

**SB 530 by Flores;** (Compare to CS/H 0355) Postsecondary Education Textbook and Instructional Materials Affordability

464234	D	S	RCS	ED, Stargel	Delete everything after	03/11 04:13 PM
269718	AA	S	RCS	ED, Brandes	Delete L.111:	03/11 04:13 PM
713768	AA	S	RCS	ED, Montford	btw L.111 - 112:	03/11 04:13 PM

**SB 598 by Bean;** (Similar to CS/CS/H 0173) Juvenile Justice Education Programs

**SB 864 by Hays (CO-INTRODUCERS) Benacquisto, Negron;** (Similar to CS/H 0921) Instructional Materials for K-12 Public Education

**SB 886 by Montford;** (Similar to CS/H 0337) Florida Teachers Classroom Supply Assistance Program

**SR 894 by Sobel;** Israeli Universities and Institutions of Higher Learning

**SB 900 by Latvala;** (Similar to CS/H 0541) Public-private Partnerships

962766	A	S	RCS	ED, Montford	Delete L.456 - 457:	03/11 04:00 PM
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**SB 950 by Stargel;** (Compare to CS/CS/H 0433) Educator Certification

318464	A	S	RS	ED, Brandes	btw L.15 - 16:	03/11 04:03 PM
521684	SA	S	RCS	ED, Brandes	btw L.15 - 16:	03/11 04:04 PM
103962	A	S	RCS	ED, Brandes	Delete L.109 - 114:	03/11 04:12 PM

**SB 1396 by Montford;** (Similar to H 0543) Public Records/Public-private Partnerships/State Universities

145580	D	S	RCS	ED, Montford	Delete everything after	03/11 04:00 PM
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**SB 1512 by Stargel (CO-INTRODUCERS) Thrasher, Gardiner, Galvano;** (Compare to H 0895) Students with Disabilities

**The Florida Senate**  
**COMMITTEE MEETING EXPANDED AGENDA**

**EDUCATION**  
**Senator Legg, Chair**  
**Senator Montford, Vice Chair**

**MEETING DATE:** Tuesday, March 11, 2014  
**TIME:** 1:30 —3:30 p.m.  
**PLACE:** *Pat Thomas Committee Room, 412 Knott Building*

**MEMBERS:** Senator Legg, Chair; Senator Montford, Vice Chair; Senators Benacquisto, Brandes, Bullard, Galvano, Sachs, Simmons, and Stargel

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	<b>SB 530</b> Flores (Compare CS/H 355)	Postsecondary Education Textbook and Instructional Materials Affordability; Revising textbook affordability policies and procedures to include other instructional materials; requiring an institution to post on its course schedule information relating to required and recommended textbooks and other instructional materials and cost information; requiring the State Board of Education and the Board of Governors of the State University System to submit recommendations to the Governor and the Legislature to reduce student costs; requiring the Florida Virtual Campus to report textbook and other instructional materials affordability policies and procedures and bookstore contracts, etc.  ED     03/11/2014 Fav/CS AED AP	Fav/CS Yeas 9 Nays 0
2	<b>SB 598</b> Bean (Similar CS/CS/H 173)	Juvenile Justice Education Programs; Revising requirements for the multiagency career education plan for students in juvenile justice education programs; requiring the Department of Juvenile Justice to provide cost and effectiveness information for education programs and program activities to the Legislature and to the public; expanding access to certain student records held by a district school system to all instructional personnel in juvenile justice education programs, etc.  ED     03/11/2014 Favorable CJ AED AP	Favorable Yeas 9 Nays 0

**COMMITTEE MEETING EXPANDED AGENDA**

Education

Tuesday, March 11, 2014, 1:30 —3:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
3	<b>SB 864</b> Hays (Similar H 921)	Instructional Materials for K-12 Public Education; Providing that the district school board has the constitutional duty and responsibility to select and provide adequate instructional materials for all students; requiring a district school board or consortium of school districts to implement an instructional materials program; repealing provisions relating to bids, proposals, and advertisement regarding the adoption of instructional materials; requiring the district school board, rather than the commissioner, to conduct an independent investigation to determine the accuracy of district-adopted instructional materials, etc.  ED 03/11/2014 Favorable GO	Favorable Yeas 8 Nays 1
4	<b>SB 886</b> Montford (Similar CS/H 337)	Florida Teachers Classroom Supply Assistance Program; Revising procedures for distributing program funds to classroom teachers, etc.  ED 03/11/2014 Favorable AED AP	Favorable Yeas 9 Nays 0
5	<b>SR 894</b> Sobel	Israeli Universities and Institutions of Higher Learning; Expressing opposition to the academic boycott of Israeli universities and institutions of higher learning, and support of academic and political freedom and collaboration with Israeli universities, etc.  ED 03/11/2014 Temporarily Postponed RC	Temporarily Postponed
6	<b>SB 900</b> Latvala (Similar H 541, Compare H 543, Link S 1396)	Public-private Partnerships; Providing legislative findings and intent relating to the construction or improvement by private entities of facilities or projects used predominantly for a public purpose; providing for partnerships between state universities and private entities; providing procurement procedures for a state university board of trustees, including proposals for a qualifying project and a comprehensive agreement for partnership transactions; providing for various financing sources for projects, etc.  ED 03/11/2014 Fav/CS CA AED AP	Fav/CS Yeas 9 Nays 0

**COMMITTEE MEETING EXPANDED AGENDA**

Education

Tuesday, March 11, 2014, 1:30 —3:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
7	<b>SB 950</b> Stargel (Compare CS/H 433)	Educator Certification; Deleting obsolete provisions relating to acceptable means of demonstrating mastery of professional development; revising acceptable means of demonstrating mastery of subject area knowledge; revising components of a competency-based professional development certification program; revising certain requirements for the renewal or reinstatement of a professional certificate, etc.  ED 03/11/2014 Fav/CS AED AP	Fav/CS Yeas 9 Nays 0
8	<b>SB 1396</b> Montford (Similar H 543, Compare H 541, Link S 900)	Public Records/Public-private Partnerships/State Universities; Amending provisions relating to public-private projects for the upgrade of state university facilities and infrastructure; providing an exemption from public records requirements for unsolicited proposals held by a state university board of trustees for a specified period; providing for future review and repeal of the exemption under the Open Government Sunset Review Act; providing a statement of public necessity, etc.  ED 03/11/2014 Fav/CS GO RC	Fav/CS Yeas 9 Nays 0

**Workshop** - Discussion and testimony only on the following (no vote to be taken):

9	<b>SB 1512</b> Stargel (Compare H 895, S 1446, S 1642)	Students with Disabilities; Establishing the Florida Personalized Accounts for Learning; specifying criteria for students who are eligible to participate in the program; prohibiting specific providers, schools, institutions, school districts, and other entities from sharing, refunding, or rebating program funds; requiring a school district to notify the parent regarding the option to participate in the program; specifying the school district's responsibilities for completing a matrix of services and notifying the Department of Education of the completion of the matrix, etc.  ED 03/11/2014 Workshop-Discussed AED AP	Workshop-Discussed
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TAB	OFFICE and APPOINTMENT (HOME CITY)	FOR TERM ENDING	COMMITTEE ACTION
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**Senate Confirmation Hearing:** A public hearing will be held for consideration of the below-named executive appointments to the offices indicated.

**COMMITTEE MEETING EXPANDED AGENDA**

Education

Tuesday, March 11, 2014, 1:30 —3:30 p.m.

TAB	OFFICE and APPOINTMENT (HOME CITY)	FOR TERM ENDING	COMMITTEE ACTION
<b>Board of Trustees, Florida State University</b>			
12	Ballard, Kathryn S. (Tallahassee)	01/06/2018	Recommend Confirm Yeas 9 Nays 0
	Duda, Emily F. (Oviedo)	01/06/2016	Recommend Confirm Yeas 9 Nays 0
<b>Board of Trustees, Florida Atlantic University</b>			
10	Cane, Daniel (Boynton Beach)	01/06/2018	Recommend Confirm Yeas 9 Nays 0
<b>Board of Trustees, University of Central Florida</b>			
11	Brown, Clarence H. III (Orlando)	01/06/2018	Recommend Confirm Yeas 9 Nays 0
<b>Board of Trustees, Florida Gulf Coast University</b>			
13	Spilker, Christian M. (Naples)	01/06/2015	Recommend Confirm Yeas 9 Nays 0
<b>Board of Trustees, University of Florida</b>			
14	Heavener, James W. (Winter Park)	01/06/2016	Recommend Confirm Yeas 9 Nays 0
	Rosenberg, Jason J. (Alachua)	01/06/2016	Recommend Confirm Yeas 9 Nays 0
	Scott, Steven M. (Boca Raton)	01/06/2018	Recommend Confirm Yeas 9 Nays 0
<b>Board of Trustees, University of West Florida</b>			
15	May, LuTimothy (Pensacola)	01/06/2018	Recommend Confirm Yeas 9 Nays 0

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
	Other Related Meeting Documents		

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

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

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Prepared By: The Professional Staff of the Committee on Education

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**BILL:** CS/SB 530

**INTRODUCER:** Education Committee and Senator Flores

**SUBJECT:** Postsecondary Education Textbook and Instructional Materials Affordability

**DATE:** March 13, 2014      **REVISED:** \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hand	Klebacha	ED	<b>Fav/CS</b>
2.			AED	
3.			AP	

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

**I. Summary:**

CS/SB 530 revises applies textbook requirements to “instructional materials”; expands the dates of availability and type of information pertaining to textbooks and instructional materials that is available to students; requires greater visibility of cost information associated with textbooks and instructional materials; requires minimum adoption cycles; requires new reporting requirements; and creates a task force to research options to reduce the cost of textbooks and instructional materials for all students.

**II. Present Situation:**

Current textbook affordability statutory provisions that apply to Florida College System (FCS) institutions and state universities address components such as textbook information requirements, rules and regulations, and cost information.

**Textbook Information Requirements**

FCS institutions and state universities are required to post on their websites, 30 days prior to the first day of class for each term, a list of each textbook required for each course for the term. The list must include the International Standard Book Number (ISBN) for each required textbook and specific information necessary to identify the specific textbook required for each course.<sup>1</sup>

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<sup>1</sup> Section 1004.085(3), F.S.

## Rules and Regulations

The State Board of Education (SBE) and the Board of Governors (BOG) of the State University System (SUS) are required to have policies, procedures, and guidelines for implementation by FCS institutions and state universities that further efforts to minimize the costs of textbooks for students attending such institutions while maintaining the quality of education and academic freedom. In accordance with these statutory requirements, the SBE adopted Rule 6A-14.092, F.A.C.,<sup>2</sup> in January 2009, and the BOG adopted Regulation 8.003 in March 2009.<sup>3</sup>

### III. Effect of Proposed Changes:

CS/SB 530 revises applies textbook requirements to “instructional materials”; expands the dates of availability and type of information pertaining to textbooks and instructional materials that is available to students; requires greater visibility of cost information associated with textbooks and instructional materials; requires minimum adoption cycles; requires new reporting requirements; and creates a task force to research options to reduce the cost of textbooks and instructional materials for all students.

#### Instructional Materials

The bill defines “instructional materials”, and applies the same provisions to instructional materials as it currently does to textbooks.<sup>4</sup>

#### Textbook Information Requirements

The bill lengthens the timeframe for FCS institutions and state universities to have certain information hyperlinked and posted prominently in the course registration system and on its website 14 days before the first day of student registration. The information remains the same, except that the following is added:

- Recommended, in addition to required, textbooks and instructional materials.
- The new and used retail price and the rental price for required and recommended textbooks and other materials for purchase at the institution’s bookstore or other bookstore, including the website or other contact information for the bookstore.

#### Rules and Regulations

The bill provides that SBE and BOG rules and regulations must:

- Require that textbooks or instructional materials for an undergraduate course remain in use for a minimum of three (3) years, unless an exception is approved by the institution’s President or designee. An exception must be based upon a determination that the new edition

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<sup>2</sup> See <https://www.flrules.org/gateway/ruleNo.asp?id=6A-14.092> (last visited March 7, 2014)

<sup>3</sup> See [http://www.flbog.edu/documents\\_regulations/regulations/8\\_003\\_Textbook\\_Adoption.pdf](http://www.flbog.edu/documents_regulations/regulations/8_003_Textbook_Adoption.pdf). However, in 2010, the Legislature amended these statutory requirements to add the above-noted provisions relating to open-access textbooks. Section 4, Chapter 2010-255, L.O.F. The SBE and BOG have not updated their noted rules and procedures to include these open-access textbook provisions. See <https://www.flrules.org/gateway/ruleNo.asp?id=6A-14.092> (last visited March 7, 2014), [http://www.flbog.edu/documents\\_regulations/regulations/8\\_003\\_Textbook\\_Adoption.pdf](http://www.flbog.edu/documents_regulations/regulations/8_003_Textbook_Adoption.pdf).

<sup>4</sup> The bill also includes the cost of instructional materials, along with the current requirement of the cost of textbooks, to the online tuition structure for the preeminent state research university institute for online learning.

differs significantly and substantially from earlier versions and that there is value to the student in changing to the new edition. The number of exemptions granted, including the rationale to approve each exception, must annually be reported to the institution's board and maintained on the institution's website.

- Require that textbooks or instructional materials for undergraduate courses in which a dual enrollment student may be enrolled, remain in use for a minimum of five (5) years.

### **Reporting Requirements**

The bill requires each FCS institution and state university to annually report to the Chancellor of the FCS or the Chancellor of the SUS:

- The cost of textbooks and other instructional materials, by course and selection.
- The adoption cycles for high-demand courses as determined by the chancellors.
- Specific initiatives of the institution which reduce the cost of textbooks and instructional materials.
- The number of courses and course selections that were not able to meet the textbook and instructional materials posting deadline.
- Additional information as determined by the chancellors.

A new annual report is added requiring that, by December 31 of each year, the chancellors compile their respective FCS institution and state university reports and submit a comprehensive report to the Governor, BOG, the President of the Senate, and the Speaker of the House of Representatives.

Each FCS institution and state university must annually send to the SBE or BOG, as applicable, electronic copies of its current textbook and instructional materials affordability policies and procedure, which the SBE or BOG must link to on their respective website.

The bill requires the Governor to appoint a task force to research options and determine the best method to reduce the cost of print and digital textbooks and instructional materials for all students. Task force members include the Chancellors of the FCS and SUS, students who are currently enrolled in a public postsecondary institution, representatives from FCS institutions and state universities, textbook and instructional materials publishers, and bookstore owners or managers. The task force must consider several things, such as bulk purchasing of e-books, expanding the use of open-access textbooks, and rental options.

## **IV. Constitutional Issues:**

### **A. Municipality/County Mandates Restrictions:**

None.

### **B. Public Records/Open Meetings Issues:**

None.



C. Trust Funds Restrictions:

None.

V. **Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Postsecondary students, or their families, may save money if the students have sufficient information and time to find the best value for their textbooks and instructional materials.

C. Government Sector Impact:

None.

VI. **Technical Deficiencies:**

None.

VII. **Related Issues:**

None.

VIII. **Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 1004.085, 1001.7065.

IX. **Additional Information:**

A. Committee Substitute – Statement of Substantial Changes:

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

**CS by Education on March 11, 2014**

The committee substitute differs from SB 530 in the following ways:

- Defines “instructional materials.”
- Requires a 3 year adoption cycle for textbooks and instructional materials for undergraduate courses, unless an exception is granted by the institution’s President, and requires a minimum 5 year adoption cycle for undergraduate courses in which a dual-enrollment student may be enrolled.
- Retains the authority to adopt textbooks and instructional materials policies and procedures at the state level.
- Requires the Governor to appoint a task force for recommendations to reduce the cost of print and digital textbooks and instructional materials.

- Requires the provision of varying individual institutions textbook and instructional materials information to be provided to their respective state chancellor, with certain information posted on the Florida Virtual Campus' website.
- Requires the cost benefits of open-access textbooks and instructional materials, including comparison with the cost benefits of publishers' textbooks and instructional materials, to be included guidelines that encourage course instructors and academic departments to participate in the development, adoption and review of open-access textbooks and instructional materials.

B. Amendments:

None.

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

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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/11/2014	.	
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	.	

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The Committee on Education (Stargel) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Section 1004.085, Florida Statutes, is amended  
to read:

1004.085 Textbook and instructional materials  
affordability.-

(1) As used in this section, the term "instructional  
materials" means educational materials for use within a course  
which may be available in printed or digital format.



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12            (2)~~(1)~~ An ~~No~~ employee of a Florida College System  
13 institution or state university may not demand or receive any  
14 payment, loan, subscription, advance, deposit of money, service,  
15 or anything of value, present or promised, in exchange for  
16 requiring students to purchase a specific textbook or  
17 instructional material for coursework or instruction.

18            (3)~~(2)~~ An employee may receive:

19            (a) Sample copies, instructor copies, or instructional  
20 materials. These materials may not be sold for any type of  
21 compensation if they are specifically marked as free samples not  
22 for resale.

23            (b) Royalties or other compensation from sales of textbooks  
24 or instructional materials that include the instructor's own  
25 writing or work.

26            (c) Honoraria for academic peer review of course materials.

27            (d) Fees associated with activities such as reviewing,  
28 critiquing, or preparing support materials for textbooks or  
29 instructional materials pursuant to guidelines adopted by the  
30 State Board of Education or the Board of Governors.

31            (e) Training in the use of course materials and learning  
32 technologies.

33            (4)~~(3)~~ Each Florida College System institution ~~institutions~~  
34 and state university ~~universities~~ shall post prominently in the  
35 course registration system and on its website ~~on their websites~~,  
36 as early as is feasible, but at least 14 ~~not less than 30~~ days  
37 before ~~prior to~~ the first day of student registration ~~class~~ for  
38 each term, a hyperlink to lists ~~list~~ of each ~~textbook~~ required  
39 and recommended textbooks and instructional materials for each  
40 course and course section offered at the institution during the



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41 upcoming term. The lists ~~posted list~~ must include:

42 (a) The International Standard Book Number (ISBN) for each  
43 required and recommended textbook and instructional material.

44 (b) For a textbook or instructional material for which an  
45 ISBN is not available, ~~textbook or~~ other identifying  
46 information, which must include, at a minimum, all of the  
47 following: the title, all authors listed, publishers, edition  
48 number, copyright date, published date, and other relevant  
49 information necessary to identify the specific textbook or  
50 instructional material ~~textbooks~~ required and recommended for  
51 each course.

52 (c) The new and used retail price and the rental price, if  
53 applicable, for a required and recommended textbook or  
54 instructional material for purchase at the institution's  
55 designated bookstore or other specified vendor, including the  
56 website or other contact information for the bookstore.

57  
58 The State Board of Education and the Board of Governors shall  
59 include in the policies, procedures, and guidelines adopted  
60 under subsection (5) ~~(4)~~ certain limited exceptions to this  
61 notification requirement for courses ~~classes~~ added after the  
62 notification deadline.

63 (5) ~~(4)~~ The State Board of Education and the Board of  
64 Governors each shall adopt textbook and instructional materials  
65 affordability policies, procedures, and guidelines for  
66 implementation by Florida College System institutions and state  
67 universities, respectively, that further efforts to minimize the  
68 cost of textbooks and instructional materials for students  
69 attending such institutions while maintaining the quality of



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70 education and academic freedom. The policies, procedures, and  
71 guidelines shall, at a minimum, require ~~provide for~~ the  
72 following:

73 (a) That textbook and instructional material adoptions are  
74 made with sufficient lead time to bookstores so as to confirm  
75 availability of the requested materials and, where possible,  
76 ensure maximum availability of used textbooks and instructional  
77 materials ~~books~~.

78 (b) That, in the textbook and instructional material  
79 adoption process, the intent to use all items ordered,  
80 particularly each individual item sold as part of a bundled  
81 package, is confirmed by the course instructor or the academic  
82 department offering the course before the adoption is finalized.

83 (c) That a course instructor or the academic department  
84 offering the course determines, before a textbook or  
85 instructional material is adopted, the extent to which a new  
86 edition differs significantly and substantively from earlier  
87 versions and the value to the student of changing to a new  
88 edition or the extent to which an open-access textbook or  
89 instructional material may exist and be used.

90 (d) That a textbook or instructional material for an  
91 undergraduate course shall remain in use for a minimum of 3  
92 years in that undergraduate course unless an exception is  
93 approved by the institution's president or designee. An  
94 exception must be based upon a determination that the new  
95 edition differs significantly and substantially from earlier  
96 versions and that there is value to the student in changing to  
97 the new edition. The institution's president or designee shall  
98 annually report to the institution's board of trustees all



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99 exceptions granted, including the rationale used to approve each  
100 exception. The annual report shall be maintained on the  
101 institution's website.

102 (e)~~(d)~~ That the establishment of policies shall address the  
103 availability of required and recommended textbooks and  
104 instructional materials to students otherwise unable to afford  
105 the cost, including consideration of the extent to which an  
106 open-access textbook or instructional material may be used.

107 (f)~~(e)~~ That course instructors and academic departments are  
108 encouraged to participate in the development, adaptation, and  
109 review of open-access textbooks and instructional materials and,  
110 in particular, open-access textbooks and instructional materials  
111 for high-demand general education courses.

112 (6) Each Florida College System institution and state  
113 university shall report annually to the Chancellor of the  
114 Florida College System or the Chancellor of the State University  
115 System, as applicable, the cost of undergraduate textbooks and  
116 instructional materials, by course and course section; the  
117 adoption cycles for high-enrollment courses as determined by the  
118 chancellors; specific initiatives of the institution which  
119 reduce the cost of textbooks and instructional materials; the  
120 number of courses and course sections that were not able to meet  
121 the textbook and instructional materials posting deadline; and  
122 additional information as determined by the chancellors.  
123 Annually, by December 31, the chancellors shall compile the  
124 institution reports and submit a comprehensive report to the  
125 Governor, the President of the Senate, and the Speaker of the  
126 House of Representatives.

127 (7) Each Florida College System institution and state



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128 university shall send annually to the State Board of Education  
129 or the Board of Governors, as applicable, electronic copies of  
130 its current textbook and instructional materials affordability  
131 policies and procedures. The State Board of Education and the  
132 Board of Governors shall provide a link to this information on  
133 their respective websites.

134 (8) (a) The Governor shall appoint a task force that  
135 includes the Chancellor of the Florida College System, the  
136 Chancellor of the State University System, students who are  
137 currently enrolled in a public postsecondary institution, and  
138 representatives from Florida College System institutions, state  
139 universities, textbook and instructional materials publishers,  
140 and bookstore owners or managers.

141 (b) The task force shall research options to reduce the  
142 cost of print and digital textbooks and instructional materials  
143 for all students. The task force shall use the information  
144 provided pursuant to subsections (5) and (6) to determine the  
145 best methods to reduce costs and must, at a minimum, consider  
146 the following:

147 1. An existing Florida College System or State University  
148 System initiative to reduce the cost of textbooks and  
149 instructional materials.

150 2. Bulk purchasing of e-textbooks.

151 3. Expanding the use of open-access textbooks and  
152 instructional materials.

153 4. Textbook and instructional materials rental options.

154 5. The development of online portals at each institution  
155 which will assist students in buying, renting, selling, and  
156 sharing textbooks and instructional materials.





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157       (c) By July 1, 2015, the task force shall submit  
158 recommendations to the Governor, the President of the Senate,  
159 and the Speaker of the House of Representatives.

160       Section 2. Paragraph (k) of subsection (4) of section  
161 1001.7065, Florida Statutes, is amended to read:

162       1001.7065 Preeminent state research universities program.—

163       (4) PREEMINENT STATE RESEARCH UNIVERSITY INSTITUTE FOR  
164 ONLINE LEARNING.—A state research university that, as of July 1,  
165 2013, meets all 12 of the academic and research excellence  
166 standards identified in subsection (2), as verified by the Board  
167 of Governors, shall establish an institute for online learning.  
168 The institute shall establish a robust offering of high-quality,  
169 fully online baccalaureate degree programs at an affordable cost  
170 in accordance with this subsection.

171       (k) The university shall establish a tuition structure for  
172 its online institute in accordance with this paragraph,  
173 notwithstanding any other provision of law.

174       1. For students classified as residents for tuition  
175 purposes, tuition for an online baccalaureate degree program  
176 shall be set at no more than 75 percent of the tuition rate as  
177 specified in the General Appropriations Act pursuant to s.  
178 1009.24(4) and 75 percent of the tuition differential pursuant  
179 to s. 1009.24(16). No distance learning fee, fee for campus  
180 facilities, or fee for on-campus services may be assessed,  
181 except that online students shall pay the university's  
182 technology fee, financial aid fee, and Capital Improvement Trust  
183 Fund fee. The revenues generated from the Capital Improvement  
184 Trust Fund fee shall be dedicated to the university's institute  
185 for online learning.



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186           2. For students classified as nonresidents for tuition  
187 purposes, tuition may be set at market rates in accordance with  
188 the business plan.

189           3. Tuition for an online degree program shall include all  
190 costs associated with instruction, materials, and enrollment,  
191 excluding costs associated with the provision of textbooks and  
192 instructional materials pursuant to s. 1004.085 and physical  
193 laboratory supplies.

194           4. Subject to the limitations in subparagraph 1., tuition  
195 may be differentiated by degree program as appropriate to the  
196 instructional and other costs of the program in accordance with  
197 the business plan. Pricing must incorporate innovative  
198 approaches that incentivize persistence and completion,  
199 including, but not limited to, a fee for assessment, a bundled  
200 or all-inclusive rate, and sliding scale features.

201           5. The university must accept advance payment contracts and  
202 student financial aid.

203           6. Fifty percent of the net revenues generated from the  
204 online institute of the university shall be used to enhance and  
205 enrich the online institute offerings, and 50 percent of the net  
206 revenues generated from the online institute shall be used to  
207 enhance and enrich the university's campus state-of-the-art  
208 research programs and facilities.

209           7. The institute may charge additional local user fees  
210 pursuant to s. 1009.24(14) upon the approval of the Board of  
211 Governors.

212           8. The institute shall submit a proposal to the president  
213 of the university authorizing additional user fees for the  
214 provision of voluntary student participation in activities and



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215 additional student services.

216 Section 3. This act shall take effect July 1, 2014.

217

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

219 And the title is amended as follows:

220 Delete everything before the enacting clause

221 and insert:

222 A bill to be entitled

223 An act relating to postsecondary education textbook  
224 and instructional materials affordability; amending s.

225 1004.085, F.S.; defining the term "instructional  
226 materials"; requiring the State Board of Education and

227 the Board of Governors to adopt textbook and  
228 instructional materials affordability policies,

229 procedures, and guidelines; providing requirements for  
230 the use of adopted undergraduate textbooks and

231 instructional materials and authorizing exceptions;  
232 requiring a public postsecondary institution to post

233 in its course registration system and on its website  
234 information relating to required and recommended

235 textbooks and instructional materials and prices  
236 thereof; requiring annual reporting of textbook and

237 instructional materials cost information and  
238 affordability policies and procedures; requiring the

239 Governor to appoint a task force to research options  
240 to reduce the cost of textbooks and instructional

241 materials; providing task force membership and duties;  
242 amending s. 1001.7065, F.S.; conforming provisions;

243 providing an effective date.



269718

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/11/2014	.	
	.	
	.	
	.	

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The Committee on Education (Brandes) recommended the following:

1           **Senate Amendment to Amendment (464234) (with title**  
2 **amendment)**

3  
4           Delete line 111  
5 and insert:  
6 for high-demand general education courses. The cost benefits of  
7 such efforts should be taken into consideration, including  
8 comparison with the cost benefits of textbooks and instructional  
9 materials produced by publishers.

10  
11 ===== T I T L E   A M E N D M E N T =====



269718

12 And the title is amended as follows:

13 Delete line 229

14 and insert:

15 procedures, and guidelines; revising the standards for  
16 the policies, procedures, and guidelines; providing  
17 requirements for



713768

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/11/2014	.	
	.	
	.	
	.	

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The Committee on Education (Montford) recommended the following:

1           **Senate Amendment to Amendment (464234) (with title**  
2 **amendment)**

3  
4           Between lines 111 and 112

5 insert:

6           (g) That, for an undergraduate course in which a dual  
7 enrollment student may be enrolled, a textbook or instructional  
8 material remain in use for a minimum of 5 years.

9  
10 ===== T I T L E   A M E N D M E N T =====

11 And the title is amended as follows:



713768

12           Delete line 229  
13 and insert:  
14           procedures, and guidelines; revising requirements for  
15           those policies, procedures, and guidelines; providing  
16           requirements for

By Senator Flores

37-00608-14

2014530\_\_

A bill to be entitled

An act relating to postsecondary education textbook and instructional materials affordability; amending s. 1004.085, F.S.; revising textbook affordability policies and procedures to include other instructional materials; requiring an institution to post on its course schedule information relating to required and recommended textbooks and other instructional materials and cost information; requiring the policies and procedures to be adopted by Florida College System institutions and state universities; requiring annual reporting of textbook and other instructional materials costs; requiring the State Board of Education and the Board of Governors of the State University System to submit recommendations to the Governor and the Legislature to reduce student costs; requiring the Florida Virtual Campus to report textbook and other instructional materials affordability policies and procedures and bookstore contracts; amending s. 1001.7065, F.S.; conforming provisions to changes made by the act; providing an effective date.

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

Section 1. Section 1004.085, Florida Statutes, is amended to read:  
 1004.085 Textbook and instructional materials affordability.-

Page 1 of 8

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

37-00608-14

2014530\_\_

(1) ~~An~~ Ne employee of a Florida College System institution or state university may not demand or receive any payment, loan, subscription, advance, deposit of money, service, or anything of value, present or promised, in exchange for requiring students to purchase a specific textbook or other instructional materials for coursework or instruction.

(2) An employee may receive:

(a) Sample copies, instructor copies, or instructional materials. These materials may not be sold for any type of compensation if they are specifically marked as free samples not for resale.

(b) Royalties or other compensation from sales of textbooks or other instructional materials that include the instructor's own writing or work.

(c) Honoraria for academic peer review of course materials.

(d) Fees associated with activities such as reviewing, critiquing, or preparing support materials for textbooks or other instructional materials pursuant to policies and procedures ~~guidelines~~ adopted by the Florida College System institution ~~State Board of Education~~ or state university ~~the Board of Governors~~.

(e) Training in the use of course materials and learning technologies.

(3) Each Florida College System institution ~~institutions~~ and state university ~~universities~~ shall post on the registrar's schedule of courses ~~their websites~~, as early as is feasible, but at least 14 ~~not less than 30~~ days before ~~prior to~~ the first day of student registration ~~class~~ for each term, a list of each ~~textbook~~ required and recommended textbooks and other

Page 2 of 8

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37-00608-14

2014530\_\_

59 instructional materials for each course and course section  
 60 offered at the institution during the upcoming term. The posted  
 61 list must include:

62 (a) The International Standard Book Number (ISBN) for each  
 63 required and recommended textbook and other instructional  
 64 material.

65 (b) For textbooks or other instructional materials for  
 66 which an ISBN is not available, other identifying information,  
 67 which must include, at a minimum, all of the following: the  
 68 title, all authors listed, publishers, edition number, copyright  
 69 date, published date, and other relevant information necessary  
 70 to identify the specific textbook or textbooks or other  
 71 instructional materials required and recommended for each  
 72 course.

73 (c) The new and used retail price and the rental price, if  
 74 applicable, for required and recommended textbooks and other  
 75 instructional materials for purchase at the institution's  
 76 bookstore or other bookstore, including the website or other  
 77 contact information for the bookstore.

78  
 79 Each Florida College System institution and state university ~~The~~  
 80 ~~State Board of Education and the Board of Governors~~ shall  
 81 include in the policies and, procedures, ~~and guidelines~~ adopted  
 82 under subsection (4) certain limited exceptions to this  
 83 notification requirement for courses ~~classes~~ added after the  
 84 notification deadline.

85 (4) ~~The State Board of Education and the Board of Governors~~  
 86 Each Florida College System institution and state university  
 87 shall adopt policies and, procedures, ~~and guidelines~~ for

37-00608-14

2014530\_\_

88 ~~implementation by Florida College System institutions and state~~  
 89 ~~universities, respectively, that further efforts~~ to minimize the  
 90 cost of textbooks and other instructional materials for students  
 91 attending such institutions while maintaining the quality of  
 92 education and academic freedom. The policies and, procedures,  
 93 ~~and guidelines~~ shall, at a minimum, require ~~provide for~~ the  
 94 following:

95 (a) That textbook and other instructional material  
 96 adoptions are made with sufficient lead time to bookstores so as  
 97 to confirm availability of the requested materials and, where  
 98 possible, ensure maximum availability of used textbooks and  
 99 other instructional materials ~~books~~.

100 (b) That, in the textbook and other instructional materials  
 101 adoption process, the intent to use all items ordered,  
 102 particularly each individual item sold as part of a bundled  
 103 package, is confirmed by the course instructor or the academic  
 104 department offering the course before the adoption is finalized.

105 (c) That a course instructor or the academic department  
 106 offering the course determines, before a textbook or other  
 107 instructional material is adopted, the extent to which a new  
 108 edition differs significantly and substantively from earlier  
 109 versions and the value of changing to a new edition or the  
 110 extent to which an open-access textbook or other instructional  
 111 material may exist and be used.

112 (d) That the establishment of policies ~~must~~ shall address  
 113 the availability of required and recommended textbooks and other  
 114 instructional materials to students otherwise unable to afford  
 115 the cost, including consideration of the extent to which an  
 116 open-access textbook or other instructional material may be

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117 used.

118 (e) That course instructors and academic departments are  
 119 encouraged to participate in the development, adaptation, and  
 120 review of open-access textbooks and other instructional  
 121 materials and, in particular, open-access textbooks and other  
 122 instructional materials for high-demand general education  
 123 courses.

124 (5) Each Florida College System institution and state  
 125 university shall report annually to the Chancellor of the  
 126 Florida College System or the Chancellor of the State University  
 127 System, as applicable, the average cost of textbooks and other  
 128 instructional materials, the adoption cycles for high-demand  
 129 courses as determined by the chancellors, and additional  
 130 information as determined by the chancellors. By December 31 of  
 131 each year, the Chancellor of the Florida College System and the  
 132 Chancellor of the State University System shall compile the  
 133 institution reports and submit a comprehensive report to the  
 134 Governor, the Board of Governors, the President of the Senate,  
 135 and the Speaker of the House of Representatives.

136 (6) By December 31, 2014, the State Board of Education and  
 137 the Board of Governors shall submit recommendations to the  
 138 Governor, the President of the Senate, and the Speaker of the  
 139 House of Representatives for negotiating statewide agreements  
 140 with publishers and vendors of textbooks and other instructional  
 141 materials, both print and digital, to reduce student costs.

142 (7) Each Florida College System institution and state  
 143 university shall report annually to the Florida Virtual Campus  
 144 the institution's textbook and other instructional materials  
 145 affordability policies and procedures and bookstore contracts.

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146 The Florida Virtual Campus shall annually report this  
 147 information to the Chancellor of the Florida College System and  
 148 the Chancellor of the State University System and make the  
 149 information available on the Florida Virtual Campus website.

150 Section 2. Paragraph (k) of subsection (4) of section  
 151 1001.7065, Florida Statutes, is amended to read:

152 1001.7065 Preeminent state research universities program.—

153 (4) PREEMINENT STATE RESEARCH UNIVERSITY INSTITUTE FOR  
 154 ONLINE LEARNING.—A state research university that, as of July 1,  
 155 2013, meets all 12 of the academic and research excellence  
 156 standards identified in subsection (2), as verified by the Board  
 157 of Governors, shall establish an institute for online learning.  
 158 The institute shall establish a robust offering of high-quality,  
 159 fully online baccalaureate degree programs at an affordable cost  
 160 in accordance with this subsection.

161 (k) The university shall establish a tuition structure for  
 162 its online institute in accordance with this paragraph,  
 163 notwithstanding any other provision of law.

164 1. For students classified as residents for tuition  
 165 purposes, tuition for an online baccalaureate degree program  
 166 shall be set at no more than 75 percent of the tuition rate as  
 167 specified in the General Appropriations Act pursuant to s.  
 168 1009.24(4) and 75 percent of the tuition differential pursuant  
 169 to s. 1009.24(16). No distance learning fee, fee for campus  
 170 facilities, or fee for on-campus services may be assessed,  
 171 except that online students shall pay the university's  
 172 technology fee, financial aid fee, and Capital Improvement Trust  
 173 Fund fee. The revenues generated from the Capital Improvement  
 174 Trust Fund fee shall be dedicated to the university's institute

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175 for online learning.

176 2. For students classified as nonresidents for tuition

177 purposes, tuition may be set at market rates in accordance with

178 the business plan.

179 3. Tuition for an online degree program ~~must shall~~ include

180 all costs associated with instruction, materials, and

181 enrollment, excluding costs associated with the provision of

182 textbooks and instructional materials pursuant to s. 1004.085

183 and physical laboratory supplies.

184 4. Subject to the limitations in subparagraph 1., tuition

185 may be differentiated by degree program as appropriate to the

186 instructional and other costs of the program in accordance with

187 the business plan. Pricing must incorporate innovative

188 approaches that incentivize persistence and completion,

189 including, but not limited to, a fee for assessment, a bundled

190 or all-inclusive rate, and sliding scale features.

191 5. The university must accept advance payment contracts and

192 student financial aid.

193 6. Fifty percent of the net revenues generated from the

194 online institute of the university shall be used to enhance and

195 enrich the online institute offerings, and 50 percent of the net

196 revenues generated from the online institute shall be used to

197 enhance and enrich the university's campus state-of-the-art

198 research programs and facilities.

199 7. The institute may charge additional local user fees

200 pursuant to s. 1009.24(14) upon the approval of the Board of

201 Governors.

202 8. The institute shall submit a proposal to the president

203 of the university authorizing additional user fees for the

Page 7 of 8

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204 provision of voluntary student participation in activities and

205 additional student services.

206 Section 3. This act shall take effect July 1, 2014.

Page 8 of 8

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3-11-14

Meeting Date

530

Bill Number

Ron LaFace

Name

269718

(if applicable)

Brades amendment to amendment

Job Title

161 E College Ave

Address

Street

Tall

City

FL

State

32301

Zip

r.laface@capacityconsult.com

E-mail

222-9075

Phone

Speaking:  For

Against

Information

Reed

Representing

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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

# APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3-11-14

*Meeting Date*

Topic Waive in Support Bill Number SB 530

Name Kim McDougal Amendment Barcode 464234  
(if applicable)

Job Title Director of Policy (if applicable)

Address The Capitol Phone 717-9267

Street

Tallahassee FL 32399 32399  
City State Zip

E-mail kim.mcdougal@laspbs.state.fl.us

Speaking:  For  Against  Information

Representing Governor's Office

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

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

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

11 Mar. 2014  
Meeting Date

Topic Textbook Affordability Bill Number 530  
(if applicable)

Name Dr. Tim Henningson Amendment Barcode \_\_\_\_\_  
(if applicable)

Job Title President, College of Central Florida

Address \_\_\_\_\_ Phone \_\_\_\_\_  
Street

E-mail \_\_\_\_\_  
City State Zip

Speaking:  For  Against  Information

Representing FLORIDA COLLEGE SYSTEM COUNCIL OF PRESIDENTS

Appearing at request of Chair:  Yes  No Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/11/14  
Meeting Date

Topic TEXTBOOK AFFORDABILITY Bill Number 530  
(if applicable)

Name CARLO FASSI Amendment Barcode \_\_\_\_\_  
(if applicable)

Job Title PRESIDENT, UNF STUDENT GOV'T Phone 954.625.9176

Address 1 UNF DR E-mail \_\_\_\_\_  
Street City State Zip

JACKSONVILLE FL 32224

Speaking:  For  Against  Information

Representing UNF STUDENTS

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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

# APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

03/11/2014

*Meeting Date*

Topic Postsecondary Education Textbook and Instructional Materials Bill Number SB 530  
*(if applicable)*

Name Kathy Hebda Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title Chief of Staff

Address 325 W. Gaines St. Phone 850-245-0505  
*Street*

Tallahassee E-mail Kathy.Hebda@fldoe.org  
*City State Zip*

Speaking:  For  Against  Information

Representing Florida Department of Education

Appearing at request of Chair:  Yes  No Lobbyist registered with Legislature:  Yes  No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

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



**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

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

Prepared By: The Professional Staff of the Committee on Education

BILL: SB 598

INTRODUCER: Senator Bean

SUBJECT: Juvenile Justice Education Programs

DATE: March 10, 2014                      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	McLaughlin	Klebacha	ED	<b>Favorable</b>
2.	_____	_____	CJ	_____
3.	_____	_____	AED	_____
4.	_____	_____	AP	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

**I. Summary:**

SB 598 makes changes to the provisions of law governing the accountability, deliverance, and review of juvenile justice education programs that provide educational services to students within the Department of Juvenile Justice (DJJ).

The bill revises the accountability of juvenile justice education programs by:

- Requiring cost and effectiveness information on programs and program activities be provided in order to compare, improve, or eliminate a program or program activity;
- Requiring program and program activity cost and effectiveness data be provided to the Legislature and the public;
- Implementing an accountability system to meet client needs;
- Requiring the Department of Education (DOE), in partnership with the DJJ, to develop a comprehensive accountability and school improvement process;
- Requiring the DOE in collaboration with the DJJ to monitor and report on the educational performance of students in commitment, day treatment, prevention, and detention programs;
- Requiring the DOE, in consultation with the DJJ, district school boards, and providers, to adopt rules for objective and measurable student performance measures and program performance ratings for the delivery of educational services by prevention, day treatment, and residential programs;
- Requiring the DJJ, in consultation with the DOE, to publish by March 1 of each year a report on program costs and effectiveness, educational performance of students, and recommendations for modification or elimination of programs or program activities; and
- Requiring the DOE, in partnership with the DJJ, district school boards, and providers to:

- Develop and implement requirements for contracts and cooperative agreements regarding the delivery of appropriate education services to students in DJJ programs.
- Maintain standardized procedures for securing student records.

The bill revises provisions related to juvenile justice programs by:

- Requiring school districts and juvenile justice education providers, in collaboration with others, to develop a transition plan during a student's stay in a program;
- Requiring the State Board of Education to adopt rules for academic assessment for students in detention centers;
- Requiring the DOE and the DJJ to provide oversight and guidance on how to implement effective educational transition planning and services;
- Requiring prevention and day treatment programs to provide career readiness and exploration opportunities, as well as truancy and dropout prevention intervention services;
- Requiring residential juvenile justice education programs with a contracted minimum length of stay of nine months to provide career education courses that lead to pre-apprentice certifications, industry certifications, occupational completion points, or work-related certifications;
- Allowing residential juvenile justice programs with a contract length of stay of less than nine months, to provide career education courses that lead to pre-apprentice certifications, industry certifications, occupational completion points, or work-related certifications; and
- Requiring the multiagency plan for career education to eliminate barriers to education and address virtual education.

The bill does not create any additional fiscal impacts.

The bill takes effect on July 1, 2014.

## II. Present Situation:

### **The Department of Juvenile Justice (DJJ)**

The Department of Juvenile Justice's mission is to increase public safety by reducing juvenile delinquency through effective prevention, intervention, and treatment services that strengthen families and turn around the lives of troubled youth.<sup>1</sup> The DJJ oversees at-risk and adjudicated youth in four service areas: prevention and victim services, probation and community intervention services, residential services, and detention services.<sup>2</sup> During the 2011-12 school year, juvenile justice education programs served 32,864 students.<sup>3</sup>

- Prevention and Victim Services - Prevention and Victim Services offers voluntary youth crime prevention programs throughout the state of Florida. The mission is to increase public

<sup>1</sup> Florida Department of Juvenile Justice, available at <http://www.djj.state.fl.us/about-us/mission> (last visited Mar. 6, 2014).

<sup>2</sup> Office of Program Policy Analysis and Government Accountability, Government Program Summaries – Department of Juvenile Justice, available at <http://www.djj.state.fl.us/Services> (last visited Mar. 6, 2014).

<sup>3</sup> Florida Department of Juvenile Justice, Comprehensive Accountability Report 2011-2012, available at <http://www.djj.state.fl.us/research/reports/car> (last visited Mar. 6, 2014).

safety by reducing juvenile delinquency through effective prevention, intervention, and treatment services that strengthen families and turn around the lives of troubled youth.<sup>4</sup>

- Probation and Community Intervention Services (Non-residential) - Non-residential services provide intervention and case management services to youth on diversion, probation, and post commitment supervision. These youth remain at home and participate in at least five days per week in a day treatment program.<sup>5</sup>
- Residential Services - Residential services ensure graduated sanctions for serious, violent and chronic offenders; address special mental health and substance abuse needs of offenders; and enhance their education in residential commitment programs. Juveniles who are adjudicated by the court can be committed to residential programs classified as low, moderate, high or maximum risk.<sup>6</sup>
- Detention Services - Detention is the custody status for youth who are held pursuant to a court order; or following arrest for a violation of the law. A youth may be detained only when specific statutory criteria, outlined in s. 985.215, F.S., are met. Criteria for detention include current offenses, prior history, legal status, and any aggravating or mitigating factors.<sup>7</sup>

### **Multiagency Plan for Career Education**

Current law requires the DJJ and the DOE, in consultation with the statewide Workforce Development Youth Council, school districts, providers, and others, to develop a multiagency plan (Plan) for vocational education in commitment facilities.<sup>8</sup>

The Plan must include:

- Provisions for maximizing appropriate state and federal funding sources, responsibilities of both departments and all other appropriate entities and detailed implementation schedules;<sup>9</sup>
- A definition of vocational programming that is appropriate based upon the age and assessed educational abilities and goals of the youth to be served and the typical length of stay, and custody characteristics at the commitment program to which each youth is assigned;<sup>10</sup> and
- A definition of vocational programming that includes the classifications of commitment facilities that will offer vocational programming by one of the following types:
  - o Type A - Programs that teach personal accountability skills and behavior that is appropriate for youth in all age groups and ability levels and that lead to work habits that help maintain employment and living standards;
  - o Type B - Programs that include Type A program content and an orientation to the broad

<sup>4</sup> Florida Department of Juvenile Justice, Prevention & Victim Services, *available at* <http://www.djj.state.fl.us/services/prevention> (last visited Mar. 6, 2014).

<sup>5</sup> Florida Department of Juvenile Justice, *available at* <http://www.djj.state.fl.us/Residential/restrictiveness.html> (last visited Mar. 6, 2014).

<sup>6</sup> Office of Program Policy Analysis and Government Accountability, Government Program Summaries – Department of Juvenile Justice Residential Services, *available at* <http://www.oppaga.state.fl.us/profiles/1001> (last visited Mar. 6, 2014).

<sup>7</sup> Florida Department of Juvenile Justice, *available at* <http://www.djj.state.fl.us/services/detention> (last visited Mar. 6, 2014).

<sup>8</sup> Section 985.622(1), F.S.

<sup>9</sup> Section 985.622(1)(a) and (c), F.S.

<sup>10</sup> Section 985.622(2), F.S.

- o scope of career choices, based upon personal abilities, aptitudes, and interest; and
- o Type C - Programs that include Type A program content and the vocational competencies or the prerequisites needed for entry into a specific occupation.<sup>11</sup>

In October 2010, the Office of Program Policy Analysis and Government Accountability (OPPAGA) issued a report stating that the plan had several shortcomings. According to the OPPAGA, the plan lacked goals and implementation strategies for increasing the percentage of youth receiving occupation-specific job training. Also, the plan did not address the barriers that juvenile justice students face in attaining a general educational development (GED) diploma.<sup>12</sup> The OPPAGA found that many juvenile justice programs emphasized academic instruction rather than GED preparation and job training. The OPPAGA recommended that the Legislature amend s. 985.622, F.S., to address the shortcomings found in the plan.

### **Educational Services in DJJ Programs**

Current law sets forth how educational services must be provided in DJJ programs and establishes the educational expectations for DJJ youth in such programs.<sup>13</sup>

The DOE is the lead agency for juvenile justice education programs, curriculum, support services, and resources; however, district school boards are responsible for actually providing educational services to youth in juvenile justice programs.<sup>14</sup> Educational services consist of basic academic, career, or exceptional curricula that support treatment goals and reentry, and that may lead to the completion of a high school diploma or its equivalent.<sup>15</sup>

These services can be provided by the district school board itself or by a private provider through a contract with the district school board.<sup>16</sup> However, school districts remain responsible for the quality of education provided in residential and day treatment juvenile justice facilities regardless of whether the school district provides those services directly or through a contractor.<sup>17</sup>

Annually, the DJJ and the DOE must develop a cooperative agreement and plan for juvenile justice education service enhancement, which must be submitted to the Secretary of the DJJ and the Commissioner of Education.<sup>18</sup>

Each district school board must negotiate a cooperative agreement with the DJJ regarding the delivery of educational programming to DJJ youth. These agreements must include provisions that address certain issues, such as:

---

<sup>11</sup> Section 985.622(3), F.S.

<sup>12</sup> Office of Program Policy Analysis and Government Accountability, *Juvenile Justice Students Face Barriers to High School Graduation and Job Training*, Report No. 10-55, 9 (2010), available at <http://www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/1055rpt.pdf> (last visited Mar. 6, 2014).

<sup>13</sup> Section 1003.52, F.S.

<sup>14</sup> Sections 1003.52(1), (3), and (4), F.S.

<sup>15</sup> Section 1003.52(5), F.S.

<sup>16</sup> Section 1003.52(11), F.S.

<sup>17</sup> Office of Program Policy Analysis and Government Accountability, *Youth Entering the State's Juvenile Justice Programs Have Substantial Educational Deficits; Available Data Is Insufficient to Assess Learning Gains of Students*, Report No. 10-07 (2010), available at <http://www.oppaga.state.fl.us/Summary.aspx?reportNum=10-07> (last visited Mar. 6, 2014).

<sup>18</sup> Section 1003.52 (1), F.S.

- Curriculum and delivery of instruction;
- Classroom management procedures and attendance policies;
- Procedures for provision of qualified instructional personnel;
- Improving skills in teaching and working with juvenile delinquents;
- Transition plans for students moving into and out of juvenile facilities; and
- Strategies for correcting any deficiencies found through the quality assurance process.<sup>19</sup>

The DOE and the DJJ must each designate a coordinator to resolve issues not addressed by the district school boards and to provide each department's participation in:

- Training, collaborating, and coordinating with the DJJ, district school boards, educational contract providers, and juvenile justice providers, whether state-operated or contracted;
- Collecting and reporting information on the academic performance of students in juvenile justice programs;
- Developing academic and career protocols that provide guidance to district school boards and providers in educational programming; and
- Prescribing the roles of program personnel and school district or provider collaboration strategies.<sup>20</sup>

### **Accountability and Reporting**

The DOE and the DJJ, after consulting with the district school boards and local providers, must report annually to the Legislature on the progress toward developing effective educational programs for youth in the juvenile justice system. This report must include the results of the quality assessment reviews, including recommendations for system improvement.<sup>21</sup>

In its annual report to the Legislature, the DOE made several recommendations to address educational accountability and improvement such as:

- Continue to develop a juvenile justice education accountability system for programs and explore a process in which high-performing programs are recognized and low-performing programs receive assistance;
- Develop a customized school improvement plan template for programs;
- Continue to support improvement in transition services for youth in juvenile justice education through the maintenance of an accurate statewide transition contact list;
- Provide additional training and support to programs to improve their efforts with the Basic Achievement Skills Inventory administration, data reporting, and data interpretation;
- Continue to identify effective program practices and resources for students in need of academic remediation and credit recovery;
- Continue to identify academic curriculum, resources, and instructional practices related to high academic achievement for all students while incarcerated; and
- Continue to collaborate efforts among the DOE, the DJJ, school districts, and private providers to ensure appropriate and effective education for youth in juvenile justice programs.<sup>22</sup>

<sup>19</sup> Section 1003.52(13), F.S.

<sup>20</sup> Section 1003.52(1), F.S.

<sup>21</sup> Section 1003.52(19), F.S.

<sup>22</sup> Florida Department of Education, *Developing Effective Education in Department of Juvenile Justice and other Dropout Prevention Programs*, Annual Report 2009-2010, 13 (2011), [http://www.fldoe.org/ese/pdf/jj\\_annual.pdf](http://www.fldoe.org/ese/pdf/jj_annual.pdf)

The OPPAGA issued another report in 2010 examining educational services provided to youth in DJJ residential and day treatment programs. The OPPAGA found that most students entering juvenile justice programs were older, academically behind their peers, and were likely to have had attendance problems at school. The OPPAGA found that the DOE had not collected sufficient information to assess the learning gains (or lack thereof) of students in juvenile justice programs. Only 48 of the 141 programs (34 percent) reported complete information for at least half of their students. For those programs that did report data, the nature of the assessment instrument made it difficult to determine whether students were making appropriate educational progress. The OPPAGA recommended that the Legislature amend s. 1003.52(3)(b), F.S., to require that the DOE make annual status reports to the Legislature on the learning gains of students in juvenile justice facilities and the steps it has taken to ensure the completeness and reliability of juvenile justice student performance data.<sup>23</sup>

The DJJ is required to annually collect and report cost data for every program that is state-operated or contracted by the department. The DJJ is responsible for accurate cost accounting for state operated services including market equivalent rent and other shared cost. The cost of the educational program provided to a residential facility must be reported and included in the cost of the DJJ program. The cost-benefit analysis for each educational program will be developed and implemented in collaboration with the DOE, local providers, and local school districts. Cost data for the report must include data collected by the DOE for the purpose of preparing the annual report required pursuant to s. 1003.52(19), F.S., and relating to developing effective educational progress for juvenile delinquents.<sup>24</sup>

The DOE, in consultation with the DJJ, district school boards, and providers must establish objective and measurable quality assurance standards for the educational components of residential and nonresidential juvenile justice facilities.<sup>25</sup> The quality assurance standards and indicators are revised annually for juvenile justice education programs, based on new statutory and regulatory requirements, best practices research, and input from school districts and educational providers.<sup>26</sup> These standards must rate the district school boards' performance both as a provider and contractor.<sup>27</sup>

### **Transition Plan and Reentry Plan**

Currently, an individual transition plan is developed for each student entering a DJJ commitment, day treatment, early delinquency intervention, or detention program.<sup>28</sup>

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(last visited Mar. 6, 2014).

<sup>23</sup> Office of Program Policy Analysis and Government Accountability, *Youth Entering the State's Juvenile Justice Program Have Substantial Educational Deficits; Available Data is Insufficient to Assess Learning Gains of Students*, Report No. 10-07, 8 (Jan. 2010), [www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/1007rpt.pdf](http://www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/1007rpt.pdf) (last visited Mar. 6, 2014).

<sup>24</sup> Section 985.632, F.S.

<sup>25</sup> Section 1003.52(15)(a), F.S.

<sup>26</sup> Florida Department of Education, *Developing Effective Education in Department of Juvenile Justice and other Dropout Prevention Programs*, Annual Report 2009-2010 (2011), [www.fldoe.org/ese/pdf/jj\\_annual.pdf](http://www.fldoe.org/ese/pdf/jj_annual.pdf) (last visited Mar. 6, 2014).

<sup>27</sup> Section 1003.52(15)(a), F.S.

<sup>28</sup> Section 1003.52(13)(i); Rule 6A-6.05281, F.A.C.

The transition plan is based on the student's post-placement goals that are developed cooperatively with the student, his or her parents, school district and or contracted provider personnel, and the DJJ program staff. Re-entry counselors, probation officers, and personnel from the student's "home" school district are involved in the transition planning to the extent practicable. The transition plan also includes a student's academic record, including each course completed by the student according to procedures in the State Course Code Directory, career re-entry goals maintained by the school district, and recommended educational placement. An exit plan is also created for each student. A copy of the academic records, student assessment, individual academic plan, work and project samples, and the transition plan is included in the discharge packet when the student exits a DJJ facility.<sup>29</sup>

### **Teachers in Juvenile Justice Programs**

District school boards must recruit and train teachers who are interested, qualified, or experienced in educating students in juvenile justice programs. Students in juvenile justice programs must be provided a wide range of educational programs and opportunities including textbooks, technology, instructional support, and other resources available to students in public schools. Teachers assigned to educational programs in juvenile justice settings in which the district school board operates the educational program must be selected by the district school board in consultation with the director of the juvenile justice facility. Educational programs in juvenile justice facilities must have access to the substitute teacher pool utilized by the district school board.<sup>30</sup>

### **Juvenile Justice Common Student Assessment**

The DOE with the assistance of school districts, must select a common student assessment instrument and protocol for measuring student learning gains and student progression while a student is in a juvenile justice education program.<sup>31</sup> The test is administered as a pre-test within 10 school days after a student enters a juvenile justice program and again as a post-test when a student who was in the program for at least 45 school days leaves the program.<sup>32</sup> In February 2012, the DOE awarded WIN Learning a contract to administer the Florida Ready to Work assessment as the common assessment for reading and math in DJJ education programs.<sup>33</sup> According to the DOE, only students in residential and day treatment programs are administered the common assessment.<sup>34</sup>

## **III. Effect of Proposed Changes:**

### **Multiagency Plan for Career Education**

The bill expands the requirement of the plan to address all educational programs, not just education programs in commitment facilities. The plan must:

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<sup>29</sup> Telephone conversation with staff, Department of Juvenile Justice (February 24, 2014).

<sup>30</sup> Section 1003.52(10), F.S.

<sup>31</sup> Section 1003.52(3)(b), F.S.

<sup>32</sup> Telephone conversation with staff, Florida Department of Education (February 14, 2014).

<sup>33</sup> Telephone conversation with staff, Florida Department of Education (February 15, 2014).

<sup>34</sup> Telephone conversation with staff, Florida Department of Education (February 14, 2014).

- Include provisions for eliminating barriers to increasing occupation-specific job training and high school equivalency examination preparation opportunities; and
- Evaluate the effect that students' mobility between juvenile justice education programs and school districts has on the students' educational outcomes, and whether the continuity of the students' education can be better addressed through virtual education.

The bill also revises implementation dates for the DOE and the DJJ to align respective agency reporting documents to the revised plan for career education.

### **Educational Services in DJJ Programs**

The bill revises the responsibilities of the DOE and the DJJ designated coordinators to include:

- Training, collaboration, and coordinating with local workforce boards and youth councils;
- Collecting information on the career education and transition performance of students in juvenile justice programs, and reporting the results; and
- Implementing a joint accountability, program performance, and school improvement system.

The bill also:

- Requires prevention and day treatment juvenile justice education programs, at a minimum, to provide career readiness and exploration opportunities as well as truancy and dropout prevention intervention services;
- Requires residential juvenile justice education programs with a contracted minimum length of stay of nine months to provide career education courses that lead to pre-apprentice certifications, industry certifications, occupational completion points, or work-related certifications; and
- Allows residential programs with contract lengths of stay of less than nine months to provide career education courses that lead to pre-apprentice certifications, industry certifications, occupational completion points, or work-related certifications.

The bill defines the educational component of programs with a duration of less than 40 days to include:

- Tutorial remediation activities;
- Career employability skills;
- Education counseling; and
- Transition services that prepare students for a return to school, the community, and their home setting based on the students' needs.

The bill requires educational programs to provide instruction based on each student's transition plan, assessed educational needs, and the educational programs available in the school district in which the student will return. Depending on the student's needs, educational programming may consist of remedial courses, academic courses required for grade advancement, career education courses, and high school equivalency examination preparation. Students may also be eligible for exceptional student education curricula and related services which support the transition goals and reentry, and which may lead to completion of the requirements for receipt of a high school diploma or its equivalent.



The bill requires that the DJJ and the DOE annual cooperative agreement and plan for juvenile justice education service enhancement include each agency's role regarding educational program accountability, technical assistance, training, and coordination of service.

### **Accountability and Reporting**

The bill requires the DOE to establish and operate, either directly or indirectly through a contract, a mechanism to provide accountability measures that annually assess and evaluate all juvenile justice education programs using student performance data and program performance ratings by type of program.

The DOE, in partnership with the DJJ, must develop a comprehensive accountability and program improvement process. The accountability and program improvement process must be based on student performance measures by type of program and must rate education program performance. The accountability system must identify and recognize high-performing education programs.

The DOE, in partnership with the DJJ, must identify low-performing education programs. Low-performing education programs must receive an onsite program evaluation from the DJJ. Identification of education programs needing school improvement, technical assistance, or reassignment of the program must be based, in part on the results of the program evaluation. Through a corrective action process, low-performing education programs must demonstrate improvement or the program must be reassigned to the district or another provider.

The DJJ must:

- Provide cost and effectiveness information on programs and program activities in order to compare, improve, or eliminate a program or program activity if necessary;
- Provide program and program activity cost and effectiveness data to the Legislature in order for resources to be allocated for achieving desired performance outcomes;
- Provide information to the public concerning program and program activity cost and effectiveness;
- Implement a system of accountability in order to provide the best and most appropriate program and activities to meet client needs; and
- Continue to improve service delivery.

The DJJ, in consultation with the DOE, must publish, by March 1 of each year, a report on program costs and effectiveness. The report must include uniform cost data for each program operated by the DJJ and by providers under contract with the DJJ. The DOE is required to provide cost data on each education program operated by a school district or a provider under contract with a school district. The report must also include data on student learning gains, as provided by the DOE, for all juvenile justice education programs, educational performance information, developing effective education programs, cost-effectiveness, and recommendations for modification or elimination of programs or program activities.

The DOE, in consultation with the DJJ, district school boards, and providers must establish by rule:

- Objective and measurable student performance measures to evaluate a student's educational

progress while participating in a prevention, day treatment, or residential program. The student performance measures must be based on appropriate outcomes for all students in juvenile justice programs, taking into consideration the student's length of stay in the program. Performance measures must include outcomes that relate to student achievement of career education goals, acquisition of employability skills, receipt of a high school diploma, grade advancement, and learning gains;

- A performance rating system to be used by the DOE to evaluate the delivery of educational services within each of the juvenile justice education programs. The performance rating system must be primarily based upon data regarding student performance as described above; and
- The time frames, procedures, and resources to be used to improve a low-rated educational program or to terminate or reassign the program.

The bill requires that education program performance results, including the identification of high and low-performing programs and aggregated student performance results, be included in the DOE and the DJJ annual report on the progress toward developing effective educational programs.

The DOE, in collaboration with the DJJ, must monitor and report on the educational performance of students in commitment, day treatment, prevention, and detention programs. The report must include, at a minimum, the number and percentage of students:

- Returning to an alternative school, middle school, or high school upon release and the attendance rate of such students before and after participation in juvenile justice education programs;
- Receiving a standard high school diploma or high school equivalency diploma;
- Receiving industry certification;
- Receiving occupational completion points;
- Enrolling in a postsecondary educational institution;
- Completing a juvenile justice education program without reoffending;
- Reoffending within one year after completing a day treatment or residential commitment program; and
- Remaining employed one year after completion of a day treatment or residential commitment program.

The results of the educational performance report must be included in the program costs and effectiveness report.

### **Transition Plan and Reentry Plan**

The bill requires a transition plan to include, at a minimum:

- Services and interventions that address the student's assessed educational needs and post-release education plans;
- Services to be provided during the program stay and services to be implemented upon release, including but not limited to, continuing education in secondary, career and technical programs, postsecondary education, or employment, based on the student's needs; and
- Specific monitoring responsibilities to determine whether the individualized transition plan is

being implemented and the student is provided access to support services that will sustain the student's success, coordinated by individuals who are responsible for reintegration.

