted and amended to read:

3 239.301 Adult general education.--

4 (1)(a) The intent of this section is to encourage the
5 provision of educational services that will enable adults to
6 acquire:

7 1. The basic skills necessary to attain basic and
8 functional literacy.

9 2. A high school diploma or Florida high school
10 diploma (GED)~~successfully complete the general educational~~
11 ~~development test.~~

12 3. An educational foundation that will enable them to
13 become self-sufficient and to compete in a global economy ~~more~~
14 ~~employable, productive, and responsible citizens.~~

15 4. The skills needed to carry out their roles and
16 responsibilities as workers, parents, family members,
17 citizens, and community members.

18 (b) It is further intended that educational
19 opportunities be available for adults who have earned,
20 ~~regardless of possession of a diploma or high school~~
21 ~~equivalency diploma, but who whose performance on standard~~
22 ~~assessments indicates that such adults~~ lack the basic skills
23 necessary to function effectively in everyday situations, to
24 enter the job market, or to enter technical certificate ~~career~~
25 ~~education~~ instruction.

26 (2) The adult education program must provide academic
27 services to students in the following priority:

28 (a) Students who demonstrate skills at less than a
29 fifth grade level, as measured by tests approved for this
30 purpose by the State Board of Education, and who are studying
31 to achieve basic literacy.

1 (b) Students who demonstrate skills at the fifth grade
2 level or higher, but below the ninth grade level, as measured
3 by tests approved for this purpose by the State Board of
4 Education, and who are studying to achieve functional
5 literacy.

6 (c) Students who are earning credit required for a
7 high school diploma or who are preparing for the general
8 educational development test.

9 (d) Students who enroll in literacy programs and
10 services to attain educational skills necessary to become full
11 partners in the educational development of their children.

12 (e)~~(d)~~ Students who have high school diplomas and
13 require specific improvement in order to:

14 1. Obtain or maintain employment or benefit from
15 certificate career education programs;

16 2. Pursue a postsecondary degree; or

17 3. Develop competence in the English language to
18 qualify for employment.

19 (f)~~(e)~~ Students who enroll in lifelong learning
20 courses or activities that seek to address community social
21 and economic issues that consist of health and human
22 relations, government, parenting, consumer economics, and
23 senior citizens.

24 (g)~~(f)~~ Students who enroll in courses that relate to
25 the recreational or leisure pursuits of the students. Students
26 who enroll in these types of courses shall pay the full cost
27 of conducting the courses ~~The cost of courses conducted~~
28 ~~pursuant to this paragraph shall be borne by the enrollees.~~

29 (3)(a) Each school board or community college board of
30 trustees shall negotiate with the regional workforce board for
31 basic and functional literacy skills assessments for

1 participants in the welfare transition employment and training
2 programs. Such assessments shall be conducted at a site
3 mutually acceptable to the school board or community college
4 board of trustees and the regional workforce board.

5 (b) State employees who are employed in local or
6 regional offices of state agencies shall inform clients of the
7 availability of adult basic and secondary programs in the
8 region. The identities of clients who do not possess high
9 school diplomas or who demonstrate skills below the level of
10 functional literacy shall be conveyed, with their consent, to
11 the local school district or community college, or both.

12 (c) To the extent funds are available, the Department
13 of Children and Family Services shall provide for day care and
14 transportation services to clients who enroll in adult basic
15 education programs.

16 (4)(a) Adult general education ~~basic and secondary~~
17 ~~education and vocational-preparatory courses~~ shall be
18 evaluated and funded as provided in s. 239.115.

19 (b) Student fees for adult general education are
20 ~~governed by~~ ~~may not be charged for adult basic instruction for~~
21 ~~students who demonstrate literacy skills below the eighth~~
22 ~~grade level or for adult basic or secondary education for~~
23 ~~students who have not obtained high school diplomas. Other~~
24 ~~students who have a high school diploma or a high school~~
25 ~~equivalency diploma and who enroll in adult basic or secondary~~
26 ~~instruction shall pay fees pursuant to s. 239.117, and fee~~
27 ~~exemptions are governed by s. 240.4043, as created by Senate~~
28 Bill 1564, or similar legislation, and rules of the State
29 Board of Education.

30 (c) The State Board of Education shall define, by
31 rule, the levels and courses of instruction to be funded

1 through the college-preparatory program. The state board shall
2 coordinate the establishment of costs for college-preparatory
3 courses, the establishment of statewide standards that define
4 required levels of competence, acceptable rates of student
5 progress, and the maximum amount of time to be allowed for
6 completion of college-preparatory instruction.

7 College-preparatory instruction is part of an associate in
8 arts degree program and may not be funded as an adult and
9 technical ~~a workforce development~~ education program.

10 (d) Expenditures for college-preparatory ~~and lifelong~~
11 ~~learning~~ students shall be reported separately. Allocations
12 for college-preparatory courses shall be based on proportional
13 full-time equivalent enrollment. Program review results shall
14 be included in the determination of subsequent allocations. A
15 student shall be funded to enroll in the same
16 college-preparatory class within a skill area only twice,
17 after which time the student shall pay 100 percent of the full
18 cost of instruction to support the continuous enrollment of
19 that student in the same class; however, students who withdraw
20 or fail a class due to extenuating circumstances may be
21 granted an exception only once for each class, provided
22 approval is granted according to policy established by the
23 board of trustees. Each community college shall have the
24 authority to review and reduce payment for increased fees due
25 to continued enrollment in a college-preparatory class on an
26 individual basis contingent upon the student's financial
27 hardship, pursuant to definitions and fee levels established
28 by the State Board of Community Colleges. College-preparatory
29 and lifelong learning courses do not generate credit toward an
30 associate or baccalaureate degree.

