

**SB 138** by **Ring**; (Identical to H 0057) Meetings of District School Boards

**SB 212** by **Hukill (CO-INTRODUCERS) Sachs, Margolis, Simpson, Latvala, Bradley, Braynon, Thompson, Abruzzo, Gibson, Garcia**; (Compare to H 0367) High School Graduation Requirements

866508 A S L RCS ED, Sachs btw L.31 - 32: 03/25 12:34 PM

**SB 290** by **Hukill (CO-INTRODUCERS) Brandes, Detert**; (Identical to H 0513) State Poet Laureate

**SB 396** by **Bean (CO-INTRODUCERS) Bradley**; (Compare to CS/CS/H 0277) Joint Use of Public School Facilities

740516 D S RCS ED, Legg Delete everything after 03/25 12:34 PM  
176138 AA S L RCS ED, Sachs Delete L.7 - 56: 03/25 12:34 PM  
325238 AA S L WD ED, Bullard Delete L.47 - 53. 03/25 12:34 PM  
461036 AA S L WD ED, Bullard Delete L.18 - 20: 03/25 12:34 PM  
867532 A S WD ED, Legg btw L.64 - 65: 03/25 12:34 PM  
324148 SD S WD ED, Legg Delete everything after 03/25 12:34 PM  
838834 A S L WD ED, Sachs Delete L.44 - 79: 03/25 12:34 PM

**SB 414** by **Dean**; (Similar to CS/H 0993) Public Records/Animal Medical Researchers

314348 D S RCS ED, Montford Delete everything after 03/25 12:34 PM

**SB 420** by **Detert**; (Identical to H 0087) Fine Arts Courses

**SB 566** by **Lee**; (Identical to H 0557) Florida Bright Futures Scholarship Program

**SB 628** by **Montford (CO-INTRODUCERS) Stargel**; (Similar to CS/H 0377) Educational Facilities Financing

711854 D S RCS ED, Legg Delete everything after 03/25 12:34 PM  
415382 A S WD ED, Legg Delete L.103 - 105: 03/25 12:34 PM

**SR 894** by **Sobel (CO-INTRODUCERS) Brandes**; Israeli Universities and Institutions of Higher Learning

476686 D S RCS ED, Bullard Delete everything after 03/25 12:34 PM

**SB 908** by **Montford**; (Similar to H 0747) Education Funding

**SB 1060** by **Evers**; (Similar to H 7029) Code of Student Conduct

275040 D S L FC ED, Bullard Delete everything after 03/25 12:34 PM

**SB 1202** by **Montford**; (Compare to H 5101) Career Centers and Charter Technical Career Centers

147492 D S L RCS ED, Montford Delete everything after 03/25 02:34 PM  
293978 AA S L RCS ED, Montford Delete L.284 - 285: 03/25 02:34 PM  
891882 AA S L RCS ED, Montford Delete L.260 - 262: 03/25 02:34 PM

**SB 1206** by **Montford (CO-INTRODUCERS) Stargel**; (Compare to CS/CS/H 0487) Agricultural Industry Certifications

136712 D S RCS ED, Montford Delete everything after 03/25 12:34 PM  
746758 AA S WD ED, Brandes btw L.19 - 20: 03/25 12:34 PM

**SB 1226 by Montford; (Identical to H 7031) Education**

435138	A	S	RCS	ED, Montford	Delete L.296 - 298.	03/25 12:35 PM
279324	A	S	RCS	ED, Legg	Delete L.833 - 860.	03/25 12:35 PM
596830	A	S	RCS	ED, Galvano	Delete L.1904 - 1926:	03/25 12:35 PM
942892	A	S	RCS	ED, Galvano	btw L.3181 - 3182:	03/25 12:35 PM
481286	A	S	RCS	ED, Legg	Delete L.3504 - 3505.	03/25 12:35 PM

**SB 1292 by Legg; Postsecondary Education**

767836	D	S	RCS	ED, Legg	Delete everything after	03/25 12:35 PM
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**SB 1394 by Legg; (Compare to CS/H 7033) Education**

**SB 1528 by Bradley; (Similar to H 7083) School Choice**

639048	D	S	RCS	ED, Legg	Delete everything after	03/25 12:35 PM
881958	AA	S	L WD	ED, Montford	btw L.80 - 81:	03/25 12:35 PM

**SPB 7112 by ED; Postsecondary Education**

155716	A	S	FAV	ED, Galvano	btw L.47 - 48:	03/25 12:35 PM
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**SPB 7114 by ED; Education**

749284	A	S	FAV	ED, Legg	Delete L.1940 - 1947:	03/25 12:35 PM
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**The Florida Senate**  
**COMMITTEE MEETING EXPANDED AGENDA**

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

**MEETING DATE:** Tuesday, March 25, 2014  
**TIME:** 9:00 —11:00 a.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 138</b> Ring (Identical H 57)	Meetings of District School Boards; Requiring district school boards to convene at least one regular meeting during the evening hours each quarter during the school year and to establish written criteria for convening such a meeting; providing that a district school board is deemed to be in compliance under certain circumstances; revising requirements for calling a special meeting, etc.  ED     03/25/2014 Favorable CA	Favorable Yeas 9 Nays 0
2	<b>SB 212</b> Hukill (Compare H 367)	High School Graduation Requirements; Revising the required credits for high school graduation and a standard high school diploma to include one-half credit for instruction in personal financial literacy and seven and one-half, rather than eight, credits in electives, etc.  ED     03/25/2014 Fav/CS AED AP	Fav/CS Yeas 6 Nays 3
3	<b>SB 290</b> Hukill (Identical H 513)	State Poet Laureate; Creating the honorary position of State Poet Laureate within the Department of State; establishing procedures for the acceptance of nominations, the qualifications and recommendation of nominees, and the appointment of the State Poet Laureate; specifying that a former poet laureate becomes a State Poet Laureate Emeritus or Emerita; providing that the State Poet Laureate, the State Poet Laureate Emeritus, and the State Poet Laureate Emerita serve without compensation, etc.  GO     12/11/2013 Favorable ED     03/25/2014 Favorable RC	Favorable Yeas 8 Nays 1

**COMMITTEE MEETING EXPANDED AGENDA**

Education

Tuesday, March 25, 2014, 9:00 —11:00 a.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	<b>SB 396</b> Bean (Compare CS/CS/H 277)	Joint Use of Public School Facilities; Authorizing each district school board to adopt written policies to promote public access to outdoor recreation and sports facilities on school property, to increase the number of joint-use agreements, and to develop and adopt written policies and procedures for an appeal process if negotiations for a joint-use agreement fail; providing immunity from civil liability for a district school board that adopts public access policies or enters into a joint-use agreement except in instances of gross negligence or intentional misconduct, etc.  ED 03/18/2014 Temporarily Postponed ED 03/25/2014 Fav/CS CA JU	Fav/CS Yeas 9 Nays 0
5	<b>SB 414</b> Dean (Similar CS/H 993)	Public Records/Animal Medical Researchers; Providing an exemption from public records requirements for certain personal identifying information of current and former researchers whose duties include or included experimenting on animals for the purpose of conducting life-sustaining medical research at a public research facility, including a university; providing for future review and repeal of the exemption under the Open Government Sunset Review Act; providing a statement of public necessity, etc.  ED 03/25/2014 Fav/CS GO RC	Fav/CS Yeas 8 Nays 0
6	<b>SB 420</b> Detert (Identical H 87, Compare H 83)	Fine Arts Courses; Requiring the Commissioner of Education to prepare an annual report relating to student access to and participation in fine arts courses and information on educators, facilities, and instruction in such courses, etc.  ED 03/25/2014 Favorable AED AP	Favorable Yeas 8 Nays 0
7	<b>SB 566</b> Lee (Identical H 557)	Florida Bright Futures Scholarship Program; Requiring a student, as a prerequisite for the Florida Academic Scholars award, the Florida Medallion Scholars award, or the Florida Gold Seal Vocational Scholars award, to identify a social or civic issue or a professional area of interest and develop a plan for his or her personal involvement in addressing the issue or learning about the area; prohibiting the student from receiving remuneration or academic credit for the volunteer service work performed, etc.  ED 03/25/2014 Favorable RC	Favorable Yeas 8 Nays 0

**COMMITTEE MEETING EXPANDED AGENDA**

Education

Tuesday, March 25, 2014, 9:00 —11:00 a.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
8	<b>SB 628</b> Montford (Similar CS/H 377)	Educational Facilities Financing; Revising provisions relating to the financing of independent nonprofit higher educational facilities to include financing for private nonprofit elementary, middle, and secondary schools meeting certain criteria, etc.  ED 03/18/2014 Temporarily Postponed ED 03/25/2014 Fav/CS AED AP RC	Fav/CS Yeas 8 Nays 0
9	<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 ED 03/25/2014 Fav/CS RC	Fav/CS Yeas 8 Nays 0
10	<b>SB 908</b> Montford (Similar H 747)	Education Funding; Providing for the calculation of additional full-time equivalent student membership based on enrollment in Advancement Via Individual Determination elective classes and examination scores; providing for the use of funds, etc.  ED 03/25/2014 Favorable AED AP	Favorable Yeas 8 Nays 0
11	<b>SB 1060</b> Evers (Similar H 7029)	Code of Student Conduct; Providing that simulating a firearm or weapon while playing or wearing certain clothing or accessories is not grounds for disciplinary action or referral to the criminal justice or juvenile justice system; providing actions that constitute simulating a firearm or weapon while playing; providing criteria for determining whether certain student conduct warrants disciplinary action, etc.  CJ 03/03/2014 Favorable ED 03/25/2014 Favorable JU	Favorable Yeas 8 Nays 0

**COMMITTEE MEETING EXPANDED AGENDA**

Education

Tuesday, March 25, 2014, 9:00 —11:00 a.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
12	<b>SB 1202</b> Montford (Compare H 5101, CS/CS/H 7057, CS/S 1400)	Career Centers and Charter Technical Career Centers; Authorizing a career center or a charter technical career center to offer college credit courses applicable toward specific certificates or degrees; renaming the applied technology diploma program as the college credit certificate program and clarifying the program; revising and clarifying tuition and fees for specific workforce education programs; authorizing a career center to offer associate in applied science degree programs, etc.  ED 03/25/2014 Fav/CS AED AP	Fav/CS Yeas 8 Nays 0
13	<b>SB 1206</b> Montford (Compare CS/CS/H 487)	Agricultural Industry Certifications; Requiring the Department of Agriculture and Consumer Services to annually provide to the State Board of Education and the Department of Education information and industry certifications for farm occupations to be placed on industry certification funding lists; defining industry certification as part of career education programs; requiring placement on funding lists to determine annual funding distributions to school districts and postsecondary institutions, etc.  ED 03/18/2014 Temporarily Postponed ED 03/25/2014 Fav/CS AG AED AP	Fav/CS Yeas 8 Nays 0
14	<b>SB 1226</b> Montford (Identical H 7031, Compare H 367, CS/H 533, H 895, H 4023, H 4025, H 7001, CS/H 7117, CS/S 850, S 1446, S 1642)	Education; Requiring the Auditor General to notify the Legislative Auditing Committee if a district school board fails to take corrective action subsequent to an audit; repealing provisions relating to the Learning Gateway program; revising the definition of the term "Next Generation Sunshine State Standards"; revising Department of Education duties relating to the public broadcasting program system; revising course and assessment requirements for the award of a standard high school diploma, etc.  ED 03/18/2014 Temporarily Postponed ED 03/25/2014 Fav/CS AED AP RC	Fav/CS Yeas 8 Nays 0

**COMMITTEE MEETING EXPANDED AGENDA**

Education

Tuesday, March 25, 2014, 9:00 —11:00 a.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
15	<b>SB 1292</b> Legg	Postsecondary Education; Revising the articulated acceleration mechanisms that are available for secondary and postsecondary students attending public educational institutions to include industry certifications, etc.  ED 03/25/2014 Fav/CS AED AP	Fav/CS Yeas 8 Nays 0
16	<b>SB 1394</b> Legg (Compare CS/S 850)	Education; Revising the requirements to earn a Merit designation on a standard high school diploma, etc.  ED 03/25/2014 Favorable AED AP	Favorable Yeas 8 Nays 0
17	<b>SB 1528</b> Bradley (Similar H 7083)	School Choice; Revising required contents of charter school applications and charter contracts; specifying that a charter contract provision that is inconsistent with or prohibited by law is void and unenforceable; authorizing the sponsor and applicant to negotiate additional terms after approving the charter; specifying that charter schools established by certain high-performing charter school systems qualify for high-performing charter school status for the first 3 years of operation, etc.  ED 03/25/2014 Fav/CS AED AP	Fav/CS Yeas 7 Nays 1

Consideration of proposed committee bill:

18	<b>SPB 7112</b>	Postsecondary Education; Increasing the annual maximum number of scholarships that may be awarded; increasing the annual maximum award amount per student; creating the Florida National Merit Scholar Incentive Program; providing the purpose of the incentive program; requiring the Department of Education to administer the incentive program, advertise the availability of the incentive program, and notify students, teachers, parents, and school administrators about the incentive program's criteria and application procedures, etc.	Submitted as Committee Bill Yeas 8 Nays 0
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Consideration of proposed committee bill:

**COMMITTEE MEETING EXPANDED AGENDA**

Education

Tuesday, March 25, 2014, 9:00 —11:00 a.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
19	<b>SPB 7114</b>	Education; Changing the term "school readiness program" to "child care and development program," the term "school readiness" to "child care and development," and the term "family day care home" to "family child care home"; including large family child care homes in local zoning regulation requirements; providing requirements for nonpublic schools delivering certain voluntary prekindergarten education programs and child care and development programs, etc.	Submitted as Committee Bill Yeas 8 Nays 0

TAB	OFFICE and APPOINTMENT (HOME CITY)	FOR TERM ENDING	COMMITTEE ACTION
<b>Senate Confirmation Hearing:</b> A public hearing will be held for consideration of the below-named executive appointment to the office indicated.			
<b>State Board of Education</b>			
20	Lipsey, Rebecca Fishman (Aventura)	12/31/2017	Recommend Confirm Yeas 8 Nays 0
<b>Board of Trustees, Florida A &amp; M University</b>			
21	Moore, Kimberly Ann (Tallahassee)	01/06/2018	Recommend Confirm Yeas 8 Nays 0
<b>Board of Trustees, University of Central Florida</b>			
22	Martins, Alexander (Winter Park)	01/06/2016	Recommend Confirm Yeas 8 Nays 0
<b>Board of Trustees, New College of Florida</b>			
23	Saputo, John W. (Longboat Key)	01/06/2018	Recommend Confirm Yeas 8 Nays 0
<b>Board of Trustees, Florida Polytechnic University</b>			
24	Hallion, Richard P., Jr. (Shalimar)	07/15/2014	Recommend Confirm Yeas 8 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: SB 138

INTRODUCER: Senator Ring

SUBJECT: Meetings of District School Boards

DATE: March 24, 2014

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>McLaughlin</u>	<u>Klebacha</u>	<u>ED</u>	<b>Favorable</b>
2.	_____	_____	<u>CA</u>	_____

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**I. Summary:**

SB 138 amends requirements for meetings of district school boards.

This bill requires each district school board to convene at least one regular meeting each quarter within a school year during the evening hours. It further requires each district school board to create written criteria for deciding when to convene such meetings.

The bill specifies circumstances in which a district school board is deemed to be in compliance with the new requirements.

The effective date of the bill is July 1, 2014.

**II. Present Situation:**

**Public Meetings Requirements**

*Florida Constitution*

The Florida Constitution requires all meetings of any collegial public body of the executive branch of state government or of any collegial body of a county, municipality, school district, or special district, at which official acts are to be taken or at which public business of such body is to be transacted or discussed, to be open and noticed to the public.<sup>1</sup>

*Government in the Sunshine Law*

The Sunshine Law requires all meetings of any board or commission of any state agency or authority or of any agency or authority of any county, municipal corporation, or political

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<sup>1</sup> FLA. CONST. art. I, s. 24(b).

subdivision, at which official acts are to be taken, to be open to the public at all times.<sup>2</sup>

For each such public meeting, a board or commission must:

- Provide reasonable notice of the meeting;<sup>3</sup> and
- Promptly record minutes of the meeting.<sup>4</sup>

### **District School Boards**

The Florida Constitution requires that each county form a school district, and that each school district be governed by a school board composed of five or more members.<sup>5</sup> Each school board is responsible for the operation, control, and supervision of all free public schools within the school district.<sup>6</sup>

In addition to general access and notice requirements, meetings of district school boards are subject to more specific provisions, including frequency requirements. Each district school board must:

- Hold at least one regular meeting each month for the transaction of business according to a schedule arranged by the district school board.<sup>7</sup>
- Convene in special sessions when called by the district school superintendent or by the district school superintendent on request of the chair of the district school board, or on request of a majority of the members of the school board. If the district school superintendent fails to call a special meeting when requested to do so, the meeting may be called by the chair of the district school board or by a majority of the members of the district school board by giving two days written notice of the time and purpose of the meeting to all members and to the district school superintendent.<sup>8</sup>

Times of day for district school board meetings, however, are not currently specified in law.

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

SB 138 requires each district school board to convene at least one regular meeting each quarter within a school year during the evening hours. The bill does not define “each quarter within a school year” or “evening hours;” rather, it requires each district school board to create written criteria for deciding when to convene a quarterly meeting during the evening hours.

The bill specifies that a district school board is deemed to be in compliance with the new requirements if it maintains a policy that requires the portion of a regular meeting that is open to public comment to begin no earlier than 4:30 p.m.

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

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<sup>2</sup> Section 286.011(1), F.S.

<sup>3</sup> *Id.*

<sup>4</sup> Section 286.011(2), F.S.

<sup>5</sup> FLA. CONST. art. IX, s. 4(a).

<sup>6</sup> FLA. CONST. art. IX, s. 4(b).

<sup>7</sup> Section 1001.372 (1), F.S.

<sup>8</sup> *Id.*

**IV. Constitutional Issues:**

## A. Municipality/County Mandates Restrictions:

Not applicable. The bill does not appear to affect county or municipal governments.

## 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:

District school boards that do not already hold at least one evening meeting a quarter may incur indeterminate costs as a result of the bill.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill amends section 1001.372 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.

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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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By Senator Ring

29-00058-14

2014138\_\_

1 A bill to be entitled  
 2 An act relating to meetings of district school boards;  
 3 amending s. 1001.372, F.S.; requiring district school  
 4 boards to convene at least one regular meeting during  
 5 the evening hours each quarter during the school year  
 6 and to establish written criteria for convening such a  
 7 meeting; providing that a district school board is  
 8 deemed to be in compliance under certain  
 9 circumstances; revising requirements for calling a  
 10 special meeting; providing an effective date.

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

12 Section 1. Subsection (1) of section 1001.372, Florida  
 13 Statutes, is amended to read:

14 1001.372 District school board meetings.—

15 (1) REGULAR AND SPECIAL MEETINGS.—

16 (a) The district school board shall hold at least not less  
 17 ~~than~~ one regular meeting each month for the transaction of  
 18 business according to a schedule arranged by the district school  
 19 board. The board shall convene at least one regular meeting  
 20 during the evening hours each quarter during the school year and  
 21 shall establish written criteria for deciding when to convene  
 22 the required evening meetings. A district school board is deemed  
 23 to be in compliance with this paragraph if it maintains, and  
 24 operates in accordance with, a policy that requires the portion  
 25 of a regular meeting which is open to public comment to begin no  
 26 earlier than 4:30 p.m.

27 (b) The district school board and shall convene in a  
 28

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

29-00058-14

2014138\_\_

30 special meeting sessions when called by the district school  
 31 superintendent or by the district school superintendent on  
 32 request of the chair of the district school board, or on request  
 33 of a majority of the members of the district school board. An  
 34 ~~action, provided that actions~~ taken at a special meeting has  
 35 ~~meetings shall have~~ the same force and effect as if taken at a  
 36 regular meeting, ~~and, and provided further that in the event the~~  
 37 ~~district school superintendent should fail to call a special~~  
 38 ~~meeting when requested to do so, as prescribed herein, such a~~  
 39 ~~meeting may be called by the chair of the district school board~~  
 40 ~~or by a majority of the members of the district school board by~~  
 41 ~~giving 2 days' written notice of the time and purpose of the~~  
 42 ~~meeting to all members and to the district school~~  
 43 ~~superintendent, in which event the minutes of the meeting must~~  
 44 ~~shall~~ set forth the facts regarding the procedure in calling the  
 45 meeting and the reason the meeting was called. The minutes must  
 46 ~~therefor and shall~~ be signed ~~either~~ by the chair or by a  
 47 majority of the members of the district school board.

48 Section 2. This act shall take effect July 1, 2014.

Page 2 of 2

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

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

3-25-14

Meeting Date

Topic Meetings of District School Bd Bill Number SB 138  
*(if applicable)*

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

Job Title Florida PTA legislative committee

Address 6641 S Old Floral City Rd Phone 352 341 2569

Street

Floral City FL 34436

City

State

Zip

E-mail Kthrumston@gmail.com

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**  
**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 212  
**INTRODUCER:** Education and Senator Hukill and others  
**SUBJECT:** High School Graduation Requirements  
**DATE:** March 27, 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 212 removes the requirement for financial literacy to be included in the instruction of Economics. Beginning with students entering grade 9 in the 2014-2015 school year, the high school graduation requirements must include a one-half credit in personal financial literacy and money management instruction. Additionally, the bill reduces the number of required elective credits from eight to seven and one-half credits.

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

**II. Present Situation:**

Currently, Florida public high school students have four options for obtaining a standard high school diploma -- a traditional 4-year, 24-credit option;<sup>1</sup> an 18-credit graduation option;<sup>2</sup> or completion of an International Baccalaureate (IB) or Advanced International Certificate of Education (AICE) curriculum.<sup>3</sup> In addition, current law requires each school district to adopt an

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<sup>1</sup> Section 1003.428, F.S., established high school graduation requirements beginning with students entering grade 9 in the 2007-2008 school year. Section 1003.4282, F.S., established high school graduation requirements for students entering grade 9 in the 2013-2014 school year and thereafter.

<sup>2</sup> Section 1002.3105(5), F.S. Effective July 1, 2013, students may earn a standard high school diploma in 18 credits by achieving a 2.0 GPA; earning credit in the same 15 English Language Arts, mathematics, science, social studies, and fine and performing arts courses required under the traditional 24-credit option; and earning 3 elective credits, instead of the 6 electives required by the 24-credit option.

<sup>3</sup> Sections 1003.428 and 1003.4282, F.S.

early graduation policy allowing a high school student who completes 24 credits in less than eight semesters and meets the GPA and assessment requirements to graduate early.<sup>4</sup>

Three of the 24 credits required to graduate from high school must be in social studies.<sup>5</sup> Of these, one credit each must be U.S. History and World History and one-half credit each must be in Economics, including financial literacy, and U.S. Government.<sup>6</sup>

The law requires Florida's social studies standards to establish specific curricular content for economics, including financial literacy.<sup>7</sup> Financial literacy includes the knowledge, understanding, skills, behaviors, attitudes, and values that enable a student to make responsible and effective financial decisions on a daily basis. Financial literacy instruction must be an integral part of instruction throughout the entire economics course and include information regarding earning income; buying goods and services; saving and financial investing; taxes; the use of credit and credit cards; budgeting and debt management, including student loans and secured loans; banking and financial services; planning for one's financial future, including higher education and career planning; credit reports and scores; and fraud and identity theft prevention.<sup>8</sup>

Legislation enacted in 2013 required the Commissioner of Education to prepare an analysis of the costs associated with implementing a separate, one-half credit course in financial literacy, including estimated costs for instructional personnel, training, and the development or purchase of instructional materials.<sup>9</sup> The Commissioner was to provide the cost analysis to the presiding officers of the Senate and the House of Representatives by October 1, 2013.<sup>10</sup>

### III. Effect of Proposed Changes:

CS/SB 212 removes the requirement for financial literacy to be included in the instruction of Economics. Beginning with students entering grade 9 in the 2014-2015 school year, the high school graduation requirements must include a one-half credit in personal financial literacy and money management instruction.<sup>11</sup> Additionally, the bill reduces the number of required elective

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<sup>4</sup> Section 1003.4281, F.S.

<sup>5</sup> Sections 1003.428(2)(a)4. and 1003.4282(3)(d), F.S.

<sup>6</sup> This requirement was created by ss. 15 and 17, chapter 2013-27, L.O.F., codified in s. 1003.428(2)(a)4., F.S., and s. 1003.4282(3)(d), F.S., respectively.

<sup>7</sup> Section 1003.41(2)(d), F.S.

<sup>8</sup> *Id.*

<sup>9</sup> Section 11, chapter 2013-27, L.O.F.

<sup>10</sup> *Financial Literacy Report*, correspondence from Commissioner Pam Stewart to the Speaker of the Florida House of Representatives, October 1, 2013. See [KMBT C454-20131001173005](http://www.kmbt.com/news/2013/10/01/173005) (last visited March 19, 2014). The report describes the underlying assumptions for the estimates to implement a separate one-half credit course in financial literacy. The report cites the results of a survey of states requiring a stand-alone course to be offered in personal financial literacy. *Survey of the States: Economic and Personal Finance Education in Our Nation's Schools*, Council for Economic Education (CEE), 2014. See <http://www.councilforeconed.org/news-information/survey-of-the-states/> and <http://www.councilforeconed.org/about/> (last visited March 20, 2014).

<sup>11</sup> The components of the instruction include: types of bank accounts offered, opening an account, and assessing the quality of a depository institution's services; balancing a checkbook; basic principles of money management, such as spending, credit, credit scores, and managing debt, including retail and credit card debt; completing a loan application; receiving an inheritance and related implications; basic principles of personal insurance policies; computing federal income taxes; local tax



credits from eight to seven and one-half credits. The bill also makes conforming changes to s. 1003.41, F.S., which specifies Florida’s academic standards.

The bill provides 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.

C. Government Sector Impact:

The Department of Education provided the following estimate for implementing a financial literacy course:<sup>12</sup>

Cost Analysis	Year 1	Year 2 to 5	Total
<b>Scenario 1: Assuming One set of Books Per Classroom</b>			
Teacher Wages and Benefits for Training Outside			
Normal Business Hours (4-hr training)	138,944	-	138,944
Instructional Materials Cost (assumes \$80 per book)	2,778,880	1,710,080	4,488,960
Total Estimated Cost	\$2,917,824	1,710,080	\$4,627,904
<b>Scenario 2: Assuming A Book for Each Students</b>			
Teacher Wages and Benefits for Training Outside			
Normal Business Hours (4-hr training)	138,944		138,944
Instructional Materials Cost (assumes \$80 per book)	8,004,400	4,802,640	12,807,040
Total Estimated Cost	\$8,143,344	\$4,802,640	\$12,945,984
<b>Scenario 3: Assuming A Free Online Course</b>			
Teacher Wages and Benefits for Training Outside			
Normal Business Hours (4-hr training) Includes salaries and benefits for “training the trainers”	145,912	-	145,912
Travel Costs (assumes 1 teacher from each district)	15,669	-	15,699
Total Estimated Cost	\$116,581	-	\$161,581
<b>Scenario 4: Assuming Free Curriculum</b>			
Teacher Wages and Benefits for Training Outside			
Normal Business Hours (4-hr training)	138,944	-	138,944
Total Estimated Cost	\$138,944	-	\$138,944

assessments; computing interest rates by various mechanisms; simple contracts; contesting an incorrect billing statement; types of savings and investments; and state and federal laws concerning finance.

<sup>12</sup> DOE legislative bill analysis for SB 212, January 31, 2014. On file with the Senate Education Committee.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 1003.41, 1003.428 and 1003.4282.

**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 25, 2014:**

The committee substitute:

- Adds conforming changes to Florida's academic standards.

- B. **Amendments:**

None.



866508

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/25/2014	.	
	.	
	.	
	.	

---

The Committee on Education (Sachs) recommended the following:

**Senate Amendment (with title amendment)**

Between lines 31 and 32  
insert:

Section 1. Paragraph (f) is added to subsection (2) of  
section 1003.41, Florida Statutes, to read:

1003.41 Next Generation Sunshine State Standards.—

(2) Next Generation Sunshine State Standards must meet the  
following requirements:

(f) Beginning with students entering grade 9 in the 2014-  
2015 school year, financial literacy standards must establish



866508

12 specific curricular content for, at a minimum, personal  
13 financial literacy and money management. Financial literacy  
14 includes instruction in the areas specified in ss.  
15 1003.428(2)(a)7. and 1003.4282(3)(h).

16

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

18 And the title is amended as follows:

19       Delete line 3

20 and insert:

21       requirements; amending s. 1003.41, F.S.; revising the  
22       requirements for the Next Generation Sunshine State  
23       Standards to include standards for financial literacy;  
24       amending ss. 1003.428 and 1003.4282,

By Senator Hukill

8-00043A-14

2014212\_\_

1                                   A bill to be entitled  
 2       An act relating to high school graduation  
 3       requirements; amending ss. 1003.428 and 1003.4282,  
 4       F.S.; revising the required credits for high school  
 5       graduation and a standard high school diploma to  
 6       include one-half credit for instruction in personal  
 7       financial literacy and seven and one-half, rather than  
 8       eight, credits in electives; providing an effective  
 9       date.  
 10  
 11       WHEREAS, many young people in this state graduate from high  
 12       school without having a basic knowledge of financial literacy  
 13       and money management, and  
 14       WHEREAS, the Legislature finds that, in light of the recent  
 15       economic challenges nationwide, sound financial management  
 16       skills are vitally important to all Floridians, particularly  
 17       high school students, and  
 18       WHEREAS, the Legislature also finds that requiring  
 19       educational instruction in financial literacy and money  
 20       management as a prerequisite to high school graduation in this  
 21       state will better prepare young people for adulthood by  
 22       providing them the requisite knowledge to achieve financial  
 23       stability and independence, and  
 24       WHEREAS, adoption of this act, which may be cited as the  
 25       "Personal Financial Literacy Education Act," will make Florida  
 26       the sixth state in the nation to require instruction in  
 27       financial literacy as a prerequisite for high school graduation  
 28       and a standard high school diploma, NOW, THEREFORE,  
 29

Page 1 of 7

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

8-00043A-14

2014212\_\_

30   Be It Enacted by the Legislature of the State of Florida:  
 31  
 32                   Section 1. Paragraphs (a) and (b) of subsection (2) of  
 33       section 1003.428, Florida Statutes, are amended to read:  
 34           1003.428 General requirements for high school graduation.—  
 35           (2) The 24 credits may be earned through applied,  
 36       integrated, and career education courses approved by the  
 37       Department of Education. The 24 credits shall be distributed as  
 38       follows:  
 39           (a) Sixteen core curriculum credits:  
 40           1. Four credits in English, with major concentration in  
 41       composition, reading for information, and literature.  
 42           2. Four credits in mathematics, one of which must be  
 43       Algebra I, a series of courses equivalent to Algebra I, or a  
 44       higher-level mathematics course. Beginning with students  
 45       entering grade 9 in the 2010-2011 school year, in addition to  
 46       the Algebra I credit requirement, one of the four credits in  
 47       mathematics must be geometry or a series of courses equivalent  
 48       to geometry as approved by the State Board of Education.  
 49       Beginning with students entering grade 9 in the 2010-2011 school  
 50       year, the end-of-course assessment requirements under s.  
 51       1008.22(3)(c)2.a.(I) must be met in order for a student to earn  
 52       the required credit in Algebra I. Beginning with students  
 53       entering grade 9 in the 2011-2012 school year, the end-of-course  
 54       assessment requirements under s. 1008.22(3)(c)2.a.(I) must be  
 55       met in order for a student to earn the required credit in  
 56       geometry. Beginning with students entering grade 9 in the 2012-  
 57       2013 school year, in addition to the Algebra I and geometry  
 58       credit requirements, one of the four credits in mathematics must

Page 2 of 7

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

8-00043A-14 2014212\_\_

59 be Algebra II or a series of courses equivalent to Algebra II as  
60 approved by the State Board of Education.

61 3. Three credits in science, two of which must have a  
62 laboratory component. Beginning with students entering grade 9  
63 in the 2011-2012 school year, one of the three credits in  
64 science must be Biology I or a series of courses equivalent to  
65 Biology I as approved by the State Board of Education. Beginning  
66 with students entering grade 9 in the 2011-2012 school year, the  
67 end-of-course assessment requirements under s.  
68 1008.22(3)(c)2.a.(II) must be met in order for a student to earn  
69 the required credit in Biology I. Beginning with students  
70 entering grade 9 in the 2013-2014 school year, one of the three  
71 credits must be Biology I or a series of courses equivalent to  
72 Biology I as approved by the State Board of Education, one  
73 credit must be chemistry or physics or a series of courses  
74 equivalent to chemistry or physics as approved by the State  
75 Board of Education, and one credit must be an equally rigorous  
76 course, as determined by the State Board of Education.

77 4. Three credits in social studies as follows: one credit  
78 in United States history; one credit in world history; one-half  
79 credit in economics, ~~which shall include financial literacy~~; and  
80 one-half credit in United States government.

81 5. One credit in fine or performing arts, speech and  
82 debate, or a practical arts course that incorporates artistic  
83 content and techniques of creativity, interpretation, and  
84 imagination. Eligible practical arts courses shall be identified  
85 through the Course Code Directory.

86 6. One credit in physical education to include integration  
87 of health. Participation in an interscholastic sport at the

8-00043A-14 2014212\_\_

88 junior varsity or varsity level for two full seasons shall  
89 satisfy the one-credit requirement in physical education if the  
90 student passes a competency test on personal fitness with a  
91 score of "C" or better. The competency test on personal fitness  
92 must be developed by the Department of Education. A district  
93 school board may not require that the one credit in physical  
94 education be taken during the 9th grade year. Completion of one  
95 semester with a grade of "C" or better in a marching band class,  
96 in a physical activity class that requires participation in  
97 marching band activities as an extracurricular activity, or in a  
98 dance class shall satisfy one-half credit in physical education  
99 or one-half credit in performing arts. This credit may not be  
100 used to satisfy the personal fitness requirement or the  
101 requirement for adaptive physical education under an individual  
102 education plan (IEP) or 504 plan. Completion of 2 years in a  
103 Reserve Officer Training Corps (R.O.T.C.) class, a significant  
104 component of which is drills, shall satisfy the one-credit  
105 requirement in physical education and the one-credit requirement  
106 in performing arts. This credit may not be used to satisfy the  
107 personal fitness requirement or the requirement for adaptive  
108 physical education under an individual education plan (IEP) or  
109 504 plan.

110 7. One-half credit in personal financial literacy.  
111 Beginning with students entering grade 9 in the 2014-2015 school  
112 year, each student shall take one-half credit in instruction  
113 regarding personal financial literacy and money management. This  
114 instruction must include discussion of all of the following  
115 areas:

116 a. Types of bank accounts offered, opening an account, and

8-00043A-14 2014212\_\_

117 assessing the quality of a depository institution's services.  
 118 b. Balancing a checkbook.  
 119 c. Basic principles of money management, such as spending,  
 120 credit, credit scores, and managing debt, including retail and  
 121 credit card debt.  
 122 d. Completing a loan application.  
 123 e. Receiving an inheritance and related implications.  
 124 f. Basic principles of personal insurance policies.  
 125 g. Computing federal income taxes.  
 126 h. Local tax assessments.  
 127 i. Computing interest rates by various mechanisms.  
 128 j. Simple contracts.  
 129 k. Contesting an incorrect billing statement.  
 130 l. Types of savings and investments.  
 131 m. State and federal laws concerning finance.  
 132 (b) Seven and one-half ~~Eight~~ credits in electives,  
 133 beginning with students entering grade 9 in the 2014-2015 school  
 134 year.  
 135 1. For each year in which a student scores Level 1 on FCAT  
 136 Reading, the student must be enrolled in and complete an  
 137 intensive reading course the following year. Placement of Level  
 138 2 readers in either an intensive reading course or a content  
 139 area course in which reading strategies are delivered shall be  
 140 determined by diagnosis of reading needs. The department shall  
 141 provide guidance on appropriate strategies for diagnosing and  
 142 meeting the varying instructional needs of students reading  
 143 below grade level. Reading courses shall be designed and offered  
 144 pursuant to the comprehensive reading plan required by s.  
 145 1011.62(9). A high school student who scores Level 1 or Level 2

8-00043A-14 2014212\_\_

146 on FCAT Reading but who did not score below Level 3 in the  
 147 previous 3 years may be granted a 1-year exemption from the  
 148 reading remediation requirement; however, the student must have  
 149 an approved academic improvement plan already in place, signed  
 150 by the appropriate school staff and the student's parent, for  
 151 the year for which the exemption is granted.  
 152 2. For each year in which a student scores Level 1 or Level  
 153 2 on FCAT Mathematics, the student must receive remediation the  
 154 following year. These courses may be taught through applied,  
 155 integrated, or combined courses and are subject to approval by  
 156 the department for inclusion in the Course Code Directory.  
 157 Section 2. Paragraphs (d) and (g) of subsection (3) of  
 158 section 1003.4282, Florida Statutes, are amended, and paragraph  
 159 (h) is added to that subsection, to read:  
 160 1003.4282 Requirements for a standard high school diploma.-  
 161 (3) STANDARD HIGH SCHOOL DIPLOMA; COURSE AND ASSESSMENT  
 162 REQUIREMENTS.-  
 163 (d) *Three credits in social studies.*-A student must earn  
 164 one credit in United States History; one credit in World  
 165 History; one-half credit in economics, ~~which must include~~  
 166 ~~financial literacy~~; and one-half credit in United States  
 167 Government. The United States History EOC assessment constitutes  
 168 30 percent of the student's final course grade.  
 169 (g) *Seven and one-half ~~Eight~~ credits in electives.*-Each  
 170 school district shall ~~School districts must~~ develop and offer  
 171 coordinated electives so that a student may develop knowledge  
 172 and skills in his or her area of interest, such as electives  
 173 with a STEM or liberal arts focus. Such electives must include  
 174 opportunities for students to earn college credit, including

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2014212\_\_

175 industry-certified career education programs or series of  
176 career-themed courses that result in industry certification or  
177 articulate into the award of college credit, or career education  
178 courses for which there is a statewide or local articulation  
179 agreement and which lead to college credit.

180 (h) One-half credit in personal financial literacy.-  
181 Beginning with students entering grade 9 in the 2014-2015 school  
182 year, each student shall take one-half credit in instruction  
183 regarding personal financial literacy and money management. This  
184 instruction must include discussion of all of the following  
185 areas:

186 1. Types of bank accounts offered, opening an account, and  
187 assessing the quality of a depository institution's services.

188 2. Balancing a checkbook.

189 3. Basic principles of money management, such as spending,  
190 credit, credit scores, and managing debt, including retail and  
191 credit card debt.

192 4. Completing a loan application.

193 5. Receiving an inheritance and related implications.

194 6. Basic principles of personal insurance policies.

195 7. Computing federal income taxes.

196 8. Local tax assessments.

197 9. Computing interest rates by various mechanisms.

198 10. Simple contracts.

199 11. Contesting an incorrect billing statement.

200 12. Types of savings and investments.

201 13. State and federal laws concerning finance.

202 Section 3. 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)

3/25/14  
Meeting Date

Topic Bill

Bill Number 212  
*(if applicable)*

Name Anthony DiMarco

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title Exec of Govt. Affairs

Address 1081 Thomasville Rd  
*Street*  
Jacksonville FL 32303  
*City State Zip*

Phone 224-2245

E-mail adimarco@floridabankers.com

Speaking:  For  Against  Information

Representing Florida Bankers 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)

3/25/14

*Meeting Date*

Topic SENATE BILL 212

Bill Number 212  
*(if applicable)*

Name MARK ANDERSON

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title ADVOCATE

Address 121 NORTH MONROE STREET, #1401

Phone 8503206659

*Street*

TALLAHASSEE FL 32301

E-mail MARK@CONSULTANDERSONCOM

*City*

*State*

*Zip*

Speaking:  For  Against  Information

Representing FLORIDA COUNCIL ON ECONOMIC 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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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)

3/25

Meeting Date

Topic High School Graduation Requirements

Bill Number 212  
*(if applicable)*

Name Aimee Diaz Lyon

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title \_\_\_\_\_

Address 215 South Monroe Street #505  
*Street*  
Tallahassee FL 32301  
*City State Zip*

Phone 850-205-9000

E-mail aimee.diazlyon@metzlaw.com

Speaking:  For  Against  Information

Representing The Business Law Section of the Florida Bar

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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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)

3/25/2014  
Meeting Date

Topic \_\_\_\_\_

Bill Number 212  
*(if applicable)*

Name JIM HORNE

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title \_\_\_\_\_

Address PO Box 8339

Phone 904-759-4596

*Street* FLEMING ISL

*City* \_\_\_\_\_ *State* FL *Zip* 32006

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

Speaking:  For  Against  Information

Representing AIF (WAIVE IN SUPPORT)

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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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)

3/25/14

Meeting Date

Topic Financial Literacy

Bill Number 212 (if applicable)

Name Charlie Dudley

Amendment Barcode (if applicable)

Job Title

Address 108 S. Monroe St.

Phone 681 0024

Street

Tallahassee FL 32301

E-mail cdudley@flapartners.com

City

State

Zip

Speaking: [X] For [ ] Against [ ] Information

Representing League of Southeastern Credit Unions

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.

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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)

3-25-14  
Meeting Date

Topic H.S. Graduation Requirements

Bill Number SB 212  
*(if applicable)*

Name KATHY FOWLK

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title Florida PTA Legislative Com.

Address 1697 Onondaga Dr.  
*Street*  
GENEVA, FL. 32732  
*City State Zip*

Phone 407-416-6755

E-mail Kathyfowlk@bellsouth.net

Speaking:  For  Against  Information

Representing FL. 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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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)

3/25/14

Meeting Date

Topic Financial Literacy

Bill Number SB 212  
*(if applicable)*

Name Justin Thomas

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title Governmental Affairs Manager

Address 325 W. College Ave.

Phone \_\_\_\_\_

Street

Tallahassee FL 32301

City

State

Zip

E-mail thomasj@fipa.org

Speaking:  For  Against  Information

Representing Florida Institute of CPA's

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 25, 2014  
Meeting Date

Topic FINANCIAL LITERACY Bill Number 212  
*(if applicable)*

Name MIKE BELL Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title Executive Director, Florida Council on Economic Education

Address 1211 N West Shore Blvd, Ste 305 Phone 813-289-8489  
Street

Tampa FL 33607 E-mail mbell@fcee.org  
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.*

**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)

3/25

Meeting Date

Topic Financial Literacy

Bill Number 212  
*(if applicable)*

Name Adam Giery (Gear-e)

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title Dir of Policy

Address 136 Bronck St

Phone \_\_\_\_\_

Street

City

State

Zip

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

Speaking:  For  Against  Information

Representing FL Chamber

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**  
**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 290

INTRODUCER: Senator Hukill and others

SUBJECT: State Poet Laureate

DATE: March 24, 2014

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Naf</u>	<u>McVaney</u>	<u>GO</u>	<b>Favorable</b>
2.	<u>Letarte</u>	<u>Klebacha</u>	<u>ED</u>	<b>Favorable</b>
3.	<u>                    </u>	<u>                    </u>	<u>RC</u>	<u>                    </u>

---

**I. Summary:**

SB 290 creates the position of State Poet Laureate and provides requirements for the selection, terms of service, and duties of the State Poet Laureate. The bill also provides for the designation of past State Poets Laureate as State Poets Laureate Emeritus or Emerita. The bill assigns the Florida Council on Arts and Culture certain responsibilities related to the promotion of poetry and grants the Department of State rulemaking authority to implement the bill’s provisions.

The bill takes effect on July 1, 2014.

**II. Present Situation:**

**State Poets Laureate**

A poet laureate is a poet who is “acclaimed as the most excellent or most representative of a locality or group.”<sup>1</sup> According to the Library of Congress, 42 states have an official State Poet Laureate position.<sup>2</sup> Duties of such poets laureate vary, but generally include the promotion of the reading, writing, and appreciation of poetry.<sup>3</sup>

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<sup>1</sup> The American Heritage Dictionary, “poet laureate,” <http://ahdictionary.com/word/search.html?q=poet+laureate> (last visited Mar. 21, 2014).

<sup>2</sup> Library of Congress, *U.S. State Poets Laureate: Frequently Asked Questions*, <http://www.loc.gov/rr/main/poets/faq.html> (last visited Mar. 21, 2014).

<sup>3</sup> *Id.*

In Florida, the position of Poet Laureate of the State of Florida was established in 1928 by the governor's proclamation and is a lifetime appointment.<sup>4</sup> Three poet laureates have been appointed since the inception of the position.<sup>5</sup>

Current statutory law does not contain provisions relating to a state poet laureate.

### **Florida Council on Arts and Culture**

The Florida Council on Arts and Culture (Council) is an advisory body within the Department of State.<sup>6</sup> The duties of the Council are to:

- Advocate for arts and culture;
- Advise the Secretary of State in matters pertaining to arts and cultural programs and grants administered by the Division of Cultural Affairs;<sup>7</sup>
- Encourage the participation in and appreciation of arts and culture;
- Encourage public interest in the state's cultural heritage and expand its resources;
- Encourage and assist freedom of artistic expression;
- Advise the Secretary of State in matters concerning the awarding of grants for arts and culture; and
- Review applications for grants for the acquisition, renovation, or construction of cultural facilities and recommend a priority for the disbursement of such grants.<sup>8</sup>

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

SB 290 creates the position of State Poet Laureate and provides requirements for the selection, terms of service, and duties of the State Poet Laureate. The bill also provides for the designation of past State Poets Laureate as State Poets Laureate Emeritus or Emerita. The bill assigns the Florida Council on Arts and Culture (Council) certain responsibilities related to the promotion of poetry and grants the Department of State (Department) rulemaking authority to implement the bill's provisions.

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<sup>4</sup> Library of Congress, *U.S. State Poets Laureate: Florida*, <http://www.loc.gov/rr/main/poets/florida.html> (last visited Mar. 21, 2014).

<sup>5</sup> *Id.* The position is currently vacant, as the most recent state poet laureate, Edmund Skellings, passed away in August 2012. He was appointed by Governor Robert Graham in 1980, after a competition and selection by an anonymous national panel. Florida Department of State: Florida Division of Cultural Affairs, *Florida's Poet Laureate*, <http://www.florida-arts.org/programs/poetlaureate/> (last visited Mar. 21, 2014).

<sup>6</sup> Section 265.285(1)(a), F.S.

<sup>7</sup> The Division of Cultural Affairs of the Department of State is the state arts administrative agency. Among its duties are the acceptance and administration of state and federal funds provided for the fine arts, grants, and certain programs. Section 265.284, F.S.

<sup>8</sup> Section 265.285(2), F.S.

### **Duties of the Florida Council on Arts and Culture**

The bill amends the current duties of the Council to also require the Council to:

- Promote the reading, writing, and appreciation of poetry throughout the state; and
- Accept nominations and recommend nominees for appointment as the State Poet Laureate.

### **Establishment, Selection, and Duties of the State Poet Laureate**

The bill establishes the honorary position of State Poet Laureate within the Department.

The bill requires the Council, in accordance with procedures adopted by the Department, to accept nominations for State Poet Laureate. The Council must solicit nominations from a broad array of literary sources and members of the public.

The bill also requires the Council to recommend at least five nominees to the Secretary of State. Each nominee must be:

- A permanent resident of the state;
- A public literary poet who has significant standing inside and outside of the state; and
- Willing and physically able to perform the duties of the State Poet Laureate as prescribed by the Department, which may include, but are not limited to, engaging in outreach and mentoring for the benefit of schools and communities throughout the state and performing readings of his or her own poetry.

The bill requires the Secretary of State to submit three of the Council's nominees to the Governor. The Governor must appoint one of the Secretary of State's nominees as the State Poet Laureate.

### **Terms of Service of the State Poet Laureate**

The bill specifies that the State Poet Laureate will serve a term of four years. A vacancy for the remainder of an unexpired term must be filled in the same manner as the original appointment.

The bill also provides that each of the state's poets laureate appointed before the effective date of the bill, and each State Poet Laureate appointed under the bill's provisions (upon the appointment of his or her successor), will be designated a State Poet Laureate Emeritus or State Poet Laureate Emerita in recognition of his or her service to the state.

The bill specifies that the State Poet Laureate and State Poets Laureate Emeritus or Emerita serve without compensation. The bill does not authorize reimbursement of any expenses incurred by a State Poet Laureate.

### **Rulemaking Authority**

The bill authorizes the Department to adopt rules to administer the section.

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:

The bill adds duties relating to promotion of poetry and selection of State Poet Laureate nominees for the Florida Council on Arts and Culture, and creates duties relating to the selection and appointment of the State Poet Laureate for the Department of State (Department) and for the Governor. The bill also authorizes the Department to adopt rules to implement the act. Department staff states that costs incurred by solicitation and review of nominations and by rule promulgation will be absorbed by the agency within existing resources.<sup>9</sup>

The bill prohibits compensation for State Poets Laureate and does not authorize reimbursement for expenses incurred by State Poets Laureate.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:****Rulemaking**

A rule is an agency statement of general applicability that interprets, implements, or prescribes law or policy, including the procedure and practice requirements of an agency as well as certain

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<sup>9</sup> Email from the Department of State (Nov. 13, 2013) (on file with the Senate Committee on Education).

types of forms.<sup>10</sup> An agency may only adopt rules that implement or interpret the specific powers and duties granted by the enabling statute.<sup>11</sup> Because legislative power involves the exercise of policy-related discretion over the content of law,<sup>12</sup> any discretion given an agency to implement a law must be “pursuant to some minimal standards and guidelines ascertainable by reference to the enactment establishing the program.”<sup>13</sup>

The bill authorizes the Department of State (Department) to adopt rules to administer the section, but does not explicitly require it. However, the bill appears to implicitly require rulemaking because it requires the Council’s acceptance of nominees to be in accordance with procedures created by the Department and requires the Department to prescribe duties of the State Poet Laureate.<sup>14</sup>

### **Other Comments**

The bill does not provide a process by which a State Poet Laureate may be removed from the position.

### **VIII. Statutes Affected:**

This bill substantially amends section 265.285 of the Florida Statutes.  
This bill creates section 265.2863 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.

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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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<sup>10</sup> Section 120.52(16), F.S.

<sup>11</sup> Section 120.536(1), F.S.

<sup>12</sup> See *State ex rel. Taylor v. City of Tallahassee*, 177 So. 2d 719, 720-721 (Fla. 1937).

<sup>13</sup> *Askew v. Cross Key Waterways*, 372 So. 2d 913, 825 (Fla. 1978).

<sup>14</sup> SB 290, lines 39-41 and 49-50 (2014 Reg. Session).

By Senators Hukill, Brandes, and Detert

8-00263-14

2014290\_\_

A bill to be entitled

An act relating to the State Poet Laureate; amending s. 265.285, F.S.; assigning duties to the Florida Council on Arts and Culture relating to the promotion of poetry and recommendations for the appointment of the State Poet Laureate; creating s. 265.2863, F.S.; creating the honorary position of State Poet Laureate within the Department of State; establishing procedures for the acceptance of nominations, the qualifications and recommendation of nominees, and the appointment of the State Poet Laureate; providing for filling vacancies; specifying that a former poet laureate becomes a State Poet Laureate Emeritus or Emerita; providing that the State Poet Laureate, the State Poet Laureate Emeritus, and the State Poet Laureate Emerita serve without compensation; authorizing the department to adopt rules; providing an effective date.

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

Section 1. Present paragraph (g) of subsection (2) of section 265.285, Florida Statutes, is redesignated as paragraph (h), and a new paragraph (g) is added to that subsection, to read:

265.285 Florida Council on Arts and Culture; membership, duties.—

(2) The council shall:

(g) Promote the reading, writing, and appreciation of

Page 1 of 3

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

8-00263-14

2014290\_\_

poetry throughout the state and accept nominations and recommend nominees for appointment as the State Poet Laureate under s. 265.2863.

Section 2. Section 265.2863, Florida Statutes, is created to read:

265.2863 State Poet Laureate.—

(1) The honorary position of State Poet Laureate is created within the Department of State.

(2) The Florida Council on Arts and Culture, in accordance with procedures adopted by the department, shall solicit and accept nominations for appointment as the State Poet Laureate. The council shall solicit nominations from a broad array of literary sources and members of the public.

(a) The council shall recommend at least five nominees to the Secretary of State, each of whom must be:

1. A permanent resident of this state;

2. A public literary poet who has significant standing inside and outside the state; and

3. Willing and physically able to perform the duties of the State Poet Laureate as prescribed by the department, which may include, but are not limited to, engaging in outreach and mentoring for the benefit of schools and communities throughout the state and performing readings of his or her own poetry, as requested.

(b) From among the nominees recommended by the council, the Secretary of State shall submit three nominees to the Governor, who shall appoint one nominee as the State Poet Laureate.

(3) The State Poet Laureate shall serve a term of 4 years.

A vacancy shall be filled for the remainder of the unexpired

Page 2 of 3

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

8-00263-14

2014290\_\_

59 term in the same manner as the original appointment.

60 (4) Each of the state's poets laureate appointed before  
61 July 1, 2014, and each State Poet Laureate appointed under this  
62 section shall be designated a State Poet Laureate Emeritus or  
63 State Poet Laureate Emerita in recognition of his or her service  
64 to the state upon the appointment of his or her successor.

65 (5) The State Poet Laureate and each State Poet Laureate  
66 Emeritus or State Poet Laureate Emerita shall serve without  
67 compensation.

68 (6) The department may adopt rules to administer this  
69 section.

70 Section 3. 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)

3/25/14  
Meeting Date

Topic State Poet Laureate

Bill Number 290  
*(if applicable)*

Name Lena Suarez

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title \_\_\_\_\_

Address P.O. Box 10390

Phone 8502128330

Tallahassee FL 32301  
City State Zip

E-mail lena.e.j@state.fl

Speaking:  For  Against  Information

Representing Florida Humanities 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.**

S-001 (10/20/11)

**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 396

**INTRODUCER:** Education Committee, Senator Bean and others

**SUBJECT:** Joint Use and Public Access of Public School Facilities and Joint Community Projects

**DATE:** March 27, 2014      **REVISED:** \_\_\_\_\_

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

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

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 396 authorizes use of certain public school properties; authorizes the development and operation of joint community projects between a district school board and a city, municipality, or Florida College System institution; requires indemnification and insurance for a district school board; and exempts background screening for certain noninstructional contractors from applying to properties used under this law when there is no school-sponsored or school-related program or activity in progress.

The effective date of this bill is July 1, 2014.

**II. Present Situation:**

Currently, district school boards may permit public use of its educational facilities. The Legislature's limited waiver of sovereign immunity pursuant to s. 768.28, F.S., applies to the district when allowing this public use.

**Public Use of School Facilities**

Under current law, district school boards are authorized to allow public use of its educational facilities. For example:

- District school boards may permit the use of educational facilities and grounds for any legal assembly or for community use centers.<sup>1</sup> The district school board must adopt rules, regulations, or policies and procedures necessary to protect educational facilities and grounds when used for such purposes.<sup>2</sup>
- District school boards and local governments must enter into an interlocal agreement.<sup>3</sup> The interlocal agreement must address a process for determining where and how joint use of school board facilities can be shared for mutual benefit and efficiency.<sup>4</sup>
- District school boards may exercise any power except as expressly prohibited by the State Constitution or general law.<sup>5</sup>

### **Limited Waiver of Sovereign Immunity**

The doctrine of sovereign immunity precludes bringing suit against the government without its consent.<sup>6</sup> Founded on the ancient principle that “the King can do no wrong,” sovereign immunity bars holding the government or its political subdivisions liable for torts of its officers or agents unless such immunity is expressly waived by statute or necessary inference from legislative enactment.<sup>7</sup>

Article X, s. 13, of the Florida Constitution, authorizes the Legislature to waive sovereign immunity. Accordingly, via s. 768.28(1), F.S., the Legislature created a limited waiver of sovereign immunity in tort:

In accordance with s. 13, Art. X of the State Constitution, the state, for itself and for its agencies or subdivisions, hereby waives sovereign immunity for liability for torts, but only to the extent specified in this act. Actions at law against the state or any of its agencies or subdivisions to recover damages in tort for money damages against the state or its agencies or subdivisions for injury or loss of property, personal injury, or death caused by the negligent or wrongful act or omission of any employee of the agency or subdivision while acting within the scope of the employee’s office or employment under circumstances in which the state or such agency or subdivision, if a private person, would be liable to the claimant, in accordance with the general laws of this state, may be prosecuted subject to the limitations specified in this act.

Liability is limited to \$200,000 by any one person, and \$300,000 for the same incident or occurrence.<sup>8</sup>

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<sup>1</sup> Section 1013.10, F.S.

<sup>2</sup> *Id.*

<sup>3</sup> Section 163.31777(2)(g), F.S. With a few municipal exceptions, all counties, municipalities, and district school boards have entered into interlocal agreements that include provisions related to joint use of facilities. Florida Department of Education, *Senate Bill 392 Bill Analysis* (January 28, 2013) (on file with the Senate Committee on Education).

<sup>4</sup> *Id.*

<sup>5</sup> Section 1001.32(2), F.S.

<sup>6</sup> *Black’s Law Dictionary* 1396 (6th ed. 1990)

<sup>7</sup> *Id.*

<sup>8</sup> Section 768.28(5), F.S.

## Background Screening

In 2007, background screening for noninstructional contractors who are permitted access to school grounds when students are present was revised via the creation of s. 1012.467, F.S. This law requires a fingerprint-based criminal history check to be performed on each noninstructional contractor:<sup>9</sup>

- Who is permitted access to school grounds when students are present;
- Whose performance of the contract with the school or school board is not anticipated to result in direct contact with students; and
- For whom any unanticipated contact would be infrequent and incidental.

“Noninstructional contractor” means:<sup>10</sup>

[A]ny vendor, individual, or entity under contract with a school or with the school board who receives remuneration for services performed for the school district or a school, but is not otherwise considered an employee of a contractor who performs services for the school district or school under the contract and any subcontractor and its employees.

### III. Effect of Proposed Changes:

CS/SB 396 authorizes use of certain public school properties; authorizes the development and operation of joint community projects between a district school board and a city, municipality, or Florida College System institution; requires indemnification and insurance for a district school board; and exempts background screening for certain noninstructional contractors from applying to properties used under this law when there is no school-sponsored or school-related program or activity in progress

Specifically, the bill:

- Authorizes a district school board to allow use of its indoor or outdoor recreation and sports facilities on public school property by entering into a joint-use agreement with a local government or private organization, or to adopt policies to enable public access.
- Authorizes a district school board to enter into an agreement with a county, municipality, or Florida College System institution to develop and operate a joint community project. The agreement must provide for joint-use agreements and public access policies to enable use of the joint community project.
- Requires district school boards to be indemnified and covered by insurance for damages that occur on property used by a joint-use agreement pursuant to this law.
- Exempts application of s. 1012.467, F.S. (i.e., background screening for certain noninstructional contractors) on property that is being utilized pursuant to this law, except when there is a school-sponsored or school-related program or activity in progress.

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<sup>9</sup> See section 1012.467(2)(a), F.S.

<sup>10</sup> See section 1012.467(1)(a), F.S.

### **Public Use of School Facilities**

The bill authorizes a district school board to enter into a joint-use agreement with a local government or a private organization, and adopt public access policies, regarding indoor or outdoor recreation and sports facilities on public school property.

The joint-use agreement must specify the facilities to be used; dates and times of use; terms and conditions governing use; provide for the full indemnification of the district board by the local government or private organization for any damages arising from the joint use; and must require the local government or private organization to maintain liability insurance of at least \$200,000 per person and \$300,000 per incident to cover the indemnification.

### **Joint-Community Projects**

The bill authorizes a district school board to enter into an agreement with a county, municipality, or Florida College System institution to develop and operate joint community projects.

The joint community project agreement must specify how the project will be developed and operated; where the project will be located; that the operating entity may enter into joint-use agreements; how public access policies will be adopted; and any other provision necessary to develop and operate the joint community project.

The joint-use agreement must specify the facilities to be used; dates and times of use; terms and conditions governing use of such facilities; provide for the full indemnification of the district school board by the county, municipality, or Florida College institution for any damages arising from the joint use; and must require the county, municipality, or Florida College System institution to maintain liability insurance of at least \$200,000 per person and \$300,000 per incident to cover indemnification.

### **Background Screening**

To avoid potential confusion regarding the applicability of background screening requirements, the bill provides that s. 1012.467, F.S., does not apply to the portion of the property made available pursuant to this section when there is no school-sponsored or school-related program or activity in progress. The applicability of s. 1012.467, F.S., is not expanded by this bill.

The effective date of this bill is 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:**

For a joint community project, rather than require the entity entering into the joint-use agreement to indemnify and obtain insurance coverage for both “owners” of the joint-community project (i.e., a district school board and county, municipality, or Florida College System institution), the bill requires the county, municipality, or Florida College System institution to indemnify and provide insurance to cover the district school board.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill creates section 768.072 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 25, 2014:**

The committee substitute:

- Omits provisions that were in SB 396 regarding the:
  - Information to be included in public access policies.
  - Ability to appeal unresolved joint-access agreement negotiations to the superintendent.
  - Department of Education posting joint-use agreements on its website and issuing grants to implement joint-use agreements.
  - Restriction of the limited waiver of sovereign immunity for public school property being used pursuant to the bill.

- Adds provisions to CS/SB 396 regarding the:
  - Information to be included in joint-use agreements, including requiring the full indemnification of the district school board for any damages arising from the joint use, and requiring liability insurance of at least \$200,000 per person and \$300,000 per incident to cover the indemnification.
  - District school board's authority to enter into an agreement with a city, county, municipality, or Florida College System Institution to develop and operate a joint community project.
  - Exemption of s. 1012.467, F.S., relating to background screening for certain noninstructional contractors, to property used pursuant to this law when there is no school-sponsored or school-related program or activity in progress.

B. Amendments:

None.



740516

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/25/2014	.	
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The Committee on Education (Legg) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Section 768.072, Florida Statutes, is created to  
read:

768.072 Limitation on public premises liability for public  
school property and joint community projects, and background  
screening requirements.—

(1) (a) A district school board is not liable for civil  
damages for personal injury, property damage, or death that





740516

12 occurs on a public school property that the district school  
13 board has opened to the public through joint-use agreements or  
14 public access policies pursuant to this subsection, unless gross  
15 negligence or intentional misconduct on the part of the district  
16 school board is a proximate cause of the injury, damage, or  
17 death.

18 (b) A district school board may, at its discretion, enter  
19 into a joint-use agreement with a local government or a private  
20 organization or adopt public access policies to enable public  
21 access to indoor or outdoor recreation and sports facilities on  
22 public school property. A joint-use agreement or public access  
23 policy must specify the facilities to be used, dates and times  
24 of use, and terms and conditions governing use of such  
25 facilities and may include provisions regarding liability  
26 insurance coverage and indemnification of the school district.

27 (2) (a) A district school board, county, city or Florida  
28 College System institution is not liable for civil damages for  
29 personal injury, property damage, or death that occurs on  
30 property upon which a joint community project operates and is  
31 accessed by the public through joint-use agreements or public  
32 access policies pursuant to this subsection, unless gross  
33 negligence or intentional misconduct on the part of the district  
34 school board, county, city or Florida College System institution  
35 is a proximate cause of the injury, damage, or death. No party  
36 to the joint-use agreements or public access policies shall be  
37 liable for more than their pro rata share of negligence.

38 (b) A district school board may enter into agreements with  
39 a county, city, or Florida College System institution to develop  
40 and operate joint community projects. The agreements must



740516

41 specify how the joint community project will be developed and  
42 operated, where the project will be located, that the operating  
43 entity may enter into joint-use agreements pursuant to this  
44 subsection, how public access policies pursuant to this  
45 subsection will be adopted, and any other provisions necessary  
46 to develop and operate the joint community project.

47 (c) A joint-use agreement or public access policy for the  
48 joint community project must specify the facilities to be used,  
49 dates and times of use, and terms and conditions governing use  
50 of such facilities, and may include provisions regarding  
51 liability insurance coverage, indemnification of the school  
52 district and the county, city, or Florida College System  
53 institution and any other necessary provisions.

54 (3) This section does not affect liability for injury,  
55 damage, or death that occurs during school hours or during a  
56 school-sponsored activity.

57 (4) This section does not waive sovereign immunity beyond  
58 the limited waiver in s. 768.28.

59 (5) Section 1012.467 does not apply to the portion of the  
60 property made available pursuant to this section when there is  
61 no school-sponsored or school-related program or activity in  
62 progress. This subsection does not expand the applicability of  
63 s. 1012.467.

64 Section 2. This act shall take effect July 1, 2014.

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

67 And the title is amended as follows:

68 Delete everything before the enacting clause  
69 and insert:



740516

70                                   A bill to be entitled  
71           An act relating to the joint use and public access of  
72           public school facilities and joint community projects;  
73           creating s. 768.072, F.S.; authorizing district school  
74           boards to enter into joint-use agreements or adopt  
75           public access policies; providing immunity from  
76           liability for a district school board that enters into  
77           a joint-use agreement or adopts public access policies  
78           except in instances of gross negligence or intentional  
79           misconduct; authorizing a district school board to  
80           enter into agreements with a county, city, or Florida  
81           College System institution to develop and operate  
82           joint community projects; providing immunity from  
83           liability for a district school board, county, city or  
84           Florida College System institution that enters into  
85           joint-use agreements or adopts public access policies  
86           except in instances of gross negligence or intentional  
87           misconduct; limiting liability to a pro rata share of  
88           negligence; providing applicability; providing that s.  
89           1012.467 does not apply when there is no school-  
90           sponsored or school-related program or activity in  
91           progress; providing an effective date.



176138

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/25/2014	.	
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The Committee on Education (Sachs) recommended the following:

1           **Senate Amendment to Amendment (740516) (with title**  
2 **amendment)**

3  
4           Delete lines 7 - 56

5 and insert:

6           768.072 Indemnification and liability insurance  
7 requirements for public school property joint-use agreements and  
8 joint community projects.-

9           (1) A district school board may, at its discretion, enter  
10 into a joint-use agreement with a local government or a private  
11 organization or adopt public access policies to enable public



12 access to indoor or outdoor recreation and sports facilities on  
13 public school property. A joint-use agreement must specify the  
14 facilities to be used, the dates and times of use, and the terms  
15 and conditions governing use of such facilities; must provide  
16 for the full indemnification of the district school board by the  
17 local government or private organization for any damages arising  
18 from the joint use; and must require the local government or  
19 private organization to maintain liability insurance of at least  
20 \$200,000 per person and \$300,000 per incident to cover the  
21 indemnification.

22 (a) A district school board may enter into agreements with  
23 a county, municipality, or Florida College System institution to  
24 develop and operate joint community projects. The agreements  
25 must specify how the joint community projects will be developed  
26 and operated, where the projects will be located, that the  
27 operating entity may enter into joint-use agreements pursuant to  
28 this subsection, how public access policies pursuant to this  
29 subsection will be adopted, and any other provisions necessary  
30 to develop and operate the joint community projects.

31 (b) A joint-use agreement for a joint community project  
32 must specify the facilities to be used, the dates and times of  
33 use, and the terms and conditions governing use of such  
34 facilities; must provide for the full indemnification of the  
35 district school board by the county, municipality, or Florida  
36 College System institution for any damages arising from the  
37 joint use; and must require the county, municipality, or Florida  
38 College System institution to maintain liability insurance of at  
39 least \$200,000 per person and \$300,000 per incident to cover the  
40 indemnification.



176138

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

And the title is amended as follows:

Delete lines 73 - 89

and insert:

creating s. 768.072, F.S.; authorizing district school boards to enter into joint-use agreements with a local government or a private organization or adopt public access policies; providing criteria for joint-use agreements; authorizing a district school board to enter into agreements with a county, municipality, or Florida College System institution to develop and operate joint community projects; requiring such agreements to have certain specifications; requiring certain provisions to be included in joint-use agreements for joint community projects, including indemnification of district school boards and liability insurance; providing applicability; providing that s. 1012.467, F.S., does not apply when there is no school-



325238

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
03/25/2014	.	
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The Committee on Education (Bullard) recommended the following:

- 1        **Senate Amendment to Amendment (740516)**
- 2
- 3        Delete lines 47 - 53.



461036

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
03/25/2014	.	
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The Committee on Education (Bullard) recommended the following:

**Senate Amendment to Amendment (740516)**

Delete lines 18 - 20  
and insert:

(b) A district school board may, at its discretion, enter into a joint-use agreement with a local government or a not-for-profit organization or adopt public access policies to enable public





867532

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
03/25/2014	.	
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The Committee on Education (Legg) recommended the following:

**Senate Amendment (with title amendment)**

Between lines 64 and 65  
insert:

(d) Encourage municipalities, counties, district school boards, and private organizations to collaborate in developing community projects that enable joint use of and public access to facilities, including, but not limited to, outdoor recreation, sports facilities, recreation venues, performing arts centers, and libraries.

(6) The portion of a facility or location that the district



867532

12 school board makes available through a public access policy or  
13 joint use agreement under this section is exempt from s.  
14 1012.467 while the facility or location is being utilized under  
15 this section, if the facility or location is not being used as a  
16 district function or being operated by the district, or during  
17 nonschool hours when a school-sponsored or school-related  
18 activity is not in progress.

19  
20

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

22 And the title is amended as follows:

23       Delete line 12

24 and insert:

25       Education; providing limited circumstances when s.  
26       1012.467 does not apply; creating s. 768.072, F.S;  
27       providing



324148

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
03/25/2014	.	
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The Committee on Education (Legg) recommended the following:

1           **Senate Substitute for Amendment (867532) (with title**  
2 **amendment)**

3  
4           Delete everything after the enacting clause  
5 and insert:

6           Section 1. Section 768.072, Florida Statutes, is created to  
7 read:

8           768.072 Limitation on public premises liability for public  
9 school property and joint community projects, and background  
10 screening requirements.—

11           (1) (a) A district school board is not liable for civil



324148

12 damages for personal injury, property damage, or death that  
13 occurs on a public school property that the district school  
14 board has opened to the public through joint-use agreements or  
15 public access policies pursuant to this subsection, unless gross  
16 negligence or intentional misconduct on the part of the district  
17 school board is a proximate cause of the injury, damage, or  
18 death.

19 (b) A district school board may, at its discretion, enter  
20 into a joint-use agreement with a local government or a private  
21 organization or adopt public access policies to enable public  
22 access to indoor or outdoor recreation and sports facilities on  
23 public school property. A joint-use agreement or public access  
24 policy must specify the facilities to be used, dates and times  
25 of use, and terms and conditions governing use of such  
26 facilities and may include provisions regarding liability  
27 insurance coverage and indemnification of the school district.

28 (2) (a) A district school board, county or city is not  
29 liable for civil damages for personal injury, property damage,  
30 or death that occurs on property upon which a joint community  
31 project operates and is accessed by the public through joint-use  
32 agreements or public access policies pursuant to this  
33 subsection, unless gross negligence or intentional misconduct on  
34 the part of the district school board, county or city is a  
35 proximate cause of the injury, damage, or death. No party to the  
36 joint-use agreements or public access policies shall be liable  
37 for more than their pro rata share of negligence.

38 (b) A district school board may enter into agreements with  
39 a county or city to develop and operate joint community  
40 projects. The agreements must specify how the joint community



324148

41 project will be developed and operated, where the project will  
42 be located, that the operating entity may enter into joint-use  
43 agreements pursuant to this subsection, how public access  
44 policies pursuant to this subsection will be adopted, and any  
45 other provisions necessary to develop and operate the joint  
46 community project.

47 (c) A joint-use agreement or public access policy for the  
48 joint community project must specify the facilities to be used,  
49 dates and times of use, and terms and conditions governing use  
50 of such facilities, and may include provisions regarding  
51 liability insurance coverage, indemnification of the school  
52 district and the county or city, and any other necessary  
53 provisions.

54 (3) This section does not affect liability for injury,  
55 damage, or death that occurs during school hours or during a  
56 school-sponsored activity.

57 (4) This section does not waive sovereign immunity beyond  
58 the limited waiver in s. 768.28.

59 (5) Section 1012.467 does not apply to the portion of the  
60 property made available pursuant to this section when there is  
61 no school-sponsored or school-related program or activity in  
62 progress. This subsection does not expand the applicability of  
63 s. 1012.467.

64 Section 2. This act shall take effect July 1, 2014.

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

67 And the title is amended as follows:

68 Delete everything before the enacting clause  
69 and insert:



324148

70                                   A bill to be entitled  
71           An act relating to the joint use and public access of  
72           public school facilities and joint community projects;  
73           creating s. 768.072, F.S.; authorizing district school  
74           boards to enter into joint-use agreements or adopt  
75           public access policies; providing immunity from  
76           liability for a district school board that enters into  
77           a joint-use agreement or adopts public access policies  
78           except in instances of gross negligence or intentional  
79           misconduct; authorizing a district school board to  
80           enter into agreements with a county or city to develop  
81           and operate joint community projects; providing  
82           immunity from liability for a district school board,  
83           county, and city that enter into joint-use agreements  
84           or adopts public access policies except in instances  
85           of gross negligence or intentional misconduct,  
86           limiting liability to a pro rata share of negligence;  
87           providing applicability; providing that s. 1012.467  
88           does not apply when there is no school-sponsored or  
89           school-related program or activity in progress;  
90           providing an effective date.



838834

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
03/25/2014	.	
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The Committee on Education (Sachs) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 44 - 79  
and insert:  
school property. A joint-use agreement must provide for the  
indemnification of the district school board by the local  
government or by the private organization and require the local  
government or private organization to maintain liability  
insurance of at least \$200,000 per person and \$300,000 per  
incident to sufficiently cover the indemnification.  
(c) Develop and adopt written policies and procedures



838834

12 providing for an appeal process in which a party seeking to  
13 enter into a joint-use agreement with a school district pursuant  
14 to this section may file an appeal with the district school  
15 superintendent if the negotiations for such joint-use agreement  
16 fail.

17  
18 Within 30 days after adopting a public access policy or entering  
19 into a joint-use agreement, a district school board shall submit  
20 a copy of the policy or agreement to the Department of  
21 Education.

22 (3) The Department of Education shall:

23 (a) Develop a model joint-use agreement and post the model  
24 agreement on its website.

25 (b) Post on its website links to or copies of all public  
26 access policies and joint-use agreements submitted to the  
27 department by a district school board.

28 (c) Develop criteria for the acceptance of grants for  
29 implementing joint-use agreements and post the criteria on its  
30 website.

31 (4) This section does not waive sovereign immunity beyond  
32 the limited waiver in s. 768.28.

33  
34 ===== T I T L E A M E N D M E N T =====

35 And the title is amended as follows:

36 Delete lines 8 - 17

37 and insert:

38 agreements that meet certain requirements, and to  
39 develop and adopt written policies and procedures for  
40 an appeal process if negotiations for a joint-use





838834

41 agreement fail; providing duties of district school  
42 boards and the Department of Education; providing an  
43 effective date.

By Senator Bean

4-00387-14

2014396\_\_

1 A bill to be entitled  
 2 An act relating to the joint use of public school  
 3 facilities; creating s. 1013.105, F.S.; providing  
 4 legislative findings; authorizing each district school  
 5 board to adopt written policies to promote public  
 6 access to outdoor recreation and sports facilities on  
 7 school property, to increase the number of joint-use  
 8 agreements, and to develop and adopt written policies  
 9 and procedures for an appeal process if negotiations  
 10 for a joint-use agreement fail; providing duties of  
 11 district school boards and the Department of  
 12 Education; creating s. 768.072, F.S.; providing  
 13 immunity from civil liability for a district school  
 14 board that adopts public access policies or enters  
 15 into a joint-use agreement except in instances of  
 16 gross negligence or intentional misconduct; providing  
 17 application; providing an effective date.

18  
 19 Be It Enacted by the Legislature of the State of Florida:

20  
 21 Section 1. Section 1013.105, Florida Statutes, is created  
 22 to read:

23 1013.105 Joint use of public school facilities.-  
 24 (1) The Legislature finds that greater access to recreation  
 25 and sports facilities is needed in this state to reduce the  
 26 impact of obesity on personal health and health care  
 27 expenditures. The Legislature further finds that public schools  
 28 are equipped with taxpayer-funded playgrounds, fields, tracks,  
 29 courts, and other outdoor recreation and sports facilities that

Page 1 of 3

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

4-00387-14

2014396\_\_

30 offer easily accessible opportunities for physical activity for  
 31 residents of the community.  
 32 (2) Each district school board may:  
 33 (a) Develop and adopt written policies to promote public  
 34 access to the outdoor recreation and sports facilities on public  
 35 school property during nonschool hours when a school-sponsored  
 36 or school-related activity is not occurring. A public access  
 37 policy should outline the outdoor recreation and sports  
 38 facilities that are open to the public and the hours during  
 39 which the facilities are open.  
 40 (b) Increase the number of joint-use agreements entered  
 41 into with a local government or a private organization. A joint-  
 42 use agreement should specify the terms and conditions for the  
 43 shared use of outdoor recreation and sports facilities on public  
 44 school property.  
 45 (c) Develop and adopt written policies and procedures  
 46 providing for an appeal process in which a party seeking to  
 47 enter into a joint-use agreement with a school district pursuant  
 48 to this section may file an appeal with the district school  
 49 superintendent if the negotiations for such joint-use agreement  
 50 fail.  
 51  
 52 Within 30 days after adopting a public access policy or entering  
 53 into a joint-use agreement, a district school board shall submit  
 54 a copy of the policy or agreement to the Department of  
 55 Education.  
 56 (3) The Department of Education shall:  
 57 (a) Develop a model joint-use agreement and post the model  
 58 agreement on its website.

Page 2 of 3

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

4-00387-14

2014396\_\_

59 (b) Post on its website links to or copies of all public  
60 access policies and joint-use agreements submitted to the  
61 department by a district school board.

62 (c) Develop criteria for the acceptance of grants for  
63 implementing joint-use agreements and post the criteria on its  
64 website.

65 Section 2. Section 768.072, Florida Statutes, is created to  
66 read:

67 768.072 Limitation on public school premises liability.-

68 (1) A district school board is not liable for civil damages  
69 for personal injury, property damage, or death that occurs on a  
70 public school property that the district school board has made  
71 available to the public through public access policies or joint-  
72 use agreements under s. 1013.105, unless gross negligence or  
73 intentional misconduct on the part of the district school board  
74 is a proximate cause of the injury, damage, or death.

75 (2) This section does not change liability for injury,  
76 damage, or death that occurs during school hours or during a  
77 school-sponsored or school-related activity.

78 (3) This section does not waive sovereign immunity beyond  
79 the limited waiver in s. 768.28.

80 Section 3. 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)

3-25-14

Meeting Date

Topic Joint Use bill

Bill Number 396

Name Jimmy Gustafson

Amendment Barcode 838834  
(if applicable)

Job Title Attorney

Address 1567 Cristobal Drive

Phone 850-251-4011

Tallahassee FL 32303  
City State Zip

E-mail jwg@searaylaw.com

Speaking:  For  Against  Information

Representing FJA

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)

3/25/2014

Meeting Date

Topic Joint Use of Public School facilities Bill Number 396  
*(if applicable)*

Name Todd Rosenbaum Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title Executive Director

Address 415 B North Taragona St. Phone 850-525-0342

Pensacola FL 32501 E-mail todd.rosenbaum@  
City State Zip floridaymcas.org

Speaking:  For  Against  Information

Representing Florida Alliance of YMCAs

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 Joint Use Agreements Bill Number 396  
Name David Francis Amendment Barcode \_\_\_\_\_ (if applicable)  
Job Title Gov Relations Dir (if applicable)  
Address 2851 Remington Green Cir Ste C Phone 850-567-0598  
Street  
Tallahassee FL 32308 E-mail David.Francis@heart.org  
City State Zip

Speaking:  For  Against  Information

Representing American Heart 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.**

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)

3-25-14

Meeting Date

Topic Joint use of Public School Fac. Bill Number SB 396  
*(if applicable)*

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

Job Title Florida PTA Legislative Committee

Address 6641 Old Floral City Rd Phone 352 341-2569

Street

Floral City FL 34436

City

State

Zip

E-mail Kthrmston@gmail.com

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)

3-25-14

Meeting Date

Topic \_\_\_\_\_

Bill Number SB 396  
*(if applicable)*

Name Bob Harris

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title \_\_\_\_\_

Address 2608 Centennial Place

Phone 222-0720

Tallahassee FL 32308  
*Street City State Zip*

E-mail bharris@cafla.com

Speaking:  For  Against  Information

Representing Panhandle Area Educational 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.*

**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

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BILL: CS/SB 414

INTRODUCER: Education Committee and Senator Dean

SUBJECT: Public Records/Animal Medical Researchers

DATE: March 27, 2014

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Letarte	Klebacha	ED	<b>CS/Fav</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 414 provides an exemption from public record requirements for personal identifying information of a person employed by, under contract with, or volunteering for a public research facility that conducts animal research or is engaged in activities related to animal research.

The provision is subject to the Open Government Sunset Review Act and shall stand repealed on October 2, 2019, unless reviewed and reenacted by the Legislature. The bill also includes a public necessity statement as required by the Constitution of the State of Florida.

The bill takes effect on July 1, 2014.

**II. Present Situation:**

Currently, there is no exemption from public record requirements for personal identifying information of individuals who conduct animal research or engage in activities related to animal research at a public research facility.

## 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.<sup>4</sup>

## Open Government Sunset Review Act

The Open Government Sunset Review Act (OGSRA) provides requirements for creation of a new, or review of an existing, public record exemption.<sup>5</sup> OGSRA requires that a new exemption or substantial amendment of an existing exemption be set to repeal on October 2nd of the fifth year after enactment, unless reenacted by the Legislature.<sup>6</sup>

When creating a new exemption, the exemption must state that the record is:

- Exempt from section 24, Article 1 of the Florida Constitution;
- Exempt from section 119.07(1) or section 286.011; and
- Repealed at the end of five years and that the exemption must be reviewed by the Legislature before the scheduled repeal date.<sup>7</sup>

Additionally, OGSRA provides that a new exemption must serve an identifiable public purpose and be no broader than necessary to meet the public purpose it serves.<sup>8</sup> An identifiable public

---

<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> Section 119.15, F.S.

<sup>6</sup> Section 119.15(3), F.S.

<sup>7</sup> Section 119.15(4)(a), F.S.

<sup>8</sup> Section 119.15(6)(b), F.S.

purpose is served if one of the following purposes is met and the Legislature finds that the purpose is “sufficiently compelling to override the strong public policy of open government” and cannot be achieved without the new exemption:

- Allows the state or its political subdivisions to effectively and efficiently administer a governmental program;
- Protects sensitive, personal information concerning individuals, and if such information were made available it would be defamatory to the individuals, cause unwarranted damage to the good name or reputation of the individuals, or would jeopardize the safety of the individuals; or
- Protects confidential information 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,” and disclosure of such information would injure the entity in the marketplace.<sup>9</sup>

### III. Effect of Proposed Changes:

CS/SB 414 provides an exemption from public record requirements for personal identifying information of a person employed by, under contract with, or volunteering for a public research facility that conducts animal research or is engaged in activities related to animal research.

The bill would make such personal identifying information exempt from public record requirements when it is contained in the following records:

- Animal records, including animal care and treatment records;
- Research protocols and approvals;
- Purchasing, funding, and billing records related to animal research or activities;
- Animal care and use committee records;
- Facility and laboratory records related to animal research or activities.

The exemption is subject to the Open Government Sunset Review Act and shall stand repealed on October 2, 2019, unless reviewed and reenacted by the Legislature.

The public necessity statement provides that the exemption is necessary to protect researchers from physical and emotional harm from animal rights advocates who oppose the use of animals for medical research. The statement provides that certain university employees have been harassed and threatened after personal identifying information was disclosed pursuant to public records requests.

The bill takes effect on July 1, 2014.

### IV. Constitutional Issues:

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

None.

---

<sup>9</sup> *Id.*

**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 a new public record exemption 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 a new public record exemption, therefore, it includes a public necessity statement.

**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 119.071 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 March 25, 2014:**

The committee substitute:

- Broadens the exemption by protecting “personal identifying information” as opposed to just home addresses, telephone numbers, dates of birth, and photographs as in SB 414.
- Expands the group of people to whom the exemption applies by including individuals “employed by, under contract with, or volunteering for a public research facility,” as opposed to “current or former researchers” as in SB 414.
- Expands the qualifying activity to include a research facility that “conducts animal research or is engaged in activities related to animal research” as opposed to requiring that the work be for the purpose of “conducting life-sustaining medical research” as in SB 414.
- Provides that personal identifying information is exempt from public records requirements when such information is located within a specific list of documents.

- B. **Amendments:**

None.



314348

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/25/2014	.	
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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. (1) Personal identifying information of a person employed by, under contract with, or volunteering for a public research facility, including a state university, that conducts animal research or is engaged in activities related to animal research, is exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution, when such information is contained in the following records:



314348

12       (a) Animal records, including animal care and treatment  
13 records.

14       (b) Research protocols and approvals.

15       (c) Purchasing, funding, and billing records related to  
16 animal research or activities.

17       (d) Animal care and use committee records.

18       (e) Facility and laboratory records related to animal  
19 research or activities.

20       (2) This exemption applies to personal identifying  
21 information as described in subsection (1) held by a public  
22 research facility, including a state university, before, on, or  
23 after the effective date of this exemption.

24       (3) This section is subject to the Open Government Sunset  
25 Review Act in accordance with s. 119.15, Florida Statutes, and  
26 shall stand repealed on October 2, 2019, unless reviewed and  
27 saved from repeal through reenactment by the Legislature.

28       Section 2. The Legislature finds that it is a public  
29 necessity that personal identifying information of a person who  
30 is employed by, under contract with, or volunteering for a  
31 public research facility, including a state university, that  
32 conducts animal research or is engaged in activities related to  
33 animal research, be made exempt from s. 119.07(1), Florida  
34 Statutes, and s. 24(a), Article I of the State Constitution. The  
35 Legislature also finds that it is a public necessity that this  
36 exemption apply to such personal identifying information held by  
37 a public research facility, including a state university,  
38 before, on, or after the effective date of the exemption. The  
39 Legislature finds that the release of such personal identifying  
40 information will place such persons in danger of threats and



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41 harassment as well as physical and emotional harm from those who  
42 advocate against such research. University employees have been  
43 harassed and threatened after animal care records that included  
44 their personal identifying information were disclosed pursuant  
45 to public records requests. Thus, the Legislature finds that the  
46 harm and threat to such persons' safety which results from the  
47 release of personal identifying information in records about the  
48 animals or about the animal research outweighs any public  
49 benefit that may be derived from the disclosure of the  
50 information. The public research facilities, including state  
51 universities, remain responsible and accountable for the animal  
52 research conducted at their institutions.

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

54  
55 ===== T I T L E A M E N D M E N T =====

56 And the title is amended as follows:

57 Delete everything before the enacting clause  
58 and insert:

59 A bill to be entitled  
60 An act relating to public records; providing an  
61 exemption from public records requirements for  
62 personal identifying information of certain animal  
63 researchers at public research facilities, including  
64 state universities; providing for retroactive  
65 applicability of the exemption; providing for future  
66 legislative review and repeal of the exemption;  
67 providing a statement of public necessity; providing  
68 an effective date.



By Senator Dean

5-00359-14

2014414\_\_

1 A bill to be entitled  
 2 An act relating to public records; amending s.  
 3 119.071, F.S.; providing an exemption from public  
 4 records requirements for certain personal identifying  
 5 information of current and former researchers whose  
 6 duties include or included experimenting on animals  
 7 for the purpose of conducting life-sustaining medical  
 8 research at a public research facility, including a  
 9 university; providing for future review and repeal of  
 10 the exemption under the Open Government Sunset Review  
 11 Act; providing a statement of public necessity;  
 12 providing an effective date.

13  
 14 Be It Enacted by the Legislature of the State of Florida:

15  
 16 Section 1. Paragraph (d) of subsection (4) of section  
 17 119.071, Florida Statutes, is amended to read:

18 119.071 General exemptions from inspection or copying of  
 19 public records.—

20 (4) AGENCY PERSONNEL INFORMATION.—

21 (d)1. For purposes of this paragraph, the term “telephone  
 22 numbers” includes home telephone numbers, personal cellular  
 23 telephone numbers, personal pager telephone numbers, and  
 24 telephone numbers associated with personal communications  
 25 devices.

26 2.a.(I) The home addresses, telephone numbers, social  
 27 security numbers, dates of birth, and photographs of active or  
 28 former sworn or civilian law enforcement personnel, including  
 29 correctional and correctional probation officers, personnel of

Page 1 of 9

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

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30 the Department of Children and Families whose duties include the  
 31 investigation of abuse, neglect, exploitation, fraud, theft, or  
 32 other criminal activities, personnel of the Department of Health  
 33 whose duties are to support the investigation of child abuse or  
 34 neglect, and personnel of the Department of Revenue or local  
 35 governments whose responsibilities include revenue collection  
 36 and enforcement or child support enforcement; the home  
 37 addresses, telephone numbers, social security numbers,  
 38 photographs, dates of birth, and places of employment of the  
 39 spouses and children of such personnel; and the names and  
 40 locations of schools and day care facilities attended by the  
 41 children of such personnel are exempt from s. 119.07(1).

42 (II) The names of the spouses and children of active or  
 43 former sworn or civilian law enforcement personnel and the other  
 44 specified agency personnel identified in sub-sub-subparagraph  
 45 (I) are exempt from s. 119.07(1) and s. 24(a), Art. I of the  
 46 State Constitution.

47 (III) Sub-sub-subparagraph (II) is subject to the Open  
 48 Government Sunset Review Act in accordance with s. 119.15, and  
 49 shall stand repealed on October 2, 2018, unless reviewed and  
 50 saved from repeal through reenactment by the Legislature.

51 b. The home addresses, telephone numbers, dates of birth,  
 52 and photographs of firefighters certified in compliance with s.  
 53 633.408; the home addresses, telephone numbers, photographs,  
 54 dates of birth, and places of employment of the spouses and  
 55 children of such firefighters; and the names and locations of  
 56 schools and day care facilities attended by the children of such  
 57 firefighters are exempt from s. 119.07(1).

58 c. The home addresses, dates of birth, and telephone

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

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59 numbers of current or former justices of the Supreme Court,  
 60 district court of appeal judges, circuit court judges, and  
 61 county court judges; the home addresses, telephone numbers,  
 62 dates of birth, and places of employment of the spouses and  
 63 children of current or former justices and judges; and the names  
 64 and locations of schools and day care facilities attended by the  
 65 children of current or former justices and judges are exempt  
 66 from s. 119.07(1).

67 d. (I) The home addresses, telephone numbers, social  
 68 security numbers, dates of birth, and photographs of current or  
 69 former state attorneys, assistant state attorneys, statewide  
 70 prosecutors, or assistant statewide prosecutors; the home  
 71 addresses, telephone numbers, social security numbers,  
 72 photographs, dates of birth, and places of employment of the  
 73 spouses and children of current or former state attorneys,  
 74 assistant state attorneys, statewide prosecutors, or assistant  
 75 statewide prosecutors; and the names and locations of schools  
 76 and day care facilities attended by the children of current or  
 77 former state attorneys, assistant state attorneys, statewide  
 78 prosecutors, or assistant statewide prosecutors are exempt from  
 79 s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

80 (II) The names of the spouses and children of current or  
 81 former state attorneys, assistant state attorneys, statewide  
 82 prosecutors, or assistant statewide prosecutors are exempt from  
 83 s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

84 (III) Sub-sub-subparagraph (II) is subject to the Open  
 85 Government Sunset Review Act in accordance with s. 119.15, and  
 86 shall stand repealed on October 2, 2018, unless reviewed and  
 87 saved from repeal through reenactment by the Legislature.

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88 e. The home addresses, dates of birth, and telephone  
 89 numbers of general magistrates, special magistrates, judges of  
 90 compensation claims, administrative law judges of the Division  
 91 of Administrative Hearings, and child support enforcement  
 92 hearing officers; the home addresses, telephone numbers, dates  
 93 of birth, and places of employment of the spouses and children  
 94 of general magistrates, special magistrates, judges of  
 95 compensation claims, administrative law judges of the Division  
 96 of Administrative Hearings, and child support enforcement  
 97 hearing officers; and the names and locations of schools and day  
 98 care facilities attended by the children of general magistrates,  
 99 special magistrates, judges of compensation claims,  
 100 administrative law judges of the Division of Administrative  
 101 Hearings, and child support enforcement hearing officers are  
 102 exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
 103 Constitution if the general magistrate, special magistrate,  
 104 judge of compensation claims, administrative law judge of the  
 105 Division of Administrative Hearings, or child support hearing  
 106 officer provides a written statement that the general  
 107 magistrate, special magistrate, judge of compensation claims,  
 108 administrative law judge of the Division of Administrative  
 109 Hearings, or child support hearing officer has made reasonable  
 110 efforts to protect such information from being accessible  
 111 through other means available to the public.

112 f. The home addresses, telephone numbers, dates of birth,  
 113 and photographs of current or former human resource, labor  
 114 relations, or employee relations directors, assistant directors,  
 115 managers, or assistant managers of any local government agency  
 116 or water management district whose duties include hiring and

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117 firing employees, labor contract negotiation, administration, or  
 118 other personnel-related duties; the names, home addresses,  
 119 telephone numbers, dates of birth, and places of employment of  
 120 the spouses and children of such personnel; and the names and  
 121 locations of schools and day care facilities attended by the  
 122 children of such personnel are exempt from s. 119.07(1) and s.  
 123 24(a), Art. I of the State Constitution.

124 g. The home addresses, telephone numbers, dates of birth,  
 125 and photographs of current or former code enforcement officers;  
 126 the names, home addresses, telephone numbers, dates of birth,  
 127 and places of employment of the spouses and children of such  
 128 personnel; and the names and locations of schools and day care  
 129 facilities attended by the children of such personnel are exempt  
 130 from s. 119.07(1) and s. 24(a), Art. I of the State  
 131 Constitution.

132 h. The home addresses, telephone numbers, places of  
 133 employment, dates of birth, and photographs of current or former  
 134 guardians ad litem, as defined in s. 39.820; the names, home  
 135 addresses, telephone numbers, dates of birth, and places of  
 136 employment of the spouses and children of such persons; and the  
 137 names and locations of schools and day care facilities attended  
 138 by the children of such persons are exempt from s. 119.07(1) and  
 139 s. 24(a), Art. I of the State Constitution, if the guardian ad  
 140 litem provides a written statement that the guardian ad litem  
 141 has made reasonable efforts to protect such information from  
 142 being accessible through other means available to the public.

143 i. The home addresses, telephone numbers, dates of birth,  
 144 and photographs of current or former juvenile probation  
 145 officers, juvenile probation supervisors, detention

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146 superintendents, assistant detention superintendents, juvenile  
 147 justice detention officers I and II, juvenile justice detention  
 148 officer supervisors, juvenile justice residential officers,  
 149 juvenile justice residential officer supervisors I and II,  
 150 juvenile justice counselors, juvenile justice counselor  
 151 supervisors, human services counselor administrators, senior  
 152 human services counselor administrators, rehabilitation  
 153 therapists, and social services counselors of the Department of  
 154 Juvenile Justice; the names, home addresses, telephone numbers,  
 155 dates of birth, and places of employment of spouses and children  
 156 of such personnel; and the names and locations of schools and  
 157 day care facilities attended by the children of such personnel  
 158 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
 159 Constitution.

160 j. The home addresses, telephone numbers, dates of birth,  
 161 and photographs of current or former public defenders, assistant  
 162 public defenders, criminal conflict and civil regional counsel,  
 163 and assistant criminal conflict and civil regional counsel; the  
 164 home addresses, telephone numbers, dates of birth, and places of  
 165 employment of the spouses and children of such defenders or  
 166 counsel; and the names and locations of schools and day care  
 167 facilities attended by the children of such defenders or counsel  
 168 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
 169 Constitution.

170 k. The home addresses, telephone numbers, and photographs  
 171 of current or former investigators or inspectors of the  
 172 Department of Business and Professional Regulation; the names,  
 173 home addresses, telephone numbers, and places of employment of  
 174 the spouses and children of such current or former investigators

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175 and inspectors; and the names and locations of schools and day  
 176 care facilities attended by the children of such current or  
 177 former investigators and inspectors are exempt from s. 119.07(1)  
 178 and s. 24(a), Art. I of the State Constitution if the  
 179 investigator or inspector has made reasonable efforts to protect  
 180 such information from being accessible through other means  
 181 available to the public. This sub-subparagraph is subject to the  
 182 Open Government Sunset Review Act in accordance with s. 119.15  
 183 and shall stand repealed on October 2, 2017, unless reviewed and  
 184 saved from repeal through reenactment by the Legislature.

185 1. The home addresses and telephone numbers of county tax  
 186 collectors; the names, home addresses, telephone numbers, and  
 187 places of employment of the spouses and children of such tax  
 188 collectors; and the names and locations of schools and day care  
 189 facilities attended by the children of such tax collectors are  
 190 exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
 191 Constitution if the county tax collector has made reasonable  
 192 efforts to protect such information from being accessible  
 193 through other means available to the public. This sub-  
 194 subparagraph is subject to the Open Government Sunset Review Act  
 195 in accordance with s. 119.15 and shall stand repealed on October  
 196 2, 2017, unless reviewed and saved from repeal through  
 197 reenactment by the Legislature.

198 m. The home addresses, telephone numbers, dates of birth,  
 199 and photographs of current or former researchers whose duties  
 200 include or included experimenting on animals for the purpose of  
 201 conducting life-sustaining medical research at a public research  
 202 facility, including a university, are exempt from s. 119.07(1)  
 203 and s. 24(a), Art. I of the State Constitution, if the

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204 researcher has made reasonable efforts to protect such  
 205 information from being accessible through other means available  
 206 to the public. This sub-subparagraph is subject to the Open  
 207 Government Sunset Review Act in accordance with s. 119.15 and  
 208 shall stand repealed on October 2, 2019, unless reviewed and  
 209 saved from repeal through reenactment by the Legislature.

210 3. An agency that is the custodian of the information  
 211 specified in subparagraph 2. and that is not the employer of the  
 212 officer, employee, justice, judge, or other person specified in  
 213 subparagraph 2. shall maintain the exempt status of that  
 214 information only if the officer, employee, justice, judge, other  
 215 person, or employing agency of the designated employee submits a  
 216 written request for maintenance of the exemption to the  
 217 custodial agency.

218 4. The exemptions in this paragraph apply to information  
 219 held by an agency before, on, or after the effective date of the  
 220 exemption.

221 5. Except as otherwise expressly provided in this  
 222 paragraph, this paragraph is subject to the Open Government  
 223 Sunset Review Act in accordance with s. 119.15, and shall stand  
 224 repealed on October 2, 2017, unless reviewed and saved from  
 225 repeal through reenactment by the Legislature.

226 Section 2. The Legislature finds that it is a public  
 227 necessity that the home addresses, telephone numbers, dates of  
 228 birth, and photographs of current or former researchers whose  
 229 duties include or included experimenting on animals for the  
 230 purpose of conducting life-sustaining medical research at a  
 231 public research facility, including a university, be made exempt  
 232 from public records requirements if the researcher has made

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233 reasonable efforts to protect such information from being  
234 accessible through other means available to the public. The  
235 Legislature finds that the release of such personal identifying  
236 information might place current or former researchers, whose  
237 duties include experimenting on animals for the purpose of such  
238 research, in danger of physical and emotional harm from  
239 individuals who are zealous animal rights activists who advocate  
240 against the use of animals for medical research. University of  
241 Florida employees have reported being harassed or threatened as  
242 a result of the posting of their home addresses and other  
243 contact information on a popular animal rights website. Thus,  
244 the Legislature finds that the harm that may result from the  
245 release of such researchers' personal identifying information  
246 outweighs any public benefit that may be derived from the  
247 disclosure of the information.

248 Section 3. 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)

*Meeting Date*

Topic Animal Researcher Protection Bill Number SB 414-Dean  
*(if applicable)*

Name Dr. Win Phillips Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title Sr. V.P. + COO, Univ. Florida

Address 204 Tigert Hall Phone 352-392-9122

*Street*

*City*

Gainesville

*State*

FL

*Zip*

32611

E-mail wphil@ufl.edu

Speaking:  For  Against  Information

Representing University 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.*

**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)

3/25/14

Meeting Date

Topic Animal Research

Bill Number 414  
*(if applicable)*

Name Ryan Britton

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title Dir. of State Relation

Address 777 Glades Rd.

Phone 561.297.2583

Street

Boca

City

FL

State

33445

Zip

E-mail rbritto2@fau.edu

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.*

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

S-001 (10/20/11)

**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 420

INTRODUCER: Senator Detert

SUBJECT: Fine Arts Courses

DATE: March 24, 2014

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	deMarsh-Mathues	Klebacha	ED	<b>Favorable</b>
2.	_____	_____	AED	_____
3.	_____	_____	AP	_____

---

**I. Summary:**

SB 420 requires the Commissioner of Education to prepare an annual report that includes information, based on annual reporting by schools, regarding:

- Student access to, and participation in, fine arts courses;<sup>1</sup>
- Number and certification status of educators providing arts instruction;
- Educational facilities designed and classroom space equipped for fine arts instruction; and
- How schools are providing the core curricular content for fine arts established in Florida's academic standards.

The report must be posted on the Department of Education's website and updated annually.

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

**II. Present Situation:**

Currently Florida public high school students have four options for obtaining a standard high school diploma -- a traditional 4-year, 24-credit option;<sup>2</sup> an 18-credit graduation option;<sup>3</sup> or completion of an International Baccalaureate (IB) or Advanced International Certificate of Education (AICE) curriculum.<sup>4</sup> In addition, current law requires each school district to adopt an

---

<sup>1</sup> The bill defines fine arts courses, for purposes of the annual report, to include visual arts, music, dance, and theatre courses.

<sup>2</sup> Section 1003.428, F.S., established high school graduation requirements beginning with students entering grade 9 in the 2007-2008 school year. Section 1003.4282, F.S., established high school graduation requirements for students entering grade 9 in the 2013-2014 school year and thereafter.

<sup>3</sup> Section 1002.3105(5), F.S. Effective July 1, 2013, students may earn a standard high school diploma in 18 credits by achieving a 2.0 GPA; earning credit in the same 15 English Language Arts, mathematics, science, social studies, and fine and performing arts courses required under the traditional 24-credit option; and earning 3 elective credits, instead of the 6 electives required by the 24-credit option.

<sup>4</sup> Sections 1003.428 and 1003.4282, F.S.



early graduation policy allowing a high school student who completes 24 credits in less than eight semesters and meets the GPA and assessment requirements to graduate early.<sup>5</sup>

One of the 24 credits required to graduate from high school must be in fine or performing arts, speech and debate, or a practical arts course that incorporates artistic content and techniques of creativity, interpretation, and imagination.<sup>6</sup> Eligible practical arts courses are identified through the Course Code Directory.<sup>7</sup> In addition, the state's academic standards are required to include standards for instruction for visual and performing arts.<sup>8</sup> Such standards must include specific curricular content and include distinct grade level expectations for the core content knowledge and skills that a student is expected to have acquired by each individual grade level from kindergarten through grade five.<sup>9</sup> The standards for grades six through 12 may be organized by grade clusters of more than one grade level.<sup>10</sup>

### III. Effect of Proposed Changes:

SB 420 requires the Commissioner of Education to prepare an annual report that includes information, based on annual reporting by schools, regarding:

- Student access to, and participation in, fine arts courses;<sup>11</sup>
- Number and certification status of educators providing arts instruction;
- Educational facilities designed and classroom space equipped for fine arts instruction; and
- How schools are providing the core curricular content for fine arts established in Florida's academic standards.

The report must be posted on the Department of Education's website and updated annually.

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

### IV. Constitutional Issues:

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

None.

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

None.

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<sup>5</sup> Section 1003.4281, F.S.

<sup>6</sup> Sections 1003.428(2)(a)5. and 1003.4282(3)(e), F.S.

<sup>7</sup> Florida Department of Education, Course Code Directory and Instruction Personnel Assignments, *See* <https://www.fldoe.org/articulation/CCD/files/PACourses1314.pdf> (last visited March 19, 2014).

<sup>8</sup> Section 1003.41(2)(e), F.S.

<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

<sup>11</sup> The bill defines fine arts courses, for purposes of the annual report, to include visual arts, music, dance, and theatre courses.

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:**

The bill requires the annual report to include a description of “student access to . . . fine arts courses . . . .” It is unclear what the term “student access to fine arts courses” means or whether data on such information could be reported.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill creates the following section of the Florida Statutes: 1003.4995.

**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 Detert

28-00488-14

2014420\_\_

A bill to be entitled

An act relating to fine arts courses; creating s.  
1003.4995, F.S.; requiring the Commissioner of  
Education to prepare an annual report relating to  
student access to and participation in fine arts  
courses and information on educators, facilities, and  
instruction in such courses; providing an effective  
date.

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

Section 1. Section 1003.4995, Florida Statutes, is created  
to read:

1003.4995 Fine arts report.—The Commissioner of Education  
shall prepare an annual report that includes a description,  
based on annual reporting by schools, of student access to and  
participation in fine arts courses, which are visual arts,  
music, dance, and theatre courses; the number and certification  
status of educators providing instruction in the courses;  
educational facilities designed and classroom space equipped for  
fine arts instruction; and the manner in which schools are  
providing the core curricular content for fine arts established  
in the Next Generation Sunshine State Standards. The report  
shall be posted on the Department of Education's website and  
updated annually.

Section 2. 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)

3/26/14  
Meeting Date

Topic Fine Arts Courses

Bill Number 420  
*(if applicable)*

Name Kathleen Sanz

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title Executive Director

Address 5820 Whippoorwill  
Street

Phone 813 963 7935

Tampa FL 33625  
City State Zip

E-mail kdsanz@flmusiced.org

Speaking:  For  Against  Information

Representing Center for Fine Arts 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.**

S-001 (10/20/11)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

3/25/2014  
Meeting Date

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

Topic \_\_\_\_\_

Bill Number 420  
*(if applicable)*

Name JIM HORNE

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title \_\_\_\_\_

Address PO Box 8335

Phone 904-759-4596

Street FLEMING ISL

State FL Zip 32006

City \_\_\_\_\_

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

Speaking:  For  Against  Information

Representing AIF WAIVE IN SUPPORT

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)

4 25 14

Meeting Date

Topic Fine Arts Courses

Bill Number 420  
*(if applicable)*

Name Richard Brown

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title Business Manager

Address 402 office plaza

Phone 850 875 6944

Tallahassee FL 32301  
City State Zip

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

Speaking:  For  Against  Information

Representing Florida Music Educators 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.**

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)

3-25-14  
Meeting Date

Topic Fine Arts Course

Bill Number SB 420  
*(if applicable)*

Name KATHY FOLK

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title FLA. PTA LEGISLATIVE COMMITTEE

Address 1697 ONONDAGA DR.  
*Street*

Phone 407-416-6755

GENEVA FL. 32732  
*City State Zip*

E-mail Kathyfolk@bellsouth.net

Speaking:  For  Against  Information

Representing FL. 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)

25  
3/25/14  
Meeting Date

Topic \_\_\_\_\_ Bill Number 420  
Name Frank Meiners (if applicable)  
Amendment Barcode \_\_\_\_\_ (if applicable)

Job Title \_\_\_\_\_  
Address PO Box 1033 Phone 595-0177  
Tall FL 32302  
City State Zip  
E-mail frank@chpmail.com

Speaking:  For  Against  Information  
Representing FL Cultural Alliance

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**  
**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 566

INTRODUCER: Senator Lee

SUBJECT: Florida Bright Futures Scholarship Program

DATE: March 24, 2014

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Graf	Klebacha	ED	<b>Favorable</b>
2.			RC	

---

**I. Summary:**

SB 566 modifies student community service requirements affecting student eligibility for the Florida Bright Futures Scholarship Program awards, including clarifying that community service work means volunteer service work, expanding the permissible activities that students can participate in to meet the volunteer service work requirement, and placing parameters on such activities.

Specifically, the bill:

- Expands service work areas beyond social areas of interest to include civic issue or a professional area of interest.
- Requires students to develop a plan for personal involvement in addressing the issue or learning about the issue in addition to reflecting on such experience through papers or presentations.
- Provides accountability requirements for students' service work.
- Prohibits students from receiving compensation or academic credit for the volunteer service work.

Additionally, the bill specifies that volunteer service work may include, but is not limited to, the following additional activities:

- Internship with a business or government entity,
- Work for a nonprofit community service organization, or
- Activity on behalf of a candidate for public office.

The volunteer service hours must be documented in writing and signed by the student, the student's parent or guardian, and a representative of the organization where the student volunteered.

The bill takes effect on July 1, 2014.

## II. Present Situation:

The Florida Bright Futures Scholarship Program (Program) is a primarily lottery-funded scholarship program to reward Florida high school graduates merit recognition for high academic achievement by providing the graduates, scholarships to pursue postsecondary education at eligible public and private postsecondary institutions in Florida within three years after graduating from high school.<sup>1</sup> The Department of Education (DOE) administers the Program in accordance with rules and procedures adopted by the State Board of Education.<sup>2</sup>

The Bright Futures Scholarship Program consists of three types of awards:<sup>3</sup>

- Florida Academic Scholarship (FAS),
- Florida Medallion Scholarship (FMS), and
- Florida Gold Seal Vocational Scholarship (FGSV).

To be eligible to receive Program award, students must meet the general eligibility criteria<sup>4</sup> and specific academic and community service work requirements.<sup>5</sup> The community service work must be approved by the district school board, the administrators of a nonpublic school, or the DOE for home education program students.<sup>6</sup>

To fulfill the community service work requirement for FAS, students graduating in the 2011-2012 academic year and each year thereafter, must perform at least 100 hours of community service work, identify a social problem of interest, develop a plan for personal involvement in addressing the problem, and reflect on such experience through papers or presentations.<sup>7</sup> The community service work requirement for the FMS and FGSV is the same as the requirement for FAS except for the number of community service work hours that FMS and FGSV students must volunteer. FMS students must perform a minimum of 75 hours of community service work<sup>8</sup> and FGSV students must perform at least 30 hours of community service work<sup>9</sup>.