The DOE and the DJJ must provide oversight and guidance to school districts, education providers, and reentry personnel on how to implement effective educational transition planning and services. The bill also requires upon a student's return from a program, school districts to consider the individual needs and circumstances of the student and the transition plan recommendations when reenrolling a student in a public school. A local school district may not maintain a standardized policy for all students returning from a juvenile justice program, but place students based on their needs and their performance in the program.

The bill requires that representatives from the workforce, and the one-stop center where the student will return, participate as members of the local DJJ reentry team.

### **Teachers in Juvenile Justice Programs**

Under the bill, the State Board of Education (SBE) rules for qualification of instructional staff must include career education instructors, standardized across the state, and be based on state certification, local school district approval, and industry recognized credentials or industry training. The bill also requires the establishment of procedures for the use of noncertified instructional personnel who possess expert knowledge or experience in their fields of instruction. The bill also allows the Secretary of the DJJ or the director of a juvenile justice program to request that the performance of a teacher assigned by the district to a juvenile justice education program be reviewed by the district and that the teacher be reassigned based upon an evaluation conducted pursuant to s. 1012.34, F.S., for inappropriate behavior.

### **Public Educational Services – District School Boards**

The bill clarifies the responsibilities of district school boards to include:

- Notifying students in juvenile justice education programs who reach the age of 16 years of the law regarding compulsory school attendance and make available the option of enrolling in a program to attain a high school diploma by taking the GED exam before release from the program;
- Responding to requests for student education records received from another district school board or a juvenile justice education program within five working days after receiving the request;
- Providing access to courses offered through Florida Virtual School, virtual instruction programs, and school district virtual courses. School districts and providers may enter into cooperative agreements for the provision of curriculum associated with school district virtual courses to enable providers to offer such courses;
- Prohibiting juvenile justice education programs from being charged full time equivalent (FTE) for virtual courses accessed through the school district which are for credit recovery or are offered to youth beyond the 300 minute daily requirement of instruction;
- Completing the assessment process; and
- Monitoring compliance with contracts for education programs for students in juvenile justice prevention, day treatment, residential, and detention programs.

The bill requires the DOE in partnership with the DJJ, district school boards, and providers to:

- Develop and implement requirements for contracts and cooperative agreements regarding the delivery of appropriate education services to students in DJJ programs; and
- Maintain standardized procedures for securing the student's records. The records must include, but not be limited to, the student's progress monitoring plan and transition plan.

The bill also requires the DOE to assist juvenile justice programs with becoming high school equivalency examination centers.

#### **Juvenile Justice Common Student Assessment**

The bill requires the State Board of Education to adopt rules requiring academic assessments for students in detention centers to be administered within five school days and career assessment or career interest survey to be administered within 22 school days. Detention centers are not permitted to use the common assessment and must use an academic assessment for reading and mathematics that creates the foundation for developing the student's educational program. The bill also requires the SBE to adopt rules for assessment procedures for prevention programs.

The bill takes effect on July 1, 2014.

#### **IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

#### **V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 985.622, 985.632, 1001.31, 1001.42, 1003.51, and 1003.52.

**IX. Additional Information:**

**A. Committee Substitute – Statement of Changes:**

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

None.

**B. Amendments:**

None.

By Senator Bean

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1 A bill to be entitled  
 2 An act relating to juvenile justice education  
 3 programs; amending s. 985.622, F.S.; revising  
 4 requirements for the multiagency career education plan  
 5 for students in juvenile justice education programs;  
 6 revising terminology; revising the date by which the  
 7 Department of Juvenile Justice and the Department of  
 8 Education are required to align certain policies and  
 9 practices with the multiagency career education plan;  
 10 requiring both departments to provide a report on the  
 11 implementation of the multiagency education plan to  
 12 the Governor and the Legislature; amending s. 985.632,  
 13 F.S.; requiring the Department of Juvenile Justice to  
 14 provide cost and effectiveness information for  
 15 education programs and program activities to the  
 16 Legislature and to the public; requiring  
 17 implementation of an accountability system to ensure  
 18 student needs are met; deleting legislative intent  
 19 language; revising requirements for the department to  
 20 publish an annual report that includes data on  
 21 education program costs and effectiveness, student  
 22 learning gains, and recommendations for modification  
 23 or elimination of juvenile justice education programs  
 24 or program activities; amending s. 1001.31, F.S.;  
 25 expanding access to certain student records held by a  
 26 district school system to all instructional personnel  
 27 in juvenile justice education programs; amending s.  
 28 1003.51, F.S.; revising terminology; revising  
 29 requirements for rules adopted by the State Board of

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30 Education related to policies and standards for  
 31 students in juvenile justice education programs;  
 32 providing expectations for effective education  
 33 programs for students in Department of Juvenile  
 34 Justice programs; revising requirements for contract  
 35 and cooperative agreements for the delivery of  
 36 appropriate education services to students in juvenile  
 37 justice education programs; requiring education  
 38 providers to maintain additional education records for  
 39 students in juvenile justice education programs;  
 40 requiring the Department of Education to ensure that  
 41 students in juvenile justice education programs who  
 42 are eligible have access to high school equivalency  
 43 examinations and to assist juvenile justice education  
 44 programs with becoming high school equivalency  
 45 examination centers; requiring district school boards  
 46 to respond to a request for student education records,  
 47 to provide access to certain courses to students in  
 48 juvenile justice education programs, to complete  
 49 certain assessments, and to monitor compliance with  
 50 education contracts for students in juvenile justice  
 51 education programs; revising requirements for an  
 52 accountability system for all juvenile justice  
 53 education programs; amending s. 1003.52, F.S.;  
 54 revising legislative findings and activities related  
 55 to educational services in juvenile justice education  
 56 programs to be coordinated between the Department of  
 57 Education and the Department of Juvenile Justice;  
 58 revising requirements for a joint agency plan for

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59 juvenile justice education service enhancements;  
 60 authorizing contracting for educational assessments,  
 61 programs of instruction, and education services;  
 62 revising requirements for assessments; requiring  
 63 access to local virtual education courses in juvenile  
 64 justice education programs; requiring that an  
 65 educational program be based on each student's  
 66 transition plan, each student's assessed educational  
 67 needs, and programs available in the school district;  
 68 providing requirements for prevention, day treatment,  
 69 and residential juvenile justice education programs;  
 70 requiring individualized progress monitoring plans for  
 71 all students not classified as students of exceptional  
 72 student education programs upon the students' entry  
 73 into a juvenile justice program and reentry into a  
 74 school district; revising requirements for the  
 75 individualized progress monitoring plan; requiring  
 76 that school districts and juvenile justice education  
 77 providers develop an individualized transition plan  
 78 for students in consultation with others; providing  
 79 requirements for the individualized transition plan;  
 80 requiring a school district to consider the  
 81 individualized transition plan when reenrolling a  
 82 student in district schools; requiring the Department  
 83 of Education and the Department of Juvenile Justice to  
 84 provide oversight and guidance on transition planning  
 85 and services; authorizing the Secretary of Juvenile  
 86 Justice or the director of a juvenile justice facility  
 87 to request that a school district teacher's

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88 performance in a juvenile justice education program be  
 89 reviewed by the district and that the teacher be  
 90 reassigned in certain circumstances; revising the  
 91 eligibility of certain juvenile justice education  
 92 programs to receive Florida Education Finance Program  
 93 funding; revising the requirements of the cooperative  
 94 agreement between district school boards and the  
 95 Department of Juvenile Justice regarding the delivery  
 96 of educational services to students in juvenile  
 97 justice education programs; requiring the Department  
 98 of Education to establish by rule certain objective  
 99 and measurable student performance standards and  
 100 education program performance ratings; providing  
 101 requirements for such ratings; requiring a  
 102 comprehensive accountability and education program  
 103 improvement process; providing requirements for such a  
 104 process; deleting provisions establishing minimum  
 105 thresholds for the standards and key indicators for  
 106 education programs in juvenile justice programs;  
 107 requiring the Department of Education and the  
 108 Department of Juvenile Justice to monitor and report  
 109 specific data concerning the performance of students  
 110 in juvenile justice education programs; eliminating a  
 111 required annual report to the Legislature regarding  
 112 the development of effective education programs for  
 113 students in juvenile justice programs; requiring the  
 114 Department of Education and the Department of Juvenile  
 115 Justice to collect specific data on the development of  
 116 effective education programs for students in juvenile

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117 justice programs; deleting references to educational  
 118 programs at the Arthur Dozier School for Boys;  
 119 requiring, rather than authorizing, the State Board of  
 120 Education to adopt rules; amending s. 1001.42, F.S.;  
 121 revising terminology; conforming a cross-reference;  
 122 providing a directive to the Division of Law Revision  
 123 and Information; providing an effective date.

124  
 125 Be It Enacted by the Legislature of the State of Florida:

126  
 127 Section 1. Section 985.622, Florida Statutes, is amended to  
 128 read:

129 985.622 Multiagency plan for career vocational education.—

130 (1) The Department of Juvenile Justice and the Department  
 131 of Education shall, in consultation with the statewide Workforce  
 132 Development Youth Council, school districts, providers, and  
 133 others, jointly develop a multiagency plan for career vocational  
 134 education which that establishes the curriculum, goals, and  
 135 outcome measures for career vocational programs in juvenile  
 136 justice education programs commitment facilities. The plan must  
 137 be reviewed annually, be revised as appropriate, and include:

138 (a) Provisions for maximizing appropriate state and federal  
 139 funding sources, including funds under the Workforce Investment  
 140 Act and the Perkins Act;

141 (b) Provisions for eliminating barriers to the expansion of  
 142 occupation-specific job training and high school equivalency  
 143 examination preparation opportunities;

144 (c) (b) The responsibilities of both departments and all  
 145 other appropriate entities; and

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146 ~~(d) (e)~~ A detailed implementation schedule.

147 (2) The plan must define career vocational programming that  
 148 is appropriate based upon:

149 (a) The age and assessed educational abilities and goals of  
 150 the student youth to be served; and

151 (b) The typical length of stay and custody characteristics  
 152 at the juvenile justice commitment program to which each student  
 153 youth is assigned.

154 (3) The plan must include a definition of career vocational  
 155 programming which that includes the following classifications of  
 156 juvenile justice education programs commitment facilities that  
 157 will offer career vocational programming by one of the following  
 158 types:

159 (a) Type 1 A.—Programs that teach personal accountability  
 160 skills and behaviors that are appropriate for students youth in  
 161 all age groups and ability levels and that lead to work habits  
 162 that help maintain employment and living standards.

163 (b) Type 2 B.—Programs that include Type 1 A program  
 164 content and an orientation to the broad scope of career choices,  
 165 based upon personal abilities, aptitudes, and interests.  
 166 Exploring and gaining knowledge of occupation options and the  
 167 level of effort required to achieve them are essential  
 168 prerequisites to skill training.

169 (c) Type 3 C.—Programs that include Type 1 A program  
 170 content and the career education vocational competencies or the  
 171 prerequisites needed for entry into a specific occupation.

172 (4) The plan must also address strategies to facilitate  
 173 involvement of business and industry in the design, delivery,  
 174 and evaluation of career vocational programming in juvenile

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175 justice ~~commitment facilities and conditional release~~ programs,  
 176 including apprenticeship and work experience programs, mentoring  
 177 and job shadowing, and other strategies that lead to postrelease  
 178 employment. Incentives for business involvement, such as tax  
 179 breaks, bonding, and liability limits, should be investigated,  
 180 implemented where appropriate, or recommended to the Legislature  
 181 for consideration.

182 (5) The plan must also evaluate the effect of the mobility  
 183 of students between juvenile justice education programs and  
 184 school districts on the educational outcomes of students and  
 185 whether the continuity of the education of students can be  
 186 better addressed through virtual education.

187 ~~(6)(5)~~ The Department of Juvenile Justice and the  
 188 Department of Education shall each align its respective agency  
 189 policies, practices, technical manuals, contracts, quality-  
 190 assurance standards, performance-based-budgeting measures, and  
 191 outcome measures with the plan in juvenile justice education  
 192 programs ~~commitment facilities~~ by July 31, 2015 ~~2001~~. Each  
 193 agency shall provide a report on the implementation of this  
 194 section to the Governor, the President of the Senate, and the  
 195 Speaker of the House of Representatives by August 31, 2015 ~~2001~~.

196 ~~(7)(6)~~ All provider contracts executed by the Department of  
 197 Juvenile Justice or the school districts after January 1, 2015  
 198 ~~2002~~, must be aligned with the plan.

199 ~~(8)(7)~~ The planning and execution of quality assurance  
 200 reviews conducted by the Department of Education or the  
 201 Department of Juvenile Justice after August 1, 2015 ~~2002~~, must  
 202 be aligned with the plan.

203 ~~(9)(8)~~ Outcome measures reported by the Department of

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204 Juvenile Justice and the Department of Education for students  
 205 ~~youth~~ released on or after January 1, 2016 ~~2002~~, should include  
 206 outcome measures that conform to the plan.

207 Section 2. Subsections (1) and (3) of section 985.632,  
 208 Florida Statutes, are amended to read:

209 985.632 Quality assurance and cost-effectiveness.—

210 (1) The department shall:

211 (a) Provide cost and effectiveness information on programs  
 212 and program activities in order to compare, improve, or  
 213 eliminate a program or program activity as necessary.

214 (b) Provide cost and effectiveness data on programs and  
 215 program activities to the Legislature in order for resources to  
 216 be allocated for achieving desired performance outcomes.

217 (c) Provide cost and effectiveness information on programs  
 218 and program activities to the public.

219 (d) Implement a system of accountability in order to  
 220 provide the best and most appropriate programs and program  
 221 activities to meet student needs.

222 (e) Continue to improve service delivery ~~It is the intent~~  
 223 ~~of the Legislature that the department.~~

224 ~~(a) Ensure that information be provided to decisionmakers~~  
 225 ~~in a timely manner so that resources are allocated to programs~~  
 226 ~~of the department which achieve desired performance levels.~~

227 ~~(b) Provide information about the cost of such programs and~~  
 228 ~~their differential effectiveness so that the quality of such~~  
 229 ~~programs can be compared and improvements made continually.~~

230 ~~(c) Provide information to aid in developing related policy~~  
 231 ~~issues and concerns.~~

232 ~~(d) Provide information to the public about the~~

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233 ~~effectiveness of such programs in meeting established goals and~~  
 234 ~~objectives.~~

235 ~~(e) Provide a basis for a system of accountability so that~~  
 236 ~~each client is afforded the best programs to meet his or her~~  
 237 ~~needs.~~

238 ~~(f) Improve service delivery to clients.~~

239 ~~(g) Modify or eliminate activities that are not effective.~~

240 (3) By March 1 of each year, the department, in  
 241 consultation with the Department of Education, shall publish a  
 242 report on the costs and effectiveness of programs and program  
 243 activities. The report must include uniform cost data for each  
 244 program operated by the department or by providers under  
 245 contract with the department. The Department of Education shall  
 246 provide the cost data on each education program operated by a  
 247 school district or a provider under contract with a school  
 248 district. Cost data shall be formatted and presented in a manner  
 249 approved by the Legislature. The report must also include data  
 250 on student learning gains, as provided by the Department of  
 251 Education, for all juvenile justice education programs as  
 252 required under s. 1003.52(3)(b), information required under s.  
 253 1003.52(17) and (21), the cost-effectiveness of each program  
 254 offered, and recommendations for modification or elimination of  
 255 programs or program activities ~~The department shall annually~~  
 256 ~~collect and report cost data for every program operated or~~  
 257 ~~contracted by the department. The cost data shall conform to a~~  
 258 ~~format approved by the department and the Legislature. Uniform~~  
 259 ~~cost data shall be reported and collected for state-operated and~~  
 260 ~~contracted programs so that comparisons can be made among~~  
 261 ~~programs. The department shall ensure that there is accurate~~

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262 ~~cost accounting for state-operated services including market-~~  
 263 ~~equivalent rent and other shared cost. The cost of the~~  
 264 ~~educational program provided to a residential facility shall be~~  
 265 ~~reported and included in the cost of a program. The department~~  
 266 ~~shall submit an annual cost report to the President of the~~  
 267 ~~Senate, the Speaker of the House of Representatives, the~~  
 268 ~~Minority Leader of each house of the Legislature, the~~  
 269 ~~appropriate substantive and fiscal committees of each house of~~  
 270 ~~the Legislature, and the Governor, no later than December 1 of~~  
 271 ~~each year. Cost-benefit analysis for educational programs will~~  
 272 ~~be developed and implemented in collaboration with and in~~  
 273 ~~cooperation with the Department of Education, local providers,~~  
 274 ~~and local school districts. Cost data for the report shall~~  
 275 ~~include data collected by the Department of Education for the~~  
 276 ~~purposes of preparing the annual report required by s.~~  
 277 ~~1003.52(19).~~

278 Section 3. Section 1001.31, Florida Statutes, is amended to  
 279 read:

280 1001.31 Scope of district system.—A district school system  
 281 shall include all public schools, classes, and courses of  
 282 instruction and all services and activities directly related to  
 283 education in that district which are under the direction of the  
 284 district school officials. A district school system may also  
 285 include alternative site schools for disruptive or violent  
 286 students youth. Such schools for disruptive or violent students  
 287 youth may be funded by each district or provided through  
 288 cooperative programs administered by a consortium of school  
 289 districts, private providers, state and local law enforcement  
 290 agencies, and the Department of Juvenile Justice. Pursuant to

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291 cooperative agreement, a district school system shall provide  
 292 instructional personnel at juvenile justice education programs  
 293 ~~facilities of 50 or more beds or slots~~ with access to the  
 294 district school system database for the purpose of accessing  
 295 student academic, immunization, and registration records for  
 296 students assigned to the programs. Such access ~~must shall~~ be in  
 297 the same manner as provided to other schools in the district.

298 Section 4. Section 1003.51, Florida Statutes, is amended to  
 299 read:

300 1003.51 Other public educational services.—

301 (1) The general control of other public educational  
 302 services shall be vested in the State Board of Education except  
 303 as provided in this section herein. The State Board of Education  
 304 shall, at the request of the Department of Children and Families  
 305 ~~Family Services~~ and the Department of Juvenile Justice, advise  
 306 as to standards and requirements relating to education to be met  
 307 in all state schools or institutions under their control which  
 308 provide educational programs. The Department of Education shall  
 309 provide supervisory services for the educational programs of all  
 310 such schools or institutions. The direct control of any of these  
 311 services provided as part of the district program of education  
 312 shall rest with the district school board. These services shall  
 313 be supported out of state, district, federal, or other ~~lawful~~  
 314 funds, depending on the requirements of the services being  
 315 supported.

316 (2) The State Board of Education shall adopt rules and  
 317 ~~maintain an administrative rule~~ articulating expectations for  
 318 effective education programs for students youth in Department of  
 319 Juvenile Justice education programs, including, but not limited

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320 to, education programs in juvenile justice prevention, day  
 321 treatment, residential, commitment and detention programs  
 322 facilities. The rules must establish rule shall articulate  
 323 policies and standards for education programs for students youth  
 324 in Department of Juvenile Justice programs and ~~must shall~~  
 325 include the following:

326 (a) The interagency collaborative process needed to ensure  
 327 effective programs with measurable results.

328 (b) The responsibilities of the Department of Education,  
 329 the Department of Juvenile Justice, Workforce Florida, Inc.,  
 330 district school boards, and providers of education services to  
 331 students youth in Department of Juvenile Justice programs.

332 (c) Academic expectations.

333 (d) Career and technical expectations.

334 (e) Education transition planning and services.

335 (f) ~~(d)~~ Service delivery options available to district  
 336 school boards, including direct service and contracting.

337 (g) ~~(e)~~ Assessment procedures, which:

338 1. For prevention, day treatment, and residential programs,  
 339 include appropriate academic and career assessments administered  
 340 at program entry and exit which that are selected by the  
 341 Department of Education in partnership with representatives from  
 342 the Department of Juvenile Justice, district school boards, and  
 343 education providers.

344 2. Require academic assessments for students in a detention  
 345 facility to be administered within 5 school days, and career  
 346 assessments or career interest surveys to be administered within  
 347 22 school days, after entry into the facility. A detention  
 348 facility may not use the common assessment and shall use an

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349 academic assessment for reading and mathematics which must be  
 350 the foundation for developing a student's educational program  
 351 ~~Require district school boards to be responsible for ensuring~~  
 352 ~~the completion of the assessment process.~~

353 ~~3. Require assessments for students in detention who will~~  
 354 ~~move on to commitment facilities, to be designed to create the~~  
 355 ~~foundation for developing the student's education program in the~~  
 356 ~~assigned commitment facility.~~

357 ~~3.4-~~ Require assessments of students in juvenile justice  
 358 education programs sent directly to commitment facilities to be  
 359 completed within the first 10 school days after a of the  
 360 student's entry into an education program commitment.

361  
 362 The results of these assessments, together with a portfolio  
 363 depicting the student's academic and career accomplishments,  
 364 shall be included in the discharge packet ~~package~~ assembled for  
 365 each student youth.

366 (h)(f) Recommended instructional programs, including, but  
 367 not limited to, secondary education, high school equivalency  
 368 examination preparation, postsecondary education, career  
 369 training, and job preparation.

370 (i)(g) Funding requirements, which must ~~shall~~ include the  
 371 requirement that at least 90 percent of the FEFP funds generated  
 372 by students in Department of Juvenile Justice education programs  
 373 or in an education program for juveniles under s. 985.19 be  
 374 spent on instructional costs for those students. One hundred  
 375 percent of the formula-based categorical funds generated by  
 376 students in Department of Juvenile Justice education programs  
 377 must be spent on appropriate categoricals such as instructional

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378 materials and public school technology for those students.

379 (j)(h) Qualifications of instructional staff, procedures  
 380 for the selection of instructional staff, and procedures for ~~to~~  
 381 ~~ensure~~ consistent instruction and qualified staff year round.  
 382 Qualifications for career education instructors must be  
 383 standardized across the state and must be based on state  
 384 certification, local school district approval, and industry-  
 385 recognized credentials and training. Procedures for the use of  
 386 noncertified instructional personnel who possess expert  
 387 knowledge or experience in their field of instruction must be  
 388 established.

389 (k)(i) Transition services, including the roles and  
 390 responsibilities of appropriate personnel in the juvenile  
 391 justice education program, the school district to which the  
 392 student will return districts, provider organizations, and the  
 393 Department of Juvenile Justice.

394 (l)(j) Procedures and timeframe for transfer of education  
 395 records when a student youth enters and leaves a juvenile  
 396 justice education program facility.

397 (m)(k) The requirement that each district school board  
 398 maintain an academic transcript for each student enrolled in a  
 399 juvenile justice education program which facility that  
 400 delineates each course completed by the student as provided by  
 401 the State Course Code Directory.

402 (n)(l) The requirement that each district school board make  
 403 available and transmit a copy of a student's transcript in the  
 404 discharge packet when the student exits a juvenile justice  
 405 program facility.

406 (o)(m) Contract requirements.

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407 ~~(p)(n)~~ Performance expectations for providers and district  
 408 school boards, including student performance standards by type  
 409 of program, education program performance ratings, school  
 410 improvement, and corrective action plans for low-performing  
 411 education programs ~~the provision of a progress monitoring plan~~  
 412 ~~as required in s. 1008.25.~~

413 ~~(q)(e)~~ The role and responsibility of the district school  
 414 board in securing workforce development funds.

415 ~~(r)(p)~~ A series of graduated sanctions for district school  
 416 boards whose educational programs in Department of Juvenile  
 417 Justice programs ~~facilities~~ are considered to be unsatisfactory  
 418 and for instances in which district school boards fail to meet  
 419 standards prescribed by law, rule, or State Board of Education  
 420 policy. These sanctions must ~~shall~~ include the option of  
 421 requiring a district school board to contract with a provider or  
 422 another district school board if the educational program in at  
 423 the Department of Juvenile Justice program is performing below  
 424 minimum standards ~~facility has failed a quality assurance review~~  
 425 and, after 6 months, is still performing below minimum  
 426 standards.

427 (s) Curriculum, guidance counseling, transition, and  
 428 education services expectations, including curriculum  
 429 flexibility for detention facilities operated by the Department  
 430 of Juvenile Justice.

431 ~~(t)(q)~~ Other aspects of program operations.

432 (3) The Department of Education, in partnership with the  
 433 Department of Juvenile Justice, the district school boards, and  
 434 providers, shall:

435 (a) Develop and implement requirements for contracts and

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436 cooperative agreements regarding ~~Maintain model contracts for~~  
 437 the delivery of appropriate education services to students ~~youth~~  
 438 in Department of Juvenile Justice education programs ~~to be used~~  
 439 ~~for the development of future contracts.~~ The minimum contract  
 440 requirements must include, but are not limited to, payment  
 441 structure and amounts; access to district services; contract  
 442 management provisions; data reporting requirements, including  
 443 reporting of full-time equivalent student membership;  
 444 administration of federal programs such as Title I, exceptional  
 445 student education, and the Carl D. Perkins Career and Technical  
 446 Education Act of 2006; and ~~model contracts shall reflect the~~  
 447 policy and standards included in subsection (2). ~~The Department~~  
 448 of Education shall ensure that appropriate district school board  
 449 personnel are trained and held accountable for the management  
 450 and monitoring of contracts for education programs for youth in  
 451 juvenile justice residential and nonresidential facilities.

452 (b) Develop and implement ~~Maintain model~~ procedures for  
 453 transitioning students ~~youth~~ into and out of Department of  
 454 Juvenile Justice education programs. These procedures must ~~shall~~  
 455 reflect the policy and standards adopted pursuant to subsection  
 456 (2).

457 (c) Maintain standardized required content of education  
 458 records to be included as part of a student's ~~youth's~~ commitment  
 459 record and implement procedures for securing the student's  
 460 education records. ~~The education records must~~ These requirements  
 461 ~~shall reflect the policy and standards adopted pursuant to~~  
 462 ~~subsection (2) and shall~~ include, but are ~~not be~~ limited to, the  
 463 following:

464 1. A copy of the student's individual educational plan.

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465 2. A copy of the student's individualized progress  
 466 monitoring plan.

467 3. A copy of the student's individualized transition plan.

468 ~~4.2.~~ Data on student performance on assessments taken  
 469 according to s. 1008.22.

470 ~~5.3.~~ A copy of the student's permanent cumulative record.

471 ~~6.4.~~ A copy of the student's academic transcript.

472 ~~7.5.~~ A portfolio reflecting the student's youth's academic  
 473 and career and technical accomplishments, if age appropriate,  
 474 while in the Department of Juvenile Justice program.

475 (d) ~~Establish~~ Maintain ~~model procedures for securing the~~  
 476 ~~education record and the roles and responsibilities of the~~  
 477 ~~juvenile probation officer and others involved in the withdrawal~~  
 478 ~~of the student from school and assignment to a~~ juvenile justice  
 479 program commitment or detention facility. ~~District school boards~~  
 480 ~~shall respond to requests for student education records received~~  
 481 ~~from another district school board or a juvenile justice~~  
 482 ~~facility within 5 working days after receiving the request.~~

483 (4) ~~Each~~ The Department of Education shall ensure that  
 484 district school board shall: ~~boards~~

485 (a) Notify students in juvenile justice education programs  
 486 ~~residential or nonresidential facilities~~ who attain the age of  
 487 16 years of the ~~provisions of~~ law regarding compulsory school  
 488 attendance and make available the option of enrolling in an  
 489 education a program to attain a Florida high school diploma by  
 490 taking the high school equivalency examination before ~~General~~  
 491 ~~Educational Development test prior to release from the program~~  
 492 ~~facility.~~ The Department of Education shall assist juvenile  
 493 justice education programs with becoming high school equivalency

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494 ~~examination centers~~ District school boards or Florida College  
 495 ~~System institutions, or both, shall waive CED testing fees for~~  
 496 ~~youth in Department of Juvenile Justice residential programs and~~  
 497 ~~shall, upon request, designate schools operating for the purpose~~  
 498 ~~of providing educational services to youth in Department of~~  
 499 ~~Juvenile Justice programs as CED testing centers, subject to CED~~  
 500 ~~testing center requirements. The administrative fees for the~~  
 501 ~~General Educational Development test required by the Department~~  
 502 ~~of Education are the responsibility of district school boards~~  
 503 ~~and may be required of providers by contractual agreement.~~

504 (b) Respond to a request for student education records  
 505 received from another district school board or a juvenile  
 506 justice education program within 5 working days after receiving  
 507 the request.

508 (c) Provide access to courses offered pursuant to ss.  
 509 1002.37, 1002.45, and 1003.498. School districts and providers  
 510 may enter into cooperative agreements for the provision of  
 511 curriculum associated with courses offered pursuant to s.  
 512 1003.498 to enable providers to offer such courses.

513 (d) Complete the assessment process required under  
 514 subsection (2).

515 (e) Monitor compliance with contracts for education  
 516 programs for students in juvenile justice prevention, day  
 517 treatment, residential, and detention programs.

518 (5) The Department of Education shall establish and  
 519 operate, ~~either~~ directly or indirectly through a contract, a  
 520 mechanism to provide accountability measures that annually  
 521 assess and evaluate all juvenile justice education programs  
 522 using student performance data and program performance ratings

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523 ~~by type of program quality assurance reviews of all juvenile~~  
 524 ~~justice education programs~~ and shall provide technical  
 525 assistance and related research to district school boards and  
 526 ~~juvenile justice education providers on how to establish,~~  
 527 ~~develop, and operate educational programs that exceed the~~  
 528 ~~minimum quality assurance standards.~~ The Department of  
 529 Education, in consultation with the Department of Juvenile  
 530 Justice, school districts, and education providers, shall  
 531 develop annual recommendations for system and school  
 532 improvement.

533 Section 5. Section 1003.52, Florida Statutes, is amended to  
 534 read:

535 1003.52 Educational services in Department of Juvenile  
 536 Justice education programs.—

537 (1) ~~The Legislature finds that education is the single most~~  
 538 ~~important factor in the rehabilitation of adjudicated delinquent~~  
 539 ~~youth in the custody of Department of Juvenile Justice programs.~~  
 540 ~~It is the goal of the Legislature that youth in the juvenile~~  
 541 ~~justice system continue to be allowed the opportunity to obtain~~  
 542 ~~a high quality education.~~ The Department of Education shall  
 543 serve as the lead agency for juvenile justice education  
 544 programs, curriculum, support services, and resources. To this  
 545 end, the Department of Education and the Department of Juvenile  
 546 Justice shall each designate a Coordinator for Juvenile Justice  
 547 Education Programs to serve as the point of contact for  
 548 resolving issues not addressed by district school boards and to  
 549 provide each department's participation in the following  
 550 activities:

551 (a) Training, collaborating, and coordinating with ~~the~~

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552 ~~Department of Juvenile Justice,~~ district school boards, regional  
 553 workforce boards, local youth councils, educational contract  
 554 providers, and juvenile justice providers, whether state  
 555 operated or contracted.

556 (b) Collecting information on the academic, career  
 557 education, and transition performance of students in juvenile  
 558 justice education programs and reporting on the results.

559 (c) Developing academic and career education protocols that  
 560 provide guidance to district school boards and juvenile justice  
 561 education providers in all aspects of education programming,  
 562 including records transfer and transition.

563 (d) Implementing a joint accountability, program  
 564 performance, and program improvement process ~~Prescribing the~~  
 565 ~~roles of program personnel and interdepartmental district school~~  
 566 ~~board or provider collaboration strategies.~~

567 Annually, a cooperative agreement and plan for juvenile justice  
 568 education service enhancement shall be developed between the  
 569 Department of Juvenile Justice and the Department of Education  
 570 and submitted to the Secretary of Juvenile Justice and the  
 571 Commissioner of Education by June 30. The plan must include, at  
 572 a minimum, each agency's role regarding educational program  
 573 accountability, technical assistance, training, and coordination  
 574 of services.

575 (2) Students participating in Department of Juvenile  
 576 Justice education programs pursuant to chapter 985 which are  
 577 sponsored by a community-based agency or are operated or  
 578 contracted for by the Department of Juvenile Justice shall  
 579 receive education ~~educational~~ programs according to rules of the  
 580

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581 State Board of Education. These students shall be eligible for  
582 services afforded to students enrolled in programs pursuant to  
583 s. 1003.53 and all corresponding State Board of Education rules.

584 (3) The district school board of the county in which the  
585 juvenile justice prevention, day treatment, residential, or  
586 detention program residential or nonresidential care facility or  
587 juvenile assessment facility is located shall provide or  
588 contract for appropriate educational assessments and an  
589 appropriate program of instruction and special education  
590 services.

591 (a) The district school board shall make provisions for  
592 each student to participate in basic, career education, and  
593 exceptional student programs as appropriate. Students served in  
594 Department of Juvenile Justice education programs shall have  
595 access to the appropriate courses and instruction to prepare  
596 them for the high school equivalency examination GED test.  
597 Students participating in high school equivalency examination  
598 GED preparation programs shall be funded at the basic program  
599 cost factor for Department of Juvenile Justice education  
600 programs in the Florida Education Finance Program. Each program  
601 shall be conducted according to applicable law providing for the  
602 operation of public schools and rules of the State Board of  
603 Education. School districts shall provide the high school  
604 equivalency examination GED exit option for all juvenile justice  
605 education programs.

606 (b) ~~By October 1, 2004,~~ The Department of Education, with  
607 the assistance of the school districts and juvenile justice  
608 education providers, shall select a common student assessment  
609 instrument and protocol for measuring student learning gains and

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610 student progression while a student is in a juvenile justice  
611 education program. The Department of Education and the  
612 Department of Juvenile Justice shall jointly review the  
613 effectiveness of this assessment and implement changes as  
614 necessary ~~The assessment instrument and protocol must be~~  
615 ~~implemented in all juvenile justice education programs in this~~  
616 ~~state by January 1, 2005.~~

617 (4) Educational services shall be provided at times of the  
618 day most appropriate for the juvenile justice program. School  
619 programming in juvenile justice detention, prevention, day  
620 treatment, and residential commitment, and rehabilitation  
621 programs shall be made available by the local school district  
622 during the juvenile justice school year, as provided defined in  
623 s. 1003.01(11). In addition, students in juvenile justice  
624 education programs shall have access to courses offered pursuant  
625 to ss. 1002.37, 1002.45, and 1003.498 Florida Virtual School  
626 courses. The Department of Education and the school districts  
627 shall adopt policies necessary to provide ensure such access.

628 (5) The educational program must provide instruction based  
629 on each student's individualized transition plan, each student's  
630 assessed educational needs, and the education programs available  
631 in the school district to which the student will return.  
632 Depending on the student's needs, educational programming may  
633 consist of remedial courses, shall consist of appropriate basic  
634 academic courses required for grade advancement, career  
635 education courses, high school equivalency examination  
636 preparation, or exceptional student education curricula and  
637 related services that which support the transition treatment  
638 goals and reentry and that which may lead to completion of the



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639 requirements for receipt of a high school diploma or its  
 640 equivalent. Prevention and day treatment juvenile justice  
 641 education programs must provide, at a minimum, career readiness  
 642 and exploration opportunities as well as truancy and dropout  
 643 prevention intervention services. Juvenile justice education  
 644 programs in residential juvenile justice programs with a  
 645 contracted minimum length of stay of 9 months must provide  
 646 career education courses that lead to preapprentice  
 647 certifications, industry certifications, occupational completion  
 648 points, or work-related certifications. Residential programs  
 649 with a contracted length of stay of less than 9 months may  
 650 provide career education courses that lead to preapprentice  
 651 certifications, industry certifications, occupational completion  
 652 points, or work-related certifications. If the duration of a  
 653 program is less than 40 days, the educational component may be  
 654 limited to tutorial remediation activities, and career  
 655 employability skills instruction, education counseling, and  
 656 transition services that prepare students for a return to  
 657 school, the community, and their home settings, based on the  
 658 students' needs.

659 (6) Participation in the program by students of compulsory  
 660 school-attendance age as provided for in s. 1003.21 ~~is shall be~~  
 661 mandatory. All students of noncompulsory school-attendance age  
 662 who have not received a high school diploma or its equivalent  
 663 shall participate in the educational program, unless the student  
 664 files a formal declaration of his or her intent to terminate  
 665 school enrollment as described in s. 1003.21 and is afforded the  
 666 opportunity to take the high school equivalency examination  
 667 ~~general educational development test~~ and attain a Florida high

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668 school diploma ~~before~~ prior to release from a juvenile justice  
 669 program facility. A student ~~youth~~ who has received a high school  
 670 diploma or its equivalent and is not employed shall participate  
 671 in workforce development or other career ~~or technical~~ education  
 672 or Florida College System institution or university courses  
 673 while in the program, subject to available funding.

674 (7) An individualized A progress monitoring plan shall be  
 675 developed for all students not classified as exceptional  
 676 education students upon entry in a juvenile justice education  
 677 program and upon reentry in the school district ~~who score below~~  
 678 ~~the level specified in district school board policy in reading,~~  
 679 ~~writing, and mathematics or below the level specified by the~~  
 680 ~~Commissioner of Education on statewide assessments as required~~  
 681 ~~by s. 1008.25. These plans must shall~~ address academic,  
 682 literacy, and career and technical life skills and must shall  
 683 include provisions for intensive remedial instruction in the  
 684 areas of weakness.

685 (8) Each district school board shall maintain an academic  
 686 record for each student enrolled in a juvenile justice education  
 687 program facility as prescribed ~~in~~ by s. 1003.51. Such record  
 688 ~~must shall~~ delineate each course completed by the student  
 689 according to procedures in the State Course Code Directory. The  
 690 district school board shall include a copy of a student's  
 691 academic record in the discharge packet when the student exits  
 692 the program facility.

693 (9) ~~Each~~ ~~The Department of Education shall ensure that all~~  
 694 district school board shall boards make provisions for high  
 695 school level students youth to earn credits toward high school  
 696 graduation while in residential and nonresidential juvenile

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697 justice education programs facilities. Provisions must be made  
 698 for the transfer of credits and partial credits earned.

699 (10) School districts and juvenile justice education  
 700 providers shall develop individualized transition plans during  
 701 the course of a student's enrollment in a juvenile justice  
 702 education program to coordinate academic, career and technical,  
 703 and secondary and postsecondary services that assist the student  
 704 in successful reintegration into the community upon release.  
 705 Development of the transition plan must be a collaboration of  
 706 the personnel in the juvenile justice education program, the  
 707 reentry personnel, the personnel from the school district to  
 708 which the student will return, the student, the student's  
 709 family, and the personnel of the Department of Juvenile Justice  
 710 for those students who are committed to a facility of the  
 711 Department of Juvenile Justice.

712 (a) Transition planning must begin upon a student's  
 713 placement in the program. The transition plan must include, at a  
 714 minimum:

715 1. Services and interventions that address the student's  
 716 assessed educational needs and postrelease education plans.

717 2. Services to be provided during the program stay and  
 718 services to be provided upon release, including, but not limited  
 719 to, continuing education in secondary school, career and  
 720 technical programs, postsecondary education, or employment,  
 721 based on the student's needs.

722 3. Specific monitoring responsibilities to determine  
 723 whether the individualized transition plan is being implemented  
 724 and whether the student is provided access to support services  
 725 by individuals who are responsible for the student's

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726 reintegration into the community and for the coordination of  
 727 activities that will sustain the student's success.

728 (b) For the purpose of transition planning and reentry  
 729 services, representatives from the one-stop career center and  
 730 the school district to which the student will return shall  
 731 participate as members of the local Department of Juvenile  
 732 Justice reentry team. The school district, upon a student's  
 733 return from a juvenile justice program, shall consider the  
 734 individual needs and circumstances of the student and the  
 735 transition plan recommendations when reenrolling a student in a  
 736 public school. A local school district may not maintain a  
 737 standardized policy for all students returning from a juvenile  
 738 justice program but shall place a student based on the student's  
 739 needs and performance in the juvenile justice education program.

740 (c) The Department of Education and the Department of  
 741 Juvenile Justice shall provide oversight and guidance to school  
 742 districts, education providers, and reentry personnel on the  
 743 implementation of effective educational transition planning and  
 744 services.

745 (11)-(10) The district school board shall recruit and train  
 746 teachers who are interested, qualified, or experienced in  
 747 educating students in juvenile justice education programs.  
 748 Students in juvenile justice education programs shall be  
 749 provided a wide range of education educational programs and  
 750 opportunities including textbooks, technology, instructional  
 751 support, and ~~other~~ resources commensurate with resources  
 752 ~~provided available~~ to students in public schools. If the  
 753 district school board operates a juvenile justice education  
 754 program at a juvenile justice facility, the district school

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755 board, in consultation with the director of the juvenile justice  
 756 facility, shall select the instructional personnel assigned to  
 757 that program. The Secretary of Juvenile Justice or the director  
 758 of a juvenile justice facility may request that the performance  
 759 of a teacher assigned by the district to a juvenile justice  
 760 education program be reviewed by the district and that the  
 761 teacher be reassigned based upon an evaluation conducted  
 762 pursuant to s. 1012.34 or for inappropriate behavior Teachers  
 763 assigned to educational programs in juvenile justice settings in  
 764 which the district school board operates the educational program  
 765 shall be selected by the district school board in consultation  
 766 with the director of the juvenile justice facility. Educational  
 767 programs in Juvenile justice education programs must facilities  
 768 shall have access to the substitute teacher pool used ~~utilized~~  
 769 by the district school board.

770 (12)(11) District school boards may contract with a private  
 771 provider for the provision of education ~~educational~~ programs to  
 772 students ~~youths~~ placed with the Department of Juvenile Justice  
 773 and shall generate local, state, and federal funding, including  
 774 funding through the Florida Education Finance Program for such  
 775 students. The district school board's planning and budgeting  
 776 process ~~must shall~~ include the needs of Department of Juvenile  
 777 Justice education programs in the district school board's plan  
 778 for expenditures for state categorical and federal funds.

779 (13)(12) (a) Funding for eligible students enrolled in  
 780 juvenile justice education programs shall be provided through  
 781 the Florida Education Finance Program as provided in s. 1011.62  
 782 and the General Appropriations Act. Funding ~~must shall~~ include,  
 783 at a minimum:

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784 1. Weighted program funding or the basic amount for current  
 785 operation multiplied by the district cost differential as  
 786 provided in s. 1011.62(1)(s) and (2);  
 787 2. The supplemental allocation for juvenile justice  
 788 education as provided in s. 1011.62(10);  
 789 3. A proportionate share of the district's exceptional  
 790 student education guaranteed allocation, the supplemental  
 791 academic instruction allocation, and the instructional materials  
 792 allocation;  
 793 4. An amount equivalent to the proportionate share of the  
 794 state average potential discretionary local effort for  
 795 operations, which shall be determined as follows:  
 796 a. If the district levies the maximum discretionary local  
 797 effort and the district's discretionary local effort per FTE is  
 798 less than the state average potential discretionary local effort  
 799 per FTE, the proportionate share ~~must shall~~ include both the  
 800 discretionary local effort and the compression supplement per  
 801 FTE. If the district's discretionary local effort per FTE is  
 802 greater than the state average per FTE, the proportionate share  
 803 ~~must shall~~ be equal to the state average; or  
 804 b. If the district does not levy the maximum discretionary  
 805 local effort and the district's actual discretionary local  
 806 effort per FTE is less than the state average potential  
 807 discretionary local effort per FTE, the proportionate share ~~must~~  
 808 ~~shall~~ be equal to the district's actual discretionary local  
 809 effort per FTE. If the district's actual discretionary local  
 810 effort per FTE is greater than the state average per FTE, the  
 811 proportionate share ~~must shall~~ be equal to the state average  
 812 potential local effort per FTE; and

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813 5. A proportionate share of the district's proration to  
 814 funds available, if necessary.

815 (b) Juvenile justice education ~~educational~~ programs to  
 816 receive the appropriate FEFP funding for Department of Juvenile  
 817 Justice education programs must ~~shall~~ include those operated  
 818 through a contract with the Department of Juvenile Justice ~~and~~  
 819 ~~which are under purview of the Department of Juvenile Justice~~  
 820 ~~quality assurance standards for education.~~

821 (c) Consistent with the rules of the State Board of  
 822 Education, district school boards shall ~~are required to~~ request  
 823 an alternative FTE survey for Department of Juvenile Justice  
 824 education programs experiencing fluctuations in student  
 825 enrollment.

826 (d) FTE count periods shall be prescribed in rules of the  
 827 State Board of Education and must ~~shall~~ be the same for programs  
 828 of the Department of Juvenile Justice as for other public school  
 829 programs. The summer school period for students in Department of  
 830 Juvenile Justice education programs must ~~shall~~ begin on the day  
 831 immediately following the end of the regular school year and end  
 832 on the day immediately preceding the subsequent regular school  
 833 year. Students shall be funded for no more than 25 hours per  
 834 week of direct instruction.

835 (e) Each juvenile justice education program must receive  
 836 all federal funds for which the program is eligible.

837 ~~(14)(13)~~ Each district school board shall negotiate a  
 838 cooperative agreement with the Department of Juvenile Justice on  
 839 the delivery of educational services to students ~~youths~~ under  
 840 the jurisdiction of the Department of Juvenile Justice. Such  
 841 agreement must include, but is not limited to:

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842 (a) Roles and responsibilities of each agency, including  
 843 the roles and responsibilities of contract providers.

844 (b) Administrative issues including procedures for sharing  
 845 information.

846 (c) Allocation of resources including maximization of  
 847 local, state, and federal funding.

848 (d) Procedures for educational evaluation for educational  
 849 exceptionalities and special needs.

850 (e) Curriculum and delivery of instruction.

851 (f) Classroom management procedures and attendance  
 852 policies.

853 (g) Procedures for provision of qualified instructional  
 854 personnel, whether supplied by the district school board or  
 855 provided under contract by the provider, and for performance of  
 856 duties while in a juvenile justice setting.

857 (h) Provisions for improving skills in teaching and working  
 858 with students referred to juvenile justice education programs  
 859 ~~delinquents.~~

860 (i) Transition plans for students moving into and out of  
 861 juvenile justice education programs ~~facilities.~~

862 (j) Procedures and timelines for the timely documentation  
 863 of credits earned and transfer of student records.

864 (k) Methods and procedures for dispute resolution.

865 (l) Provisions for ensuring the safety of education  
 866 personnel and support for the agreed-upon education program.

867 (m) Strategies for correcting any deficiencies found  
 868 through the accountability and evaluation system and student  
 869 performance standards ~~quality assurance process.~~

870 ~~(15)(14)~~ ~~Nothing in~~ This section or ~~in~~ a cooperative

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871 agreement ~~does not shall be construed to~~ require the district  
872 school board to provide more services than can be supported by  
873 the funds generated by students in the juvenile justice  
874 education programs.

875 ~~(16) (15) (a)~~ The Department of Education, in consultation  
876 with the Department of Juvenile Justice, district school boards,  
877 and providers, shall adopt rules establishing: ~~establish~~

878 (a) Objective and measurable student performance standards  
879 to evaluate a student's educational progress while participating  
880 in a prevention, day treatment, or residential program. The  
881 student performance standards must be based on appropriate  
882 outcomes for all students in juvenile justice education  
883 programs, taking into consideration a student's length of stay  
884 in the program. Performance standards must include outcomes that  
885 relate to student achievement of career education goals,  
886 acquisition of employability skills, receipt of a high school  
887 diploma or its equivalent, and grade advancement.

888 (b) A performance rating system to be used by the  
889 Department of Education to evaluate quality assurance standards  
890 for the delivery of educational services within each juvenile  
891 justice program. The performance rating must be primarily based  
892 on data regarding student performance as described in paragraph  
893 (a) component of residential and nonresidential juvenile justice  
894 facilities.

895 (c) The timeframes, procedures, and resources to be used to  
896 improve a low-performing education program or to terminate or  
897 reassign the education program. These standards shall rate the  
898 district school board's performance both as a provider and  
899 contractor. The quality assurance rating for the educational

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900 component shall be disaggregated from the overall quality  
901 assurance score and reported separately.

902 ~~(d) (b)~~ The Department of Education shall develop A  
903 comprehensive accountability and program improvement quality  
904 ~~assurance review~~ process. The accountability and program  
905 improvement process must be based on student performance  
906 measures by type of program and must rate education program  
907 performance. The accountability system must identify and  
908 recognize high-performing education programs. The Department of  
909 Education, in partnership with the Department of Juvenile  
910 Justice, shall identify low-performing education programs. Low-  
911 performing education programs must receive an onsite program  
912 evaluation from the Department of Juvenile Justice. School  
913 improvement, technical assistance, or the reassignment of the  
914 program shall be based, in part, on the results of the program  
915 evaluation. Low-performing education programs must demonstrate  
916 improvement through a corrective action process or be reassigned  
917 and schedule for the evaluation of the educational component in  
918 juvenile justice programs. The Department of Juvenile Justice  
919 quality assurance site visit and the education quality assurance  
920 site visit shall be conducted during the same visit.

921 ~~(e)~~ The Department of Education, in consultation with  
922 district school boards and providers, shall establish minimum  
923 thresholds for the standards and key indicators for educational  
924 programs in juvenile justice facilities. ~~If a district school~~  
925 ~~board fails to meet the established minimum standards, it will~~  
926 ~~be given 6 months to achieve compliance with the standards. If~~  
927 ~~after 6 months, the district school board's performance is still~~  
928 ~~below minimum standards, the Department of Education shall~~

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929 ~~exercise sanctions as prescribed by rules adopted by the State~~  
 930 ~~Board of Education. If a provider, under contract with the~~  
 931 ~~district school board, fails to meet minimum standards, such~~  
 932 ~~failure shall cause the district school board to cancel the~~  
 933 ~~provider's contract unless the provider achieves compliance~~  
 934 ~~within 6 months or unless there are documented extenuating~~  
 935 ~~circumstances.~~

936 ~~(d) The requirements in paragraphs (a), (b), and (c) shall~~  
 937 ~~be implemented to the extent that funds are available.~~

938 (17) The Department of Education, in collaboration with the  
 939 Department of Juvenile Justice, shall monitor and report on the  
 940 educational performance of students in commitment, day  
 941 treatment, prevention, and detention programs. The report by the  
 942 Department of Education must include, at a minimum, the number  
 943 and percentage of students who:

944 (a) Return to an alternative school, middle school, or high  
 945 school upon release and the attendance rate of such students  
 946 before and after participation in juvenile justice education  
 947 programs.

948 (b) Receive a standard high school diploma or a high school  
 949 equivalency diploma.

950 (c) Receive industry certification.

951 (d) Receive occupational completion points.

952 (e) Enroll in a postsecondary educational institution.

953 (f) Complete a juvenile justice education program without  
 954 reoffending.

955 (g) Reoffend within 1 year after completion of a day  
 956 treatment or residential commitment program.

957 (h) Remain employed 1 year after completion of a day

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958 treatment or residential commitment program.

959

960 The results of this report shall be included in the report  
 961 required under s. 985.632.

962 ~~(18)(16)~~ The district school board ~~may shall~~ not be charged  
 963 any rent, maintenance, utilities, or overhead on such  
 964 facilities. Maintenance, repairs, and remodeling of existing  
 965 facilities shall be provided by the Department of Juvenile  
 966 Justice.

967 ~~(19)(17)~~ When additional facilities are required, the  
 968 district school board and the Department of Juvenile Justice  
 969 shall agree on the appropriate site based on the instructional  
 970 needs of the students. When the most appropriate site for  
 971 instruction is on district school board property, a special  
 972 capital outlay request shall be made by the commissioner in  
 973 accordance with s. 1013.60. When the most appropriate site is on  
 974 state property, state capital outlay funds shall be requested by  
 975 the Department of Juvenile Justice provided by s. 216.043 and  
 976 shall be submitted as specified by s. 216.023. Any instructional  
 977 facility to be built on state property ~~must shall~~ have  
 978 educational specifications jointly developed by the district  
 979 school board and the Department of Juvenile Justice and approved  
 980 by the Department of Education. The size of space and occupant  
 981 design capacity criteria as provided by State Board of Education  
 982 rules shall be used for remodeling or new construction whether  
 983 facilities are provided on state property or district school  
 984 board property.

985 ~~(20)(18)~~ The parent of an exceptional student shall have  
 986 the due process rights provided for in this chapter.

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987 ~~(21)(19)~~ The Department of Education and the Department of  
 988 Juvenile Justice, after consultation with and assistance from  
 989 local providers and district school boards, shall collect data  
 990 ~~report annually to the Legislature by February 1~~ on the progress  
 991 toward developing effective education ~~educational~~ programs for  
 992 juvenile delinquents, including the amount of funding provided  
 993 by district school boards to juvenile justice education  
 994 ~~programs;~~ the amount of of funding retained for administration,  
 995 including documenting the purposes for such expenses;~~;~~ the  
 996 status of the development of cooperative agreements; juvenile  
 997 justice education program results, including the identification  
 998 of high-performing and low-performing education programs and  
 999 aggregate student performance results; the ~~results of the~~  
 1000 ~~quality assurance reviews including~~ recommendations for system  
 1001 improvement;~~;~~ and the information on the identification of, and  
 1002 services provided to, exceptional students in juvenile justice  
 1003 education programs ~~commitment facilities~~ to determine whether  
 1004 these students are properly reported for funding and are  
 1005 appropriately served.

1006 ~~(22)(20)~~ The education program ~~educational programs~~ at the  
 1007 ~~Arthur Dozier School for Boys in Jackson County and the Florida~~  
 1008 ~~School for Boys in Okeechobee~~ shall be operated by the  
 1009 Department of Education, ~~either~~ directly or through grants or  
 1010 contractual agreements with other public or duly accredited  
 1011 education agencies approved by the Department of Education.

1012 ~~(23)(21)~~ The State Board of Education shall ~~may~~ adopt ~~any~~  
 1013 rules necessary to implement ~~the provisions of~~ this section,  
 1014 ~~including uniform curriculum, funding, and second chance~~  
 1015 ~~schools~~. Such rules must require the minimum amount of paperwork

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1016 and reporting.

1017 ~~(24)(22)~~ The Department of Juvenile Justice and the  
 1018 Department of Education, in consultation with Workforce Florida,  
 1019 Inc., the statewide Workforce Development Youth Council,  
 1020 district school boards, Florida College System institutions,  
 1021 providers, and others, shall jointly develop a multiagency plan  
 1022 for career education which describes the funding, curriculum,  
 1023 transfer of credits, goals, and outcome measures for career  
 1024 education programming in juvenile commitment facilities,  
 1025 pursuant to s. 985.622. The plan must be reviewed annually.

1026 Section 6. Paragraph (b) of subsection (18) of section  
 1027 1001.42, Florida Statutes, is amended to read:

1028 1001.42 Powers and duties of district school board.—The  
 1029 district school board, acting as a board, shall exercise all  
 1030 powers and perform all duties listed below:

1031 (18) IMPLEMENT SCHOOL IMPROVEMENT AND ACCOUNTABILITY.—  
 1032 Maintain a state system of school improvement and education  
 1033 accountability as provided by statute and State Board of  
 1034 Education rule. This system of school improvement and education  
 1035 accountability shall be consistent with, and implemented  
 1036 through, the district's continuing system of planning and  
 1037 budgeting required by this section and ss. 1008.385, 1010.01,  
 1038 and 1011.01. This system of school improvement and education  
 1039 accountability shall comply with the provisions of ss. 1008.33,  
 1040 1008.34, 1008.345, and 1008.385 and include the following:

1041 (b) *Public disclosure*.—The district school board shall  
 1042 provide information regarding the performance of students and  
 1043 educational programs as required pursuant to ss. 1008.22 and  
 1044 1008.385 and implement a system of school reports as required by

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1045 statute and State Board of Education rule which ~~must shall~~  
1046 include schools operating for the purpose of providing  
1047 educational services to ~~students youth~~ in Department of Juvenile  
1048 Justice ~~education~~ programs, and, for those schools, report on  
1049 the elements specified in ~~s. 1003.52(21) o. 1003.52(19)~~. Annual  
1050 public disclosure reports ~~must shall~~ be in an easy-to-read  
1051 report card format and ~~must shall~~ include the school's grade,  
1052 high school graduation rate calculated without high school  
1053 equivalency examinations ~~GED tests~~, disaggregated by student  
1054 ethnicity, and performance data as specified in state board  
1055 rule.

1056 Section 7. The Division of Law Revision and Information is  
1057 directed to prepare a reviser's bill for introduction at the  
1058 next regular session of the Legislature to change the terms  
1059 "General Educational Development test" or "GED test" to "high  
1060 school equivalency examination" and change the terms "general  
1061 education diploma," "graduate equivalency diploma," or "GED" to  
1062 "high school equivalency diploma" wherever those terms appear in  
1063 the Florida Statutes.

1064 Section 8. This act shall take effect July 1, 2014.



THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/11/2014

Meeting Date

Topic Juvenile Justice Education

Bill Number SB 598

Name Cathy Craig-Myers

(if applicable)

Job Title Executive Director

Amendment Barcode

(if applicable)

Address 3333 W Pensacola St

Phone 850 671 3842

Street

Tallahassee

State

FL

City

32309

Zip

E-mail Cathy@fjja.org

Speaking:  For  Against  Information

Representing Florida Juvenile Justice Association

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/11/14 Meeting Date

Topic SS Education Bill Number 598 (if applicable)
Name Samantha Sexton Amendment Barcode (if applicable)

Job Title Assoc. Dir. of Government Affairs Phone 904-383-9403

Address One West Adams St. #301 Jacksonville FL 32202 E-mail samantha.sexton@pacecenter.org

Speaking: [X] For [ ] Against [ ] Information
Representing PACE Center for Girls

Appearing at request of Chair: [ ] Yes [X] No Lobbyist registered with Legislature: [ ] Yes [X] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting. S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

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3/11/14

Meeting Date

Topic SB 598 Bill Number SB 598 (if applicable)

Name Jon Menendez Amendment Barcode \_\_\_\_\_ (if applicable)

Job Title Legislative Affairs Director

Address 2723 Centerville Dr Phone 772-27716

7CH FL 32399  
Street City State Zip

E-mail \_\_\_\_\_

Speaking:  For  Against  Information

Representing Dept. of Juvenile Justice

Appearing at request of Chair:  Yes  No Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE

APPEARANCE RECORD

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3/11/14

Meeting Date

Topic Voc. ED BILL (DJJ) Bill Number SR 598 (if applicable)

Name CHRISTIAN CABALLERO Amendment Barcode (if applicable)

Job Title PUBLIC AFFAIRS DIR

Address 106 E. COLLEGE AVE Phone 766-3302

TALL CITY State FL 32301 E-mail CCABALLERO@foloy.com

Speaking: For Against Information

Representing Juv. Justice Assn.

Appearing at request of Chair: Yes No Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

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

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Prepared By: The Professional Staff of the Committee on Education

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BILL: SB 864

INTRODUCER: Senators Hays and Benacquisto

SUBJECT: Instructional Materials for K-12 Public Education

DATE: March 10, 2014

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hand	Klebacha	ED	<b>Favorable</b>
2.			GO	

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## I. Summary:

SB 864 maximizes local control by eliminating the state-level instructional materials review, selection and adoption process, and identifying parameters for district school boards to satisfy their constitutional duty and responsibility to select and provide adequate instructional materials for K-12 public school students.

The bill imports strengths from the existing state-level review process, and creates additional transparency and accountability provisions for district school board adoption of instructional materials, including the ability for public review and comment.

The bill has an effective date of July 1, 2014.

## II. Present Situation:

### Local School District Responsibility For Instructional Materials

Decisions regarding instructional materials are the duty of the school district.<sup>1</sup> For example:

- The district school board has the duty to provide adequate instructional materials for all students in accordance with law.<sup>2</sup>
- The district school superintendent has the duty to recommend plans for improving, providing, distributing, accounting for, and caring for instructional materials.<sup>3</sup>

---

<sup>1</sup> Section 1006.28, F.S.

<sup>2</sup> Section 1006.28(1), F.S.; The term “adequate instructional materials” means “a sufficient number of student or site licenses or sets of materials that are available in bound, unbound, kit, or package form and may consist of hardbacked or softbacked textbooks, electronic content, consumables, learning laboratories, manipulatives, electronic media, and computer courseware or software that serve as the basis for instruction for each student in the core courses of mathematics, language arts, social studies, science, reading, and literature.” *Id.*

<sup>3</sup> Section 1006.28(2)(a), F.S.

- The school principal has the duty for management and care of instructional materials, including the proper use of instructional materials.<sup>4</sup>

### State-Level Instructional Materials Adoption Process

The Legislature has historically tasked the Department of Education with conducting a state-level review,<sup>5</sup> selection<sup>6</sup> and adoption<sup>7</sup> process for certain instructional materials<sup>8</sup> to provide school districts with a vetted list for selecting instructional materials.

An overview of the state-level instructional materials adoption process is that:

- The Commissioner of Education must annually determine the areas in which instructional materials, and the number of titles in each area, that will be submitted for adoption.<sup>9</sup>
- The Commissioner must appoint experts in the content areas submitted for adoption, and classroom teachers or district-level content supervisors to review the instructional materials and evaluate the content for alignment with the applicable Florida academics standards.<sup>10</sup>
- The Department shall advertise that it will accept sealed bids from publishers or manufacturers for the furnishing of instructional materials proposed to be adopted.<sup>11</sup>
- The State Board of Education must prescribe the procedures by which the Department of Education will evaluate instructional materials submitted by publishers and manufacturers in each adoption.<sup>12</sup>
- The Department of Education will contract with bidders that are awarded the adoption of any instructional materials.<sup>13</sup>

<sup>4</sup> Section 1006.28(3), F.S.

<sup>5</sup> Section 1006.29, F.S.

<sup>6</sup> Section 1006.34, F.S.

<sup>7</sup> Section 1006.34, F.S.

<sup>8</sup> Section 1006.29(2), F.S.; The term “instructional materials” means “items having intellectual content that by design serve as a major tool for assisting in the instruction of a subject or course. These items may be available in a bound, unbound, or kit, or package form and may consist of hardbacked or softbacked textbooks, electronic content, consumables, learning laboratories, manipulatives, electronic media, and computer courseware or software.” *Id.* “Major tool” is defined by the State Board of Education as material that provides instructional content and student learning activities for each of the: Florida academic standards benchmarks that are in the course descriptions for reading, language arts, literature, math, science, social studies, physical education, health, world languages, visual arts and performing arts; intended outcomes or student performance standards of the Career and Technical Educational Curriculum Frameworks; and course objectives as outlined by the appropriate organizations for Advanced Placement, International Baccalaureate, and Advanced International Certificate of Education. Rule 6A-7.0710(1), F.A.C., incorporating by reference the document titled “Policies and Procedures for the Florida Instructional Materials Adoption 2011,” available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-00244>

<sup>9</sup> Section 1006.29, F.S. The term of adoption of instructional materials is for a 5-year period. Section 1006.36(1), F.S. The Department of Education must annually publish an official schedule of subject areas to be called for adoption for each of the succeeding 2 years, and a tentative schedule for years 3, 4, and 5. Section 1006.36(2), F.S. The schedule is developed to promote balance among the subject areas so that the required expenditure for new instructional materials is approximately the same each year in order to maintain curricular consistency. Section 1006.36(2), F.S.

<sup>10</sup> Section 1006.29(1)(b), F.S. These reviewers are required to go through training, sign an affidavit, and comply with numerous procedures and evaluation requirements. *See* ss. 1006.29(5); 1006.30; 1006.31; and 1006.32, F.S.

<sup>11</sup> Section 1006.33(1)(a), F.S. This procurement process is detailed. *See* ss. 1006.32; 1006.33; and 1006.34, F.S. A refundable cash deposit is required. *See* ss. 1006.34(2)(a); 1006.34(5), F.S.