31

1 (e) A district school board or a community college
2 board of trustees may negotiate a contract with the regional
3 workforce board for specialized services for participants in
4 the welfare transition program, beyond what is routinely
5 provided for the general public, to be funded by the regional
6 workforce board.

7 ~~(5)(a) An educational program for disabled adults may~~
8 ~~be conducted within and funded through the Workforce~~
9 ~~Development Education Fund or the Community College Program~~
10 ~~Fund. Each school board or community college board of~~
11 ~~trustees that has an educational program for disabled adults~~
12 ~~shall submit a plan to the commissioner which includes, at a~~
13 ~~minimum:~~

14 1. ~~A description of the population to be served and an~~
15 ~~estimation of the number of such students.~~

16 2. ~~A description of the courses and programs in the~~
17 ~~program, including corresponding expected student outcomes.~~

18 3. ~~Provision for individualized educational plans and~~
19 ~~periodic student evaluation.~~

20 4. ~~An interagency memorandum of agreement that~~
21 ~~provides for the coordination of adult education, career~~
22 ~~education, exceptional student education, the Department of~~
23 ~~Children and Family Services, vocational rehabilitation, and~~
24 ~~other local organizations whose adult disabled clients~~
25 ~~participate in the program.~~

26 5. ~~Provision for coordination of services, if both the~~
27 ~~community college and one or more school districts within the~~
28 ~~service area have approved programs for disabled adults.~~

29 6. ~~Provision for a single administrator for adult~~
30 ~~courses and programs for the disabled.~~

31

1 ~~(b) Each participating school board and community~~
2 ~~college board of trustees shall submit an annual plan to the~~
3 ~~commissioner on or before March 1 which reports progress~~
4 ~~toward meeting the goals stated in the plan. The report must~~
5 ~~identify the number of students served, by head count and~~
6 ~~full-time equivalent enrollments, the number and location of~~
7 ~~courses and programs, and clock-hour length of each course or~~
8 ~~program.~~

9 ~~(c) The State Board of Education shall adopt entrance~~
10 ~~and exit criteria, curriculum frameworks, and performance~~
11 ~~standards for disabled adult programs.~~

12 ~~(d) This subsection is not intended to discourage a~~
13 ~~school district or community college from providing~~
14 ~~educational services for disabled adults through classes in~~
15 ~~which nondisabled adults participate; however, in order to~~
16 ~~receive state funding designated especially for the program, a~~
17 ~~school district or community college must have an approved~~
18 ~~program for adult, disabled students, and each student~~
19 ~~reported for funding pursuant to this subsection must have~~
20 ~~been determined to be a disabled adult.~~

21 ~~(5)~~(6) If students who have been determined to be
22 adults with disabilities are enrolled in adult and technical
23 ~~workforce development~~ programs, the funding formula must
24 provide additional incentives for their achievement of
25 performance outputs and outcomes.

26 ~~(7) If the plan for a program for adults with~~
27 ~~disabilities pursuant to subsection (5) indicates that there~~
28 ~~are students whose expected time to completion exceeds twice~~
29 ~~that of a similar program for nondisabled students, or if~~
30 ~~there are students enrolled whose individual education plan~~
31 ~~does not include competitive employment, those students shall~~

1 ~~generate funds in addition to funds from the workforce~~
2 ~~development fund, as provided in the annual General~~
3 ~~Appropriations Act.~~

4 ~~(6)(8)~~ The commissioner shall recommend the level of
5 funding for public school and community college adult
6 education within the legislative budget request and make other
7 recommendations and reports considered necessary or required
8 by rules of the state board.

9 ~~(9)~~ ~~Upon the request of any school board or community~~
10 ~~college board of trustees, the Department of Education shall~~
11 ~~provide technical assistance in the development and~~
12 ~~maintenance of adult education programs.~~

13 ~~(7)(10)~~ Buildings, land, equipment, and other property
14 owned by a school board or community college board of trustees
15 may be used for the conduct of the adult education program.
16 Buildings, land, equipment, and other property owned or leased
17 by cooperating public or private agencies, organizations, or
18 institutions may also be used for the purposes of this
19 section.

20 ~~(8)(11)~~ The State Board of Education may adopt rules
21 necessary to administer ~~for the implementation of this~~
22 section.

23 Section 22. Section 239.305, Florida Statutes, is
24 repealed.

25 Section 23. Section 239.309, Florida Statutes, is
26 repealed.

27 Section 24. Notwithstanding section 3(7) of chapter
28 2000-321, Laws of Florida, section 239.401, Florida Statutes,
29 shall not be repealed January 7, 2003, but that section is
30 reenacted and amended to read:

31 (Substantial rewording of section. See

1 s. 239.401, F.S., for present text.)
2 239.401 Community education.--Each school board and
3 the Board of Trustees for the Florida School for the Deaf and
4 Blind may offer a program in community education as defined in
5 this chapter. The buildings, land, equipment, and other
6 property owned by a school board may be shared or leased for
7 the provision of community education. A school board, with
8 other governmental bodies, may acquire, own, maintain, and
9 dispose of real and personal property for use in community
10 education.

11 Section 25. Notwithstanding section 3(7) of chapter
12 2000-321, Laws of Florida, section 239.501, Florida Statutes,
13 shall not be repealed January 7, 2003, but that section is
14 reenacted and amended to read:

15 239.501 Florida Literacy Corps.--

16 (1) It is the intent of the Legislature that eligible
17 postsecondary students be offered an opportunity to perform
18 public service by serving as volunteer tutors for adults who
19 do not possess basic or functional literacy skills.