## III. Effect of Proposed Changes:

SB 566 modifies student community service requirements affecting student eligibility for the Florida Academic Scholarship (FAS), Florida Medallion Scholarship (FMS), and Florida Gold Seal Vocational Scholarship (FGSV) awards, including clarifying that community service work means volunteer service work, expanding the permissible activities that students can participate in to meet the volunteer service work requirement, and placing parameters on such activities.

Specifically, the bill:

- Expands service work areas beyond social areas of interest to include civic issue or a professional area of interest.

---

<sup>1</sup> Section 1009.53(1), F.S.

<sup>2</sup> Section 1009.53(3), F.S.

<sup>3</sup> Section 1009.53(2), F.S.

<sup>4</sup> Section 1009.531, F.S.

<sup>5</sup> Sections 1009.534(1), 1009.535(1), and 1009.536(1)(e), F.S.

<sup>6</sup> Sections 1009.534(1), 1009.535(1), and 1009.536(1)(e), F.S.

<sup>7</sup> Sections 1009.534(1), F.S.

<sup>8</sup> Section 1009.535(1), F.S.

<sup>9</sup> Section 1009.536(1)(e), F.S.

- Requires students to develop a plan for personal involvement in addressing the issue or learning about the issue in addition to reflecting on such experience through papers or presentations.
- Provides accountability requirements for students' service work.
- Prohibits students from receiving compensation or academic credit for the volunteer service work.

Additionally, the bill specifies that volunteer service work may include, but is not limited to, the following additional activities:

- Internship with a business or government entity,
- Work for a nonprofit community service organization, or
- Activity on behalf of a candidate for public office.

The volunteer service hours must be documented in writing and signed by the student, the student's parent or guardian, and a representative of the organization where the student volunteered.

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: 1009.534, 1009.535, and 1009.536.

**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 Lee

24-00229D-14

2014566\_\_

A bill to be entitled

An act relating to the Florida Bright Futures Scholarship Program; amending ss. 1009.534, 1009.535, and 1009.536, F.S.; requiring a student, as a prerequisite for the Florida Academic Scholars award, the Florida Medallion Scholars award, or the Florida Gold Seal Vocational Scholars award, to identify a social or civic issue or a professional area of interest and develop a plan for his or her personal involvement in addressing the issue or learning about the area; prohibiting the student from receiving remuneration or academic credit for the volunteer service work performed; providing examples of volunteer service work; requiring that the hours of volunteer service work performed be documented in writing and the document be signed by the student, the student's parent or guardian, and a representative of the organization for which the student performed the volunteer service work; deleting obsolete provisions; providing an effective date.

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

Section 1. Subsection (1) of section 1009.534, Florida Statutes, is amended to read:

1009.534 Florida Academic Scholars award.—

(1) A student is eligible for a Florida Academic Scholars award if he or she ~~the student~~ meets the general eligibility requirements for the Florida Bright Futures Scholarship Program

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and ~~the student~~:

(a) Has achieved a 3.5 weighted grade point average as calculated pursuant to s. 1009.531, or its equivalent, in high school courses that are designated by the State Board of Education as college-preparatory academic courses, ~~and~~ and has attained at least the score required under ~~pursuant to~~ s. 1009.531(6) (a) on the combined verbal and quantitative parts of the Scholastic Aptitude Test, the Scholastic Assessment Test, or the recentered Scholastic Assessment Test of the College Entrance Examination, or an equivalent score on the ACT Assessment Program;

(b) Has attended a home education program according to s. 1002.41 during grades 11 and 12, ~~or~~ has completed the International Baccalaureate curriculum but failed to earn the International Baccalaureate Diploma, or has completed the Advanced International Certificate of Education curriculum but failed to earn the Advanced International Certificate of Education Diploma, and has attained at least the score required under ~~pursuant to~~ s. 1009.531(6) (a) on the combined verbal and quantitative parts of the Scholastic Aptitude Test, the Scholastic Assessment Test, or the recentered Scholastic Assessment Test of the College Entrance Examination, or an equivalent score on the ACT Assessment Program;

(c) Has been awarded an International Baccalaureate Diploma from the International Baccalaureate Office or an Advanced International Certificate of Education Diploma from the University of Cambridge International Examinations Office;

(d) Has been recognized by the merit or achievement programs of the National Merit Scholarship Corporation as a

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59 scholar or finalist; or

60 (e) Has been recognized by the National Hispanic  
61 Recognition Program as a scholar recipient.

62  
63 ~~The A~~ student must complete a program of volunteer ~~community~~  
64 service work, as approved by the district school board, the  
65 administrators of a nonpublic school, or the Department of  
66 Education for home education program students, which ~~must shall~~  
67 include a minimum of 75 hours of service work for high school  
68 students graduating in the 2010-2011 academic year and 100 hours  
69 of service work for high school students graduating in the 2011-  
70 2012 academic year and thereafter. The student, and must  
71 identify a social or civic issue or a professional area ~~problem~~  
72 that interests him or her, develop a plan for his or her  
73 personal involvement in addressing the issue or learning about  
74 the area ~~problem~~, and, through papers or other presentations,  
75 evaluate and reflect upon his or her experience. The student may  
76 not receive remuneration or academic credit for the volunteer  
77 service work performed. Such work may include, but is not  
78 limited to, a business or government internship, work for a  
79 nonprofit community service organization, or activity on behalf  
80 of a candidate for public office. The hours of service work must  
81 be documented in writing, and the document must be signed by the  
82 student, the student's parent or guardian, and a representative  
83 of the organization for which the student performed the service  
84 work.

85 Section 2. Subsection (1) of section 1009.535, Florida  
86 Statutes, is amended to read:

87 1009.535 Florida Medallion Scholars award.—

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24-00229D-14

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88 (1) A student is eligible for a Florida Medallion Scholars  
89 award if he or she ~~the student~~ meets the general eligibility  
90 requirements for the Florida Bright Futures Scholarship Program  
91 and ~~the student~~:

92 (a) Has achieved a weighted grade point average of 3.0 as  
93 calculated pursuant to s. 1009.531, or the equivalent, in high  
94 school courses that are designated by the State Board of  
95 Education as college-preparatory academic courses, and has  
96 attained at least the score required under ~~pursuant to~~ s.  
97 1009.531(6) (b) on the combined verbal and quantitative parts of  
98 the Scholastic Aptitude Test, the Scholastic Assessment Test, or  
99 the recentered Scholastic Assessment Test of the College  
100 Entrance Examination, or an equivalent score on the ACT  
101 Assessment Program;

102 (b) Has completed the International Baccalaureate  
103 curriculum but failed to earn the International Baccalaureate  
104 Diploma or has completed the Advanced International Certificate  
105 of Education curriculum but failed to earn the Advanced  
106 International Certificate of Education Diploma, and has attained  
107 at least the score required under ~~pursuant to~~ s. 1009.531(6) (b)  
108 on the combined verbal and quantitative parts of the Scholastic  
109 Aptitude Test, the Scholastic Assessment Test, or the recentered  
110 Scholastic Assessment Test of the College Entrance Examination,  
111 or an equivalent score on the ACT Assessment Program;

112 (c) Has attended a home education program according to s.  
113 1002.41 during grades 11 and 12 and has attained at least the  
114 score required under ~~pursuant to~~ s. 1009.531(6) (b) on the  
115 combined verbal and quantitative parts of the Scholastic  
116 Aptitude Test, the Scholastic Assessment Test, or the recentered

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117 Scholastic Assessment Test of the College Entrance Examination,  
 118 or an equivalent score on the ACT Assessment Program, if the  
 119 student's parent cannot document a college-preparatory  
 120 curriculum as described in paragraph (a);

121 (d) Has been recognized by the merit or achievement program  
 122 of the National Merit Scholarship Corporation as a scholar or  
 123 finalist but has not completed the a program of volunteer  
 124 community service work required under as provided in s.  
 125 1009.534; or

126 (e) Has been recognized by the National Hispanic  
 127 Recognition Program as a scholar, but has not completed the a  
 128 program of volunteer community service work required under as  
 129 provided in s. 1009.534.

130  
 131 The A high school student graduating in the 2011-2012 academic  
 132 year and thereafter must complete at least 75 hours a program of  
 133 volunteer community service work approved by the district school  
 134 board, the administrators of a nonpublic school, or the  
 135 Department of Education for home education program students. The  
 136 student, which shall include a minimum of 75 hours of service  
 137 work, and must identify a social or civic issue or professional  
 138 area problem that interests him or her, develop a plan for his  
 139 or her personal involvement in addressing the issue or learning  
 140 about the area problem, and, through papers or other  
 141 presentations, evaluate and reflect upon his or her experience.  
 142 The student may not receive remuneration or academic credit for  
 143 the volunteer service work performed. Such work may include, but  
 144 is not limited to, a business or government internship, work for  
 145 a nonprofit community service organization, or activity on

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146 behalf of a candidate for public office. The hours of service  
 147 work must be documented in writing, and the document must be  
 148 signed by the student, the student's parent or guardian, and a  
 149 representative of the organization for which the student  
 150 performed the service work.

151 Section 3. Subsection (1) of section 1009.536, Florida  
 152 Statutes, is amended to read:

153 1009.536 Florida Gold Seal Vocational Scholars award.—The  
 154 Florida Gold Seal Vocational Scholars award is created within  
 155 the Florida Bright Futures Scholarship Program to recognize and  
 156 reward academic achievement and career preparation by high  
 157 school students who wish to continue their education.

158 (1) A student is eligible for a Florida Gold Seal  
 159 Vocational Scholars award if he or she ~~the student~~ meets the  
 160 general eligibility requirements for the Florida Bright Futures  
 161 Scholarship Program and ~~the student~~:

162 (a) Completes the secondary school portion of a sequential  
 163 program of studies that requires at least three secondary school  
 164 career credits. On-the-job training may not be substituted for  
 165 any of the three required career credits.

166 (b) Demonstrates readiness for postsecondary education by  
 167 earning a passing score on the Florida College Entry Level  
 168 Placement Test or its equivalent as identified by the Department  
 169 of Education.

170 (c) Earns a minimum cumulative weighted grade point average  
 171 of 3.0, as calculated pursuant to s. 1009.531, on all subjects  
 172 required for a standard high school diploma, excluding elective  
 173 courses.

174 (d) Earns a minimum unweighted grade point average of 3.5

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175 on a 4.0 scale for secondary career courses that compose  
176 ~~comprising~~ the career program.

177 (e) Beginning with high school students graduating in the  
178 2011-2012 academic year and thereafter, completes at least 30  
179 ~~hours a program of volunteer community~~ service work approved by  
180 the district school board, the administrators of a nonpublic  
181 school, or the Department of Education for home education  
182 program students. ~~The student must identify, which shall include~~  
183 ~~a minimum of 30 hours of service work, and identifies~~ a social  
184 or civic issue or a professional area problem that interests him  
185 or her, ~~develop~~ develops a plan for his or her personal  
186 involvement in addressing the issue or learning about the area  
187 ~~problem~~, and, through papers or other presentations, evaluate  
188 ~~evaluates~~ and reflect ~~reflects~~ upon his or her experience. The  
189 student may not receive remuneration or academic credit for the  
190 volunteer service work performed. Such work may include, but is  
191 not limited to, a business or government internship, work for a  
192 nonprofit community service organization, or activity on behalf  
193 of a candidate for public office. The hours of service work must  
194 be documented in writing, and the document must be signed by the  
195 student, the student's parent or guardian, and a representative  
196 of the organization for which the student performed the service  
197 work.

198 Section 4. 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)

3/25/14

Meeting Date

Topic Bright Futures - Internships

Bill Number 566  
*(if applicable)*

Name Vern Pickup-Crawford

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title Legislative Liaison

Address 571 Kingsbury Terrace  
Street

Phone (561)644-2439

Wellington FL 33414  
City State Zip

E-mail vcrawford@msr.com

Speaking:  For  Against  Information

Representing Palm Beach School Board

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)

3-25-14

Meeting Date

Topic Bright Futures

Bill Number 566  
*(if applicable)*

Name RICHARD GENTRY

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title \_\_\_\_\_

Address 2305 BRAEBURN CIR.  
*Street*

Phone 251-1837

*City*

*State*

*Zip*

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

Speaking:  For  Against  Information

Representing Economic Council of Palm Beach County

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**  
**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 628

**INTRODUCER:** Education Committee, Senator Montford and others

**SUBJECT:** Independent Nonprofit Higher Education Facilities Financing

**DATE:** March 27, 2014      **REVISED:** \_\_\_\_\_

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

**Please see Section IX. for Additional Information:**  
COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 628 expands the projects and authorized uses for independent nonprofit colleges and universities that participate in the program.

The bill takes effect July 1, 2014.

**II. Present Situation:**

**Higher Educational Facilities Financing Authority**

The Higher Educational Facilities Financing Authority (HEFFA) was created as a public instrumentality by the Legislature with the purpose of assisting institutions of higher education in undertaking constructing, financing, and refinancing projects. The HEFFA has numerous powers, including the ability to issue revenue bonds to finance the costs of a project for a participating institution.

### ***Creation and Background***

The HEFFA was established in 2001 in Chapter 243, Florida Statutes, as a “public body corporate and politic.”<sup>1</sup> The HEFFA is constituted as a “public instrumentality” and the exercise by the HEFFA of its conferred powers is “considered to be the performance of an essential public function.”<sup>2</sup> Members of the HEFFA are appointed by the Governor, subject to confirmation by the Senate.<sup>3</sup> Chapters 119 (public records) and 286 (open meetings) apply to the HEFFA.<sup>4</sup>

### ***Purpose And Powers***

The purpose of the HEFFA is to assist institutions of higher education<sup>5</sup> in undertaking constructing, financing, and refinancing projects.<sup>6</sup> For this purpose, the HEFFA may:<sup>7</sup>

- Exercise general business authority.
  - Exercise all powers granted to corporations under the Florida Business Corporation Act, chapter 607, F.S.
  - Have perpetual succession as a body politic and corporate and adopt bylaws for the regulation of its affairs and the conduct of its business.
  - Adopt an official seal.
  - Maintain an office at any place in the state.
  - Sue and be sued.
  - Employ consulting engineers, architects, attorneys, accountants, construction and financial experts, superintendents, managers, and other employees and agents as necessary.
  - Charge to and equitably apportion among participating institutions its administrative costs and expenses incurred in the exercise of the powers and duties.
  - Contract with an entity as its agent to assist the HEFFA in screening applications of institutions of higher education for loans.
  - Do all things necessary or convenient to carry out the purposes of ss. 243.50-243.77, F.S.
- Implement financing arrangements.
  - Make and execute financing arrangements, leases, contracts, deeds, and other instruments necessary or convenient in the exercise of the powers and functions of its authority.

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<sup>1</sup> Section 243.53(1), F.S., s. 4, Ch. 2001-79, L.O.F. The term “public body corporate and politic” is not specifically defined in state law; although, Section 1.01(8), F.S., defines “public body,” “body politic,” or “political subdivision” to include “counties, cities, town, villages, special tax school districts, special road and bridge districts, bridge districts, and all other districts in this state.” See *O’Malley v. Florida Insurance Guaranty Association*, 257 So.2d 9, 11 (Fla. 1971)(The business of a public corporation is ordinarily “stipulated by the Legislature to fill a public need without private profit to any organizers or stockholders. Their function is to promote the public welfare and often they implement government regulations within the state’s police power. In a word, they are organized for the benefit of the public.”); see *Forbes Pioneer Boat Line v. Board of Commissioners*, 82 So.2d 346, 350 (Fla. 1919)(Public corporations or public quasi-corporations and the governing bodies thereof possess only such powers as are expressly granted by statute or necessarily implied in order to carry the expressly granted powers into effect.).

<sup>2</sup> Section 243.53(1), F.S.

<sup>3</sup> Section 245.53(2), F.S.

<sup>4</sup> *Id.*

<sup>5</sup> Section 243.52(6), F.S. An “institution of higher education” means “an independent nonprofit college or university which is located in and chartered by the state; which is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools which grants baccalaureate degrees; and which is not a state university or state community college.” *Id.*

<sup>6</sup> Section 243.54, F.S.

<sup>7</sup> *Id.*

- Mortgage any project and the site thereof for the benefit of the holders of revenue bonds issued to finance projects or those providing credit for that purpose.
- Engage in the sale-leaseback, lease-purchase, lease-leaseback, or other undertakings and provide for the sale of certificates of participation incident thereto.
- Issue bonds and manage loans.
  - Issue bonds; bond anticipation notes, and other obligations for any of its corporate purposes.
  - Receive and accept from any public agency loans or grants for or in aid of the construction of a project.
  - Make loans to any participating institution for the cost of the project, including a loan in anticipation of tuition revenues.
  - Make loans to a participating institution to refund outstanding obligations, mortgages, or advances issued, made, or given by the participating institution for the cost of a project.
- Manage and Delegate Project Responsibilities
  - Determine the location and character of any project to be financed; construct, reconstruct, maintain, repair, and lease the project as lessee or lessor; enter into contract for these purposes.
  - Designate the participating institution as the agent of the HEFFA for these purposes.
- Provide Accountability and Transparency
  - Establish rules for the use of a project, and designate a participating institution as its agent to establish rules for the use of the project undertaken by the participating institution.
  - Transfer free and clear title to the participating institution when principal and interest on revenue bonds have been paid (or adequate provision has been made to pay), all other conditions securing the bonds have been satisfied, and the lien has been released.<sup>8</sup>
  - Submit a report to the Governor, President of the Senate, and Speaker of the House of Representatives at the end of each fiscal year.<sup>9</sup> The report must include numerous provisions, including but not limited to expenditures, assets, liabilities, and the outstanding bond schedule.<sup>10</sup>

### ***Authorized Projects and Costs***

A “project” is defined as “a dormitory, student service facility, parking facility, administration building, academic building, or library and includes a loan in anticipation of tuition revenues by an institution of higher education...”<sup>11</sup>

The HEFFA may finance “costs” to include items such as: construction and land acquisition; structures; demolition, including the cost of purchasing the lands which the buildings may be removed; machinery and equipment; working capital, reserves for principal, interest, and rebate; additions and improvements; engineering, financial, and legal services; plans and surveys; and other expenses.<sup>12</sup>

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<sup>8</sup> Section 243.57, F.S.

<sup>9</sup> Section 243.73, F.S.

<sup>10</sup> *Id.*

<sup>11</sup> Section 243.52(3), F.S.

<sup>12</sup> Section 243.52(4), F.S. In the case of a loan in anticipation of tuition revenues, the term “cost” means “the amount of the loan in anticipation of revenues which does not exceed the amount of tuition revenues anticipated to be received by the

### ***Bonds and Tax Exempt Status***

Revenue bonds issued by the HEFFA are not a debt or liability of the HEFFA, any municipality, the state, or any political subdivision thereof.<sup>13</sup> Thus the bonds are not secured by the full faith and credit of the state, and do not constitute an obligation, either general or special, of the state.<sup>14</sup> However, the bonds may be secured by mortgage or the full faith and credit of a participating institution of higher education or any other lawfully pledged security of a participating institution of higher education.<sup>15</sup>

Because the operation and maintenance of a project by the HEFFA or a participating institution constitutes the performance of an essential public function, neither the HEFFA nor a participating institution is required to pay any taxes or assessments upon or in respect of a project or any property acquired or used by the HEFFA or a participating institution.<sup>16</sup>

### ***Participating Institutions***

A “participating institution” means “an institution of higher education, as defined in s. 243.52(6) that undertakes the financing and construction or acquisition of a project or undertakes the refunding or refinancing of obligations or of a mortgage or of advances as provided in and permitted by ss. 243.50-243.77.”<sup>17</sup> Thus, to become a “participating institution” an “institution of higher education” must essentially utilize the HEFFA as provided by law.

The participating institution may fix, revise, charge, and collect rates, rents, fees, and charges for the use of and for the services furnished to or to be furnished by each project and may contract with any person, partnership, association, corporation, or other body, public or private, in respect thereof. The rates, rents, fees, and charges must be fixed and adjusted in respect of the aggregate of rates, rents, fees, and charges from the project to as to provide funds sufficient with other revenues to pay the cost of maintenance, repairs, operations, and principal and interest on outstanding revenue bonds.<sup>18</sup>

### **County Educational Facilities Authority**

As early as 1969, the Legislature created in each county, a “public body corporate and politic” to be known as the “\_\_\_\_\_ County Educational Facilities Authority.”<sup>19</sup> The CEFAs were constituted as a public instrumentality and the exercise of the authority and powers conferred are deemed to be the performance of an essential public function.<sup>20</sup> The purpose of the CEFAs is to

---

borrowing institution of higher education in the 1-year period following the date of the loan, plus costs related to the issuance of the loan, or the amount of the bonds, the proceeds of which the fund loans and any related cost of debt service, reserve funds, and rebate associated therewith.” *Id.*

<sup>13</sup> Section 243.66, F.S.

<sup>14</sup> Section 243.64, F.S.

<sup>15</sup> Section 243.52(5), F.S.

<sup>16</sup> Section 243.70, F.S.

<sup>17</sup> Section 243.52(7), F.S.

<sup>18</sup> Section 243.67, F.S. Note that any holder of revenue bonds may take legal action to enforce and compel performance of all duties, including the fixing, charging, and collecting of the rates, rents, fees, and charges. Section 243.69, F.S.

<sup>19</sup> Section 243.21(1), F.S. *Compare* the definition of “projects” for CEFAs and the HEFFA. The CEFAs have historically had a more extensive list of projects that may be financed.

<sup>20</sup> *Id.*

assist institutions for higher education in the construction, financing, and refinancing of projects.<sup>21</sup> The definition of “project” for CEFAs means:<sup>22</sup>

- A structure suitable for use as a:
  - Dormitory or other housing facility.
  - Dining hall.
  - Student union.
  - Administration building.
  - Academic building.
  - Library.
  - Laboratory.
  - Research facility.
  - Classroom.
  - Athletic facility.
  - Health care facility.
  - Maintenance, storage or utility facility.
- Other structures or facilities:
  - Related thereto or required thereto.
  - Required or useful:
    - For the instruction of students.
    - The conducting of research.
    - The operation of an institution of educational institution, including:
      - Parking.
      - Other facilities or structures, essential or convenient for the orderly conduct of such institution of higher education, and includes:
        - Equipment.
        - Machinery.
        - Other similar items necessary or convenient for the operation of a particular facility or structure in the manner for which its use is intended, but does not include items such as:
          - Books.
          - Fuel.
          - Supplies.
          - Other items that are customarily deemed to result in a current operating charge.
- A loan in anticipation of tuition revenues by a private institution of higher education.

As previously noted, the HEFFA was created in 2001, well after creation of the CEFAs. It appears the HEFFA was created as a response to the problems experienced by the CEFA with projects for constructions as well as operations.<sup>23</sup> Despite Legislative attempts to increase authority for the CEFAs in 1999, little activity resulted and nonpublic institutions for higher education were denied loans based on tuition income to pay operational costs.<sup>24</sup>

---

<sup>21</sup> Section 243.22, F.S.

<sup>22</sup> Section 243.20(5), F.S.

<sup>23</sup> See Staff of the Florida Senate, *Legislative Bill Analysis for CS/SB 302* (2001).

<sup>24</sup> *Id.*

### III. Effect of Proposed Changes:

CS/SB 628 expands the projects and authorized uses for independent nonprofit colleges and universities that participate in the program.

#### Authorized Projects

The bill expands the definition of a “project” that can be approved by the Higher Educational Facilities Financing Authority (HEFFA) to track authority currently provided to County Educational Facilities Authorities (CEFAs), and mean:

- A structure suitable for use as a:
  - Dormitory or other housing facility.
  - Dining hall.
  - Student union.
  - Administration building.
  - Academic building.
  - Library.
  - Laboratory.
  - Research facility.
  - Classroom.
  - Athletic facility.
  - Health care facility.
  - Maintenance, storage or utility facility.
- Other structures or facilities:
  - Related thereto or required thereto.
  - Required or useful:
    - For the instruction of students.
    - The conducting of research.
    - The operation of an institution of higher education, including:
      - Parking.
      - Other facilities or structures, essential or convenient for the orderly conduct of such institution of higher education, and includes:
        - Equipment.
        - Machinery.
        - Other similar items necessary or convenient for the operation of a particular facility or structure in the manner for which its use is intended, but does not include items such as:
          - Books.
          - Fuel.
          - Supplies.
          - Other items that are customarily deemed to result in a current operating charge.
- A loan in anticipation of tuition revenues by an institution of higher education.

The bill takes effect 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:

Indeterminate.

## B. Private Sector Impact:

Indeterminate.

## C. Government Sector Impact:

Indeterminate.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 243.52 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 25, 2014:**

The committee substitute:

- Reverted back to current law regarding the name of the “Higher Educational Facilities Financing authority” instead of the “Educational Facilities Financing Authority” as stated in SB 628.

- Reverted back to current law regarding institutions eligible to participate in HEFFA. SB 628 included provisions that expand the definition of a “participating institution” to include a “private nonprofit elementary, middle, or secondary school.”

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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711854

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/25/2014	.	
	.	
	.	
	.	

---

The Committee on Education (Legg) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Subsection (3) of section 243.52, Florida  
Statutes, is amended to read:

243.52 Definitions.—As used in ss. 243.50-243.77, the term:

(3) "Project" means a structure suitable for use as a  
dormitory or other housing facility, dining hall, student union,  
administration building, academic building, library, laboratory,  
research facility, classroom, athletic facility, health care



711854

12 facility, and maintenance, storage, or utility facility, and  
13 other structures or facilities related thereto, or required  
14 thereto, or required or useful for the instruction of students,  
15 or the conducting of research, or the operation of an  
16 institution of higher education, including parking and other  
17 facilities or structures, essential or convenient for the  
18 orderly conduct of such institution of higher education and  
19 shall also include equipment and machinery and other similar  
20 items necessary or convenient for the operation of a particular  
21 facility or structure in the manner for which its use is  
22 intended but shall not include such items as books, fuel,  
23 supplies or other items which are customarily deemed to result  
24 in a current operating charge. The term also ~~dormitory, student~~  
25 ~~service facility, parking facility, administration building,~~  
26 ~~academic building, or library~~ and includes a loan in  
27 anticipation of tuition revenues by an institution of higher  
28 education, as defined in subsection (6).

29 Section 2. This act shall take effect July 1, 2014.

30  
31 ===== T I T L E A M E N D M E N T =====

32 And the title is amended as follows:

33 Delete everything before the enacting clause  
34 and insert:

35 A bill to be entitled  
36 An act relating to independent nonprofit higher  
37 education facilities financing; amending s. 243.52,  
38 F.S.; expanding the definition of the term "project"  
39 as it relates to the Higher Educational Facilities  
40 Financing Act; providing an effective date.



415382

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
03/25/2014	.	
	.	
	.	
	.	

---

The Committee on Education (Legg) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 103 - 105

and insert:

(b) A private school, as defined in s. 1002.01(2), which is incorporated, located, and licensed to do business in Florida; which is exempt from federal income tax under s. 501(c)(3) of the Internal Revenue Code; which is accredited by the Commission of Schools of the Southern Association of Colleges and Schools; and which meets the requirements of ss. 1002.42 and 1002.421(2)(a), (2)(g)-(i), and (4). A private school is not a



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12 public K-12 school as described in s. 1000.04(1), the Florida  
13 School for the Deaf and the Blind under s. 1002.36, or the  
14 Florida Virtual School under s. 1002.37.

15  
16 ===== T I T L E A M E N D M E N T =====

17 And the title is amended as follows:

18       Delete lines 8 - 10

19 and insert:

20       higher educational facilities to include financing for  
21       private schools as defined in s. 1002.01(2), F.S.,  
22       which meet certain criteria, specifically excluding  
23       public K-12 schools as described in s. 1000.04(1),  
24       F.S., and identifying other exclusions; revising the  
25       short

By Senator Montford

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1 A bill to be entitled  
 2 An act relating to educational facilities financing;  
 3 renaming chapter 243, F.S., and part II thereof to  
 4 conform to changes made by the act; amending ss.  
 5 243.50, 243.51, 243.52, 243.53, 243.54, 243.59,  
 6 243.66, 243.67, and 243.73, F.S.; revising provisions  
 7 relating to the financing of independent nonprofit  
 8 higher educational facilities to include financing for  
 9 private nonprofit elementary, middle, and secondary  
 10 schools meeting certain criteria; revising the short  
 11 title and findings to conform; revising definitions;  
 12 renaming the facilities financing authority to  
 13 conform; revising powers of the authority, including  
 14 the issuance and payment of bonds, to conform;  
 15 revising the date for submission of an annual  
 16 financial report by the authority to the Governor and  
 17 Legislature; providing an effective date.

18  
 19 Be It Enacted by the Legislature of the State of Florida:

20  
 21 Section 1. Chapter 243, Florida Statutes, entitled "Higher  
 22 Educational Facilities Bonds," is renamed "Educational  
 23 Facilities Bonds." Part II of that chapter, entitled "Higher  
 24 Educational Facilities Financing," is renamed "Educational  
 25 Facilities Financing."

26 Section 2. Section 243.50, Florida Statutes, is amended to  
 27 read:

28 243.50 Short title.—Sections 243.50-243.77 may be cited as  
 29 the "~~Higher~~ Educational Facilities Financing Act."

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

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30 Section 3. Section 243.51, Florida Statutes, is amended to  
 31 read:

32 243.51 Findings and declarations.—It is the purpose of ss.  
 33 243.50-243.77 to provide a measure of assistance and an  
 34 alternative method enabling private educational institutions in  
 35 of higher education of this state to provide the facilities and  
 36 structures that they need and to enable those institutions to  
 37 coordinate their budgetary needs with the timing of receipt of  
 38 tuition revenues.

39 Section 4. Subsections (3) through (8) of section 243.52,  
 40 Florida Statutes, are amended to read:

41 243.52 Definitions.—As used in ss. 243.50-243.77, the term:

42 (3) "Project" means a structure suitable for use as a  
 43 dormitory or other housing facility, dining hall, student union,  
 44 administration building, academic building, library, laboratory,  
 45 research facility, classroom, athletic facility, health care  
 46 facility, or maintenance, storage, or utility facility, and  
 47 other structures or facilities related thereto, or required  
 48 thereto, or required or useful for the instruction of students,  
 49 or the conducting of research, or the operation of an  
 50 educational institution, including parking and other facilities  
 51 or structures, essential or convenient for the orderly conduct  
 52 of such institution and includes equipment and machinery and  
 53 other similar items necessary or convenient for the operation of  
 54 a particular facility or structure in the manner for which its  
 55 use is intended but does not include such items as books, fuel,  
 56 supplies, or other items that are customarily deemed to result  
 57 in a current operating charge. The term also ~~dormitory, student~~  
 58 service facility, parking facility, administration building,

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59 ~~academic building, or library~~ and includes a loan in  
 60 anticipation of tuition revenues by an educational institution  
 61 ~~of higher education~~, as defined in subsection (6).  
 62 (4) "Cost," as applied to a project or any portion thereof  
 63 financed under ss. 243.50-243.77, includes all or any part of  
 64 the cost of construction and acquisition of all lands,  
 65 structures, real property, rights, rights-of-way, franchises,  
 66 easements, and interests acquired or used for a project; the  
 67 cost of demolishing or removing any buildings or structures on  
 68 land so acquired, including the cost of acquiring any lands to  
 69 which the buildings or structures may be removed; the cost of  
 70 all machinery and equipment, financing charges, and interest  
 71 before, during, and for a period of 30 months after completion  
 72 of the construction; provisions for working capital, reserves  
 73 for principal, interest, and rebate; provisions for extensions,  
 74 enlargements, additions, and improvements; the cost of  
 75 engineering, financial, and legal services; the cost of plans,  
 76 specifications, studies, surveys, estimates of costs and  
 77 revenues, administrative expenses, and expenses necessary to  
 78 determining the feasibility or practicability of constructing  
 79 the project; and other expenses necessary for constructing and  
 80 acquiring the project, financing the construction, and placing  
 81 the project in operation. In the case of a loan in anticipation  
 82 of tuition revenues, the term "cost" means the amount of the  
 83 loan in anticipation of revenues which does not exceed the  
 84 amount of tuition revenues anticipated to be received by the  
 85 borrowing educational institution ~~of higher education~~ in the 1-  
 86 year period following the date of the loan, plus costs related  
 87 to the issuance of the loan, or the amount of the bonds, the

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88 proceeds of which fund the loans and any related cost of debt  
 89 service, reserve funds, and rebate associated therewith.  
 90 (5) "Bond" or "revenue bond" means a revenue bond of the  
 91 authority issued under ss. 243.50-243.77, including a revenue  
 92 refunding bond, notwithstanding that it may be secured by  
 93 mortgage or the full faith and credit of a participating  
 94 institution ~~of higher education~~ or any other lawfully pledged  
 95 security of a participating institution ~~of higher education~~.  
 96 (6) "Educational institution ~~of higher education~~" means:  
 97 (a) An independent nonprofit college or university that  
 98 ~~which~~ is located in and chartered by the state; that ~~which~~ is  
 99 accredited by the Commission on Colleges of the Southern  
 100 Association of Colleges and Schools; that ~~which~~ grants  
 101 baccalaureate degrees; and that ~~which~~ is not a state university  
 102 or Florida College System institution ~~state community college~~.  
 103 (b) A private nonprofit elementary, middle, or secondary  
 104 school that is located in and chartered by the state and  
 105 accredited by the Southern Association of Colleges and Schools.  
 106 (7) "Participating institution" means an educational  
 107 institution ~~of higher education~~, as defined in subsection (6),  
 108 which ~~that~~ undertakes the financing and construction or  
 109 acquisition of a project or undertakes the refunding or  
 110 refinancing of obligations or of a mortgage or of advances as  
 111 provided in and permitted by ss. 243.50-243.77.  
 112 (8) "Loan in anticipation of tuition revenues" means a loan  
 113 to a participating ~~an~~ institution ~~of higher education~~ under  
 114 circumstances in which tuition revenues anticipated to be  
 115 received by the institution in any budget year are estimated to  
 116 be insufficient at any time during the budget year to pay the

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117 operating expenses or other obligations of the institution in  
118 accordance with the budget of the institution.

119 Section 5. Subsections (1) and (2) of section 243.53,  
120 Florida Statutes, are amended to read:

121 243.53 Creation of ~~Higher~~ Educational Facilities Financing  
122 Authority.-

123 (1) There is created a public body corporate and politic to  
124 be known as the ~~Higher~~ Educational Facilities Financing  
125 Authority. The authority is constituted as a public  
126 instrumentality, and the exercise by the authority of the powers  
127 conferred by ss. 243.50-243.77 is considered to be the  
128 performance of an essential public function. Chapters 119 and  
129 286 apply to the authority.

130 (2) The authority shall consist of five members to be  
131 appointed by the Governor, subject to confirmation by the  
132 Senate. One member shall be a trustee, director, officer, or  
133 employee of a participating ~~an~~ institution of ~~higher~~ education.  
134 Of the members first appointed, one shall serve for 1 year, one  
135 for 2 years, one for 3 years, one for 4 years, and one for 5  
136 years, and in each case until his or her successor is appointed  
137 and has qualified. Thereafter, the Governor shall appoint, for  
138 terms of 5 years each, a member or members to succeed those  
139 whose terms expire. The Governor shall fill any vacancy for an  
140 unexpired term. A member of the authority is eligible for  
141 reappointment. Any member of the authority may be removed by the  
142 Governor for misfeasance, malfeasance, or willful neglect of  
143 duty. Each member of the authority before entering upon his or  
144 her duties shall take and subscribe to the oath or affirmation  
145 required by the State Constitution. A record of each oath must

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146 be filed in the office of the Department of State and with the  
147 authority.

148 Section 6. Section 243.54, Florida Statutes, is amended to  
149 read:

150 243.54 Powers of the authority.-The purpose of the  
151 authority is to assist participating institutions ~~of higher~~  
152 ~~education~~ in constructing, financing, and refinancing projects  
153 throughout the state, and, for this purpose, the authority may:

154 (1) Exercise all powers granted to corporations under the  
155 Florida Business Corporation Act, chapter 607.

156 (2) Have perpetual succession as a body politic and  
157 corporate and adopt bylaws for the regulation of its affairs and  
158 the conduct of its business.

159 (3) Adopt an official seal and alter the same at its  
160 pleasure.

161 (4) Maintain an office at any place in the state that it  
162 may designate.

163 (5) Sue and be sued in its own name, and plead and be  
164 impleaded.

165 (6) Make and execute financing agreements, leases, as  
166 lessee or as lessor, contracts, deeds, and other instruments  
167 necessary or convenient in the exercise of the powers and  
168 functions of the authority, including contracts with persons,  
169 firms, corporations, federal and state agencies, and other  
170 authorities, which state agencies and other authorities are  
171 authorized to enter into contracts and otherwise cooperate with  
172 the authority to facilitate the financing, construction,  
173 leasing, or sale of any project or the institution of any  
174 program; engage in sale-leaseback, lease-purchase, lease-

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175 leaseback, or other undertakings and provide for the sale of  
 176 certificates of participation incident thereto; and enter into  
 177 interlocal agreements in the manner provided in s. 163.01.  
 178 (7) Determine the location and character of any project to  
 179 be financed under ss. 243.50-243.77 and may:  
 180 (a) Construct, reconstruct, maintain, repair, and lease the  
 181 project as lessee or lessor.  
 182 (b) Enter into contracts for any of those purposes.  
 183 (c) Designate a participating institution as its agent to  
 184 determine the location and character of a project undertaken by  
 185 a participating institution under ss. 243.50-243.77 and, as the  
 186 agent of the authority, construct, reconstruct, maintain,  
 187 repair, own, and lease the project as lessee or lessor.  
 188 (8) Issue bonds, bond anticipation notes, and other  
 189 obligations of the authority for any of its corporate purposes,  
 190 including the provision of funds to pay all or any part of the  
 191 cost of any project and to fund or refund the cost of any  
 192 project as provided in ss. 243.50-243.77.  
 193 (9) Establish rules for the use of a project or any portion  
 194 thereof and designate a participating institution as its agent  
 195 to establish rules for the use of a project undertaken by the  
 196 participating institution.  
 197 (10) Employ consulting engineers, architects, attorneys,  
 198 accountants, construction and financial experts,  
 199 superintendents, managers, and other employees and agents as  
 200 necessary, and fix their compensation.  
 201 (11) Receive and accept from any public agency loans or  
 202 grants for or in aid of the construction of a project or any  
 203 portion thereof, and receive and accept loans, grants, aid, or

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204 contributions from any source of money, property, labor, or  
 205 other things of value, to be held, used, and applied only for  
 206 the purposes for which the loans, grants, aid, and contributions  
 207 are made.  
 208 (12) Mortgage any project and the site thereof for the  
 209 benefit of the holders of revenue bonds issued to finance  
 210 projects or those providing credit for that purpose.  
 211 (13) Make loans to any participating institution for the  
 212 cost of a project, including a loan in anticipation of tuition  
 213 revenues, in accordance with an agreement between the authority  
 214 and the participating institution. However, a loan may not  
 215 exceed the total cost of the project as determined by the  
 216 participating institution and approved by the authority.  
 217 (14) Make loans to a participating institution to refund  
 218 outstanding obligations, mortgages, or advances issued, made, or  
 219 given by the participating institution for the cost of a  
 220 project.  
 221 (15) Charge to and equitably apportion among participating  
 222 institutions its administrative costs and expenses incurred in  
 223 the exercise of the powers and duties conferred by ss. 243.50-  
 224 243.77.  
 225 (16) Contract with an entity as its agent to assist the  
 226 authority in screening applications of participating  
 227 institutions ~~of higher education~~ for loans under ss. 243.50-  
 228 243.77 and receive any recommendations the entity may make.  
 229 (17) Do all things necessary or convenient to carry out the  
 230 purposes of ss. 243.50-243.77.  
 231 Section 7. Section 243.59, Florida Statutes, is amended to  
 232 read:

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233 243.59 Approval required to issue bonds.—The authority is  
 234 created for the purpose of promoting private nonprofit higher  
 235 education and issuing bonds on behalf of the state, and the  
 236 Governor may approve any bonds issued by the authority which  
 237 require approval under federal law.

238 Section 8. Section 243.66, Florida Statutes, is amended to  
 239 read:

240 243.66 Payment of bonds.—Revenue bonds issued under ss.  
 241 243.50-243.77 are not a debt or liability of the authority, any  
 242 municipality, the state, or any political subdivision thereof,  
 243 and are not a pledge of the faith and credit of the state, the  
 244 authority, any municipality, or any political subdivision  
 245 thereof, but are payable solely from revenues of the authority  
 246 pertaining to the project relating to the issue; payments by  
 247 participating institutions ~~of higher education~~, banks, insurance  
 248 companies, or others under letters of credit or purchase  
 249 agreements; investment earnings from funds or accounts  
 250 maintained under the bond resolution; insurance proceeds; loan  
 251 funding deposits; proceeds of sales of education loans; proceeds  
 252 of refunding obligations; and fees, charges, and other revenues  
 253 of the authority from the project. All revenue bonds must  
 254 contain on the face thereof a statement to the effect that  
 255 neither the authority nor any municipality, the state, or any  
 256 political subdivision thereof is obligated to pay the bond or  
 257 the interest thereon except from revenues of the project or the  
 258 portion thereof for which they are issued, and that neither the  
 259 faith and credit nor the taxing power of the authority, any  
 260 municipality, the state, or any political subdivision thereof is  
 261 pledged to the payment of the principal of or the interest on

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262 the bonds. The issuance of revenue bonds under ss. 243.50-243.77  
 263 may not directly, indirectly, or contingently obligate the  
 264 authority, any municipality, the state, or any political  
 265 subdivision thereof to levy or to pledge any form of taxation  
 266 therefor or to make any appropriation for their payment.

267 Section 9. Subsection (3) of section 243.67, Florida  
 268 Statutes, is amended to read:

269 243.67 Rates, rents, fees, and charges.—

270 (3) The use and disposition of moneys to the credit of a  
 271 sinking or other similar fund must be subject to the resolution  
 272 authorizing the issuance of the bonds or of the trust agreement.  
 273 Except as otherwise provided in the resolution or the trust  
 274 agreement, the sinking or other similar fund must be a fund for  
 275 all revenue bonds issued to finance projects at a particular  
 276 participating institution of higher education without  
 277 distinction or priority of one over another. However, the  
 278 authority in any resolution or trust agreement may provide that  
 279 the sinking or other similar fund be the fund for a particular  
 280 project at a participating institution and for payment of the  
 281 revenue bonds issued to finance that project, and may,  
 282 additionally, permit and provide for the issuance of revenue  
 283 bonds having a subordinate lien in respect of the security  
 284 authorized to other revenue bonds of the authority, and, in such  
 285 case, the authority may create separate sinking or other similar  
 286 funds in respect of the subordinate lien bonds.

287 Section 10. Subsection (1) of section 243.73, Florida  
 288 Statutes, is amended to read:

289 243.73 Reports; audits.—

290 (1) The authority shall submit to the Governor and the

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291 presiding officers of each house of the Legislature, within 4 2  
292 months after the end of its fiscal year, a complete and detailed  
293 report setting forth:

294 (a) Its operations and accomplishments.

295 (b) Its receipts and expenditures during its fiscal year in  
296 accordance with the categories or classifications established by  
297 the authority for its operating and capital outlay purposes.

298 (c) Its assets and liabilities at the end of its fiscal  
299 year and the status of reserve, special, or other funds.

300 (d) A schedule of its bonds outstanding at the end of its  
301 fiscal year, together with a statement of the principal amounts  
302 of bonds issued and redeemed during the fiscal year.

303 (e) Any other information the authority deems appropriate.

304 Section 11. 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)

3-25-14  
Meeting Date

Topic HIGHER EDUCATION BOND FINANCING

Bill Number SB 628  
*(if applicable)*

Name BOB BOYD

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title GENERAL COUNSEL FOR ICUF (INDEP. COLLEGES & UNIV. OF FLORIDA)

Address 660 E. JEFFERSON SUITE 100  
*Street*

Phone 850-412-0306

TALLAHASSEE, FL 32301  
*City State Zip*

E-mail bboyd@ssc.lawfirm.com

Speaking:  For  Against  Information

Representing ICUF (INDEPENDENT COLLEGES & UNIVERSITIES 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.*

**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)

3/25/20  
Meeting Date

Topic \_\_\_\_\_

Bill Number 628  
*(if applicable)*

Name JIM HORNE

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title \_\_\_\_\_

Address PO Box 8329

Phone 904-759-4596

FLEMING ISL FL 32006  
City State Zip

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

Speaking:  For  Against  Information

Representing AIF (WAIVE IN SUPPORT)

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/SR 894

INTRODUCER: Education Committee and Senator Sobel

SUBJECT: Israeli Universities and Institutions of Higher Learning

DATE: March 27, 2014

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Letarte</u>	<u>Klebacha</u>	<u>ED</u>	<u>Fav/CS</u>
2.	_____	_____	<u>RC</u>	_____

---

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

COMMITTEE SUBSTITUTE - Substantial Changes

---

**I. Summary:**

CS/SR 894 “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> CS/SR 894, lines 31-34 (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:

CS/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.

#### C. Trust Funds Restrictions:

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> CS/SR 894, lines 31-34 (2014 Reg. Session).



**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 Substantial Changes:  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)**CS by Education March 25, 2014:**

The committee substitute:

- Maintains the original intent of the resolution but provides technical revisions to clarify provisions of the bill.

## B. Amendments:

None.



476686

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/25/2014	.	
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	.	
	.	

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The Committee on Education (Bullard) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the resolving clause  
and insert:

That the Florida Senate stands with Israeli universities  
and institutions of higher learning, and stands against the  
academic boycott of Israeli universities, and

BE IT FURTHER RESOLVED that the Florida Senate encourages  
and welcomes bipartisan support in recognition of Israel's right  
to academic freedom and collaboration with institutions around  
the world.



476686

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

And the title is amended as follows:

Delete everything before the resolving clause  
and insert:

A bill to be entitled  
A resolution 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.

WHEREAS, Israel is the only country in the Middle East  
which is a democracy, and

WHEREAS, Israel is a strong ally of the United States, and  
this alliance is based on shared values and interests, and  
invaluable cooperation in military technology, cyber security,  
medicine, biotechnology, agriculture, bilateral trade and  
commerce, as well as educational, research, and cultural  
exchanges, and

WHEREAS, some groups have proposed an academic boycott as a  
means of insinuating that Israel discriminates against  
Palestinian Arabs, and

WHEREAS, Israeli universities are in reality open to all  
people, regardless of gender, creed, race, or nationality, and  
fully encourage academic freedom, and

WHEREAS, the academic boycott of Israeli universities and  
institutions of higher learning is antithetical to the  
principles of academic freedom and to the free and open exchange  
of ideas, NOW, THEREFORE,

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

3/25/14

Meeting Date

Topic ISRAELI UNIVERSITIES

Bill Number SR 894  
*(if applicable)*

Name DAVID PILLS

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title PRESIDENT

Address 2970 BAYS HARBOR DR

Phone 778-1286

Street

TALLAHASSEE FL 32309

City

State

Zip

E-mail president@canaan-cruisers.org

Speaking:  For  Against  Information

Representing CANAAN CRUISERS & TALLAHASSEE MOTORCYCLE CLUB

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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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)

3-25-14

Meeting Date

SR 894

SR 894

Topic \_\_\_\_\_

Bill Number \_\_\_\_\_  
*(if applicable)*

Name Hamed EL-Jabali

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title Student

Address 2200 E Fowler Ave.

Phone 813-600-8050

Street

Tampa FL 33617

City

State

Zip

E-mail jennysbush@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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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)

3-25-14

Meeting Date

SB

Topic ~~Anti~~ Israel Boycott

Bill Number 894  
(if applicable)

Name Amy Datz

Amendment Barcode \_\_\_\_\_  
(if applicable)

Job Title Self

Address 1130 Creekside Ave

Phone (850) 322-7599

Tallahassee FL 32303  
City State Zip

E-mail amali@datz@mac.com

Speaking:  For  Against  Information

Representing National Council of Jewish Women

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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3/25/14

Meeting Date

Topic Israel Boycott

SB  
Bill Number 894 (if applicable)

Name Barbara Goldstein

Amendment Barcode (if applicable)

Job Title Self

Address

Phone 443-9649

Street

E-mail ronbarbms@yahoo.com

City

State

Zip

Speaking:  For  Against  Information

Representing HERC

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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3/25/14

Meeting Date

Topic SR894 (ASA, BDS / boycott)

Bill Number SR894  
*(if applicable)*

Name Aaron Ellis

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title student/TA

Address 713 Stiles Ave

Phone 2547164316

Tallahassee FL 32303

City State Zip

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

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.*

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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)

3/25/14

*Meeting Date*

Topic SR 894 Bill Number SR 894  
*(if applicable)*

Name Aaron Ellis Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title Student

Address 600 w college ave Phone 2547164316

*Street*

Tallahassee FL 32306

*City*

*State*

*Zip*

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

Speaking:  For  Against  Information

Representing Student at 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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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)

3/25/14  
Meeting Date

Topic Support Israel Academic (anti Boycott) Bill Number SR-894  
(if applicable)

Name Melanie Annis Amendment Barcode \_\_\_\_\_  
(if applicable)

Job Title Exec Director Hillel at FSU Fdn

Address 843 W St. Augustine St  
Street  
Tallahassee, FL 32304  
City State Zip

Phone 850-222-5454

E-mail monniechillel@fsu.edu  
AKA

Speaking:  For  Against  Information

Representing Hillel at FSU and Jewish Community

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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3/25/14

*Meeting Date*

Topic SR 894

Bill Number SR 894  
*(if applicable)*

Name Nathaniel Wallace

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title Student

Address 600 w college ave

Phone 9043038659

*Street*

Tallahassee

FL

32306

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

*City*

*State*

*Zip*

Speaking:  For  Against  Information

Representing Student at 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**

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3-25-2014

Meeting Date

Topic SENATE RESOLUTION ON ISRAEL

Bill Number SR 894  
*(if applicable)*

Name NAN RICH

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title FORMER STATE SENATOR

Address 2748 PINEHURST

Phone 954-389-8422

Street

WESTON, FL 33332

City

State

Zip

E-mail S

Speaking:  For  Against  Information

Representing \_\_\_\_\_

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

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3/25/14

*Meeting Date*

Topic SR 894 Bill Number SR 894  
*(if applicable)*  
Name Didier Ortiz Amendment Barcode \_\_\_\_\_  
*(if applicable)*  
Job Title Student

Address 777 glades road Phone 9547096172  
*Street*  
Boca Raton FL 33431 E-mail \_\_\_\_\_  
*City State Zip*

Speaking:  For  Against  Information

Representing Students of FAU

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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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)

3/25/2014  
Meeting Date

Topic Boycott Israel Universities

Bill Number SR894  
*(if applicable)*

Name Rebecca Lockenbach

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title Retired

Address 1012 Sutor Rd

Phone 850-877-9295

Tallahassee FL 32311  
City State Zip

E-mail Rlockenb@gmail.com

Speaking:  For  Against  Information

Representing National Council of Jewish Women

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)

3/25/14  
Meeting Date

Topic Boycott Israel Universities

Bill Number SR 894  
*(if applicable)*

Name Susan Kapp

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title Retired

Address 625 Eagle View Cir  
Street

Phone 850-942-0546

Tallahassee / FL / 32311  
City / State / Zip

E-mail SKapp62901@yahoo.com

Speaking:  For  Against  Information

Representing National Council of Jewish Women

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)

25 March 2014

*Meeting Date*

Topic Education Bill Number SB 894  
*(if applicable)*  
Name Jason Unger Amendment Barcode \_\_\_\_\_  
*(if applicable)*  
Job Title lobbyist/attorney

Address 301 S. BRONOUGH STREET, STE. 600 Phone 850-577-9090  
*Street*  
Tallahassee FL 32301  
*City State Zip*  
E-mail jason.unger@gray-robinson.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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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)

3/25/14

Meeting Date

Topic \_\_\_\_\_

Bill Number SR 894

(if applicable)

Name MARSHALL KAPP

Amendment Barcode \_\_\_\_\_

(if applicable)

Job Title PRESIDENT, TALLAHASSEE JEWISH FEDERATION

Address 625 EAGLE VIEW CIRCLE

Phone 850-645-9260

Street

TALLAHASSEE

E-mail marshall.kapp@gmail.com

City

State

Zip

Speaking:  For  Against  Information

Representing TALLAHASSEE JEWISH FEDERATION

Appearing at request of ~~Chair~~  Yes  No

SEN. SOBEL

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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S-001 (10/20/11)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

3-25-2014

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

Meeting Date

Topic \_\_\_\_\_

Bill Number SR 894  
*(if applicable)*

Name Derek Silver

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title President

Address 75 North Woodward Ave. U-Box 60790

Phone 407-666-1627

Street Tallahassee

State FL

Zip 32313

E-mail dgs12@my.fsu.edu

City

State

Zip

Speaking:  For  Against  Information

Representing Chabad at 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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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)

3-25-14

Meeting Date

Topic SR894

Bill Number 894 (if applicable)

Name Betty Kishak

Amendment Barcode (if applicable)

Job Title Student

Address 1600 West Call Street

Phone 904-514-2000

Tallahassee FL 32304

E-mail Betty@Kishak.com

Speaking: For [ ] Against [x] Information [ ]

Representing SSP

Appearing at request of Chair: Yes [ ] No [x]

Lobbyist registered with Legislature: Yes [ ] No [x]

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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Meeting Date \_\_\_\_\_

Topic ~~Torah Universities Opposition to Boycotts~~

Bill Number JR 094  
*(if applicable)*

Name ~~Ernst Universities~~ Allen R. Grossman

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title \_\_\_\_\_

Address 2022-2 Raymond Dickl Road

Phone 2503281314

Street

Tallahassee

FL

32308

City

State

Zip

E-mail a.grossman@qfbllawfirm.com

Speaking:  For  Against  Information

Representing Tallahassee Jewish Federation

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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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)

3/25  
Meeting Date

Topic \_\_\_\_\_

Bill Number SR894  
*(if applicable)*

Name Harrison Dubosar

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title \_\_\_\_\_

Address 9899 Palma Vista Way

Phone 561 259 7032

*Street*  
Boon Reton FL 33428  
*City* *State* *Zip*

E-mail dubosarh@gmail

Speaking:  For  Against  Information

Representing Future Leaders of Israel

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 908

INTRODUCER: Senator Montford

SUBJECT: Education Funding

DATE: March 24, 2014

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

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

---

**I. Summary:**

SB 908 provides for additional bonus funding for students enrolled in Advancement Via Individual Determination (AVID) elective classes and who earn specific scores on accelerated course assessments.

Specifically, the bill creates a calculation of additional full-time equivalent (FTE) membership of students enrolled in the AVID classes based on scores on the International Baccalaureate (IB) assessment, the Advanced International Certificate of Education (AICE) assessment, the College Board Advanced Placement (AP) assessment, and the mathematics end-of-course assessments for students in grades 6 through 8. The funding is provided to schools to pay for the costs associated with the AVID program.

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

**II. Present Situation:**

The Legislature provides basic and additional bonus funding for the AP, IB and AICE programs to school districts through the Florida Education Finance Program (FEFP).<sup>1</sup>

The AP, IB and AICE programs have assessments associated with each course. Students who enroll in these programs are included in their school districts' full-time equivalent (FTE) student count and the districts receive allocations based on their FTE enrollment.<sup>2</sup> Additionally, to encourage districts and schools to provide successful AP, IB, and AICE outcomes, the Legislature provides incentive funding based on a student achieving a minimum score on these assessments.<sup>3</sup> Districts may use these incentive funds to pay for the AP, IB, and AICE

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<sup>1</sup> Section 1011.62(1), F.S.

<sup>2</sup> Section 1011.62(1)(c), F.S.

<sup>3</sup> Section 1011.62(1)(l),(m) and (n), F.S.

assessment fees.<sup>4</sup> Incentive funding for the acceleration programs is intended to increase the availability and participation in these programs.

The FEFP provides funding for qualifying scores on assessments in the following accelerated programs:

- International Baccalaureate;<sup>5</sup>
- Advanced International Certificate of Education;<sup>6</sup> and
- Advanced Placement.<sup>7</sup>

From the bonus funding provided to the school district, bonus funding is provided to teachers of courses associated with AP, IB, and AICE whose students earn specific scores on the assessments associated with the courses.

Bonus funding is calculated at a value of 0.16 FTE for each student enrolled in an IB, AICE or AP course who earns a qualifying score on a subject assessment. A value of 0.3 FTE is calculated for each student who earns an IB or AICE diploma. A value of 0.08 FTE is calculated for each student enrolled in a half-credit AICE course who earns a qualifying score on a subject assessment.

### **Advancement Via Individual Determination (AVID)**

Advancement Via Individual Determination (AVID) is a college-readiness system designed to increase the number of students who enroll in and complete a degree at four-year colleges, focusing on students who generally earn a C in their classes, demonstrate academic potential and are likely to not have a college-attendance tradition in their families.<sup>8</sup> The program is intended to raise expectations of students.<sup>9</sup> Originating at the high school level, the program now serves grades 4-12, through the AVID College Readiness System (ACRS) for elementary and secondary schools and AVID for Higher Education (AHE) for colleges.<sup>10</sup>

AVID is an approved elective course taken during the school day. Students are usually selected to enroll in an AVID class after an application process. For one class period a day, they learn organizational and study skills, work on critical thinking and asking probing questions, get academic help from peers and college tutors, and participate in enrichment and motivational activities that make college seem attainable.<sup>11</sup>

Last year, AVID was implemented in 362 Florida middle and high schools serving approximately 34,000 students.<sup>12</sup> Among the AVID students, nearly 60 per cent were Hispanic,

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<sup>4</sup> *Id.*

<sup>5</sup> Section 1011.62(1)(l), F.S.

<sup>6</sup> Section 1011.62(1)(m), F.S.

<sup>7</sup> Section 1011.62(1)(n), F.S.

<sup>8</sup> AVID, *Report on AVID Student Outcomes* (2013), (on file with the Senate Committee on Education).

<sup>9</sup> *Id.*

<sup>10</sup> About AVID, *What is AVID*, available at [http://www.avid.org/abo\\_whatisavid.html](http://www.avid.org/abo_whatisavid.html) (last visited Mar. 21, 2014).

<sup>11</sup> About AVID, *Overview*, available at [http://www.avid.org/sec\\_overview.html](http://www.avid.org/sec_overview.html) (last visited Mar. 23, 2014).

<sup>12</sup> AVID, *Report on AVID Student Outcomes* (2013), (on file with the Senate Committee on Education).

African American or other non-white students and 65 per cent were eligible for free or reduced lunch.<sup>13</sup>

### **Advanced Placement (AP)**

Advanced Placement (AP) courses are offered by many Florida high schools to prepare students to pass national subject matter assessments.<sup>14</sup> AP courses are designed to offer college-level instruction and are generally equivalent to college courses.<sup>15</sup> Students who earn requisite test scores on AP assessments at the end of the year are eligible to receive 45 college credits<sup>16</sup> at Florida colleges and universities. In school year 2012-2013, 169,769 Florida high school students took 300,658 AP assessments.<sup>17</sup>

### **The Advanced International Certificate of Education (AICE)**

The Advanced International Certificate of Education (AICE) program is a graduation option and acceleration mechanism through which students may be awarded up to 45 hours of college credit<sup>18</sup> at Florida colleges and universities. The program provides accelerated courses to students in high school. In school year 2012-2013, Florida high school students took 30,016 AICE assessments.<sup>19</sup>

### **International Baccalaureate (IB)**

International Baccalaureate (IB) courses are an intensive two-year curriculum offered by 77 Florida high schools<sup>20</sup> to allow students to pursue an IB diploma in addition to their high school diploma or to enroll in more challenging courses. The curriculum is designed to enable students to meet various international university entrance standards.<sup>21</sup> Students participate in the IB program at authorized schools<sup>22</sup> and earn high school credits based on related coursework. Students who take an IB course assessment at the end of the school year are also eligible to

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<sup>13</sup> *Id.*

<sup>14</sup> Office of Program Policy Analysis and Government Accountability, Florida Legislature, *State's High School Acceleration Programs Are Funded Through a Variety of Sources*, Report No. 06-27, 2 (Mar. 2006), available at <http://www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/0627rpt.pdf> (last visited Mar. 23, 2014).

<sup>15</sup> College Board, *AP Courses*, available at <http://professionals.collegeboard.com/guidance/prepare/honors-ap> (last visited Mar. 23, 2014).

<sup>16</sup> Florida Department of Education, Division of Articulation, *Credit by Exam Equivalencies* (2102), available at <http://www.fldoe.org/articulation/pdf/ACC-CBE.pdf> (last visited Mar. 21, 2014).

<sup>17</sup> Florida Department of Education, Bureau of Accountability, Research, and Measurement, *AP Reports (2012)*, available at <http://www.fldoe.org/evaluation/act-sat-aparch.asp> (last visited Mar. 21, 2014).

<sup>18</sup> Florida Department of Education, Division of Articulation, *Credit by Exam Equivalencies* (2012), available at <http://www.fldoe.org/articulation/pdf/ACC-CBE.pdf> (last visited Mar. 21, 2014).

<sup>19</sup> Telephone conversation with staff, Cambridge Education (Mar. 21, 2014).

<sup>20</sup> International Baccalaureate Organization, *Facts and Figures*, IBO.org, available at <http://www.ibo.org/facts/> (last visited Mar. 21, 2014).

<sup>21</sup> International Baccalaureate Organization, *About the IB*, IBO.org, available at <http://www.ibo.org/facts/> (last visited Mar. 21, 2014).

<sup>22</sup> *Id.*



receive 45 college credits<sup>23</sup> at Florida colleges and universities. In school year 2012-2013, 8,759 Florida high school students took 40,633 IB assessments.

### **Mathematics End-of-Course (EOC) Assessments in Middle School**

The Florida EOC assessments are designed to measure student achievement of Florida's academic standards for Algebra I and Geometry, as outlined in the course descriptions.<sup>24</sup> These assessments are part of Florida's strategic plan for the purpose of increasing student achievement and improving college and career readiness. In school year 2012-2013, 74,514 middle school students took the Algebra EOC assessment with 52,698 students (71 per cent) earning a passing score.<sup>25</sup> During that same year, 12,965 middle school students took the Geometry EOC assessment with 12,367 students (95 per cent) earning a passing score.<sup>26</sup>

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

SB 908 provides for additional education-related funding through the FEFP. The bill creates funding incentives for AVID students to increase participation and proficiency in accelerated educational programs in Florida's public schools.

The bill restructures and authorizes additional funding through performance incentives to school districts whose students are enrolled in an AVID elective class and earn a specific score on an IB, AICE or AP assessment.

Districts would receive funding of 0.08 full-time equivalent student membership for students enrolled in an AVID elective class, recognized in the Florida Course Code Directory, who take:

- An International Baccalaureate course and earn a score of 4 or higher on the subject assessment;
- An Advanced International Certificate of Education course and earn a score of E or higher on the subject assessment;
- A College Board Advanced Placement course and earn a score of 3 or higher on the College Board Advanced Placement assessment; or
- An algebra or higher-level mathematics course and earn a passing score on the end-of-course assessment for students in grades 6 through 8.

There is no AVID-specific assessment associated with an AVID class.

The additional funding will be added to the total full-time equivalent student membership in basic programs for grades 6 through 12 in the next fiscal year. Each school district must allocate

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<sup>23</sup> Florida Department of Education, Division of Articulation, *Credit by Exam Equivalencies* (2012), available at <http://www.fldoe.org/articulation/pdf/ACC-CBE.pdf> (last visited Mar. 21, 2014).

<sup>24</sup> Florida Department of Education, Bureau of Assessment, *Frequently Asked Questions*, available at <https://www.fldoe.org/faq/default.asp?Dept=179&ID=1408> (last visited Mar. 21, 2014).

<sup>25</sup> Florida Department of Education, Bureau of K-12 Assessment, *Algebra 1 End-of-Course Assessment Statewide Comparison Report 2012-13 School Year*, available at <https://www.fldoe.org/faq/default.asp?Dept=179&ID=1408> (last visited Mar. 21, 2014).

<sup>26</sup> Florida Department of Education, Bureau of K-12 Assessment, *Geometry End-of-Course Assessment Statewide Comparison Report 2012-13 School Year*, available at <http://fcats.fldoe.org/mediapacket/2013/pdf/GeometryStatewideComparison.pdf> (last visited Mar. 21, 2014).

the funds received to the school whose students generate the funds. The funds must be spent only for the payment of costs associated with the school's AVID program, which include:

- annual membership fees;
- professional development and training for program coordinators, teachers, and tutors;
- instructional supplies and materials; and
- compensation for tutors.

The bill provides 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.

C. Government Sector Impact:

There is likely to be an increase in the additional funding provided to the districts to pay for AVID related costs. The amount has yet to be determined.

**VI. Technical Deficiencies:**

The bill does not specifically state that the algebra or higher-level mathematics assessment is a statewide, standardized assessment.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 1011.62 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.

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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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By Senator Montford

3-01079-14

2014908\_\_

1 A bill to be entitled  
 2 An act relating to education funding; amending s.  
 3 1011.62, F.S.; providing for the calculation of  
 4 additional full-time equivalent student membership  
 5 based on enrollment in Advancement Via Individual  
 6 Determination elective classes and examination scores;  
 7 providing for the use of funds; amending s. 1003.52,  
 8 F.S.; conforming a cross-reference; providing an  
 9 effective date.

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

11 Section 1. Present paragraphs (p) through (u) of subsection  
 12 (1) of section 1011.62, Florida Statutes, are redesignated as  
 13 paragraphs (q) through (v), respectively, and a new paragraph  
 14 (p) is added to that subsection, to read:

15 1011.62 Funds for operation of schools.—If the annual  
 16 allocation from the Florida Education Finance Program to each  
 17 district for operation of schools is not determined in the  
 18 annual appropriations act or the substantive bill implementing  
 19 the annual appropriations act, it shall be determined as  
 20 follows:

21 (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR  
 22 OPERATION.—The following procedure shall be followed in  
 23 determining the annual allocation to each district for  
 24 operation:

25 (p) Calculation of additional full-time equivalent  
 26 membership of students enrolled in the Advancement Via  
 27 Individual Determination system based on scores on the

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

3-01079-14

2014908\_\_

30 International Baccalaureate examination, the Advanced  
 31 International Certificate of Education examination, the College  
 32 Board Advanced Placement examination, and mathematics end-of-  
 33 course examinations for students in grades 6 through 8.—  
 34 1. A value of 0.08 full-time equivalent student membership  
 35 shall be calculated for each student enrolled in an Advancement  
 36 Via Individual Determination elective class recognized in the  
 37 Florida Course Code Directory who takes:  
 38 a. An International Baccalaureate course and receives a  
 39 score of 4 or higher on the subject examination;  
 40 b. An Advanced International Certificate of Education  
 41 course and receives a score of E or higher on the subject  
 42 examination;  
 43 c. A College Board Advanced Placement course and receives a  
 44 score of 3 or higher on the College Board Advanced Placement  
 45 examination; or  
 46 d. An algebra or higher-level mathematics course and  
 47 receives a passing score on the end-of-course examination for  
 48 students in grades 6 through 8.  
 49 2. The value shall be added to the total full-time  
 50 equivalent student membership in basic programs for grades 6  
 51 through 12 in the subsequent fiscal year.  
 52 3. Each school district shall allocate the funds received  
 53 pursuant to this paragraph to the school whose students generate  
 54 the funds. Funds shall be expended solely for the payment of  
 55 costs associated with the school's Advancement Via Individual  
 56 Determination system, which include annual membership fees;  
 57 professional development and training for program coordinators,  
 58 teachers, and tutors; instructional supplies and materials; and

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3-01079-14

2014908\_\_

59 compensation for tutors.60 Section 2. Paragraph (a) of subsection (12) of section  
61 1003.52, Florida Statutes, is amended to read:62 1003.52 Educational services in Department of Juvenile  
63 Justice programs.—64 (12) (a) Funding for eligible students enrolled in juvenile  
65 justice education programs shall be provided through the Florida  
66 Education Finance Program as provided in s. 1011.62 and the  
67 General Appropriations Act. Funding must ~~shall~~ include, at a  
68 minimum:69 1. Weighted program funding or the basic amount for current  
70 operation multiplied by the district cost differential as  
71 provided in s. 1011.62(1)(t) ~~s. 1011.62(1)(s)~~ and (2);72 2. The supplemental allocation for juvenile justice  
73 education as provided in s. 1011.62(10);74 3. A proportionate share of the district's exceptional  
75 student education guaranteed allocation, the supplemental  
76 academic instruction allocation, and the instructional materials  
77 allocation;78 4. An amount equivalent to the proportionate share of the  
79 state average potential discretionary local effort for  
80 operations, which shall be determined as follows:81 a. If the district levies the maximum discretionary local  
82 effort and the district's discretionary local effort per FTE is  
83 less than the state average potential discretionary local effort  
84 per FTE, the proportionate share shall include both the  
85 discretionary local effort and the compression supplement per  
86 FTE. If the district's discretionary local effort per FTE is  
87 greater than the state average per FTE, the proportionate share

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3-01079-14

2014908\_\_

88 shall be equal to the state average; or

89 b. If the district does not levy the maximum discretionary  
90 local effort and the district's actual discretionary local  
91 effort per FTE is less than the state average potential  
92 discretionary local effort per FTE, the proportionate share  
93 shall be equal to the district's actual discretionary local  
94 effort per FTE. If the district's actual discretionary local  
95 effort per FTE is greater than the state average per FTE, the  
96 proportionate share shall be equal to the state average  
97 potential local effort per FTE; and98 5. A proportionate share of the district's proration to  
99 funds available, if necessary.

100 Section 3. 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)

3/25/14  
Meeting Date

Topic SB 908

Bill Number 908  
*(if applicable)*

Name Joy Frank

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title General Counsel

Address 208 S. Monroe St

Phone 577-5789

TALL FL 32301  
City State Zip

E-mail JFrank@fla2033.org

Speaking:  For  Against  Information

Representing FL. Assoc. of District School Superint.

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**

3/25/2014

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

Meeting Date

Topic \_\_\_\_\_

Bill Number 908  
*(if applicable)*

Name JIM HORNE

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title \_\_\_\_\_

Address PO Box 8339

Phone 904 759 4596

Street FI FL 32006  
City State Zip

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

Speaking:  For  Against  Information

Representing AIF (Wave in support)

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)

3-25-14

Meeting Date

Topic \_\_\_\_\_

Bill Number SB 908  
*(if applicable)*

Name Michael Barwick

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title Principal of Wakulla Middle School

Address 22 Jean Drive

Phone 850-926-7143

Street

Crawfordville FL 32327

City

State

Zip

E-mail michael.barwick@wvcsb.us

Speaking:  For  Against  Information

Representing Wakulla 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.

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

S-001 (10/20/11)



**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 1060

INTRODUCER: Senator Evers

SUBJECT: Code of Student Conduct

DATE: March 24, 2014

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Dugger	Cannon	CJ	<b>Favorable</b>
2.	Hand	Klebacha	ED	<b>Favorable</b>
3.			JU	

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**I. Summary:**

SB 1060 provides that students are not subject to discipline for simulating a firearm or weapon while playing or wearing clothing or accessories which depict a firearm or weapon or expressing an opinion regarding Second Amendment rights. The bill defines simulating a firearm or weapon while playing to include:

- Brandishing a partially consumed pastry or other food item to simulate a firearm or weapon;
- Possessing a toy firearm or weapon which is two inches or less in overall length;
- Possessing a toy firearm or weapon made of plastic snap-together building blocks;
- Using a finger or hand to simulate a firearm or weapon;
- Vocalizing sounds of an imaginary firearm or weapon;
- Drawing a picture of, or possessing an image of, a firearm or weapon; or
- Using a pencil, pen, or other writing or drawing utensil to simulate a firearm or weapon.

The bill preserves district school board authority to discipline students when simulating a firearm or weapon substantially disrupts student learning, causes bodily harm to another person, or places another person in reasonable fear of bodily harm. Consequences imposed upon a student must be proportionate to the severity of the infraction and consistent with school board policies for similar infractions.

Disciplinary actions involving student clothing or accessories must be addressed according to the statutorily prescribed interventions for dress code violations, unless wearing the clothing item or accessory causes a substantial disruption to student learning. If it does, the infraction may be addressed in a manner that is consistent with school board policies for similar infractions.

The bill takes effect upon becoming a law.

## II. Present Situation:

### Gun and Weapon Free Schools

Generally speaking, the disciplinary policies of public schools nationwide include measures for deterring student firearm and weapon possession in schools by imposing consistent and firm consequences for such behavior.<sup>1</sup> In recent years, news reports from across the country indicate several incidents in which penalties applied to actual student firearm and weapon possession, such as suspension or expulsion, were imposed on students for simulating a firearm or weapon while playing or wearing clothing or accessories depicting firearms or support for firearms rights.<sup>2</sup> A number of these incidents involved children under the age of 10 years old.<sup>3</sup> Examples of these incidents include students who:

- Chewed a breakfast pastry into the shape of a gun;<sup>4</sup>
- Possessed a miniature gun keychain;<sup>5</sup>
- Possessed a tiny Lego action figure gun or built a gun with Lego blocks;<sup>6</sup>
- Used a finger as an imaginary gun and vocalized the sound of a gun;<sup>7</sup>
- Drew a picture of a gun or a person holding a gun;<sup>8</sup> and
- Wore a National Rifle Association T-shirt to school.<sup>9</sup>

<sup>1</sup> National Association of School Psychologists, *Zero Tolerance and Alternative Strategies: A Fact Sheet for Educators and Policy Makers*, [http://www.nasponline.org/resources/factsheets/zt\\_fs.aspx](http://www.nasponline.org/resources/factsheets/zt_fs.aspx) (last visited March 21, 2014).

<sup>2</sup> See Gavin Aronson, *Blam! These Tykes Got Busted for "Guns" Made of Legos, Pop-Tarts, and Paper*, Mother Jones, (March 8, 2013), <http://www.motherjones.com/politics/2013/03/zero-tolerance-guns-schools-newtown> (last visited March 21, 2014).

<sup>3</sup> *Id.*

<sup>4</sup> See Donna St. George, *Boy Suspended for Chewing Breakfast Pastry into a Gun Shape Will Get Hearing* (Sept. 13, 2013), [http://articles.washingtonpost.com/2013-09-13/local/42025625\\_1\\_hearing-examiner-pastry-school-officials](http://articles.washingtonpost.com/2013-09-13/local/42025625_1_hearing-examiner-pastry-school-officials) (last visited March 21, 2014).

<sup>5</sup> See NBC 10, Cranston, RI, *7th Grader Suspended for Having Gun Keychain* (Sept. 27, 2013), <http://www.turnto10.com/story/23551467/7th-grader-suspended-for-having-gun-keychain> (last visited March 21, 2014).

<sup>6</sup> See ABC 40, Springfield, MA, *Toy Gun Causes Disturbance on Palmer Elementary School Bus* (May 24th, 2013), <http://www.wggb.com/2013/05/24/toy-gun-causes-disturbance-on-palmer-elementary-school-bus/> (last visited March 21, 2014); see Todd Starnes, *Child Faces Suspension for Making Lego Gun*, Fox News (Jan. 29, 2013), <http://radio.foxnews.com/toddstarnes/top-stories/child-facessuspension-for-making-lego-gun.html> (last visited March 21, 2014).

<sup>7</sup> See Fox News, *Florida Boy, 8, Suspended From School After Using Finger As Imaginary Gun* (Oct. 2, 2013), <http://www.foxnews.com/us/2013/10/02/florida-boy-8-suspended-from-school-after-using-finger-as-pretend-gun/> (last visited March 21, 2014), This student's suspension was reversed by the school board. WKMG Local 6, Orlando, FL, *Pretend Gun Suspension Reversed*, (Oct. 15, 2013), <http://www.clickorlando.com/news/pretend-gun-suspension-reversed/-/1637132/22456002/-/4tba6y/-/index.html> (last viewed March 21, 2014).

<sup>8</sup> See Eric Owens, *Principal Threatens to Expel Third Grader Over These Awesome Drawings*, The Daily Caller (Nov. 4, 2013), <http://dailycaller.com/2013/11/04/principal-threatens-to-expel-third-grader-over-these-awesome-drawings/> (last visited March 21, 2014), see, CBS News, *13-Year-Old Suspended For Doodling Gun* (Feb. 11, 2009), [http://www.cbsnews.com/2100-201\\_162-3197492.html](http://www.cbsnews.com/2100-201_162-3197492.html) (last viewed March 21, 2014), see Fox News, *Second Grade Student Suspended for Drawing Stick Figure Firing Gun* (Oct. 21, 2007), <http://www.foxnews.com/story/2007/10/21/second-grade-student-suspended-for-drawing-stick-figure-firing-gun/> (last viewed March 21, 2014)

<sup>9</sup> See Pam Ramsey, *Student Charged After Refusing To Remove NRA Shirt*, Huffington Post (April 21, 2013), [http://www.huffingtonpost.com/2013/04/21/student-nra-shirt\\_n\\_3128715.html](http://www.huffingtonpost.com/2013/04/21/student-nra-shirt_n_3128715.html) (last viewed March 21, 2014).

These incidents have fueled concerns regarding how best to balance the difficult job of maintaining an orderly and safe school environment with the need to exercise discretion when addressing student misconduct.<sup>10</sup>

### **Zero Tolerance Policies**

Federal law requires states receiving federal funds under the No Child Left Behind Act of 2001 to have in effect a state law requiring local education agencies (LEA)<sup>11</sup> to expel a student from school for a minimum of one year and refer the student to the criminal justice or juvenile justice system if the LEA determines that the student brought a firearm to a school or possessed a firearm at a school.<sup>12</sup> State law must allow the chief administering officer of the LEA to modify the expulsion requirement for a student on a case-by-case basis.<sup>13</sup> A state is not prevented from allowing a LEA to provide educational services to an expelled student in an alternative educational setting.<sup>14</sup>

Florida law requires each district school board to adopt zero tolerance policies which, among other things, requires that a student which possesses a firearm at school or brings a firearm or weapon to school, a school function, or onto school-sponsored transportation, be expelled from the student's regular school for a minimum of one year and referred to the criminal justice or juvenile justice system.<sup>15</sup> Florida law defines the terms "firearm" and "weapon" as follows:

- "Firearm" means "any weapon (including a starter gun) which will, is designed to, or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of any such weapon; any firearm muffler or firearm silencer; any destructive device; or any machine gun. The term "firearm" does not include an antique firearm unless the antique firearm is used in the commission of a crime."<sup>16</sup>
- "Weapon" means "any dirk, knife, metallic knuckles, slungshot, billie, tear gas gun, chemical weapon or device, or other deadly weapon except a firearm or a common pocketknife, plastic knife, or blunt-bladed table knife."<sup>17</sup>

Florida law provides a district school superintendent may consider the one-year expulsion requirement on a case-by-case basis and request that the school board modify the requirement by assigning the student to a disciplinary program or second chance school if such modification is in the best interest of the student and the school system.<sup>18</sup> Additionally, Florida law provides

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<sup>10</sup> See USA Today, *Doctors Oppose Automatic School Suspensions, Expulsions* (February 25, 2013) <http://www.usatoday.com/story/news/nation/2013/02/25/automatic-school-suspensions-not-ideal-doctors-group-says/1943997/> (last visited March 22, 2014), see Joshua Dunn, *The Prohibition of Childhood*, National Review (Oct. 28, 2013), <https://www.nationalreview.com/nrd/articles/360840/prohibition-childhood#!> (last visited March 21, 2014).

<sup>11</sup> See 34 C.F.R. s. 77.1. The term "local educational agency" means a public board of education or other public authority legally constituted within a State to administratively control or direct, or perform service functions for, public schools. *Id.*

<sup>12</sup> See 20 U.S.C. s. 7151, Pub. L. No. 107-110, 115 Stat. 1425, 1762 (Jan. 8, 2002).

<sup>13</sup> 20 U.S.C. s. 7151(b)(1).

<sup>14</sup> 20 U.S.C. s. 7151(b)(2).

<sup>15</sup> Sections 1006.13, 1006.07(2)(g) and (l), F.S.,

<sup>16</sup> Section 790.001(6), F.S.

<sup>17</sup> Section 790.001(13), F.S. School boards must adhere to these definitions when determining punishments for school-related firearms and weapons infractions. Sections 1006.07(2)(g) and 1006.13(3), F.S.

<sup>18</sup> Section 1006.13(3), F.S., (flush-left provision at end of subsection).

district school boards with the discretion to provide continuing educational services to an expelled student in an alternative educational setting.<sup>19</sup>

Florida law states that the purpose of zero tolerance policies is to protect students and staff from serious threats to school safety and the policies should not be applied to petty acts of misconduct and misdemeanors, including, but not limited to, minor fights or disturbances.<sup>20</sup> Among other things, each district school board's zero tolerance policy must define acts that pose a serious threat to school safety and petty acts of misconduct.<sup>21</sup>

The Florida Department of Education's policy statement on zero tolerance policies provides that it "is incumbent upon districts to use discretion and take a "common sense" approach to school discipline. District administrators must investigate and take into consideration mitigating circumstances (on a case-by-case basis) when determining appropriate disciplinary responses to student misconduct."<sup>22</sup>

### **Student Codes of Conduct**

Each district school board must adopt a code of student conduct that includes consistent policies and specific grounds for disciplinary action, including in-school suspension, out-of-school suspension, expulsion, disciplinary actions for possession or use of alcohol on school property or while attending a school function, or for the illegal use, sale, or possession of controlled substances.<sup>23</sup> Among other things, the code must include notice of disciplinary policies regarding student firearm and weapon possession.<sup>24</sup>

Student codes of conduct must also include an explanation of student responsibilities regarding appropriate dress, respect for self and others, and the role that appropriate dress and respect for self and others has on an orderly learning environment.<sup>25</sup> The law prescribes an escalating series of interventions which school boards must apply when addressing dress code violations:

- For a first offense, a student must be given a verbal warning and the school principal must call the student's parent or guardian.
- For a second offense, the student is ineligible to participate in any extracurricular activity for a period of time not to exceed five days and the school principal must meet with the student's parent or guardian.
- For a third or subsequent offense, a student must receive an in-school suspension for a period not to exceed three days, the student is ineligible to participate in any extracurricular activity for a period not to exceed 30 days, and the school principal must call the student's parent or guardian and send the parent or guardian a written letter regarding the student's in-school suspension and ineligibility to participate in extracurricular activities.<sup>26</sup>

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<sup>19</sup> *Id.*

<sup>20</sup> Section 1006.13(1), F.S.

<sup>21</sup> Section 1006.13(2)(b) and (c), F.S.

<sup>22</sup> Florida Department of Education, *Florida Department of Education's Position on Zero Tolerance* (2009), available at [http://www.fldoe.org/safeschools/pdf/FDOE\\_Position\\_On\\_Zero\\_Tolerance.pdf](http://www.fldoe.org/safeschools/pdf/FDOE_Position_On_Zero_Tolerance.pdf).

<sup>23</sup> Section 1006.07(2)(a), F.S.

<sup>24</sup> Section 1006.07(2)(g) and (l), F.S.

<sup>25</sup> Section 1006.07(2)(d), F.S.

<sup>26</sup> *Id.*

Student codes of conduct must be distributed to teachers, school personnel, students, and parents at the beginning of each school year.<sup>27</sup>

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

SB 1060 provides that public school students are not subject to discipline for simulating a firearm or weapon while playing or wearing clothing or accessories which depict a firearm or weapon or expressing an opinion regarding Second Amendment<sup>28</sup> rights. The bill defines simulating a firearm or weapon while playing to include, but not be limited to the following:

- Brandishing a partially consumed pastry or other food item to simulate a firearm or weapon;
- Possessing a toy firearm or weapon which is two inches or less in overall length;
- Possessing a toy firearm or weapon made of plastic snap-together building blocks;
- Using a finger or hand to simulate a firearm or weapon;
- Vocalizing sounds of an imaginary firearm or weapon;
- Drawing a picture of, or possessing an image of, a firearm or weapon; or
- Using a pencil, pen, or other writing or drawing utensil to simulate a firearm or weapon.

The bill preserves district school board authority to discipline students when simulating a firearm or weapon substantially disrupts student learning, causes bodily harm to another person, or places another person in reasonable fear of bodily harm. In such cases, the severity of any consequences imposed upon a student must be proportionate to the severity of the infraction and consistent with school board policies for similar infractions. If a student is disciplined for such conduct, the school principal or his or her designee must call the student's parent. This allows school officials to address conduct that is truly disruptive.

Disciplinary actions involving student clothing or accessories must be addressed according to the statutorily prescribed interventions for dress code violations, unless the wearing of the clothing item or accessory causes a substantial disruption to student learning. If it does, the infraction may be addressed in a manner that is consistent with district school board policies for similar infractions. The bill provides that this new language does not prohibit a public school from adopting a school uniform policy.

The bill takes effect upon becoming a law.

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

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

None.

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

None.

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<sup>27</sup> Section 1006.07(2), F.S.

<sup>28</sup> The Second Amendment of the U.S. Constitution states that "A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed." U.S. Const., Amend. 2.

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 1006.07 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.



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LEGISLATIVE ACTION

Senate	.	House
Comm: FC	.	
03/25/2014	.	
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	.	

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The Committee on Education (Bullard) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Subsection (2) of section 1006.07, Florida  
Statutes, is amended, and subsection (7) is added to that  
section, to read:

1006.07 District school board duties relating to student  
discipline and school safety.—The district school board shall  
provide for the proper accounting for all students, for the  
attendance and control of students at school, and for proper



12 attention to health, safety, and other matters relating to the  
13 welfare of students, including:

14 (2) CODE OF STUDENT CONDUCT.—Adopt a code of student  
15 conduct for elementary schools and a code of student conduct for  
16 middle and high schools and distribute the appropriate code to  
17 all teachers, school personnel, students, and parents, at the  
18 beginning of every school year. Each code shall be organized and  
19 written in language that is understandable to students and  
20 parents and shall be discussed at the beginning of every school  
21 year in student classes, school advisory council meetings, and  
22 parent and teacher association or organization meetings. Each  
23 code shall be based on the rules governing student conduct and  
24 discipline adopted by the district school board and shall be  
25 made available in the student handbook or similar publication.  
26 Each code shall be revised to reduce and, if possible, end the  
27 use of exclusionary discipline for minor misbehavior. As used in  
28 this subsection, the term "exclusionary discipline" means a  
29 punitive disciplinary practice that removes a student from  
30 instruction time in the student's regular school, including  
31 suspension, transfer to an alternate school, and expulsion.  
32 Absences due to exclusionary discipline shall be considered  
33 excused absences. Each code shall include, but is not limited  
34 to:

35 (a) Consistent policies and specific grounds for  
36 disciplinary action, including in-school suspension, out-of-  
37 school suspension, expulsion, and any disciplinary action that  
38 may be imposed for the possession or use of alcohol on school  
39 property or while attending a school function or for the illegal  
40 use, sale, or possession of controlled substances as defined in





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41 chapter 893.

42 (b) Procedures to be followed for acts requiring  
43 discipline, including corporal punishment.

44 (c) An explanation of the responsibilities and rights of  
45 students with regard to attendance, respect for persons and  
46 property, knowledge and observation of rules of conduct, the  
47 right to learn, free speech and student publications, assembly,  
48 privacy, and participation in school programs and activities.

49 (d)1. An explanation of the responsibilities of each  
50 student with regard to appropriate dress, respect for self and  
51 others, and the role that appropriate dress and respect for self  
52 and others has on an orderly learning environment. Each district  
53 school board shall adopt a dress code policy that prohibits a  
54 student, while on the grounds of a public school during the  
55 regular school day, from wearing clothing that exposes underwear  
56 or body parts in an indecent or vulgar manner or that disrupts  
57 the orderly learning environment.

58 2. Any student who violates the dress policy described in  
59 subparagraph 1. is subject to the following disciplinary  
60 actions:

61 a. For a first offense, a student shall be given a verbal  
62 warning and the school principal shall call the student's parent  
63 or guardian.

64 b. For a second offense, the student is ineligible to  
65 participate in any extracurricular activity for a period of time  
66 not to exceed 5 days and the school principal shall meet with  
67 the student's parent or guardian.

68 c. For a third or subsequent offense, a student shall  
69 receive an in-school suspension pursuant to s. 1003.01(5) for a



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70 period not to exceed 3 days, the student is ineligible to  
71 participate in any extracurricular activity for a period not to  
72 exceed 30 days, and the school principal shall call the  
73 student's parent or guardian and send the parent or guardian a  
74 written letter regarding the student's in-school suspension and  
75 ineligibility to participate in extracurricular activities.

76 (e) Notice that illegal use, possession, or sale of  
77 controlled substances, as defined in chapter 893, by any student  
78 while the student is upon school property or in attendance at a  
79 school function is grounds for disciplinary action by the school  
80 and may also result in criminal penalties being imposed.

81 (f) Notice that use of a wireless communications device  
82 includes the possibility of the imposition of disciplinary  
83 action by the school or criminal penalties if the device is used  
84 in a criminal act. A student may possess a wireless  
85 communications device while the student is on school property or  
86 in attendance at a school function. Each district school board  
87 shall adopt rules governing the use of a wireless communications  
88 device by a student while the student is on school property or  
89 in attendance at a school function.

90 (g) Notice that the possession of a firearm or weapon as  
91 defined in chapter 790 by any student while the student is on  
92 school property or in attendance at a school function is grounds  
93 for disciplinary action and may also result in criminal  
94 prosecution.

95 (h) Notice that violence against any district school board  
96 personnel by a student is grounds for in-school suspension, out-  
97 of-school suspension, expulsion, or imposition of other  
98 disciplinary action by the school and may also result in



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99 criminal penalties being imposed.

100 (i) Notice that violation of district school board  
101 transportation policies, including disruptive behavior on a  
102 school bus or at a school bus stop, by a student is grounds for  
103 suspension of the student's privilege of riding on a school bus  
104 and may be grounds for disciplinary action by the school and may  
105 also result in criminal penalties being imposed.

106 (j) Notice that violation of the district school board's  
107 sexual harassment policy by a student is grounds for in-school  
108 suspension, out-of-school suspension, expulsion, or imposition  
109 of other disciplinary action by the school and may also result  
110 in criminal penalties being imposed.

111 (k) Policies to be followed for the assignment of violent  
112 or disruptive students to an alternative educational program.

113 (l) Notice that any student who is determined to have  
114 brought a firearm or weapon, as defined in chapter 790, to  
115 school, to any school function, or onto any school-sponsored  
116 transportation, or to have possessed a firearm at school, will  
117 be expelled, with or without continuing educational services,  
118 from the student's regular school for a period of not less than  
119 1 full year and referred to the criminal justice or juvenile  
120 justice system. District school boards may assign the student to  
121 a disciplinary program or second chance school for the purpose  
122 of continuing educational services during the period of  
123 expulsion. District school superintendents may consider the 1-  
124 year expulsion requirement on a case-by-case basis and request  
125 the district school board to modify the requirement by assigning  
126 the student to a disciplinary program or second chance school if  
127 the request for modification is in writing and it is determined



128 to be in the best interest of the student and the school system.

129 (m) Notice that any student who is determined to have made  
130 a threat or false report, as defined by ss. 790.162 and 790.163,  
131 respectively, involving school or school personnel's property,  
132 school transportation, or a school-sponsored activity will be  
133 expelled, with or without continuing educational services, from  
134 the student's regular school for a period of not less than 1  
135 full year and referred for criminal prosecution. District school  
136 boards may assign the student to a disciplinary program or  
137 second chance school for the purpose of continuing educational  
138 services during the period of expulsion. District school  
139 superintendents may consider the 1-year expulsion requirement on  
140 a case-by-case basis and request the district school board to  
141 modify the requirement by assigning the student to a  
142 disciplinary program or second chance school if it is determined  
143 to be in the best interest of the student and the school system.

144 (7) COMMUNITY INVOLVEMENT IN POLICY CREATION.—Each school  
145 district shall ensure meaningful involvement with parents,  
146 students, teachers, and the community in creating and applying  
147 policies regarding student discipline and school safety.

148 Section 2. Section 1006.13, Florida Statutes, is amended to  
149 read:

150 1006.13 Policy on serious threats to school safety ~~of zero~~  
151 ~~tolerance for crime and victimization.~~—

152 (1) It is the intent of the Legislature to promote a safe  
153 and supportive learning environment in schools, to protect  
154 students and staff from conduct that poses a serious threat to  
155 school safety, and to require ~~encourage~~ schools to use  
156 alternatives to expulsion or referral to law enforcement



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157 agencies for petty acts of misconduct by addressing disruptive  
158 behavior through restitution, civil citation, teen court,  
159 neighborhood restorative justice, or similar programs. The  
160 Legislature finds that referrals to law enforcement agencies  
161 ~~zero-tolerance policies~~ are not intended to be made for  
162 ~~rigorously applied to~~ petty acts of misconduct and misdemeanors,  
163 including, but not limited to, minor fights or disturbances. The  
164 Legislature finds that ~~zero-tolerance~~ policies on serious  
165 threats to school safety must apply equally to all students  
166 regardless of their economic status, race, or disability.

167 (2) Each district school board shall adopt a policy on  
168 serious threats to school safety which ~~of zero tolerance that~~:

169 (a) Defines criteria for reporting to a law enforcement  
170 agency any act that occurs whenever or wherever students are  
171 within the jurisdiction of the district school board and that  
172 poses a serious threat to school safety. An act that does not  
173 pose a serious threat to school safety must be handled by a  
174 school's discipline system.

175 (b) Defines and enumerates acts that pose a serious threat  
176 to school safety.

177 (c) Defines and enumerates petty acts of misconduct,  
178 including, but not limited to, behavior that could amount to the  
179 misdemeanor criminal charges of disorderly conduct, disturbing a  
180 school function, trespassing, loitering, simple assault or  
181 battery, affray, theft of less than \$300, vandalism of less than  
182 \$1,000, criminal mischief, and other behavior that does not pose  
183 a serious threat to school safety.

184 (d) Minimizes the victimization of students, staff, or  
185 volunteers, including taking all steps necessary to protect the



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186 victim of any violent crime from any further victimization.

187 (e) Establishes a procedure that provides each student with  
188 the opportunity for a review of the disciplinary action imposed  
189 pursuant to s. 1006.07.

190 (f) Clearly defines the role of law enforcement agencies in  
191 personnel matters and delineates clear roles in which school  
192 principals and their designees, under the constraints of  
193 district policies, are the primary decisionmakers on school  
194 disciplinary consequences.

195 (3) The policy on serious threats to school safety ~~zero-~~  
196 ~~tolerance policies~~ must require a student who is ~~students~~ found  
197 to have committed one of the following offenses to be expelled,  
198 with or without continuing educational services, from the  
199 student's regular school for a period of not less than 1 full  
200 year, and to be referred to the criminal justice or juvenile  
201 justice system.

202 (a) Bringing a firearm or weapon, as defined in chapter  
203 790, to school, to any school function, or onto any school-  
204 sponsored transportation or possessing a firearm at school.

205 (b) Making a threat or false report, as defined by ss.  
206 790.162 and 790.163, respectively, involving school or school  
207 personnel's property, school transportation, or a school-  
208 sponsored activity.

209  
210 A district school board ~~boards~~ may assign the student to a  
211 disciplinary program for the purpose of continuing educational  
212 services during the period of expulsion. A district school  
213 superintendent ~~superintendents~~ may consider the 1-year expulsion  
214 requirement on a case-by-case basis and request the district



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215 school board to modify the requirement by assigning the student  
216 to a disciplinary program or second chance school if the request  
217 for modification is in writing and it is determined to be in the  
218 best interest of the student and the school system. If a student  
219 committing any of the offenses in this subsection is a student  
220 who has a disability, the district school board shall comply  
221 with applicable State Board of Education rules.

222 (4) (a) Each district school board, in collaboration with  
223 students, educators, parents, and stakeholders, shall enter into  
224 agreements with the county sheriff's office and local police  
225 department specifying guidelines for ensuring that acts that  
226 pose a serious threat to school safety, whether committed by a  
227 student or adult, are reported to a law enforcement agency.

228 (b) The agreements must include the role of school resource  
229 officers, if applicable, in handling reported incidents that  
230 pose a serious threat to school safety and ~~7~~ circumstances in  
231 which school officials may handle incidents without filing a  
232 report with a law enforcement agency, ~~and a procedure for~~  
233 ~~ensuring that school personnel properly report appropriate~~  
234 ~~delinquent acts and crimes.~~

235 (c) The agreements ~~Zero-tolerance policies~~ do not require  
236 the reporting of petty acts of misconduct and misdemeanors to a  
237 law enforcement agency, including, but not limited to,  
238 disorderly conduct, disturbing ~~disrupting~~ a school function,  
239 trespassing, loitering, simple assault or battery, affray, theft  
240 of less than \$300, trespassing, ~~and~~ vandalism of less than  
241 \$1,000, and other misdemeanors that do not pose a serious threat  
242 to school safety.

243 (d) The school principal shall ensure that all school



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244 personnel are properly informed of ~~as to~~ their responsibilities  
245 regarding crime reporting, that appropriate delinquent acts and  
246 crimes are properly reported, and that actions taken in cases  
247 with special circumstances are properly taken and documented.

248 (5) Notwithstanding any other provision of law, each  
249 district school board shall adopt rules providing that any  
250 student found to have committed any offense in s. 784.081(1),  
251 (2), or (3) shall be expelled or placed in an alternative school  
252 setting or other program, as appropriate. Upon being charged  
253 with the offense, the student shall be removed from the  
254 classroom immediately and placed in an alternative school  
255 setting pending disposition.

256 (6) (a) Notwithstanding any provision of law prohibiting the  
257 disclosure of the identity of a minor, whenever any student who  
258 is attending a public school is adjudicated guilty of or  
259 delinquent for, or is found to have committed, regardless of  
260 whether adjudication is withheld, or pleads guilty or nolo  
261 contendere to, a felony violation of:

- 262 1. Chapter 782, relating to homicide;
- 263 2. Chapter 784, relating to assault, battery, and culpable  
264 negligence;
- 265 3. Chapter 787, relating to kidnapping, false imprisonment,  
266 luring or enticing a child, and custody offenses;
- 267 4. Chapter 794, relating to sexual battery;
- 268 5. Chapter 800, relating to lewdness and indecent exposure;
- 269 6. Chapter 827, relating to abuse of children;
- 270 7. Section 812.13, relating to robbery;
- 271 8. Section 812.131, relating to robbery by sudden  
272 snatching;





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273           9. Section 812.133, relating to carjacking; or  
274           10. Section 812.135, relating to home-invasion robbery,  
275  
276 and, before or at the time of such adjudication, withholding of  
277 adjudication, or plea, the offender was attending a school  
278 attended by the victim or a sibling of the victim of the  
279 offense, the Department of Juvenile Justice shall notify the  
280 appropriate district school board of the adjudication or plea,  
281 the requirements in this paragraph, and whether the offender is  
282 prohibited from attending that school or riding on a school bus  
283 whenever the victim or a sibling of the victim is attending the  
284 same school or riding on the same school bus, except as provided  
285 pursuant to a written disposition order under s. 985.455(2).  
286 Upon receipt of such notice, the district school board shall  
287 take appropriate action to effectuate the provisions in  
288 paragraph (b).  
289           (b) Each district school board shall adopt a cooperative  
290 agreement with the Department of Juvenile Justice which  
291 establishes guidelines for ensuring that any no contact order  
292 entered by a court is reported and enforced and that all of the  
293 necessary steps are taken to protect the victim of the offense.  
294 Any offender described in paragraph (a), who is not exempted as  
295 provided in paragraph (a), may not attend any school attended by  
296 the victim or a sibling of the victim of the offense or ride on  
297 a school bus on which the victim or a sibling of the victim is  
298 riding. The offender shall be permitted by the district school  
299 board to attend another school within the district in which the  
300 offender resides, only if the other school is not attended by  
301 the victim or sibling of the victim of the offense; or the



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302 offender may be permitted by another district school board to  
303 attend a school in that district if the offender is unable to  
304 attend any school in the district in which the offender resides.

305 (c) If the offender is unable to attend any other school in  
306 the district in which the offender resides and is prohibited  
307 from attending a school in another school district, the district  
308 school board in the school district in which the offender  
309 resides shall take every reasonable precaution to keep the  
310 offender separated from the victim while on school grounds or on  
311 school transportation. The steps to be taken by a district  
312 school board to keep the offender separated from the victim must  
313 include, but are not limited to, in-school suspension of the  
314 offender and the scheduling of classes, lunch, or other school  
315 activities of the victim and the offender so as not to coincide.

316 (d) The offender, or the parents of the offender if the  
317 offender is a juvenile, shall arrange and pay for transportation  
318 associated with or required by the offender's attending another  
319 school or that would be required as a consequence of the  
320 prohibition against riding on a school bus on which the victim  
321 or a sibling of the victim is riding. However, the offender or  
322 the parents of the offender may not be charged for existing  
323 modes of transportation that can be used by the offender at no  
324 additional cost to the district school board.

325 (7) Any disciplinary or prosecutorial action taken against  
326 a student who violates a zero-tolerance policy must be based on  
327 the particular circumstances of the student's misconduct.

328 (8) Except as provided in subsection (4), a school district  
329 shall ~~districts are encouraged to~~ use alternatives to expulsion  
330 or referral to a law enforcement agency ~~agencies~~ unless the use



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331 of such alternatives will pose a serious threat to school  
332 safety.

333 (9) By March 1, 2015, the Department of Education shall  
334 develop and provide a model policy, in collaboration with  
335 students, educators, parents, and stakeholders, to assist a  
336 school district in developing policies that avoid unnecessary  
337 referrals to the criminal justice system or the juvenile justice  
338 system for petty acts of misconduct.

339 Section 3. This act shall take effect upon becoming a law.  
340

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

342 And the title is amended as follows:

343 Delete everything before the enacting clause  
344 and insert:

345 A bill to be entitled  
346 An act relating to school discipline and school  
347 safety; amending s. 1006.07, F.S.; requiring the  
348 revision of each code of student conduct to reduce  
349 and, if possible, end the use of exclusionary  
350 discipline for minor misbehavior; defining the term  
351 "exclusionary discipline"; requiring absences due to  
352 exclusionary discipline to be considered excused  
353 absences; requiring each school district to ensure  
354 meaningful involvement with parents, students,  
355 teachers, and the community in creating and applying  
356 policies regarding student discipline and school  
357 safety; amending s. 1006.13, F.S.; revising  
358 legislative intent; requiring each district school  
359 board to adopt a policy on serious threats to school



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360 safety, rather than a zero-tolerance policy; providing  
361 requirements for such policy; requiring each district  
362 school board to collaborate with students, educators,  
363 parents, and stakeholders in entering into agreements  
364 with the county sheriff's office and local police  
365 department; requiring a school district to use  
366 alternatives to expulsion or referral to a law  
367 enforcement agency under certain circumstances;  
368 requiring the Department of Education, in  
369 collaboration with students, parents, educators, and  
370 stakeholders, to develop and provide a model policy by  
371 a specified date; conforming provisions to changes  
372 made by the act; providing an effective date.

By Senator Evers

2-00165A-14

20141060\_\_

1 A bill to be entitled  
 2 An act relating to the code of student conduct;  
 3 amending s. 1006.07, F.S.; providing that simulating a  
 4 firearm or weapon while playing or wearing certain  
 5 clothing or accessories is not grounds for  
 6 disciplinary action or referral to the criminal  
 7 justice or juvenile justice system; providing actions  
 8 that constitute simulating a firearm or weapon while  
 9 playing; providing criteria for determining whether  
 10 certain student conduct warrants disciplinary action;  
 11 providing criteria for determining appropriate  
 12 consequences for such conduct; providing an effective  
 13 date.  
 14  
 15 Be It Enacted by the Legislature of the State of Florida:  
 16  
 17 Section 1. Paragraph (g) of subsection (2) of section  
 18 1006.07, Florida Statutes, is amended to read:  
 19 1006.07 District school board duties relating to student  
 20 discipline and school safety.—The district school board shall  
 21 provide for the proper accounting for all students, for the  
 22 attendance and control of students at school, and for proper  
 23 attention to health, safety, and other matters relating to the  
 24 welfare of students, including:  
 25 (2) CODE OF STUDENT CONDUCT.—Adopt a code of student  
 26 conduct for elementary schools and a code of student conduct for  
 27 middle and high schools and distribute the appropriate code to  
 28 all teachers, school personnel, students, and parents, at the  
 29 beginning of every school year. Each code shall be organized and

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

2-00165A-14

20141060\_\_

30 written in language that is understandable to students and  
 31 parents and shall be discussed at the beginning of every school  
 32 year in student classes, school advisory council meetings, and  
 33 parent and teacher association or organization meetings. Each  
 34 code shall be based on the rules governing student conduct and  
 35 discipline adopted by the district school board and shall be  
 36 made available in the student handbook or similar publication.  
 37 Each code shall include, but is not limited to:  
 38 (g) Notice that the possession of a firearm or weapon as  
 39 defined in chapter 790 by any student while the student is on  
 40 school property or in attendance at a school function is grounds  
 41 for disciplinary action and may also result in criminal  
 42 prosecution. Simulating a firearm or weapon while playing or  
 43 wearing clothing or accessories that depict a firearm or weapon  
 44 or expressing an opinion regarding a right guaranteed by the  
 45 Second Amendment to the United States Constitution is not  
 46 grounds for disciplinary action or referral to the criminal  
 47 justice or juvenile justice system under this section or s.  
 48 1006.13. Simulating a firearm or weapon while playing includes,  
 49 but is not limited to:  
 50 1. Brandishing a partially consumed pastry or other food  
 51 item to simulate a firearm or weapon.  
 52 2. Possessing a toy firearm or weapon that is 2 inches or  
 53 less in overall length.  
 54 3. Possessing a toy firearm or weapon made of plastic snap-  
 55 together building blocks.  
 56 4. Using a finger or hand to simulate a firearm or weapon.  
 57 5. Vocalizing sounds of an imaginary firearm or weapon.  
 58 6. Drawing a picture or possessing an image of a firearm or

Page 2 of 3

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

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59 weapon.

60 7. Using a pencil, pen, or other writing or drawing utensil  
61 to simulate a firearm or weapon.

62  
63 However, a student may be subject to disciplinary action if  
64 simulating a firearm or weapon while playing substantially  
65 disrupts student learning, causes bodily harm to another person,  
66 or places another person in reasonable fear of bodily harm. The  
67 severity of consequences imposed upon a student, including  
68 referral to the criminal justice or juvenile justice system,  
69 must be proportionate to the severity of the infraction and  
70 consistent with district school board policies for similar  
71 infractions. If a student is disciplined for such conduct, the  
72 school principal or his or her designee must call the student's  
73 parent. Disciplinary action resulting from a student's clothing  
74 or accessories shall be determined pursuant to paragraph (d)  
75 unless the wearing of the clothing or accessory causes a  
76 substantial disruption to student learning, in which case the  
77 infraction may be addressed in a manner that is consistent with  
78 district school board policies for similar infractions. This  
79 paragraph does not prohibit a public school from adopting a  
80 school uniform policy.

81 Section 2. This act shall take effect upon becoming a law.

THE FLORIDA SENATE

APPEARANCE RECORD

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

3/25/14  
Meeting Date

Topic Code of Student Conduct Bill Number SB 1060  
*(if applicable)*

Name NANCY M. NOONAN Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title Co-chair, Awake Marion Project Team on Juvenile Justice

Address 12220 SE 178<sup>th</sup> STREET Phone 352-245-2152  
*Street*

Summerfield FL 34491 E-mail nncynoonan1941  
*City State Zip* @yahoo.com

Speaking:  For  Against  Information

Representing MARION County - 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.

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)

3/25/14

Meeting Date

Topic Student Code of Conduct

Bill Number SB-1060 (if applicable)

Name MARION P. HAMMER

Amendment Barcode (if applicable)

Job Title

Address P.O. Box 1387

Phone 850-222-9518

Street

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City

State

Zip

E-mail

Speaking: [X] For [ ] Against [ ] Information

Representing NRA (NATIONAL RIFLE ASSOCIATION) UNITED SPORTSMEN OF FLORIDA

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.



THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

3/25/2014

Meeting Date

Topic Code of Student Conduct

Bill Number 1060  
*(if applicable)*

Name Chris Dawson

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title \_\_\_\_\_

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State

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Speaking:  For  Against  Information

Representing FL Smart Justice Alliance

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**  
**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 1202

INTRODUCER: Education Committee and Senator Montford

SUBJECT: Career Centers and Charter Technical Career Centers

DATE: March 27, 2014

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

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

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

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 1202 expands the authority of career centers and charter technical career centers to operate as “technical colleges” and award college credit certificates and associate in applied science (AAS) degrees.

Specifically, the bill:

- Authorizes a career center to use the technical college designation, with the approval of its district school board, if the career center:
  - Offers college credit certificate programs or is authorized to offer AAS degree programs,
  - Offers only career and technical education programs that are approved by an accrediting agency recognized by the United States Department of Education, and
  - Confirms that at least 75 percent of the career and technical education programs with enrollment during the current school year lead to an industry certification or licensure.
- Requires a career center that obtains approval to change its name to technical college to remain under the control of the district school board of the school district in which the center is located.
- Establishes a review and approval process for the AAS degree program proposals.
- Renames “applied technology diploma program” as “college credit certificate program.”
- Codifies standard tuition per contact hour and out-of-state fee for workforce education programs.

- Eliminates an automatic annual increase of tuition and out-of-state fee per contact hour and credit hour for postsecondary workforce education programs and specifies that the tuition and out-of-state fee must be based on the levels provided in the General Appropriations Act.
- Maintains current law regarding the out-of-state fee for adult general education programs.
- Revises the calculation methodology for workforce education programs and provides for performance funding for such programs.

The bill takes effect on July 1, 2014.