<sup>12</sup> Section 1006.34(1), F.S.

<sup>13</sup> Section 1006.34(3), F.S. Any publisher or manufacturer to whom a contract is let must give a bond in the amount as required by the Department. *Id.*

- The Commissioner may conduct an independent investigation to determine the accuracy of state-adopted instructional materials, and may remove instructional materials from the list of state-adopted materials if the content is in error and the publisher refuses to correct the error.<sup>14</sup>

Upon request for public inspection, sample copies of all instructional materials that are under Department of Education contract are made available by the publisher to the department and district school superintendent of each district school board that adopts the instructional materials from the state list.<sup>15</sup>

### ***Instructional Materials Reviewers***

Reviewers must evaluate all materials submitted by publishers in each adoption to consider to what extent the materials:

- Align with the applicable performance standards and developed criteria.<sup>16</sup>
- Reflect appropriate diversity and ensure that materials do not reflect unfairly upon race, color, creed, national origin, ancestry, gender, or occupation.<sup>17</sup>
- Include the Constitution and the Declaration of Independence in appropriate social studies content areas.<sup>18</sup>
- Meet appropriate factors,<sup>19</sup> such as:
  - The age of the student who normally could be expected to have access to the material.
  - The educational purpose served by the material.
  - The degree to which the material would be supplemented and explained by mature classroom instruction as part of a normal classroom instructional program.
  - The degree to which the material represents the broad racial, ethnic, socioeconomic, and cultural diversity of students in the state.
  - The absence of pornography or other material that is otherwise harmful to minors.

### **Instructional Materials Publishers**

Publishers of instructional materials must, in part:

- Submit detailed specifications of the physical characteristics of the instructional materials.<sup>20</sup>
- Provide evidence that the materials address performance standards.<sup>21</sup>
- Furnish the instructional materials at a price which matches the lowest price offered anywhere else in the United States.<sup>22</sup>
- Guarantee that any instructional materials sold in Florida will be equal in quality to the instructional materials sold elsewhere in the United States and will be kept up-to-date.<sup>23</sup>

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<sup>14</sup> Section 1006.35, F.S.

<sup>15</sup> Section 1006.33(4), F.S.

<sup>16</sup> Section 1006.31(2), F.S.

<sup>17</sup> Section 1006.31(2)(d), F.S.

<sup>18</sup> Section 1006.31(2)(d), F.S.

<sup>19</sup> Section 1006.34(2)(b), F.S.

<sup>20</sup> Section 1006.38(3)(a), F.S.

<sup>21</sup> Section 1006.38(3)(b), F.S.

<sup>22</sup> Sections 1006.38(5)-(7), F.S.

<sup>23</sup> Section 1006.38(8), F.S.

- Maintain or contract with a depository in the state and keep an inventory sufficient to fill and receive orders.<sup>24</sup>

Publishers and manufacturers of instructional materials are required, for core subject areas, to maintain in the depository:

- For the first 3 years of the contract, an inventory of instructional materials sufficient to receive and fill orders.<sup>25</sup>
- After the 3<sup>rd</sup> contract year, an inventory sufficient to receive and fill orders for replacements.<sup>26</sup>
- Ensure the availability of an inventory sufficient to receive and fill orders for growth, including the opening of a new school.<sup>27</sup>

### **School District Purchase of Instructional Materials**

Each district must purchase current adopted instructional materials to provide each student with a major tool of instruction in core courses of the subject areas of mathematics, language arts, science, social studies, reading, and literature for kindergarten through grade 12.<sup>28</sup> These purchases must be made within three years after the effective date of the adoption cycle.<sup>29</sup>

By the 2015-2016 fiscal year, each district school board shall use at least 50 percent of the annual allocation for the purchase of digital or electronic instructional materials included on the state-adopted list,<sup>30</sup> that align with state standards except that:

- Up to 50 percent of the annual allocation may be used for the purchase of instructional materials, including library and reference books and non-print materials, not included on the state-adopted list and for the repair and renovation of textbooks and library books.<sup>31</sup>
- District school boards may use 100 percent of that portion of the annual allocation designated for the purchase of instructional materials for kindergarten, and 75 percent of that portion of the annual allocation designated for the purchase of instructional materials for first grade, to purchase instructional materials not on the state-adopted list.<sup>32</sup>

The funds in which district school boards may use to purchase materials not in the state-adopted list must be used for the purchase of instructional materials or other items having intellectual content which assist in the instruction of a subject or course.<sup>33</sup> These items may be available in bound, unbound, kit, or package form and may consist of hardbacked or softbacked textbooks, electronic content, replacements for items which were part of previously purchased instructional materials, consumables, learning laboratories, manipulatives, electronic media, computer

<sup>24</sup> Sections. 1006.38(11)-(13), F.S.

<sup>25</sup> Section 1006.38(12), F.S.

<sup>26</sup> Section 1006.38(13), F.S.

<sup>27</sup> *Id.*

<sup>28</sup> Sections 1006.37(1); 1006.40(2), F.S.

<sup>29</sup> Section 1006.40(2), F.S.

<sup>30</sup> Section 1006.40(3)(a), F.S.

<sup>31</sup> Section 1006.40(3)(b), F.S.

<sup>32</sup> Section 1006.40(3)(c), F.S.

<sup>33</sup> Section 1006.40(4), F.S.



courseware or software, and other commonly accepted instructional tools as prescribed by district school board rule.<sup>34</sup>

### **School District Transition to Instructional Materials In Electronic Or Digital Format**

Beginning in the 2015-2016 school year, all adopted instructional materials for students in kindergarten through grade 12 must be provided in an electronic or digital format.<sup>35</sup>

The Department is required to publish minimum and recommended technology requirements that include specifications for hardware, software, networking, security, and guidelines on the number of students per device necessary to ensure that all students can access all electronic and digital instructional materials.<sup>36</sup>

Each school district is required to allow teachers, administrators, students, and parents access to a “local instructional improvement system” that must provide access to electronic and digital instructional materials.<sup>37</sup>

A district school board may designate pilot program schools to implement the transition to instructional materials that are in an electronic or digital format.<sup>38</sup>

### **Optional School District Instructional Materials Review Program**

In 2013, the Legislature authorized a school board, or consortium of school districts, to implement their own instructional materials program.<sup>39</sup> For a school district that chooses this program, the state-level program is not used.<sup>40</sup> Rather, the district school board is required to adopt rules that include:

- The review and purchase process.<sup>41</sup>

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<sup>34</sup> *Id.*

<sup>35</sup> Section 1006.29(3), F.S.

<sup>36</sup> Section 1006.29(4), F.S.

<sup>37</sup> Section 1006.281(2), F.S. The term “local instructional improvement system” means “a system that uses electronic and digital tools that provide teachers, administrators, students, and parents with data and resources to systematically manage continuous instructional improvement. The system supports relevant activities such as instructional planning, information gathering and analysis, rapid-time reporting, decisionmaking on appropriate instructional sequence, and evaluating the effectiveness of instruction.” Section 1006.281(1), F.S. By June 30, 2104, the system shall comply with minimum standards published by the Department of Education. Section 1006.281(3), F.S.

<sup>38</sup> Section 1006.282, F.S. The term “electronic format” means “text-based or image-based content in a form that is produced on, published by, and readable on computers or other digital devices and is an electronic version of a printed book, whether or not any printed equivalent exists. Section 1006.29(3)(a), F.S. The term “digital format” means “text-based or image-based content in a form that provides the student with various interactive functions that can be searched, tagged, distributed, and used for individualized and group learning, which includes multimedia content such as video clips, animations, and virtual reality, and that has the ability to be accessed at any time and anywhere.” Section 1006.29(3)(b), F.S. The terms “electronic format” and “digital format” do not include electronic or computer hardware, even if such hardware is bundled with software or other electronic media, nor does it include equipment or supplies. Section 1006.29(3), F.S.

<sup>39</sup> See CS/CS/SB 1388; s. 1006.283(1), F.S. The district instructional materials program includes the review, approval, adoption, and purchase of instructional materials. *Id.*

<sup>40</sup> Section 1006.283, F.S.

<sup>41</sup> Section 1006.283(2)(a), F.S.

- Identification of a review cycle for instructional materials.<sup>42</sup>
- The process by which instructional materials will be purchased, including advertising, bidding, and purchasing requirements.<sup>43</sup>
- Similar requirements to the state-level process for instructional materials reviewers and publishers.<sup>44</sup>

The school board may assess and collect fees from publishers participating the process.<sup>45</sup> The fees may not exceed the actual cost of the review process, or \$3,500 per submission, whichever is lower.<sup>46</sup> The fees are used to cover:

- The actual cost of substitute teachers for each workday that a school district's instructional staff is absent from his assigned duties for the purpose of rendering service as an instructional materials reviewer.<sup>47</sup>
- A stipend, and reimbursement for travel expenses and per diem in accordance with s. 112.061, for each reviewer for service in meetings.<sup>48</sup>

A district school board or a consortium of school districts which implements an instructional materials review program<sup>49</sup> shall use at least 50 percent of the annual allocation for the purchase of digital or electronic instructional materials that align with state standards.<sup>50</sup>

In its first year of implementation, no districts or consortiums have availed themselves to this statutorily authorized option for utilizing local control.<sup>51</sup>

### III. Effect of Proposed Changes:

SB 864 maximizes local control by eliminating the state-level instructional materials review, selection and adoption process, and identifying parameters for district school boards to satisfy their constitutional duty and responsibility to select and provide adequate instructional materials for K-12 public school students.

#### Local School District Responsibility For Instructional Materials

The bill states that district school boards have the constitutional duty and responsibility to select and provide adequate instructional materials for K-12 public school students.

<sup>42</sup> Section 1006.283(2)(b), F.S. The review cycle chosen by the school district might be longer or shorter than the current five-year state review cycle. Section 1006.36(1), F.S. For example, s. 1006.283(1), F.S., states that instructional materials used by the district are required to comply with current standards, and State Board of Education rule only requires the standards to be reviewed every twelve years. Rule 6A-1.09401(2), F.A.C. Otherwise, the materials purchased must be "current." See ss. 1006.37(1), 1006.40(2), F.S.

<sup>43</sup> Section 1006.283(2)(i), F.S.

<sup>44</sup> Sections. 1006.283(1)(c)-(e), (g), (h); and (4)-(6) F.S.

<sup>45</sup> Section 1006.283(3)(a), F.S.

<sup>46</sup> *Id.*

<sup>47</sup> Section 1006.283(3)(b), F.S.

<sup>48</sup> *Id.*

<sup>49</sup> Section 1006.40(3)(a), F.S. The district or consortium instructional materials review program is contained in s. 1006.283, F.S.

<sup>50</sup> Section 1006.40(3)(a), F.S. Otherwise, the school district does not have to comply with s. 1006.40, F.S. *Id.*

<sup>51</sup> Email from Florida Department of Education (March 7, 2014) (on file with the Senate Committee on Education).

### **State-Level Instructional Materials Adoption Process**

The bill eliminates the state-level review, selection and adoption process for instructional materials conducted by the Florida Department of Education.

### **School District Instructional Materials Program**

The bill expands the optional district school board instructional materials review program into a program that is to be used for all school districts. In doing so, the bill incorporates several accountability and transparency requirements that previously existed in the state-level process, and includes new responsibilities. For example, the bill requires the district school board to adopt rules that must include the:

- Criteria for the review and recommendation of instructional materials, including a thorough review of curriculum content.
- Establishment and composition of the local instructional materials review committee.
- Identification, by subject area, of a review cycle for instructional materials.
- Process by which instructional materials are adopted by the district school board, including a process for the district school board to determine and certify the accuracy of the district adopted instructional materials. As part of the process, the district school board must:
  - Post recommended instructional materials in a read-only format on the district website for public to review. The public may submit comments electronically for review by the district school board members and superintendent.
  - Conduct an open, noticed public hearing for the district school board to receive public comment and review the recommended instructional materials.
  - Hold an open, noticed public meeting for the district school board to approve an annual instructional materials plan, including the adoption of instructional materials.
  - Notice the public meeting and public hearing, which must specifically state which instructional materials are being reviewed and the manner in which the public can access the instructional materials for review. The public meeting must be held on a different date than the public hearing.
  - Establish a process by which the public can appeal the district school board's adoption of specific instructional materials. The district school board must convene a public hearing and re-evaluate the challenged instructional materials to determine suitability for use in accordance with the specified evaluation criteria.<sup>52</sup>

The bill retains the ability of public inspection by requiring the school district to make sample copies of all instructional materials that have been adopted by the district school board available upon public request.

The bill gives the district school board the same duties the Commissioner of Education currently has to conduct an independent investigation to determine the accuracy of adopted instructional materials, and may remove instructional materials from the list of adopted materials if the content is in error and the publisher refuses to correct the error.

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<sup>52</sup> Suitability for use includes the accuracy and appropriateness of the materials pursuant to the instructional materials review committee evaluation criteria per s. 1006.31, F.S.

### ***Instructional Materials Reviewers***

The bill requires district school boards to establish a local instructional materials review committee to review and recommend instructional materials to the district school board for final adoption. Districts may combine their committees.

Each district review committee consists of the following members:

- Each district school board member appoints one person not employed by the district;
- The superintendent appoints a number of classroom teachers equal to the number of school board members that are representative of the subject areas and grade levels of the instructional materials considered for adoption; and
- The district school board and the superintendent each appoint at least one parent of a student currently enrolled in a district public school.

The bill requires district reviewers to comply with the same duties that currently apply to state-level reviewers, including making an affidavit attesting to their independence from bias and a conflict of interest.

### **Instructional Materials Publishers**

The bill requires instructional materials publishers to comply with the same duties and requirements for the district process that currently apply to the state-level process.

The bill eliminates the requirement that district school superintendents purchase instructional materials exclusively from the publisher's book depository, and authorizes purchases from any vendor selling the instructional materials.<sup>53</sup>

In conjunction with the deletion of the state-level adoption cycle, the bill requires the publisher to maintain in the depository an inventory of instructional materials sufficient to receive and fill orders for core subject areas.

The bill authorizes school districts to request assistance from the publisher's book depository to recommend instructional materials for the district's instructional material review committee to review in accordance with the requirements and district review process.

### **School District Purchase of Instructional Materials**

The bill retains the requirement for the district school board to purchase current instructional materials to provide each student in kindergarten through grade 12 with a major tool of instruction in core courses. However, since the state-level adoption process (including the adoption cycle) is being eliminated, the bill deletes the requirement that the purchase must be made within 3 years after the effective date of the adoption cycle.

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<sup>53</sup> Through this elimination, district school boards may not individually retain the economy of scale that might be available via purchases through the Department of Education contracts. However, via the district school board instructional materials program, current law authorizes school districts to leverage their resources and create their own economy of scale by purchasing instructional materials through a consortium of school districts. Section 1006.283(1), F.A. Additionally, the bill authorizes school districts to purchase instructional materials from any vendor – not just the publisher's depository. This flexibility may provide more competition, and thus better deals, for the school district.

The bill retains the requirement that the district school board use at least 50 percent of the annual allocation for the purchase of district-adopted digital (no longer electronic) instructional materials. The bill deletes superfluous provisions relating to purchases of instructional materials not on the state-adopted list and the provisions relating to use of the kindergarten and first grade allocation for instructional materials not on the state-adopted list.

### **School District Transition to Instructional Materials In A Digital Format**

The bill deletes the current requirement that instructional materials be provided in an “electronic format,” but keeps the current requirement that, beginning in the 2015-2016 school year, instructional materials be provided in a “digital format.”<sup>54</sup>

The district school board must adopt rules that identify the process by which the school district will notify parents of their ability to access their children’s instructional materials through the district’s local instructional improvement system. The rules must also identify the process by which the school district will encourage parents to access the system. The notification must be displayed prominently on the district school board’s website and provided annually to all parents of enrolled students in a written format.

The bill has an effective date of July 1, 2014.

#### **IV. Constitutional Issues:**

##### **A. Municipality/County Mandates Restrictions:**

None.

##### **B. Public Records/Open Meetings Issues:**

None.

##### **C. Trust Funds Restrictions:**

None.

#### **V. Fiscal Impact Statement:**

##### **A. Tax/Fee Issues:**

None.

##### **B. Private Sector Impact:**

None.

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<sup>54</sup> The bill does not substantively change the current definition of “digital format” or the Department’s requirement to publish minimum technology requirements. *See* s. 1006.29(3)(b) and (4), F.S.

C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

Instructional materials publishers and manufacturers have raised concerns about potential copyright or contract issues with the requirement that district school boards post instructional materials being considered for adoption in a read-only format on the district's website for public review.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 1006.28, 1006.283, 1006.30, 1006.31, 1006.32, 1006.35, 1006.37, 1006.38, 1006.40, 1006.41, 1006.282, and 1010.82.

This bill repeals the following sections of the Florida Statutes: 1006.29, 1006.33, 1006.34, and 1006.36.

**IX. Additional Information:**

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

By Senator Hays

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1 A bill to be entitled  
 2 An act relating to instructional materials for K-12  
 3 public education; amending s. 1006.28, F.S.; providing  
 4 that the district school board has the constitutional  
 5 duty and responsibility to select and provide adequate  
 6 instructional materials for all students; redefining  
 7 the term "adequate instructional materials"; amending  
 8 s. 1006.283, F.S.; requiring a district school board  
 9 or consortium of school districts to implement an  
 10 instructional materials program; including criteria  
 11 for the review and recommendation of instructional  
 12 materials, the process by which instructional  
 13 materials are adopted, and the process by which a  
 14 school district will notify parents of their ability  
 15 to access their children's instructional materials in  
 16 the list of the subjects that must be addressed by  
 17 rule of the district school board; requiring adopted  
 18 instructional materials to be provided in digital  
 19 format; defining the term "digital format"; requiring  
 20 the Department of Education to publish minimum,  
 21 recommended technology requirements; requiring the  
 22 district to make available, upon request, sample  
 23 copies of its adopted instructional materials;  
 24 repealing s. 1006.29, F.S., relating to state  
 25 instructional materials reviewers; amending s.  
 26 1006.30, F.S.; requiring each district instructional  
 27 materials reviewer to file an affidavit with the  
 28 district school board, rather than the department;  
 29 amending s. 1006.31, F.S.; deleting references to the

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30 Department of Education regarding the duties of  
 31 instructional materials reviewers; revising the  
 32 evaluation procedure for instructional materials;  
 33 amending s. 1006.32, F.S.; conforming provisions to  
 34 changes made by the act; repealing s. 1006.33, F.S.,  
 35 relating to bids, proposals, and advertisement  
 36 regarding the adoption of instructional materials;  
 37 repealing s. 1006.34, F.S., relating to powers and  
 38 duties of the Commissioner of Education and the  
 39 department in selecting and adopting instructional  
 40 materials; amending s. 1006.35, F.S.; requiring the  
 41 district school board, rather than the commissioner,  
 42 to conduct an independent investigation to determine  
 43 the accuracy of district-adopted instructional  
 44 materials; authorizing the district school board,  
 45 rather than the commissioner, to remove materials from  
 46 the list of district-adopted materials under certain  
 47 circumstances; repealing s. 1006.36, F.S., relating to  
 48 the term of adoption for instructional materials;  
 49 amending s. 1006.37, F.S.; authorizing, rather than  
 50 requiring, the district school superintendent to  
 51 requisition adopted instructional materials from the  
 52 depository of a publisher with whom a contract has  
 53 been made or any other vendor selling the adopted  
 54 instructional materials; deleting provisions regarding  
 55 the superintendent's requisition of instructional  
 56 materials; conforming provisions to changes made by  
 57 the act; authorizing a district school board or a  
 58 consortium of school districts to requisition

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59 instructional materials from the publisher's  
 60 depository or any other vendor selling adopted  
 61 instructional materials and to request assistance from  
 62 the publisher's depository to recommend instructional  
 63 materials for review, approval, adoption, and  
 64 purchase; requiring the recommended materials to be  
 65 consistent with certain goals, objectives, and  
 66 requirements; requiring that personnel from the  
 67 publisher's depository sign an affidavit in order to  
 68 be considered an instructional materials reviewer;  
 69 amending s. 1006.38, F.S.; conforming provisions to  
 70 changes made by the act; revising the duties,  
 71 responsibilities, and requirements of instructional  
 72 materials publishers and manufacturers; amending s.  
 73 1006.40, F.S.; deleting provisions regarding the  
 74 adoption of instructional materials for certain core  
 75 courses in the subject area of mathematics; requiring  
 76 each district school board to use a certain percentage  
 77 of the annual allocation for the purchase of digital,  
 78 rather than electronic, instructional materials that  
 79 meet certain goals, objectives, and requirements;  
 80 deleting provisions regarding the use of the  
 81 district's annual allocation for the purchase of  
 82 instructional materials; amending s. 1006.41, F.S.;  
 83 conforming provisions to changes made by the act;  
 84 amending ss. 1006.282 and 1010.82, F.S.; conforming  
 85 cross-references; providing an effective date.  
 86  
 87 Be It Enacted by the Legislature of the State of Florida:

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88  
 89 Section 1. Subsection (1) of section 1006.28, Florida  
 90 Statutes, is amended to read:  
 91 1006.28 Duties of district school board, district school  
 92 superintendent; and school principal regarding K-12  
 93 instructional materials.—  
 94 (1) DISTRICT SCHOOL BOARD.—The district school board has  
 95 the constitutional duty and responsibility to select and provide  
 96 adequate instructional materials for all students in accordance  
 97 with the requirements of this part. The term "adequate  
 98 instructional materials" means a sufficient number of student or  
 99 site licenses or sets of materials that are available in bound,  
 100 unbound, kit, or package form and may consist of hardbacked or  
 101 softbacked textbooks, electronic content, consumables, learning  
 102 laboratories, manipulatives, and electronic media, and computer  
 103 courseware, ~~or~~ software, or applications that serve as the basis  
 104 for instruction for each student in the core courses of  
 105 mathematics, language arts, social studies, science, reading,  
 106 and literature. The district school board has the following  
 107 specific duties and responsibilities:  
 108 (a) *Courses of study; adoption.*—Adopt courses of study for  
 109 use in the schools of the district.  
 110 (b) *Instructional materials.*—Provide for proper  
 111 requisitioning, distribution, accounting, storage, care, and use  
 112 of all instructional materials and furnish such other  
 113 instructional materials as may be needed. The district school  
 114 board shall ensure that instructional materials used in the  
 115 district are consistent with the district goals and objectives  
 116 and the course descriptions established in rule of the State



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117 Board of Education, as well as with the ~~state and district~~  
118 performance standards provided for in s. 1001.03(1).

119 (c) *Other instructional materials.*—Provide such other  
120 teaching accessories and aids as are needed for the school  
121 district's educational program.

122 (d) *School library media services; establishment and*  
123 *maintenance.*—Establish and maintain a program of school library  
124 media services for all public schools in the district, including  
125 school library media centers, or school library media centers  
126 open to the public, and, in addition such traveling or  
127 circulating libraries as may be needed for the proper operation  
128 of the district school system.

129 Section 2. Subsections (1) and (2) of section 1006.283,  
130 Florida Statutes, are amended, and subsections (7), (8), and (9)  
131 are added to that section, to read:

132 1006.283 District school board instructional materials  
133 review process.—

134 (1) A district school board or consortium of school  
135 districts ~~may~~ implement an instructional materials program  
136 that includes the review, approval, adoption, and purchase of  
137 instructional materials. ~~Beginning in the 2013-2014 school year,~~  
138 The district school superintendent shall certify to the  
139 department by March 31 of each year that all instructional  
140 materials for core courses used by the district are aligned with  
141 applicable state standards. ~~Included in the certification shall~~  
142 ~~be~~ A list of the core instructional materials that will be used  
143 or purchased for use by the school district shall be included in  
144 the certification.

145 (2) The district school board shall adopt rules

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146 implementing the district's instructional materials program  
147 which must include, but need not be limited to:

148 (a) Criteria for the review and recommendation of  
149 instructional materials, including a thorough review of  
150 curriculum content. The district shall establish a local  
151 instructional materials review committee to review and recommend  
152 instructional materials to the district school board for final  
153 adoption. A district may enter into an agreement with other  
154 districts to combine their local instructional materials review  
155 committees into one super committee. A local instructional  
156 materials review committee shall consist of the following  
157 members, appointed as follows:

158 1. Each district school board member shall appoint one  
159 person who is not employed by the district.

160 2. The superintendent shall appoint a number of classroom  
161 teachers equal to the number of district school board members.  
162 The selection of classroom teachers shall be representative of  
163 the subject areas and grade levels of the instructional  
164 materials being considered for adoption.

165 3. The district school board and the superintendent shall  
166 each appoint at least one parent of a student who is currently  
167 enrolled in a public school in the district ~~its review and~~  
168 ~~purchase process.~~

169 (b) Identification, by subject area, of a review cycle for  
170 instructional materials.

171 (c) The duties and qualifications of the instructional  
172 materials reviewers.

173 (d) The requirements for an affidavit made by each a  
174 district instructional materials reviewer which substantially

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175 ~~meets~~ ~~includes~~ the requirements of s. 1006.30.

176 (e) Compliance with s. 1006.32, relating to prohibited  
177 acts.

178 (f) A process for the district school board to determine  
179 ~~and certify that certifies~~ the accuracy of district-adopted  
180 instructional materials.

181 (g) The incorporation of applicable requirements of s.  
182 1006.31, which relates to the duties of instructional materials  
183 reviewers.

184 (h) The incorporation of applicable requirements of s.  
185 1006.38, relating to the duties, responsibilities, and  
186 requirements of publishers of instructional materials.

187 (i) The process by which instructional materials are  
188 adopted by the district school board. The process must allow the  
189 public, within 10 days after district school board adoption, to  
190 appeal the district school board's adoption of specific  
191 instructional materials. Upon appeal, the district school board  
192 shall convene a public hearing to reevaluate the challenged  
193 instructional materials and determine suitability for use.  
194 Suitability includes the accuracy and appropriateness of the  
195 materials according to the evaluation criteria specified in s.  
196 1006.31. The district school board's decision to adopt  
197 instructional materials is final unless a public appeal is  
198 timely filed. If a public appeal is timely filed, the district  
199 school board's decision after convening the public hearing is  
200 final and not subject to further review.

201 1. Instructional materials considered for adoption by the  
202 district school board must be posted in a read-only format on  
203 the district website at least 20 calendar days before the public

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204 hearing and public meeting as specified in this paragraph. The  
205 district shall establish an electronic process for the public to  
206 submit, and the school board members and the superintendent to  
207 access, comments on the recommended instructional materials.

208 2. The district school board shall conduct an open, noticed  
209 district school board hearing to receive public comment on and  
210 review the recommended instructional materials.

211 3. The district school board shall hold an open, noticed  
212 public meeting to approve an annual instructional materials  
213 plan, including the adoption of instructional materials. This  
214 public meeting must be held on a different date than the public  
215 hearing.

216 4. The notices for the public hearing and the public  
217 meeting must specifically state which instructional materials  
218 are being reviewed and the manner in which the instructional  
219 materials can be accessed for public review.

220 ~~(j)~~ ~~(i)~~ The process by which instructional materials will be  
221 purchased, including advertising, bidding, and purchasing  
222 requirements.

223 (k) The process by which the school district will notify  
224 parents of their ability to access their children's textbooks  
225 and instructional materials through the district's local  
226 instructional improvement system and by which the school  
227 district will encourage parents to access the system. This  
228 notification must be displayed prominently on the district  
229 school board's website and provided annually in a written format  
230 to all parents of enrolled students.

231 (7) Beginning in the 2015-2016 academic year, all adopted  
232 instructional materials for students in kindergarten through

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 233 grade 12 must be available in a digital format. As used in this  
 234 subsection, the term "digital format" means text-based or image-  
 235 based content in a form that provides the student with various  
 236 interactive functions; that can be searched, tagged,  
 237 distributed, and used for individualized and group learning;  
 238 that includes multimedia content such as video clips, animation,  
 239 and virtual reality; and that can be accessed at anytime and  
 240 anywhere. The term does not include electronic or computer  
 241 hardware even if such hardware is bundled with software or other  
 242 electronic media, nor does the term include equipment or  
 243 supplies.

244 (8) The department shall publish recommended, minimum  
 245 technology requirements that include guidelines on the number of  
 246 students per device necessary to ensure that students can access  
 247 all instructional materials in digital format and specifications  
 248 for hardware, software, networking, and security.

249 (9) The school district shall make available upon request  
 250 for public inspection sample copies of all instructional  
 251 materials that have been adopted by the district school board.

252 Section 3. Section 1006.29, Florida Statutes, is repealed.

253 Section 4. Section 1006.30, Florida Statutes, is amended to  
 254 read:

255 1006.30 Affidavit of ~~district state~~ instructional materials  
 256 reviewers.—Before transacting any business, each ~~district state~~  
 257 instructional materials reviewer shall make an affidavit, to be  
 258 filed with the ~~district school board department~~, that:

259 (1) The reviewer will faithfully discharge the duties  
 260 imposed upon him or her.

261 (2) The reviewer does not have an ~~has no~~ interest in any

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 262 publishing or manufacturing organization that produces or sells  
 263 instructional materials.

264 (3) The reviewer is ~~not in no way~~ connected with the  
 265 distribution of the instructional materials.

266 (4) The reviewer does not have any direct or indirect  
 267 pecuniary interest in the business or profits of any person  
 268 engaged in manufacturing, publishing, or selling instructional  
 269 materials designed for use in the public schools.

270 (5) The reviewer will not accept any emolument or promise  
 271 of future reward of any kind from any publisher or manufacturer  
 272 of instructional materials or his or her agent or anyone  
 273 interested in, or intending to bias his or her judgment in any  
 274 way in, the selection of any materials to be adopted.

275 (6) The reviewer understands that it is unlawful to discuss  
 276 matters relating to instructional materials submitted for  
 277 adoption with any agent of a publisher or manufacturer of  
 278 instructional materials, either directly or indirectly, except  
 279 during the period when the publisher or manufacturer is  
 280 providing a presentation for the reviewer during his or her  
 281 review of the instructional materials submitted for adoption.

282 Section 5. Section 1006.31, Florida Statutes, is amended to  
 283 read:

284 1006.31 Duties of the ~~Department of Education and~~ school  
 285 district instructional materials reviewer.—The duties of the  
 286 instructional materials reviewer are:

287 (1) PROCEDURES.—To adhere to procedures prescribed by ~~the~~  
 288 ~~department or~~ the district for evaluating instructional  
 289 materials submitted by publishers and manufacturers in each  
 290 adoption. ~~This section applies to both the state and district~~

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291 ~~approval processes.~~

292 (2) EVALUATION OF INSTRUCTIONAL MATERIALS.—To evaluate  
 293 carefully all instructional materials submitted, in order to  
 294 ascertain which instructional materials, if any, submitted for  
 295 consideration implement the selection criteria developed by the  
 296 ~~district department~~ and those curricular objectives included  
 297 within applicable performance standards provided for in s.  
 298 1001.03(1).

299 (a) When recommending instructional materials for use in  
 300 the schools, each reviewer shall include only instructional  
 301 materials that accurately portray the ethnic, socioeconomic,  
 302 cultural, and racial diversity of our society, including men and  
 303 women in professional, career, and executive roles, and the role  
 304 and contributions of the entrepreneur and labor in the total  
 305 development of this state and the United States.

306 (b) When recommending instructional materials for use in  
 307 the schools, each reviewer shall include only materials that  
 308 accurately portray, whenever appropriate, humankind's place in  
 309 ecological systems, including the necessity for the protection  
 310 of our environment and conservation of our natural resources and  
 311 the effects on the human system of the use of tobacco, alcohol,  
 312 controlled substances, and other dangerous substances.

313 (c) When recommending instructional materials for use in  
 314 the schools, each reviewer shall require such materials as he or  
 315 she deems necessary and proper to encourage thrift, fire  
 316 prevention, and humane treatment of people and animals.

317 (d) When recommending instructional materials for use in  
 318 the schools, each reviewer shall require, when appropriate to  
 319 the comprehension of students, that materials for social

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320 science, history, or civics classes contain the Declaration of  
 321 Independence and the Constitution of the United States. A  
 322 reviewer may not recommend any instructional materials for use  
 323 in the schools which contain any matter reflecting unfairly upon  
 324 persons because of their race, color, creed, national origin,  
 325 ancestry, gender, or occupation.

326 (e) Any instructional ~~materials~~ ~~material~~ recommended by  
 327 each reviewer for use in the schools ~~must~~ shall be, to the  
 328 satisfaction of each reviewer, accurate, objective, ~~and~~ current,  
 329 and suited to the needs and comprehension of students at their  
 330 respective grade levels. ~~A reviewer~~ Reviewers shall consider for  
 331 adoption materials developed for academically talented students  
 332 such as those enrolled in advanced placement courses.

333 (f) Any instructional materials containing pornography or  
 334 which are otherwise prohibited under s. 847.012 may not be used  
 335 or made available within a public school. When selecting  
 336 instructional materials, library media, and other reading  
 337 materials used in the public school system, each reviewer shall  
 338 use, at a minimum, the following standards to determine the  
 339 propriety of the material:

340 1. The age of the students who normally could be expected  
 341 to have access to the material.

342 2. The educational purpose to be served by the material. In  
 343 considering instructional materials for classroom use, priority  
 344 shall be given to the selection of materials that encompass the  
 345 performance standards provided for in s. 1001.03(1) and that  
 346 include the instructional objectives contained in the course  
 347 description approved by rule of the State Board of Education.

348 3. The degree to which the material would be supplemented

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349 and explained by mature classroom instruction as part of a  
 350 normal classroom instructional program.

351 4. The consideration of the broad racial, ethnic,  
 352 socioeconomic, and cultural diversity of the students of this  
 353 state.

354 (3) REPORT OF REVIEWERS.—After a thorough study of all data  
 355 submitted on each instructional material, to submit an  
 356 electronic report to the district school board ~~department~~. The  
 357 report shall be made public and must include responses to each  
 358 section of the report format prescribed by the district school  
 359 board ~~department~~.

360 Section 6. Section 1006.32, Florida Statutes, is amended to  
 361 read:

362 1006.32 Prohibited acts.—

363 (1) A publisher or manufacturer of instructional material,  
 364 or any representative thereof, may not offer to give any  
 365 emolument, money, or other valuable thing, or any inducement, to  
 366 a ~~any~~ district school board official or ~~state~~ instructional  
 367 materials reviewer to directly or indirectly introduce,  
 368 recommend, vote for, or otherwise influence the adoption or  
 369 purchase of any instructional materials.

370 (2) A district school board official or an ~~a~~ ~~state~~  
 371 instructional materials reviewer may not solicit or accept any  
 372 emolument, money, or other valuable thing, or any inducement, to  
 373 directly or indirectly introduce, recommend, vote for, or  
 374 otherwise influence the adoption or purchase of any  
 375 instructional material.

376 (3) A district school board or publisher may not  
 377 participate in a pilot program of materials being considered for

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378 adoption during the 18-month period before the official adoption  
 379 of the materials by the commissioner. Any pilot program during  
 380 the first 2 years of the adoption period must have the prior  
 381 approval of the commissioner.

382 (4) Any publisher or manufacturer of instructional  
 383 materials or representative thereof or any district school board  
 384 official or ~~state~~ instructional materials reviewer who violates  
 385 ~~any provision of~~ this section commits a misdemeanor of the  
 386 second degree, punishable as provided in s. 775.082 or s.  
 387 775.083. A ~~Any~~ representative of a publisher or manufacturer who  
 388 violates any provision of this section, in addition to any other  
 389 penalty, shall be banned from practicing business in the state  
 390 for a period of 1 calendar year.

391 (5) This section does not prohibit any publisher,  
 392 manufacturer, or agent from supplying, for purposes of  
 393 examination, necessary sample copies of instructional materials  
 394 to any district school board official or ~~state~~ instructional  
 395 materials reviewer.

396 (6) This section does not prohibit a district school board  
 397 official or ~~state~~ instructional materials reviewer from  
 398 receiving sample copies of instructional materials.

399 (7) This section does not prohibit or restrict a district  
 400 school board official from receiving royalties or other  
 401 compensation, other than compensation paid to him or her as  
 402 commission for negotiating sales to district school boards, from  
 403 the publisher or manufacturer of instructional materials  
 404 written, designed, or prepared by such district school board  
 405 official, and adopted by the commissioner or purchased by any  
 406 district school board. A ~~No~~ district school board official may

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407 ~~not shall be allowed to~~ receive royalties on any materials not  
408 on the ~~district-adopted state-adopted~~ list purchased for use by  
409 his or her district school board.

410 (8) A district school superintendent, district school board  
411 member, teacher, or other person officially connected with the  
412 government or direction of public schools may not receive during  
413 the months actually engaged in performing duties under his or  
414 her contract any private fee, gratuity, donation, or  
415 compensation, in any manner whatsoever, for promoting the sale  
416 or exchange of any instructional material, map, or chart in any  
417 public school, or be an agent for the sale of, or the publisher  
418 of, any instructional material or reference work, or have a  
419 direct or indirect pecuniary interest in the introduction of any  
420 such instructional material, and any such agency or interest  
421 shall disqualify any person so acting or interested from holding  
422 any district school board employment whatsoever, and the person  
423 commits a misdemeanor of the second degree, punishable as  
424 provided in s. 775.082 or s. 775.083; however, this subsection  
425 does not prevent the adoption of any instructional material  
426 written in whole or in part by a Florida author.

427 Section 7. Section 1006.33, Florida Statutes, is repealed.

428 Section 8. Section 1006.34, Florida Statutes, is repealed.

429 Section 9. Section 1006.35, Florida Statutes, is amended to  
430 read:

431 1006.35 Accuracy of instructional materials.—

432 (1) In addition to relying on statements of publishers or  
433 manufacturers of instructional materials, the district school  
434 board commissioner may conduct or cause to be conducted an  
435 independent investigation to determine the accuracy of district-

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436 ~~adopted state-adopted~~ instructional materials.

437 (2) When errors in ~~district-adopted state-adopted~~ materials  
438 are confirmed, the publisher of the materials shall provide to  
439 each district school board that ~~has~~ purchased the materials the  
440 corrections in a format approved by the investigating district  
441 school board department.

442 (3) The district school board commissioner may remove  
443 materials from the list of ~~district-adopted state-adopted~~  
444 materials if it he or she finds that the content is in error and  
445 the publisher refuses to correct the error when notified by the  
446 district school board department.

447 (4) The district school board commissioner may remove  
448 materials from the list of ~~district-adopted state-adopted~~  
449 materials at the request of the publisher if, in the district  
450 school board's his or her opinion, there is no material impact  
451 on the district's and the state's education goals.

452 Section 10. Section 1006.36, Florida Statutes, is repealed.

453 Section 11. Section 1006.37, Florida Statutes, is amended  
454 to read:

455 1006.37 Requisition of instructional materials from  
456 publisher's depository.—

457 (1) The district school superintendent ~~may shall~~  
458 requisition adopted instructional materials from the depository  
459 of the publisher with whom a contract has been made or any other  
460 vendor selling the adopted instructional materials. However, the  
461 superintendent shall requisition current instructional materials  
462 to provide each student with a textbook or other materials as a  
463 major tool of instruction in core courses of the subject areas  
464 specified in s. 1006.40(2). These materials must be

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465 ~~requisitioned within the first 3 years of the adoption cycle,~~  
 466 ~~except for instructional materials related to growth of student~~  
 467 ~~membership or instructional materials maintenance needs. The~~  
 468 ~~superintendent may requisition instructional materials in the~~  
 469 ~~core subject areas specified in s. 1006.40(2) that are related~~  
 470 ~~to growth of student membership or instructional materials~~  
 471 ~~maintenance needs during the 3rd, 4th, 5th, and 6th years of the~~  
 472 ~~original contract period.~~

473 (2) The district school superintendent shall verify that  
 474 the requisition is complete and accurate and order the  
 475 depository or vendor selling the adopted instructional materials  
 476 to forward to him or her the adopted instructional materials  
 477 shown by the requisition. The depository or vendor shall prepare  
 478 an invoice of the materials shipped, including shipping charges,  
 479 and mail it to the superintendent to whom the shipment is being  
 480 made. The superintendent shall pay the depository or vendor  
 481 within 60 days after receipt of the requisitioned materials from  
 482 the appropriation for the purchase of adopted instructional  
 483 materials.

484 (3) A district school board or a consortium of school  
 485 districts may which implements an instructional materials  
 486 program pursuant to s. 1006.283 is not required to requisition  
 487 instructional materials from the publisher's depository or any  
 488 other vendor selling the adopted instructional materials.

489 (4) A district school board or a consortium of school  
 490 districts may request assistance from the publisher's depository  
 491 to recommend instructional materials for review, approval,  
 492 adoption, and purchase pursuant to s. 1006.283.

493 Section 12. Section 1006.38, Florida Statutes, is amended

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494 to read:

495 1006.38 Duties, responsibilities, and requirements of  
 496 instructional materials publishers and manufacturers. ~~This~~  
 497 ~~section applies to both the state and district approval~~  
 498 ~~processes.~~ Publishers and manufacturers of instructional  
 499 materials, or their representatives, shall:

500 (1) Comply with all provisions of this part.

501 (2) Electronically deliver fully developed sample copies of  
 502 all instructional materials upon which bids are based to the  
 503 district department pursuant to procedures adopted by the  
 504 district school board State Board of Education.

505 (3) Submit, at a time designated by the district school  
 506 board in s. 1006.33, the following information:

507 (a) Detailed specifications of the physical characteristics  
 508 of the instructional materials, including any software or  
 509 technological tools required for use by the district, school,  
 510 teachers, or students. The publisher or manufacturer shall  
 511 comply with these specifications if the instructional materials  
 512 are adopted and purchased in completed form.

513 (b) Evidence that the publisher or manufacturer has  
 514 provided materials that address the performance standards  
 515 provided for in s. 1001.03(1) and that can be accessed through  
 516 the district's local instructional improvement system and a  
 517 variety of electronic, digital, and mobile devices.

518 (c) Evidence that the instructional materials include  
 519 specific references to statewide standards in the teacher's  
 520 manual and incorporate such standards into chapter tests or the  
 521 assessments.

522 (4) Make available for purchase by any district school

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523 board any diagnostic, criterion-referenced, or other tests that  
524 they may develop.

525 (5) Furnish the instructional materials offered by them at  
526 a price in the state which, including all costs of electronic  
527 transmission, may not exceed the lowest price at which they  
528 offer such instructional materials for adoption or sale to any  
529 state or school district in the United States.

530 (6) Reduce automatically the price of the instructional  
531 materials to any district school board to the extent that  
532 reductions are made elsewhere in the United States.

533 (7) Provide any instructional materials free of charge in  
534 the state to the same extent as they are provided free of charge  
535 to any state or school district in the United States.

536 (8) Guarantee that all copies of any instructional  
537 materials sold in this state will be at least equal in quality  
538 to the copies of such instructional materials that are sold  
539 elsewhere in the United States and will be kept revised, free  
540 from all errors, and up-to-date as may be required by the  
541 department.

542 (9) Agree that any supplementary material developed at the  
543 district or state level does not violate the author's or  
544 publisher's copyright, provided such material is developed in  
545 accordance with the doctrine of fair use.

546 (10) Not in any way, directly or indirectly, become  
547 associated or connected with any combination in restraint of  
548 trade in instructional materials, nor enter into any  
549 understanding, agreement, or combination to control prices or  
550 restrict competition in the sale of instructional materials for  
551 use in the state.

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552 (11) Maintain or contract with a depository in the state.

553 (12) For the core subject areas specified in s. 1006.40(2),  
554 maintain in the depository ~~for the first 3 years of the contract~~  
555 an inventory of instructional materials sufficient to receive  
556 and fill orders.

557 ~~(13) For the core subject areas specified in s. 1006.40(2),~~  
558 ~~ensure the availability of an inventory sufficient to receive~~  
559 ~~and fill orders for instructional materials for growth,~~  
560 ~~including the opening of a new school, and replacement during~~  
561 ~~the 3rd and subsequent years of the original contract period.~~

562 (13)(14) Accurately and fully disclose only the names of  
563 those persons who actually authored the instructional materials.  
564 In addition to the penalties provided in subsection (15)  
565 ~~subsection (16)~~, the district school board ~~commissioner~~ may  
566 remove from the list of district-adopted ~~state-adopted~~  
567 instructional materials those instructional materials whose  
568 publisher or manufacturer misleads the purchaser by falsely  
569 representing genuine authorship.

570 (14)(15) Grant, without prior written request, for any  
571 copyright held by the publisher or its agencies automatic  
572 permission to the district school board ~~department or its~~  
573 ~~agencies~~ for the reproduction of instructional materials and  
574 supplementary materials in Braille, large print, or other  
575 appropriate format for use by visually impaired students or  
576 other students with disabilities who ~~that~~ would benefit from use  
577 of the materials.

578 (15)(16) Upon the willful failure of the publisher or  
579 manufacturer to comply with the requirements of this section, be  
580 liable to the district school board ~~department~~ in the amount of



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581 three times the total sum which the publisher or manufacturer  
582 was paid in excess of the price required under subsections (5)  
583 and (6) and in the amount of three times the total value of the  
584 instructional materials and services which the district school  
585 board is entitled to receive free of charge under subsection  
586 (7).

587 Section 13. Subsections (2) and (3) of section 1006.40,  
588 Florida Statutes, are amended to read:

589 1006.40 Use of instructional materials allocation;  
590 instructional materials, library books, and reference books;  
591 repair of books.—

592 (2) Each district school board must purchase current  
593 instructional materials to provide each student in kindergarten  
594 through grade 12 with a major tool of instruction in core  
595 courses of the subject areas of mathematics, language arts,  
596 science, social studies, reading, and literature ~~for~~  
597 ~~kindergarten through grade 12. Such purchase must be made within~~  
598 ~~the first 3 years after the effective date of the adoption~~  
599 ~~cycle. For the 2012-2013 mathematics adoption, a district using~~  
600 ~~a comprehensive mathematics instructional materials program~~  
601 ~~adopted in the 2009-2010 adoption shall be deemed in compliance~~  
602 ~~with this subsection if it provides each student with such~~  
603 ~~additional state-adopted materials as may be necessary to align~~  
604 ~~the previously adopted comprehensive program to common core~~  
605 ~~standards and the other criteria of the 2012-2013 mathematics~~  
606 ~~adoption.~~

607 (3) ~~(a)~~ By the 2015-2016 fiscal year, each district school  
608 board shall use at least 50 percent of the annual allocation for  
609 the purchase of digital ~~or electronic~~ instructional materials

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610 that are consistent with district goals and objectives and the  
611 course descriptions adopted in rule by the State Board of  
612 Education, align with the performance standards provided for in  
613 s. 1001.03(1), meet the requirements in s. 1006.31, and are on  
614 the district-adopted list ~~align with state standards included on~~  
615 ~~the state-adopted list, except as otherwise authorized in~~  
616 ~~paragraphs (b) and (c). This section does not apply to a~~  
617 ~~district school board or a consortium of school districts which~~  
618 ~~implements an instructional materials program pursuant to s.~~  
619 ~~1006.283, except that by the 2015-2016 fiscal year, each~~  
620 ~~district school board shall use at least 50 percent of the~~  
621 ~~annual allocation for the purchase of digital or electronic~~  
622 ~~instructional materials that align with state standards.~~

623 ~~(b) Up to 50 percent of the annual allocation may be used~~  
624 ~~for the purchase of instructional materials, including library~~  
625 ~~and reference books and nonprint materials, not included on the~~  
626 ~~state-adopted list and for the repair and renovation of~~  
627 ~~textbooks and library books.~~

628 ~~(c) District school boards may use 100 percent of that~~  
629 ~~portion of the annual allocation designated for the purchase of~~  
630 ~~instructional materials for kindergarten, and 75 percent of that~~  
631 ~~portion of the annual allocation designated for the purchase of~~  
632 ~~instructional materials for first grade, to purchase materials~~  
633 ~~not on the state-adopted list.~~

634 Section 14. Subsection (1) of section 1006.41, Florida  
635 Statutes, is amended to read:

636 1006.41 Disposal of instructional materials.—

637 (1) Instructional materials that have become unserviceable  
638 or surplus or are no longer on the district state contract may

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639 be disposed of, under adopted rule of the district school board,  
640 by:

641 (a) Giving or lending the materials to other public  
642 education programs within the district or state, to the teachers  
643 to use in developing supplementary teaching materials, to  
644 students or others, or to any charitable organization,  
645 governmental agency, home education students, private school, or  
646 state.

647 (b) Selling the materials to used book dealers, recycling  
648 plants, pulp mills, or other persons, firms, or corporations  
649 upon such terms as are most economically advantageous to the  
650 district school board.

651 Section 15. Section 1006.282, Florida Statutes, is amended  
652 to read:

653 1006.282 Pilot program for the transition to ~~electronic and~~  
654 digital instructional materials.-

655 (1) A district school board may designate pilot program  
656 schools to implement the transition to instructional materials  
657 that are in ~~an electronic or~~ a digital format as defined in s.  
658 1006.283 ~~s. 1006.29(3)~~.

659 (2) A district school board may designate pilot program  
660 schools if the school district:

661 (a) Implements a local instructional improvement system  
662 pursuant to s. 1006.281 which enables district staff to plan,  
663 create, and manage professional development and to connect  
664 professional development with staff information and student  
665 performance, provides the ability to seamlessly connect the  
666 system to ~~electronic and~~ digital instructional materials and the  
667 instructional materials to student assessment data, and includes

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668 the minimum standards published by the Department of Education.

669 (b) Requests only the ~~electronic or~~ digital format of the  
670 sample copies of instructional materials submitted pursuant to  
671 s. 1006.283 ~~s. 1006.33~~.

672 (c) Uses at least 50 percent of the pilot program school's  
673 annual allocation from the district for the purchase of  
674 ~~electronic or~~ digital instructional materials included on the  
675 district-adopted ~~state-adopted~~ list.

676 (3) A school designated as a pilot program school by the  
677 school board is exempt from:

678 (a) Section 1006.40(2), if the school provides  
679 comprehensive ~~electronic or~~ digital instructional materials to  
680 all students; and

681 (b) Section 1006.37.

682 (4) By August 1 of each year, beginning in 2011, the school  
683 board must report to the Department of Education the school or  
684 schools in its district which have been designated as pilot  
685 program schools. The department shall publish the list of pilot  
686 program schools on the department's Internet website. The report  
687 must include:

688 (a) The name of the pilot program school, the contact  
689 person and contact person information, and the grade or grades  
690 and associated course or courses included in the pilot program  
691 school.

692 (b) A description of the type of technological tool or  
693 tools that will be used to access the ~~electronic or~~ digital  
694 instructional materials included in the pilot program school,  
695 whether district-owned or student-owned.

696 (c) The projected costs and funding sources, which must

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697 include cost savings or cost avoidances, associated with the  
698 pilot program.

699 (5) By September 1 of each year, beginning in 2012, each  
700 school board that has a designated pilot program school shall  
701 provide to the Department of Education, the Executive Office of  
702 the Governor, and the chairs of the appropriations committees of  
703 the Senate and the House of Representatives a review of the  
704 pilot program schools which must include, but need not be  
705 limited to:

706 (a) Successful practices;

707 (b) The average amount of online Internet time needed by a  
708 student to access and use the school's ~~electronic or~~ digital  
709 instructional materials;

710 (c) Lessons learned;

711 (d) The level of investment and cost-effectiveness; and

712 (e) Impacts on student performance.

713 Section 16. Section 1010.82, Florida Statutes, is amended  
714 to read:

715 1010.82 Textbook Bid Trust Fund.—Chapter 99-36, Laws of  
716 Florida, re-created the Textbook Bid Trust Fund to record the  
717 revenue and disbursements of textbook bid performance deposits  
718 submitted to the Department of Education ~~as required in s.~~  
719 ~~1006.33.~~

720 Section 17. This act shall take effect July 1, 2014.

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/11/14  
Meeting Date

Topic Instructional Materials for K-12  
Name Mindy Gould Bill Number 864  
Public Education (if applicable)

Job Title Legislation Chair Amendment Barcode \_\_\_\_\_ (if applicable)

Address 18181 NE 31st Court Phone 305-439-8979  
Aventura, FL 33160 E-mail Mindy.gould@ptac.aol.com  
City State Zip

Speaking:  For  Against  Information

Representing Florida PTA

Appearing at request of Chair:  Yes  No  
Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting. S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date \_\_\_\_\_

Topic Textbook Adoption Bill Number SB 864 (if applicable)

Name W/AYNE B/MAN Amendment Barcode \_\_\_\_\_ (if applicable)

Job Title Exec. Director

Address 203 S. Monroe St Phone 414-2578

Tallahassee Fla 32307 City State Zip E-mail Wbman@flba.org

Speaking:  For  Against  Information

Representing FLA School Boards Assn.

Appearing at request of Chair:  Yes  No Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/11/2014

Meeting Date

Topic Education Bill Number 50864 (if applicable)

Name Randy Osborne Amendment Barcode \_\_\_\_\_ (if applicable)

Job Title Director of Education FEF

Address 4203 NW 70th Ave Phone 572-7598

Ocala FL 34482  
City State Zip

Speaking:  For  Against  Information

Representing Florida Eagle Forum

Appearing at request of Chair:  Yes  No Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/11/14

Meeting Date

Topic Instructional Materials Bill Number 864 (if applicable)

Name Venue A. Pickup - Crawford Amendment Barcode \_\_\_\_\_ (if applicable)

Job Title Legislative Liaison

Address 571 Kingsbury Terrace Phone 571-644-2439

City Wellington State FL Zip 33414 E-mail kg.crawford@fsr.com

Speaking:  For  Against  Information

Representing Palm Beach, Treasure Coast Workgroup, Charlotte School District

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

MARCH 11

Meeting Date

Topic Instructional MATERIALS Bill Number SB864 (if applicable)

Name Chris Pooler Amendment Barcode \_\_\_\_\_ (if applicable)

Job Title Governmental Relations - Senate

Address 1118-73 Thomasville Rd Phone 850-506-5492

Street

City Tallahassee Fla State \_\_\_\_\_ Zip \_\_\_\_\_

E-mail cpooler@senate.com

Speaking:  For  Against  Information

Representing Small School District Council Consortium

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/11/14  
Meeting Date

Topic Frostwater Materials Bill Number 864  
(if applicable)

Name JUAN NIXON Amendment Barcode \_\_\_\_\_  
(if applicable)

Job Title Consultant  
Address 219 E Oak Phone \_\_\_\_\_  
Street

E-mail \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Speaking:  For  Against  Information

Representing ~~FLORIDA~~ FATEMA

Appearing at request of Chair:  Yes  No Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

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

---

Prepared By: The Professional Staff of the Committee on Education

---

BILL: SB 886

INTRODUCER: Senator Montford

SUBJECT: Florida Teachers Classroom Supply Assistance Program

DATE: March 10, 2014

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Letarte	Klebacha	ED	<b>Favorable</b>
2.			AED	
3.			AP	

---

**I. Summary:**

SB 886 revises provisions of the Florida Teachers Classroom Supply Assistance Program providing flexibility for school districts to distribute funds to classroom teachers sooner for the purchase of supplemental materials and supplies for public school students assigned to them.

The bill requires school districts to determine, by July 1<sup>st</sup> of each year, the expected number of classroom teachers to be employed by the district or a charter school in the district on September 1<sup>st</sup> of each year. If, by July 1<sup>st</sup>, a classroom teacher is expected to be employed on September 1<sup>st</sup>, the district school board and each charter school board may distribute the teacher's proportionate share of funds to the teacher by August 1<sup>st</sup>. If a teacher's expected employment status is determined after July 1<sup>st</sup>, the district school board and charter school board must provide the teacher with the teacher's proportionate share of funds by September 30<sup>th</sup>, which is the current distribution date.

The bill takes effect on July 1, 2014.

**II. Present Situation:**

**The Florida Teachers Classroom Supply Assistance Program**

The Florida Teachers Classroom Supply Assistance Program (Program) provides funds for classroom teachers to purchase supplemental materials and supplies for public school students assigned to them.<sup>1</sup> Program funds are appropriated by the Legislature in the General Appropriations Act and distributed to each school district by the Commissioner of Education based on each district's unweighted full-time equivalent student enrollment.<sup>2</sup> The district school

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<sup>1</sup> Section 1012.71, F.S.

<sup>2</sup> Section 1012.71(2), F.S. Funds from the Program may not be used to purchase equipment. *Id.*

board calculates and distributes each classroom teacher's proportionate share of funds by September 30<sup>th</sup> of each year.<sup>3</sup> A signed statement acknowledging receipt of the funds is required of each classroom teacher.<sup>4</sup> Additionally, a teacher must keep receipts for at least four years to show that funds were spent in accordance with Program requirements.<sup>5</sup> Any unused funds must be returned to the district school board at the end of the school year.<sup>6</sup> The 2013 General Appropriations Act appropriated \$45,286,750 to the Program.<sup>7</sup>

### III. Effect of Proposed Changes:

SB 886 revises provisions of the Florida Teachers Classroom Supply Assistance Program providing flexibility for school districts to distribute funds to classroom teachers sooner for the of purchase supplemental materials and supplies for public school students assigned to them.

The bill requires school districts, by July 1<sup>st</sup> of each year, to determine the expected number of classroom teachers who will be employed by the district or a charter school in the district on September 1<sup>st</sup>. As of July 1<sup>st</sup>, if a teacher is expected to be employed by a school district or a charter school in the district on September 1<sup>st</sup>, the district school board and each charter school board may provide the teacher with the teacher's proportionate share of funds by August 1<sup>st</sup>. If a teacher's expected employment is determined after July 1<sup>st</sup>, the district school board and each charter school board must provide the teacher with the teacher's proportionate share of funds by September 30<sup>th</sup>, which is the current date for distribution of funds from the Florida Teachers Classroom Supply Assistance Program.

The bill takes effect on July 1, 2014.

### IV. Constitutional Issues:

#### A. Municipality/County Mandates Restrictions:

None.

#### B. Public Records/Open Meetings Issues:

None.

#### C. Trust Funds Restrictions:

None.

<sup>3</sup> Section 1012.71(3), F.S. The funds are distributed by any appropriate means as determined by the district school board. *Id.*

<sup>4</sup> Section 1012.71(4), F.S.

<sup>5</sup> *Id.*

<sup>6</sup> *Id.* "[F]unds that are returned to the district board shall be deposited into the school advisory council account of the school at which the classroom teacher returning the funds was employed when that teacher received the funds or deposited into the Florida Teachers Classroom Supply Assistance Program account of the school district in which a charter school is sponsored, as applicable." *Id.*

<sup>7</sup> Specific Appropriation 87, s. 2, ch. 2013-40, L.O.F. (providing the amount appropriated to the Teachers Lead Program under Specific Appropriations 7 and 87); *see also* Specific Appropriation 7, s. 1 ch. 2013-40, L.O.F. The Program was originally named the Florida Teachers Lead Program and was renamed the Florida Teachers Classroom Supply Assistance Program in 2013. Section 10, ch. 2013-185, L.O.F.

**V. Fiscal Impact Statement:**

## A. Tax/Fee Issues:

None.

## B. Private Sector Impact:

None.

## C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 1012.71 of the Florida Statutes.

**IX. Additional Information:**

## A. Committee Substitute – Statement of Changes:

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

None.

## B. Amendments:

None.

By Senator Montford

3-00881A-14

2014886\_\_

A bill to be entitled

An act relating to the Florida Teachers Classroom Supply Assistance Program; amending s. 1012.71, F.S.; revising procedures for distributing program funds to classroom teachers; providing an effective date.

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

Section 1. Subsection (3) of section 1012.71, Florida Statutes, is amended to read:

1012.71 The Florida Teachers Classroom Supply Assistance Program.—

(3) From the funds allocated to each school district and any funds received from local contributions for the Florida Teachers Classroom Supply Assistance Program, the district school board shall calculate an identical amount for each classroom teacher who is expected to be employed by the school district or a charter school in the district on September 1 of each year, which is that teacher's proportionate share of the total amount allocated to the district from state funds and funds received from local contributions. A job-share classroom teacher may receive a prorated share of the amount provided to a full-time classroom teacher. For a classroom teacher determined eligible on July 1, the district school board and each charter school board may provide the teacher with his or her total proportionate share by August 1 based on the estimate of the number of teachers who will be employed on September 1. For a classroom teacher determined eligible after July 1, the district school board and each charter school board shall provide the

Page 1 of 2

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

3-00881A-14

2014886\_\_

~~each classroom~~ teacher with his or her total proportionate share by September 30. The proportionate share may be provided of each year by any means determined appropriate by the district school board or charter school board, including, but not limited to, direct deposit, check, debit card, or purchasing card. If a debit card is used, an identifier must be placed on the front of the debit card which clearly indicates that the card has been issued for the Florida Teachers Classroom Supply Assistance Program. Expenditures under the program are not subject to state or local competitive bidding requirements. Funds received by a classroom teacher do not affect wages, hours, or terms and conditions of employment and, therefore, are not subject to collective bargaining. Any classroom teacher may decline receipt of or return the funds without explanation or cause.

Section 2. This act shall take effect July 1, 2014.

Page 2 of 2

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

# APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

03/11/2014

*Meeting Date*

Topic Florida Teachers Classroom Supply Assistance Program Bill Number SB 886  
*(if applicable)*

Name Kathy Hebda Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title Chief of Staff

Address 325 W. Gaines St, Phone 850-245-0505  
*Street*

Tallahassee \_\_\_\_\_ \_\_\_\_\_ E-mail Kathy.Hebda@fldoe.org  
*City State Zip*

Speaking:  For  Against  Information

Representing Florida Department of Education

Appearing at request of Chair:  Yes  No Lobbyist registered with Legislature:  Yes  No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

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# APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3-11-14

*Meeting Date*

Topic Waive in Support Bill Number SB 886  
*(if applicable)*

Name Kim McDougal Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title Director of Policy

Address The Capitol Phone 717-9267  
*Street*

Tallahassee FL 32399 E-mail kim.mcdougal@laspbs.state.fl.us  
*City State Zip*

Speaking:  For  Against  Information

Representing Governor's Office

Appearing at request of Chair:  Yes  No Lobbyist registered with Legislature:  Yes  No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

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

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

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

---

Prepared By: The Professional Staff of the Committee on Education

---

BILL: SR 894

INTRODUCER: Senator Sobel

SUBJECT: Israeli Universities and Institutions of Higher Learning

DATE: March 10, 2014

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Letarte</u>	<u>Klebacha</u>	<u>ED</u>	<u>Pre-meeting</u>
2.	_____	_____	<u>RC</u>	_____

---

**I. Summary:**

The Senate resolution “encourages and welcomes bipartisan support in recognition of Israel’s right to academic freedom and collaboration with institutions around the world.”<sup>1</sup>

**II. Present Situation:**

**Resolutions**

A resolution is a “bill that is not subject to action by the Governor, is not subject to the constitutional one-subject limitation or to the constitutional title requirements, and, except for certain uses of joint resolutions and concurrent resolutions, does not have the effect of law. When adopted by both houses, it is signed by the legislative officers and presented to the Secretary of State.”<sup>2</sup>

A Senate resolution (SR), such as this current resolution, or House resolution (HR) is “[a] one-house document used for matters not involving the other house. It is often ceremonial or congratulatory in nature.”<sup>3</sup>

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<sup>1</sup> SR 894, lines 39-42 (2014 Reg. Session).