20 (2) There is created a Florida Literacy Corps in which
21 ~~to be administered by the Department of Education pursuant to~~
22 ~~this section and rules of the State Board of Education.~~

23 participating students may earn college credit for tutoring
24 adults who do not possess basic or functional literacy skills
25 pursuant to an agreement between the institution in which the
26 student is enrolled and the school board, community college

27 board of trustees, public library, or nonprofit organization
28 offering literacy instruction to adults pursuant to s.
29 239.305. The school board, community college board of
30 trustees, public library, or nonprofit organization is solely

31

1 responsible for providing literacy programs and instructing
2 participating postsecondary students.

3 ~~(3) In order to be eligible to participate in the~~
4 ~~Florida Literacy Corps, a student must:~~

5 ~~(a) Be enrolled in an eligible state university or~~
6 ~~community college at least half time and be in good standing,~~
7 ~~as defined by the institution.~~

8 ~~(b) Have completed at least 12 semester hours of~~
9 ~~college-level coursework that applies toward an associate in~~
10 ~~arts or baccalaureate degree.~~

11 ~~(c) Have attained a passing score on one of the~~
12 ~~postsecondary entry-level examinations approved pursuant to~~
13 ~~State Board of Education rule, be exempt from the~~
14 ~~administration of such examination, or have successfully~~
15 ~~completed any required college-preparatory instruction.~~

16 ~~(4) In order to be eligible to participate in the~~
17 ~~Florida Literacy Corps, a state university or community~~
18 ~~college must:~~

19 ~~(a) Establish one or more undergraduate or graduate~~
20 ~~courses, or both, in which participating students may earn a~~
21 ~~maximum of 3 credit hours per semester, and a maximum of 6~~
22 ~~credit hours over two or more semesters, by tutoring adults~~
23 ~~who do not possess basic or functional literacy skills. The~~
24 ~~institution shall establish such courses in the common course~~
25 ~~designation and numbering system. The courses must require~~
26 ~~students to complete instruction for prospective tutors, tutor~~
27 ~~adults for at least 25 hours per semester for each hour of~~
28 ~~credit awarded, and satisfy any other requirements imposed by~~
29 ~~the institution.~~

30
31

1 ~~(b) Submit a proposal to the Department of Education~~
2 ~~for review and approval. The proposal must include, but is not~~
3 ~~limited to:~~

4 ~~1. Identification of the school district, community~~
5 ~~college, public library, or nonprofit organization with which~~
6 ~~participating students will be working.~~

7 ~~2. Demonstration of the need for literacy tutors by~~
8 ~~the school district, community college, public library, or~~
9 ~~nonprofit organization.~~

10 ~~3. Demonstration of commitment by the public school,~~
11 ~~community college, public library, or nonprofit organization~~
12 ~~to provide instruction for tutors.~~

13 ~~4. Description of the literacy program.~~

14 ~~5. Demonstration of student interest in program~~
15 ~~participation.~~

16 ~~6. Designation of one or more faculty to conduct the~~
17 ~~Florida Literacy Corps course and identification of the~~
18 ~~qualifications of such faculty.~~

19 ~~(5) From funds appropriated for the purposes of this~~
20 ~~section, the department shall allocate an amount for each~~
21 ~~approved proposal based on the number of students approved for~~
22 ~~enrollment and subsequently enrolled in Florida Literacy Corps~~
23 ~~courses.~~

24 ~~(6) Each participating state university and community~~
25 ~~college shall submit an annual report to the Commissioner of~~
26 ~~Education which includes, but is not limited to:~~

27 ~~(a) The number of hours of tutoring conducted by~~
28 ~~participating students.~~

29 ~~(b) The number of students enrolled in the courses.~~

30 ~~(c) The number of students who successfully complete~~
31 ~~the courses.~~

1 ~~(d) An evaluation of the tutors' effectiveness as~~
2 ~~judged by the participating school district, community~~
3 ~~college, public library, or nonprofit organization. The~~
4 ~~department shall develop a common evaluation form for this~~
5 ~~purpose.~~

6 ~~(e) The number of full-time equivalent enrollments~~
7 ~~generated by the participating students.~~

8 ~~(7) The department shall compile the annual reports~~
9 ~~into a single, annual programmatic report to be submitted to~~
10 ~~the State Board of Education by December 1 of each year.~~

11 Section 26. Section 239.505, Florida Statutes, is
12 repealed.

13 Section 27. Notwithstanding section 3(7) of chapter
14 2000-321, Laws of Florida, section 239.513, Florida Statutes,
15 shall not be repealed January 7, 2003, but that section is
16 reenacted and amended to read:

17 239.513 Workforce literacy programs.--

18 (1) The workforce literacy program is established
19 within the community college system and local school districts
20 to ensure the existence of sufficient numbers of employees who
21 possess the skills necessary to perform in entry-level
22 occupations and to adapt to technological advances in the
23 workplace. Workforce literacy programs are intended to
24 support economic development by increasing adult literacy and
25 producing an educated workforce.

26 (2) Each community college and school district may
27 conduct courses and programs through which adults gain the
28 communication and computation skills necessary to complete a
29 vocational program, to gain or maintain entry-level
30 employment, or to upgrade employment. ~~Courses may not be~~
31 ~~conducted until the community college or school district~~

1 ~~identifies current and prospective employees who do not~~
2 ~~possess the skills necessary to enter vocational programs or~~
3 ~~to obtain or maintain employment.~~

4 ~~(3) A community college or school district may be~~
5 ~~eligible to fund a workforce literacy program pursuant to the~~
6 ~~provisions of s. 239.305.~~

7 Section 28. Notwithstanding section 3(7) of chapter
8 2000-321, Laws of Florida, section 239.514, Florida Statutes,
9 shall not be repealed January 7, 2003, but that section is
10 reenacted and amended to read:

11 239.514 ~~Workforce Development~~ Capitalization Incentive
12 Grant Program.--The Legislature recognizes that the need for
13 school districts and community colleges to be able to respond
14 to emerging local or statewide economic development needs is
15 critical to the workforce development system. The ~~Workforce~~
16 ~~Development~~ Capitalization Incentive Grant Program is created
17 to provide grants to school districts and community colleges
18 on a competitive basis to fund some or all of the costs
19 associated with bringing programs into conformance with
20 industry standards and creating or expanding adult and
21 technical education ~~the creation or expansion of workforce~~
22 ~~development~~ programs that serve specific employment workforce
23 needs.