## II. Present Situation:

### Career Centers

A career center is an educational institution offering terminal courses of a technical nature, and courses for out-of-school youth and adults.<sup>1</sup> A district school board is authorized to establish and operate a career center after obtaining approval from the Florida Department of Education (DOE).<sup>2</sup> In addition, district school boards of contiguous districts may enter into an agreement to organize, establish and operate, or acquire and operate a career center after obtaining approval from DOE.<sup>3</sup>

Currently, 48 public career centers are operating in 30 school districts in Florida.<sup>4</sup> Forty-seven of the career centers are accredited by the Council on Occupational Education (COE). Gadsden Technical Institute became a candidate for accreditation in 2013.<sup>5</sup> The COE is recognized as a national institutional accrediting agency by the United States Secretary of Education for participation in Title IV programs.<sup>6</sup> COE accredits educational institutions in 35 states, the District of Columbia, and two foreign countries<sup>7</sup> that includes accreditation of non-degree-granting and applied associate degree-granting postsecondary occupational education institutions.<sup>8</sup>

Additionally, workforce education programs are offered by both school districts and Florida College System (FCS) institutions.<sup>9</sup> FCS institutions are accredited by the Southern Association of Colleges and Schools (SACS) Commission on Colleges, which is the regional accrediting body, recognized by the United States Secretary of Education, in the eleven southern states in the United States (i.e., Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North

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<sup>1</sup> Section 1001.44(3), F.S.

<sup>2</sup> Section 1001.44(1), F.S.

<sup>3</sup> Section 1001.44(2), F.S.

<sup>4</sup> Department of Education, *District Technical Centers*, available at <http://www.fldoe.org/workforce/pdf/DistrictTechnicalCenterDirectors.pdf>.

<sup>5</sup> Council on Occupational Education, *Accredited Institutions – August 2013*, <http://www.council.org/accredited-institutions/> (last visited March 23, 2014).

<sup>6</sup> U.S. Department of Education, *Financial Aid for Postsecondary Students: Accreditation in the United States*, [http://www2.ed.gov/admins/finaid/accred/accreditation\\_pg6.html](http://www2.ed.gov/admins/finaid/accred/accreditation_pg6.html) (last visited March 23, 2014).

<sup>7</sup> Council on Occupational Education, *Accredited Institutions – August 2013*, available at <http://www.council.org/accredited-institutions/>.

<sup>8</sup> Council on Occupational Education, *Handbook of Accreditation: 2013 Edition (Amended: 4-26-13)*, <http://www.council.org/manuals/> (last visited March 23, 2014).

<sup>9</sup> Section 1011.80(2), F.S.

Carolina, South Carolina, Tennessee, Texas, and Virginia) and in Latin America for those institutions of higher education that award associate, baccalaureate, master's, or doctoral degrees.<sup>10</sup> The Commission also accepts applications from other international institutions of higher education.<sup>11</sup> Workforce education program offerings include: adult general education programs; career certificate programs; applied technology diploma programs; continuing workforce education courses; degree career education programs; and apprenticeship and preapprenticeship programs.<sup>12</sup> During 2012-2013, career centers enrolled 46,739 students in career and technical education programs.<sup>13</sup>

Career centers in Florida are not authorized to award college credit or degrees. However, if an associate in applied science (AAS) or an associate in science (AS) degree contains within it an occupational completion point that confers a certificate or applied technology diploma (ATD), that portion of the program may be conducted by a school district career center.<sup>14</sup>

### **Charter Technical Career Centers**

A charter technical career center is a public school or a public technical center operated under a charter granted by a district school board, FCS institution board of trustees, or consortium of district school boards and FCS institution boards of trustees, that includes the district in which the facility is located, that is nonsectarian in its programs, admission policies, employment practices, and operations, and is managed by a board of directors.<sup>15</sup> The purpose of a charter technical center is to:

- Develop a competitive workforce to support local business and industry and economic development;
- Create a training and education model that is reflective of marketplace realities;
- Offer a continuum of career educational opportunities using a school-to-work, tech-prep, technical, academy, and magnet school model; and
- Provide career pathways for lifelong learning and career mobility.<sup>16</sup>

Charter technical career centers are authorized, through charters with their school district or FCS institution, to offer workforce education programs.<sup>17</sup> Charter technical career centers are not currently authorized to award college credit or degrees. However, if an associate in applied science or an associate in science degree program contains within it an occupational completion

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<sup>10</sup> Southern Association of Colleges and Schools Commission on Colleges, *About the Commission*, <http://www.sacscoc.org/about.asp> (last visited March 23, 2014); see also U.S. Department of Education, *Financial Aid for Postsecondary Students: Accreditation in the United States*, [http://www2.ed.gov/admins/finaid/accred/accreditation\\_pg6.html](http://www2.ed.gov/admins/finaid/accred/accreditation_pg6.html) (last visited March 23, 2014).

<sup>11</sup> Southern Association of Colleges and Schools Commission on Colleges, <http://www.sacscoc.org/> (last visited March 23, 2014)

<sup>12</sup> Section 1011.80(1), F.S.

<sup>13</sup> Florida Department of Education Presentation, *Postsecondary Education in District Technical Centers*, available at [http://flsenate.gov/PublishedContent/Committees/2012-2014/AED/MeetingRecords/MeetingPacket\\_2435.pdf](http://flsenate.gov/PublishedContent/Committees/2012-2014/AED/MeetingRecords/MeetingPacket_2435.pdf)

<sup>14</sup> Section 1011.80(2), F.S.

<sup>15</sup> Section 1002.34(3)(a), F.S.

<sup>16</sup> Section 1002.34(2), F.S.

<sup>17</sup> Section 1002.34(3)(a), F.S.

point<sup>18</sup> that confers a certificate or applied technology diploma, that portion of the program may be conducted by a school district career center.<sup>19</sup>

Currently, two charter technical career centers are operating in Florida: Lake Technical Center in Eustis and First Coast Technical College in St. Augustine. Both charter technical career centers are accredited by the COE.<sup>20</sup>

### **Applied Technology Diploma**

An “applied technology diploma program” (ATD) is “a course of study that is part of a technical degree program, is less than 60 credit hours, and leads to employment in a specific occupation.”<sup>21</sup> ATD may consist of either technical (clock hour) or college credit. A public school district may offer ATD only as a technical credit, with college credit awarded to a student upon articulation to a FCS institution. Statewide articulation regarding transferability of transferability of credits is guaranteed among public schools and FCS institutions, subject to the guidelines and standards adopted by the State Board of Education (SBE or state board).<sup>22</sup>

### **Workforce Education Postsecondary Student Fees**

A student who enrolls in workforce education postsecondary programs is charged tuition and other fees, unless the student is eligible for an exemption or a waiver.<sup>23</sup> The Legislature establishes the standard tuition and out-of-state fee per contact hour. Since July 1, 2011, for programs leading to a career certificate or an applied technology diploma, the standard tuition is \$2.22 per contact hour for residents and nonresidents. The out-of-state fee for such programs is \$6.66 per contact hour.<sup>24</sup> For adult general education programs, a block tuition of \$45 per half year or \$30 per term is assessed for residents and nonresidents. The out-of-state fee for such programs is \$135 per half year or \$90 per term.<sup>25</sup> Residency of students enrolled in workforce education programs must be determined in accordance with the requirements specified in law<sup>26</sup> regarding establishing resident status for tuition purposes.<sup>27</sup>

### **Workforce Education Funding**

Funds provided for career and charter technical centers are appropriated separately in the

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<sup>18</sup> Many occupational programs offer the option of occupational completion points. An occupational completion point is a group of competencies or skills for a specific occupation as identified by the Directory of Occupational Titles (DOT), an Occupational Employment Statistics (OES) code, or an industry-defined title. Florida Department of Education, *Career and Adult Education*, <http://www.fl DOE.org/workforce/programs/ss5.asp> (last visited March 23, 2014).

<sup>19</sup> Section 1011.80(2), F.S., Although the subsection states school district career center, charter technical center is implied through its authorization by the school district career center under s. 1002.34(3)(a), F.S.

<sup>20</sup> Office of Program Policy and Governmental Accountability, *Technical Centers*, presentation to Higher Education and Workforce Subcommittee (Jan. 8, 2014), available at <http://www.oppaga.state.fl.us/Presentations.aspx>.

<sup>21</sup> Section 1004.02(8), F.S.

<sup>22</sup> Section 1004.02(8), F.S.

<sup>23</sup> Sections 1009.22(1)-(2), 1009.25, and 1009.26, F.S.

<sup>24</sup> Section 1009.22(3)(c), F.S.

<sup>25</sup> Section 1009.22(3)(c), F.S.

<sup>26</sup> Section 1009.21, F.S.

<sup>27</sup> Section 1009.22(3)(a), F.S.

General Appropriations Act (GAA) from other K-12 programs. Proviso language included in the GAA specifies that the funds appropriated shall not be used to support K-12 programs or district K-12 administrative indirect costs. The Auditor General is required to verify compliance with this requirement during scheduled audits of these institutions.<sup>28</sup>

### III. Effect of Proposed Changes:

CS/SB 1202 expands the authority of career centers and charter technical career centers to operate as “technical colleges” and award college credit certificates and associate in applied science (AAS) degrees.

Specifically, the bill:

- Authorizes a career center to use the technical college designation, with the approval of its district school board, if the career center:
  - Offers college credit certificate programs or is authorized to offer AAS degree programs,
  - Offers only career and technical education programs that are approved by an accrediting agency recognized by the United States Department of Education (USDOE), and
  - Confirms that at least 75 percent of the career and technical education programs with enrollment during the current school year lead to an industry certification or licensure.
- Requires a career center that obtains approval to change its name to technical college to remain under the control of the district school board of the school district in which the center is located.
- Establishes a review and approval process for the AAS degree program proposals.
- Renames “applied technology diploma program” as “college credit certificate program.”
- Codifies standard tuition per contact hour and out-of-state fee for workforce education programs.
- Eliminates an automatic annual increase of tuition and out-of-state fee per contact hour and credit hour for postsecondary workforce education programs and specifies that the tuition and out-of-state fee must be based on the levels provided in the General Appropriations Act (GAA).
- Maintains current law regarding the out-of-state fee for adult general education (AGE) programs.
- Revises the calculation methodology for workforce education programs and provides for performance funding for such programs.

#### Career Centers and Charter Technical Career Centers

The bill modifies the definition of career centers to specify that career centers are authorized to offer postsecondary education programs. Specifically, the bill defines a career center as “an educational institution that offers postsecondary career and technical education programs and is under the control of the district school board of the school district in which the center is located.”

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<sup>28</sup> Chapter 2013-40, L.O.F., *see also* Specific Appropriation 117 proviso referencing Specific Appropriations 10, 115, 117 and 117A.

The bill authorizes career centers and charter technical career centers to offer college credit certificates and AAS degrees. Such centers may also offer college credit certificates and AAS degrees through partnership with Florida College System (FCS) institutions.

The bill establishes a process for the submission of AAS degree proposals by the centers to the SBE for approval. Forty-five days before submitting an AAS degree proposal to the State Board of Education (SBE), a center must submit a notice of its intent to offer the AAS degree to the Division of Career and Adult Education (Division) within the Florida Department of Education (DOE) and the local FCS institution. The process is somewhat similar to the baccalaureate degree program proposals submitted by FCS institutions. Florida law requires FCS institutions to submit a notice of intent to the Division of Florida Colleges within DOE at least 100 days before the submission of baccalaureate degree program proposal.<sup>29</sup> The bill specifies program information that must be included in the notice of intent (i.e., description, geographic region to be served, estimated timeframe for implementation, evidence of discussion with the local FCS institution about addressing need, demand, and impact).

AAS degree proposals must be submitted to the Division, and include, at least, the following:

- A description of the planning process and timeline for implementation.
- An analysis of workforce demand and unmet need for graduates of the program on a district or regional basis, including workforce projections by entities independent of the institution.
- Identification of the facilities, equipment, and library and academic resources to be used for program delivery.
- An analysis of costs associated with creating a new AAS degree program.
- The program's admission requirements, academic content, curriculum, faculty credentials, student-to-teacher ratios, and accreditation plan.
- Feedback from the local FCS institution regarding the notice of intent to offer an AAS degree program.
- The program's enrollment projections and funding requirements.
- A description of outcome measures used to determine success including, at a minimum, program completion, placement, licensure, and feedback from employers regarding job performance of graduates.
- A plan that describes how the center's college credit courses will meet the equivalency of faculty credentials for such courses to be included in the statewide course numbering system.<sup>30</sup>
- A plan of action if the program is terminated.

Consistent with the requirements for the Division of Florida Colleges regarding review of baccalaureate degree program proposals, the bill requires the Division of Career and Adult Education to:

- Review each AAS degree program proposal,
- Notify the center, in writing, of any deficiencies within 30 days after receipt of the proposal, and
- Provide the center with an opportunity to correct deficiencies.

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<sup>29</sup> Section 1007.33(5)(a), F.S.

<sup>30</sup> Section 1007.24(7), F.S.

Within 45 days after receipt of the finalized proposal by the Division, the Commissioner of Education (commissioner) must recommend to the SBE approval or disapproval of the proposal which the state board must consider at the next scheduled meeting. This process and associated timelines are consistent with the consideration of FCS institutions' baccalaureate degree program proposals by the state board. The bill requires the SBE to provide a written explanation to the center if the state board does not approve the proposal. If the SBE approves the proposal, the center must obtain accreditation as an associate-in-applied-science-degree-granting institution from an accrediting agency that is recognized by the USDOE. FCS institutions are accredited by the Southern Association of Colleges and Schools (SACS) Commission on Colleges, which is recognized by the USDOE.<sup>31</sup> As a result, FCS institutions are not required to obtain accreditation from another agency recognized by the USDOE.

The bill requires the centers to notify the accrediting agency about the degree programs that are approved by the state board. Additionally, the centers must annually, upon request of the SBE, the Division Chancellor, or the Legislature, submit a status report regarding using the following performance and compliance indicators:

- Obtaining and maintaining appropriate accreditation.
- Maintaining qualified faculty and institutional resources.
- Maintaining enrollment in previously approved programs.
- Managing fiscal resources appropriately.
- Measuring program success, including program completion, placement, licensure, and feedback from employers regarding job performance of graduates.

The bill authorizes the SBE to require the centers to modify or terminate an AAS degree program based on the state board's review of the centers' performance and compliance indicators.

The SBE must adopt rules for receiving reviewing, and approving AAS degree program proposals. Additionally, the rules must:

- Specify an annual deadline for the submission of such proposals.
- Require a presentation to the SBE to assist the state board with decision-making regarding the proposal.

The bill authorizes a career center or a charter technical career center to use the designation "technical college" if the local district school board approves the use of such designation and the center offers:

- College credit certificate program or
- AAS degree program if such program is approved by the state board.

The bill clarifies charter career technical centers are eligible for funding from workforce education funds and the Florida Education Finance Program (FEFP) if the center offers adult general education, career certificate, college credit certificate, continuing workforce education courses, degree career education, and apprenticeship and preapprenticeship programs.

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<sup>31</sup> Southern Association of Colleges and Schools Commission on Colleges, *About the Commission*, <http://www.sacscoc.org/about.asp> (last visited March 23, 2014); see also U.S. Department of Education, *Financial Aid for Postsecondary Students: Accreditation in the United States*, [http://www2.ed.gov/admins/finaid/accred/accreditation\\_pg6.html](http://www2.ed.gov/admins/finaid/accred/accreditation_pg6.html) (last visited March 23, 2014).



### **Applied Technology Diploma and Workforce Education**

To align the “applied technology diploma program” with the centers’ ability to offer college credit courses, the bill renames “applied technology diploma program” (ATD) as “college credit certificate program.” The bill modifies the description of a college credit certificate program to mean “a course of study that is part of a technical degree program, is less than 60 credit hours, and leads to employment in a specific occupation.” The bill retains the statewide articulation guarantee regarding transferability of credits among public schools and FCS institutions, subject to the guidelines and standards adopted by the SBE. As a result, faculty teaching college credit certificate courses must meet the specified guidelines and standards.

The bill adds conforming references to reflect the name change.

### **Workforce Education Postsecondary Student Fees**

The bill maintains current law<sup>32</sup> regarding residency determination for tuition purposes for students enrolled in workforce education programs. The bill also maintains current law regarding the out-of-state fee (currently, \$135 per half year or \$90 per term) for adult general education (AGE) programs.

The bill codifies standard tuition and out-of-state fees per contact hour for workforce education programs. Specifically, for programs leading to a career certificate, the standard tuition must be \$2.33 per contact hour for residents and nonresidents. The out-of-state fee for such programs must be \$6.66 per contact hour. For programs leading to a college credit certificate or an AAS degree, the standard tuition must be \$71.98 per college credit hour for residents and nonresidents. The out-of-state fee for such programs must be \$215.94 per credit hour.

The bill eliminates an automatic annual increase of tuition per contact hour and out-of-state fee for workforce education programs. Instead, the bill specifies that the increase in the tuition and out-of-state fee for such programs must be based on the levels provided in the General Appropriations Act (GAA). If the rate is not provided in the GAA, the tuition and out-of-state fee must revert to the tuition and out-of-state fee level for the prior fiscal year. The bill also eliminates an obsolete provision regarding the five percent cap on the maximum increase in resident tuition for a school district or FCS institution over the tuition charged in the prior year. The cap was applicable for the 2007-2008 fiscal year.

Additionally, the bill eliminates specific authority for the SBE to adopt rules regarding the definitions and procedures that district school boards and FCS institution boards of trustees use to calculate costs borne by students.

### **Workforce Education Funding**

The bill maintains current law that specifies that an AAS degree may be awarded only by a FCS institution but clarifies that if the AAS degree program contains within it a college credit certificate, that portion of the program may be offered by a school district career center. The bill

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<sup>32</sup> Sections 1009.22(3)(a) and 1009.21, F.S.

authorizes career centers to offer general education courses associated with the AAS degree program approved by the state board.

In addition, the bill requires each school district and FCS institution that receives state appropriations for workforce education programs to maintain adequate and accurate records, including a system to record secondary workforce education funding and expenditures as distinct from the postsecondary workforce education expenditures. Such records must be filed with the department in correct and proper form by a specified date established by law or SBE rule.

School districts must report full-time equivalent students by discipline category for workforce education and workforce education program. The bill requires an annual cost analysis of the school district workforce education programs. School districts must submit and accurately report annual financial reports on student fee revenues by fee type for the workforce education programs. The bill requires the DOE to develop a plan for comparable reporting of program, student, facility, personnel, and financial data between the FCS institutions and the school district workforce education programs.

The bill revises the calculation methodology for workforce education programs and requires that operational funding must be provided to school districts for workforce education programs based on weighted student enrollment and program costs determined by cost categories which must be used to identify high-cost programs, medium-cost programs, and low cost-programs. The cost analysis to determine the cost categories of workforce education programs must include at least both direct and indirect instructional costs, consumable supplies, equipment, and standard program length.

The bill also provides for performance funding for workforce education programs contingent on with recommended formulae, criteria, timeframes, and mechanisms for distributing performance funds by March 1. Programs must be rewarded if such programs:

- Prepare people to enter high-skill/high wage occupations identified by the Workforce Estimating Conference.
- Prepare adults who are eligible for public assistance or who are economically disadvantaged, disabled, not proficient in English, or dislocated workers for high-wage occupations.
- Increase student achievement in adult general education courses by measuring performance output and outcome measures.
- Award industry certifications.

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:

Increased enrollment in college credit certificate and AAS degree programs is indeterminate.

VI. **Technical Deficiencies:**

None.

VII. **Related Issues:**

None.

VIII. **Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 1001.44, 1002.34, 1004.02, 1007.23, 1007.25, 1009.22, 1009.53, 1009.532, 1009.536, and 1011.80.

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 25, 2014:**

The committee substitute differs from SB 1202 in that the committee substitute:

- Adds criteria that a career center must meet to use the technical college designation.
- Eliminates an automatic annual increase of tuition and out-of-state fee per contact hour and credit hour for postsecondary workforce education programs and specifies that the increase in the tuition and out-of-state fee per must be based on the levels provided in the General Appropriations Act.
- Maintains current law regarding residency determination for tuition purposes for students enrolled in workforce education programs.
- Maintains current law regarding the out-of-state fee for adult general education programs.

- Revises the calculation methodology for workforce education programs and provides for performance funding for such programs.

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	.	
03/25/2014	.	
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	.	
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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. Section 1001.44, Florida Statutes, is amended to  
read:

(Substantial rewording of section. See  
s. 1001.44, F.S., for present text.)  
1001.44 Career centers.—

(1) In order to provide additional career pathways, career  
centers shall support and enhance a competitive workforce by



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12 offering high-quality career and technical education programs  
13 that prepare graduates for current and emerging careers.

14 (2) (a) A career center is an educational institution that  
15 offers postsecondary career and technical education programs and  
16 is under the control of the district school board of the school  
17 district in which the center is located. A district school  
18 board, after first obtaining the approval of the Commissioner of  
19 Education, may organize, establish, and operate a career center  
20 or acquire and operate a career center previously established. A  
21 center that obtains approval to change its name to "technical  
22 college" pursuant to subsection (7) remains under the control of  
23 the district school board of the school district in which the  
24 center is located.

25 (b) The district school boards of two or more contiguous  
26 districts may, after first obtaining the approval of the  
27 commissioner, enter into an agreement to organize, establish,  
28 and operate, or acquire and operate, a career center under this  
29 section.

30 (3) A career center shall maintain an academic transcript  
31 for each student enrolled in the center. A student's transcript  
32 shall include each course completed, credit earned, and  
33 credentials earned by the student. Each course shall be  
34 delineated by the course prefix and title assigned pursuant to  
35 s. 1007.24. A career center shall make each student's transcript  
36 available to that student.

37 (4) A career center may offer college credit courses  
38 applicable toward a college credit certificate or an associate  
39 in applied science degree through a partnership with a Florida  
40 College System institution or through direct authority to award



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41 such certificates and degrees. A career center must submit a  
42 proposal to the State Board of Education for approval before  
43 offering and awarding associate in applied science degrees.

44 (5) The process for a career center to offer an associate  
45 in applied science degree program shall be as follows:

46 (a) The career center shall submit a notice of its intent  
47 to propose an associate in applied science degree program to the  
48 Division of Career and Adult Education and the Florida College  
49 System institution in its service area 45 days before submitting  
50 the proposal. The notice must include a brief description of the  
51 program, the geographic region to be served, and an estimated  
52 timeframe for implementation. The notice must also include  
53 evidence that the career center engaged in need, demand, and  
54 impact discussions with the Florida College System institution  
55 in its service area.

56 (b) A proposal to offer an associate in applied science  
57 degree program shall be submitted to the Division of Career and  
58 Adult Education and, at a minimum, include:

59 1. A description of the planning process and timeline for  
60 implementation.

61 2. An analysis of workforce demand and unmet need for  
62 graduates of the program on a district or regional basis, as  
63 appropriate, including evidence from entities independent of the  
64 institution.

65 3. Identification of the facilities, equipment, and library  
66 and academic resources that will be used to deliver the program.

67 4. A cost analysis of creating a new associate in applied  
68 science degree program.

69 5. The program's admission requirements, academic content,



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70 curriculum, faculty credentials, student-to-teacher ratios, and  
71 accreditation plan.

72 6. Feedback from the Florida College System institution  
73 regarding the notice of intent pursuant to paragraph (a).

74 7. The program's enrollment projections and funding  
75 requirements.

76 8. A description of outcome measures that will be used to  
77 determine success, including, but not limited to, program  
78 completions, placements, licensures, and feedback of employer  
79 satisfaction with the job performance of graduates.

80 9. A plan that describes how the career center's college  
81 credit courses will meet the equivalent faculty credential  
82 standards for inclusion in the statewide course numbering system  
83 pursuant to s. 1007.24(7).

84 10. A plan of action if the program is terminated.

85 (c) The Division of Career and Adult Education shall review  
86 the proposal, notify the career center, in writing, of any  
87 deficiencies within 30 days after receipt of the proposal, and  
88 provide the center with an opportunity to correct the  
89 deficiencies.

90 (d) Within 45 days after receipt of the finalized proposal  
91 by the Division of Career and Adult Education, the commissioner  
92 shall recommend approval or disapproval of the proposal to the  
93 state board. The state board shall consider the recommendation  
94 and the proposal at the next scheduled meeting, adhering to  
95 appropriate meeting notice requirements. If the state board  
96 disapproves the career center proposal, it shall provide the  
97 center with a written explanation for that determination. The  
98 state board's action is not subject to the provisions of the





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99 Administrative Procedure Act.

100 (e) After approval by the state board to offer its first  
101 associate in applied science degree program, the career center  
102 must obtain accreditation as an associate-in-applied-science-  
103 degree-granting institution from an accrediting agency that is  
104 recognized by the United States Department of Education.

105 (f) A career center shall notify the appropriate  
106 accrediting agency of subsequent degree programs that are  
107 approved by the state board.

108 (g) A career center shall annually, and upon request of the  
109 state board, the Chancellor of Career and Adult Education, or  
110 the Legislature, report its status using the following  
111 performance and compliance indicators:

112 1. Obtaining and maintaining appropriate accreditation.

113 2. Maintaining qualified faculty and institutional  
114 resources.

115 3. Maintaining enrollment in previously approved programs.

116 4. Managing fiscal resources appropriately.

117 5. Measuring program success, including program  
118 completions, placements, licensures, and employer satisfaction  
119 with the job performance of graduates.

120

121 The state board, upon review of the performance and compliance  
122 indicators, may require a career center to modify or terminate  
123 an associate in applied science degree program authorized under  
124 this section.

125 (6) The state board shall adopt rules providing guidelines  
126 for receiving, reviewing, and approving proposals to offer  
127 associate in applied science degree programs. The rules shall



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128 establish an annual timeframe by which proposals must be  
129 received. The rules shall also require that a presentation be  
130 made to assist the state board in its decision.

131 (7) With the approval of its district school board, a  
132 career center may change the institution's name and use the  
133 designation "technical college" if the center:

134 (a) Offers college credit certificate programs or has been  
135 authorized to offer associate in applied science degree programs  
136 pursuant to subsection (5);

137 (b) Offers only career and technical education programs  
138 that are approved by an accrediting agency recognized by the  
139 United States Department of Education; and

140 (c) Confirms that at least 75 percent of the career and  
141 technical education programs with enrollment during the current  
142 school year lead to an industry certification or licensure.

143 Section 2. Paragraphs (b) and (g) of subsection (11) of  
144 section 1002.34, Florida Statutes, are amended, and paragraphs  
145 (h) and (i) are added to that subsection, to read:

146 1002.34 Charter technical career centers.—

147 (11) FUNDING.—

148 (b) Each district school board and Florida College System  
149 institution that sponsors a charter technical career center  
150 shall pay directly to the center an amount stated in the  
151 charter. State funding shall be generated for the center for its  
152 student enrollment and program outcomes as provided in law. A  
153 center is eligible for funding from workforce education funds,  
154 the Florida Education Finance Program, and the Florida College  
155 System Program Fund, depending upon the programs offered  
156 ~~conducted~~ by the center, pursuant to s. 1011.80.



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157 (g) A center must describe ~~define~~ in the charter agreement  
158 the delivery system in which the instructional offering of  
159 educational services will be placed. The rules governing this  
160 delivery system must be applied to all of the center's students  
161 and must authorize all other sponsoring educational systems to  
162 report required enrollment and student data based solely on the  
163 rules of the offering institution. Each sponsor shall earn full-  
164 time equivalent membership for each student for funding and  
165 reporting purposes.

166 (h) A center may offer college credit courses applicable  
167 toward a college credit certificate or an associate in applied  
168 science degree through a partnership with a Florida College  
169 System institution or through direct authority to award such  
170 certificates and degrees. A center must submit a proposal to the  
171 State Board of Education for approval before offering and  
172 awarding associate in applied science degrees, as prescribed in  
173 s. 1001.44(5).

174 (i) With the approval of its board of directors, a center  
175 may change the institution's name and use the designation  
176 "technical college" if the center offers college credit  
177 certificate programs or has been authorized to offer associate  
178 in applied science degree programs pursuant to s. 1001.44(5).

179 Section 3. Subsections (8) and (26) of section 1004.02,  
180 Florida Statutes, are amended to read:

181 1004.02 Definitions.—As used in this chapter:

182 (8) "College credit certificate program" ~~"Applied~~  
183 ~~technology diploma program"~~ means a course of study that is part  
184 of a technical degree program, is less than 60 credit hours, and  
185 leads to employment in a specific occupation. ~~An applied~~



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186 ~~technology diploma program may consist of either technical~~  
187 ~~credit or college credit. A public school district may offer an~~  
188 ~~applied technology diploma program only as technical credit,~~  
189 ~~with college credit awarded to a student upon articulation to a~~  
190 ~~Florida College System institution.~~ Statewide articulation among  
191 public schools and Florida College System institutions is  
192 guaranteed by s. 1007.23, and is subject to guidelines and  
193 standards adopted by the State Board of Education pursuant to  
194 ss. 1007.24 and 1007.25.

195 (26) "Workforce education" means adult general education or  
196 career education and may consist of a continuing workforce  
197 education course or a program of study leading to an  
198 occupational completion point, a career certificate, a college  
199 credit certificate ~~an applied technology diploma~~, or a career  
200 degree.

201 Section 4. Subsections (1) and (4) of section 1007.23,  
202 Florida Statutes, are amended to read:

203 1007.23 Statewide articulation agreement.—

204 (1) The State Board of Education and the Board of Governors  
205 shall enter into a statewide articulation agreement which the  
206 State Board of Education shall adopt by rule. The agreement must  
207 preserve Florida's "2+2" system of articulation, facilitate the  
208 seamless articulation of student credit across and among  
209 Florida's educational entities, and reinforce the provisions of  
210 this chapter by governing:

211 (a) Articulation between secondary and postsecondary  
212 education.†

213 (b) Admission of associate in arts degree graduates from  
214 Florida College System institutions and state universities.†



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215 (c) Admission of college credit certificate ~~applied~~  
216 ~~technology diploma~~ program graduates from Florida College System  
217 institutions or career centers. ~~†~~

218 (d) Admission of associate in science degree and associate  
219 in applied science degree graduates from Florida College System  
220 institutions. ~~†~~

221 (e) The use of acceleration mechanisms, including  
222 nationally standardized examinations through which students may  
223 earn credit. ~~†~~

224 (f) General education requirements and statewide course  
225 numbers as provided for in ss. 1007.24 and 1007.25. ~~†~~ ~~and~~

226 (g) Articulation among programs in nursing.

227 (4) The articulation agreement must guarantee the statewide  
228 articulation of appropriate workforce development programs and  
229 courses between school districts and Florida College System  
230 institutions and specifically provide that every college credit  
231 certificate ~~applied technology diploma~~ graduate must be granted  
232 the same amount of credit upon admission to an associate in  
233 science degree or associate in applied science degree program  
234 unless it is a limited access program. Preference for admission  
235 must be given to graduates who are residents of Florida.

236 Section 5. Subsections (2) and (11) of section 1007.25,  
237 Florida Statutes, are amended to read:

238 1007.25 General education courses; common prerequisites;  
239 other degree requirements.-

240 (2) The department shall identify postsecondary career  
241 education programs offered by Florida College System  
242 institutions and district school boards. The department shall  
243 also identify career courses designated as college credit



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244 courses applicable toward a college credit certificate ~~career~~  
245 ~~education diploma~~ or degree. Such courses must be identified  
246 within the statewide course numbering system.

247 (11) The Commissioner of Education shall appoint faculty  
248 committees representing both Florida College System institution  
249 and public school faculties to recommend to the commissioner for  
250 approval by the State Board of Education a standard program  
251 length and appropriate occupational completion points for each  
252 postsecondary career certificate program, college credit  
253 certificate ~~diploma~~, and degree offered by a school district or  
254 a Florida College System institution.

255 Section 6. Subsection (3) of section 1009.22, Florida  
256 Statutes, is amended to read:

257 1009.22 Workforce education postsecondary student fees.—

258 (3) (a) Except as otherwise provided by law, fees for  
259 students who are nonresidents for tuition purposes must offset  
260 the full cost of instruction. Residency of students pursuing a  
261 career certificate, college credit certificate, or an associate  
262 in applied science degree shall be determined as required in s.  
263 1009.21. Fee-nonexempt students enrolled in applied academics  
264 for adult education instruction shall be charged fees equal to  
265 the fees charged for adult general education programs. Each  
266 Florida College System institution that conducts developmental  
267 education and applied academics for adult education instruction  
268 in the same class section may charge a single fee for both types  
269 of instruction.

270 (b) Fees for continuing workforce education shall be  
271 locally determined by the district school board or Florida  
272 College System institution board. Expenditures for the



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273 continuing workforce education program provided by the Florida  
274 College System institution or school district must be fully  
275 supported by fees. Enrollments in continuing workforce education  
276 courses may not be counted for purposes of funding full-time  
277 equivalent enrollment.

278 ~~(c) Effective July 1, 2011, for programs leading to a~~  
279 ~~career certificate or an applied technology diploma, the~~  
280 ~~standard tuition shall be \$2.22 per contact hour for residents~~  
281 ~~and nonresidents and the out-of-state fee shall be \$6.66 per~~  
282 ~~contact hour. For adult general education programs, a block~~  
283 ~~tuition of \$45 per half year or \$30 per term shall be assessed~~  
284 ~~for residents and nonresidents, and the out-of-state fee shall~~  
285 ~~be \$135 per half year or \$90 per term. Each district school~~  
286 board and Florida College System institution board of trustees  
287 shall adopt policies and procedures for the collection of and  
288 accounting for the expenditure of the block tuition. All funds  
289 received from the block tuition shall be used only for adult  
290 general education programs. Students enrolled in adult general  
291 education programs may not be assessed the fees authorized in  
292 subsection (5), subsection (6), or subsection (7).

293 (d) For programs leading to a career certificate, the  
294 standard tuition shall be \$2.33 per contact hour for residents  
295 and nonresidents and the out-of-state fee shall be \$6.66 per  
296 contact hour in addition to the standard tuition of \$2.33 per  
297 contact hour. For programs leading to a college credit  
298 certificate or an associate in applied science degree, the  
299 standard tuition shall be \$71.98 per college credit hour for  
300 residents and nonresidents and the out-of-state fee shall be  
301 \$215.94 per credit hour in addition to the standard college



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302 credit hour rate of \$71.98.

303 ~~(e)-(d) Beginning with the 2008-2009 fiscal year and each~~  
304 ~~year thereafter,~~ The tuition and the out-of-state fee per  
305 contact or credit hour shall increase at the beginning of each  
306 fall semester at a rate ~~equal to inflation, unless otherwise~~  
307 ~~provided in the General Appropriations Act. If the rate is not~~  
308 ~~provided in the General Appropriations Act~~ The Office of  
309 ~~Economic and Demographic Research shall report the rate of~~  
310 ~~inflation to the President of the Senate, the Speaker of the~~  
311 ~~House of Representatives, the Governor, and the State Board of~~  
312 ~~Education each year prior to March 1. For purposes of this~~  
313 ~~paragraph, the rate of inflation shall be defined as the rate of~~  
314 ~~the 12-month percentage change in the Consumer Price Index for~~  
315 ~~All Urban Consumers, U.S. City Average, All Items, or successor~~  
316 ~~reports as reported by the United States Department of Labor,~~  
317 ~~Bureau of Labor Statistics, or its successor for December of the~~  
318 ~~previous year. In the event the percentage change is negative,~~  
319 ~~the tuition and out-of-state fee shall remain at the same level~~  
320 ~~as the prior fiscal year.~~

321 ~~(f)-(e)~~ Each district school board and each Florida College  
322 System institution board of trustees may adopt tuition and out-  
323 of-state fees that may vary no more than 5 percent below and 5  
324 percent above the combined total of the standard tuition and  
325 out-of-state fees established in paragraph (d) ~~(e)~~.

326 ~~(f) The maximum increase in resident tuition for any school~~  
327 ~~district or Florida College System institution during the 2007-~~  
328 ~~2008 fiscal year shall be 5 percent over the tuition charged~~  
329 ~~during the 2006-2007 fiscal year.~~

330 ~~(g) The State Board of Education may adopt, by rule, the~~





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331 ~~definitions and procedures that district school boards and~~  
332 ~~Florida College System institution boards of trustees shall use~~  
333 ~~in the calculation of cost borne by students.~~

334 Section 7. Subsection (1) of section 1009.53, Florida  
335 Statutes, is amended to read:

336 1009.53 Florida Bright Futures Scholarship Program.—

337 (1) The Florida Bright Futures Scholarship Program is  
338 created to establish a lottery-funded scholarship program to  
339 reward any Florida high school graduate who merits recognition  
340 of high academic achievement and who enrolls in a degree  
341 program, certificate program, or college credit certificate  
342 ~~applied technology~~ program at an eligible Florida public or  
343 private postsecondary education institution within 3 years of  
344 graduation from high school.

345 Section 8. Paragraph (c) of subsection (3) of section  
346 1009.532, Florida Statutes, is amended to read:

347 1009.532 Florida Bright Futures Scholarship Program;  
348 student eligibility requirements for renewal awards.—

349 (3)

350 (c) A student who is initially eligible in the 2012-2013  
351 academic year and thereafter may receive an award for a maximum  
352 of 100 percent of the number of credit hours required to  
353 complete an associate degree program, a baccalaureate degree  
354 program, or a postsecondary career certificate program or, for a  
355 Florida Gold Seal Vocational Scholars award, may receive an  
356 award for a maximum of 100 percent of the number of credit hours  
357 or equivalent clock hours required to complete one of the  
358 following at a Florida public or nonpublic education institution  
359 that offers these specific programs: for a college credit



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360 certificate ~~an applied technology diploma~~ program as defined in  
361 s. 1004.02(8), up to 60 credit hours or equivalent clock hours;  
362 for a technical degree education program as defined in s.  
363 1004.02(14), up to the number of hours required for a specific  
364 degree not to exceed 72 credit hours or equivalent clock hours;  
365 or for a career certificate program as defined in s.  
366 1004.02(21), up to the number of hours required for a specific  
367 certificate not to exceed 72 credit hours or equivalent clock  
368 hours. A student who transfers from one of these program levels  
369 to another program level becomes eligible for the higher of the  
370 two credit hour limits.

371 Section 9. Paragraph (c) of subsection (4) of section  
372 1009.536, Florida Statutes, is amended to read:

373 1009.536 Florida Gold Seal Vocational Scholars award.—The  
374 Florida Gold Seal Vocational Scholars award is created within  
375 the Florida Bright Futures Scholarship Program to recognize and  
376 reward academic achievement and career preparation by high  
377 school students who wish to continue their education.

378 (4)

379 (c) A student who is initially eligible in the 2012-2013  
380 academic year and thereafter may earn a Florida Gold Seal  
381 Vocational Scholarship for a maximum of 100 percent of the  
382 number of credit hours or equivalent clock hours required to  
383 complete one of the following at a Florida public or nonpublic  
384 education institution that offers these specific programs: for a  
385 college credit certificate ~~an applied technology diploma~~ program  
386 as defined in s. 1004.02(8), up to 60 credit hours or equivalent  
387 clock hours; for a technical degree education program as defined  
388 in s. 1004.02(14), up to the number of hours required for a



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389 specific degree not to exceed 72 credit hours or equivalent  
390 clock hours; or for a career certificate program as defined in  
391 s. 1004.02(21), up to the number of hours required for a  
392 specific certificate not to exceed 72 credit hours or equivalent  
393 clock hours.

394 Section 10. Section 1011.80, Florida Statutes, is amended  
395 to read:

396 1011.80 Funds for operation of workforce education  
397 programs.—

398 (1) As used in this section, the terms "workforce  
399 education" and "workforce education program" include:

400 (a) Adult general education programs designed to improve  
401 the employability skills of the state's workforce as defined in  
402 s. 1004.02(3).

403 (b) Career certificate programs, as defined in s.  
404 1004.02(21).

405 (c) College credit certificate ~~Applied technology diploma~~  
406 programs, as defined in s. 1004.02(8).

407 (d) Continuing workforce education courses.

408 (e) Degree career education programs.

409 (f) Apprenticeship and preapprenticeship programs as  
410 defined in s. 446.021.

411 (2) A ~~Any~~ workforce education program may be conducted by a  
412 Florida College System institution or a school district, except  
413 that ~~college credit in an associate in applied science or an~~  
414 associate in science degree may be awarded only by a Florida  
415 College System institution. However, if an ~~associate in applied~~  
416 ~~science or an~~ associate in science degree program contains  
417 within it an ~~occupational completion point that confers a~~



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418 college credit certificate or an applied technology diploma,  
419 that portion of the program may be offered conducted by a school  
420 district career center. A career center authorized to offer an  
421 associate in applied science degree program pursuant to s.  
422 1001.44(5) may offer only those general education courses  
423 contained within the approved degree program. Any Instruction  
424 designed to articulate to a degree program is subject to  
425 guidelines and standards adopted by the State Board of Education  
426 pursuant to s. 1007.25.

427       (3) Each school district and Florida College System  
428 institution receiving state appropriations for workforce  
429 education programs must maintain adequate and accurate records,  
430 including a system to record school district workforce education  
431 funding and expenditures in order to maintain separation of  
432 postsecondary workforce education expenditures from secondary  
433 education expenditures. These records must be filed with the  
434 Department of Education in correct and proper form on or before  
435 the date due as fixed by law or rule for each annual or periodic  
436 report that is required by rules of the State Board of  
437 Education.

438       (4) School districts shall report full-time equivalent  
439 students by discipline category for the programs specified in  
440 subsection (1). There shall be an annual cost analysis for the  
441 school district workforce education programs that reports cost  
442 by discipline category consistent with the reporting for full-  
443 time equivalent students. The annual financial reports submitted  
444 by the school districts must accurately report on the student  
445 fee revenues by fee type according to the programs specified in  
446 subsection (1). The Department of Education shall develop a plan



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447 for comparable reporting of program, student, facility,  
448 personnel, and financial data between the Florida College System  
449 institutions and the school district workforce education  
450 programs ~~If a program for disabled adults pursuant to s. 1004.93~~  
451 ~~is a workforce program as defined in law, it must be funded as~~  
452 ~~provided in this section.~~

453 ~~(4) Funding for all workforce education programs must be~~  
454 ~~based on cost categories, performance output measures, and~~  
455 ~~performance outcome measures.~~

456 ~~(a) The cost categories must be calculated to identify~~  
457 ~~high-cost programs, medium-cost programs, and low-cost programs.~~  
458 ~~The cost analysis used to calculate and assign a program of~~  
459 ~~study to a cost category must include at least both direct and~~  
460 ~~indirect instructional costs, consumable supplies, equipment,~~  
461 ~~and standard program length.~~

462 ~~(b) The performance output measure for an adult general~~  
463 ~~education course of study is measurable improvement in student~~  
464 ~~skills. This measure shall include improvement in literacy~~  
465 ~~skills, grade level improvement as measured by an approved test,~~  
466 ~~or attainment of a State of Florida diploma or an adult high~~  
467 ~~school diploma.~~

468 ~~(c) The performance outcome measures for adult general~~  
469 ~~education programs are associated with placement and retention~~  
470 ~~of students after reaching a completion point or completing a~~  
471 ~~program of study. These measures include placement or retention~~  
472 ~~in employment. Continuing postsecondary education at a level~~  
473 ~~that will further enhance employment is a performance outcome~~  
474 ~~for adult general education programs.~~

475 (5) State funding and student fees for workforce education



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476 instruction shall be established as follows:

477 (a) Expenditures for the continuing workforce education  
478 programs provided by the Florida College System institutions or  
479 school districts must be fully supported by fees. Enrollments in  
480 continuing workforce education courses shall not be counted for  
481 purposes of funding full-time equivalent enrollment.

482 (b) For all other workforce education programs, state  
483 funding shall be calculated based on weighted enrollment and  
484 program costs minus fee revenues generated to offset program  
485 operational costs ~~equal 75 percent of the average cost of~~  
486 ~~instruction with the remaining 25 percent made up from student~~  
487 ~~fees.~~ Fees for courses within a program shall not vary according  
488 to the cost of the individual program, but instead shall be as  
489 provided in s. 1009.22 ~~based on a uniform fee calculated and set~~  
490 ~~at the state level, as adopted by the State Board of Education,~~  
491 unless otherwise specified in the General Appropriations Act.

492 ~~(c) For fee-exempt students pursuant to s. 1009.25, unless~~  
493 ~~otherwise provided for in law, state funding shall equal 100~~  
494 ~~percent of the average cost of instruction.~~

495 ~~(c)-(d)~~ For a public educational institution that has been  
496 fully funded by an external agency for direct instructional  
497 costs of any course or program, the FTE generated shall not be  
498 reported for state funding.

499 (6) (a) ~~A school district or a Florida College System~~  
500 ~~institution that provides workforce education programs shall~~  
501 ~~receive funds in accordance with distributions for base and~~  
502 ~~performance funding established by the Legislature in the~~  
503 ~~General Appropriations Act.~~ To ensure equitable funding for all  
504 school district workforce education programs and to recognize



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505 enrollment growth, the Department of Education shall use the  
506 funding model developed by the District Workforce Education  
507 Funding Steering Committee to determine each district's  
508 workforce education funding needs. To assist the Legislature in  
509 allocating workforce education funds in the General  
510 Appropriations Act, the funding model shall annually be provided  
511 to the legislative appropriations committees no later than March  
512 1.

513 (b) Operational funding shall be provided to school  
514 districts for workforce education programs based on weighted  
515 student enrollment and program costs determined by cost  
516 categories. The cost categories must be calculated to identify  
517 high-cost programs, medium-cost programs, and low-cost programs.  
518 The cost analysis used to calculate and assign a program of  
519 study to a cost category must include at least both direct and  
520 indirect instructional costs, consumable supplies, equipment,  
521 and standard program length.

522 (7) Performance funding for workforce education programs  
523 shall be contingent upon specific appropriation in the General  
524 Appropriations Act. To assist the Legislature in determining  
525 performance funding allocations, the State Board of Education  
526 shall provide the Legislature with recommended formulas,  
527 criteria, timeframes, and mechanisms for distributing  
528 performance funds no later than March 1. These recommendations  
529 shall reward programs that:

530 (a) Prepare people to enter high-skill/high-wage  
531 occupations identified by the Workforce Estimating Conference  
532 pursuant to s. 216.136 and other programs as approved by  
533 Workforce Florida, Inc. At a minimum, performance incentives



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534 shall be calculated for adults who reach completion points or  
535 complete programs that lead to specified high-wage employment  
536 and to their placement in that employment.

537 (b) Prepare adults who are eligible for public assistance,  
538 economically disadvantaged, disabled, not proficient in English,  
539 or dislocated workers for high-wage occupations. At a minimum,  
540 performance incentives shall be calculated at an enhanced value  
541 for the completion by adults identified in this paragraph and  
542 the job placement of such adults upon completion. In addition,  
543 adjustments may be made in payments for job placements for areas  
544 of high unemployment.

545 (c) Increase student achievement in adult general education  
546 courses by measuring performance output and outcome measures.

547 1. The performance output measure for an adult general  
548 education course of study is measurable improvement in student  
549 skills. This measure shall include improvement in literacy  
550 skills, grade-level improvement as measured by an approved test,  
551 or attainment of a Florida diploma or an adult high school  
552 diploma.

553 2. The performance outcome measures for adult general  
554 education programs are associated with placement and retention  
555 of students after reaching a completion point or completing a  
556 program of study. These measures include placement or retention  
557 in employment. Continuing postsecondary education at a level  
558 that will further enhance employment is a performance outcome  
559 for adult general education programs.

560 (d) ~~(b)~~ Award industry certifications. Performance funding  
561 for industry certifications ~~for school district workforce~~  
562 education programs is contingent upon specific appropriation in





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563 ~~the General Appropriations Act and shall be determined as~~  
564 follows:

565 1. Occupational areas for which industry certifications may  
566 be earned, as established in the General Appropriations Act, are  
567 eligible for performance funding. Priority shall be given to the  
568 occupational areas emphasized in state, national, or corporate  
569 grants provided to Florida educational institutions.

570 2. The Chancellor of Career and Adult Education shall  
571 identify the industry certifications eligible for funding on the  
572 Postsecondary Industry Certification Funding List approved by  
573 the State Board of Education pursuant to s. 1008.44, based on  
574 the occupational areas specified in the General Appropriations  
575 Act.

576 3. Each school district shall be provided \$1,000 for each  
577 industry certification earned by a workforce education student.  
578 The maximum amount of funding appropriated for performance  
579 funding pursuant to this paragraph shall be limited to \$15  
580 million annually. If funds are insufficient to fully fund the  
581 calculated total award, such funds shall be prorated.

582 ~~(c) A program is established to assist school districts and~~  
583 ~~Florida College System institutions in responding to the needs~~  
584 ~~of new and expanding businesses and thereby strengthening the~~  
585 ~~state's workforce and economy. The program may be funded in the~~  
586 ~~General Appropriations Act. The district or Florida College~~  
587 ~~System institution shall use the program to provide customized~~  
588 ~~training for businesses which satisfies the requirements of s.~~  
589 ~~288.047. Business firms whose employees receive the customized~~  
590 ~~training must provide 50 percent of the cost of the training.~~  
591 ~~Balances remaining in the program at the end of the fiscal year~~



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592 ~~shall not revert to the general fund, but shall be carried over~~  
593 ~~for 1 additional year and used for the purpose of serving~~  
594 ~~incumbent worker training needs of area businesses with fewer~~  
595 ~~than 100 employees. Priority shall be given to businesses that~~  
596 ~~must increase or upgrade their use of technology to remain~~  
597 ~~competitive.~~

598 ~~(8)(7)~~(a) A school district or Florida College System  
599 institution that receives workforce education funds must use the  
600 money to benefit the workforce education programs it provides.  
601 The money may be used for equipment upgrades, program  
602 expansions, or any other use that would result in workforce  
603 education program improvement. The district school board or  
604 Florida College System institution board of trustees may not  
605 withhold any portion of the performance funding for indirect  
606 costs.

607 (b) State funds provided for the operation of postsecondary  
608 workforce programs may not be expended for the education of  
609 state or federal inmates.

610 ~~(8) The State Board of Education and Workforce Florida,~~  
611 ~~Inc., shall provide the Legislature with recommended formulas,~~  
612 ~~criteria, timeframes, and mechanisms for distributing~~  
613 ~~performance funds. The commissioner shall consolidate the~~  
614 ~~recommendations and develop a consensus proposal for funding.~~  
615 ~~The Legislature shall adopt a formula and distribute the~~  
616 ~~performance funds to the State Board of Education for Florida~~  
617 ~~College System institutions and school districts through the~~  
618 ~~General Appropriations Act. These recommendations shall be based~~  
619 ~~on formulas that would discourage low performing or low demand~~  
620 ~~programs and encourage through performance-funding awards.~~



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621           ~~(a) Programs that prepare people to enter high-wage~~  
622 ~~occupations identified by the Workforce Estimating Conference~~  
623 ~~created by s. 216.136 and other programs as approved by~~  
624 ~~Workforce Florida, Inc. At a minimum, performance incentives~~  
625 ~~shall be calculated for adults who reach completion points or~~  
626 ~~complete programs that lead to specified high-wage employment~~  
627 ~~and to their placement in that employment.~~

628           ~~(b) Programs that successfully prepare adults who are~~  
629 ~~eligible for public assistance, economically disadvantaged,~~  
630 ~~disabled, not proficient in English, or dislocated workers for~~  
631 ~~high-wage occupations. At a minimum, performance incentives~~  
632 ~~shall be calculated at an enhanced value for the completion of~~  
633 ~~adults identified in this paragraph and job placement of such~~  
634 ~~adults upon completion. In addition, adjustments may be made in~~  
635 ~~payments for job placements for areas of high unemployment.~~

636           ~~(c) Programs that are specifically designed to be~~  
637 ~~consistent with the workforce needs of private enterprise and~~  
638 ~~regional economic development strategies, as defined in~~  
639 ~~guidelines set by Workforce Florida, Inc. Workforce Florida,~~  
640 ~~Inc., shall develop guidelines to identify such needs and~~  
641 ~~strategies based on localized research of private employers and~~  
642 ~~economic development practitioners.~~

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

645           ~~(9) School districts shall report full-time equivalent~~  
646 ~~students by discipline category for the programs specified in~~  
647 ~~subsection (1). There shall be an annual cost analysis for the~~  
648 ~~school district workforce education programs that reports cost~~  
649 ~~by discipline category consistent with the reporting for full-~~



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650 ~~time equivalent students. The annual financial reports submitted~~  
651 ~~by the school districts must accurately report on the student~~  
652 ~~fee revenues by fee type according to the programs specified in~~  
653 ~~subsection (1). The Department of Education shall develop a plan~~  
654 ~~for comparable reporting of program, student, facility,~~  
655 ~~personnel, and financial data between the Florida College System~~  
656 ~~institutions and the school district workforce education~~  
657 ~~programs.~~

658       (9)~~(10)~~ A high school student dually enrolled under s.  
659 1007.271 in a workforce education program operated by a Florida  
660 College System institution or school district career center  
661 generates the amount calculated for workforce education funding,  
662 including any payment of performance funding, and the  
663 proportional share of full-time equivalent enrollment generated  
664 through the Florida Education Finance Program for the student's  
665 enrollment in a high school. If a high school student is dually  
666 enrolled in a Florida College System institution program,  
667 including a program conducted at a high school, the Florida  
668 College System institution earns the funds generated for  
669 workforce education funding, and the school district earns the  
670 proportional share of full-time equivalent funding from the  
671 Florida Education Finance Program. If a student is dually  
672 enrolled in a career center operated by the same district as the  
673 district in which the student attends high school, that district  
674 earns the funds generated for workforce education funding and  
675 also earns the proportional share of full-time equivalent  
676 funding from the Florida Education Finance Program. If a student  
677 is dually enrolled in a workforce education program provided by  
678 a career center operated by a different school district, the



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679 funds must be divided between the two school districts  
680 proportionally from the two funding sources. A student may not  
681 be reported for funding in a dual enrollment workforce education  
682 program unless the student has completed the basic skills  
683 assessment pursuant to s. 1004.91. A student who is coenrolled  
684 in a K-12 education program and an adult education program may  
685 be reported for purposes of funding in an adult education  
686 program. If a student is coenrolled in core curricula courses  
687 for credit recovery or dropout prevention purposes and does not  
688 have a pattern of excessive absenteeism or habitual truancy or a  
689 history of disruptive behavior in school, the student may be  
690 reported for funding for up to two courses per year. Such a  
691 student is exempt from the payment of the block tuition for  
692 adult general education programs provided in s. 1009.22(3)(c)  
693 ~~1009.22(3)(d)~~. The Department of Education shall develop a list  
694 of courses to be designated as core curricula courses for the  
695 purposes of coenrollment.

696 (10)~~(11)~~ The State Board of Education may adopt rules to  
697 administer this section.

698 Section 11. This act shall take effect July 1, 2014.

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

701 And the title is amended as follows:

702 Delete everything before the enacting clause  
703 and insert:

704 A bill to be entitled  
705 An act relating to career centers and charter  
706 technical career centers; amending s. 1001.44, F.S.;  
707 authorizing a career center to offer college credit



708 courses applicable toward specific certificates or  
709 degrees; providing a process for approval to offer  
710 specific degree programs; requiring the State Board of  
711 Education to adopt rules; authorizing a career center  
712 to change the institution's name if certain  
713 requirements are met; amending s. 1002.34, F.S.;

714 authorizing a charter technical career center to offer  
715 college credit courses applicable toward specific  
716 certificates or degrees; providing an approval  
717 process; authorizing a charter technical career center  
718 to change the institution's name if certain  
719 requirements are met; amending s. 1004.02, F.S.,  
720 relating to definitions; renaming the applied  
721 technology diploma program as the college credit  
722 certificate program and clarifying the program;

723 amending ss. 1007.23 and 1007.25, F.S.; conforming  
724 provisions; amending s. 1009.22, F.S.; revising and  
725 clarifying tuition and fees for specific workforce  
726 education programs; amending ss. 1009.53, 1009.532,  
727 and 1009.536, F.S.; conforming provisions; amending s.  
728 1011.80, F.S., relating to funds for operation of  
729 workforce education programs; conforming provisions;

730 authorizing a career center to offer associate in  
731 applied science degree programs; requiring school  
732 districts and Florida College System institutions to  
733 maintain certain records; revising operational and  
734 performance funding calculation and allocation for  
735 workforce education programs; deleting provisions  
736 relating to a program to assist in responding to needs



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737  
738

of new and expanding businesses; correcting a cross-  
reference; providing an effective date.



293978

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/25/2014	.	
	.	
	.	
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The Committee on Education (Montford) recommended the following:

**Senate Amendment to Amendment (147492)**

Delete lines 284 - 285  
and insert:  
for residents and nonresidents, and the out-of-state fee shall  
be \$135 per half year or \$90 per term. Each district school





891882

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/25/2014	.	
	.	
	.	
	.	

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The Committee on Education (Montford) recommended the following:

**Senate Amendment to Amendment (147492)**

Delete lines 260 - 262  
and insert:  
the full cost of instruction. Residency of students shall be  
determined as required in s.

By Senator Montford

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A bill to be entitled

An act relating to career centers and charter technical career centers; amending s. 1001.44, F.S.; authorizing a career center to offer college credit courses applicable toward specific certificates or degrees; providing a process for approval to offer specific degree programs; requiring the State Board of Education to adopt rules; authorizing a career center to change the institution's name; amending s. 1002.34, F.S.; authorizing a charter technical career center to offer college credit courses applicable toward specific certificates or degrees; providing an approval process; authorizing a charter technical career center to change the institution's name; amending s. 1004.02, F.S., relating to definitions; renaming the applied technology diploma program as the college credit certificate program and clarifying the program; amending ss. 1007.23 and 1007.25, F.S.; conforming provisions; amending s. 1009.22, F.S.; revising and clarifying tuition and fees for specific workforce education programs; amending ss. 1009.53, 1009.532, and 1009.536, F.S.; conforming provisions; amending s. 1011.80, F.S.; conforming provisions; authorizing a career center to offer associate in applied science degree programs; correcting a cross-reference; providing an effective date.

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

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Section 1. Section 1001.44, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 1001.44, F.S., for present text.)

1001.44 Career centers.—

(1) In order to provide additional career pathways, career centers shall support and enhance a competitive workforce by offering high-quality career and technical education programs that prepare graduates for current and emerging careers.

(2) (a) A career center is an educational institution that offers postsecondary career and technical education programs and is under the control of the district school board of the school district in which the center is located. A district school board, after first obtaining the approval of the Commissioner of Education, may organize, establish, and operate a career center or acquire and operate a career center previously established.

(b) The district school boards of two or more contiguous districts may, after first obtaining the approval of the commissioner, enter into an agreement to organize, establish, and operate, or acquire and operate, a career center under this section.

(3) A career center shall maintain an academic transcript for each student enrolled in the center. A student's transcript shall include each course completed, credit earned, and credentials earned by the student. Each course shall be delineated by the course prefix and title assigned pursuant to s. 1007.24. A career center shall make each student's transcript available to that student.

(4) A career center may offer college credit courses

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59 applicable toward a college credit certificate or an associate  
 60 in applied science degree through a partnership with a Florida  
 61 College System institution or through direct authority to award  
 62 such certificates and degrees. A career center must submit a  
 63 proposal to the State Board of Education for approval before  
 64 offering and awarding associate in applied science degrees.  
 65 (5) The process for a career center to offer an associate  
 66 in applied science degree program shall be as follows:  
 67 (a) The career center shall submit a notice of its intent  
 68 to propose an associate in applied science degree program to the  
 69 Division of Career and Adult Education and the Florida College  
 70 System institution in its service area 45 days before submitting  
 71 the proposal. The notice must include a brief description of the  
 72 program, the geographic region to be served, and an estimated  
 73 timeframe for implementation. The notice must also include  
 74 evidence that the career center engaged in need, demand, and  
 75 impact discussions with the Florida College System institution  
 76 in its service area.  
 77 (b) A proposal to offer an associate in applied science  
 78 degree program shall be submitted to the Division of Career and  
 79 Adult Education and, at a minimum, include:  
 80 1. A description of the planning process and timeline for  
 81 implementation.  
 82 2. An analysis of workforce demand and unmet need for  
 83 graduates of the program on a district or regional basis, as  
 84 appropriate, including evidence from entities independent of the  
 85 institution.  
 86 3. Identification of the facilities, equipment, and library  
 87 and academic resources that will be used to deliver the program.

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88 4. A cost analysis of creating a new associate in applied  
 89 science degree program.  
 90 5. The program's admission requirements, academic content,  
 91 curriculum, faculty credentials, student-to-teacher ratios, and  
 92 accreditation plan.  
 93 6. Feedback from the Florida College System institution  
 94 regarding the notice of intent pursuant to paragraph (a).  
 95 7. The program's enrollment projections and funding  
 96 requirements.  
 97 8. A description of outcome measures that will be used to  
 98 determine success, including, but not limited to, program  
 99 completions, placements, licensures, and feedback of employer  
 100 satisfaction with the job performance of graduates.  
 101 9. A plan that describes how the career center's college  
 102 credit courses will meet the equivalent faculty credential  
 103 standards for inclusion in the statewide course numbering system  
 104 pursuant to s. 1007.24(7).  
 105 10. A plan of action if the program is terminated.  
 106 (c) The Division of Career and Adult Education shall review  
 107 the proposal, notify the career center, in writing, of any  
 108 deficiencies within 30 days after receipt of the proposal, and  
 109 provide the center with an opportunity to correct the  
 110 deficiencies.  
 111 (d) Within 45 days after receipt of the finalized proposal  
 112 by the Division of Career and Adult Education, the commissioner  
 113 shall recommend approval or disapproval of the proposal to the  
 114 state board. The state board shall consider the recommendation  
 115 and the proposal at the next scheduled meeting, adhering to  
 116 appropriate meeting notice requirements. If the state board

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117 disapproves the career center proposal, it shall provide the  
 118 center with a written explanation for that determination. The  
 119 state board's action is not subject to the provisions of the  
 120 Administrative Procedure Act.

121 (e) After approval by the state board to offer its first  
 122 associate in applied science degree program, the career center  
 123 must obtain accreditation as an associate-in-applied-science-  
 124 degree-granting institution from an accrediting agency that is  
 125 recognized by the United States Department of Education.

126 (f) A career center shall notify the appropriate  
 127 accrediting agency of subsequent degree programs that are  
 128 approved by the state board.

129 (g) A career center shall annually, and upon request of the  
 130 state board, the Chancellor of Career and Adult Education, or  
 131 the Legislature, report its status using the following  
 132 performance and compliance indicators:

133 1. Obtaining and maintaining appropriate accreditation.

134 2. Maintaining qualified faculty and institutional  
 135 resources.

136 3. Maintaining enrollment in previously approved programs.

137 4. Managing fiscal resources appropriately.

138 5. Measuring program success, including program  
 139 completions, placements, licensures, and employer satisfaction  
 140 with the job performance of graduates.

141  
 142 The state board, upon review of the performance and compliance  
 143 indicators, may require a career center to modify or terminate  
 144 an associate in applied science degree program authorized under  
 145 this section.

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146 (6) The state board shall adopt rules providing guidelines  
 147 for receiving, reviewing, and approving proposals to offer  
 148 associate in applied science degree programs. The rules shall  
 149 establish an annual timeframe by which proposals must be  
 150 received. The rules shall also require that a presentation be  
 151 made to assist the state board in its decision.

152 (7) With the approval of its district school board, a  
 153 career center may change the institution's name and use the  
 154 designation "technical college" if the center offers college  
 155 credit certificate programs or has been authorized to offer  
 156 associate in applied science degree programs pursuant to  
 157 subsection (5).

158 Section 2. Paragraphs (b) and (g) of subsection (11) of  
 159 section 1002.34, Florida Statutes, are amended, and paragraphs  
 160 (h) and (i) are added to that subsection, to read:

161 1002.34 Charter technical career centers.—

162 (11) FUNDING.—

163 (b) Each district school board and Florida College System  
 164 institution that sponsors a charter technical career center  
 165 shall pay directly to the center an amount stated in the  
 166 charter. State funding shall be generated for the center for its  
 167 student enrollment and program outcomes as provided in law. A  
 168 center is eligible for funding from workforce education funds,  
 169 the Florida Education Finance Program, and the Florida College  
 170 System Program Fund, depending upon the programs offered  
 171 ~~conducted~~ by the center, pursuant to s. 1011.80.

172 (g) A center must ~~describe~~ define in the charter agreement  
 173 the delivery system in which the instructional offering of  
 174 educational services will be placed. The rules governing this

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175 delivery system must be applied to all of the center's students  
 176 and must authorize all other sponsoring educational systems to  
 177 report required enrollment and student data based solely on the  
 178 rules of the offering institution. Each sponsor shall earn full-  
 179 time equivalent membership for each student for funding and  
 180 reporting purposes.

181 (h) A center may offer college credit courses applicable  
 182 toward a college credit certificate or an associate in applied  
 183 science degree through a partnership with a Florida College  
 184 System institution or through direct authority to award such  
 185 certificates and degrees. A center must submit a proposal to the  
 186 State Board of Education for approval before offering and  
 187 awarding associate in applied science degrees, as prescribed in  
 188 s. 1001.44(5).

189 (i) With the approval of its board of directors, a center  
 190 may change the institution's name and use the designation  
 191 "technical college" if the center offers college credit  
 192 certificate programs or has been authorized to offer associate  
 193 in applied science degree programs pursuant to s. 1001.44(5).

194 Section 3. Subsections (8) and (26) of section 1004.02,  
 195 Florida Statutes, are amended to read:

196 1004.02 Definitions.—As used in this chapter:

197 (8) "College credit certificate program" ~~"Applied~~  
 198 ~~technology diploma program"~~ means a course of study that is part  
 199 of a technical degree program, is less than 60 credit hours, and  
 200 leads to employment in a specific occupation. ~~An applied~~  
 201 ~~technology diploma program may consist of either technical~~  
 202 ~~credit or college credit. A public school district may offer an~~  
 203 ~~applied technology diploma program only as technical credit,~~

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204 ~~with college credit awarded to a student upon articulation to a~~  
 205 ~~Florida College System institution.~~ Statewide articulation among  
 206 public schools and Florida College System institutions is  
 207 guaranteed by s. 1007.23, and is subject to guidelines and  
 208 standards adopted by the State Board of Education pursuant to  
 209 ss. 1007.24 and 1007.25.

210 (26) "Workforce education" means adult general education or  
 211 career education and may consist of a continuing workforce  
 212 education course or a program of study leading to an  
 213 occupational completion point, a career certificate, a college  
 214 credit certificate ~~an applied technology diploma~~, or a career  
 215 degree.

216 Section 4. Subsections (1) and (4) of section 1007.23,  
 217 Florida Statutes, are amended to read:

218 1007.23 Statewide articulation agreement.—

219 (1) The State Board of Education and the Board of Governors  
 220 shall enter into a statewide articulation agreement which the  
 221 State Board of Education shall adopt by rule. The agreement must  
 222 preserve Florida's "2+2" system of articulation, facilitate the  
 223 seamless articulation of student credit across and among  
 224 Florida's educational entities, and reinforce the provisions of  
 225 this chapter by governing:

226 (a) Articulation between secondary and postsecondary  
 227 education.†

228 (b) Admission of associate in arts degree graduates from  
 229 Florida College System institutions and state universities.†

230 (c) Admission of college credit certificate applied  
 231 ~~technology diploma~~ program graduates from Florida College System  
 232 institutions or career centers.†

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233 (d) Admission of associate in science degree and associate  
 234 in applied science degree graduates from Florida College System  
 235 institutions.~~†~~

236 (e) The use of acceleration mechanisms, including  
 237 nationally standardized examinations through which students may  
 238 earn credit.~~†~~

239 (f) General education requirements and statewide course  
 240 numbers as provided for in ss. 1007.24 and 1007.25.~~†~~ ~~and~~

241 (g) Articulation among programs in nursing.

242 (4) The articulation agreement must guarantee the statewide  
 243 articulation of appropriate workforce development programs and  
 244 courses between school districts and Florida College System  
 245 institutions and specifically provide that every college credit  
 246 certificate ~~applied technology diploma~~ graduate must be granted  
 247 the same amount of credit upon admission to an associate in  
 248 science degree or associate in applied science degree program  
 249 unless it is a limited access program. Preference for admission  
 250 must be given to graduates who are residents of Florida.

251 Section 5. Subsections (2) and (11) of section 1007.25,  
 252 Florida Statutes, are amended to read:

253 1007.25 General education courses; common prerequisites;  
 254 other degree requirements.-

255 (2) The department shall identify postsecondary career  
 256 education programs offered by Florida College System  
 257 institutions and district school boards. The department shall  
 258 also identify career courses designated as college credit  
 259 courses applicable toward a college credit certificate ~~career~~  
 260 ~~education diploma~~ or degree. Such courses must be identified  
 261 within the statewide course numbering system.

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262 (11) The Commissioner of Education shall appoint faculty  
 263 committees representing both Florida College System institution  
 264 and public school faculties to recommend to the commissioner for  
 265 approval by the State Board of Education a standard program  
 266 length and appropriate occupational completion points for each  
 267 postsecondary career certificate program, college credit  
 268 certificate diploma, and degree offered by a school district or  
 269 a Florida College System institution.

270 Section 6. Subsection (3) of section 1009.22, Florida  
 271 Statutes, is amended to read:

272 1009.22 Workforce education postsecondary student fees.-

273 (3) (a) Except as otherwise provided by law, fees for  
 274 students who are nonresidents for tuition purposes must offset  
 275 the full cost of instruction. Residency of students pursuing a  
 276 college credit certificate or an associate in applied science  
 277 degree shall be determined as required in s. 1009.21. Fee-  
 278 nonexempt students enrolled in applied academics for adult  
 279 education instruction shall be charged fees equal to the fees  
 280 charged for adult general education programs. Each Florida  
 281 College System institution that conducts developmental education  
 282 and applied academics for adult education instruction in the  
 283 same class section may charge a single fee for both types of  
 284 instruction.

285 (b) Fees for continuing workforce education shall be  
 286 locally determined by the district school board or Florida  
 287 College System institution board. Expenditures for the  
 288 continuing workforce education program provided by the Florida  
 289 College System institution or school district must be fully  
 290 supported by fees. Enrollments in continuing workforce education

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291 courses may not be counted for purposes of funding full-time  
292 equivalent enrollment.

293 ~~(c) Effective July 1, 2011, for programs leading to a~~  
294 ~~career certificate or an applied technology diploma, the~~  
295 ~~standard tuition shall be \$2.22 per contact hour for residents~~  
296 ~~and nonresidents and the out-of-state fee shall be \$6.66 per~~  
297 ~~contact hour.~~ For adult general education programs, a block  
298 tuition of \$45 per half year or \$30 per term shall be assessed  
299 ~~for residents and nonresidents, and the out-of-state fee shall~~  
300 ~~be \$135 per half year or \$90 per term.~~ Each district school  
301 board and Florida College System institution board of trustees  
302 shall adopt policies and procedures for the collection of and  
303 accounting for the expenditure of the block tuition. All funds  
304 received from the block tuition shall be used only for adult  
305 general education programs. Students enrolled in adult general  
306 education programs may not be assessed the fees authorized in  
307 subsection (5), subsection (6), or subsection (7).

308 (d) For programs leading to a career certificate, the  
309 standard tuition shall be \$2.33 per contact hour for residents  
310 and nonresidents and the out-of-state fee shall be \$6.66 per  
311 contact hour in addition to the standard tuition of \$2.33 per  
312 contact hour. For programs leading to a college credit  
313 certificate or an associate in applied science degree, the  
314 standard tuition shall be \$71.98 per college credit hour for  
315 residents and nonresidents and the out-of-state fee shall be  
316 \$215.94 per credit hour in addition to the standard college  
317 credit hour rate of \$71.98.

318 ~~(e)(d) Beginning with the 2008-2009 fiscal year and each~~  
319 ~~year thereafter, The tuition and the out-of-state fee per~~

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320 contact hour shall increase at the beginning of each fall  
321 semester at a rate equal to inflation, unless otherwise provided  
322 in the General Appropriations Act. The Office of Economic and  
323 Demographic Research shall report the rate of inflation to the  
324 President of the Senate, the Speaker of the House of  
325 Representatives, the Governor, and the State Board of Education  
326 each year before ~~prior to~~ March 1. For purposes of this  
327 paragraph, the rate of inflation shall be defined as the rate of  
328 the 12-month percentage change in the Consumer Price Index for  
329 All Urban Consumers, U.S. City Average, All Items, or successor  
330 reports as reported by the United States Department of Labor,  
331 Bureau of Labor Statistics, or its successor for December of the  
332 previous year. In the event the percentage change is negative,  
333 the tuition and out-of-state fee shall remain at the same level  
334 as the prior fiscal year.

335 (f)(e) Each district school board and each Florida College  
336 System institution board of trustees may adopt tuition and out-  
337 of-state fees that may vary no more than 5 percent below and 5  
338 percent above the combined total of the standard tuition and  
339 out-of-state fees established in paragraph (d)(e).

340 ~~(f) The maximum increase in resident tuition for any school~~  
341 ~~district or Florida College System institution during the 2007-~~  
342 ~~2008 fiscal year shall be 5 percent over the tuition charged~~  
343 ~~during the 2006-2007 fiscal year.~~

344 ~~(g) The State Board of Education may adopt, by rule, the~~  
345 ~~definitions and procedures that district school boards and~~  
346 ~~Florida College System institution boards of trustees shall use~~  
347 ~~in the calculation of cost borne by students.~~

348 Section 7. Subsection (1) of section 1009.53, Florida

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349 Statutes, is amended to read:

350 1009.53 Florida Bright Futures Scholarship Program.—

351 (1) The Florida Bright Futures Scholarship Program is  
 352 created to establish a lottery-funded scholarship program to  
 353 reward any Florida high school graduate who merits recognition  
 354 of high academic achievement and who enrolls in a degree  
 355 program, certificate program, or college credit certificate  
 356 ~~applied technology~~ program at an eligible Florida public or  
 357 private postsecondary education institution within 3 years of  
 358 graduation from high school.

359 Section 8. Paragraph (c) of subsection (3) of section  
 360 1009.532, Florida Statutes, is amended to read:

361 1009.532 Florida Bright Futures Scholarship Program;  
 362 student eligibility requirements for renewal awards.—

363 (3)

364 (c) A student who is initially eligible in the 2012-2013  
 365 academic year and thereafter may receive an award for a maximum  
 366 of 100 percent of the number of credit hours required to  
 367 complete an associate degree program, a baccalaureate degree  
 368 program, or a postsecondary career certificate program or, for a  
 369 Florida Gold Seal Vocational Scholars award, may receive an  
 370 award for a maximum of 100 percent of the number of credit hours  
 371 or equivalent clock hours required to complete one of the  
 372 following at a Florida public or nonpublic education institution  
 373 that offers these specific programs: for a college credit  
 374 certificate ~~an applied technology diploma~~ program as defined in  
 375 s. 1004.02(8), up to 60 credit hours or equivalent clock hours;  
 376 for a technical degree education program as defined in s.  
 377 1004.02(14), up to the number of hours required for a specific

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378 degree not to exceed 72 credit hours or equivalent clock hours;  
 379 or for a career certificate program as defined in s.  
 380 1004.02(21), up to the number of hours required for a specific  
 381 certificate not to exceed 72 credit hours or equivalent clock  
 382 hours. A student who transfers from one of these program levels  
 383 to another program level becomes eligible for the higher of the  
 384 two credit hour limits.

385 Section 9. Paragraph (c) of subsection (4) of section  
 386 1009.536, Florida Statutes, is amended to read:

387 1009.536 Florida Gold Seal Vocational Scholars award.—The  
 388 Florida Gold Seal Vocational Scholars award is created within  
 389 the Florida Bright Futures Scholarship Program to recognize and  
 390 reward academic achievement and career preparation by high  
 391 school students who wish to continue their education.

392 (4)

393 (c) A student who is initially eligible in the 2012-2013  
 394 academic year and thereafter may earn a Florida Gold Seal  
 395 Vocational Scholarship for a maximum of 100 percent of the  
 396 number of credit hours or equivalent clock hours required to  
 397 complete one of the following at a Florida public or nonpublic  
 398 education institution that offers these specific programs: for a college credit certificate ~~an applied technology diploma~~ program  
 399 as defined in s. 1004.02(8), up to 60 credit hours or equivalent  
 400 clock hours; for a technical degree education program as defined  
 401 in s. 1004.02(14), up to the number of hours required for a  
 402 specific degree not to exceed 72 credit hours or equivalent  
 403 clock hours; or for a career certificate program as defined in  
 404 s. 1004.02(21), up to the number of hours required for a  
 405 specific certificate not to exceed 72 credit hours or equivalent  
 406



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407 clock hours.

408 Section 10. Paragraph (c) of subsection (1) and subsections

409 (2) and (10) of section 1011.80, Florida Statutes, are amended

410 to read:

411 1011.80 Funds for operation of workforce education

412 programs.—

413 (1) As used in this section, the terms “workforce

414 education” and “workforce education program” include:

415 (c) College credit certificate ~~Applied technology diploma~~

416 programs, as defined in s. 1004.02(8).

417 (2) A ~~Any~~ workforce education program may be conducted by a

418 Florida College System institution or a school district, except

419 that ~~college credit in an associate in applied science or an~~

420 ~~associate in science degree may be awarded only by a Florida~~

421 ~~College System institution. However, if an associate in applied~~

422 ~~science or an associate in science degree program contains~~

423 ~~within it an occupational completion point that confers a~~

424 ~~college credit certificate or an applied technology diploma,~~

425 that portion of the program may be offered ~~conducted~~ by a school

426 district career center. A career center authorized to offer an

427 associate in applied science degree program pursuant to s.

428 1001.44(5) may offer only those general education courses

429 contained within the approved degree program. ~~Any~~ Instruction

430 designed to articulate to a degree program is subject to

431 guidelines and standards adopted by the State Board of Education

432 pursuant to s. 1007.25.

433 (10) A high school student dually enrolled under s.

434 1007.271 in a workforce education program operated by a Florida

435 College System institution or school district career center

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436 generates the amount calculated for workforce education funding,

437 including any payment of performance funding, and the

438 proportional share of full-time equivalent enrollment generated

439 through the Florida Education Finance Program for the student’s

440 enrollment in a high school. If a high school student is dually

441 enrolled in a Florida College System institution program,

442 including a program conducted at a high school, the Florida

443 College System institution earns the funds generated for

444 workforce education funding, and the school district earns the

445 proportional share of full-time equivalent funding from the

446 Florida Education Finance Program. If a student is dually

447 enrolled in a career center operated by the same district as the

448 district in which the student attends high school, that district

449 earns the funds generated for workforce education funding and

450 also earns the proportional share of full-time equivalent

451 funding from the Florida Education Finance Program. If a student

452 is dually enrolled in a workforce education program provided by

453 a career center operated by a different school district, the

454 funds must be divided between the two school districts

455 proportionally from the two funding sources. A student may not

456 be reported for funding in a dual enrollment workforce education

457 program unless the student has completed the basic skills

458 assessment pursuant to s. 1004.91. A student who is coenrolled

459 in a K-12 education program and an adult education program may

460 be reported for purposes of funding in an adult education

461 program. If a student is coenrolled in core curricula courses

462 for credit recovery or dropout prevention purposes and does not

463 have a pattern of excessive absenteeism or habitual truancy or a

464 history of disruptive behavior in school, the student may be

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465 reported for funding for up to two courses per year. Such a  
466 student is exempt from the payment of the block tuition for  
467 adult general education programs provided in s. 1009.22(3)(c)  
468 ~~1009.22(3)(d)~~. The Department of Education shall develop a list  
469 of courses to be designated as core curricula courses for the  
470 purposes of coenrollment.

471 Section 11. 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)

Meeting Date \_\_\_\_\_

Topic SB 1202 Workforce ED Bill Number SB 1202  
*(if applicable)*

Name Bob Crawford Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title Director - Atlantic Technical Center Technical HS

Address 4700 Coconut Creek Parkway Phone 954-242-1054

*Street*  
Coconut Creek FL  
*City State Zip*

E-mail rob@crawford@browardschools.com

Speaking:  For  Against  Information

Representing Technical Centers

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)

3/25/2011

Meeting Date

Topic \_\_\_\_\_

Bill Number 1202  
*(if applicable)*

Name JIM HORNE

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title \_\_\_\_\_

Address PO Box 8339

Phone 904-759-4596

FI FL 32006  
City State Zip

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

Speaking:  For  Against  Information

Representing AIF (WAIVE IN SUPPORT)

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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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)

3-25-14

Meeting Date

Topic \_\_\_\_\_ Bill Number 1202  
*(if applicable)*

Name DAVE BARNES Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title EXECUTIVE DIRECTOR CTAE PINELLAS CO. SCHOOLS

Address 301 4th ST. SW Phone 727-743-8202  
*Street*

LARGO FL 33770 E-mail barnesd@psb.org  
*City State Zip*

Speaking:  For  Against  Information

Representing CARBON TECHNICAL ADULT EDUCATION - ACE 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)

3/25/14

Meeting Date

Topic Career Centers and Charter Tech Ctr Bill Number 1202  
(if applicable)

Name Martha Compton Amendment Barcode \_\_\_\_\_  
(if applicable)

Job Title Director

Address 757 Hoyt Street Phone 850 638-1180

Chesley FL 32428 E-mail MarthaCompton@whtc.org  
City State Zip

Speaking:  For  Against  Information

Representing Washington - Holmes Technical Center

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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3/25/14  
Meeting Date

Topic SB 1202

Bill Number 1202  
*(if applicable)*

Name Joy Frank

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title General Counsel

Address 208 S Monroe  
Street  
Tall 32301  
City State Zip

Phone 577-5784

E-mail J.Frank@flaops.org

Speaking:  For  Against  Information

Representing Fl. Assoc. of Dist. Sch. Superint.

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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S-001 (10/20/11)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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3/25/14  
Meeting Date

Topic Career Centers

Bill Number SB 1202  
*(if applicable)*

Name Denise R. Willis

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title Director, Withlacoochee Technical Institute

Address 1201 W. Main Street

Phone 352-726-2430

Inverness, FL 34450  
City State Zip

E-mail Willisd@citrus.k12.fl.us

Speaking:  For  Against  Information

Representing Withlacoochee Technical Institute, Citrus County

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  
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3/25/14  
Meeting Date

Topic Career Center

Bill Number 1202  
*(if applicable)*

Name Christy Reddish

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title Director, Bradford-Union Tech. Center

Address 6597 ~~St~~ Spirit Lane  
Street  
Starke FL 32091  
City State Zip

Phone 904-263-0350

E-mail reddish.christy@mybradford.us

Speaking:  For  Against  Information

Representing Bradford-Union Technical Center

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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3/25/2014  
Meeting Date

Topic Workforce Ed

Bill Number 1202  
*(if applicable)*

Name Verna Randolph

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title Assistant Principal

Address 2305 Alistair Lane

Phone 850.487.7499

Tallahassee, FL  
City State Zip

E-mail randolphv@beonschools.net

Speaking:  For  Against  Information

Representing Lively Tech Center

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)

3-25-14  
Meeting Date

Topic Workforce Ed

Bill Number 1202  
*(if applicable)*

Name Woody Hildebrandt

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title Principal - Lively Tech

Address 15800 Mahan Dr  
Street

Phone 850-251-9894

Tallahassee FL 32309  
City State Zip

E-mail HildebrandtW@leonschools.net

Speaking:  For  Against  Information

Representing Leon County Schools - Lively Tech

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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3/25/14  
Meeting Date

Topic Workforce Ed.

Bill Number SB 1202  
(if applicable)

Name Thomas Rollins

Amendment Barcode \_\_\_\_\_  
(if applicable)

Job Title Technical Center Principal

Address 2400 Longleaf Drive  
Street

Phone (850) 941-6200

Pensacola FL 32526  
City State Zip

E-mail trollins@escambia.k12.fl.us

Speaking:  For  Against  Information

Representing George Stone Technical Center in Escambia County

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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Meeting Date \_\_\_\_\_

Topic SB 1202 Workforce Ed

Bill Number SB 1202  
(if applicable)

Name Rob Aguis

Amendment Barcode \_\_\_\_\_  
(if applicable)

Job Title Director CTE, Pasco County

Address 7227 Land O'Lakes Blvd

Phone (727) 774-2200

Street

Land O'Lakes FL 34638

City

State

Zip

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

Speaking:  For  Against  Information

Representing Pasco County - Marchman Technical Education Center

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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3/24/14

Meeting Date

Topic Technical Centers - Work Perca

Bill Number 1202  
*(if applicable)*

Name Dan Davis

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title Administrator

Address 1014 SW 7th Rd

Phone 352-671-7286

Street

Ocala FL 34471

City

State

Zip

E-mail daniel.davis@marion.k12.fl.us

Speaking:  For  Against  Information

Representing Marion County Public Schools - Community Technical & Adult Ed. Center

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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3-25-14

Meeting Date

Topic Career Center

Bill Number 1202  
*(if applicable)*

Name Diane Culpepper

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title Director, Lake Technical Center

Address 2001 Kunt St.  
*Street*

Phone 352-589-2250

Eustis FL 32726  
*City State Zip*

E-mail Culpepperd@lake.k12.fl.us

Speaking:  For  Against  Information

Representing Lake Technical Center

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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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)

3/25/14

Meeting Date

Topic CAREER CENTERS

Bill Number SB 1202  
*(if applicable)*

Name TODD BOWOBN

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title Executive Director

Address 4748 BONIVA ROAD

Phone (941) 924-1365

Street

SARASOTA

FL

34240

City

State

Zip

E-mail TODD.BOWOBN@SARASOTACOUNTYSCHOOLS.NET

Speaking:  For  Against  Information

Representing SCHOOL DISTRICT OF SARASOTA COUNTY SCHOOLS

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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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)

3/25/14

Meeting Date

Topic Caren Centers

Bill Number SB 1202  
*(if applicable)*

Name NANCY STEPHENS

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title ~~MANUFACTURERS ASSOCIATION OF FL~~

Address 1625 SUMMIT LAKE DR, STE 300  
*Street*

Phone 402 2954

TALLAHASSEE FL 32309  
*City State Zip*

E-mail nancy@mafmfg.com

Speaking:  For  Against  Information

Representing MANUFACTURERS ASSOCIATION OF FL

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)

3-25-14

Meeting Date

Topic Career Centers

Bill Number SB 1202  
*(if applicable)*

Name Connie Milito

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title Chief Gov. Relations Officer

Address 901 E. Kennedy Blvd

Phone 813-272-4519

Street

Tampa FL 33601

City

State

Zip

E-mail cmilito@SDHC.US

Speaking:  For  Against  Information

Representing Hillsborough County Public Schools

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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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)

3/25/14.  
Meeting Date

Topic SB 1202

Bill Number 1202  
*(if applicable)*

Name Lobby Navarro

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title Executive Director

Address 1450 N.E. 2nd Ave

Phone (305) 995-4240

*Street*  
Miami FL 33132  
*City State Zip*

E-mail Lobby9@bellsouth.net

Speaking:  For  Against  Information

Representing Miami-Dade County Public Schools

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**  
**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 1206

INTRODUCER: Education Committee and Senator Montford

SUBJECT: Agricultural Industry Certifications

DATE: March 27, 2014

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	McLaughlin	Klebacha	ED	<b>Fav/CS</b>
2.	_____	_____	AG	_____
3.	_____	_____	AED	_____
4.	_____	_____	AP	_____

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

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 1206 establishes a process by which industry certifications for farm occupations are added to the list of certifications approved for funding in public schools and postsecondary institutions.

Specifically, the bill requires the Department of Agriculture and Consumer Services (DACs), in cooperation with the University of Florida and Florida Agriculture and Mechanical University to annually furnish to the State Board of Education (SBE) and the Department of Education (DOE), industry certifications for farm occupations to be placed on the Industry Certification Funding List and the Postsecondary Industry Certification Funding List.

Additionally, the bill requires that the SBE use the expertise of the DACs to develop and adopt rules for implementing an industry certification process. The list of industry certifications approved by Workforce Florida, Inc., the DACs, and the DOE must be published and updated annually.

The bill requires the DOE to include the DACs in the analysis of collected student achievement and performance data in industry-certified career education programs and career-themed courses.

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

## II. Present Situation:

Section 1003.492, F.S., requires the State Board of Education (SBE) to work with Workforce Florida, Inc., to establish and adopt rules for implementing an industry certification process. The Department of Economic Opportunity (DEO) must identify an industry certification based on the highest available national standards for specific industry certification to ensure student skill proficiency and to address emerging labor market and industry trends.<sup>1</sup>

Current law requires the DEO to define industry certification.<sup>2</sup> The DEO currently defines industry certification as “a voluntary process, through which individuals are assessed by an independent, third-party certifying entity using predetermined standards for knowledge, skills and competencies, resulting in the award of a time-limited credential that is nationally recognized and applicable to an occupation that is included in the workforce system’s targeted occupation list or determined to be an occupation that is critical, emerging, or addresses a local need.”<sup>3</sup>

The selection of industry certifications for academy courses and career-themed courses occurs in two phases. First, Workforce Florida, Inc. must determine industry certifications that meet the DEO definition and compile them into a list.<sup>4</sup> Second, the Department of Education (DOE) must:

- Review the list;<sup>5</sup>
- Identify certifications that are academically rigorous and at least 150 hours in length;<sup>6</sup>
- Compile a preliminary list of industry certifications that qualify for additional weighted funding;<sup>7</sup>
- Consider district requests that industry certifications be added to the approved list;<sup>8</sup> and
- Annually publish a final list.<sup>9</sup>

However, a regional workforce board or a school principal may apply to Workforce Florida, Inc., to request additions to the approved list of industry certification based on high-skill, high-wage, and high-demand job requirements in the regional economy.<sup>10</sup>

Workforce Florida, Inc.’s list includes 428 industry certifications.<sup>11</sup> From this list, the DOE has identified 201 industry certifications and 287 postsecondary industry certifications as eligible for

---

<sup>1</sup> Section 1003.492(2), F.S.

<sup>2</sup> *Id.*

<sup>3</sup> Florida Department of Education, Division of Career and Adult Education, *Career and Professional Education Act CAPE*, at 1 (2012), available at <http://www.fldoe.org/workforce/pdf/CAPE-Act-TechAssist.pdf>

<sup>4</sup> Section 1003.492(2), F.S.; Rule 6A-6.0573(1)-(3), F.A.C.

<sup>5</sup> Rule 6A-6.0573(3), F.A.C.

<sup>6</sup> Rule 6A-6.0573(3)(b), F.A.C.

<sup>7</sup> Rule 6A-6.0573(4), F.A.C.

<sup>8</sup> Rule 6A-6.0573(4)(a)-(4)(b), F.A.C.

<sup>9</sup> Rule 6A-6.0573(8), F.A.C.

<sup>10</sup> Section 1003.492(2), F.S.

<sup>11</sup> Workforce Florida, Inc. Career and Professional Education (CAPE), *2013-14 Comprehensive Industry Certification List*, available at <http://careersourceflorida.com/wp-content/uploads/2014/02/2013-14ComprehensiveCondensedFINAL.pdf>

funding in the 2013-2014 school year.<sup>12</sup> Most industry certifications require passage of a subject area examination and some combination of work experience, educational achievement, or on-the-job training. The DOE has approved industry certification in such career fields as information technology, automotive and aircraft mechanics, welding, and nursing. Certifying entities include Adobe System, Apple Computer, Inc., Hewlett-Packard, Microsoft Corporation, the National Institute for Automotive Services Excellence, the American Welding Society, the Federal Aviation Administration, and Florida Department of Health.<sup>13</sup>

Industry certifications on the final approved list are eligible for additional weighted funding through the Florida Education Finance Program (FEFP).<sup>14</sup> The list may include both industry certifications that are achievable in a secondary education program and those that have minimum age, grade-level, diploma or degree, post-graduation work experience of at least twelve months, or other requirements that make it impossible for the student to obtain full certification while in a public secondary school program. Funding industry certifications in which full certification cannot be achieved in a secondary program allows students to begin working toward these certifications while in high school, without having to fulfill all requirements before graduation.<sup>15</sup>

The DOE must also collect student achievement and performance data in industry-certified career education programs and career-themed courses and must work with Workforce Florida, Inc., in the analysis of collected data. The data collection and analyses must examine the performance of participating students over time. Performance factors must include, but are not limited to, graduation rates, retention rates, Florida Bright Futures Scholarship awards, additional educational attainment, employment records, earnings, industry certification, and employer satisfaction.<sup>16</sup>

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

CS/SB 1206 establishes a process by which industry certifications for farm occupations are added to the list of certifications approved for funding in public schools and postsecondary institutions. The process used is identical to the process used in use for those industry certifications for occupations previously approved for funding.<sup>17</sup>

Additionally, the bill requires the DACS, in cooperation with the Institute of Food and Agricultural Science at the University of Florida and the College of Agriculture and Food Sciences at Florida Agriculture and Mechanical University, to annually provide to the state board and the DOE, information and industry certifications for farm occupations to be considered for placement on the Industry Certification Funding List and the Postsecondary Industry Certification Funding List.

---

<sup>12</sup> Rule 6A-6.0573(6), F.A.C. The Industry Certification Funding List is incorporated by reference in the rule. See also Florida Department of Education, Division of Career and Adult Education, *2013-14 Final Industry Certification Funding List* (2013), available at [www.fldoe.org/workforce/fcpea/pdf/1314icfl.pdf](http://www.fldoe.org/workforce/fcpea/pdf/1314icfl.pdf).

<sup>13</sup> See Florida Department of Education, Division of Career and Adult Education, *Industry Certification Funding List*, available at <http://www.fldoe.org/workforce/pdf/PS-ICFL.pdf>.

<sup>14</sup> Section 1011.62(1)(p), F.S.; Rule 6A-6.0573(3), F.A.C.

<sup>15</sup> Section 1008.44(3), F.S.

<sup>16</sup> Section 1003.492(3), F.S.

<sup>17</sup> Section 1008.44, F.S.

The bill defines industry certification as a voluntary process through which students are assessed by an independent, third-party certifying entity using predetermined standards for knowledge, skills, and competencies, resulting in the award of a time-limited credential that is nationally recognized and must be at least one of the following:

- Within an industry that addresses a critical local or statewide economic need;
- Linked to an occupation that is included in the workforce system's targeted occupation list; or
- Linked to an occupation that is identified as emerging.

The bill requires the state board to use the expertise of the DACS to develop and adopt rules for implementing an industry certification process. The list of industry certifications approved by Workforce Florida, Inc., the DACS, and the DOE must be published and updated annually.

The bill requires the DOE to include the DACS in the analysis of collected student achievement and performance data in industry-certified career education programs and career-themed courses.

The bill provides 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.

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: 570.07, 1003.492, and 1003.4935.

**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 25, 2014**

The committee substitute differs from SB 1206 in the following ways:

- Removes secondary schools and “other appropriate agencies” from the list of institutions the Department of Agriculture should cooperate with to provide data.
- Removes the agricultural industry, the Institute of Food and Agricultural Sciences at the University of Florida, Florida Agricultural and Mechanical University, secondary schools and “other appropriate agencies” the Department of Agriculture should consult with in determining data.
- Removes the term “time limited” in describing an industry certification.

- B. **Amendments:**

None.





136712

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/25/2014	.	
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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 (43) is added to section 570.07,  
Florida Statutes, to read:

570.07 Department of Agriculture and Consumer Services;  
functions, powers, and duties.—The department shall have and  
exercise the following functions, powers, and duties:

(43) In cooperation with the Institute of Food and  
Agricultural Sciences at the University of Florida and the



136712

12 College of Agriculture and Food Sciences at Florida Agricultural  
13 and Mechanical University, annually provide to the State Board  
14 of Education and the Department of Education information and  
15 industry certifications for farm occupations to be considered  
16 for placement on the Industry Certification Funding List and the  
17 Postsecondary Industry Certification Funding List pursuant to s.  
18 1008.44. The information and industry certifications provided by  
19 the department must be based upon the best available data.

20 Section 2. Section 1003.492, Florida Statutes, is amended  
21 to read:

22 1003.492 Industry-certified career education programs.—

23 (1) Secondary schools offering career-themed courses, as  
24 defined in s. 1003.493(1)(b), and career and professional  
25 academies shall be coordinated with the relevant and appropriate  
26 industry to prepare a student for further education or for  
27 employment in that industry.

28 (2) As used in this section, the term "industry  
29 certification" means a voluntary process through which students  
30 are assessed by an independent, third-party certifying entity  
31 using predetermined standards for knowledge, skills, and  
32 competencies, and resulting in the award of a credential that is  
33 nationally recognized and must be at least one of the following:

34 (a) Within an industry that addresses a critical local or  
35 statewide economic need.

36 (b) Linked to an occupation that is included in the  
37 workforce system's targeted occupation list.

38 (c) Linked to an occupation that is identified as emerging.

39 (3)~~(2)~~ The State Board of Education shall use the expertise  
40 of Workforce Florida, Inc., and the Department of Agriculture



136712

41 and Consumer Services, to develop and adopt rules pursuant to  
42 ss. 120.536(1) and 120.54 for implementing an industry  
43 certification process.

44 (a) For nonfarm occupations, industry certification shall  
45 ~~be defined by the Department of Economic Opportunity,~~ based upon  
46 the highest available national standards for specific industry  
47 certification, to ensure student skill proficiency and to  
48 address emerging labor market and industry trends. A regional  
49 workforce board or a school principal may apply to Workforce  
50 Florida, Inc., to request additions to the approved list of  
51 industry certifications based on high-skill, high-wage, and  
52 high-demand job requirements in the regional economy. ~~The list~~  
53 ~~of industry certifications approved by Workforce Florida, Inc.,~~  
54 ~~and the Department of Education shall be published and updated~~  
55 ~~annually by a date certain, to be included in the adopted rule.~~

56 (b) For farm occupations submitted pursuant to s. 570.07,  
57 industry certification shall demonstrate student skill  
58 proficiency and be based upon the best available data to address  
59 critical local or statewide economic needs.

60 (4) The list of industry certifications approved by  
61 Workforce Florida, Inc., the Department of Agriculture and  
62 Consumer Services, and the Department of Education shall be  
63 published and updated annually by a date certain, to be included  
64 in the adopted rule.

65 (5)-(3) The Department of Education shall collect student  
66 achievement and performance data in industry-certified career  
67 education programs and career-themed courses and shall work with  
68 Workforce Florida, Inc., and the Department of Agriculture and  
69 Consumer Services in the analysis of collected data. The data



136712

70 collection and analyses shall examine the performance of  
71 participating students over time. Performance factors shall  
72 include, but not be limited to, graduation rates, retention  
73 rates, Florida Bright Futures Scholarship awards, additional  
74 educational attainment, employment records, earnings, industry  
75 certification, and employer satisfaction. The results of this  
76 study shall be submitted to the President of the Senate and the  
77 Speaker of the House of Representatives annually by December 31.

78 Section 3. Subsection (3) of section 1003.4935, Florida  
79 Statutes, is amended to read:

80 1003.4935 Middle grades career and professional academy  
81 courses and career-themed courses.—

82 (3) Beginning with the 2012-2013 school year, if a school  
83 district implements a middle school career and professional  
84 academy or a career-themed course, the Department of Education  
85 shall collect and report student achievement data pursuant to  
86 performance factors identified under s. 1003.492(5) ~~s.~~  
87 ~~1003.492(3)~~ for students enrolled in an academy or a career-  
88 themed course.

89 Section 4. This act shall take effect July 1, 2014.

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

92 And the title is amended as follows:

93 Delete everything before the enacting clause  
94 and insert:

95 A bill to be entitled  
96 An act relating to agricultural industry  
97 certifications; amending s. 570.07, F.S.; requiring  
98 the Department of Agriculture and Consumer Services to



136712

99           annually provide to the State Board of Education and  
100           the Department of Education information and industry  
101           certifications for farm occupations to be considered  
102           for placement on industry certification funding lists;  
103           amending s. 1003.492, F.S.; defining the term  
104           "industry certification"; requiring the state board to  
105           adopt rules for implementing an industry certification  
106           process for farm occupations; amending s. 1003.4935,  
107           F.S.; conforming a cross-reference; providing an  
108           effective date.



746758

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
03/25/2014	.	
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The Committee on Education (Brandes) recommended the following:

1           **Senate Amendment to Amendment (136712) (with title**  
2 **amendment)**

3  
4           Between lines 19 and 20

5 insert:

6           Section 2. Subsection (1) of section 570.961, Florida  
7 Statutes, is amended to read:

8           570.961 Definitions.—As used in ss. 570.96-570.964, the  
9 term:

10           (1) "Agritourism activity" means any agricultural related  
11 activity consistent with a bona fide farm or ranch or in a



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12 working forest which allows members of the general public, for  
13 recreational, entertainment, or educational purposes, to view or  
14 enjoy activities, including farming, ranching, skydiving,  
15 historical, cultural, or harvest-your-own activities and  
16 attractions. An agritourism activity does not include the  
17 construction of new or additional structures or facilities  
18 intended primarily to house, shelter, transport, or otherwise  
19 accommodate members of the general public. An activity is an  
20 agritourism activity whether or not the participant paid to  
21 participate in the activity.

22  
23 ===== T I T L E A M E N D M E N T =====

24 And the title is amended as follows:

25       Between lines 102 and 103

26 insert:

27       amending s. 570.961, F.S.; revising the definition of  
28       the term "agritourism activity" to include skydiving;

By Senator Montford

3-01149A-14

20141206\_\_

1 A bill to be entitled  
 2 An act relating to agricultural industry  
 3 certifications; amending s. 570.07, F.S.; requiring  
 4 the Department of Agriculture and Consumer Services to  
 5 annually provide to the State Board of Education and  
 6 the Department of Education information and industry  
 7 certifications for farm occupations to be placed on  
 8 industry certification funding lists; amending s.  
 9 1003.492, F.S.; defining industry certification as  
 10 part of career education programs; requiring the state  
 11 board to adopt rules for implementing an industry  
 12 certification process for farm occupations; requiring  
 13 placement on funding lists to determine annual funding  
 14 distributions to school districts and postsecondary  
 15 institutions; amending s. 1003.4935, F.S.; conforming  
 16 a cross-reference; providing an effective date.

17  
 18 Be It Enacted by the Legislature of the State of Florida:

19  
 20 Section 1. Subsection (43) is added to section 570.07,  
 21 Florida Statutes, to read:

22 570.07 Department of Agriculture and Consumer Services;  
 23 functions, powers, and duties.—The department shall have and  
 24 exercise the following functions, powers, and duties:

25 (43) In cooperation with the Institute of Food and  
 26 Agricultural Sciences of the University of Florida, Florida  
 27 Agricultural and Mechanical University, secondary schools, and  
 28 other appropriate agencies, to annually provide to the State  
 29 Board of Education and the Department of Education information

Page 1 of 4

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

3-01149A-14

20141206\_\_

30 and industry certifications for farm occupations to be placed on  
 31 the Industry Certification Funding List and the Postsecondary  
 32 Industry Certification Funding List pursuant to s. 1008.44. The  
 33 information and industry certifications provided by the  
 34 department must be based upon the best available data. In  
 35 determining the best available data, the department may consult  
 36 with the agricultural industry, the Institute of Food and  
 37 Agricultural Sciences at the University of Florida, Florida  
 38 Agricultural and Mechanical University, secondary schools, and  
 39 other appropriate agencies.

40 Section 2. Section 1003.492, Florida Statutes, is amended  
 41 to read:

42 1003.492 Industry-certified career education programs.—

43 (1) Secondary schools offering career-themed courses, as  
 44 defined in s. 1003.493(1)(b), and career and professional  
 45 academies shall be coordinated with the relevant and appropriate  
 46 industry to prepare a student for further education or for  
 47 employment in that industry.

48 (2) As used in this section, the term "industry  
 49 certification" means a voluntary process through which students  
 50 are assessed by an independent, third-party certifying entity  
 51 using predetermined standards for knowledge, skills, and  
 52 competencies, and resulting in the award of a time-limited  
 53 credential that is nationally recognized and applicable to an  
 54 occupation that is included in the workforce system's targeted  
 55 occupation list or determined to be an occupation that is  
 56 critical or emerging or addresses a local need.

57 (3)+(2) The State Board of Education shall use the expertise  
 58 of Workforce Florida, Inc., to develop and adopt rules pursuant

Page 2 of 4

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



3-01149A-14

20141206\_\_

59 to ss. 120.536(1) and 120.54 for implementing an industry  
 60 certification process for nonfarm occupations. Industry  
 61 certification shall be ~~defined by the Department of Economic~~  
 62 ~~Opportunity~~, based upon the highest available national standards  
 63 for specific industry certification, to ensure student skill  
 64 proficiency and to address emerging labor market and industry  
 65 trends. A regional workforce board or a school principal may  
 66 apply to Workforce Florida, Inc., to request additions to the  
 67 approved list of industry certifications based on high-skill,  
 68 high-wage, and high-demand job requirements in the regional  
 69 economy. The list of industry certifications approved by  
 70 Workforce Florida, Inc., and the Department of Education shall  
 71 be published and updated annually by a date certain, to be  
 72 included in the adopted rule.

73 (4) The Legislature finds that the agricultural industry is  
 74 critical to the state's economy and declares that industry  
 75 certification for farm occupations is critical, addresses a  
 76 local need, and is required for job growth. The State Board of  
 77 Education shall use the expertise of the Department of  
 78 Agriculture and Consumer Services to develop and adopt rules by  
 79 July 1, 2015, pursuant to ss. 120.536(1) and 120.54 for  
 80 implementing an industry certification process for farm  
 81 occupations. Industry certifications for farm occupations  
 82 meeting the rules adopted by the State Board of Education shall  
 83 annually be placed on the Industry Certification Funding List  
 84 and the Postsecondary Industry Certification Funding List  
 85 pursuant to s. 1008.44.

86 ~~(5)(3)~~ The Department of Education shall collect student  
 87 achievement and performance data in industry-certified career

Page 3 of 4

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

3-01149A-14

20141206\_\_

88 education programs and career-themed courses and shall work with  
 89 Workforce Florida, Inc., and the Department of Agriculture and  
 90 Consumer Services in the analysis of collected data. The data  
 91 collection and analyses shall examine the performance of  
 92 participating students over time. Performance factors shall  
 93 include, but not be limited to, graduation rates, retention  
 94 rates, Florida Bright Futures Scholarship awards, additional  
 95 educational attainment, employment records, earnings, industry  
 96 certification, and employer satisfaction. The results of this  
 97 study shall be submitted to the President of the Senate and the  
 98 Speaker of the House of Representatives annually by December 31.

99 Section 3. Subsection (3) of section 1003.4935, Florida  
 100 Statutes, is amended to read:

101 1003.4935 Middle grades career and professional academy  
 102 courses and career-themed courses.—

103 (3) Beginning with the 2012-2013 school year, if a school  
 104 district implements a middle school career and professional  
 105 academy or a career-themed course, the Department of Education  
 106 shall collect and report student achievement data pursuant to  
 107 performance factors identified under s. 1003.492(5) s-  
 108 ~~1003.492(3)~~ for students enrolled in an academy or a career-  
 109 themed course.

110 Section 4. This act shall take effect July 1, 2014.

Page 4 of 4

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)

Meeting Date \_\_\_\_\_

Topic Ag Industry Certifications Bill Number 1206

Name Adam Basford Amendment Barcode 746758  
(if applicable)

Job Title Dir Legislative Affairs  
(if applicable)

Address 315 S Calhoun Phone \_\_\_\_\_  
Street

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

Speaking:  For  Against  Information

Representing Florida Farm Bureau

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)

3-25-14

Meeting Date

Topic Ag Industry Certifications

Bill Number 1206  
*(if applicable)*

Name Adam Basford

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title Dir of Leg. Affairs

Address 315 S Calhoun

Phone \_\_\_\_\_

Street

Vallahastie

City

State

Zip

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

Speaking:  For  Against  Information

Representing Florida Farm Bureau

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)

3/25/2014

Meeting Date

Topic \_\_\_\_\_

Bill Number 1206

Name JIM HORNE

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title \_\_\_\_\_

Address PO Box 8339

Phone 904 759 4596

City ES State FL Zip 32006

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

Speaking:  For  Against  Information

Representing AIF WAIVE IN SUPPORT

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)

3/25/14  
Meeting Date

Topic Agricultural Industry Certifications

Bill Number SB 1206  
*(if applicable)*

Name Grace Lovett

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title Director of Legislative Affairs

Address 400 S. Monroe St.

Phone (850) 617-7700

Tallahassee FL 32399  
City State Zip

E-mail Grace.Lovett@FreshfromFlorida.com

Speaking:  For  Against  Information

Representing Florida Department of Agriculture and Consumer Services

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: CS/SB 1226

INTRODUCER: Education and Senator Montford

SUBJECT: Education

DATE: March 27, 2014

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	deMarsh-Mathues	Klebacha	ED	<b>Fav/CS</b>
2.	_____	_____	AED	_____
3.	_____	_____	AP	_____
4.	_____	_____	RC	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

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

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 1226 repeals discontinued or unfunded programs, corrects cross references, removes antiquated effective dates, eliminates duplicate reporting requirements, repeals concluded pilot programs, and updates terminology.

The bill clarifies the graduation requirements for certain high school students. In the 2013 session the Legislature passed SB 1076 which, in part, dealt with course and testing requirements for high school graduation. The bill explains how the new graduation requirements impact students who were in high school before SB 1076 passed.

The bill removes references to repealed s. 1003.428, F.S., (old high school graduation requirements) and s. 1003.429, F.S., (old 18-credit early graduation options) and adds references to s. 1003.4282, F.S., (new standard high school diploma requirements), s. 1003.4281, F.S., (early high school graduation), and s. 1002.3105(5), F.S., (new 18-credit high school graduation option).

The bill has an effective date upon becoming law.

## II. Present Situation:

CS/SB 1226 is a coordinated effort by the Governor, the Legislature, district school superintendents, and other education stakeholders to reduce regulation of public educational institutions. In October 2012, the Governor selected seven district school superintendents to formulate recommendations for eliminating unnecessary or outdated statutes and State Board of Education rules. The DOE distributed a statewide survey soliciting recommendations from the remaining 60 superintendents. The statutes proposed for repeal by this bill are the product of these continuing efforts.