<sup>2</sup> The Florida Senate, *Glossary*, <https://www.flsenate.gov/Reference/Glossary#R> (last visited Mar. 5, 2014).

<sup>3</sup> *Id.*



### **Boycott of Israeli Academic Institutions by the American Studies Association**

On December 4, 2013, the American Studies Association (ASA)<sup>4</sup> resolved to boycott Israeli academic institutions.<sup>5</sup> The ASA resolution states the following reasons, among others, for its boycott:<sup>6</sup>

- Dedication to “the right of students and scholars to pursue education and research without undue state interference, repression, and military violence, and in keeping with the spirit of [ASA’s] previous statements”; and
- Support of “the right of students and scholars to intellectual freedom and to political dissent as citizens and scholars.”

Viewpoints vary in favor of, and in opposition to, the boycott.<sup>7</sup>

### **III. Effect of Proposed Changes:**

SR 894 “encourages and welcomes bipartisan support in recognition of Israel’s right to academic freedom and collaboration with institutions around the world.”<sup>8</sup>

### **IV. Constitutional Issues:**

#### **A. Municipality/County Mandates Restrictions:**

None.

#### **B. Public Records/Open Meetings Issues:**

None.

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<sup>4</sup> The ASA, which was chartered in 1951 and has approximately 5,000 members and 2,200 library and institutional subscribers, is an “association devoted to the interdisciplinary study of American culture and history.” American Studies Association, *What the ASA Does*, [http://www.theasa.net/about/page/what\\_the\\_asa\\_does/](http://www.theasa.net/about/page/what_the_asa_does/) (last visited Mar. 5, 2014).

<sup>5</sup> American Studies Association, *About: Resolutions and Actions: Council Resolution on Boycott of Israeli Academic Institutions*, [http://www.theasa.net/american\\_studies\\_association\\_resolution\\_on\\_academic\\_boycott\\_of\\_israel](http://www.theasa.net/american_studies_association_resolution_on_academic_boycott_of_israel) (last visited Mar. 5, 2014). The Native American and Indigenous Studies Association and the Association of Asian American Studies have also called for the boycott. The Daily Northwestern, *Northwestern Students, Professors Debate Israeli Academic Boycott at Panel Discussion*, <http://dailynorthwestern.com/2014/02/03/campus/northwestern-students-professors-discuss-israeli-academic-boycott-at-panel-discussion/> (last visited Mar. 5, 2014).

<sup>6</sup> *Id.*

<sup>7</sup> See The Anti-Defamation League, *University Officials and Academic Institutions Respond to ASA Boycott*, <http://www.adl.org/israel-international/israel-middle-east/content/backgroundersarticles/american-university-officials-institutions-respond-to-asa-boycott.html> (last visited Mar. 5, 2014); The Daily Northwestern, *supra* note 5; The New York Times, *Backlash against Israel Boycott Throws Academic Association on Defensive*, <http://www.nytimes.com/2014/01/06/us/backlash-against-israel-boycott-throws-academic-association-on-defensive.html> (last visited Mar. 5, 2014).

<sup>8</sup> SR 894, lines 39-42 (2014 Reg. Session).

C. Trust Funds Restrictions:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

The Senate resolution does not amend, create, or repeal any provisions of the Florida Statutes.

**IX. Additional Information:**

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/11/2014

Meeting Date

Topic Opposing SR 894 Bill Number SR 894  
Name Malak Fakhoury Amendment Barcode N/A  
*(if applicable)*

Job Title Student *(if applicable)*

Address 4202 E Fowler Ave, Phone N/A  
*Street*  
Tampa, FL 33620  
*City State Zip*

Speaking:  For  Against  Information

Representing \_\_\_\_\_

Appearing at request of Chair:  Yes  No Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/11/2014

Meeting Date

Topic SR 894 and its attack on academic freedom

Bill Number SR 894

(if applicable)

Name Ahmad Saadaldin

Amendment Barcode

(if applicable)

Job Title Student

Address 4202 E Fowler Ave,

Phone N/A

Street

Tampa

FL 33620

City

State

Zip

E-mail sjpus2010@gmail.com

Speaking:  For  Against  Information

Representing Students at University of South Florida

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/11/14  
Meeting Date

Topic Anti-BDS legislation Bill Number SB 894  
(if applicable)

Name Nathaniel Wallace Amendment Barcode \_\_\_\_\_  
(if applicable)

Job Title College Coach / U.S. Football Coach

Address 2203 W. Pensacola St. Apt D6 Phone 904-210-5779  
Tallahassee FL 32304  
City State Zip

E-mail ngw08@my.fsu.edu

Speaking:  For  Against  Information

Representing FSU

Appearing at request of Chair:  Yes  No  
Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/11/14  
Meeting Date

Topic BDS / Israel-Palestine / Education Bill Number SR 894 (if applicable)  
Name Aaron Ellis Amendment Barcode \_\_\_\_\_ (if applicable)  
Job Title PhD student / teacher  
Address 713 Stiles Ave Phone 254 716 4316  
Tallahassee FL 32303 E-mail ame11m@my.fsu.edu  
City State Zip

Speaking:  For  Against  Information

Representing Students for Justice in Palestine  
+ Jewish Voice for Peace

Appearing at request of Chair:  Yes  No Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/12/14  
Meeting Date

Topic State Resolution

Bill Number SR 894

Name Ahmad Hussain

Amendment Barcode

Job Title Full-Time Student

Address 899 Greenbush Pl.

Phone 813-600-8050

Tampa, FL 33617  
Street City State Zip

E-mail ~~ahussain@universityofalabama.edu~~ mahmed3@gmail.com

Speaking:  For  Against  Information

Representing

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

NOVEMBER 11, 2014  
Meeting Date

Topic ~~WFLA 1139-1204~~ Bill Number SR 894 (if applicable)  
Name ~~WFLA FAKHOURY~~ Fakhoury Amendment Barcode \_\_\_\_\_ (if applicable)  
Job Title ~~STUDENT~~

Address 638 Greenbush Pl. Phone (813) 139-1204  
Tampa FL 33617 E-mail WfLafax@greenbush.com  
City State Zip

Speaking:  For  Against  Information

Representing \_\_\_\_\_

Appearing at request of Chair:  Yes  No Lobbyist registered with Legislature:  Yes  No

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



**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

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

---

Prepared By: The Professional Staff of the Committee on Education

---

BILL: CS/SB 900

INTRODUCER: Education Committee and Senator Latvala

SUBJECT: Public-private Partnerships

DATE: March 13, 2014

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hand	Klebacha	ED	<b>Fav/CS</b>
2.			CA	
3.			AED	
4.			AP	

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 900 provides definitions, legislative findings and intent, procurement procedures, qualification and approval processes for qualifying projects, agreement provisions, fee structures, financing arrangements, powers and duties of state university boards and private entities, and provisions that affirm the applicability of sovereign immunity.

The bill's stated intent is to: encourage investment in the state by private entities; facilitate various bond financing mechanisms, private capital, and other funding sources, including expansion and acceleration of such financing to meet the public need; and to provide the greatest possible flexibility to public and private entities contracting for the provision of services.

Essentially, the bill authorizes state universities to utilize public-private partnerships as an alternative procurement process to develop, operate or maintain qualifying projects that the state university will subsequently own at the end of the associated comprehensive agreement.

The bill provides an effective date of July 1, 2014.

## II. Present Situation:

State universities have specific statutory mechanisms available to procure and finance capital projects. Both procurement and finance mechanisms are subject to Board of Governors (BOG) regulatory oversight. With each of these mechanisms, state universities must navigate differing requirements. Even with the various existing mechanisms at their disposal, state universities face a “crisis” in infrastructure and facilities funding.<sup>1</sup>

### State University Capital Project Options

Options available to state universities for capital projects range from university lease agreements and joint occupancy structures, to contracting techniques and the use of revenue bonds.<sup>2</sup>

#### *University Lease Agreements*

Pursuant to s. 1013.171, F.S., each university is authorized to:

- Negotiate and enter into agreements to lease land under its jurisdiction to for-profit and non-profit corporations, for the purpose of erecting thereon facilities and accommodations necessary and desirable to serve the needs and purposes of the university, as determined by the systemwide strategic plan adopted by the BOG.
- Enter into agreements with for-profit and nonprofit corporations, whereby income-producing buildings, improvements, and facilities necessary and desirable to serve the needs and purposes of the university, as determined by the systemwide strategic plan adopted by the BOG, are acquired by purchase or lease-purchase by the university. When such agreements provide for lease-purchase of facilities erected on land that is not under the jurisdiction of the university, the agreement shall include as part of the consideration provisions for the eventual ownership of the land and facility by the state. Each university is authorized to use any auxiliary trust funds, available and not otherwise obligated, to pay rent to the owner should income from the facilities not be sufficient in any debt payment period.
- Construct educational facilities on land that is owned by a direct-support organization, or a governmental agency at the federal, state, county, or municipal level, if the university has acquired a long-term lease for use of the land. If a direct-support organization does not have sufficient land available, the university may acquire a short term lease from a private landowner or developer.
- Enter into a short-term lease for the use of land and buildings upon which capital improvements may be made.

These agreements must be entered into with an entity resulting from publicly announced competitive bids or proposals, except that, the university may enter into an agreement with a direct-support organization, or a governmental agency at the federal, state, county, or municipal level, which shall enter into subsequent agreements for financing and constructing the project after receiving competitive bids or proposals.<sup>3</sup> Any facility constructed, lease-purchased, or purchased under such agreements, whether erected on land under the jurisdiction of the

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<sup>1</sup> Florida Board of Governors, Task Force on Facilities Funding – 2012, at 1, *available at* <http://www.flbog.edu/about/taskforce/facilities.php>.

<sup>2</sup> The state university matching grant program has been suspended since 2011. Section 1013.79(12), F.S.

<sup>3</sup> Section 1013.171, F.S.

university or not, shall conform to the construction standards and codes applicable to university facilities.<sup>4</sup> These agreements are also subject to s. 1010.62, F.S., pertaining to revenue bonds and debt.<sup>5</sup>

### ***Joint Occupancy Structures***

For the purpose of implementing jointly financed construction project agreements, or for the construction of combined occupancy structures, any board may purchase, own, convey, sell, lease or encumber airspace or any other interests in property above airspace of the land, provided the lease of airspace for nonpublic use is for such reasonable rent, length of term, and conditions as the board in its discretion may describe.<sup>6</sup>

All proceeds from the sale or lease shall be used by the board or boards receiving the proceeds solely for fixed capital outlay purposes.<sup>7</sup> These purpose may include the renovation or remodeling of existing facilities owned by the board, or the construction of new facilities.<sup>8</sup> However, construction of new facilities must be authorized by the Legislature.<sup>9</sup>

Buildings that are common to both nonpublic and educational portions, that is sold or leased for nonpublic used is subject to applicable regulations pertaining to land use, zoning, construction, fire protection, health, and safety to the same extent such regulations would be applicable to the construction of building for nonpublic use on the appurtenant land beneath the subject airspace.<sup>10</sup>

Any educational facility constructed or leased as part of a joint-occupancy facility is subject to all rules and requirements of the respective boards or departments having jurisdiction over educational facilities.<sup>11</sup> Any contract execute by a state university pursuant to this section is subject to s. 1010.62, F.S. , pertaining to revenue bonds and debt.<sup>12</sup>

### ***Coordination of Planning with Local Governing Bodies***

State policy requires the coordination of planning between boards and local governing boards to ensure that plans for the construction and opening of public educational facilities are facilitated and coordinated in time and place with plans for residential development, concurrently with other necessary services.<sup>13</sup>

### ***Contracting and Construction Techniques for Educational Facilities***

State university boards may employ procedures to contract for construction for new facilities, or for additions, remodeling, renovation, maintenance, or repairs to existing facilities, which include but are limited to:

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<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

<sup>6</sup> Section 1013.19, F.S.

<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

<sup>11</sup> *Id.*

<sup>12</sup> *Id.*

<sup>13</sup> Section 1013.33, F.S.

- Competitive bids or design-build.
- Selecting a construction management entity that would be responsible for all scheduling and coordination in both design and construction phases.
- Selecting a program management entity that would be responsible for schedule control, cost control, and coordination in providing or procuring planning, design and construction services.
- Day labor contracts for construction, renovation, remodeling, or maintenance of existing facilities.<sup>14</sup>

### ***Joint Use of Facilities By Multiple State Universities***

State law has authorized and created a process by which two or more boards may cooperatively establish a common educational facility to accommodate students.<sup>15</sup>

### **Debt And Financing For State University Capital Projects**

Debt to finance state university capital projects may be incurred at different levels and structures.<sup>16</sup> The types of debt may be state-issued debt, university system-issued debt, and university-issued debt.<sup>17</sup> State-issued debt is primarily in the form of PECO bonds, and system-issued debt is limited to Capital Improvement Fee Trust Fund (CITF) bonds.<sup>18</sup>

### ***State-Issued Debt (Public Education Capital Outlay)***

State-issued debt is backed by the various revenue sources (i.e., dedicated revenue sources, general revenue, state incomes taxes, or lottery profits).<sup>19</sup> The Legislature must approve state-funded university capital projects.<sup>20</sup> Florida has historically provided state funding for university projects with a dedicated revenue source.<sup>21</sup>

“State-issued debt is typically undertaken on behalf of the university system or individual institutions and takes advantage of the full faith and credit of the state as guarantee for bond payments.”<sup>22</sup>

The BOG currently relies on state Public Education Capital Outlay (PECO) dollars as the primary source of university construction (i.e., new teaching and research facilities) and building maintenance (i.e., to keep existing buildings functional and to retrofit old buildings into new

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<sup>14</sup> Section 1013.45, F.S.

<sup>15</sup> Section 1013.52, F.S.

<sup>16</sup> Office of Program Policy Analysis and Government Accountability, *Other States Use a Variety of Revenues and Financing Methods to Fund Public University Capital Outlay Projects*, Research Memorandum, at 5 (October 12, 2012)(on file with the Senate Committee on Education).

<sup>17</sup> *Id.*

<sup>18</sup> Email, Staff of the Board of Governors, (March 10, 2014)(on file with the Senate Committee on Education).

<sup>19</sup> *Id.*

<sup>20</sup> *Id.* at 1.

<sup>21</sup> *Id.* at 2.

<sup>22</sup> *Id.* at 6.

uses).<sup>23</sup> However, PECO funds cannot be used to construct student life facilities, such as student unions, cafeterias, recreational fields, and fitness centers.<sup>24</sup>

### ***University System Issued Debt***

The BOG can only issue system debt based on revenues from student capital improvement fees, formally known as the Capital Improvement Trust Fund Fee.<sup>25</sup> Such debt is subject to specific Legislative authorization in the general appropriations act, and requires approval of the State Board of Administration.<sup>26</sup> No new debt has been authorized under the CITF program since 2008.<sup>27</sup>

The BOG may “issue revenue bonds that are secured by a pledge of revenues from institution enterprises such as dormitories, parking garages, food service, and athletic programs. These bonds are typically used to finance student support facilities, such as student unions, recreation facilities, housing, health and parking facilities.”<sup>28</sup>

### ***Individual Institution Issued Debt***

“Institution debt is typically a revenue bond authorized to fund student support facilities such as student unions, dormitories, or parking garages.”<sup>29</sup> Institutional debt is typically backed by student fees and revenues from auxiliary enterprises (such as housing and parking).<sup>30</sup> “[A]ny proposal for issuance of institution revenue bonds is reviewed by the State Board of Administration’s Division of Bond Finance and approved by the BOG.”<sup>31</sup>

### ***Debt Structures***

“The primary debt structures used to finance projects are general obligation bonds, revenue bonds, and lease/purchase contracts...”<sup>32</sup> For example:

- General obligation bonds take advantage of the full faith and credit and the taxing authority of the state as guarantee for payment.<sup>33</sup>

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<sup>23</sup> Florida Board of Governors, Task Force on Facilities Funding – 2012, available at <http://www.flbog.edu/about/taskforce/facilities.php>, State University System, Board of Governors, *FACT SHEET: Public Education Capital Outlay (PECO)*(July 17, 2012) available at <http://flbog.edu/pressroom/doc/7.2012-PECO-Fact-Sheet-Press-Room.pdf>.

<sup>24</sup> *Id.*

<sup>25</sup> Office of Program Policy Analysis and Government Accountability, *Other States Use a Variety of Revenues and Financing Methods to Fund Public University Capital Outlay Projects*, Research Memorandum, at 6 (October 12, 2012)(on file with the Senate Committee on Education), Email, Staff of the Board of Governors, (March 10, 2014)(on file with the Senate Committee on Education).

<sup>26</sup> Email, Staff of the Board of Governors, (March 10, 2014)(on file with the Senate Committee on Education), Office of Program Policy Analysis and Government Accountability, *Other States Use a Variety of Revenues and Financing Methods to Fund Public University Capital Outlay Projects*, Research Memorandum, at 6 (October 12, 2012)(on file with the Senate Committee on Education).

<sup>27</sup> Email, Staff of the Board of Governors, (March 10, 2014)(on file with the Senate Committee on Education).

<sup>28</sup> *Id.* at 7.

<sup>29</sup> *Id.* at 9.

<sup>30</sup> *Id.* at 5.

<sup>31</sup> *Id.* at 9.

<sup>32</sup> *Id.* at 5,

<sup>33</sup> *Id.* at 5.

- Revenue bonds depend on a dedicated revenue source as guarantee for payment.<sup>34</sup>
- Lease/purchase contracts are similar to bonds, but the investor purchases a share of the lease revenues of a program rather than the bond being secured by those revenues.<sup>35</sup>

### **Public-Private Partnerships**

Public-private partnerships (P3) are in use nationally, even for state universities. While generally authorized and in use in Florida, P3s are not specifically authorized in law for state university use.

#### ***Public-Private Partnerships Nationally***

A P3 is a contractual agreement formed between a public agency and a private sector entity that allows for greater private sector participation in the delivery and financing of public building and infrastructure projects.<sup>36</sup>

A P3 can “involve a variety of forms and structures.”<sup>37</sup> In addition to the sharing of resources, each party shares in the risks and rewards potential in the delivery of the service or facility.<sup>38</sup> There are different types of P3s with varying levels of private sector involvement. For example:

- A Design-Build-Finance-Operate (DBFO) transaction is where the government grants a private sector partner the right to develop a new piece of public infrastructure.<sup>39</sup> The private entity takes on full responsibility and risk for delivery and operation of the public project against pre-determined standards of performance established by government.<sup>40</sup> The private entity is paid through the revenue stream generated by the project, which could take the form of a user charge (such as a highway toll) or, in some cases, an annual government payment for performance (often called a “shadow toll” or “availability charge”).<sup>41</sup> Any increases in the user charge or payment for performance typically are set out in advance and regulated by a binding contract.<sup>42</sup>
- An Unsolicited Proposal Procurement Model (UPPM) allows for the receipt of unsolicited bids from private entities to contract for the design, construction, operation, and financing of public infrastructure.<sup>43</sup> Generally, the public entity requires a processing or review fee to cover costs for the technical and legal review.<sup>44</sup>

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<sup>34</sup> *Id.* at 5.

<sup>35</sup> *Id.* at 5.

<sup>36</sup> See The Federal Highway Administration, United States Department of Transportation, *Innovative Program Delivery*, available at <http://www.fhwa.dot.gov/ipd/p3/defined/index.htm> (last visited March 9, 2014).

<sup>37</sup> Office of Program Policy Analysis and Government Accountability, *Other States Use a Variety of Revenues and Financing Methods to Fund Public University Capital Outlay Projects*, Research Memorandum, at 10 (October 12, 2012)(on file with the Senate Committee on Education).

<sup>38</sup> *Id.*

<sup>39</sup> See The Oregon Department of Transportation, *The Power of Public-Private Partnerships*, available at: <http://www.oregon.gov/ODOT/HWY/OIPP/docs/PowerofPublicPrivate050806.pdf> (last visited March 8, 2014).

<sup>40</sup> *Id.*

<sup>41</sup> *Id.*

<sup>42</sup> *Id.*

<sup>43</sup> See *Innovative Models for the Design, Build, Operation and Financing of Public Infrastructure*, John J. Fumero, 2, available at <http://documents.jdsupra.com/3c55cef3-3a4f-45d7-b199-b658fa2f1443.pdf> (last visited March 9, 2014).

<sup>44</sup> *Id.*

### ***State University Use of Public-Private Partnerships Nationally***

A P3 “can provide universities access to additional capital resources, spread risk, and over expertise in specialized areas of construction, such as medical centers or housing; however, the contracts covering these arrangements are often complex and private partners may not live up to their obligations.”<sup>45</sup>

Universities in other states typically form P3s to construct dining, housing, parking, dormitories or other support facilities; although some universities in other states have begun to use them to construct research laboratories and classrooms.<sup>46</sup>

### ***Public-Private Partnerships in Florida***

In 2013, the Legislature created s. 287.0512, F.S., which, in part, created an alternative procurement process and requirements for responsible public entities<sup>47</sup> to enter into P3s to facilitate construction of public-purpose projects.<sup>48</sup> However, this law is not applicable to state universities.<sup>49</sup>

### ***State University Use of Public-Private Partnerships in Florida***

Despite the lack of specific statutory authority that directly authorizes or regulates P3s for state universities, some state universities in Florida are utilizing P3s. For example:

- Florida Atlantic University used a P3 to build a dormitory.<sup>50</sup>
- Florida State University is using, and has attempted, P3s for various fields.<sup>51</sup>
- The University of West Florida created Business Enterprises Inc. as a direct support organization to build and manage P3s to help the university accomplish its goals.<sup>52</sup>

<sup>45</sup> Office of Program Policy Analysis and Government Accountability, *Other States Use a Variety of Revenues and Financing Methods to Fund Public University Capital Outlay Projects*, Research Memorandum, at 10 (October 12, 2012)(on file with the Senate Committee on Education).

<sup>46</sup> *Id.*

<sup>47</sup> Section 287.05712(1)(j), F.S. “Responsible public entity” means “a county, municipality, school board, or any other political subdivision of the state; a public body corporate and politic; or a regional entity that serves a public purpose and is authorized to develop or operate a qualifying project.” *Id.*

<sup>48</sup> See Staff of the Florida House of Representatives, *Legislative Bill Analysis for CS/CS/HB 85* (2013). Under this law, P3s may be used for facilities or projects that serves a public purpose, including but not limited to, any ferry or mass transit facility, vehicle parking facility, airport or seaport facility, recreational facility, an improvement of a building (including equipment) that will principally be used by the public at large or that supports a service delivery system in the public sector, or a water, wastewater, or surface water management facility or other related infrastructure. See Section 287.05712(1)(i), F.S.

<sup>49</sup> Staff of the Board of Governors, *Legislative Bill Analysis for SB 900*, at 3 (February 21, 2014).

<sup>50</sup> Office of Program Policy Analysis and Government Accountability, *Other States Use a Variety of Revenues and Financing Methods to Fund Public University Capital Outlay Projects*, Research Memorandum, at 12 (October 12, 2012)(on file with the Senate Committee on Education).

<sup>51</sup> “Florida State University participated in a [P3] with the company Digital Domain. The company provided the facilities for students in West Palm Beach to train in digital animation. The company filed for bankruptcy after students were already enrolled in September 2012.” *Id.* at 13, footnote 21, The Gradebook, *FSU’s announcement is the latest in trend of public-private partnerships at universities*, <http://www.tampabay.com/blogs/gradebook/content/fsus-announcement-latest-trend-public-private-partnerships-universities> (last viewed March 8, 2014),

<sup>52</sup> UWF Business Enterprises, Inc., *Direct Support for the University*, <http://uwf.edu/bei/about.html> (last viewed March 8, 2014),

- Florida Polytechnic University awarded a P3 for student housing.<sup>53</sup>

### III. Effect of Proposed Changes:

CS/SB 900 provides definitions, legislative findings and intent, procurement procedures, qualification requirements and approval process, agreement provisions, fee structures, financing arrangements, powers and duties of state university boards and private entities, and provisions that affirm the applicability of sovereign immunity.<sup>54</sup>

#### Legislative Findings and Intent

The bill identifies Legislative findings to support the public need for P3s for state universities, such as a finding of a public need for construction or improvement of facilities that are used predominately for a public purpose that that is in the public's interest to provide for the construction or improvement of such facilities<sup>55</sup>

The bill declares Legislative intent to encourage investments in the state by private entities, to facilitate various bond financing mechanisms (including expansion and acceleration of such financing to meet the public need), and to provide the greatest possible flexibility to public and private entities contracting for the provision of public services.

#### Procurement Procedures

A state university board may receive unsolicited proposals or may solicit proposals for qualifying projects and may thereafter enter into an agreement with a private entity, or a consortium of private entities to develop, improve, operate, own, or finance facilities.

The board may establish a reasonable application fee for the submission of an unsolicited proposal. A board may engage the services of a private consultant to assist in the evaluation.

If an unsolicited proposal is received and the board intends to enter into a comprehensive agreement for the project described in such unsolicited proposal, the board must publish notice in a newspaper of general circulation at least once a week for 2 weeks stating that the board has received a proposal and will accept other proposals for the same project

#### Proposal Requirement and Approval Process

The board must consider various factors before approving the proposed project and in reviewing and ranking proposals, and the private entity's unsolicited proposal must provide certain information and meet specified requirements.

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<sup>53</sup> Florida Polytechnic University, *Florida Polytechnic University Awards Contract For Student Housing*, <https://floridapolytechnic.org/news-item/florida-polytechnic-university-awards-contract-for-student-housing/> (last viewed March 8, 2014).

<sup>54</sup> SB 900 parallels the current similar requirements in s. 287.05712, F.S., which were created via Ch. 2013-223, L.O.F. *See* State University System, Bill Analysis for SB 900, at 2 (Feb. 21, 2014).

<sup>55</sup> Universities might be implicitly allowed to expand their focus from what is necessary and desirable to serve the needs and purposes of the university (or its students), to what serves a public need or benefit derived from the type of qualifying project that the private entity proposes.



***Board Approval and Duties***

The board must determine that the proposed project:

- Is in the public's best interest.
- Is for a facility that is owned by the board or for a facility for which ownership will be conveyed to the board.
- Has adequate safeguards in place to ensure that additional costs or service disruptions are not imposed on the public in the event of material default or cancellation of the agreement by the board.
- Has adequate safeguards in place to ensure that the board or private entity has the opportunity to add capacity to the proposed project or other facilities serving similar predominantly public purposes.
- Will be owned by the board upon completion or termination of the agreement and upon payment of the amount financed.
- Is supported by a reasonable finance plan that is consistent with:
  - The bill's financing requirements.
  - Available financing; major assumptions.
  - Internal rate of return on private investments, if governmental funds are assumed in order to deliver a cost-feasible project.
  - A total cash-flow analysis beginning with the implementation of the project and extending for the term of the agreement.

The board must ensure that:

- Provisions are made for the private entity's performance and payment of subcontractors, including but not limited to, surety bonds, letters of credit, parent company guarantees, and lender and equity partner guarantees.<sup>56</sup>
- The most efficient pricing of the security package provides for the performance and payment of subcontractors.
- Provisions are made for the transfer of the private entity's obligations if the comprehensive agreement is terminated or a material default occurs.
- Before the procurement process is initiated or before the contract is awarded, the board performs an independent analysis of the proposed public-private partnership that demonstrates the cost-effectiveness and overall public benefit.

***Unsolicited Proposal Requirements***

An unsolicited proposal from a private entity for approval of a qualifying project must be accompanied by (unless waived by the board)<sup>57</sup>:

- A description of the qualifying project, including the conceptual design of the facilities or a conceptual plan for the provision of services, and a schedule for the initiation and completion of the qualifying project.
- A description of the method by which the private entity proposes to secure the necessary property interests that are required for the qualifying project.

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<sup>56</sup> Construction bonds are subject to s. 255.05, F.S.

<sup>57</sup> The private entity must also meet the minimum standards contained in the board's regulation or guidelines for qualifying professional services and contracts for traditional procurement projects.

- A description of the private entity's general plans for financing the qualifying project, including the sources of the private entity's funds and the identity for a dedicated revenue sources or proposed debt or equity investment on behalf of the private entity.
- The proposed user fees, lease payments, or other services payments over the term of a comprehensive agreement, and the methodology for and circumstances that would allow changes to the user fees, lease payments, and other service payments over time.

The board may reasonably request any additional material or information, including a technical study prepared by a nationally recognized expert with experience in preparing analysis for bond rating agencies.

### ***Review Negotiation of Proposals***

The board must review and rank the proposals received in order of preference. For purposes of ranking, the board may consider, but is not limited to:

- Professional qualification.
- General business terms.
- Innovative design techniques or cost-reduction terms.
- Finance plans.

As with an unsolicited proposal, the board may charge a reasonable fee to cover the cost of processing, reviewing and evaluating solicited proposals, including but not limited to, reasonable attorney fees and fees for financial and technical advisors or consultants and for other necessary advisors or consultants.

The board may negotiate for a comprehensive agreement with the highest-ranked entity. If the board is not satisfied with the results of the negotiations, the board may terminate negotiations with the highest ranked and negotiate with the second-ranked or subsequent-ranked entities. The board may reject all proposals at any point in time.

### ***Board Approval***

The board may approve the development or operation of a qualifying project, or the design or equipping of a qualifying project that is developed or operated, if:

- There is a public need for or benefit derived from the project that the private entity proposes as the qualifying project and the project is included in the university's master plan.
- The estimated cost of the qualifying project is reasonable in relation to similar facilities.
- The private entity's plan will result in the timely acquisition, design, construction, improvement, renovation, expansion, equipping, maintenance, or operation of the qualifying project.

### **Agreements**

The bill envisions the possibility of the board and private entity entering into multiple agreements, such as interim agreements, comprehensive agreements, maintenance agreements, service agreements, and fee agreements, when implementing the P3.

### ***Interim Agreement***

Before the negotiation of a comprehensive agreement, the board may enter into an interim agreement with the private entity. The interim agreement does not obligate the board to enter into a comprehensive agreement. The interim agreement must be limited to provisions that:

- Authorize the private entity to commence activities for which it may be compensated related to the proposed qualifying project, including but not limited to, project planning and development, design, environmental analysis and mitigation, survey, other activities concerning any part of the proposed qualifying project, and ascertaining the availability and financing for the proposed facility or facilities.
- Establish the process and timing of the negotiation of the comprehensive agreement.
- Contain other provisions related to an aspect of the development or operation of a qualifying project that the board and the private entity deem appropriate.

### ***Comprehensive Agreement***

The board may enter into a comprehensive agreement subject to approval by the Board of Governors (BOG) and pursuant to guidelines adopted by the BOG for P3 transactions. The private entity and board must enter into a comprehensive agreement prior to developing or operating the qualifying project.

The comprehensive agreement must provide for:

- Delivery of performance and payment bonds, letters of credit, and other security in connection with the development or operation of the qualifying project. Construction bonds must comply with s. 255.05, F.S.
- Board review and approval of the design of the qualifying project. This does not require the private entity to complete the design of the project before the execution of the comprehensive agreement.
- Inspection of the qualifying project by the board to ensure the private entity's activities are acceptable to the board.
- Maintenance of a policy of public liability insurance or self-insurance.
- Monitoring of the practices of the private entity by the responsive public entity to ensure the project is properly maintained.
- Filing of financial statements on a periodic basis by the private entity.
- Procedures governing the rights and responsibility of the board and private entity in the course of the construction and operation of the qualifying project and in the event of a termination of the agreement or a material default. The procedures must include:
  - Conditions that govern the assumption of the duties and responsibilities of the private entity by an entity that funded, in whole or part, the qualifying project or by the board.
  - Transfer or purchase of property or other interests of the private entity by the board.
- Agreement on negotiated fees (i.e., user fees, lease payments, service payments).
- Duties of the private entity, including terms and conditions that the board determines serve the public purpose.

The comprehensive agreement may include:

- An agreement by the board to make grants or loans to the private entity from amounts received from federal, state, or local government or an agency or instrumentality thereof, or private donors.
- A provision under which each entity agrees to provide notice of default and cure rights for the benefit of the other entity, including, but not limited to, a provision regarding unavoidable delays.
- A provision that terminates the authority and duties of the private entity and dedicates the qualifying project to the board.

Each private facility that is constructed pursuant to the comprehensive agreement must comply with the requirements of federal, state and local laws; state, regional, and local comprehensive plans; board rules, regulations, procedures, and facility standards; and such other conditions that the board determines to be in the public's best interest and that are included in the comprehensive agreement.

The private entity must develop, operate, or maintain the qualifying project in accordance with the comprehensive agreement. The private entity must also:

- Cooperate with the board in making best efforts to establish interconnection between the qualifying project and other facilities and infrastructure.
- Comply with the terms of applicable agreements, including the comprehensive agreement, and a lease or service contract.

#### ***Expiration or Termination of the Comprehensive Agreement***

Upon the expiration or termination of a comprehensive agreement, the board may use revenues from the qualifying project to pay current operation and maintenance costs of the qualifying project.

If the private entity materially defaults under the comprehensive agreement, the compensation that is otherwise due to the private entity is payable to satisfy all financial obligations to investors and lenders on the qualifying project in the same way that is provided in the comprehensive agreement or any other agreement involving the qualifying project, if the cost of operating and maintaining the project are paid in the normal course.

Revenues in excess of the costs for operation and maintenance costs may be paid to investors and lenders to satisfy payment obligations under their respective agreements.

The full faith and credit of the board may not be pledged to secure the financing of the private entity, and the assumption of the development or operation of the qualifying project does not obligate the board to pay any obligation of the private entity from sources other than from revenues from the qualifying project unless stated otherwise in the comprehensive agreement.

#### ***Additional Services and Agreements***

Any agreement for maintenance and other services entered into must provide for full reimbursement for services rendered for qualifying projects.

A private entity may provide additional services for the qualifying project to the public or to other private entities if the provision of additional services do not impair the private entity's ability to meet its commitments to the board pursuant to the comprehensive agreement.

The board and private entity may enter into an agreement to impose fees to members of the public for the use of the facility.<sup>58</sup> The agreement must contain the following provisions:

- The board may develop new facilities or increase capacity in existing facilities through agreements with P3s.
- The P3 agreement must ensure that the facility is properly operated, maintained, or improved in accordance with standards set forth in the comprehensive agreement.
- The board may lease new facilities or existing fee-for-use facilities through a public-private partnership agreement.
- All revenues must be regulated by the board pursuant to the comprehensive agreement.
- A negotiated portion of revenues from fee-generating uses must be returned to the board over the life of the agreement.

The board may also provide services to the private entity.

### **Financing Arrangements**

The private entity may enter into a private-source financial agreement between financing sources and the private entity. A financing agreement and any liens on the property or facility must be paid in full at the applicable closing that transfers ownership or operation of the facility to the board at the conclusion of the term of the comprehensive agreement.

The board may use innovative finance techniques associated with a public-private partnership including, but not limited to, federal loans as provided in Titles 23 and 49 C.F.R., commercial bank loans, and hedges against inflation from commercial banks or other private sources. In addition the board may provide its own capital or operating budget to support a qualifying project. The budget may be from any legally permissible funding sources of the board, including the proceeds of debt issuances.<sup>59</sup> A financing agreement may not subject the boards' facility to liens in violation of s. 11.066(5).F.S.

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<sup>58</sup> Florida courts have held that the Legislature, when delegating authority to executive agencies or other entities, must establish minimal standards and guidelines ascertainable by reference to the legislation. *See Askew v. Cross Key Waterways*, 372 So.2d 913, 924 (Fla. 1978); *Avatar Development Corp. v. State*, 723 So.2d 199 (Fla. 1998). The bill identify the standards and guidelines for the fees as follows: (1) Lines 112 – 116, where the board is authorized to establish a reasonable application fee for unsolicited proposals; (2) Lines 249 – 253, where the board is authorizes to charge a reasonable fee to cover the cost of processing, reviewing, and evaluating solicited proposals; and (3) Lines 323-325, and 347 – 349, where the private entity may impose fees to members of the public for the use of the facility, the fees must be the same for persons using the facility under like conditions, and must not materially discourage use of the qualifying project.

<sup>59</sup> The bill does not allow bonding of tuition. Email, Staff of the Board of Governors (March 9, 2014)(on file with the Senate Committee on Education).Additionally, while not specified, the provisions of s. 1013.78, F.S., which requires prior approval of projects by the Legislature if the state will be asked for operating funds for the project, still appear to apply. Staff of the Board of Governors, *Legislative Bill Analysis for SB 900*, at 3 (February 21, 2014).

### **Applicable Laws**

The bill provides that it does not waive any requirement in ss. 255.103,<sup>60</sup> 287.055,<sup>61</sup> or 1013.45,<sup>62</sup> F.S., if applicable.

#### **IV. Constitutional Issues:**

##### **A. Municipality/County Mandates Restrictions:**

None.

##### **B. Public Records/Open Meetings Issues:**

None.

##### **C. Trust Funds Restrictions:**

None.

#### **V. Fiscal Impact Statement:**

##### **A. Tax/Fee Issues:**

Indeterminate.

##### **B. Private Sector Impact:**

Indeterminate.

##### **C. Government Sector Impact:**

According to the BOG:<sup>63</sup>

The potential cost savings are indeterminable at this time. However, in general, potential cost savings are most likely to be realized on a life-cycle cost basis, rather than in upfront. It is not expected that public-private partnerships will result in lower interest rates. Rather, potential savings may be realized in that partnership agreements legally commit both parties to the long-term maintenance of the subject facilities. Making repairs on a scheduled basis can result in long-term cost savings. The ability to defer critical maintenance items due to short-term budget obligations will be significantly reduced if public partnership agreements are properly structured and adequately enforced.

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<sup>60</sup> Pertaining to construction management or program management entities.

<sup>61</sup> Pertaining to the acquisition of professional architectural, engineering, landscape architectural, or surveying and mapping services; definitions; procedures; contingent fees prohibited; penalties.

<sup>62</sup> Pertaining to education facilities contracting and construction techniques.

<sup>63</sup> Staff of the Board of Governors, *Legislative Bill Analysis for SB 900*, at 2-3 (February 21, 2014).

In reviewing unsolicited proposals, boards may be required to utilize time and resources reviewing projects that are not identified as priorities, which may take time and resources away from projects that are identified priorities.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill creates section 1013.505 of the Florida Statutes.

**IX. Additional Information:**

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

**CS by Education on March 11, 2014**

The committee substitute differs from SB 900 in the following ways:

- Provides that the new law, s. 1013.505, F.S., does not waive any requirement in ss. 255.103, 287.055, or 1013.45, F.S., if those laws are applicable.

- B. **Amendments:**

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/11/2014	.	
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The Committee on Education (Montford) recommended the following:

**Senate Amendment**

Delete lines 456 - 457  
and insert:

(b) This section does not waive any requirement in s.  
255.103, s. 287.055, or s. 1013.45, if applicable.



By Senator Latvala

20-00235A-14

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1 A bill to be entitled  
 2 An act relating to public-private partnerships;  
 3 creating s. 1013.505, F.S.; providing definitions;  
 4 providing legislative findings and intent relating to  
 5 the construction or improvement by private entities of  
 6 facilities or projects used predominantly for a public  
 7 purpose; providing for partnerships between state  
 8 universities and private entities; providing  
 9 procurement procedures for a state university board of  
 10 trustees, including proposals for a qualifying project  
 11 and a comprehensive agreement for partnership  
 12 transactions; providing requirements for project  
 13 approval; providing project qualifications and  
 14 process; providing requirements for interim and  
 15 comprehensive agreements between a board of trustees  
 16 and a private entity; providing for use fees;  
 17 providing for various financing sources for projects;  
 18 providing powers and duties of private entities;  
 19 providing for expiration or termination of a  
 20 comprehensive agreement; providing for the  
 21 applicability of sovereign immunity for boards of  
 22 trustees with respect to qualified projects; providing  
 23 for construction of the act; providing an effective  
 24 date.

25  
 26 Be It Enacted by the Legislature of the State of Florida:

27  
 28 Section 1. Section 1013.505, Florida Statutes, is created  
 29 to read:

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30 1013.505 Public-private partnerships; state universities  
 31 and private entities.-  
 32 (1) DEFINITIONS.—As used in this section, the term:  
 33 (a) "Board" means a state university board of trustees.  
 34 (b) "Develop" means to plan, design, finance, lease,  
 35 acquire, install, construct, or expand.  
 36 (c) "Fees" means charges imposed by the private entity of a  
 37 qualifying project for use of all or a portion of such  
 38 qualifying project pursuant to a comprehensive agreement.  
 39 (d) "Lease payment" means any form of payment, including a  
 40 land lease, by a board to the private entity of a qualifying  
 41 project for the use of the project.  
 42 (e) "Material default" means a nonperformance of its duties  
 43 by the private entity of a qualifying project which jeopardizes  
 44 adequate service to the public from the project.  
 45 (f) "Operate" means to finance, maintain, improve, equip,  
 46 modify, or repair.  
 47 (g) "Private entity" means a natural person, corporation,  
 48 general partnership, limited liability company, limited  
 49 partnership, joint venture, business trust, public-benefit  
 50 corporation, nonprofit entity, or other private business entity.  
 51 (h) "Proposal" means a plan for a qualifying project with  
 52 detail beyond a conceptual level for which terms such as fixed  
 53 costs, payment schedules, financing, deliverables, and project  
 54 schedule are defined.  
 55 (i) "Qualifying project" means a facility or project that  
 56 serves a public educational, research, housing, parking,  
 57 infrastructure, recreational, or cultural purpose and that is  
 58 used or will be used by a state university or an improvement,

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59 including equipment, of a facility that will be principally used  
 60 by a state university in serving the university's core mission.

61 (j) "Revenues" means the income, earnings, user fees, lease  
 62 payments, or other service payments relating to the development  
 63 or operation of a qualifying project, including, but not limited  
 64 to, money received as grants or otherwise from the Federal  
 65 Government, a public entity, or an agency or instrumentality  
 66 thereof to fund the qualifying project, and gifts from private  
 67 donors.

68 (k) "Service contract" means a contract between a board and  
 69 a private entity which defines the terms of the services to be  
 70 provided with respect to a qualifying project.

71 (2) LEGISLATIVE FINDINGS AND INTENT.—

72 (a)1. The Legislature finds that there is a public need for  
 73 the construction or improvement of facilities that are used  
 74 predominantly for public purposes and that it is in the public's  
 75 interest to provide for the construction or improvement of such  
 76 facilities.

77 2. The Legislature also finds that:

78 a. There is a public need for timely and cost-effective  
 79 acquisition, design, construction, improvement, renovation,  
 80 expansion, equipping, maintenance, operation, implementation,  
 81 and installation of projects serving a public purpose, including  
 82 educational and auxiliary facilities and projects within the  
 83 state which serve a public need and purpose, and that such  
 84 public need may not be wholly satisfied by existing procurement  
 85 methods.

86 b. There are inadequate resources to develop new  
 87 educational and auxiliary facilities and projects for the

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88 benefit of residents of this state, and that a public-private  
 89 partnership has demonstrated that it can meet the needs by  
 90 improving the schedule for delivery, lowering the cost, and  
 91 providing other benefits to the public.

92 c. There may be state and federal tax incentives that  
 93 promote partnerships between public and private entities to  
 94 develop and operate qualifying projects.

95 d. A procurement under this section serves the public  
 96 purpose of this section if such procurement facilitates the  
 97 timely development or operation of a qualifying project.

98 (b) It is the intent of the Legislature to encourage  
 99 investment in the state by private entities; to facilitate  
 100 various bond financing mechanisms, private capital, and other  
 101 funding sources for the development and operation of qualifying  
 102 projects, including expansion and acceleration of such financing  
 103 to meet the public need; and to provide the greatest possible  
 104 flexibility to public and private entities contracting for the  
 105 provision of public services.

106 (3) PROCUREMENT PROCEDURES.—A board may receive unsolicited  
 107 proposals or may solicit proposals for qualifying projects and  
 108 may thereafter enter into an agreement with a private entity, or  
 109 a consortium of private entities, to develop, improve, operate,  
 110 own, or finance facilities. A copy of all proposals received by  
 111 a board shall be submitted to the Board of Governors.

112 (a) A board may establish a reasonable application fee for  
 113 the submission of an unsolicited proposal under this section.  
 114 The fee must be sufficient to pay the costs of evaluating the  
 115 proposal. A board may engage the services of a private  
 116 consultant to assist in the evaluation.

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117 (b) A board may request a proposal from private entities  
 118 for a qualified project. If the board receives an unsolicited  
 119 proposal for a qualified project and the board intends to enter  
 120 into a comprehensive agreement for the project described in such  
 121 unsolicited proposal, the board shall publish notice in a  
 122 newspaper of general circulation at least once a week for 2  
 123 weeks stating that the board has received a proposal and will  
 124 accept other proposals for the same project. The timeframe  
 125 within which the board may accept other proposals shall be  
 126 determined on a project-by-project basis based upon the  
 127 complexity of the project and the public benefit to be gained by  
 128 allowing a longer or shorter period of time within which other  
 129 proposals may be received; however, the timeframe for allowing  
 130 other proposals must be at least 21 days, but no more than 120  
 131 days, after the initial date of publication.

132 (c) A board may enter into a comprehensive agreement  
 133 subject to approval by the Board of Governors and pursuant to  
 134 guidelines adopted by the Board of Governors for public-private  
 135 partnership transactions.

136 (d) In considering proposals for a public-private  
 137 partnership, the board shall determine whether the proposed  
 138 project:

- 139 1. Is in the public's best interest.  
 140 2. Is for a facility that is owned by the board or for a  
 141 facility for which ownership will be conveyed to the board.  
 142 3. Has adequate safeguards in place to ensure that  
 143 additional costs or service disruptions are not imposed on the  
 144 public in the event of material default or cancellation of the  
 145 agreement by the board.

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146 4. Has adequate safeguards in place to ensure that the  
 147 board or private entity has the opportunity to add capacity to  
 148 the proposed project or other facilities serving similar  
 149 predominantly public purposes.

150 5. Will be owned by the board upon completion or  
 151 termination of the agreement and upon payment of the amounts  
 152 financed.

153 6. Is supported by a reasonable finance plan that is  
 154 consistent with subsection (9); the project cost; revenues by  
 155 source; available financing; major assumptions; if governmental  
 156 funds are assumed in order to deliver a cost-feasible project,  
 157 internal rate of return on private investments; and a total  
 158 cash-flow analysis beginning with the implementation of the  
 159 project and extending for the term of the agreement.

160 (e) In considering an unsolicited proposal, the board may  
 161 require from the private entity a technical study prepared by a  
 162 nationally recognized expert with experience in preparing  
 163 analyses for bond rating agencies. In evaluating the technical  
 164 study, the board may rely upon internal staff reports prepared  
 165 by personnel familiar with the operation of similar facilities  
 166 or the advice of external advisors or consultants who have  
 167 relevant experience.

168 (4) PROJECT APPROVAL REQUIREMENTS.—An unsolicited proposal  
 169 from a private entity for approval of a qualifying project must  
 170 be accompanied by the following material and information, unless  
 171 waived by the board:

172 (a) A description of the qualifying project, including the  
 173 conceptual design of the facilities or a conceptual plan for the  
 174 provision of services, and a schedule for the initiation and

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175 completion of the qualifying project.

176 (b) If applicable, a description of the method by which the  
 177 private entity proposes to secure the necessary property  
 178 interests that are required for the qualifying project.

179 (c) A description of the private entity's general plans for  
 180 financing the qualifying project, including the sources of the  
 181 private entity's funds and the identity of a dedicated revenue  
 182 source or proposed debt or equity investment on behalf of the  
 183 private entity.

184 (d) The name and address of a person who may be contacted  
 185 for additional information concerning the proposal.

186 (e) The proposed user fees, lease payments, or other  
 187 service payments over the term of a comprehensive agreement and  
 188 the methodology for and circumstances that would allow changes  
 189 to the user fees, lease payments, or other service payments over  
 190 time.

191 (f) Additional material or information that the board  
 192 reasonably requests.

193 (5) PROJECT QUALIFICATION AND PROCESS.—

194 (a) The private entity must meet the minimum standards  
 195 contained in the board's regulations or guidelines for  
 196 qualifying professional services and contracts for traditional  
 197 procurement projects.

198 (b) The board must:

199 1. Ensure that provision is made for the private entity's  
 200 performance and payment of subcontractors, including, but not  
 201 limited to, surety bonds, letters of credit, parent company  
 202 guarantees, and lender and equity partner guarantees. For the  
 203 components of the qualifying project which involve construction

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204 performance and payment, bonds are required and are subject to  
 205 the recordation, notice, suit limitation, and other requirements  
 206 of s. 255.05.

207 2. Ensure the most efficient pricing of the security  
 208 package that provides for the performance and payment of  
 209 subcontractors.

210 3. Ensure that provision is made for the transfer of the  
 211 private entity's obligations if the comprehensive agreement is  
 212 terminated or a material default occurs.

213 (c) After the public notification period has expired in the  
 214 case of an unsolicited proposal, the board shall rank the  
 215 proposals received in order of preference. In ranking the  
 216 proposals, the board may consider factors including, but not  
 217 limited to, professional qualifications, general business terms,  
 218 innovative design techniques or cost-reduction terms, and  
 219 finance plans. The board may then begin negotiations for a  
 220 comprehensive agreement with the highest-ranked private entity.  
 221 If the board is not satisfied with the results of the  
 222 negotiations, the board may terminate negotiations with the  
 223 private entity and negotiate with the second-ranked or  
 224 subsequent-ranked private entities, in the order consistent with  
 225 this procedure. If only one proposal is received, the board may  
 226 negotiate in good faith, and if the board is not satisfied with  
 227 the results of the negotiations, the board may terminate  
 228 negotiations with the private entity. Notwithstanding this  
 229 paragraph, the board may reject all proposals at any point in  
 230 the process until a contract with the private entity is  
 231 executed.

232 (d) The board shall perform an independent analysis of the

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233 proposed public-private partnership which must demonstrate the  
 234 cost-effectiveness and overall public benefit before the  
 235 procurement process is initiated or before the contract is  
 236 awarded.

237 (e) The board may approve the development or operation of a  
 238 qualifying project, or the design or equipping of a qualifying  
 239 project that is developed or operated, if:

240 1. There is a public need for or benefit derived from the  
 241 type of qualifying project that the private entity proposes and  
 242 the project is included in the university's master plan.

243 2. The estimated cost of the qualifying project is  
 244 reasonable in relation to similar facilities.

245 3. The private entity's plans will result in the timely  
 246 acquisition, design, construction, improvement, renovation,  
 247 expansion, equipping, maintenance, or operation of the  
 248 qualifying project.

249 (f) The board may charge a reasonable fee to cover the  
 250 costs of processing, reviewing, and evaluating the proposal,  
 251 including, but not limited to, reasonable attorney fees and fees  
 252 for financial and technical advisors or consultants and for  
 253 other necessary advisors or consultants.

254 (g) Upon approval of a qualifying project, the board shall  
 255 establish a date for the commencement of activities related to  
 256 the qualifying project. The board may extend the commencement  
 257 date.

258 (h) Approval of a qualifying project by the board is  
 259 subject to entering into a comprehensive agreement with the  
 260 private entity.

261 (6) INTERIM AGREEMENT.—Before or in connection with the

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262 negotiation of a comprehensive agreement, the board may enter  
 263 into an interim agreement with the private entity proposing the  
 264 development or operation of the qualifying project. An interim  
 265 agreement does not obligate the board to enter into a  
 266 comprehensive agreement. The interim agreement is discretionary  
 267 with the parties and is not required for a qualifying project  
 268 for which the parties proceed directly to a comprehensive  
 269 agreement. An interim agreement must be limited to provisions  
 270 that:

271 (a) Authorize the private entity to commence activities for  
 272 which it may be compensated related to the proposed qualifying  
 273 project, including, but not limited to, project planning and  
 274 development, design, environmental analysis and mitigation,  
 275 survey, other activities concerning any part of the proposed  
 276 qualifying project, and ascertaining the availability of  
 277 financing for the proposed facility or facilities.

278 (b) Establish the process and timing of the negotiation of  
 279 the comprehensive agreement.

280 (c) Contain such other provisions related to an aspect of  
 281 the development or operation of a qualifying project which the  
 282 board and the private entity deem appropriate.

283 (7) COMPREHENSIVE AGREEMENT.—

284 (a) Before developing or operating the qualifying project,  
 285 the private entity must enter into a comprehensive agreement  
 286 with the board. The comprehensive agreement must provide for:

287 1. Delivery of performance and payment bonds, letters of  
 288 credit, or other security acceptable to the board in connection  
 289 with the development or operation of the qualifying project in  
 290 the form and amount satisfactory to the board. For the

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291 components of the qualifying project which involve construction,  
 292 the form and amount of the bonds must comply with s. 255.05.

293 2. Review of the design for the qualifying project by the  
 294 board and, if the design conforms to standards acceptable to the  
 295 board, the approval of the board. This subparagraph does not  
 296 require the private entity to complete the design of the  
 297 qualifying project before the execution of the comprehensive  
 298 agreement.

299 3. Inspection of the qualifying project by the board to  
 300 ensure that the private entity's activities are acceptable to  
 301 the board in accordance with the comprehensive agreement.

302 4. Maintenance of a policy of public liability insurance, a  
 303 copy of which must be filed with the board and accompanied by  
 304 proofs of coverage, or self-insurance, each in the form and  
 305 amount satisfactory to the board and reasonably sufficient to  
 306 ensure coverage of tort liability to the public and employees  
 307 and to enable the continued operation of the qualifying project.

308 5. Monitoring by the board of the maintenance practices to  
 309 be performed by the private entity to ensure that the qualifying  
 310 project is properly maintained.

311 6. Periodic filing by the private entity of the appropriate  
 312 financial statements that pertain to the qualifying project.

313 7. Procedures that govern the rights and responsibilities  
 314 of the board and the private entity in the course of the  
 315 development, construction, and operation of the qualifying  
 316 project and in the event of the termination of the comprehensive  
 317 agreement or a material default by the private entity. The  
 318 procedures must include conditions that govern the assumption of  
 319 the duties and responsibilities of the private entity by an

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320 entity that funded, in whole or part, the qualifying project or  
 321 by the board and must provide for the transfer or purchase of  
 322 property or other interests of the private entity by the board.

323 8. Agreement on negotiated user fees. Such fees must be the  
 324 same for persons using the facility under like conditions and  
 325 must not materially discourage use of the qualifying project.  
 326 The execution of the comprehensive agreement or a subsequent  
 327 amendment is conclusive evidence that the fees, lease payments,  
 328 or service payments provided for in the comprehensive agreement  
 329 comply with this section. Fees or lease payments established in  
 330 the comprehensive agreement as a source of revenue may be in  
 331 addition to, or in lieu of, service payments.

332 9. Duties of the private entity, including the terms and  
 333 conditions that the board determines serve the public purpose of  
 334 this section.

335 (b) The comprehensive agreement may include:

336 1. An agreement by the board to make grants or loans to the  
 337 private entity from amounts received from federal, state, or  
 338 local government, or an agency or instrumentality thereof, or  
 339 private donors.

340 2. A provision under which each entity agrees to provide  
 341 notice of default and cure rights for the benefit of the other  
 342 entity, including, but not limited to, a provision regarding  
 343 unavoidable delays.

344 3. A provision that terminates the authority and duties of  
 345 the private entity under this section and dedicates the  
 346 qualifying project to the board.

347 (8) FEES.—An agreement entered into pursuant to this  
 348 section may authorize the private entity to impose fees on

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349 members of the public for the use of the facility. The following  
 350 provisions apply to the agreement:

351 (a) The board may develop new facilities or increase  
 352 capacity in existing facilities through agreements with public-  
 353 private partnerships.

354 (b) The public-private partnership agreement must ensure  
 355 that the facility is properly operated, maintained, or improved  
 356 in accordance with standards set forth in the comprehensive  
 357 agreement.

358 (c) The board may lease new facilities or existing fee-for-  
 359 use facilities through a public-private partnership agreement.

360 (d) All revenues must be regulated by the board pursuant to  
 361 the comprehensive agreement.

362 (e) A negotiated portion of revenues from fee-generating  
 363 uses must be returned to the board over the life of the  
 364 agreement.

365 (9) FINANCING.—

366 (a) A private entity may enter into a private-source  
 367 financing agreement between financing sources and the private  
 368 entity. A financing agreement and any liens on the property or  
 369 facility must be paid in full at the applicable closing that  
 370 transfers ownership or operation of the facility to the board at  
 371 the conclusion of the term of the comprehensive agreement.

372 (b) The board may use innovative finance techniques  
 373 associated with a public-private partnership under this section,  
 374 including, but not limited to, federal loans as provided in  
 375 Titles 23 and 49 C.F.R., commercial bank loans, and hedges  
 376 against inflation from commercial banks or other private  
 377 sources. In addition, the board may provide its own capital or

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378 operating budget to support a qualifying project. The budget may  
 379 be from any legally permissible funding sources of the board,  
 380 including the proceeds of debt issuances. A financing agreement  
 381 may not subject the board's facility to liens in violation of s.  
 382 11.066(5).

383 (10) POWERS AND DUTIES OF THE PRIVATE ENTITY.—

384 (a) The private entity shall:

385 1. Develop or operate the qualifying project in a manner  
 386 that is acceptable to the board in accordance with the  
 387 provisions of the comprehensive agreement.

388 2. Maintain, or provide by contract for the maintenance or  
 389 improvement of, the qualifying project if required by the  
 390 comprehensive agreement.

391 3. Cooperate with the board in making best efforts to  
 392 establish interconnection between the qualifying project and any  
 393 other facility or infrastructure as requested by the board in  
 394 accordance with the comprehensive agreement.

395 4. Comply with the comprehensive agreement and a lease or  
 396 service contract.

397 (b) Each private facility that is constructed pursuant to  
 398 this section must comply with the requirements of federal,  
 399 state, and local laws; state, regional, and local comprehensive  
 400 plans; board rules, regulations, procedures, and facility  
 401 standards; and such other conditions that the board determines  
 402 to be in the public's best interest and that are included in the  
 403 comprehensive agreement.

404 (c) The board may provide services to the private entity.  
 405 An agreement for maintenance and other services entered into  
 406 pursuant to this section must provide for full reimbursement for

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407 services rendered for qualifying projects.

408 (d) A private entity of a qualifying project may provide  
 409 additional services for the qualifying project to the public or  
 410 to other private entities if the provision of additional  
 411 services does not impair the private entity's ability to meet  
 412 its commitments to the board pursuant to the comprehensive  
 413 agreement.

414 (11) EXPIRATION OR TERMINATION OF AGREEMENTS.—Upon the  
 415 expiration or termination of a comprehensive agreement, the  
 416 board may use revenues from the qualifying project to pay  
 417 current operation and maintenance costs of the qualifying  
 418 project. If the private entity materially defaults under the  
 419 comprehensive agreement, the compensation that is otherwise due  
 420 to the private entity is payable to satisfy all financial  
 421 obligations to investors and lenders on the qualifying project  
 422 in the same way that is provided in the comprehensive agreement  
 423 or any other agreement involving the qualifying project, if the  
 424 costs of operating, maintaining, and improving the qualifying  
 425 project are paid in the normal course. Revenues in excess of the  
 426 costs for operation and maintenance costs may be paid to the  
 427 investors and lenders to satisfy payment obligations under their  
 428 respective agreements. A board may terminate with cause and  
 429 without prejudice a comprehensive agreement and may exercise  
 430 other rights or remedies that may be available to it in  
 431 accordance with the provisions of the comprehensive agreement.  
 432 The full faith and credit of the board may not be pledged to  
 433 secure the financing of the private entity. The assumption of  
 434 the development or operation of the qualifying project does not  
 435 obligate the board to pay an obligation of the private entity

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436 from sources other than revenues from the qualifying project  
 437 unless stated otherwise in the comprehensive agreement.

438 (12) SOVEREIGN IMMUNITY.—This section does not waive the  
 439 sovereign immunity of a board, or an officer or employee  
 440 thereof, with respect to participation in, or approval of, any  
 441 part of a qualifying project or its operation, including, but  
 442 not limited to, interconnection of the qualifying project with  
 443 any other infrastructure or project.

444 (13) CONSTRUCTION.—This section shall be liberally  
 445 construed to effectuate the purposes of this section, which  
 446 shall be construed as cumulative and supplemental to any other  
 447 authority or power vested in or exercised by a board. This  
 448 section does not affect an agreement or existing relationship  
 449 with a supporting organization involving a board in effect as of  
 450 January 1, 2014.

451 (a) Except as otherwise provided in this section, this  
 452 section does not amend existing laws by granting additional  
 453 powers to, or further restricting, a board from regulating and  
 454 entering into cooperative arrangements with the private sector  
 455 for the development, construction, or operation of a facility.

456 (b) This section does not waive any requirement of s.  
 457 1013.45.

458 Section 2. This act shall take effect July 1, 2014.

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/11/14

Meeting Date

Topic PUBLIC/PRIVATE PARTNERSHIPS

Bill Number 900

(if applicable)

Name CARLO FASSI

Amendment Barcode

Job Title CHAIRMAN, FLORIDA STUDENT ASSOCIATION

(if applicable)

Address 1 UNF DR

Phone 954.625.9176

Street

JACKSONVILLE

City

FL

State

Zip

E-mail C.g.fassi@unf.edu

Speaking:  For  Against  Information

Representing FLORIDA'S SUS STUDENTS

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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

THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3-11-14

Meeting Date

Topic Public Private Partnerships Bill Number SB 902 (if applicable)  
Name Jennifer Goen Amendment Barcode \_\_\_\_\_ (if applicable)  
Job Title Director of Gov Relations

Address 10501 FGCU Blvd Phone \_\_\_\_\_  
Street  
FTM, FL 33965 E-mail jgoen@fgcu.edu  
City State Zip

Speaking:  For  Against  Information

Representing Florida Gulf Coast University (FGCU)

Appearing at request of Chair:  Yes  No Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3-11-14

Meeting Date

Topic Public Private Partnership Bill Number 900 SB (if applicable)

Name Janice Gilley Amendment Barcode \_\_\_\_\_ (if applicable)

Job Title AVP, Govt. + Community Relations

Address 11000 University Pkwy Phone 850.474.2200  
PerScola FL 32514 E-mail \_\_\_\_\_  
Street City State Zip

Speaking:  For  Against  Information

Representing University of West Florida

Appearing at request of Chair:  Yes  No Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3-11-14

Meeting Date

Topic Public Pvt Partnership

Bill Number 900 SB

(if applicable)

Name Tola Thompson

Amendment Barcode

Job Title Dir- Govt Rel.

(if applicable)

Address 400 Lee Hall - FAMU

Phone 599-3225

Street

Fallahassie, FL 32307

E-mail

City

State Zip

Speaking:  For  Against  Information

Representing Florid A & M U.