24 (1) Funds awarded for a ~~workforce development~~
25 capitalization incentive grant may be used for instructional
26 equipment, laboratory equipment, supplies, personnel, student
27 services, or other expenses associated with:

28 (a) Upgrading adult and technical education programs
29 to meet the program standards specified in s. 239.229(2)(c)4.,
30 and developed as a result of the 3-year review cycle specified
31 in s. 240.312.

1 **(b) Creating or expanding the adult and technical**
2 **education program identified by the High Skill/High Wages**
3 **Committee of the regional workforce board as being critical to**
4 **business retention, expansion, and recruitment as specified in**
5 **s. 445.007(7)**~~the creation or expansion of a workforce~~
6 ~~development program.~~ Expansion of a program may include either
7 the expansion of enrollments in a program or expansion into
8 new areas of specialization within a program.

9 **(c) Grant funds may not be used for recurring**
10 **instructional costs or for indirect costs incurred by an**
11 **institution, unless approved by the Department of Education** ~~No~~
12 ~~grant funds may be used for recurring instructional costs or~~
13 ~~for institutions' indirect costs.~~

14 (2) The **Department of Education** ~~Postsecondary~~
15 ~~Education Planning Commission~~ shall accept applications from
16 school districts or community colleges for ~~workforce~~
17 ~~development~~ capitalization incentive grants. Applications from
18 school districts or community colleges shall contain projected
19 enrollments and projected costs for the new or expanded **adult**
20 **and technical education** ~~workforce development~~ program. The
21 ~~Postsecondary Education Planning Commission, in consultation~~
22 ~~with the Jobs and Education Partnership, the Department of~~
23 ~~Education, and the State Board of Community Colleges,~~ shall
24 review and rank each application for a grant according to
25 subsection (3) and shall submit to the **State Board of**
26 **Education** ~~Legislature~~ a list in priority order of applications
27 recommended for a grant award.

28 (3) The ~~department~~ **commission** shall give highest
29 priority to programs that train people to enter high-skill,
30 high-wage occupations identified by the Workforce Estimating
31 Conference and other programs approved by Workforce Florida,

1 Inc.; programs that train people to enter occupations under
2 the welfare transition program; or programs that train for the
3 workforce adults who are eligible for public assistance,
4 economically disadvantaged, disabled, not proficient in
5 English, or dislocated workers. The department ~~commission~~
6 shall consider the statewide geographic dispersion of grant
7 funds in ranking the applications and shall give priority to
8 applications from education agencies that are making maximum
9 use of their adult and technical education program ~~workforce~~
10 ~~development~~ funding by offering high-performing, high-demand
11 programs.

12 Section 29. Notwithstanding section 3(7) of chapter
13 2000-321, Laws of Florida, section 239.5141, Florida Statutes,
14 shall not be repealed January 7, 2003, but that section is
15 reenacted and amended to read:

16 239.5141 Adult and Technical Education ~~Workforce~~
17 ~~Development~~ Information System; ~~development~~; ~~phases~~.--The
18 Department of Education shall:~~The Legislature finds that~~
19 ~~changes in workforce development education required by chapter~~
20 ~~97-307, Laws of Florida, require the development of an~~
21 ~~information infrastructure that has been adequately tested and~~
22 ~~retrofitted. The Legislature further finds that, to be~~
23 ~~adequate for calculating funding levels for programs conducted~~
24 ~~by both school districts and community colleges, a single~~
25 ~~Workforce Development Information System must be developed in~~
26 ~~an orderly, phased process with resources adequate to make the~~
27 ~~changes identified in the final report of the Commissioner's~~
28 ~~Task Force on Workforce Development. Therefore, the Department~~
29 ~~of Education, school districts, and community colleges shall~~
30 ~~cooperate to implement the following schedule:~~

31

1 ~~(1) By July 1, 1998, as recommended by the task force,~~
2 ~~implement the additional reporting sequences, revised data~~
3 ~~elements, and combined individually identifiable student~~
4 ~~information from the student databases maintained by the~~
5 ~~Division of Community Colleges and the Division of Public~~
6 ~~Schools. Individually identifiable student information shall~~
7 ~~be reported only as required for making funding decisions as~~
8 ~~required by s. 239.115, the recommendations of the~~
9 ~~Commissioner's Task Force on Workforce Development, and the~~
10 ~~General Appropriations Act. These divisions shall cooperate~~
11 ~~with the Office of Workforce Education Outcome Information~~
12 ~~Services of the Department of Education to conduct the joint~~
13 ~~data element review process recommended in the task force~~
14 ~~report.~~

15 ~~(2) On November 1, 1998; April 1, 1999; and June 1,~~
16 ~~1999, provide the commissioner with a progress report on the~~
17 ~~implementation of the recommendations of the Commissioner's~~
18 ~~Task Force on Workforce Development. The report must identify~~
19 ~~any problems that might impede implementation and describe~~
20 ~~activities taken to correct them.~~

21 ~~(3) By December 1, 1998:~~

22 ~~(1)(a)~~ Design specifications for the collection and
23 reporting of data and performance specifications for the Adult
24 and Technical Education Workforce Development Information
25 System. This design must enable parallel reporting and
26 state-level access of adult and technical education workforce
27 data necessary to use the data reports as a basis for
28 calculating funding allocations. In addition, the design must
29 be capable of providing reports necessary to comply with other
30 program performance documentation required by state or federal
31

1 law, without requiring additional data collection or reporting
2 from local educational agencies.