## III. Effect of Proposed Changes:

### Auditor General Reporting Requirements

Section 11.45, F.S., requires the Auditor General (AG) to annually conduct a financial audit of all state universities and state colleges.<sup>1</sup> The AG is also required to annually conduct a financial audit of the accounts and records of all district school boards in counties with a population of fewer than 150,000.<sup>2</sup>

District school boards in counties with a population of more than 150,000 receive financial audits once every 3 years.<sup>3</sup> The AG conducts operational audits of the accounts and records of state universities, state colleges, and district school boards at least every three years.<sup>4</sup>

Upon conclusion of an audit, the AG discusses the audit with the official whose office is subject to audit and if there are any findings provides a list of the AG's findings, which may be included in the audit report.<sup>5</sup>

However, the AG is only required to notify the Joint Legislative Auditing Committee (JLAC) of any audit review which indicates that a state university or state college has failed to take corrective action in response to a recommendation which was included in two preceding financial or operational audit reports.<sup>6</sup> There is no requirement that the AG notify JLAC that a school district has failed to take corrective action in response to recommendations.

The bill amends s. 11.45, F.S., requiring the AG to notify the JLAC of any audit review which indicates that a school district has failed to take corrective action in response to a recommendation included in two preceding financial or operational audit reports.

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<sup>1</sup> Section 11.45(2)(c), F.S.

<sup>2</sup> Section 11.45(2)(d), F.S.

<sup>3</sup> Section 11.45(2)(e), F.S.

<sup>4</sup> Section 11.45(2)(f), F.S.

<sup>5</sup> Section 11.45(4)(d), F.S.

<sup>6</sup> Section 11.45(7)(j), F.S.

## **Administrative Procedures Act - Agency Review, Revision, and Report**

Chapter 120, F.S., the Administrative Procedures Act (APA), establishes the process for administrative rulemaking. Rulemaking authority is delegated by the Legislature<sup>7</sup> through statute and authorizes or requires an agency to “adopt, develop, establish, or otherwise create” a rule.<sup>8</sup>

Section 120.74(1), F.S., requires agencies to review their rules and perform the following:

- Identify and correct deficiencies;
- Clarify and simplify rules;
- Delete obsolete or unnecessary rules;
- Delete rules that are redundant of statutes;
- Improve efficiency, reduce paperwork, or decrease cost to government and the private sector;
- Confer with agencies having concurrent jurisdiction and determine whether their rules can be coordinated; and
- Determine whether rules should be amended or repealed to reduce the impact on small business while meeting the stated objectives of the proposed rules.

By October 1 of each odd-numbered year, each agency must file a report with the President of the Senate, the Speaker of the House of Representatives, and the Joint Administrative Procedures Committee (JAPC), and each substantive committee of the Legislature, certifying, among other things, that the agency reviewed its rules in accordance with s. 120.74(1) F.S., and detailing changes made to the agency’s rules as a result of the review.<sup>9</sup>

By July 1 of each year each agency must file with the President of the Senate, the Speaker of the House of Representatives, and the Administrative Procedures Committee a regulatory plan identifying and describing each rule the agency proposed to adopt for the 12 month period beginning on the July 1 reporting date and ending on the subsequent June 30,<sup>10</sup> excluding emergency rules.<sup>11</sup>

The bill amends s. 120.74, F.S., to exclude school districts, Florida College System (FCS) institutions, the Florida School for the Deaf and the Blind, and State University System (SUS) institutions from the rule review and reporting requirements. These entities otherwise adopt and review rules pursuant to specific requirements of law and are subject to legislative oversight by the various education committees.

### **Truancy Petition; Prosecution; Disposition**

Section 984.151(1), F.S., authorizes the district school superintendent to file a truancy petition if the school determines that a student subject to compulsory school attendance has had at least 5

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<sup>7</sup> *Southwest Florida Water Management District v. Save the Manatee Club, Inc.*, 773 So. 2d 594 (Fla.1st DCA 2000).

<sup>8</sup> Section 120.52(17), F.S.

<sup>9</sup> Section 120.74(2), F.S.

<sup>10</sup> Section 120.74(3), F.S.

<sup>11</sup> Section 120.54(4)(a), F.S.



unexcused absences, or absences for which the reasons are unknown, within a calendar month or 10 unexcused absences, or absences for which the reasons are unknown, within a 90 calendar day period or has had more than 15 unexcused absences in a 90 calendar day period.

The bill amends s. 984.151(1), F.S., allowing the district school superintendent's designee to file a truancy petition.

### **Education Governance Transfers**

Section 1000.01(5), F.S.,<sup>12</sup> abolished the Board of Regents, the State Board of Community Colleges, and the Postsecondary Education Planning Committee effective July 1, 2001. The powers, duties, functions, records, personnel, property, unexpected balances of appropriation allocations, other funds, administrative authority; administrative rules; pending issues, and existing contracts of the Board of Regents, the State Board of Community Colleges, the Articulation Coordinating Committee, and the Education Standards Commission were transferred to the State Board of Education (state board).

The bill repeals s. 1000.01(5), F.S., relating to the education governance transfers because the transfers have already occurred. The language is obsolete.

### **Regional Education Compact and Interstate Compact on Educational Opportunity for Military Children**

Sections 1000.33 and 1000.37, F.S., requires the Secretary of State to furnish an enrolled copy of Florida's law enacting the Regional Education Compact and the Interstate Compact on Educational Opportunity for Military Children to all states, respectively, that are members of the compact.

#### ***Regional Education Compact***

The Regional Education Compact promotes the development and maintenance of regional education services and facilities in the Southern States in the professional, technological, scientific, literary, and other fields so as to provide greater educational advantages.<sup>13</sup> The Southern Regional Education Board's website provides information on which states are participating in the Regional Education Compact.<sup>14</sup>

#### ***The Interstate Compact on Educational Opportunity for Military Children***

The Interstate Compact on Educational Opportunity for Military Children enables member states to uniformly address educational transition issues faced by military families. The compact governs member states in several areas, including school placement, enrollment, records transfer,

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<sup>12</sup> Formerly s. 229.003, F.S., (Florida education governance reorganization) as amended by Chapter 2001-170, s. 3, Laws of Fla.

<sup>13</sup> Section 1000.32, F.S.

<sup>14</sup> Southern Regional Education Board (SREB), *About SREB*, [http://www.sreb.org/page/1068/about\\_SREB.html](http://www.sreb.org/page/1068/about_SREB.html) (last visited Mar. 10, 2014).

and graduation for children of active-duty military families.<sup>15</sup> Member states are required to establish an “Interstate Commission on Educational Opportunity” to oversee the governance of the compact. The commission’s website provides information on which states are participating in the compact.<sup>16</sup>

The bill repeals ss. 1000.33 and 1000.37, F.S., requiring the Secretary of State to furnish an enrolled copy of Florida’s law enacting the Regional Education Compact and the Interstate Compact on Educational Opportunity for Military Children to all states, respectively, that are members of the compact. The information relating to the compacts and states that are members of the compacts can be located online.

### **Commissioner of Education**

Section 1001.10(6)(h), F.S., provides the Commissioner of Education the power and duty to develop and implement a plan for cooperating with the federal government in carrying out any or all phases of the educational program and to recommend policies for administering funds that are appropriated by Congress and apportioned to the state for any or all educational purpose.

In 2006, this section of law was amended to require the commissioner to submit to the Legislature a proposed state plan for the reauthorization of the No Child Left Behind (NCLB) Act before the plan is submitted to federal agencies. The President of the Senate and the Speaker of the House of Representatives were to appoint members of the appropriate education and appropriations committees to serve as a select committee to review the proposed state plan.<sup>17</sup>

Florida has never sent a state plan to the United States Department of Education for the reauthorization of the NCLB Act. The bill repeals s. 1001.10(6)(h), F.S., due to the fact that states do not have authority to reauthorize or plan reauthorization of a federal law, only the United State Congress has that authority.

Section 1001.10(6)(k), F.S., requires the commissioner to maintain a Citizen Information Center responsible for the preparation, publication, and dissemination of user-friendly materials relating to K-12 scholarship programs and Voluntary Prekindergarten (VPK) Education programs. According to the Department of Education (DOE) there is no Citizen Information Center.<sup>18</sup>

The bill amends s. 1001.10(6), F.S., to remove the requirement for the commissioner to submit a reauthorization plan of the NCLB Act and removes the reference to the Citizen Information Center. However, the commissioner is still responsible for dissemination of materials relating to K-12 scholarship programs and VPK Education programs, which is done through various divisions within DOE.

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<sup>15</sup> Section 1000.36, F.S.

<sup>16</sup> Military Interstate Children’s Compact Commission (MIC3), *MIC3 In The United States*, available at [http://mic3.net/pages/contact/contactmic3\\_map.aspx](http://mic3.net/pages/contact/contactmic3_map.aspx) (last visited Mar. 10, 2014).

<sup>17</sup> Chapter 2006-74, s. 7, Laws of Fla.

<sup>18</sup> Telephone conversation with staff, Florida Department of Education, Office of Governmental Relations (February 12, 2014).

## **Educational Television**

Section 1001.25, F.S., authorizes DOE to establish a television network. DOE is required, through educational television or other electronic media, to extend educational services to all the state system of public education, except SUS institutions. DOE established a television network known as the Knowledge Network. The Knowledge Network was discontinued as of July 1, 2011. DOE only has on its website under public broadcasting links to public broadcasting system sites, the Florida Channel, and Florida Public Radio Stations. The bill repeals s. 1001.25, F.S.

Section 1001.26, F.S., provides that the public broadcasting system for Florida is administered by DOE pursuant to rules adopted by the state board. The DOE has not adopted rules. However, the law is self-executing and no rules are necessary.

The bill amends s. 1001.26, F.S., to:

- Remove the requirement that the state board adopt rules for the administration of the program.
- Revise DOE's administrative duties to simply distribute funds as appropriated by the Legislature.
- Remove the requirement that the public broadcasting system must complement and share resources with the instructional programming services of DOE and educational Ultra High Frequency (UHF), Very High Frequency (VHF), Educational Broadband Services (EBS), and Frequency Modulation (FM) stations in the state. DOE no longer provides instructional programming.
- Remove the requirement that the public broadcasting system must include support for new stations meeting Corporation for Public Broadcasting qualifications and providing a first service to an audience that does not currently receive a broadcast signal or provide a significant new program service as defined by state board rule.<sup>19</sup>

The bill imports from repealed s. 1001.25, F.S., that the facilities, plant, or personnel of any educational television station that is supported in whole or in part by state funds may not be used directly or indirectly for the promotion, advertisement, or advancement of any political candidate for any municipal, county, legislative, congressional, or state office; that fair, open and free discussion between political candidates for municipal, county, legislative, congressional, or state office may be permitted in order to help materially reduce the excessive cost of campaigns and to ensure that the state's citizens are fully informed about issues and candidates in campaigns; and that violation of any prohibition contained in this section is a misdemeanor of the second degree.

## **District School Superintendent Salary**

Section 1001.47(7), F.S., provides that for fiscal year 2009 - 2010 the salary of each elected district school superintendent be reduced by two percent.

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<sup>19</sup> FCC Rules Governing Public TV and Radio, *Non-Profit Media*, available at <http://transition.fcc.gov/osp/inc-report/INoC-31-Nonprofit-Media.pdf> (last visited Mar. 10, 2014).

The bill repeals s. 1001.47(7), F.S., removing the authorization to reduce each elected district school superintendent's 2009 - 2010 salary by two percent. The reduction in the salaries of elected district school superintendents only applied to fiscal year 2009 - 2010.

Section 1001.50(6), F.S., encourages district school boards and superintendents to review the superintendent's annual remuneration for the 2009 - 2010 fiscal year and mutually agree to a reduction of at least five percent.

The bill repeals s. 1001.50(6), F.S., removing the option for district school boards and superintendents to review the superintendent's annual remuneration for the 2009 - 2010 fiscal year and mutually agree to a reduction of at least five percent. The reduction in the salaries of superintendent's annual remuneration only applied to fiscal year 2009 - 2010.

### **Transfer of Benefits**

Section 1001.62, F.S., requires: "All local or special acts in force on July 1, 1968, that provide benefits for a Florida College System institution through a district school board shall continue in full force and effect, and such benefits shall be transmitted to the FCS institution board of trustees." The transfer of benefits arising under local or special acts occurred in 1968.

The bill repeals s. 1001.62, F.S., removing outdated language relating to the transfer of benefits arising under local or specials acts.

### **Controlled Open Enrollment Plan**

Section 1002.31, F.S., authorizes, but does not require, each school district to offer controlled open enrollment,<sup>20</sup> yet requires each school district to develop a controlled open enrolment plan and submit the plan to the commissioner. Districts must develop a system of priorities for the controlled open enrollment plan that includes consideration of the following:

- An application process required to participate in the controlled open enrollment program.
- A process that allows parents to declare school preferences.
- A process that encourages placements of siblings within the same school.
- A lottery procedure used by the school district to determine student assignment.
- An appeal process for hardship cases.
- Procedures to maintain socioeconomic, demographic, and racial balance.
- Availability of transportation.
- A process that promotes strong parental involvement, including the designation of a parent liaison.
- A strategy that establishes a clearing house of information designed to assist parents in making informed choices.<sup>21</sup>

The bill amends s. 1002.31, F.S., requiring only the school districts offering controlled open enrollment to submit a controlled open enrollment plan to the commissioner.

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<sup>20</sup> Florida Department of Education, Office of Independent Education & Parental Choice, *Controlled Open Enrollment*, available at <http://www.floridaschoolchoice.org/Information/ControlledOpenEnrollment>, (last visited Mar. 10, 2014).

<sup>21</sup> Section 1003.31.(5), F.S.

### **Charter Schools and Charter Technical Career Centers**

Section 1002.33(6)(a), F.S., requires as part of the charter school application process that applicants provide documentation of participation in training provided by the DOE, contrary to other law that requires training only after an applicant has been approved.<sup>22</sup> This required training would have to be done before the applicant was approved to open a charter school.

Section 1002.34(6)(d), F.S., requires DOE to offer or arrange for training and technical assistance to charter technical career center applicants in developing business plans and estimating costs and income. The assistance must address estimating startup cost, projecting enrollment, and identifying the types and amounts of state and federal financial assistance the center may be eligible to receive. The training must include instruction in accurate financial planning and good business practices. Charter technical career center applicants are required to participate in training provided by DOE before filing an application.

The bill amends ss. 1002.33(6)(a), and 1002.34(6)(d), F.S., removing the requirement that DOE train applicants before they have been approved in order to conform with changes made to the law in 2011<sup>23</sup> that simply requires DOE to offer or arrange for training and technical assistance to approved applicants. Approved applicants must participate in training at least 30 days before the first day of classes.<sup>24</sup>

### **Charter Schools and Charter Technical Career Centers / Financial Conditions and Financial Emergencies**

Section 1002.345, F.S., provides that a charter school or a charter technical career center is subject to an expedited review by the sponsor if one of the following occurs:

- Failure to provide for an audit.
- Failure to comply with reporting requirements.
- Receipt of an annual audit or monthly financial statement identifying a deteriorating financial condition, or notification of a financial emergency.

A sponsor must notify the charter school's or center's governing board within 7 business days after one of these conditions occurs. The commissioner must annually report to the state board each charter school and charter technical career center that is subject to a financial recovery plan or corrective action plan.

The bill amends s. 1002.345, F.S., reiterating that high-performing charter schools are only required to submit quarterly financial statements to their sponsors. The bill requires the sponsor to notify the commissioner of the need for an expedited review. This will provide the commissioner with a timeframe for when to expect the corrective action plan from the governing board and sponsor.

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<sup>22</sup> See s. 1003.33(6)(f), F.S.

<sup>23</sup> Chapter 2011-232, s. 3, Laws of Fla.

<sup>24</sup> Section 1002.33(6)(f), F.S.

The bill also removes the requirement that the commissioner must annually report to the state board each charter school and charter technical career center that is subject to a financial recovery plan or a corrective action plan. Whether a charter school or charter technical career center is subject to a financial recovery plan or corrective action plan is between the charter school or center and its sponsor, the school district – this has nothing to do with the state board. Requiring the commissioner to report such information to the state board is without consequence in that the state board is not authorized by law to do anything about the situation – it is a local issue, up until such time a school district revokes or refuses to renew a charter or center and the charter or center chooses to appeal to the state board.

### **John M. McKay Scholarship**

The John M. McKay Scholarships for Students with Disabilities Program provides scholarships for eligible students with disabilities to attend an eligible public or private school of their choice. To be eligible to receive a McKay Scholarship, the student must:

- Have received specialized instructional services under the Voluntary Prekindergarten Education Program during the previous school year and have a current individual educational plan (IEP) or a 504 accommodation plan has been issued under s. 504 of the Rehabilitation Act of 1973;
- Have spent the prior school year in attendance at a Florida public school or the Florida School for the Deaf and the Blind; or
- Have been enrolled and reported by a school district for funding, during the October and February Florida Education Finance Program (FEFP) surveys, in any of the 5 years prior to 2010 - 2011 fiscal year; have a current IEP no later than June 30, 2011; and receive a first-time McKay Scholarship for the 2011-2012 school year.

Section 1002.39(2)(a)3., F.S., expanded the eligibility window for students to qualify for a McKay Scholarship for one year only. Students who spent any of the 5 years in public school prior to the 2010 - 2011 fiscal year could apply by June 30, 2011. This application period has expired. Students who qualified under this provision and received a McKay Scholarship will continue to receive the scholarship until the student returns to a public school, graduates from high school, or reaches the age of 22, whichever occurs first.

The bill amends s. 1002.39(2)(a)3., F.S., removing the outdated language expanding the eligibility window for students to qualify for a McKay Scholarship. The time parameter has expired.

### **K-8 Virtual School Programs**

In 2003, the Legislature authorized DOE to create a minimum of two pilot K-8 virtual schools. The schools were established as independent, statewide public schools that use online and distance learning technology to deliver instruction to full-time students in kindergarten through grade eight.<sup>25</sup>

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<sup>25</sup> Specific Appropriation 4D, Chapter 2003-397, s. 1, Laws of Fla.

In 2006, the Legislature removed the program's pilot status and statutorily codified the K-8 Virtual School Program as a statewide educational choice program within DOE.<sup>26</sup> The K-8 Virtual School Program is subject to annual legislative appropriation. The K-8 Virtual School Program reported 0 FTE in the 2012 - 2013 FEFP third calculation and .17 FTE for the 2012-2013 fifth calculation.

The bill repeals s. 1002.415, F.S., eliminating the K-8 Virtual School Program under this section because no students are enrolled. However, this does not eliminate the program because the program was transferred to Palm Beach and Palm Beach receives FEFP funding for this program.

### **Professional Credentials of Prekindergarten Instructors**

Section 1002.65, F.S., enacted in 2004,<sup>27</sup> established aspirational goals for the 2010 - 2011 academic year that included the following:

- Each prekindergarten class will have at least one prekindergarten instructor who holds an associate's or higher degree in the field of early childhood education or child development; and
- Each prekindergarten class composed of 11 or more students, in addition to the prekindergarten instructor who meets the degree requirements, the class will have at least one prekindergarten instructor who meets each of the following requirements:
  - The prekindergarten instructor must hold, at a minimum, one of the following credentials:
    - A child development associates credential issued by the National Credentialing Program of the Council for Professional Recognition (NCPCPR); or
    - A credential approved by the Department of Children and Families as being equivalent to or greater than the credential issued by the NCPCPR.
  - The prekindergarten instructor must successfully complete an emergent literacy training course and a student performance standards training course.<sup>28</sup>

Aspirational goals were also set for the 2013 - 2014 academic year, that each prekindergarten class will have at least one kindergarten instructor who holds a bachelor's or higher degree in the field of early childhood education or child-development.<sup>29</sup>

The bill repeals s. 1002.65, F.S., because the time parameter for meeting the aspirational goals for VPK instructors has expired.

### **Financial Literacy Cost Analysis**

Section 1003.41(3), F.S., requires the commissioner to prepare an analysis of the costs associated with implementing a separate, one-half credit course in financial literacy, including estimated costs for instructional personnel, training, and the development or purchase of instructional materials. The commissioner is required to work with one or more nonprofit organizations with

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<sup>26</sup> Chapter 2006-48, s. 1, Laws of Fla., codified at s. 1002.415, F.S.

<sup>27</sup> Chapter 2004-484, s. 1, Laws of Fla.

<sup>28</sup> Section 1002.55(3)(c), F.S.

<sup>29</sup> Section 1002.65(2)(b), F.S.

proven expertise in the area of personal finance, consider free resources that can be utilized for instructional materials, and provide data on the implementation of such a course in other states. The commissioner must provide the cost analysis to the President of the Senate and the Speaker of the House of Representatives by October 1, 2013.

On October 1, 2013, the commissioner provided the President of the Senate and the Speaker of the House of Representatives an analysis of the costs associated with implementing a separate, one-half credit course in financial literacy.<sup>30</sup>

The bill amends s. 1003.41(3), F.S., removing obsolete language requiring the commissioner to provide a cost analysis.

## **School Assessment and Promotion**

### ***Middle Grades Promotion***

Section 1003.4156(1)(b), F.S., provides that in order to be promoted from middle school to high school a student must successfully complete 3 middle grades or higher courses in mathematics. A middle grades school must offer at least 1 high school level mathematics course for which a student may earn high school credit. Successful completion of high school level Algebra I or Geometry courses is not contingent upon the student's performance on the statewide, standardized end-of-course (EOC) assessment or, the Algebra I or Geometry assessment. Beginning with the 2011 - 2012 school year, to earn high school credit for Algebra I, a middle grades student was to have passed the Algebra I EOC assessment. Beginning in the 2012 - 2013 school year, to earn high school credit for Geometry a middle grades student must take the statewide, standardized Geometry EOC assessment, which constitutes 30 percent of the student's final course grade and earn a passing grade in the course.

The bill amends s. 1003.4156, F.S., eliminating the must pass Algebra I EOC requirement for a middle grades student to earn high school credit, but beginning with the 2013 - 2014 school year and thereafter, like Geometry, student performance on the Algebra I EOC assessment constitutes 30 percent of the student's final course grade.

Section 1003.4156(1)(c), F.S., provides that to be promoted from middle grades to high school a student must successfully complete 3 middle grades or higher courses in social studies. Beginning with students entering grade 6 in the 2012 -2013 school year, one of these courses must be at least a one semester civics education course.

The bill establishes a transfer policy for a middle grades student who transfers into the state's public school system from out of the country, out of state, a private school, or a home education program. The policy provides that if a student transfers in after the beginning of the second term of the eighth grade the student is not required to meet the civics education requirement for promotion from middle grades, if the student's transcript documents passage of 3 courses in social studies or 2 year-long courses in social studies that included coverage of civics education.

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<sup>30</sup> Florida Department of Education, Office of the Commissioner of Education, Implementation of Financial Literacy Course (Oct. 2013) (on file with the Senate Committee on Education).



Section 1008.22(3)(b)1., F.S., states that middle grades students enrolled in Algebra I or Geometry must take the statewide, standardized EOC assessment for those courses and are “not required” to take the corresponding grade-level Florida Comprehensive Assessment Test (FCAT). Because the law does not prohibit double testing some districts have so required.

The bill amends s. 1008.22(3)(b)1., F.S., providing that middle grade students enrolled in Algebra I, Geometry, or Biology I must take the statewide, standardized EOC assessment for those courses and “shall not take” the corresponding subject and grade-level statewide, standardized assessment.

### ***High School Graduation Requirements***

In 2013, the Legislature passed CS/CS/SB 1076. The bill, in part, created a new section of law, s. 1003.4282, F.S., establishing high school graduation requirements for students entering grade 9 in the 2013 - 2014 school year and thereafter.

Currently Florida public high school students have four options for obtaining a standard high school diploma -- a traditional 4-year, 24-credit option;<sup>31</sup> an 18-credit graduation option;<sup>32</sup> or completion of an International Baccalaureate (IB) or Advanced International Certificate of Education (AICE) program CS/CS/SB 1076 created s. 1002.3105(5), F.S., which established the new 18-credit graduation option and repealed the old 18-credit college preparatory and career preparatory graduation options contained in s. 1003.429, F.S.

In addition, current law provides, in s. 1003.4281, F.S., that each school district must adopt an early graduation policy allowing a high school student who completes 24 credits in less than eight semesters and meets the GPA and assessment requirements to graduate early.

The bill removes references to repealed s. 1003.428, F.S., (Old high school graduation requirements) and s. 1003.429, F.S., (Old 18-credit early graduation options) and adds references to s. 1003.4282, F.S., (New standard high school diploma requirements), s. 1003.4281, F.S., (Early high school graduation), and s. 1002.3105(5), F.S. (New 18-credit high school graduation option).

### ***Online Course Requirement***

Section 1003.4282(4), F.S., requires at least one course within the 24 credits required for a standard high school diploma to be completed through online learning. However, an online driver education course is excluded from meeting the online course requirement.

The bill amends s. 1003.4282(4), F.S., providing that current law prohibiting use of a driver education course to meet the online course requirement only applies to students entering grade 9 in the 2013 - 2014 school year and thereafter. The law prohibiting an online driver education course from meeting the online course requirement for high school graduation was passed last

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<sup>31</sup> Section 1003.428, F.S.

<sup>32</sup> Section 1002.3105(5), F.S.

session (SB 1076), along with the new high school graduation requirements. Only incoming students in grade 9 in 2013 – 2014 and thereafter are impacted by this change. Beginning with grade 9 students in the 2011 – 2012 school year, students were required to take an online course. If these students already met their online requirement with a driver education course, they should not be negatively impacted by last year’s change in law.

### ***Certificate of Completion***

Section 1003.4282(7), F.S., provides that “a certificate of completion may be awarded to a student who fails to earn the required credits or achieve a 2.0 GPA must be awarded a certificate of completion by the state board.”

The bill amends s. 1003.4282, F.S., to correctly provide that a student who earns the required 24 credits or 18 credits but fails to pass the required assessments or earn a 2.0 GPA must be awarded a certificate of completion. The bill also clarifies that a student awarded a certificate of completion may remain in high school for one additional year, either full-time or part-time, in order to receive special instruction designed to remedy his or her identified deficiencies.

### ***Cohort Transition to New Graduation Requirements***

CS/CS/SB 1076 did not repeal s. 1003.428, F.S., the old law dealing with high school graduation requirements for students entering grade 9 in the 2007 - 2008 school year and thereafter. Certain provisions in s. 1003.4282, F.S., the new graduation requirements, beginning with students entering grade 9 in the 2013 - 2014 school year, created by CS/CS/SB 1076, did reference, in part, students in earlier grade 9 cohorts. As a result, confusion arose as to what provisions of law applied to students entering grade 9 prior to the 2013 - 2014 school year.

The bill identifies, with specificity, all course and assessment requirements for students entering grade 9 before the 2010 - 2011 school year,<sup>33</sup> entering grade 9 in the 2010 - 2011 school year,<sup>34</sup> entering grade 9 in the 2011 - 2012 school year,<sup>35</sup> and entering grade 9 in the 2012 - 2013 school year.<sup>36</sup>

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<sup>33</sup> The requirements are: Four credits in English/ELA; Four credits in mathematics, which must include Algebra I; Three credits in science, two of which must have a laboratory component; Three credits in social studies of which one credit in World History, one credit in U.S. History, one-half credit in U.S. Government, and one-half credit in economics is required; One credit in fine or performing arts, speech and debate, or practical arts; One credit in physical education; and Eight credits in electives.

<sup>34</sup> The requirements are: Four credits in English/ELA; Four credits in mathematics, which must include Algebra I and Geometry school year; Three credits in science, two of which must have a laboratory component; Three credits in social studies of which one credit in World History, one credit in U.S. History, one-half credit in U.S. Government, and one-half credit in economics is required; One credit in fine or performing arts, speech and debate, or practical arts; One credit in physical education; and Eight credits in electives.

<sup>35</sup> The requirements are: Four credits in English/ELA; Four credits in mathematics, which must include Algebra I and Geometry; Three credits in science, two of which must have a laboratory component; Three credits in social studies of which one credit in World History, one credit in U. S. History, one-half credit in U.S. Government, and one-half credit in economics is required; One credit in fine or performing arts, speech and debate, or practical arts; One credit in physical education; Eight credits in electives; and One online course.

<sup>36</sup> The requirements are four credits in English/ELA; Four credits in mathematics, which must include Algebra I and Geometry; Three credits in science, two of which must have a laboratory component; Three credits in social studies of which one credit in World History, one credit in United States History, one-half credit in United States Government, and one-half

The bill adds an automatic repeal date of July 1, 2020, to the new subsection of law that identifies, by grade 9 cohorts, all course and assessment requirements for graduating from high school with a standard diploma. The grade 9 students in the identified cohorts will have graduated from high school by 2017. The bill also provides that policy adopted in rule by a district school board may require for any cohort of students that performance on a statewide, standardized EOC assessment constitutes 30 percent of a student's final course grade.

### ***Industry Certification***

There are two ways in which students may use career education or industry certification courses to satisfy core academic credits required for a standard high school diploma. First, the DOE is required to develop, for approval by the state board, multiple, career education courses, or a series of courses that allow students to simultaneously earn career education course and academic course credit in courses required for graduation.<sup>37</sup> Second, students entering grade 9 in the 2013 - 2014 school year and thereafter may substitute industry certification courses that lead to college credit for up to 2 mathematics credits and up to 1 science credit.<sup>38</sup>

The bill amends s. 1003.4282, F.S., to add that the industry certification that can be substituted for credit must have a statewide college credit articulation agreement approved by the state board. The bill provides that students who earn an industry certification for which there is a statewide college credit articulation agreement approved by the state board may not substitute certification for Algebra I, Geometry, or Biology I.

The bill also requires that if a transfer student's transcript shows a final course grade and course credit in Algebra I, Geometry, Biology I, or U. S. History, the transferring course final grade and credit must be honored without the student taking the requisite statewide, standardized EOC assessment and without the assessment results constituting 30 percent of the student's final course grade.

### ***Student Assessments***

Section 1008.22, F.S., requires the commissioner to design and implement a statewide, standardized assessment program aligned to the core curricular content established in the Next Generation Sunshine State Standards. The statewide, standardized assessment program must be designed and implemented to include the FCAT until replaced by new state assessments in English Language Arts (ELA) and mathematics.

The state board must adopt rules to establish an implementation schedule to transition from FCAT Reading, FCAT Writing, FCAT Mathematics and Algebra I and Geometry EOC assessments to new state assessments in ELA and mathematics.<sup>39</sup> The state board must also

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credit in economics is required; One credit in fine or performing arts, speech and debate, or practical arts; One credit in physical education; Eight credits in electives; One online course.

<sup>37</sup> Section 1003.4282(9)(a), F.S.

<sup>38</sup> Section 1003.4282(3)(b) and (c), F.S. (Effective for students entering 9<sup>th</sup> grade in the 2013 - 2014 school year and thereafter).

<sup>39</sup> Section 1008.22(3)(d)3., F.S.

designate by rule a passing score for each statewide, standardized EOC and FCAT assessment. In addition the state board must designate a score for each statewide, standardized EOC assessment that indicates that a student is high achieving and has the potential to meet college readiness standards by the time the student graduates from high school.<sup>40</sup>

The FCAT includes annual comprehensive assessments of reading in grades 3 through 10; comprehensive assessments of mathematics in grades 3 through 8; comprehensive assessments of writing at least once at the elementary, middle, and high school levels; and comprehensive assessments of science in the elementary and middle grades levels.<sup>41</sup> In 2010, the Legislature required the phased-in replacement of grades 9 and 10 FCAT Mathematics with the EOC assessments in Algebra I and Geometry and grade 11 FCAT Science with an EOC assessment in Biology I.<sup>42</sup>

Section 1008.22(3)(c)2., F.S., states that a student with a disability for whom the IEP team determines that the statewide, standardized assessment cannot accurately measure the student's abilities, taking into consideration all allowable accommodations, must have assessment results waived for the purpose of receiving a course grade or a standard high school diploma. Such waiver must be designated on the student's transcript.

#### SB 1226:

- Removes the requirement that the state board designate an additional cut score on EOC assessments that identifies a student as high achieving because how high achieving a student is can be determined by the score the student receives on the assessment, i.e., Levels 1 - 5.
- Clarifies that a student's performance on the Algebra II and Biology I EOC assessment constitutes 30 percent of a student's final course grade, in conformance with s. 1003.4282, F.S.
- Specifies that the waiver of assessment results on a student's transcript must be limited to a statement that "performance on an assessment was waived for the purpose of receiving a course grade or a standard high school diploma, as applicable."
- Removes rulemaking requirements for the state board to establish an implementation schedule to transition from FCAT Reading, FCAT Writing, FCAT Mathematics and Algebra I and Geometry EOC assessments to new state assessments in ELA and mathematics. The commissioner is required to establish and publish on DOE's website an implementation schedule to transition from the statewide, standardized Reading and writing assessments to the ELA assessments and to the revised Mathematics assessments including the Algebra I and Geometry EOC assessments.

#### *Scholar Designations*

Section 1003.4285, F.S., provides that students may earn a Scholar designation if they satisfy additional course testing requirements exceeding the requirements for a standard high school diploma.

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<sup>40</sup> Section 1008.22(3)(d)2., F.S.

<sup>41</sup> Section 1008.22(3)(a), F.S.

<sup>42</sup> Section 1008.22(3)(b), F.S.

Students pursuing a Scholar designation must:

- Pass the 11<sup>th</sup> grade ELA assessment, effective when the state transitions to new assessments;
- Earn one credit in Algebra II and one credit in Statistics or an equally rigorous course. When the state transitions to new assessments, students must pass the Algebra II assessment;
- Pass the Biology I EOC assessment and earn one credit in Chemistry or Physics and one credit in an equally rigorous course;
- Pass the U.S. History EOC assessment;
- Earn two credits in the same foreign language; and
- Earn at least one credit in an AP, IB, AICE, or a dual enrollment course.

The bill amends s. 1003.4285, F.S., by adding a new requirement that beginning with students entering grade 9 in the 2014 - 2015 school year, a student must pass the statewide, standardized Geometry EOC assessment in order to earn a Scholar designation.

The bill provides that a student enrolled in an AP, IB, or AICE Biology course who takes the respective AP, IB, or AICE Biology assessment and earns the minimum score necessary to earn college credit meets the Scholar designation science requirement without having to take the statewide, standardized Biology I EOC assessment. The bill also provides that a student enrolled in an AP, IB, or AICE course that includes U.S. History topics, who takes the respective AP, IB, or AICE assessment and earns the minimum score necessary to earn college credit meets the Scholar designation social studies requirement without having to take the statewide, standardized U.S. History EOC assessment.

### **Junior Reserve Officers' Training Corps**

Section 1003.451, F.S., prohibits a school district from banning any branch of the United States Armed Forces or the U. S. Department of Homeland Security from establishing, maintaining, or operating a unit of the Junior Reserve Officers Training Corps (ROTC) at a public high school. A school district must grant military recruiters of the U.S. Armed Forces and U.S. Department of Homeland Security the same access to secondary school students, facilities, and grounds which the district grants to postsecondary educational institutions or prospective employers of students. The state board is authorized to adopt rules and take enforcement action against school districts that do not comply with these requirements.<sup>43</sup> However, the state board has not yet adopted rules to administer these provisions.

The bill repeals s. 1003.451(5), F.S., removing the authority for the state board to adopt rules to administer the section. The law is self-executing, therefore no rule is necessary.

### **Academically High-Performing School Districts**

Section 1003.621(1)(a), F.S., requires that academically high-performing school districts must have no material weakness or instances of material noncompliance noted in their annual financial audits conducted by the AG.

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<sup>43</sup> Section 1003.451(4) and (5), F.S.

The bill amends s. 1003.621(1)(a), F.S., to include a reference to s. 11.45, F.S., which requires the AG to conduct annual financial audits and operational audits of school districts every 3 years. The bill also deletes reference to the 2004 – 2005 school year, which was the year school districts could begin meeting the criteria for designation as an academically high-performing school district.

### **Adult High School Credit Program**

Section 1004.02(4), F.S., defines “adult high school credit program” for purposes of chapter 1004 as “the award of credits upon completion of courses and passing of state mandated assessments necessary to qualify for a high school diploma. Except as provided elsewhere in law, the graduation standards for adults must be the same as those for secondary students.” The term “adult high school credit program” does not appear in chapter 1004.

The bill removes the definition of “adult high school credit program” and adds the following 18 credit graduation option for adult students:

- Four credits in English Language Arts;
- Four credits in mathematics;
- Three credits in science, two of the required three credits must have laboratory component.
- The laboratory requirement may be waived by the district school board;
- Three credits in social studies;
- One credit in fine or performing arts, speech and debate, or practical arts, or one other elective credit; and
- Three credits in electives.

To be eligible for an 18-credit graduation option, the student must earn a cumulative GPA of 2.0 on a 4.0 scale.

An adult seeking a 24-credit standard high school diploma may also substitute one elective credit for required credit in fine or performing arts, speech and debate, or practical arts. In addition, the science laboratory requirement may be waived by the district school board. Finally, the one credit in physical education may be substituted with an elective credit.

### **State University Degree Programs**

In 2010, the Legislature authorized Florida Atlantic University (FAU) to offer a Doctor of Medicine degree program, subject to the approval of the Board of Governor (BOG).<sup>44</sup>

On April 7, 2010, BOG approved the program at FAU.

In 2010, the Legislature authorized a Doctor of Pharmacy degree program at the University of South Florida (USF) and required the program to be physically located on the campus of the University of South Florida Polytechnic (USF Polytechnic).<sup>45</sup> On January 29, 2009, BOG approved the program at USF. The bill repeals obsolete language authorizing a Doctor of

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<sup>44</sup> Section 1004.3825, F.S.

<sup>45</sup> Chapter 2010-155, s. 6, Laws of Fla.

Medicine degree program at FAU and a Doctor of Pharmacy degree program at USF. Both programs have been approved by the BOG.

### **Johnnie B. Byrd, S., Alzheimer’s Center and Research Institute**

The Legislature created the Florida Alzheimer’s Center and Research Institute in 2002,<sup>46</sup> and subsequently renamed it the Johnnie B. Byrd, Sr., Alzheimer’s Center and Research Institute (Byrd Institute) in 2004.<sup>47</sup> In 2009, the Legislature placed the Byrd Institute at the USF.<sup>48</sup> The board of directors for the Johnnie B. Byrd, Sr. Alzheimer’s Center and Research Institute was created to oversee the establishment of the Institute.<sup>49</sup>

The bill repeals s. 1004.445(2), F.S., establishing the board of directors for the Johnnie Byrd Sr., Alzheimer’s Center and Research Institute. Once the Byrd Institute was placed at USF there was no longer a need for a separate governing board.

### **Training School Consolidation Pilot Project**

In 1999, the Legislature created the Training School Consolidation Pilot Projects.<sup>50</sup> The project established two “pilot training centers” to provide criminal justice training in Leon and St. Johns Counties: The Pat Thomas Center at Tallahassee Community College (now called the Pat Thomas Law Enforcement Academy) and The Criminal Justice Academy at St Johns River State College (now called the Criminal Justice Program). In 1999 the programs were transferred to FCS institutions. Accordingly, the programs are no longer pilot projects.

The bill repeals s. 1004.75, F.S., relating to the Training School Consolidation Pilot Projects.

### **Adults with Disabilities Workforce Education Pilot Program**

The Adults with Disabilities Workforce Education Pilot Program was created in 2012 to operate for two years in Hardee, DeSoto, Manatee, and Sarasota Counties and provide the option of receiving a scholarship for instruction at private schools for up to 30 students who meet the following requirements:<sup>51</sup>

- Have a disability;<sup>52</sup>
- Are 22 years of age;
- Are receiving instruction from an instructor in a private school to meet the high school graduation requirements in s. 1003.428 or s. 1003.4282, F.S.;

<sup>46</sup> Chapter 2002-387, s. 191, Laws of Fla.

<sup>47</sup> Chapter 2004-002, s. 5, Laws of Fla.

<sup>48</sup> Chapter 2009-060, s. 6, Laws of Fla.

<sup>49</sup> Section 1004.445(2), F.S.

<sup>50</sup> Section 1004.75, F.S. (Formerly s. 240.384, F.S.).

<sup>51</sup> Chapter 2012-134, Laws of Fla., s. 12, codified in s. 1004.935, F.S.

<sup>52</sup> Under this provision, a student with a disability includes a student who is documented as having an intellectual disability; a speech impairment; a language impairment; a hearing impairment, including deafness; a visual impairment, including blindness; a dual sensory impairment; an orthopedic impairment; another health impairment; an emotional or behavioral disability; a specific learning disability, including, but not limited to, dyslexia, dyscalculia, or developmental aphasia; a traumatic brain injury; a developmental delay; or autism spectrum disorder.

- Do not have a standard high school diploma or a special high school diploma; and
- Receive supported employment services.<sup>53</sup>

Students in the pilot program may continue to participate in the program until they graduate from high school or turn 30, whichever occurs first. The law specifies the criteria that must be met by employment service producers and private schools. The law provides for the funding source and the calculation methodology for the amount of the scholarship.

The bill provides for the continuation of the Adults with Disabilities Workforce Education Pilot program through June 30, 2016, and permits a student to remain in the program until he or she graduates from high school or reaches the age of 40, whichever occurs first.

### **Statewide School Safety Hotline**

In 1995, the Legislature created a statewide crime-watch program in the public schools for the purpose of reducing student actions that were in violation of the code of student conduct.<sup>54</sup> In 1996, the Legislature authorized DOE to contract with the Florida Sheriffs Association to establish and operate a statewide toll-free school safety hotline for the purpose of reporting incidents that affect the safety and well-being of the school's population.<sup>55</sup> If a toll-free school safety hotline is established by contract with the Florida Sheriffs Association, the Florida Sheriffs Association must produce a quarterly report that evaluates the incidents that have been reported on the hotline.<sup>56</sup>

The bill repeals s. 1006.141, F.S., relating to the Statewide School Safety Hotline.

### **Dating Violence and Abuse Prohibited**

Section 1006.148(2), F.S., requires that each district school board adopt and implement a dating violence and abuse policy to be integrated into each school district's discipline policies.<sup>57</sup> DOE was required to develop by January 1, 2011, a model policy to serve as a guide for district school boards in the development of the dating violence and abuse policies. On October 22, 2010, DOE provided district school boards with the model policy and training requirements.<sup>58</sup>

The bill repeals s. 1006.148(2), F.S., requiring DOE to develop a dating violence and abuse model policy because DOE has already developed the model policy.

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<sup>53</sup> Supported employment services means employment that is located or provided in an integrated work setting with earnings paid on a commensurate wage basis and for which continued support is needed for job maintenance.

<sup>54</sup> Chapter 95-164, s. 2, Laws of Fla.

<sup>55</sup> Section 1006.141(1), F.S.

<sup>56</sup> Section 1006.141, F.S.

<sup>57</sup> Section 1006.148(1), F.S.

<sup>58</sup> Florida Department of Education, Office of Safe Schools, *Teen Dating Violence Prevention*, available at <http://www.fldoe.org/safeschools/TeenDatingViolence.asp> (last visited Mar. 10, 2014).



### **Use of Instructional Materials Allocation**

Section 1006.40(2), F.S., requires each district school board to purchase current instructional materials to provide each student with a major tool of instruction in core courses. Such purchases must be made within the first 3 years after the effective date of the adoption cycle. For the 2012 - 2013 mathematics adoption, a district using comprehensive mathematics instructional materials adopted in 2009 - 2010 was to be deemed in compliance with the law if the district had provided each student with such additional state-adopted materials as was necessary to align the mathematics instructional materials to the new state standards.<sup>59</sup>

The bill removes the 2012 - 2013 mathematics adoption language option. The bill amends s. 1006.40(2), F.S., specifying that a school board individually or as part of a consortium of school boards can purchase instructional materials if an instructional materials program has been implemented pursuant to s. 1006.283, F.S.<sup>60</sup>

### **Student with Disabilities**

Section 1007.02, F.S., defines the term “student with a disability,” and establishes a popular name for the section, i.e., Enhanced New Needed Opportunity for Better Life and Education for Students with Disabilities (ENNOBLES) Act. However, the section refers to itself as an “Act” rather than a section. A law should not refer to “an Act” but should specify the sections of law to which the section of law is applicable. The popular name and the acronym are not used anywhere else in law.

The bill amends s. 1007.02, F.S., by removing the popular name and acronym. In addition, s. 1007.02, F.S., is amended to state that the definition of “student with a disability” is applicable to all of chapter 2007, F.S.

### **Public School Improvement**

Section 1008.33(5) and (7), F.S., requires a school to implement one of the turnaround options listed in this section if the school earns a grade of “F” within 2 years of raising its grade from a grade of “F” or that earns a grade of “F” within 2 years after exiting the lowest-performing category under s. 3, chapter 2009 -144, L.O.F. A school classified in the lowest performing category before July 2012 is not required to continue implementing any turnaround options unless the school earns a grade of “F” or a third consecutive “D” for the 2011 - 2012 school year. A school earning a grade of “F” or a third consecutive “D” for the 2011 - 2012 school year may not restart the number of years it has been considered low performing.

The bill repeals s. 1008.33(5) and (7), F.S., removing the requirement to implement certain turnaround options because the time period for those options has expired.

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<sup>59</sup> Section 1006.40(2), F.S.

<sup>60</sup> Section 1006.283, F.S.

## Supplemental Educational Services

The federal requirement for Florida to provide supplemental educational services (SES) as originally prescribed by the No Child Left Behind Act of 2001 (NCLB) was waived with the approval of Florida's ESEA Flexibility Request on February 9, 2012.<sup>61</sup> Florida's ESEA Flexibility Request was subsequently amended on July 27, 2012, to allow Florida to continue providing SES for the 2012 - 2013 school year.<sup>62</sup>

All SES providers had to be approved by the DOE before services could be provided in the district. Eligible candidates included nonprofit and for-profit entities, as well as school districts. Approved providers were allowed to:

- Set their fee for service within a specified range (\$5-\$70 per hour per student).
- Tutor up to 10 students simultaneously using the same instructor which is the equivalent of \$700 per hour for 10 students and 1 instructor.
- Self-report, to DOE, student learning gains, student attendance and completion data, and satisfaction surveys completed by parents, district administrators, and school principals. DOE used this information to apply a service designation to each provider of excellent, satisfactory, or unsatisfactory.<sup>63</sup>

In 2011 - 2012, SES providers delivered an average of 19 hours of tutoring services per student at an average cost of \$1,050 per student.<sup>64</sup> However, a national study determined that SES programs delivering less than 40 hours of tutoring per year are unlikely to demonstrate statistically significant improvement in student growth math and reading gains.<sup>65</sup>

The bill repeals s. 1008.331, F.S., removing the SES which is no longer required by federal law and not funded by this state. School districts on their own authority and through their funding sources can otherwise provide supplemental educational services.

## Best Financial Management Practices for Florida School Districts

Section 1008.35, F.S., requires the commissioner to adopt best financial management practices to be implemented by school districts. The practices must be developed for, but not limited to, efficient use of resources, compliance with general acceptable accounting principles, performance accountability, and cost control. The Office of Program Policy Analysis and Government Accountability (OPPAGA) and the AG are tasked with developing a system by which to review school district implementation of the best practices.<sup>66</sup> Furthermore, OPPAGA is

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<sup>61</sup> See Letter of Approval for Florida's ESEA Waiver Request, (2012), available at <http://www.fldoe.org/esea/pdf/WaiverApprovalLetter.pdf>.

<sup>62</sup> See Letter of Approval for Florida's ESEA Waiver Exemption Request, (2012), available at <https://www.ed.gov/policy/eseaflex/secretary-letters/fl-amendment.pdf>.

<sup>63</sup> Rule 6A-1.039, F.A.C.

<sup>64</sup> Telephone conversation with staff, Florida Department of Education, Bureau of School Improvement (Feb. 27, 2014).

<sup>65</sup> American Enterprise Institute for Public Policy Research, Center for American Progress, *Tightening up Title I: The implementation and effectiveness of supplemental education services: A review and recommendations for program improvement*, (2012), available at [http://www.aei.org/files/2012/03/05/-the-implementation-and-effectiveness-of-supplemental-educational-services\\_17150915643.pdf](http://www.aei.org/files/2012/03/05/-the-implementation-and-effectiveness-of-supplemental-educational-services_17150915643.pdf). (last visited Mar. 4, 2014).

<sup>66</sup> Section 1008.35(1), F.S.

responsible for conducting the reviews, subject to appropriation by the Legislature. The commissioner adopted the best financial management practices on September 4, 1997.<sup>67</sup> The entire best practices review was contingent upon funding. The Legislature has not funded the program since 2002.<sup>68</sup>

The bill repeals s. 1008.35, F.S., which removes the requirement that the commissioner adopt best financial management practices.

### **Workforce Education Postsecondary Student Fees**

Section 1009.22(3)(f), F.S., establishes a maximum increase in resident tuition for any school district or Florida College System institution during the 2007 - 2008 fiscal year of five percent over the tuition charged during the 2006 - 2007 fiscal year.

The bill repeals s. 1009.22(3)(f), F.S., regarding the obsolete 2007 - 2008 resident tuition increase language.

### **Seminole and Miccosukee Indian Scholarships**

In 1963, the Legislature enacted the Seminole and Miccosukee Indian Scholarship program.<sup>69</sup> The purpose of the Seminole and Miccosukee Indian Scholarship program is to encourage and assist students from the Seminole Tribe of Florida and the Miccosukee Tribe of Indians of Florida to pursue postsecondary education. The program is administered by DOE and funding for the program must be provided in the General Appropriations Act (GAA).<sup>70</sup> The Seminole Tribe of Florida or the Miccosukee Tribe of Indians of Florida determines the amount of the scholarship for their respective applicants within the amount of funds appropriated.

Current law states that all new and existing financial assistance programs authorized under chapter 1009 which are not funded for 3 consecutive years after enactment must stand repealed.<sup>71</sup> Funding for the Seminole and Miccosukee Indian Scholarship program was last appropriated in 2001.<sup>72</sup>

The bill repeals s. 1009.56, F.S., regarding the Seminole and Miccosukee Indian Scholarship program.

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<sup>67</sup> Office of Program Policy Analysis and Government Accountability, *Best Financial Management Practices for Florida School Districts*, Report No. 97-08, (Oct. 1997), available at <http://www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/9708rpt.pdf>. (last visited Mar. 10, 2014).

<sup>68</sup> Telephone conversation with staff, Florida Department of Education (Feb. 27, 2014).

<sup>69</sup> Chapter 63-404, ss. 1-6, Laws of Fla.

<sup>70</sup> Section 1009.56(1), F.S.

<sup>71</sup> Section 1009.96, F.S.

<sup>72</sup> Specific Appropriation 93, Chapter 2001-253, s. 2, Laws of Fla.

### **The Virgil Hawkins Fellows Assistance Program**

In 1988, the Legislature enacted the Virgil Hawkins Fellows Assistance Program<sup>73</sup> The Virgil Hawkins Fellows Assistance Program provides financial assistance for minority students to study law at the Florida State University, the University of Florida, the Florida Agricultural and Mechanical University, and the Florida International University.<sup>74</sup>

Each student that remains in good standing as approved by the law school and pursuant to guidelines of the state board is entitled to receive an award for each academic term.<sup>75</sup> Funding for the program must be as provided in the GAA.

Current law states that all new and existing financial assistance programs authorized under chapter 1009 which are not funded for 3 consecutive years after enactment must stand repealed.<sup>76</sup> The Virgil Hawkins Fellows Assistance program was last appropriated funds in 2003.<sup>77</sup>

The bill repeals s. 1009.69, F.S., relating to the Virgil Hawkins Fellows Assistance Program.

### **Florida Higher Education Loan Authority Act**

Part V of chapter 1009 provides a short title: “Florida Higher Education Loan Authority Act.” The Act, created in 1982<sup>78</sup> authorizes, by county ordinance or resolution, the creation of a “\_\_\_\_\_ County Education Loan Authority.” The Florida Higher Education Loan Authority Act was created to make loans to participating higher education institutions for the purpose of providing student loans. If a county ordinance/resolution is established, the law requires the loan authority to report annually to the commissioner. The only county that adopted such an ordinance (St. Johns) repealed its ordinance in 1995. The commissioner has not received any annual reports.<sup>79</sup>

Current law states that all new and existing financial assistance programs authorized under chapter 1009 which are not funded for 3 consecutive years after enactment must stand repealed.<sup>80</sup> The program has been inactive since 1995.<sup>81</sup>

The bill repeals Part V of chapter 1009, relating to the authority to create an Education Loan Authority.

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<sup>73</sup> Chapter 88-099, s. 1, Laws of Fla.

<sup>74</sup> Section 1009.69(1), F.S.

<sup>75</sup> Section 1009.69(2), F.S.

<sup>76</sup> Section 1009.96, F.S.

<sup>77</sup> Specific Appropriation 134 and 135, Chapter 2003-397, s. 2, Laws of Fla.

<sup>78</sup> Chapter 82-241, ss. 1-28, Laws of Fla. (Formerly chapter 240).

<sup>79</sup> E-mail, Florida Department of Education, Office of Governmental Relations (Mar. 5, 2014).

<sup>80</sup> Section 1009.96, F.S.

<sup>81</sup> E-mail, Florida Department of Education, Office of Governmental Relations (Mar. 5, 2014).

### **School District Discretionary Tax**

In 2009, the Legislature authorized district school boards to levy an additional 0.25 mills for critical capital outlay needs. Alternatively, the additional 0.25 mills may be levied for critical operating needs based on a supermajority vote of the district school board and passage of a voter approved referendum in the 2010 general election.<sup>82</sup>

Legislation enacted in 2010, provided that in order for school districts to continue levying the additional 0.25 mills after the 2010 - 2011 fiscal year, the voters must have approved the referendum at the 2010 general election or at a subsequent election is held at any time. No more than one such election may be held during any 12-month period. Any millage so authorized could only be levied for a period not to exceed 2 years or until a change is made pursuant to another millage election, whichever occurs earlier.<sup>83</sup>

In 2011, the Legislature amended the statute so that the authority for district school boards to levy the 0.25 mills would expire on June 30, 2011.<sup>84</sup>

The bill repeals s. 1011.71(3)(b) and (c), F.S., removing the authority for district school boards to levy the additional 0.25 mills.

### **Teacher Recruitment and Retention**

Section 1012.05(2), F.S., requires DOE to develop, in consultation with school district staff, a long range plan for educator recruitment and retention and develop and implement a First Response Center and Teacher Lifeline Network to provide online support to beginning teachers and those that need assistance. The commissioner must take steps that provide flexibility and consistency in meeting the highly qualified teacher criteria defined in the NCLB Act of 2001 through a High, Objective, Uniform State Standard of Evaluation (HOUSSE).<sup>85</sup>

The bill amends s. 1012.05, F.S., by removing the requirement for DOE to develop a long-range plan for educator recruitment and retention. Many districts are not in need of teachers. Those districts needing teachers are better suited to develop recruitment and retention plans applicable to local needs.

The bill eliminates reference to the Teacher Lifeline Network and the First Response Center because the center and network do not exist. The bill removes reference to HOUSSE which no longer exists.

### **Professional Service Contract**

Section 1012.33(9), F.S., provides that, for the 2009 - 2010 and 2010 - 2011 fiscal years, district school boards should not enter into a new professional services contract if the only funds

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<sup>82</sup> Chapter 2009-059, s. 33, Laws of Fla., codified at s. 1011.71(3)(b), F.S.

<sup>83</sup> Chapter 2010-154, s. 30, Laws of Fla., amending s. 1011.71(3)(b), F.S.

<sup>84</sup> Chapter 2011-055, s. 36, Laws of Fla., amending s. 1011.71(3)(b), F.S.

<sup>85</sup> Section 1012.05(6), F.S.

available to pay such contract are from nonrecurring Federal Stabilization Funds. The restriction on district school boards does not extend past the 2010 – 2011 fiscal year.

The bill repeals s. 1012.33(9), F.S., relating to obsolete language affecting fiscal years 2009 - 2010 and 2010 - 2011.

### **Speech Language Services**

Section 1012.44, F.S., requires the state board to review rules it adopted regarding speech-language services to school districts by October 1, 2003. The state board has reviewed the rules for speech-language services.

The bill amends s. 1012.44, F.S., removing the outdated language requiring the state board to review rules for speech-language services.

### **Address of Record**

Section 1012.561, F.S., requires by January 1, 2005, that each educator and applicant for certification have on file with DOE a current mailing address. The January 1, 2005, date requirement has passed.

The bill amends s. 1012.561, F.S., removing the outdated reporting requirement.

### **Saving Clause**

Section 1012.595, F.S., created in 1986,<sup>86</sup> requires each applicant who was issued a certificate by DOE prior to June 25, 1986, to be entitled to hold such certificate. The certificates are renewed in accordance with the provisions of chapter 86-156 L.O.F.<sup>87</sup>

The bill amends s. 1012.595, F.S., removing the outdated language regarding applicants issued a certificate by DOE prior to June 25, 1986.

### **Remuneration for State University and Florida College System Presidents**

In 2010, s. 1012.885(2), F.S., was created to state that FCS institution presidents may not receive more than \$225,000 in remuneration annually from appropriated state funds. The Legislature has since changed that amount to \$200,000.<sup>88</sup>

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<sup>86</sup> Formerly s. 231.245 F.S.

<sup>87</sup> Sections of law relating to certification of educational personnel (ss. 231.15, 231.17, and 231.24, F.S.) were set for Sunset repeal on October 1, 1985, unless reviewed and reenacted by the Legislature. The Legislature passed CS/CS/HB 1357, which made various substantive and technical changes in the process used to grant initial and subsequent certificates. The Governor vetoed CS/CS/HB 1357. The DOE readopted the certification rules but, instead of referencing the repealed sections of law as authority for the rule, referenced other sections of law. The Joint Administrative Procedures Committee raised concerns about the law referenced in the rules. The DOE worked with the Legislature to resolve the issues and HB 1183 became law effective June 25, 1986.

<sup>88</sup> Chapter 2011-063, s. 39, Laws of Fla., Chapter 2012-134, s. 38, Laws of Fla., and Chapter 2013-405, s. 21, Laws of Fla.

In 2003, s. 1012.975 (2), F.S., was created to state that SUS institution presidents may not receive more than \$225,000 in remuneration annually from appropriated state funds. The Legislature has since changed that amount to \$200,000.<sup>89</sup>

Both sections of law continue to provide conflicting restrictions on the annual remuneration for SUS presidents and FCS presidents.

The bill removes ss. 1012.885(2), and 1012.975(2), F.S., relating to the outdated \$225,000 remuneration provisions.

### **Continuing Education Training**

Section 1012.98(12), F.S., requires teachers in grades 1 - 12 to participate in continuing education training provided by the Department of Children and Family Services on identifying and reporting child abuse and neglect.

The bill amends s. 1012.98(12), F.S., to include kindergarten teacher participation in continuing education training provided by the Department of Children and Families.

### **Substance of Contract**

Section 1013.47, F.S., requires: “If 25 percent or more of the costs of any construction project is paid out of a trust fund established pursuant to 31 U.S.C. s. 1243(a)(1) laborers and mechanics employed by contractors or subcontractors on such construction will be paid wages not less than those prevailing on similar construction projects in the locality, as determined by the Secretary of Labor in accordance with the Davis-Bacon Act.”

The bill amends s. 1013.47, F.S., to remove the above quoted language. Any federal (grant) funds appropriated for construction would include the necessary federal accountability requirements in accordance with the Davis-Bacon Act. There is no trust fund under 31 U.S.C. s. 1243(a)(1).

### **Toxic Substance in Construction**

Section 1013.49, F.S., requires a contractor intending to use toxic substances enumerated in the Florida Substance List in the construction, repair, or maintenance of educational facilities to notify the district school superintendent or public postsecondary institution president in writing at least three working days prior to using the substance. Toxic substance usage is already governed by the Florida Building Code and the State Requirements for Educational Facilities.<sup>90</sup>

The bill repeals s. 1013.49, F.S., removing duplicative requirements related to toxic substance.

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<sup>89</sup> Chapter 2011-063, s. 41, Laws of Fla., Chapter 2012-134, s. 40, Laws of Fla., and Chapter 2013-045, s. 23, Laws of Fla.

<sup>90</sup> E-mail, Florida Department of Education, Office of Governmental Relations (Mar. 5, 2014).

### **Land Acquisition and Facilities Advisory Board**

Section 1013.512, F.S., requires OPPAGA and the Auditor General to certify to the President of the Senate, the Speaker of the House of Representatives, the Legislative Budget Commission, and Governor when significant deficiencies exist in a school district's land acquisition and facilities operation processes. Upon receipt of certification, an advisory board must be appointed to help the district improve its deficient practices and report to the commissioner a district's progress and corrective actions. "Upon certification by the advisory board that corrective action has been taken, each Land Acquisition and Facilities Advisory Board shall be disbanded." Only one such board was ever appointed: The Miami-Dade Land Acquisition and Facilities Maintenance Operations Advisory Board. This board was dissolved in 2004.<sup>91</sup>

The bill repeals s. 1013.512, F.S., removing the authority to authorize a Land Acquisition and Facilities Advisory Board.

### **Emergency Rule Adoption**

Section 20 of chapter 2010-24, L.O.F., authorizes the Department of Revenue (DOR) to adopt emergency rules for s. 1012.796, F.S.<sup>92</sup> DOR states that the authority to adopt emergency rules is no longer needed.<sup>93</sup>

The bill repeals Section 20 of chapter 2010-24, L.O.F., removing outdated DOR emergency rulemaking authority.

The bill has an effective date upon becoming law.

## **IV. Constitutional Issues:**

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

None.

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

None.

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

None.

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<sup>91</sup> Office of Program Policy Analysis and Government Accountability, *Special Review-Land Acquisition Practices of the Miami-Dade County School Board*, Report No. 01-26 (May 2001), available at <http://www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/0126rpt.pdf>. (last visited Mar. 10, 2014).

<sup>92</sup> Section 1012.796, F. S.

<sup>93</sup> Telephone conversation with staff, Florida Department of Revenue (February 26, 2014).



**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: 11.45, 120.74, 120.81, 409.1451, 496.404, 775.215, 984.151, 1000.21, 1001.10, 1001.26, 1002.20, 1002.31, 1002.3105, 1002.321, 1002.33, 1002.34, 1002.345, 1002.39, 1002.41, 1002.45, 1002.455, 1003.01, 1003.02, 1003.03, 1003.41, 1003.4156, 1003.4281, 1003.4282, 1003.4285, 1003.438, 1003.49, 1003.493, 1003.4935, 1003.57, 1003.621, 1004.0961, 1004.935, 1006.147, 1006.15, 1006.28, 1006.31, 1006.34, 1006.40, 1006.42, 1007.02, 1007.2615, 1007.263, 1007.264, 1007.265, 1007.271, 1008.22, 1008.25, 1008.33, 1008.3415, 1009.22, 1009.40, 1009.531, 1009.532, 1009.536, 1009.91, 1009.94, 1011.62, 1011.80, 1012.05, 1012.22, 1012.34, 1012.44, 1012.561, 1012.885, 1012.975, 1012.98, 1013.35 and 1013.47.

This bill repeals the following sections of the Florida Statutes: 1000.01 (5), 1000.33, 1000.37, 1001.25, 1001.47 (7), 1001.50 (6), 1001.62, 1001.73 (3), 1002.415, 1002.65, 1003.428, 1003.451 (5), 1004.02 (4), 1004.3825, 1004.387, 1004.445 (2), 1004.75, 1006.141, 1006.148 (2), 1008.331, 1008.35, 1009.56, 1009.69, 1009.99, 1009.991, 1009.992, 1009.993, 1009.994, 1009.995, 1009.996, 1009.9965, 1009.997, 1009.9975, 1009.9976, 1009.9977, 1009.9978, 1009.9979, 1009.998, 1009.9981, 1009.9982, 1009.9983, 1009.9984, 1009.9985, 1009.9986, 1009.9987, 1009.9988, 1009.9989, 1009.9990, 1009.9991, 1009.9992, 1009.9993, 1009.9994, 1011.71 (3) (b) and (c), 1011.76 (4), 1012.33 (9), 1012.595, 1013.49, and 1013.512.

The bill repeals section 20 of Chapter 2010-24, an unnumbered section of Florida 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 25, 2014:**

The committee substitute:

- Omits the repeal of provisions relating to the Learning Gateway program;
- Adds the continuation of the Adults with Disabilities Workforce Education Pilot program through June 30, 2016, and permits a student to remain in the program until he or she graduates from high school or reaches the age of 40, whichever occurs first;
- Deletes reference to an obsolete provision related to district audits;
- Omits the repeal of the provision related to cooperative development and use of satellite facilities by private industry and district school boards; and
- Omits the provisions related to exemptions from ad valorem taxes for portions of land and facility used by charter schools.

- B. **Amendments:**

None.



435138

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/25/2014	.	
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The Committee on Education (Montford) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 296 - 298.

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

And the title is amended as follows:

Delete lines 10 - 11

and insert:

amending s.



279324

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/25/2014	.	
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The Committee on Education (Legg) recommended the following:

**Senate Amendment (with directory amendment)**

Delete lines 833 - 860.

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

And the directory clause is amended as follows:

Delete line 621

and insert:

of subsection (7),



596830

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/25/2014	.	
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The Committee on Education (Galvano) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 1904 - 1926

and insert:

Section 57. Subsections (1), (2), and (7) of section 1004.935, Florida Statutes, are amended to read:

1004.935 Adults with Disabilities Workforce Education Pilot Program.—

(1) The Adults with Disabilities Workforce Education Pilot Program is established in the Department of Education through June 30, 2016, ~~for 2 years~~ in Hardee, DeSoto, Manatee, and



596830

12 Sarasota Counties to provide the option of receiving a  
13 scholarship for instruction at private schools for up to 30  
14 students who:

15 (a) Have a disability;

16 (b) Are 22 years of age;

17 (c) Are receiving instruction from an instructor in a  
18 private school to meet the high school graduation requirements  
19 in s. 1002.3105(5) ~~1003.428~~ or s. 1003.4282;

20 (d) Do not have a standard high school diploma or a special  
21 high school diploma; and

22 (e) Receive "supported employment services," which means  
23 employment that is located or provided in an integrated work  
24 setting with earnings paid on a commensurate wage basis and for  
25 which continued support is needed for job maintenance.

26

27 As used in this section, the term "student with a disability"  
28 includes a student who is documented as having an intellectual  
29 disability; a speech impairment; a language impairment; a  
30 hearing impairment, including deafness; a visual impairment,  
31 including blindness; a dual sensory impairment; an orthopedic  
32 impairment; another health impairment; an emotional or  
33 behavioral disability; a specific learning disability,  
34 including, but not limited to, dyslexia, dyscalculia, or  
35 developmental aphasia; a traumatic brain injury; a developmental  
36 delay; or autism spectrum disorder.

37 (2) A student participating in the pilot program may  
38 continue to participate in the program until the student  
39 graduates from high school or reaches the age of 40 ~~30~~ years,  
40 whichever occurs first.



596830

41 (7) Funds for the scholarship shall be provided from the  
42 appropriation from the school district's Workforce Development  
43 Fund in the General Appropriations Act for students who reside  
44 in the Hardee County School District, the DeSoto County School  
45 District, the Manatee County School District, or the Sarasota  
46 County School District. During the ~~2-year~~ pilot program, the  
47 scholarship amount granted for an eligible student with a  
48 disability shall be equal to the cost per unit of a full-time  
49 equivalent adult general education student, multiplied by the  
50 adult general education funding factor, and multiplied by the  
51 district cost differential pursuant to the formula required by  
52 s. 1011.80(6)(a) for the district in which the student resides.

53  
54 ===== T I T L E A M E N D M E N T =====

55 And the title is amended as follows:

56 Delete lines 111 - 112

57 and insert:

58 consolidation pilot projects; amending s. 1004.935,  
59 F.S.; revising the effective date of the Adults with  
60 Disabilities Workforce Education Pilot Program;  
61 increasing the age limitation for a program  
62 participant; conforming cross-references; repealing s.



942892

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/25/2014	.	
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The Committee on Education (Galvano) recommended the following:

**Senate Amendment (with title amendment)**

Between lines 3181 and 3182  
insert:

Section 89. Paragraph (b) of subsection (13) of section  
1011.62, Florida Statutes, is amended to read:

1011.62 Funds for operation of schools.—If the annual  
allocation from the Florida Education Finance Program to each  
district for operation of schools is not determined in the  
annual appropriations act or the substantive bill implementing  
the annual appropriations act, it shall be determined as





942892

12 follows:

13 (13) TOTAL ALLOCATION OF STATE FUNDS TO EACH DISTRICT FOR  
14 CURRENT OPERATION.—The total annual state allocation to each  
15 district for current operation for the FEFP shall be distributed  
16 periodically in the manner prescribed in the General  
17 Appropriations Act.

18 (b) The amount thus obtained shall be the net annual  
19 allocation to each school district. However, if it is determined  
20 that any school district received an underallocation or  
21 overallocation for any prior year because of an arithmetical  
22 error, assessment roll change required by final judicial  
23 decision, full-time equivalent student membership error, or any  
24 allocation error revealed in an audit report, the allocation to  
25 that district shall be appropriately adjusted. ~~Beginning with~~  
26 ~~audits for the 2001-2002 fiscal year, if the adjustment is the~~  
27 ~~result of an audit finding in which group 2 FTE are reclassified~~  
28 ~~to the basic program and the district weighted FTE are over the~~  
29 ~~weighted enrollment ceiling for group 2 programs, the adjustment~~  
30 ~~shall not result in a gain of state funds to the district.~~  
31 Beginning with the 2011-2012 fiscal year, if a special program  
32 cost factor is less than the basic program cost factor, an audit  
33 adjustment may not result in the reclassification of the special  
34 program FTE to the basic program FTE. If the Department of  
35 Education audit adjustment recommendation is based upon  
36 controverted findings of fact, the Commissioner of Education is  
37 authorized to establish the amount of the adjustment based on  
38 the best interests of the state.

39  
40 ===== T I T L E A M E N D M E N T =====



942892

41 And the title is amended as follows:

42 Delete line 170

43 and insert:

44 The Florida Higher Education Loan Authority; amending  
45 s. 1011.62, F.S.; deleting an obsolete provision;  
46 repealing



481286

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/25/2014	.	
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The Committee on Education (Legg) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 3504 - 3505.

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

And the title is amended as follows:

Delete lines 204 - 206

and insert:

repealing s. 20 of chapter

By Senator Montford

3-00935A-14

20141226\_\_

1 A bill to be entitled  
 2 An act relating to education; amending s. 11.45, F.S.;  
 3 requiring the Auditor General to notify the  
 4 Legislative Auditing Committee if a district school  
 5 board fails to take corrective action subsequent to an  
 6 audit; amending s. 120.74, F.S.; exempting educational  
 7 units from rule review and reporting requirements;  
 8 amending s. 120.81, F.S.; conforming cross-references;  
 9 amending s. 409.1451; conforming cross-references;  
 10 repealing ss. 411.226, 411.227, and 411.228, F.S.,  
 11 relating to the Learning Gateway program; amending s.  
 12 496.404, F.S.; conforming cross-references; amending  
 13 s. 775.215, F.S.; conforming cross-references;  
 14 amending s. 984.151, F.S.; authorizing a district  
 15 school superintendent's designee to submit a truancy  
 16 petition; repealing s. 1000.01(5), F.S., relating to  
 17 obsolete education governance transfers; amending s.  
 18 1000.21, F.S.; revising the definition of the term  
 19 "Next Generation Sunshine State Standards"; repealing  
 20 ss. 1000.33 and 1000.37, F.S., relating to the  
 21 distribution of copies of educational compacts to  
 22 other states; amending s. 1001.10, F.S.; deleting and  
 23 revising certain duties of the Commissioner of  
 24 Education relating to educational plans and programs;  
 25 repealing s. 1001.25, F.S., relating to educational  
 26 television; amending s. 1001.26, F.S.; revising  
 27 Department of Education duties relating to the public  
 28 broadcasting program system; prohibiting the use of  
 29 educational television stations for the advancement of

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30 political candidates; providing penalties; repealing  
 31 ss. 1001.47(7) and 1001.50(6), F.S., relating to  
 32 obsolete district school superintendent salary  
 33 provisions; repealing s. 1001.62, F.S., relating to  
 34 obsolete provisions for the transfer of benefits  
 35 arising under local or special acts; repealing s.  
 36 1001.73(3), F.S., relating to the abolished Board of  
 37 Regents as trustee; amending s. 1002.20, F.S.;  
 38 correcting cross-references and conforming provisions;  
 39 amending s. 1002.31, F.S.; revising provisions  
 40 relating to school district controlled open enrollment  
 41 plans; amending s. 1002.3105, F.S.; conforming  
 42 provisions; amending s. 1002.321, F.S.; conforming  
 43 provisions; amending s. 1002.33, F.S.; deleting  
 44 required training before charter school application;  
 45 conforming cross-references and provisions; amending  
 46 s. 1002.34, F.S.; conforming cross-references;  
 47 revising provisions relating to department assistance  
 48 to charter technical career centers; amending s.  
 49 1002.345, F.S.; revising provisions relating to  
 50 expedited review of deteriorating financial conditions  
 51 for a charter school or charter technical career  
 52 center; deleting an annual reporting requirement;  
 53 amending s. 1002.39, F.S.; deleting obsolete  
 54 provisions relating to eligibility for a John M. McKay  
 55 Scholarship; amending s. 1002.41, F.S.; correcting  
 56 cross-references; repealing s. 1002.415, F.S.,  
 57 relating to the K-8 Virtual School Program; amending  
 58 s. 1002.45, F.S.; conforming cross-references;

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59 amending s. 1002.455, F.S.; conforming provisions;  
 60 repealing s. 1002.65, F.S., relating to aspirational  
 61 goals for credentials of prekindergarten instructors;  
 62 amending s. 1003.01, F.S.; conforming cross-  
 63 references; amending s. 1003.02, F.S.; requiring  
 64 instructional materials to be consistent with course  
 65 descriptions; amending s. 1003.03, F.S.; conforming  
 66 cross-references; amending s. 1003.41, F.S.; deleting  
 67 an obsolete cost analysis requirement relating to a  
 68 separate financial literacy course; amending s.  
 69 1003.4156, F.S.; revising course and assessment  
 70 requirements for middle grades students for promotion  
 71 to high school; providing an exemption for transfer  
 72 students from certain course grade and assessment  
 73 requirements; repealing s. 1003.428, F.S., relating to  
 74 obsolete requirements for high school graduation;  
 75 amending s. 1003.4281, F.S.; conforming cross-  
 76 references; amending s. 1003.4282, F.S.; revising  
 77 course and assessment requirements for the award of a  
 78 standard high school diploma; providing requirements  
 79 for a student in an adult general education program to  
 80 be awarded a standard high school diploma; revising  
 81 requirements for award of a certificate of completion;  
 82 providing an exemption for transfer students from  
 83 certain course grade and assessment requirements;  
 84 providing specificity regarding course and assessment  
 85 requirements for graduation for certain cohorts of  
 86 high school students transitioning to new graduation  
 87 requirements; providing for future repeal of

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88 transition requirements; amending s. 1003.4285, F.S.;  
 89 revising requirements for standard high school diploma  
 90 designations; amending s. 1003.438, F.S.; conforming  
 91 cross-references; repealing s. 1003.451(5), F.S.,  
 92 relating to State Board of Education rulemaking;  
 93 amending s. 1003.49, F.S.; conforming cross-  
 94 references; amending s. 1003.493, F.S.; conforming a  
 95 cross-reference; amending s. 1003.4935, F.S.;  
 96 conforming a cross-reference; amending s. 1003.57,  
 97 F.S., relating to exceptional student instruction;  
 98 amending s. 1003.621, F.S.; revising audit criteria  
 99 for academically high-performing school districts;  
 100 repealing s. 1004.02(4), F.S., relating to the  
 101 definition of the term "adult high school credit  
 102 program"; amending s. 1004.0961, F.S.; providing for  
 103 Board of Governors regulations; repealing s.  
 104 1004.3825, F.S., relating to authorization for a  
 105 medical degree program; repealing s. 1004.387, F.S.,  
 106 relating to authorization for a pharmacy degree  
 107 program; repealing s. 1004.445(2), F.S., relating to  
 108 the board of directors of the Johnnie B. Byrd, Sr.  
 109 Alzheimer's Center and Research Institute; repealing  
 110 s. 1004.75, F.S., relating to training school  
 111 consolidation pilot projects; amending s. 1004.935,  
 112 F.S.; conforming cross-references; repealing s.  
 113 1006.141, F.S., relating to a statewide school safety  
 114 hotline; amending s. 1006.147, F.S.; deleting obsolete  
 115 provisions relating to school district bullying and  
 116 harassment policies; repealing s. 1006.148(2), F.S.,

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117 relating to a department-developed model dating  
 118 violence and abuse policy; amending s. 1006.15, F.S.;  
 119 conforming cross-references; amending s. 1006.28,  
 120 F.S.; conforming provisions relating to instructional  
 121 materials; amending s. 1006.31, F.S.; conforming  
 122 provisions relating to duties of an instructional  
 123 materials reviewer; amending s. 1006.34, F.S.;  
 124 revising provisions relating to standards used in the  
 125 selection of instructional materials; amending s.  
 126 1006.40, F.S.; revising provisions relating to  
 127 district school board purchase of instructional  
 128 materials; amending s. 1006.42, F.S.; conforming  
 129 provisions relating to the responsibility of parents  
 130 for instructional materials; amending s. 1007.02,  
 131 F.S.; deleting a popular name and providing  
 132 applicability for the term "student with a  
 133 disability"; amending s. 1007.2615, F.S.; deleting  
 134 obsolete provisions relating to an American Sign  
 135 Language task force; amending s. 1007.263, F.S.;  
 136 conforming cross-references; amending ss. 1007.264 and  
 137 1007.265, F.S.; conforming provisions; amending s.  
 138 1007.271, F.S.; correcting cross-references; amending  
 139 s. 1008.22, F.S.; conforming and revising provisions  
 140 relating to the implementation of statewide,  
 141 standardized comprehensive assessments, end-of-course  
 142 assessments, and waivers for students with  
 143 disabilities; requiring the commissioner to publish an  
 144 implementation schedule for transition to new  
 145 assessments; conforming provisions relating to

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146 concordant scores and comparative scores for  
 147 assessments; amending s. 1008.25, F.S.; conforming  
 148 assessment provisions for student progression;  
 149 amending s. 1008.33, F.S.; deleting obsolete  
 150 provisions relating to implementation of certain  
 151 school turnaround options; repealing s. 1008.331,  
 152 F.S., relating to supplemental educational services in  
 153 Title I schools; amending s. 1008.3415, F.S.;  
 154 correcting a cross-reference; repealing s. 1008.35,  
 155 F.S., relating to best financial management practices  
 156 for school districts; amending s. 1009.22, F.S.;  
 157 deleting obsolete provisions relating to workforce  
 158 education postsecondary student fees; amending s.  
 159 1009.40, F.S.; conforming cross-references; amending  
 160 s. 1009.531, F.S.; conforming cross-references;  
 161 amending s. 1009.532, F.S.; correcting cross-  
 162 references; amending s. 1009.536, F.S.; correcting  
 163 cross-references; repealing s. 1009.56, F.S., relating  
 164 to the Seminole and Miccosukee Indian Scholarship  
 165 Program; repealing s. 1009.69, F.S., relating to the  
 166 Virgil Hawkins Fellows Assistance Program; amending s.  
 167 1009.91, F.S.; conforming a cross-reference; amending  
 168 s. 1009.94, F.S.; conforming a cross-reference;  
 169 repealing part V of chapter 1009, F.S., relating to  
 170 the Florida Higher Education Loan Authority; repealing  
 171 s. 1011.71(3)(b) and (c), F.S., relating to expired  
 172 authorization for certain millage levy; repealing s.  
 173 1011.76(4), F.S., relating to best financial  
 174 management practices review under the Small School

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175 District Stabilization Program; amending s. 1011.80,  
 176 F.S.; correcting a cross-reference; amending s.  
 177 1012.05, F.S.; deleting department and commissioner  
 178 duties relating to teacher recruitment and retention;  
 179 amending s. 1012.22, F.S.; conforming provisions;  
 180 repealing s. 1012.33(9), F.S., relating to obsolete  
 181 provisions for payment of professional service  
 182 contracts; amending s. 1012.34, F.S.; correcting  
 183 cross-references relating to measuring student  
 184 performance in personnel evaluations; amending s.  
 185 1012.44, F.S.; deleting obsolete provisions; amending  
 186 s. 1012.561, F.S.; deleting an obsolete provision;  
 187 repealing s. 1012.595, F.S., relating to an obsolete  
 188 saving clause for educator certificates; amending s.  
 189 1012.885, F.S.; deleting certain provisions relating  
 190 to remuneration of Florida College System institution  
 191 presidents; amending s. 1012.975, F.S.; deleting  
 192 certain provisions relating to remuneration of state  
 193 university presidents; amending s. 1012.98, F.S.;  
 194 requiring continuing education training for  
 195 kindergarten teachers; amending s. 1013.35, F.S.;  
 196 revising audit requirements for school district  
 197 educational planning and construction activities;  
 198 amending s. 1013.47, F.S.; deleting provisions  
 199 relating to payment of wages of certain persons  
 200 employed by contractors; repealing s. 1013.49, F.S.,  
 201 relating to toxic substances in educational  
 202 facilities; repealing s. 1013.512, F.S., relating to  
 203 the Land Acquisition and Facilities Advisory Board;

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204 repealing s. 1013.54, F.S., relating to the  
 205 cooperative development and use of satellite  
 206 educational facilities; repealing s. 20 of chapter  
 207 2010-24, Laws of Florida, relating to Department of  
 208 Revenue authorization to adopt emergency rules;  
 209 providing an effective date.  
 210

211 Be It Enacted by the Legislature of the State of Florida:  
 212

213 Section 1. Paragraph (j) of subsection (7) of section  
 214 11.45, Florida Statutes, is amended to read:  
 215 11.45 Definitions; duties; authorities; reports; rules.-  
 216 (7) AUDITOR GENERAL REPORTING REQUIREMENTS.-  
 217 (j) The Auditor General shall notify the Legislative  
 218 Auditing Committee of any financial or operational audit report  
 219 prepared pursuant to this section which indicates that a  
 220 district school board, state university, or Florida College  
 221 System institution has failed to take full corrective action in  
 222 response to a recommendation that was included in the two  
 223 preceding financial or operational audit reports.  
 224 1. The committee may direct the district school board or  
 225 the governing body of the state university or Florida College  
 226 System institution to provide a written statement to the  
 227 committee explaining why full corrective action has not been  
 228 taken or, if the governing body intends to take full corrective  
 229 action, describing the corrective action to be taken and when it  
 230 will occur.  
 231 2. If the committee determines that the written statement  
 232 is not sufficient, the committee may require the chair of the

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233 district school board or the chair of the governing body of the  
 234 state university or Florida College System institution, or the  
 235 chair's designee, to appear before the committee.

236 3. If the committee determines that the district school  
 237 board, state university, or Florida College System institution  
 238 has failed to take full corrective action for which there is no  
 239 justifiable reason or has failed to comply with committee  
 240 requests made pursuant to this section, the committee shall  
 241 refer the matter to the State Board of Education or the Board of  
 242 Governors, as appropriate, to proceed in accordance with s.  
 243 1008.32 or s. 1008.322, respectively.

244 Section 2. Subsection (5) is added to section 120.74,  
 245 Florida Statutes, to read:

246 120.74 Agency review, revision, and report.—  
 247 (5) An educational unit as defined in s. 120.52(6) is  
 248 exempt from this section.

249 Section 3. Paragraph (c) of subsection (1) of section  
 250 120.81, Florida Statutes, is amended to read:

251 120.81 Exceptions and special requirements; general areas.—  
 252 (1) EDUCATIONAL UNITS.—  
 253 (c) Notwithstanding s. 120.52(16), any tests, test scoring  
 254 criteria, or testing procedures relating to student assessment  
 255 which are developed or administered by the Department of  
 256 Education pursuant to s. 1003.4282 ~~1003.428~~, ~~s. 1003.429~~, s.  
 257 1003.438, s. 1008.22, or s. 1008.25, or any other statewide  
 258 educational tests required by law, are not rules.

259 Section 4. Paragraph (a) of subsection (2) of section  
 260 409.1451, Florida Statutes, is amended to read:  
 261 409.1451 The Road-to-Independence Program.—

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262 (2) POSTSECONDARY EDUCATION SERVICES AND SUPPORT.—  
 263 (a) A young adult is eligible for services and support  
 264 under this subsection if he or she:

265 1. Was living in licensed care on his or her 18th birthday  
 266 or is currently living in licensed care; or was at least 16  
 267 years of age and was adopted from foster care or placed with a  
 268 court-approved dependency guardian after spending at least 6  
 269 months in licensed care within the 12 months immediately  
 270 preceding such placement or adoption;

271 2. Spent at least 6 months in licensed care before reaching  
 272 his or her 18th birthday;

273 3. Earned a standard high school diploma pursuant to s.  
 274 1002.3105(5), s. 1003.4281, or s. 1003.4282, or its equivalent  
 275 pursuant to ~~s. 1003.428~~, ~~s. 1003.4281~~, ~~s. 1003.429~~, s. 1003.435,  
 276 or a special diploma pursuant to s. 1003.438;

277 4. Has been admitted for enrollment as a full-time student  
 278 or its equivalent in an eligible postsecondary educational  
 279 institution as provided in s. 1009.533. For purposes of this  
 280 section, the term "full-time" means 9 credit hours or the  
 281 vocational school equivalent. A student may enroll part-time if  
 282 he or she has a recognized disability or is faced with another  
 283 challenge or circumstance that would prevent full-time  
 284 attendance. A student needing to enroll part-time for any reason  
 285 other than having a recognized disability must get approval from  
 286 his or her academic advisor;

287 5. Has reached 18 years of age but is not yet 23 years of  
 288 age;

289 6. Has applied, with assistance from the young adult's  
 290 caregiver and the community-based lead agency, for any other



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291 grants and scholarships for which he or she may qualify;

292 7. Submitted a Free Application for Federal Student Aid

293 which is complete and error free; and

294 8. Signed an agreement to allow the department and the

295 community-based care lead agency access to school records.

296 Section 5. Section 411.226, Florida Statutes, is repealed.

297 Section 6. Section 411.227, Florida Statutes, is repealed.

298 Section 7. Section 411.228, Florida Statutes, is repealed.

299 Section 8. Subsection (8) of section 496.404, Florida

300 Statutes, is amended to read:

301 496.404 Definitions.—As used in ss. 496.401-496.424:

302 (8) "Educational institutions" means those institutions and

303 organizations described in s. 212.08(7)(cc)8.a. The term

304 includes private nonprofit organizations, the purpose of which

305 is to raise funds for schools teaching grades kindergarten

306 through grade 12, colleges, and universities, including a any

307 nonprofit newspaper of free or paid circulation primarily on

308 university or college campuses which holds a current exemption

309 from federal income tax under s. 501(c)(3) of the Internal

310 Revenue Code, an any educational television network or system

311 established pursuant to ~~s. 1001.25~~ or s. 1001.26, and a any

312 nonprofit television or radio station that is a part of such

313 network or system and that holds a current exemption from

314 federal income tax under s. 501(c)(3) of the Internal Revenue

315 Code. The term also includes a nonprofit educational cable

316 consortium that holds a current exemption from federal income

317 tax under s. 501(c)(3) of the Internal Revenue Code, whose

318 primary purpose is the delivery of educational and instructional

319 cable television programming and whose members are composed

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320 exclusively of educational organizations that hold a valid

321 consumer certificate of exemption and that are either an

322 educational institution as defined in this subsection or

323 qualified as a nonprofit organization pursuant to s. 501(c)(3)

324 of the Internal Revenue Code.

325 Section 9. Paragraph (d) of subsection (1) of section

326 775.215, Florida Statutes, is amended to read:

327 775.215 Residency restriction for persons convicted of

328 certain sex offenses.—

329 (1) As used in this section, the term:

330 (d) "School" has the same meaning as provided in s. 1003.01

331 and includes a private school as defined in s. 1002.01, a

332 voluntary prekindergarten education program as described in s.

333 1002.53(3), a public school as described in s. 402.3025(1), the

334 Florida School for the Deaf and the Blind, and the Florida

335 Virtual School ~~as established under s. 1002.37, and a K-8~~

336 ~~Virtual School as established under s. 1002.415,~~ but does not

337 include facilities dedicated exclusively to the education of

338 adults.

339 Section 10. Subsection (1) of section 984.151, Florida

340 Statutes, is amended to read:

341 984.151 Truancy petition; prosecution; disposition.—

342 (1) If the school determines that a student subject to

343 compulsory school attendance has had at least five unexcused

344 absences, or absences for which the reasons are unknown, within

345 a calendar month or 10 unexcused absences, or absences for which

346 the reasons are unknown, within a 90-calendar-day period

347 pursuant to s. 1003.26(1)(b), or has had more than 15 unexcused

348 absences in a 90-calendar-day period, the superintendent of

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349 schools or his or her designee may file a truancy petition.

350 Section 11. Subsection (5) of section 1000.01, Florida

351 Statutes, is repealed.

352 Section 12. Subsection (7) of section 1000.21, Florida

353 Statutes, is amended to read:

354 1000.21 Systemwide definitions.—As used in the Florida K-20

355 Education Code:

356 (7) "Next Generation Sunshine State Standards" means the

357 state's public K-12 curricular standards, ~~including common core~~

358 ~~standards in English Language Arts and mathematics,~~ adopted

359 under s. 1003.41.

360 Section 13. Section 1000.33, Florida Statutes, is repealed.

361 Section 14. Section 1000.37, Florida Statutes, is repealed.

362 Section 15. Paragraphs (h) and (l) of subsection (6) of

363 section 1001.10, Florida Statutes, are amended to read:

364 1001.10 Commissioner of Education; general powers and

365 duties.—

366 (6) Additionally, the commissioner has the following

367 general powers and duties:

368 ~~(h) To develop and implement a plan for cooperating with~~

369 ~~the Federal Government in carrying out any or all phases of the~~

370 ~~educational program and to recommend policies for administering~~

371 ~~funds that are appropriated by Congress and apportioned to the~~

372 ~~state for any or all educational purposes. The Commissioner of~~

373 ~~Education shall submit to the Legislature the proposed state~~

374 ~~plan for the reauthorization of the No Child Left Behind Act~~

375 ~~before the proposed plan is submitted to federal agencies. The~~

376 ~~President of the Senate and the Speaker of the House of~~

377 ~~Representatives shall appoint members of the appropriate~~

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378 ~~education and appropriations committees to serve as a select~~

379 ~~committee to review the proposed plan.~~

380 ~~(k)(1) To prepare, publish, and disseminate maintain a~~

381 ~~Citizen Information Center responsible for the preparation,~~

382 ~~publication, and dissemination of user-friendly materials~~

383 ~~relating to the state's education system, including the state's~~

384 ~~K-12 scholarship programs and the Voluntary Prekindergarten~~

385 ~~Education Program.~~

386 Section 16. Section 1001.25, Florida Statutes, is repealed.

387 Section 17. Section 1001.26, Florida Statutes, is amended

388 to read:

389 1001.26 Public broadcasting program system.—

390 (1) There is created a public broadcasting program system

391 for the state. The department shall provide funds, as

392 specifically appropriated in the General Appropriations Act, to

393 educational television stations qualified by the Corporation for

394 Public Broadcasting that are part of the public broadcasting

395 program system ~~administer this program system pursuant to rules~~

396 ~~adopted by the State Board of Education. This program system~~

397 ~~must complement and share resources with the instructional~~

398 ~~programming service of the Department of Education and~~

399 ~~educational UHF, VHF, EBS, and FM stations in the state. The~~

400 ~~program system must include:~~

401 (a) Support for existing Corporation for Public

402 Broadcasting qualified program system educational television

403 stations ~~and new stations meeting Corporation for Public~~

404 ~~Broadcasting qualifications and providing a first service to an~~

405 ~~audience that does not currently receive a broadcast signal or~~

406 ~~providing a significant new program service as defined by rule~~

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407 ~~by the State Board of Education.~~

408 (b) Maintenance of quality broadcast capability for  
409 educational stations that are part of the program system.

410 (c) Interconnection of all educational stations that are  
411 part of the program system for simultaneous broadcast and of  
412 such stations with all universities and other institutions as  
413 necessary for sharing of resources and delivery of programming.

414 (d) Establishment and maintenance of a capability for  
415 statewide program distribution with facilities and staff,  
416 provided such facilities and staff complement and strengthen  
417 existing ~~or future~~ educational television stations ~~in accordance~~  
418 ~~with paragraph (a) and s. 1001.25(2)(c).~~

419 (e) Provision of both statewide programming funds and  
420 station programming support for educational television to meet  
421 statewide priorities. Priorities for station programming need  
422 not be the same as priorities for programming to be used  
423 statewide. Station programming may include, but shall not be  
424 limited to, citizens' participation programs, music and fine  
425 arts programs, coverage of public hearings and governmental  
426 meetings, equal air time for political candidates, and other  
427 public interest programming.

428 (2)(a) ~~The Department of Education is responsible for~~  
429 ~~implementing the provisions of this section pursuant to s.~~  
430 ~~282.702 and~~ may employ personnel, acquire equipment and  
431 facilities, and perform all duties necessary for carrying out  
432 the purposes and objectives of this section.

433 ~~(b) The department shall provide through educational~~  
434 ~~television and other electronic media a means of extending~~  
435 ~~educational services to all the state system of public~~

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436 education. The department shall recommend to the State Board of  
437 Education rules necessary to provide such services.

438 ~~(c) The department is authorized to provide equipment,~~  
439 ~~funds, and other services to extend and update both the existing~~  
440 ~~and the proposed educational television systems of tax supported~~  
441 ~~and nonprofit, corporate-owned facilities. All stations funded~~  
442 ~~must be qualified by the Corporation for Public Broadcasting.~~  
443 ~~New stations eligible for funding shall provide a first service~~  
444 ~~to an audience that is not currently receiving a broadcast~~  
445 ~~signal or provide a significant new program service as defined~~  
446 ~~by State Board of Education rules. Funds appropriated to the~~  
447 ~~department for educational television may be used by the~~  
448 ~~department for educational television only.~~

449 (3)(a) The facilities, plant, or personnel of an  
450 educational television station that is supported in whole or in  
451 part by state funds may not be used directly or indirectly for  
452 the promotion, advertisement, or advancement of a political  
453 candidate for a municipal, county, legislative, congressional,  
454 or state office. However, fair, open, and free discussion  
455 between political candidates for municipal, county, legislative,  
456 congressional, or state office may be permitted in order to help  
457 materially reduce the excessive cost of campaigns and to ensure  
458 that the state's citizens are fully informed about issues and  
459 candidates in campaigns. This paragraph applies to the advocacy  
460 for, or opposition to, a specific existing or proposed program  
461 of governmental action, which includes, but is not limited to,  
462 constitutional amendments, tax referenda, and bond issues. This  
463 paragraph shall be implemented in accordance with rules of the  
464 State Board of Education.

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465 (b) A violation of a prohibition contained in this  
 466 subsection is a misdemeanor of the second degree, punishable as  
 467 provided in s. 775.082 or s. 775.083.

468 Section 18. Subsection (7) of section 1001.47, Florida  
 469 Statutes, is repealed.

470 Section 19. Subsection (6) of section 1001.50, Florida  
 471 Statutes, is repealed.

472 Section 20. Section 1001.62, Florida Statutes, is repealed.

473 Section 21. Subsection (3) of section 1001.73, Florida  
 474 Statutes, is repealed.

475 Section 22. Subsections (8), (16), and (21) of section  
 476 1002.20, Florida Statutes, are amended to read:

477 1002.20 K-12 student and parent rights.—Parents of public  
 478 school students must receive accurate and timely information  
 479 regarding their child's academic progress and must be informed  
 480 of ways they can help their child to succeed in school. K-12  
 481 students and their parents are afforded numerous statutory  
 482 rights including, but not limited to, the following:

483 (8) STUDENTS WITH DISABILITIES.—Parents of public school  
 484 students with disabilities and parents of public school students  
 485 in residential care facilities are entitled to notice and due  
 486 process in accordance with the provisions of ss. 1003.57 and  
 487 1003.58. Public school students with disabilities must be  
 488 provided the opportunity to meet the graduation requirements for  
 489 a standard high school diploma as set forth in s. 1003.4282 in  
 490 accordance with the provisions of ss. 1003.57 and 1008.22 ~~s.~~  
 491 ~~1003.428(3)~~. Pursuant to s. 1003.438, certain public school  
 492 students with disabilities may be awarded a special diploma upon  
 493 high school graduation.

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494 (16) SCHOOL ACCOUNTABILITY AND SCHOOL IMPROVEMENT RATING  
 495 REPORTS.—Parents of public school students are entitled to an  
 496 easy-to-read report card about the school's grade designation  
 497 or, if applicable under s. 1008.341, the school's improvement  
 498 rating, and the school's ~~school~~ accountability report, including  
 499 the school financial report as required under s. 1010.215, ~~and~~  
 500 ~~school improvement rating of their child's school in accordance~~  
 501 ~~with the provisions of ss. 1008.22, 1003.02(3), and 1010.215(5).~~

502 (21) PARENTAL INPUT AND MEETINGS.—

503 (a) *Meetings with school district personnel.*—Parents of  
 504 public school students may be accompanied by another adult of  
 505 their choice at a any meeting with school district personnel.  
 506 School district personnel may not object to the attendance of  
 507 such adult or discourage or attempt to discourage, through an  
 508 ~~any~~ action, statement, or other means, the parents of students  
 509 with disabilities from inviting another person of their choice  
 510 to attend a any meeting. Such prohibited actions include, but  
 511 are not limited to, attempted or actual coercion or harassment  
 512 of parents or students or retaliation or threats of consequences  
 513 to parents or students.

514 1. Such meetings include, but are not limited to, meetings  
 515 related to: the eligibility for exceptional student education or  
 516 related services; the development of an individual family  
 517 support plan (IFSP); the development of an individual education  
 518 plan (IEP); the development of a 504 accommodation plan issued  
 519 under s. 504 of the Rehabilitation Act of 1973; the transition  
 520 of a student from early intervention services to other services;  
 521 the development of postsecondary goals for a student with a  
 522 disability and the transition services needed to reach those

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523 goals; and other issues that may affect the a student's  
 524 educational environment, discipline, or placement of a student  
 525 with a disability.

526 2. The parents and school district personnel attending the  
 527 meeting shall sign a document at the meeting's conclusion which  
 528 states whether any school district personnel have prohibited,  
 529 discouraged, or attempted to discourage the parents from  
 530 inviting a person of their choice to the meeting.

531 ~~(b) School district best financial management practice~~  
 532 ~~reviews. Public school students and their parents may provide~~  
 533 ~~input regarding their concerns about the operations and~~  
 534 ~~management of the school district both during and after the~~  
 535 ~~conduct of a school district best financial management practices~~  
 536 ~~review, in accordance with the provisions of s. 1008.35.~~

537 (b)(e) District school board educational facilities  
 538 programs. Parents of public school students and other members of  
 539 the public have the right to receive proper public notice and  
 540 opportunity for public comment regarding the district school  
 541 board's educational facilities work program, in accordance with  
 542 the provisions of s. 1013.35.

543 Section 23. Subsections (2) through (8) of section 1002.31,  
 544 Florida Statutes, are amended to read:

545 1002.31 Controlled open enrollment; public school parental  
 546 choice.-

547 (2) Each district school board may offer controlled open  
 548 enrollment within the public schools which is. ~~The controlled~~  
 549 ~~open enrollment program shall be offered~~ in addition to the  
 550 existing choice programs such as virtual instruction programs,  
 551 magnet schools, alternative schools, special programs, advanced

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552 placement, and dual enrollment.

553 (3) Each district school board offering controlled open  
 554 enrollment shall adopt by rule and post on its website ~~develop~~ a  
 555 controlled open enrollment plan which must: ~~describes the~~  
 556 ~~implementation of subsection (2).~~

557 ~~(a)(4) School districts shall~~ Adhere to federal  
 558 desegregation requirements. ~~No controlled open enrollment plan~~  
 559 ~~that conflicts with federal desegregation orders shall be~~  
 560 ~~implemented.~~

561 (5) Each school district shall develop a system of  
 562 priorities for its plan that includes consideration of the  
 563 following:

564 (b)(a) Include an application process required to  
 565 participate in the controlled open enrollment program.

566 ~~(b) A process~~ that allows parents to declare school  
 567 preferences, including-

568 ~~(c) A process that encourages~~ placement of siblings within  
 569 the same school.

570 (c)(d) Provide a lottery procedure ~~used by the school~~  
 571 ~~district~~ to determine student assignment and establish-

572 ~~(e) an appeals process for hardship cases.~~

573 (d) Afford parents of students in multiple session schools  
 574 preferred access to controlled open enrollment.

575 ~~(e)(f) The procedures to~~ Maintain socioeconomic,  
 576 demographic, and racial balance.

577 (f)(g) Address the availability of transportation.

578 ~~(h) A process that promotes strong parental involvement,~~  
 579 ~~including the designation of a parent liaison.~~

580 ~~(i) A strategy that establishes a clearinghouse of~~

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581 ~~information designed to assist parents in making informed~~  
582 ~~choices.~~

583 ~~(6) Plans shall be submitted to the Commissioner of~~  
584 ~~Education. The Commissioner of Education shall develop an annual~~  
585 ~~report on the status of school choice and deliver the report to~~  
586 ~~the Governor, the President of the Senate, and the Speaker of~~  
587 ~~the House of Representatives at least 90 days prior to the~~  
588 ~~convening of the regular session of the Legislature.~~

589 ~~(7) Notwithstanding any provision of this section, a school~~  
590 ~~district with schools operating on both multiple session~~  
591 ~~schedules and single session schedules shall afford parents of~~  
592 ~~students in multiple session schools preferred access to the~~  
593 ~~controlled open enrollment program of the school district.~~

594 (4)(8) In accordance with the reporting requirements of s.  
595 1011.62, each district school board shall annually report the  
596 number of students applying for and attending the various types  
597 of public schools of choice in the district, including schools  
598 such as virtual instruction programs, magnet schools, and public  
599 charter schools, according to rules adopted by the State Board  
600 of Education.

601 Section 24. Subsection (5) of section 1002.3105, Florida  
602 Statutes, is amended to read:

603 1002.3105 Academically Challenging Curriculum to Enhance  
604 Learning (ACCEL) options.-

605 (5) AWARD OF A STANDARD HIGH SCHOOL DIPLOMA.-A student who  
606 meets the applicable grade 9 cohort graduation requirements of  
607 s. 1003.4282(3)(a)-(e) or s. 1003.4282(10)(a)1.-5., (b)1.-5.,  
608 (c)1.-5., or (d)1.-5., earns three credits in electives, and  
609 earns a cumulative grade point average (GPA) of 2.0 on a 4.0

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610 scale shall be awarded a standard high school diploma in a form  
611 prescribed by the State Board of Education.

612 Section 25. Subsection (3) of section 1002.321, Florida  
613 Statutes, is amended to read:

614 1002.321 Digital learning.-

615 (3) DIGITAL PREPARATION.-As required under s. 1003.4282, a  
616 Each student entering grade 9 in the 2011-2012 school year and  
617 thereafter who seeks a high school diploma must take graduate  
618 from high school having taken at least one online course, as  
619 provided in s. 1003.428.

620 Section 26. Paragraph (a) of subsection (6), paragraph (a)  
621 of subsection (7), paragraphs (b) and (c) of subsection (15),  
622 and subsection (25) of section 1002.33, Florida Statutes, are  
623 amended to read:

624 1002.33 Charter schools.-

625 (6) APPLICATION PROCESS AND REVIEW.-Charter school  
626 applications are subject to the following requirements:

627 (a) A person or entity wishing to open a charter school  
628 shall prepare and submit an application on a model application  
629 form prepared by the Department of Education which:  
630 1. Demonstrates how the school will use the guiding  
631 principles and meet the statutorily defined purpose of a charter  
632 school.

633 2. Provides a detailed curriculum plan that illustrates how  
634 students will be provided services to attain the Sunshine State  
635 Standards.

636 3. Contains goals and objectives for improving student  
637 learning and measuring that improvement. These goals and  
638 objectives must indicate how much academic improvement students

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639 are expected to show each year, how success will be evaluated,  
640 and the specific results to be attained through instruction.

641 4. Describes the reading curriculum and differentiated  
642 strategies that will be used for students reading at grade level  
643 or higher and a separate curriculum and strategies for students  
644 who are reading below grade level. A sponsor shall deny a  
645 charter if the school does not propose a reading curriculum that  
646 is consistent with effective teaching strategies that are  
647 grounded in scientifically based reading research.

648 5. Contains an annual financial plan for each year  
649 requested by the charter for operation of the school for up to 5  
650 years. This plan must contain anticipated fund balances based on  
651 revenue projections, a spending plan based on projected revenues  
652 and expenses, and a description of controls that will safeguard  
653 finances and projected enrollment trends.

654 6. ~~Contains documents that the applicant has participated~~  
655 ~~in the training required in subparagraph (f)2. A sponsor may~~  
656 ~~require an applicant to provide~~ additional information a sponsor  
657 may require, which shall be attached as an addendum to the  
658 charter school application described in this paragraph.

659 7. For the establishment of a virtual charter school,  
660 documents that the applicant has contracted with a provider of  
661 virtual instruction services pursuant to s. 1002.45(1)(d).

662 (7) CHARTER.—The major issues involving the operation of a  
663 charter school shall be considered in advance and written into  
664 the charter. The charter shall be signed by the governing board  
665 of the charter school and the sponsor, following a public  
666 hearing to ensure community input.

667 (a) The charter shall address and criteria for approval of

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668 the charter shall be based on:

669 1. The school's mission, the students to be served, and the  
670 ages and grades to be included.

671 2. The focus of the curriculum, the instructional methods  
672 to be used, any distinctive instructional techniques to be  
673 employed, and identification and acquisition of appropriate  
674 technologies needed to improve educational and administrative  
675 performance which include a means for promoting safe, ethical,  
676 and appropriate uses of technology which comply with legal and  
677 professional standards.

678 a. The charter shall ensure that reading is a primary focus  
679 of the curriculum and that resources are provided to identify  
680 and provide specialized instruction for students who are reading  
681 below grade level. The curriculum and instructional strategies  
682 for reading must be consistent with the Next Generation Sunshine  
683 State Standards and grounded in scientifically based reading  
684 research.

685 b. In order to provide students with access to diverse  
686 instructional delivery models, to facilitate the integration of  
687 technology within traditional classroom instruction, and to  
688 provide students with the skills they need to compete in the  
689 21st century economy, the Legislature encourages instructional  
690 methods for blended learning courses consisting of both  
691 traditional classroom and online instructional techniques.  
692 Charter schools may implement blended learning courses which  
693 combine traditional classroom instruction and virtual  
694 instruction. Students in a blended learning course must be full-  
695 time students of the charter school and receive the online  
696 instruction in a classroom setting at the charter school.

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697 Instructional personnel certified pursuant to s. 1012.55 who  
 698 provide virtual instruction for blended learning courses may be  
 699 employees of the charter school or may be under contract to  
 700 provide instructional services to charter school students. At a  
 701 minimum, such instructional personnel must hold an active state  
 702 or school district adjunct certification under s. 1012.57 for  
 703 the subject area of the blended learning course. The funding and  
 704 performance accountability requirements for blended learning  
 705 courses are the same as those for traditional courses.

706 3. The current incoming baseline standard of student  
 707 academic achievement, the outcomes to be achieved, and the  
 708 method of measurement that will be used. The criteria listed in  
 709 this subparagraph shall include a detailed description of:

710 a. How the baseline student academic achievement levels and  
 711 prior rates of academic progress will be established.

712 b. How these baseline rates will be compared to rates of  
 713 academic progress achieved by these same students while  
 714 attending the charter school.

715 c. To the extent possible, how these rates of progress will  
 716 be evaluated and compared with rates of progress of other  
 717 closely comparable student populations.

718  
 719 The district school board is required to provide academic  
 720 student performance data to charter schools for each of their  
 721 students coming from the district school system, as well as  
 722 rates of academic progress of comparable student populations in  
 723 the district school system.

724 4. The methods used to identify the educational strengths  
 725 and needs of students and how well educational goals and

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726 performance standards are met by students attending the charter  
 727 school. The methods shall provide a means for the charter school  
 728 to ensure accountability to its constituents by analyzing  
 729 student performance data and by evaluating the effectiveness and  
 730 efficiency of its major educational programs. Students in  
 731 charter schools shall, at a minimum, participate in the  
 732 statewide assessment program created under s. 1008.22.

733 5. In secondary charter schools, a method for determining  
 734 that a student has satisfied the requirements for graduation in  
 735 s. 1002.3105(5), s. 1003.4281, ~~1003.428~~ or s. 1003.4282.

736 6. A method for resolving conflicts between the governing  
 737 board of the charter school and the sponsor.

738 7. The admissions procedures and dismissal procedures,  
 739 including the school's code of student conduct.

740 8. The ways by which the school will achieve a  
 741 racial/ethnic balance reflective of the community it serves or  
 742 within the racial/ethnic range of other public schools in the  
 743 same school district.

744 9. The financial and administrative management of the  
 745 school, including a reasonable demonstration of the professional  
 746 experience or competence of those individuals or organizations  
 747 applying to operate the charter school or those hired or  
 748 retained to perform such professional services and the  
 749 description of clearly delineated responsibilities and the  
 750 policies and practices needed to effectively manage the charter  
 751 school. A description of internal audit procedures and  
 752 establishment of controls to ensure that financial resources are  
 753 properly managed must be included. Both public sector and  
 754 private sector professional experience shall be equally valid in



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755 such a consideration.

756 10. The asset and liability projections required in the  
757 application which are incorporated into the charter and shall be  
758 compared with information provided in the annual report of the  
759 charter school.

760 11. A description of procedures that identify various risks  
761 and provide for a comprehensive approach to reduce the impact of  
762 losses; plans to ensure the safety and security of students and  
763 staff; plans to identify, minimize, and protect others from  
764 violent or disruptive student behavior; and the manner in which  
765 the school will be insured, including whether or not the school  
766 will be required to have liability insurance, and, if so, the  
767 terms and conditions thereof and the amounts of coverage.