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

March 11, 2014

Meeting Date

Topic Public-Private Partnerships Bill Number 900 (if applicable)

Name Warren Husband Amendment Barcode \_\_\_\_\_ (if applicable)

Job Title Partner, Metz, Husband & Daughton

Address 215 South Monroe St., Suite 505 Phone 850-205-9000

*Street*

Tallahassee, Florida 32301 E-mail patricia.greene@metzlaw.com

*City State Zip*

Speaking:  For  Against  Information

Representing Waive in Support for Florida Associated General Contractors Council

Appearing at request of Chair:  Yes  No Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/11/14  
Meeting Date

Topic SB 900 - IN SUPPORT Bill Number SB 900  
Name MARK WALSH Amendment Barcode N/A (if applicable)

Job Title EXEC. DIR. OF UNIV. PARTNERSHIPS  
Address 4202 E FOWLER AVE (GS 301) Phone 813-974-2660

TAMPA FL 33620 E-mail M.Walsh@usf.edu  
City State Zip

Speaking:  For  Against  Information  
Representing USF SYSTEM

Appearing at request of Chair:  Yes  No  
Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/11/14  
Meeting Date

Topic Public Private Partnerships Bill Number SB 900  
*(if applicable)*

Name Ryan Britton Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title Director of State Relations

Address 777 Glades Rd. Phone 561.277.2583  
*Street* Boca Raton, FL 33431 *City* *State* *Zip*  
33431 E-mail rbritton@fla.gov

Speaking:  For  Against  Information

Representing Florida Atlantic University

Appearing at request of Chair:  Yes  No Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/11/14  
Meeting Date

Topic PPP  
Bill Number 900  
Name Richard Watson  
Amendment Barcode (if applicable)

Job Title Legislative Counsel  
Address P.O. Box 10038  
Street  
Phone 850-222-0000  
E-mail Rick@WatsonLegStaff.com

Tallahassee FL 32302  
City State Zip

Speaking:  For  Against  Information  
Representing Associated Builders and Contractors of FL  
Lobbyist registered with Legislature:  Yes  No

Appearing at request of Chair:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/11/14 Meeting Date

Topic Public Priv. Partnerships Bill Number SB 900 (if applicable)

Name Marion Hoffman Amendment Barcode \_\_\_\_\_ (if applicable)

Job Title Assoc. V.P. Govt. Relations

Address 215 S. Manree Street Ste 110 Phone 858-488-2447

Tallahassee, FL 32301 E-mail Marionh6vH.edu

City State Zip

Speaking:  For  Against  Information

Representing Univ. of Florida

Appearing at request of Chair:  Yes  No Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/11/14

Meeting Date

P3 For State University  
Topic Students with Disabilities

Bill Number SB900

(if applicable)

Name Adam Giercy (Gear-e')

Amendment Barcode

(if applicable)

Job Title Policy Director

Phone 850-521-1251

Address 130 S. Broadway St.

Street

Tallahassee FL 32301

City

State Zip

E-mail agiercy@flsenator.com

Speaking:  For  Against  Information

Representing Florida Chamber of Commerce

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/11

Meeting Date

Public/Private Partnership

Topic

SB 900

Bill Number

(if applicable)

Kathleen Daly

Name

Amendment Barcode

ASSIST. VP- GOV REL

Job Title

(if applicable)

Westcott

Address

Phone

Tallahassee FL

Street

City

State

Zip

E-mail

For

Against

Information

Speaking:

Florida State University

Representing

No

Yes

Appearing at request of Chair:

No

Yes

Lobbyist registered with Legislature:

Yes

No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

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

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Prepared By: The Professional Staff of the Committee on Education

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BILL: CS/SB 950

INTRODUCER: Education Committee and Senator Stargel

SUBJECT: Educator Certification

DATE: March 12, 2014

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	deMarsh-Mathues	Klebacha	ED	<b>Fav/CS</b>
2.	_____	_____	AED	_____
3.	_____	_____	AP	_____

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 950 revises K-12 educator certification requirements to authorize the use of additional assessment options, align competencies across preparation program types, and provide flexibility for training and inservice requirements.

The bill authorizes the State Board of Education to adopt in rule additional examinations that may be used by teacher certification applicants to demonstrate mastery of subject area knowledge.

The bill requires that scientifically based reading instruction must be included in a district competency-based professional development certification program.

The bill permits an applicant for an educator certificate who successfully completes a Teach for America professional education training program to demonstrate mastery of professional preparation and education competence by earning a passing score on the professional education competency exam.

With respect to renewal of a professional certificate, the bill provides that an applicant may renew a subject area specialization by passing a state-board approved subject area test or another standardized examination in lieu of college course credit or inservice points.

In addition, the bill requires the State Board of Education to adopt rules that would expand training for renewal of professional certificates for educators who must complete training in teaching students with disabilities.

The bill permits the assignment of newly hired instructional personnel to a school that has earned a grade of “F” in the previous year or any combination of three consecutive grades of “D” or “F” in the previous three years pursuant to s. 1008.34, F.S., if they meet specific requirements related to training, teaching experience, performance, and certification.

The bill provides an effective date of July 1, 2014.

## II. Present Situation:

### Educator Certification

An educator in a traditional public school, including a charter school, must hold a certificate issued by the Florida Department of Education (DOE).<sup>1</sup> The DOE issues professional certificates,<sup>2</sup> temporary certificates,<sup>3</sup> and athletic coaching certificates.<sup>4</sup> In addition, school districts are authorized to issue adjunct teaching certificates to part-time teachers who have expertise in the subject area to be taught.<sup>5</sup> An adjunct teaching certificate is valid through the term of the annual contract between the educator and the school district.<sup>6</sup>

To be eligible to seek certification, a person must meet the following basic eligibility requirements:<sup>7</sup>

- Be at least 18 years of age;
- Sign an affidavit attesting that the applicant will uphold the U.S. and State Constitutions and provide true, accurate, and complete information;
- Earn a bachelor’s or higher degree from an accredited institution of higher learning<sup>8</sup> or from a nonaccredited institution identified by the DOE as having a quality program resulting in a bachelor’s or higher degree;<sup>9</sup>
- Submit to fingerprinting and background screening and not have a criminal history that requires the applicant’s disqualification from certification or employment;
- Be of good moral character; and

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<sup>1</sup> Sections 1012.55(1) and 1002.33(12)(f), F.S. District school boards and charter school governing boards are authorized to hire noncertificated individuals to serve in an instructional capacity or as paraprofessionals. Rule 6A-1.0502, F.A.C. and ss. 1002.33(12)(f) and 1012.55(1)(c),

<sup>2</sup> Section 1012.56(7)(a), F.S. and Rule 6A-4.004(1), F.A.C. The professional certificate is valid for five years and is renewable. Section 1012.56(7)(a), F.S., and Rule 6A-4.004(3), F.A.C.

<sup>3</sup> Section 1012.56(7), F.S., and Rule 6A-4.004(1)(a), F.A.C. The temporary certificate is valid for three years and is nonrenewable.

<sup>4</sup> Rule 6A-4.004(4), F.A.C.

<sup>5</sup> Section 1012.57(1), F.S.

<sup>6</sup> Section 1012.57(4), F.S.

<sup>7</sup> Sections 1012.32, 1012.315 and 1012.56(2)(a)-(f), F.S.

<sup>8</sup> Section 1012.56(2)(c), F.S., and Rule 6A-4.003(1), F.A.C.

<sup>9</sup> For initial certification, an applicant must attain at least a 2.5 overall grade point average on a 4.0 scale in the applicant’s major field of study. Section 1012.56(2)(c), F.S.

- Be competent and capable of performing the duties, functions, and responsibilities of an educator.

#### *Eligibility Requirements for a Temporary Certificate*

To be eligible for a temporary certificate, an applicant must:

- Meet the basic eligibility requirements for certification;<sup>10</sup>
- Obtain full-time employment in a position that requires a Florida educator certificate by a school district or private school that has a DOE-approved professional education competence demonstration program;<sup>11</sup> and
- Either:
  - Demonstrate mastery of subject area knowledge (*e.g.*, passage of the appropriate subject area exam);<sup>12</sup> or
  - Complete the subject content requirements specified in State Board of Education rule.<sup>13</sup>

An educator who is employed under a temporary certificate must demonstrate mastery of general knowledge within one calendar year of the date of employment.<sup>14</sup> If the educator is employed under contract, the calendar year deadline for demonstrating mastery of general knowledge may be extended through the end of the school year.<sup>15</sup>

#### *Eligibility Requirements for a Professional Certificate*

To be eligible for a professional certificate, an applicant must:

- Meet the basic eligibility requirements for certification;<sup>16</sup>
- Demonstrate mastery of general knowledge;<sup>17</sup>
- Demonstrate mastery of subject area knowledge;<sup>18</sup> and
- Demonstrate mastery of professional preparation and education competence.<sup>19</sup>

#### *Demonstration of Mastery of General Knowledge*

Mastery of general knowledge may be demonstrated through any of the following methods:

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<sup>10</sup> Section 1012.56(2)(a)-(f) and (7)(b), F.S.

<sup>11</sup> Rule 6A-4.004(1)(a)2., F.A.C.

<sup>12</sup> Section 1012.56(7)(b), F.S., and Rule 6A-4.0021(9), F.A.C. *See also Subject Area Knowledge*, Department of Education [http://www.fldoe.org/edcert/mast\\_sub.asp](http://www.fldoe.org/edcert/mast_sub.asp) (last visited March 7, 2014)

<sup>13</sup> Section 1012.56(7)(b), F.S.

<sup>14</sup> Section 1012.56(7), F.S.

<sup>15</sup> *Id.*

<sup>16</sup> Section 1012.56(2)(a)-(f) and (7)(b), F.S.

<sup>17</sup> Section 1012.56(2)(g) and (3), F.S.

<sup>18</sup> Section 1012.56(2)(h) and (5), F.S.

<sup>19</sup> Section 1012.56(2)(i) and (6), F.S.

- Achieving a passing score on the General Knowledge Test;<sup>20</sup>
- Achieving a passing score on the College-Level Academic Skills Test (CLAST) taken before July 1, 2002;<sup>21</sup>
- Having a valid professional standard teaching certificate issued by another state,<sup>22</sup> by the National Board for Professional Teaching Standards (NBPTS),<sup>23</sup> or a national educator credentialing board approved by the State Board of Education;<sup>24</sup>
- Completing two semesters of successful teaching in a Florida College System institution, state university, or private college or university that awards an associate or higher degree and is an accredited institution or an institution of higher education identified by the DOE as having a quality program.<sup>25</sup>

### *Demonstration of Mastery of Subject Area Knowledge*

Mastery of subject area knowledge may be demonstrated through any of the following methods:<sup>26</sup>

- Achieving a passing score on the appropriate subject area exam required by State Board of Education rule;<sup>27</sup>
- Attaining oral and written proficiency scores above the intermediate level on exams administered by the American Council on the Teaching of Foreign Languages (ACTFL) and completing a bachelor's or higher degree;<sup>28</sup> or
- For certification in any subject area for which there is no subject area exam, completing the specialization requirements specified in State Board of Education rule and verification of subject area competence by the district school superintendent or, for a state-supported or private school, the school's chief administrative officer.<sup>29</sup>
- For a subject coverage requiring a master's or higher degree, achieving a passing score on the subject area examination specified in State Board of Education rule and

<sup>20</sup> Section 1012.56(3)(a), F.S. The General Knowledge Test is part of the Florida Teacher Certification Examinations and is administered as four subtests: Reading, English Language Skills, English Essay, and Mathematics. Rule 6A-4.0021(7), F.A.C.

<sup>21</sup> Section 1012.56(3)(b), F.S.

<sup>22</sup> Section 1012.56(3)(c), F.S.

<sup>23</sup> Section 1012.56(3)(d), F.S.

<sup>24</sup> *Id.*

<sup>25</sup> Section 1012.56(3)(e), F.S.

<sup>26</sup> The DOE has identified subject areas and the corresponding subject area exams. See *Florida Teacher Certification Examinations (FTCE)* <https://app1.fldoe.org/ftce/Portal/FtceTests.aspx> (last visited March 8, 2014), and *Florida Certification Coverages*, <http://www.fldoe.org/edcert/subjlist.asp> (last visited March 8, 2014).

<sup>27</sup> Section 1012.56(5)(a), F.S. Rule 6A-4.0243, F.A.C., specifies the specialization requirements for certification in the following world languages: Arabic, Chinese, Farsi, French, German, Greek, Haitian Creole, Hebrew, Hindi, Italian, Japanese, Portuguese, Russian, Spanish, and Turkish. There are subject area exams for French, German, Latin, and Spanish. See [http://www.fldoe.org/edcert/sub\\_exams.asp](http://www.fldoe.org/edcert/sub_exams.asp) (last visited March 8, 2014).

<sup>28</sup> Section 1012.56(5)(b), F.S. and Rule 6A-4.0243(1)(e), F.A.C.; See American Council on the Teaching of Foreign Languages (ACTFL), *Certified Proficiency Testing Program*, <http://www.actfl.org/professional-development/certified-proficiency-testing-program> (last visited March 8, 2014); Language Testing International (ACTFL Language Testing Office), *ACTFL Certified Proficiency Testing Program: Oral And Writing Proficiency Testing for State of Florida Prospective Teachers*, [http://dev5.lti-inc.net/acad\\_fl2n.cfm](http://dev5.lti-inc.net/acad_fl2n.cfm) (last visited March 8, 2014).

<sup>29</sup> Section 1012.56(5)(c), F.S.

- completing the subject area specialization requirements specified in State Board of Education rule or;<sup>30</sup>
- Holding a valid professional standard teaching certificate issued for a subject area by another state, by NBPTS, or by an educator credentialing board approved by the State Board of Education.<sup>31</sup>

### *Demonstration of Mastery of Professional Preparation and Education Competence*

Mastery of professional preparation and education competence may be demonstrated through any of the following methods:

- Achieving a passing score on the professional education competency exam required by State Board of Education rule and:
  - Completing an approved teacher preparation program at a Florida or out-of-state postsecondary educational institution;<sup>32</sup>
  - Completing a competency-based professional development certification program offered by a school district or completing an Educator Preparation Institute program;<sup>33</sup> or
  - Completing professional preparation courses specified in State Board of Education rule and completing an approved professional education competence demonstration program;<sup>34</sup>
- Holding a valid professional standard teaching certificate issued by another state, NBPTS, or a national educator credentialing board approved by the State Board of Education;<sup>35</sup> or
- Documenting completion of two semesters of successful college teaching experience in a Florida College System institution, state university, or an accredited private college or university that awards an associate's or higher degree or at a nonaccredited institution of higher education identified by the DOE as having a quality program.<sup>36</sup>

### *Professional Certificate Renewal and Reinstatement*

A state-issued professional certificate must be renewed every five years.<sup>37</sup> An educator must submit an application,<sup>38</sup> pay a fee,<sup>39</sup> and earn at least six college credits or 120 inservice points to

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<sup>30</sup> Section 1012.56(5)(d), F.S.

<sup>31</sup> Section 1012.56(5)(e) and (f), F.S. and Rule 6A-4.002(1)(i)-(j), F.A.C. See also *NBPTS Certificate Subjects and Corresponding Subjects in Florida*, <http://www.fldoe.org/edcert/nbpts-chart.asp> (last visited March 8, 2014).

<sup>32</sup> Section 1012.56(6)(a) and (b), F.S.

<sup>33</sup> Section 1012.56(6)(g) and (8)(a)6., F.S.

<sup>34</sup> Section 1012.56(6)(f), F.S.

<sup>35</sup> Section 1012.56(6)(c) and (d), F.S.

<sup>36</sup> Section 1012.56(6)(e), F.S.

<sup>37</sup> Section 1012.585(2)(a), F.S.

<sup>38</sup> Rule 6A-4.0051(3)(b), F.A.C. The DOE processes certification renewals for individuals who are not employed by district school boards. Section 1012.585(1)(b), F.S. District school boards are responsible for processing certificate renewals for school district employees. Section 1012.585(1)(a), F.S.

<sup>39</sup> Section 1012.585(1)(a), F.S.



renew professional certification.<sup>40</sup> At least three college credits or equivalent inservice points must be earned in each subject area for which renewal is sought.<sup>41</sup>

An expired professional certificate may be reinstated if the applicant:<sup>42</sup>

- Submits an application for reinstatement;
- Submits to fingerprinting and background screening; and
- In the five years immediately preceding the application for reinstatement, completes the college credit and inservice point requirements for renewal and passes the subject area exam for each subject area to be reinstated.

### **Postsecondary Educator Preparation Programs**

Florida provides several pathways to meet professional teacher certification requirements, including traditional teacher preparation programs provided by universities and colleges for individuals seeking a degree.<sup>43</sup> The Educator Preparation Institutes (EPI) and school district competency-based professional development certification programs provide individuals who already have baccalaureate degrees with professional training on the competencies needed for professional certification.<sup>44</sup>

The law provides special requirements for peer mentors and postsecondary instructors and school district personnel who instruct and supervise students during their clinical experiences.<sup>45</sup> During field experience courses or internships, all school district personnel and instructional personnel who supervise or direct teacher preparation students in traditional teacher preparation programs and educator preparation institutes must:

- Have evidence of “clinical educator” training;
- Hold a valid state-issued professional certificate;
- Have at least three years of teaching experience in prekindergarten through grade 12; and
- Have earned an “effective” or “highly effective” rating on the prior year’s performance evaluation or be a peer evaluator under the district’s approved evaluation system.<sup>46</sup>

### **Educator Performance Evaluations**

Components of the each school district’s instructional personnel and school administrator performance evaluation system are divided into three parts: performance of students, instructional practice or leadership, (for instructional or administrative personnel, respectively), and professional responsibilities.<sup>47</sup> Florida’s educator evaluation system differentiates among four levels: highly

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<sup>40</sup> Section 1012.585(3)(a), F.S.

<sup>41</sup> Section 1012.585(3)(a), F.S.

<sup>42</sup> Sections 1012.32 and 1012.585(5), F.S. and Rule 6A-4.0051(7), F.A.C.

<sup>43</sup> Section s. 1004.04, F.S.

<sup>44</sup> Sections 1004.85 and 1012.56(8)(a), F.S.

<sup>45</sup> Sections 1004.04(5), 1004.85(6), and 1012.56(8)(a)3., F.S.

<sup>46</sup> Sections 1004.04(5)(b) and 1004.85(6), F.S.

<sup>47</sup> Section 1012.34(3)(a), F.S.

effective; effective; needs improvement or, for instructional personnel in the first three years of employment who need improvement, developing;<sup>48</sup> and unsatisfactory.<sup>49</sup>

### **Assignment of Classroom Teachers to Schools Graded “D” or “F”**

Current law prohibits school districts from assigning a higher percentage than the school district average of temporarily certified teachers, teachers in need of improvement, or out-of-field teachers to schools graded “D” or “F”.<sup>50</sup> Each school district must annually certify to the Commissioner of Education that this requirement has been met.<sup>51</sup> If the Commissioner determines that a school district is not in compliance with this provision, the State Board of Education must be notified and must take action pursuant to s. 1008.32, F.S., to require compliance.<sup>52</sup>

### **School Grades**

Current law provides that the criteria for designating school performance grades for elementary schools, middle schools, and high schools, are based on a combination of student achievement, student learning gains, the improvement of the lowest 25th percentile of students in the school in Reading or English Language Arts and Mathematics, as measured by standardized statewide assessments, unless these students are exhibiting satisfactory performance.<sup>53</sup> For middle schools and high schools there are additional criteria for participation and performance in accelerated courses.<sup>54</sup> Additionally, high school criteria include graduation rates, postsecondary readiness, performance on statewide, standardized end-of-course assessments, and the growth or decline in specific high school data components.<sup>55</sup>

The law specifies the letter grades used to designate school performance: “A,” schools making excellent progress; “B,” schools making above average progress; “C,” schools making satisfactory progress; “D,” schools making less than satisfactory progress; and “F,” schools failing to make adequate progress.<sup>56</sup>

## **III. Effect of Proposed Changes:**

### **Educator Certification**

CS/SB 950 revises K-12 educator certification requirements to authorize the use of additional assessment options, align competencies across preparation program types, and provide flexibility for training and inservice requirements.

The bill deletes reference to the obsolete College Level Academic Skills Test (CLAST) that was used as a way to demonstrate mastery of general knowledge. According to the Department of

<sup>48</sup> Section 1012.34(3)(a), F.S., requires newly hired teachers to be evaluated at least twice in the first year of teaching.

<sup>49</sup> Section 1012.34(2)(e), F.S.

<sup>50</sup> Section 1012.2315(2), F.S.

<sup>51</sup> *Id.*

<sup>52</sup> *Id.* Section 1008.32, F.S., provides for the State Board of Education’s oversight authority for the performance of district school boards in enforcing all laws and rules.

<sup>53</sup> Section 1008.34(3)(b), F.S.,

<sup>54</sup> *Id.*

<sup>55</sup> *Id.*

<sup>56</sup> Section 1008.34(2), F.S.

Education (DOE), more than a decade has passed since this provision was enacted to provide a transition period for educator certification applicants who earned a passing score on the CLAST prior to July 1, 2002.<sup>57</sup>

The bill authorizes the State Board of Education to adopt in rule additional examinations that may be used by applicants to demonstrate mastery of subject area knowledge.<sup>58</sup> The State Board may adopt not only the world language exams administered by ACTFL, but also standardized subject area content knowledge examinations for which Florida has no examinations. The bill requires that scientifically based reading instruction must be included in a district competency-based professional development program. According to the DOE, this provision aligns the program with the competencies required in other educator preparation programs approved by the department.<sup>59</sup>

With respect to renewal of a professional certificate, the bill provides that an applicant may renew a subject area specialization by passing a state-board approved subject area test or another standardized examination in lieu of college course credit or inservice points.

The bill permits an applicant for an educator certificate who successfully completes a Teach for America professional education training program to demonstrate mastery of professional preparation and education competence by earning a passing score on the professional education competency exam.

In addition, the bill requires the State Board of Education to adopt rules that would expand training for renewal of professional certificates for educators who must complete training in teaching students with disabilities.<sup>60</sup> This will allow a teacher who holds a professional certificate to use college credits or inservice points earned through training in teaching students with disabilities, in excess of six semester hours during one certificate-validity period, toward renewal of the professional certificate during subsequent validity periods. For a teacher with a temporary certificate, the rules must allow college credits or inservice points earned through training in teaching of such students to be used toward renewal of the teacher's first professional certificate.

The bill requires the State Board of Education to adopt rules that would require an applicant for reinstatement of an expired professional certificate to earn a minimum of one college credit, or the equivalent inservice points, in the area of instruction for teaching students with disabilities. The credit may be included as one of the six college credits or equivalent inservice points the applicant must earn during the five years immediately preceding reinstatement of the expired certificate.

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<sup>57</sup> E-mail, Department of Education, March 7, 2014. On file with the Senate Education Committee.

<sup>58</sup> *Id.*

<sup>59</sup> E-mail, Department of Education, March 7, 2014. On file with the Senate Education Committee.

<sup>60</sup> Pursuant to section 9 of chapter 2013-236, L.O.F., codified in s. 1012.585(3)(e), F.S., an applicant for renewal of a professional certificate must earn a minimum of one college credit or the equivalent inservice points in the area of instruction for teaching students with disabilities. The law also provides that this requirement may not add to the total hours required by the DOE for continuing education or inservice training. This requirement is effective beginning July 1, 2014. Rule 6A-4.0051(6) and (7)(e), F.A.C., specifies how an educator may satisfy the one credit or 20 inservice points required for renewal of the certificate.

### Assignment of Classroom Teachers to Schools Graded “D” or “F”

The bill permits the assignment of newly hired instructional personnel to a school that has earned a grade of “F” in the previous year or any combination of three consecutive grades of “D” or “F” in the previous three years pursuant to s. 1008.34, F.S., if they meet specific requirements related to training, teaching experience, performance, and certification.

Beginning July 1, 2014, a school district may assign newly hired instructional personnel if he or she:

- Has received an “effective” rating or “highly effective” rating in the immediate prior year’s performance evaluation;
- Has successfully completed a professional education training program provided by Teach for America,<sup>61</sup> holds a certificate issued pursuant to s. 1012.56, F.S., and holds a probationary contract pursuant to s. 1012.335(2)(a), F.S.;<sup>62</sup> or
- Holds a probationary contract pursuant to s. 1012.335(2)(a), F.S., holds a certificate issued pursuant to s. 1012.56, F.S., has successful teaching experience, and, in the judgment of the school principal, students would benefit from the placement of that individual.

A district school superintendent may assign newly hired instructional personnel to the school if he or she holds a probationary contract pursuant to s. 1012.335(2)(a), F.S., holds a certificate issued pursuant to s. 1012.56, F.S., has successful teaching experience, and, in the judgment of the school principal, students would benefit from the placement of that individual.

#### IV. Constitutional Issues:

##### A. Municipality/County Mandates Restrictions:

None.

##### B. Public Records/Open Meetings Issues:

None.

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<sup>61</sup> In order to be eligible for Teach for America's 2015 corps, an applicant must have: a bachelor's degree by June 2015; a 2.50 undergraduate GPA; and proof of U.S. citizenship, national/permanent resident status, or deferred action for childhood arrivals. Corps members participate in the TFA training and development program. *See* [https://www.teachforamerica.org/online/info/signUp.wbfl;jsessionid=37B6993DCF07D14AE14FE13B8576EB4D?\\_flowId=signUp-flow&\\_flowExecutionKey=e1s1](https://www.teachforamerica.org/online/info/signUp.wbfl;jsessionid=37B6993DCF07D14AE14FE13B8576EB4D?_flowId=signUp-flow&_flowExecutionKey=e1s1), and <http://www.teachforamerica.org/why-teach-for-america/training-and-support> (last visited March 12, 2014). According to the DOE, a Teach for America teacher, like any other new teacher candidate, may currently obtain a temporary Florida educator certificate that is valid for three years, provided he or she has a major in the certification subject or passes the Florida subject area test. Once employed all teachers on a temporary certificate must pass the general knowledge certification test in the first year to maintain employment. E-mail, Department of Education, March 12, 2014. On file with the Senate Education Committee.

<sup>62</sup> Beginning July 1, 2011, each individual newly hired as instructional personnel by the district school board must be awarded a probationary contract. Upon successful completion of the probationary contract, the district school board may award an annual contract. Section 1012.335(2)(a), F.S. A probationary contract must be awarded regardless of previous employment in another school district or state. Section 1012.335(1)(c), F.S.

C. Trust Funds Restrictions:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 1012.2315, 1012.27, 1012.56, and 1012.585.

**IX. Additional Information:**

A. Committee Substitute – Statement of Substantial Changes:

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

**CS by Education Committee on March 11, 2014:**

The committee substitute:

- Permits an applicant for an educator certificate who successfully completes a Teach for America professional education training program to demonstrate mastery of professional preparation and education competence by earning a passing score on the professional education competency exam; and
- Permits the assignment of newly hired instructional personnel to a school that has earned a grade of “F” in the previous year or any combination of three consecutive grades of “D” or “F” in the previous three years pursuant to s. 1008.34, F.S., if they meet specific requirements related to training, teaching experience, performance, and certification.

B. Amendments:

None.

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

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318464

LEGISLATIVE ACTION

Senate	.	House
Comm: RS	.	
03/11/2014	.	
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The Committee on Education (Brandes) recommended the following:

**Senate Amendment (with title amendment)**

Between lines 15 and 16  
insert:

Section 1. Subsections (2) and (4) of section 1012.2315,  
Florida Statutes, are amended to read:

1012.2315 Assignment of teachers.—

(2) ASSIGNMENT TO SCHOOLS GRADED "D" or "F".—

(a) A school district ~~districts~~ may not assign a higher  
percentage than the school district average of temporarily  
certified teachers, teachers in need of improvement, or out-of-



318464

12 field teachers to schools graded "D" or "F" pursuant to s.  
13 1008.34.

14 (b) Beginning July 1, 2014, a school district may assign  
15 newly hired instructional personnel to a school that has earned  
16 a grade of "F" in the previous year or any combination of three  
17 consecutive grades of "D" or "F" in the previous 3 years  
18 pursuant to s. 1008.34 if the newly hired instructional  
19 personnel:

20 1. Have received an effective rating or highly effective  
21 rating in the immediate prior year's performance evaluation  
22 pursuant s. 1012.34;

23 2. Have successfully completed a professional education  
24 training program provided by Teach for America, hold a  
25 professional certificate issued pursuant to s. 1012.56, and hold  
26 a probationary contract pursuant to s. 1012.335(2)(a); or

27 3. Are recommended by the district school superintendent to  
28 teach in such school, hold a professional certificate issued  
29 pursuant to s. 1012.56, and hold a probationary contract  
30 pursuant to s. 1012.335(2)(a).

31  
32 Each school district shall annually certify to the Commissioner  
33 of Education that the requirements in this subsection have this  
34 ~~requirement has~~ been met. If the commissioner determines that a  
35 school district is not in compliance with this subsection, the  
36 State Board of Education shall be notified and shall take action  
37 pursuant to s. 1008.32 in the next regularly scheduled meeting  
38 to require compliance.

39 (4) COLLECTIVE BARGAINING.—Notwithstanding provisions of  
40 chapter 447 relating to district school board collective





318464

41 bargaining, collective bargaining provisions may not preclude a  
42 school district from providing incentives to high-quality  
43 teachers and assigning such teachers to low-performing schools.  
44 However, collective bargaining provisions relating to  
45 instructional personnel may include the assignment of newly  
46 hired personnel to a school that has earned a grade of "F" in  
47 the previous year or any combination of three consecutive grades  
48 of "D" or "F" in the previous 3 years pursuant to s. 1008.34 if  
49 the newly hired instructional personnel:

50 (a) Have received an effective rating or highly effective  
51 rating in the immediate prior year's performance evaluation  
52 under s. 1012.34;

53 (b) Have successfully completed a professional education  
54 training program provided by Teach for America, hold a  
55 professional certificate issued pursuant to s. 1012.56, and hold  
56 a probationary contract pursuant to s. 1012.335(2) (a); or

57 (c) Are recommended by the district school superintendent  
58 to teach in such school, hold a professional certificate issued  
59 pursuant to s. 1012.56, and hold a probationary contract  
60 pursuant to s. 1012.335(2) (a).

61 Section 2. Subsection (1) of section 1012.27, Florida  
62 Statutes, is amended to read:

63 1012.27 Public school personnel; powers and duties of  
64 district school superintendent.—The district school  
65 superintendent is responsible for directing the work of the  
66 personnel, subject to the requirements of this chapter, and in  
67 addition the district school superintendent shall perform the  
68 following:

69 (1) POSITIONS, QUALIFICATIONS, AND NOMINATIONS.—



318464

70 (a) Recommend to the district school board duties and  
71 responsibilities which need to be performed and positions which  
72 need to be filled to make possible the development of an  
73 adequate school program in the district.

74 (b) Recommend minimum qualifications of personnel for these  
75 various positions, and nominate in writing persons to fill such  
76 positions.

77  
78 The district school superintendent's recommendations for filling  
79 instructional positions at the school level must consider  
80 nominations received from school principals of the respective  
81 schools. The district school superintendent may assign an  
82 individual newly hired as instructional personnel to a school  
83 that has earned a grade of "F" in the previous year or any  
84 combination of three consecutive grades of "D" or "F" in the  
85 previous 3 years pursuant to s. 1008.34 if the individual holds  
86 a probationary contract pursuant to s. 1012.335(2) (a), holds a  
87 professional certificate issued pursuant to s. 1012.56, and has  
88 successful teaching experience and if, in the judgment of the  
89 school principal, students would benefit from the placement of  
90 that individual. Before transferring a teacher who holds a  
91 professional teaching certificate from one school to another,  
92 the district school superintendent shall consult with the  
93 principal of the receiving school and allow the principal to  
94 review the teacher's records, including student performance  
95 demonstrated under s. 1012.34, and interview the teacher. If, in  
96 the judgment of the principal, students would not benefit from  
97 the placement, an alternative placement may be sought. A  
98 principal may refuse the placement in accordance with s.



318464

99 1012.28(6).

100 Section 3. Paragraph (a) of subsection (2) of section  
101 1012.335, Florida Statutes, is amended to read:

102 1012.335 Contracts with instructional personnel hired on or  
103 after July 1, 2011.—

104 (2) EMPLOYMENT.—

105 (a)1. Beginning July 1, 2011, each individual newly hired  
106 as instructional personnel by the district school board shall be  
107 awarded a probationary contract. Upon successful completion of  
108 the probationary contract, the district school board may award  
109 an annual contract pursuant to paragraph (c).

110 2. Beginning July 1, 2014, a school district may assign  
111 newly hired instructional personnel to a school that has earned  
112 a grade of "F" in the previous year or any combination of three  
113 consecutive grades of "D" or "F" in the previous 3 years  
114 pursuant to s. 1008.34 if the newly hired instructional  
115 personnel:

116 a. Have received an effective rating or highly effective  
117 rating in the immediate prior year's performance evaluation  
118 under s. 1012.34;

119 b. Have successfully completed a professional education  
120 training program provided by Teach for America, hold a  
121 professional certificate issued pursuant to s. 1012.56, and hold  
122 a probationary contract pursuant to s. 1012.335(2)(a); or

123 c. Are recommended by the district school superintendent to  
124 teach in such school, hold a professional certificate issued  
125 pursuant to s. 1012.56, and hold a probationary contract  
126 pursuant to s. 1012.335(2)(a).

127 Section 4. The amendments made by this act to ss.



318464

128 1012.2315, 1012.27, and 1012.335, Florida Statutes, apply to  
129 contracts newly entered into, extended, or readopted on or after  
130 July 1, 2014. Upon renegotiating an existing collective  
131 bargaining agreement, the subsequent collective bargaining  
132 agreement must include a provision that conforms to the  
133 requirements of this act.

134

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

136 And the title is amended as follows:

137 Delete line 2

138 and insert:

139 An act relating to education; amending s. 1012.2315,  
140 F.S.; authorizing a school district to assign to a  
141 school that has earned failing grades over a certain  
142 period of time certain newly hired instructional  
143 personnel; authorizing collective bargaining  
144 provisions regarding the assigning of certain newly  
145 hired instructional personnel to a school that has  
146 earned failing grades; amending s. 1012.27, F.S.;  
147 authorizing a district school superintendent to assign  
148 certain newly hired instructional personnel to a  
149 school that has earned failing grades based on the  
150 judgment of a school principal; amending s. 1012.335,  
151 F.S.; authorizing a school district to assign certain  
152 newly hired instructional personnel to a school that  
153 has earned failing grades over a certain period of  
154 time; providing for applicability; amending s.



521684

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/11/2014	.	
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The Committee on Education (Brandes) recommended the following:

1           **Senate Substitute for Amendment (318464) (with title**  
2 **amendment)**

3  
4           Between lines 15 and 16  
5 insert:

6           Section 1. Subsection (2) of section 1012.2315, Florida  
7 Statutes, is amended to read:

8           1012.2315 Assignment of teachers.—

9           (2) ASSIGNMENT TO SCHOOLS GRADED "D" or "F".—

10           (a) A school district ~~districts~~ may not assign a higher  
11 percentage than the school district average of temporarily



521684

12 certified teachers, teachers in need of improvement, or out-of-  
13 field teachers to schools graded "D" or "F" pursuant to s.  
14 1008.34.

15 (b) Beginning July 1, 2014, a school district may assign an  
16 individual newly hired as instructional personnel to a school  
17 that has earned a grade of "F" in the previous year or any  
18 combination of three consecutive grades of "D" or "F" in the  
19 previous 3 years pursuant to s. 1008.34 if the individual:

20 1. Has received an effective rating or highly effective  
21 rating in the immediate prior year's performance evaluation  
22 pursuant s. 1012.34;

23 2. Has successfully completed a professional education  
24 training program provided by Teach for America, holds a  
25 certificate issued pursuant to s. 1012.56, and holds a  
26 probationary contract pursuant to s. 1012.335(2)(a); or

27 3. Holds a probationary contract pursuant to s.  
28 1012.335(2)(a), holds a certificate issued pursuant to s.  
29 1012.56, has successful teaching experience, and, in the  
30 judgment of the school principal, students would benefit from  
31 the placement of that individual.

32  
33 Each school district shall annually certify to the Commissioner  
34 of Education that the requirements in this subsection have ~~this~~  
35 ~~requirement has~~ been met. If the commissioner determines that a  
36 school district is not in compliance with this subsection, the  
37 State Board of Education shall be notified and shall take action  
38 pursuant to s. 1008.32 in the next regularly scheduled meeting  
39 to require compliance.

40 Section 2. Subsection (1) of section 1012.27, Florida



521684

41 Statutes, is amended to read:

42 1012.27 Public school personnel; powers and duties of  
43 district school superintendent.—The district school  
44 superintendent is responsible for directing the work of the  
45 personnel, subject to the requirements of this chapter, and in  
46 addition the district school superintendent shall perform the  
47 following:

48 (1) POSITIONS, QUALIFICATIONS, AND NOMINATIONS.—

49 (a) Recommend to the district school board duties and  
50 responsibilities which need to be performed and positions which  
51 need to be filled to make possible the development of an  
52 adequate school program in the district.

53 (b) Recommend minimum qualifications of personnel for these  
54 various positions, and nominate in writing persons to fill such  
55 positions.

56  
57 For the purpose of this subsection, the district school  
58 superintendent's recommendations for filling instructional  
59 positions at the school level must consider nominations received  
60 from school principals of the respective schools. The district  
61 school superintendent may assign an individual newly hired as  
62 instructional personnel to a school that has earned a grade of  
63 "F" in the previous year or any combination of three consecutive  
64 grades of "D" or "F" in the previous 3 years pursuant to s.  
65 1008.34 if the individual holds a probationary contract pursuant  
66 to s. 1012.335(2) (a), holds a certificate issued pursuant to s.  
67 1012.56, has successful teaching experience, and, in the  
68 judgment of the school principal, students would benefit from  
69 the placement of that individual. Before transferring a teacher



521684

70 who holds a professional teaching certificate from one school to  
71 another, the district school superintendent shall consult with  
72 the principal of the receiving school and allow the principal to  
73 review the teacher's records, including student performance  
74 demonstrated under s. 1012.34, and interview the teacher. If, in  
75 the judgment of the principal, students would not benefit from  
76 the placement, an alternative placement may be sought. A  
77 principal may refuse the placement in accordance with s.  
78 1012.28(6).

79

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

81 And the title is amended as follows:

82 Delete line 2

83 and insert:

84 An act relating to education; amending s. 1012.2315,  
85 F.S.; authorizing a school district to assign to a  
86 school that has earned failing grades certain newly  
87 hired instructional personnel; amending s. 1012.27,  
88 F.S.; revising the powers of a district school  
89 superintendent to include authorization to assign  
90 certain newly hired instructional personnel to a  
91 school that has earned failing grades based on the  
92 judgment of a school principal; amending s.





103962

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/11/2014	.	
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The Committee on Education (Brandes) recommended the following:

**Senate Amendment**

Delete lines 109 - 114

and insert:

program, outlined in paragraph (8) (a); ~~or~~

(h) Successful completion of a competency-based ~~an~~  
~~alternative~~ certification program pursuant to s. 1004.85 and  
achievement of a passing score on the professional education  
competency examination required by rule of the State Board of  
Education; ~~or~~

(i) Successful completion of a professional education



103962

12 training program provided by Teach for America and achievement  
13 of a passing score on the professional education competency  
14 examination required by rule of the State Board of Education.

By Senator Stargel

15-00847-14

2014950\_\_

1 A bill to be entitled  
 2 An act relating to educator certification; amending s.  
 3 1012.56, F.S.; deleting obsolete provisions relating  
 4 to acceptable means of demonstrating mastery of  
 5 professional development; revising acceptable means of  
 6 demonstrating mastery of subject area knowledge;  
 7 conforming terminology; revising components of a  
 8 competency-based professional development  
 9 certification program; amending s. 1012.585, F.S.;  
 10 revising certain requirements for the renewal or  
 11 reinstatement of a professional certificate; providing  
 12 an effective date.  
 13  
 14 Be It Enacted by the Legislature of the State of Florida:  
 15  
 16 Section 1. Subsections (3), (5), and (6) and paragraph (a)  
 17 of subsection (8) of section 1012.56, Florida Statutes, are  
 18 amended to read:  
 19 1012.56 Educator certification requirements.—  
 20 (3) MASTERY OF GENERAL KNOWLEDGE.—Acceptable means of  
 21 demonstrating mastery of general knowledge are:  
 22 (a) Achievement of passing scores on the basic skills  
 23 examination required by state board rule;  
 24 ~~(b) Achievement of passing scores on the College Level~~  
 25 ~~Academic Skills Test earned prior to July 1, 2002;~~  
 26 (b)(e) A valid professional standard teaching certificate  
 27 issued by another state;  
 28 (c)(d) A valid certificate issued by the National Board for  
 29 Professional Teaching Standards or a national educator

Page 1 of 8

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15-00847-14

2014950\_\_

30 credentialing board approved by the State Board of Education; or  
 31 ~~(d)(e)~~ Documentation of two semesters of successful  
 32 teaching in a Florida College System institution, state  
 33 university, or private college or university that awards an  
 34 associate or higher degree and is an accredited institution or  
 35 an institution of higher education identified by the Department  
 36 of Education as having a quality program.  
 37 (5) MASTERY OF SUBJECT AREA KNOWLEDGE.—Acceptable means of  
 38 demonstrating mastery of subject area knowledge are:  
 39 (a) Achievement of passing scores on subject area  
 40 examinations required by state board rule for subjects requiring  
 41 no more than a bachelor's degree, which may include, but need  
 42 not be limited to, world languages in Arabic, Chinese, Farsi,  
 43 French, German, Greek, Haitian Creole, Hebrew, Hindi, Italian,  
 44 Japanese, Portuguese, Russian, and Spanish;  
 45 (b) Completion of a bachelor's degree or higher and  
 46 verification of the attainment of a passing score, as specified  
 47 in state board rule, on a subject area content knowledge  
 48 examination an oral proficiency interview score above the  
 49 intermediate level and a written proficiency score above the  
 50 intermediate level on a test administered by the American  
 51 Council on the Teaching of Foreign Languages or a standardized  
 52 assessment approved by state board rule for certification  
 53 subjects for which there is no Florida-developed examination;  
 54 (c) Completion of the subject area specialization  
 55 requirements specified in state board rule and verification of  
 56 the attainment of the essential subject matter competencies by  
 57 the district school superintendent of the employing school  
 58 district or chief administrative officer of the employing state-

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15-00847-14 2014950\_\_

59 supported or private school for a subject area for which a  
 60 subject area examination has not been developed ~~and required~~ by  
 61 state board rule;

62 (d) Completion of the subject area specialization  
 63 requirements specified in state board rule for a subject  
 64 coverage requiring a master's or higher degree and achievement  
 65 of a passing score on the subject area examination or a  
 66 standardized examination or assessment approved as specified in  
 67 state board rule;

68 (e) A valid professional standard teaching certificate  
 69 issued by another state; or

70 (f) A valid certificate issued by the National Board for  
 71 Professional Teaching Standards or a national educator  
 72 credentialing board approved by the State Board of Education.

73

74 A school district is ~~districts are~~ encouraged to provide  
 75 mechanisms for those middle school teachers holding only a K-6  
 76 teaching certificate to obtain a subject area coverage for  
 77 middle grades through postsecondary coursework or district add-  
 78 on certification.

79 (6) MASTERY OF PROFESSIONAL PREPARATION AND EDUCATION  
 80 COMPETENCE.—Acceptable means of demonstrating mastery of  
 81 professional preparation and education competence are:

82 (a) Completion of an approved teacher preparation program  
 83 at a postsecondary educational institution within this state and  
 84 achievement of a passing score on the professional education  
 85 competency examination required by state board rule;

86 (b) Completion of a teacher preparation program at a  
 87 postsecondary educational institution outside Florida and

15-00847-14 2014950\_\_

88 achievement of a passing score on the professional education  
 89 competency examination required by state board rule;

90 (c) A valid professional standard teaching certificate  
 91 issued by another state;

92 (d) A valid certificate issued by the National Board for  
 93 Professional Teaching Standards or a national educator  
 94 credentialing board approved by the State Board of Education;

95 (e) Documentation of two semesters of successful teaching  
 96 in a Florida College System institution, state university, or  
 97 private college or university that awards an associate or higher  
 98 degree and is an accredited institution or an institution of  
 99 higher education identified by the Department of Education as  
 100 having a quality program;

101 (f) Completion of professional preparation courses as  
 102 specified in state board rule, successful completion of a  
 103 professional education competence demonstration program pursuant  
 104 to paragraph (8) (b), and achievement of a passing score on the  
 105 professional education competency examination required by state  
 106 board rule;

107 (g) Successful completion of a professional development  
 108 ~~preparation alternative~~ certification and education competency  
 109 program, outlined in paragraph (8) (a); or

110 (h) Successful completion of a competency-based ~~an~~  
 111 ~~alternative~~ certification program pursuant to s. 1004.85 and  
 112 achievement of a passing score on the professional education  
 113 competency examination required by rule of the State Board of  
 114 Education.

115 (8) PROFESSIONAL DEVELOPMENT CERTIFICATION AND EDUCATION  
 116 COMPETENCY PROGRAM.—

15-00847-14

2014950\_\_

117 (a) The Department of Education shall develop and each  
 118 school district may provide a cohesive, competency-based  
 119 professional development certification program by which members  
 120 of a school district's instructional staff may satisfy the  
 121 mastery of professional preparation and education competence  
 122 requirements specified in this subsection and rules of the State  
 123 Board of Education. Participants must hold a state-issued  
 124 temporary certificate. A school district that implements the  
 125 program shall provide a competency-based certification program  
 126 developed by the Department of Education or developed by the  
 127 district and approved by the Department of Education. The  
 128 program must ~~shall~~ include the following components:

- 129 1. A minimum period of initial preparation before assuming  
 130 duties as the teacher of record.
- 131 2. An option for collaboration between school districts and  
 132 other supporting agencies or educational entities for  
 133 implementation.
- 134 3. Experienced peer mentors. Each individual selected by  
 135 the district as a peer mentor must hold a valid professional  
 136 certificate issued pursuant to this section, must have earned at  
 137 least 3 years of teaching experience in prekindergarten through  
 138 grade 12, and must have earned an effective or highly effective  
 139 rating on the prior year's performance evaluation under s.  
 140 1012.34 or be a peer evaluator under the district's evaluation  
 141 system approved under s. 1012.34.
- 142 4. An assessment of teaching performance aligned to the  
 143 district's system for personnel evaluation under s. 1012.34  
 144 which provides for:
  - 145 a. An initial evaluation of each educator's competencies to

Page 5 of 8

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15-00847-14

2014950\_\_

- 146 determine an appropriate individualized professional development  
 147 plan.
- 148 b. A summative evaluation to assure successful completion  
 149 of the program.
  - 150 5. Professional education preparation content knowledge  
 151 that includes, but is not limited to, the following:
    - 152 a. The state-adopted student content standards, including  
 153 scientifically based reading instruction, content literacy, and  
 154 mathematical practices, for each subject identified on the  
 155 temporary certificate.
    - 156 b. The educator-accomplished practices approved by the  
 157 state board.
    - 158 c. A variety of data indicators for monitoring student  
 159 progress.
    - 160 d. Methodologies for teaching students with disabilities.
    - 161 e. Methodologies for teaching English language learners  
 162 appropriate for each subject area identified on the temporary  
 163 certificate.
    - 164 f. Techniques and strategies for operationalizing the role  
 165 of the teacher in assuring a safe learning environment for  
 166 students.
    - 167 6. Required achievement of passing scores on the subject  
 168 area and professional education competency examination required  
 169 by State Board of Education rule. Mastery of general knowledge  
 170 must be demonstrated as described in subsection (3).
- 171 Section 2. Paragraphs (b) and (d) of subsection (3) and  
 172 paragraph (b) of subsection (5) of section 1012.585, Florida  
 173 Statutes, are amended to read:  
 174 1012.585 Process for renewal of professional certificates.-

Page 6 of 8

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

15-00847-14 2014950\_\_

175 (3) For the renewal of a professional certificate, the  
176 following requirements must be met:

177 (b) In lieu of college course credit or inservice points,  
178 the applicant may renew a specialization area by passage of a  
179 ~~state-board-approved state board approved~~ subject area test,  
180 including another standardized examination or assessment.

181 (d) The State Board of Education shall adopt rules for the  
182 expanded use of training for renewal of the professional  
183 certificate for educators who are required to complete training  
184 in teaching students of limited English proficiency, training in  
185 teaching students with disabilities, and training in the  
186 teaching of reading as follows:

187 1. A teacher who holds a professional certificate may use  
188 college credits or inservice points completed in training in  
189 English for Speakers of Other Languages, in teaching students  
190 with disabilities, ~~English for Speakers of Other Languages~~  
191 ~~training~~ and ~~training~~ in the teaching of reading in excess of 6  
192 semester hours during one certificate-validity period toward  
193 renewal of the professional certificate during the subsequent  
194 validity periods.

195 2. A teacher who holds a temporary certificate may use  
196 college credits or inservice points completed in training in  
197 English for Speakers of Other Languages, in teaching students  
198 with disabilities, ~~English for Speakers of Other Languages~~  
199 ~~training~~ and ~~training~~ in the teaching of reading toward renewal  
200 of the teacher's first professional certificate. Such training  
201 must not have been included within the degree program, and the  
202 teacher's temporary and professional certificates must be issued  
203 for consecutive school years.

Page 7 of 8

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15-00847-14 2014950\_\_

204 (5) The State Board of Education shall adopt rules to allow  
205 the reinstatement of expired professional certificates. The  
206 department may reinstate an expired professional certificate if  
207 the certificateholder:

208 (b) Documents completion of 6 college credits during the 5  
209 years immediately preceding reinstatement of the expired  
210 certificate, completion of 120 inservice points, or a  
211 combination thereof, in an area specified in paragraph (3) (a) to  
212 include the credit specified in paragraph (3) (e).

213  
214 The requirements of this subsection may not be satisfied by  
215 subject area tests or college credits completed for issuance of  
216 the certificate that has expired.

217 Section 3. This act shall take effect July 1, 2014.

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

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

March 11, 2014  
Meeting Date

Topic Teacher Certification  
Name Kevin Watson Bill Number SB 950  
Job Title Lobbyist Amendment Barcode \_\_\_\_\_ (if applicable)

Address 213 S. Adams Street Phone 224-2078  
Tallahassee FL 32301 E-mail kevin.watson@kenldeen.org  
City State Zip

Speaking:  For  Against  Information  on the Amendment to the  
Representing Florida Education Association Amendment

Appearing at request of Chair:  Yes  No Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting. S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/11/14

Meeting Date

Topic 950 amendment Bill Number SB 950

Name Sara Clements Amendment Barcode 1039102  
*(if applicable)*

Job Title Legislative Analyst  
*(if applicable)*

Address 215 S. MONROE ST. Phone 850-391-0329

TLH FL 32308 E-mail Sara@aflorida.promi.sr.org  
City State Zip

Speaking:  For  Against  Information

Representing Foundation for Florida's Future

Appearing at request of Chair:  Yes  No Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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



# APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

03/11/2014

*Meeting Date*

Topic Educator Certification

Bill Number SB 950

Name Kathy Hebda

*(if applicable)*

Job Title Chief of Staff

Amendment Barcode \_\_\_\_\_

*(if applicable)*

Address 325 W. Gaines St.,

Phone 850-245-0505

*Street*

Tallahassee

*City*

*State*

*Zip*

E-mail Kathy.Hebda@fldoe.org

Speaking:  For  Against  Information

Representing Florida Department of Education

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

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

# APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3-11-14

*Meeting Date*

Topic Waive in Support Bill Number SB 950  
*(if applicable)*

Name Kim McDougal Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title Director of Policy

Address The Capitol Phone 717-9267  
*Street*

Tallahassee FL 32399 E-mail kim.mcdougal@laspbs.state.fl.us  
*City State Zip*

Speaking:  For  Against  Information

Representing Governor's Office

Appearing at request of Chair:  Yes  No Lobbyist registered with Legislature:  Yes  No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

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

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/11/14

Meeting Date

Topic SB 950

Bill Number SB 950

(if applicable)

Name Sara Clements

Amendment Barcode

(if applicable)

Job Title Legislative Analyst

Address 215 S. Monroe St.

Phone 850-391-0329

Street

Tallahassee

FL 32308

City

State

Zip

E-mail Sara@afloridaphenix.org

Speaking:  For

Against

Information

Representing Foundation for Florida's Future

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

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

---

Prepared By: The Professional Staff of the Committee on Education

---

BILL: CS/SB 1396

INTRODUCER: Education Committee and Senator Montford

SUBJECT: Public Records/Public-private Partnerships/State Universities

DATE: March 13, 2014

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hand	Klebacha	ED	<b>Fav/CS</b>
2.			GO	
3.			RC	

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 1396 makes confidential and exempt from disclosure, pursuant to Florida's public records law, certain unsolicited proposals, proprietary confidential business information, and board meetings at which these proposals and information will be discussed, relating to a public-private partnership filed with a state university board of trustees, and provides a statement of public necessity.

The public records and public meeting exemptions are subject to the Open Government Sunset Review Act and shall be repealed on October 2, 2019, unless action is taken by the Legislature to reenact the exemption.

The bill is tied to the passage of SB 900 (Sen. Latvala), and takes effect on the same date as SB 900 (July 1, 2014) or similar legislation, if such legislation is adopted in this legislative session and becomes law.

## II. Present Situation:

### Florida Public Records Requirements

The Constitution of the State of Florida provides that:

[e]very person has the right to inspect or copy any public record made or received in connection with the official business of any public body, officer, or employee of the state, or persons acting on their behalf, except with respect to records exempted pursuant to this section or specifically made confidential by this Constitution.<sup>1</sup>

Under Florida law, “[e]very person who has custody of a public record shall permit the record to be inspected and copied by any person desiring to do so, at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public records.”<sup>2</sup>

However, the Legislature is authorized to exempt records from such laws that otherwise require accessibility.<sup>3</sup> Such exemptions must be passed by a two-thirds vote of each house, state with specificity the public necessity justifying the exemption, and must be no broader than necessary to accomplish the stated purpose of the law.<sup>4</sup>

### Florida Open Meetings Requirements

The Constitution of the State of Florida provides that:

[a]ll meetings of any collegial public body ... at which official acts are to be taken or at which public business of such body is to be transacted or discussed, shall be open and noticed to the public ... except with respect to meetings exempted pursuant to this section or specifically closed by this Constitution.<sup>5</sup>

Under Florida law, “[a]ll meetings of any board ... at which official acts are to be taken are declared to be public meetings open to the public at all times, and no resolution, rule, or formal action shall be considered binding except as taken or made at such meeting.”<sup>6</sup>

However, the Legislature is authorized to exempt meetings from such laws that otherwise require accessibility.<sup>7</sup> Such exemptions must be passed by a two-thirds vote of each house, state with specificity the public necessity justifying the exemption, and must be no broader than necessary to accomplish the stated purpose of the law.<sup>8</sup>

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<sup>1</sup> Art. I, s. 24(a), Fla. Const. The Florida Statutes define the term “public records” as “all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.” Section 119.011(12), F.S.

<sup>2</sup> Section 119.07(1)(a), F.S.

<sup>3</sup> Art. I, s. 24(c), Fla. Const.

<sup>4</sup> *Id.*

<sup>5</sup> Art. I, s. 24(b), Fla. Const.

<sup>6</sup> Section 286.011(2), F.S.

<sup>7</sup> Art. I, s. 24(c), Fla. Const.

<sup>8</sup> *Id.*

## **Open Government Sunset Review Act**

The Open Government Sunset Review Act<sup>9</sup> provides that an exemption must serve an “identifiable public purpose, and the exemption may be no broader than is necessary to meet the public purpose it serves.”<sup>10</sup> The exemption must meet one of the following identifiable public purposes:<sup>11</sup>

- Allows the state or its political subdivisions to effectively and efficiently administer a governmental program, which administration would be significantly impaired without the exemption;
- Protects information of a sensitive personal nature concerning individuals, the release of which information would be defamatory to such individuals or cause unwarranted damage to the good name or reputation of such individuals or would jeopardize the safety of such individuals. However, in exemptions under this subparagraph, only information that would identify the individuals may be exempted; or
- Protects information of a confidential nature concerning entities, including, but not limited to, a formula, pattern, device, combination of devices, or compilation of information which is used to protect or further a business advantage over those who do not know or use it, the disclosure of which information would injure the affected entity in the marketplace.

A new public records or open meeting exemption shall be repealed on October 2nd of the fifth year after enactment, unless the Legislature reenacts the exemption.<sup>12</sup>

## **Existing Confidential and Exempt Statutory Provisions**

Three existing statutory provisions that declare information as confidential and exempt from disclosure are provisions relating to trade secrets, proprietary confidential business information, and sealed proposals in a competitive solicitations.

### ***Trade Secret Information***

Trade secret information is confidential and exempt from Florida’s public records laws because it is a felony to disclose such records.<sup>13</sup>

### ***Proprietary Confidential Business Information***

The term “proprietary confidential business information” is defined in statutes relating to the State Board of Administration (SBA) public records exemptions.<sup>14</sup> The definition pertains to the ability of the SBA to effectively administer its real estate investment program.<sup>15</sup> This information

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<sup>9</sup> Section 119.15, F.S.

<sup>10</sup> Section 119.15(6)(b), F.S.

<sup>11</sup> *Id.*

<sup>12</sup> Sections 119.15(3), 286.0111, F.S.,

<sup>13</sup> Section 815.045, F.S. As pertaining to trade secret information as defined in s. 812.081, F.S, and and provided for in s. 815.04(3), F.S. *Id.*

<sup>14</sup> Sections 215.4401(3)(a)6.-7., F.S.

<sup>15</sup> Section 215.4401(1), F.S.

is confidential and exempt from disclosure pursuant Florida's open records laws for 10 years after the termination of the alternative investment.<sup>16</sup>

### ***Sealed Proposals In A Competitive Solicitation***

Sealed proposals in a competitive solicitation are exempt from disclosure pursuant to Florida's public records laws.<sup>17</sup> The proposals are exempt until the agency provides notice of an intended decision or until 30 days after opening.<sup>18</sup> If all proposals are rejected, and the agency concurrently provides notice of intent to reissue a competitive solicitation, the proposals remain exempt until the agency provides notice or an intended decision or until the agency withdraws the reissued competitive solicitation, but in no event longer than 12 months after the initial notice rejecting all replies.<sup>19</sup>

Any portion of a meeting at which a negotiation with a vendor is conducted pursuant to a competitive solicitation, at which a vendor makes an oral presentation, or at which a vendor answers questions as part of a solicitation, are exempt from Florida's open meeting laws.<sup>20</sup> A complete recording is to be made of any portion of an exempt meeting.<sup>21</sup> The recording is exempt until the agency provides notice or an intended decision or until 30 days after opening.<sup>22</sup> If all proposals are rejected, and the agency concurrently provides notice of intent to reissue a competitive solicitation, the recording remains exempt until the agency provides notice or until the agency withdraws the reissued competitive solicitation, but in no event longer than 12 months after the initial notice rejecting all replies.<sup>23</sup>

### **III. Effect of Proposed Changes:**

CS/SB 1396 makes confidential and exempt from disclosure, pursuant to Florida's public records law, certain unsolicited proposals, proprietary confidential business information, and board meetings at which these proposals and information will be discussed, relating to a public-private partnership filed with a state university board of trustees, and provides a statement of public necessity.

The public records and open meetings exemption provisions are subject to the Open Government Sunset Review Act<sup>24</sup> and shall be repealed on October 2, 2019, unless action is taken by the Legislature to reenact the exemption.<sup>25</sup>

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<sup>16</sup> Section 214.4401(3)(b), F.S. An "alternative investment" is an investment by the State Board of Administration in a private equity fund, venture fund, hedge fund, or distress fund or an indirect investment in a portfolio company through an investment manager. Section 215.4401(3)(a)1., F.S.

<sup>17</sup> Section 119.071(1)(b), F.S.

<sup>18</sup> *Id.*

<sup>19</sup> *Id.*

<sup>20</sup> Section 286.0113(2), F.S.

<sup>21</sup> *Id.*

<sup>22</sup> *Id.*

<sup>23</sup> *Id.*

<sup>24</sup> Sections 119.15, 286.0111, F.S.

<sup>25</sup> Sections 119.15(3), 286.011, F.S.

### **Unsolicited Proposals**

If the board does not intend to enter into an agreement for the qualifying project, the unsolicited proposal is not confidential or exempt from disclosure. Otherwise, the unsolicited proposal is confidential and exempt from disclosure until:

- Notice of the board's intended decision; or
- No more than ninety (90) days after the board rejects all proposals for the project described in the unsolicited proposal.

### **Proprietary Confidential Business Information**

The bill creates the term "proprietary confidential business information" and makes such information confidential and exempt from disclosure. The bill defines the term to mean information provided by a private entity to the board that:

- Has been designated by a private entity as information that is owned or controlled by the private entity;
- Is intended to be and is treated by the private entity as private and the disclosure of which would harm the business operations of the private entity;
- Has not otherwise been intentionally disclosed by the private entity; and
- Is information concerning:
  - Trade secrets as defined in s. 688.002, F.S.;
  - Financial statements or financing terms;
  - Patent-pending or copyrighted designs;
  - Leasing or real property acquisition plans; or
  - Marketing studies.

### **Board Shade Meetings**

A portion of a board meeting at which an unsolicited proposal or proprietary confidential business information is discussed is confidential and exempt from Florida's open meetings laws.<sup>26</sup> The exempt portion of the meeting must be recorded and transcribed, including the times of commencement and termination of the meeting, all discussions and proceedings, the names of all persons present at any time, and the names of all persons speaking. The exempt portion of the meeting may not be off the record.

### **Statement of Public Necessity**

The bill provides a statement of public necessity for the exemption,<sup>27</sup> which states that:

- If unsolicited proposals are publicly available before the board makes a decision, competitors could determine the creative financing used to fund the projects.

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<sup>26</sup> Section 286.011, F.S., and Art. I, s. 24(b), Fla. Const.

<sup>27</sup> The bill does not exempt solicited proposals from disclosure pursuant to a public records request. The same public purpose for exempting a solicited proposal may also exist for solicited proposals. *Compare*, Section 119.071(1)(b), F.S. (which creates a public records exemption for all sealed bids, proposals or replies in response to a competitive solicitation pursuant to s. 287.057, F.S.).



- If proprietary confidential business information is not made confidential and exempt, it may discourage a private entity from providing an unsolicited proposal to a board in order to avoid having proprietary confidential business information made public.
- Board review of unsolicited proposals or proprietary confidential business information needs to be made confidential and exempt in order to maintain the confidential and exempt status of this information.
- Unsolicited proposals may contain proprietary business information and trade secrets, such as patent-pending designs and financing terms.
- The harm that may result from the release of such information outweighs any public benefit that may be derived from disclosure of the information.

#### **IV. Constitutional Issues:**

##### **A. Municipality/County Mandates Restrictions:**

None.

##### **B. Public Records/Open Meetings Issues:**

###### **Vote Requirement**

Article I, s. 24(c) of the State Constitution, requires a two-thirds vote of the members present and voting for final passage of a newly created public record or public meeting exemption. The bill creates new public record exemptions and, therefore, requires a two-thirds vote for final passage.

###### **Public Necessity Statement**

Article I, s. 24(c) of the State Constitution, requires a public necessity statement for a newly created or expanded public record or public meeting exemption. The bill creates new public record and new public meetings exemptions and, therefore, includes a public necessity statement for both.

##### **C. Trust Funds Restrictions:**

None.

#### **V. Fiscal Impact Statement:**

##### **A. Tax/Fee Issues:**

None.

##### **B. Private Sector Impact:**

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 1013.505 of the Florida Statutes, which will be created should SB 900, or a substantially similar bill, become law.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

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

**CS by Education on March 11, 2014**

The committee substitute differs from SB 1316 in the following ways:

- Creates and defines the term “proprietary confidential business information”; to provide that trade-secret, proprietary, and financial-type information contained within the initial proposal is confidential and exempt from Florida’s public records law; makes the entire initial proposal confidential and exempt for a specified period of time; reduces the time period that an unsolicited proposal is confidential and exempt, when all proposals are rejected, from 12 months to 90 days; and includes provisions authorizing the state university board hold confidential and exempt “shade” meetings to discuss unsolicited proposals and proprietary confidential business information.
- Updates the public necessity statement to address the new provisions.