3 (2)(b) Develop the computer programs, software, and
4 edit processes necessary for local and state users to produce
5 a single, unified Workforce Development Information System.

6 ~~(4) By May 15, 1999, complete pilot testing local and
7 state Workforce Development Information System processes.~~

8 ~~(5) By July 1, 1999, complete design and development
9 of the Workforce Development Information System.~~

10 ~~(6) On October 1, 1999, community colleges and school
11 districts shall complete the first reporting period applicable
12 to the Workforce Development Information System. To assure
13 that this implementation process is conducted successfully,
14 the implementation dates required in ss. 239.115 and 239.117
15 are advanced by 1 year, to July 1, 1999, for implementation of
16 the funding formula, and to the 2000-2001 school year for
17 implementation of the fee schedule. During the 1998-1999
18 fiscal year, school districts and community colleges shall
19 conduct workforce development education programs with state
20 funding as provided in the General Appropriations Act.~~

21 Section 30. Learning Gateway.--

22 (1) PROGRAM GOALS.--The Legislature authorizes a
23 3-year demonstration program, to be called the Learning
24 Gateway, the purpose of which is to provide parents access to
25 information, referral, and services to lessen the effects of
26 learning disabilities in children from birth to age 9.
27 Parental consent shall be required for initial contact and
28 referral for evaluation and services provided through the
29 Learning Gateway. Each pilot program must design and test an
30 integrated, community-based system to help parents identify
31 learning problems and access early-education and intervention

1 services in order to minimize or prevent learning
2 disabilities. The Learning Gateway must be available to
3 parents in the settings where they and their children live,
4 work, seek care, or study. The goals of the Learning Gateway
5 are to:

6 (a) Improve community awareness and education of
7 parents and practitioners about the warning signs or
8 precursors of learning problems and learning disabilities,
9 including disorders or delayed development in language,
10 attention, behavior, and social-emotional functioning,
11 including dyslexia and attention deficit hyperactivity
12 disorder, in children from birth through age 9.

13 (b) Improve access for children who are experiencing
14 early learning problems and their families to appropriate
15 programs, services, and supports through improved outreach and
16 referral processes among providers.

17 (c) Improve developmental monitoring and the
18 availability to parents of appropriate screening resources,
19 with emphasis on children from birth through age 9 who are at
20 high risk of having learning problems.

21 (d) Improve the availability to parents of appropriate
22 education and intervention programs, services, and supports to
23 address learning problems and learning disabilities.

24 (e) Identify gaps in the array of services and
25 supports so that an appropriate child-centered and
26 family-centered continuum of education and support would be
27 readily available in each community.

28 (f) Improve accountability of the system through
29 improved planning, integration, and collaboration among
30 providers and through outcome measurement in collaboration
31 with parents.

1 (2) LEARNING GATEWAY STEERING COMMITTEE.--

2 (a) To ensure that parents of children with potential
3 learning problems and learning disabilities have access to the
4 appropriate necessary services and supports, an 18-member
5 steering committee is created. The steering committee is
6 assigned to the Department of Education for administrative
7 purposes.

8 (b) The duties of the Learning Gateway Steering
9 Committee are to provide policy development, consultation,
10 oversight, and support for the implementation of three
11 demonstration programs and to advise the agencies, the
12 Legislature, and the Governor on statewide implementation of
13 system components and issues and on strategies for continuing
14 improvement to the system.

15 (c) The steering committee shall direct the
16 administering agency of the Learning Gateway program to expend
17 the funds appropriated for the steering committee's use to
18 procure the products delineated in section 31 of this act
19 through contracts or other means. The steering committee and
20 the Learning Gateway pilot programs will provide information
21 and referral for services but will not provide direct services
22 to parents or children.

23 (d) The steering committee must include parents,
24 service providers, and representatives of the disciplines
25 relevant to diagnosis of and intervention in early learning
26 problems. The Governor shall appoint one member from the
27 private sector who has expertise in communications, management
28 or service provision, one member who has expertise in
29 children's vision, one member who has expertise in learning
30 disabilities, one member who has expertise in audiology, one
31 member who is a parent of a child eligible for services by the

1 Learning Gateway, and one provider of related diagnostic and
2 intervention services. The President of the Senate shall
3 appoint one member from the private sector who has expertise
4 in communications, management or service provision, one member
5 who has expertise in emergent literacy, one member who has
6 expertise in pediatrics, one member who has expertise in brain
7 development, one member who is a parent of a child eligible
8 for services by the Learning Gateway, and one member who is a
9 provider of related diagnostic and intervention services. The
10 Speaker of the House of Representatives shall appoint one
11 member from the private sector who has expertise in
12 communications, management or service provision, one member
13 who has expertise in environmental health and allergies, one
14 member who has expertise in children's nutrition, one member
15 who has expertise in family medicine, one parent of a child
16 eligible for services by the Learning Gateway, and one member
17 who is a school psychologist providing diagnostic and
18 intervention services.

19 (e) To support and facilitate system improvements, the
20 steering committee must consult with representatives from the
21 Department of Education, the Department of Health, the Florida
22 Partnership for School Readiness, the Department of Children
23 and Family Services, the Agency for Health Care
24 Administration, the Department of Juvenile Justice, and the
25 Department of Corrections and the director of the Learning
26 Development and Evaluation Center of Florida Agricultural and
27 Mechanical University.

28 (f) Steering committee appointments must be made, and
29 the committee must hold its first meeting, within 90 days
30 after this act takes effect. Steering committee members shall
31

1 be appointed to serve a term of 3 years. The Governor shall
2 designate the chairman of the steering committee.

3 (g) Steering committee members shall not receive
4 compensation for their services, but may receive reimbursement
5 for travel expenses incurred under section 112.061, Florida
6 Statutes.