768 12. The term of the charter which shall provide for  
769 cancellation of the charter if insufficient progress has been  
770 made in attaining the student achievement objectives of the  
771 charter and if it is not likely that such objectives can be  
772 achieved before expiration of the charter. The initial term of a  
773 charter shall be for 4 or 5 years. In order to facilitate access  
774 to long-term financial resources for charter school  
775 construction, charter schools that are operated by a  
776 municipality or other public entity as provided by law are  
777 eligible for up to a 15-year charter, subject to approval by the  
778 district school board. A charter lab school is eligible for a  
779 charter for a term of up to 15 years. In addition, to facilitate  
780 access to long-term financial resources for charter school  
781 construction, charter schools that are operated by a private,  
782 not-for-profit, s. 501(c)(3) status corporation are eligible for  
783 up to a 15-year charter, subject to approval by the district

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784 school board. Such long-term charters remain subject to annual  
785 review and may be terminated during the term of the charter, but  
786 only according to the provisions set forth in subsection (8).

787 13. The facilities to be used and their location. The  
788 sponsor may not require a charter school to have a certificate  
789 of occupancy or a temporary certificate of occupancy for such a  
790 facility earlier than 15 calendar days before the first day of  
791 school.

792 14. The qualifications to be required of the teachers and  
793 the potential strategies used to recruit, hire, train, and  
794 retain qualified staff to achieve best value.

795 15. The governance structure of the school, including the  
796 status of the charter school as a public or private employer as  
797 required in paragraph (12)(i).

798 16. A timetable for implementing the charter which  
799 addresses the implementation of each element thereof and the  
800 date by which the charter shall be awarded in order to meet this  
801 timetable.

802 17. In the case of an existing public school that is being  
803 converted to charter status, alternative arrangements for  
804 current students who choose not to attend the charter school and  
805 for current teachers who choose not to teach in the charter  
806 school after conversion in accordance with the existing  
807 collective bargaining agreement or district school board rule in  
808 the absence of a collective bargaining agreement. However,  
809 alternative arrangements shall not be required for current  
810 teachers who choose not to teach in a charter lab school, except  
811 as authorized by the employment policies of the state university  
812 which grants the charter to the lab school.

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813 18. Full disclosure of the identity of all relatives  
 814 employed by the charter school who are related to the charter  
 815 school owner, president, chairperson of the governing board of  
 816 directors, superintendent, governing board member, principal,  
 817 assistant principal, or any other person employed by the charter  
 818 school who has equivalent decisionmaking authority. For the  
 819 purpose of this subparagraph, the term "relative" means father,  
 820 mother, son, daughter, brother, sister, uncle, aunt, first  
 821 cousin, nephew, niece, husband, wife, father-in-law, mother-in-  
 822 law, son-in-law, daughter-in-law, brother-in-law, sister-in-law,  
 823 stepfather, stepmother, stepson, stepdaughter, stepbrother,  
 824 stepsister, half brother, or half sister.

825 19. Implementation of the activities authorized under s.  
 826 1002.331 by the charter school when it satisfies the eligibility  
 827 requirements for a high-performing charter school. A high-  
 828 performing charter school shall notify its sponsor in writing by  
 829 March 1 if it intends to increase enrollment or expand grade  
 830 levels the following school year. The written notice shall  
 831 specify the amount of the enrollment increase and the grade  
 832 levels that will be added, as applicable.

833 (15) CHARTER SCHOOLS-IN-THE-WORKPLACE; CHARTER SCHOOLS-IN-  
 834 A-MUNICIPALITY.—

835 (b) A charter school-in-the-workplace may be established  
 836 when a business partner provides the school facility to be used;  
 837 enrolls students based upon a random lottery that involves all  
 838 of the children of employees of that business or corporation who  
 839 are seeking enrollment, as provided for in subsection (10); and  
 840 enrolls students according to the racial/ethnic balance  
 841 provisions described in subparagraph (7)(a)8. ~~Any portion of a~~

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842 ~~facility used for a public charter school shall be exempt from~~  
 843 ~~ad valorem taxes, as provided for in s. 1013.54, for the~~  
 844 ~~duration of its use as a public school.~~

845 (c) A charter school-in-a-municipality designation may be  
 846 granted to a municipality that possesses a charter; enrolls  
 847 students based upon a random lottery that involves all of the  
 848 children of the residents of that municipality who are seeking  
 849 enrollment, as provided for in subsection (10); and enrolls  
 850 students according to the racial/ethnic balance provisions  
 851 described in subparagraph (7)(a)8. When a municipality has  
 852 submitted charter applications for the establishment of a  
 853 charter school feeder pattern, consisting of elementary, middle,  
 854 and senior high schools, and each individual charter application  
 855 is approved by the district school board, such schools shall  
 856 then be designated as one charter school for all purposes listed  
 857 pursuant to this section. ~~Any portion of the land and facility~~  
 858 ~~used for a public charter school shall be exempt from ad valorem~~  
 859 ~~taxes, as provided for in s. 1013.54, for the duration of its~~  
 860 ~~use as a public school.~~

861 (25) LOCAL EDUCATIONAL AGENCY STATUS FOR CERTAIN CHARTER  
 862 SCHOOL SYSTEMS.—A charter school system's governing board system  
 863 shall be designated a local educational agency for the purpose  
 864 of receiving federal funds, the same as though the charter  
 865 school system were a school district, if the governing board of  
 866 the charter school system has adopted and filed a resolution  
 867 with its sponsoring district school board and the Department of  
 868 Education in which the governing board of the charter school  
 869 system accepts the full responsibility for all local education  
 870 agency requirements and the charter school system meets all of

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871 the following:

- 872 (a) Includes both conversion charter schools and  
 873 nonconversion charter schools;  
 874 (b) Has all schools located in the same county;  
 875 (c) Has a total enrollment exceeding the total enrollment  
 876 of at least one school district in the state;  
 877 (d) Has the same governing board; and  
 878 (e) Does not contract with a for-profit service provider  
 879 for management of school operations.

880

881 Such designation does not apply to other provisions unless  
 882 specifically provided in law.

883 Section 27. Paragraph (g) of subsection (4) and paragraph  
 884 (d) of subsection (6) of section 1002.34, Florida Statutes, are  
 885 amended to read:

886 1002.34 Charter technical career centers.—

887 (4) CHARTER.—A sponsor may designate centers as provided in  
 888 this section. An application to establish a center may be  
 889 submitted by a sponsor or another organization that is  
 890 determined, by rule of the State Board of Education, to be  
 891 appropriate. However, an independent school is not eligible for  
 892 status as a center. The charter must be signed by the governing  
 893 body of the center and the sponsor and must be approved by the  
 894 district school board and Florida College System institution  
 895 board of trustees in whose geographic region the facility is  
 896 located. If a charter technical career center is established by  
 897 the conversion to charter status of a public technical center  
 898 formerly governed by a district school board, the charter status  
 899 of that center takes precedence in any question of governance.

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900 The governance of the center or of any program within the center  
 901 remains with its board of directors unless the board agrees to a  
 902 change in governance or its charter is revoked as provided in  
 903 subsection (15). Such a conversion charter technical career  
 904 center is not affected by a change in the governance of public  
 905 technical centers or of programs within other centers that are  
 906 or have been governed by district school boards. A charter  
 907 technical career center, or any program within such a center,  
 908 that was governed by a district school board and transferred to  
 909 a Florida College System institution prior to the effective date  
 910 of this act is not affected by this provision. An applicant who  
 911 wishes to establish a center must submit to the district school  
 912 board or Florida College System institution board of trustees,  
 913 or a consortium of one or more of each, an application on a form  
 914 developed by the Department of Education which includes:

915 (g) A method for determining whether a student has  
 916 satisfied the requirements for graduation specified in s.  
 917 1002.3105(5), s. 1003.4281, or s. 1003.4282 ~~1003.428 or s.~~  
 918 ~~1003.429~~ and for completion of a postsecondary certificate or  
 919 degree.

920

921 Students at a center must meet the same testing and academic  
 922 performance standards as those established by law and rule for  
 923 students at public schools and public technical centers. The  
 924 students must also meet any additional assessment indicators  
 925 that are included within the charter approved by the district  
 926 school board or Florida College System institution board of  
 927 trustees.

928 (6) SPONSOR.—A district school board or Florida College

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929 System institution board of trustees or a consortium of one or  
 930 more of each may sponsor a center in the county in which the  
 931 board has jurisdiction.

932 (d)1. The Department of Education shall offer or arrange  
 933 for training and technical assistance to centers which must  
 934 include applicants in developing and amending business plans,  
 935 and estimating and accounting for costs and income, complying  
 936 with state and federal grant and student performance  
 937 accountability reporting requirements, implementing good  
 938 business practices. ~~This assistance shall address estimating~~  
 939 ~~startup costs, projecting enrollment, and identifying the types~~  
 940 ~~and amounts of state and federal financial aid assistance the~~  
 941 ~~center may be eligible to receive. The training shall include~~  
 942 ~~instruction in accurate financial planning and good business~~  
 943 ~~practices.~~

944 2. An applicant must participate in the training provided  
 945 by the department after approval of its of Education before  
 946 filing an application but at least 30 days before the first day  
 947 of classes at the center. The department ~~of Education~~ may  
 948 provide technical assistance to an applicant upon written  
 949 request.

950 Section 28. Paragraphs (a) and (b) of subsection (1) and  
 951 subsection (3) of section 1002.345, Florida Statutes, are  
 952 amended to read:

953 1002.345 Determination of deteriorating financial  
 954 conditions and financial emergencies for charter schools and  
 955 charter technical career centers.—This section applies to  
 956 charter schools operating pursuant to s. 1002.33 and to charter  
 957 technical career centers operating pursuant to s. 1002.34.

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958 (1) EXPEDITED REVIEW; REQUIREMENTS.—

959 (a) A charter school or a charter technical career center  
 960 is subject to an expedited review by the sponsor if one of the  
 961 following occurs:

962 1. Failure to provide for an audit required by s. 218.39.  
 963 2. Failure to comply with reporting requirements pursuant  
 964 to s. 1002.33(9) or s. 1002.34(11)(f) or (14).  
 965 3. A deteriorating financial condition identified through  
 966 an annual audit pursuant to s. 218.39(5), ~~or~~ a monthly financial  
 967 statement pursuant to s. 1002.33(9)(g) or s. 1002.34(11)(f), or  
 968 a quarterly financial statement pursuant to s. 1002.331(2)(c).  
 969 "Deteriorating financial condition" means a circumstance that  
 970 significantly impairs the ability of a charter school or a  
 971 charter technical career center to generate enough revenues to  
 972 meet its expenditures without causing the occurrence of a  
 973 condition described in s. 218.503(1).  
 974 4. Notification pursuant to s. 218.503(2) that one or more  
 975 of the conditions specified in s. 218.503(1) have occurred or  
 976 will occur if action is not taken to assist the charter school  
 977 or charter technical career center.

978 (b) A sponsor shall notify the governing board and the  
 979 Commissioner of Education within 7 business days after one or  
 980 more of the conditions specified in paragraph (a) occur.

981 ~~(3) REPORT.—The Commissioner of Education shall annually~~  
 982 ~~report to the State Board of Education each charter school and~~  
 983 ~~charter technical career center that is subject to a financial~~  
 984 ~~recovery plan or a corrective action plan under this section.~~

985 Section 29. Paragraph (a) of subsection (2) of section  
 986 1002.39, Florida Statutes, is amended to read:

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987 1002.39 The John M. McKay Scholarships for Students with  
 988 Disabilities Program.—There is established a program that is  
 989 separate and distinct from the Opportunity Scholarship Program  
 990 and is named the John M. McKay Scholarships for Students with  
 991 Disabilities Program.

992 (2) JOHN M. MCKAY SCHOLARSHIP ELIGIBILITY.—The parent of a  
 993 student with a disability may request and receive from the state  
 994 a John M. McKay Scholarship for the child to enroll in and  
 995 attend a private school in accordance with this section if:

996 (a) The student has:

997 1. Received specialized instructional services under the  
 998 Voluntary Prekindergarten Education Program pursuant to s.  
 999 1002.66 during the previous school year and the student has a  
 1000 current individual educational plan developed by the local  
 1001 school board in accordance with rules of the State Board of  
 1002 Education for the John M. McKay Scholarships for Students with  
 1003 Disabilities Program or a 504 accommodation plan has been issued  
 1004 under s. 504 of the Rehabilitation Act of 1973; or

1005 2. Spent the prior school year in attendance at a Florida  
 1006 public school or the Florida School for the Deaf and the Blind.  
 1007 For purposes of this subparagraph, prior school year in  
 1008 attendance means that the student was enrolled and reported by:

1009 a. A school district for funding during the preceding  
 1010 October and February Florida Education Finance Program surveys  
 1011 in kindergarten through grade 12, which includes time spent in a  
 1012 Department of Juvenile Justice commitment program if funded  
 1013 under the Florida Education Finance Program;

1014 b. The Florida School for the Deaf and the Blind during  
 1015 the preceding October and February student membership surveys in

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1016 kindergarten through grade 12; or

1017 c. A school district for funding during the preceding  
 1018 October and February Florida Education Finance Program surveys,  
 1019 was at least 4 years of age when so enrolled and reported, and  
 1020 was eligible for services under s. 1003.21(1)(e) ~~or~~

1021 3. Been enrolled and reported by a school district for  
 1022 funding, during the October and February Florida Education  
 1023 Finance Program surveys, in any of the 5 years prior to the  
 1024 2010-2011 fiscal year; has a current individualized educational  
 1025 plan developed by the district school board in accordance with  
 1026 rules of the State Board of Education for the John M. McKay  
 1027 Scholarship Program no later than June 30, 2011; and receives a  
 1028 first time John M. McKay scholarship for the 2011-2012 school  
 1029 year. Upon request of the parent, the local school district  
 1030 shall complete a matrix of services as required in subparagraph  
 1031 (5)(b)1. for a student requesting a current individualized  
 1032 educational plan in accordance with the provisions of this  
 1033 subparagraph.

1034  
 1035 However, a dependent child of a member of the United States  
 1036 Armed Forces who transfers to a school in this state from out of  
 1037 state or from a foreign country due to a parent's permanent  
 1038 change of station orders is exempt from this paragraph but must  
 1039 meet all other eligibility requirements to participate in the  
 1040 program.

1041 Section 30. Subsection (5) of section 1002.41, Florida  
 1042 Statutes, is amended to read:

1043 1002.41 Home education programs.—

1044 (5) Home education students may participate in the Bright

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1045 Futures Scholarship Program in accordance with the provisions of  
 1046 ss. 1009.53-1009.538 ~~1009.53-1009.539~~.

1047 Section 31. Section 1002.415, Florida Statutes, is  
 1048 repealed.

1049 Section 32. Paragraph (b) of subsection (4) and subsection  
 1050 (10) of section 1002.45, Florida Statutes, are amended to read:  
 1051 1002.45 Virtual instruction programs.—

1052 (4) CONTRACT REQUIREMENTS.—Each contract with an approved  
 1053 provider must at minimum:

1054 (b) Provide a method for determining that a student has  
 1055 satisfied the requirements for graduation in s. 1002.3105(5), s.  
 1056 1003.4281, ~~1003.428~~ or s. 1003.4282 if the contract is for the  
 1057 provision of a full-time virtual instruction program to students  
 1058 in grades 9 through 12.

1059 (10) MARKETING.—Each school district shall provide  
 1060 information to parents and students about the ~~parent's and~~  
 1061 student's right to participate in a virtual instruction program  
 1062 under this section and in courses offered by the Florida Virtual  
 1063 School under s. 1002.37.

1064 Section 33. Paragraph (c) of subsection (2) of section  
 1065 1002.455, Florida Statutes, is amended to read:  
 1066 1002.455 Student eligibility for K-12 virtual instruction.—

1067 (2) A student is eligible to participate in virtual  
 1068 instruction if:

1069 (c) The student was enrolled during the prior school year  
 1070 in a virtual instruction program under s. 1002.45, ~~the K-8~~  
 1071 ~~Virtual School Program under s. 1002.415~~, or a full-time Florida  
 1072 Virtual School program under s. 1002.37(8)(a);

1073 Section 34. Section 1002.65, Florida Statutes, is repealed.

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1074 Section 35. Subsection (14) of section 1003.01, Florida  
 1075 Statutes, is amended to read:

1076 1003.01 Definitions.—As used in this chapter, the term:  
 1077 (14) "Core-curricula courses" means:

1078 (a) Courses in language arts/reading, mathematics, social  
 1079 studies, and science in prekindergarten through grade 3,  
 1080 excluding ~~any~~ extracurricular courses pursuant to subsection  
 1081 (15);

1082 (b) Courses in grades 4 through 8 in subjects that are  
 1083 measured by state assessment at any grade level and courses  
 1084 required for middle school promotion, excluding ~~any~~  
 1085 extracurricular courses pursuant to subsection (15);

1086 (c) Courses in grades 9 through 12 in subjects that are  
 1087 measured by state assessment at any grade level and courses that  
 1088 are specifically identified by name in statute as required for  
 1089 high school graduation and that are not measured by state  
 1090 assessment, excluding ~~any~~ extracurricular courses pursuant to  
 1091 subsection (15);

1092 (d) Exceptional student education courses; and  
 1093 (e) English for Speakers of Other Languages courses.

1094

1095 The term is limited in meaning and used for the sole purpose of  
 1096 designating classes that are subject to the maximum class size  
 1097 requirements established in s. 1, Art. IX of the State  
 1098 Constitution. This term does not include courses offered under  
 1099 ss. 1002.321(4)(e), 1002.33(7)(a)2.b., 1002.37, ~~1002.415~~,  
 1100 1002.45, and 1003.499.

1101 Section 36. Paragraph (d) of subsection (1) of section  
 1102 1003.02, Florida Statutes, is amended to read:

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1103 1003.02 District school board operation and control of  
 1104 public K-12 education within the school district.—As provided in  
 1105 part II of chapter 1001, district school boards are  
 1106 constitutionally and statutorily charged with the operation and  
 1107 control of public K-12 education within their school district.  
 1108 The district school boards must establish, organize, and operate  
 1109 their public K-12 schools and educational programs, employees,  
 1110 and facilities. Their responsibilities include staff  
 1111 development, public K-12 school student education including  
 1112 education for exceptional students and students in juvenile  
 1113 justice programs, special programs, adult education programs,  
 1114 and career education programs. Additionally, district school  
 1115 boards must:

1116 (1) Provide for the proper accounting for all students of  
 1117 school age, for the attendance and control of students at  
 1118 school, and for proper attention to health, safety, and other  
 1119 matters relating to the welfare of students in the following  
 1120 fields:

1121 (d) *Courses of study and instructional materials.*—

1122 1. Provide adequate instructional materials for all  
 1123 students as follows and in accordance with the requirements of  
 1124 chapter 1006, in the core courses of mathematics, language arts,  
 1125 social studies, science, reading, and literature, except for  
 1126 instruction for which the school advisory council approves the  
 1127 use of a program that does not include a textbook as a major  
 1128 tool of instruction.

1129 2. Adopt courses of study for use in the schools of the  
 1130 district.

1131 3. Provide for proper requisitioning, distribution,

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1132 accounting, storage, care, and use of all instructional  
 1133 materials as may be needed, and ensure that instructional  
 1134 materials used in the district are consistent with the district  
 1135 goals and objectives and the course descriptions curriculum  
 1136 ~~frameworks~~ approved by the State Board of Education, as well as  
 1137 with the state and school district performance standards  
 1138 required by law and state board rule.

1139 Section 37. Paragraph (c) of subsection (3) and subsection  
 1140 (6) of section 1003.03, Florida Statutes, are amended to read:  
 1141 1003.03 Maximum class size.—

1142 (3) IMPLEMENTATION OPTIONS.—District school boards must  
 1143 consider, but are not limited to, implementing the following  
 1144 items in order to meet the constitutional class size maximums  
 1145 described in subsection (1):

1146 (c)1. Repeal district school board policies that require  
 1147 students to earn more than the 24 credits ~~required under s.~~  
 1148 ~~1003.428~~ to graduate from high school.

1149 2. Implement the early graduation options ~~option~~ provided  
 1150 in ss. 1002.3105(5) and s. 1003.4281.

1151 (6) COURSES FOR COMPLIANCE.—Consistent with s. the  
 1152 ~~provisions in ss.~~ 1003.01(14) and ~~1003.428~~, the Department of  
 1153 Education shall identify from the Course Code Directory the  
 1154 core-curricula courses for the purpose of satisfying the maximum  
 1155 class size requirement in this section. The department may adopt  
 1156 rules to implement this subsection, if necessary.

1157 Section 38. Subsection (3) of section 1003.41, Florida  
 1158 Statutes, is amended to read:

1159 1003.41 Next Generation Sunshine State Standards.—

1160 (3) The Commissioner of Education, as needed, shall develop

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1161 and submit proposed revisions to the standards for review and  
 1162 comment by Florida educators, school administrators,  
 1163 representatives of the Florida College System institutions and  
 1164 state universities who have expertise in the content knowledge  
 1165 and skills necessary to prepare a student for postsecondary  
 1166 education and careers, business and industry leaders, and the  
 1167 public. The commissioner, after considering reviews and  
 1168 comments, shall submit the proposed revisions to the State Board  
 1169 of Education for adoption. ~~In addition, the commissioner shall~~  
 1170 ~~prepare an analysis of the costs associated with implementing a~~  
 1171 ~~separate, one-half credit course in financial literacy,~~  
 1172 ~~including estimated costs for instructional personnel, training,~~  
 1173 ~~and the development or purchase of instructional materials. The~~  
 1174 ~~commissioner shall work with one or more nonprofit organizations~~  
 1175 ~~with proven expertise in the area of personal finance, consider~~  
 1176 ~~free resources that can be utilized for instructional materials,~~  
 1177 ~~and provide data on the implementation of such a course in other~~  
 1178 ~~states. The commissioner shall provide the cost analysis to the~~  
 1179 ~~President of the Senate and the Speaker of the House of~~  
 1180 ~~Representatives by October 1, 2013.~~

1181 Section 39. Paragraphs (b) and (c) of subsection (1) and  
 1182 subsections (2) and (3) of section 1003.4156, Florida Statutes,  
 1183 are amended to read:

1184 1003.4156 General requirements for middle grades  
 1185 promotion.-

1186 (1) In order for a student to be promoted to high school  
 1187 from a school that includes middle grades 6, 7, and 8, the  
 1188 student must successfully complete the following courses:

1189 (b) Three middle grades or higher courses in mathematics.

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1190 Each school that includes middle grades must offer at least one  
 1191 high school level mathematics course for which students may earn  
 1192 high school credit. Successful completion of a high school level  
 1193 Algebra I or Geometry course is not contingent upon the  
 1194 student's performance on the statewide, standardized end-of-  
 1195 course (EOC) assessment ~~or, upon transition to common core~~  
 1196 ~~assessments, the common core Algebra I or geometry assessments~~  
 1197 ~~required under s. 1008.22. However, beginning with the 2011-2012~~  
 1198 ~~school year, To earn high school credit for Algebra I, a middle~~  
 1199 ~~grades student must take the statewide, standardized Algebra I~~  
 1200 ~~EOC assessment and pass the course, and in addition, beginning~~  
 1201 ~~with the 2013-2014 school year and thereafter, a student's~~  
 1202 ~~performance on the Algebra I EOC assessment constitutes 30~~  
 1203 ~~percent of the student's final course grade. pass the Algebra I~~  
 1204 ~~statewide, standardized assessment, and beginning with the 2012-~~  
 1205 ~~2013 school year, To earn high school credit for a Geometry~~  
 1206 ~~course, a middle grades student must take the statewide,~~  
 1207 ~~standardized Geometry EOC assessment, which constitutes 30~~  
 1208 ~~percent of the student's final course grade, and earn a passing~~  
 1209 ~~grade in the course.~~

1210 (c) Three middle grades or higher courses in social  
 1211 studies. Beginning with students entering grade 6 in the 2012-  
 1212 2013 school year, one of these courses must be at least a one-  
 1213 semester civics education course that includes the roles and  
 1214 responsibilities of federal, state, and local governments; the  
 1215 structures and functions of the legislative, executive, and  
 1216 judicial branches of government; and the meaning and  
 1217 significance of historic documents, such as the Articles of  
 1218 Confederation, the Declaration of Independence, and the

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1219 Constitution of the United States. Beginning with the 2013-2014  
 1220 school year, each student's performance on the statewide,  
 1221 standardized EOC assessment in civics education required under  
 1222 s. 1008.22 constitutes 30 percent of the student's final course  
 1223 grade. A middle grades student who transfers into the state's  
 1224 public school system from out of country, out of state, a  
 1225 private school, or a home education program after the beginning  
 1226 of the second term of grade 8 is not required to meet the civics  
 1227 education requirement for promotion from the middle grades if  
 1228 the student's transcript documents passage of three courses in  
 1229 social studies or two year-long courses in social studies that  
 1230 include coverage of civics education.

1231  
 1232 Each school must inform parents about the course curriculum and  
 1233 activities. Each student shall complete a personal education  
 1234 plan that must be signed by the student and the student's  
 1235 parent. The Department of Education shall develop course  
 1236 frameworks and professional development materials for the career  
 1237 and education planning course. The course may be implemented as  
 1238 a stand-alone course or integrated into another course or  
 1239 courses. The Commissioner of Education shall collect  
 1240 longitudinal high school course enrollment data by student  
 1241 ethnicity in order to analyze course-taking patterns.

1242 (2) If a middle grades student scores Level 1 or Level 2 on  
 1243 the statewide, standardized FCAT Reading assessment or, when  
 1244 implemented, the state transitions to common core assessments on  
 1245 the English Language Arts (ELA) assessment assessments required  
 1246 under s. 1008.22, the following year the student must enroll in  
 1247 and complete a remedial course or a content area course in which

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1248 remediation strategies are incorporated into course content  
 1249 delivery. The department shall provide guidance on appropriate  
 1250 strategies for diagnosing and meeting the varying instructional  
 1251 needs of students performing below grade level.

1252 (3) If a middle grades student scores Level 1 or Level 2 on  
 1253 the statewide, standardized FCAT Mathematics assessment ~~or, when~~  
 1254 ~~the state transitions to common core assessments, on the~~  
 1255 ~~mathematics common core assessments required under s. 1008.22,~~  
 1256 the following year the student must receive remediation, which  
 1257 may be integrated into the student's required mathematics  
 1258 courses.

1259 Section 40. Section 1003.428, Florida Statutes, is  
 1260 repealed.

1261 Section 41. Subsection (1) of section 1003.4281, Florida  
 1262 Statutes, is amended to read:

1263 1003.4281 Early high school graduation.-

1264 (1) The purpose of this section is to provide a student the  
 1265 option of early graduation and receipt of a standard high school  
 1266 diploma if the student earns 24 credits and meets the graduation  
 1267 requirements set forth in ~~s. 1003.428~~ or s. 1003.4282, ~~as~~  
 1268 ~~applicable~~. For purposes of this section, the term "early  
 1269 graduation" means graduation from high school in less than 8  
 1270 semesters or the equivalent.

1271 Section 42. Paragraphs (a), (b), (c), and (f) of subsection  
 1272 (3), subsections (4), (5), (7), and (8), and paragraphs (a) and  
 1273 (c) of subsection (9) of section 1003.4282, Florida Statutes,  
 1274 are amended, subsection (10) is renumbered as subsection (11),  
 1275 and a new subsection (10) is added to that section, to read:

1276 1003.4282 Requirements for a standard high school diploma.-

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1277 (3) STANDARD HIGH SCHOOL DIPLOMA; COURSE AND ASSESSMENT  
1278 REQUIREMENTS.—

1279 (a) *Four credits in English Language Arts (ELA).*—The four  
1280 credits must be in ELA I, II, III, and IV. A student must pass  
1281 the statewide, standardized 10th grade 10 FCAT Reading  
1282 assessment or, when implemented, the until the state transitions  
1283 to a common core 10th grade 10 ELA assessment, or earn a  
1284 concordant score, after which time a student must pass the ELA  
1285 assessment in order to earn a standard high school diploma.

1286 (b) *Four credits in mathematics.*—A student must earn one  
1287 credit in Algebra I and one credit in Geometry. A student's  
1288 performance on the statewide, standardized Algebra I end-of-  
1289 course (EOC) assessment or common core assessment, as  
1290 applicable, constitutes 30 percent of the student's final course  
1291 grade. A student must pass the statewide, standardized Algebra I  
1292 EOC assessment, or earn a comparative score, until the state  
1293 transitions to a common core Algebra I assessment after which  
1294 time a student must pass the common core assessment in order to  
1295 earn a standard high school diploma. A student's performance on  
1296 the statewide, standardized Geometry EOC assessment or common  
1297 core assessment, as applicable, constitutes 30 percent of the  
1298 student's final course grade. If when the state administers a  
1299 statewide, standardized common core Algebra II assessment, a  
1300 student selecting Algebra II must take the assessment, and the  
1301 student's performance on the assessment constitutes 30 percent  
1302 of the student's final course grade. A student who earns an  
1303 industry certification for which there is a statewide college  
1304 credit articulation agreement approved by the State Board of  
1305 Education may substitute the certification for one mathematics

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1306 credit. Substitution may occur for up to two mathematics  
1307 credits, except for Algebra I and Geometry. Industry  
1308 certification courses that lead to college credit may substitute  
1309 for up to two math credits.

1310 (c) *Three credits in science.*—Two of the three required  
1311 credits must have a laboratory component. A student must earn  
1312 one credit in Biology I and two credits in equally rigorous  
1313 courses. The statewide, standardized Biology I EOC assessment  
1314 constitutes 30 percent of the student's final course grade. A  
1315 student who earns an industry certification for which there is a  
1316 statewide college credit articulation agreement approved by the  
1317 State Board of Education may substitute the certification for  
1318 one science credit, except for Biology I. Industry certification  
1319 courses that lead to college credit may substitute for up to one  
1320 science credit.

1321 (f) *One credit in physical education.*—Physical education  
1322 must include the integration of health. Participation in an  
1323 interscholastic sport at the junior varsity or varsity level for  
1324 two full seasons shall satisfy the one-credit requirement in  
1325 physical education if the student passes a competency test on  
1326 personal fitness with a score of "C" or better. The competency  
1327 test on personal fitness developed by the Department of  
1328 Education must be used. A district school board may not require  
1329 that the one credit in physical education be taken during the  
1330 9th grade year. Completion of one semester with a grade of "C"  
1331 or better in a marching band class, in a physical activity class  
1332 that requires participation in marching band activities as an  
1333 extracurricular activity, or in a dance class shall satisfy one-  
1334 half credit in physical education or one-half credit in

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 1335 performing arts. This credit may not be used to satisfy the  
 1336 personal fitness requirement or the requirement for adaptive  
 1337 physical education under an individual education plan (IEP) or  
 1338 504 plan. Completion of 2 years in a Reserve Officer Training  
 1339 Corps (R.O.T.C.) class, a significant component of which is  
 1340 drills, shall satisfy the one-credit requirement in physical  
 1341 education and the one-credit requirement in performing arts.  
 1342 This credit may not be used to satisfy the personal fitness  
 1343 requirement or the requirement for adaptive physical education  
 1344 under an IEP or 504 plan. This requirement is subject to all of  
 1345 the provisions in s. 1003.428(2)(a)6.

(4) ~~ONLINE COURSE REQUIREMENT. Excluding a driver education~~  
 1347 ~~course,~~ At least one course within the 24 credits required under  
 1348 this section must be completed through online learning.  
 1349 Beginning with students entering grade 9 in the 2013-2014 school  
 1350 year, the required online course may not be a driver education  
 1351 course. A school district may not require a student to take the  
 1352 online course outside the school day or in addition to a  
 1353 student's courses for a given semester. An online course taken  
 1354 in grade 6, grade 7, or grade 8 fulfills this requirement. This  
 1355 requirement is met through an online course offered by the  
 1356 Florida Virtual School, a virtual education provider approved by  
 1357 the State Board of Education, a high school, or an online dual  
 1358 enrollment course. A student who is enrolled in a full-time or  
 1359 part-time virtual instruction program under s. 1002.45 meets  
 1360 this requirement. This requirement does not apply to a student  
 1361 who has an individual education plan under s. 1003.57 which  
 1362 indicates that an online course would be inappropriate or to an  
 1363 out-of-state transfer student who is enrolled in a Florida high

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 1364 school and has 1 academic year or less remaining in high school.  
 1365 (5) REMEDIATION FOR HIGH SCHOOL STUDENTS.—  
 1366 (a) Each year a student scores Level 1 or Level 2 on the  
 1367 statewide, standardized 9<sup>th</sup> grade 9 or 10<sup>th</sup> grade 10 FCAT  
 1368 Reading assessment or, when implemented, the 9<sup>th</sup> grade 9, 10<sup>th</sup>  
 1369 grade 10, or 11<sup>th</sup> grade 11 ELA assessment common core English  
 1370 Language Arts (ELA) assessments, the student must be enrolled in  
 1371 and complete an intensive remedial course the following year or  
 1372 be placed in a content area course that includes remediation of  
 1373 skills not acquired by the student.  
 1374 (b) Each year a student scores Level 1 or Level 2 on the  
 1375 statewide, standardized Algebra I EOC assessment, or upon  
 1376 transition to the common core Algebra I assessment, the student  
 1377 must be enrolled in and complete an intensive remedial course  
 1378 the following year or be placed in a content area course that  
 1379 includes remediation of skills not acquired by the student.  
 1380 (7) AWARD OF A STANDARD HIGH SCHOOL DIPLOMA.—  
 1381 (a) A student who earns a cumulative grade point average  
 1382 (GPA) of 2.0 on a 4.0 scale and meets the requirements of this  
 1383 section or s. 1002.3105(5) shall be awarded a standard high  
 1384 school diploma in a form prescribed by the State Board of  
 1385 Education.  
 1386 (b) An adult student in an adult general education program  
 1387 as provided under s. 1004.93 shall be awarded a standard high  
 1388 school diploma if the student meets the requirements of this  
 1389 section or s. 1002.3105(5), except that:  
 1390 1. One elective credit may be substituted for the one-  
 1391 credit requirement in fine or performing arts, speech and  
 1392 debate, or practical arts.

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1393 2. The requirement that two of the science credits include  
 1394 a laboratory component may be waived by the district school  
 1395 board.

1396 3. The one credit in physical education may be substituted  
 1397 with an elective credit. Notwithstanding any other law to the  
 1398 contrary, all students enrolled in high school as of the 2012-  
 1399 2013 school year who earned a passing grade in Biology I or  
 1400 geometry before the 2013-2014 school year shall be awarded a  
 1401 credit in that course if the student passed the course. The  
 1402 student's performance on the EOC assessment is not required to  
 1403 constitute 30 percent of the student's final course grade.

1404 (c) A student who earns fails to earn the required 24  
 1405 credits, or the required 18 credits under s. 1002.3105(5), but  
 1406 fails to pass the assessments required under s. 1008.22(3) or  
 1407 achieve a 2.0 GPA shall be awarded a certificate of completion  
 1408 in a form prescribed by the State Board of Education. However, a  
 1409 student who is otherwise entitled to a certificate of completion  
 1410 may elect to remain in high school either as a full-time student  
 1411 or a part-time student for up to 1 additional year and receive  
 1412 special instruction designed to remedy his or her identified  
 1413 deficiencies.

1414 (8) UNIFORM TRANSFER OF HIGH SCHOOL CREDITS.—Beginning with  
 1415 the 2012-2013 school year, if a student transfers to a Florida  
 1416 public high school from out of country, out of state, a private  
 1417 school, or a home education program and the student's transcript  
 1418 shows a ~~mathematics~~ credit in Algebra I ~~a course that requires~~  
 1419 ~~passage of a statewide, standardized assessment in order to earn~~  
 1420 ~~a standard high school diploma,~~ the student must pass the  
 1421 statewide, standardized Algebra I EOC assessment in order to

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1422 earn a standard high school diploma unless the student earned a  
 1423 comparative score ~~pursuant to s. 1008.22~~, passed a statewide  
 1424 assessment in Algebra I ~~that subject~~ administered by the  
 1425 transferring entity, or passed the statewide mathematics  
 1426 assessment the transferring entity uses to satisfy the  
 1427 requirements of the Elementary and Secondary Education Act, 20  
 1428 U.S.C. s. 6301. If a student's transcript shows a credit in high  
 1429 school reading or English Language Arts II or III, in order to  
 1430 earn a standard high school diploma, the student must take and  
 1431 pass the statewide, standardized grade 10 FCAT Reading  
 1432 assessment or, when implemented, the grade 10 ELA assessment, or  
 1433 earn a concordant score on the SAT or ACT as specified by state  
 1434 board rule or, when the state transitions to common core English  
 1435 Language Arts assessments, earn a passing score on the English  
 1436 Language Arts assessment as required under this section. If a  
 1437 transfer student's transcript shows a final course grade and  
 1438 course credit in Algebra I, Geometry, Biology I, or United  
 1439 States History, the transferring course final grade and credit  
 1440 shall be honored without the student taking the requisite  
 1441 statewide, standardized EOC assessment and without the  
 1442 assessment results constituting 30 percent of the student's  
 1443 final course grade.

1444 (9) CAREER EDUCATION COURSES THAT SATISFY HIGH SCHOOL  
 1445 CREDIT REQUIREMENTS.—

1446 (a) Participation in career education courses engages  
 1447 students in their high school education, increases academic  
 1448 achievement, enhances employability, and increases postsecondary  
 1449 success. By July 1, 2014, the department shall develop, for  
 1450 approval by the State Board of Education, multiple, additional

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1451 career education courses or a series of courses that meet the  
1452 requirements set forth in s. 1003.493(2), (4), and (5) and this  
1453 subsection and allow students to earn credit in both the career  
1454 education course and courses required for high school graduation  
1455 under this section and ~~s. ss. 1003.428~~ and 1003.4281.

1456 1. The state board must determine if sufficient academic  
1457 standards are covered to warrant the award of academic credit.

1458 2. Career education courses must include workforce and  
1459 digital literacy skills and the integration of required course  
1460 content with practical applications and designated rigorous  
1461 coursework that results in one or more industry certifications  
1462 or clearly articulated credit or advanced standing in a 2-year  
1463 or 4-year certificate or degree program, which may include high  
1464 school junior and senior year work-related internships or  
1465 apprenticeships. The department shall negotiate state licenses  
1466 for material and testing for industry certifications. The  
1467 instructional methodology used in these courses must be  
1468 comprised of authentic projects, problems, and activities for  
1469 contextually learning the academics.

1470 (c) Regional consortium service organizations established  
1471 pursuant to s. 1001.451 shall work with school districts, local  
1472 workforce boards, postsecondary institutions, and local business  
1473 and industry leaders to create career education courses that  
1474 meet the requirements set forth in s. 1003.493(2), (4), and (5)  
1475 and this subsection that students can take to earn required high  
1476 school course credits. The regional consortium shall submit  
1477 course recommendations to the department, on behalf of the  
1478 consortium member districts, for state board approval. A strong  
1479 emphasis should be placed on online coursework, digital

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1480 literacy, and workforce literacy as defined in s. 1004.02(26)  
1481 ~~1004.02(27)~~. For purposes of providing students the opportunity  
1482 to earn industry certifications, consortiums must secure the  
1483 necessary site licenses and testing contracts for use by member  
1484 districts.

1485 (10) COHORT TRANSITION TO NEW GRADUATION REQUIREMENTS.—The  
1486 requirements of this section, in addition to applying to  
1487 students entering grade 9 in the 2013-2014 school year and  
1488 thereafter, shall also apply to students entering grade 9 before  
1489 the 2013-2014 school year, except as otherwise provided in this  
1490 subsection.

1491 (a) A student entering grade 9 before the 2010-2011 school  
1492 year must earn:

1493 1. Four credits in English/ELA. A student must pass the  
1494 statewide, standardized grade 10 Reading assessment, or earn a  
1495 concordant score, in order to graduate with a standard high  
1496 school diploma.

1497 2. Four credits in mathematics, which must include Algebra  
1498 I. A student must pass grade 10 FCAT Mathematics, or earn a  
1499 concordant score, in order to graduate with a standard high  
1500 school diploma. A student who takes Algebra I or Geometry after  
1501 the 2010-2011 school year must take the statewide, standardized  
1502 EOC assessment for the course but is not required to pass the  
1503 assessment in order to earn course credit. A student's  
1504 performance on the Algebra I or Geometry EOC assessment is not  
1505 required to constitute 30 percent of the student's final course  
1506 grade. A student who earns an industry certification for which  
1507 there is a statewide college credit articulation agreement  
1508 approved by the State Board of Education may substitute the

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1509 certification for one mathematics credit. Substitution may occur  
 1510 for up to two mathematics credits, except for Algebra I.

1511 3. Three credits in science, two of which must have a  
 1512 laboratory component. A student who takes Biology I after the  
 1513 2010-2011 school year must take the statewide, standardized  
 1514 Biology I EOC assessment but is not required to pass the  
 1515 assessment in order to earn course credit. A student's  
 1516 performance on the assessment is not required to constitute 30  
 1517 percent of the student's final course grade. A student who earns  
 1518 an industry certification for which there is a statewide college  
 1519 credit articulation agreement approved by the State Board of  
 1520 Education may substitute the certification for one science  
 1521 credit.

1522 4. Three credits in social studies of which one credit in  
 1523 World History, one credit in United States History, one-half  
 1524 credit in United States Government, and one-half credit in  
 1525 economics is required. A student who takes United States History  
 1526 after the 2011-2012 school year must take the statewide,  
 1527 standardized United States History EOC assessment but the  
 1528 student's performance on the assessment is not required to  
 1529 constitute 30 percent of the student's final course grade.

1530 5. One credit in fine or performing arts, speech and  
 1531 debate, or practical arts as provided in paragraph (3) (e).

1532 6. One credit in physical education as provided in  
 1533 paragraph (3) (f).

1534 7. Eight credits in electives.

1535 (b) A student entering grade 9 in the 2010-2011 school year  
 1536 must earn:

1537 1. Four credits in English/ELA. A student must pass the

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1538 statewide, standardized grade 10 Reading assessment, or earn a  
 1539 concordant score, in order to graduate with a standard high  
 1540 school diploma.

1541 2. Four credits in mathematics, which must include Algebra  
 1542 I and Geometry. The statewide, standardized Algebra I EOC  
 1543 assessment constitutes 30 percent of the student's final course  
 1544 grade. A student who takes Algebra I or Geometry after the 2010-  
 1545 2011 school year must take the statewide, standardized EOC  
 1546 assessment for the course but is not required to pass the  
 1547 assessment in order to earn course credit. A student's  
 1548 performance on the Geometry EOC assessment is not required to  
 1549 constitute 30 percent of the student's final course grade. A  
 1550 student who earns an industry certification for which there is a  
 1551 statewide college credit articulation agreement approved by the  
 1552 State Board of Education may substitute the certification for  
 1553 one mathematics credit. Substitution may occur for up to two  
 1554 mathematics credits, except for Algebra I and Geometry.

1555 3. Three credits in science, two of which must have a  
 1556 laboratory component. A student who takes Biology I after the  
 1557 2010-2011 school year must take the statewide, standardized  
 1558 Biology I EOC assessment but is not required to pass the  
 1559 assessment in order to earn course credit. A student's  
 1560 performance on the assessment is not required to constitute 30  
 1561 percent of the student's final course grade. A student who earns  
 1562 an industry certification for which there is a statewide college  
 1563 credit articulation agreement approved by the State Board of  
 1564 Education may substitute the certification for one science  
 1565 credit, except for Biology I.

1566 4. Three credits in social studies of which one credit in

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1567 World History, one credit in United States History, one-half  
 1568 credit in United States Government, and one-half credit in  
 1569 economics is required. A student who takes United States History  
 1570 after the 2011-2012 school year must take the statewide,  
 1571 standardized United States History EOC assessment but the  
 1572 student's performance on the assessment is not required to  
 1573 constitute 30 percent of the student's final course grade.

1574 5. One credit in fine or performing arts, speech and  
 1575 debate, or practical arts as provided in paragraph (3) (e).

1576 6. One credit in physical education as provided in  
 1577 paragraph (3) (f).

1578 7. Eight credits in electives.

1579 (c) A student entering grade 9 in the 2011-2012 school year  
 1580 must earn:

1581 1. Four credits in English/ELA. A student must pass the  
 1582 statewide, standardized grade 10 Reading assessment, or earn a  
 1583 concordant score, in order to graduate with a standard high  
 1584 school diploma.

1585 2. Four credits in mathematics, which must include Algebra  
 1586 I and Geometry. A student who takes Algebra I after the 2010-  
 1587 2011 school year must pass the statewide, standardized Algebra I  
 1588 EOC assessment, or earn a comparative score, in order to earn a  
 1589 standard high school diploma. A student who takes Algebra I or  
 1590 Geometry after the 2010-2011 school year must take the  
 1591 statewide, standardized EOC assessment but is not required to  
 1592 pass the Algebra I or Geometry EOC assessment in order to earn  
 1593 course credit. A student's performance on the Algebra I or  
 1594 Geometry EOC assessment is not required to constitute 30 percent  
 1595 of the student's final course grade. A student who earns an

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1596 industry certification for which there is a statewide college  
 1597 credit articulation agreement approved by the State Board of  
 1598 Education may substitute the certification for one mathematics  
 1599 credit. Substitution may occur for up to two mathematics  
 1600 credits, except for Algebra I and Geometry.

1601 3. Three credits in science, two of which must have a  
 1602 laboratory component. One of the science credits must be Biology  
 1603 I. A student who takes Biology I after the 2010-2011 school year  
 1604 must take the statewide, standardized Biology I EOC assessment  
 1605 but is not required to pass the assessment in order to earn  
 1606 course credit. A student's performance on the assessment is not  
 1607 required to constitute 30 percent of the student's final course  
 1608 grade. A student who earns an industry certification for which  
 1609 there is a statewide college credit articulation agreement  
 1610 approved by the State Board of Education may substitute the  
 1611 certification for one science credit, except for Biology I.

1612 4. Three credits in social studies of which one credit in  
 1613 World History, one credit in United States History, one-half  
 1614 credit in United States Government, and one-half credit in  
 1615 economics is required. A student who takes United States History  
 1616 after the 2011-2012 school year student must take the statewide,  
 1617 standardized United States History EOC assessment but the  
 1618 student's performance on the assessment is not required to  
 1619 constitute 30 percent of the student's final course grade.

1620 5. One credit in fine or performing arts, speech and  
 1621 debate, or practical arts as provided in paragraph (3) (e).

1622 6. One credit in physical education as provided in  
 1623 paragraph (3) (f).

1624 7. Eight credits in electives.

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1625 8. One online course as provided in subsection (4).  
 1626 (d) A student entering grade 9 in the 2012-2013 school year  
 1627 must earn:

1628 1. Four credits in English/ELA. A student must pass the  
 1629 statewide, standardized grade 10 Reading assessment, or earn a  
 1630 concordant score, in order to graduate with a standard high  
 1631 school diploma.

1632 2. Four credits in mathematics, which must include Algebra  
 1633 I and Geometry. A student who takes Algebra I after the 2010-  
 1634 2011 school year must pass the statewide, standardized Algebra I  
 1635 EOC assessment, or earn a comparative score, in order to earn a  
 1636 standard high school diploma. A student who takes Geometry after  
 1637 the 2010-2011 school year must take the statewide, standardized  
 1638 Geometry EOC assessment. A student is not required to pass the  
 1639 statewide, standardized EOC assessment in Algebra I or Geometry  
 1640 in order to earn course credit. A student's performance on the  
 1641 Algebra I or Geometry EOC assessment is not required to  
 1642 constitute 30 percent of the student's final course grade. A  
 1643 student who earns an industry certification for which there is a  
 1644 statewide college credit articulation agreement approved by the  
 1645 State Board of Education may substitute the certification for  
 1646 one mathematics credit. Substitution may occur for up to two  
 1647 mathematics credits, except for Algebra I and Geometry.

1648 3. Three credits in science, two of which must have a  
 1649 laboratory component. One of the science credits must be Biology  
 1650 I. A student who takes Biology I after the 2010-2011 school year  
 1651 must take the statewide, standardized Biology I EOC assessment  
 1652 but is not required to pass the assessment to earn course  
 1653 credit. A student's performance on the assessment is not

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1654 required to constitute 30 percent of the student's final course  
 1655 grade. A student who earns an industry certification for which  
 1656 there is a statewide college credit articulation agreement  
 1657 approved by the State Board of Education may substitute the  
 1658 certification for one science credit, except for Biology I.

1659 4. Three credits in social studies of which one credit in  
 1660 World History, one credit in United States History, one-half  
 1661 credit in United States Government, and one-half credit in  
 1662 economics is required. The statewide, standardized United States  
 1663 History EOC assessment constitutes 30 percent of the student's  
 1664 final course grade.

1665 5. One credit in fine or performing arts, speech and  
 1666 debate, or practical arts as provided in paragraph (3)(e).

1667 6. One credit in physical education as provided in  
 1668 paragraph (3)(f).

1669 7. Eight credits in electives.

1670 8. One online course as provided in subsection (4).  
 1671 (e) Policy adopted in rule by the district school board may  
 1672 require for any cohort of students that performance on a  
 1673 statewide, standardized EOC assessment constitute 30 percent of  
 1674 a student's final course grade.

1675 (f) This subsection is repealed July 1, 2020.

1676 Section 43. Subsection (1) of section 1003.4285, Florida  
 1677 Statutes, is amended to read:  
 1678 1003.4285 Standard high school diploma designations.—  
 1679 (1) Each standard high school diploma shall include, as  
 1680 applicable, the following designations if the student meets the  
 1681 criteria set forth for the designation:  
 1682 (a) *Scholar designation.*—In addition to the requirements of

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1683 ~~s. ss. 1003.428 and 1003.4282, as applicable,~~ in order to earn  
 1684 the Scholar designation, a student must satisfy the following  
 1685 requirements:

1686 1. English Language Arts (ELA).—When ~~implemented the state~~  
 1687 ~~transitions to common core assessments,~~ pass the statewide,  
 1688 standardized 11th grade 11 ELA common core assessment.

1689 2. Mathematics.—Earn one credit in Algebra II and one  
 1690 credit in statistics or an equally rigorous course. When  
 1691 ~~implemented the state transitions to common core assessments,~~  
 1692 students must pass the statewide, standardized Algebra II common  
 1693 ~~core~~ assessment. Beginning with students entering grade 9 in the  
 1694 2014-2015 school year, a student must also pass the statewide,  
 1695 standardized Geometry end-of-course (EOC) assessment.

1696 3. Science.—Pass the statewide, standardized Biology I EOC  
 1697 ~~end-of-course~~ assessment and earn one credit in chemistry or  
 1698 physics and one credit in a course equally rigorous to chemistry  
 1699 or physics. However, a student enrolled in an Advanced Placement  
 1700 (AP), International Baccalaureate (IB), or Advanced  
 1701 International Certificate of Education (AICE) Biology course who  
 1702 takes the respective AP, IB, or AICE Biology assessment and  
 1703 earns the minimum score necessary to earn college credit as  
 1704 identified pursuant to s. 1007.27(2) meets the requirement of  
 1705 this subparagraph without having to take the statewide,  
 1706 standardized Biology I EOC assessment.

1707 4. Social studies.—Pass the statewide, standardized United  
 1708 States History EOC end-of-course assessment. However, a student  
 1709 enrolled in an AP, IB, or AICE course that includes United  
 1710 States History topics who takes the respective AP, IB, or AICE  
 1711 assessment and earns the minimum score necessary to earn college

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1712 credit as identified pursuant to s. 1007.27(2) meets the  
 1713 requirement of this subparagraph without having to take the  
 1714 statewide, standardized United States History EOC assessment.

1715 5. Foreign language.—Earn two credits in the same foreign  
 1716 language.

1717 6. Electives.—Earn at least one credit in an Advanced  
 1718 Placement, an International Baccalaureate, an Advanced  
 1719 International Certificate of Education, or a dual enrollment  
 1720 course.

1721 (b) *Merit designation.*—In addition to the requirements of  
 1722 ~~s. ss. 1003.428 and 1003.4282, as applicable,~~ in order to earn  
 1723 the Merit designation, a student must attain one or more  
 1724 industry certifications from the list established under s.  
 1725 1003.492.

1726 Section 44. Section 1003.438, Florida Statutes, is amended  
 1727 to read:

1728 1003.438 Special high school graduation requirements for  
 1729 certain exceptional students.—A student who has been identified,  
 1730 in accordance with rules established by the State Board of  
 1731 Education, as a student with disabilities who has an  
 1732 intellectual disability; an autism spectrum disorder; a language  
 1733 impairment; an orthopedic impairment; an other health  
 1734 impairment; a traumatic brain injury; an emotional or behavioral  
 1735 disability; a specific learning disability, including, but not  
 1736 limited to, dyslexia, dyscalculia, or developmental aphasia; or  
 1737 students who are deaf or hard of hearing or dual sensory  
 1738 impaired shall not be required to meet all requirements of s.  
 1739 1002.3105(5), s. 1003.4281, ~~1003.428~~ or s. 1003.4282 and shall,  
 1740 upon meeting all applicable requirements prescribed by the

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1741 district school board pursuant to s. 1008.25, be awarded a  
 1742 special diploma in a form prescribed by the commissioner;  
 1743 however, such special graduation requirements prescribed by the  
 1744 district school board must include minimum graduation  
 1745 requirements as prescribed by the commissioner. Any such student  
 1746 who meets all special requirements of the district school board,  
 1747 but is unable to meet the appropriate special state minimum  
 1748 requirements, shall be awarded a special certificate of  
 1749 completion in a form prescribed by the commissioner. However,  
 1750 this section does not limit or restrict the right of an  
 1751 exceptional student solely to a special diploma or special  
 1752 certificate of completion. Any such student shall, upon proper  
 1753 request, be afforded the opportunity to fully meet all  
 1754 requirements of s. 1002.3105(5), s. 1003.4281, ~~1003.428~~ or s.  
 1755 1003.4282 through the standard procedures established therein  
 1756 and thereby to qualify for a standard diploma upon graduation.

1757 Section 45. Subsection (5) of section 1003.451, Florida  
 1758 Statutes, is repealed.

1759 Section 46. Subsection (1) of section 1003.49, Florida  
 1760 Statutes, is amended to read:

1761 1003.49 Graduation and promotion requirements for publicly  
 1762 operated schools.—

1763 (1) Each state or local public agency, including the  
 1764 Department of Children and Family Services, the Department of  
 1765 Corrections, the boards of trustees of universities and Florida  
 1766 College System institutions, and the Board of Trustees of the  
 1767 Florida School for the Deaf and the Blind, which agency is  
 1768 authorized to operate educational programs for students at any  
 1769 level of grades kindergarten through 12, shall be subject to all

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1770 applicable requirements of ss. 1002.3105(5), 1003.4281,  
 1771 1003.4282 ~~1003.428~~, ~~1003.429~~, 1008.23, and 1008.25. Within the  
 1772 content of these cited statutes each such state or local public  
 1773 agency or entity shall be considered a "district school board."

1774 Section 47. Paragraph (e) of subsection (4) of section  
 1775 1003.493, Florida Statutes, is amended to read:

1776 1003.493 Career and professional academies and career-  
 1777 themed courses.—

1778 (4) Each career and professional academy and secondary  
 1779 school providing a career-themed course must:

1780 (e) Deliver academic content through instruction relevant  
 1781 to the career, including intensive reading and mathematics  
 1782 intervention required by s. 1003.4282 ~~1003.428~~, with an emphasis  
 1783 on strengthening reading for information skills.

1784 Section 48. Paragraph (c) of subsection (2) of section  
 1785 1003.4935, Florida Statutes, is amended to read:

1786 1003.4935 Middle grades career and professional academy  
 1787 courses and career-themed courses.—

1788 (2) Each middle grades career and professional academy or  
 1789 career-themed course must be aligned with at least one high  
 1790 school career and professional academy or career-themed course  
 1791 offered in the district and maintain partnerships with local  
 1792 business and industry and economic development boards. Middle  
 1793 grades career and professional academies and career-themed  
 1794 courses must:

1795 (a) Lead to careers in occupations designated as high-  
 1796 skill, high-wage, and high-demand in the Industry Certification  
 1797 Funding List approved under rules adopted by the State Board of  
 1798 Education;

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- 1799 (b) Integrate content from core subject areas;
- 1800 (c) Integrate career and professional academy or career-
- 1801 themed course content with intensive reading, English Language
- 1802 Arts, and mathematics pursuant to ~~s. ss. 1003.428~~ and 1003.4282;
- 1803 (d) Coordinate with high schools to maximize opportunities
- 1804 for middle grades students to earn high school credit;
- 1805 (e) Provide access to virtual instruction courses provided
- 1806 by virtual education providers legislatively authorized to
- 1807 provide part-time instruction to middle grades students. The
- 1808 virtual instruction courses must be aligned to state curriculum
- 1809 standards for middle grades career and professional academy
- 1810 courses or career-themed courses, with priority given to
- 1811 students who have required course deficits;
- 1812 (f) Provide instruction from highly skilled professionals
- 1813 who hold industry certificates in the career area in which they
- 1814 teach;
- 1815 (g) Offer externships; and
- 1816 (h) Provide personalized student advisement that includes a
- 1817 parent-participation component.
- 1818 Section 49. Paragraph (a) of subsection (1) of section
- 1819 1003.57, Florida Statutes, is amended to read:
- 1820 1003.57 Exceptional students instruction.—
- 1821 (1) (a) For purposes of providing exceptional student
- 1822 instruction under this section:
- 1823 1. A school district shall use the following terms to
- 1824 describe the instructional setting for a student with a
- 1825 disability, 6 through 21 years of age, who is not educated in a
- 1826 setting accessible to all children who are together at all
- 1827 times:

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- 1828 a. "Exceptional student education center" or "special day
- 1829 school" means a separate public school to which nondisabled
- 1830 peers do not have access.
- 1831 b. "Other separate environment" means a separate private
- 1832 school, residential facility, or hospital or homebound program.
- 1833 c. "Regular class" means a class in which a student spends
- 1834 80 percent or more of the school week with nondisabled peers.
- 1835 d. "Resource room" means a classroom in which a student
- 1836 spends between 40 percent to 80 percent of the school week with
- 1837 nondisabled peers.
- 1838 e. "Separate class" means a class in which a student spends
- 1839 less than 40 percent of the school week with nondisabled peers.
- 1840 2. A school district shall use the term "inclusion" to mean
- 1841 that a student is receiving education in a general education
- 1842 regular class setting, reflecting natural proportions and age-
- 1843 appropriate heterogeneous groups in core academic and elective
- 1844 or special areas within the school community; a student with a
- 1845 disability is a valued member of the classroom and school
- 1846 community; the teachers and administrators support universal
- 1847 education and have knowledge and support available to enable
- 1848 them to effectively teach all children; and a ~~teacher student~~ is
- 1849 provided access to technical assistance in best practices,
- 1850 instructional methods, and supports tailored to the student's
- 1851 needs based on current research.
- 1852 Section 50. Paragraph (a) of subsection (1) of section
- 1853 1003.621, Florida Statutes, is amended to read:
- 1854 1003.621 Academically high-performing school districts.—It
- 1855 is the intent of the Legislature to recognize and reward school
- 1856 districts that demonstrate the ability to consistently maintain

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1857 or improve their high-performing status. The purpose of this  
1858 section is to provide high-performing school districts with  
1859 flexibility in meeting the specific requirements in statute and  
1860 rules of the State Board of Education.

1861 (1) ACADEMICALLY HIGH-PERFORMING SCHOOL DISTRICT.—

1862 (a) A school district is an academically high-performing  
1863 school district if it meets the following criteria:

1864 1.a. ~~Beginning with the 2004-2005 school year,~~ Earns a  
1865 grade of "A" under s. 1008.34(7) for 2 consecutive years; and  
1866 b. Has no district-operated school that earns a grade of  
1867 "F" under s. 1008.34;

1868 2. Complies with all class size requirements in s. 1, Art.  
1869 IX of the State Constitution and s. 1003.03; and

1870 3. Has no material weaknesses or instances of material  
1871 noncompliance noted in the annual financial audit conducted  
1872 pursuant to s. 11.45 or s. 218.39.

1873  
1874 However, a district in which a district-operated school earns a  
1875 grade of "F" under s. 1008.34 during the 3-year period may not  
1876 continue to be designated as an academically high-performing  
1877 school district during the remainder of that 3-year period. The  
1878 district must meet the criteria in paragraph (a) in order to be  
1879 redesignated as an academically high-performing school district.

1880 Section 51. Subsection (4) of section 1004.02, Florida  
1881 Statutes, is repealed.

1882 Section 52. Section 1004.0961, Florida Statutes, is amended  
1883 to read:

1884 1004.0961 Credit for online courses.—Beginning in the 2015-  
1885 2016 school year, the State Board of Education shall adopt rules

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1886 and the Board of Governors shall adopt regulations ~~rules~~ that  
1887 enable students to earn academic credit for online courses,  
1888 including massive open online courses, ~~before~~ ~~prior~~ to initial  
1889 enrollment at a postsecondary institution. The rules of the  
1890 State Board of Education and regulations ~~rules~~ of the Board of  
1891 Governors must include procedures for credential evaluation and  
1892 the award of credit, including, but not limited to,  
1893 recommendations for credit by the American Council on Education;  
1894 equivalency and alignment of coursework with appropriate  
1895 courses; course descriptions; type and amount of credit that may  
1896 be awarded; and transfer of credit.

1897 Section 53. Section 1004.3825, Florida Statutes, is  
1898 repealed.

1899 Section 54. Section 1004.387, Florida Statutes, is  
1900 repealed.

1901 Section 55. Subsection (2) of section 1004.445, Florida  
1902 Statutes, is repealed.

1903 Section 56. Section 1004.75, Florida Statutes, is repealed.

1904 Section 57. Paragraph (c) of subsection (1) of section  
1905 1004.935, Florida Statutes, is amended to read:

1906 1004.935 Adults with Disabilities Workforce Education Pilot  
1907 Program.—

1908 (1) The Adults with Disabilities Workforce Education Pilot  
1909 Program is established in the Department of Education for 2  
1910 years in Hardee, DeSoto, Manatee, and Sarasota Counties to  
1911 provide the option of receiving a scholarship for instruction at  
1912 private schools for up to 30 students who:

1913 (c) Are receiving instruction from an instructor in a  
1914 private school to meet the high school graduation requirements

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1915 in s. 1002.3105(5) ~~1003.428~~ or s. 1003.4282;

1916

1917 As used in this section, the term "student with a disability"  
1918 includes a student who is documented as having an intellectual  
1919 disability; a speech impairment; a language impairment; a  
1920 hearing impairment, including deafness; a visual impairment,  
1921 including blindness; a dual sensory impairment; an orthopedic  
1922 impairment; another health impairment; an emotional or  
1923 behavioral disability; a specific learning disability,  
1924 including, but not limited to, dyslexia, dyscalculia, or  
1925 developmental aphasia; a traumatic brain injury; a developmental  
1926 delay; or autism spectrum disorder.

1927 Section 58. Section 1006.141, Florida Statutes, is  
1928 repealed.

1929 Section 59. Subsections (4), (5), and (8) of section  
1930 1006.147, Florida Statutes, are amended to read:

1931 1006.147 Bullying and harassment prohibited.—

1932 (4) ~~By December 1, 2008,~~ Each school district shall adopt a  
1933 policy prohibiting bullying and harassment of a ~~any~~ student or  
1934 employee of a public K-12 educational institution. Each school  
1935 district's policy shall be in substantial conformity with the  
1936 Department of Education's model policy ~~mandated in subsection~~  
1937 ~~(5)~~. The school district bullying and harassment policy shall  
1938 afford all students the same protection regardless of their  
1939 status under the law. The school district may establish separate  
1940 discrimination policies that include categories of students. The  
1941 school district shall involve students, parents, teachers,  
1942 administrators, school staff, school volunteers, community  
1943 representatives, and local law enforcement agencies in the

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1944 process of adopting the policy. The school district policy must  
1945 be implemented in a manner that is ongoing throughout the school  
1946 year and integrated with a school's curriculum, a school's  
1947 discipline policies, and other violence prevention efforts. The  
1948 school district policy must contain, at a minimum, the following  
1949 components:

1950 (a) A statement prohibiting bullying and harassment.

1951 (b) A definition of bullying and a definition of harassment  
1952 that include the definitions listed in this section.

1953 (c) A description of the type of behavior expected from  
1954 each student and employee of a public K-12 educational  
1955 institution.

1956 (d) The consequences for a student or employee of a public  
1957 K-12 educational institution who commits an act of bullying or  
1958 harassment.

1959 (e) The consequences for a student or employee of a public  
1960 K-12 educational institution who is found to have wrongfully and  
1961 intentionally accused another of an act of bullying or  
1962 harassment.

1963 (f) A procedure for reporting an act of bullying or  
1964 harassment, including provisions that permit a person to  
1965 anonymously report such an act. However, this paragraph does not  
1966 permit formal disciplinary action to be based solely on an  
1967 anonymous report.

1968 (g) A procedure for the prompt investigation of a report of  
1969 bullying or harassment and the persons responsible for the  
1970 investigation. The investigation of a reported act of bullying  
1971 or harassment is deemed to be a school-related activity and  
1972 begins with a report of such an act. Incidents that require a

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1973 reasonable investigation when reported to appropriate school  
 1974 authorities shall include alleged incidents of bullying or  
 1975 harassment allegedly committed against a child while the child  
 1976 is en route to school aboard a school bus or at a school bus  
 1977 stop.

1978 (h) A process to investigate whether a reported act of  
 1979 bullying or harassment is within the scope of the district  
 1980 school system and, if not, a process for referral of such an act  
 1981 to the appropriate jurisdiction. Computers without web-filtering  
 1982 software or computers with web-filtering software that is  
 1983 disabled shall be used when complaints of cyberbullying are  
 1984 investigated.

1985 (i) A procedure for providing immediate notification to the  
 1986 parents of a victim of bullying or harassment and the parents of  
 1987 the perpetrator of an act of bullying or harassment, as well as  
 1988 notification to all local agencies where criminal charges may be  
 1989 pursued against the perpetrator.

1990 (j) A procedure to refer victims and perpetrators of  
 1991 bullying or harassment for counseling.

1992 (k) A procedure for including incidents of bullying or  
 1993 harassment in the school's report of data concerning school  
 1994 safety and discipline required under s. 1006.09(6). The report  
 1995 must include each incident of bullying or harassment and the  
 1996 resulting consequences, including discipline and referrals. The  
 1997 report must include in a separate section each reported incident  
 1998 of bullying or harassment that does not meet the criteria of a  
 1999 prohibited act under this section with recommendations regarding  
 2000 such incidents. The Department of Education shall aggregate  
 2001 information contained in the reports.

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2002 (l) A procedure for providing instruction to students,  
 2003 parents, teachers, school administrators, counseling staff, and  
 2004 school volunteers on identifying, preventing, and responding to  
 2005 bullying or harassment, including instruction on recognizing  
 2006 behaviors that lead to bullying and harassment and taking  
 2007 appropriate preventive action based on those observations.

2008 (m) A procedure for regularly reporting to a victim's  
 2009 parents the actions taken to protect the victim.

2010 (n) A procedure for publicizing the policy, which must  
 2011 include its publication in the code of student conduct required  
 2012 under s. 1006.07(2) and in all employee handbooks.

2013 ~~(5) To assist school districts in developing policies~~  
 2014 ~~prohibiting bullying and harassment, the Department of Education~~  
 2015 ~~shall develop a model policy that shall be provided to school~~  
 2016 ~~districts no later than October 1, 2008.~~

2017 ~~(7)(8) Distribution of safe schools funds to a school~~  
 2018 ~~district provided in the 2009-2010 General Appropriations Act is~~  
 2019 ~~contingent upon and payable to the school district upon the~~  
 2020 ~~Department of Education's approval of the school district's~~  
 2021 ~~bullying and harassment policy. The department's approval of~~  
 2022 ~~each school district's bullying and harassment policy shall be~~  
 2023 ~~granted upon certification by the department that the school~~  
 2024 ~~district's policy has been submitted to the department and is in~~  
 2025 ~~substantial conformity with the department's model bullying and~~  
 2026 ~~harassment policy as mandated in subsection (5).~~ Distribution of  
 2027 safe schools funds provided to a school district ~~in fiscal year~~  
 2028 ~~2010-2011 and thereafter~~ shall be contingent upon and payable to  
 2029 the school district upon the school district's compliance with  
 2030 all reporting procedures contained in this section.

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2031 Section 60. Subsection (2) of section 1006.148, Florida  
 2032 Statutes, is repealed.

2033 Section 61. Paragraph (a) of subsection (3) of section  
 2034 1006.15, Florida Statutes, is amended to read:

2035 1006.15 Student standards for participation in  
 2036 interscholastic and intrascholastic extracurricular student  
 2037 activities; regulation.—

2038 (3) (a) To be eligible to participate in interscholastic  
 2039 extracurricular student activities, a student must:

2040 1. Maintain a grade point average of 2.0 or above on a 4.0  
 2041 scale, or its equivalent, in the previous semester or a  
 2042 cumulative grade point average of 2.0 or above on a 4.0 scale,  
 2043 or its equivalent, in the courses required by s. 1002.3105(5)  
 2044 ~~1003.428~~ or s. 1003.4282 ~~1003.429~~.

2045 2. Execute and fulfill the requirements of an academic  
 2046 performance contract between the student, the district school  
 2047 board, the appropriate governing association, and the student's  
 2048 parents, if the student's cumulative grade point average falls  
 2049 below 2.0, or its equivalent, on a 4.0 scale in the courses  
 2050 required by s. 1002.3105(5) ~~1003.428~~ or s. 1003.4282 ~~1003.429~~.  
 2051 At a minimum, the contract must require that the student attend  
 2052 summer school, or its graded equivalent, between grades 9 and 10  
 2053 or grades 10 and 11, as necessary.

2054 3. Have a cumulative grade point average of 2.0 or above on  
 2055 a 4.0 scale, or its equivalent, in the courses required by s.  
 2056 1002.3105(5) ~~1003.428~~ or s. 1003.4282 ~~1003.429~~ during his or her  
 2057 junior or senior year.

2058 4. Maintain satisfactory conduct, including adherence to  
 2059 appropriate dress and other codes of student conduct policies

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2060 described in s. 1006.07(2). If a student is convicted of, or is  
 2061 found to have committed, a felony or a delinquent act that would  
 2062 have been a felony if committed by an adult, regardless of  
 2063 whether adjudication is withheld, the student's participation in  
 2064 interscholastic extracurricular activities is contingent upon  
 2065 established and published district school board policy.

2066 Section 62. Subsection (1) and paragraph (a) of subsection  
 2067 (2) of section 1006.28, Florida Statutes, are amended to read:

2068 1006.28 Duties of district school board, district school  
 2069 superintendent; and school principal regarding K-12  
 2070 instructional materials.—

2071 (1) DISTRICT SCHOOL BOARD.—The district school board has  
 2072 the duty to provide adequate instructional materials for all  
 2073 students in accordance with the requirements of this part. The  
 2074 term "adequate instructional materials" means a sufficient  
 2075 number of student or site licenses or sets of materials that are  
 2076 available in bound, unbound, kit, or package form and may  
 2077 consist of hardbacked or softbacked textbooks, electronic  
 2078 content, consumables, learning laboratories, manipulatives,  
 2079 electronic media, and computer courseware or software that serve  
 2080 as the basis for instruction for each student in the core  
 2081 subject areas ~~courses~~ of mathematics, language arts, social  
 2082 studies, science, reading, and literature. The district school  
 2083 board has the following specific duties:

2084 (a) *Courses of study; adoption.*—Adopt courses of study for  
 2085 use in the schools of the district.

2086 (b) *Instructional materials.*—Provide for proper  
 2087 requisitioning, distribution, accounting, storage, care, and use  
 2088 of all instructional materials and furnish such other

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 2089 instructional materials as may be needed. ~~The district school~~  
 2090 ~~board shall ensure that~~ Instructional materials used must be in  
 2091 ~~the district are~~ consistent with the district goals and  
 2092 objectives and the course descriptions established in rule of  
 2093 the State Board of Education, as well as with the applicable  
 2094 Next Generation Sunshine State and district performance  
 2095 Standards provided for in s. 1003.41 ~~1001.03(1)~~.

(c) *Other instructional materials.*—Provide such other  
 2096 teaching accessories and aids as are needed for the school  
 2097 district's educational program.

(d) *School library media services; establishment and*  
 2099 *maintenance.*—Establish and maintain a program of school library  
 2100 media services for all public schools in the district, including  
 2101 school library media centers, or school library media centers  
 2102 open to the public, and, in addition such traveling or  
 2103 circulating libraries as may be needed for the proper operation  
 2104 of the district school system.

(2) DISTRICT SCHOOL SUPERINTENDENT.—

(a) The district school superintendent has the duty to  
 2107 recommend such plans for improving, providing, distributing,  
 2108 accounting for, and caring for instructional materials and other  
 2109 instructional aids as will result in general improvement of the  
 2110 district school system, as prescribed in this part, in  
 2111 accordance with adopted district school board rules prescribing  
 2112 the duties and responsibilities of the district school  
 2113 superintendent regarding the requisition, purchase, receipt,  
 2114 storage, distribution, use, conservation, records, and reports  
 2115 of, and management practices and property accountability  
 2116 concerning, instructional materials, and providing for an  
 2117

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 2118 evaluation of any instructional materials to be requisitioned  
 2119 that have not been used previously in the district's schools.  
 2120 The district school superintendent must keep adequate records  
 2121 and accounts for all financial transactions for funds collected  
 2122 pursuant to subsection (3), ~~as a component of the educational~~  
 2123 ~~service delivery scope in a school district best financial~~  
 2124 ~~management practices review under s. 1008.35.~~

Section 63. Subsection (2) of section 1006.31, Florida  
 2125 Statutes, is amended to read:

1006.31 Duties of the Department of Education and school  
 2127 district instructional materials reviewer.—The duties of the  
 2128 instructional materials reviewer are:

(2) EVALUATION OF INSTRUCTIONAL MATERIALS.—To use evaluate  
 2130 carefully all instructional materials submitted, in order to  
 2131 ascertain which instructional materials, if any, submitted for  
 2132 consideration implement the selection criteria listed in s.  
 2133 1006.34(2) (b) developed by the department and recommend for  
 2134 adoption only those instructional materials aligned with the  
 2135 Next Generation Sunshine State these curricular objectives  
 2136 included within applicable performance Standards provided for in  
 2137 s. 1003.41 ~~1001.03(1)~~.

(a) When recommending instructional materials for use in  
 2139 the schools, each reviewer shall include only instructional  
 2140 materials that accurately portray the ethnic, socioeconomic,  
 2141 cultural, and racial diversity of our society, including men and  
 2142 women in professional, career, and executive roles, and the role  
 2143 and contributions of the entrepreneur and labor in the total  
 2144 development of this state and the United States.

(b) When recommending instructional materials for use in  
 2145  
 2146



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2147 the schools, each reviewer shall include only materials that  
 2148 accurately portray, whenever appropriate, humankind's place in  
 2149 ecological systems, including the necessity for the protection  
 2150 of our environment and conservation of our natural resources and  
 2151 the effects on the human system of the use of tobacco, alcohol,  
 2152 controlled substances, and other dangerous substances.

2153 (c) When recommending instructional materials for use in  
 2154 the schools, each reviewer shall require such materials as he or  
 2155 she deems necessary and proper to encourage thrift, fire  
 2156 prevention, and humane treatment of people and animals.

2157 (d) When recommending instructional materials for use in  
 2158 the schools, each reviewer shall require, when appropriate to  
 2159 the comprehension of students, that materials for social  
 2160 science, history, or civics classes contain the Declaration of  
 2161 Independence and the Constitution of the United States. A  
 2162 reviewer may not recommend any instructional materials for use  
 2163 in the schools which contain any matter reflecting unfairly upon  
 2164 persons because of their race, color, creed, national origin,  
 2165 ancestry, gender, or occupation.

2166 (e) Any instructional material recommended by each reviewer  
 2167 for use in the schools shall be, to the satisfaction of each  
 2168 reviewer, accurate, objective, and current and suited to the  
 2169 needs and comprehension of students at their respective grade  
 2170 levels. Reviewers shall consider for adoption materials  
 2171 developed for academically talented students such as those  
 2172 enrolled in advanced placement courses.

2173 Section 64. Paragraph (b) of subsection (2) of section  
 2174 1006.34, Florida Statutes, is amended to read:

2175 1006.34 Powers and duties of the commissioner and the

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2176 department in selecting and adopting instructional materials.-

2177 (2) SELECTION AND ADOPTION OF INSTRUCTIONAL MATERIALS.-

2178 (b) In the selection of instructional materials, library  
 2179 media, and other reading material used in the public school  
 2180 system, the standards used to determine the propriety of the  
 2181 material shall include:

2182 1. The age of the students who normally could be expected  
 2183 to have access to the material.

2184 2. The educational purpose to be served by the material. ~~It~~  
 2185 ~~considering instructional materials for classroom use,~~ Priority  
 2186 shall be given to the selection of materials that align with the  
 2187 Next Generation Sunshine State Standards as provided for in s.  
 2188 1003.41 which encompass the state and district school board  
 2189 performance standards provided for in s. 1001.03(1) and which  
 2190 include the instructional objectives contained within the  
 2191 curriculum frameworks for career and technical education and  
 2192 adult and adult general education adopted ~~approved~~ by rule of  
 2193 the State Board of Education under s. 1004.92.

2194 3. The degree to which the material would be supplemented  
 2195 and explained by mature classroom instruction as part of a  
 2196 normal classroom instructional program.

2197 4. The consideration of the broad racial, ethnic,  
 2198 socioeconomic, and cultural diversity of the students of this  
 2199 state.

2200  
 2201 Any instructional material containing pornography or otherwise  
 2202 prohibited by s. 847.012 may not be used or made available  
 2203 within any public school.

2204 Section 65. Subsection (2) and paragraph (a) of subsection

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2205 (3) of section 1006.40, Florida Statutes, are amended, and  
2206 subsection (8) is added to that section, to read:

2207 1006.40 Use of instructional materials allocation;  
2208 instructional materials, library books, and reference books;  
2209 repair of books.—

2210 (2) Each district school board must purchase current  
2211 instructional materials to provide each student with a major  
2212 tool of instruction in core courses of the subject areas of  
2213 mathematics, language arts, science, social studies, reading,  
2214 and literature for kindergarten through grade 12. Such purchase  
2215 must be made within the first 3 years after the effective date  
2216 of the adoption cycle unless a district school board or a  
2217 consortium of school districts has implemented an instructional  
2218 materials program pursuant to s. 1006.283. For the 2012-2013  
2219 mathematics adoption, a district using a comprehensive  
2220 mathematics instructional materials program adopted in the 2009-  
2221 2010 adoption shall be deemed in compliance with this subsection  
2222 if it provides each student with such additional state-adopted  
2223 materials as may be necessary to align the previously adopted  
2224 comprehensive program to common core standards and the other  
2225 criteria of the 2012-2013 mathematics adoption.

2226 (3) (a) Beginning with By the 2015-2016 fiscal year, each  
2227 district school board shall use at least 50 percent of the  
2228 annual allocation for the purchase of digital or electronic  
2229 instructional materials that align with state standards included  
2230 on the state-adopted list, except as otherwise authorized in  
2231 paragraphs (b) and (c). ~~This section does not apply to a~~  
2232 ~~district school board or a consortium of school districts which~~  
2233 ~~implements an instructional materials program pursuant to s.~~

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2234 ~~1006.283, except that by the 2015-2016 fiscal year, each~~  
2235 ~~district school board shall use at least 50 percent of the~~  
2236 ~~annual allocation for the purchase of digital or electronic~~  
2237 ~~instructional materials that align with state standards.~~

2238 (8) Subsections (3), (4), and (6) do not apply to a  
2239 district school board or a consortium of school districts that  
2240 implements an instructional materials program pursuant to s.  
2241 1006.283 except that, by the 2015-2016 fiscal year, each  
2242 district school board shall use at least 50 percent of the  
2243 annual instructional materials allocation for the purchase of  
2244 digital or electronic instructional materials that align with  
2245 state standards adopted by the State Board of Education pursuant  
2246 to s. 1003.41.

2247 Section 66. Section 1006.42, Florida Statutes, is amended  
2248 to read:

2249 1006.42 Responsibility of students and parents for  
2250 instructional materials.—

2251 ~~(1)~~ All instructional materials purchased under the  
2252 provisions of this part are the property of the district school  
2253 board. When distributed to the students, these instructional  
2254 materials are on loan to the students while they are pursuing  
2255 their courses of study and are to be returned at the direction  
2256 of the school principal or the teacher in charge. Each parent of  
2257 a student to whom or for whom instructional materials have been  
2258 issued, is liable for any loss or destruction of, or unnecessary  
2259 damage to, the instructional materials or for failure of the  
2260 student to return the instructional materials when directed by  
2261 the school principal or the teacher in charge, and shall pay for  
2262 such loss, destruction, or unnecessary damage as provided under

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2263 s. 1006.28(3) by law.

2264 ~~(2) Nothing in this part shall be construed to prohibit~~  
 2265 ~~parents from exercising their right to purchase instructional~~  
 2266 ~~materials from the district school board.~~

2267 Section 67. Section 1007.02, Florida Statutes, is amended  
 2268 to read:

2269 1007.02 ~~Access to postsecondary education and meaningful~~  
 2270 ~~careers for~~ Students with disabilities; ~~popular name;~~  
 2271 definition.-

2272 ~~(1) This section shall be known by the popular name the~~  
 2273 ~~"Enhanced New Needed Opportunity for Better Life and Education~~  
 2274 ~~for Students with Disabilities (ENNOBLES) Act."~~

2275 ~~(2) For the purposes of this chapter act, the term "student~~  
 2276 ~~with a disability" means a any student who is documented as~~  
 2277 ~~having an intellectual disability; a hearing impairment,~~  
 2278 ~~including deafness; a speech or language impairment; a visual~~  
 2279 ~~impairment, including blindness; an emotional or behavioral~~  
 2280 ~~disability; an orthopedic or other health impairment; an autism~~  
 2281 ~~spectrum disorder; a traumatic brain injury; or a specific~~  
 2282 ~~learning disability, including, but not limited to, dyslexia,~~  
 2283 ~~dyscalculia, or developmental aphasia.~~

2284 Section 68. Paragraph (a) of subsection (1) and subsection  
 2285 (3) of section 1007.2615, Florida Statutes, are amended to read:

2286 1007.2615 American Sign Language; findings; foreign-  
 2287 language credits authorized; teacher licensing.-

2288 (1) LEGISLATIVE FINDINGS; PURPOSE.-

2289 (a) The Legislature finds that:

2290 1. American Sign Language (ASL) is a fully developed  
 2291 visual-gestural language with distinct grammar, syntax, and

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2292 symbols and is one of hundreds of signed languages of the world.

2293 2. ASL is recognized as the language of the American deaf  
 2294 community and is the fourth most commonly used language in the  
 2295 United States and Canada.

2296 3. The American deaf community is a group of citizens who  
 2297 are members of a unique culture who share ASL as their common  
 2298 language.

2299 ~~4. Thirty-three state legislatures have adopted legislation~~  
 2300 ~~recognizing ASL as a language that should be taught in schools.~~

2301 (3) DUTIES OF COMMISSIONER OF EDUCATION AND STATE BOARD OF  
 2302 EDUCATION; LICENSING OF AMERICAN SIGN LANGUAGE TEACHERS; PLAN  
 2303 FOR POSTSECONDARY EDUCATION PROVIDERS.-

2304 ~~(a) The Commissioner of Education shall appoint a seven-~~  
 2305 ~~member task force that includes representatives from two state~~  
 2306 ~~universities and one private college or university located~~  
 2307 ~~within this state which currently offer a 4-year deaf education~~  
 2308 ~~or sign language interpretation program as a part of their~~  
 2309 ~~respective curricula, two representatives from the Florida~~  
 2310 ~~American Sign Language Teachers' Association (FASLTA), and two~~  
 2311 ~~representatives from Florida College System institutions located~~  
 2312 ~~within this state which have established Interpreter Training~~  
 2313 ~~Programs (ITPs). This task force shall develop and submit to the~~  
 2314 ~~Commissioner of Education a report that contains the most up-to-~~  
 2315 ~~date information about American Sign Language (ASL) and~~  
 2316 ~~guidelines for developing and maintaining ASL courses as a part~~  
 2317 ~~of the curriculum. This information must be made available to~~  
 2318 ~~any administrator of a public or an independent school upon~~  
 2319 ~~request of the administrator.~~

2320 (a) ~~(b)~~ By January 1, 2005, The State Board of Education

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2321 shall adopt rules establishing licensing/certification standards  
 2322 to be applied to teachers who teach American Sign Language (ASL)  
 2323 ~~ASL as part of a school curriculum. In developing the rules, the~~  
 2324 ~~state board shall consult with the task force established under~~  
 2325 ~~paragraph (a).~~

2326 (b) ~~(e)~~ An ASL teacher must be certified by the Department  
 2327 of Education ~~by July 1, 2009.~~

2328 (c) ~~(d)~~ The Commissioner of Education shall work with  
 2329 providers of postsecondary education, except for state  
 2330 universities, to develop and implement a plan to ensure that  
 2331 these institutions in this state will accept secondary school  
 2332 credits in ASL as credits in a foreign language and to encourage  
 2333 postsecondary institutions to offer ASL courses to students as a  
 2334 fulfillment of the requirement for studying a foreign language.

2335 Section 69. Subsection (4) of section 1007.263, Florida  
 2336 Statutes, is amended to read:

2337 1007.263 Florida College System institutions; admissions of  
 2338 students.—Each Florida College System institution board of  
 2339 trustees is authorized to adopt rules governing admissions of  
 2340 students subject to this section and rules of the State Board of  
 2341 Education. These rules shall include the following:

2342 (4) A student who has been awarded a special diploma under  
 2343 ~~as defined in s. 1003.438~~ or a certificate of completion under  
 2344 ~~as defined in s. 1003.4282~~ 1003.428(7)(b) is eligible to enroll  
 2345 in certificate career education programs.

2346

2347 Each board of trustees shall establish policies that notify  
 2348 students about developmental education options for improving  
 2349 their communication or computation skills that are essential to

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2350 performing college-level work, including tutoring, extended time  
 2351 in gateway courses, free online courses, adult basic education,  
 2352 adult secondary education, or private provider instruction.

2353 Section 70. Subsection (1) of section 1007.264, Florida  
 2354 Statutes, is amended to read:

2355 1007.264 Persons with disabilities; admission to  
 2356 postsecondary educational institutions; substitute requirements;  
 2357 rules and regulations.—

2358 (1) A ~~Any~~ student with a disability, ~~as defined in s.~~  
 2359 ~~1007.02(2)~~, who is otherwise eligible shall be eligible for  
 2360 reasonable substitution for any requirement for admission into a  
 2361 public postsecondary educational institution where documentation  
 2362 can be provided that the person's failure to meet the admission  
 2363 requirement is related to the disability.

2364 Section 71. Subsection (1) of section 1007.265, Florida  
 2365 Statutes, is amended to read:

2366 1007.265 Persons with disabilities; graduation, study  
 2367 program admission, and upper-division entry; substitute  
 2368 requirements; rules and regulations.—

2369 (1) A ~~Any~~ student with a disability, ~~as defined in s.~~  
 2370 ~~1007.02(2)~~, in a public postsecondary educational institution  
 2371 shall be eligible for reasonable substitution for any  
 2372 requirement for graduation, for admission into a program of  
 2373 study, or for entry into the upper division where documentation  
 2374 can be provided that the person's failure to meet the  
 2375 requirement is related to the disability and where failure to  
 2376 meet the graduation requirement or program admission requirement  
 2377 does not constitute a fundamental alteration in the nature of  
 2378 the program.

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2379 Section 72. Subsections (2) and (9) of section 1007.271,  
 2380 Florida Statutes, are amended to read:  
 2381 1007.271 Dual enrollment programs.—  
 2382 (2) For the purpose of this section, an eligible secondary  
 2383 student is a student who is enrolled in any of grades 6 through  
 2384 12 in a Florida public ~~secondary~~ school or in a Florida private  
 2385 ~~secondary~~ school ~~that which~~ is in compliance with s. 1002.42(2)  
 2386 and provides a secondary curriculum pursuant to ~~s. 1003.428 or~~  
 2387 s. 1003.4282. Students who are eligible for dual enrollment  
 2388 pursuant to this section may enroll in dual enrollment courses  
 2389 conducted during school hours, after school hours, and during  
 2390 the summer term. However, if the student is projected to  
 2391 graduate from high school before the scheduled completion date  
 2392 of a postsecondary course, the student may not register for that  
 2393 course through dual enrollment. The student may apply to the  
 2394 postsecondary institution and pay the required registration,  
 2395 tuition, and fees if the student meets the postsecondary  
 2396 institution's admissions requirements under s. 1007.263.  
 2397 Instructional time for dual enrollment may vary from 900 hours;  
 2398 however, the full-time equivalent student membership value shall  
 2399 be subject to the provisions in s. 1011.61(4). A Any student  
 2400 enrolled as a dual enrollment student is exempt from the payment  
 2401 of registration, tuition, and laboratory fees. Applied academics  
 2402 for adult education instruction, developmental education, and  
 2403 other forms of precollegiate instruction, as well as physical  
 2404 education courses that focus on the physical execution of a  
 2405 skill rather than the intellectual attributes of the activity,  
 2406 are ineligible for inclusion in the dual enrollment program.  
 2407 Recreation and leisure studies courses shall be evaluated

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2408 individually in the same manner as physical education courses  
 2409 for potential inclusion in the program.  
 2410 (9) The Commissioner of Education shall appoint faculty  
 2411 committees representing public school, Florida College System  
 2412 institution, and university faculties to identify postsecondary  
 2413 courses that meet the high school graduation requirements of ~~s.~~  
 2414 ~~1003.428 or~~ s. 1003.4282 and to establish the number of  
 2415 postsecondary semester credit hours of instruction and  
 2416 equivalent high school credits earned through dual enrollment  
 2417 pursuant to this section that are necessary to meet high school  
 2418 graduation requirements. Such equivalencies shall be determined  
 2419 solely on comparable course content and not on seat time  
 2420 traditionally allocated to such courses in high school. The  
 2421 Commissioner of Education shall recommend to the State Board of  
 2422 Education those postsecondary courses identified to meet high  
 2423 school graduation requirements, based on mastery of course  
 2424 outcomes, by their course numbers, and all high schools shall  
 2425 accept these postsecondary education courses toward meeting the  
 2426 requirements of ~~s. 1003.428 or~~ s. 1003.4282.  
 2427 Section 73. Subsections (3), (7), and (8) of section  
 2428 1008.22, Florida Statutes, are amended to read:  
 2429 1008.22 Student assessment program for public schools.—  
 2430 (3) STATEWIDE, STANDARDIZED ASSESSMENT PROGRAM.—The  
 2431 Commissioner of Education shall design and implement a  
 2432 statewide, standardized assessment program aligned to the core  
 2433 curricular content established in the Next Generation Sunshine  
 2434 State Standards. The commissioner also must develop or select  
 2435 and implement a common battery of assessment tools that will be  
 2436 used in all juvenile justice education programs in the state.

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2437 These tools must accurately measure the core curricular content  
 2438 established in the Next Generation Sunshine State Standards.  
 2439 Participation in the assessment program is mandatory for all  
 2440 school districts and all students attending public schools,  
 2441 including adult students seeking a standard on adult high school  
 2442 diploma under s. 1003.4282 and students in Department of  
 2443 Juvenile Justice education programs, except as otherwise  
 2444 provided by law prescribed by the commissioner. If a student  
 2445 does not participate in the assessment program, the school  
 2446 district must notify the student's parent and provide the parent  
 2447 with information regarding the implications of such  
 2448 nonparticipation. The statewide, standardized assessment program  
 2449 shall be designed and implemented as follows:

2450 (a) Statewide, standardized comprehensive assessments  
 2451 Florida Comprehensive Assessment Test (FCAT) until replaced by  
 2452 common core assessments. The statewide, standardized FCAT  
 2453 Reading assessment shall be administered annually in grades 3  
 2454 through 10. The statewide, standardized Writing assessment shall  
 2455 be administered annually at least once at the elementary,  
 2456 middle, and high school levels. When the Reading and Writing  
 2457 assessments are replaced by English Language Arts (ELA)  
 2458 assessments, ELA assessments shall be administered to students  
 2459 in grades 3 through 11. Retake opportunities for the grade 10  
 2460 Reading assessment or, upon implementation, the grade 10 ELA  
 2461 assessment must be provided. Students taking the ELA assessments  
 2462 shall not take the statewide, standardized assessments in  
 2463 Reading or Writing. ELA assessments shall be administered  
 2464 online. The statewide, standardized, FCAT Mathematics  
 2465 assessments shall be administered annually in grades 3 through

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2466 8. Students taking a revised Mathematics assessment shall not  
 2467 take the discontinued assessment. The statewide, standardized,  
 2468 FCAT Writing shall be administered annually at least once at the  
 2469 elementary, middle, and high school levels, and FCAT Science  
 2470 assessment shall be administered annually at least once at the  
 2471 elementary and middle grades levels. In order to earn a standard  
 2472 high school diploma, a student who has not earned a passing  
 2473 score on the grade 10 FCAT Reading assessment or, upon  
 2474 implementation, the grade 10 ELA assessment must earn a passing  
 2475 score on the assessment retake or earn a concordant score as  
 2476 authorized under subsection (7) must participate in each retake  
 2477 of the assessment until the student earns a passing score. The  
 2478 commissioner shall recommend and the State Board of Education  
 2479 must adopt a score on both the SAT and ACT that is concordant to  
 2480 a passing score on grade 10 FCAT Reading that, if achieved by a  
 2481 student, meets the must-pass requirement for grade 10 FCAT  
 2482 Reading.

2483 (b) End-of-course (EOC) assessments.—EOC assessments must  
 2484 be statewide, standardized, and developed or approved by the  
 2485 Department of Education as follows:

2486 1. Statewide, standardized EOC assessments in mathematics  
 2487 shall be administered according to this subparagraph. Beginning  
 2488 with the 2010-2011 school year, all students enrolled in Algebra  
 2489 I must take the Algebra I EOC assessment. Except as otherwise  
 2490 provided in paragraph (c) this section, beginning with students  
 2491 entering grade 9 in the 2011-2012 school year, a student who is  
 2492 enrolled in Algebra I must earn a passing score on the Algebra I  
 2493 EOC assessment or attain a comparative score as authorized under  
 2494 subsection (8) in order to earn a standard high school diploma.

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2495 In order to earn a standard high school diploma, a student who  
 2496 has not earned a passing score on the Algebra I EOC assessment  
 2497 must earn a passing score on the assessment retake or a  
 2498 comparative score as authorized under subsection (8) must  
 2499 ~~participate in each retake of the assessment until the student~~  
 2500 ~~earns a passing score.~~ Beginning with the 2011-2012 school year,  
 2501 all students enrolled in Geometry must take the Geometry EOC  
 2502 assessment. Middle grades students enrolled in Algebra I, ~~or~~  
 2503 Geometry, or Biology I must take the statewide, standardized EOC  
 2504 assessment for those courses and shall ~~are~~ not ~~required to~~ take  
 2505 the corresponding subject and grade-level statewide,  
 2506 standardized assessment FCAT. When a statewide, standardized EOC  
 2507 assessment in Algebra II is administered, all students enrolled  
 2508 in Algebra II must take the EOC assessment. Pursuant to the  
 2509 commissioner's implementation schedule, student performance on  
 2510 the Algebra II EOC assessment constitutes 30 percent of a  
 2511 student's final course grade.

2512 2. Statewide, standardized EOC assessments in science shall  
 2513 be administered according to this subparagraph. Beginning with  
 2514 the 2011-2012 school year, all students enrolled in Biology I  
 2515 must take the Biology I EOC assessment. Beginning with students  
 2516 entering grade 9 in the 2013-2014 school year, performance on  
 2517 the Biology I EOC assessment constitutes 30 percent of the  
 2518 student's final course grade.

2519 3. ~~During the 2012-2013 school year, an EOC assessment in~~  
 2520 ~~civics education shall be administered as a field test at the~~  
 2521 ~~middle grades level.~~ Beginning with the 2013-2014 school year,  
 2522 each student's performance on the statewide, standardized middle  
 2523 grades Civics EOC assessment ~~in civics education~~ constitutes 30

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2524 percent of the student's final course grade in civics education.

2525 4. The commissioner may select one or more nationally  
 2526 developed comprehensive examinations, which may include  
 2527 examinations for a College Board Advanced Placement course,  
 2528 International Baccalaureate course, or Advanced International  
 2529 Certificate of Education course, or industry-approved  
 2530 examinations to earn national industry certifications identified  
 2531 in the Industry Certification Funding List, for use as EOC  
 2532 assessments under this paragraph if the commissioner determines  
 2533 that the content knowledge and skills assessed by the  
 2534 examinations meet or exceed the grade-level expectations for the  
 2535 core curricular content established for the course in the Next  
 2536 Generation Sunshine State Standards. Use of any such examination  
 2537 as an EOC assessment must be approved by the state board in  
 2538 rule.

2539 5. Contingent upon funding provided in the General  
 2540 Appropriations Act, including the appropriation of funds  
 2541 received through federal grants, the commissioner may establish  
 2542 an implementation schedule for the development and  
 2543 administration of additional statewide, standardized EOC  
 2544 assessments that must be approved by the state board, in rule.  
 2545 If approved by the state board, student performance on such  
 2546 assessments constitutes 30 percent of a student's final course  
 2547 grade.

2548 6. All statewide, standardized EOC assessments must be  
 2549 administered online except as otherwise provided in paragraph  
 2550 (c).

2551 (c) *Students with disabilities; Florida Alternate*  
 2552 *Assessment.*-

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2553 1. Each district school board must provide instruction to  
 2554 prepare students with disabilities in the core content knowledge  
 2555 and skills necessary for successful grade-to-grade progression  
 2556 and high school graduation.

2557 2. A student with a disability, as defined in s. 1007.02  
 2558 ~~1007.02(2)~~, for whom the individual education plan (IEP) team  
 2559 determines that the statewide, standardized assessments under  
 2560 this section cannot accurately measure the student's abilities,  
 2561 taking into consideration all allowable accommodations, shall  
 2562 have assessment results waived for the purpose of receiving a  
 2563 course grade and a standard high school diploma. Such waiver  
 2564 shall be designated on the student's transcript. The statement  
 2565 of waiver shall be limited to a statement that performance on an  
 2566 assessment was waived for the purpose of receiving a course  
 2567 grade or a standard high school diploma, as applicable.

2568 3. The State Board of Education shall adopt rules, based  
 2569 upon recommendations of the commissioner, for the provision of  
 2570 assessment accommodations for students with disabilities and for  
 2571 students who have limited English proficiency.

2572 a. Accommodations that negate the validity of a statewide,  
 2573 standardized assessment are not allowed during the  
 2574 administration of the assessment. However, instructional  
 2575 accommodations are allowed in the classroom if identified in a  
 2576 student's IEP. Students using instructional accommodations in  
 2577 the classroom that are not allowed on a statewide, standardized  
 2578 assessment may have assessment results waived if the IEP team  
 2579 determines that the assessment cannot accurately measure the  
 2580 student's abilities.

2581 b. If a student is provided with instructional

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2582 accommodations in the classroom that are not allowed as  
 2583 accommodations for statewide, standardized assessments, the  
 2584 district must inform the parent in writing and provide the  
 2585 parent with information regarding the impact on the student's  
 2586 ability to meet expected performance levels. A parent must  
 2587 provide signed consent for a student to receive classroom  
 2588 instructional accommodations that would not be available or  
 2589 permitted on a statewide, standardized assessment and  
 2590 acknowledge in writing that he or she understands the  
 2591 implications of such instructional accommodations.

2592 c. If a student's IEP states that online administration of  
 2593 a statewide, standardized assessment will significantly impair  
 2594 the student's ability to perform, the assessment shall be  
 2595 administered in hard copy.

2596 4. For students with significant cognitive disabilities,  
 2597 the Department of Education shall provide for implementation of  
 2598 the Florida Alternate Assessment to accurately measure the core  
 2599 curricular content established in the Next Generation Sunshine  
 2600 State Standards.

2601 (d) Implementation schedule Common core assessments in  
 2602 English Language Arts (ELA) and mathematics.-

2603 ~~1. Contingent upon funding, common core assessments in ELA~~  
 2604 ~~shall be administered to students in grades 3 through 11. Retake~~  
 2605 ~~opportunities for the grade 10 assessment must be provided.~~  
 2606 ~~Students taking the ELA assessments are not required to take the~~  
 2607 ~~assessments in FCAT Reading or FCAT Writing. Common core ELA~~  
 2608 ~~assessments shall be administered online.~~

2609 ~~2. Contingent upon funding, common core assessments in~~  
 2610 ~~mathematics shall be administered to all students in grades 3~~

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2611 through 8, and common core assessments in Algebra I, Geometry,  
 2612 and Algebra II shall be administered to students enrolled in  
 2613 those courses. Retake opportunities must be provided for the  
 2614 Algebra I assessment. Students may take the common core  
 2615 mathematics assessments pursuant to the Credit Acceleration  
 2616 Program (CAP) under s. 1003.4295(3). Students taking common core  
 2617 assessments in mathematics are not required to take FCAT  
 2618 Mathematics or statewide, standardized EOC assessments in  
 2619 mathematics. Common core mathematics assessments shall be  
 2620 administered online.

2621 1.3. The Commissioner State Board of Education shall  
 2622 establish and publish on the department's website adopt rules  
 2623 establishing an implementation schedule to transition from the  
 2624 statewide, standardized FCAT Reading and, FCAT Writing  
 2625 assessments to the ELA assessments and to the revised, FCAT  
 2626 Mathematics assessments, including the, and Algebra I and  
 2627 Geometry EOC assessments to common core assessments in English  
 2628 Language Arts and mathematics. The schedule must take into  
 2629 consideration funding, sufficient field and baseline data,  
 2630 access to assessments, instructional alignment, and school  
 2631 district readiness to administer the common core assessments  
 2632 online. Until the 10th grade common core ELA and Algebra I  
 2633 assessments become must pass assessments, students must pass  
 2634 10th grade FCAT Reading and the Algebra I EOC assessment, or  
 2635 achieve a concordant or comparative score as authorized under  
 2636 this section, in order to earn a standard high school diploma  
 2637 under s. 1003.4282. Students taking 10th grade FCAT Reading or  
 2638 the Algebra I EOC assessment are not required to take the  
 2639 respective common core assessments.

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2640 2.4. The Department of Education shall publish minimum and  
 2641 recommended technology requirements that include specifications  
 2642 for hardware, software, networking, security, and broadband  
 2643 capacity to facilitate school district compliance with the  
 2644 requirement that ~~common core~~ assessments be administered online.

2645 (e) *Assessment scores and achievement levels.*—

2646 1. All statewide, standardized EOC assessments and FCAT  
 2647 Reading, FCAT Writing, and FCAT Science assessments shall use  
 2648 scaled scores and achievement levels. Achievement levels shall  
 2649 range from 1 through 5, with level 1 being the lowest  
 2650 achievement level, level 5 being the highest achievement level,  
 2651 and level 3 indicating satisfactory performance on an  
 2652 assessment. For purposes of the statewide, standardized FCAT  
 2653 Writing assessment, student achievement shall be scored using a  
 2654 scale of 1 through 6.

2655 2. The state board shall designate by rule a passing score  
 2656 for each statewide, standardized EOC and FCAT assessment. ~~In~~  
 2657 ~~addition, the state board shall designate a score for each~~  
 2658 ~~statewide, standardized EOC assessment that indicates that a~~  
 2659 ~~student is high achieving and has the potential to meet college-~~  
 2660 ~~readiness standards by the time the student graduates from high~~  
 2661 ~~school.~~

2662 3. If the commissioner seeks to revise a statewide,  
 2663 standardized assessment and the revisions require the state  
 2664 board to modify performance level scores, including the passing  
 2665 score, the commissioner shall provide a copy of the proposed  
 2666 scores and implementation plan to the President of the Senate  
 2667 and the Speaker of the House of Representatives at least 90 days  
 2668 before submission to the state board for review. Until the state

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2669 board adopts the modifications by rule, the commissioner shall  
 2670 use calculations for scoring the assessment that adjust student  
 2671 scores on the revised assessment for statistical equivalence to  
 2672 student scores on the former assessment. The state board shall  
 2673 adopt by rule the passing score for the revised assessment that  
 2674 is statistically equivalent to the passing score on the  
 2675 discontinued assessment for a student who is required to attain  
 2676 a passing score on the discontinued assessment. The commissioner  
 2677 may, with approval of the state board, discontinue  
 2678 administration of the former assessment upon the graduation,  
 2679 based on normal student progression, of students participating  
 2680 in the final regular administration of the former assessment. If  
 2681 the commissioner revises a statewide, standardized assessment  
 2682 and the revisions require the state board to modify the passing  
 2683 score, only students taking the assessment for the first time  
 2684 after the rule is adopted are affected.

2685 (f) *Assessment schedules and reporting of results.*—The  
 2686 Commissioner of Education shall establish schedules for the  
 2687 administration of assessments and the reporting of student  
 2688 assessment results. The commissioner shall consider the  
 2689 observance of religious and school holidays when developing the  
 2690 schedule. By August 1 of each year, the commissioner shall  
 2691 notify each school district in writing and publish on the  
 2692 department's website the assessment and reporting schedules for,  
 2693 at a minimum, the school year following the upcoming school  
 2694 year. The assessment and reporting schedules must provide the  
 2695 earliest possible reporting of student assessment results to the  
 2696 school districts. Assessment results for the statewide,  
 2697 standardized FCAT Reading assessments, or upon implementation

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2698 the ELA assessments, and FCAT Mathematics assessments, including  
 2699 the EOC assessments in Algebra I and Geometry, must be made  
 2700 available no later than the week of June 8. The administration  
 2701 of the statewide, standardized FCAT Writing assessment and the  
 2702 Florida Alternate Assessment may be no earlier than the week of  
 2703 March 1. School districts shall administer assessments in  
 2704 accordance with the schedule established by the commissioner.

2705 (g) *Prohibited activities.*—A district school board shall  
 2706 prohibit each public school from suspending a regular program of  
 2707 curricula for purposes of administering practice assessments or  
 2708 engaging in other assessment-preparation activities for a  
 2709 statewide, standardized assessment. However, a district school  
 2710 board may authorize a public school to engage in the following  
 2711 assessment-preparation activities:

2712 1. Distributing to students sample assessment books and  
 2713 answer keys published by the Department of Education.

2714 2. Providing individualized instruction in assessment-  
 2715 taking strategies, without suspending the school's regular  
 2716 program of curricula, for a student who scores Level 1 or Level  
 2717 2 on a prior administration of an assessment.

2718 3. Providing individualized instruction in the content  
 2719 knowledge and skills assessed, without suspending the school's  
 2720 regular program of curricula, for a student who scores Level 1  
 2721 or Level 2 on a prior administration of an assessment or a  
 2722 student who, through a diagnostic assessment administered by the  
 2723 school district, is identified as having a deficiency in the  
 2724 content knowledge and skills assessed.

2725 4. Administering a practice assessment or engaging in other  
 2726 assessment-preparation activities that are determined necessary

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2727 to familiarize students with the organization of the assessment,  
 2728 the format of assessment items, and the assessment directions or  
 2729 that are otherwise necessary for the valid and reliable  
 2730 administration of the assessment, as set forth in rules adopted  
 2731 by the State Board of Education with specific reference to this  
 2732 paragraph.

2733 (h) *Contracts for assessments.*—The commissioner shall  
 2734 provide for the assessments to be developed or obtained, as  
 2735 appropriate, through contracts and project agreements with  
 2736 private vendors, public vendors, public agencies, postsecondary  
 2737 educational institutions, or school districts. The commissioner  
 2738 may enter into contracts for the continued administration of the  
 2739 assessments authorized and funded by the Legislature. Contracts  
 2740 may be initiated in 1 fiscal year and continue into the next  
 2741 fiscal year and may be paid from the appropriations of either or  
 2742 both fiscal years. The commissioner may negotiate for the sale  
 2743 or lease of tests, scoring protocols, test scoring services, and  
 2744 related materials developed pursuant to law.

2745 (7) CONCORDANT SCORES ~~FOR 10TH GRADE FCAT READING.~~ Until  
 2746 ~~the state transitions to common core English Language Arts~~  
 2747 ~~assessments,~~ The Commissioner of Education must identify scores  
 2748 on the SAT and ACT that if achieved satisfy the graduation  
 2749 requirement that a student pass the grade 10 statewide,  
 2750 standardized 10th grade FCAT Reading assessment or, upon  
 2751 implementation, the grade 10 ELA assessment. The commissioner  
 2752 may identify concordant scores on ~~other~~ assessments other than  
 2753 the SAT and ACT as well. If the content or scoring procedures  
 2754 change for the grade 10 Reading assessment or, upon  
 2755 implementation, the grade 10 ELA assessment ~~10th grade FCAT~~

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2756 ~~Reading,~~ new concordant scores must be determined. If new  
 2757 concordant scores are not timely adopted, the last-adopted  
 2758 concordant scores remain in effect until such time as new scores  
 2759 are adopted. The state board shall adopt concordant scores in  
 2760 rule.

2761 (8) COMPARATIVE SCORES FOR END-OF-COURSE (EOC) ASSESSMENT  
 2762 ~~ASSESSMENTS.~~—The Commissioner of Education must identify one or  
 2763 more comparative scores for the Algebra I EOC assessment ~~and may~~  
 2764 ~~identify comparative scores for the other EOC assessments.~~ If  
 2765 the content or scoring procedures change for the EOC assessment  
 2766 ~~assessments,~~ new comparative scores must be determined. If new  
 2767 comparative scores are not timely adopted, the last-adopted  
 2768 comparative scores remain in effect until such time as new  
 2769 scores are adopted. The state board shall adopt comparative  
 2770 scores in rule.