B. Amendments:

None.



145580

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/11/2014	.	
	.	
	.	
	.	

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The Committee on Education (Montford) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Subsection (14) is added to section 1013.505,  
Florida Statutes, as created by SB 900, 2014 Regular Session, to  
read:

1013.505 Public-private partnerships; state universities  
and private entities.—

(14) PUBLIC RECORDS AND PUBLIC MEETINGS EXEMPTIONS.—

(a) As used in this subsection, the term "proprietary



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12 confidential business information" means information that has  
13 been designated by a private entity when provided to a state  
14 university board of trustees as information that is owned or  
15 controlled by the private entity, is intended to be and is  
16 treated by the private entity as private and the disclosure of  
17 which would harm the business operations of the private entity,  
18 has not otherwise been intentionally disclosed by the private  
19 entity, and is information concerning:

- 20 1. Trade secrets as defined in s. 688.002;  
21 2. Financial statements or financing terms;  
22 3. Patent-pending or copyrighted designs;  
23 4. Leasing or real property acquisition plans; or  
24 5. Marketing studies.

25 (b)1. If a board receives an unsolicited proposal under  
26 this section, the proposal is confidential and exempt from s.  
27 119.07(1) and s. 24(a), Art. I of the State Constitution until  
28 such time that the board receives and ranks the proposals as  
29 described in subsection (5) and provides notice of its intended  
30 decision.

31 2. An unsolicited proposal is not confidential and exempt  
32 for more than 90 days after the date the board rejects all  
33 proposals received for the project described in the unsolicited  
34 proposal or, if the board does not intend to enter into an  
35 agreement for the project, the date the unsolicited proposal is  
36 received. However, even if the board rejects all proposals or  
37 decides not to enter into an agreement for the project described  
38 in the unsolicited proposal, any proprietary confidential  
39 business information contained in the unsolicited proposal shall  
40 remain confidential and exempt from s. 119.07(1) and s. 24(a),



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41 Art. I of the State Constitution.

42 (c)1. A portion of a meeting of a state university board of  
43 trustees at which information that is confidential and exempt  
44 under paragraph (b) is discussed, is exempt from s. 286.011 and  
45 s. 24(b), Art. I of the State Constitution.

46 2. An exempt portion of a meeting shall be recorded and  
47 transcribed. The board shall record the times of commencement  
48 and termination of the meeting, all discussions and proceedings,  
49 the names of all persons present at any time, and the names of  
50 all persons speaking. An exempt portion of a meeting may not be  
51 off the record.

52 3. A portion of the transcript of a meeting which reveals  
53 proprietary confidential business information is confidential  
54 and exempt from s. 119.07(1) and s. 24(a), Art. II of the State  
55 Constitution.

56 (d) This subsection is subject to the Open Government  
57 Sunset Review Act in accordance with s. 119.15 and shall stand  
58 repealed on October 2, 2019, unless reviewed and saved from  
59 repeal through reenactment by the Legislature.

60 Section 2. (1) The Legislature finds that it is a public  
61 necessity that an unsolicited proposal held by a state  
62 university board of trustees pursuant to s. 1013.505, Florida  
63 Statutes, be confidential and exempt from public records  
64 requirements until the board provides notification of its  
65 decision or its intent to make a decision after ranking  
66 proposals under s. 1013.505(5)(c), Florida Statutes. The  
67 protection of information contained in unsolicited proposals  
68 serves a public need by encouraging private investment in state  
69 university facilities and further promotes timely and cost-



70 effective acquisition, design, construction, improvement,  
71 renovation, expansion, equipping, maintenance, operation,  
72 implementation, or installation of projects that will be  
73 principally used by a state university in serving the  
74 university's core mission that may not be satisfied by existing  
75 procurement methods. These unsolicited proposals may contain  
76 proprietary confidential business information, and, if such  
77 information is made publicly available before a state university  
78 board of trustees makes a decision regarding a proposal,  
79 competitors could determine the creative financing used to fund  
80 these projects. If such information is not protected, it may  
81 discourage a private entity from providing an unsolicited  
82 proposal to a board in order to avoid having proprietary  
83 confidential business information and other business information  
84 made public. This exemption is narrowly drawn in that an  
85 unsolicited proposal is not confidential and exempt for more  
86 than 90 days after the date the board rejects all proposals  
87 received for the project described in the unsolicited proposal  
88 or, if the board does not intend to enter into an agreement for  
89 the project, the date the unsolicited proposal is received. An  
90 unsolicited proposal may remain confidential and exempt from  
91 public records requirements beyond that period only if it  
92 contains proprietary confidential business information.

93 (2) The Legislature further finds that it is a public  
94 necessity that a portion of a meeting of a state university  
95 board of trustees at which information made confidential and  
96 exempt from public records requirements under this act is  
97 discussed be exempt from public meetings requirements in order  
98 to maintain the confidential and exempt status of this



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99 information. Public oversight is preserved by requiring a  
100 transcript of any portion of such closed meetings of the board.

101 Section 3. This act shall take effect on the same date that  
102 SB 900 or similar legislation takes effect, if such legislation  
103 is adopted in the same legislative session or an extension  
104 thereof and becomes law.

105  
106 ===== T I T L E A M E N D M E N T =====

107 And the title is amended as follows:

108 Delete everything before the enacting clause  
109 and insert:

110 A bill to be entitled  
111 An act relating to public records and meetings;  
112 amending s. 1013.505, F.S., relating to public-private  
113 projects for the upgrade of state university  
114 facilities and infrastructure; defining the term  
115 "proprietary confidential business information";  
116 creating an exemption from public records requirements  
117 for unsolicited proposals held by a state university  
118 board of trustees for a specified period; providing  
119 that proprietary confidential business information  
120 remains confidential and exempt from public records  
121 requirements; creating an exemption from public  
122 meetings requirements for portions of meetings of a  
123 state university board of trustees at which  
124 confidential and exempt information is discussed;  
125 providing for future review and repeal of the  
126 exemptions under the Open Government Sunset Review  
127 Act; providing statements of public necessity;



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128

providing a contingent effective date.



By Senator Montford

3-01908-14

20141396\_\_

A bill to be entitled

An act relating to public records; amending s. 1013.505, F.S., relating to public-private projects for the upgrade of state university facilities and infrastructure; providing an exemption from public records requirements for unsolicited proposals held by a state university board of trustees for a specified period; providing for future review and repeal of the exemption under the Open Government Sunset Review Act; providing a statement of public necessity; providing a contingent effective date.

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

Section 1. Subsection (14) is added to section 1013.505, Florida Statutes, as created by SB 900, 2014 Regular Session, to read:

1013.505 Public-private partnerships; state universities and private entities.-

(14) PUBLIC RECORDS EXEMPTION.-

(a) If a board receives an unsolicited proposal under this section, the proposal is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution until such time that the board receives and ranks the proposals as described in subsection (5) and provides notice of its intended decision.

(b) An unsolicited proposal is not exempt for more than 12 months after the board rejects all proposals received for the project described in the unsolicited proposal or, if the board does not intend to enter into an agreement for the project, the

Page 1 of 3

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

3-01908-14

20141396\_\_

date that the unsolicited proposal was received.

(c) This subsection is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2019, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. The Legislature finds that it is a public necessity that an unsolicited proposal held by a state university board of trustees pursuant to s. 1013.505, Florida Statutes be made exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution until the board provides notification of its decision or its intent to make a decision after ranking proposals under s. 1013.505(5) (c), Florida Statutes. An unsolicited proposal is not exempt for more than 12 months after the board rejects all proposals received for the project described in the unsolicited proposal or, if the board does not intend to enter into an agreement for the project, the date that the unsolicited proposal was received. The protection of information contained in unsolicited proposals, as set forth in s. 1013.505, Florida Statutes, submitted to a state university board of trustees that serve the public purpose of procuring the timely development or operation of a qualifying project as defined in s. 1013.505(1) (i), Florida Statutes, and serve a public need for timely and cost-effective acquisition, design, construction, improvement, renovation, expansion, equipping, maintenance, operation, implementation, or installation of projects that will be principally used by a state university in serving the university's core mission may not be wholly satisfied by existing procurement methods. These unsolicited proposals may contain proprietary business

Page 2 of 3

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

3-01908-14

20141396\_\_

59 information and trade secrets, such as patent-pending designs  
60 and financing terms. If such information is publicly available  
61 before the state university board of trustees makes a decision,  
62 competitors could determine the creative financing used to fund  
63 these projects. Therefore, the Legislature finds that the harm  
64 that may result from the release of such information outweighs  
65 any public benefit that may be derived from disclosure of the  
66 information.

67 Section 3. This act shall take effect on the same date that  
68 SB 900 or similar legislation takes effect, if such legislation  
69 is adopted in the same legislative session or an extension  
70 thereof and becomes law.

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3-11-14

Meeting Date

Topic Public Int Partnerships Pub Rec Bill Number 1396

(if applicable)

Name ~~Dir~~ Tola Thompson

Amendment Barcode

(if applicable)

Job Title Dir Govt Rel

Address 400 Lee Hall - FAMU

Phone 850 599-3225

Street

Tallahassee FL

City

State Zip

Speaking:  For  Against  Information

Representing Florida Adm

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3-11-14

Meeting Date

Topic Public Private Partnership Public Records Bill Number 1396 (if applicable)

Name Janice Gilley Amendment Barcode (if applicable)

Job Title AUP Govt & Community Relations

Address 11000 University Parkway Phone 950.474.2200  
Pensacola FL 32514 E-mail

City State Zip

Speaking:  For  Against  Information

Representing University of west Florida

Appearing at request of Chair:  Yes  No Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3-11-14  
Meeting Date

Topic Public Private Partnerships Bill Number SB 1396  
*(if applicable)*

Name Jennifer Goen Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title Director of Gov Relations

Address 10501 FSCM Blvd Phone \_\_\_\_\_  
*Street*  
FTM, FL 33965 E-mail jgoen@fgcu.edu  
*City State Zip*

Speaking:  For  Against  Information

Representing Florida Gulf Coast University (FGCU)

Appearing at request of Chair:  Yes  No Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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APPEARANCE RECORD

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3/11/14  
Meeting Date

Topic Public Records Exemption (PPE) Bill Number 1396

Name Richard Watson Amendment Barcode \_\_\_\_\_ (if applicable)

Job Title Legislative Counsel (if applicable)

Address P.O. Box 10038 Phone 830 222-0000

Tallahassee, FL 32302 E-mail Richard.Watson@flsenate.gov  
City State Zip

Speaking:  For  Against  Information

Representing Associated Builders & Contractors of FL

Appearing at request of Chair  Yes  No Lobbyist registered with Legislature:  Yes  No

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THE FLORIDA SENATE

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3 | 11 | 14  
Meeting Date

Topic Public Private Partnerships - exemptions Bill Number SB 1396  
Name Ryan Britton Amendment Barcode \_\_\_\_\_ (if applicable)  
Job Title Director of State Relations

Address 777 Glades Rd. Phone 561.297.2583  
Boca Raton, FL E-mail rbritton2@fla.sen.gov  
City State Zip

Speaking:  For  Against  Information  
Representing Florida Atlantic University  
Appearing at request of Chair:  Yes  No Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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3/11/14  
Meeting Date

Topic SB 1396 - IN SUPPORT Bill Number SB1396

Name MARK WALSH Amendment Barcode (if applicable)

Job Title EXEC. DIR. OF UNIV. PROGRESSIVE PS (if applicable)

Address 4202 E. FOWLER AVE CG5301 Phone 813 974 2660

TAMPA FL 33620 E-mail mwalshe@csf.edu

City State Zip

Speaking:  For  Against  Information

Representing USE SYSTEM

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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3/11/14  
Meeting Date

Topic P3 Public Records Bill Number SB/396 (if applicable)

Name Kathleen Daly Amendment Barcode (if applicable)

Job Title Assist VP-Gov Rel (if applicable)

Address Westcott Phone

Street TALLAHASSEE City State Zip

Speaking:  For  Against  Information  
Representing FLORIDA State University

Appearing at request of Chair:  Yes  No  
Lobbyist registered with Legislature:  Yes  No

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THE FLORIDA SENATE

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3/11/14  
Meeting Date

Topic Public Records / Public Priv. Partnership Bill Number SB 1396  
(if applicable)

Name Marion Hoffman Amendment Barcode \_\_\_\_\_  
(if applicable)

Job Title Assoc. V-P. CrmA. Relations

Address 215 S. Monroe St. Ste 110 Phone 850-488-2447  
Tallahassee, FL 32301 E-mail marionh@ut.edu  
City State Zip

Speaking:  For  Against  Information  
Representing Univ. of Florida

Appearing at request of Chair:  Yes  No Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE

APPEARANCE RECORD

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3/11/14

Meeting Date

Topic Debbie Puerto Partnership

Bill Number

SB 900 + 1386  
(if applicable)

Name Deborah Galley

Amendment Barcode

Job Title Assoc. V.P. FIU

(if applicable)

Address FIU

Phone (850) 443-6404

Miami FL 33199  
City State Zip

E-mail galleyd@fiu.edu

Speaking:  For  Against  Information

Representing FIU

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE

APPEARANCE RECORD

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3/10/2014

Meeting Date

Public/Private Partnerships

Topic

Janet Owen

Name

VP, Governmental Affairs, UNF

Job Title

UNF Drive

Address

Jacksonville FL 32224

Street

City

State

Zip

Speaking:

For

Against

Information

Representing University of North Florida

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

SB 900/1396  
Bill Number (if applicable)

Amendment Barcode (if applicable)

Phone (904) 620-2500

E-mail jowen@unf.edu

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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By Senator Stargel

15-01167D-14

20141512\_\_

1 A bill to be entitled  
 2 An act relating to students with disabilities;  
 3 creating s. 1002.385, F.S.; establishing the Florida  
 4 Personalized Accounts for Learning; defining terms;  
 5 specifying criteria for students who are eligible to  
 6 participate in the program; identifying certain  
 7 students who are not eligible to participate in the  
 8 program; authorizing the use of awarded funds for  
 9 specific purposes; prohibiting specific providers,  
 10 schools, institutions, school districts, and other  
 11 entities from sharing, refunding, or rebating program  
 12 funds; specifying the terms of the program; requiring  
 13 a school district to notify the parent regarding the  
 14 option to participate in the program; specifying the  
 15 school district's responsibilities for completing a  
 16 matrix of services and notifying the Department of  
 17 Education of the completion of the matrix; requiring  
 18 the department to notify the parent and the Chief  
 19 Financial Officer regarding the amount of the awarded  
 20 funds; authorizing the school district to change the  
 21 matrix under certain circumstances; requiring the  
 22 school district in which a student resides to provide  
 23 locations and times to take all statewide assessments;  
 24 requiring the school district to notify parents of the  
 25 availability of a reevaluation; specifying the duties  
 26 of the Department of Education relating to the  
 27 program; requiring the Commissioner of Education to  
 28 deny, suspend, or revoke participation in the program  
 29 or use of program funds under certain circumstances;

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30 providing additional factors under which the  
 31 commissioner may deny, suspend, or revoke a  
 32 participation in the program or program funds;  
 33 requiring a parent to sign an agreement with the  
 34 Department of Education to enroll his or her child in  
 35 the program which specifies the responsibilities of a  
 36 parent or student for using funds in an account and  
 37 for submitting a compliance statement to the  
 38 department; providing that a parent who fails to  
 39 comply with the responsibilities of the agreement  
 40 forfeits the personalized account for learning;  
 41 providing for funding and payments; requiring the  
 42 department to request from the Department of Financial  
 43 Services a sample of payments from the authorized  
 44 financial institution for specified purposes;  
 45 providing for the closing of a student's account and  
 46 reversion of funds to the state; requiring the Chief  
 47 Financial Officer to make payments to the personalized  
 48 accounts for learning at the authorized financial  
 49 institution, select an authorized financial  
 50 institution through a competitive bidding process to  
 51 administer the personalized accounts for learning, and  
 52 require audits of the authorized financial  
 53 institution's personalized accounts for learning;  
 54 providing that the state is not liable for the award  
 55 or use of awarded funds; providing for the scope of  
 56 authority of the act; requiring the State Board of  
 57 Education to adopt rules to administer the program;  
 58 requiring the Chief Financial Officer to adopt rules

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59 to administer its responsibilities under the program;  
 60 amending s. 1003.4282, F.S.; providing standard high  
 61 school diploma requirements for a student with a  
 62 disability; authorizing certain students with  
 63 disabilities to continue to receive certain  
 64 instructions and services; requiring an independent  
 65 review and a parent's approval to waive statewide,  
 66 standardized assessment requirements by the IEP team;  
 67 amending s. 1003.4285, F.S.; including the Specialty  
 68 designation as one of the designations for a standard  
 69 high school diploma; repealing s. 1003.438, F.S.,  
 70 relating to special high school graduation  
 71 requirements for certain exceptional students;  
 72 creating s. 1003.5716, F.S.; providing that certain  
 73 students with disabilities have a right to free,  
 74 appropriate public education; requiring an individual  
 75 education plan (IEP) team to begin the process of, and  
 76 to develop an IEP for, identifying transition services  
 77 needs for a student with a disability before the  
 78 student attains a specified age; providing  
 79 requirements for the process; requiring certain  
 80 statements to be included and annually updated in the  
 81 IEP; providing changes in the goals specified in an  
 82 IEP are subject to independent review and parental  
 83 approval; requiring the school district to reconvene  
 84 the IEP team to identify alternative strategies to  
 85 meet transition objectives if a participating agency  
 86 fails to provide transition services specified in the  
 87 IEP; providing that the agency's failure does not

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88 relieve the agency of the responsibility to provide or  
 89 pay for the transition services that the agency  
 90 otherwise would have provided; amending s. 1003.572,  
 91 F.S.; prohibiting a school district from charging fees  
 92 or imposing additional requirements on private  
 93 instructional personnel; creating s. 1008.2121, F.S.;  
 94 requiring the Commissioner of Education to permanently  
 95 exempt certain students with disabilities from taking  
 96 statewide, standardized assessments; requiring the  
 97 State Board of Education to adopt rules; amending s.  
 98 1008.25, F.S.; requiring written notification relating  
 99 to portfolios to a parent of a student with a  
 100 substantial reading deficiency; amending ss. 120.81,  
 101 409.1451, and 1007.263, F.S.; conforming cross-  
 102 references; providing effective dates.

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

105  
 106 Section 1. Section 1002.385, Florida Statutes, is created  
 107 to read:

108 1002.385 Florida Personalized Accounts for Learning.—  
 109 (1) ESTABLISHMENT OF PROGRAM.—The Florida Personalized  
 110 Accounts for Learning is established to provide the option for a  
 111 parent to better meet the individual educational needs of his or  
 112 her eligible child.  
 113 (2) DEFINITIONS.—As used in this section, the term:  
 114 (a) "Authorized financial institution" means the  
 115 institution that is designated in writing by the parent to  
 116 receive payment of program funds into the parent's personalized

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117 account for learning at such institution.

118 (b) "Chief Financial Officer" means the chief fiscal  
 119 officer of this state, as defined in s. 17.001.

120 (c) "Curriculum" means a complete course of study for a  
 121 particular content area or grade level, including any required  
 122 supplemental materials.

123 (d) "Department" means the Department of Education.

124 (e) "Disability" means, for a student in kindergarten to  
 125 grade 12, autism, as defined in s. 393.063(3); cerebral palsy,  
 126 as defined in s. 393.063(4); Down syndrome, as defined in s.  
 127 393.063(13); an intellectual disability, as defined in s.  
 128 393.063(21); Prader-Willi syndrome, as defined in s.  
 129 393.063(25); or Spina bifida, as defined in s. 393.063(36); and,  
 130 for a student in kindergarten, being a high-risk child, as  
 131 defined in s. 393.063(20)(a).

132 (f) "Eligible postsecondary educational institution" means  
 133 a Florida College System institution, a state university, a  
 134 school district technical center, a school district adult  
 135 general education center, or an accredited nonpublic  
 136 postsecondary educational institution, as defined in s. 1005.02,  
 137 which is licensed to operate in the state pursuant to  
 138 requirements specified in part III of chapter 1005.

139 (g) "Eligible private school" means a private school, as  
 140 defined in s. 1002.01, which is located in this state, which  
 141 offers an education to students in any grade from kindergarten  
 142 to grade 12, and which meets requirements of ss. 1002.42 and  
 143 1002.421.

144 (h) "IEP" means individual education plan.

145 (i) "Parent" means a resident of this state who is a

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146 parent, as defined in s. 1000.21.

147 (j) "Program" means the Florida Personalized Accounts for  
 148 Learning established in this section.

149 (3) PROGRAM ELIGIBILITY.—A parent of a student with a  
 150 disability may request and receive from the state a Florida  
 151 personalized account for learning for the purposes specified in  
 152 subsection (5) if:

153 (a) The student:

154 1. Is a resident of this state;

155 2. Is eligible to enroll in kindergarten through grade 12  
 156 in a public school in this state;

157 3. Has a disability as defined in paragraph (2)(e) and is  
 158 eligible for Level 3 to Level 5 services; and

159 4. Is the subject of an IEP written in accordance with  
 160 rules of the State Board of Education; and

161 (b) The parent has requested from the department a  
 162 participation in the program at least 60 days before the date of  
 163 the first payment. The request must be communicated directly to  
 164 the department or electronic record of the request and the date  
 165 of receipt of the request. The department must notify the  
 166 district of the parent's intent upon receipt of the parent's  
 167 request.

168 (4) PROGRAM PROHIBITIONS.—

169 (a) A student is not eligible for the program while he or  
 170 she is:

171 1. Enrolled in a public school, including, but not limited  
 172 to, the Florida School for the Deaf and the Blind, the Florida  
 173 Virtual School, the College-Preparatory Boarding Academy, a  
 174 developmental research school authorized under s. 1002.32, a

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175 charter school authorized under s. 1002.33, s. 1002.331, or s.  
 176 1002.332, or a virtual education program authorized under s.  
 177 1002.45;

178 2. Enrolled in a school operating for the purpose of  
 179 providing educational services to youth in the Department of  
 180 Juvenile Justice commitment programs;

181 3. Receiving a scholarship pursuant to the Florida Tax  
 182 Credit Scholarship Program under s. 1002.395 or the John M.  
 183 McKay Scholarships for Students with Disabilities Program under  
 184 s. 1002.39; or

185 4. Receiving an educational scholarship pursuant to this  
 186 chapter.

187 (b) A student is not eligible for the program if:

188 1. The student or student's parent has accepted any  
 189 payment, refund, or rebate, in any manner, from a provider of  
 190 any services received pursuant to subsection (5);

191 2. The student's participation in the program has been  
 192 denied or revoked by the Commissioner of Education pursuant to  
 193 subsection (9); or

194 3. The student's parent has forfeited participation in the  
 195 program for failure to comply with requirements pursuant to  
 196 subsection (10).

197 (5) AUTHORIZED USES OF PROGRAM FUNDS.—Program funds may be  
 198 spent for the following purposes, as specified in the student's  
 199 IEP or the portion of the IEP regarding the transition of the  
 200 student to postsecondary education and career opportunities  
 201 pursuant to s. 1003.5716:

202 (a) Instructional materials, including digital devices,  
 203 digital periphery devices, and assistive technology devices that

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204 allow a student to access instruction or instructional content.

205 (b) Curriculum as defined in paragraph (2) (c).

206 (c) Specialized services selected by the parent and  
 207 specified in the student's IEP. These specialized services may  
 208 include, but are not limited to:

209 1. Applied behavior analysis services as provided in ss.  
 210 627.6686 and 641.31098.

211 2. Services provided by speech-language pathologists as  
 212 defined in s. 468.1125.

213 3. Occupational therapy services as defined in s. 468.203.

214 4. Services provided by physical therapists as defined in  
 215 s. 486.021.

216 5. Services provided by listening and spoken language  
 217 specialists and an appropriate acoustical environment for a  
 218 child who is deaf or hard of hearing and who has received an  
 219 implant or assistive hearing device.

220 (d) Enrollment in, or tuition or fees associated with  
 221 enrollment in, an eligible private school, an eligible  
 222 postsecondary educational institution, a private tutoring  
 223 program authorized under s. 1002.43, a virtual program offered  
 224 by a department-approved private online provider that meets the  
 225 provider qualifications specified in s. 1002.45(2)(a), or an  
 226 approved online course offered pursuant to ss. 1003.499 or  
 227 1004.0961.

228 (e) Fees for nationally standardized, norm-referenced  
 229 achievement tests, Advanced Placement Examinations, industry  
 230 certification examinations, assessments related to postsecondary  
 231 education, or other assessments specified in the student's IEP.

232 (f) Contributions to a Coverdell education savings account



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 233 established pursuant to 26 U.S.C. s. 530 of the Internal Revenue  
 234 Code for the benefit of the eligible student.

235 (g) Contracted services provided by a public school or  
 236 school district, including classes and extracurricular programs  
 237 for the services specified in the IEP or additional services. A  
 238 student who receives services under a contract under this  
 239 paragraph shall not be considered to be enrolled in a public  
 240 school for eligibility purposes as specified in subsection (4).

241  
 242 A specialized service provider, eligible private school,  
 243 eligible postsecondary educational institution, private tutoring  
 244 program provider, online or virtual program provider, public  
 245 school, school district, or other entity receiving payments  
 246 pursuant to this subsection may not share, refund, or rebate any  
 247 moneys from the Florida Personalized Account for Learning with  
 248 the parent or participating student in any manner.

249 (6) TERM OF THE PROGRAM.—For purposes of continuity of  
 250 educational choice, the program payments made under this section  
 251 shall remain in force until a student participating in the  
 252 program participates in any of the prohibited activities  
 253 specified in subsection (4), has funds revoked by the  
 254 Commissioner of Education pursuant to subsection (9), or returns  
 255 to a public school, graduates from high school, or reaches 22  
 256 years of age, whichever occurs first. A participating student  
 257 who enrolls in a public school or public school program is  
 258 considered to have returned to a public school for the purpose  
 259 of determining the end of the program's term.

260 (7) SCHOOL DISTRICT OBLIGATIONS; PARENTAL OPTIONS.—

261 (a) By April 1 of each year and within 10 days after an IEP

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 262 meeting, a school district shall notify the parent of the  
 263 student who meets eligibility requirements under subsection (3)  
 264 of the option to participate in the program.

265 (b)1. For a student with a disability who does not have a  
 266 matrix of services under s. 1011.62(1)(e), the school district  
 267 shall complete a matrix that assigns the student to one of the  
 268 levels of service as they existed before the 2000-2001 school  
 269 year.

270 2.a. Within 10 school days after a school district receives  
 271 notification of a parent's request for participation in the  
 272 program under this section, the school district shall notify the  
 273 student's parent if the matrix of services has not been  
 274 completed and inform the parent that the district is required to  
 275 complete the matrix within 30 days after receiving notice of the  
 276 parent's request for participation. This notice must include the  
 277 required completion date for the matrix.

278 b. The school district shall complete the matrix of  
 279 services for a student who is participating in the program and  
 280 shall notify the department of the student's matrix level within  
 281 30 days after receiving notification of a request to participate  
 282 in the program. The school district must provide the student's  
 283 parent with the student's matrix level within 10 school days  
 284 after its completion.

285 c. The department shall notify the parent and the Chief  
 286 Financial Officer of the amount of the funds awarded within 10  
 287 days after receiving the school district's notification of the  
 288 student's matrix level.

289 d. A school district may change a matrix of services only  
 290 if the change is to correct a technical, typographical, or

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291 calculation error.

292 (c) For each student participating in the program who takes  
 293 statewide, standardized assessments under s. 1008.22, the school  
 294 district in which the student resides must notify the student  
 295 and his or her parent about the locations and times to take all  
 296 statewide, standardized assessments.

297 (d) For each student participating in the program, a school  
 298 district shall notify the parent about the availability of a  
 299 reevaluation at least every 3 years.

300 (8) DEPARTMENT OF EDUCATION OBLIGATIONS.—The department  
 301 shall:

302 (a) Establish an annual enrollment period and a process in  
 303 which a parent may apply to enroll his or her student in the  
 304 program. The enrollment period shall begin on July 1 and end on  
 305 May 1 of each year for applications for the following state  
 306 fiscal year. All applications must be approved by June 1 of each  
 307 year for program participation for the following fiscal year.

308 (b) Conduct or contract for annual audits of the program to  
 309 ensure compliance with this section.

310 (c) Notify the authorized financial institution of students  
 311 who are approved to participate in the program. The notice must  
 312 be made annually by June 1, after the department processes all  
 313 applications to participate in the program.

314 (d) Establish a process by which a person may notify the  
 315 department of any violation of laws or rules relating to  
 316 participation in the program. The department shall conduct an  
 317 inquiry of all signed, written, and legally sufficient  
 318 complaints that allege a violation of this section or make a  
 319 referral to the appropriate agency for an investigation. A

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320 complaint is legally sufficient if it contains ultimate facts  
 321 showing that a violation of this section or a violation of a  
 322 rule adopted under this section has occurred. In order to  
 323 determine legal sufficiency, the department may require  
 324 supporting information or documentation from the complainant. A  
 325 department inquiry is not subject to the requirements of chapter  
 326 120.

327 (e) Compare the list of students participating in the  
 328 program with the public school enrollment lists before each  
 329 program payment to avoid duplicate payments.

330 (f) Select an independent research organization, which may  
 331 be a public or private entity or university, to which  
 332 participating entities must report the scores of students  
 333 participating in the program on the statewide, standardized  
 334 assessments administered by the schools as specified in the IEP.

335 1. The independent research organization shall annually  
 336 issue a report to the department which includes:

337 a. The year-to-year learning gains of students  
 338 participating in the program.

339 b. To the extent possible, a comparison of the learning  
 340 gains of students in the program to the statewide learning gains  
 341 of public school students having backgrounds similar to those of  
 342 the students in the program. In order to minimize the costs and  
 343 time that the independent research organization requires for  
 344 analysis and evaluation, the department shall conduct analyses  
 345 of assessment data from matched students in public schools and  
 346 shall calculate the learning gains of control groups using a  
 347 methodology outlined in the contract with the independent  
 348 research organization.

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349 c. The aggregate year-to-year learning gains of students in  
 350 the program in each participating entity in which there are at  
 351 least 30 participating students that have scores for tests for 2  
 352 consecutive years at that entity.

353 2. The sharing and reporting of the learning gains of  
 354 students pursuant to this paragraph must be in accordance with  
 355 the Family Educational Rights and Privacy Act, 20 U.S.C. s.  
 356 1232g, and shall be for the sole purpose of creating the annual  
 357 report required under subparagraph 1. All parties shall preserve  
 358 the confidentiality of such information as required by law. The  
 359 independent research organization may not disaggregate data in  
 360 its annual report to a level that identifies individual  
 361 participating entities, except as required under sub-  
 362 paragraph 1.c., or disclose the academic level of individual  
 363 students.

364 3. The department shall publish on its website the annual  
 365 report required by subparagraph 1.

366 (g) Coordinate with state-funded or federally funded  
 367 benefits programs to advise a parent about the possible effect  
 368 his or her child's participation in the program under this  
 369 section may have on the child's eligibility for participating in  
 370 those state-funded or federally funded benefits programs.

371 (h) Issue a report by December 15, 2014, and annually  
 372 thereafter to the Governor, the President of the Senate, and the  
 373 Speaker of the House of Representatives describing the  
 374 implementation of accountability mechanisms for the program,  
 375 identifying any substantial allegations and violations of a law  
 376 or rule governing the program, and describing the corrective  
 377 actions taken by the department relating to violations of a law

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378 or rule governing the program.

379 (9) COMMISSIONER OF EDUCATION AUTHORITY AND OBLIGATIONS.—

380 (a) The Commissioner of Education:

381 1. Shall deny, suspend, or revoke a student's participation  
 382 in the program if the health, safety, or welfare of the student  
 383 is threatened or fraud is suspected.

384 2. Shall deny, suspend, or revoke an authorized use of  
 385 program funds if the health, safety, or welfare of the student  
 386 is threatened or fraud is suspected.

387 3. May deny, suspend, or revoke an authorized use of  
 388 program funds for material failure to comply with this section  
 389 and applicable department rules if the noncompliance is  
 390 correctable within a reasonable period of time. Otherwise, the  
 391 commissioner shall deny, suspend, or revoke an authorized use  
 392 for failure to materially comply with the law and rules adopted  
 393 under this section.

394 4. Shall require compliance by the appropriate party by a  
 395 date certain for all nonmaterial failures to comply with this  
 396 section and applicable department rules. The commissioner may  
 397 deny, suspend, or revoke program participation under this  
 398 section thereafter.

399 (b) In determining whether to deny, suspend, or revoke in  
 400 accordance with this subsection, the commissioner may consider  
 401 factors that include, but are not limited to, acts or omissions  
 402 by a participating entity which led to a previous denial or  
 403 revocation of participation in an education scholarship program;  
 404 failure to reimburse the department for program funds improperly  
 405 received or retained by the entity; imposition of a prior  
 406 criminal sanction related to the entity or its officers or

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 407 employees; imposition of a civil fine or administrative fine,  
 408 license revocation or suspension, or program eligibility  
 409 suspension, termination, or revocation related to an entity's  
 410 management or operation; or other types of criminal proceedings  
 411 in which the entity or its officers or employees were found  
 412 guilty of, regardless of adjudication, or entered a plea of nolo  
 413 contendere or guilty to, any offense involving fraud, deceit,  
 414 dishonesty, or moral turpitude.

415 (10) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM  
 416 PARTICIPATION.—A parent who applies for program participation  
 417 under this section is exercising his or her parental option to  
 418 determine the appropriate placement or services that best meet  
 419 the needs of his or her student. To enroll an eligible student  
 420 in the program, the parent must sign an agreement with the  
 421 department and annually submit a notarized, sworn compliance  
 422 statement to the department to:

423 (a) Affirm that the student meets minimum student  
 424 attendance requirements as provided in s. 1003.21.

425 (b) Use the program funds only for authorized purposes, as  
 426 described in subsection (5).

427 (c) Affirm that the student takes all appropriate  
 428 standardized assessments as specified in the student's IEP. The  
 429 parent is responsible for transporting the student to the  
 430 assessment site designated by the school district.

431 (d) Request participation in the program at least 60 days  
 432 before the date of the first program payment.

433 (e) Affirm that the student remains in good standing with  
 434 the provider or school if those options are selected by the  
 435 parent.

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 436 (f) Apply for admission of his or her child if the private  
 437 school option is selected by the parent.

438 (g) Annually renew participation in the program.  
 439 Notwithstanding any changes to the student's IEP, a student who  
 440 was previously eligible for participation in the program shall  
 441 remain eligible to apply for renewal as provided in subsection  
 442 (6).

443 (h) Designate in writing the authorized financial  
 444 institution to receive payment of program funds and maintain a  
 445 separate personalized account for learning at that institution.

446 (i) Affirm that the parent will not transfer any college  
 447 savings funds to another beneficiary.

448 (j) Affirm that the parent will not take possession of any  
 449 funding contributed by the state.

450  
 451 A parent who fails to comply with this subsection forfeits the  
 452 personalized account for learning.

453 (11) FUNDING AND PAYMENT.—

454 (a)1. The maximum funding amount granted for an eligible  
 455 student with a disability, pursuant to subsection (3), shall be  
 456 equivalent to the base student allocation in the Florida  
 457 Education Finance Program multiplied by the appropriate cost  
 458 factor for the educational program which would have been  
 459 provided for the student in the district school to which he or  
 460 she would have been assigned, multiplied by the district cost  
 461 differential.

462 2. In addition, an amount equivalent to a share of the  
 463 guaranteed allocation for exceptional students in the Florida  
 464 Education Finance Program shall be determined and added to the

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465 amount in subparagraph 1. The calculation shall be based on the  
 466 methodology and the data used to calculate the guaranteed  
 467 allocation for exceptional students for each district in chapter  
 468 2000-166, Laws of Florida. Except as provided in subparagraph  
 469 3., the calculation shall be based on the student's grade, the  
 470 matrix level of services, and the difference between the 2000-  
 471 2001 basic program and the appropriate level of services cost  
 472 factor, multiplied by the 2000-2001 base student allocation and  
 473 the 2000-2001 district cost differential for the sending  
 474 district. The calculated amount must also include an amount  
 475 equivalent to the per-student share of supplemental academic  
 476 instruction funds, instructional materials funds, technology  
 477 funds, and other categorical funds as provided in the General  
 478 Appropriations Act.

479 3. Until the school district completes the matrix required  
 480 under paragraph (7)(b), the calculation shall be based on the  
 481 matrix that assigns the student to support level 3 of services.  
 482 When the school district completes the matrix, the amount of the  
 483 payment shall be adjusted as needed.

484 (b) The amount of the awarded funds shall be 90 percent of  
 485 the calculated amount.

486 (c) The school district shall report all students who are  
 487 participating in the program. The participating students who  
 488 have previously been included in the Florida Education Finance  
 489 Program and are included in public school enrollment counts  
 490 shall be reported separately from other students reported for  
 491 purposes of the Florida Education Finance Program. Participating  
 492 students who have been enrolled in nonpublic schools shall also  
 493 be reported separately.

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494 (d) Following notification on July 1, September 1, December  
 495 1, or February 1 of the number of program participants:

496 1. For students who have been enrolled in public schools  
 497 and are included in public school enrollment counts, the  
 498 department shall transfer, from General Revenue funds only, the  
 499 amount of the awarded program funds calculated pursuant to  
 500 paragraph (b) from the school district's total funding  
 501 entitlement under the Florida Education Finance Program and from  
 502 authorized categorical accounts to a separate account for the  
 503 program for quarterly disbursement to the personalized account  
 504 for learning at an authorized financial institution on behalf of  
 505 the parent and student; and

506 2. For students who have been and will continue to be  
 507 enrolled in nonpublic schools, the department shall also  
 508 transfer from an appropriation for the program the amount  
 509 calculated under paragraph (b) to a separate account for the  
 510 program for quarterly disbursement to the personalized account  
 511 for learning at an authorized financial institution on behalf of  
 512 the parent and student. Nonpublic school students shall be  
 513 provided awarded funds on a first-come, first-served basis.

514 (e) When a student enters the program, the department must  
 515 receive, at least 30 days before the first quarterly program  
 516 payment is made to the personalized account for learning for the  
 517 student, all documentation required for the student's  
 518 participation in the program.

519 (f) Upon notification by the department that it has  
 520 received the documentation required under paragraph (d), the  
 521 Chief Financial Officer shall make payments in four equal  
 522 amounts no later than September 1, November 1, February 1, and

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523 April 1 of each academic year in which the awarded funds are in  
 524 force. The initial payment shall be made after department  
 525 verification of the establishment of the personalized account  
 526 for learning at an authorized financial institution, and  
 527 subsequent payments shall be made upon verification of parental  
 528 obligations under subsection (10). Payment must be by individual  
 529 warrant made payable to the personalized account for learning on  
 530 behalf of the parent and student. The authorized financial  
 531 institution shall mail or electronically process payments as  
 532 directed by the parent for authorized uses.

533 (g) Subsequent to each payment, the department shall  
 534 request from the Department of Financial Services a sample of  
 535 payments from the authorized financial institution for  
 536 authorized uses to endorsed warrants to review and confirm  
 537 compliance with this section.

538 (h) Upon an eligible student's graduation from an eligible  
 539 postsecondary educational institution or after any period of 4  
 540 consecutive years after high school graduation in which the  
 541 student is not enrolled in an eligible postsecondary educational  
 542 institution, the student's personalized account for learning  
 543 shall be closed, and any remaining funds shall revert to the  
 544 state.

545 (12) CHIEF FINANCIAL OFFICER OBLIGATIONS.—The Chief  
 546 Financial Officer shall:

547 (a) Make payments to fund personalized accounts for  
 548 learning at the authorized financial institution pursuant to  
 549 this section.

550 (b) Select through the state's competitive bidding process  
 551 an authorized financial institution to administer personalized

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552 accounts for learning.

553 (c) Require audits of the authorized financial  
 554 institution's personalized accounts for learning.

555 (13) LIABILITY.—The state is not liable for the award or  
 556 any use of awarded funds under this section.

557 (14) SCOPE OF AUTHORITY.—This section does not expand the  
 558 regulatory authority of this state, its officers, or any school  
 559 district to impose additional regulation on participating  
 560 private schools, nonpublic postsecondary educational  
 561 institutions, and private providers beyond those reasonably  
 562 necessary to enforce requirements expressly set forth in this  
 563 section.

564 (15) RULES.—

565 (a) The State Board of Education shall adopt rules pursuant  
 566 to ss. 120.536(1) and 120.54 to administer this section. The  
 567 rules must identify the appropriate school district personnel  
 568 who must complete the matrix of services.

569 (b) The Chief Financial Officer shall adopt rules pursuant  
 570 to ss. 120.536(1) and 120.54 to administer this section.

571 Section 2. Present subsection (10) of section 1003.4282,  
 572 Florida Statutes, is renumbered as subsection (11), and a new  
 573 subsection (10) is added to that section, to read:

574 1003.4282 Requirements for a standard high school diploma.—

575 (10) STUDENTS WITH DISABILITIES.—Beginning with students  
 576 entering grade 9 in the 2014-2015 school year, this subsection  
 577 applies to a student with a disability.

578 (a) A parent of a student with a disability shall, in  
 579 collaboration with the individual education plan team pursuant  
 580 to s. 1003.5716, declare an intent for the student to graduate

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581 from high school with either a standard high school diploma or a  
 582 certificate of completion. A student with a disability who does  
 583 not satisfy the standard high school diploma requirements  
 584 pursuant to this section shall be awarded a certificate of  
 585 completion.

586 (b) The following options, in addition to the other options  
 587 specified in this section, may be used to satisfy the standard  
 588 high school diploma requirements, as specified in the student's  
 589 individual education plan:

590 1. A combination of course substitutions, assessments,  
 591 industry certifications, and other acceleration options  
 592 appropriate to the student's unique skills and abilities that  
 593 meet the criteria established by State Board of Education rule.

594 2. A portfolio of quantifiable evidence that documents a  
 595 student's mastery of academic standards through rigorous metrics  
 596 established by State Board of Education rule. A portfolio may  
 597 include, but is not limited to, documentation of work  
 598 experience, internships, community service, and postsecondary  
 599 credit.

600 (c) A student with a disability who meets the standard high  
 601 school diploma requirements in this section may defer the  
 602 receipt of a standard high school diploma if the student:

603 1. Has an individual education plan that prescribes special  
 604 education, transition planning, transition services, or related  
 605 services through age 21; and

606 2. Is enrolled in accelerated college credit instruction  
 607 pursuant to s. 1007.27, industry certification courses that lead  
 608 to college credit, a collegiate high school program, courses  
 609 necessary to satisfy the Scholar designation requirements, or a

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610 structured work-study, internship, or pre-apprenticeship  
 611 program.

612 (d) A student with a disability who receives a certificate  
 613 of completion and has an individual education plan that  
 614 prescribes special education, transition planning, transition  
 615 services, or related services through 21 years of age may  
 616 continue to receive the specified instruction and services.

617 (e) Any waiver of the statewide, standardized assessment  
 618 requirements by the individual education plan team, pursuant to  
 619 s. 1008.22(3)(c), must be approved by the parent and is subject  
 620 to verification for appropriateness by an independent reviewer  
 621 selected by the parent as provided for in s. 1003.572.

622 Section 3. Paragraph (c) is added to subsection (1) of  
 623 section 1003.4285, Florida Statutes, to read:  
 624 1003.4285 Standard high school diploma designations.—  
 625 (1) Each standard high school diploma shall include, as  
 626 applicable, the following designations if the student meets the  
 627 criteria set forth for the designation:

628 (c) Specialty designation.—In addition to the requirements  
 629 of s. 1003.4282, in order to earn the Specialty designation, a  
 630 student must, beginning with students entering grade 9 in the  
 631 2015-2016 school year:

632 1. Be a student with a disability, as defined in s.  
 633 1003.01(3);

634 2. Have an individual education plan (IEP) indicating that  
 635 the student fully met all requirements of s. 1003.4282 through a  
 636 portfolio established in the IEP pursuant to s. 1003.4282(10)(b)  
 637 and s. 1003.5716(2)(b); and

638 3. Earn two or more digital tools industry certifications

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639 from the list established under s. 1003.492.

640 Section 4. Effective July 1, 2015, section 1003.438,  
641 Florida Statutes, is repealed.

642 Section 5. Section 1003.5716, Florida Statutes, is created  
643 to read:

644 1003.5716 Transition to postsecondary education and career  
645 opportunities.—All students with disabilities who are 3 years of  
646 age to 21 years of age have the right to a free, appropriate  
647 public education. As used in this section, the term “IEP” means  
648 individual education plan.

649 (1) To ensure quality planning for a successful transition  
650 of a student with a disability to postsecondary education and  
651 career opportunities, an IEP team shall begin the process of,  
652 and develop an IEP for, identifying the need for transition  
653 services before the student with a disability attains the age of  
654 14 years in order for his or her postsecondary goals and career  
655 goals to be identified and in place when he or she attains the  
656 age of 16 years. This process must include, but is not limited  
657 to:

658 (a) Consideration of the student’s need for instruction in  
659 the area of self-determination and self-advocacy to assist the  
660 student’s active and effective participation in an IEP meeting;  
661 and

662 (b) Preparation for the student to graduate from high  
663 school with a standard high school diploma pursuant to s.  
664 1003.4282 with a Scholar designation unless the parent chooses a  
665 Merit designation or Specialty designation.

666 (2) Beginning not later than the first IEP to be in effect  
667 when the student turns 16, or younger, if determined appropriate

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668 by the parent and the IEP team, the IEP must include the  
669 following statements that must be updated annually:

670 (a) A statement of intent to pursue a standard high school  
671 diploma and a Scholar, Merit, or Specialty designation, pursuant  
672 to s. 1003.4285, as determined by the parent.

673 (b) A statement of intent to receive a standard high school  
674 diploma before the student reaches the age of 22 and a  
675 description of how the student will fully meet the requirements  
676 in s. 1003.428 or s. 1003.4282, as applicable, including, but  
677 not limited to, a portfolio pursuant to s. 1003.4282(10)(b) that  
678 meets the criteria specified in State Board of Education rule.  
679 The IEP must also specify the outcomes and additional benefits  
680 expected by the parent and the IEP team at the time of the  
681 student’s graduation.

682 (c) A statement of appropriate measurable long-term  
683 postsecondary education and career goals based upon age-  
684 appropriate transition assessments related to training,  
685 education, employment, and, if appropriate, independent living  
686 skills and the transition services, including courses of study  
687 needed to assist the student in reaching those goals.

688 (3) Any change in the IEP for the goals specified in  
689 subsection (2) must be approved by the parent and is subject to  
690 verification for appropriateness by an independent reviewer  
691 selected by the parent as provided in s. 1003.572.

692 (4) If a participating agency responsible for transition  
693 services, other than the school district, fails to provide the  
694 transition services described in the IEP, the school district  
695 shall reconvene the IEP team to identify alternative strategies  
696 to meet the transition objectives for the student that are



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 697 specified in the IEP. However, this does not relieve any  
 698 participating agency of the responsibility to provide or pay for  
 699 any transition service that the agency would otherwise provide  
 700 to students with disabilities who meet the eligibility criteria  
 701 of that agency.

702 Section 6. Subsection (3) of section 1003.572, Florida  
 703 Statutes, is amended to read:

704 1003.572 Collaboration of public and private instructional  
 705 personnel.—

706 (3) Private instructional personnel who are hired or  
 707 contracted by parents to collaborate with public instructional  
 708 personnel must be permitted to observe the student in the  
 709 educational setting, collaborate with instructional personnel in  
 710 the educational setting, and provide services in the educational  
 711 setting according to the following requirements:

712 (a) The student's public instructional personnel and  
 713 principal consent to the time and place.

714 (b) The private instructional personnel satisfy the  
 715 requirements of s. 1012.32 or s. 1012.321.

716 For the purpose of implementing this subsection, a school  
 717 district may not impose any requirements beyond those  
 718 requirements specified in this subsection or charge any fees.

719 Section 7. Section 1008.2121, Florida Statutes, is created  
 720 to read:

721 1008.2121 Students with severe cognitive or physical  
 722 disabilities; permanent exemption.—Based on information that a  
 723 reasonably prudent person would rely upon, including, but not  
 724 limited to, facts contained within an individual education plan  
 725

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 726 under s. 1008.212, documentation from an appropriate health care  
 727 provider, or certification from the district school board  
 728 superintendent, the Commissioner of Education shall  
 729 perfunctorily grant a permanent exemption to a student who  
 730 suffers from such a severe cognitive disability or physical  
 731 disability that the student permanently lacks the capacity to  
 732 take statewide, standardized assessments. The State Board of  
 733 Education shall adopt rules to administer this section,  
 734 including, but not limited to, expediting the exemption process  
 735 to demonstrate the utmost compassion and consideration for  
 736 meeting the parent's and student's needs.

737 Section 8. Paragraph (c) of subsection (5) of section  
 738 1008.25, Florida Statutes, is amended to read:

739 1008.25 Public school student progression; remedial  
 740 instruction; reporting requirements.—

741 (5) READING DEFICIENCY AND PARENTAL NOTIFICATION.—

742 (c) The parent of any student who exhibits a substantial  
 743 deficiency in reading, as described in paragraph (a), must be  
 744 notified in writing of the following:

745 1. That his or her child has been identified as having a  
 746 substantial deficiency in reading.

747 2. A description of the current services that are provided  
 748 to the child.

749 3. A description of the proposed supplemental instructional  
 750 services and supports that will be provided to the child that  
 751 are designed to remediate the identified area of reading  
 752 deficiency.

753 4. That if the child's reading deficiency is not remediated  
 754 by the end of grade 3, the child must be retained unless he or

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755 she is exempt from mandatory retention for good cause.

756 5. Strategies for parents to use in helping their child  
757 succeed in reading proficiency.

758 6. That the Florida Comprehensive Assessment Test (FCAT) is  
759 not the sole determiner of promotion and that additional  
760 evaluations, portfolio reviews, and assessments are available to  
761 the child to assist parents and the school district in knowing  
762 when a child is reading at or above grade level and ready for  
763 grade promotion.

764 7. The criteria for a portfolio review and the evidence  
765 required to document a student's mastery of Florida's academic  
766 standard benchmarks for English Language Arts, as well as sample  
767 portfolios for a parent to use.

768 ~~8.7.~~ The district's specific criteria and policies for  
769 midyear promotion. Midyear promotion means promotion of a  
770 retained student at any time during the year of retention once  
771 the student has demonstrated ability to read at grade level.

772 Section 9. Effective July 1, 2015, paragraph (c) of  
773 subsection (1) of section 120.81, Florida Statutes, is amended  
774 to read:

775 120.81 Exceptions and special requirements; general areas.—

776 (1) EDUCATIONAL UNITS.—

777 (c) Notwithstanding s. 120.52(16), any tests, test scoring  
778 criteria, or testing procedures relating to student assessment  
779 which are developed or administered by the Department of  
780 Education pursuant to s. 1003.428, s. 1003.429, ~~s. 1003.438~~, s.  
781 1008.22, or s. 1008.25, or any other statewide educational tests  
782 required by law, are not rules.

783 Section 10. Effective July 1, 2015, subsection (2) of

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784 section 409.1451, Florida Statutes, is amended to read:

785 409.1451 The Road-to-Independence Program.—

786 (2) POSTSECONDARY EDUCATION SERVICES AND SUPPORT.—

787 (a) A young adult is eligible for services and support  
788 under this subsection if he or she:

789 1. Was living in licensed care on his or her 18th birthday  
790 or is currently living in licensed care; or was at least 16  
791 years of age and was adopted from foster care or placed with a  
792 court-approved dependency guardian after spending at least 6  
793 months in licensed care within the 12 months immediately  
794 preceding such placement or adoption;

795 2. Spent at least 6 months in licensed care before reaching  
796 his or her 18th birthday;

797 3. Earned a standard high school diploma or its equivalent  
798 pursuant to s. 1003.428, s. 1003.4281, s. 1003.429, or s.  
799 1003.435, ~~or s. 1003.438~~;

800 4. Has been admitted for enrollment as a full-time student  
801 or its equivalent in an eligible postsecondary educational  
802 institution as provided in s. 1009.533. For purposes of this  
803 section, the term "full-time" means 9 credit hours or the  
804 vocational school equivalent. A student may enroll part-time if  
805 he or she has a recognized disability or is faced with another  
806 challenge or circumstance that would prevent full-time  
807 attendance. A student needing to enroll part-time for any reason  
808 other than having a recognized disability must get approval from  
809 his or her academic advisor;

810 5. Has reached 18 years of age but is not yet 23 years of  
811 age;

812 6. Has applied, with assistance from the young adult's

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813 caregiver and the community-based lead agency, for any other  
814 grants and scholarships for which he or she may qualify;

815 7. Submitted a Free Application for Federal Student Aid  
816 which is complete and error free; and

817 8. Signed an agreement to allow the department and the  
818 community-based care lead agency access to school records.

819 Section 11. Effective July 1, 2015, subsection (4) of  
820 section 1007.263, Florida Statutes, is amended to read:

821 1007.263 Florida College System institutions; admissions of  
822 students.—Each Florida College System institution board of  
823 trustees is authorized to adopt rules governing admissions of  
824 students subject to this section and rules of the State Board of  
825 Education. These rules shall include the following:

826 (4) A student who has been awarded a ~~special diploma as~~  
827 ~~defined in s. 1003.438~~ or a certificate of completion as defined  
828 in s. 1003.428(7) (b) is eligible to enroll in certificate career  
829 education programs.

830  
831 Each board of trustees shall establish policies that notify  
832 students about developmental education options for improving  
833 their communication or computation skills that are essential to  
834 performing college-level work, including tutoring, extended time  
835 in gateway courses, free online courses, adult basic education,  
836 adult secondary education, or private provider instruction.

837 Section 12. Except as otherwise expressly provided in this  
838 act, this act shall take effect July 1, 2014.

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/11/14

Meeting Date

Topic Students w/ Disabilities Bill Number 1512

Name Graham F. Rabinowitsch Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title Student Involvement Chair \_\_\_\_\_  
*(if applicable)*

Address \_\_\_\_\_ Phone \_\_\_\_\_  
*Street*

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
*City State Zip*

Speaking:  For  Against  Information

Representing Florida PTA

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/11/14  
Meeting Date

Topic Personal Learning Acct Bill Number SB 1512  
Name Laura Cable Amendment Barcode \_\_\_\_\_  
(if applicable)

Job Title \_\_\_\_\_  
(if applicable)

Address 1946 Sagebrook Dr Phone 850 321 1570  
Tallahassee FL 32303 E-mail lcable.csr@comcast.net  
City State Zip

Speaking:  For  Against  Information

Representing self

Appearing at request of Chair:  Yes  No  
Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3-11-14

Meeting Date

1512

Topic Personal Learning Accounts

Bill Number PCB 1514-02

(if applicable)

Name Melissa Ward

Amendment Barcode

(if applicable)

Job Title

Address 15134 Red Dr N

Phone 904-444-5970

Street

Jax

City

FL

State

32226

Zip

E-mail

Speaking:  For  Against  Information

Representing self - homeschooled

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/11/14  
Meeting Date

Topic Students with Disabilities Bill Number 512 (if applicable)

Name Mindy Gould Amendment Barcode \_\_\_\_\_ (if applicable)

Job Title Legislation Chair

Address 18181 NE 31st Court Phone 305-439-8979

Aventura FL 33160 E-mail Mindy.gould@fla.e-rol.com  
City State Zip

Speaking:  For  Against  Information

Representing Florida PTA

Appearing at request of Chair:  Yes  No Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3-11-14

Meeting Date

Topic Personal Learning Account

Bill Number SB1512

(if applicable)

Name Julie Kleffel

Amendment Barcode

(if applicable)

Job Title

Address 202 Regis Ct.

Phone 407-869-4926

Street

Longwood

City

FL

State

32779

Zip

E-mail JKleffel@embargmail.com

Speaking:  For  Against  Information

Representing Self

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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



THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/11/14

Meeting Date

Topic Least Restrictive Environment

Bill Number SB 1512

Name Crystal Tessmann

(if applicable)

Job Title Teacher

Amendment Barcode

(if applicable)

Address 3611 SW 34th St apt 83

Street

Phone 352-870-7471

Gainesville

City

FL

State

32608

Zip

E-mail northentesseract@yahoo.com

Speaking:  For  Against  Information

Representing Alachua County Education Association

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3-11 Meeting Date

Topic Students w/ Disability

Bill Number 1512 (if applicable)

Name Denise LASHLEY

Amendment Barcode (if applicable)

Job Title

Address PO Box 1440

Phone 813-240-4567

City Lutz FL 33548 State Zip

E-mail LASHLEY@twc.com

Speaking: [X] For [ ] Against [ ] Information

Representing FL School Choice Fund

Appearing at request of Chair: [ ] Yes [X] No

Lobbyist registered with Legislature: [X] Yes [ ] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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

3005

**STATE OF FLORIDA  
DEPARTMENT OF STATE  
Division of Elections**

I, Ken Detzner, Secretary of State,  
do hereby certify that

*Daniel E. Cane*

is duly appointed a member of the

**Board of Trustees,  
Florida Atlantic University**

for a term beginning on the  
Twentieth day of August, A.D., 2013,  
until the Sixth day of January, A.D., 2018  
and is subject to be confirmed by the Senate  
during the next regular session of the Legislature.

*Given under my hand and the Great Seal of the  
State of Florida, at Tallahassee, the Capital, this  
the Twenty-Fourth day of September, A.D., 2013.*

*Ken Detzner*

Secretary of State



If photocopied or chemically altered, the word "VOID" will appear.

State of Florida appears in small letters across the face of this 8 1/2 x 11" document.

**OATH OF OFFICE**  
(Art. II, § 5(b), Fla. Const.)

RECEIVED  
DEPARTMENT OF STATE  
2013 SEP 24 AM 9:40  
DIVISION OF ELECTIONS  
TALLAHASSEE, FL

STATE OF FLORIDA

County of Palm Beach

I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

Board of Trustees, Florida Atlantic University  
(Title of Office)

on which I am now about to enter, so help me God.

[NOTE: If you affirm, you may omit the words "so help me God." See § 92.52, Fla. Stat.]

[Signature]  
Signature

Sworn to and subscribed before me this 19 day of September, 2013



[Signature]  
Signature of Officer Administering Oath or of Notary Public

Scott Gitterman  
Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known  OR Produced Identification

Type of Identification Produced \_\_\_\_\_

**ACCEPTANCE**

I accept the office listed in the above Oath of Office.

Mailing Address:  Home  Office

3600 FAU Blvd Boca Raton FL 33431  
Street or Post Office Box

Daniel Lane  
Print name as you desire commission issued

\_\_\_\_\_  
City, State, Zip Code

[Signature]  
Signature



**RICK SCOTT**  
GOVERNOR

RECEIVED  
DEPARTMENT OF STATE

2013 AUG 29 AM 10:18

DIVISION OF ELECTIONS  
TALLAHASSEE, FL

August 21, 2013

The Honorable Kenneth W. Detzner  
Secretary of State  
State of Florida  
R. A. Gray Building, Room 316  
500 South Bronough Street  
Tallahassee, Florida 32399-0250

Dear Secretary Detzner:

Please be advised I have made the following appointment under the provisions of Section 1001.71, Florida Statutes:

Mr. Daniel E. Cane  
8688 Thornbrook Terrace Point  
Boynton Beach, Florida 33473

as a member of the Board of Trustees, Florida Atlantic University, succeeding Elizabeth Fago Smith, subject to confirmation by the Senate. This appointment is effective August 20, 2013, for a term ending January 6, 2018.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Scott".

Rick Scott  
Governor

RS/vh

30947

## QUESTIONNAIRE FOR SENATE CONFIRMATION

The information from this questionnaire will be used by the Florida Senate in considering action on your confirmation. The questionnaire **MUST BE COMPLETED IN FULL**. Answer "none" or "not applicable" where appropriate. Please type or print in blue or black ink.

September 19, 2013

Date Completed

1. Name: Mr. Cane Daniel Eric  
Mr./Mrs./Ms. Last First Middle/Maiden

2. Business Address: 3600 FAU Blvd Suite 202 Boca Raton  
Street Office # City  
FL 33431 561-880-2998 x201  
Post Office Box State Zip Code Area Code/Phone Number

3. Residence Address: 8688 Thornbrook Terrace Point Boynton Beach Palm Beach  
Street City County  
FL 33473 561-244-8363  
Post Office Box State Zip Code Area Code/Phone Number

Specify the preferred mailing address: Business  Residence  Fax # \_\_\_\_\_  
(optional)

4. A. List all your places of residence for the last five (5) years.

Address	City & State	From	To
8688 Thornbrook Terrace Pt	Boynton Beach, FL	2008	Current
1505 S. Stafford St	Arlington, VA	2005	2008
1116 25th ST NW	Washington, DC	2002	2005
1305 22nd ST NW	Washington, DC	2001	2002
1724 Q ST NW	Washington, DC	1998	2001

B. List all your former and current residences outside of Florida that you have maintained at any time during adulthood.

Address	City & State	From	To
1505 S. Stafford St	Arlington, VA	2005	2008
1116 25th ST NW	Washington, DC	2002	2005
1305 22nd ST NW	Washington, DC	2001	2002
1724 Q ST NW	Washington, DC	1998	2001

5. Date of Birth: 09/13/1976 Place of Birth: New York, NY

6. Social Security Number: \_\_\_\_\_

7. Driver License Number: \_\_\_\_\_ ssuing State: FL

8. Have you ever used or been known by any other legal name? Yes  No  If "Yes" Explain

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

RECEIVED  
 DEPARTMENT OF STATE  
 DIVISION OF ELECTIONS  
 TALLAHASSEE, FL  
 019 SEP 21 AM 9:40

9. Are you a United States citizen? Yes  No  If "No" explain:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If you are a naturalized citizen, date of naturalization: \_\_\_\_\_

10. Since what year have you been a continuous resident of Florida? 2008

11. Are you a registered Florida voter? Yes  No  If "Yes" list:  
A. County of Registration: Palm Beach B. Current Party Affiliation: Democrat

12. Education  
A. High School: Lake Worth HS, Lake Worth FL Year Graduated: 1994  
(Name and Location)

B. List all postsecondary educational institutions attended:

<u>Name &amp; Location</u>	<u>Dates Attended</u>	<u>Certificates/Degrees Received</u>
Cornell University	1994-1998	B.S. Applied Economics

13. Are you or have you ever been a member of the armed forces of the United States? Yes  No  If "Yes" list:  
A. Dates of Service: \_\_\_\_\_  
B. Branch or Component: \_\_\_\_\_  
C. Date & type of discharge: \_\_\_\_\_

14. Have you ever been arrested, charged, or indicted for violation of any federal, state, county, or municipal law, regulation, or ordinance? (Exclude traffic violations for which a fine or civil penalty of \$150 or less was paid.) Yes  No  If "Yes" give details:

<u>Date</u>	<u>Place</u>	<u>Nature</u>	<u>Disposition</u>
2000	Arlington, VA	Speeding	Guilty / Paid

15. Concerning your current employer and for all of your employment during the last five years, list your employer's name, business address, type of business, occupation or job title, and period(s) of employment.