7 (3) LEARNING GATEWAY DEMONSTRATION PROJECTS.--

8 (a) Within 90 days after its initial meeting, the
9 Learning Gateway Steering Committee shall accept proposals
10 from interagency consortia in Orange, Manatee, and St. Lucie
11 counties which comprise public and private providers,
12 community agencies, business representatives, and the local
13 school board in each county to serve as demonstration sites
14 for design and development of a system that addresses the
15 requirements in section 31 of this act. If there is no
16 proposal from one of the designated counties, the steering
17 committee may select another county to serve as a
18 demonstration site by majority vote.

19 (b) The proposals for demonstration projects must
20 provide a comprehensive and detailed description of the system
21 of care. The description of the proposed system of care must
22 clearly indicate the point of access for parents, integration
23 of services, linkages of providers, and additional array of
24 services required to address the needs of children and
25 families.

26 (c) The demonstration projects should ensure that the
27 system of care appropriately includes existing services to the
28 fullest extent possible and should determine additional
29 programs, services, and supports that would be necessary to
30 implement the requirements of this act.

31

1 (d) The projects, in conjunction with the steering
2 committee, shall determine what portion of the system can be
3 funded using existing funds, demonstration funds provided by
4 this act, and other available private and community funds.

5 (e) The demonstration projects shall recommend to the
6 steering committee the linking or combining of some or all of
7 the local planning bodies, including school readiness
8 coalitions, Healthy Start coalitions, Part C advisory
9 councils, Department of Children and Family Services community
10 alliances, and other boards or councils that have a primary
11 focus on services for children from birth to age 9, to the
12 extent allowed by federal regulations, if such changes would
13 improve coordination and reduce unnecessary duplication of
14 effort.

15 (f) Demonstration projects shall use public and
16 private partnerships, partnerships with faith-based
17 organizations, and volunteers, as appropriate, to enhance
18 accomplishment of the goals of the system.

19 (g) Addressing system components delineated in section
20 31 of this act, each demonstration project proposal must
21 include, at a minimum:

22 1. Protocols for requiring and receiving parental
23 consent for Learning Gateway services.

24 2. A method for establishing communication with
25 parents and coordination and planning processes within the
26 community.

27 3. Action steps for making appropriate linkages to
28 existing services within the community.

29 4. Procedures to determine gaps in services and
30 identify appropriate providers.

31

1 5. A lead agency to serve as the system access point,
2 or gateway.

3 (h) As authorized under the budget authority of the
4 Department of Education, demonstration projects,
5 representative of the diversity of the communities in this
6 state, shall be established in Manatee, Orange, and St. Lucie
7 counties as local Learning Gateway sites and shall be
8 authorized to hire staff, establish office space, and contract
9 for administrative services as needed to implement the project
10 within the budget designated by the Legislature.

11 (i) The steering committee must approve, deny, or
12 conditionally approve a Learning Gateway proposal within 60
13 days after receipt of the proposal. If a proposal is
14 conditionally approved, the steering committee must assist the
15 Learning Gateway applicant to correct deficiencies in the
16 proposal by December 1, 2002. Funds must be available to a
17 pilot program 15 days after final approval of its proposal by
18 the steering committee. Funds must be available to all pilot
19 programs by January 1, 2003.

20 Section 31. Components of the Learning Gateway.--

21 (1) The Learning Gateway system consists of the
22 following components:

23 (a) Community education strategies and family-oriented
24 access.--

25 1. Each local demonstration project shall establish
26 the system access point, or gateway, by which parents can
27 receive information about available appropriate services. An
28 existing public or private agency or provider or new provider
29 may serve as the system gateway. The local Learning Gateway
30 should provide parents and caretakers with a single point of
31 access for screening, assessment, and referral for services

1 for children from birth through age 9. The demonstration
2 projects have the budgetary authority to hire appropriate
3 personnel to perform administrative functions. These staff
4 members must be knowledgeable about child development, early
5 identification of learning problems and learning disabilities,
6 family service planning, and services in the local area. Each
7 demonstration project must arrange for the following services
8 to be provided by existing service systems:

- 9 a. Conducting intake with families.
- 10 b. Conducting appropriate screening or referral for
11 such services.
- 12 c. Conducting needs/strengths-based family assessment.
- 13 d. Developing family resource plans.
- 14 e. Making referrals for needed services and assisting
15 families in the application process.
- 16 f. Providing service coordination as needed by
17 families.
- 18 g. Assisting families in establishing a medical home.
- 19 h. Conducting case management and transition planning
20 as necessary.
- 21 i. Monitoring performance of service providers against
22 appropriate standards.

23 2. The Learning Gateway Steering Committee and
24 demonstration projects shall designate a central information
25 and referral access phone number for parents in each pilot
26 community. This centralized phone number should be used to
27 increase public awareness and to improve access to local
28 supports and services for children from birth through age 9
29 and their families. The number should be highly publicized as
30 the primary source of information on services for young
31 children. The telephone staff should be trained and supported

1 to offer accurate and complete information and to make
2 appropriate referrals to existing public and private community
3 agencies.

4 3. In collaboration with local resources such as
5 Healthy Start, the demonstration projects shall develop
6 strategies for offering hospital visits or home visits by
7 trained staff to new mothers. The Learning Gateway Steering
8 Committee shall provide technical assistance to local
9 demonstration projects in developing brochures and other
10 materials to be distributed to parents of newborns.

11 4. In collaboration with other local resources, the
12 demonstration projects shall develop public awareness
13 strategies to disseminate information about developmental
14 milestones, precursors of learning problems and other
15 developmental delays, and the service system that is
16 available. The information should target parents of children
17 from birth through age 9 and should be distributed to parents,
18 health care providers, and caregivers of children from birth
19 through age 9. A variety of media should be used as
20 appropriate, such as print, television, radio, and a
21 community-based internet web site, as well as opportunities
22 such as those presented by parent visits to physicians for
23 well-child check-ups. The Learning Gateway Steering Committee
24 shall provide technical assistance to the local demonstration
25 projects in developing and distributing educational materials
26 and information.