2771 Section 74. Paragraph (h) of subsection (2), paragraph (a)  
 2772 of subsection (4), paragraph (b) of subsection (6), and  
 2773 paragraph (b) of subsection (7) of section 1008.25, Florida  
 2774 Statutes, are amended to read:

2775 1008.25 Public school student progression; remedial  
 2776 instruction; reporting requirements.—

2777 (2) COMPREHENSIVE STUDENT PROGRESSION PLAN.—Each district  
 2778 school board shall establish a comprehensive plan for student  
 2779 progression which must:

2780 (h) Provide instructional sequences by which students in  
 2781 kindergarten through high school may attain progressively higher  
 2782 levels of skill in the use of digital tools and applications.  
 2783 The instructional sequences must include participation in  
 2784 curricular and instructional options and the demonstration of

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2785 competence of standards required pursuant to ss. 1003.41 and  
 2786 1003.4203 through attainment of industry certifications and  
 2787 other means of demonstrating credit requirements identified  
 2788 under ss. 1002.3105, 1003.4203, ~~1003.428~~, and 1003.4282.  
 2789 (4) ASSESSMENT AND REMEDIATION.—  
 2790 (a) Each student must participate in the statewide,  
 2791 standardized assessment program required by s. 1008.22. Each  
 2792 student who does not meet specific levels of performance on the  
 2793 required assessments as determined by the district school board  
 2794 or who scores below Level 3 on the statewide, standardized  
 2795 Reading assessment or, upon implementation, the English Language  
 2796 Arts assessment or on the statewide, standardized Mathematics  
 2797 assessments in grades 3 through 8 and the Algebra I EOC  
 2798 assessment FCAT Reading or FCAT Mathematics or on the common  
 2799 core English Language Arts or mathematics assessments as  
 2800 applicable under s. 1008.22 must be provided with additional  
 2801 diagnostic assessments to determine the nature of the student's  
 2802 difficulty, the areas of academic need, and strategies for  
 2803 appropriate intervention and instruction as described in  
 2804 paragraph (b).  
 2805 (6) ELIMINATION OF SOCIAL PROMOTION.—  
 2806 (b) The district school board may only exempt students from  
 2807 mandatory retention, as provided in paragraph (5)(b), for good  
 2808 cause. Good cause exemptions shall be limited to the following:  
 2809 1. Limited English proficient students who have had less  
 2810 than 2 years of instruction in an English for Speakers of Other  
 2811 Languages program.  
 2812 2. Students with disabilities whose individual education  
 2813 plan indicates that participation in the statewide assessment

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2814 program is not appropriate, consistent with the requirements of  
 2815 s. 1008.212 State Board of Education rule.  
 2816 3. Students who demonstrate an acceptable level of  
 2817 performance on an alternative standardized reading or English  
 2818 Language Arts assessment approved by the State Board of  
 2819 Education.  
 2820 4. A student who demonstrates through a student portfolio  
 2821 that he or she is performing at least at Level 2 on the  
 2822 statewide, standardized FCAT Reading assessment or, upon  
 2823 implementation, the common core English Language Arts  
 2824 assessment, as applicable under s. 1008.22.  
 2825 5. Students with disabilities who take the statewide,  
 2826 standardized participate in FCAT Reading assessment or, upon  
 2827 implementation, the common core English Language Arts  
 2828 assessment, as applicable under s. 1008.22, and who have an  
 2829 individual education plan or a Section 504 plan that reflects  
 2830 that the student has received intensive remediation in reading  
 2831 or and English Language Arts for more than 2 years but still  
 2832 demonstrates a deficiency and was previously retained in  
 2833 kindergarten, grade 1, grade 2, or grade 3.  
 2834 6. Students who have received intensive remediation in  
 2835 reading or and English Language Arts, as applicable under s.  
 2836 1008.22, for 2 or more years but still demonstrate a deficiency  
 2837 and who were previously retained in kindergarten, grade 1, grade  
 2838 2, or grade 3 for a total of 2 years. Intensive instruction for  
 2839 students so promoted must include an altered instructional day  
 2840 that includes specialized diagnostic information and specific  
 2841 reading strategies for each student. The district school board  
 2842 shall assist schools and teachers to implement reading

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2843 strategies that research has shown to be successful in improving  
 2844 reading among low-performing readers.

2845 (7) SUCCESSFUL PROGRESSION FOR RETAINED THIRD GRADE  
 2846 STUDENTS.—

2847 (b) Each school district shall:

2848 1. Provide third grade students who are retained under the  
 2849 provisions of paragraph (5) (b) with intensive instructional  
 2850 services and supports to remediate the identified areas of  
 2851 reading deficiency, including participation in the school  
 2852 district's summer reading camp as required under paragraph (a)  
 2853 and a minimum of 90 minutes of daily, uninterrupted,  
 2854 scientifically research-based reading instruction which includes  
 2855 phonemic awareness, phonics, fluency, vocabulary, and  
 2856 comprehension and other strategies prescribed by the school  
 2857 district, which may include, but are not limited to:

2858 a. Integration of science and social studies content within  
 2859 the 90-minute block.

2860 b. Small group instruction.

2861 c. Reduced teacher-student ratios.

2862 d. More frequent progress monitoring.

2863 e. Tutoring or mentoring.

2864 f. Transition classes containing 3rd and 4th grade  
 2865 students.

2866 g. Extended school day, week, or year.

2867 2. Provide written notification to the parent of a any  
 2868 student who is retained under the provisions of paragraph (5) (b)  
 2869 that his or her child has not met the proficiency level required  
 2870 for promotion and the reasons the child is not eligible for a  
 2871 good cause exemption as provided in paragraph (6) (b). The

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2872 notification must comply with the provisions of s. 1002.20(15)  
 2873 and must include a description of proposed interventions and  
 2874 supports that will be provided to the child to remediate the  
 2875 identified areas of reading deficiency.

2876 3. Implement a policy for the midyear promotion of a any  
 2877 student retained under the provisions of paragraph (5) (b) who  
 2878 can demonstrate that he or she is a successful and independent  
 2879 reader and performing at or above grade level in reading or,  
 2880 upon implementation of ~~and~~ English Language Arts assessments,  
 2881 performing at or above grade level in English Language Arts, ~~as~~  
 2882 ~~applicable under s. 1008.22.~~ Tools that school districts may use  
 2883 in reevaluating a any student retained may include subsequent  
 2884 assessments, alternative assessments, and portfolio reviews, in  
 2885 accordance with rules of the State Board of Education.

2886 4. Provide students who are retained under the provisions  
 2887 of paragraph (5) (b) with a highly effective teacher as  
 2888 determined by the teacher's performance evaluation under s.  
 2889 1012.34.

2890 5. Establish at each school, when applicable, an Intensive  
 2891 Acceleration Class for retained grade 3 students who  
 2892 subsequently score Level 1 on the required statewide,  
 2893 standardized assessment identified in s. 1008.22. The focus of  
 2894 the Intensive Acceleration Class shall be to increase a child's  
 2895 reading and English Language Arts skill level at least two grade  
 2896 levels in 1 school year. The Intensive Acceleration Class shall:

2897 a. Be provided to a any student in grade 3 who scores Level  
 2898 1 on the statewide, standardized FCAT Reading assessment or,  
 2899 upon implementation, the ~~common-core~~ English Language Arts  
 2900 assessment, ~~as applicable under s. 1008.22,~~ and who was retained

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2901 in grade 3 the prior year because of scoring Level 1.

2902 b. Have a reduced teacher-student ratio.

2903 c. Provide uninterrupted reading instruction for the

2904 majority of student contact time each day and incorporate

2905 opportunities to master the grade 4 Next Generation Sunshine

2906 State Standards in other core subject areas.

2907 d. Use a reading program that is scientifically research-

2908 based and has proven results in accelerating student reading

2909 achievement within the same school year.

2910 e. Provide intensive language and vocabulary instruction

2911 using a scientifically research-based program, including use of

2912 a speech-language therapist.

2913 Section 75. Paragraphs (b) and (c) of subsection (4) and

2914 subsections (5) and (7) of section 1008.33, Florida Statutes,

2915 are amended to read:

2916 1008.33 Authority to enforce public school improvement.—

2917 (4)

2918 (b) ~~Except as provided in subsection (5),~~ The turnaround

2919 options available to a school district to address a school that

2920 earns a grade of "F" are:

2921 1. Convert the school to a district-managed turnaround

2922 school;

2923 2. Reassign students to another school and monitor the

2924 progress of each reassigned student;

2925 3. Close the school and reopen the school as one or more

2926 charter schools, each with a governing board that has a

2927 demonstrated record of effectiveness;

2928 4. Contract with an outside entity that has a demonstrated

2929 record of effectiveness to operate the school; or

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2930 5. Implement a hybrid of turnaround options set forth in

2931 subparagraphs 1.-4. or other turnaround models that have a

2932 demonstrated record of effectiveness.

2933 ~~(c) Except for schools required to implement a turnaround~~

2934 ~~option pursuant to subsection (5),~~ A school earning a grade of

2935 "F" shall have a planning year followed by 2 full school years

2936 to implement the initial turnaround option selected by the

2937 school district and approved by the state board. Implementation

2938 of the turnaround option is no longer required if the school

2939 improves by at least one letter grade.

2940 ~~(5) A school that earns a grade of "F" within 2 years after~~

2941 ~~raising its grade from a grade of "F" or that earns a grade of~~

2942 ~~"F" within 2 years after exiting the lowest performing category~~

2943 ~~under s. 3, chapter 2009-144, Laws of Florida, must implement~~

2944 ~~one of the turnaround options in subparagraphs (4)(b)2.-5.~~

2945 ~~(7) A school classified in the lowest performing category~~

2946 ~~under s. 3, chapter 2009-144, Laws of Florida, before July 1,~~

2947 ~~2012, is not required to continue implementing any turnaround~~

2948 ~~option unless the school earns a grade of "F" or a third~~

2949 ~~consecutive "D" for the 2011-2012 school year. A school earning~~

2950 ~~a grade of "F" or a third consecutive "D" for the 2011-2012~~

2951 ~~school year may not restart the number of years it has been low~~

2952 ~~performing by virtue of the 2012 amendments to this section.~~

2953 Section 76. Section 1008.331, Florida Statutes, is

2954 repealed.

2955 Section 77. Subsection (2) of section 1008.3415, Florida

2956 Statutes, is amended to read:

2957 1008.3415 School grade or school improvement rating for

2958 exceptional student education centers.—

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2959 (2) Notwithstanding s. 1008.34(3)(c)3., the achievement  
 2960 scores and learning gains of a student with a disability who  
 2961 attends an exceptional student education center and has not been  
 2962 enrolled in or attended a public school other than an  
 2963 exceptional student education center for grades K-12 within the  
 2964 school district shall not be included in the calculation of the  
 2965 home school's grade if the student is identified as an emergent  
 2966 student on the alternate assessment ~~tool~~ described in s.  
 2967 1008.22(3)(c) ~~1008.22(3)(c)13~~.

2968 Section 78. Section 1008.35, Florida Statutes, is repealed.

2969 Section 79. Subsection (3) of section 1009.22, Florida  
 2970 Statutes, is amended to read:

2971 1009.22 Workforce education postsecondary student fees.—

2972 (3)(a) Except as otherwise provided by law, fees for  
 2973 students who are nonresidents for tuition purposes must offset  
 2974 the full cost of instruction. Residency of students shall be  
 2975 determined as required in s. 1009.21. Fee-nonexempt students  
 2976 enrolled in applied academics for adult education instruction  
 2977 shall be charged fees equal to the fees charged for adult  
 2978 general education programs. Each Florida College System  
 2979 institution that conducts developmental education and applied  
 2980 academics for adult education instruction in the same class  
 2981 section may charge a single fee for both types of instruction.

2982 (b) Fees for continuing workforce education shall be  
 2983 locally determined by the district school board or Florida  
 2984 College System institution board of trustees. Expenditures for  
 2985 the continuing workforce education program provided by the  
 2986 Florida College System institution or school district must be  
 2987 fully supported by fees. Enrollments in continuing workforce

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2988 education courses may not be counted for purposes of funding  
 2989 full-time equivalent enrollment.

2990 (c) ~~Effective July 1, 2011,~~ For programs leading to a  
 2991 career certificate or an applied technology diploma, the  
 2992 standard tuition shall be \$2.22 per contact hour for residents  
 2993 and nonresidents and the out-of-state fee shall be \$6.66 per  
 2994 contact hour. For adult general education programs, a block  
 2995 tuition of \$45 per half year or \$30 per term shall be assessed  
 2996 for residents and nonresidents, and the out-of-state fee shall  
 2997 be \$135 per half year or \$90 per term. Each district school  
 2998 board and Florida College System institution board of trustees  
 2999 shall adopt policies and procedures for the collection of and  
 3000 accounting for the expenditure of the block tuition. All funds  
 3001 received from the block tuition shall be used only for adult  
 3002 general education programs. Students enrolled in adult general  
 3003 education programs may not be assessed the fees authorized in  
 3004 subsection (5), subsection (6), or subsection (7).

3005 (d) ~~Beginning with the 2008-2009 fiscal year and each year~~  
 3006 ~~thereafter,~~ The tuition and the out-of-state fee per contact  
 3007 hour shall increase at the beginning of each fall semester at a  
 3008 rate equal to inflation, unless otherwise provided in the  
 3009 General Appropriations Act. The Office of Economic and  
 3010 Demographic Research shall report the rate of inflation to the  
 3011 President of the Senate, the Speaker of the House of  
 3012 Representatives, the Governor, and the State Board of Education  
 3013 each year prior to March 1. For purposes of this paragraph, the  
 3014 rate of inflation shall be defined as the rate of the 12-month  
 3015 percentage change in the Consumer Price Index for All Urban  
 3016 Consumers, U.S. City Average, All Items, or successor reports as

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3017 reported by the United States Department of Labor, Bureau of  
 3018 Labor Statistics, or its successor for December of the previous  
 3019 year. In the event the percentage change is negative, the  
 3020 tuition and out-of-state fee shall remain at the same level as  
 3021 the prior fiscal year.

3022 (e) Each district school board and each Florida College  
 3023 System institution board of trustees may adopt tuition and out-  
 3024 of-state fees that ~~may~~ vary no more than 5 percent below or ~~and~~  
 3025 5 percent above the combined total of the standard tuition and  
 3026 out-of-state fees established in paragraph (c).

3027 ~~(f) The maximum increase in resident tuition for any school~~  
 3028 ~~district or Florida College System institution during the 2007-~~  
 3029 ~~2008 fiscal year shall be 5 percent over the tuition charged~~  
 3030 ~~during the 2006-2007 fiscal year.~~

3031 (f)(g) The State Board of Education may adopt, by rule, the  
 3032 definitions and procedures that district school boards and  
 3033 Florida College System institution boards of trustees shall use  
 3034 in the calculation of cost borne by students.

3035 Section 80. Paragraph (a) of subsection (1) of section  
 3036 1009.40, Florida Statutes, is amended to read:

3037 1009.40 General requirements for student eligibility for  
 3038 state financial aid awards and tuition assistance grants.—

3039 (1) (a) The general requirements for eligibility of students  
 3040 for state financial aid awards and tuition assistance grants  
 3041 consist of the following:

3042 1. Achievement of the academic requirements of and  
 3043 acceptance at a state university or Florida College System  
 3044 institution; a nursing diploma school approved by the Florida  
 3045 Board of Nursing; a Florida college or university which is

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3046 accredited by an accrediting agency recognized by the State  
 3047 Board of Education; a ~~any~~ Florida institution the credits of  
 3048 which are acceptable for transfer to state universities; a ~~any~~  
 3049 career center; or a ~~any~~ private career institution accredited by  
 3050 an accrediting agency recognized by the State Board of  
 3051 Education.

3052 2. Residency in this state for no less than 1 year  
 3053 preceding the award of aid or a tuition assistance grant for a  
 3054 program established pursuant to s. 1009.50, s. 1009.505, s.  
 3055 1009.51, s. 1009.52, s. 1009.53, ~~s. 1009.56~~, s. 1009.60, s.  
 3056 1009.62, s. 1009.72, s. 1009.73, s. 1009.77, s. 1009.89, or s.  
 3057 1009.891. Residency in this state must be for purposes other  
 3058 than to obtain an education. Resident status for purposes of  
 3059 receiving state financial aid awards shall be determined in the  
 3060 same manner as resident status for tuition purposes pursuant to  
 3061 s. 1009.21.

3062 3. Submission of certification attesting to the accuracy,  
 3063 completeness, and correctness of information provided to  
 3064 demonstrate a student's eligibility to receive state financial  
 3065 aid awards or tuition assistance grants. Falsification of such  
 3066 information shall result in the denial of a ~~any~~ pending  
 3067 application and revocation of an ~~any~~ award or grant currently  
 3068 held to the extent that no further payments shall be made.  
 3069 Additionally, students who knowingly make false statements in  
 3070 order to receive state financial aid awards or tuition  
 3071 assistance grants commit a misdemeanor of the second degree  
 3072 subject to the provisions of s. 837.06 and shall be required to  
 3073 return all state financial aid awards or tuition assistance  
 3074 grants wrongfully obtained.



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3075 Section 81. Subsection (1) of section 1009.531, Florida  
3076 Statutes, is amended to read:

3077 1009.531 Florida Bright Futures Scholarship Program;  
3078 student eligibility requirements for initial awards.-

3079 (1) ~~Effective January 1, 2008,~~ In order to be eligible for  
3080 an initial award from any of the three types of scholarships  
3081 under the Florida Bright Futures Scholarship Program, a student  
3082 must:

3083 (a) Be a Florida resident as defined in s. 1009.40 and  
3084 rules of the State Board of Education.

3085 (b) Earn a standard Florida high school diploma pursuant to  
3086 s. 1002.3105(5), s. 1003.4281, or s. 1003.4282 or a high school  
3087 equivalency diploma ~~its equivalent pursuant to s. 1003.428, s.~~  
3088 ~~1003.4281, s. 1003.4282, or s. 1003.435 unless:~~

3089 1. The student completes a home education program according  
3090 to s. 1002.41; or

3091 2. The student earns a high school diploma from a non-  
3092 Florida school while living with a parent or guardian who is on  
3093 military or public service assignment away from Florida.

3094 (c) Be accepted by and enroll in an eligible Florida public  
3095 or independent postsecondary education institution.

3096 (d) Be enrolled for at least 6 semester credit hours or the  
3097 equivalent in quarter hours or clock hours.

3098 (e) Not have been found guilty of, or entered a plea of  
3099 nolo contendere to, a felony charge, unless the student has been  
3100 granted clemency by the Governor and Cabinet sitting as the  
3101 Executive Office of Clemency.

3102 (f) Apply for a scholarship from the program by high school  
3103 graduation. However, a student who graduates from high school

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3104 midyear must apply no later than August 31 of the student's  
3105 graduation year in order to be evaluated for and, if eligible,  
3106 receive an award for the current academic year.

3107 Section 82. Paragraph (c) of subsection (3) of section  
3108 1009.532, Florida Statutes, is amended to read:

3109 1009.532 Florida Bright Futures Scholarship Program;  
3110 student eligibility requirements for renewal awards.-

3111 (3)

3112 (c) A student who is initially eligible in the 2012-2013  
3113 academic year and thereafter may receive an award for a maximum  
3114 of 100 percent of the number of credit hours required to  
3115 complete an associate degree program, a baccalaureate degree  
3116 program, or a postsecondary career certificate program or, for a  
3117 Florida Gold Seal Vocational Scholars award, may receive an  
3118 award for a maximum of 100 percent of the number of credit hours  
3119 or equivalent clock hours required to complete one of the  
3120 following at a Florida public or nonpublic education institution  
3121 that offers these specific programs: for an applied technology  
3122 diploma program as defined in s. 1004.02(7) ~~1004.02(8)~~, up to 60  
3123 credit hours or equivalent clock hours; for a technical degree  
3124 education program as defined in s. 1004.02(13) ~~1004.02(14)~~, up  
3125 to the number of hours required for a specific degree not to  
3126 exceed 72 credit hours or equivalent clock hours; or for a  
3127 career certificate program as defined in s. 1004.02(20)  
3128 ~~1004.02(21)~~, up to the number of hours required for a specific  
3129 certificate not to exceed 72 credit hours or equivalent clock  
3130 hours. A student who transfers from one of these program levels  
3131 to another program level becomes eligible for the higher of the  
3132 two credit hour limits.

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3133 Section 83. Paragraph (c) of subsection (4) of section  
 3134 1009.536, Florida Statutes, is amended to read:  
 3135 1009.536 Florida Gold Seal Vocational Scholars award.—The  
 3136 Florida Gold Seal Vocational Scholars award is created within  
 3137 the Florida Bright Futures Scholarship Program to recognize and  
 3138 reward academic achievement and career preparation by high  
 3139 school students who wish to continue their education.  
 3140 (4)  
 3141 (c) A student who is initially eligible in the 2012-2013  
 3142 academic year and thereafter may earn a Florida Gold Seal  
 3143 Vocational Scholarship for a maximum of 100 percent of the  
 3144 number of credit hours or equivalent clock hours required to  
 3145 complete one of the following at a Florida public or nonpublic  
 3146 education institution that offers these specific programs: for  
 3147 an applied technology diploma program as defined in s.  
 3148 1004.02(7) ~~1004.02(8)~~, up to 60 credit hours or equivalent clock  
 3149 hours; for a technical degree education program as defined in s.  
 3150 1004.02(13) ~~1004.02(14)~~, up to the number of hours required for  
 3151 a specific degree not to exceed 72 credit hours or equivalent  
 3152 clock hours; or for a career certificate program as defined in  
 3153 s. 1004.02(20) ~~1004.02(21)~~, up to the number of hours required  
 3154 for a specific certificate not to exceed 72 credit hours or  
 3155 equivalent clock hours.  
 3156 Section 84. Section 1009.56, Florida Statutes, is repealed.  
 3157 Section 85. Section 1009.69, Florida Statutes, is repealed.  
 3158 Section 86. Subsection (1) of section 1009.91, Florida  
 3159 Statutes, is amended to read:  
 3160 1009.91 Assistance programs and activities of the  
 3161 department.—

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3162 (1) The department may contract for the administration of  
 3163 the student financial assistance programs as specifically  
 3164 provided in ss. 295.01, 1009.29, ~~1009.56~~, and 1009.78.  
 3165 Section 87. Paragraph (c) of subsection (2) of section  
 3166 1009.94, Florida Statutes, is amended to read:  
 3167 1009.94 Student financial assistance database.—  
 3168 (2) For purposes of this section, financial assistance  
 3169 includes:  
 3170 (c) Any financial assistance provided under s. 1009.50, s.  
 3171 1009.505, s. 1009.51, s. 1009.52, s. 1009.53, s. 1009.55, ~~s.~~  
 3172 ~~1009.56~~, s. 1009.60, s. 1009.62, s. 1009.70, s. 1009.701, s.  
 3173 1009.72, s. 1009.73, s. 1009.74, s. 1009.77, s. 1009.89, or s.  
 3174 1009.891.  
 3175 Section 88. Part V of chapter 1009, Florida Statutes,  
 3176 consisting of sections 1009.99, 1009.991, 1009.992, 1009.993,  
 3177 1009.994, 1009.995, 1009.996, 1009.9965, 1009.997, 1009.9975,  
 3178 1009.9976, 1009.9977, 1009.9978, 1009.9979, 1009.998, 1009.9981,  
 3179 1009.9982, 1009.9983, 1009.9984, 1009.9985, 1009.9986,  
 3180 1009.9987, 1009.9988, 1009.9989, 1009.9990, 1009.9991,  
 3181 1009.9992, 1009.9993, and 1009.9994, is repealed.  
 3182 Section 89. Paragraphs (b) and (c) of subsection (3) of  
 3183 section 1011.71, Florida Statutes, are repealed.  
 3184 Section 90. Subsection (4) of section 1011.76, Florida  
 3185 Statutes, is repealed.  
 3186 Section 91. Paragraph (b) of subsection (1) of section  
 3187 1011.80, Florida Statutes, is amended to read:  
 3188 1011.80 Funds for operation of workforce education  
 3189 programs.—  
 3190 (1) As used in this section, the terms "workforce

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3191 education" and "workforce education program" include:  
 3192 (b) Career certificate programs, as defined in s.  
 3193 1004.02(20) ~~1004.02(21)~~.  
 3194 Section 92. Paragraphs (b), (f), (j), (m), and (p) of  
 3195 subsection (2) and subsection (6) of section 1012.05, Florida  
 3196 Statutes, are amended to read:  
 3197 1012.05 Teacher recruitment and retention.—  
 3198 (2) The Department of Education shall:  
 3199 (b) Advertise in major newspapers, national professional  
 3200 publications, and other professional publications and in public  
 3201 and nonpublic postsecondary educational institutions, if needed.  
 3202 (f) Develop and distribute promotional materials related to  
 3203 teaching as a career, if needed.  
 3204 ~~(j) Develop, in consultation with school district staff~~  
 3205 ~~including, but not limited to, district school superintendents,~~  
 3206 ~~district school board members, and district human resources~~  
 3207 ~~personnel, a long-range plan for educator recruitment and~~  
 3208 ~~retention.~~  
 3209 ~~(m) Develop and implement a First Response Center to~~  
 3210 ~~provide educator candidates one-stop shopping for information on~~  
 3211 ~~teaching careers in Florida and establish the Teacher Lifeline~~  
 3212 ~~Network to provide online support to beginning teachers and~~  
 3213 ~~those needing assistance.~~  
 3214 (n) ~~(p)~~ Notify each teacher, via e-mail, of each item in the  
 3215 General Appropriations Act and legislation that affects  
 3216 teachers, including, but not limited to, ~~the Excellent Teaching~~  
 3217 ~~Program~~, the Florida Teachers Classroom Supply Assistance  
 3218 Program, ~~liability insurance protection for teachers,~~ death  
 3219 benefits for teachers, substantive legislation, rules of the

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3220 State Board of Education, and issues concerning student  
 3221 achievement.  
 3222 ~~(6) The Commissioner of Education shall take steps that~~  
 3223 ~~provide flexibility and consistency in meeting the highly~~  
 3224 ~~qualified teacher criteria as defined in the No Child Left~~  
 3225 ~~Behind Act of 2001 through a High, Objective, Uniform State~~  
 3226 ~~Standard of Evaluation (HOUSSE).~~  
 3227 Section 93. Paragraph (b) of subsection (1) of section  
 3228 1012.22, Florida Statutes, is amended to read:  
 3229 1012.22 Public school personnel; powers and duties of the  
 3230 district school board.—The district school board shall:  
 3231 (1) Designate positions to be filled, prescribe  
 3232 qualifications for those positions, and provide for the  
 3233 appointment, compensation, promotion, suspension, and dismissal  
 3234 of employees as follows, subject to the requirements of this  
 3235 chapter:  
 3236 (b) *Time to act on nominations.*—The district school board  
 3237 shall act no not later than 3 weeks following the receipt of  
 3238 statewide, standardized assessment scores and data under s.  
 3239 1008.22 and, ~~including~~ school grades, or June 30, whichever is  
 3240 later, on the district school superintendent's nominations of  
 3241 supervisors, principals, and members of the instructional staff.  
 3242 Section 94. Subsection (9) of section 1012.33, Florida  
 3243 Statutes, is repealed.  
 3244 Section 95. Paragraph (b) of subsection (1), paragraph (a)  
 3245 of subsection (3), and subsection (6) of section 1012.34,  
 3246 Florida Statutes, are amended to read:  
 3247 1012.34 Personnel evaluation procedures and criteria.—  
 3248 (1) EVALUATION SYSTEM APPROVAL AND REPORTING.—

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3249 (b) The department must approve each school district's  
 3250 instructional personnel and school administrator evaluation  
 3251 systems. The department shall monitor each district's  
 3252 implementation of its instructional personnel and school  
 3253 administrator evaluation systems for compliance with the  
 3254 requirements of this section and s. 1012.3401.

3255 (3) EVALUATION PROCEDURES AND CRITERIA.—Instructional  
 3256 personnel and school administrator performance evaluations must  
 3257 be based upon the performance of students assigned to their  
 3258 classrooms or schools, as provided in this section. Pursuant to  
 3259 this section, a school district's performance evaluation is not  
 3260 limited to basing unsatisfactory performance of instructional  
 3261 personnel and school administrators solely upon student  
 3262 performance, but may include other criteria approved to evaluate  
 3263 instructional personnel and school administrators' performance,  
 3264 or any combination of student performance and other approved  
 3265 criteria. Evaluation procedures and criteria must comply with,  
 3266 but are not limited to, the following:

3267 (a) A performance evaluation must be conducted for each  
 3268 employee at least once a year, except that a classroom teacher,  
 3269 as defined in s. 1012.01(2)(a), excluding substitute teachers,  
 3270 who is newly hired by the district school board must be observed  
 3271 and evaluated at least twice in the first year of teaching in  
 3272 the school district. The performance evaluation must be based  
 3273 upon sound educational principles and contemporary research in  
 3274 effective educational practices. The evaluation criteria must  
 3275 include:

3276 1. Performance of students.—At least 50 percent of a  
 3277 performance evaluation must be based upon data and indicators of

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3278 student learning growth assessed annually by statewide  
 3279 assessments or, for subjects and grade levels not measured by  
 3280 statewide assessments, by school district assessments as  
 3281 provided in s. 1008.22(6) ~~1008.22(8)~~. Each school district must  
 3282 use the formula adopted pursuant to paragraph (7)(a) for  
 3283 measuring student learning growth in all courses associated with  
 3284 statewide assessments and must select an equally appropriate  
 3285 formula for measuring student learning growth for all other  
 3286 grades and subjects, except as otherwise provided in subsection  
 3287 (7).

3288 a. For classroom teachers, as defined in s. 1012.01(2)(a),  
 3289 excluding substitute teachers, the student learning growth  
 3290 portion of the evaluation must include growth data for students  
 3291 assigned to the teacher over the course of at least 3 years. If  
 3292 less than 3 years of data are available, the years for which  
 3293 data are available must be used and the percentage of the  
 3294 evaluation based upon student learning growth may be reduced to  
 3295 not less than 40 percent.

3296 b. For instructional personnel who are not classroom  
 3297 teachers, the student learning growth portion of the evaluation  
 3298 must include growth data on statewide assessments for students  
 3299 assigned to the instructional personnel over the course of at  
 3300 least 3 years, or may include a combination of student learning  
 3301 growth data and other measurable student outcomes that are  
 3302 specific to the assigned position, provided that the student  
 3303 learning growth data accounts for not less than 30 percent of  
 3304 the evaluation. If less than 3 years of student growth data are  
 3305 available, the years for which data are available must be used  
 3306 and the percentage of the evaluation based upon student learning

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3307 growth may be reduced to not less than 20 percent.

3308 c. For school administrators, the student learning growth  
3309 portion of the evaluation must include growth data for students  
3310 assigned to the school over the course of at least 3 years. If  
3311 less than 3 years of data are available, the years for which  
3312 data are available must be used and the percentage of the  
3313 evaluation based upon student learning growth may be reduced to  
3314 not less than 40 percent.

3315 2. Instructional practice.—Evaluation criteria used when  
3316 annually observing classroom teachers, as defined in s.  
3317 1012.01(2)(a), excluding substitute teachers, must include  
3318 indicators based upon each of the Florida Educator Accomplished  
3319 Practices adopted by the State Board of Education. For  
3320 instructional personnel who are not classroom teachers,  
3321 evaluation criteria must be based upon indicators of the Florida  
3322 Educator Accomplished Practices and may include specific job  
3323 expectations related to student support.

3324 3. Instructional leadership.—For school administrators,  
3325 evaluation criteria must include indicators based upon each of  
3326 the leadership standards adopted by the State Board of Education  
3327 under s. 1012.986, including performance measures related to the  
3328 effectiveness of classroom teachers in the school, the  
3329 administrator's appropriate use of evaluation criteria and  
3330 procedures, recruitment and retention of effective and highly  
3331 effective classroom teachers, improvement in the percentage of  
3332 instructional personnel evaluated at the highly effective or  
3333 effective level, and other leadership practices that result in  
3334 student learning growth. The system may include a means to give  
3335 parents and instructional personnel an opportunity to provide

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3336 input into the administrator's performance evaluation.

3337 4. Professional and job responsibilities.—For instructional  
3338 personnel and school administrators, other professional and job  
3339 responsibilities must be included as adopted by the State Board  
3340 of Education. The district school board may identify additional  
3341 professional and job responsibilities.

3342 (6) ANNUAL REVIEW OF AND REVISIONS TO THE SCHOOL DISTRICT  
3343 EVALUATION SYSTEMS.—The district school board shall establish a  
3344 procedure for annually reviewing instructional personnel and  
3345 school administrator evaluation systems to determine compliance  
3346 with this section and s. 1012.3401. All substantial revisions to  
3347 an approved system must be reviewed and approved by the district  
3348 school board before being used to evaluate instructional  
3349 personnel or school administrators. Upon request by a school  
3350 district, the department shall provide assistance in developing,  
3351 improving, or reviewing an evaluation system.

3352 Section 96. Section 1012.44, Florida Statutes, is amended  
3353 to read:

3354 1012.44 Qualifications for certain persons providing  
3355 speech-language services.—The State Board of Education shall  
3356 adopt rules for speech-language services to school districts  
3357 that qualify for the sparsity supplement as described in s.  
3358 1011.62(7). These services may be provided by baccalaureate  
3359 degree level persons for a period of 3 years. The rules shall  
3360 authorize the delivery of speech-language services by  
3361 baccalaureate degree level persons under the direction of a  
3362 certified speech-language pathologist with a master's degree or  
3363 higher. ~~By October 1, 2003, these rules shall be reviewed by the~~  
3364 ~~State Board of Education.~~

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3365 Section 97. Section 1012.561, Florida Statutes, is amended  
3366 to read:

3367 1012.561 Address of record.—Each certified educator or  
3368 applicant for certification is solely responsible for  
3369 maintaining his or her current address with the Department of  
3370 Education and for notifying the department in writing of a  
3371 change of address. ~~By January 1, 2005, each educator and~~  
3372 ~~applicant for certification must have on file with the~~  
3373 ~~department a current mailing address. Thereafter,~~ A certified  
3374 educator or applicant for certification who is employed by a  
3375 district school board shall notify his or her employing school  
3376 district within 10 days after a change of address. At a minimum,  
3377 the employing district school board shall notify the department  
3378 monthly of the addresses of the certified educators or  
3379 applicants for certification in the manner prescribed by the  
3380 department. A certified educator or applicant for certification  
3381 who is not employed by a district school board shall personally  
3382 notify the department in writing within 30 days after a change  
3383 of address. The department shall permit electronic notification;  
3384 however, it is the responsibility of the certified educator or  
3385 applicant for certification to ensure that the department has  
3386 received the electronic notification.

3387 Section 98. Section 1012.595, Florida Statutes, is  
3388 repealed.

3389 Section 99. Subsections (2), (3), and (4) of section  
3390 1012.885, Florida Statutes, are amended to read:

3391 1012.885 Remuneration of Florida College System institution  
3392 presidents; limitations.—

3393 ~~(2) LIMITATION ON COMPENSATION.—Notwithstanding any other~~

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3394 ~~law, resolution, or rule to the contrary, a Florida College~~  
3395 ~~System institution president may not receive more than \$225,000~~  
3396 ~~in remuneration annually from appropriated state funds. Only~~  
3397 ~~compensation, as defined in s. 121.021(22), provided to a~~  
3398 ~~Florida College System institution president may be used in~~  
3399 ~~calculating benefits under chapter 121.~~

3400 (2) ~~(3)~~ EXCEPTIONS.—This section does not prohibit a any  
3401 party from providing cash or cash-equivalent compensation from  
3402 funds that are not appropriated state funds to a Florida College  
3403 System institution president in excess of the limit in  
3404 subsection (3) ~~(2)~~. If a party is unable or unwilling to fulfill  
3405 an obligation to provide cash or cash-equivalent compensation to  
3406 a Florida College System institution president as permitted  
3407 under this subsection, appropriated state funds may not be used  
3408 to fulfill such obligation.

3409 (3) ~~(4)~~ LIMITATION ON REMUNERATION.—Notwithstanding a law,  
3410 resolution, or rule to the contrary ~~the provisions of this~~  
3411 ~~section~~, a Florida College System institution president may not  
3412 receive more than \$200,000 in remuneration from appropriated  
3413 state funds. Only compensation, as defined in s. 121.021(22),  
3414 provided to a Florida College System institution president may  
3415 be used in calculating benefits under chapter 121.

3416 Section 100. Subsections (2), (3), and (4) of section  
3417 1012.975, Florida Statutes, are amended to read:

3418 1012.975 Remuneration of state university presidents;  
3419 limitations.—

3420 ~~(2) LIMITATION ON COMPENSATION.—Notwithstanding any other~~  
3421 ~~law, resolution, or rule to the contrary, a state university~~  
3422 ~~president may not receive more than \$225,000 in remuneration~~

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3423 ~~annually from public funds. Only compensation, as such term is~~  
 3424 ~~defined in s. 121.021(22), provided to a state university~~  
 3425 ~~president may be used in calculating benefits under chapter 121.~~  
 3426 (2)(3) EXCEPTIONS.—This section does not prohibit a any  
 3427 party from providing cash or cash-equivalent compensation from  
 3428 funds that are not public funds to a state university president  
 3429 in excess of the limit in subsection (3) (2). If a party is  
 3430 unable or unwilling to fulfill an obligation to provide cash or  
 3431 cash-equivalent compensation to a state university president as  
 3432 permitted under this subsection, public funds may not be used to  
 3433 fulfill such obligation.

(3)(4) LIMITATION ON REMUNERATION.—Notwithstanding a law,  
 3435 resolution, or rule to the contrary the provisions of this  
 3436 ~~section~~, a state university president may not receive more than  
 3437 \$200,000 in remuneration from public funds. Only compensation,  
 3438 as defined in s. 121.021(22), provided to a state university  
 3439 president may be used in calculating benefits under chapter 121.

Section 101. Subsection (12) of section 1012.98, Florida  
 3440 Statutes, is amended to read:  
 3441 1012.98 School Community Professional Development Act.—  
 3442 (12) The department shall require teachers in grades K-12  
 3443 ~~1-12~~ to participate in continuing education training provided by  
 3444 the Department of Children and Family Services on identifying  
 3445 and reporting child abuse and neglect.

Section 102. Paragraph (f) of subsection (2) of section  
 3446 1013.35, Florida Statutes, is amended to read:  
 3447 1013.35 School district educational facilities plan;  
 3448 definitions; preparation, adoption, and amendment; long-term  
 3449 work programs.—  
 3450  
 3451

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3452 (2) PREPARATION OF TENTATIVE DISTRICT EDUCATIONAL  
 3453 FACILITIES PLAN.—  
 3454 (f) Not less than once every 5 years, the district school  
 3455 board shall have an a financial management and performance audit  
 3456 conducted of the district's educational planning and  
 3457 construction activities ~~of the district~~. An operational audit  
 3458 conducted by ~~the Office of Program Policy Analysis and~~  
 3459 ~~Government Accountability and~~ the Auditor General pursuant to s.  
 3460 11.45 1008.35 satisfies this requirement.

Section 103. Section 1013.47, Florida Statutes, is amended  
 3461 to read:  
 3462 1013.47 Substance of contract; contractors to give bond;  
 3463 penalties.—Each board shall develop contracts consistent with  
 3464 this chapter and statutes governing public facilities. Such a  
 3465 contract must contain the drawings and specifications of the  
 3466 work to be done and the material to be furnished, the time limit  
 3467 in which the construction is to be completed, the time and  
 3468 method by which payments are to be made upon the contract, and  
 3469 the penalty to be paid by the contractor for a any failure to  
 3470 comply with the terms of the contract. The board may require the  
 3471 contractor to pay a penalty for any failure to comply with the  
 3472 terms of the contract and may provide an incentive for early  
 3473 completion. Upon accepting a satisfactory bid, the board shall  
 3474 enter into a contract with the party or parties whose bid has  
 3475 been accepted. The contractor shall furnish the board with a  
 3476 performance and payment bond as set forth in s. 255.05. A board  
 3477 or other public entity may not require a contractor to secure a  
 3478 surety bond under s. 255.05 from a specific agent or bonding  
 3479 company. ~~Notwithstanding any other provision of this section, if~~  
 3480

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3481 ~~25 percent or more of the costs of any construction project is~~  
3482 ~~paid out of a trust fund established pursuant to 31 U.S.C. s.~~  
3483 ~~1243(a)(1), laborers and mechanics employed by contractors or~~  
3484 ~~subcontractors on such construction will be paid wages not less~~  
3485 ~~than those prevailing on similar construction projects in the~~  
3486 ~~locality, as determined by the Secretary of Labor in accordance~~  
3487 ~~with the Davis-Bacon Act, as amended. A person, firm, or~~  
3488 corporation that constructs any part of any educational plant,  
3489 or addition thereto, on the basis of any unapproved plans or in  
3490 violation of any plans approved in accordance with the  
3491 provisions of this chapter and rules of the State Board of  
3492 Education or regulations of the Board of Governors relating to  
3493 building standards or specifications is subject to forfeiture of  
3494 the surety bond and unpaid compensation in an amount sufficient  
3495 to reimburse the board for any costs that will need to be  
3496 incurred in making any changes necessary to assure that all  
3497 requirements are met and is also guilty of a misdemeanor of the  
3498 second degree, punishable as provided in s. 775.082 or s.  
3499 775.083, for each separate violation.

3500 Section 104. Section 1013.49, Florida Statutes, is  
3501 repealed.

3502 Section 105. Section 1013.512, Florida Statutes, is  
3503 repealed.

3504 Section 106. Section 1013.54, Florida Statutes, is  
3505 repealed.

3506 Section 107. Section 20 of chapter 2010-24, Laws of  
3507 Florida, is repealed.

3508 Section 108. This act shall take effect upon becoming a  
3509 law.



THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

3/25/14  
Meeting Date

Topic SB 1226

Bill Number SB 1226  
(if applicable)

Name Tanya Cooper

Amendment Barcode N/A  
(if applicable)

Job Title Director

Address 325 W. Gaines Street

Phone 850-245-9633

Tallahassee FL 32399  
City State Zip

E-mail tanya.Cooper@fldoe.org

Speaking:  For  Against  Information

Representing Dept. 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

APPEARANCE RECORD

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

3-25-14

Meeting Date

Topic Waive in Support

Bill Number SB 1226

Name Ashley Spicola

(if applicable)

Amendment Barcode

(if applicable)

Job Title Education Policy Chief

Address The Capitol

Street

Phone 850-717-9507

Tallahassee

FL

32399

City

State

Zip

E-mail ashley.spicola@laspbs.state.fl.us

Speaking:  For  Against  Information

Representing The 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)

3/25/14

Meeting Date

Topic SB 1226

Bill Number <sup>SB</sup> 1226  
*(if applicable)*

Name Joy Frank

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title General Counsel

Address 208 S. Monroe

Phone 577-5784

Street

TALL FL 32301

City

State

Zip

E-mail JFRANK@FLDOES.org

Speaking:  For  Against  Information

Representing FL Assoc. of District School Superintendents

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)

Meeting Date \_\_\_\_\_

Topic Pension Bill

Bill Number 81226  
(if applicable)

Name Wayne Stanton

Amendment Barcode \_\_\_\_\_  
(if applicable)

Job Title Exec Director

Address 703 S. Monroe St.  
Street

Phone 414-2578

Tallahassee FL 32301  
City State Zip

E-mail Stanton@ESba.org

Speaking:  For  Against  Information

Representing Fla. School Superintendents 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.**

S-001 (10/20/11)

**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 1292

INTRODUCER: Education Committee and Senator Legg

SUBJECT: Postsecondary Education

DATE: March 27, 2014

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

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

---

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

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 1292 restructures governance and functionality of online public postsecondary student support services related to libraries, online courses, and online student advising systems.

Specifically, the bill creates the Complete Florida Plus Program (Program) within the Innovation Institute at the University of West Florida and transfers the requirements and responsibilities associated with student support services that are currently administered through the Florida Virtual Campus (FLVC) to the new Program. The bill also establishes the Florida Center for Library Automation (Center) and reassigns the duties and resources regarding online library support services that are currently administered by the FLVC to the new Center. Additionally, the bill renames the Complete Florida Degree Program as the Complete Florida Degree Initiative (Initiative) and restructures the related functions under the new Program.

The bill takes effect on July 1, 2014.

**II. Present Situation:**

**Complete Florida Degree Program**

In 2012, the Legislature established the Complete Florida Degree Program to recruit, recover, and retain the state's adult learners and assist them in completing an associate degree or

baccalaureate degree aligned to high-wage, high-skill workforce needs.<sup>1</sup> The program is administered by the University of West Florida (UWF), acting as the lead institution, in coordination with the Florida College System institutions, state universities, and private postsecondary institutions.<sup>2</sup>

The Complete Florida Degree Program must:<sup>3</sup>

- Provide adult learners with a single point of access to information and links to innovative online and accelerated distance learning courses, student and library support services, and electronic resources that will aid them in completing a postsecondary degree.
- Develop and implement an advising and student support system that includes the use of degree completion specialists, is based on best practices and processes, and includes academic and career support services designed specifically for adult learners.
- Use existing or develop new competency-based instructional and evaluation tools to assess prior performance, experience, and education to award college credit and reduce the time required for adults to complete degrees.
- Develop and implement an evaluation process to collect and analyze appropriate data in order to report program effectiveness.
- Develop and implement a statewide student recruitment campaign for the program.
- Identify proposed changes to the statewide computer-assisted student advising system developed by the Florida Virtual Campus (FLVC) to assist adult learners use the system.
- Use the online admissions application implemented by the FLVC.
- Use the distance learning catalog implemented by the FLVC.

### **Florida Virtual Campus**

In 2012, the Legislature created the FLVC by consolidating the services and resources previously provided by the Florida Distance Learning Consortium, the Florida Higher Education Distance Learning Catalog, FACTS.org, the Florida Center for Library Automation, and the College Center for Library Automation. The FLVC was established to provide access to online student and library support services and to serve as a statewide resource and clearinghouse for public postsecondary education distance learning courses and degree programs.<sup>4</sup>

The primary purposes of the FLVC are to:<sup>5</sup>

- Establish a single library automation system and associated resources and services for all public postsecondary education institutions to use to support their learning, teaching, and research needs.
- Provide information and access to distance learning courses and degree programs offered by the state's public postsecondary education institutions.
- Coordinate with the Florida College System (FCS) and the State University System (SUS) to identify and provide online academic support services and resources if the multi-institutional provision of such services and resources is more cost or operationally effective.

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<sup>1</sup> Section 15, ch. 2012-34, L.O.F.

<sup>2</sup> Section 1006.735(2), F.S.

<sup>3</sup> Section 1006.735(4)-(5), F.S.

<sup>4</sup> Section 14, ch. 2012-134, L.O.F.

<sup>5</sup> Section 1006.73(1), F.S.

The FCS and SUS Chancellors exercise joint oversight of the FLVC and establish governance and reporting structure, administrative and operational guidelines and processes, staffing requirements, and operational budget.<sup>6</sup>

The FLVC must:<sup>7</sup>

- Develop and manage a library information portal and automated library management tools for use by the FCS institutions and state universities.
- Develop and manage a statewide Internet-based catalog of distance learning courses, degree programs, and resources offered by public postsecondary education institutions to assist in the coordination and collaboration of articulation and access.
- Implement a streamlined, automated, online admissions application process for undergraduate transient students.
- Develop and manage a statewide computer-assisted student advising system that will support advising, registering, and certifying students for graduation and include a degree audit and articulation component.
- Coordinate the negotiation of statewide licensing of electronic library resources and preferred pricing agreements, issue purchase orders, and enter into contracts for the acquisition of distance learning resources, student and library support services, electronic resources, and other goods and services necessary to perform its duties.
- Promote and provide recommendations concerning the use and distribution of open-access textbooks and education resources to reduce costs and develop and standardized process for reviewing and approving open-access textbooks.
- Provide appropriate help desk support and training and consultation services to institutions and students using the services and resources of the FLVC.
- Identify and evaluate new technologies and instructional methods that can be used to improve distance learning instruction, student learning, the efficient delivery of student support services, and the overall quality of undergraduate distance learning courses and degree programs.
- Develop and implement a plan, in consultation with the public postsecondary education institutions, which describes the services and resources available through the FLVC to encourage students to use such services and resources.

The Office of Program Policy Analysis and Government Accountability (OPPAGA) reported that the FLVC as made progress toward functioning as a cohesive unit and saved approximately \$1.5 million by reducing positions and an additional \$116,586 by renegotiating leases. However, the FLVC continues to maintain three separate locations. The Tallahassee lease agreement obligates the FLVC to pay for \$2,000 square feet of space that it does not need. The FLVC maintains an \$8 million in reserve balance for which the obligations are unclear.<sup>8</sup>

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<sup>6</sup> Section 1006.73(2), F.S.

<sup>7</sup> Section 1006.73(5), F.S.

<sup>8</sup> Office of Program Policy Analysis and Government Accountability, *Progress of Florida Virtual Campus*, presentation to the Higher Education & Workforce Subcommittee, Florida House of Representatives (Feb. 13, 2014), available at <http://www.oppaga.state.fl.us/monitordocs/Presentations/P14-19.pdf>.

Additionally, OPPAGA reported that the FLVC has not implemented key legislative priorities and lacks a plan for addressing key issues, such as:<sup>9</sup>

- The FLVC has not taken adequate steps to advertise to students services that are available through the FLVC.
- The FLVC Website is difficult to navigate and use.
- The FLVC advising system is out-of-date and relatively few students use the system.
- The FLVC distance learning catalog is functional but does not have ready access to data that is needed to fully meet the statutory requirements.
- The FCS and state university library systems continue to operate separately.

### **Licensing Electronic Library Resources**

Florida law provides parameters for cost efficient and cost effective licensing of electronic library resources and outlines a process for identifying shared core resources among institutions that must be made available to all public postsecondary education students.<sup>10</sup> The chancellors and vice chancellors of the FCS institutions and state universities must annually report to the Governor and the chairs of the legislative appropriations committee the cost savings realized as a result of the collaborative licensing process.<sup>11</sup>

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

CS/SB 1292 restructures governance and functionality of online public postsecondary student support services related to libraries, online courses, and online student advising systems.

Specifically, the bill creates the Complete Florida Plus Program (Program) within the Innovation Institute at the University of West Florida (UWF) and transfers the requirements and responsibilities associated with student support services that are currently administered through the Florida Virtual Campus (FLVC) to the new Program. The bill also establishes the Florida Center for Library Automation (Center) and reassigns the duties and resources regarding online library support services that are currently administered by the FLVC to the new Center. Additionally, the bill renames the Complete Florida Degree Program as the Complete Florida Degree Initiative (Initiative) and restructures the related functions under the new Program. The consolidation of duties and resources are intended to strengthen and streamline online services and resources to students pursuing higher education in Florida.

#### **Complete Florida Plus Program**

The bill specifies that the purpose of the Program is to:

- Facilitate degree completion of the state's adult learners through the Initiative.
- Provide information and access to distance learning courses and degree programs offered by the state's public postsecondary institutions.

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<sup>9</sup> Office of Program Policy Analysis and Government Accountability, *Progress of Florida Virtual Campus*, presentation to the Higher Education & Workforce Subcommittee, Florida House of Representatives (Feb. 13, 2014), available at <http://www.oppaga.state.fl.us/monitordocs/Presentations/P14-19.pdf>.

<sup>10</sup> Section 1006.72, F.S.

<sup>11</sup> Section 1006.72(7), F.S.



- Coordinate with the Florida College System (FCS) and the State University System (SUS) to identify and provide online academic support services and resources if the multi-institutional provision of such services and resources is more cost-effective or operationally effective.

The bill repeals section 1006.73 of the Florida Statutes and transfers responsibility regarding implementation of the services and resources that are currently assigned to the FLVC to the Program and requires the Program to:

- Develop and manage a statewide Internet-based catalog of distance learning courses, degree programs, and resources offered by public postsecondary institutions to assist with the coordination and collaboration of articulation and access to postsecondary education.
- Provide a streamlined, automated, online admissions application process for undergraduate transient students who are enrolled in a public postsecondary education institution and who enroll in a course offered by a public postsecondary education institution that is not the students' degree-granting institution.
- Develop and manage a statewide computer-assisted student advising system that will support student advising and registration and certification of students for graduation and include a degree audit and articulation component.
- Identify and evaluate new technologies and instructional methods that can be used to improve distance learning instruction and professional development for faculty, student learning outcomes, student access, the delivery of student support services, the alignment of degrees to career needs, and the overall quality of postsecondary distance learning courses and degree programs.
- Provide appropriate help desk support and training and consultation services to institutions and students using the Program services.
- Coordinate the negotiation of statewide licensing of resources and preferred pricing agreements, issue purchase orders, and execute contracts for the acquisition of distance learning resources, student support services, electronic resources, and other goods and services necessary to perform Program duties.
- Develop and implement a plan, in consultation with the public postsecondary education institutions, which describes the services and resources available through the Program to encourage students to use the Program services and resources.

The bill requires transfer of all records, personnel, property, existing contracts, and unexpended balance of appropriations, allocations, grants, and other funds of the FLVC to UWF. The bill also designates UWF as the successor in interest to the FLVC and be responsible for the provision of all authorized services.

### **Florida Center for Library Automation**

The bill establishes the Florida Center for Library Automation (Center) to provide a single library automation system and related resources and services that all public postsecondary institutions must use to support the teaching, learning, and research needs.

The Center must:

- Develop and manage a library information portal and automated library management tools for use by the FCS institutions and state universities.

- Coordinate the negotiation of statewide licensing of electronic library resources and preferred pricing agreements, issue purchase orders, and execute duties of the Center.
- Promote and provide recommendations concerning the use and distribution of open-access textbooks and education resources to reduce costs and work with public postsecondary education institutions to develop a standardized process for the review and approval of open-access textbooks.

The Center must be administered by an executive director who must be accountable to the executive director of UWF's Innovation Institute. The executive director of the Center must:

- Independently exercise all powers, duties, and functions of the Center as prescribed by law.
- Administer the operational requirements of the Center.
- Hire professional and administrative staff necessary to perform the duties of the Center.
- Keep administrative staff to the minimum necessary to administer the duties of the Center.

The bill repeals section 1006.72 of the Florida Statutes regarding licensing electronic library resources and incorporates related provisions into the Center.

The bill adds conforming references to reflect the new 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.

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

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

None.

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

None.

##### **C. Government Sector Impact:**

Funding for the library automation system is provided in the General Appropriations Act.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 1006.735, 1007.01, 1009.23, and 1009.24.

This bill creates section 1004.448 of the Florida Statutes.

This bill repeals the following sections of the Florida Statutes: 1006.72 and 1006.73.

**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 25, 2014:**

The committee substitute differs from SB 1292 in that the committee substitute:

- Creates the Complete Florida Plus Program (Program) within the Innovation Institute at the University of West Florida and transfers the requirements and responsibilities associated with student support services that are currently administered through the Florida Virtual Campus (FLVC) to the new Program.
- Establishes the Florida Center for Library Automation (Center) and reassigns the duties and resources regarding online library support services that are currently administered by the FLVC to the new Center.
- Renames the Complete Florida Degree Program as the Complete Florida Degree Initiative (Initiative) and restructures the related functions under the new Program.
- Omits the provision regarding adding industry certifications to the list of articulated acceleration mechanisms.

**B. Amendments:**

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/25/2014	.	
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	.	

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The Committee on Education (Legg) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Section 1004.448, Florida Statutes, is created  
to read:

1004.448 Florida Center for Library Automation.-

(1) The Florida Center for Library Automation is  
established to provide a single library automation system and  
associated resources and services that all public postsecondary  
institutions shall use to support their learning, teaching, and



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12 research needs.

13 (2) The Florida Center for Library Automation shall:

14 (a) Develop and manage a library information portal and  
15 automated library management tools for use by the Florida  
16 College System institutions and state universities. The library  
17 information portal and automated library management tools must  
18 include, but are not limited to, the following services and  
19 functions:

20 1. A shared Internet-based catalog and a discovery tool  
21 that allow a user to search and, if authorized, access the  
22 aggregate library holdings of the state's public postsecondary  
23 education institutions. The catalog and discovery tool must  
24 allow the user to search the library holdings of one  
25 institution, selected institutions, or all institutions and, to  
26 the extent feasible, include an interlibrary loan function that  
27 ensures that the authorized user can access the required library  
28 holding.

29 2. An Internet-based searchable collection of electronic  
30 resources which includes, but is not limited to, full-text  
31 journals, articles, databases, and electronic books that the  
32 center licenses pursuant to paragraph (b).

33 3. An integrated library management system and its  
34 associated services that all public postsecondary education  
35 institution academic libraries must use for purposes of  
36 acquiring, cataloging, circulating, and tracking library  
37 material.

38 4. A statewide searchable database that includes an  
39 inventory of digital archives and collections held by public  
40 postsecondary education institutions.



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41 (b) Coordinate the negotiation of statewide licensing of  
42 electronic library resources and preferred pricing agreements,  
43 issue purchase orders, and enter into contracts for the  
44 acquisition of library support services, electronic resources,  
45 and other goods and services necessary to carry out its duties  
46 under this section.

47 (c) Promote and provide recommendations concerning the use  
48 and distribution of open-access textbooks and education  
49 resources as a method for reducing costs and work with public  
50 postsecondary education institutions in developing a  
51 standardized process for the review and approval of open-access  
52 textbooks.

53 (3) The Florida Center for Library Automation shall be  
54 administered by an executive director who is accountable to the  
55 executive director of the University of West Florida's  
56 Innovation Institute. The executive director of the Florida  
57 Center for Library Automation shall:

58 (a) Independently exercise all powers, duties, and  
59 functions of the center as prescribed by law.

60 (b) Administer the operational requirements of the center.

61 (c) Hire professional and administrative staff necessary to  
62 carry out the duties of the center.

63 (d) Keep administrative staff to the minimum necessary to  
64 administer the duties of the center.

65 Section 2. Section 1006.72, Florida Statutes, is repealed.

66 Section 3. Section 1006.73, Florida Statutes, is repealed.

67 Section 4. Section 1006.735, Florida Statutes, is amended  
68 to read:

69 1006.735 Complete Florida ~~Plus Degree~~ Program.—The Complete



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70 Florida Plus Program is created within the Innovation Institute  
71 at the University of West Florida.

72 (1) PURPOSE.—The purpose of the Complete Florida Plus  
73 Program is to:

74 (a) Facilitate degree completion for the state's adult  
75 learners through the Complete Florida Degree Initiative.

76 (b) Provide information and access to distance learning  
77 courses and degree programs offered by the state's public  
78 postsecondary education institutions.

79 (c) Coordinate with the Florida College System and the  
80 State University System to identify and provide online academic  
81 support services and resources when the multi-institutional  
82 provision of such services and resources is more cost-effective  
83 or operationally effective.

84 (2)~~(1)~~ COMPLETE FLORIDA DEGREE INITIATIVE.—The Complete  
85 Florida Degree Initiative Program is established for the purpose  
86 of recruiting, recovering, and retaining the state's adult  
87 learners and assisting them in completing an associate degree or  
88 a baccalaureate degree that is aligned to high-wage, high-skill  
89 workforce needs. As used in this section, the term "adult  
90 learner" means a student who has successfully completed college-  
91 level coursework in multiple semesters but has left an  
92 institution in good standing before completing his or her  
93 degree. The program shall give priority to adult learners who  
94 are veterans or active duty members of the United States Armed  
95 Forces.

96 (a)~~(2)~~ The Complete Florida Degree Initiative Program shall  
97 be implemented by the University of West Florida, acting as the  
98 lead institution, in coordination with Florida College System



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99 institutions, state universities, and private postsecondary  
100 institutions, as appropriate. The initiative includes program  
101 ~~shall include~~ the associate, applied baccalaureate, and  
102 baccalaureate degree programs that these institutions have  
103 selected. Other partnering public postsecondary education  
104 institutions shall provide areas of specialization or  
105 concentration.

106 ~~(b)(3) In determining For purposes of selecting~~ the degree  
107 programs that will be given priority, ~~in~~ the Complete Florida  
108 Degree Initiative Program, ~~the institutions identified in~~  
109 ~~subsection (2)~~ shall ~~partner with public and private job~~  
110 ~~recruitment and placement agencies and~~ use labor market data and  
111 projections, including those identified in the Board of  
112 Governors' gap analysis, to identify the specific workforce  
113 needs and targeted occupations of the state.

114 ~~(c)(4)~~ The Complete Florida Degree Initiative Program shall  
115 provide adult learners with a single point of access to  
116 information and links to innovative online and accelerated  
117 distance learning courses, student and library support services,  
118 and electronic resources that will guide the adult learner  
119 toward the successful completion of a postsecondary degree.

120 ~~(5) By the end of the 2013-2014 academic year, the Complete~~  
121 ~~Florida Degree Program shall be implemented and must:~~

122 ~~(a) Use the distance learning course catalog established~~  
123 ~~pursuant to s. 1006.73 to communicate course availability to the~~  
124 ~~adult learner.~~

125 ~~(b) Develop and implement an advising and student support~~  
126 ~~system that includes the use of degree completion specialists,~~  
127 ~~is based upon best practices and processes, and includes~~





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128 ~~academic and career support services designed specifically for~~  
129 ~~the adult learner. The program must identify proposed changes to~~  
130 ~~the statewide computer-assisted student advising system~~  
131 ~~established pursuant to s. 1006.73 to assist the adult learner~~  
132 ~~in using the system.~~

133 ~~(c) Use the streamlined, automated, online admissions~~  
134 ~~application process for transient students established pursuant~~  
135 ~~to s. 1006.73. The program shall identify any additional~~  
136 ~~admissions and registration policies and practices that could be~~  
137 ~~further streamlined and automated for purposes of assisting the~~  
138 ~~adult learner.~~

139 (d) The Complete Florida Degree Initiative shall:

140 1. Use existing and, if necessary, develop new competency-  
141 based instructional and evaluation tools to assess prior  
142 performance, experience, and education for the award of college  
143 credit in order to reduce the time required for adult learners  
144 to complete their degrees. The tools may include the use of the  
145 American Council on Education's collaborative link between the  
146 United States Department of Defense and higher education through  
147 the review of military training and experiences for the award of  
148 equivalent college credit for members of the United States Armed  
149 Forces.

150 2. ~~(e)~~ Develop and implement an evaluation process that  
151 collects, analyzes, and provides to the chancellors of the  
152 Florida College System and the State University System, the  
153 participating postsecondary education institutions, the chairs  
154 of the legislative appropriations committees, and the Executive  
155 Office of the Governor information on the effectiveness of the  
156 program and the attainment of its goals. Such a process shall



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157 include a management information system that collects the  
158 appropriate student, programmatic, and fiscal data necessary to  
159 complete the evaluation of the program. Institutions involved in  
160 the program shall also collect job placement and employment data  
161 on the adult learners who have completed their degrees as a  
162 result of the program.

163 3.~~(f)~~ Develop and implement a statewide student recruitment  
164 campaign targeted toward adult learners, particularly veterans  
165 and active duty members of the United States Armed Forces, for  
166 enrollment in the degree programs offered through the program.

167 (e)~~(6)~~ For purposes of the Complete Florida Degree  
168 Initiative ~~Program~~, each institution's current tuition and fee  
169 structure shall be used. However, all participating institutions  
170 shall collaboratively identify the applicable cost components  
171 involved in the development and delivery of distance learning  
172 courses, collect information on these cost components, and  
173 submit the information to the chancellors of the Florida College  
174 System and the State University System. The chancellors shall  
175 submit a report to the chairs of the legislative appropriations  
176 committees no later than December 31, 2014, on the need for a  
177 differentiated tuition and fee structure for the development and  
178 delivery of distance learning courses.

179 (3) STATEWIDE INTERNET-BASED CATALOG OF DISTANCE LEARNING  
180 COURSES.—The Complete Florida Plus Program shall develop and  
181 manage a statewide Internet-based catalog of distance learning  
182 courses, degree programs, and resources offered by public  
183 postsecondary education institutions to assist with the  
184 coordination and collaboration of articulation and access to  
185 postsecondary education pursuant to parts II and III of chapter



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186 1007. The program shall establish operational procedures for the  
187 catalog which must:

188 (a) Require participating institutions to provide specific  
189 information concerning the distance learning courses and degree  
190 programs including, but not limited to, prerequisite courses or  
191 technology competencies or skills; the availability of academic  
192 support services and financial aid resources; and course costs,  
193 fees, and payment policies.

194 (b) Require that distance learning courses and degree  
195 programs meet applicable accreditation standards and criteria  
196 established in law.

197 (c) Require that the catalog be reviewed at least annually  
198 and updated as needed to ensure that distance learning courses  
199 and degree programs comply with operational procedures.

200 (d) Define and describe the catalog's search and retrieval  
201 options that, at a minimum, allow users to search courses and  
202 programs by academic term or start date; institution or  
203 institutions; delivery method, level, availability, subject or  
204 discipline, and course number or program classification number.

205 (e) Use an Internet-based analytic tool that allows for the  
206 collection and analysis of information, including, but not  
207 limited to:

208 1. The number of students who use the catalog to search for  
209 distance learning courses and degree programs;

210 2. The number and type of requests for information on  
211 distance learning courses and degree programs that are not  
212 listed in the catalog; and

213 3. A summary of specific requests by course type or course  
214 number, delivery method, offering institution, and semester.



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215           (4) STATEWIDE ONLINE STUDENT ADVISING SERVICES AND  
216 SUPPORT.—The Complete Florida Plus Program shall make available  
217 to all postsecondary students on a statewide basis online  
218 supports and services that:

219           (a) Provide a streamlined, automated, online admissions  
220 application process for undergraduate transient students who are  
221 currently enrolled and pursuing a degree at a public  
222 postsecondary education institution and who enroll in a course  
223 offered by a public postsecondary education institution that is  
224 not the student's degree-granting institution. The University of  
225 West Florida shall work with the Florida College System  
226 institutions and state universities to:

227           1. Use the transient student admissions application  
228 available through the statewide computer-assisted student  
229 advising system established pursuant to paragraph (d). This  
230 admissions application is the only application required for the  
231 enrollment of a transient student as described in this  
232 paragraph.

233           2. Implement the financial aid procedures required by the  
234 transient student admissions application process.

235           3. Transfer credit awarded by the institution offering the  
236 course to the transient student's degree-granting institution.

237           4. Provide for an interface between the institutional  
238 advising system and the statewide computer-assisted student  
239 advising system established pursuant to paragraph (b) in order  
240 to electronically send, receive, and process the transient  
241 student admissions application.

242           (b) Develop and manage a statewide computer-assisted  
243 student advising system that supports the process of advising,



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244 registering, and certifying students for graduation and includes  
245 a degree audit and an articulation component. The Florida  
246 College System institutions and state universities shall  
247 interface institutional advising systems with the statewide  
248 computer-assisted student advising system. At a minimum, the  
249 statewide computer-assisted student advising system must:

250 1. Allow a student to access the system at any time, search  
251 public postsecondary education institutions, and identify course  
252 options that will meet the requirements of a selected path  
253 toward a degree.

254 2. Audit transcripts of students enrolled in a public  
255 postsecondary education institution to assess current academic  
256 standing, the requirements for a student to transfer to another  
257 institution, and all requirements necessary for graduation.

258 3. Serve as the official statewide repository for the  
259 common prerequisite manual, admissions information for  
260 transferring programs, foreign language requirements, residency  
261 requirements, and statewide articulation agreements.

262 4. Provide information relating to career descriptions and  
263 corresponding educational requirements, admissions requirements,  
264 and available sources of student financial assistance.

265 5. Provide the admissions application for transient  
266 students pursuant to paragraph (a) which must include the  
267 electronic transfer and receipt of information and records for:

268 a. Admissions and readmissions;

269 b. Financial aid; and

270 c. Transfer of credit awarded by the institution offering  
271 the course to the transient student's degree-granting  
272 institution.



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273       (c) Identify and evaluate new technologies and  
274 instructional methods that can be used to improve distance  
275 learning instruction and professional development for faculty,  
276 student learning outcomes, student access, the delivery of  
277 student support services, the alignment of degrees to career  
278 needs, and the overall quality of postsecondary distance  
279 learning courses and degree programs.

280       (d) Provide appropriate help desk support and training and  
281 consultation services to institutions and students using the  
282 services and resources of the Complete Florida Plus Program.

283       (e) Coordinate the negotiation of statewide licensing  
284 resources and preferred pricing agreements, issue purchase  
285 orders, and execute contracts for the acquisition of distance  
286 learning resources, student support services, electronic  
287 resources, and other goods and services necessary to perform  
288 duties under this section.

289       (f) Develop and implement a plan, in consultation with the  
290 public postsecondary education institutions, that describes the  
291 services and resources available through the Complete Florida  
292 Plus Program to encourage current and prospective students' use  
293 of such services and resources.

294       (5) All records, personnel, property, existing contracts,  
295 and unexpended balances of appropriations, allocations, grants,  
296 and other funds of the Florida Virtual Campus shall be  
297 transferred to the University of West Florida. The University of  
298 West Florida shall be the successor in interest to the Florida  
299 Virtual Campus and shall be responsible for the provision of all  
300 services as authorized by this section.

301       ~~(7) The University of West Florida, in collaboration with~~



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302 ~~its partners, shall submit to the chairs of the Board of~~  
303 ~~Governors, the State Board of Education, and the legislative~~  
304 ~~appropriations committees no later than September 1, 2013, a~~  
305 ~~detailed program plan that defines the major work activities,~~  
306 ~~student eligibility criteria, timeline, and cost for~~  
307 ~~implementing the Complete Florida Degree Program.~~

308 Section 5. Paragraph (h) of subsection (3) of section  
309 1007.01, Florida Statutes, is amended to read:

310 1007.01 Articulation; legislative intent; purpose; role of  
311 the State Board of Education and the Board of Governors;  
312 Articulation Coordinating Committee.—

313 (3) The Commissioner of Education, in consultation with the  
314 Chancellor of the State University System, shall establish the  
315 Articulation Coordinating Committee, which shall make  
316 recommendations related to statewide articulation policies and  
317 issues regarding access, quality, and reporting of data  
318 maintained by the K-20 data warehouse, established pursuant to  
319 ss. 1001.10 and 1008.31, to the Higher Education Coordination  
320 Council, the State Board of Education, and the Board of  
321 Governors. The committee shall consist of two members each  
322 representing the State University System, the Florida College  
323 System, public career and technical education, K-12 education,  
324 and nonpublic postsecondary education and one member  
325 representing students. The chair shall be elected from the  
326 membership. The Office of K-20 Articulation shall provide  
327 administrative support for the committee. The committee shall:

328 (h) Recommend roles and responsibilities of public  
329 education entities in interfacing with the single, statewide  
330 computer-assisted student advising system established pursuant



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331 to s. 1006.735 ~~s. 1006.73~~.

332 Section 6. Paragraph (a) of subsection (16) and subsection  
333 (17) of section 1009.23, Florida Statutes, are amended to read:

334 1009.23 Florida College System institution student fees.—

335 (16) (a) Each Florida College System institution may assess

336 a student who enrolls in a course listed in the distance

337 learning catalog, established pursuant to s. 1006.735 ~~s.~~

338 ~~1006.73~~, a per-credit-hour distance learning course user fee.

339 For purposes of assessing this fee, a distance learning course

340 is a course in which at least 80 percent of the direct

341 instruction of the course is delivered using some form of

342 technology when the student and instructor are separated by time

343 or space, or both.

344 (17) Each Florida College System institution that accepts

345 transient students, pursuant to s. 1006.735 ~~s. 1006.73~~, may

346 establish a transient student fee not to exceed \$5 per course

347 for processing the transient student admissions application.

348 Section 7. Paragraph (t) of subsection (14) and paragraph

349 (a) of subsection (17) of section 1009.24, Florida Statutes, are

350 amended to read:

351 1009.24 State university student fees.—

352 (14) Except as otherwise provided in subsection (15), each

353 university board of trustees is authorized to establish the

354 following fees:

355 (t) A transient student fee that may not exceed \$5 per

356 course for accepting a transient student and processing the

357 transient student admissions application pursuant to s. 1006.735

358 ~~s. 1006.73~~.

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360 With the exception of housing rental rates and except as  
361 otherwise provided, fees assessed pursuant to paragraphs (h)-(s)  
362 shall be based on reasonable costs of services. The Board of  
363 Governors shall adopt regulations and timetables necessary to  
364 implement the fees and fines authorized under this subsection.  
365 The fees assessed under this subsection may be used for debt  
366 only as authorized under s. 1010.62.

367 (17) (a) A state university may assess a student who enrolls  
368 in a course listed in the distance learning catalog, established  
369 pursuant to s. 1006.735 ~~s. 1006.73~~, a per-credit-hour distance  
370 learning course fee. For purposes of assessing this fee, a  
371 distance learning course is a course in which at least 80  
372 percent of the direct instruction of the course is delivered  
373 using some form of technology when the student and instructor  
374 are separated by time or space, or both.

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

376

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

378 And the title is amended as follows:

379 Delete everything before the enacting clause  
380 and insert:

381 A bill to be entitled  
382 An act relating to postsecondary education; creating  
383 s. 1004.448, F.S.; establishing the Florida Center for  
384 Library Automation; providing the duties of the  
385 center; providing that an executive director  
386 administers the center; providing the duties of the  
387 executive director; repealing s. 1006.72, F.S.,  
388 relating to licensing electronic library resources;



767836

389       repealing s. 1006.73, F.S., relating to the Florida  
390       Virtual Campus; amending s. 1006.735, F.S.; creating  
391       the Complete Florida Plus Program, rather than the  
392       Complete Florida Degree Program, within the Innovation  
393       Institute of the University of West Florida; providing  
394       a purpose for the program; establishing the Complete  
395       Florida Degree Initiative; requiring the initiative to  
396       use labor market data and projections to identify  
397       specific workforce needs and targeted occupations;  
398       deleting implementing provisions relating to the  
399       Complete Florida Degree Program; providing duties of  
400       the Complete Florida Degree Initiative; requiring the  
401       Complete Florida Plus Program to develop and manage a  
402       statewide Internet-based catalog of distance learning  
403       courses, degree programs, and resources offered by  
404       public postsecondary education institutions; providing  
405       requirements for the operational procedures for the  
406       catalog; requiring the Complete Florida Plus Program  
407       to make available to postsecondary students specified  
408       online supports and services; providing that records,  
409       personnel, property, existing contracts, unexpended  
410       balances of appropriations, allocations, grants, and  
411       other funds of the Florida Virtual Campus are  
412       transferred to the University of West Florida;  
413       providing that the University of West Florida is the  
414       successor in interest to the Florida Virtual Campus;  
415       deleting an obsolete provision; amending 1007.27,  
416       F.S.; revising the articulated acceleration mechanisms  
417       that are available for secondary and postsecondary



767836

418 students attending public educational institutions to  
419 include industry certifications; amending ss. 1007.01,  
420 1009.23, and 1009.24, F.S.; conforming cross-  
421 references; providing an effective date.

By Senator Legg

17-01289-14

20141292\_\_

1 A bill to be entitled  
 2 An act relating to postsecondary education; amending  
 3 1007.27, F.S.; revising the articulated acceleration  
 4 mechanisms that are available for secondary and  
 5 postsecondary students attending public educational  
 6 institutions to include industry certifications;  
 7 providing an effective date.  
 8  
 9 Be It Enacted by the Legislature of the State of Florida:  
 10  
 11 Section 1. Subsection (1) of section 1007.27, Florida  
 12 Statutes, is amended to read:  
 13 1007.27 Articulated acceleration mechanisms.—  
 14 (1) It is the intent of the Legislature that a variety of  
 15 articulated acceleration mechanisms be available for secondary  
 16 and postsecondary students attending public educational  
 17 institutions. It is intended that articulated acceleration serve  
 18 to shorten the time necessary for a student to complete the  
 19 requirements associated with the conference of a high school  
 20 diploma and a postsecondary degree, broaden the scope of  
 21 curricular options available to students, or increase the depth  
 22 of study available for a particular subject. Articulated  
 23 acceleration mechanisms ~~shall~~ include, but are not limited to,  
 24 dual enrollment and early admission as provided for in s.  
 25 1007.271, advanced placement, credit by examination, the  
 26 International Baccalaureate Program, ~~and~~ the Advanced  
 27 International Certificate of Education Program, and industry  
 28 certifications. Credit earned through the Florida Virtual School  
 29 shall provide additional opportunities for early graduation and

Page 1 of 2

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

17-01289-14

20141292\_\_

30 acceleration. Students of Florida public secondary schools  
 31 enrolled pursuant to this subsection are ~~shall be~~ deemed  
 32 authorized users of the state-funded electronic library  
 33 resources that are licensed for Florida College System  
 34 institutions and state universities by the Florida Virtual  
 35 Campus. Verification of eligibility must ~~shall~~ be in accordance  
 36 with rules established by the State Board of Education and  
 37 regulations established by the Board of Governors and processes  
 38 implemented by Florida College System institutions and state  
 39 universities.  
 40 Section 2. This act shall take effect July 1, 2014.

Page 2 of 2

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

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

3/25/2014

Meeting Date

Topic \_\_\_\_\_

Bill Number 1292

(if applicable)

Name JIM HORNE

Amendment Barcode \_\_\_\_\_  
(if applicable)

Job Title \_\_\_\_\_

Address PO Box 8335

Phone 904 759 4596

Street

City

FL

FL

State

32006

Zip

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

Speaking:  For  Against  Information

Representing AIF Waive in Support

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**  
**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

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BILL: SB 1394

INTRODUCER: Senator Legg

SUBJECT: Education

DATE: March 24, 2014

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	deMarsh-Mathues	Klebacha	ED	<b>Favorable</b>
2.	_____	_____	AED	_____
3.	_____	_____	AP	_____

---

**I. Summary:**

SB 1394 increases from one to two the number of industry certifications that a student must earn to attain a Merit designation on his or her standard high school diploma.

Current law provides for Scholar and Merit designations that high school students may earn if they satisfy course and testing requirements above-and-beyond those required for a standard high school diploma.

The bill is effective upon becoming a law.

**II. Present Situation:**

Currently, Florida public high school students have four options for obtaining a standard high school diploma -- a traditional 4-year, 24-credit option;<sup>1</sup> an 18-credit graduation option;<sup>2</sup> or completion of an International Baccalaureate (IB) or Advanced International Certificate of Education (AICE) curriculum.<sup>3</sup> In addition, current law requires each school district to adopt an early graduation policy allowing a high school student who completes 24 credits in less than eight semesters and meets the GPA and assessment requirements to graduate early.<sup>4</sup>

---

<sup>1</sup> Section 1003.428, F.S., established high school graduation requirements beginning with students entering grade 9 in the 2007-2008 school year. Section 1003.4282, F.S., established high school graduation requirements for students entering grade 9 in the 2013-2014 school year and thereafter.

<sup>2</sup> Section 1002.3105(5), F.S. Effective July 1, 2013, students may earn a standard high school diploma in 18 credits by achieving a 2.0 GPA; earning credit in the same 15 English Language Arts, mathematics, science, social studies, and fine and performing arts courses required under the traditional 24-credit option; and earning 3 elective credits, instead of the 6 electives required by the 24-credit option.

<sup>3</sup> Sections 1003.428 and 1003.4282, F.S.

<sup>4</sup> Section 1003.4281, F.S.

Current law provides for Scholar and Merit designations that high school students may earn if they satisfy course and testing requirements above-and-beyond those required for a standard high school diploma.<sup>5</sup> Students pursuing a Scholar designation must:<sup>6</sup>

- Pass the 11th grade English Language Arts assessment, effective when the state transitions to new assessments;
- Earn one credit in Algebra II and one credit in Statistics or an equally rigorous course. When the state transitions to new assessments, students must pass the Algebra II assessment.
- Pass the Biology I end-of-course (EOC) assessment and earn one credit in Chemistry or Physics and one credit in an equally rigorous course.
- Pass the U.S. History EOC assessment.
- Earn two credits in the same foreign language.
- Earn at least one credit in an AP, IB, AICE or a dual enrollment course.

Students pursuing a Merit designation must attain one or more industry certifications.<sup>7</sup>

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

SB 1394 increases from one to two the number of industry certifications that a student must earn to attain a Merit designation on his or her standard high school diploma.

The bill is effective upon becoming a law.

### **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>5</sup> Section 1003.4285, F.S.

<sup>6</sup> Section 1003.4285(1)(a), F.S.

<sup>7</sup> Section 1003.4285(1)(b), F.S.

C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following section of the Florida Statutes: 1003.4285.

**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 Legg

17-00831A-14

20141394\_\_

1                           A bill to be entitled  
2           An act relating to education; amending s. 1003.4285,  
3           F.S.; revising the requirements to earn a Merit  
4           designation on a standard high school diploma;  
5           providing an effective date.

6  
7   Be It Enacted by the Legislature of the State of Florida:

8  
9           Section 1. Paragraph (b) of subsection (1) of section  
10   1003.4285, Florida Statutes, is amended to read:

11           1003.4285 Standard high school diploma designations.—

12           (1) Each standard high school diploma shall include, as  
13   applicable, the following designations if the student meets the  
14   criteria set forth for the designation:

15           (b) *Merit designation*.—In addition to the requirements of  
16   ss. 1003.428 and 1003.4282, as applicable, in order to earn the  
17   Merit designation, a student must attain two ~~one~~ or more  
18   industry certifications from the list established under s.  
19   1003.492.

20           Section 2. This act shall take effect upon becoming a law.

**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 1528

INTRODUCER: Education Committee and Senator Bradley

SUBJECT: Charter Schools

DATE: March 27, 2014

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hand	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 1528 modifies charter school provisions relating to the resolution of contract disputes and brings transparency to student admission and dismissal procedures.

The bill takes effect July 1, 2014.

**II. Present Situation:**

Charter schools are public schools that operate under a charter agreement with a sponsor.<sup>1</sup> A charter school is typically sponsored by a district school board.<sup>2</sup> Charter schools must organize as, or be operated by, a nonprofit organization.<sup>3</sup>

**Standard Charter Contract Formats**

In previous years, the Department of Education (DOE) had been required to develop a model charter contract format that sponsors and applicants could choose to use.<sup>4</sup> The State Board of

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<sup>1</sup> Section 1002.33(7), F.S.

<sup>2</sup> Section 1002.33(5), F.S. However, charter schools may also be sponsored by a state university or Florida College System institution. Sections 1002.33(5)(a)2. and 4., F.S.

<sup>3</sup> Section 1002.33(12)(i), F.S. A charter school may also be operated by a state university, Florida College System institution, municipality, or other public entity as provided for by law. Sections 1002.33(5)(a)2. and 4., 1002.33(12)(i), F.S.

<sup>4</sup> Section 1002.33(27), F.S. (2012).

Education's (SBE) rulemaking authority consisted of adopting rules to implement a charter and charter renewal formats.<sup>5</sup> The format is essentially a table of contents for a charter agreement.<sup>6</sup>

During the 2013 Legislative session, the Legislature required DOE to develop a proposed, statewide, standard charter school contract, and provide it to the Governor, the President of the Senate, and the Speaker of the House of Representatives by November 1, 2013.<sup>7</sup> The SBE's rulemaking authority was also changed to reflect that the SBE shall adopt rules to implement a standard charter and charter renewal contracts.

### **Student Discipline**

The charter agreement between the sponsor and the charter school must include the charter school's admissions and dismissal procedures, which include the school's code of student conduct.<sup>8</sup> Thus, a charter school and sponsor negotiate approval of the charter school's admissions and dismissal procedures.

In implementation, the grounds for dismissal of students may not necessarily be fully transparent to the students, parents, or sponsor.<sup>9</sup> For example, there are reports of charter schools threatening to dismiss students for poor assessment scores and for withdrawing students without parental consent.<sup>10</sup>

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

CS/SB 1528 modifies charter school provisions relating to the resolution of contract disputes and brings transparency to student admission and dismissal procedures.

#### **Standard Charter Contract Formats**

The bill brings efficiency to the resolution of initial contract disputes. For example:

- The charter school or sponsor may request that the Department of Education (DOE) send an initial contract dispute to the Division of Administrative Hearings for assignment to an administrative law judge.

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<sup>5</sup> *Id.*

<sup>6</sup> See Department of Education, *Florida Model Charter Contract Format*, available at

[https://www.floridaschoolchoice.org/Information/Charter\\_Schools/files/IEPC\\_M3\\_new\\_April2012.pdf](https://www.floridaschoolchoice.org/Information/Charter_Schools/files/IEPC_M3_new_April2012.pdf).

<sup>7</sup> See sections 2 and 8, ch. 2013-250, L.O.F.; Department of Education, *Proposed Statewide, Standard Charter School Contract* (on file with the Senate Committee on Education). The proposed, statewide, standard charter is much more comprehensive than the existing DOE model charter contract format; however, it still recognizes and protects charter school autonomy and flexibility. See *Proposed Statewide, Standard Charter School Contract*, sections 1.B.4. and C. of the Miscellaneous Provisions, compare Department of Education, *Florida Model Charter Contract Format*, available at [https://www.floridaschoolchoice.org/Information/Charter\\_Schools/files/IEPC\\_M3\\_new\\_April2012.pdf](https://www.floridaschoolchoice.org/Information/Charter_Schools/files/IEPC_M3_new_April2012.pdf).

<sup>8</sup> Section 1002.33(7)(a)7., F.S.

<sup>9</sup> See Orlando Sentinel, *Charter School Retracts Letter that Threatens to Remove Students if They Fail FCAT* (Oct. 31, 2013) <http://www.tampabay.com/news/education/k12/charter-school-retracts-letter-that-threatens-to-remove-students-if-they/2150176> (last visited Mar. 27, 2014), Miami Herald, *Homestead charter school dismissal of third grader raises questions* (Nov. 11, 2013) <http://www.miamiherald.com/2013/11/08/3740039/homestead-charter-school-dismissal.html> (last visited Mar. 27, 2013).

<sup>10</sup> *Id.*

- The administrative law judge must hold at least one conference, and may consider all documents necessary to issue a summary final order.
- The administrative law judge must issue a summary final order within 30 days of receipt of the dispute.

### **Student Discipline**

The bill brings transparency to student discipline and withdrawal procedures. For example:

- A student may only receive disciplinary action for the grounds, and in the manner specified, in the charter school's code of student conduct.
- The charter school must request that the withdrawing student, or the withdrawing student's parent, complete a survey and provide information concerning the student's experiences at the charter school and reasons for withdrawal.
- A charter school must provide in its annual report to the sponsor and DOE the total number of students that leave the charter school and the reason for leaving the charter school, if known.

The bill takes effect 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 section 1002.33 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 25, 2014:**

The committee substitute:

- Revises the means by which charter schools and sponsors may resolve disputes regarding charter agreements.
- Provides transparency regarding student withdrawals.
- Removes all language in the bill, including charter schools provisions (i.e., application and contract provisions, application deficiencies, term of charter for private nonprofit corporations, automatic termination of double-F charter schools, charter school facilities, and sponsor limitations on charter school enrollment), and all provisions for high-performing charter schools, high-performing charter school systems, virtual charter schools, and virtual instruction programs.

- B. **Amendments:**

None.



639048

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/25/2014	.	
	.	
	.	
	.	

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The Committee on Education (Legg) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Paragraph (h) of subsection (6) and paragraph  
(g) of subsection (10) of section 1002.33, Florida Statutes, are  
amended, to read:

1002.33 Charter schools.—

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

(h) 1. The terms and conditions for the operation of a



639048

12 charter school shall be set forth by the sponsor and the  
13 applicant in a written contractual agreement, called a charter.  
14 The sponsor may not impose unreasonable rules or regulations  
15 that violate the intent of giving charter schools greater  
16 flexibility to meet educational goals. The sponsor has 30 days  
17 after approval of the application to provide an initial proposed  
18 charter contract to the charter school. The applicant and the  
19 sponsor have 40 days thereafter to negotiate and notice the  
20 charter contract for final approval by the sponsor unless both  
21 parties agree to an extension. The proposed charter contract  
22 shall be provided to the charter school at least 7 calendar days  
23 prior to the date of the meeting at which the charter is  
24 scheduled to be voted upon by the sponsor.

25 2. The Department of Education shall provide mediation  
26 services for any dispute regarding this section subsequent to  
27 the approval of a charter application and for any dispute  
28 relating to the approved charter, except disputes regarding  
29 charter school application denials.

30 3. If the Commissioner of Education determines that ~~at the~~  
31 ~~dispute cannot be settled through mediation, or if the sponsor~~  
32 ~~or charter school requests to bypass mediation, at the dispute~~  
33 ~~must be immediately forwarded~~ ~~may be appealed~~ to an  
34 administrative law judge appointed by the Division of  
35 Administrative Hearings.

36 a. The administrative law judge must issue a summary final  
37 order for a dispute regarding language to be included in the  
38 initial charter contract. The administrative law judge may  
39 consider all documents determined necessary by the  
40 administrative law judge to issue the summary final order. The



639048

41 administrative law judge must hold at least one conference with  
42 the parties to discuss the dispute, and may require other  
43 proceedings only if determined necessary by the administrative  
44 law judge. The summary final order must consist of a summary of  
45 the facts and law, the position of the charter school and  
46 sponsor, the administrative law judge's disposition of the  
47 dispute and supporting rationale, and may include other  
48 information if determined necessary by the administrative law  
49 judge. The administrative law judge's summary final order must  
50 be issued within 30 days of receipt of the referral of the  
51 dispute from the Commissioner of Education.

52 b. The administrative law judge has final order authority  
53 to rule on issues of equitable treatment of the charter school  
54 as a public school, whether proposed provisions of ~~the~~ charter  
55 renewals or amendments violate the intended flexibility granted  
56 charter schools by statute, or on any other matter regarding  
57 this section except a charter school application denial, a  
58 charter termination, or a charter nonrenewal.

59 c. The administrative law judge's summary final order or  
60 final order pursuant to this subparagraph~~and~~ shall award the  
61 prevailing party reasonable attorney's fees and costs incurred  
62 to be paid by the losing party. The costs of the administrative  
63 hearing shall be paid by the party whom the administrative law  
64 judge rules against.

65 (10) ELIGIBLE STUDENTS.—

66 (g) 1. A student may withdraw from a charter school at any  
67 time and enroll in another public school as determined by  
68 district school board rule. A charter school must request, but  
69 may not require, that the student withdrawing or parent of the





639048

70 student withdrawing complete a survey and provide information  
71 concerning the student's experiences at the charter school and  
72 reasons for withdrawal. A charter school must provide in its  
73 annual report to its sponsor and the Department of Education the  
74 total number of students that leave the charter school and the  
75 reason for leaving the charter school, including but not limited  
76 to, withdrawal, suspension, and dismissal, if known.

77 2. A student may only receive disciplinary action,  
78 including but not limited to suspension or dismissal, for the  
79 grounds and in the manner specified in the charter school's code  
80 of student conduct.

81 Section 2. This act shall take effect July 1, 2014.

82  
83

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

85 And the title is amended as follows:

86 Delete everything before the enacting clause  
87 and insert:

88 A bill to be entitled  
89 An act relating to charter schools; amending s.  
90 1002.33, F.S.; authorizing contract disputes to be  
91 referred to the Division of Administrative Hearings  
92 for summary final order; requiring a charter school to  
93 request that withdrawing students or parents of  
94 withdrawing students complete a survey; requiring a  
95 charter school to annually report information  
96 concerning why students leave the charter school to  
97 its sponsor and the Department of Education; providing  
98 that a charter school may only discipline students for



639048

99  
100

the grounds and in the manner specified in the code of  
student conduct; providing an effective date.



881958

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
03/25/2014	.	
	.	
	.	
	.	

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The Committee on Education (Montford) recommended the following:

1           **Senate Amendment to Amendment (639048) (with directory and**  
2 **title amendments)**

3  
4           Between lines 80 and 81

5 insert:

6           (21) PUBLIC INFORMATION ON CHARTER SCHOOLS.—

7           (a) The Department of Education shall provide information  
8 to the public, directly and through sponsors, on how to form and  
9 operate a charter school and how to enroll in a charter school  
10 once it is created. This information shall include a model  
11 application form, model ~~standard~~ charter contract, standard



881958

12 evaluation instrument, and model ~~standard~~ charter renewal  
13 contract, which shall include the information specified in  
14 subsection (7) and shall be developed by consulting and  
15 negotiating with both school districts and charter schools  
16 before implementation. The charter and charter renewal contracts  
17 may ~~shall~~ be used by charter school sponsors.

18 (27) RULEMAKING.—The Department of Education, after  
19 consultation with school districts and charter school directors,  
20 shall recommend that the State Board of Education adopt rules to  
21 implement specific subsections of this section. Such rules shall  
22 require minimum paperwork and shall not limit charter school  
23 flexibility authorized by statute. The State Board of Education  
24 shall adopt rules, pursuant to ss. 120.536(1) and 120.54, to  
25 implement a charter model application form, standard evaluation  
26 instrument, and model ~~standard~~ charter and model charter renewal  
27 contracts in accordance with this section.

28  
29 ===== D I R E C T O R Y C L A U S E A M E N D M E N T =====

30 And the directory clause is amended as follows:

31 Delete lines 5 - 7

32 and insert:

33 Section 1. Paragraph (h) of subsection (6), paragraph (g)  
34 of subsection (10), paragraph (a) of subsection (21), and  
35 subsection (27) of section 1002.33, Florida Statutes, are  
36 amended, to read:

37  
38 ===== T I T L E A M E N D M E N T =====

39 And the title is amended as follows:

40 Delete line 100



881958

41 and insert:

42 student conduct; revising references to standard  
43 charter and charter renewal contracts; authorizing a  
44 charter school sponsor to use the model charter and  
45 charter renewal contracts; providing an effective  
46 date.

By Senator Bradley

7-01393A-14

20141528\_\_

1 A bill to be entitled  
 2 An act relating to school choice; amending s. 1002.33,  
 3 F.S.; revising required contents of charter school  
 4 applications and charter contracts; authorizing a  
 5 sponsor to require an applicant to provide additional  
 6 information as an addendum to a charter school  
 7 application; requiring a sponsor to allow an applicant  
 8 an opportunity to correct both material and technical  
 9 deficiencies in the application; conforming provisions  
 10 regarding the appeal process for denial of high-  
 11 performing charter school applications; requiring  
 12 sponsors and applicants to use a standard charter  
 13 contract; specifying that the standard charter  
 14 contract consists of the approved application and  
 15 addenda and other specified elements; conforming  
 16 provisions; specifying that a charter contract  
 17 provision that is inconsistent with or prohibited by  
 18 law is void and unenforceable; authorizing the sponsor  
 19 and applicant to negotiate additional terms after  
 20 approving the charter; authorizing a charter school to  
 21 open and operate during such negotiation; providing  
 22 that matters included in the approved application and  
 23 addenda are deemed settled for purposes of negotiating  
 24 the charter; clarifying provisions regarding long-term  
 25 charters and charter terminations; specifying that a  
 26 charter is automatically terminated when a charter  
 27 school earns a second consecutive grade of "F" after  
 28 all appeals unless an exception applies; specifying  
 29 requirements regarding such terminations; correcting

Page 1 of 39

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

7-01393A-14

20141528\_\_

30 cross-references; prohibiting a sponsor from requiring  
 31 a high-performing charter school to limit enrollment  
 32 or capacity to students enrolled before the start of  
 33 the school year; clarifying that sponsors must make  
 34 unused school facilities available to charter schools;  
 35 specifying requirements for such use of facilities;  
 36 requiring the Department of Education to develop a  
 37 model application form, standard charter contract,  
 38 standard application evaluation instrument, and  
 39 standard charter renewal contract; requiring the  
 40 department to develop such documents for virtual  
 41 charter schools; amending s. 1002.331, F.S.;  
 42 specifying that charter schools established by certain  
 43 high-performing charter school systems qualify for  
 44 high-performing charter school status for the first 3  
 45 years of operation; correcting a cross-reference;  
 46 revising limits on high-performing charter school  
 47 replication; amending s. 1002.332, F.S.; authorizing  
 48 certain out-of-state entities to apply for designation  
 49 as a high-performing charter school system; requiring  
 50 the State Board of Education to adopt by rule  
 51 eligibility criteria for such designation; amending s.  
 52 1002.45, F.S.; specifying conditions under which an  
 53 approved virtual instruction provider's contract is  
 54 automatically terminated; amending s. 1013.62, F.S.;  
 55 requiring that a charter school not have financial  
 56 emergency conditions on an annual audit in order to  
 57 qualify for capital outlay funding; amending s.  
 58 1003.01, F.S.; correcting a cross-reference; providing

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59 an effective date.

60

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

62

63 Section 1. Paragraphs (a), (b), (c), and (h) of subsection  
64 (6), subsection (7), paragraphs (n) and (o) of subsection (9),  
65 paragraphs (e) and (i) of subsection (10), paragraphs (b) and  
66 (c) of subsection (15), paragraph (e) of subsection (18), and  
67 paragraph (a) of subsection (21) of section 1002.33, Florida  
68 Statutes, are amended to read:

69 1002.33 Charter schools.—

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

72 (a) A person or entity that wants ~~wishing~~ to open a charter  
73 school shall prepare and submit an application on the ~~a~~ model  
74 application form prepared by the Department of Education which:

75 1. Demonstrates how the school will use the guiding  
76 principles and meet the statutorily defined purpose of a charter  
77 school and describes the school's mission, the students to be  
78 served, and the ages and grades to be included.

79 2. Describes the focus of the curriculum, the instructional  
80 methods to be used, any distinctive instructional techniques to  
81 be employed, and the identification and acquisition of  
82 appropriate technologies needed to improve educational and  
83 administrative performance, which include a means for promoting  
84 safe, ethical, and appropriate uses of technology that comply  
85 with legal and professional standards. ~~The Provides a detailed~~  
86 curriculum plan must illustrate that illustrates how students  
87 will be provided instruction on ~~services to attain the Sunshine~~

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88 state standards.

89

90 a. Reading shall be a primary focus of the curriculum. The  
91 curriculum plan must describe the differentiated strategies that  
92 will be used for students reading at grade level or higher and a  
93 separate curriculum and strategies for students who are reading  
94 below grade level. Resources must be provided to identify and  
95 provide specialized instruction for students who are reading  
96 below grade level. The curriculum and instructional strategies  
97 for reading must be consistent with state standards and grounded  
98 in scientifically based reading research. A sponsor shall deny a  
99 charter if the school does not propose a reading curriculum that  
100 is consistent with effective teaching strategies that are  
101 grounded in scientifically based reading research.

102 b. In order to provide students with access to diverse  
103 instructional delivery models, to facilitate the integration of  
104 technology within traditional classroom instruction, and to  
105 provide students with the skills they need to compete in the  
106 21st century economy, the Legislature encourages instructional  
107 methods for blended learning courses consisting of both  
108 traditional classroom and virtual instructional techniques.  
109 Charter schools may implement blended learning courses that  
110 combine traditional classroom instruction and virtual  
111 instruction. Students in a blended learning course must be full-  
112 time students of the charter school and receive the virtual  
113 instructional personnel certified pursuant to s. 1012.55 who  
114 provide virtual instruction for blended learning courses may be  
115 employees of the charter school or may be under contract to  
116 provide instructional services to charter school students. At a

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117 minimum, such instructional personnel must hold an active state  
 118 or school district adjunct certification under s. 1012.57 for  
 119 the subject area of the blended learning course. The funding and  
 120 performance accountability requirements for blended learning  
 121 courses are the same as those for traditional courses.

122 3. Contains goals and objectives for improving student  
 123 learning and measuring that improvement. These goals and  
 124 objectives must indicate how much academic improvement students  
 125 are expected to show each year, how success will be evaluated,  
 126 and the specific results to be attained through instruction.

127 4. Provides the methods used to identify the educational  
 128 strengths and needs of students and how well educational goals  
 129 and performance standards are met by students attending the  
 130 charter school. The methods shall provide a means for the  
 131 charter school to ensure accountability to its constituents by  
 132 analyzing student performance data and by evaluating the  
 133 effectiveness and efficiency of its major educational programs.  
 134 Students in charter schools shall, at a minimum, participate in  
 135 the statewide assessment program created under s. 1008.22.

136 5. For the establishment of a secondary charter school,  
 137 provides a method for determining that a student has satisfied  
 138 the requirements for graduation in s. 1003.4282.

139 ~~4. Describes the reading curriculum and differentiated~~  
 140 ~~strategies that will be used for students reading at grade level~~  
 141 ~~or higher and a separate curriculum and strategies for students~~  
 142 ~~who are reading below grade level. A sponsor shall deny a~~  
 143 ~~charter if the school does not propose a reading curriculum that~~  
 144 ~~is consistent with effective teaching strategies that are~~  
 145 ~~grounded in scientifically based reading research.~~

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146 ~~5. Contains an annual financial plan for each year~~  
 147 ~~requested by the charter for operation of the school for up to 5~~  
 148 ~~years. This plan must contain anticipated fund balances based on~~  
 149 ~~revenue projections, a spending plan based on projected revenues~~  
 150 ~~and expenses, and a description of controls that will safeguard~~  
 151 ~~finances and projected enrollment trends.~~

152 ~~6. Documents that the applicant has participated in the~~  
 153 ~~training required in subparagraph (f)2. A sponsor may require an~~  
 154 ~~applicant to provide additional information as an addendum to~~  
 155 ~~the charter school application described in this paragraph.~~

156 ~~7. For the establishment of a virtual charter school,~~  
 157 ~~documents that the applicant has contracted with a provider of~~  
 158 ~~virtual instruction services pursuant to s. 1002.45(1)(d).~~

159 7. Describes the admissions procedures and dismissal  
 160 procedures, including the school's code of student conduct.

161 8. Describes the ways by which the school will achieve a  
 162 racial/ethnic balance reflective of the community it serves or  
 163 within the racial/ethnic range of other public schools in the  
 164 same school district.

165 9. Contains an annual financial plan for each year that the  
 166 applicant intends to operate the school for up to 5 years. This  
 167 plan must contain anticipated fund balances based on revenue  
 168 projections, a spending plan based on projected revenues and  
 169 expenses, and a description of controls that will safeguard  
 170 finances and projected enrollment trends.

171 10. Describes the financial and administrative management  
 172 of the school, including a reasonable demonstration of the  
 173 professional experience or competence of those individuals or  
 174 organizations applying to operate the charter school or those



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175 individuals or organizations hired or retained to perform such  
 176 professional services and a description of clearly delineated  
 177 responsibilities of those individuals or organizations and the  
 178 policies and practices needed to effectively manage the charter  
 179 school. A description of internal audit procedures and  
 180 establishment of controls to ensure that financial resources are  
 181 properly managed must be included. Both public sector and  
 182 private sector professional experience are equally valid in such  
 183 a consideration.

184 11. Describes procedures that identify various risks and  
 185 provide for a comprehensive approach to reduce the impact of  
 186 losses; plans to ensure the safety and security of students and  
 187 staff; plans to identify, minimize, and protect others from  
 188 violent or disruptive student behavior; and the manner in which  
 189 the school will be insured, including whether the school will be  
 190 required to have liability insurance, and, if so, the terms and  
 191 conditions thereof and the amounts of coverage.

192 12. Includes the qualifications to be required of the  
 193 teachers and the potential strategies used to recruit, hire,  
 194 train, and retain qualified staff to achieve best value.

195 13. Describes the governance structure of the school,  
 196 including the status of the charter school as a public or  
 197 private employer as required in paragraph (12)(i).

198 14. Includes a timetable for implementing the charter which  
 199 addresses the implementation of each element thereof and the  
 200 date by which the charter will be awarded in order to meet this  
 201 timetable.

202 15. In the case of an existing public school that is being  
 203 converted to charter status, includes alternative arrangements

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204 for current students who choose not to attend the charter school  
 205 and for current teachers who choose not to teach in the charter  
 206 school after conversion in accordance with the existing  
 207 collective bargaining agreement or district school board rule in  
 208 the absence of a collective bargaining agreement. However,  
 209 alternative arrangements are not required for current teachers  
 210 who choose not to teach in a charter lab school, except as  
 211 authorized by the employment policies of the state university  
 212 that grants the charter to the lab school.

213  
 214 A sponsor may require an applicant to provide additional  
 215 information as an addendum to the charter school application  
 216 described in this paragraph.

217 (b) A sponsor shall receive and review all applications for  
 218 a charter school using the ~~an~~ evaluation instrument developed by  
 219 the Department of Education. A sponsor shall receive and  
 220 consider charter school applications received on or before  
 221 August 1 of each calendar year for charter schools to be opened  
 222 at the beginning of the school district's next school year, or  
 223 to be opened at a time agreed to by the applicant and the  
 224 sponsor. A sponsor may not refuse to receive a charter school  
 225 application submitted before August 1 and may receive an  
 226 application submitted later than August 1 if it chooses. In  
 227 order to facilitate greater collaboration in the application  
 228 process, an applicant may submit a draft charter school  
 229 application on or before May 1 with an application fee of \$500.  
 230 If a draft application is timely submitted, the sponsor shall  
 231 review and provide feedback as to material deficiencies in the  
 232 application by July 1. The applicant shall then have until

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 233 August 1 to resubmit a revised and final application. The  
 234 sponsor may approve the draft application. A sponsor may not  
 235 charge an applicant for a charter any fee for the processing or  
 236 consideration of an application, and a sponsor may not base its  
 237 consideration or approval of a final application upon the  
 238 promise of future payment of any kind. Before approving or  
 239 denying any final application, the sponsor shall allow the  
 240 applicant, upon receipt of written notification, at least 7  
 241 calendar days to make ~~technical or nonsubstantive~~ corrections  
 242 and clarifications to address any deficiencies, including, but  
 243 ~~not limited to, corrections of grammatical, typographical, and~~  
 244 ~~like errors or missing signatures, if such errors are identified~~  
 245 by the sponsor as cause to deny the final application.

1. In order to facilitate an accurate budget projection  
 246 process, a sponsor shall be held harmless for FTE students who  
 247 are not included in the FTE projection due to approval of  
 248 charter school applications after the FTE projection deadline.  
 249 In a further effort to facilitate an accurate budget projection,  
 250 within 15 calendar days after receipt of a charter school  
 251 application, a sponsor shall report to the Department of  
 252 Education the name of the applicant entity, the proposed charter  
 253 school location, and its projected FTE.

2. In order to ensure fiscal responsibility, an application  
 254 for a charter school shall include a full accounting of expected  
 255 assets, a projection of expected sources and amounts of income,  
 256 including income derived from projected student enrollments and  
 257 from community support, and an expense projection that includes  
 258 full accounting of the costs of operation, including start-up  
 259 costs.  
 260  
 261

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 262 3.a. A sponsor shall by a majority vote approve or deny an  
 263 application no later than 60 calendar days after the application  
 264 is received, unless the sponsor and the applicant mutually agree  
 265 in writing to temporarily postpone the vote to a specific date,  
 266 at which time the sponsor shall by a majority vote approve or  
 267 deny the application. If the sponsor fails to act on the  
 268 application, an applicant may appeal to the State Board of  
 269 Education as provided in paragraph (c). If an application is  
 270 denied, the sponsor shall, within 10 calendar days after such  
 271 denial, articulate in writing the specific reasons, based upon  
 272 good cause, supporting its denial of the charter application and  
 273 shall provide the letter of denial and supporting documentation  
 274 to the applicant and to the Department of Education.

b. An application submitted by a high-performing charter  
 275 school identified pursuant to s. 1002.331 may be denied by the  
 276 sponsor only if the sponsor demonstrates by clear and convincing  
 277 evidence that:

(I) The application does not materially comply with the  
 278 requirements in paragraph (a);

(II) The charter school proposed in the application does  
 281 not materially comply with the requirements in paragraphs  
 282 (9) (a)-(f);

(III) The proposed charter school's educational program  
 284 does not substantially replicate that of the applicant or one of  
 285 the applicant's high-performing charter schools;

(IV) The applicant has made a material misrepresentation or  
 287 false statement or concealed an essential or material fact  
 288 during the application process; or

(V) The proposed charter school's educational program and  
 290

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291 financial management practices do not materially comply with the  
 292 requirements of this section.

293

294 Material noncompliance is a failure to follow requirements or a  
 295 violation of prohibitions applicable to charter school  
 296 applications, which failure is quantitatively or qualitatively  
 297 significant either individually or when aggregated with other  
 298 noncompliance. An applicant is considered to be replicating a  
 299 high-performing charter school if the proposed school is  
 300 substantially similar to at least one of the applicant's high-  
 301 performing charter schools and the organization or individuals  
 302 involved in the establishment and operation of the proposed  
 303 school are significantly involved in the operation of replicated  
 304 schools.

305 c. If the sponsor denies an application submitted by a  
 306 high-performing charter school, the sponsor must, within 10  
 307 calendar days after such denial, state in writing the specific  
 308 reasons, based upon the criteria in sub-subparagraph b.,  
 309 supporting its denial of the application and must provide the  
 310 letter of denial and supporting documentation to the applicant  
 311 and to the Department of Education. The applicant may appeal the  
 312 sponsor's denial of the application ~~directly~~ to the State Board  
 313 of Education pursuant to paragraph (c) and must provide the  
 314 sponsor with a copy of the appeal ~~sub-subparagraph (c)3.b.~~

315 4. For budget projection purposes, the sponsor shall report  
 316 to the Department of Education the approval or denial of a  
 317 charter application within 10 calendar days after such approval  
 318 or denial. In the event of approval, the report to the  
 319 Department of Education shall include the final projected FTE

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320 for the approved charter school.

321 5. Upon approval of a charter application, the initial  
 322 startup shall commence with the beginning of the public school  
 323 calendar for the district in which the charter is granted unless  
 324 the sponsor allows a waiver of this subparagraph for good cause.

325 (c)1. An applicant may appeal any denial of that  
 326 applicant's application or failure to act on an application to  
 327 the State Board of Education ~~within no later than~~ within 30 calendar  
 328 days after receipt of the sponsor's decision or failure to act  
 329 and shall notify the sponsor of its appeal. Any response of the  
 330 sponsor shall be submitted to the State Board of Education  
 331 within 30 calendar days after notification of the appeal. Upon  
 332 receipt of notification from the State Board of Education that a  
 333 charter school applicant is filing an appeal, the Commissioner  
 334 of Education shall convene a meeting of the Charter School  
 335 Appeal Commission to study and make recommendations to the State  
 336 Board of Education regarding its pending decision about the  
 337 appeal. The commission shall forward its recommendation to the  
 338 state board at least 7 calendar days before the date on which  
 339 the appeal is to be heard. An appeal regarding the denial of an  
 340 application submitted by a high-performing charter school  
 341 pursuant to s. 1002.331 shall be conducted by the State Board of  
 342 Education in accordance with this paragraph, except that the  
 343 commission shall not convene to make recommendations regarding  
 344 the appeal. However, the Commissioner of Education shall review  
 345 the appeal and make a recommendation to the state board.