<u>Employer's Name &amp; Address</u>	<u>Type of Business</u>	<u>Occupation/Job Title</u>	<u>Period of Employment</u>
Modernizing Medicine Inc 3600 FAU Blvd Boca Raton FL	Software (Healthcare)	CEO	2010-Current
Kadoo, Inc. 14. S. Swinton Ave Delray Beach FL	Software (Internet)	CTO	2009-2010
Blackboard Inc 650 Mass Ave Washington DC	Software (Education)	SVP R&D	1998-2009

16. Have you ever been employed by any state, district, or local governmental agency in Florida? Yes  No   
If "Yes", identify the position(s), the name(s) of the employing agency, and the period(s) of employment:

<u>Position</u>	<u>Employing Agency</u>	<u>Period of Employment</u>

17. A. State your experiences and interests or elements of your personal history that qualify you for this appointment.

Successful business leader with 10 years of building the primary application that powers higher education (Blackboard).  
Very active in the local community prior to this appointment - FAU Foundation Board, Board of the United Way of Palm  
Beach County, Vice Chairman of the Board at the South Florida Science Center. Passionate about education.

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B. Have you received any degree(s), professional certification(s), or designations(s) related to the subject matter of this appointment? Yes  No  If "Yes", list:

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C. Have you received any awards or recognitions relating to the subject matter of this appointment? Yes  No  If "Yes", list:

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D. Identify all association memberships and association offices held by you that relate to this appointment:

Was a member of the FAU Foundation Board, 2011-2012, but have since resigned.

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18. Do you currently hold an office or position (appointive, civil service, or other) with the federal or any foreign government? Yes  No  If "Yes", list:

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19. A. Have you ever been elected or appointed to any public office in this state? Yes  No  If "Yes", state the office title, date of election or appointment, term of office, and level of government (city, county, district, state, federal):

<u>Office Title</u>	<u>Date of Election or Appointment</u>	<u>Term of Office</u>	<u>Level of Government</u>
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B. If your service was on an appointed board(s), committee(s), or council(s):

(1) How frequently were meetings scheduled: \_\_\_\_\_

(2) If you missed any of the regularly scheduled meetings, state the number of meetings you attended, the number you missed, and the reasons(s) for your absence(s).

<u>Meetings Attended</u>	<u>Meetings Missed</u>	<u>Reason for Absence</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

20. Has probable cause ever been found that you were in violation of Part III, Chapter 112, F.S., the Code of Ethics for Public Officers and Employees? Yes  No  If "Yes", give details:

<u>Date</u>	<u>Nature of Violation</u>	<u>Disposition</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

21. Have you ever been suspended from any office by the Governor of the State of Florida? Yes  No  If "Yes", list:

A. Title of office: \_\_\_\_\_ C. Reason for suspension: \_\_\_\_\_  
B. Date of suspension: \_\_\_\_\_ D. Result: Reinstated  Removed  Resigned

22. Have you previously been appointed to any office that required confirmation by the Florida Senate? Yes  No  If "Yes", list:

A. Title of Office: \_\_\_\_\_  
B. Term of Appointment: \_\_\_\_\_  
C. Confirmation results: \_\_\_\_\_

23. Have you ever been refused a fidelity, surety, performance, or other bond? Yes  No  If "Yes", explain:

\_\_\_\_\_

24. Have you held or do you hold an occupational or professional license or certificate in the State of Florida? Yes  No  If "Yes", provide the title and number, original issue date, and issuing authority. If any disciplinary action (fine, probation, suspension, revocation, disbarment) has ever been taken against you by the issuing authority, state the type and date of the action taken:

<u>License/Certificate Title &amp; Number</u>	<u>Original Issue Date</u>	<u>Issuing Authority</u>	<u>Disciplinary Action/Date</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

25. A. Have you, or businesses of which you have been and owner, officer, or employee, held any contractual or other direct dealings during the last four (4) years with any state or local governmental agency in Florida, including the office or agency to which you have been appointed or are seeking appointment? Yes  No  If "Yes", explain:

<u>Name of Business</u>	<u>Your Relationship to Business</u>	<u>Business' Relationship to Agency</u>
Modernizing Medicine	CEO	Tenant in the Research Park at FAU
_____	_____	_____
_____	_____	_____

B. Have members of your immediate family (spouse, child, parents(s), siblings(s)), or businesses of which members of your immediate family have been owners, officers, or employees, held any contractual or other direct dealings during the last four (4) years with any state or local governmental agency in Florida, including the office or agency to which you have been appointed or are seeking appointment? Yes  No  If "Yes", explain:

<u>Name of Business</u>	<u>Family Member's Relationship to You</u>	<u>Family Member's Relationship to Business</u>	<u>Business' Relationship to Agency</u>

26. Have you ever been a registered lobbyist or have you lobbied at any level of government at any time during the past five (5) years? Yes  No

A. Did you receive any compensation other than reimbursement for expenses? Yes  No

B. Name of agency or entity you lobbied and the principal(s) you represented:

<u>Agency Lobbied</u>	<u>Principal Represented</u>

27. List three persons who have known you well within the past five (5) years. Include a current, complete address and telephone number. Exclude your relatives and members of the Florida Senate.

<u>Name</u>	<u>Mailing Address</u>	<u>Zip Code</u>	<u>Area Code/Phone Number</u>
Dr. Michael Sherling			
Chuck Brodsky			
Karen O'Byrne			

28. Name any business, professional, occupational, civic, or fraternal organizations(s) of which you are now a member, or of which you have been a member during the past five (5) years, the organization address(es), and date(s) of your membership(s).

<u>Name</u>	<u>Mailing Address</u>	<u>Office(s) Held &amp; Term</u>	<u>Date(s) of Membership</u>
United Way of PBC		Trustee	2013
South Florida Science Center		Vice Chairman of the Board	2012-2013
FAU Foundation Board		Member	2011-2012
Boca Raton Chamber of Commerce		Member	2012-2013

29. Do you know of any reason why you will not be able to attend fully to the duties of the office or position to which you have been or will be appointed? Yes  No  If "Yes", explain:

30. If required by law or administrative rule, will you file financial disclosure statements? Yes  No

## MEMORANDUM

**AS A GENERAL MATTER, APPLICATIONS FOR ALL POSITIONS WITHIN STATE GOVERNMENT ARE PUBLIC RECORDS WHICH MAY BE VIEWED BY ANYONE UPON REQUEST. HOWEVER, THERE ARE SOME EXEMPTIONS FROM THE PUBLIC RECORDS LAW FOR IDENTIFYING INFORMATION RELATING TO PAST AND PRESENT LAW ENFORCEMENT OFFICERS AND THEIR FAMILIES, VICTIMS OF CERTAIN CRIMES, ETC. IF YOU BELIEVE AN EXEMPTION FROM THE PUBLIC RECORDS LAW APPLIES TO YOUR SUBMISSION, PLEASE CHECK THIS BOX.**

Yes, I assert that identifying information provided in this application should be excluded from inspection under the Public Records Law.

Because: (please provide cite.) \_\_\_\_\_

**IF YOU NEED ADDITIONAL GUIDANCE AS TO THE APPLICABILITY OF ANY PUBLIC RECORDS LAW EXEMPTION TO YOUR SITUATION, PLEASE CONTACT THE OFFICE OF THE ATTORNEY GENERAL.**

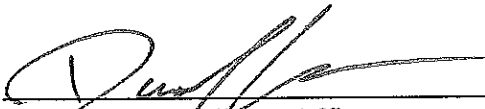
The Office of the Attorney General  
PL-01, The Capitol  
Tallahassee, Florida 32399  
(850) 245-0150

RECEIVED  
DEPARTMENT OF STATE  
2013 SEP 24 AM 9:41  
DIVISION OF ELECTIONS  
TALLAHASSEE, FL


**CERTIFICATION**

STATE OF FLORIDA  
COUNTY OF Palm Beach

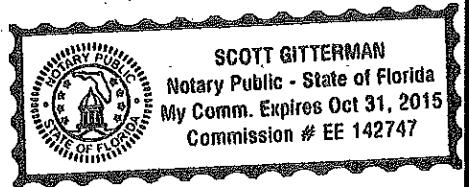
Before me, the undersigned Notary Public of Florida, personally appeared  
Daniel Cane  
who, after being duly sworn, say: (1) that he/she has carefully and personally prepared or read the answers to the foregoing questions; (2) that the information contained in said answers is complete and true; and (3) that he/she will, as an appointee, fully support the Constitutions of the United States and of the State of Florida.

  
Signature of Applicant-Affiant

Sworn to and subscribed before me this 19 day of September, 20 13.

  
Signature of Notary Public-State of Florida

Scott Gitterman  
(Print, Type, or Stamp Commissioned Name of Notary Public)



My commission expires: 10/31/2015

Personally Known  OR Produced Identification

Type of Identification Produced \_\_\_\_\_

(seal)

3010

**STATE OF FLORIDA  
DEPARTMENT OF STATE  
Division of Elections**

I, Ken Detzner, Secretary of State,  
do hereby certify that

*Clarence H. Brown, III*

is duly appointed a member of the  
**Board of Trustees,**

**University of Central Florida**

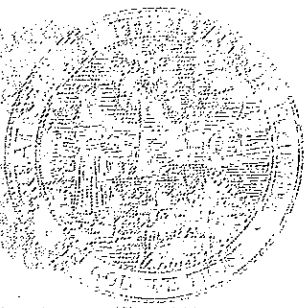
for a term beginning on the

Twenty-Fifth day of July, A.D., 2013,  
until the Sixth day of January, A.D., 2018  
and is subject to be confirmed by the Senate  
during the next regular session of the Legislature.

*Given under my hand and the Great Seal of the  
State of Florida, at Tallahassee, the Capital, this  
the Fifteenth day of August, A.D., 2013.*



Secretary of State



If photocopied or chemically altered, the word "VOID" will appear.

"State of Florida" appears in small letters across the face of this 8 1/2 x 11" document

# OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

RECEIVED  
DEPARTMENT OF STATE

2013 AUG 15 AM 9:51

DEPARTMENT OF ELECTIONS

STATE OF FLORIDA

County of Orange

I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

Member of the Board of Trustees, University of Central Florida

(Title of Office)

on which I am now about to enter, so help me God.

[NOTE: If you affirm, you may omit the words "so help me God." See § 92.52, Fla. Stat.]

[Signature]  
Signature

Sworn to and subscribed before me this 12<sup>th</sup> day of August, 2013.

[Signature]  
Signature of Officer Administering Oath or of Notary Public

[Notary Seal]  
Print, Type of Signature, Commissioned Name of Notary Public

My Commission EE011354  
Expires 08/27/2014  
Personally Known  Produced Identification

Type of Identification Produced \_\_\_\_\_

## ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address:  Home  Office

630 Vassar Street, Unit 2301

Street or Post Office Box

Orlando, Florida 32804

City, State, Zip Code

Clarence H. Brown III, MD

Print name as you desire commission issued

[Signature]  
Signature



**RICK SCOTT**  
GOVERNOR

2013 JUL 31 PM 12:23

July 26, 2013

The Honorable Kenneth W. Detzner  
Secretary of State  
State of Florida  
R. A. Gray Building, Room 316  
500 South Bronough Street  
Tallahassee, Florida 32399-0250

Dear Secretary Detzner:

Please be advised I have made the following appointment under the provisions of Section 1001.71, Florida Statutes:

Dr. Clarence H. Brown  
630 Vassar Street Unit 2301  
Orlando, Florida 32804

as a member of the University of Central Florida Board of Trustees, succeeding Michael Grindstaff, subject to confirmation by the Senate. This appointment is effective July 25, 2013, for a term ending January 6, 2018.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Scott".

Rick Scott  
Governor

RS/kb

105/31

# QUESTIONNAIRE FOR SENATE CONFIRMATION

The information from this questionnaire will be used by the Florida Senate in considering action on your confirmation. The questionnaire **MUST BE COMPLETED IN FULL**. Answer "none" or "not applicable" where appropriate. Please type or print in blue or black ink.

August 12, 2013

Date Completed

1. Name: Dr. Brown Clarence Hunt  
Mr./Mrs./Ms. Last First Middle/Maiden

2. Business Address: 3160 Southgate Commerce Blvd. Suite 50 Orlando  
Street Office # City  
Florida 32806 (321) 841-5215  
Post Office Box State Zip Code Area Code/Phone Number

3. Residence Address: 630 Vassar Street, Unit 2301 Orlando Orange  
Street City County  
Florida 32804 (407) 849-1571  
Post Office Box State Zip Code Area Code/Phone Number

Specify the preferred mailing address: Business  Residence  Fax # (407) 425-8545  
(optional)

4. A. List all your places of residence for the last five (5) years.

Address	City & State	From	To
630 Vassar St., Unit 2301	Orlando, Florida	2/2013	Present
901 Oak St.	Orlando, Florida	5/2005	2/2013

B. List all your former and current residences outside of Florida that you have maintained at any time during adulthood.

Address	City & State	From	To
Barryknoll	Houston, Texas	2/1972	4/1975
Rogers Forge	Baltimore, Maryland	7/1970	4/1972
Conway Rd.	Bethesda, Maryland	7/1968	7/1970
Monument St.	Baltimore, Maryland	7/1966	7/1968
Shoup Ct.	Decatur, Georgia	9/1962	7/1966

5. Date of Birth: April 27, 1941 Place of Birth: Ft. Lauderdale, Florida

6. Social Security Number: \_\_\_\_\_

7. Driver License Number: \_\_\_\_\_ Issuing State: Florida

8. Have you ever used or been known by any other legal name? Yes  No  If "Yes" Explain

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

RECEIVED  
DEPARTMENT OF STATE  
2013 AUG 15 AM 0:51



9. Are you a United States citizen? Yes  No  If "No" explain:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If you are a naturalized citizen, date of naturalization: \_\_\_\_\_

10. Since what year have you been a continuous resident of Florida? 1975

11. Are you a registered Florida voter? Yes  No  If "Yes" list:

A. County of Registration: Orange B. Current Party Affiliation: Republican

12. Education

A. High School: William R. Boone High School, Orlando, Florida Year Graduated: 1958  
(Name and Location)

B. List all postsecondary educational institutions attended:

<u>Name &amp; Location</u>	<u>Dates Attended</u>	<u>Certificates/Degrees Received</u>
Emory University	1958-1962	AB
Emory University School of Medicine	1962-1966	MD

13. Are you or have you ever been a member of the armed forces of the United States? Yes  No  If "Yes" list:

A. Dates of Service: 1968-1970

B. Branch or Component: U. S. Public Health Service

C. Date & type of discharge: June 30, 1970 Honorable

14. Have you ever been arrested, charged, or indicted for violation of any federal, state, county, or municipal law, regulation, or ordinance? (Exclude traffic violations for which a fine or civil penalty of \$150 or less was paid.) Yes  No  If "Yes" give details:

<u>Date</u>	<u>Place</u>	<u>Nature</u>	<u>Disposition</u>
N/A			

15. Concerning your current employer and for all of your employment during the last five years, list your employer's name, business address, type of business, occupation or job title, and period(s) of employment.

<u>Employer's Name &amp; Address</u>	<u>Type of Business</u>	<u>Occupation/Job Title</u>	<u>Period of Employment</u>
Orlando Health Foundation	Fund Raising	Vice President	5/2012 - Present
MD Anderson Cancer Center Orlando	Cancer Center	President/CEO	2/1997 - 5/2012

16. Have you ever been employed by any state, district, or local governmental agency in Florida? Yes  No  If "Yes", identify the position(s), the name(s) of the employing agency, and the period(s) of employment:

<u>Position</u>	<u>Employing Agency</u>	<u>Period of Employment</u>
Member	Cancer Control and Research Advisory Council	1993-2003
Chairman	Cancer Control and Research Advisory Council	2001-2003

17. A. State your experiences and interests or elements of your personal history that qualify you for this appointment.

I have been an educator, teaching medical students, residents and fellows since 1966 and was very involved with Dr. John Hitt and his leadership team in planning for the UCF medical school, serving on the task force that traveled the state to meet with the State University System Board of Governors to present the cause for having UCF's college of medicine approved. As president/CEO of MD Anderson Cancer Center Orlando I personally chose to commit the center to financially support one of the students of the charter class for the four years of her medical education.

B. Have you received any degree(s), professional certification(s), or designations(s) related to the subject matter of this appointment? Yes  No  If "Yes", list:

Professor of Medicine, University of Central Florida College of Medicine 2008-present

C. Have you received any awards or recognitions relating to the subject matter of this appointment? Yes  No  If "Yes", list:

On behalf of MD Anderson Cancer Center Orlando I have been recognized by the COM for providing the 4 year scholarship of \$160,000 to one of the students of the charter class of the COM.

D. Identify all association memberships and association offices held by you that relate to this appointment:

American Medical Association	No offices
American Society of Clinical Oncology	No offices
American Society of Hematology	No offices

18. Do you currently hold an office or position (appointive, civil service, or other) with the federal or any foreign government? Yes  No  If "Yes", list:

19. A. Have you ever been elected or appointed to any public office in this state? Yes  No  If "Yes", state the office title, date of election or appointment, term of office, and level of government (city, county, district, state, federal):

<u>Office Title</u>	<u>Date of Election or Appointment</u>	<u>Term of Office</u>	<u>Level of Government</u>
Chairman	Florida Cancer Control and Research Advisory Council - Appointed by Gov. Jeb Bush 2001	2 years	Dept of Health

B. If your service was on an appointed board(s), committee(s), or council(s):

(1) How frequently were meetings scheduled: Quarterly

(2) If you missed any of the regularly scheduled meetings, state the number of meetings you attended, the number you missed, and the reasons(s) for your absence(s).

<u>Meetings Attended</u>	<u>Meetings Missed</u>	<u>Reason for Absence</u>
> 90%	<10%	Usually major conflict

20. Has probable cause ever been found that you were in violation of Part III, Chapter 112, F.S., the Code of Ethics for Public Officers and Employees? Yes  No  If "Yes", give details:

<u>Date</u>	<u>Nature of Violation</u>	<u>Disposition</u>

21. Have you ever been suspended from any office by the Governor of the State of Florida? Yes  No  If "Yes", list:

A. Title of office: \_\_\_\_\_ C. Reason for suspension: \_\_\_\_\_

B. Date of suspension: \_\_\_\_\_ D. Result: Reinstated  Removed  Resigned

22. Have you previously been appointed to any office that required confirmation by the Florida Senate? Yes  No  If "Yes", list:

A. Title of Office: \_\_\_\_\_

B. Term of Appointment: \_\_\_\_\_

C. Confirmation results: \_\_\_\_\_

23. Have you ever been refused a fidelity, surety, performance, or other bond? Yes  No  If "Yes", explain:

\_\_\_\_\_

24. Have you held or do you hold an occupational or professional license or certificate in the State of Florida? Yes  No  If "Yes", provide the title and number, original issue date, and issuing authority. If any disciplinary action (fine, probation, suspension, revocation, disbarment) has ever been taken against you by the issuing authority, state the type and date of the action taken:

<u>License/Certificate Title &amp; Number</u>	<u>Original Issue Date</u>	<u>Issuing Authority</u>	<u>Disciplinary Action/Date</u>
Medical ME 24973	1975	Dept of Health	None

25. A. Have you, or businesses of which you have been and owner, officer, or employee, held any contractual or other direct dealings during the last four (4) years with any state or local governmental agency in Florida, including the office or agency to which you have been appointed or are seeking appointment? Yes  No  If "Yes", explain:

<u>Name of Business</u>	<u>Your Relationship to Business</u>	<u>Business' Relationship to Agency</u>
MD Anderson - Orlando	President/CEO	Shared research grants with UCF
		Leased laboratory space from UCF

B. Have members of your immediate family (spouse, child, parents(s), siblings(s)), or businesses of which members of your immediate family have been owners, officers, or employees, held any contractual or other direct dealings during the last four (4) years with any state or local governmental agency in Florida, including the office or agency to which you have been appointed or are seeking appointment? Yes  No  If "Yes", explain:

<u>Name of Business</u>	<u>Family Member's Relationship to You</u>	<u>Family Member's Relationship to Business</u>	<u>Business' Relationship to Agency</u>
BioCurity	Daughter	Owner	Contract with UCF Co-investigator on grants

26. Have you ever been a registered lobbyist or have you lobbied at any level of government at any time during the past five (5) years? Yes  No

A. Did you receive any compensation other than reimbursement for expenses? Yes  No

B. Name of agency or entity you lobbied and the principal(s) you represented:

<u>Agency Lobbied</u>	<u>Principal Represented</u>

27. List three persons who have known you well within the past five (5) years. Include a current, complete address and telephone number. Exclude your relatives and members of the Florida Senate.

<u>Name</u>	<u>Mailing Address</u>	<u>Zip Code</u>	<u>Area Code/Phone Number</u>
Richard Walsh			
David Albertson			
Toni Jennings			

28. Name any business, professional, occupational, civic, or fraternal organizations(s) of which you are now a member, or of which you have been a member during the past five (5) years, the organization address(es), and date(s) of your membership(s).

<u>Name</u>	<u>Mailing Address</u>	<u>Office(s) Held &amp; Term</u>	<u>Date(s) of Membership</u>
American Medical Assn	515 N. State St. Chicago, IL	None	1975-2013
Florida Medical Assn	1430 Piedmont Dr. Tallahassee	Delegate - 1978-1999	1975-2005
Orange Co. Medical Soc	1870 Aloma Ave. Winter Park	President 1988-1989	1975-2005

29. Do you know of any reason why you will not be able to attend fully to the duties of the office or position to which you have been or will be appointed? Yes  No  If "Yes", explain:

30. If required by law or administrative rule, will you file financial disclosure statements? Yes  No

**MEMORANDUM**

**AS A GENERAL MATTER, APPLICATIONS FOR ALL POSITIONS WITHIN STATE GOVERNMENT ARE PUBLIC RECORDS WHICH MAY BE VIEWED BY ANYONE UPON REQUEST. HOWEVER, THERE ARE SOME EXEMPTIONS FROM THE PUBLIC RECORDS LAW FOR IDENTIFYING INFORMATION RELATING TO PAST AND PRESENT LAW ENFORCEMENT OFFICERS AND THEIR FAMILIES, VICTIMS OF CERTAIN CRIMES, ETC. IF YOU BELIEVE AN EXEMPTION FROM THE PUBLIC RECORDS LAW APPLIES TO YOUR SUBMISSION, PLEASE CHECK THIS BOX.**

Yes, I assert that identifying information provided in this application should be excluded from inspection under the Public Records Law.

Because: (please provide cite.) \_\_\_\_\_

**IF YOU NEED ADDITIONAL GUIDANCE AS TO THE APPLICABILITY OF ANY PUBLIC RECORDS LAW EXEMPTION TO YOUR SITUATION, PLEASE CONTACT THE OFFICE OF THE ATTORNEY GENERAL.**

The Office of the Attorney General  
PL-01, The Capitol  
Tallahassee, Florida 32399  
(850) 245-0150

RECEIVED  
DEPARTMENT OF STATE  
2013 AUG 15 AM 9:51  
DIVISION OF ELECTIONS

CERTIFICATION

RECEIVED  
DEPARTMENT OF STATE  
2013 AUG 15 AM 9:51

DEPARTMENT OF STATE  
DIVISION OF ELECTIONS

STATE OF FLORIDA  
COUNTY OF

Orange

Before me, the undersigned Notary Public of Florida, personally appeared

Clarence H. Brown

who, after being duty sworn, say: (1) that he/she has carefully and personally prepared or read the answers to the foregoing questions; (2) that the information contained in said answers is complete and true; and (3) that he/she will, as an appointee, fully support the Constitutions of the United States and of the State of Florida.

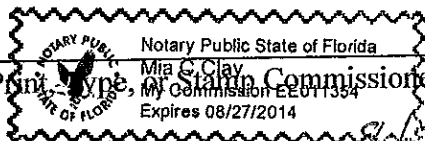


Signature of Applicant-Affiant

Sworn to and subscribed before me this 12th day of August, 2013.



Signature of Notary Public-State of Florida

  
(Print or Stamp Commissioned Name of Notary Public)  
My commission expires: 8/27/2014

Personally Known  OR Produced Identification

Type of Identification Produced \_\_\_\_\_

(seal)

# Senate Confirmation Questionnaire

Please mail to: Room 316, R.A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250

The information from this page has been requested and will be used exclusively for Minority Statistics.  
Please type or use blue ink.

1. Board of Interest: University of Central Florida, Board of Trustees

2. Current Employer and Occupation: Orlando Health Foundation Vice President/Development for Oncology

3. Are you applying for reappointment: Yes  No

4. \*Do you have a disability? Yes  No  If "Yes", please describe your disability that would qualify you for this appointment, if applicable.

5. \*Sex: Male  Female

6. \*Race: White  African-American   
Hispanic-American  Asian/Pacific Islander   
Native-American/Alaskan Native

7. Do you now, or have you, within the last three years, been a member of any club or organization that, to your knowledge, in practice or policy, restricts membership or restricted membership during the time that you belonged on the basis of race, religion, national origin, or gender? If so, detail the name and nature of the club(s) or organization(s), relevant policies and practices, and state whether you intend to continue as a member if you are appointed by the Governor. No

8. One of the Governor's top priorities is to improve the conditions of the children living in our state. Would you be willing to spend an hour a week with a child in need in your community? If so, please identify the type of program and/or activity you would be willing to participate in as a mentor.

Yes, multiple options are open for consideration

CLARENCE H. BROWN III

Applicant's Name, including name commonly used  
(Please print)

\* This information will be used to provide demographic statistics and is not requested for the purpose of discriminating on any basis

RECEIVED  
DEPARTMENT OF STATE  
2013 AUG 15 AM 9:01  
DIVISION OF EMPLOYMENT

3015

**STATE OF FLORIDA  
DEPARTMENT OF STATE  
Division of Elections**

I, Ken Detzner, Secretary of State,  
do hereby certify that

***Kathryn S. Ballard***

is duly appointed a member of the

**Board of Trustees,  
Florida State University**

for a term beginning on the  
Thirteenth day of June, A.D., 2013,  
until the Sixth day of January, A.D., 2018  
and is subject to be confirmed by the Senate  
during the next regular session of the Legislature.

*Given under my hand and the Great Seal of the  
State of Florida, at Tallahassee, the Capital, this  
the Twenty-First day of August, A.D., 2013.*

*Ken Detzner*

Secretary of State



# OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

RECEIVED

13 AUG 21 PM 1:12

STATE OF FLORIDA

County of LEON

DIVISION OF ELECTIONS  
SECRETARY OF STATE

I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

BOARD OF TRUSTEES, FLORIDA STATE UNIVERSITY

(Title of Office)

on which I am now about to enter, so help me God.

[NOTE: If you affirm, you may omit the words "so help me God." See § 92.52, Fla. Stat.]

Kathryn S Ballard  
Signature

Sworn to and subscribed before me this 20 day of AUGUST, 2013

Shanna Kaye Crawley  
Signature of Officer Administering Oath or of Notary Public



SHANNA KAYE CRAWLEY  
Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known  OR Produced Identification

Type of Identification Produced N/A

## ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address:  Home  Office

7445 HEARTLAND CIRCLE

Street or Post Office Box

TALLAHASSEE, FL 32312

City, State, Zip Code

KATHRYN S. BALLARD

Print name as you desire commission issued

Kathryn S Ballard  
Signature



**RICK SCOTT**  
GOVERNOR

RECEIVED  
DEPT OF STATE  
2013 JUN 21 PM 4:22  
DIVISION OF ELECTIONS  
TALLAHASSEE, FL

June 13, 2013

The Honorable Kenneth W. Detzner  
Secretary of State  
State of Florida  
R. A. Gray Building, Room 316  
500 South Bronough Street  
Tallahassee, Florida 32399-0250

Dear Secretary Detzner:

Please be advised I have made the following appointment under the provisions of Section 1001.71, Florida Statutes:

Mrs. Kathryn S. Ballard  
7445 Heartland Circle  
Tallahassee, Florida 32312

as a member of the Florida State University Board of Trustees, succeeding Susan Busch-Transou, subject to confirmation by the Senate. This appointment is effective June 13, 2013, for a term ending January 6, 2018.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Scott".

Rick Scott  
Governor

RS/kb

# QUESTIONNAIRE FOR SENATE CONFIRMATION

The information from this questionnaire will be used by the Florida Senate in considering action on your confirmation. The questionnaire **MUST BE COMPLETED IN FULL**. Answer "None" or "Not applicable" where appropriate. Please type or print in blue or black ink.

RECEIVED  
13 AUG 21 PM 1:12  
DIVISION OF ELECTIONS  
SECRETARY OF STATE

AUGUST 20, 2013

Date Completed

1. Name: MRS. BALLARD KATHRYN SMITH  
Mr./Mrs./Ms. Last First Middle/Maiden

2. Business Address: not applicable  
Street Office # City

not applicable  
Post Office Box State Zip Code Area Code/Phone Number

3. Residence Address: 7445 HEARTLAND CIRCLE, TALLAHASSEE LEON  
Street City County  
FLORIDA 32312 850/668-9823  
Post Office Box State Zip Code Area Code/Phone Number

Specify the preferred mailing address: Business  Residence  Fax # \_\_\_\_\_ (optional)

4. A. List all your places of residence for the last five (5) years.

Address	City & State	From	To
7445 HEARTLAND CIRCLE,	TALLAHASSEE, FL	2010	Present
7465 HEARTLAND CIRCLE,	TALLAHASSEE, FL	1994	2009
50 East ST. LUCIA LANE,	Santa Rosa Beach, FL	2003	Current

B. List all your former and current residences outside of Florida that you have maintained at any time during adulthood.

Address	City & State	From	To
207 EAST 57th STREET,	NEW YORK, NY	2007	Current

5. Date of Birth: 05/06/1964 Place of Birth: HARDIN, KENTUCKY

6. Social Security Number: \_\_\_\_\_

7. Driver License Number: \_\_\_\_\_ Issuing State: FLORIDA

8. Have you ever used or been known by any other legal name? Yes  No  If "Yes" Explain

Maiden Name: KATHRYN ELIZABETH SMITH

9. Are you a United States citizen? Yes  No  If "No" explain:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If you are a naturalized citizen, date of naturalization: \_\_\_\_\_

10. Since what year have you been a continuous resident of Florida? 1969 \_\_\_\_\_

11. Are you a registered Florida voter? Yes  No  If "Yes" list:

A. County of Registration: LEON \_\_\_\_\_ B. Current Party Affiliation: REPUBLICAN \_\_\_\_\_

12. Education

A. High School: LEON HIGH SCHOOL \_\_\_\_\_ Year Graduated: 1982 \_\_\_\_\_  
(Name and Location)

B. List all postsecondary educational institutions attended:

<u>Name &amp; Location</u>	<u>Dates Attended</u>	<u>Certificates/Degrees Received</u>
FLORIDA STATE UNIVERSITY	1987	BACHELOR OF SCIENCE
_____	_____	_____
_____	_____	_____

13. Are you or have you ever been a member of the armed forces of the United States? Yes  No  If "Yes" list:

A. Dates of Service: \_\_\_\_\_

B. Branch or Component: \_\_\_\_\_

C. Date & type of discharge: \_\_\_\_\_

14. Have you ever been arrested, charged, or indicted for violation of any federal, state, county, or municipal law, regulation, or ordinance? (Exclude traffic violations for which a fine or civil penalty of \$150 or less was paid.) Yes  No  If "Yes" give details:

<u>Date</u>	<u>Place</u>	<u>Nature</u>	<u>Disposition</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

15. Concerning your current employer and for all of your employment during the last five years, list your employer's name, business address, type of business, occupation or job title, and period(s) of employment.

<u>Employer's Name &amp; Address</u>	<u>Type of Business</u>	<u>Occupation/Job Title</u>	<u>Period of Employment</u>
not applicable	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

16. Have you ever been employed by any state, district, or local governmental agency in Florida? Yes  No   
If "Yes", identify the position(s), the name(s) of the employing agency, and the period(s) of employment:

<u>Position</u>	<u>Employing Agency</u>	<u>Period of Employment</u>
OPS	OFFICE OF THE SENATE PRESIDENT	1986-1986
_____	DEPARTMENT OF BUSINESS & PROFESSIONAL REGULATION	1988-1989
_____	_____	_____

17. A. State your experiences and interests or elements of your personal history that qualify you for this appointment.

FSU GRADUATE - COLLEGE OF HUMAN SCIENCES

SELECTIVE COMMITTEE FOR COACH PAT KENNEDY

LIFELONG FSU FAN

B. Have you received any degree(s), professional certification(s), or designations(s) related to the subject matter of this appointment? Yes  No  If "Yes", list:

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C. Have you received any awards or recognitions relating to the subject matter of this appointment? Yes  No  If "Yes", list:

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D. Identify all association memberships and association offices held by you that relate to this appointment:

BOARD OF THE FLORIDA CENTER FOR PERFORMING ARTS

MACLAY SCHOOL, BOARD OF DIRECTORS (2000-2006)

FSU COLLEGE OF HUMAN SCIENCES, BOARD MEMBER (Former)

FLORIDA SPECIAL OLYMPICS, BOARD MEMBER (1988-1991)

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18. Do you currently hold an office or position (appointive, civil service, or other) with the federal or any foreign government? Yes  No  If "Yes", list:

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19. A. Have you ever been elected or appointed to any public office in this state? Yes  No  If "Yes", state the office title, date of election or appointment, term of office, and level of government (city, county, district, state, federal):

<u>Office Title</u>	<u>Date of Election or Appointment</u>	<u>Term of Office</u>	<u>Level of Government</u>
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B. If your service was on an appointed board(s), committee(s), or council(s):

(1) How frequently were meetings scheduled: not applicable

(2) If you missed any of the regularly scheduled meetings, state the number of meetings you attended, the number you missed, and the reasons(s) for your absence(s).

<u>Meetings Attended</u>	<u>Meetings Missed</u>	<u>Reason for Absence</u>
<u>not applicable</u>		

20. Has probable cause ever been found that you were in violation of Part III, Chapter 112, F.S., the Code of Ethics for Public Officers and Employees? Yes  No  If "Yes", give details:

<u>Date</u>	<u>Nature of Violation</u>	<u>Disposition</u>

21. Have you ever been suspended from any office by the Governor of the State of Florida? Yes  No  If "Yes", list:

A. Title of office: \_\_\_\_\_ C. Reason for suspension: \_\_\_\_\_  
B. Date of suspension: \_\_\_\_\_ D. Result: Reinstated  Removed  Resigned

22. Have you previously been appointed to any office that required confirmation by the Florida Senate? Yes  No  If "Yes", list:

A. Title of Office: \_\_\_\_\_  
B. Term of Appointment: \_\_\_\_\_  
C. Confirmation results: \_\_\_\_\_

23. Have you ever been refused a fidelity, surety, performance, or other bond? Yes  No  If "Yes", explain:

\_\_\_\_\_

24. Have you held or do you hold an occupational or professional license or certificate in the State of Florida? Yes  No  If "Yes", provide the title and number, original issue date, and issuing authority. If any disciplinary action (fine, probation, suspension, revocation, disbarment) has ever been taken against you by the issuing authority, state the type and date of the action taken:

<u>License/Certificate Title &amp; Number</u>	<u>Original Issue Date</u>	<u>Issuing Authority</u>	<u>Disciplinary Action/Date</u>

25. A. Have you, or businesses of which you have been and owner, officer, or employee, held any contractual or other direct dealings during the last four (4) years with any state or local governmental agency in Florida, including the office or agency to which you have been appointed or are seeking appointment? Yes  No  If "Yes", explain:

<u>Name of Business</u>	<u>Your Relationship to Business</u>	<u>Business' Relationship to Agency</u>

B. Have members of your immediate family (spouse, child, parents(s), siblings(s)), or businesses of which members of your immediate family have been owners, officers, or employees, held any contractual or other direct dealings during the last four (4) years with any state or local governmental agency in Florida, including the office or agency to which you have been appointed or are seeking appointment? Yes  No  If "Yes", explain:

<u>Name of Business</u>	<u>Family Member's Relationship to You</u>	<u>Family Member's Relationship to Business</u>	<u>Business' Relationship to Agency</u>
JIM SMITH	FATHER	CHAIRMAN, BOARD OF TRUSTEES	FLORIDA STATE UNIVERSITY
_____	_____	_____	_____
_____	_____	_____	_____

26. Have you ever been a registered lobbyist or have you lobbied at any level of government at any time during the past five (5) years? Yes  No

A. Did you receive any compensation other than reimbursement for expenses? Yes  No

B. Name of agency or entity you lobbied and the principal(s) you represented:

<u>Agency Lobbied</u>	<u>Principal Represented</u>
not applicable	_____
_____	_____
_____	_____

27. List three persons who have known you well within the past five (5) years. Include a current, complete address and telephone number. Exclude your relatives and members of the Florida Senate.

<u>Name</u>	<u>Mailing Address</u>	<u>Zip Code</u>	<u>Area Code/Phone Number</u>
TK Wetherell	_____	_____	_____
Bill Jablon	_____	_____	_____
Betty Steffens	_____	_____	_____
_____	_____	_____	_____

28. Name any business, professional, occupational, civic, or fraternal organizations(s) of which you are now a member, or of which you have been a member during the past five (5) years, the organization address(es), and date(s) of your membership(s).

<u>Name</u>	<u>Mailing Address</u>	<u>Office(s) Held &amp; Term</u>	<u>Date(s) of Membership</u>
The Florida Center for Performing Arts	612 S. Copeland Street Tallahassee, FL 32304	Board Member	Present
_____	_____	_____	_____
_____	_____	_____	_____

29. Do you know of any reason why you will not be able to attend fully to the duties of the office or position to which you have been or will be appointed? Yes  No  If "Yes", explain:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

30. If required by law or administrative rule, will you file financial disclosure statements? Yes  No

RECEIVE

13 AUG 2 PM 1:

DIVISION OF ELECTI  
SECRETARY OF STA

MEMORANDUM

AS A GENERAL MATTER, APPLICATIONS FOR ALL POSITIONS WITHIN STATE GOVERNMENT ARE PUBLIC RECORDS WHICH MAY BE VIEWED BY ANYONE UPON REQUEST. HOWEVER, THERE ARE SOME EXEMPTIONS FROM THE PUBLIC RECORDS LAW FOR IDENTIFYING INFORMATION RELATING TO PAST AND PRESENT LAW ENFORCEMENT OFFICERS AND THEIR FAMILIES, VICTIMS OF CERTAIN CRIMES, ETC. IF YOU BELIEVE AN EXEMPTION FROM THE PUBLIC RECORDS LAW APPLIES TO YOUR SUBMISSION, PLEASE CHECK THIS BOX.

Yes, I assert that identifying information provided in this application should be excluded from inspection under the Public Records Law.

Because: (please provide cite.) \_\_\_\_\_

**IF YOU NEED ADDITIONAL GUIDANCE AS TO THE APPLICABILITY OF ANY PUBLIC RECORDS LAW EXEMPTION TO YOUR SITUATION, PLEASE CONTACT THE OFFICE OF THE ATTORNEY GENERAL.**

The Office of the Attorney General  
PL-01, The Capitol  
Tallahassee, Florida 32399  
(850) 245-0150



CERTIFICATION

RECEIVED

13 AUG 21 PM 1:13

DIVISION OF ELECTIONS  
SECRETARY OF STATE

STATE OF FLORIDA  
COUNTY OF LEON

Before me, the undersigned Notary Public of Florida, personally appeared  
KATHRYN SMITH BALLARD

who, after being duly sworn, say: (1) that he/she has carefully and personally prepared or read the answers to the foregoing questions; (2) that the information contained in said answers is complete and true; and (3) that he/she will, as an appointee, fully support the Constitutions of the United States and of the State of Florida.

*Kathryn S Ballard*

Signature of Applicant-Affiant

Sworn to and subscribed before me this 20th day of AUGUST, 2013.

*Shanna Kaye Crawley*

Signature of Notary Public-State of Florida

SHANNA KAYE CRAWLEY

(Print, Type, or Stamp Commissioned Name of Notary Public)

My commission expires: JANUARY 4, 2015

Personally Known  OR Produced Identification

Type of Identification Produced N/A



(seal)

3015

STATE OF FLORIDA  
DEPARTMENT OF STATE  
Division of Elections

I, Ken Detzner, Secretary of State,  
do hereby certify that

*Emily F. Duda*

is duly appointed a member of the  
**Board of Trustees,**  
**Florida State University**

for a term beginning on the  
Thirteenth day of June, A.D., 2013,  
until the Sixth day of January, A.D., 2016  
and is subject to be confirmed by the Senate  
during the next regular session of the Legislature.

Given under my hand and the Great Seal of the  
State of Florida, at Tallahassee, the Capital, this  
the Twenty-Ninth day of July, A.D., 2013.



*Ken Detzner*

Secretary of State

If photocopied or chemically altered, the word "VOID" will appear.

"State of Florida" appears in small letters across the face of this 8 1/2 x 11" document.

# OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

RECEIVED  
DEPARTMENT OF STATE  
2013 JUL 29 AM 10:54

STATE OF FLORIDA

County of Seminole

DEPARTMENT OF STATE  
DIVISION OF ELECTIONS

I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

Florida State University Trustee  
(Title of Office)

on which I am now about to enter, so help me God.

[NOTE: If you affirm, you may omit the words "so help me God." See § 92.52, Fla. Stat.]

Emily F. Duda  
Signature

Sworn to and subscribed before me this 23<sup>rd</sup> day of July, 2013.

Patrice A. Bepler  
Signature of Officer Administering Oath or of Notary Public

PATRICE A. BEPLER  
Notary Public, State of Florida  
My Commission Expires March 25, 2015  
Commission No. EE 57197

PATRICE A. BEPLER  
Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known  OR Produced Identification

Type of Identification Produced N/A

## ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address:  Home  Office

2451 Mikler Rd  
Street or Post Office Box

Emily F. Duda  
Print name as you desire commission issued

Oviedo, FL 32765  
City, State, Zip Code

Emily F. Duda  
Signature



**RICK SCOTT**  
GOVERNOR

RECEIVED  
SECRETARY OF STATE  
2013 JUN 21 PM 4:22  
DIVISION OF ELECTIONS  
TALLAHASSEE, FL

June 13, 2013

The Honorable Kenneth W. Detzner  
Secretary of State  
State of Florida  
R. A. Gray Building, Room 316  
500 South Bronough Street  
Tallahassee, Florida 32399-0250

Dear Secretary Detzner:

Please be advised I have made the following reappointment under the provisions of Section 1001.71, Florida Statutes:

Mrs. Emily F. Duda  
2451 Milkler Road  
Oviedo, Florida 32765

as a member of the Florida State University Board of Trustees, subject to confirmation by the Senate. This appointment is effective June 13, 2013, for a term ending January 6, 2016.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Scott".

Rick Scott  
Governor

RS/kb

# QUESTIONNAIRE FOR SENATE CONFIRMATION

The information from this questionnaire will be used by the Florida Senate in considering action on your confirmation. The questionnaire **MUST BE COMPLETED IN FULL**. Answer "none" or "not applicable" where appropriate. Please type or print in blue or black ink.

7-16-13  
Date Completed

1. Name: Duda Emily Fleming  
Mr./Mrs./Ms. Last First Middle/Maiden

2. Business Address: N/A  
Street Office # City

3. Residence Address: 2451 Mikler Quiedo Seminole  
Post Office Box State Zip Code Area Code/Phone Number  
Street City County

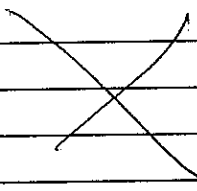
FL 32765 407-365-6336  
Post Office Box State Zip Code Area Code/Phone Number

Specify the preferred mailing address: Business  Residence  Fax # \_\_\_\_\_ (optional)

4. A. List all your places of residence for the last five (5) years.

Address	City & State	From	To
<u>2451 Mikler Rd,</u>	<u>Quiedo FLA</u>	<u>Aug 2007</u>	<u>Present</u>

B. List all your former and current residences outside of Florida that you have maintained at any time during adulthood. N/A

Address	City & State	From	To
			

5. Date of Birth: 4-4-42 Place of Birth: Anda Lusica Ala

6. Social Security Number: \_\_\_\_\_

7. Driver License Number: \_\_\_\_\_ ng State: FL

8. Have you ever used or been known by any other legal name? Yes  No  If "Yes" Explain

Maiden Name: Emily J. Fleming

9. Are you a United States citizen? Yes  No  If "No" explain:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If you are a naturalized citizen, date of naturalization: \_\_\_\_\_

10. Since what year have you been a continuous resident of Florida? 1946

11. Are you a registered Florida voter? Yes  No  If "Yes" list:

A. County of Registration: Seminole B. Current Party Affiliation: Republican

12. Education

A. High School: Duie do High School Year Graduated: 1960  
(Name and Location)

B. List all postsecondary educational institutions attended:

Name & Location	Dates Attended	Certificates/Degrees Received
<u>F.S.U</u> <u>Tallahassee, FL</u>	<u>June 60-61</u>	

13. Are you or have you ever been a member of the armed forces of the United States? Yes  No  If "Yes" list:

A. Dates of Service: \_\_\_\_\_

B. Branch or Component: \_\_\_\_\_

C. Date & type of discharge: \_\_\_\_\_

14. Have you ever been arrested, charged, or indicted for violation of any federal, state, county, or municipal law, regulation, or ordinance? (Exclude traffic violations for which a fine or civil penalty of \$150 or less was paid.) Yes  No  If "Yes" give details:

Date	Place	Nature	Disposition

15. Concerning your current employer and for all of your employment during the last five years, list your employer's name, business address, type of business, occupation or job title, and period(s) of employment.

Employer's Name & Address	Type of Business	Occupation/Job Title	Period of Employment
<u>None</u>			

16. Have you ever been employed by any state, district, or local governmental agency in Florida? Yes  No  If "Yes", identify the position(s), the name(s) of the employing agency, and the period(s) of employment:

Position	Employing Agency	Period of Employment
<u>None</u>		

17. A. State your experiences and interests or elements of your personal history that qualify you for this appointment.

*Been involved with FL SU since 1982.*

B. Have you received any degree(s), professional certification(s), or designations(s) related to the subject matter of this appointment? Yes  No  If "Yes", list:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

C. Have you received any awards or recognitions relating to the subject matter of this appointment? Yes  No  If "Yes", list:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

D. Identify all association memberships and association offices held by you that relate to this appointment:

*SA* *Seminole Boosters, Inc.* *1994-2001*  
*FLSU*

18. Do you currently hold an office or position (appointive, civil service, or other) with the federal or any foreign government? Yes  No  If "Yes", list:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

19. A. Have you ever been elected or appointed to any public office in this state? Yes  No  If "Yes", state the office title, date of election or appointment, term of office, and level of government (city, county, district, state, federal):

Office Title	Date of Election or Appointment	Term of Office	Level of Government
<i>Ringling Art Mus.</i>		<i>4 years</i>	
<i>Trustee</i>	<i>2001</i>	<i>served for 14 yrs</i>	<i>Bd of Trustees, FSU</i>
<i>Supervisor</i>	<i>1994</i>	<i>3 yr term</i>	<i>Seminole Cty Soil + water</i>
<i>Trustee</i>	<i>1987</i>	<i>3 yr term</i>	<i>Ringling Museum Conservation Bd</i>
			<i>Bd of Trustees</i>

B. If your service was on an appointed board(s), committee(s), or council(s):

(1) How frequently were meetings scheduled: Quarterly

(2) If you missed any of the regularly scheduled meetings, state the number of meetings you attended, the number you missed, and the reasons(s) for your absence(s).

<u>Meetings Attended</u>	<u>Meetings Missed</u>	<u>Reason for Absence</u>
<u>Attended most meetings. Only missed meetings if ill, spouse medical issues or out of town</u>		

20. Has probable cause ever been found that you were in violation of Part III, Chapter 112, F.S., the Code of Ethics for Public Officers and Employees? Yes  No  If "Yes", give details:

<u>Date</u>	<u>Nature of Violation</u>	<u>Disposition</u>

21. Have you ever been suspended from any office by the Governor of the State of Florida? Yes  No  If "Yes", list:

A. Title of office: \_\_\_\_\_ C. Reason for suspension: \_\_\_\_\_

B. Date of suspension: \_\_\_\_\_ D. Result: Reinstated  Removed  Resigned

22. Have you previously been appointed to any office that required confirmation by the Florida Senate? Yes  No  If "Yes", list:

A. Title of Office: FSU Trustee / Trustee - Bd of Ringling Museum

B. Term of Appointment: 2000 - now / 3 year term

C. Confirmation results: Confirmed / Confirmed

23. Have you ever been refused a fidelity, surety, performance, or other bond? Yes  No  If "Yes", explain:

\_\_\_\_\_

24. Have you held or do you hold an occupational or professional license or certificate in the State of Florida? Yes  No  If "Yes", provide the title and number, original issue date, and issuing authority. If any disciplinary action (fine, probation, suspension, revocation, disbarment) has ever been taken against you by the issuing authority, state the type and date of the action taken:

<u>License/Certificate Title &amp; Number</u>	<u>Original Issue Date</u>	<u>Issuing Authority</u>	<u>Disciplinary Action/Date</u>

25. A. Have you, or businesses of which you have been and owner, officer, or employee, held any contractual or other direct dealings during the last four (4) years with any state or local governmental agency in Florida, including the office or agency to which you have been appointed or are seeking appointment? Yes  No  If "Yes", explain:

<u>Name of Business</u>	<u>Your Relationship to Business</u>	<u>Business' Relationship to Agency</u>



B. Have members of your immediate family (spouse, child, parents(s), siblings(s)), or businesses of which members of your immediate family have been owners, officers, or employees, held any contractual or other direct dealings during the last four (4) years with any state or local governmental agency in Florida, including the office or agency to which you have been appointed or are seeking appointment? Yes  No  If "Yes", explain:

<u>Name of Business</u>	<u>Family Member's Relationship to You</u>	<u>Family Member's Relationship to Business</u>	<u>Business' Relationship to Agency</u>
A. Duda + Sons Inc and its subsidiary Companies	Husband / Daughters	Owners / Employers	① Routine Permitting issues with DEP / water mgmt districts + DCM / DEO
	②	Bd of Trustees Internal Employment Fund - Lessee of state owned land	

26. Have you ever been a registered lobbyist or have you lobbied at any level of government at any time during the past five (5) years? Yes  No

A. Did you receive any compensation other than reimbursement for expenses? Yes  No

B. Name of agency or entity you lobbied and the principal(s) you represented:

<u>Agency Lobbied</u>	<u>Principal Represented</u>

27. List three persons who have known you well within the past five (5) years. Include a current, complete address and telephone number. Exclude your relatives and members of the Florida Senate.

<u>Name</u>	<u>Mailing Address</u>	<u>Zip Code</u>	<u>Area Code/Phone Number</u>
Palmer B Weeks			
Pastor Wally Arp			
Brenda Casey			

28. Name any business, professional, occupational, civic, or fraternal organizations(s) of which you are now a member, or of which you have been a member during the past five (5) years, the organization address(es), and date(s) of your membership(s).

<u>Name</u>	<u>Mailing Address</u>	<u>Office(s) Held &amp; Term</u>	<u>Date(s) of Membership</u>
None			

29. Do you know of any reason why you will not be able to attend fully to the duties of the office or position to which you have been or will be appointed? Yes  No  If "Yes", explain:

30. If required by law or administrative rule, will you file financial disclosure statements? Yes  No

CERTIFICATION

STATE OF FLORIDA  
COUNTY OF Ala

Before me, the undersigned Notary Public of Florida, personally appeared  
EMILY F. DUDA

who, after being duly sworn, say: (1) that he<sup>(she)</sup> has carefully and personally prepared or read the answers to the foregoing questions; (2) that the information contained in said answers is complete and true; and (3) that he<sup>(she)</sup> will, as an appointee, fully support the Constitutions of the United States and of the State of Florida.

Emily F. Duda  
Signature of Applicant-Affiant

RECEIVED  
DEPARTMENT OF STATE  
2013 JUL 29 AM 10:54  
DIVISION OF ELECTIONS

Sworn to and subscribed before me this 22 day of July, 2013.

Richard L. Hanas  
Signature of Notary Public-State of Florida

RICHARD L. HANAS  
Notary Public, State of Florida  
Commission Expires Nov. 16, 2016  
Commission No. EE 839870

RICHARD L. HANAS  
(Print, Type, or Stamp Commissioned Name of Notary Public)

My commission expires: Nov 16, 2016

Personally Known  OR Produced Identification

Type of Identification Produced \_\_\_\_\_

(seal)

3020

**STATE OF FLORIDA  
DEPARTMENT OF STATE  
Division of Elections**

I, Ken Detzner, Secretary of State,  
do hereby certify that

*Christian M. Spilker*

is duly appointed a member of the

**Board of Trustees,  
Florida Gulf Coast University**

for a term beginning on the  
Thirty-First day of May, A.D., 2013,  
until the Sixth day of January, A.D., 2015  
and is subject to be confirmed by the Senate  
during the next regular session of the Legislature.

*Given under my hand and the Great Seal of the  
State of Florida, at Tallahassee, the Capital, this  
the First day of July, A.D., 2013.*



Secretary of State



If photocopied or chemically altered, the word "VOID" will appear

State of Florida" appears in small letters across the face of this 8 1/2 x 11" document.

# OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

STATE OF FLORIDA

County of Collier

2013 JUN 28 AM 9:51  
DIVISION OF ELECTIONS  
TALLAHASSEE, FL

I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

Trustee, Florida Gulf Coast University

(Title of Office)

on which I am now about to enter, so help me God.

[NOTE: If you affirm, you may omit the words "so help me God." See § 92.52, Fla. Stat.]

[Signature]  
Signature

Sworn to and subscribed before me this 26<sup>th</sup> day of June, 2013.

Deborah A. Brown  
Signature of Officer Administering Oath or of Notary Public

DEBORAH A. BROWN  
Print, Type, or Stamp Commissioned Name of Notary Public



Personally Known  OR Produced Identification

Type of Identification Produced. \_\_\_\_\_

## ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address:  Home  Office

2550 Goodlette Rd N., #100

Street or Post Office Box

Naples, FL 34103

City, State, Zip Code

Christian M. Spilker

Print name as you desire commission issued

[Signature]  
Signature



**RICK SCOTT**  
GOVERNOR

2013 JUN -4 AM 9:43  
DIVISION OF OPERATIONS  
TALLAHASSEE, FL

May 31, 2013

The Honorable Kenneth W. Detzner  
Secretary of State  
State of Florida  
R. A. Gray Building, Room 316  
500 South Bronough Street  
Tallahassee, Florida 32399-0250

Dear Secretary Detzner:

Please be advised I have made the following appointment under the provisions of Section 1001.71, Florida Statutes:

Mr. Christian M. Spilker  
4035 Third Avenue Southwest  
Naples, Florida 34119

as a member of the Florida Gulf Coast University Board of Trustees, succeeding Edward Morton, subject to confirmation by the Senate. This appointment is effective May 31, 2013, for a term ending January 6, 2015.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Scott".

Rick Scott  
Governor

RS/kb

104666 ✓

# QUESTIONNAIRE FOR SENATE CONFIRMATION

The information from this questionnaire will be used by the Florida Senate in considering action on your confirmation. The questionnaire MUST BE COMPLETED IN FULL. Answer "none" or "not applicable" where appropriate. Please type or print in blue or black ink.

6/26/13

Date Completed

1. Name: Mr. Spilker Christian Michael  
 Mr./Mrs./Ms. Last First Middle/Maiden

2. Business Address: 2250 Goodlette Rd N., #100 Naples  
 Street Office # City  
FL 34103 (239)261-4455  
 Post Office Box State Zip Code Area Code/Phone Number

3. Residence Address: 4035 3rd Ave SW Naples Collier  
 Street City County  
FL 34119 (239)304-5266  
 Post Office Box State Zip Code Area Code/Phone Number

Specify the preferred mailing address: Business  Residence  Fax # \_\_\_\_\_ (optional)

4. A. List all your places of residence for the last five (5) years.

Address	City & State	From	To
2260 16th St NE	Naples, FL	4/2000	6/2009
4035 3rd Ave SW	Naples, FL	6/2009	Present

B. List all your former and current residences outside of Florida that you have maintained at any time during adulthood.

Address	City & State	From	To
4318 Ave O	Galveston, TX	7/1995	4/2000

5. Date of Birth: 6/23/72 Place of Birth: Minot, ND

6. Social Security Number: \_\_\_\_\_

7. Driver License Number: \_\_\_\_\_ Issuing State: FL

8. Have you ever used or been known by any other legal name? Yes  No  If "Yes" Explain

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

RECEIVED STATE DEPARTMENT OF STATE  
 2013 JUN 28 AM 9:51  
 DIVISION OF ELECTIONS  
 TALLAHASSEE, FL

9. Are you a United States citizen? Yes  No  If "No" explain:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If you are a naturalized citizen, date of naturalization: \_\_\_\_\_

10. Since what year have you been a continuous resident of Florida? 2000

11. Are you a registered Florida voter? Yes  No  If "Yes" list:  
A. County of Registration: Collier B. Current Party Affiliation: Dem

12. Education  
A. High School: Springfield Catholic Central Year Graduated: 1990  
(Name and Location)

B. List all postsecondary educational institutions attended:

<u>Name &amp; Location</u>	<u>Dates Attended</u>	<u>Certificates/Degrees Received</u>
Texas A&M University	1991-1995	B.S. Marine Biology/Marine Fisheries
University of Houston	1997-1999	M.S. Environmental Science

13. Are you or have you ever been a member of the armed forces of the United States? Yes  No  If "Yes" list:  
A. Dates of Service: \_\_\_\_\_  
B. Branch or Component: \_\_\_\_\_  
C. Date & type of discharge: \_\_\_\_\_

14. Have you ever been arrested, charged, or indicted for violation of any federal, state, county, or municipal law, regulation, or ordinance? (Exclude traffic violations for which a fine or civil penalty of \$150 or less was paid.) Yes  No  If "Yes" give details:

<u>Date</u>	<u>Place</u>	<u>Nature</u>	<u>Disposition</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

15. Concerning your current employer and for all of your employment during the last five years, list your employer's name, business address, type of business, occupation or job title, and period(s) of employment.

<u>Employer's Name &amp; Address</u>	<u>Type of Business</u>	<u>Occupation/Job Title</u>	<u>Period of Employment</u>
Collier Enterprises	Real Estate	V.P. Land Management	2005-Present

16. Have you ever been employed by any state, district, or local governmental agency in Florida? Yes  No  If "Yes", identify the position(s), the name(s) of the employing agency, and the period(s) of employment:

<u>Position</u>	<u>Employing Agency</u>	<u>Period of Employment</u>
Board Member	Town of Big Cypress Special District	2007-2008

17. A. State your experiences and interests or elements of your personal history that qualify you for this appointment.

Upon graduating from college I took a job as a researcher in an electrophysiology laboratory at a medical school. As such I published three peer reviewed journal articles and a book chapter which gave me a great deal of insight into the inner workings and politics of the University system. As an employer I am growing concerned with the lack of qualified candidates in the science and technology fields.

B. Have you received any degree(s), professional certification(s), or designations(s) related to the subject matter of this appointment? Yes  No  If "Yes", list:

C. Have you received any awards or recognitions relating to the subject matter of this appointment? Yes  No  If "Yes", list:

D. Identify all association memberships and association offices held by you that relate to this appointment:

Leadership Collier graduate

Friends of Foster Children board

18. Do you currently hold an office or position (appointive, civil service, or other) with the federal or any foreign government? Yes  No  If "Yes", list:

19. A. Have you ever been elected or appointed to any public office in this state? Yes  No  If "Yes", state the office title, date of election or appointment, term of office, and level of government (city, county, district, state, federal):

Office Title

Date of Election or Appointment

Term of Office

Level of Government



B. If your service was on an appointed board(s), committee(s), or council(s):

(1) How frequently were meetings scheduled: \_\_\_\_\_

(2) If you missed any of the regularly scheduled meetings, state the number of meetings you attended, the number you missed, and the reasons(s) for your absence(s).

<u>Meetings Attended</u>	<u>Meetings Missed</u>	<u>Reason for Absence</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

20. Has probable cause ever been found that you were in violation of Part III, Chapter 112, F.S., the Code of Ethics for Public Officers and Employees? Yes  No  If "Yes", give details:

<u>Date</u>	<u>Nature of Violation</u>	<u>Disposition</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

21. Have you ever been suspended from any office by the Governor of the State of Florida? Yes  No  If "Yes", list:

A. Title of office: \_\_\_\_\_ C. Reason for suspension: \_\_\_\_\_

B. Date of suspension: \_\_\_\_\_ D. Result: Reinstated  Removed  Resigned

22. Have you previously been appointed to any office that required confirmation by the Florida Senate? Yes  No  If "Yes", list:

A. Title of Office: \_\_\_\_\_

B. Term of Appointment: \_\_\_\_\_

C. Confirmation results: \_\_\_\_\_

23. Have you ever been refused a fidelity, surety, performance, or other bond? Yes  No  If "Yes", explain:

\_\_\_\_\_

\_\_\_\_\_

24. Have you held or do you hold an occupational or professional license or certificate in the State of Florida? Yes  No  If "Yes", provide the title and number, original issue date, and issuing authority. If any disciplinary action (fine, probation, suspension, revocation, disbarment) has ever been taken against you by the issuing authority, state the type and date of the action taken:

<u>License/Certificate Title &amp; Number</u>	<u>Original Issue Date</u>	<u>Issuing Authority</u>	<u>Disciplinary Action/Date</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

25. A. Have you, or businesses of which you have been and owner, officer, or employee, held any contractual or other direct dealings during the last four (4) years with any state or local governmental agency in Florida, including the office or agency to which you have been appointed or are seeking appointment? Yes  No  If "Yes", explain:

<u>Name of Business</u>	<u>Your Relationship to Business</u>	<u>Business' Relationship to Agency</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

B. Have members of your immediate family (spouse, child, parents(s), siblings(s)), or businesses of which members of your immediate family have been owners, officers, or employees, held any contractual or other direct dealings during the last four (4) years with any state or local governmental agency in Florida, including the office or agency to which you have been appointed or are seeking appointment? Yes  No  If "Yes", explain:

<u>Name of Business</u>	<u>Family Member's Relationship to You</u>	<u>Family Member's Relationship to Business</u>	<u>Business' Relationship to Agency</u>

26. Have you ever been a registered lobbyist or have you lobbied at any level of government at any time during the past five (5) years? Yes  No

A. Did you receive any compensation other than reimbursement for expenses? Yes  No

B. Name of agency or entity you lobbied and the principal(s) you represented:

<u>Agency Lobbied</u>	<u>Principal Represented</u>
Collier County Commission	Collier Enterprises

27. List three persons who have known you well within the past five (5) years. Include a current, complete address and telephone number. Exclude your relatives and members of the Florida Senate.

<u>Name</u>	<u>Mailing Address</u>	<u>Zip Code</u>	<u>Area Code/Phone Number</u>
Liesa Priddy			
Blake Gable			
Tom Flood			

28. Name any business, professional, occupational, civic, or fraternal organizations(s) of which you are now a member, or of which you have been a member during the past five (5) years, the organization address(es), and date(s) of your membership(s).