27 a. Public awareness strategies targeting parents of
28 children from birth through age 5 shall be designed to provide
29 information to public and private preschool programs,
30 childcare providers, pediatricians, parents, and local
31 businesses and organizations. These strategies should include

1 information on the school readiness performance standards for
2 kindergarten adopted by the School Readiness Partnership
3 Board.

4 b. Public awareness strategies targeting parents of
5 children from ages 6 through 9 must be designed to disseminate
6 training materials and brochures to parents and public and
7 private school personnel, and must be coordinated with the
8 local school board and the appropriate school advisory
9 committees in the demonstration projects. The materials should
10 contain information on state and district proficiency levels
11 for grades K-3.

12 (b) Screening and developmental monitoring.--

13 1. In coordination with the Partnership for School
14 Readiness, the Department of Education, and the Florida
15 Pediatric Society, and using information learned from the
16 local demonstration projects, the Learning Gateway Steering
17 Committee shall establish guidelines for screening children
18 from birth through age 9. The guidelines should incorporate
19 recent research on the indicators most likely to predict early
20 learning problems, mild developmental delays, child-specific
21 precursors of school failure, and other related developmental
22 indicators in the domains of cognition; communication;
23 attention; perception; behavior; and social, emotional,
24 sensory, and motor functioning.

25 2. Based on the guidelines established by the steering
26 committee and in cooperation with the Florida Pediatric
27 Society, the steering committee shall adopt a comprehensive
28 checklist for child healthcare checkups and a corresponding
29 training package for physicians and other medical personnel in
30 implementing more effective screening for precursors of
31

1 learning problems, learning disabilities, and mild
2 developmental delays.

3 3. Using the screening guidelines developed by the
4 steering committee, local demonstration projects should engage
5 local physicians and other medical professionals in enhancing
6 the screening opportunities presented by immunization visits
7 and other well-child appointments, in accordance with the
8 American Academy of Pediatrics Periodicity Schedule.

9 4. Using the screening guidelines developed by the
10 steering committee, the demonstration projects shall develop
11 strategies to increase early identification of precursors to
12 learning problems and learning disabilities through providing
13 parents the option of improved screening and referral
14 practices within public and private early care and education
15 programs and K-3 public and private school settings.
16 Strategies may include training and technical assistance teams
17 to assist program providers and teachers. The program shall
18 collaborate appropriately with the school readiness
19 coalitions, local school boards, and other community resources
20 in arranging training and technical assistance for early
21 identification and screening with parental consent.

22 5. The demonstration project shall work with
23 appropriate local entities to reduce the duplication of
24 cross-agency screening in each demonstration project area.
25 Demonstration projects shall provide opportunities for public
26 and private providers of screening and assessment at each age
27 level to meet periodically to identify gaps or duplication of
28 efforts in screening practices.

29 6. Based on technical assistance and support provided
30 by the steering committee and in conjunction with the school
31 readiness coalitions and other appropriate entities,

1 demonstration projects shall develop a system to log the
2 number of children screened, assessed, and referred for
3 services. After development and testing, tracking should be
4 supported by a standard electronic data system for screening
5 and assessment information.

6 7. In conjunction with the technical assistance of the
7 steering committee, demonstration projects shall develop a
8 system for targeted screening. The projects should conduct a
9 needs assessment of existing services and programs where
10 targeted screening programs should be offered. Based on the
11 results of the needs assessment, the project shall develop
12 procedures within the demonstration community whereby periodic
13 developmental screening could be offered to parents of
14 children from birth through age 9 who are served by state
15 intervention programs or whose parents or caregivers are in
16 state intervention programs. Intervention programs for
17 children, parents, and caregivers include those administered
18 or funded by the:

- 19 a. Agency for Health Care Administration;
20 b. Department of Children and Family Services;
21 c. Department of Corrections and other criminal
22 justice programs;
23 d. Department of Education;
24 e. Department of Health; and
25 f. Department of Juvenile Justice.

26 8. When results of screening suggest developmental
27 problems, potential learning problems, or learning
28 disabilities, the intervention program shall inform the
29 child's parent of the results of the screening and shall offer
30 to refer the child to the Learning Gateway for coordination of
31 further assessment. If the parent chooses to have further

1 assessment, the Learning Gateway shall make referrals to the
2 appropriate entities within the service system.

3 9. The local Learning Gateway shall provide for
4 followup contact to all families whose children have been
5 found ineligible for services under Part B or Part C of the
6 IDEA to inform them of other services available in the county.

7 10. Notwithstanding any law to the contrary, each
8 agency participating in the Learning Gateway is authorized to
9 provide to a Learning Gateway program confidential information
10 exempt from disclosure under chapter 119, Florida Statutes,
11 regarding a developmental screening on any child participating
12 in the Learning Gateway who is or has been the subject of a
13 developmental screening within the jurisdiction of each
14 agency.

15 (c) Early education, services and supports.--

16 1. The demonstration projects shall develop a
17 conceptual model system of care that builds upon, integrates,
18 and fills the gaps in existing services. The model shall
19 indicate how qualified providers of family-based or
20 center-based interventions or public and private school
21 personnel may offer services in a manner consistent with the
22 standards established by their profession and by the standards
23 and criteria adopted by the steering committee and consistent
24 with effective and proven strategies. The specific services
25 and supports may include:

26 a. High-quality early education and care programs.

27 b. Assistance to parents and other caregivers, such as
28 home-based modeling programs for parents and play programs to
29 provide peer interactions.

30 c. Speech and language therapy that is
31 age-appropriate.