346 2. The Charter School Appeal Commission or, in the case of  
 347 an appeal regarding an application submitted by a high-  
 348 performing charter school, the State Board of Education may

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349 reject an appeal submission for failure to comply with  
 350 procedural rules governing the appeals process. The rejection  
 351 shall describe the submission errors. The appellant shall have  
 352 15 calendar days after notice of rejection in which to resubmit  
 353 an appeal that meets the requirements set forth in State Board  
 354 of Education rule. An appeal submitted subsequent to such  
 355 rejection is considered timely if the original appeal was filed  
 356 within 30 calendar days after receipt of notice of the specific  
 357 reasons for the sponsor's denial of the charter application.

358 3.a. The State Board of Education shall by majority vote  
 359 accept or reject the decision of the sponsor no later than 90  
 360 calendar days after an appeal is filed in accordance with State  
 361 Board of Education rule. The State Board of Education shall  
 362 remand the application to the sponsor with its written decision  
 363 that the sponsor approve or deny the application. The sponsor  
 364 shall implement the decision of the State Board of Education.  
 365 The decision of the State Board of Education is not subject to  
 366 the provisions of the Administrative Procedure Act, chapter 120.

367 b. If an appeal concerns an application submitted by a  
 368 high-performing charter school identified pursuant to s.  
 369 1002.331, the State Board of Education shall determine whether  
 370 the sponsor's denial of the application complies with the  
 371 requirements in sub-subparagraph (b)3.b. sponsor has shown, by  
 372 clear and convincing evidence, that:

373 ~~(I) The application does not materially comply with the~~  
 374 ~~requirements in paragraph (a);~~

375 ~~(II) The charter school proposed in the application does~~  
 376 ~~not materially comply with the requirements in paragraphs~~

377 ~~(9)(a)-(f);~~

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378 ~~(III) The proposed charter school's educational program~~  
 379 ~~does not substantially replicate that of the applicant or one of~~  
 380 ~~the applicant's high-performing charter schools;~~

381 ~~(IV) The applicant has made a material misrepresentation or~~  
 382 ~~false statement or concealed an essential or material fact~~  
 383 ~~during the application process; or~~

384 ~~(V) The proposed charter school's educational program and~~  
 385 ~~financial management practices do not materially comply with the~~  
 386 ~~requirements of this section.~~

387  
 388 The State Board of Education shall approve or reject the  
 389 sponsor's denial of an application no later than 90 calendar  
 390 days after an appeal is filed in accordance with State Board of  
 391 Education rule. The State Board of Education shall remand the  
 392 application to the sponsor with its written decision that the  
 393 sponsor approve or deny the application. The sponsor shall  
 394 implement the decision of the State Board of Education. The  
 395 decision of the State Board of Education is not subject to the  
 396 Administrative Procedure Act, chapter 120.

397 (h) The terms and conditions for the operation of a charter  
 398 school shall be set forth by the sponsor and the applicant in a  
 399 written contractual agreement, called a charter. The sponsor may  
 400 not impose unreasonable rules or regulations that violate the  
 401 intent of giving charter schools greater flexibility to meet  
 402 educational goals. The sponsor has 30 days after approval of the  
 403 application to provide to the charter school a standard an  
 404 initial proposed charter contract developed by the Department of  
 405 Education to the charter school, which shall consist of the  
 406 approved application and any addenda and the elements specified

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407 in paragraph (7) (a). The applicant and the sponsor have 40 days  
 408 thereafter to negotiate the remaining terms and notice the  
 409 charter contract for final approval by the sponsor unless both  
 410 parties agree to an extension. The proposed charter contract  
 411 shall be provided to the charter school at least 7 calendar days  
 412 ~~before~~ prior to the date of the meeting at which the charter is  
 413 scheduled to be voted upon by the sponsor. A provision of a  
 414 charter contract inconsistent with or prohibited by the  
 415 requirements of this section is void and unenforceable. The  
 416 department of ~~Education~~ shall provide mediation services for any  
 417 dispute regarding this section subsequent to the approval of a  
 418 charter application and for any dispute relating to the approved  
 419 charter, except disputes regarding charter school application  
 420 denials. If the Commissioner of Education determines that the  
 421 dispute cannot be settled through mediation, the dispute may be  
 422 appealed to an administrative law judge appointed by the  
 423 Division of Administrative Hearings. The administrative law  
 424 judge has final order authority to rule on issues of equitable  
 425 treatment of the charter school as a public school, whether  
 426 proposed provisions of the charter violate the intended  
 427 flexibility granted charter schools by statute, or on any other  
 428 matter regarding this section except a charter school  
 429 application denial, a charter termination, or a charter  
 430 nonrenewal and shall award the prevailing party reasonable  
 431 ~~attorney~~ attorney's fees and costs incurred to be paid by the  
 432 losing party. The costs of the administrative hearing shall be  
 433 paid by the party whom the administrative law judge rules  
 434 against. Once the sponsor has voted upon and approved the  
 435 standard charter contract, the sponsor and applicant have the

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436 right to negotiate additional terms, as necessary. The charter  
 437 school may open and operate during the pendency of any  
 438 negotiation, mediation, or administrative proceeding.

439 (7) CHARTER.— The major issues involving the operation of a  
 440 charter school shall be set forth in ~~considered in advance and~~  
 441 ~~written into~~ the charter. The governing board of the charter  
 442 school and the sponsor shall use the standard charter contract  
 443 developed by the department, which shall incorporate the  
 444 approved application and any addenda. Matters included in the  
 445 approved application and any addenda are deemed settled for  
 446 purposes of negotiating the charter; however, the parties may  
 447 agree to address such matters after approval of the charter. The  
 448 charter shall be signed by the governing board of the charter  
 449 school and the sponsor, following a public hearing to ensure  
 450 community input.

451 (a) The charter shall address ~~and criteria for approval of~~  
 452 ~~the charter shall be based on:~~

453 1. ~~The school's mission, the students to be served, and the~~  
 454 ~~ages and grades to be included.~~

455 2. ~~The focus of the curriculum, the instructional methods~~  
 456 ~~to be used, any distinctive instructional techniques to be~~  
 457 ~~employed, and identification and acquisition of appropriate~~  
 458 ~~technologies needed to improve educational and administrative~~  
 459 ~~performance which include a means for promoting safe, ethical,~~  
 460 ~~and appropriate uses of technology which comply with legal and~~  
 461 ~~professional standards.~~

462 a. ~~The charter shall ensure that reading is a primary focus~~  
 463 ~~of the curriculum and that resources are provided to identify~~  
 464 ~~and provide specialized instruction for students who are reading~~

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465 ~~below grade level. The curriculum and instructional strategies~~  
 466 ~~for reading must be consistent with the Next Generation Sunshine~~  
 467 ~~State Standards and grounded in scientifically based reading~~  
 468 ~~research.~~

469 ~~b. In order to provide students with access to diverse~~  
 470 ~~instructional delivery models, to facilitate the integration of~~  
 471 ~~technology within traditional classroom instruction, and to~~  
 472 ~~provide students with the skills they need to compete in the~~  
 473 ~~21st century economy, the Legislature encourages instructional~~  
 474 ~~methods for blended learning courses consisting of both~~  
 475 ~~traditional classroom and online instructional techniques.~~  
 476 ~~Charter schools may implement blended learning courses which~~  
 477 ~~combine traditional classroom instruction and virtual~~  
 478 ~~instruction. Students in a blended learning course must be full-~~  
 479 ~~time students of the charter school and receive the online~~  
 480 ~~instruction in a classroom setting at the charter school.~~  
 481 ~~Instructional personnel certified pursuant to s. 1012.55 who~~  
 482 ~~provide virtual instruction for blended learning courses may be~~  
 483 ~~employees of the charter school or may be under contract to~~  
 484 ~~provide instructional services to charter school students. At a~~  
 485 ~~minimum, such instructional personnel must hold an active state~~  
 486 ~~or school district adjunct certification under s. 1012.57 for~~  
 487 ~~the subject area of the blended learning course. The funding and~~  
 488 ~~performance accountability requirements for blended learning~~  
 489 ~~courses are the same as those for traditional courses.~~

490 1.3. The current incoming baseline standard of student  
 491 academic achievement, the outcomes to be achieved, and the  
 492 method of measurement that will be used. The criteria listed in  
 493 this subparagraph shall include a detailed description of:

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494 a. How the baseline student academic achievement levels and  
 495 prior rates of academic progress will be established.

496 b. How these baseline rates will be compared to rates of  
 497 academic progress achieved by these same students while  
 498 attending the charter school.

499 c. To the extent possible, how these rates of progress will  
 500 be evaluated and compared with rates of progress of other  
 501 closely comparable student populations.

502  
 503 The district school board is required to provide academic  
 504 student performance data to charter schools for each of their  
 505 students coming from the district school system, as well as  
 506 rates of academic progress of comparable student populations in  
 507 the district school system.

508 ~~4. The methods used to identify the educational strengths~~  
 509 ~~and needs of students and how well educational goals and~~  
 510 ~~performance standards are met by students attending the charter~~  
 511 ~~school. The methods shall provide a means for the charter school~~  
 512 ~~to ensure accountability to its constituents by analyzing~~  
 513 ~~student performance data and by evaluating the effectiveness and~~  
 514 ~~efficiency of its major educational programs. Students in~~  
 515 ~~charter schools shall, at a minimum, participate in the~~  
 516 ~~statewide assessment program created under s. 1008.22.~~

517 ~~5. In secondary charter schools, a method for determining~~  
 518 ~~that a student has satisfied the requirements for graduation in~~  
 519 ~~s. 1003.428 or s. 1003.4282.~~

520 ~~2.6.~~ A method for resolving conflicts between the governing  
 521 board of the charter school and the sponsor.

522 ~~7. The admissions procedures and dismissal procedures,~~

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523 including the school's code of student conduct.

524 ~~8. The ways by which the school will achieve a~~  
 525 ~~racial/ethnic balance reflective of the community it serves or~~  
 526 ~~within the racial/ethnic range of other public schools in the~~  
 527 ~~same school district.~~

528 ~~9. The financial and administrative management of the~~  
 529 ~~school, including a reasonable demonstration of the professional~~  
 530 ~~experience or competence of those individuals or organizations~~  
 531 ~~applying to operate the charter school or those hired or~~  
 532 ~~retained to perform such professional services and the~~  
 533 ~~description of clearly delineated responsibilities and the~~  
 534 ~~policies and practices needed to effectively manage the charter~~  
 535 ~~school. A description of internal audit procedures and~~  
 536 ~~establishment of controls to ensure that financial resources are~~  
 537 ~~properly managed must be included. Both public sector and~~  
 538 ~~private sector professional experience shall be equally valid in~~  
 539 ~~such a consideration.~~

540 ~~10. The asset and liability projections required in the~~  
 541 ~~application which are incorporated into the charter and shall be~~  
 542 ~~compared with information provided in the annual report of the~~  
 543 ~~charter school.~~

544 ~~11. A description of procedures that identify various risks~~  
 545 ~~and provide for a comprehensive approach to reduce the impact of~~  
 546 ~~losses; plans to ensure the safety and security of students and~~  
 547 ~~staff; plans to identify, minimize, and protect others from~~  
 548 ~~violent or disruptive student behavior; and the manner in which~~  
 549 ~~the school will be insured, including whether or not the school~~  
 550 ~~will be required to have liability insurance, and, if so, the~~  
 551 ~~terms and conditions thereof and the amounts of coverage.~~

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552 3.12. The term of the charter which shall provide for  
 553 cancellation of the charter if insufficient progress has been  
 554 made in attaining the student achievement objectives of the  
 555 charter and if it is not likely that such objectives can be  
 556 ~~achieved before expiration of the charter.~~ The initial term of  
 557 the a charter, which shall be for 4 or 5 years. ~~In order to~~  
 558 ~~facilitate access to long-term financial resources for charter~~  
 559 ~~school construction,~~ Charter schools that are operated by a  
 560 municipality or other public entity, as provided by law, or a  
 561 private, not-for-profit, s. 501(c)(3) status corporation are  
 562 eligible for up to a 15-year charter, subject to approval by the  
 563 district school board. A charter lab school is also eligible for  
 564 a charter for a term of up to 15 years. ~~In addition, to~~  
 565 ~~facilitate access to long-term financial resources for charter~~  
 566 ~~school construction, charter schools that are operated by a~~  
 567 ~~private, not-for-profit, s. 501(c)(3) status corporation~~ are  
 568 eligible for up to a 15-year charter, subject to approval by the  
 569 district school board. Such long-term charters remain subject to  
 570 annual review and may be terminated during the term of the  
 571 charter, but only according to the ~~provisions set forth in~~  
 572 subsection (8) or paragraph (9)(n).

573 4. Termination or nonrenewal of the charter pursuant to  
 574 subsection (8), including termination for failure to make  
 575 sufficient progress towards attaining the student achievement  
 576 objectives of the charter or likely failure to meet such  
 577 objectives before expiration of the charter, and automatic  
 578 termination of the charter pursuant to paragraph (9)(n).

579 ~~5.13.~~ The facilities to be used and their location. The  
 580 sponsor may not require a charter school to have a certificate

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581 of occupancy or a temporary certificate of occupancy for such a  
582 facility earlier than 15 calendar days before the first day of  
583 school.

584 ~~14. The qualifications to be required of the teachers and~~  
585 ~~the potential strategies used to recruit, hire, train, and~~  
586 ~~retain qualified staff to achieve best value.~~

587 ~~15. The governance structure of the school, including the~~  
588 ~~status of the charter school as a public or private employer as~~  
589 ~~required in paragraph (12)(i).~~

590 ~~16. A timetable for implementing the charter which~~  
591 ~~addresses the implementation of each element thereof and the~~  
592 ~~date by which the charter shall be awarded in order to meet this~~  
593 ~~timetable.~~

594 ~~17. In the case of an existing public school that is being~~  
595 ~~converted to charter status, alternative arrangements for~~  
596 ~~current students who choose not to attend the charter school and~~  
597 ~~for current teachers who choose not to teach in the charter~~  
598 ~~school after conversion in accordance with the existing~~  
599 ~~collective bargaining agreement or district school board rule in~~  
600 ~~the absence of a collective bargaining agreement. However,~~  
601 ~~alternative arrangements shall not be required for current~~  
602 ~~teachers who choose not to teach in a charter lab school, except~~  
603 ~~as authorized by the employment policies of the state university~~  
604 ~~which grants the charter to the lab school.~~

605 6.18- Full disclosure of the identity of all relatives  
606 employed by the charter school who are related to the charter  
607 school owner, president, chairperson of the governing board of  
608 directors, superintendent, governing board member, principal,  
609 assistant principal, or any other person employed by the charter

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610 school who has equivalent decisionmaking authority. For the  
611 purpose of this subparagraph, the term "relative" means father,  
612 mother, son, daughter, brother, sister, uncle, aunt, first  
613 cousin, nephew, niece, husband, wife, father-in-law, mother-in-  
614 law, son-in-law, daughter-in-law, brother-in-law, sister-in-law,  
615 stepfather, stepmother, stepson, stepdaughter, stepbrother,  
616 stepsister, half brother, or half sister.

617 7.19- Implementation of the activities authorized under s.  
618 1002.331 by the charter school when it satisfies the eligibility  
619 requirements for a high-performing charter school. A high-  
620 performing charter school shall notify its sponsor in writing by  
621 March 1 if it intends to increase enrollment or expand grade  
622 levels the following school year. The written notice shall  
623 specify the amount of the enrollment increase and the grade  
624 levels that will be added, as applicable.

625 (b)1. A charter may be renewed provided that a program  
626 review demonstrates that the criteria in paragraph (a) have been  
627 successfully accomplished and that none of the grounds for  
628 nonrenewal established by paragraph (8)(a) has been documented.  
629 In order to facilitate long-term financing for charter school  
630 construction, charter schools operating for a minimum of 3 years  
631 and demonstrating exemplary academic programming and fiscal  
632 management are eligible for a 15-year charter renewal. Such  
633 long-term charter is subject to annual review and may be  
634 terminated during the term of the charter.

635 2. The 15-year charter renewal that may be granted pursuant  
636 to subparagraph 1. shall be granted to a charter school that has  
637 received a school grade of "A" or "B" pursuant to s. 1008.34 in  
638 3 of the past 4 years and is not in a state of financial



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639 emergency or deficit position as defined by this section. Such  
640 long-term charter is subject to annual review and may be  
641 terminated during the term of the charter pursuant to subsection  
642 (8).

643 (c) A charter may be modified during its initial term or  
644 any renewal term upon the recommendation of the sponsor or the  
645 charter school's governing board and the approval of both  
646 parties to the agreement. Modification may include, but is not  
647 limited to, consolidation of multiple charters into a single  
648 charter if the charters are operated under the same governing  
649 board and physically located on the same campus, regardless of  
650 the renewal cycle.

651 (d)1. Each charter school's governing board must appoint a  
652 representative to facilitate parental involvement, provide  
653 access to information, assist parents and others with questions  
654 and concerns, and resolve disputes. The representative must  
655 reside in the school district in which the charter school is  
656 located and may be a governing board member, charter school  
657 employee, or individual contracted to represent the governing  
658 board. If the governing board oversees multiple charter schools  
659 in the same school district, the governing board must appoint a  
660 separate individual representative for each charter school in  
661 the district. The representative's contact information must be  
662 provided annually in writing to parents and posted prominently  
663 on the charter school's website if a website is maintained by  
664 the school. The sponsor may not require that governing board  
665 members reside in the school district in which the charter  
666 school is located if the charter school complies with this  
667 paragraph.

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668 2. Each charter school's governing board must hold at least  
669 two public meetings per school year in the school district. The  
670 meetings must be noticed, open, and accessible to the public,  
671 and attendees must be provided an opportunity to receive  
672 information and provide input regarding the charter school's  
673 operations. The appointed representative and charter school  
674 principal or director, or his or her equivalent, must be  
675 physically present at each meeting.

676 (9) CHARTER SCHOOL REQUIREMENTS.-

677 (n)1. The director and a representative of the governing  
678 board of a charter school that has earned a grade of "D" or "F"  
679 pursuant to s. 1008.34(2) shall appear before the sponsor to  
680 present information concerning each contract component having  
681 noted deficiencies. The director and a representative of the  
682 governing board shall submit to the sponsor for approval a  
683 school improvement plan to raise student achievement. Upon  
684 approval by the sponsor, the charter school shall begin  
685 implementation of the school improvement plan. The department  
686 shall offer technical assistance and training to the charter  
687 school and its governing board and establish guidelines for  
688 developing, submitting, and approving such plans.

689 2.a. If a charter school earns three consecutive grades of  
690 "D," two consecutive grades of "D" followed by a grade of "F,"  
691 or two nonconsecutive grades of "F" within a 3-year period, the  
692 charter school governing board shall choose one of the following  
693 corrective actions:

694 (I) Contract for educational services to be provided  
695 directly to students, instructional personnel, and school  
696 administrators, as prescribed in state board rule;

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697 (II) Contract with an outside entity that has a  
 698 demonstrated record of effectiveness to operate the school;  
 699 (III) Reorganize the school under a new director or  
 700 principal who is authorized to hire new staff; or  
 701 (IV) Voluntarily close the charter school.  
 702 b. The charter school must implement the corrective action  
 703 in the school year following receipt of a third consecutive  
 704 grade of "D," a grade of "F" following two consecutive grades of  
 705 "D," or a second nonconsecutive grade of "F" within a 3-year  
 706 period.  
 707 c. The sponsor may annually waive a corrective action if it  
 708 determines that the charter school is likely to improve a letter  
 709 grade if additional time is provided to implement the  
 710 intervention and support strategies prescribed by the school  
 711 improvement plan. Notwithstanding this sub-subparagraph, a  
 712 charter school that earns a second consecutive grade of "F" is  
 713 subject to subparagraph 4.  
 714 d. A charter school is no longer required to implement a  
 715 corrective action if it improves by at least one letter grade.  
 716 However, the charter school must continue to implement  
 717 strategies identified in the school improvement plan. The  
 718 sponsor must annually review implementation of the school  
 719 improvement plan to monitor the school's continued improvement  
 720 pursuant to subparagraph 5.  
 721 e. A charter school implementing a corrective action that  
 722 does not improve by at least one letter grade after 2 full  
 723 school years of implementing the corrective action must select a  
 724 different corrective action. Implementation of the new  
 725 corrective action must begin in the school year following the

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726 implementation period of the existing corrective action, unless  
 727 the sponsor determines that the charter school is likely to  
 728 improve a letter grade if additional time is provided to  
 729 implement the existing corrective action. Notwithstanding this  
 730 sub-subparagraph, a charter school that earns a second  
 731 consecutive grade of "F" while implementing a corrective action  
 732 is subject to subparagraph 4.  
 733 3. A charter school with a grade of "D" or "F" that  
 734 improves by at least one letter grade must continue to implement  
 735 the strategies identified in the school improvement plan. The  
 736 sponsor must annually review implementation of the school  
 737 improvement plan to monitor the school's continued improvement  
 738 pursuant to subparagraph 5.  
 739 4. A charter school's charter is automatically terminated  
 740 if the school earns a second consecutive grade of "F" after all  
 741 school grade appeals are final ~~The sponsor shall terminate a~~  
 742 ~~charter if the charter school earns two consecutive grades of~~  
 743 ~~"F" unless:~~  
 744 a. The charter school is established to turn around the  
 745 performance of a district public school pursuant to s.  
 746 1008.33(4)(b)3. Such charter schools shall be governed by s.  
 747 1008.33;  
 748 b. The charter school serves a student population the  
 749 majority of which resides in a school zone served by a district  
 750 public school that earned a grade of "F" in the year before the  
 751 charter school opened and the charter school earns at least a  
 752 grade of "D" in its third year of operation. The exception  
 753 provided under this sub-subparagraph does not apply to a charter  
 754 school in its fourth year of operation and thereafter; or

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755 c. The state board grants the charter school a waiver of  
 756 termination. The charter school must request the waiver within  
 757 15 days after the department's official release of school  
 758 grades. The state board may waive termination if the charter  
 759 school demonstrates that the learning gains of its students on  
 760 statewide assessments are comparable to or better than the  
 761 learning gains of similarly situated students enrolled in nearby  
 762 district public schools. The waiver is valid for 1 year and may  
 763 only be granted once. Charter schools that have been in  
 764 operation for more than 5 years are not eligible for a waiver  
 765 under this sub-subparagraph.

767 The sponsor shall notify in writing the charter school's  
 768 governing board, the charter school principal, and the  
 769 department when a charter is terminated under this subparagraph.  
 770 A charter terminated under this subparagraph is governed by the  
 771 requirements of paragraphs (8) (e)-(g) and (9) (o).

772 5. The director and a representative of the governing board  
 773 of a graded charter school that has implemented a school  
 774 improvement plan under this paragraph shall appear before the  
 775 sponsor at least once a year to present information regarding  
 776 the progress of intervention and support strategies implemented  
 777 by the school pursuant to the school improvement plan and  
 778 corrective actions, if applicable. The sponsor shall communicate  
 779 at the meeting, and in writing to the director, the services  
 780 provided to the school to help the school address its  
 781 deficiencies.

782 6. Notwithstanding any provision of this paragraph except  
 783 sub-subparagraphs 4.a.-c., the sponsor may terminate the charter

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784 at any time pursuant to subsection (8).

785 (o)1. Upon initial notification of nonrenewal, closure, or  
 786 termination of its charter, a charter school may not expend more  
 787 than \$10,000 per expenditure without prior written approval from  
 788 the sponsor unless such expenditure was included within the  
 789 annual budget submitted to the sponsor pursuant to the charter  
 790 contract, is for reasonable attorney fees and costs during the  
 791 pendency of any hearing or appeal, or is for reasonable fees and  
 792 costs to conduct an independent audit.

793 2. An independent audit shall be completed within 30 days  
 794 after notice of nonrenewal, closure, or termination to account  
 795 for all public funds and assets.

796 3. A provision in a charter contract that contains an  
 797 acceleration clause requiring the expenditure of funds based  
 798 upon closure or upon notification of nonrenewal or termination  
 799 is void and unenforceable.

800 4. A charter school may not enter into a contract with an  
 801 employee that exceeds the term of the school's charter contract  
 802 with its sponsor.

803 5. A violation of this paragraph triggers a reversion or  
 804 clawback power by the sponsor allowing for collection of an  
 805 amount equal to or less than the accelerated amount that exceeds  
 806 normal expenditures. The reversion or clawback plus legal fees  
 807 and costs shall be levied against the person or entity receiving  
 808 the accelerated amount.

809 (10) ELIGIBLE STUDENTS.—

810 (e) A charter school may limit the enrollment process only  
 811 to target the following student populations:

812 1. Students within specific age groups or grade levels.

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813 2. Students considered at risk of dropping out of school or  
814 academic failure. Such students shall include exceptional  
815 education students.

816 3. Students enrolling in a charter school-in-the-workplace  
817 or charter school-in-a-municipality established pursuant to  
818 subsection (15).

819 4. Students residing within a reasonable distance of the  
820 charter school, as described in paragraph (20)(c). Such students  
821 shall be subject to a random lottery and to the racial/ethnic  
822 balance provisions described in subparagraph (6)(a)8. ~~(7)(a)8.~~  
823 or any federal provisions that require a school to achieve a  
824 racial/ethnic balance reflective of the community it serves or  
825 within the racial/ethnic range of other public schools in the  
826 same school district.

827 5. Students who meet reasonable academic, artistic, or  
828 other eligibility standards established by the charter school  
829 and included in the charter school application and charter or,  
830 in the case of existing charter schools, standards that are  
831 consistent with the school's mission and purpose. Such standards  
832 shall be in accordance with current state law and practice in  
833 public schools and may not discriminate against otherwise  
834 qualified individuals.

835 6. Students articulating from one charter school to another  
836 pursuant to an articulation agreement between the charter  
837 schools that has been approved by the sponsor.

838 7. Students living in a development in which a business  
839 entity provides the school facility and related property having  
840 an appraised value of at least \$10 million to be used as a  
841 charter school for the development. Students living in the

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842 development shall be entitled to 50 percent of the student  
843 stations in the charter school. The students who are eligible  
844 for enrollment are subject to a random lottery, the  
845 racial/ethnic balance provisions, or any federal provisions, as  
846 described in subparagraph 4. The remainder of the student  
847 stations shall be filled in accordance with subparagraph 4.

848 (i) The capacity of a high-performing charter school  
849 identified pursuant to s. 1002.331 shall be determined annually  
850 by the governing board of the charter school. The governing  
851 board shall notify the sponsor of any increase in enrollment by  
852 March 1 of the school year preceding the increase. A sponsor may  
853 not require a charter school to identify the names of students  
854 to be enrolled or to limit enrollment or capacity to enroll  
855 those students enrolled before the start of the school year as a  
856 condition of approval or renewal of a charter.

857 (15) CHARTER SCHOOLS-IN-THE-WORKPLACE; CHARTER SCHOOLS-IN-  
858 A-MUNICIPALITY.—

859 (b) A charter school-in-the-workplace may be established  
860 when a business partner provides the school facility to be used;  
861 enrolls students based upon a random lottery that involves all  
862 of the children of employees of that business or corporation who  
863 are seeking enrollment, as provided for in subsection (10); and  
864 enrolls students according to the racial/ethnic balance  
865 provisions described in subparagraph (6)(a)8. ~~(7)(a)8.~~ Any  
866 portion of a facility used for a public charter school shall be  
867 exempt from ad valorem taxes, as provided for in s. 1013.54, for  
868 the duration of its use as a public school.

869 (c) A charter school-in-a-municipality designation may be  
870 granted to a municipality that possesses a charter; enrolls

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871 students based upon a random lottery that involves all of the  
 872 children of the residents of that municipality who are seeking  
 873 enrollment, as provided for in subsection (10); and enrolls  
 874 students according to the racial/ethnic balance provisions  
 875 described in subparagraph ~~(6) (a) 8. (7) (a) 8.~~ When a municipality  
 876 has submitted charter applications for the establishment of a  
 877 charter school feeder pattern, consisting of elementary, middle,  
 878 and senior high schools, and each individual charter application  
 879 is approved by the district school board, such schools shall  
 880 then be designated as one charter school for all purposes listed  
 881 pursuant to this section. Any portion of the land and facility  
 882 used for a public charter school shall be exempt from ad valorem  
 883 taxes, as provided for in s. 1013.54, for the duration of its  
 884 use as a public school.

## (18) FACILITIES.—

886 (e) If a district school board-owned board facility that  
 887 has previously been used for K-12 educational purposes ~~or~~  
 888 property is no longer used as a school as defined in s.  
 889 1003.01(2) available because it is surplus, marked for disposal,  
 890 or otherwise unused, it shall be made available ~~provided~~ for a  
 891 charter school's use on the same basis as it is made available  
 892 to other public schools in the district. The charter school is  
 893 responsible for the costs required to bring the facility into  
 894 compliance with the current Florida Building Code and for costs  
 895 required to maintain such compliance. A charter school using  
 896 such a facility ~~receiving property from the school district~~ may  
 897 not sell, sublease, or dispose of such facility ~~property~~ without  
 898 written permission of the school district. The charter school  
 899 may not earn capital outlay funds; however, the school district

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900 shall include the charter school's capital outlay full-time  
 901 equivalent (COFTE) student count in the district's capital  
 902 outlay calculations. The charter school may choose to maintain  
 903 and repair the facility at the same standard and level as any  
 904 other district-operated school of similar age and condition.  
 905 Maintenance and repair do not include the construction of any  
 906 new building, structure, or substantial addition, extension, or  
 907 upgrade to an existing facility. Similarly, for an existing  
 908 public school converting to charter status, no rental or leasing  
 909 fee for the existing facility or for the property normally  
 910 inventoried to the conversion school may be charged by the  
 911 district school board to the parents and teachers organizing the  
 912 charter school. The charter school shall agree to reasonable  
 913 maintenance provisions in order to maintain the facility in a  
 914 manner similar to district school board standards. The Public  
 915 Education Capital Outlay maintenance funds or any other  
 916 maintenance funds generated by the facility operated as a  
 917 conversion school shall remain with the conversion school.

## (21) PUBLIC INFORMATION ON CHARTER SCHOOLS.—

919 (a) The Department of Education shall provide information  
 920 to the public, directly and through sponsors, on how to form and  
 921 operate a charter school and how to enroll in a charter school  
 922 once it is created. This information shall include a model  
 923 application form, standard charter contract, standard  
 924 application evaluation instrument, and standard charter renewal  
 925 contract, which shall include the information specified in  
 926 subsections (6) and ~~subsection~~ (7), as applicable, and shall be  
 927 developed by consulting and negotiating with both school  
 928 districts and charter schools before implementation. The model

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929 application form, standard charter contract, standard  
 930 application evaluation instrument, and standard charter renewal  
 931 contract must clearly identify the specific statutes and rules  
 932 from which charter schools are statutorily exempted from  
 933 compliance. The department shall develop a model application  
 934 form, standard charter contract, standard application evaluation  
 935 instrument, and standard charter renewal contract uniquely  
 936 tailored to virtual charter schools established under subsection  
 937 (1) and high-performing charter schools under s. 1002.331(3).  
 938 The charter and charter renewal contracts shall be used by  
 939 charter school sponsors.

940 Section 2. Subsection (1), paragraph (e) of subsection (2),  
 941 and subsections (3) and (5) of section 1002.331, Florida  
 942 Statutes, are amended to read:

943 1002.331 High-performing charter schools.—

944 (1) A charter school is a high-performing charter school if  
 945 it:

946 (a) Received at least two school grades of "A" and no  
 947 school grade below "B," pursuant to s. 1008.34, during each of  
 948 the previous 3 school years.

949 (b) Received an unqualified opinion on each annual  
 950 financial audit required under s. 218.39 in the most recent 3  
 951 fiscal years for which such audits are available.

952 (c) Did not receive a financial audit that revealed one or  
 953 more of the financial emergency conditions set forth in s.  
 954 218.503(1) in the most recent 3 fiscal years for which such  
 955 audits are available. However, this requirement is deemed met  
 956 for a charter school-in-the-workplace if there is a finding in  
 957 an audit that the school has the monetary resources available to

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958 cover any reported deficiency or that the deficiency does not  
 959 result in a deteriorating financial condition pursuant to s.  
 960 1002.345(1) (a)3.

961

962 A virtual charter school established under s. 1002.33 is not  
 963 eligible for designation as a high-performing charter school. A  
 964 charter school that is established in this state and operated by  
 965 an entity classified as a high-performing charter school system  
 966 pursuant to s. 1002.332(2) is deemed a high-performing charter  
 967 school during its first 3 years of operation. Beginning in the  
 968 fourth year of operation and thereafter, such a charter school  
 969 must meet the criteria in this subsection to maintain the  
 970 designation.

971 (2) A high-performing charter school is authorized to:

972 (e) Receive a modification of its charter to a term of 15  
 973 years or a 15-year charter renewal. The charter may be modified  
 974 or renewed for a shorter term at the option of the high-  
 975 performing charter school. The charter must be consistent with  
 976 s. 1002.33(7) (a)7. ~~1002.33(7) (a)19.~~ and (10) (h) and (i), is  
 977 subject to annual review by the sponsor, and may be terminated  
 978 during its term pursuant to s. 1002.33(8).

979

980 A high-performing charter school shall notify its sponsor in  
 981 writing by March 1 if it intends to increase enrollment or  
 982 expand grade levels the following school year. The written  
 983 notice shall specify the amount of the enrollment increase and  
 984 the grade levels that will be added, as applicable. If a charter  
 985 school notifies the sponsor of its intent to expand, the sponsor  
 986 shall modify the charter within 90 days to include the new

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987 enrollment maximum and may not make any other changes. The  
 988 sponsor may deny a request to increase the enrollment of a high-  
 989 performing charter school if the commissioner has declassified  
 990 the charter school as high-performing. If a high-performing  
 991 charter school requests to consolidate multiple charters, the  
 992 sponsor shall have 40 days after receipt of that request to  
 993 provide an initial draft charter to the charter school. The  
 994 sponsor and charter school shall have 50 days thereafter to  
 995 negotiate and notice the charter contract for final approval by  
 996 the sponsor.

997 (3)~~(a)~~ A high-performing charter school may submit an  
 998 application pursuant to s. 1002.33(6) in any school district in  
 999 the state to establish and operate a new charter school that  
 1000 will substantially replicate its educational program in order to  
 1001 serve the attendance zone of a school identified in need of  
 1002 intervention and support pursuant to s. 1008.33(3)(b) or to meet  
 1003 capacity needs or needs for innovative choice options identified  
 1004 by the district school board. An application submitted by a  
 1005 high-performing charter school must state that the application  
 1006 is being submitted pursuant to this paragraph and must include  
 1007 the verification letter provided by the Commissioner of  
 1008 Education pursuant to subsection (5). If the sponsor fails to  
 1009 act on the application within 60 days after receipt, the  
 1010 application is deemed approved and the procedure in s.  
 1011 1002.33(6)(h) applies. If the sponsor denies the application,  
 1012 the high-performing charter school may appeal pursuant to s.  
 1013 1002.33(6).

1014 ~~(b) A high performing charter school may not establish more~~  
 1015 ~~than one charter school within the state under paragraph (a) in~~

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1016 ~~any year. A subsequent application to establish a charter school~~  
 1017 ~~under paragraph (a) may not be submitted unless each charter~~  
 1018 ~~school established in this manner achieves high-performing~~  
 1019 ~~charter school status.~~

1020 (5) The Commissioner of Education, upon request by a  
 1021 charter school, shall verify that the charter school meets the  
 1022 criteria in subsection (1) and provide a letter to the charter  
 1023 school and the sponsor stating that the charter school is a  
 1024 high-performing charter school pursuant to this section. The  
 1025 commissioner shall annually determine whether a high-performing  
 1026 charter school under subsection (1) continues to meet the  
 1027 criteria in that subsection. Such high-performing charter school  
 1028 shall maintain its high-performing status unless the  
 1029 commissioner determines that the charter school no longer meets  
 1030 the criteria in subsection (1), at which time the commissioner  
 1031 shall send a letter to the charter school and its sponsor  
 1032 providing notification that the charter school has been  
 1033 declassified of its declassification as a high-performing  
 1034 charter school.

1035 Section 3. Present subsection (2) of section 1002.332,  
 1036 Florida Statutes, is renumbered as subsection (3), and a new  
 1037 subsection (2) is added to that section to read:

1038 1002.332 High-performing charter school system.-

1039 (2) An entity that successfully operates a system of  
 1040 charter schools outside the state may apply to the State Board  
 1041 of Education for status as a high-performing charter school  
 1042 system. The state board shall adopt rules prescribing a process  
 1043 for determining whether the entity meets the requirements of  
 1044 this subsection by reviewing student demographic and performance

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 1045 data and fiscal accountability of all schools operated by the  
 1046 entity. To the extent practicable, the state board shall develop  
 1047 a rubric for the approval of such entities which aligns with the  
 1048 priorities of the federal Charter Schools Program Grants for  
 1049 Replication and Expansion of High-Quality Charter Schools, found  
 1050 in Federal Register, Volume 76, Number 133.

1051 Section 4. Paragraph (d) of subsection (8) of section  
 1052 1002.45, Florida Statutes, is amended to read:

1053 1002.45 Virtual instruction programs.—

1054 (8) ASSESSMENT AND ACCOUNTABILITY.—

1055 (d) An approved provider's contract is automatically ~~must~~  
 1056 ~~be~~ terminated if the provider earns two consecutive school  
 1057 grades of ~~receives a school grade of "D" or "F" under s.~~  
 1058 1008.34, two consecutive ~~or a school improvement ratings rating~~  
 1059 ~~of "Declining" under s. 1008.341, for 2 years during any~~  
 1060 ~~consecutive 4-year period~~ or has violated any qualification  
 1061 requirement pursuant to subsection (2). A provider that has a  
 1062 contract terminated under this paragraph may not be an approved  
 1063 provider for a period of at least 1 year after the date upon  
 1064 which the contract was terminated and until the department  
 1065 determines that the provider is in compliance with subsection  
 1066 (2) and has corrected each cause of the provider's low  
 1067 performance.

1068 Section 5. Paragraph (a) of subsection (1) of section  
 1069 1013.62, Florida Statutes, is amended to read:

1070 1013.62 Charter schools capital outlay funding.—

1071 (1) In each year in which funds are appropriated for  
 1072 charter school capital outlay purposes, the Commissioner of  
 1073 Education shall allocate the funds among eligible charter

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 1074 schools.  
 1075 (a) To be eligible for a funding allocation, a charter  
 1076 school must:  
 1077 1.a. Have been in operation for 3 or more years;  
 1078 b. Be governed by a governing board established in the  
 1079 state for 3 or more years which operates both charter schools  
 1080 and conversion charter schools within the state;  
 1081 c. Be an expanded feeder chain of a charter school within  
 1082 the same school district that is currently receiving charter  
 1083 school capital outlay funds;  
 1084 d. Have been accredited by the Commission on Schools of the  
 1085 Southern Association of Colleges and Schools; or  
 1086 e. Serve students in facilities that are provided by a  
 1087 business partner for a charter school-in-the-workplace pursuant  
 1088 to s. 1002.33(15) (b).  
 1089 2. Have an annual audit that does not reveal one or more of  
 1090 the financial emergency conditions set forth in s. 218.503(1)  
 1091 for the most recent fiscal year for which such audit is  
 1092 available ~~stability for future operation as a charter school.~~  
 1093 3. Have satisfactory student achievement based on state  
 1094 accountability standards applicable to the charter school.  
 1095 4. Have received final approval from its sponsor pursuant  
 1096 to s. 1002.33 for operation during that fiscal year.  
 1097 5. Serve students in facilities that are not provided by  
 1098 the charter school's sponsor.  
 1099 Section 6. Subsection (14) of section 1003.01, Florida  
 1100 Statutes, is amended to read:  
 1101 1003.01 Definitions.—As used in this chapter, the term:  
 1102 (14) "Core-curricula courses" means:



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1103 (a) Courses in language arts/reading, mathematics, social  
1104 studies, and science in prekindergarten through grade 3,  
1105 excluding any extracurricular courses pursuant to subsection  
1106 (15);

1107 (b) Courses in grades 4 through 8 in subjects that are  
1108 measured by state assessment at any grade level and courses  
1109 required for middle school promotion, excluding any  
1110 extracurricular courses pursuant to subsection (15);

1111 (c) Courses in grades 9 through 12 in subjects that are  
1112 measured by state assessment at any grade level and courses that  
1113 are specifically identified by name in statute as required for  
1114 high school graduation and that are not measured by state  
1115 assessment, excluding any extracurricular courses pursuant to  
1116 subsection (15);

1117 (d) Exceptional student education courses; and

1118 (e) English for Speakers of Other Languages courses.

1119

1120 The term is limited in meaning and used for the sole purpose of  
1121 designating classes that are subject to the maximum class size  
1122 requirements established in s. 1, Art. IX of the State  
1123 Constitution. This term does not include courses offered under  
1124 ss. 1002.321(4)(e), 1002.33(6)(a)2.b. ~~1002.33(7)(a)2.b.~~,  
1125 1002.37, 1002.415, 1002.45, and 1003.499.

1126 Section 7. This act shall take effect July 1, 2014.

★3

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

March 25, 2014  
Meeting Date

Topic \_\_\_\_\_

Bill Number 1528  
(if applicable)

Name Charlene Iska

Amendment Barcode \_\_\_\_\_  
(if applicable)

Job Title Parent

Address 10088 126<sup>th</sup> Ave  
Street  
Largo FL 33778  
City State Zip

Phone (727) 400-6885

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

Speaking:  For  Against  Information

Representing Plato Academy - Seminole

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)

Meeting Date \_\_\_\_\_

Topic \_\_\_\_\_

Bill Number 1528  
*(if applicable)*

Name Anita Whitby - Dawis

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title Parent

Address 4351 Mahan Drive

Phone (850) 391-5259

*Street*

Tallahassee FL 32317

*City*

*State*

*Zip*

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

Speaking:  For  Against  Information

Representing Governors Charter Academy

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)

3/25

Meeting Date

Topic Open Schools

Bill Number 1528  
(if applicable)

Name Joy Frank

Amendment Barcode 639048  
(if applicable)

Job Title General Counsel

by Jeff

Address 208 S. Monroe  
Street

Phone 577-5784

TALL. FL 32301  
City State Zip

E-mail joy.frank@fla.gov

Speaking:  For  Against  Information

Representing FL Assoc. of District School Superintendents

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)

3-25-14  
Meeting Date

Topic School Choice

Bill Number 1528  
(if applicable)

Name ~~Kathy~~ Kathy Faulk

Amendment Barcode 639 048  
(if applicable)

Job Title FLA. PTA LEGISLATIVE COMMITTEE

Address 1697 onon daga dr.  
Street

Phone 407-416-6755

GENBUA FL. 32732  
City State Zip

E-mail kathyfaulk@bellsouth.net

Speaking:  For  Against  Information

Representing FL. PTA.

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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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)

3/25/14

Meeting Date

Topic School Choice

Bill Number 1528  
*(if applicable)*

Name Susan Smith

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title \_\_\_\_\_

Address 16111 Vanderbilt Drive

Phone 813-926-2768

Street

Odessa

FL

33556

City

State

Zip

E-mail stsmith222@aol.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.*

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THE FLORIDA SENATE

APPEARANCE RECORD

3/25/2014

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

Meeting Date

Topic \_\_\_\_\_

Bill Number 1528

(if applicable)

Name JIM HORNE

Amendment Barcode \_\_\_\_\_

(if applicable)

Job Title \_\_\_\_\_

Address PO Box 8339

Phone 904-759-4596

Street FI State FL Zip 32006

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

Speaking:  For  Against  Information

Representing AIF (Wave in Support)

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)

3/25/14

Meeting Date

Topic School choice

Bill Number 1528  
*(if applicable)*

Name Debbie Harrison Rumberger

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title Legislative Liaison

Address 540 Beverly Ct.

Phone \_\_\_\_\_

Street

Tallahassee, FL 32361

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

City

State

Zip

Speaking:  For  Against  Information

Representing League of Women Voters of Florida

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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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)

3/25  
Meeting Date

Topic Model Contract

Bill Number 1528  
*(if applicable)*

Name Adam Giery

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title Dir of Policy

Address 136 South Bronagh st  
Street

Phone \_\_\_\_\_

Tallahesse \_\_\_\_\_  
City State Zip

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

Speaking:  For  Against  Information

Representing FL Chamber

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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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)

3/25/14  
Meeting Date

Topic \_\_\_\_\_

Bill Number 1528  
*(if applicable)*

Name Sara Clements

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title Legislative Analyst

Address 215 S. Monroe St.  
*Street*

Phone 850-391-0329

TLH FL 32308  
*City State Zip*

E-mail Sara@aflovidapromiser.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.**

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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 25, 2014  
Meeting Date

Topic \_\_\_\_\_

Bill Number 1528  
*(if applicable)*

Name Steve Bracy

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title Non Profit Governing Board Member

Address 301 Southern Blvd.

Phone (561) 296-5705

W. Palm Beach FL 33405  
City State Zip

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

Speaking:  For  Against  Information

Representing Mavericks High

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.)

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Prepared By: The Professional Staff of the Committee on Education

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BILL: SPB 7112

INTRODUCER: Education Committee

SUBJECT: Postsecondary Education

DATE: March 27, 2014

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

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ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Graf	Klebacha		<b>Submitted as Committee Bill</b>

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**I. Summary:**

SPB 7112 modifies state student financial aid opportunities available to Florida's students by expanding the Rosewood Family Scholarship Program and creating a new Florida National Merit Scholar Incentive Program.

Specifically, the bill increases the number of scholarships under the Rosewood Family Scholarship Program and the maximum award amount per student. The bill also creates the Florida National Merit Scholar Incentive Program to reward Florida high school graduates who receive the National Merit Scholar recognition or the National Achievement Scholar recognition and enroll in an eligible public or private postsecondary educational institution in Florida.

In addition, the bill clarifies the mission of the New College of Florida (NCF) and Florida College System (FCS) institutions.

The bill takes effect on July 1, 2014.

**II. Present Situation:**

**Rosewood Family Scholarship Program**

The Rosewood Family Scholarship Program was created in 1994 to provide annual scholarships of up to \$4,000 to "minority persons with preference given to the direct descendants of Rosewood families" affected by the incidents of January 1923.<sup>1</sup> In 2009, the Legislature amended the student eligibility criteria to limit the Rosewood Family Scholarship Program only to the direct descendants of the Rosewood families.<sup>2</sup> The program provides for a maximum of 25 scholarships per year and requires that the award amount not exceed an amount in excess of

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<sup>1</sup> Chapter 94-359, L.O.F.; *see also* s. 1009.55, F.S.

<sup>2</sup> Section 19, ch. 2009-60, L.O.F.

tuition and registration fees.<sup>3</sup> The scholarship program is administered by the Florida Department of Education in accordance with the State Board of Education rules.<sup>4</sup>

Students must meet the following requirements to become eligible to receive the scholarship award:<sup>5</sup>

- Meet the general requirements for student eligibility as provided in law,<sup>6</sup> except as provided under the Rosewood Family Scholarship Program.
- File an application for the scholarship within the established time limits.
- Enroll as certificate-seeking or degree-seeking students at a state university, Florida Colleges System (FCS) institution, or career center authorized by law.

Funding for the Rosewood Family Scholarship Program is provided in the General Appropriations Act.<sup>7</sup> In 2013, the Legislature appropriated \$60,000 for the Rosewood Family Scholarships.<sup>8</sup> If funds are insufficient to provide a full scholarship to each eligible applicant, DOE may prorate the available funds and make partial award to each applicant.<sup>9</sup> Additionally, DOE must rank eligible initial applicants based on need as determined by the department.<sup>10</sup> Award payments must be transmitted to the President of the state university or FCS institution, or his or her representative, or the director of the career center before the registration period each semester.<sup>11</sup>

### **National Merit Scholarship Program**

The National Merit Scholarship Program is an academic competition for recognition and scholarships that began in 1955. High school students enter the National Merit Program by taking the Preliminary SAT/National Merit Scholarship Qualifying Test (PSAT/NMSQT), which serves as an initial screen of approximately 1.5 million entrants each year and meeting the program participation requirements.<sup>12</sup>

To participate in the National Merit Scholarship Program, a student must:<sup>13</sup>

- Take the PSAT/NMSQT in the specified year of the high school program and no later than the third year in grades 9 through 12, regardless of grade classification or educational pattern;
- Be enrolled as a high school student, progressing normally toward graduation or completion of high school, and planning to enroll full time in college no later than the fall following completion of high school; and

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<sup>3</sup> Section 1009.55(1)-(2)(a), F.S.

<sup>4</sup> Section 1009.55(2), F.S.

<sup>5</sup> Section 1009.55(3), F.S.

<sup>6</sup> Section 1009.40, F.S.

<sup>7</sup> Section 1009.55(4), F.S.

<sup>8</sup> Specific Appropriations 66, s. 2, ch. 2013-40, L.O.F.

<sup>9</sup> Section 1009.55(2)(b), F.S.

<sup>10</sup> Section 1009.55(2), F.S.

<sup>11</sup> Section 1009.55(2)(d), F.S.

<sup>12</sup> National Merit Scholarship Corporation, *National Merit Scholarship Program*, <http://www.nationalmerit.org/nmsp.php> (last visited March 23, 2014).

<sup>13</sup> National Merit Scholarship Corporation, *National Merit Scholarship Program*, <http://www.nationalmerit.org/nmsp.php> (last visited March 23, 2014).

- Be a citizen of the United States; or be a U.S. lawful permanent resident (or have applied for permanent residence, the application for which has not been denied) and intend to become a U.S. citizen at the earliest opportunity allowed by law.

“Of the 1.5 million entrants, some 50,000 with the highest PSAT/NMSQT Selection Index scores (critical thinking + mathematics + writing skills scores) qualify for recognition in the National Merit Scholarship Program.”<sup>14</sup> In February, approximately 15,000 Semifinalists are notified that they have advanced to Finalist standing. Winners are chosen from the Finalist group based on their abilities, skills, and accomplishments. From March through mid-June, National Merit Scholarship Corporation (NMSC) notifies approximately, 8,000 Finalists that they have been selected to receive a Merit Scholarship award. A variety of information is available for the selectors to evaluate: the Finalist’s academic record, information about the school’s curricula and grading system, two sets of test scores, the high school official’s written recommendation, information about the student’s activities and leadership, and the Finalist’s own essay.<sup>15</sup>

Merit Scholarship awards are of three types:<sup>16</sup>

- National Merit \$2,500 Scholarships
- Corporate-sponsored Merit Scholarship awards
- College-sponsored Merit Scholarship awards

### **National Achievement Scholarship Program**

“The National Achievement Scholarship Program is an academic competition established in 1964 to provide recognition for outstanding Black American high school students. Black students may enter both the National Achievement Program and the National Merit Program by taking the PSAT/NMSQT and meeting other published requirements for participation.”<sup>17</sup> The two annual programs are conducted concurrently but operated and funded separately.<sup>18</sup> Black American students can qualify for both the National Merit Program and the National Achievement Program, can receive only one monetary award from the NMSC.<sup>19</sup>

To participate in the National Achievement Scholarship Program, a student must:<sup>20</sup>

- Take the PSAT/NMSQT in the specified year of the high school program and no later than the third year in grades 9 through 12, regardless of grade classification or educational pattern;

<sup>14</sup> National Merit Scholarship Corporation, *National Merit Scholarship Program*, <http://www.nationalmerit.org/nmsp.php> (last visited March 23, 2014).

<sup>15</sup> National Merit Scholarship Corporation, *National Merit Scholarship Program*, <http://www.nationalmerit.org/nmsp.php> (last visited March 23, 2014).

<sup>16</sup> National Merit Scholarship Corporation, *National Merit Scholarship Program*, <http://www.nationalmerit.org/nmsp.php> (last visited March 23, 2014).

<sup>17</sup> National Merit Scholarship Corporation, *National Achievement Scholarship Program*, <http://www.nationalmerit.org/nasp.php> (last visited March 23, 2014).

<sup>18</sup> National Merit Scholarship Corporation, *National Achievement Scholarship Program*, <http://www.nationalmerit.org/nasp.php> (last visited March 23, 2014).

<sup>19</sup> National Merit Scholarship Corporation, *National Achievement Scholarship Program*, <http://www.nationalmerit.org/nasp.php> (last visited March 23, 2014).

<sup>20</sup> National Merit Scholarship Corporation, *National Achievement Scholarship Program*, <http://www.nationalmerit.org/nasp.php> (last visited March 23, 2014).

- Request entry to the National Achievement Program by marking section 14 on the PSAT/NMSQT answer sheet, thereby identifying himself or herself as a Black American who wishes to be considered in this competition as well as in the National Merit Scholarship Program;
- Be enrolled as a high school student, progressing normally toward graduation or completion of high school, and planning to enroll full time in college no later than the fall following completion of high school; and
- Be a citizen of the United States; or be a U.S. lawful permanent resident (or have applied for permanent residence, the application for which has not been denied) and intend to become a U.S. citizen at the earliest opportunity allowed by law.

Of the more than 160,000 students who currently enter the National Achievement Program each year, over 4,700 are honored. About 1,600 high-scoring participants in each year's National Achievement Scholarship Program are designated Semifinalists. In January, approximately 1,300 Semifinalists are notified that they qualify as Finalists. All winners are selected from the group of Finalists based on their abilities, skills, and accomplishments. Program notifies about 800 Finalists that they have been selected to receive a National Achievement Scholarship.<sup>21</sup>

Achievement Scholarship awards are of two types:<sup>22</sup>

- National Achievement \$2,500 Scholarships
- Corporate-sponsored Achievement Scholarship awards

NMSC is a private, not-for-profit organization that operates without government assistance.<sup>23</sup> NMSC conducts the National Merit Scholarship Program and the National Achievement Scholarship Program annual competitions for recognition and college undergraduate scholarships.<sup>24</sup>

### *New College of Florida*

New College of Florida (NCF) is one of 12 state universities in Florida.<sup>25</sup> NCF serves a distinct mission as the 4-year residential liberal arts honors college of the State of Florida.<sup>26</sup> To maintain its mission, NCF has the following goals:<sup>27</sup>

- Provide quality education to students of high ability who, because of their ability, deserve a program of study that is both demanding and stimulating.
- Engage in undergraduate educational reform by combining educational innovation with educational excellence.

<sup>21</sup> National Merit Scholarship Corporation, *National Achievement Scholarship Program*, <http://www.nationalmerit.org/nasp.php> (last visited March 23, 2014).

<sup>22</sup> National Merit Scholarship Corporation, *National Achievement Scholarship Program*, <http://www.nationalmerit.org/nasp.php> (last visited March 23, 2014).

<sup>23</sup> National Merit Scholarship Corporation, *2012-13 Annual Report*, available at [http://www.nationalmerit.org/annual\\_report.pdf](http://www.nationalmerit.org/annual_report.pdf), at 3 of 56.

<sup>24</sup> National Merit Scholarship Corporation, *About National Merit Scholarship Corporation*, <http://www.nationalmerit.org/about.php> (last visited March 23, 2014).

<sup>25</sup> Section 1000.21(6), F.S.

<sup>26</sup> Section 1004.32, F.S.

<sup>27</sup> Section 1004.32(1), F.S.

- Provide programs of study that allow students to design their educational experience as much as possible in accordance with their individual interests, values, and abilities.
- Challenge undergraduates not only to master existing bodies of knowledge but also to extend the frontiers of knowledge through original research.

### *Florida College System Institution Mission*

The Florida College System (FCS) includes 28 public colleges.<sup>28</sup> The primary mission and responsibility of the FCS institutions is responding to community needs for postsecondary academic education and career degree education. The mission and responsibility includes being responsible for:<sup>29</sup>

- Providing lower level undergraduate instruction and awarding associate degrees.
- Preparing students directly for careers requiring less than baccalaureate degrees.
- Providing student development services, including assessment, student tracking, support for disabled students, advisement, counseling, financial aid, career development, and remedial and tutorial services, to ensure student success.
- Promoting economic development for the state within each FCS institution district through the provision of special programs, including, but not limited to, the: Enterprise Florida-related programs, technology transfer centers, economic development centers, and workforce literacy programs.
- Providing dual enrollment instruction.
- Providing upper level instruction and awarding authorized baccalaureate degrees.

A separate and secondary role for the FCS institutions is offering programs in:<sup>30</sup>

- Community services that are not directly related to academic or occupational advancement.
- Adult education services, including adult basic education, adult general education, adult secondary education, and General Educational Development test instruction.
- Recreational and leisure services.

FCS institutions are authorized to:<sup>31</sup>

- Offer programs and courses that are necessary to fulfill their mission.
- Grant associate in arts degrees, associate in science degrees, associate in applied science degrees, certificates, awards, and diplomas.
- Make provisions for the General Educational Development test.
- Provide access to and award baccalaureate degrees in accordance with law.

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

SPB 7112 modifies state student financial aid opportunities available to Florida's students by expanding the Rosewood Family Scholarship Program and creating a new Florida National Merit Scholar Incentive Program.

<sup>28</sup> Section 1000.21(3), F.S.

<sup>29</sup> Section 1004.65(5), F.S.

<sup>30</sup> Section 1004.65(6), F.S.

<sup>31</sup> Section 1004.65(8), F.S.



Specifically, the bill increases the number of scholarships under the Rosewood Family Scholarship Program and the maximum award amount per student. The bill also creates the Florida National Merit Scholar Incentive Program to reward Florida high school graduates who receive the National Merit Scholar recognition or the National Achievement Scholar recognition and enroll in an eligible public or private postsecondary educational institution in Florida.

In addition, the bill clarifies the mission of the New College of Florida (NCF) and Florida College System (FCS) institutions.

### **Rosewood Family Scholarship Program**

The bill increases the annual maximum number of Rosewood Family scholarships from 25 to 50 per year and the annual scholarship award amount cap per student from \$4,000 to \$6,100.

### **Florida National Merit Scholar Incentive Program**

The bill creates the Florida National Merit Scholar Incentive Program (Program) to reward Florida high school graduates who receive the National Merit Scholar recognition or the National Achievement Scholar designation and who, beginning with the 2014-2015 academic year, enroll in a degree program, certificate program or applied technology program at an eligible public or private postsecondary educational institution in Florida. This Program creates an additional student financial aid mechanism to recruit academic scholars to pursue higher education in Florida.

The bill requires the Florida Department of Education (DOE or department) to administer the incentive program in accordance with the rules and procedures established by the State Board of Education (SBE). The department must advertise the Program and notify students, teachers, parents, certified school counselors, and principals or relevant school administrators about the Program criteria and application procedures.

Consistent with the some of the eligibility requirements for the existing state financial aid programs (e.g., Florida Public Student Assistance Grant Program<sup>32</sup> and Florida Bright Futures Scholarship Program<sup>33</sup>), a student must meet the following criteria to become eligible for the Program award:

- Be a state resident pursuant to current law<sup>34</sup> and SBE rules.
- Earn a standard Florida high school diploma or its equivalent pursuant to current law,<sup>35</sup> unless the student:
  - Completes a home education program pursuant to current law,<sup>36</sup> or
  - Earns a high school diploma from a school outside Florida while living with a parent or guardian who is on military or public service assignment outside Florida.

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<sup>32</sup> Section 1009.50, F.S.

<sup>33</sup> Section 1009.531, F.S.

<sup>34</sup> Section 1009.40, F.S.

<sup>35</sup> Sections 1003.428, 1003.4281, 1003.4282, or 1003.435, F.S.

<sup>36</sup> Section 1002.41, F.S.

- Be accepted by and enroll in a Florida public or private postsecondary educational institution that meets the eligibility requirements specified in law.<sup>37</sup>
- Be enrolled for at least six semester credit hours or the equivalent in quarter hours or clock hours.

The Program award to a student must be equal to the highest cost of attendance at a public university in this state, as reported by the Board of Governors of the State University System of Florida (BOG), minus the sum of the student's Florida Bright Futures Scholarship and National Merit Scholarship or National Achievement Scholarship.

To renew the Program award, a student must meet the renewal requirements for the Florida Bright Futures Scholarship Program<sup>38</sup> and the Florida Academic Scholars award.<sup>39</sup> For associate degree and baccalaureate degree programs, the bill limits the Program award to a maximum of 100 percent of the number of credit hours required to complete such programs. For career certificate programs, the bill limits the Program award to a maximum of 100 percent of the credit hours or clock hours required to complete up to 90 credit hours of such programs, which is consistent with the Florida Gold Seal Vocational Scholarship<sup>40</sup> requirement.

The bill requires a new function of DOE to annually issue the Program awards, consistent with the department's role in issuing other state financial aid award payments (e.g., Florida Bright Futures Scholarship Program<sup>41</sup> and the Rosewood Family Scholarship Program<sup>42</sup>). The department must transmit award payments to the President or director of the postsecondary educational institution, or his or her representative, before the registration period each semester. However, DOE may withhold award payments if the receiving institution fails to comply with the specified requirements regarding reporting and refunding payments. Specifically, the bill requires institutions to certify to the department:

- The eligibility status of each student to receive a disbursement within 30 days before the end of its regular registration period that includes the drop and add period.
- The amount of funds disbursed to each student and remit to the department any undisbursed advances within 60 days after the end of the regular registration period.

The postsecondary institutions are not required to reevaluate student eligibility for Program award after the end of the drop and add period. Additionally, the bill specifies that the Program awards must be prorated if the appropriated funds for the Program are not sufficient to provide the maximum allowable award to each eligible student. Contingent on the availability of funds, a student may use the Program award for a summer term. The bill prohibits the use of Program funds to pay for remedial coursework or developmental education, which is consistent with the same prohibition under the Florida Bright Futures Scholarship Program.<sup>43</sup>

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<sup>37</sup> Section 1009.533, F.S.

<sup>38</sup> Section 1009.532(1)(a), F.S.

<sup>39</sup> Section 1009.534(3), F.S.

<sup>40</sup> Section 1009.536(4)(b), F.S.

<sup>41</sup> Section 1009.53, F.S.

<sup>42</sup> Section 1009.55, F.S.

<sup>43</sup> Section 1009.53(10), F.S.

Program funds appropriated by the Legislature may be deposited into the State Student Financial Assistance Trust Fund. Any balance in the trust fund at the end of any fiscal year which is allocated to the Program must remain in the Program and be available to carry out the Program purpose. The department must allocate funds to the appropriate institutions and collect and maintain Program data within the student financial assistance database as specified in law.<sup>44</sup> The data collection component of the Program is consistent with the other state financial aid programs. Florida law requires DOE to maintain a student financial assistance database to support all aspects of administration and delivery of state-funded student financial aid. The database includes financial assistance provided to Florida's students through the different state financial aid programs.

The bill requires SBE to adopt rules to administer the Program provisions.

### ***New College of Florida***

The bill repeals section 1004.32 of the Florida Statutes regarding the mission of the New College of Florida (NCF) and obsolete provisions regarding NCF's accreditation and Board of Trustees. The repeal effectively removes for NCF, the current restriction which limits the college to offer only liberal arts undergraduate-level program. The repeal will allow NCF to work with the Board of Governors of the State University System of Florida to adjust NCF's mission, allowing NCF to offer a variety of undergraduate-level programs, not just a liberal arts program. The college may also offer graduate-level programs.

### ***Florida College System Institution Mission***

The bill refocuses the mission of the FCS institutions to clarify that providing upper-level instruction and awarding baccalaureate degrees is a secondary mission rather than a primary mission of the FCS institutions. Additionally, the bill limits the FCS institutions' authority to offer baccalaureate degree programs to the programs that are approved by the SBE on or before March 31, 2014.

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.

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<sup>44</sup> Section 1009.94, F.S.

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

The bill will allow additional students to receive Rosewood Family scholarships. Students who qualify for the scholarship will also receive higher award amount.

Additionally, through the Florida National Merit Scholar Incentive Program, the bill provides incentives to Florida's best and brightest students to pursue higher education in this state. The scholarship program may help to retain talented students in Florida and grow Florida's economy.

**C. Government Sector Impact:**

Funding for the Rosewood Family Scholarship Program and the Florida National Merit Scholar Incentive Program will be specified in the General Appropriations Act.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 1004.65 and 1009.55

This bill creates section 1009.893 of the Florida Statutes.

The bill repeals section 1004.32 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.)

None.

**B. Amendments:**

None.



155716

LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
03/25/2014	.	
	.	
	.	
	.	

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The Committee on Education (Galvano) recommended the following:

**Senate Amendment (with title amendment)**

Between lines 47 and 48  
insert:

Section 1. Section 1004.32, Florida Statutes, is repealed.

Section 2. Paragraph (f) of subsection (5), subsection (6),  
and paragraph (d) of subsection (8) of section 1004.65, Florida  
Statutes, are amended to read:

1004.65 Florida College System institutions; governance,  
mission, and responsibilities.—

(5) The primary mission and responsibility of Florida



155716

12 College System institutions is responding to community needs for  
13 postsecondary academic education and career degree education.

14 This mission and responsibility includes being responsible for:

15 ~~(f) Providing upper level instruction and awarding~~  
16 ~~baccalaureate degrees as specifically authorized by law.~~

17 (6) A separate and secondary role for Florida College  
18 System institutions includes the providing of upper level  
19 instruction, the awarding of baccalaureate degrees specifically  
20 authorized by law, and the offering of programs in:

21 (a) Community services that are not directly related to  
22 academic or occupational advancement.

23 (b) Adult education services, including adult basic  
24 education, adult general education, adult secondary education,  
25 and General Educational Development test instruction.

26 (c) Recreational and leisure services.

27 (8) Florida College System institutions are authorized to:

28 (d) Provide access to and award baccalaureate degrees for  
29 the completion of baccalaureate degree programs that are  
30 approved by the State Board of Education on or before March 31,  
31 2014 in accordance with law.

32  
33 Authority to offer one or more baccalaureate degree programs  
34 does not alter the governance relationship of the Florida  
35 College System institution with its district board of trustees  
36 or the State Board of Education.

37  
38 ===== T I T L E A M E N D M E N T =====

39 And the title is amended as follows:

40 Delete line 2



155716

41 and insert:

42 An act relating to postsecondary education; repealing  
43 s. 1004.32, F.S., relating to New College of Florida;  
44 amending s. 1004.65, F.S.; revising a Florida College  
45 System institution's primary responsibilities and  
46 secondary role as they relate to providing upper-level  
47 instruction and awarding baccalaureate degrees;  
48 amending

FOR CONSIDERATION By the Committee on Education

581-02878A-14

20147112\_\_

1 A bill to be entitled  
 2 An act relating to postsecondary education; amending  
 3 s. 1009.55, F.S.; increasing the annual maximum number  
 4 of scholarships that may be awarded; increasing the  
 5 annual maximum award amount per student; creating s.  
 6 1009.893, F.S.; creating the Florida National Merit  
 7 Scholar Incentive Program; defining terms; providing  
 8 the purpose of the incentive program; requiring the  
 9 Department of Education to administer the incentive  
 10 program, advertise the availability of the incentive  
 11 program, and notify students, teachers, parents, and  
 12 school administrators about the incentive program's  
 13 criteria and application procedures; providing  
 14 eligibility requirements for the incentive program;  
 15 requiring certain students who are National Merit  
 16 Scholars or National Achievement Scholars to receive  
 17 certain incentive awards; providing eligibility  
 18 requirements to renew an award; authorizing a student  
 19 to receive an incentive award for certain maximum  
 20 percentage amounts of the number of credit hours  
 21 required to complete an associate degree, a  
 22 baccalaureate degree, or a career certificate;  
 23 requiring the department to issue awards from the  
 24 incentive program and to transmit payment for each  
 25 award; authorizing the department to withhold payment  
 26 under certain circumstances; requiring institutions to  
 27 certify to the department the eligibility status of  
 28 each student to receive a disbursement of an award  
 29 during a specified time; requiring the institution to

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

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30 certify to the department the disbursement amounts to  
 31 each student and remit to the department undisbursed  
 32 funds; providing for proration of funds; prohibiting  
 33 use of funds for remedial coursework or developmental  
 34 education; authorizing a student to use funds during  
 35 the summer term under certain circumstances;  
 36 authorizing incentive program funds appropriated by  
 37 the Legislature to be deposited in the State Student  
 38 Financial Assistance Trust Fund; providing for use of  
 39 any remaining balance of appropriated funds in the  
 40 trust fund; requiring the department to allocate funds  
 41 to appropriate institutions and collect and maintain  
 42 certain data regarding the incentive program;  
 43 requiring the State Board of Education to adopt rules;  
 44 providing an effective date.

45  
 46 Be It Enacted by the Legislature of the State of Florida:

47  
 48 Section 1. Subsection (1) and paragraph (a) of subsection  
 49 (2) of section 1009.55, Florida Statutes, are amended to read:

50 1009.55 Rosewood Family Scholarship Program.—

51 (1) There is created a Rosewood Family Scholarship Program  
 52 for the direct descendants of the Rosewood families, not to  
 53 exceed 50 ~~25~~ scholarships per year.

54 (2) The Rosewood Family Scholarship Program shall be  
 55 administered by the Department of Education. The State Board of  
 56 Education shall adopt rules for administering this program which  
 57 shall at a minimum provide for the following:

58 (a) The annual award to a student shall be up to \$6,100

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



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59 ~~\$4,000~~ but should not exceed an amount in excess of tuition and  
60 registration fees.

61 Section 2. Section 1009.893, Florida Statutes, is created  
62 to read:

63 1009.893 Florida National Merit Scholar Incentive Program.-  
64 (1) As used in this section, the term:  
65 (a) "Department" means the Department of Education.  
66 (b) "Incentive program" means the Florida National Merit  
67 Scholar Incentive Program.

68 (2) The Florida National Merit Scholar Incentive Program is  
69 created to reward any Florida high school graduate who receives  
70 recognition as a National Merit Scholar or National Achievement  
71 Scholar and who initially enrolls in the 2014-2015 academic  
72 year, or later, in a degree program, certificate program, or  
73 applied technology program at an eligible Florida public or  
74 independent postsecondary educational institution.

75 (3) The department shall administer the incentive program  
76 according to rules and procedures established by the State Board  
77 of Education. The department shall advertise the availability of  
78 the incentive program and notify students, teachers, parents,  
79 certified school counselors, and principals or other relevant  
80 school administrators of the criteria and application  
81 procedures.

82 (4) In order to be eligible for an award under the  
83 incentive program, a student must:

84 (a) Be a state resident as defined in s. 1009.40 and rules  
85 of the State Board of Education.

86 (b) Earn a standard Florida high school diploma or its  
87 equivalent pursuant to s. 1003.428, s. 1003.4281, s. 1003.4282,

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88 or s. 1003.435 unless:

89 1. The student completes a home education program according  
90 to s. 1002.41; or

91 2. The student earns a high school diploma from a non-  
92 Florida school while living with a parent or guardian who is on  
93 military or public service assignment away from this state.

94 (c) Be accepted by and enroll in a Florida public or  
95 independent postsecondary educational institution that meets the  
96 eligibility requirements specified in s. 1009.533.

97 (d) Be enrolled for at least 6 semester credit hours or the  
98 equivalent in quarter hours or clock hours.

99 (5) (a) An eligible student who is a National Merit Scholar  
100 or National Achievement Scholar and who attends a public  
101 postsecondary educational institution must receive an incentive  
102 award equal to the institutional cost of attendance minus the  
103 sum of the student's Florida Bright Futures Scholarship and  
104 National Merit Scholarship or National Achievement Scholarship.

105 (b) An eligible student who is a National Merit Scholar or  
106 National Achievement Scholar and who attends an independent  
107 postsecondary educational institution must receive an incentive  
108 award equal to the highest cost of attendance at a Florida  
109 public university, as reported by the Board of Governors of the  
110 State University System, minus the sum of the student's Florida  
111 Bright Futures Scholarship and National Merit Scholarship or  
112 National Achievement Scholarship.

113 (6) (a) To be eligible for a renewal award, a student must  
114 meet the renewal requirements for the Florida Bright Futures  
115 Scholarship Program set forth in s. 1009.532(1) (a) and for the  
116 Florida Academic Scholars award set forth in s. 1009.534(3).

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117 (b) A student may receive the incentive award for a maximum  
 118 of 100 percent of the number of credit hours required to  
 119 complete an associate degree program or a baccalaureate degree  
 120 program or receive an award for a maximum of 100 percent of the  
 121 credit hours or clock hours required to complete up to 90 credit  
 122 hours of a program that terminates in a career certificate.

123 (7) The department shall annually issue awards from the  
 124 incentive program. Before the registration period each semester,  
 125 the department shall transmit payment for each award to the  
 126 president or director of the postsecondary educational  
 127 institution, or his or her representative, except that the  
 128 department may withhold payment if the receiving institution  
 129 fails to report or to make refunds to the department as required  
 130 in this section.

131 (a) Each institution shall certify to the department the  
 132 eligibility status of each student to receive a disbursement  
 133 within 30 days before the end of its regular registration  
 134 period, inclusive of a drop and add period. An institution is  
 135 not required to reevaluate the student eligibility after the end  
 136 of the drop and add period.

137 (b) An institution that receives funds from the incentive  
 138 program must certify to the department the amount of funds  
 139 disbursed to each student and remit to the department any  
 140 undisbursed advances within 60 days after the end of regular  
 141 registration.

142 (c) If funds appropriated are not adequate to provide the  
 143 maximum allowable award to each eligible student, awards must be  
 144 prorated using the same percentage reduction.

145 (8) Funds from any award within the incentive program may

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146 not be used to pay for remedial coursework or developmental  
 147 education.

148 (9) A student may use an award for a summer term if funds  
 149 are available and appropriated by the Legislature.

150 (10) Funds appropriated by the Legislature for the  
 151 incentive program awards may be deposited into the State Student  
 152 Financial Assistance Trust Fund. Notwithstanding s. 216.301 and  
 153 pursuant to s. 216.351, any balance in the trust fund at the end  
 154 of any fiscal year which has been allocated to the incentive  
 155 program must remain in the incentive program and shall be  
 156 available for carrying out the purposes of this section. The  
 157 department shall allocate funds to the appropriate institutions  
 158 and collect and maintain data regarding the incentive program  
 159 within the student financial assistance database as specified in  
 160 s. 1009.94.

161 (11) The State Board of Education shall adopt rules  
 162 necessary to administer this section.

163 Section 3. 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)

3-25-14  
Meeting Date

Topic College Baccalaureate Degrees

Bill Number 7112  
*(if applicable)*

Name Stacey Webb

Amendment Barcode 155716  
*(if applicable)*

Job Title partner

Address 123 S Adams  
Street

Phone 671 444

PH FL 32901  
City State Zip

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

Speaking:  For  Against  Information

Representing FL College System Council President

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: SPB 7114

INTRODUCER: Education Committee

SUBJECT: Education

DATE: March 27, 2014

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

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ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. <u>Letarte</u>	<u>Klebacha</u>	_____	<b>Submitted as Committee Bill</b>

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**I. Summary:**

SPB 7114 increases the health and safety standards and personnel requirements for Voluntary Prekindergarten Programs Education (VPK) programs and School Readiness programs.

Specifically, the bill:

- Requires licensure or, if the provider is a licensed-exempt faith-based provider or nonpublic school, substantial compliance with specified child care licensing standards and submission to inspections by the Department of Children and Families (DCF);
- Requires providers of child care and VPK instructional services to conspicuously post Class I violation citations that result in disciplinary action on the premises;
- Denies initial eligibility for programs to certain providers that had a Class I violation 12 months before seeking eligibility;
- Requires certain personnel to be at least 18 years of age and hold a high school diploma by January 1, 2016;
- Provides requirements for certain employees to be trained in first aid and cardiopulmonary resuscitation;
- Requires personnel to be trained in developmentally appropriate practices aligned to the age and needs of children served by the personnel;
- Requires the Office of Early Learning to develop online training regarding School Readiness performance standards and provider personnel to complete the training;
- Provides failure to report child abuse as a disqualifying offense for child care employment;
- Prohibits an operator of a program, who has been disciplined for serious licensing violations, from transferring ownership of a program to relatives.

The bill also:

- Authorizes Early Learning Coalitions (ELCs) to allow private providers to accept applications and determine child eligibility for the VPK program;
- Expands DCF's authority to conduct abbreviated inspections to include family day care homes and large family child care homes.

The bill requires the Division of Law Revision and Information to change the names of the “School Readiness” program to the “Child Care and Development” program, and the term “family day care home” to “family child care home.”

The bill takes effect on July 1, 2014.

## II. Present Situation:

### **The Office of Early Learning**

The Office of Early Learning, which is within the Office of Independent Education and Parental Choice and accountable to the Commissioner of Education, administers the Voluntary Prekindergarten Education Program (VPK) and the School Readiness program at the state level.<sup>1</sup> The Florida Department of Children and Families (DCF) Office of Child Care Regulation regulates child care providers who have early learning programs because DCF is the agency responsible for the state’s child care provider licensing program.<sup>2</sup>

### ***Voluntary Prekindergarten Education Program***

The VPK program is available to each child residing in the state who is four years old on or before September 1 of the school year, and the program remains available to the child until the child is eligible for admission to public school kindergarten or is admitted to kindergarten, whichever occurs sooner.<sup>3</sup> Parents may choose either a school-year or summer program offered by a public school or private prekindergarten provider, or a specialized instructional services program for a child with disabilities who is eligible for such a program.<sup>4</sup> A parent enrolling a child in the VPK program must complete and submit an application to the early learning coalition (ELC),<sup>5</sup> not the individual program provider, which oversees the program.<sup>6</sup>

The VPK program may be offered by either a private prekindergarten provider or a public school. Local oversight of individual VPK program providers is split with ELCs providing administration over programs delivered by private prekindergarten providers and school districts administering public school VPK programs.<sup>7</sup> Each district school board determines which district schools will offer the school-year and summer VPK programs and such schools must register with the ELC.<sup>8</sup>

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<sup>1</sup> Section 1001.213, F.S.

<sup>2</sup> See ss. 402.301-402.319, F.S.; Parts V and VI, ch. 1002, F.S.

<sup>3</sup> Section 1002.53, F.S.

<sup>4</sup> Section 1002.53(3), F.S. To be eligible for a specialized instructional services program, a child must be evaluated and determined to be eligible, have a current individual educational plan developed by the local school board, and be eligible under section 1002.66, Florida Statutes, for the program. Section 1002.53(3)(d), F.S.

<sup>5</sup> An “early learning coalition” or “coalition” is described in section 1002.83, Florida Statutes. Section 1002.51(4), F.S. Throughout the 67 counties, there are to be 31 or fewer early learning coalitions to provide access to enhancement services at the local level. Each coalition must consist of 15-30 members and have members who meet specific requirements described in statute. See 1002.83, F.S.

<sup>6</sup> Section 1002.53(4), F.S.

<sup>7</sup> See ss. 1002.53(6), 1002.55(1), 1002.61(1), and 1002.63(1), F.S.

<sup>8</sup> Sections 1002.61(3)(a) and (8); 1002.63(3) and (8), F.S. Each school district is able to limit the number of students enrolled in the school-year program at a public school, however, the school district must admit every eligible child, enrolled by a parent, within the district for the summer prekindergarten program. Section 1002.53(6)(b).

A private prekindergarten VPK provider must register with the ELC and be a:

- Licensed child care facility;
- Licensed family day care home (FDCH);
- Licensed large family child care home (LFCCH);
- Nonpublic school; or
- License-exempt faith-based child care provider.<sup>9</sup>

In addition, a private prekindergarten provider must:

- Be accredited by an accrediting association that is a member of either the National Council for Private School Accreditation, or the Florida Association of Academic Nonpublic Schools, or be accredited by the Southern Association of Colleges and Schools, the Western Association of Colleges and Schools, the North Central Association of Colleges and Schools, the Middle States Association of Colleges and Schools, or the New England Association of Colleges and Schools; and have written accreditation standards that meet the state's licensing requirements and require at least one onsite visit before accreditation is granted;<sup>10</sup>
- Hold a current Gold Seal Quality Care designation;<sup>11</sup> or
- Be licensed and demonstrate that the ELC has verified that the provider meets the VPK program's statutory requirements.<sup>12</sup>

### ***School Readiness Program***

The School Readiness program provides subsidized child care services and early childhood education for children of low-income families, children in protective services who are at risk of abuse, neglect, or abandonment, and children with disabilities.<sup>13</sup> The School Readiness program is a state-federal partnership between the Office of Early Learning and the Office of Child Care of the United States Department of Health and Human Services.<sup>14</sup> The School Readiness program receives funding from a mixture of state and federal sources, including the federal Child Care and Development Fund (CCDF) block grant, the federal Temporary Assistance for Needy

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<sup>9</sup> Section 1002.55(3)(a) and (h), F.S.; *see also* s. 402.305, F.S. (regarding licensing standards for child care facilities); s. 402.3025, F.S. (regarding public and nonpublic schools); s. 402.313, F.S. (providing for family day care home licensing and requirements); s. 402.3131, F.S. (regarding licensure of large family child care homes); s. 402.316, F.S. (providing a licensure exemption for faith-based providers).

<sup>10</sup> Section 1002.55(3)(b)1., F.S.

<sup>11</sup> Section 1005(3)(b)2., F.S.; *see* 402.281, F.S.; rule 65C-22.009, F.A.C.; *see also* Florida Department of Children and Family Services, *Gold Seal Quality Care*, <http://www.dcf.state.fl.us/childcare/goldseal.shtml> (last visited Mar. 23, 2014). DCF issues the Gold Seal Quality Care designation to child care facilities, LFCCHs, and FDCHs that are accredited by a nationally recognized accrediting association with standards that meet or exceed DCF-adopted standards. DCF's standards are based upon those of the National Association for the Education of Young Children, National Association of Family Child Care, and National Early Childhood Program Accreditation Commission. Section 402.281(1)-(3), F.S.

<sup>12</sup> Section 1002.55(3)(b)3., F.S.

<sup>13</sup> Section 1002.87, F.S.; *see* 1002.81(1), F.S. (defining what it means to be an "at-risk child").

<sup>14</sup> 42 U.S.C ss. 618, 9858-9858q; 45 C.F.R. ss. 98, 99; Part VI, ch. 1002, F.S.; U.S. Department of Health and Human Services, *Office of Child Care Fact Sheet*, available at [http://www.acf.hhs.gov/sites/default/files/assets/FS\\_OCC\\_0.pdf](http://www.acf.hhs.gov/sites/default/files/assets/FS_OCC_0.pdf).

Families (TANF) block grant, and general revenue and other state funds.<sup>15</sup> The program is administered by ELCs.<sup>16</sup>

To deliver the School Readiness program, a provider must be:

- A licensed child care facility;
- A licensed or registered family day care home (FDCH);
- A licensed large family child care home (LFCCH);
- A public school or nonpublic school;
- A license-exempt faith-based child care provider;
- A before-school or after-school program; or
- An informal child care provider authorized in the state's CCDF plan.<sup>17</sup>

The present situation for the relevant provisions of the bill is discussed in the Effect of Proposed Changes Section of this bill analysis.

### III. Effect of Proposed Changes:

SPB 7114 increases the health and safety standards and personnel requirements for Voluntary Prekindergarten Programs Education (VPK) programs and School Readiness programs.

#### Requirements of the Office of Early Learning

##### *Powers and Duties of the Office of Early Learning*

Present Situation: The Office of Early Learning is required to: independently exercise powers, duties, and functions prescribed by law; adopt rules for the establishment and operation of VPK and School Readiness programs; administer the VPK and School Readiness programs, and the operational requirements of the child care resource and referral network, at the state level; and minimize administrative staff to those needed to administer the duties of the office.<sup>18</sup>

Effect of the Bill: SPB 7114 adds additional requirements to the duties of the Office of Early Learning. The additional duties are to: hire a general counsel who reports directly to the executive director of the office; hire an inspector general who reports directly to the executive director of the office and to the Chief Inspector General; and by July 1, 2016, develop and implement best practices for providing parental notification in parent's native language to a parent whose native language is not English.

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<sup>15</sup> Specific Appropriations 78A and 79, s. 2, ch. 2013-40, L.O.F.; see also U.S. Department of Health and Human Services, *Office of Child Care Fact Sheet*, available at [http://www.acf.hhs.gov/sites/default/files/assets/FS\\_OCC\\_0.pdf](http://www.acf.hhs.gov/sites/default/files/assets/FS_OCC_0.pdf).

<sup>16</sup> Sections 1002.83-1002.85, F.S. There are currently 31 ELCs, which is the maximum permitted by law. Section 1002.83(1), F.S.; see Florida's Office of Early Learning, *Early Learning Coalition Directory* (Mar. 19, 2014), available at <http://www.floridaearlylearning.com/sites/www/Uploads/files/Parents/CoalitionDirectory.pdf>.

<sup>17</sup> Section 1002.88(1)(a), F.S. Generally speaking, informal child care is care provided by a relative. See Florida's Office of Early Learning, *Child Care and Development Fund (CCDF) Plan for Florida FFY 2014-15*, at 71 (Oct. 1, 2013), available at [http://www.floridaearlylearning.com/sites/www/Uploads/files/Oel%20Resources/2014-2015\\_CCDF\\_Plan\\_%20Optimized.pdf](http://www.floridaearlylearning.com/sites/www/Uploads/files/Oel%20Resources/2014-2015_CCDF_Plan_%20Optimized.pdf).

<sup>18</sup> Section 1001.213, F.S.

### *The Standardized Voluntary Prekindergarten Contract*

Present Situation: Through adopted rules, the Office of Early Learning is required to have a standard, statewide provider contract for VPK programs that includes provisions on: provider probation, termination for cause and emergency termination; due process procedures; and provide that during the pendency of an appeal, a provider may not continue to offer services.<sup>19</sup>

Effect of the Bill: SPB 7114, in addition to the requirements that currently exist, requires the standard statewide contract to provide provisions that:

- Mandate each private VPK provider and each school readiness provider to conspicuously post each citation for a Class I violation in an area visible to parents. The posting must use simple language to describe each violation with specificity and include a copy of the citation, as well as contact information for DCF or the local licensing agency. Such posting must occur within 24 hours of receipt of the Class I violation citation. Additionally, the provider must post each inspection report on the premises until the next report is available; and
- Specify that child care personnel employed by the provider who are responsible for supervising children in care must be trained in appropriate practices, through DCF courses, aligned to the age and needs of children the employee oversees within 30 days of being assigned to children for which the personnel has not previously completed the training.

Additionally, the bill creates a new requirement for the Office of Early Learning to develop and implement an online training course on the performance standards for School Readiness program provider personnel and the bill requires personnel to complete the online training course.

### **Provider, Instructor, and Child Care Personnel Qualifications**

#### *Background Screening*

Present Situation: Personnel at child care facilities must meet a minimum standard of having good moral character as determined by the requirement of level 2 employment screening under chapter 435, Florida Statutes.<sup>20</sup>

Effect of the Bill: SPB 7114 adds that in addition to list of offenses in section 435.04, Florida Statutes pertaining to level 2 screening, child care personnel undergoing background screening must not have an arrest awaiting final disposition for, may not have been found guilty of, or entered a plea of nolo contendere or guilty to, and may not have been adjudicated delinquent and have a record that has been sealed or expunged for an offense specified in section 39.205, Florida Statutes, which relate to penalties associated with the absence of reporting of child abuse, abandonment, or neglect.

The bill applies the background screening requirement and language of section 402.305(2)(a), Florida Statutes, as amended by the bill and described above, to apply to each VPK instructor employed by a private VPK provider delivering the summer VPK program. As noted above, the bill amends the statute to add more prohibited offenses that are not included in current law and

<sup>19</sup> Section 1002.75, F.S. (regarding VPK programs); section 1002.82(2)(m), F.S. (regarding School Readiness Programs).

<sup>20</sup> Section 402.305(2), F.S.



current law does not address those offenses because the statute specifically refers to section 435.04, Florida Statutes, without referencing section 39.205, Florida Statutes.<sup>21</sup>

### ***Instructor Credentials***

Present Situation: A private VPK instructor must minimally hold a child development associate credential issued by the National Credentialing Program of the Council for Professional Recognition or a credential deemed equivalent by DCF.<sup>22</sup>

Currently, section 1002.55, Florida Statutes, does not explicitly state requirements for VPK instructors relating to first aid and infant and child cardiopulmonary resuscitation, nor does the statute address a minimum age or high school diploma requirement for employment.

Effect of the Bill: SPB 7114 retains the current options that satisfy the minimum credential requirement and provides new credentials, which would also satisfy the requirement. The additional credentials added to the list include, among other options, associate and baccalaureate degrees in child-oriented focus areas and associate and baccalaureate degrees in unrelated areas with additional hours of experience in teaching or child care services. This provision expands the type of credential that is acceptable.

The bill requires at least 50 percent of a private VPK provider's instructors at each location and at least 50 percent of child care personnel at each School Readiness Program location to be trained in first aid and child cardiopulmonary resuscitation through documentation of course completion, unless the instructor or personnel is not responsible for supervising children in care, by January 1, 2015. Additionally, instructors and personnel hired on or after January 1, 2015 must complete the training within 60 days of employment.

The bill also adds that, as of January 1, 2016, private VPK providers must employ child care personnel who have a high school diploma, or its equivalent, and are at least 18 years old, unless the personnel are not responsible for supervising children in care or are under direct supervision and are not included in the personnel-to-child ratio.

### ***Transfer of Ownership***

Present Situation: One week before the transfer of ownership of a child care facility, the transferor must notify the parent or caretaker of each child of the transfer and DCF must establish rules relating to the methods by which such notice will occur and the minimum standards for implementing the notification and transfer.<sup>23</sup>

Effect of the Bill: SPB 7114 prohibits the transfer of child care facility *or a large family child care home* to a relative of the operator if the license of the operator has been suspended or revoked by DCF, the operator received notice from DCF that reasonable cause existed to suspend or revoke the operator's license, or the operator has been placed on the United States

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<sup>21</sup> See section 1002.61(5), F.S.

<sup>22</sup> Section 1002.55(3)(c), F.S.

<sup>23</sup> Section 402.305(18), F.S.

Department of Agriculture National Disqualified List. The new provision provides a definition of “relative,” which includes immediate family members, grandparents, uncles, aunts, nephews, nieces, fathers-in-law, mothers-in-law, step-parents, step-siblings, and half-siblings.

### ***Course Requirements for Operators and Substitute Operators of Family Day Care Homes and Large Family Child Care Homes***

Present Situation: Operators of family day care homes must complete an approved 30-clock-hour introductory course in child care and demonstrate successful completion through passage of a competency examination before caring for children.<sup>24</sup>

Operators of large family child care homes must complete an approved 40-clock-hour introductory course in group child care and demonstrate successful completion through passage of a competency examination.<sup>25</sup>

Effect of the Bill: SPB 7114 adds that *substitute* operators must also meet the 30-clock-hour requirement that is currently in law for operators. Additionally, the bill states specific topics that must be included in the course, which are:

- State and local rules and regulations governing child care;
- Health, safety, and nutrition;
- Identifying and reporting child abuse and neglect;
- Child development;
- Observation of developmental behaviors; and
- Specialized areas including numeracy, early literacy and language development of children from birth to five years of age.

The bill adds requirements to the 40-clock-hour introductory course that an operator of a large family child care home must complete. In addition to the existing requirement that the course be about group child care, the course must include numeracy, early literacy, and language development of children from birth to five years of age.

### **Health and Safety**

#### ***Inspection and Substantial Compliance with Licensing Standards***

Present Situation: Licensing requirements, except for the requirements regarding screening of child care personnel, do not currently apply to a faith-based facility or educational programs accredited by (or by a member of) an organization which publishes and requires compliance with its standards for health, safety, and sanitation.<sup>26</sup>

Effect of the Bill: SPB 7114 requires child care facilities that are exempt from licensure requirements pursuant to section 402.316, Florida Statutes, to substantially comply with the adopted minimum standards for child care facilities pursuant to sections 402.305-402.3057,

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<sup>24</sup> Section 402.313(4), F.S.

<sup>25</sup> Section 402.3131(3), F.S.

<sup>26</sup> Section 402.316(1), F.S.

Florida Statutes, and such facilities must allow DCF or the local licensing agency access to monitor and enforce compliance. The bill adds that DCF must establish a fee for inspection and compliance activities and the amount may not exceed the fee established for child care licensure under section 402.315, Florida Statutes. The bill also provides penalties for the misrepresentation and misuse of certain information. The effect of this provision and the bill is that all programs will either be licensed or must be substantially compliant with existing licensing standards.

Present Situation: A licensed child care facility must allow DCF to inspect facilities and personnel at reasonable times during regular business hours to ensure statutory compliance. An application for a license or the advertisement to the public for the provision of child care allows DCF to enter or inspect a facility.<sup>27</sup>

DCF and local governmental agencies that license child care facilities must develop a plan to eliminate duplicative and unnecessary inspections of child care facilities and conduct abbreviated inspections for child care facilities that have no Class I or Class II deficiencies.

Effect of the Bill: SPB 7114 extends DCF's ability to inspect the facilities and personnel of licensed child care facilities to include programs regulated by the department. Additionally, the bill amends the law to add that an application for authorization to operate a child care program that must substantially comply with child care standards under chapter 402 of the Florida Statutes, or renewal of such a license or authorization, also constitutes permission for DCF to enter and inspect the premises.

The bill adds licensed family day care homes and licensed large family child care homes without a Class I or Class II violation to the facilities eligible for abbreviated inspections by DCF and the local licensing agency. The bill also requires DCF to adopt rules establishing criteria and procedures for abbreviated inspections and inspection schedules for announced and unannounced inspections.

### ***Eligibility of a Private Provider to Deliver the Voluntary Prekindergarten Program***

Present Situation: A private provider delivering the VPK program must meet one of the following: be accredited by a particular accrediting body,<sup>28</sup> hold a Gold Seal Quality Care designation, or be licensed under particular statutes.<sup>29</sup> School Readiness facilities are also required to provide basic health and safety of its premises.<sup>30</sup>

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<sup>27</sup> Section 402.311, F.S.

<sup>28</sup> Section 1002.55(3)(b)1., F.S. A private VPK provider must be accredited by: "an accrediting association that is a member of the National Council for Private School Accreditation, or the Florida Association of Academic Nonpublic Schools, or be accredited by the Southern Association of Colleges and Schools, or Western Association of Colleges and Schools, or North Central Association of Colleges and Schools, or Middle States Association of Colleges and Schools, or New England Association of Colleges and Schools; and have written accreditation standards that meet or exceed the state's licensing requirements under s. 402.305, s. 402.313, or s. 402.3131 and require at least one onsite visit to the provider or school before accreditation is granted." *Id.*

<sup>29</sup> Section 1002.55, F.S.

<sup>30</sup> Section 1002.88(1)(c), F.S.

Effect of the Bill: The bill adds an additional option for a private VPK provider's required status and states that the private VPK provider may be a child development center located on a military installation that is certified by the United States Department of Defense.

The bill also adds that each private VPK provider must provide basic health and safety on its premises and in its facilities. The bill provides standards that satisfy the requirement for specific VPK and School Readiness programs as follows:

- For a public school, compliance with sections 1003.22 (school-entry health examinations and immunizations) and 1013.12 (casualty, safety, sanitation, firesafety standards and inspection of property), Florida Statutes, is sufficient;
- For a nonpublic school, compliance with section 402.3025(2)(d), Florida Statutes, (requiring substantial compliance with statutory licensing standards);
- For a child care facility, a licensed family day care home, or a large family child care home, compliance with sections 402.305 (licensing standards), 402.313 (licensing of family day care homes requirements), or 402.3131 (licensing of large family child care homes requirements), Florida Statutes, satisfy this requirement.
- For a facility exempt from licensure, compliance with section 402.316(4), Florida Statutes, (which is created by this bill) satisfies this requirement. The language creating 402.316(4), Florida Statutes, requires substantial compliance with statutory licensing standards and requirements of sections 402.305-402.3057, Florida Statutes.

In effect, this provision ensures that all providers are licensed or substantially compliant with existing statutory licensing standards.

### ***Display of License or Registration by Family Day Care Homes***

Present Situation: Each licensed or registered family day care home is not required to display its license or registration.<sup>31</sup>

Effect of the Bill: SPB 7114 specifically requires each licensed or registered family day care home to conspicuously display its license or registration in an area viewable by all parents during hours of operation.

The bill also creates specific requirements for DCF to verify certain information upon receipt of registration from a family day care home. DCF must verify that the home is in compliance with the background screening requirements, and that the operator and the designated substitute have completed 30-clock-hour training courses (demonstrated through passage of a competency examination and required continuing education units or clock hours).

### ***Rulemaking Authority***

Present Situation: Rulemaking authority is not provided to DCF with regard to defining and enforcing substantial compliance with minimum standards for child care facilities for programs operating under sections 1002.55, Florida Statutes (private school-year VPK programs), 1002.61,

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<sup>31</sup> See section 402.313, F.S.

Florida Statutes (public school and private VPK summer programs), and 1002.88, Florida Statutes (School Readiness programs).<sup>32</sup>

Effect of the Bill: SPB 7114 provides DCF with rulemaking authority to define and enforce the substantial compliance with minimum standards for child care facilities operating programs under the aforementioned statutes.

### ***Eligibility to Deliver the Voluntary Prekindergarten Program***

Present Situation: Denial of initial eligibility based upon a Class I violation within 12 months of seeking eligibility to deliver a VPK program is not currently in law.

Effect of the Bill: SPB 7114 denies initial eligibility to a private provider seeking eligibility to deliver the VPK program if the provider has been cited for a Class I violation in the 12 months before seeking such eligibility. In effect, the provision inhibits the growth of a provider's program if the provider has received a citation for the most severe grouping of violations within the past year.

### **Participant-Related Provisions**

#### ***Rilya Wilson Act***

Present Situation: Children age three to school entry, who are in the care of the state or under court-ordered protective services, must be enrolled in a licensed early education or child care program and attend the program five days per week.<sup>33</sup>

Effect of the Bill: SPB 7114 requires such children to be enrolled in a licensed early education or child care program and attend the program five days per week starting from birth (as opposed to age three in current law) to school entry.

#### ***Voluntary Prekindergarten Eligibility and Enrollment***

Present Situation: Each parent enrolling a child in the VPK program must complete and submit an application to the ELC.<sup>34</sup>

Effect of the Bill: SPB 7114 adds language to allow application submission to a private VPK provider if the provider is authorized by the ELC to determine student eligibility for enrollment in the VPK program, which is a new authorization of authority to private VPK programs. The bill also provides the actions a provider must take upon receipt of an application, requires retention of the original application and certified birth certificate of the child for five years, and provides that the ELC may audit applications in its service area to determine whether children enrolled and reported for funding by the provider have met the eligibility criteria. This provision

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<sup>32</sup> See section 402.305, F.S.

<sup>33</sup> Section 39.604(2), (3), F.S.

<sup>34</sup> Section 1002.53(4)(a), F.S.

provides a check on the newly authorized ability of some private VPK providers to accept applications, and determine eligibility and enrollment directly.

### ***School Readiness Eligibility***

Present Situation: For the purposes of establishing eligibility for the School Readiness program, the terms “at-risk child,” “family income,” and “working family” are defined in statute.<sup>35</sup>

Effect of the Bill: SPB 7114 amends the definition of an “at-risk child” to provide that a designated lead agency on the homeless assistance continuum of care established under sections 420.622-420.624, Florida Statutes, must determine whether a child is in the custody of a parent who is considered homeless – as opposed to current law which requires DCF to make the determination.

The bill adds to the list of income that is not included in the definition of “family income.” The new language provides that the following is not considered family income:

- Income earned by a teen parent residing in the same residence as a separate family unit; and
- Selected items from the state’s Child Care and Development Fund Plan, including documented child support and alimony payments paid out of the home.

The bill expands the definition of a “working family” to include a single-parent family in which the parent with whom the child resides is exempt from work requirements due to age or disability.

### **Provider-Related Provisions**

#### ***Reviser’s Bill for the 2015 Regular Session***

Present Situation: The terms “school readiness program,” “school readiness,” and “family day care home” are currently used in statute.

Effect of the Bill: SPB 7114 directs the Division of Law Revision and Information to prepare a reviser’s bill for the 2015 regular session that will change the term “school readiness program” to “child care and development program,” the term “school readiness” to “child care and development,” and the term “family day care home” to “family child care home” throughout the Florida Statutes.

### ***Zoning, Utility Rates, and Residential Property Insurance Coverage***

Present Situation: Only the operation of a residence as a family day care home as being a valid residential use for local zoning regulation purposes is specifically stated in law.<sup>36</sup>

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<sup>35</sup> Section 1002.81, F.S.

<sup>36</sup> Sections 125.0109, 166.0445, F.S.

Effect of the Bill: SPB 7114 adds large family child care homes to the existing law so that the operation of a residence as a family day care home *or as a large family child care home* is a valid residential use for local zoning regulation purposes.

Additionally, the bill provides that, despite any other state or local law or ordinance, any licensed large family child care home may not be charged commercial utility rates and must be charged the rates accorded to a residential home.

Present Situation: Family day care homes must not have residential property insurance canceled, denied, or nonrenewed solely because child care services are provided on the premises.<sup>37</sup>

Effect of the Bill: SPB 7114 adds large family child care homes to this provision, which currently only includes family day care homes, and prevents residential property insurance from being canceled, denied, or nonrenewed solely because child care services are provided on the premises.

### ***Applicability of Requirements to Nonpublic Schools***

Present Situation: Requirements under section 402.3025, Florida Statutes, apply to nonpublic programs for children at least three years of age, but under five years of age, that are not licensed under sections 402.301-402.319, Florida Statutes.<sup>38</sup>

Effect of the Bill: SPB 7114 removes the specific age range in current law of three to five years of age and states that the provision is applicable to nonpublic schools delivering school-year and summer VPK programs, and school readiness programs.

### ***Voluntary Prekindergarten and School Readiness Funding and Attendance Reporting***

Present Situation: Each parent enrolling a child in the VPK program must comply with the attendance policy of the private VPK provider or public school board. Each provider must supply a child's parent with a copy of the attendance policy.<sup>39</sup>

For a School Readiness Program, if a child is absent for five consecutive days without notification from the parent of such an absence, the provider is required to report the absence to the ELC.<sup>40</sup>

Effect of the Bill: SPB 7114, in addition to the requirements that a parent comply with the VPK provider's attendance policy and that the provider give the policy to each child's parent, adds that each private VPK provider, public school, and School Readiness program provider must supply each child's parent with information regarding child development, parent engagement expectations, a daily schedule, and, procedures for contacting a parent if a child has been absent for two consecutive days without a known reason.

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<sup>37</sup> Section 627.70161, F.S.

<sup>38</sup> Section 402.3025(2)(c), F.S.

<sup>39</sup> Section 1002.71(6)(a), F.S.

<sup>40</sup> Section 1002.87(8), F.S.

The bill amends the requirements of the attendance reporting requirement for School Readiness program to add an additional responsibility of the provider to contact the parent of a child who has been absent for two consecutive days to determine the reason for the absence. This requirement is in addition to the provider being required to contact the ELC if a child is absent for five consecutive days.

### ***School Readiness Program Eligibility Requirements***

Present Situation: The eligibility of each child for the School Readiness program must be determined annually, and a child who is no longer eligible may not continue to receive services.<sup>41</sup>

Effect of the Bill: SPB 7114 adds additional language stating that if a child is no longer eligible for the program, the ELC must immediately notify the child's parent and the provider that funding will end two weeks after the date on which the child's ineligibility was determined or when the current School Readiness authorization expires, whichever is sooner.

### ***School Readiness Investigations of Fraud or Overpayment***

Present Situation: The ELC may not contract with a School Readiness or VPK program provider who is on the United States Department of Agriculture National Disqualified List.<sup>42</sup>

Effect of the Bill: SPB 7114 adds that an ELC may not contract with an individual on the United States Department of Agriculture National Disqualified List either.

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.

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<sup>41</sup> Section 1002.87(6), F.S.

<sup>42</sup> Section 1002.91(7), F.S.



**B. Private Sector Impact:**

According to the Department of Children and Families (DCF), there are more than 800 provider settings that are currently not licensed by DCF and would have to pay the inspection fee associated with becoming substantially compliant or licensed, depending on the program, in addition to any fines assessed.<sup>43</sup> DCF provides that the fee for substantial compliance would be minimal because it cannot exceed the fee for licensure.<sup>44</sup>

**C. Government Sector Impact:**

DCF states that the bill would require the Department to monitor over 800 additional provider settings for substantial compliance with health and safety standards.<sup>45</sup> DCF provides that the collection of an inspection fee would not be enough to cover the cost of the additional work and would go directly to the Operations and Maintenance Trust Fund where licensing fees and fines are deposited and then reinvested in the program.<sup>46</sup> Revenue from the inspection fees is estimate to be \$54,340.<sup>47</sup>

The total need required for fiscal year 2014-2015 for the Office of Child Care Regulation and Background Screening and the Office of the General Counsel would be \$1,301,694 and \$1,233,780 as a recurring need to sustain the increased workload in the future.<sup>48</sup>

DCF states that the increased workload would require hiring 14 licensing counselors and two licensing supervisors statewide, which would require \$696,593 for staffing.<sup>49</sup> DCF also predicts a need of two more staff attorneys to accommodate an increase in legal issues and estimates needed \$193,943 to cover salaries and benefits.<sup>50</sup>

DCF also provides that, for the travel package, recurring expense package, and non-recurring expense package, the department would require \$333,704 for licensing counselors, \$39,734 for licensing supervisors, and \$31,528 for staff attorneys.<sup>51</sup>

Additionally, the department notes that Human Resource services will require \$4,816 for licensing counselors, \$688 for licensing supervisors, and \$688 for staff attorneys.<sup>52</sup>

No agency analysis was available from the Florida Department of Education regarding the fiscal impact on the Office of Early Learning at the time of this analysis.

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<sup>43</sup> See Florida Department of Children and Families, *Agency Legislative Bill Analysis for HB 7069* (2014), (on file with the Senate Committee on Education).

<sup>44</sup> *Id.*

<sup>45</sup> *Id.*

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

<sup>47</sup> *Id.*

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

<sup>49</sup> *Id.*

<sup>50</sup> *Id.*

<sup>51</sup> *Id.*

<sup>52</sup> *Id.*

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 39.604, 125.0109, 166.0445, 402.302, 402.3025, 402.305, 402.311, 402.3115, 402.313, 402.3131, 402.316, 627.70161, 1001.213, 1002.53, 1002.55, 1002.59, 1002.61, 1002.63, 1002.71, 1002.75, 1002.77, 1002.81, 1002.84, 1002.87, 1002.88, 1002.89, 1002.91, and 1002.94.

**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.



749284

LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
03/25/2014	.	
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The Committee on Education (Legg) recommended the following:

**Senate Amendment**

Delete lines 1940 - 1947  
and insert:

(3) Beginning January 1, 2015, at least 50 percent of the child care personnel employed by a child care and development program provider at each location must be trained in first aid and infant and child cardiopulmonary resuscitation, as evidenced by current documentation of course completion, unless the personnel are not responsible for supervising children in care. As a condition of employment, personnel hired on or after



749284

12 January 1, 2015, must complete this training within 60 days  
13 after employment.

FOR CONSIDERATION By the Committee on Education

581-02684C-14

20147114\_\_

1 A bill to be entitled  
 2 An act relating to education; providing a directive to  
 3 the Division of Law Revision and Information; changing  
 4 the term "school readiness program" to "child care and  
 5 development program," the term "school readiness" to  
 6 "child care and development," and the term "family day  
 7 care home" to "family child care home"; amending s.  
 8 39.604, F.S.; revising provisions relating to the  
 9 Rilya Wilson Act; amending ss. 125.0109 and 166.0445,  
 10 F.S.; including large family child care homes in local  
 11 zoning regulation requirements; amending s. 402.302,  
 12 F.S.; conforming provisions to changes made by the  
 13 act; amending s. 402.3025, F.S.; providing  
 14 requirements for nonpublic schools delivering certain  
 15 voluntary prekindergarten education programs and child  
 16 care and development programs; amending s. 402.305,  
 17 F.S.; revising certain minimum standards for child  
 18 care facilities; authorizing the Department of  
 19 Children and Families to adopt rules for compliance by  
 20 certain programs not licensed by the department;  
 21 amending s. 402.311, F.S.; providing for the  
 22 inspection of programs regulated by the department;  
 23 amending s. 402.3115, F.S.; providing for abbreviated  
 24 inspections of specified child care homes; requiring  
 25 rulemaking; amending s. 402.313, F.S.; revising  
 26 provisions for licensure, registration, and operation  
 27 of family day care homes; amending s. 402.3131, F.S.;  
 28 revising requirements for large family child care  
 29 homes; amending s. 402.316, F.S., relating to

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

581-02684C-14

20147114\_\_

30 exemptions from child care facility licensing  
 31 standards; requiring a child care facility operating  
 32 as a provider of certain voluntary prekindergarten  
 33 education programs or child care programs to comply  
 34 with minimum standards; providing penalties for  
 35 failure to disclose or for use of certain information;  
 36 requiring the department to establish a fee for  
 37 inspection and compliance activities; amending s.  
 38 627.70161, F.S.; revising restrictions on residential  
 39 property insurance coverage to include coverage for  
 40 large family child care homes; amending s. 1001.213,  
 41 F.S.; providing additional duties of the Office of  
 42 Early Learning; amending s. 1002.53, F.S.; revising  
 43 requirements for application and determination of  
 44 eligibility to enroll in the Voluntary Prekindergarten  
 45 (VPK) Education Program; amending s. 1002.55, F.S.;  
 46 revising requirements for a school-year  
 47 prekindergarten program delivered by a private  
 48 prekindergarten provider, including requirements for  
 49 providers, instructors, and child care personnel;  
 50 providing requirements in the case of provider  
 51 violations; amending s. 1002.59, F.S.; correcting a  
 52 cross-reference; amending ss. 1002.61 and 1002.63,  
 53 F.S.; revising employment requirements and educational  
 54 credentials of certain instructional personnel;  
 55 amending s. 1002.71, F.S.; revising information that  
 56 must be reported to parents; amending s. 1002.75,  
 57 F.S.; revising provisions included in the standard  
 58 statewide VPK program provider contract; amending s.