<u>Name</u>	<u>Mailing Address</u>	<u>Office(s) Held &amp; Term</u>	<u>Date(s) of Membership</u>
Friends of Foster Children		Board member	2009-present
Corkscrew Swamp Sanctuary		Board Member	2012-present
IFAS- Collier County		Advisory Committee Member	2012-present
Boys Scouts of America		Committee Member 2012	2010-present
Rookery Bay Reserve		Vice-Chair 3 years	2006-2011

29. Do you know of any reason why you will not be able to attend fully to the duties of the office or position to which you have been or will be appointed? Yes  No  If "Yes", explain:

30. If required by law or administrative rule, will you file financial disclosure statements? Yes  No

**MEMORANDUM**

**AS A GENERAL MATTER, APPLICATIONS FOR ALL POSITIONS WITHIN STATE GOVERNMENT ARE PUBLIC RECORDS WHICH MAY BE VIEWED BY ANYONE UPON REQUEST. HOWEVER, THERE ARE SOME EXEMPTIONS FROM THE PUBLIC RECORDS LAW FOR IDENTIFYING INFORMATION RELATING TO PAST AND PRESENT LAW ENFORCEMENT OFFICERS AND THEIR FAMILIES, VICTIMS OF CERTAIN CRIMES, ETC. IF YOU BELIEVE AN EXEMPTION FROM THE PUBLIC RECORDS LAW APPLIES TO YOUR SUBMISSION, PLEASE CHECK THIS BOX.**

Yes, I assert that identifying information provided in this application should be excluded from inspection under the Public Records Law.

Because: (please provide cite.) \_\_\_\_\_

**IF YOU NEED ADDITIONAL GUIDANCE AS TO THE APPLICABILITY OF ANY PUBLIC RECORDS LAW EXEMPTION TO YOUR SITUATION, PLEASE CONTACT THE OFFICE OF THE ATTORNEY GENERAL.**

The Office of the Attorney General  
PL-01, The Capitol  
Tallahassee, Florida 32399  
(850) 245-0150

CERTIFICATION

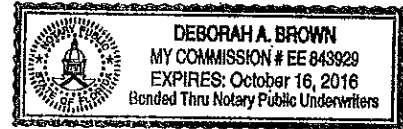
STATE OF FLORIDA  
COUNTY OF Collier

Before me, the undersigned Notary Public of Florida, personally appeared Christian Michael Spilker, who, after being duly sworn, say: (1) that he/she has carefully and personally prepared or read the answers to the foregoing questions; (2) that the information contained in said answers is complete and true; and (3) that he/she will, as an appointee, fully support the Constitutions of the United States and of the State of Florida.

[Signature]  
Signature of Applicant-Affiant

Sworn to and subscribed before me this 22nd day of January, 2014.

[Signature]  
Signature of Notary Public-State of Florida



Deborah A. Brown  
(Print, Type, or Stamp Commissioned Name of Notary Public)

My commission expires: October 16, 2016

Personally Known  OR Produced Identification

Type of Identification Produced \_\_\_\_\_

(seal)

3035

STATE OF FLORIDA  
DEPARTMENT OF STATE  
Division of Elections

I, Ken Detzner, Secretary of State,  
do hereby certify that

*James W. Heavener*

is duly appointed a member of the

**Board of Trustees,  
University of Florida**

for a term beginning on the  
Nineteenth day of June, A.D., 2013,  
until the Sixth day of January, A.D., 2016  
and is subject to be confirmed by the Senate  
during the next regular session of the Legislature.

*Given under my hand and the Great Seal of the  
State of Florida, at Tallahassee, the Capital, this  
the Fourteenth day of August, A.D., 2013.*



*Ken Detzner*

Secretary of State

If photocopied or chemically altered, the word "VOID" will appear.

State of Florida appears in small letters across the face of this 8 1/2 x 11" document.

50730

# OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

STATE OF FLORIDA

County of Orange

2013 AUG -5  
NOTARY PUBLIC  
STATE OF FLORIDA

I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

Board of Trustees, University of Florida

(Title of Office)

on which I am now about to enter, so help me God.

[NOTE: If you affirm, you may omit the words "so help me God." See § 92.52, Fla. Stat.]

[Signature]  
Signature

Sworn to and subscribed before me this 24<sup>th</sup> day of July, 2013.

[Signature]  
Signature of Officer Administering Oath or of Notary Public

HELEN K. DICKEY  
Commission # DD 990100  
Expires September 9, 2014  
Bonded thru Tomy Fan Insurance 800-365-7010

Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known  OR Produced Identification

Type of Identification Produced \_\_\_\_\_

## ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address:  Home  Office

3300 University Blvd., Suite 218  
Street or Post Office Box

Winter Park, FL 32792  
City, State, Zip Code

James W. Heavener

Print name as you desire commission issued

[Signature]  
Signature



**RIK SCOTT**  
GOVERNOR

RECEIVED  
DEPARTMENT OF STATE  
2013 JUN 21 PM 4:19  
DIVISION OF LEGISLATIONS  
TALLAHASSEE, FL

June 19, 2013

The Honorable Kenneth W. Detzner  
Secretary of State  
State of Florida  
R. A. Gray Building, Room 316  
500 South Bronough Street  
Tallahassee, Florida 32399-0250

Dear Secretary Detzner:

Please be advised I have made the following appointment under the provisions of Section 1001.71, Florida Statutes:

Mr. James W. Heavener  
731 Pine Tree Road  
Winter Park, Florida 32789

as a member of the University of Florida Board of Trustees, succeeding Alan Levine, subject to confirmation by the Senate. This appointment is effective June 19, 2013, for a term ending January 6, 2016.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Scott".

Rick Scott  
Governor

RS/kb

105073

# QUESTIONNAIRE FOR SENATE CONFIRMATION

The information from this questionnaire will be used by the Florida Senate in considering action on your confirmation. The questionnaire **MUST BE COMPLETED IN FULL**. Answer "none" or "not applicable" where appropriate. Please type or print in blue or black ink.

8/7/2013

Date Completed

1. Name: Mr. Heavener James William

Mr./Mrs./Ms. Last First Middle/Maiden

2. Business Address: 3300 University Blvd., Suite 218

Winter Park

Street Office # City

FL 32792 407-571-3900

Post Office Box State Zip Code Area Code/Phone Number

3. Residence Address: 731 Pine Tree Road

Winter Park

Orange

Street City County

FL 32789 N/A

Post Office Box State Zip Code Area Code/Phone Number

Specify the preferred mailing address: Business  Residence  Fax # \_\_\_\_\_ (optional)

4. A. List all your places of residence for the last five (5) years.

Address	City & State	From	To
<u>731 Pine Tree Rd.</u>	<u>Winter Park, FL</u>	<u>09/01/1979</u>	<u>present</u>

B. List all your former and current residences outside of Florida that you have maintained at any time during adulthood.

Address	City & State	From	To
<u>N/A</u>			

5. Date of Birth: 3/30/1948 Place of Birth: Jacksonville, FL

6. Social Security Number: \_\_\_\_\_

7. Driver License Number: \_\_\_\_\_ Issuing State: FL

8. Have you ever used or been known by any other legal name? Yes  No  If "Yes" Explain

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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ELECTIONS



9. Are you a United States citizen? Yes  No  If "No" explain:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If you are a naturalized citizen, date of naturalization: N/A

10. Since what year have you been a continuous resident of Florida? 1948

11. Are you a registered Florida voter? Yes  No  If "Yes" list:

A. County of Registration: Orange B. Current Party Affiliation: Republican

12. Education

A. High School: Terry Parker High School Year Graduated: 1966  
(Name and Location)

B. List all postsecondary educational institutions attended:

<u>Name &amp; Location</u>	<u>Dates Attended</u>	<u>Certificates/Degrees Received</u>
<u>Jacksonville University, Jacksonville, FL</u>	<u>9/1966 - 5/1967</u>	<u>Associates Degree</u>
<u>University of Florida, Gainesville, FL</u>	<u>9/1968 - 5/1970</u>	<u>Bachelor of Science</u> <u>in Business Administration</u>
<u>Harvard School of Business New York, NY</u>	<u>5/1984 - 5/1986</u>	<u>Owner/Mgmt Program</u>

13. Are you or have you ever been a member of the armed forces of the United States? Yes  No  If "Yes" list:

A. Dates of Service: N/A  
B. Branch or Component: N/A  
C. Date & type of discharge: N/A

14. Have you ever been arrested, charged, or indicted for violation of any federal, state, county, or municipal law, regulation, or ordinance? (Exclude traffic violations for which a fine or civil penalty of \$150 or less was paid.) Yes  No  If "Yes" give details:

<u>Date</u>	<u>Place</u>	<u>Nature</u>	<u>Disposition</u>
<u>N/A</u>			
_____	_____	_____	_____
_____	_____	_____	_____

15. Concerning your current employer and for all of your employment during the last five years, list your employer's name, business address, type of business, occupation or job title, and period(s) of employment.

<u>Employer's Name &amp; Address</u>	<u>Type of Business</u>	<u>Occupation/Job Title</u>	<u>Period of Employment</u>
<u>Full Sail University</u> <u>3300 University Blvd., Suite 218 Winter Park, FL 32792</u>	<u>School</u>	<u>CEO/Co-Chairman</u>	<u>4/1992 - present</u>
<u>Heavener Company</u> <u>3300 University Blvd., Suite 218 Winter Park, FL 32792</u>	<u>Investment</u>	<u>CEO/President</u>	<u>1/1976 - present</u>

16. Have you ever been employed by any state, district, or local governmental agency in Florida? Yes  No  If "Yes", identify the position(s), the name(s) of the employing agency, and the period(s) of employment:

<u>Position</u>	<u>Employing Agency</u>	<u>Period of Employment</u>
<u>N/A</u>		
_____	_____	_____
_____	_____	_____

17. A. State your experiences and interests or elements of your personal history that qualify you for this appointment.

As a University of Florida Graduate, and long time supporter of the school through  
various organizations, I am excited to become a part of the Board of Trustees.  
I feel my daily responsibilities as the CEO/Co-Chairman of a Private University  
will be a great asset to the Board of Trustees at my alma mater - University of Florida.  
Hoping to bring it to the top of its class in the Nation.

B. Have you received any degree(s), professional certification(s), or designations(s) related to the subject matter of this appointment? Yes  No  If "Yes", list:

University of Florida, Bachelor of Science in Business Administration

C. Have you received any awards or recognitions relating to the subject matter of this appointment? Yes  No  If "Yes", list:

Distinguished Alumni Award, University of Florida

D. Identify all association memberships and association offices held by you that relate to this appointment:

University of Florida Gator Boosters, Past President

University of Florida Alumni Association, Board Member

University of Florida Warrington College of Business, Advisory Council

University of Florida Foundation, Board Member

Enterprise Florida, Board Member

University Athletic Association, Inc., Board Member

18. Do you currently hold an office or position (appointive, civil service, or other) with the federal or any foreign government? Yes  No  If "Yes", list:

N/A

19. A. Have you ever been elected or appointed to any public office in this state? Yes  No  If "Yes", state the office title, date of election or appointment, term of office, and level of government (city, county, district, state, federal):

<u>Office Title</u>	<u>Date of Election or Appointment</u>	<u>Term of Office</u>	<u>Level of Government</u>
<u>Finance Committee, Jeb Bush</u>	<u>not sure</u>	<u>1998 - 2000</u>	<u>State</u>
<u>Florida Housing Finance Authority</u>	<u>not sure</u>	<u>1987 - 1991</u>	<u>State</u>

B. If your service was on an appointed board(s), committee(s), or council(s):

(1) How frequently were meetings scheduled: Quarterly

(2) If you missed any of the regularly scheduled meetings, state the number of meetings you attended, the number you missed, and the reasons(s) for your absence(s).

<u>Meetings Attended</u>	<u>Meetings Missed</u>	<u>Reason for Absence</u>
<u>Majority</u>	<u>1 - 2</u>	<u>Work Travel</u>

20. Has probable cause ever been found that you were in violation of Part III, Chapter 112, F.S., the Code of Ethics for Public Officers and Employees? Yes  No  If "Yes", give details:

<u>Date</u>	<u>Nature of Violation</u>	<u>Disposition</u>
<u>N/A</u>		

21. Have you ever been suspended from any office by the Governor of the State of Florida? Yes  No  If "Yes", list:

A. Title of office: \_\_\_\_\_ C. Reason for suspension: \_\_\_\_\_

B. Date of suspension: \_\_\_\_\_ D. Result: Reinstated  Removed  Resigned

22. Have you previously been appointed to any office that required confirmation by the Florida Senate? Yes  No  If "Yes", list:

A. Title of Office: Finance Committee, Jeb Bush & Florida Housing Finance Authority

B. Term of Appointment: 1998 - 2000 & 1987 - 1991

C. Confirmation results: Both Confirmed

23. Have you ever been refused a fidelity, surety, performance, or other bond? Yes  No  If "Yes", explain:

24. Have you held or do you hold an occupational or professional license or certificate in the State of Florida? Yes  No  If "Yes", provide the title and number, original issue date, and issuing authority. If any disciplinary action (fine, probation, suspension, revocation, disbarment) has ever been taken against you by the issuing authority, state the type and date of the action taken:

<u>License/Certificate Title &amp; Number</u>	<u>Original Issue Date</u>	<u>Issuing Authority</u>	<u>Disciplinary Action/Date</u>
<u>Real Estate Broker License, BK30000641</u>	<u>9/1/1976</u>	<u>State of Florida</u>	<u>None</u>

25. A. Have you, or businesses of which you have been and owner, officer, or employee, held any contractual or other direct dealings during the last four (4) years with any state or local governmental agency in Florida, including the office or agency to which you have been appointed or are seeking appointment? Yes  No  If "Yes", explain:

<u>Name of Business</u>	<u>Your Relationship to Business</u>	<u>Business' Relationship to Agency</u>
<u>N/A</u>		

B. Have members of your immediate family (spouse, child, parents(s), siblings(s)), or businesses of which members of your immediate family have been owners, officers, or employees, held any contractual or other direct dealings during the last four (4) years with any state or local governmental agency in Florida, including the office or agency to which you have been appointed or are seeking appointment? Yes  No  If "Yes", explain:

<u>Name of Business</u>	<u>Family Member's Relationship to You</u>	<u>Family Member's Relationship to Business</u>	<u>Business' Relationship to Agency</u>

26. Have you ever been a registered lobbyist or have you lobbied at any level of government at any time during the past five (5) years? Yes  No

A. Did you receive any compensation other than reimbursement for expenses? Yes  No

B. Name of agency or entity you lobbied and the principal(s) you represented:

<u>Agency Lobbied</u>	<u>Principal Represented</u>
N/A	

27. List three persons who have known you well within the past five (5) years. Include a current, complete address and telephone number. Exclude your relatives and members of the Florida Senate.

<u>Name</u>	<u>Mailing Address</u>	<u>Zip Code</u>	<u>Area Code/Phone Number</u>
Ander Crenshaw			
Jim Heekin			
Bob Tebow			

28. Name any business, professional, occupational, civic, or fraternal organizations(s) of which you are now a member, or of which you have been a member during the past five (5) years, the organization address(es), and date(s) of your membership(s).

<u>Name</u>	<u>Mailing Address</u>	<u>Office(s) Held &amp; Term</u>	<u>Date(s) of Membership</u>
UF Gator Boosters,	PO Box 13796 Gainesville, FL	Past President	4/2005-present
UF Alumni Assoc.,	PO Box 14425 Gainesville, FL	Board Member	4/2005-present
UF Warrington College of Business,	100 Bryan Hall Gainesville, FL	Advisory Council	4/10-present
UF Foundation,	1938 W. University Ave. Gainesville, FL	Board Member	2/2010-present
Enterprise Florida,	325 Knox Rd. Tallahassee, FL	Board Member	1/2012 - present

29. Do you know of any reason why you will not be able to attend fully to the duties of the office or position to which you have been or will be appointed? Yes  No  If "Yes", explain:

N/A

30. If required by law or administrative rule, will you file financial disclosure statements? Yes  No

CERTIFICATION

STATE OF FLORIDA

COUNTY OF Orange

Before me, the undersigned Notary Public of Florida, personally appeared

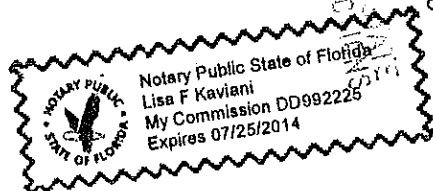
James W. Heaveney

who, after being duly sworn, say: (1) that he/she has carefully and personally prepared or read the answers to the foregoing questions; (2) that the information contained in said answers is complete and true; and (3) that he/she will, as an appointee, fully support the Constitutions of the United States and of the State of Florida.

[Signature]  
Signature of Applicant-Affiant

Sworn to and subscribed before me this 7<sup>th</sup> day of August, 2013

[Signature]  
Signature of Notary Public-State of Florida



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Lisa Kaviani  
(Print, Type, or Stamp Commissioned Name of Notary Public)

My commission expires: 7/25/2014

Personally Known  OR Produced Identification

Type of Identification Produced n/a

(seal)

3035

**STATE OF FLORIDA  
DEPARTMENT OF STATE  
Division of Elections**

I, Ken Detzner, Secretary of State,  
do hereby certify that

*Jason J. Rosenberg*

is duly appointed a member of the

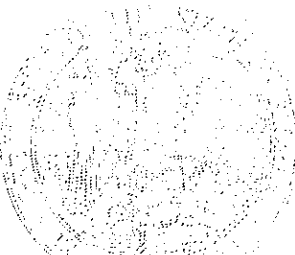
**Board of Trustees,  
University of Florida**

for a term beginning on the  
Nineteenth day of June, A.D., 2013,  
until the Sixth day of January, A.D., 2016  
and is subject to be confirmed by the Senate  
during the next regular session of the Legislature.

*Given under my hand and the Great Seal of the  
State of Florida, at Tallahassee, the Capital, this  
the Third day of October, A.D., 2013.*



Secretary of State



DSDE 99 (3/03)

The original document has a reflective line mark in paper. Hold at an angle to view when checking.

If photocopied or chemically altered, the word "VOID" will appear

State of Florida" appears in small letters across the face of this 8 1/2 x 11" document

# OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

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STATE OF FLORIDA

County of ALACHUA

I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

UNIVERSITY OF FLORIDA BOARD OF TRUSTEES  
(Title of Office)

on which I am now about to enter, so help me God.

[NOTE: If you affirm, you may omit the words "so help me God." See § 92.52, Fla. Stat.]

Jason J Rosenberg  
Signature

Sworn to and subscribed before me this 21 day of August, 2013

Cheryl Ann Carver  
Signature of Officer Administering Oath or of Notary Public

Cheryl Ann Carver  
Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known  OR Produced Identification

Type of Identification Produced \_\_\_\_\_



## ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address: ~~Home~~  Office

4500 NEWBERRY ROAD  
Street or Post Office Box

GAINESVILLE FL 32607  
City, State, Zip Code

JASON J. ROSENBERG

Print name as you desire commission issued

Jason J Rosenberg  
Signature



**RICK SCOTT**  
GOVERNOR

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TALLAHASSEE, FL

June 19, 2013

The Honorable Kenneth W. Detzner  
Secretary of State  
State of Florida  
R. A. Gray Building, Room 316  
500 South Bronough Street  
Tallahassee, Florida 32399-0250

Dear Secretary Detzner:

Please be advised I have made the following appointment under the provisions of Section 1001.71, Florida Statutes:

Dr. Jason J. Rosenberg  
16008 Northwest 78th Avenue  
Gainesville, Florida 32615

as a member of the University of Florida Board of Trustees, succeeding William Heekin, subject to confirmation by the Senate. This appointment is effective June 19, 2013, for a term ending January 6, 2016.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Scott".

Rick Scott  
Governor

RS/kb



105674

### QUESTIONNAIRE FOR SENATE CONFIRMATION

The information from this questionnaire will be used by the Florida Senate in considering action on your confirmation. The questionnaire **MUST BE COMPLETED IN FULL**. Answer "none" or "not applicable" where appropriate. Please type or print in blue or black ink.

9/30/13  
Date Completed

1. Name: Rosenberg Last Jason First Joseph Middle/Maiden

2. Business Address: 4500 Newberry Road Street Gainesville City  
FL State 32607 Office # Zip Code 352 336-6037 Area Code/Phone Number

3. Residence Address: 16008 NW 78th Avenue Street Atachua City Atachua County  
FL State 32615 Zip Code 352 262-2559 Area Code/Phone Number

Specify the preferred mailing address: Business  Residence  Fax # 352 336-6039 (optional)

4. A. List all your places of residence for the last five (5) years.

Address	City & State	From	To
<u>16008 NW 78th Avenue</u>	<u>Atachua FL</u>	<u>32615</u>	<u>2005 - current</u>

B. List all your former and current residences outside of Florida that you have maintained at any time during adulthood.

Address	City & State	From	To
<u>2115 NW 7th Lane</u>	<u>Gainesville FL</u>	<u>2003</u>	<u>2005</u>
<u>2222 Maroneal St.</u>	<u>Houston TX</u>	<u>2002</u>	<u>2003</u>
<u>1208 NW 52nd Terr</u>	<u>Gainesville FL</u>	<u>1995</u>	<u>2002</u>

5. Date of Birth: 11/1/68 Place of Birth: Oyster Bay, NY

6. Social Security Number: \_\_\_\_\_

7. Driver License Number: \_\_\_\_\_ Issuing State: Florida

8. Have you ever used or been known by any other legal name? Yes  No  If "Yes" Explain

NA

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TALLAHASSEE, FL

9. Are you a United States citizen? Yes  No  If "No" explain:

NA



If you are a naturalized citizen, date of naturalization: \_\_\_\_\_

10. Since what year have you been a continuous resident of Florida? 2003

11. Are you a registered Florida voter? Yes  No  If "Yes" list:

A. County of Registration: Alachua

B. Current Party Affiliation: Republican

12. Education

A. High School: Lear H.S. Miami FL  
(Name and Location)

Year Graduated: 1986

B. List all postsecondary educational institutions attended:

Name & Location	Dates Attended	Certificates/Degrees Received
<u>University of Florida</u>	<u>1986-1990</u>	<u>B.S.</u>
<u>University of Florida</u>	<u>1990-1995</u>	<u>M.S., MD</u>

13. Are you or have you ever been a member of the armed forces of the United States? Yes  No  If "Yes" list:

A. Dates of Service: 1995 - 2013

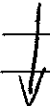
B. Branch or Component: USAF Medical Corps

C. Date & type of discharge: honorable 11/1/13

14. Have you ever been arrested, charged, or indicted for violation of any federal, state, county, or municipal law, regulation, or ordinance? (Exclude traffic violations for which a fine or civil penalty of \$150 or less was paid.) Yes  No  If "Yes" give details:

Date	Place	Nature	Disposition
<u>NA</u>			

NA



15. Concerning your current employer and for all of your employment during the last five years, list your employer's name, business address, type of business, occupation or job title, and period(s) of employment.

Employer's Name & Address	Type of Business	Occupation/Job Title	Period of Employment
<u>The Orthopaedic Institute</u>	<u>Medical</u>	<u>Surgeon</u>	<u>2005 - Current</u>

16. Have you ever been employed by any state, district, or local governmental agency in Florida? Yes  No  If "Yes", identify the position(s), the name(s) of the employing agency, and the period(s) of employment:

Position	Employing Agency	Period of Employment
<u>Asst. Professor of Surgery</u>	<u>UF</u>	<u>2003-2005</u>

17. A. State your experiences and interests or elements of your personal history that qualify you for this appointment.

See Attached

B. Have you received any degree(s), professional certification(s), or designations(s) related to the subject matter of this appointment? Yes  No  If "Yes", list:

See above

C. Have you received any awards or recognitions relating to the subject matter of this appointment? Yes  No  If "Yes", list:

NA

D. Identify all association memberships and association offices held by you that relate to this appointment:

President, University of Florida National Alumni Assoc.  
President, University of Florida College of Medicine Alumni Assoc.  
Student Member, State of Florida Board of Regents

18. Do you currently hold an office or position (appointive, civil service, or other) with the federal or any foreign government? Yes  No  If "Yes", list:

19. A. Have you ever been elected or appointed to any public office in this state? Yes  No  If "Yes", state the office title, date of election or appointment, term of office, and level of government (city, county, district, state, federal):

Office Title	Date of Election or Appointment	Term of Office	Level of Government
Member, Florida Board of Regents	1994-1995		State
Member, Florida Board of Medicine	2008-2013		State

17A. I have been involved with the University of Florida since coming to UF as a student in 1986. I was very involved in undergraduate activities throughout my undergraduate and medical school career. As a senior in medical school, I was appointed by the governor to serve as a student member of the State's Board of Regents. I have been active as an alumnus of the University of Florida serving as the President of the UF College of Medicine Alumni Association and most recently as the National President of the University of Florida's Alumni Association. I have been active and engaged in helping the University to achieve its priorities and hope to continue to do so in this new role.

B. If your service was on an appointed board(s), committee(s), or council(s):

(1) How frequently were meetings scheduled: Every other month

(2) If you missed any of the regularly scheduled meetings, state the number of meetings you attended, the number you missed, and the reasons(s) for your absence(s).

<u>Meetings Attended</u>	<u>Meetings Missed</u>	<u>Reason for Absence</u>
<u>No unexcused absences</u>		

20. Has probable cause ever been found that you were in violation of Part III, Chapter 112, F.S., the Code of Ethics for Public Officers and Employees? Yes  No  If "Yes", give details:

<u>Date</u>	<u>Nature of Violation</u>	<u>Disposition</u>
<u>NA</u>		

21. Have you ever been suspended from any office by the Governor of the State of Florida? Yes  No  If "Yes", list:

A. Title of office: \_\_\_\_\_ C. Reason for suspension: \_\_\_\_\_  
B. Date of suspension: \_\_\_\_\_ D. Result: Reinstated  Removed  Resigned

22. Have you previously been appointed to any office that required confirmation by the Florida Senate? Yes  No  If "Yes", list:

A. Title of Office: Member, Florida Board of Medicine, Member FL Board of Regents  
B. Term of Appointment: 4 years, 1 year  
C. Confirmation results: confirmed

23. Have you ever been refused a fidelity, surety, performance, or other bond? Yes  No  If "Yes", explain:

NA

24. Have you held or do you hold an occupational or professional license or certificate in the State of Florida? Yes  No  If "Yes", provide the title and number, original issue date, and issuing authority. If any disciplinary action (fine, probation, suspension, revocation, disbarment) has ever been taken against you by the issuing authority, state the type and date of the action taken:

<u>License/Certificate Title &amp; Number</u>	<u>Original Issue Date</u>	<u>Issuing Authority</u>	<u>Disciplinary Action/Date</u>
<u>ME76245</u>	<u>7/8/98</u>	<u>Dept. of Health</u>	<u>No Actions</u>

25. A. Have you, or businesses of which you have been and owner, officer, or employee, held any contractual or other direct dealings during the last four (4) years with any state or local governmental agency in Florida, including the office or agency to which you have been appointed or are seeking appointment? Yes  No  If "Yes", explain:

<u>Name of Business</u>	<u>Your Relationship to Business</u>	<u>Business' Relationship to Agency</u>
<u>NA</u>		

B. Have members of your immediate family (spouse, child, parents(s), siblings(s)), or businesses of which members of your immediate family have been owners, officers, or employees, held any contractual or other direct dealings during the last four (4) years with any state or local governmental agency in Florida, including the office or agency to which you have been appointed or are seeking appointment? Yes  No  If "Yes", explain:

<u>Name of Business</u>	<u>Family Member's Relationship to You</u>	<u>Family Member's Relationship to Business</u>	<u>Business' Relationship to Agency</u>
NA			

26. Have you ever been a registered lobbyist or have you lobbied at any level of government at any time during the past five (5) years? Yes  No

A. Did you receive any compensation other than reimbursement for expenses? Yes  No

B. Name of agency or entity you lobbied and the principal(s) you represented:

<u>Agency Lobbied</u>	<u>Principal Represented</u>
NA	

27. List three persons who have known you well within the past five (5) years. Include a current, complete address and telephone number. Exclude your relatives and members of the Florida Senate.

<u>Name</u>	<u>Mailing Address</u>	<u>Zip Code</u>	<u>Area Code/Phone Number</u>
Adil Kabbeer, MD			
Gregory Gaines, MD			
Bradd Mevine			

28. Name any business, professional, occupational, civic, or fraternal organizations(s) of which you are now a member, or of which you have been a member during the past five (5) years, the organization address(es), and date(s) of your membership(s).

<u>Name</u>	<u>Mailing Address</u>	<u>Office(s) Held &amp; Term</u>	<u>Date(s) of Membership</u>
Amer. Society of Plastic Surgeons		Member	2002 - Present
Amer. Society of Reconstructive Microsurgeons		Member	2004 - Present
Florida Medical Association		Member	2002 - Present
Gainesville Rotary		Member/B.O.D.	2002 - Present
Alachua County Medical Society		Member	2002 - Present

29. Do you know of any reason why you will not be able to attend fully to the duties of the office or position to which you have been or will be appointed? Yes  No  If "Yes", explain:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

30. If required by law or administrative rule, will you file financial disclosure statements? Yes  No

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2013 OCT -3 AM 9:47  
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TALLAHASSEE, FL

CERTIFICATION

STATE OF FLORIDA  
COUNTY OF Alachua

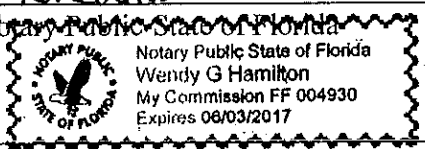
Before me, the undersigned Notary Public of Florida, personally appeared \_\_\_\_\_,

who, after being duty sworn, say: (1) that he/she has carefully and personally prepared or read the answers to the foregoing questions; (2) that the information contained in said answers is complete and true; and (3) that he/she will, as an appointee, fully support the Constitutions of the United States and of the State of Florida.

Rosera  
Signature of Applicant/Affiant

Sworn to and subscribed before me this 2nd day of October, 2013.

Wendy G. Hamilton  
Signature of Notary Public State of Florida



(Print, Type, or Stamp Commissioned Name of Notary Public)

My commission expires: \_\_\_\_\_

Personally Known  OR Pr  oduced Identification

Type of Identification Produced \_\_\_\_\_

(seal)

**MEMORANDUM**

**AS A GENERAL MATTER, APPLICATIONS FOR ALL POSITIONS WITHIN STATE GOVERNMENT ARE PUBLIC RECORDS WHICH MAY BE VIEWED BY ANYONE UPON REQUEST. HOWEVER, THERE ARE SOME EXEMPTIONS FROM THE PUBLIC RECORDS LAW FOR IDENTIFYING INFORMATION RELATING TO PAST AND PRESENT LAW ENFORCEMENT OFFICERS AND THEIR FAMILIES, VICTIMS OF CERTAIN CRIMES, ETC. IF YOU BELIEVE AN EXEMPTION FROM THE PUBLIC RECORDS LAW APPLIES TO YOUR SUBMISSION, PLEASE CHECK THIS BOX.**

- Yes, I assert that identifying information provided in this application should be excluded from inspection under the Public Records Law.

Because: (please provide cite.) \_\_\_\_\_

**IF YOU NEED ADDITIONAL GUIDANCE AS TO THE APPLICABILITY OF ANY PUBLIC RECORDS LAW EXEMPTION TO YOUR SITUATION, PLEASE CONTACT THE OFFICE OF THE ATTORNEY GENERAL.**

The Office of the Attorney General  
PL-01, The Capitol  
Tallahassee, Florida 32399  
(850) 245-0150



3035

**STATE OF FLORIDA  
DEPARTMENT OF STATE  
Division of Elections**

I, Ken Detzner, Secretary of State,  
do hereby certify that

*Steven M. Scott*

is duly appointed a member of the

**Board of Trustees,  
University of Florida**

for a term beginning on the  
Tenth day of September, A.D., 2013,  
until the Sixth day of January, A.D., 2018  
and is subject to be confirmed by the Senate  
during the next regular session of the Legislature.

*Given under my hand and the Great Seal of the  
State of Florida, at Tallahassee, the Capital, this  
the Twenty-Ninth day of October, A.D., 2013.*

*Ken Detzner*

Secretary of State



DSDE 99 (3/03)

The original document has a reflective line mark in paper. Hold at an angle to view when checking.

If photocopied or chemically altered, the word "VOID" will appear

"State of Florida" appears in small letters across the face of this 8 1/2 x 11" document.

# OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

RECEIVED  
DEPARTMENT OF STATE

2013 OCT -8 AM 9:51

DIVISION OF ELECTIONS  
TALLAHASSEE, FL

STATE OF FLORIDA

County of Palm Beach

I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

Trustee - University of Florida

(Title of Office)

on which I am now about to enter, so help me God.

[NOTE: If you affirm, you may omit the words "so help me God." See § 92.52, Fla. Stat.]

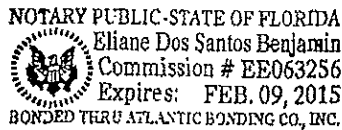
St. M. Scott

Signature

Sworn to and subscribed before me this 7th day of October, 2013

[Signature]  
Signature of Officer Administering Oath or of Notary Public

Eliane Dos Santos Benjamin  
Print, Type, or Stamp Commissioned Name of Notary Public



Personally Known  OR Produced Identification

Type of Identification Produced \_\_\_\_\_

## ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address:  Home  Office

251 West Coconut Palm Road

Street or Post Office Box

Boca Raton, Florida 33432

City, State, Zip Code

Steven M. Scott, MD

Print name as you desire commission issued

St. M. Scott

Signature



**RICK SCOTT**  
GOVERNOR

RECEIVED  
DEPARTMENT OF STATE  
2013 SEP 27 PM 2:48  
DIVISION OF ELECTIONS  
TALLAHASSEE, FL

September 12, 2013

The Honorable Kenneth W. Detzner  
Secretary of State  
State of Florida  
R. A. Gray Building, Room 316  
500 South Bronough Street  
Tallahassee, Florida 32399-0250

Dear Secretary Detzner:

Please be advised I have made the following reappointment under the provisions of Section 1001.71, Florida Statutes:

Dr. Steven M. Scott  
251 West Coconut Palm Road  
Boca Raton, Florida 33432

as a member of the University of Florida Board of Trustees, subject to confirmation by the Senate. This appointment is effective September 10, 2013, for a term ending January 6, 2018.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Scott".

Rick Scott  
Governor

RS/kb

19402

105896

# QUESTIONNAIRE FOR SENATE CONFIRMATION

The information from this questionnaire will be used by the Florida Senate in considering action on your confirmation. The questionnaire **MUST BE COMPLETED IN FULL**. Answer "none" or "not applicable" where appropriate. Please type or print in blue or black ink.

10/21/2013

Date Completed

1. Name: Dr. Scott Steven Martin  
Mr./Mrs./Ms. Last First Middle/Maiden

2. Business Address: 1877 S. Federal Highway - Suite 310 Boca Raton  
Street Office # City  
Florida 33432 (561) 338-7017  
Post Office Box State Zip Code Area Code/Phone Number

3. Residence Address: 251 Coconut Palm Road Boca Raton Palm Beach  
Street City County  
Florida 33432 (561) 347-2368  
Post Office Box State Zip Code Area Code/Phone Number

Specify the preferred mailing address: Business  Residence  Fax # (561) 368-7724  
(optional)

4. A. List all your places of residence for the last five (5) years.

Address	City & State	From	To
Same as above			

B. List all your former and current residences outside of Florida that you have maintained at any time during adulthood.

Address	City & State	From	To
3711 Stoneybrook Drive	Durham, NC	1985	2002
265 Deerfield Lane	Semora, NC	present	
2554 Bittersweet Drive	Durham, NC	present	

5. Date of Birth: 3-27-1948 Place of Birth: Indianapolis, Indiana

6. Social Security Number: \_\_\_\_\_

7. Driver License Number: \_\_\_\_\_ Issuing State: Florida

8. Have you ever used or been known by any other legal name? Yes  No  If "Yes" Explain

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

RECEIVED  
DEPARTMENT OF STATE  
2013 OCT 23 AM 11:57  
DIVISION OF ELECTIONS  
TALLAHASSEE, FL

9. Are you a United States citizen? Yes  No  If "No" explain:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If you are a naturalized citizen, date of naturalization: \_\_\_\_\_

10. Since what year have you been a continuous resident of Florida? 1991

11. Are you a registered Florida voter? Yes  No  If "Yes" list:

A. County of Registration: Palm Beach B. Current Party Affiliation: Republican

12. Education

A. High School: Southport High School - Indianapolis, IN Year Graduated: 1966  
(Name and Location)

B. List all postsecondary educational institutions attended:

<u>Name &amp; Location</u>	<u>Dates Attended</u>	<u>Certificates/Degrees Received</u>
Indiana University - Bloomington, IN	1966-1970	A.B.
Indiana University Med School-Indianapolis, IN	1974-1978	M.D.
Duke University - Durham, NC	1974-1978	Residency Ob-Gyn

13. Are you or have you ever been a member of the armed forces of the United States? Yes  No  If "Yes" list:

A. Dates of Service: \_\_\_\_\_

B. Branch or Component: \_\_\_\_\_

C. Date & type of discharge: \_\_\_\_\_

14. Have you ever been arrested, charged, or indicted for violation of any federal, state, county, or municipal law, regulation, or ordinance? (Exclude traffic violations for which a fine or civil penalty of \$150 or less was paid.) Yes  No  If "Yes" give details:

<u>Date</u>	<u>Place</u>	<u>Nature</u>	<u>Disposition</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

15. Concerning your current employer and for all of your employment during the last five years, list your employer's name, business address, type of business, occupation or job title, and period(s) of employment.

<u>Employer's Name &amp; Address</u>	<u>Type of Business</u>	<u>Occupation/Job Title</u>	<u>Period of Employment</u>
Scott Holdings	Investments	Chairman	9/07 - To present

16. Have you ever been employed by any state, district, or local governmental agency in Florida? Yes  No  If "Yes", identify the position(s), the name(s) of the employing agency, and the period(s) of employment:

<u>Position</u>	<u>Employing Agency</u>	<u>Period of Employment</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

17. A. State your experiences and interests or elements of your personal history that qualify you for this appointment.

Served on Wake Forest University Advisory Board at Babcock School of Business  
Served on Duke University Advisory Board for Women Health  
Currently Board of Directors Duke University Health Sciences Center

RECEIVED  
DEPARTMENT OF STATE  
2016 OCT 19 AM 11:44  
DIVISION OF ELECTIONS  
TALLAHASSEE, FL

B. Have you received any degree(s), professional certification(s), or designations(s) related to the subject matter of this appointment? Yes  No  If "Yes", list:

M.D., Board Certified obstetrics and gynecology

C. Have you received any awards or recognitions relating to the subject matter of this appointment? Yes  No  If "Yes", list:

Entrepreneur of the year North Carolina 1993

D. Identify all association memberships and association offices held by you that relate to this appointment:

University of Florida BOT - January 2008 to present  
- University of Florida Investment company 2009-2012  
- Chair finance committee 2012  
- Chair governance committee 2013  
Duke University Health Sciences BOT July 2012 to present

18. Do you currently hold an office or position (appointive, civil service, or other) with the federal or any foreign government? Yes  No  If "Yes", list:

19. A. Have you ever been elected or appointed to any public office in this state? Yes  No  If "Yes", state the office title, date of election or appointment, term of office, and level of government (city, county, district, state, federal):

Office Title	Date of Election or Appointment	Term of Office	Level of Government
University of Florida Trustee	January 7th, 2008	Jan 9th to present	Trustee University of FL
(second term)	Sept 10th, 2013	Illl Jan 2018	

B. If your service was on an appointed board(s), committee(s), or council(s):

(1) How frequently were meetings scheduled: Approximately five times per year

(2) If you missed any of the regularly scheduled meetings, state the number of meetings you attended, the number you missed, and the reasons(s) for your absence(s).

<u>Meetings Attended</u>	<u>Meetings Missed</u>	<u>Reason for Absence</u>
Attended most all meetings	March 16, 2010	Surgery
	March 17, 2011	Surgery

20. Has probable cause ever been found that you were in violation of Part III, Chapter 112, F.S., the Code of Ethics for Public Officers and Employees? Yes  No  If "Yes", give details:

<u>Date</u>	<u>Nature of Violation</u>	<u>Disposition</u>

21. Have you ever been suspended from any office by the Governor of the State of Florida? Yes  No  If "Yes", list:

A. Title of office: \_\_\_\_\_ C. Reason for suspension: \_\_\_\_\_

B. Date of suspension: \_\_\_\_\_ D. Result: Reinstated  Removed  Resigned

22. Have you previously been appointed to any office that required confirmation by the Florida Senate? Yes  No  If "Yes", list:

A. Title of Office: University of Florida Trustee

B. Term of Appointment: January 9th, 2008 till present

C. Confirmation results: Confirmed

23. Have you ever been refused a fidelity, surety, performance, or other bond? Yes  No  If "Yes", explain:

\_\_\_\_\_

24. Have you held or do you hold an occupational or professional license or certificate in the State of Florida? Yes  No  If "Yes", provide the title and number, original issue date, and issuing authority. If any disciplinary action (fine, probation, suspension, revocation, disbarment) has ever been taken against you by the issuing authority, state the type and date of the action taken:

<u>License/Certificate Title &amp; Number</u>	<u>Original Issue Date</u>	<u>Issuing Authority</u>	<u>Disciplinary Action/Date</u>
MID (ME39895)	5/3/82	State of Florida dept. of Health	None

25. A. Have you, or businesses of which you have been and owner, officer, or employee, held any contractual or other direct dealings during the last four (4) years with any state or local governmental agency in Florida, including the office or agency to which you have been appointed or are seeking appointment? Yes  No  If "Yes", explain:

<u>Name of Business</u>	<u>Your Relationship to Business</u>	<u>Business' Relationship to Agency</u>
Phoenix Physicians	Owner	Provides physicians to Broward Health & Other FL Hospitals

\_\_\_\_\_

\_\_\_\_\_

B. Have members of your immediate family (spouse, child, parents(s), siblings(s)), or businesses of which members of your immediate family have been owners, officers, or employees, held any contractual or other direct dealings during the last four (4) years with any state or local governmental agency in Florida, including the office or agency to which you have been appointed or are seeking appointment? Yes  No  If "Yes", explain:

<u>Name of Business</u>	<u>Family Member's Relationship to You</u>	<u>Family Member's Relationship to Business</u>	<u>Business' Relationship to Agency</u>
Phoenix Physicians	Son	C.E.O.	Provides Physicians to Broward Health & Other FL Hospitals

26. Have you ever been a registered lobbyist or have you lobbied at any level of government at any time during the past five (5) years? Yes  No

A. Did you receive any compensation other than reimbursement for expenses? Yes  No

B. Name of agency or entity you lobbied and the principal(s) you represented:

<u>Agency Lobbied</u>	<u>Principal Represented</u>

27. List three persons who have known you well within the past five (5) years. Include a current, complete address and telephone number. Exclude your relatives and members of the Florida Senate.

<u>Name</u>	<u>Mailing Address</u>	<u>Zip Code</u>	<u>Area Code/Phone Number</u>
Bertram Walls, MD			
Tandy Robinson			
President Bernie Machen			

28. Name any business, professional, occupational, civic, or fraternal organizations(s) of which you are now a member, or of which you have been a member during the past five (5) years, the organization address(es), and date(s) of your membership(s).

<u>Name</u>	<u>Mailing Address</u>	<u>Office(s) Held &amp; Term</u>	<u>Date(s) of Membership</u>
American Medical Association			
American College of Obstetrics and Gynecology			
American College of Emergency Physicians			
American Academy of Medical Directors			
Broward County Medical Society			
American Medical Association			

29. Do you know of any reason why you will not be able to attend fully to the duties of the office or position to which you have been or will be appointed? Yes  No  If "Yes", explain:

30. If required by law or administrative rule, will you file financial disclosure statements? Yes  No



## MEMORANDUM

**AS A GENERAL MATTER, APPLICATIONS FOR ALL POSITIONS WITHIN STATE GOVERNMENT ARE PUBLIC RECORDS WHICH MAY BE VIEWED BY ANYONE UPON REQUEST. HOWEVER, THERE ARE SOME EXEMPTIONS FROM THE PUBLIC RECORDS LAW FOR IDENTIFYING INFORMATION RELATING TO PAST AND PRESENT LAW ENFORCEMENT OFFICERS AND THEIR FAMILIES, VICTIMS OF CERTAIN CRIMES, ETC. IF YOU BELIEVE AN EXEMPTION FROM THE PUBLIC RECORDS LAW APPLIES TO YOUR SUBMISSION, PLEASE CHECK THIS BOX.**

Yes, I assert that identifying information provided in this application should be excluded from inspection under the Public Records Law.

Because: (please provide cite.) \_\_\_\_\_

**IF YOU NEED ADDITIONAL GUIDANCE AS TO THE APPLICABILITY OF ANY PUBLIC RECORDS LAW EXEMPTION TO YOUR SITUATION, PLEASE CONTACT THE OFFICE OF THE ATTORNEY GENERAL.**

The Office of the Attorney General  
PL-01, The Capitol  
Tallahassee, Florida 32399  
(850) 245-0150

CERTIFICATION

RECEIVED  
DEPARTMENT OF STATE  
2013 OCT 23 AM 11:57  
DIVISION OF ELECTIONS  
TALLAHASSEE, FL

STATE OF FLORIDA  
COUNTY OF Palm Beach

Before me, the undersigned Notary Public of Florida, personally appeared  
STEVEN M. SCOTT,  
who, after being duly sworn, say: (1) that he/she has carefully and personally prepared or read  
the answers to the foregoing questions; (2) that the information contained in said answers is  
complete and true; and (3) that he/she will, as an appointee, fully support the Constitutions of the  
United States and of the State of Florida.

St m. Scott  
Signature of Applicant-Affiant

Sworn to and subscribed before me this 21st day of October, 2013

[Signature]  
Signature of Notary Public-State of Florida

Eliane Dos Santos Benjamin  
(Print, Type, or Stamp Commissioned Name of Notary Public)

My commission expires: 2-9-15

Personally Known  OR Produced Identification

Type of Identification Produced \_\_\_\_\_

NOTARY PUBLIC-STATE OF FLORIDA  
Eliane Dos Santos Benjamin  
Commission # EE063256  
Expires: FEB. 09, 2015  
BONDED THRU ATLANTIC BONDING CO., INC.

(seal)

3050

**STATE OF FLORIDA  
DEPARTMENT OF STATE  
Division of Elections**

I, Ken Detzner, Secretary of State,  
do hereby certify that

*Lu Timothy May*

is duly appointed a member of the  
**Board of Trustees,  
University of West Florida**

for a term beginning on the  
Fifteenth day of April, A.D., 2013,  
until the Sixth day of January, A.D., 2018  
and is subject to be confirmed by the Senate  
during the next regular session of the Legislature.

*Given under my hand and the Great Seal of the  
State of Florida, at Tallahassee, the Capital, this  
the Fifteenth day of May, A.D., 2013.*

*Ken Detzner*

Secretary of State



DSDE 99 (3/03)

The original document has a reflective line mark in paper. Hold at an angle to view when checking.

If photocopied or chemically altered, the word "VOID" will appear.

State of Florida appears in small letters across the face of this 8 1/2 x 11" document.

# OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

RECEIVED  
DEPARTMENT OF STATE  
2013 MAY -6 AM 11:33

STATE OF FLORIDA

County of Escambia

FLORIDA STATE  
DIVISION OF ELECTIONS

I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

University of West Florida Trustee

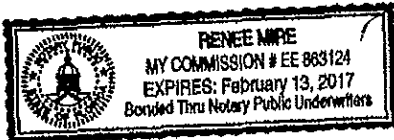
(Title of Office)

on which I am now about to enter, so help me God.

[NOTE: If you affirm, you may omit the words "so help me God." See § 92.52, Fla. Stat.]

Lu Timothy May  
Signature

Sworn to and subscribed before me this 1 day of May, 2013.



Renee Niere  
Signature of Officer Administering Oath or of Notary Public

Renee Niere  
Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known  OR Produced Identification

Type of Identification Produced \_\_\_\_\_

## ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address:  Home  Office

6830 Community Drive  
Street or Post Office Box

Pensacola, Florida, 32526  
City, State, Zip Code

Lu Timothy May

Print name as you desire commission issued

Lu Timothy May  
Signature



**RICK SCOTT**  
GOVERNOR

RECEIVED  
DEPT OF STATE  
2013 APR 18 AM 10:14  
DIVISION OF ELECTIONS  
TALLAHASSEE, FL

April 15, 2013

The Honorable Kenneth W. Detzner  
Secretary of State  
State of Florida  
R. A. Gray Building, Room 316  
500 South Bronough Street  
Tallahassee, Florida 32399-0250

Dear Secretary Detzner:

Please be advised I have made the following appointment under the provisions of Section 1001.71, Florida Statutes:

Mr. Lu Timothy May  
222 Main Street  
Pensacola, Florida 32526

as a member of the University of West Florida Board of Trustees, succeeding J. Collier Merrill, subject to confirmation by the Senate. This appointment is effective April 15, 2013, for a term ending January 6, 2018.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Scott", written over a large, stylized flourish.

Rick Scott  
Governor

RS/kb

104268

# QUESTIONNAIRE FOR SENATE CONFIRMATION

The information from this questionnaire will be used by the Florida Senate in considering action on your confirmation. The questionnaire **MUST BE COMPLETED IN FULL**. Answer "none" or "not applicable" where appropriate. Please type or print in blue or black ink.

1 May 2013

Date Completed

1. Name: Mr. May LuTimothy Ivan  
Mr./Mrs./Ms. Last First Middle/Maiden

2. Business Address: 222 West Main Street Pensacola  
Street City  
Florida 32501 850-435-1623  
Post Office Box State Zip Code Area Code/Phone Number

3. Residence Address: 6830 Community Drive Pensacola Escambia  
Street City County  
Florida 32526 850-433-8062  
Post Office Box State Zip Code Area Code/Phone Number

Specify the preferred mailing address: Business  Residence  Fax # \_\_\_\_\_ (optional)

4. A. List all your places of residence for the last five (5) years.

Address	City & State	From	To
6830 Community Drive	Pensacola, Florida	08/01/2011	Present
1000 North L Street	Pensacola, Florida	01/01/2001	07/31/2011

B. List all your former and current residences outside of Florida that you have maintained at any time during adulthood.

Address	City & State	From	To

5. Date of Birth: 07-24-1977 Place of Birth: Pensacola, Florida

6. Social Security Number: \_\_\_\_\_

7. Driver License Number: \_\_\_\_\_ Issuing State: Florida

8. Have you ever used or been known by any other legal name? Yes  No  If "Yes" Explain  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

RECEIVED  
DEPARTMENT OF STATE  
2013 MAY - 6 AM 11:33  
DIVISION OF ELECTIONS  
DEPARTMENT OF STATE

9. Are you a United States citizen? Yes  No  If "No" explain:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If you are a naturalized citizen, date of naturalization: \_\_\_\_\_

10. Since what year have you been a continuous resident of Florida? \_\_\_\_\_

11. Are you a registered Florida voter? Yes  No  If "Yes" list:

A. County of Registration: Escambia B. Current Party Affiliation: Democrat

12. Education

A. High School: Woodham High, Pensacola Florida Year Graduated: 1995  
(Name and Location)

B. List all postsecondary educational institutions attended:

<u>Name &amp; Location</u>	<u>Dates Attended</u>	<u>Certificates/Degrees Received</u>
Concordia College Selma, Alabama	1996-1998	A.A.
University of West Florida Pensacola, Florida	1999-2001	B.A.
Morehouse School of Religion Atlanta, Georgia	2003-2005	M.Div.

13. Are you or have you ever been a member of the armed forces of the United States? Yes  No  If "Yes" list:

A. Dates of Service: \_\_\_\_\_

B. Branch or Component: \_\_\_\_\_

C. Date & type of discharge: \_\_\_\_\_

14. Have you ever been arrested, charged, or indicted for violation of any federal, state, county, or municipal law, regulation, or ordinance? (Exclude traffic violations for which a fine or civil penalty of \$150 or less was paid.) Yes  No  If "Yes" give details:

<u>Date</u>	<u>Place</u>	<u>Nature</u>	<u>Disposition</u>

15. Concerning your current employer and for all of your employment during the last five years, list your employer's name, business address, type of business, occupation or job title, and period(s) of employment.

<u>Employer's Name &amp; Address</u>	<u>Type of Business</u>	<u>Occupation/Job Title</u>	<u>Period of Employment</u>
City of Pensacola 222 W. Main St.	Government	Director of Community Outreach	12/2012-current
University of West Florida	Education	Instructor/Asst. Director	6/2005-7/2012

16. Have you ever been employed by any state, district, or local governmental agency in Florida? Yes  No   
If "Yes", identify the position(s), the name(s) of the employing agency, and the period(s) of employment:

<u>Position</u>	<u>Employing Agency</u>	<u>Period of Employment</u>
Director of Community Outreach	City of Pensacola Mayor's Office	12/12-Current

**Williams, Inez**

---

**From:** Lutimothy May <lilrevmay1@yahoo.com>  
**Sent:** Tuesday, May 14, 2013 3:28 PM  
**To:** Williams, Inez  
**Subject:** Re: RE: FW: Completed form for Senate confirmation for LuTimothy May UWF Trustee

RECEIVED  
13 MAY 14 PM 4:00  
DIVISION OF ELECTIONS  
SECRETARY OF STATE

1977

Sent from Yahoo! Mail on Android

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**From:** Williams, Inez <Inez.Williams@DOS.MyFlorida.com>;  
**To:** Lutimothy May <lilrevmay1@yahoo.com>;  
**Subject:** RE: FW: Completed form for Senate confirmation for LuTimothy May UWF Trustee  
**Sent:** Tue, May 14, 2013 7:22:56 PM

Answer for #10. Since what year have you been a continuous resident of Florida?

---

I am sorry Mr. May.

There was no attachment. If you will reply and place in the year next to the question above, I will see if I can



17. A. State your experiences and interests or elements of your personal history that qualify you for this appointment.

Local Board Experiences (Sunshine Law), Certified Florida Educator(K-12), Seved on School Improvement committees  
University Instructor, University Academic Adviser, University Assistant Director of Student Support Services

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B. Have you received any degree(s), professional certification(s), or designations(s) related to the subject matter of this appointment? Yes  No  If "Yes", list:

Educators Certificate

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C. Have you received any awards or recognitions relating to the subject matter of this appointment? Yes  No   
If "Yes", list:

University Outstanding Alumnus Award

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---

D. Identify all association memberships and association offices held by you that relate to this appointment:

N/A

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18. Do you currently hold an office or position (appointive, civil service, or other) with the federal or any foreign government?  
Yes  No  If "Yes", list:

---

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19. A. Have you ever been elected or appointed to any public office in this state? Yes  No  If "Yes", state the office title, date of election or appointment, term of office, and level of government (city, county, district, state, federal):

<u>Office Title</u>	<u>Date of Election or Appointment</u>	<u>Term of Office</u>	<u>Level of Government</u>
---------------------	----------------------------------------	-----------------------	----------------------------

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B. If your service was on an appointed board(s), committee(s), or council(s):

(1) How frequently were meetings scheduled: \_\_\_\_\_

(2) If you missed any of the regularly scheduled meetings, state the number of meetings you attended, the number you missed, and the reasons(s) for your absence(s).

<u>Meetings Attended</u>	<u>Meetings Missed</u>	<u>Reason for Absence</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

20. Has probable cause ever been found that you were in violation of Part III, Chapter 112, F.S., the Code of Ethics for Public Officers and Employees? Yes  No  If "Yes", give details:

<u>Date</u>	<u>Nature of Violation</u>	<u>Disposition</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

21. Have you ever been suspended from any office by the Governor of the State of Florida? Yes  No  If "Yes", list:

A. Title of office: \_\_\_\_\_ C. Reason for suspension: \_\_\_\_\_

B. Date of suspension: \_\_\_\_\_ D. Result: Reinstated  Removed  Resigned

22. Have you previously been appointed to any office that required confirmation by the Florida Senate? Yes  No  If "Yes", list:

A. Title of Office: \_\_\_\_\_

B. Term of Appointment: \_\_\_\_\_

C. Confirmation results: \_\_\_\_\_

23. Have you ever been refused a fidelity, surety, performance, or other bond? Yes  No  If "Yes", explain:

\_\_\_\_\_

24. Have you held or do you hold an occupational or professional license or certificate in the State of Florida? Yes  No  If "Yes", provide the title and number, original issue date, and issuing authority. If any disciplinary action (fine, probation, suspension, revocation, disbarment) has ever been taken against you by the issuing authority, state the type and date of the action taken:

<u>License/Certificate Title &amp; Number</u>	<u>Original Issue Date</u>	<u>Issuing Authority</u>	<u>Disciplinary Action/Date</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

25. A. Have you, or businesses of which you have been and owner, officer, or employee, held any contractual or other direct dealings during the last four (4) years with any state or local governmental agency in Florida, including the office or agency to which you have been appointed or are seeking appointment? Yes  No  If "Yes", explain:

<u>Name of Business</u>	<u>Your Relationship to Business</u>	<u>Business' Relationship to Agency</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

B. Have members of your immediate family (spouse, child, parents(s), siblings(s)), or businesses of which members of your immediate family have been owners, officers, or employees, held any contractual or other direct dealings during the last four (4) years with any state or local governmental agency in Florida, including the office or agency to which you have been appointed or are seeking appointment? Yes  No  If "Yes", explain:

<u>Name of Business</u>	<u>Family Member's Relationship to You</u>	<u>Family Member's Relationship to Business</u>	<u>Business' Relationship to Agency</u>

26. Have you ever been a registered lobbyist or have you lobbied at any level of government at any time during the past five (5) years? Yes  No

A. Did you receive any compensation other than reimbursement for expenses? Yes  No

B. Name of agency or entity you lobbied and the principal(s) you represented:

<u>Agency Lobbied</u>	<u>Principal Represented</u>

27. List three persons who have known you well within the past five (5) years. Include a current, complete address and telephone number. Exclude your relatives and members of the Florida Senate.

<u>Name</u>	<u>Mailing Address</u>	<u>Zip Code</u>	<u>Area Code/Phone Number</u>
Lewis Bear Jr.			
Ashton Hayward			
Collier Merrill			

28. Name any business, professional, occupational, civic, or fraternal organizations(s) of which you are now a member, or of which you have been a member during the past five (5) years, the organization address(es), and date(s) of your membership(s).

<u>Name</u>	<u>Mailing Address</u>	<u>Office(s) Held &amp; Term</u>	<u>Date(s) of Membership</u>
Community Maritime Park		Trustee (4 years)	2009-2012
Rebuild Northwest Florida		Director (3 years)	2010-2012
Waterfront Rescue Mission		Director (3 years)	2011-2013
Pensacola State College Board of Adjustment		Director (At Large)	2009-Current
County Commission Board of Adjustments		Board Member (4 Year)	2008-2012

29. Do you know of any reason why you will not be able to attend fully to the duties of the office or position to which you have been or will be appointed? Yes  No  If "Yes", explain:

30. If required by law or administrative rule, will you file financial disclosure statements? Yes  No

CERTIFICATION

STATE OF FLORIDA

COUNTY OF Escambia

Before me, the undersigned Notary Public of Florida, personally appeared

Lu Timothy May

who, after being duty sworn, say: (1) that he/she has carefully and personally prepared or read the answers to the foregoing questions; (2) that the information contained in said answers is complete and true; and (3) that he/she will, as an appointee, fully support the Constitutions of the United States and of the State of Florida.

[Signature]  
Signature of Applicant-Affiant

RECEIVED  
DEPARTMENT OF STATE  
DIVISION OF ELECTIONS  
2013 MAY -6 AM 11:33

Sworn to and subscribed before me this 1 day of May, 2013.

[Signature]  
Signature of Notary Public-State of Florida



Renee Mire  
(Print, Type, or Stamp Commissioned Name of Notary Public)

My commission expires: \_\_\_\_\_

Personally Known  OR Produced Identification

Type of Identification Produced \_\_\_\_\_

(seal)

# CourtSmart Tag Report

Room: KN 412  
Caption: Senate Education

Case:  
Judge:

Type:

Started: 3/11/2014 1:31:17 PM  
Ends: 3/11/2014 4:01:16 PM Length: 02:30:00

1:32:52 PM Tab 3 Senator Hays  
1:36:56 PM Wayne Blanton - FL School Board Assoc.  
1:39:37 PM Verne Crawford  
1:43:25 PM Chris Doolin - Small School Districts  
1:45:40 PM Juhan Mixon - FATIMA  
1:52:32 PM SB 864 passes  
1:52:57 PM Tab 2 - Senator Bean  
1:55:22 PM Question from Senator Sachs  
1:57:02 PM Christian Caballere  
1:57:47 PM Senator Montford  
1:59:06 PM Senator Montford  
1:59:18 PM Mr. Caballere  
1:59:40 PM Senator Montford  
2:01:06 PM Question from Senator Stargel  
2:01:56 PM Senator Sachs  
2:02:21 PM Senator Bean to close  
2:03:00 PM SB 598 passes  
2:03:35 PM Tab 1 - Senator Flores  
2:03:47 PM Amendment Barcode 464234  
2:06:40 PM Amendment to 464234 barcode 269718 by Brandes  
2:07:48 PM Amendment to Amendment passes  
2:08:26 PM Amendment to Amendment barcode 713768 by Montford  
2:10:41 PM Amendment to Amendment passes  
2:11:43 PM Amendment barcode 464234 passes  
2:12:30 PM Dr. Jim Henningsen  
2:13:03 PM Carl Fassi - UNF  
2:13:41 PM Senator Flores closes  
2:13:52 PM SB 530 passes  
2:15:11 PM SB 900  
2:15:17 PM Amendment barcode 962766 by Montford  
2:15:46 PM Amendment passes  
2:17:32 PM SB 900 passes  
2:18:29 PM SB 1396 - Senator Montford  
2:19:10 PM Amendment barcode 145580  
2:20:01 PM Bill tp'd  
2:20:25 PM SB 950 - Stargel  
2:21:05 PM Amendment barcode 318464 by Brandes  
2:21:36 PM Substitute amendment barcode 521684 by Brandes passed  
2:22:22 PM Amendment barcode 103962 by Brandes  
2:30:07 PM Amendment passes  
2:32:37 PM Kevin Watson - Florida Education Association  
2:36:55 PM Senator Stargel closes  
2:37:06 PM SB 950 passes  
2:37:33 PM Motion by Senator Galvano to show voting on missed bills  
2:38:07 PM SB 1396 by Montford  
2:38:46 PM Amendment barcode 145580  
2:38:55 PM Amendment passes  
2:39:50 PM SB 1396 passes  
2:40:27 PM SB 886 by Senator Montford  
2:41:26 PM questions  
2:41:49 PM SB 886 passes  
2:43:02 PM Motion by Simmons to show voting on missed bill

**2:43:43 PM** Confirmations on Appointments (all en bloc)  
**2:44:26 PM** Confirmations passed  
**2:44:52 PM** Workshop on SB 1512  
**2:47:48 PM** Question by Galvano  
**2:49:00 PM** Question from Senator Montford  
**3:01:43 PM** Questions from Senator Bullard  
**3:04:20 PM** Graham Rabinowitsch - Florida PTA  
**3:05:11 PM** Laura Cable - self  
**3:09:05 PM** Mindy Gould - Florida PTA  
**3:11:07 PM** Julie Kleffel - self  
**3:12:19 PM** Crystal Tessmann Alachua County education Asssoc.  
**3:13:17 PM** Denise Lasher - Florida School Choice Fund  
**3:14:36 PM** Senator Stargel moves we rise  
**3:15:51 PM** Monitor has changed View