- 1 d. Parent education and training.
2 e. Comprehensive medical screening and referral with
3 biomedical interventions as necessary.
4 f. Referral as needed for family therapy, other mental
5 health services, and treatment programs.
6 g. Family support services as necessary.
7 h. Therapy for learning differences in reading and
8 math, and attention to subject material for children in grades
9 K-3.
10 i. Referral for Part B or Part C services as required.
11 j. Expanded access to community-based services for
12 parents.
13 k. Parental choice in the provision of services by
14 public and private providers.

15
16 The model shall include a statement of the cost of
17 implementing the model.

18 2. Demonstration projects shall develop strategies to
19 increase the use of appropriate intervention practices with
20 children who have learning problems and learning disabilities
21 within public and private early care and education programs
22 and K-3 public and private school settings. Strategies may
23 include training and technical assistance teams. Intervention
24 must be coordinated and must focus on providing effective
25 supports to children and their families within their regular
26 education and community environment. These strategies must
27 incorporate, as appropriate, school and district activities
28 related to the student's academic improvement plan and must
29 provide parents with greater access to community-based
30 services that should be available beyond the traditional
31 school day. Academic expectations for public school students

1 in grades K-3 must be based upon the local school board's
2 adopted proficiency levels. When appropriate, school personnel
3 shall consult with the local Learning Gateway to identify
4 other community resources for supporting the child and the
5 family.

6 3. The steering committee, in cooperation with the
7 Department of Children and Family Services, the Department of
8 Education, and the Florida Partnership for School Readiness,
9 shall identify the elements of an effective research-based
10 curriculum for early care and education programs.

11 4. The steering committee, in conjunction with the
12 demonstration projects, shall develop processes for
13 identifying and sharing promising practices and shall showcase
14 these programs and practices at a dissemination conference.

15 5. The steering committee shall establish processes
16 for facilitating state and local providers' ready access to
17 information and training concerning effective instructional
18 and behavioral practices and interventions based on advances
19 in the field and for encouraging researchers to regularly
20 guide practitioners in designing and implementing
21 research-based practices. The steering committee shall assist
22 the demonstration projects in conducting a conference for
23 participants in the three demonstration projects for the
24 dissemination of information on best practices and new
25 insights about early identification, education, and
26 intervention for children from birth through age 9. The
27 conference should be established so that continuing education
28 credits may be awarded to medical professionals, teachers, and
29 others for whom this is an incentive.

30 6. Demonstration projects shall investigate and may
31 recommend to the steering committee more effective resource

1 allocation and flexible funding strategies if such strategies
2 are in the best interest of the children and families in the
3 community. The Department of Education and other relevant
4 agencies shall assist the demonstration projects in securing
5 state and federal waivers as appropriate.

6 Section 32. Accountability.--

7 (1) The steering committee shall provide information
8 to the School Readiness Estimating Conference and the
9 Enrollment Conference for Public Schools regarding estimates
10 of the population of children from birth through age 9 who are
11 at risk of learning problems and learning disabilities.

12 (2) The steering committee, in conjunction with the
13 demonstration projects, shall develop accountability
14 mechanisms to ensure that the demonstration programs are
15 effective and that resources are used as efficiently as
16 possible. Accountability should be addressed through a
17 multilevel evaluation system, including measurement of
18 outcomes and operational indicators. Measurable outcomes must
19 be developed to address improved child development, improved
20 child health, and success in school. Indicators of system
21 improvements must be developed to address quality of programs
22 and integration of services. Agency monitoring of programs
23 shall include a review of child and family outcomes and system
24 effectiveness indicators with a specific focus on elimination
25 of unnecessary duplication of planning, screening, and
26 services.

27 (3) The steering committee shall oversee a formative
28 evaluation of the project during implementation, including
29 reporting short-term outcomes and system improvements. By
30 January 2005, the steering committee shall make
31 recommendations to the Governor, the President of the Senate,

1 the Speaker of the House of Representatives, and the
2 Commissioner of Education related to the merits of expansion
3 of the demonstration projects.

4 (4) By January 1, 2005, the steering committee, in
5 conjunction with the demonstration projects, shall develop a
6 model county-level strategic plan to formalize the goals,
7 objectives, strategies, and intended outcomes of the
8 comprehensive system, and to support the integration and
9 efficient delivery of all services and supports for parents of
10 children from birth through age 9 who have learning problems
11 or learning disabilities. The model county-level strategic
12 plan must include, but need not be limited to, strategies to:

13 (a) Establish a system whereby parents can access
14 information about learning problems in young children and
15 receive services at their discretion;

16 (b) Improve early identification of those who are at
17 risk for learning problems and learning disabilities;

18 (c) Provide access to an appropriate array of services
19 within the child's natural environment or regular classroom
20 setting or specialized training in other settings;

21 (d) Improve and coordinate screening for children from
22 birth through age 9;

23 (e) Improve and coordinate services for children from
24 birth through age 9;

25 (f) Address training of professionals in effectively
26 identifying factors, across all domains, which place children
27 from birth through age 9 at risk of school failure and in
28 appropriate interventions for the learning differences;

29 (g) Provide appropriate support to families;

30 (h) Share best practices with caregivers and referral
31 sources;

1 (i) Address resource needs of the assessment and
2 intervention system; and

3 (j) Address development of implementation plans to
4 establish protocols for requiring and receiving parental
5 consent for services; to identify action steps, responsible
6 parties, and implementation schedules; and to ensure
7 appropriate alignment with agency strategic plans.

8 Section 33. The Legislature shall appropriate a sum of
9 money to fund the demonstration programs and shall authorize
10 selected communities to blend funding from existing programs
11 to the extent that this is advantageous to the community and
12 is consistent with federal requirements.

13 Section 34. This act shall take effect January 7,
14 2003.

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