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

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59 1002.77, F.S.; revising the purpose and meetings of  
 60 the Florida Early Learning Advisory Council; amending  
 61 s. 1002.81, F.S.; revising certain program  
 62 definitions; amending s. 1002.82, F.S.; revising the  
 63 powers and duties of the Office of Early Learning;  
 64 revising provisions included in the standard statewide  
 65 child care and development program provider contract;  
 66 amending s. 1002.84, F.S.; revising the powers and  
 67 duties of early learning coalitions; conforming  
 68 provisions to changes made by the act; amending s.  
 69 1002.87, F.S.; revising student eligibility and  
 70 enrollment requirements for the child care and  
 71 development program; conforming provisions to changes  
 72 made by the act; amending s. 1002.88, F.S.; revising  
 73 eligibility requirements for program providers that  
 74 want to deliver the child care and development  
 75 program; providing conditions for denial of initial  
 76 eligibility; providing child care personnel  
 77 requirements; amending s. 1002.89, F.S.; revising the  
 78 use of funds for the child care and development  
 79 program; conforming provisions to changes made by the  
 80 act; amending s. 1002.91, F.S.; prohibiting an early  
 81 learning coalition from contracting with specified  
 82 persons; amending s. 1002.94, F.S.; revising  
 83 establishment of a community child care task force by  
 84 an early learning coalition; providing an effective  
 85 date.

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

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88  
 89 Section 1. The Division of Law Revision and Information is  
 90 directed to prepare a reviser's bill for the 2015 Regular  
 91 Session of the Legislature to change the term "school readiness  
 92 program" to "child care and development program," the term  
 93 "school readiness" to "child care and development," and the term  
 94 "family day care home" to "family child care home" wherever they  
 95 appear in the Florida Statutes.

96 Section 2. Subsection (3) of section 39.604, Florida  
 97 Statutes, is amended to read:

98 39.604 Rilya Wilson Act; short title; legislative intent;  
 99 requirements; attendance and reporting responsibilities.-

100 (3) REQUIREMENTS.—A child who is age birth 3 years to age  
 101 of school entry, under court-ordered ~~court-ordered~~ protective  
 102 supervision or in the custody of the Family Safety Program  
 103 Office of the Department of Children and Families ~~Family~~  
 104 ~~Services~~ or a community-based lead agency, and enrolled in a  
 105 licensed early education or child care program must attend ~~be~~  
 106 ~~enrolled to participate in~~ the program 5 days a week.  
 107 Notwithstanding ~~the requirements of~~ s. 39.202, the Department of  
 108 Children and Families ~~Family Services~~ must notify operators of  
 109 the licensed early education or child care program, subject to  
 110 the reporting requirements of this act, of the enrollment of any  
 111 child age birth 3 years to age of school entry, under court-  
 112 ordered ~~court-ordered~~ protective supervision or in the custody  
 113 of the Family Safety Program Office of the Department of  
 114 Children and Families ~~Family Services~~ or a community-based lead  
 115 agency. When a child is enrolled in an early education or child  
 116 care program regulated by the department, the child's attendance

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117 in the program must be a required action in the case plan  
 118 developed for the a child pursuant to this chapter ~~who is~~  
 119 ~~enrolled in a licensed early education or child care program~~  
 120 ~~must contain the participation in this program as a required~~  
 121 ~~action~~. An exemption to participating in the licensed early  
 122 education or child care program 5 days a week may be granted by  
 123 the court.

124 Section 3. Section 125.0109, Florida Statutes, is amended  
 125 to read:

126 125.0109 Family child day care homes and large family child  
 127 care homes; local zoning regulation.—The operation of a  
 128 residence as a family child day care home or large family child  
 129 care home, as defined in s. 402.302, licensed or registered  
 130 pursuant to s. 402.313 or s. 402.3131, as applicable,  
 131 ~~constitutes, as defined by law, registered or licensed with the~~  
 132 ~~Department of Children and Family Services shall constitute a~~  
 133 valid residential use for purposes of any local zoning  
 134 regulations, and no such regulation shall require the owner or  
 135 operator of such family child day care home or large family  
 136 child care home to obtain any special exemption or use permit or  
 137 waiver, or to pay any special fee in excess of \$50, to operate  
 138 in an area zoned for residential use.

139 Section 4. Section 166.0445, Florida Statutes, is amended  
 140 to read:

141 166.0445 Family child day care homes and large family child  
 142 care homes; local zoning regulation.—The operation of a  
 143 residence as a family child day care home or large family child  
 144 care home, as defined in s. 402.302, licensed or registered  
 145 pursuant to s. 402.313 or s. 402.3131, as applicable,

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146 ~~constitutes, as defined by law, registered or licensed with the~~  
 147 ~~Department of Children and Family Services shall constitute a~~  
 148 valid residential use for purposes of any local zoning  
 149 regulations, and ~~no~~ such regulation ~~may not shall~~ require the  
 150 owner or operator of such family child day care home or large  
 151 family child care home to obtain any special exemption or use  
 152 permit or waiver, or to pay any special fee in excess of \$50, to  
 153 operate in an area zoned for residential use.

154 Section 5. Subsection (8) of section 402.302, Florida  
 155 Statutes, is amended to read:

156 402.302 Definitions.—As used in this chapter, the term:

157 (8) "Family child day care home" means an occupied  
 158 residence in which child care is regularly provided for children  
 159 from at least two unrelated families and which receives a  
 160 payment, fee, or grant for any of the children receiving care,  
 161 whether or not operated for profit. Household children under 13  
 162 years of age, when on the premises of the family child day care  
 163 home or on a field trip with children enrolled in child care,  
 164 shall be included in the overall capacity of the licensed home.  
 165 A family child day care home shall be allowed to provide care  
 166 for one of the following groups of children, which shall include  
 167 household children under 13 years of age:

- 168 (a) A maximum of four children from birth to 12 months of  
 169 age.  
 170 (b) A maximum of three children from birth to 12 months of  
 171 age, and other children, for a maximum total of six children.  
 172 (c) A maximum of six preschool children if all are older  
 173 than 12 months of age.  
 174 (d) A maximum of 10 children if no more than 5 are

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175 preschool age and, of those 5, no more than 2 are under 12  
 176 months of age.

177 Section 6. Paragraphs (d) and (e) of subsection (2) of  
 178 section 402.3025, Florida Statutes, are amended to read:

179 402.3025 Public and nonpublic schools.—For the purposes of  
 180 ss. 402.301-402.319, the following shall apply:

181 (2) NONPUBLIC SCHOOLS.—

182 (d)1. Nonpublic schools delivering programs under s.  
 183 1002.55, s. 1002.61, or s. 1002.88 ~~Programs for children who are~~  
 184 ~~at least 3 years of age, but under 5 years of age, which are not~~  
 185 ~~licensed under ss. 402.301-402.319 shall substantially comply~~  
 186 ~~with the minimum child care standards adopted promulgated~~  
 187 ~~pursuant to ss. 402.305-402.3057.~~

188 2. The department or local licensing agency shall enforce  
 189 compliance with such standards, where possible, to eliminate or  
 190 minimize duplicative inspections or visits by staff enforcing  
 191 the minimum child care standards and staff enforcing other  
 192 standards under the jurisdiction of the department.

193 3. The department or local licensing agency may inspect  
 194 programs operating under this paragraph and pursue  
 195 administrative or judicial action under ss. 402.310-402.312  
 196 against nonpublic schools operating under this paragraph  
 197 ~~commence and maintain all proper and necessary actions and~~  
 198 ~~proceedings for any or all of the following purposes:~~

199 ~~a.~~ to protect the health, sanitation, safety, and well-  
 200 being of all children under care.

201 ~~b. To enforce its rules and regulations.~~

202 ~~c. To use corrective action plans, whenever possible, to~~  
 203 ~~attain compliance prior to the use of more restrictive~~

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204 ~~enforcement measures.~~

205 ~~d. To make application for injunction to the proper circuit~~  
 206 ~~court, and the judge of that court shall have jurisdiction upon~~  
 207 ~~hearing and for cause shown to grant a temporary or permanent~~  
 208 ~~injunction, or both, restraining any person from violating or~~  
 209 ~~continuing to violate any of the provisions of ss. 402.301-~~  
 210 ~~402.319. Any violation of this section or of the standards~~  
 211 ~~applied under ss. 402.305-402.3057 which threatens harm to any~~  
 212 ~~child in the school's programs for children who are at least 3~~  
 213 ~~years of age, but are under 5 years of age, or repeated~~  
 214 ~~violations of this section or the standards under ss. 402.305-~~  
 215 ~~402.3057, shall be grounds to seek an injunction to close a~~  
 216 ~~program in a school.~~

217 ~~e. To impose an administrative fine, not to exceed \$100,~~  
 218 ~~for each violation of the minimum child care standards~~  
 219 ~~promulgated pursuant to ss. 402.305-402.3057.~~

220 4. It is a misdemeanor of the first degree, punishable as  
 221 provided in s. 775.082 or s. 775.083, for any person willfully,  
 222 knowingly, or intentionally to:

223 a. Fail, by false statement, misrepresentation,  
 224 impersonation, or other fraudulent means, to disclose in any  
 225 required written documentation for exclusion from licensure  
 226 pursuant to this section a material fact used in making a  
 227 determination as to such exclusion; or

228 b. Use information from the criminal records obtained under  
 229 s. 402.305 or s. 402.3055 for any purpose other than screening  
 230 that person for employment as specified in those sections or  
 231 release such information to any other person for any purpose  
 232 other than screening for employment as specified in those



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233 sections.

234 5. It is a felony of the third degree, punishable as  
 235 provided in s. 775.082, s. 775.083, or s. 775.084, for any  
 236 person willfully, knowingly, or intentionally to use information  
 237 from the juvenile records of any person obtained under s.  
 238 402.305 or s. 402.3055 for any purpose other than screening for  
 239 employment as specified in those sections or to release  
 240 information from such records to any other person for any  
 241 purpose other than screening for employment as specified in  
 242 those sections.

243 6. The inclusion of nonpublic schools within options  
 244 available under ss. 1002.55, 1002.61, and 1002.88 does not  
 245 expand the regulatory authority of the state, its officers, or  
 246 any early learning coalition to impose any additional regulation  
 247 of nonpublic schools beyond those reasonably necessary to  
 248 enforce requirements expressly set forth in this paragraph.

249 ~~(e) The department and the nonpublic school accrediting~~  
 250 ~~agencies are encouraged to develop agreements to facilitate the~~  
 251 ~~enforcement of the minimum child care standards as they relate~~  
 252 ~~to the schools which the agencies accredit.~~

253 Section 7. Paragraphs (a) and (d) of subsection (2),  
 254 paragraph (b) of subsection (9), and subsections (10) and (18)  
 255 of section 402.305, Florida Statutes, are amended, and  
 256 subsection (19) is added to that section, to read:

257 402.305 Licensing standards; child care facilities.—

258 (2) PERSONNEL.—Minimum standards for child care personnel  
 259 shall include minimum requirements as to:

260 (a) Good moral character based upon screening, according to  
 261 the level 2 screening requirements of. ~~This screening shall be~~

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262 ~~conducted as provided in chapter 435, using the level 2~~  
 263 ~~standards for screening set forth in that chapter. In addition~~  
 264 ~~to the offenses listed in s. 435.04, all child care personnel~~  
 265 ~~required to undergo background screening pursuant to this~~  
 266 ~~section may not have an arrest awaiting final disposition for,~~  
 267 ~~may not have been found guilty of, regardless of adjudication,~~  
 268 ~~or entered a plea of nolo contendere or guilty to, and may not~~  
 269 ~~have been adjudicated delinquent and have a record that has been~~  
 270 ~~sealed or expunged for an offense specified in s. 39.205.~~

271 (d) Minimum training requirements for child care personnel.

272 1. Such minimum standards for training shall ensure that  
 273 all child care personnel take an approved 40-clock-hour  
 274 introductory course in child care, which course covers at least  
 275 the following topic areas:

276 a. State and local rules and regulations which govern child  
 277 care.

278 b. Health, safety, and nutrition.

279 c. Identifying and reporting child abuse and neglect.

280 d. Child development, including typical and atypical  
 281 language, cognitive, motor, social, and self-help skills  
 282 development.

283 e. Observation of developmental behaviors, including using  
 284 a checklist or other similar observation tools and techniques to  
 285 determine the child's developmental age level.

286 f. Specialized areas, including computer technology for  
 287 professional and classroom use and numeracy, early literacy, and  
 288 language development of children from birth to 5 years of age,  
 289 as determined by the department, for owner-operators and child  
 290 care personnel of a child care facility.

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291 g. Developmental disabilities, including autism spectrum  
 292 disorder and Down syndrome, and early identification, use of  
 293 available state and local resources, classroom integration, and  
 294 positive behavioral supports for children with developmental  
 295 disabilities.

296  
 297 Within 90 days after employment, child care personnel shall  
 298 begin training to meet the training requirements. Child care  
 299 personnel shall successfully complete such training within 1  
 300 year after the date on which the training began, as evidenced by  
 301 passage of a competency examination. Successful completion of  
 302 the 40-clock-hour introductory course shall articulate into  
 303 community college credit in early childhood education, pursuant  
 304 to ss. 1007.24 and 1007.25. Exemption from all or a portion of  
 305 the required training shall be granted to child care personnel  
 306 based upon educational credentials or passage of competency  
 307 examinations. Child care personnel possessing a 2-year degree or  
 308 higher that includes 6 college credit hours in early childhood  
 309 development or child growth and development, or a child  
 310 development associate credential or an equivalent state-approved  
 311 child development associate credential, or a child development  
 312 associate waiver certificate shall be automatically exempted  
 313 from the training requirements in sub-subparagraphs b., d., and  
 314 e.

315 2. The introductory course in child care shall stress, to  
 316 the extent possible, an interdisciplinary approach to the study  
 317 of children.

318 3. The introductory course shall cover recognition and  
 319 prevention of shaken baby syndrome; prevention of sudden infant

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320 death syndrome; recognition and care of infants and toddlers  
 321 with developmental disabilities, including autism spectrum  
 322 disorder and Down syndrome; and early childhood brain  
 323 development within the topic areas identified in this paragraph.

324 4. On an annual basis in order to further their child care  
 325 skills and, if appropriate, administrative skills, child care  
 326 personnel who have fulfilled the requirements for the child care  
 327 training shall be required to take an additional 1 continuing  
 328 education unit of approved inservice training, or 10 clock hours  
 329 of equivalent training, as determined by the department.

330 5. Child care personnel shall be required to complete 0.5  
 331 continuing education unit of approved training or 5 clock hours  
 332 of equivalent training, as determined by the department, in  
 333 numeracy, early literacy, and language development of children  
 334 from birth to 5 years of age one time. The year that this  
 335 training is completed, it shall fulfill the 0.5 continuing  
 336 education unit or 5 clock hours of the annual training required  
 337 in subparagraph 4.

338 6. Procedures for ensuring the training of qualified child  
 339 care professionals to provide training of child care personnel,  
 340 including onsite training, shall be included in the minimum  
 341 standards. It is recommended that the state community child care  
 342 coordination agencies (central agencies) be contracted by the  
 343 department to coordinate such training when possible. Other  
 344 district educational resources, such as community colleges and  
 345 career programs, can be designated in such areas where central  
 346 agencies may not exist or are determined not to have the  
 347 capability to meet the coordination requirements set forth by  
 348 the department.

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349 7. Training requirements ~~do shall~~ not apply to certain  
350 occasional or part-time support staff, including, but not  
351 limited to, swimming instructors, piano teachers, dance  
352 instructors, and gymnastics instructors.

353 8. The department shall evaluate or contract for an  
354 evaluation for the general purpose of determining the status of  
355 and means to improve staff training requirements and testing  
356 procedures. The evaluation shall be conducted every 2 years. The  
357 evaluation must shall include, but not be limited to,  
358 determining the availability, quality, scope, and sources of  
359 current staff training; determining the need for specialty  
360 training; and determining ways to increase inservice training  
361 and ways to increase the accessibility, quality, and cost-  
362 effectiveness of current and proposed staff training. The  
363 evaluation methodology must shall include a reliable and valid  
364 survey of child care personnel.

365 9. The child care operator shall be required to take basic  
366 training in serving children with disabilities within 5 years  
367 after employment, either as a part of the introductory training  
368 or the annual 8 hours of inservice training.

369 (9) ADMISSIONS AND RECORDKEEPING.—

370 (b) ~~During the months of August and September of each year,~~  
371 Each child care facility shall provide parents of children  
372 enrolling enrolled in the facility detailed information  
373 regarding the causes, symptoms, and transmission of the  
374 influenza virus in an effort to educate those parents regarding  
375 the importance of immunizing their children against influenza as  
376 recommended by the Advisory Committee on Immunization Practices  
377 of the Centers for Disease Control and Prevention.

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378 (10) TRANSPORTATION SAFETY.—Minimum standards must shall  
379 include requirements for child restraints or seat belts in  
380 vehicles used by child care facilities, ~~and~~ large family child  
381 care homes, and family child care homes to transport children,  
382 requirements for annual inspections of the vehicles, limitations  
383 on the number of children in the vehicles, and accountability  
384 for children being transported.

385 (18) TRANSFER OF OWNERSHIP.—

386 (a) One week before prior to the transfer of ownership of a  
387 child care facility, ~~or~~ family child day care home, or large  
388 family child care home, the transferor shall notify the parent  
389 or caretaker of each child of the impending transfer.

390 (b) The owner of a child care facility, family child care  
391 home, or large family child care home may not transfer ownership  
392 to a relative of the operator if the operator has had his or her  
393 license suspended or revoked by the department pursuant to s.  
394 402.310, has received notice from the department that reasonable  
395 cause exists to suspend or revoke the license, or has been  
396 placed on the United States Department of Agriculture National  
397 Disqualified List. For purposes of this paragraph, "relative"  
398 means father, mother, son, daughter, grandfather, grandmother,  
399 brother, sister, uncle, aunt, cousin, nephew, niece, husband,  
400 wife, father-in-law, mother-in-law, son-in-law, daughter-in-law,  
401 brother-in-law, sister-in-law, stepfather, stepmother, stepson,  
402 stepdaughter, stepbrother, stepsister, half-brother, or half-  
403 sister.

404 (c) ~~(b)~~ The department shall, by rule, establish methods by  
405 which notice will be achieved and minimum standards by which to  
406 implement this subsection.

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407 (19) RULES.—The department may adopt rules to define and  
 408 enforce substantial compliance with minimum standards for child  
 409 care facilities for programs operating under s. 1002.55, s.  
 410 1002.61, or s. 1002.88 that are regulated, but not licensed, by  
 411 the department.

412 Section 8. Section 402.311, Florida Statutes, is amended to  
 413 read:

414 402.311 Inspection.—A licensed child care facility or  
 415 program regulated by the department shall accord to the  
 416 department or the local licensing agency, whichever is  
 417 applicable, the privilege of inspection, including access to  
 418 facilities and personnel and to those records required in s.  
 419 402.305, at reasonable times during regular business hours, to  
 420 ensure compliance with the provisions of ss. 402.301-402.319.  
 421 The right of entry and inspection shall also extend to any  
 422 premises which the department or local licensing agency has  
 423 reason to believe are being operated or maintained as a child  
 424 care facility or program without a license, but no such entry or  
 425 inspection of any premises shall be made without the permission  
 426 of the person in charge thereof unless a warrant is first  
 427 obtained from the circuit court authorizing same. Any  
 428 application for a license, application for authorization to  
 429 operate a child care program which must maintain substantial  
 430 compliance with child care standards adopted under this chapter,  
 431 or renewal of such license or authorization made pursuant to  
 432 this act or the advertisement to the public for the provision of  
 433 child care as defined in s. 402.302 constitutes shall constitute  
 434 permission for any entry to or inspection of the subject  
 435 premises ~~for which the license is sought in order~~ to facilitate

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436 verification of the information submitted on or in connection  
 437 with the application. In the event a ~~licensed~~ facility or  
 438 program refuses permission for entry or inspection to the  
 439 department or local licensing agency, a warrant shall be  
 440 obtained from the circuit court authorizing same ~~before~~ prior to  
 441 such entry or inspection. The department or local licensing  
 442 agency may institute disciplinary proceedings pursuant to s.  
 443 402.310~~7~~ for such refusal.

444 Section 9. Section 402.3115, Florida Statutes, is amended  
 445 to read:

446 402.3115 ~~Elimination of duplicative and unnecessary~~  
 447 ~~inspections; Abbreviated inspections.—The Department of Children~~  
 448 ~~and Family Services and local governmental agencies that license~~  
 449 ~~child care facilities shall develop and implement a plan to~~  
 450 ~~eliminate duplicative and unnecessary inspections of child care~~  
 451 ~~facilities. In addition,~~ The department and the local licensing  
 452 governmental agencies shall conduct develop and implement an  
 453 abbreviated inspections of inspection plan for child care  
 454 facilities licensed under s. 402.305, family child care homes  
 455 licensed under s. 402.313, and large family child care homes  
 456 licensed under s. 402.3131 that have had no Class I ~~1~~ or Class  
 457 II violations 2 deficiencies, as defined by rule, for at least 2  
 458 consecutive years. The abbreviated inspection must include those  
 459 elements identified by the department and the local licensing  
 460 ~~governmental~~ agencies as being key indicators of whether the  
 461 child care facility continues to provide quality care and  
 462 programming. The department shall adopt rules establishing  
 463 criteria and procedures for abbreviated inspections and  
 464 inspection schedules that provide for both announced and

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465 unannounced inspections.466 Section 10. Section 402.313, Florida Statutes, is amended  
467 to read:468 402.313 Family child day care homes.-

469 (1) A family child day care home must ~~homes shall be~~  
470 licensed under this section ~~act~~ if it is ~~they are~~ presently  
471 being licensed under an existing county licensing ordinance, ~~or~~  
472 ~~if~~ the board of county commissioners passes a resolution that  
473 requires licensure of family child day care homes, or the family  
474 child care home is operating a program under s. 1002.55, s.  
475 1002.61, or s. 1002.88 be licensed. Each licensed or registered  
476 family child care home must conspicuously display its license or  
477 registration in an area viewable by all parents during hours of  
478 operation.

479 (a) If not subject to license, a family child day care home  
480 must comply with this section and ~~homes shall~~ register annually  
481 with the department, providing the following information:

- 482 1. The name and address of the home.
- 483 2. The name of the operator.
- 484 3. The number of children served.
- 485 4. Proof of a written plan to identify a ~~provide at least~~  
486 ~~one other~~ competent adult who has met the screening and training  
487 requirements of the department to serve as a designated to be  
488 available to substitute for the operator in an emergency. This  
489 plan must ~~shall~~ include the name, address, and telephone number  
490 of the designated substitute who will serve in the absence of  
491 the operator.

492 ~~5. Proof of screening and background checks.~~493 ~~6. Proof of successful completion of the 30-hour training~~

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494 ~~course, as evidenced by passage of a competency examination,~~  
495 ~~which shall include:~~496 ~~a. State and local rules and regulations that govern child~~  
497 ~~care.~~498 ~~b. Health, safety, and nutrition.~~499 ~~c. Identifying and reporting child abuse and neglect.~~500 ~~d. Child development, including typical and atypical~~  
501 ~~language development; and cognitive, motor, social, and self-~~  
502 ~~help skills development.~~503 ~~e. Observation of developmental behaviors, including using~~  
504 ~~a checklist or other similar observation tools and techniques to~~  
505 ~~determine a child's developmental level.~~506 ~~f. Specialized areas, including early literacy and language~~  
507 ~~development of children from birth to 5 years of age, as~~  
508 ~~determined by the department, for owner operators of family day~~  
509 ~~care homes.~~510 5.7. Proof that immunization records are kept current.511 ~~8. Proof of completion of the required continuing education~~  
512 ~~units or clock hours.~~

513  
514 Upon receipt of registration information submitted by a family  
515 child care home, the department shall verify that the home is in  
516 compliance with the background screening requirements in  
517 subsection (3) and that the operator and the designated  
518 substitute have successfully completed the 30-clock-hour  
519 training course, as evidenced by passage of a competency  
520 examination, and required continuing education units or clock  
521 hours.

522 (b) A family child day care home may volunteer to be

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523 licensed ~~under this act.~~

524 (c) The department may provide technical assistance to  
525 counties and operators of family child day care homes ~~home~~  
526 ~~providers~~ to enable counties and operators family day care  
527 ~~providers~~ to achieve compliance with family child day care home  
528 ~~homes~~ standards.

529 (2) This information shall be included in a directory to be  
530 published annually by the department to inform the public of  
531 available child care facilities.

532 (3) Child care personnel in family child day care homes are  
533 ~~shall be~~ subject to the applicable screening provisions  
534 contained in ss. 402.305(2) and 402.3055. For purposes of  
535 screening in family child day care homes, the term "child care  
536 personnel" includes the operator, the designated substitute, any  
537 member over the age of 12 years of a family child day care home  
538 operator's family, or persons over the age of 12 years residing  
539 with the operator in the family child day care home. Members of  
540 the operator's family, or persons residing with the operator,  
541 who are between the ages of 12 years and 18 years ~~may shall~~ not  
542 be required to be fingerprinted, but shall be screened for  
543 delinquency records.

544 (4) Operators of family child day care homes and an  
545 individual serving as a substitute for the operator must:

546 (a) Successfully complete an approved 30-clock-hour  
547 introductory course in child care, as evidenced by passage of a  
548 competency examination, before caring for children. The course  
549 must include:

550 1. State and local rules and regulations that govern child  
551 care.

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552 2. Health, safety, and nutrition.

553 3. Identifying and reporting child abuse and neglect.

554 4. Child development, including typical and atypical  
555 language development, and cognitive, motor, social, and  
556 executive functioning skills development.

557 5. Observation of developmental behaviors, including using  
558 a checklist or other similar observation tools and techniques to  
559 determine a child's developmental level.

560 6. Specialized areas, including numeracy, early literacy,  
561 and language development of children from birth to 5 years of  
562 age, as determined by the department, for operators of family  
563 child care homes.

564 ~~(b)(5) Annually~~ In order to further develop their child  
565 care skills and, if appropriate, their administrative skills,  
566 operators of family day care homes shall be required to complete  
567 an additional 1 continuing education unit of approved training  
568 regarding child care and administrative skills or 10 clock hours  
569 of equivalent training, as determined by the department,  
570 annually.

571 ~~(c)(6) Operators of family day care homes shall be required~~  
572 ~~to~~ Complete a 0.5 continuing education unit of approved training  
573 in numeracy, early literacy, and language development of  
574 children from birth to 5 years of age one time. The year that  
575 this training is completed, it shall fulfill the 0.5 continuing  
576 education unit or 5 clock hours of the annual training required  
577 in paragraph (b) subsection (5).

578 ~~(5)(7) Operators of family child day care homes must shall~~  
579 ~~be required~~ annually to complete a health and safety home  
580 inspection self-evaluation checklist developed by the department

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581 in conjunction with the statewide resource and referral program.  
 582 The completed checklist shall be signed by the operator of the  
 583 family child day care home and provided to parents as  
 584 certification that basic health and safety standards are being  
 585 met.

586 ~~(6)(8)~~ Operators of family child day care ~~homes~~ ~~home~~  
 587 ~~operators~~ may avail themselves of supportive services offered by  
 588 the department.

589 ~~(7)(9)~~ The department shall prepare a brochure on family  
 590 child day care for distribution by the department and by local  
 591 licensing agencies, if appropriate, to family child day care  
 592 homes for distribution to parents using ~~utilizing~~ such child  
 593 care, and to all interested persons, including physicians and  
 594 other health professionals; mental health professionals; school  
 595 teachers or other school personnel; social workers or other  
 596 professional child care, foster care, residential, or  
 597 institutional workers; and law enforcement officers. The  
 598 brochure shall, at a minimum, contain the following information:

599 (a) A brief description of the requirements for family  
 600 child day care registration, training, and background  
 601 ~~fingerprinting and~~ screening.

602 (b) A listing of those counties that require licensure of  
 603 family child day care homes. Such counties shall provide an  
 604 addendum to the brochure that provides a brief description of  
 605 the licensure requirements or may provide a brochure in lieu of  
 606 the one described in this subsection, provided it contains all  
 607 the required information on licensure and the required  
 608 information in the subsequent paragraphs.

609 (c) A statement indicating that information about the

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610 family child day care home's compliance with applicable state or  
 611 local requirements can be obtained from ~~by telephoning~~ the  
 612 department ~~office~~ or ~~the office of~~ the local licensing agency,  
 613 including the, if appropriate, at a telephone number or numbers  
 614 and website address for the department or local licensing  
 615 agency, as applicable ~~which shall be affixed to the brochure.~~

616 (d) The statewide toll-free telephone number of the central  
 617 abuse hotline, together with a notice that reports of suspected  
 618 and actual child physical abuse, sexual abuse, and neglect are  
 619 received and referred for investigation by the hotline.

620 (e) Any other information relating to competent child care  
 621 that the department or local licensing agency, if preparing a  
 622 separate brochure, considers ~~deems~~ ~~would be~~ helpful to parents  
 623 and other caretakers in their selection of a family child day  
 624 care home.

625 ~~(8)(10)~~ On an annual basis, the department shall evaluate  
 626 the registration and licensure system for family child day care  
 627 homes. Such evaluation shall, at a minimum, address the  
 628 following:

629 (a) The number of family child day care homes registered  
 630 and licensed and the dates of such registration and licensure.

631 (b) The number of children being served in both registered  
 632 and licensed family child day care homes and any available slots  
 633 in such homes.

634 (c) The number of complaints received concerning family  
 635 child day care, the nature of the complaints, and the resolution  
 636 of such complaints.

637 (d) The training activities used ~~utilized~~ by child care  
 638 personnel in family child day care homes for meeting the state

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639 or local training requirements.

640

641 The evaluation shall be used ~~utilized~~ by the department in any  
642 administrative modifications or adjustments to be made in the  
643 registration of family child day ~~day~~ care homes or in any  
644 legislative requests for modifications to the system of  
645 registration or to other requirements for family child day ~~day~~ care  
646 homes.

647 ~~(11) In order to inform the public of the state requirement~~  
648 ~~for registration of family day care homes as well as the other~~  
649 ~~requirements for such homes to legally operate in the state, the~~  
650 ~~department shall institute a media campaign to accomplish this~~  
651 ~~end. Such a campaign shall include, at a minimum, flyers,~~  
652 ~~newspaper advertisements, radio advertisements, and television~~  
653 ~~advertisements.~~

654 (9) ~~(12)~~ Notwithstanding any other state or local law or  
655 ordinance, any family child day ~~day~~ care home licensed pursuant to  
656 this chapter or pursuant to a county ordinance shall be charged  
657 the utility rates accorded to a residential home. A licensed  
658 family child day ~~day~~ care home may not be charged commercial utility  
659 rates.

660 (10) ~~(13)~~ The department shall, by rule, establish minimum  
661 standards for family child day ~~day~~ care homes that are required to  
662 be licensed by county licensing ordinance or county licensing  
663 resolution or that voluntarily choose to be licensed. The  
664 standards should include requirements for staffing, training,  
665 maintenance of immunization records, minimum health and safety  
666 standards, reduced standards for the regulation of child care  
667 during evening hours by municipalities and counties, and

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668 enforcement of standards.

669

670 ~~(11)(14) During the months of August and September of each~~  
671 ~~year, Each family child day ~~day~~ care home shall provide parents of~~  
672 ~~children enrolling ~~enrolled~~ in the home detailed information~~  
673 ~~regarding the causes, symptoms, and transmission of the~~  
674 ~~influenza virus in an effort to educate those parents regarding~~  
675 ~~the importance of immunizing their children against influenza as~~  
676 ~~recommended by the Advisory Committee on Immunization Practices~~  
677 ~~of the Centers for Disease Control and Prevention.~~

678 Section 11. Subsections (3), (5), and (9) of section  
679 402.3131, Florida Statutes, are amended, and subsection (10) is  
680 added to that section, to read:

681 402.3131 Large family child care homes.-

682 (3) Operators of large family child care homes must  
683 successfully complete an approved 40-clock-hour introductory  
684 course in group child care, including numeracy, early literacy,  
685 and language development of children from birth to 5 years of  
686 age, as evidenced by passage of a competency examination.  
687 Successful completion of the 40-clock-hour introductory course  
688 shall articulate into community college credit in early  
689 childhood education, pursuant to ss. 1007.24 and 1007.25.

690 (5) Operators of large family child care homes shall be  
691 required to complete 0.5 continuing education unit of approved  
692 training or 5 clock hours of equivalent training, as determined  
693 by the department, in numeracy, early literacy, and language  
694 development of children from birth to 5 years of age one time.  
695 The year that this training is completed, it shall fulfill the  
696 0.5 continuing education unit or 5 clock hours of the annual  
training required in subsection (4).



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697 ~~(9) During the months of August and September of each year,~~  
 698 Each large family child care home shall provide parents of  
 699 children ~~enrolling~~ enrolled in the home detailed information  
 700 regarding the causes, symptoms, and transmission of the  
 701 influenza virus in an effort to educate those parents regarding  
 702 the importance of immunizing their children against influenza as  
 703 recommended by the Advisory Committee on Immunization Practices  
 704 of the Centers for Disease Control and Prevention.

705 (10) Notwithstanding any other state or local law or  
 706 ordinance, any large family child care home licensed pursuant to  
 707 this chapter or pursuant to a county ordinance may not be  
 708 charged commercial utility rates, but shall be charged the rates  
 709 accorded to a residential home.

710 Section 12. Subsections (4), (5), and (6) are added to  
 711 section 402.316, Florida Statutes, to read:

712 402.316 Exemptions.—

713 (4) A child care facility operating under subsection (1)  
 714 which is applying to operate or is operating as a provider of a  
 715 program described in s. 1002.55, s. 1002.61, or s. 1002.88 must  
 716 substantially comply with the minimum standards for child care  
 717 facilities adopted pursuant to ss. 402.305-402.3057 and must  
 718 allow the department or local licensing agency access to monitor  
 719 and enforce compliance with such standards.

720 (a) The department or local licensing agency may pursue  
 721 administrative or judicial action under ss. 402.310-402.312 and  
 722 the rules adopted under those sections against any child care  
 723 facility operating under this subsection to enforce substantial  
 724 compliance with child care facility minimum standards or to  
 725 protect the health, safety, and well-being of any children in

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726 the facility's care. A child care facility operating under this  
 727 subsection is subject to ss. 402.310-402.312 and the rules  
 728 adopted under those sections to the same extent as a child care  
 729 facility licensed under ss. 402.301-402.319.

730 (b) It is a misdemeanor of the first degree, punishable as  
 731 provided in s. 775.082 or s. 775.083, for a person willfully,  
 732 knowingly, or intentionally to:

733 1. Fail, by false statement, misrepresentation,  
 734 impersonation, or other fraudulent means, to disclose in any  
 735 required written documentation for exclusion from licensure  
 736 pursuant to this section a material fact used in making a  
 737 determination as to such exclusion; or

738 2. Use information from the criminal records obtained under  
 739 s. 402.305 or s. 402.3055 for a purpose other than screening  
 740 that person for employment as specified in those sections or to  
 741 release such information to any other person for a purpose other  
 742 than screening for employment as specified in those sections.

743 (c) It is a felony of the third degree, punishable as  
 744 provided in s. 775.082, s. 775.083, or s. 775.084, for a person  
 745 willfully, knowingly, or intentionally to use information from  
 746 the juvenile records of a person obtained under s. 402.305 or s.  
 747 402.3055 for a purpose other than screening for employment as  
 748 specified in those sections or to release information from such  
 749 records to any other person for a purpose other than screening  
 750 for employment as specified in those sections.

751 (5) The department shall establish a fee for inspection and  
 752 compliance activities performed pursuant to this section in an  
 753 amount sufficient to cover costs. However, the amount of such  
 754 fee for the inspection of a program may not exceed the fee

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755 imposed for child care licensure pursuant to s. 402.315.

756 (6) The inclusion of a child care facility operating under  
 757 subsection (1) as a provider of a program described in s.  
 758 1002.55, s. 1002.61, or s. 1002.88 does not expand the  
 759 regulatory authority of the state, its officers, or any early  
 760 learning coalition to impose any additional regulation of child  
 761 care facilities beyond those reasonably necessary to enforce  
 762 requirements expressly set forth in this section.

763 Section 13. Section 627.70161, Florida Statutes, is amended  
 764 to read:

765 627.70161 Residential property insurance coverage; family  
 766 child day care homes and large family child care homes  
 767 insurance.-

768 (1) PURPOSE AND INTENT.—The Legislature recognizes that  
 769 family child day care homes and large family child care homes  
 770 fulfill a vital role in providing child care in Florida. It is  
 771 the intent of the Legislature that residential property  
 772 insurance coverage should not be canceled, denied, or nonrenewed  
 773 solely because child on the basis of the family day care  
 774 services are provided at the residence. The Legislature also  
 775 recognizes that the potential liability of residential property  
 776 insurers is substantially increased by the rendition of child  
 777 care services on the premises. The Legislature therefore finds  
 778 that there is a public need to specify that contractual  
 779 liabilities associated that arise in connection with the  
 780 operation of a the family child day care home or large family  
 781 child care home are excluded from residential property insurance  
 782 policies unless they are specifically included in such coverage.

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

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784 (a) "Child care" means the care, protection, and  
 785 supervision of a child, for a period ~~up to of less than~~ 24 hours  
 786 a day on a regular basis, which supplements parental care,  
 787 enrichment, and health supervision for the child, in accordance  
 788 with his or her individual needs, and for which a payment, fee,  
 789 or grant is made for care.

790 (b) "Family child day care home" has the same meaning as  
 791 provided in s. 402.302(8) means an occupied residence in which  
 792 child care is regularly provided for children from at least two  
 793 unrelated families and which receives a payment, fee, or grant  
 794 for any of the children receiving care, whether or not operated  
 795 for a profit.

796 (c) "Large family child care home" has the same meaning as  
 797 provided in s. 402.302(11).

798 (3) CHILD FAMILY DAY CARE; COVERAGE.—A residential property  
 799 insurance policy may shall not provide coverage for liability  
 800 for claims arising out of, or in connection with, the operation  
 801 of a family child day care home or large family child care home,  
 802 and the insurer shall be under no obligation to defend against  
 803 lawsuits covering such claims, unless:

804 (a) Specifically covered in a policy; or

805 (b) Covered by a rider or endorsement for business coverage  
 806 attached to a policy.

807 (4) DENIAL, CANCELLATION, REFUSAL TO RENEW PROHIBITED.—An  
 808 insurer may not deny, cancel, or refuse to renew a policy for  
 809 residential property insurance solely on the basis that the  
 810 policyholder or applicant operates a family child day care home  
 811 or large family child care home. In addition to other lawful  
 812 reasons for refusing to insure, an insurer may deny, cancel, or

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813 refuse to renew a policy of a family child day care home or  
 814 large family child care home provider if one or more of the  
 815 following conditions occur:

816 (a) The policyholder or applicant provides care for more  
 817 children than authorized for family child day care homes or  
 818 large family child care homes by s. 402.302;

819 (b) The policyholder or applicant fails to maintain a  
 820 separate commercial liability policy or an endorsement providing  
 821 liability coverage for ~~the~~ family child day care home or large  
 822 family child care home operations;

823 (c) The policyholder or applicant fails to comply with the  
 824 family child day care home licensure and registration  
 825 requirements specified in s. 402.313 or the large family child  
 826 care home licensure requirements specified in s. 402.313; or

827 (d) Discovery of willful or grossly negligent acts or  
 828 omissions or any violations of state laws or regulations  
 829 establishing safety standards for family child day care homes  
 830 and large family child care homes by the named insured or his or  
 831 her representative which materially increase any of the risks  
 832 insured.

833 Section 14. Subsections (7), (8), and (9) are added to  
 834 section 1001.213, Florida Statutes, to read:

835 1001.213 Office of Early Learning.—There is created within  
 836 the Office of Independent Education and Parental Choice the  
 837 Office of Early Learning, as required under s. 20.15, which  
 838 shall be administered by an executive director. The office shall  
 839 be fully accountable to the Commissioner of Education but shall:

840 (7) Hire a general counsel who reports directly to the  
 841 executive director of the office.

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842 (8) Hire an inspector general who reports directly to the  
 843 executive director of the office and to the Chief Inspector  
 844 General pursuant to s. 14.32.

845 (9) By July 1, 2016, develop and implement, in consultation  
 846 with early learning coalitions and providers of the Voluntary  
 847 Prekindergarten Education Program and the child care and  
 848 development program, best practices for providing parental  
 849 notifications in the parent's native language to a parent whose  
 850 native language is a language other than English.

851 Section 15. Subsection (4) of section 1002.53, Florida  
 852 Statutes, is amended to read:

853 1002.53 Voluntary Prekindergarten Education Program;  
 854 eligibility and enrollment.—

855 (4) (a) Each parent enrolling a child in the Voluntary  
 856 Prekindergarten Education Program must complete and submit an  
 857 application to the early learning coalition through the single  
 858 point of entry established under s. 1002.82 or to a private  
 859 prekindergarten provider if the provider is authorized by the  
 860 early learning coalition to determine student eligibility for  
 861 enrollment in the program.

862 (b) The application must be submitted on forms prescribed  
 863 by the Office of Early Learning and must be accompanied by a  
 864 certified copy of the child's birth certificate. The forms must  
 865 include a certification, in substantially the form provided in  
 866 s. 1002.71(6)(b)2., that the parent chooses the private  
 867 prekindergarten provider or public school in accordance with  
 868 this section and directs that payments for the program be made  
 869 to the provider or school. The Office of Early Learning may  
 870 authorize alternative methods for submitting proof of the

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871 child's age in lieu of a certified copy of the child's birth  
872 certificate.

873 (c) If a private prekindergarten provider has been  
874 authorized to determine child eligibility and enrollment, upon  
875 receipt of an application, the provider must:

876 1. Determine the child's eligibility for the program and be  
877 responsible for any errors in such determination.

878 2. Retain the original application and certified copy of  
879 the child's birth certificate or authorized alternative proof of  
880 age on file for at least 5 years.

881 The early learning coalition may audit applications held by a  
882 private prekindergarten provider in the coalition's service area  
883 to determine whether children enrolled and reported for funding  
884 by the provider have met the eligibility criteria in subsection  
885 (2).

887 (d)(e) Each early learning coalition shall coordinate with  
888 each of the school districts within the coalition's county or  
889 multicounty region in the development of procedures for  
890 enrolling children in prekindergarten programs delivered by  
891 public schools, including procedures for making child  
892 eligibility determinations and auditing enrollment records to  
893 confirm that enrolled children have met eligibility  
894 requirements.

895 Section 16. Section 1002.55, Florida Statutes, is amended  
896 to read:

897 1002.55 School-year prekindergarten program delivered by  
898 private prekindergarten providers.—

899 (1) Each early learning coalition shall administer the

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900 Voluntary Prekindergarten Education Program at the county or  
901 regional level for students enrolled under s. 1002.53(3) (a) in a  
902 school-year prekindergarten program delivered by a private  
903 prekindergarten provider. Each early learning coalition shall  
904 cooperate with the Office of Early Learning and the Child Care  
905 Services Program Office of the Department of Children and  
906 Families to reduce paperwork and to avoid duplicating  
907 interagency activities, health and safety monitoring, and  
908 acquiring and composing data pertaining to child care training  
909 and credentialing.

910 (2) Each school-year prekindergarten program delivered by a  
911 private prekindergarten provider must comprise at least 540  
912 instructional hours.

913 (3) To be eligible to deliver the prekindergarten program,  
914 a private prekindergarten provider must meet each of the  
915 following requirements:

916 ~~(a) The private prekindergarten provider must be a child~~  
917 ~~care facility licensed under s. 402.305, family day care home~~  
918 ~~licensed under s. 402.313, large family child care home licensed~~  
919 ~~under s. 402.3131, nonpublic school exempt from licensure under~~  
920 ~~s. 402.3025(2), or faith-based child care provider exempt from~~  
921 ~~licensure under s. 402.316.~~

922 ~~(a)(b)~~ The private prekindergarten provider must:

923 1. Be accredited by an accrediting association that is a  
924 member of the National Council for Private School Accreditation,  
925 or the Florida Association of Academic Nonpublic Schools, or be  
926 accredited by the Southern Association of Colleges and Schools,  
927 or Western Association of Colleges and Schools, or North Central  
928 Association of Colleges and Schools, or Middle States

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929 Association of Colleges and Schools, or New England Association  
 930 of Colleges and Schools; and have written accreditation  
 931 standards that meet or exceed the state's licensing requirements  
 932 under s. 402.305, s. 402.313, or s. 402.3131 and require at  
 933 least one onsite visit to the provider or school before  
 934 accreditation is granted;

935 2. Hold a current Gold Seal Quality Care designation under  
 936 s. 402.281; ~~or~~

937 3. Be licensed under s. 402.305, s. 402.313, or s.  
 938 402.3131; or

939 4. Be a child development center located on a military  
 940 installation that is certified by the United States Department  
 941 of Defense.

942 (b) The private prekindergarten provider must provide basic  
 943 health and safety on its premises and in its facilities. For a  
 944 public school, compliance with ss. 1003.22 and 1013.12 satisfies  
 945 this requirement. For a nonpublic school, compliance with s.  
 946 402.3025(2)(d) satisfies this requirement. For a child care  
 947 facility, a licensed family child care home, or a large family  
 948 child care home, compliance with s. 402.305, s. 402.313, or s.  
 949 402.3131, respectively, satisfies this requirement. For a  
 950 facility exempt from licensure, compliance with s. 402.316(4)  
 951 satisfies this requirement and demonstrate, before delivering  
 952 the Voluntary Prekindergarten Education Program, as verified by  
 953 the early learning coalition, that the provider meets each of  
 954 the requirements of the program under this part, including, but  
 955 not limited to, the requirements for credentials and background  
 956 screenings of prekindergarten instructors under paragraphs (c)  
 957 and (d), minimum and maximum class sizes under paragraph (f),

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958 ~~prekindergarten director credentials under paragraph (g), and a~~  
 959 ~~developmentally appropriate curriculum under s. 1002.67(2)(b).~~

960 (c) The private prekindergarten provider must have, for  
 961 each prekindergarten class of 11 children or fewer, at least one  
 962 prekindergarten instructor who meets each of the following  
 963 requirements:

964 1. The prekindergarten instructor must hold, at a minimum,  
 965 one of the following credentials:

966 a. A child development associate credential issued by the  
 967 National Credentialing Program of the Council for Professional  
 968 Recognition; ~~or~~

969 b. A credential approved by the Department of Children and  
 970 Families, pursuant to s. 402.305(3)(c), as being equivalent to  
 971 or greater than the credential described in sub-subparagraph a.;

972 c. An associate or higher degree in child development;  
 973 d. An associate or higher degree in an unrelated field, at  
 974 least 6 credit hours in early childhood education or child  
 975 development, and at least 480 hours of experience in teaching or  
 976 providing child care services for children any age from birth  
 977 through 8 years of age;

978 e. A baccalaureate or higher degree in early childhood  
 979 education, prekindergarten or primary education, preschool  
 980 education, or family and consumer science;

981 f. A baccalaureate or higher degree in family and child  
 982 science and at least 480 hours of experience in teaching or  
 983 providing child care services for children any age from birth  
 984 through 8 years of age;

985 g. A baccalaureate or higher degree in elementary education  
 986 if the prekindergarten instructor has been certified to teach

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 987 children of any age from birth through grade 6, regardless of  
 988 whether the instructor's educator certificate is current, and if  
 989 the instructor is not ineligible to teach in a public school  
 990 because his or her educator certificate is suspended or revoked;  
 991 or

992 h. A credential approved by the department as being  
 993 equivalent to or greater than a credential described in sub-  
 994 paragraphs a.-f. The department may adopt criteria and  
 995 procedures for approving such equivalent credentials.

996  
 997 The Department of Children and Families may adopt rules under  
 998 ss. 120.536(1) and 120.54 which provide criteria and procedures  
 999 for approving equivalent credentials under sub-paragraph b.

1000 2. The prekindergarten instructor must successfully  
 1001 complete an emergent literacy training course and a student  
 1002 performance standards training course approved by the office as  
 1003 meeting or exceeding the minimum standards adopted under s.  
 1004 1002.59. The requirement for completion of the standards  
 1005 training course shall take effect July 1, 2015 ~~2014~~, and the  
 1006 course shall be available online.

1007 (d) Beginning January 1, 2015, at least 50 percent of the  
 1008 instructors employed by a prekindergarten provider at each  
 1009 location must be trained in first aid and infant and child  
 1010 cardiopulmonary resuscitation, as evidenced by current  
 1011 documentation of course completion, unless the instructor is not  
 1012 responsible for supervising children in care. As a condition of  
 1013 employment, instructors hired on or after January 1, 2015, must  
 1014 complete this training within 60 days after employment. Each  
 1015 prekindergarten instructor employed by the private

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 1016 ~~prekindergarten provider must be of good moral character, must~~  
 1017 ~~be screened using the level 2 screening standards in s. 435.04~~  
 1018 ~~before employment and rescreened at least once every 5 years,~~  
 1019 ~~must be denied employment or terminated if required under s.~~  
 1020 ~~435.06, and must not be ineligible to teach in a public school~~  
 1021 ~~because his or her educator certificate is suspended or revoked.~~

1022 ~~(e) A private prekindergarten provider may assign a~~  
 1023 ~~substitute instructor to temporarily replace a credentialed~~  
 1024 ~~instructor if the credentialed instructor assigned to a~~  
 1025 ~~prekindergarten class is absent, as long as the substitute~~  
 1026 ~~instructor is of good moral character and has been screened~~  
 1027 ~~before employment in accordance with level 2 background~~  
 1028 ~~screening requirements in chapter 435. The Office of Early~~  
 1029 ~~Learning shall adopt rules to implement this paragraph which~~  
 1030 ~~shall include required qualifications of substitute instructors~~  
 1031 ~~and the circumstances and time limits for which a private~~  
 1032 ~~prekindergarten provider may assign a substitute instructor.~~

1033 (e)(f) Each of the private prekindergarten provider's  
 1034 prekindergarten classes must be composed of at least 4 students  
 1035 but may not exceed 20 students. In order to protect the health  
 1036 and safety of students, each private prekindergarten provider  
 1037 must also provide appropriate adult supervision for students at  
 1038 all times and, for each prekindergarten class composed of 12 or  
 1039 more students, must have, in addition to a prekindergarten  
 1040 instructor who meets the requirements of paragraph (c), at least  
 1041 one adult prekindergarten instructor who is not required to meet  
 1042 those requirements but who must meet each requirement of s.  
 1043 402.305(2) paragraph (d). This paragraph does not supersede any  
 1044 requirement imposed on a provider under ss. 402.301-402.319.

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1045 (f) Beginning January 1, 2016, the private prekindergarten  
 1046 provider must employ child care personnel who hold a high school  
 1047 diploma or its equivalent and are at least 18 years of age,  
 1048 unless the personnel are not responsible for supervising  
 1049 children in care or are under direct supervision and are not  
 1050 counted for the purposes of computing the personnel-to-child  
 1051 ratio.

1052 (g) The private prekindergarten provider must have a  
 1053 prekindergarten director who has a prekindergarten director  
 1054 credential that is approved by the office as meeting or  
 1055 exceeding the minimum standards adopted under s. 1002.57.  
 1056 Successful completion of a child care facility director  
 1057 credential under s. 402.305(2)(f) before the establishment of  
 1058 the prekindergarten director credential under s. 1002.57 or July  
 1059 1, 2006, whichever occurs later, satisfies the requirement for a  
 1060 prekindergarten director credential under this paragraph.

1061 (h) The private prekindergarten provider must register with  
 1062 the early learning coalition on forms prescribed by the Office  
 1063 of Early Learning.

1064 (i) The private prekindergarten provider must execute the  
 1065 statewide provider contract prescribed under s. 1002.75, except  
 1066 that an individual who owns or operates multiple private  
 1067 prekindergarten providers within a coalition's service area may  
 1068 execute a single agreement with the coalition on behalf of each  
 1069 provider.

1070 (j) The private prekindergarten provider must maintain  
 1071 general liability insurance and provide the coalition with  
 1072 written evidence of general liability insurance coverage,  
 1073 including coverage for transportation of children if

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1074 prekindergarten students are transported by the provider. A  
 1075 provider must obtain and retain an insurance policy that  
 1076 provides a minimum of \$100,000 of coverage per occurrence and a  
 1077 minimum of \$300,000 general aggregate coverage. The office may  
 1078 authorize lower limits upon request, as appropriate. ~~A provider~~  
 1079 ~~must add the coalition as a named certificateholder and as an~~  
 1080 ~~additional insured.~~ A provider must provide the coalition with a  
 1081 minimum of 10 calendar days' advance written notice of  
 1082 cancellation of or changes to coverage. The general liability  
 1083 insurance required by this paragraph must remain in full force  
 1084 and effect for the entire period of the provider contract with  
 1085 the coalition.

1086 (k) The private prekindergarten provider must obtain and  
 1087 maintain any required workers' compensation insurance under  
 1088 chapter 440 and any required reemployment assistance or  
 1089 unemployment compensation coverage under chapter 443, unless  
 1090 exempt under state or federal law.

1091 (l) Notwithstanding paragraph (j), for a private  
 1092 prekindergarten provider that is a state agency or a subdivision  
 1093 thereof, as defined in s. 768.28(2), the provider must agree to  
 1094 notify the coalition of any additional liability coverage  
 1095 maintained by the provider in addition to that otherwise  
 1096 established under s. 768.28. The provider shall indemnify the  
 1097 coalition to the extent permitted by s. 768.28.

1098 (m) The private prekindergarten provider shall be denied  
 1099 initial eligibility to offer the program if the provider has  
 1100 been cited for a Class I violation in the 12 months before  
 1101 seeking eligibility.

1102 (n) ~~(m)~~ The private prekindergarten provider must deliver

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1103 the Voluntary Prekindergarten Education Program in accordance  
 1104 with this part and have child disciplinary policies that  
 1105 prohibit children from being subjected to discipline that is  
 1106 severe, humiliating, frightening, or associated with food, rest,  
 1107 toileting, spanking, or any other form of physical punishment as  
 1108 provided in s. 402.305(12).

1109 ~~(4) A prekindergarten instructor, in lieu of the minimum~~  
 1110 ~~credentials and courses required under paragraph (3)(c), may~~  
 1111 ~~hold one of the following educational credentials:~~

1112 ~~(a) A bachelor's or higher degree in early childhood~~  
 1113 ~~education, prekindergarten or primary education, preschool~~  
 1114 ~~education, or family and consumer science;~~

1115 ~~(b) A bachelor's or higher degree in elementary education,~~  
 1116 ~~if the prekindergarten instructor has been certified to teach~~  
 1117 ~~children any age from birth through 6th grade, regardless of~~  
 1118 ~~whether the instructor's educator certificate is current, and if~~  
 1119 ~~the instructor is not ineligible to teach in a public school~~  
 1120 ~~because his or her educator certificate is suspended or revoked;~~

1121 ~~(c) An associate's or higher degree in child development;~~

1122 ~~(d) An associate's or higher degree in an unrelated field,~~  
 1123 ~~at least 6 credit hours in early childhood education or child~~  
 1124 ~~development, and at least 480 hours of experience in teaching or~~  
 1125 ~~providing child care services for children any age from birth~~  
 1126 ~~through 8 years of age; or~~

1127 ~~(e) An educational credential approved by the department as~~  
 1128 ~~being equivalent to or greater than an educational credential~~  
 1129 ~~described in this subsection. The department may adopt criteria~~  
 1130 ~~and procedures for approving equivalent educational credentials~~  
 1131 ~~under this paragraph.~~

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1132 ~~(5) Notwithstanding paragraph (3)(b), a private~~  
 1133 ~~prekindergarten provider may not participate in the Voluntary~~  
 1134 ~~Prekindergarten Education Program if the provider has child~~  
 1135 ~~disciplinary policies that do not prohibit children from being~~  
 1136 ~~subjected to discipline that is severe, humiliating,~~  
 1137 ~~frightening, or associated with food, rest, toileting, spanking,~~  
 1138 ~~or any other form of physical punishment as provided in s.~~  
 1139 ~~402.305(12).~~

1140 Section 17. Subsection (1) of section 1002.59, Florida  
 1141 Statutes, is amended to read:

1142 1002.59 Emergent literacy and performance standards  
 1143 training courses.-

1144 (1) The office shall adopt minimum standards for one or  
 1145 more training courses in emergent literacy for prekindergarten  
 1146 instructors. Each course must comprise 5 clock hours and provide  
 1147 instruction in strategies and techniques to address the age-  
 1148 appropriate progress of prekindergarten students in developing  
 1149 emergent literacy skills, including oral communication,  
 1150 knowledge of print and letters, phonemic and phonological  
 1151 awareness, and vocabulary and comprehension development. Each  
 1152 course must also provide resources containing strategies that  
 1153 allow students with disabilities and other special needs to  
 1154 derive maximum benefit from the Voluntary Prekindergarten  
 1155 Education Program. Successful completion of an emergent literacy  
 1156 training course approved under this section satisfies  
 1157 requirements for approved training in early literacy and  
 1158 language development under ss. 402.305(2)(d)5., 402.313(4)(c)  
 1159 ~~402.313(6)~~, and 402.313(5).

1160 Section 18. Subsections (4) through (7) of section 1002.61,



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1161 Florida Statutes, are amended to read:

1162 1002.61 Summer prekindergarten program delivered by public  
1163 schools and private prekindergarten providers.-

1164 (4) ~~Notwithstanding ss. 1002.55(3)(c)1. and 1002.63(4),~~  
1165 Each public school and private prekindergarten provider that  
1166 delivers the summer prekindergarten program must have, for each  
1167 prekindergarten class, at least one prekindergarten instructor  
1168 who is a certified teacher or holds one of the educational  
1169 credentials specified in s. 1002.55(3)(c)1.e.-h. 1002.55(4)(a)  
1170 ~~or (b).~~ As used in this subsection, the term "certified teacher"  
1171 means a teacher holding a valid Florida educator certificate  
1172 under s. 1012.56 who has the qualifications required by the  
1173 district school board to instruct students in the summer  
1174 prekindergarten program. In selecting instructional staff for  
1175 the summer prekindergarten program, each school district shall  
1176 give priority to teachers who have experience or coursework in  
1177 early childhood education.

1178 (5) Each prekindergarten instructor employed by a public  
1179 ~~school or~~ private prekindergarten provider delivering the summer  
1180 prekindergarten program must be of good moral character, must  
1181 undergo background screening pursuant to s. 402.305(2)(a) be  
1182 ~~screened using the level 2 screening standards in s. 435.04~~  
1183 before employment, must be and rescreened at least once every 5  
1184 years, and must be denied employment or terminated if required  
1185 under s. 435.06. Each prekindergarten instructor employed by a  
1186 public school delivering the summer prekindergarten program, and  
1187 must satisfy the ~~not be ineligible to teach in a public school~~  
1188 ~~because his or her educator certificate is suspended or revoked.~~  
1189 ~~This subsection does not supersede employment requirements for~~

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1190 instructional personnel in public schools as provided in s.  
1191 1012.32 ~~which are more stringent than the requirements of this~~  
1192 ~~subsection.~~

1193 (6) A public school or private prekindergarten provider may  
1194 assign a substitute instructor to temporarily replace a  
1195 credentialed instructor if the credentialed instructor assigned  
1196 to a prekindergarten class is absent, as long as the substitute  
1197 instructor meets the requirements of subsection (5) ~~is of good~~  
1198 ~~moral character and has been screened before employment in~~  
1199 ~~accordance with level 2 background screening requirements in~~  
1200 ~~chapter 435. This subsection does not supersede employment~~  
1201 ~~requirements for instructional personnel in public schools which~~  
1202 ~~are more stringent than the requirements of this subsection.~~ The  
1203 Office of Early Learning shall adopt rules to implement this  
1204 subsection which must ~~shall~~ include required qualifications of  
1205 substitute instructors and the circumstances and time limits for  
1206 which a public school or private prekindergarten provider may  
1207 assign a substitute instructor.

1208 (7) Notwithstanding ss. 1002.55(3)(e) ~~1002.55(3)(f)~~ and  
1209 1002.63(7), each prekindergarten class in the summer  
1210 prekindergarten program, regardless of whether the class is a  
1211 public school's or private prekindergarten provider's class,  
1212 must be composed of at least 4 students but may not exceed 12  
1213 students ~~beginning with the 2009 summer session.~~ In order to  
1214 protect the health and safety of students, each public school or  
1215 private prekindergarten provider must also provide appropriate  
1216 adult supervision for students at all times. This subsection  
1217 does not supersede any requirement imposed on a provider under  
1218 ss. 402.301-402.319.

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1219 Section 19. Subsections (5) and (6) of section 1002.63,  
 1220 Florida Statutes, are amended to read:  
 1221 1002.63 School-year prekindergarten program delivered by  
 1222 public schools.—  
 1223 (5) Each prekindergarten instructor employed by a public  
 1224 school delivering the school-year prekindergarten program must  
 1225 satisfy the be of good moral character, must be screened using  
 1226 the level 2 screening standards in s. 435.04 before employment  
 1227 and rescreened at least once every 5 years, must be denied  
 1228 employment or terminated if required under s. 435.06, and must  
 1229 not be ineligible to teach in a public school because his or her  
 1230 educator certificate is suspended or revoked. This subsection  
 1231 does not supersede employment requirements for instructional  
 1232 personnel in public schools as provided in s. 1012.32 which are  
 1233 more stringent than the requirements of this subsection.  
 1234 (6) A public school prekindergarten provider may assign a  
 1235 substitute instructor to temporarily replace a credentialed  
 1236 instructor if the credentialed instructor assigned to a  
 1237 prekindergarten class is absent, as long as the substitute  
 1238 instructor meets the requirements of subsection (5) is of good  
 1239 moral character and has been screened before employment in  
 1240 accordance with level 2 background screening requirements in  
 1241 chapter 435. This subsection does not supersede employment  
 1242 requirements for instructional personnel in public schools which  
 1243 are more stringent than the requirements of this subsection. The  
 1244 Office of Early Learning shall adopt rules to implement this  
 1245 subsection which must shall include required qualifications of  
 1246 substitute instructors and the circumstances and time limits for  
 1247 which a public school prekindergarten provider may assign a

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1248 substitute instructor.  
 1249 Section 20. Paragraph (a) of subsection (6) of section  
 1250 1002.71, Florida Statutes, is amended to read:  
 1251 1002.71 Funding; financial and attendance reporting.—  
 1252 (6) (a) Each parent enrolling his or her child in the  
 1253 Voluntary Prekindergarten Education Program must agree to comply  
 1254 with the attendance policy of the private prekindergarten  
 1255 provider or district school board, as applicable. Upon  
 1256 enrollment of the child, the private prekindergarten provider or  
 1257 public school, as applicable, must provide the child's parent  
 1258 with program information, including, but not limited to, child  
 1259 development, expectations for parent engagement, the daily  
 1260 schedule, and the a copy of the provider's or school district's  
 1261 attendance policy, which must include procedures for contacting  
 1262 a parent on the second consecutive day a child is absent for  
 1263 which the reason is unknown as applicable.  
 1264 Section 21. Subsection (1) of section 1002.75, Florida  
 1265 Statutes, is amended to read:  
 1266 1002.75 Office of Early Learning; powers and duties.—  
 1267 (1) The Office of Early Learning shall adopt by rule a  
 1268 standard statewide provider contract to be used with each  
 1269 Voluntary Prekindergarten Education Program provider, with  
 1270 standardized attachments by provider type. The office shall  
 1271 publish a copy of the standard statewide provider contract on  
 1272 its website. The standard statewide contract must shall include,  
 1273 at a minimum, provisions that:  
 1274 (a) Govern for provider probation, termination for cause,  
 1275 and emergency termination for those actions or inactions of a  
 1276 provider that pose an immediate and serious danger to the

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1277 health, safety, or welfare of children. The standard statewide  
 1278 contract shall also include appropriate due process procedures.  
 1279 During the pendency of an appeal of a termination, the provider  
 1280 may not continue to offer its services.

1281 (b) Require each private prekindergarten provider to  
 1282 conspicuously post on the premises, pursuant to s.  
 1283 402.3125(1)(b), in an area visible to parents each citation for  
 1284 a Class I violation, as defined by rule of the Department of  
 1285 Children and Families, which results in disciplinary action.  
 1286 Such posting must use simple language to describe each violation  
 1287 with specificity and include a copy of the citation and the  
 1288 contact information of the Department of Children and Families  
 1289 or the local licensing agency from which the parent may obtain  
 1290 additional information regarding the citation. Posting of a  
 1291 Class I violation by the provider must occur within 24 hours  
 1292 after receipt of the citation. Additionally, such provider shall  
 1293 post each inspection report on the premises in an area visible  
 1294 to parents, which report must remain posted until the next  
 1295 inspection report is available.

1296 (c) Specify that child care personnel employed by the  
 1297 provider who are responsible for supervising children in care  
 1298 must be trained in developmentally appropriate practices aligned  
 1299 to the age and needs of children over which the personnel are  
 1300 assigned supervision duties. This requirement is met by the  
 1301 completion of developmentally appropriate practice courses  
 1302 administered by the Department of Children and Families under s.  
 1303 402.305(2)(d)1. within 30 days after being assigned such  
 1304 children if the child care personnel has not previously  
 1305 completed the training.

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1306  
 1307 Any provision imposed upon a provider that is inconsistent with,  
 1308 or prohibited by, law is void and unenforceable.

1309 Section 22. Section 1002.77, Florida Statutes, is amended  
 1310 to read:

1311 1002.77 Florida Early Learning Advisory Council.—

1312 (1) There is created the Florida Early Learning Advisory  
 1313 Council within the Office of Early Learning. The purpose of the  
 1314 advisory council is to provide written input ~~submit~~  
 1315 ~~recommendations~~ to the executive director ~~office~~ on early  
 1316 learning best practices, including ~~recommendations relating to~~  
 1317 ~~the most effective program administration; of the Voluntary~~  
 1318 ~~Prekindergarten Education Program under this part and the school~~  
 1319 ~~readiness program under part VI of this chapter. The advisory~~  
 1320 ~~council shall periodically analyze and provide recommendations~~  
 1321 ~~to the office on the effective and efficient use of local,~~  
 1322 ~~state, and federal funds; the content of professional~~  
 1323 ~~development training programs; and best practices for the~~  
 1324 ~~development and implementation of coalition plans pursuant to s.~~  
 1325 1002.85.

1326 (2) The advisory council shall be composed of the following  
 1327 members:

1328 (a) The chair of the advisory council who shall be  
 1329 appointed by and serve at the pleasure of the Governor.

1330 (b) The chair of each early learning coalition.

1331 (c) One member who shall be appointed by and serve at the  
 1332 pleasure of the President of the Senate.

1333 (d) One member who shall be appointed by and serve at the  
 1334 pleasure of the Speaker of the House of Representatives.

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1335  
1336 The chair of the advisory council appointed by the Governor and  
1337 the members appointed by the presiding officers of the  
1338 Legislature must be from the business community and be in  
1339 compliance with s. 1002.83(5).

1340 (3) The advisory council shall meet at least quarterly upon  
1341 the call of the executive director ~~but may meet as often as~~  
1342 ~~necessary to carry out its duties and responsibilities.~~ The  
1343 executive director is encouraged to ~~advisory council may use~~  
1344 communications media technology any method of telecommunications  
1345 to conduct meetings in accordance with s. 120.54(5)(b) ~~r~~  
1346 ~~including establishing a quorum through telecommunications, only~~  
1347 ~~if the public is given proper notice of a telecommunications~~  
1348 ~~meeting and reasonable access to observe and, when appropriate,~~  
1349 ~~participate.~~

1350 (4) (a) Each member of the advisory council may ~~shall~~ serve  
1351 without compensation but is entitled to receive reimbursement  
1352 for per diem and travel expenses for attendance at council  
1353 meetings as provided in s. 112.061.

1354 (b) Each member of the advisory council is subject to the  
1355 ethics provisions in part III of chapter 112.

1356 (c) For purposes of tort liability, each member of the  
1357 advisory council shall be governed by s. 768.28.

1358 (5) The Office of Early Learning shall provide staff and  
1359 administrative support for the advisory council as determined by  
1360 the executive director.

1361 Section 23. Paragraph (f) of subsection (1) and subsections  
1362 (8) and (16) of section 1002.81, Florida Statutes, are amended  
1363 to read:

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1364 1002.81 Definitions.—Consistent with the requirements of 45  
1365 C.F.R. parts 98 and 99 and as used in this part, the term:

1366 (1) "At-risk child" means:

1367 (f) A child in the custody of a parent who is considered  
1368 homeless as verified by a designated lead agency on the homeless  
1369 assistance continuum of care established under ss. 420.622-  
1370 420.624 Department of Children and Families certified homeless  
1371 shelter.

1372 (8) "Family income" means the combined gross income,  
1373 whether earned or unearned, that is derived from any source by  
1374 all family or household members who are 18 years of age or older  
1375 who are currently residing together in the same dwelling unit.  
1376 The term does not include:

1377 (a) Income earned by a currently enrolled high school  
1378 student who, since attaining the age of 18 years, or a student  
1379 with a disability who, since attaining the age of 22 years, has  
1380 not terminated school enrollment or received a high school  
1381 diploma, high school equivalency diploma, special diploma, or  
1382 certificate of high school completion.

1383 (b) Income earned by a teen parent residing in the same  
1384 residence as a separate family unit.

1385 (c) Selected items from the state's Child Care and  
1386 Development Fund Plan, such as ~~The term also does not include~~  
1387 ~~food stamp benefits, documented child support and alimony~~  
1388 ~~payments paid out of the home, or federal housing assistance~~  
1389 ~~payments issued directly to a landlord or the associated~~  
1390 ~~utilities expenses.~~

1391 (16) "Working family" means:

1392 (a) A single-parent family in which the parent with whom

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1393 the child resides is employed or engaged in eligible work or  
 1394 education activities for at least 20 hours per week or is exempt  
 1395 from work requirements due to age or disability, as determined  
 1396 and documented by a physician licensed under chapter 458 or  
 1397 chapter 459;

1398 (b) A two-parent family in which both parents with whom the  
 1399 child resides are employed or engaged in eligible work or  
 1400 education activities for a combined total of at least 40 hours  
 1401 per week; ~~or~~

1402 (c) A two-parent family in which one of the parents with  
 1403 whom the child resides is exempt from work requirements due to  
 1404 age or disability, as determined and documented by a physician  
 1405 licensed under chapter 458 or chapter 459, and one parent is  
 1406 employed or engaged in eligible work or education activities at  
 1407 least 20 hours per week; or

1408 (d) A two-parent family in which both of the parents with  
 1409 whom the child resides are exempt from work requirements due to  
 1410 age or disability, as determined and documented by a physician  
 1411 licensed under chapter 458 or chapter 459.

1412 Section 24. Paragraphs (b), (j), (m), and (p) of subsection  
 1413 (2) of section 1002.82, Florida Statutes, are amended to read:

1414 1002.82 Office of Early Learning; powers and duties.—

1415 (2) The office shall:

1416 (b) Preserve parental choice by permitting parents to  
 1417 choose from a variety of child care categories authorized in s.  
 1418 1002.88(1)(a), including center-based care, family child care,  
 1419 and informal child care to the extent authorized in the state's  
 1420 Child Care and Development Fund Plan as approved by the United  
 1421 States Department of Health and Human Services pursuant to 45

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1422 ~~C.F.R. s. 98.18.~~ Care and curriculum by a faith-based provider  
 1423 may not be limited or excluded in any of these categories.

1424 (j) Develop and adopt standards and benchmarks that address  
 1425 the age-appropriate progress of children in the development of  
 1426 child care and development ~~school readiness~~ skills. The  
 1427 standards for children from birth to 5 years of age in the child  
 1428 care and development ~~school readiness~~ program must be aligned  
 1429 with the performance standards adopted for children in the  
 1430 Voluntary Prekindergarten Education Program and must address the  
 1431 following domains:

- 1432 1. Approaches to learning.
- 1433 2. Cognitive development and general knowledge.
- 1434 3. Numeracy, language, and communication.
- 1435 4. Physical development.
- 1436 5. Self-regulation.

1437  
 1438 By July 1, 2015, the Office of Early Learning shall develop and  
 1439 implement an online training course on the performance standards  
 1440 for child care and development program provider personnel.

1441 (m) Adopt by rule a standard statewide provider contract to  
 1442 be used with each child care and development ~~school readiness~~  
 1443 program provider, with standardized attachments by provider  
 1444 type. The office shall publish a copy of the standard statewide  
 1445 provider contract on its website. The standard statewide  
 1446 contract ~~must shall~~ include, at a minimum, provisions that:

- 1447 1. Govern ~~for~~ provider probation, termination for cause,  
 1448 and emergency termination for those actions or inactions of a  
 1449 provider that pose an immediate and serious danger to the  
 1450 health, safety, or welfare of the children. The standard

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1451 statewide provider contract shall also include appropriate due  
1452 process procedures. During the pendency of an appeal of a  
1453 termination, the provider may not continue to offer its  
1454 services.

1455 2. Require each provider that is eligible to provide the  
1456 program pursuant to s. 1002.88(1) (a) to conspicuously post on  
1457 the premises, pursuant to s. 402.3125(1) (b), in an area visible  
1458 to parents each citation for a Class I violation, as defined by  
1459 rule of the Department of Children and Families, which results  
1460 in disciplinary action. Such posting must use simple language to  
1461 describe each violation with specificity and include a copy of  
1462 the citation and the contact information of the Department of  
1463 Children and Families or the local licensing agency from which  
1464 the parent may obtain additional information regarding the  
1465 citation. Posting of a Class I violation by the provider must  
1466 occur within 24 hours after receipt of the citation.  
1467 Additionally, such provider shall post each inspection report on  
1468 the premises in an area visible to parents, which report must  
1469 remain posted until the next inspection report is available.

1470 3. Specify that child care personnel employed by the  
1471 provider who are responsible for supervising children in care  
1472 must be trained in developmentally appropriate practices aligned  
1473 to the age and needs of children over which the personnel are  
1474 assigned supervision duties. This requirement is met by  
1475 completion of developmentally appropriate practice courses  
1476 administered by the Department of Children and Families under s.  
1477 402.305(2) (d)1. within 30 days after being assigned such  
1478 children if the child care personnel has not previously  
1479 completed the training.

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1480 4. Require child care personnel who are employed by the  
1481 provider to complete an online training course on the  
1482 performance standards adopted pursuant to paragraph (j).  
1483

1484 Any provision imposed upon a provider that is inconsistent with,  
1485 or prohibited by, law is void and unenforceable.

1486 (p) Monitor and evaluate the performance of each early  
1487 learning coalition in administering the child care and  
1488 development school-readiness program and the Voluntary  
1489 Prekindergarten Education Program, ensuring proper payments for  
1490 child care and development school-readiness program and  
1491 Voluntary Prekindergarten Education Program services, and  
1492 implementing the coalition's child care and development school  
1493 readiness program plan, and administering the Voluntary  
1494 Prekindergarten Education Program. These monitoring and  
1495 performance evaluations must include, at a minimum, onsite  
1496 monitoring of each coalition's finances, management, operations,  
1497 and programs.

1498 Section 25. Section 1002.84, Florida Statutes, is amended  
1499 to read:

1500 1002.84 Early learning coalitions; child care and  
1501 development school-readiness powers and duties.—Each early  
1502 learning coalition shall:

1503 (1) Administer and implement a local comprehensive program  
1504 of child care and development school-readiness program services  
1505 in accordance with this part and the rules adopted by the  
1506 office, which enhances the cognitive, social, and physical  
1507 development of children to achieve the performance standards.

1508 (2) Establish a uniform waiting list to track eligible

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1509 children waiting for enrollment in the child care and  
 1510 development school readiness program in accordance with rules  
 1511 adopted by the office.

1512 (3) Establish a resource and referral network operating  
 1513 under s. 1002.92 to assist parents in making an informed choice  
 1514 and provide maximum parental choice of providers and to provide  
 1515 information on available community resources.

1516 (4) Establish a regional Warm-Line as directed by the  
 1517 office pursuant to s. 1002.82(2)(r). Regional Warm-Line staff  
 1518 shall provide onsite technical assistance, when requested, to  
 1519 assist child care facilities and family day care homes with  
 1520 inquiries relating to the strategies, curriculum, and  
 1521 environmental adaptations the child care facilities and family  
 1522 day care homes may need as they serve children with disabilities  
 1523 and other special needs.

1524 (5) Establish an age-appropriate screening, for children  
 1525 ages birth to 5 years, of each child's development and an  
 1526 appropriate referral process for children with identified  
 1527 delays. Such screening ~~is shall~~ not be a requirement of entry  
 1528 into the child care and development school readiness program and  
 1529 ~~is shall be~~ only given with parental consent.

1530 (6) Implement an age-appropriate preassessment and  
 1531 postassessment of children if specified in the coalition's  
 1532 approved plan.

1533 (7) Determine child eligibility pursuant to s. 1002.87 and  
 1534 provider eligibility pursuant to s. 1002.88. At a minimum, child  
 1535 eligibility must be redetermined annually. Redetermination must  
 1536 also be conducted twice per year for an additional 50 percent of  
 1537 a coalition's enrollment through a statistically valid random

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1538 sampling. A coalition must document the reason why a child is no  
 1539 longer eligible for the child care and development school  
 1540 readiness program according to the standard codes prescribed by  
 1541 the office.

1542 (8) Establish a parent sliding fee scale that requires a  
 1543 parent copayment to participate in the child care and  
 1544 development school readiness program. Providers are required to  
 1545 collect the parent's copayment. A coalition may, on a case-by-  
 1546 case basis, waive the copayment for an at-risk child or  
 1547 temporarily waive the copayment for a child whose family's  
 1548 income is at or below the federal poverty level and family  
 1549 experiences a natural disaster or an event that limits the  
 1550 parent's ability to pay, such as incarceration, placement in  
 1551 residential treatment, ~~or becoming homeless~~, or an emergency  
 1552 situation such as a household fire or burglary, or while the  
 1553 parent is participating in parenting classes. A parent may not  
 1554 transfer child care and development school readiness program  
 1555 services to another child care and development school readiness  
 1556 program provider until the parent has submitted documentation  
 1557 from the current child care and development school readiness  
 1558 program provider to the early learning coalition stating that  
 1559 the parent has satisfactorily fulfilled the copayment  
 1560 obligation.

1561 (9) Establish proper maintenance of records related to  
 1562 eligibility and enrollment files, provider payments, coalition  
 1563 staff background screenings, and other documents required for  
 1564 the implementation of the child care and development school  
 1565 readiness program.

1566 (10) Establish a records retention requirement for sign-in

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1567 and sign-out records that is consistent with state and federal  
 1568 law. Attendance records may not be altered or amended after  
 1569 December 31 of the subsequent year.

1570 (11) Follow the tangible personal property requirements of  
 1571 chapter 274 and rules adopted under that chapter.

1572 (12) Comply with federal procurement requirements and the  
 1573 procurement requirements of ss. 215.971, 287.057, and 287.058,  
 1574 except that an early learning coalition is not required to  
 1575 competitively procure direct services for child care and  
 1576 development school readiness program and Voluntary  
 1577 Prekindergarten Education Program providers.

1578 (13) Establish proper information technology security  
 1579 controls, including, but not limited to, periodically reviewing  
 1580 the appropriateness of access privileges assigned to users of  
 1581 certain systems; monitoring system hardware performance and  
 1582 capacity-related issues; and ensuring appropriate backup  
 1583 procedures and disaster recovery plans are in place.

1584 (14) Develop written policies, procedures, and standards  
 1585 for monitoring vendor contracts, including, but not limited to,  
 1586 provisions specifying the particular procedures that may be used  
 1587 to evaluate contractor performance and the documentation that is  
 1588 to be maintained to serve as a record of contractor performance.  
 1589 This subsection does not apply to contracts with child care and  
 1590 development school readiness program providers or Voluntary  
 1591 Prekindergarten Education Program providers.

1592 (15) Monitor child care and development school readiness  
 1593 program providers in accordance with its plan, or in response to  
 1594 a parental complaint, to verify that the standards prescribed in  
 1595 ss. 1002.82 and 1002.88 are being met using a standard

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1596 monitoring tool adopted by the office. Providers determined to  
 1597 be high-risk by the coalition, as demonstrated by substantial  
 1598 findings of violations of federal law or the general or local  
 1599 laws of the state, shall be monitored more frequently. Providers  
 1600 with 3 consecutive years of compliance may be monitored  
 1601 biennially.

1602 (16) Adopt a payment schedule that encompasses all programs  
 1603 funded under this part and part V of this chapter. The payment  
 1604 schedule must take into consideration the average market rate,  
 1605 include the projected number of children to be served, and be  
 1606 submitted for approval by the office. Informal child care  
 1607 arrangements shall be reimbursed at not more than 50 percent of  
 1608 the rate adopted for a family day care home.

1609 (17) Implement an anti-fraud plan addressing the detection,  
 1610 reporting, and prevention of overpayments, abuse, and fraud  
 1611 relating to the provision of and payment for child care and  
 1612 development school readiness program and Voluntary  
 1613 Prekindergarten Education Program services and submit the plan  
 1614 to the office for approval, as required by s. 1002.91.

1615 (18) By October 1 of each year, submit an annual report to  
 1616 the office. The report shall conform to the format adopted by  
 1617 the office and must include:

1618 (a) Segregation of child care and development school  
 1619 readiness program funds, Voluntary Prekindergarten Education  
 1620 Program funds, Child Care Executive Partnership Program funds,  
 1621 and other local revenues available to the coalition.

1622 (b) Details of expenditures by fund source, including total  
 1623 expenditures for administrative activities, quality activities,  
 1624 nondirect services, and direct services for children.



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1625 (c) The total number of coalition staff and the related  
 1626 expenditures for salaries and benefits. For any subcontracts,  
 1627 the total number of contracted staff and the related  
 1628 expenditures for salaries and benefits must be included.

1629 (d) The number of children served in the child care and  
 1630 development school readiness program, by provider type,  
 1631 enumerated by age and eligibility priority category, reported as  
 1632 the number of children served during the month, the average  
 1633 participation throughout the month, and the number of children  
 1634 served during the month.

1635 (e) The total number of children disenrolled during the  
 1636 year and the reasons for disenrollment.

1637 (f) The total number of providers by provider type.

1638 (g) A listing of any child care and development school  
 1639 readiness program provider, by type, whose eligibility to  
 1640 deliver the child care and development school readiness program  
 1641 is revoked, including a brief description of the state or  
 1642 federal violation that resulted in the revocation.

1643 (h) An evaluation of its direct enhancement services.

1644 (i) The total number of children served in each provider  
 1645 facility.

1646 (19) Maintain its administrative staff at the minimum  
 1647 necessary to administer the duties of the early learning  
 1648 coalition.

1649 (20) To increase transparency and accountability, comply  
 1650 with ~~the requirements of~~ this section before contracting with a  
 1651 member of the coalition, an employee of the coalition, or a  
 1652 relative, as defined in s. 112.3143(1)(b), of a coalition member  
 1653 or of an employee of the coalition. Such contracts may not be

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1654 executed without the approval of the office. Such contracts, as  
 1655 well as documentation demonstrating adherence to this section by  
 1656 the coalition, must be approved by a two-thirds vote of the  
 1657 coalition, a quorum having been established; all conflicts of  
 1658 interest must be disclosed before the vote; and any member who  
 1659 may benefit from the contract, or whose relative may benefit  
 1660 from the contract, must abstain from the vote. A contract under  
 1661 \$25,000 between an early learning coalition and a member of that  
 1662 coalition or between a relative, as defined in s.  
 1663 112.3143(1)(b), of a coalition member or of an employee of the  
 1664 coalition is not required to have the prior approval of the  
 1665 office but must be approved by a two-thirds vote of the  
 1666 coalition, a quorum having been established, and must be  
 1667 reported to the office within 30 days after approval. If a  
 1668 contract cannot be approved by the office, a review of the  
 1669 decision to disapprove the contract may be requested by the  
 1670 early learning coalition or other parties to the disapproved  
 1671 contract.

1672 Section 26. Section 1002.87, Florida Statutes, is amended  
 1673 to read:

1674 1002.87 Child care and development School readiness  
 1675 program; eligibility and enrollment.—

1676 (1) Effective August 1, 2013, or upon reevaluation of  
 1677 eligibility for children currently served, whichever is later,  
 1678 each early learning coalition shall give priority for  
 1679 participation in the child care and development school readiness  
 1680 program as follows:

1681 (a) Priority shall be given first to a child younger than  
 1682 13 years of age from a family that includes a parent who is

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1683 receiving temporary cash assistance under chapter 414 and  
1684 subject to the federal work requirements.

1685 (b) Priority shall be given next to an at-risk child  
1686 younger than 9 years of age.

1687 (c) Priority shall be given next to a child from birth to  
1688 the beginning of the school year for which the child is eligible  
1689 for admission to kindergarten in a public school under s.  
1690 1003.21(1)(a)2. who is from a working family that is  
1691 economically disadvantaged, and may include such child's  
1692 eligible siblings, beginning with the school year in which the  
1693 sibling is eligible for admission to kindergarten in a public  
1694 school under s. 1003.21(1)(a)2. until the beginning of the  
1695 school year in which the sibling enters ~~is eligible to begin~~ 6th  
1696 grade, provided that the first priority for funding an eligible  
1697 sibling is local revenues available to the coalition for funding  
1698 direct services. However, a child eligible under this paragraph  
1699 ceases to be eligible if his or her family income exceeds 200  
1700 percent of the federal poverty level.

1701 (d) Priority shall be given next to a child of a parent who  
1702 transitions from the work program into employment as described  
1703 in s. 445.032 from birth to the beginning of the school year for  
1704 which the child is eligible for admission to kindergarten in a  
1705 public school under s. 1003.21(1)(a)2.

1706 (e) Priority shall be given next to an at-risk child who is  
1707 at least 9 years of age but younger than 13 years of age. An at-  
1708 risk child whose sibling is enrolled in the child care and  
1709 development school readiness program within an eligibility  
1710 priority category listed in paragraphs (a)-(c) shall be given  
1711 priority over other children who are eligible under this

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1712 paragraph.

1713 (f) Priority shall be given next to a child who is younger  
1714 than 13 years of age from a working family that is economically  
1715 disadvantaged. A child who is eligible under this paragraph  
1716 whose sibling is enrolled in the child care and development  
1717 ~~school readiness~~ program under paragraph (c) shall be given  
1718 priority over other children who are eligible under this  
1719 paragraph. However, a child eligible under this paragraph ceases  
1720 to be eligible if his or her family income exceeds 200 percent  
1721 of the federal poverty level.

1722 (g) Priority shall be given next to a child of a parent who  
1723 transitions from the work program into employment as described  
1724 in s. 445.032 who is younger than 13 years of age.

1725 (h) Priority shall be given next to a child who ~~has special~~  
1726 ~~needs~~, has been determined eligible as an infant or toddler from  
1727 birth to 3 years of age with an individualized family support  
1728 plan receiving early intervention services or as a student with  
1729 a disability with, ~~has~~ a current individual education plan with  
1730 a Florida school district, ~~and is not younger than 3 years of~~  
1731 ~~age~~. A ~~special needs~~ child eligible under this paragraph remains  
1732 eligible until the child is eligible for admission to  
1733 kindergarten in a public school under s. 1003.21(1)(a)2.

1734 (i) Notwithstanding paragraphs (a)-(d), priority shall be  
1735 given last to a child who otherwise meets one of the eligibility  
1736 criteria in paragraphs (a)-(d) but who is also enrolled  
1737 concurrently in the federal Head Start Program and the Voluntary  
1738 Prekindergarten Education Program.

1739 (2) A child care and development school readiness program  
1740 provider may be paid only for authorized hours of care provided

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1741 for a child in the child care and development ~~school readiness~~  
 1742 program. A child enrolled in the Voluntary Prekindergarten  
 1743 Education Program may receive care from the child care and  
 1744 development ~~school readiness~~ program if the child is eligible  
 1745 according to the eligibility priorities in this section.

1746 (3) Contingent upon the availability of funds, a coalition  
 1747 shall enroll eligible children, including those from its waiting  
 1748 list, according to the eligibility priorities in this section.

1749 (4) The parent of a child enrolled in the child care and  
 1750 development ~~school readiness~~ program must notify the coalition  
 1751 or its designee within 10 days after any change in employment,  
 1752 income, or family size. Upon notification by the parent, the  
 1753 child's eligibility must be reevaluated.

1754 (5) A child whose eligibility priority category requires  
 1755 the child to be from a working family ceases to be eligible for  
 1756 the child care and development ~~school readiness~~ program if a  
 1757 parent with whom the child resides does not reestablish  
 1758 employment within 60 days after becoming unemployed.

1759 (6) Eligibility for each child must be reevaluated  
 1760 annually. Upon reevaluation, a child may not continue to receive  
 1761 child care and development ~~school readiness~~ program services if  
 1762 he or she has ceased to be eligible under this section. If a  
 1763 child no longer meets eligibility or program requirements, the  
 1764 coalition must immediately notify the child's parent and the  
 1765 provider that funding will end 2 weeks after the date on which  
 1766 the child was determined to be ineligible or when the current  
 1767 child care authorization expires, whichever occurs first.

1768 (7) If a coalition disenrolls children from the child care  
 1769 and development ~~school readiness~~ program due to lack of funding

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1770 or a change in eligibility priorities, the coalition must  
 1771 disenroll the children in reverse order of the eligibility  
 1772 priorities listed in subsection (1) beginning with children from  
 1773 families with the highest family incomes. A notice of  
 1774 disenrollment must be sent to the parent and child care and  
 1775 development ~~school readiness~~ program provider at least 2 weeks  
 1776 before disenrollment or the expiration of the current child care  
 1777 authorization, whichever occurs first, to provide adequate time  
 1778 for the parent to arrange alternative care for the child.  
 1779 However, an at-risk child receiving services from the Child  
 1780 Welfare Program Office of the Department of Children and  
 1781 Families may not be disenrolled from the program without the  
 1782 written approval of the Child Welfare Program Office ~~of the~~  
 1783 ~~Department of Children and Families~~ or the community-based lead  
 1784 agency.

1785 (8) If a child is absent from the program for 2 consecutive  
 1786 days without parental notification to the program of such  
 1787 absence, the child care and development program provider shall  
 1788 contact the parent and determine the cause for absence and  
 1789 expected date of return. If a child is absent from the program  
 1790 for 5 consecutive days without parental notification to the  
 1791 program of such absence, the child care and development ~~school~~  
 1792 ~~readiness~~ program provider shall report the absence to the early  
 1793 learning coalition for a determination of the need for continued  
 1794 care.

1795 (9) Notwithstanding s. 39.604, a child care and development  
 1796 ~~school readiness~~ program provider, regardless of whether the  
 1797 provider is licensed, shall comply with the reporting  
 1798 requirements of the Rilya Wilson Act for each at-risk child

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1799 under the age of school entry who is enrolled in the school  
1800 readiness program.

1801 Section 27. Section 1002.88, Florida Statutes, is amended  
1802 to read:

1803 1002.88 Child care and development ~~School readiness~~ program  
1804 provider standards; eligibility to deliver the child care and  
1805 development ~~school readiness~~ program.-

1806 (1) To be eligible to deliver the child care and  
1807 development ~~school readiness~~ program, a child care and  
1808 development ~~school readiness~~ program provider must:

1809 (a) 1. Be a nonpublic school in substantial compliance with  
1810 s. 402.3025(2)(d), a child care facility licensed under s.  
1811 402.305, a family child day care home licensed or registered  
1812 under s. 402.313, a large family child care home licensed under  
1813 s. 402.3131, or a child care facility exempt from licensure  
1814 operating under s. 402.316(4); or

1815 2. Be an entity that is part of Florida's education system  
1816 under s. 1000.04(1) a public school or nonpublic school exempt  
1817 from licensure under s. 402.3025, a faith-based child care  
1818 provider exempt from licensure under s. 402.316, a before-school  
1819 or after-school program described in s. 402.305(1)(c), or an  
1820 informal child care provider to the extent authorized in the  
1821 state's Child Care and Development Fund Plan as approved by the  
1822 United States Department of Health and Human Services pursuant  
1823 to 45 C.F.R. s. 98.18.

1824 (b) Provide instruction and activities to enhance the age-  
1825 appropriate progress of each child in attaining the child  
1826 development standards adopted by the office pursuant to s.  
1827 1002.82(2)(j). A provider should include activities to foster

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1828 brain development in infants and toddlers; provide an  
1829 environment that is rich in language and music and filled with  
1830 objects of various colors, shapes, textures, and sizes to  
1831 stimulate visual, tactile, auditory, and linguistic senses; and  
1832 include 30 minutes of reading to children each day. A provider  
1833 must provide parents information on child development,  
1834 expectations for parent engagement, the daily schedule, and the  
1835 attendance policy.

1836 (c) Provide basic health and safety of its premises and  
1837 facilities in accordance with applicable licensing and  
1838 inspection requirements and compliance with requirements for  
1839 age appropriate immunizations of children enrolled in the school  
1840 readiness program. For a child care facility, a large family  
1841 child care home, or a licensed family child day care home,  
1842 compliance with s. 402.305, s. 402.3131, or s. 402.313 satisfies  
1843 this requirement. For a public ~~or nonpublic~~ school, compliance  
1844 with ss. s. 402.3025 or s. 1003.22 and 1013.12 satisfies this  
1845 requirement. For a nonpublic school, compliance with s.  
1846 402.3025(2)(d) satisfies this requirement. For a facility exempt  
1847 from licensure, compliance with s. 402.316(4) satisfies this  
1848 requirement. A provider shall be denied initial eligibility to  
1849 offer the program if the provider has been cited for a Class I  
1850 violation in the 12 months before seeking eligibility. A faith-  
1851 based child care provider, an informal child care provider, or a  
1852 nonpublic school, exempt from licensure under s. 402.316 or s.  
1853 402.3025, shall annually complete the health and safety  
1854 checklist adopted by the office, post the checklist prominently  
1855 on its premises in plain sight for visitors and parents, and  
1856 submit it annually to its local early learning coalition.

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- 1857 (d) Provide an appropriate staff-to-children ratio,  
 1858 pursuant to s. 402.305(4) or s. 402.302(8) or (11), as  
 1859 applicable, and as verified pursuant to s. 402.311.
- 1860 (e) Provide a healthy and safe environment pursuant to s.  
 1861 402.305(5), (6), and (7), as applicable, and as verified  
 1862 pursuant to s. 402.311.
- 1863 (f) Implement one of the curricula approved by the office  
 1864 that meets the child development standards.
- 1865 (g) Implement a character development program to develop  
 1866 basic values.
- 1867 (h) Collaborate with the respective early learning  
 1868 coalition to complete initial screening for each child, aged 6  
 1869 weeks to kindergarten eligibility, within 45 days after the  
 1870 child's first or subsequent enrollment, to identify a child who  
 1871 may need individualized supports.
- 1872 (i) Implement minimum standards for child discipline  
 1873 practices that are age-appropriate and consistent with the  
 1874 requirements in s. 402.305(12). Such standards must provide that  
 1875 children not be subjected to discipline that is severe,  
 1876 humiliating, or frightening or discipline that is associated  
 1877 with food, rest, or toileting. Spanking or any other form of  
 1878 physical punishment is prohibited.
- 1879 (j) Obtain and keep on file record of the child's  
 1880 immunizations, physical development, and other health  
 1881 requirements as necessary, including appropriate vision and  
 1882 hearing screening and examination, within 30 days after  
 1883 enrollment.
- 1884 (k) Implement before-school or after-school programs that  
 1885 meet or exceed the requirements of s. 402.305(5), (6), and (7).

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- 1886 (l) ~~For a provider that is not an informal provider,~~  
 1887 Maintain general liability insurance and provide the coalition  
 1888 with written evidence of general liability insurance coverage,  
 1889 including coverage for transportation of children if child care  
 1890 and development school readiness program children are  
 1891 transported by the provider. A private provider must obtain and  
 1892 retain an insurance policy that provides a minimum of \$100,000  
 1893 of coverage per occurrence and a minimum of \$300,000 general  
 1894 aggregate coverage. The office may authorize lower limits upon  
 1895 request, as appropriate. ~~A provider must add the coalition as a~~  
 1896 ~~named certificateholder and as an additional insured.~~ A private  
 1897 provider must provide the coalition with a minimum of 10  
 1898 calendar days' advance written notice of cancellation of or  
 1899 changes to coverage. The general liability insurance required by  
 1900 this paragraph must remain in full force and effect for the  
 1901 entire period of the provider contract with the coalition.
- 1902 ~~(m) For a provider that is an informal provider, comply~~  
 1903 ~~with the provisions of paragraph (l) or maintain homeowner's~~  
 1904 ~~liability insurance and, if applicable, a business rider. If an~~  
 1905 ~~informal provider chooses to maintain a homeowner's policy, the~~  
 1906 ~~provider must obtain and retain a homeowner's insurance policy~~  
 1907 ~~that provides a minimum of \$100,000 of coverage per occurrence~~  
 1908 ~~and a minimum of \$300,000 general aggregate coverage. The office~~  
 1909 ~~may authorize lower limits upon request, as appropriate. An~~  
 1910 ~~informal provider must add the coalition as a named~~  
 1911 ~~certificateholder and as an additional insured. An informal~~  
 1912 ~~provider must provide the coalition with a minimum of 10~~  
 1913 ~~calendar days' advance written notice of cancellation of or~~  
 1914 ~~changes to coverage. The general liability insurance required by~~

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1915 ~~this paragraph must remain in full force and effect for the~~  
 1916 ~~entire period of the provider's contract with the coalition.~~

1917 ~~(m)(n)~~ Obtain and maintain any required workers'  
 1918 compensation insurance under chapter 440 and any required  
 1919 reemployment assistance or unemployment compensation coverage  
 1920 under chapter 443, unless exempt under state or federal law.

1921 ~~(n)(e)~~ Notwithstanding paragraph (1), for a provider that  
 1922 is a state agency or a subdivision thereof, as defined in s.  
 1923 768.28(2), agree to notify the coalition of any additional  
 1924 liability coverage maintained by the provider in addition to  
 1925 that otherwise established under s. 768.28. The provider shall  
 1926 indemnify the coalition to the extent permitted by s. 768.28.

1927 ~~(o)(p)~~ Execute the standard statewide provider contract  
 1928 adopted by the office.

1929 ~~(p)(q)~~ Operate on a full-time and part-time basis and  
 1930 provide extended-day and extended-year services to the maximum  
 1931 extent possible without compromising the quality of the program  
 1932 to meet the needs of parents who work.

1933 (2) Beginning January 1, 2016, child care personnel  
 1934 employed by a child care and development program provider must  
 1935 hold a high school diploma or its equivalent and be at least 18  
 1936 years of age, unless the personnel are not responsible for  
 1937 supervising children in care or are under direct supervision and  
 1938 are not counted for the purposes of computing the personnel-to-  
 1939 child ratio.

1940 (3) Beginning January 1, 2015, child care personnel  
 1941 employed by a child care and development program provider must  
 1942 be trained in first aid and infant and child cardiopulmonary  
 1943 resuscitation, as evidenced by current documentation of course

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1944 completion, unless the personnel are not responsible for  
 1945 supervising children in care. As a condition of employment,  
 1946 personnel hired on or after January 1, 2015, must complete this  
 1947 training within 30 days after employment.

1948 ~~(4)(2)~~ If a child care and development ~~school readiness~~  
 1949 program provider fails or refuses to comply with this part or  
 1950 any contractual obligation of the statewide provider contract  
 1951 under s. 1002.82(2)(m), the coalition may revoke the provider's  
 1952 eligibility to deliver the child care and development ~~school~~  
 1953 ~~readiness~~ program or receive state or federal funds under this  
 1954 chapter for a ~~period of~~ 5 years.

1955 ~~(5)(3)~~ The office and the coalitions may not:

1956 (a) Impose any requirement on a child care provider or  
 1957 early childhood education provider that does not deliver  
 1958 services under the child care and development ~~school readiness~~  
 1959 program or receive state or federal funds under this part;

1960 (b) Impose any requirement on a child care and development  
 1961 ~~school readiness~~ program provider that exceeds the authority  
 1962 provided under this part or part V of this chapter or rules  
 1963 adopted pursuant to this part or part V of this chapter; or

1964 (c) Require a provider to administer a preassessment or  
 1965 postassessment.

1966 Section 28. Section 1002.89, Florida Statutes, is amended  
 1967 to read:

1968 1002.89 Child care and development ~~School readiness~~  
 1969 program; funding.—

1970 (1) Funding for the child care and development ~~school~~  
 1971 ~~readiness~~ program shall be allocated among the early learning  
 1972 coalitions in accordance with this section and the General

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1973 Appropriations Act.

1974 (2) The office shall administer child care and development  
 1975 ~~school readiness~~ program funds and prepare and submit a unified  
 1976 budget request for the child care and development ~~school~~  
 1977 ~~readiness~~ program in accordance with chapter 216.

1978 (3) All instructions to early learning coalitions for  
 1979 administering this section shall emanate from the office in  
 1980 accordance with the policies of the Legislature.

1981 (4) All cost savings and all revenues received through a  
 1982 mandatory sliding fee scale shall be used to increase the number  
 1983 of children served.

1984 (5) All state, federal, and local matching funds provided  
 1985 to an early learning coalition for purposes of this section  
 1986 shall be used for implementation of its approved child care and  
 1987 development ~~school readiness~~ program plan, including the hiring  
 1988 of staff to effectively operate the child care and development  
 1989 ~~school readiness~~ program.

1990 (6) Costs shall be kept to the minimum necessary for the  
 1991 efficient and effective administration of the child care and  
 1992 development ~~school readiness~~ program with the highest priority  
 1993 of expenditure being direct services for eligible children.  
 1994 However, no more than 5 percent of the funds described in  
 1995 subsection (5) may be used for administrative costs and no more  
 1996 than 22 percent of the funds described in subsection (5) may be  
 1997 used in any fiscal year for any combination of administrative  
 1998 costs, quality activities, and nondirect services as follows:

1999 (a) Administrative costs as described in 45 C.F.R. s.  
 2000 98.52, which must ~~shall~~ include monitoring providers using the  
 2001 standard methodology adopted under s. 1002.82 to improve

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2002 compliance with state and federal regulations and law pursuant  
 2003 to the requirements of the statewide provider contract adopted  
 2004 under s. 1002.82(2)(m).

2005 (b) Activities to improve the quality of child care as  
 2006 described in 45 C.F.R. s. 98.51, which must ~~shall~~ be limited to  
 2007 the following:

2008 1. Developing, establishing, expanding, operating, and  
 2009 coordinating resource and referral programs specifically related  
 2010 to the provision of comprehensive consumer education to parents  
 2011 and the public to promote informed child care choices specified  
 2012 in 45 C.F.R. s. 98.33 ~~regarding participation in the school~~  
 2013 ~~readiness program and parental choice.~~

2014 2. Awarding grants and providing financial support to child  
 2015 care and development ~~school readiness~~ program providers and  
 2016 their staff to assist them in meeting applicable state  
 2017 requirements for child care performance standards, implementing  
 2018 developmentally appropriate curricula and related classroom  
 2019 resources that support curricula, providing literacy supports,  
 2020 obtaining a license or accreditation, and providing professional  
 2021 development, including scholarships and other incentives. Any  
 2022 grants awarded pursuant to this subparagraph shall comply with  
 2023 ~~the requirements of~~ ss. 215.971 and 287.058.

2024 3. Providing training, ~~and~~ technical assistance, and  
 2025 financial support for child care and development ~~school~~  
 2026 ~~readiness~~ program providers, staff, and parents on standards,  
 2027 child screenings, child assessments, developmentally appropriate  
 2028 curricula, character development, teacher-child interactions,  
 2029 age-appropriate discipline practices, health and safety,  
 2030 nutrition, first aid, cardiopulmonary resuscitation, the

Page 70 of 73

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

581-02684C-14 20147114\_\_

2031 recognition of communicable diseases, and child abuse detection  
2032 and prevention.

2033 4. Providing from among the funds provided for the  
2034 activities described in subparagraphs 1.-3., adequate funding  
2035 for infants and toddlers as necessary to meet federal  
2036 requirements related to expenditures for quality activities for  
2037 infant and toddler care.

2038 5. Improving the monitoring of compliance with, and  
2039 enforcement of, applicable state and local requirements as  
2040 described in and limited by 45 C.F.R. s. 98.40.

2041 6. Responding to Warm-Line requests by providers and  
2042 parents ~~related to school readiness program children~~, including  
2043 providing developmental and health screenings to child care and  
2044 development school readiness program children.

2045 (c) Nondirect services as described in applicable Office of  
2046 Management and Budget instructions are those services not  
2047 defined as administrative, direct, or quality services that are  
2048 required to administer the child care and development school  
2049 ~~readiness~~ program. Such services include, but are not limited  
2050 to:

2051 1. Assisting families to complete the required application  
2052 and eligibility documentation.

2053 2. Determining child and family eligibility.

2054 3. Recruiting eligible child care providers.

2055 4. Processing and tracking attendance records.

2056 5. Developing and maintaining a statewide child care  
2057 information system.

2058  
2059 As used in this paragraph, the term "nondirect services" does

581-02684C-14 20147114\_\_

2060 not include payments to child care and development school  
2061 ~~readiness~~ program providers for direct services provided to  
2062 children who are eligible under s. 1002.87, administrative costs  
2063 as described in paragraph (a), or quality activities as  
2064 described in paragraph (b).

2065 (7) Funds appropriated for the child care and development  
2066 ~~school readiness~~ program may not be expended for the purchase or  
2067 improvement of land; for the purchase, construction, or  
2068 permanent improvement of any building or facility; or for the  
2069 purchase of buses. However, funds may be expended for minor  
2070 remodeling necessary for the administration of the program and  
2071 upgrading of child care facilities to ensure that providers meet  
2072 state and local child care standards, including applicable  
2073 health and safety requirements.

2074 Section 29. Subsection (7) of section 1002.91, Florida  
2075 Statutes, is amended to read:

2076 1002.91 Investigations of fraud or overpayment; penalties.-

2077 (7) The early learning coalition may not contract with a  
2078 child care and development school readiness program provider, ~~or~~  
2079 a Voluntary Prekindergarten Education Program provider, or an  
2080 individual who is on the United States Department of Agriculture  
2081 National Disqualified List. In addition, the coalition may not  
2082 contract with any provider that shares an officer or director  
2083 with a provider that is on the United States Department of  
2084 Agriculture National Disqualified List.

2085 Section 30. Paragraph (d) of subsection (3) of section  
2086 1002.94, Florida Statutes, is amended to read:

2087 1002.94 Child Care Executive Partnership Program.-

2088 (3)



581-02684C-14

20147114\_\_

2089 (d) Each early learning coalition shall establish a  
2090 community child care task force ~~for each child care purchasing~~  
2091 ~~pool~~. The task force must be composed of employers, parents,  
2092 private child care providers, and one representative from the  
2093 local children's services council, if one exists in the area ~~of~~  
2094 ~~the purchasing pool~~. The early learning coalition is expected to  
2095 recruit the task force members from existing child care  
2096 councils, commissions, or task forces already operating in the  
2097 area ~~of a purchasing pool~~. A majority of the task force shall  
2098 consist of employers.

2099 Section 31. 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)



3-25-14  
Meeting Date

Topic Education - Early Learning

Bill Number 7114  
*(if applicable)*

Name Matt Guse

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title CEO - Early Learning Coalition of Big Bend

Address 1940 N. Monroe Street  
*Street*  
Tallahassee FL 32303  
*City State Zip*

Phone 850-552-7338

E-mail mguse@ekbigbend.org

Speaking:  For  Against  Information

Representing Association of Early Learning Coalitions

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.**

585

**STATE OF FLORIDA  
DEPARTMENT OF STATE  
Division of Elections**

I, Ken Detzner, Secretary of State,  
do hereby certify that

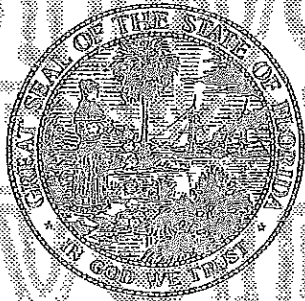
*Rebecca Fishman Lipsey*

is duly appointed a member of the

**State Board of Education**

for a term beginning on the  
First day of January, A.D., 2014,  
until the Thirty-First day of December, A.D., 2017  
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 Sixteenth day of January, A.D., 2014*



*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  
DEPT OF STATE

2014 JAN 15 PM 5:03

DIVISION OF ELECTIONS  
TALLAHASSEE, FL

STATE OF FLORIDA

County of Miami-Dade

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 Education, Member

(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.]

Rebecca Fishman Lipsey

Signature

Sworn to and subscribed before me this 11 day of December, 2013.

Jay S. Lipsey

Signature of Officer Administering Oath or of Notary Public

Jay S. Lipsey

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

3330 NE 190<sup>th</sup> St, #1110  
Street or Post Office Box

Aventura FL 33180  
City, State, Zip Code

Rebecca Fishman Lipsey  
Print name as you desire commission issued

[Signature]  
Signature



**RICK SCOTT**  
GOVERNOR

14 JAN -7 PM 2:26

DIVISION OF ELECTIONS  
SECRETARY OF STATE

December 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:

Ms. Rebecca F. Lipsey  
3330 Northeast 190th Street  
Number 1110  
Aventura, Florida 33180

as a member of the State Board of Education, succeeding Kathleen Shanahan, subject to confirmation by the Senate. This appointment is effective January 1, 2014, for a term ending December 31, 2017.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Scott".

Rick Scott  
Governor

RS/pb

107316

# QUESTIONNAIRE FOR SENATE CONFIRMATION

RECEIVED  
STATE

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.

2014 JAN 15 PM 5:03

12.2.13

DIVISION OF ELECTIONS  
TALLAHASSEE, FL  
FISHMAN

1. Name: MS LIPSEY REBECCA  
Mr./Mrs./Ms. Last First Middle/Maiden

2. Business Address: 3330 NE 190<sup>th</sup> ST 1110 AVENTURA  
Street Office # City  
FL 33180 786.510.6559  
Post Office Box State Zip Code Area Code/Phone Number

3. Residence Address: 3330 NE 190<sup>th</sup> ST, #1110 AVENTURA MIAMI-DADE  
Street City County  
FL 33180 786 510 6559  
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>3330 NE 190<sup>th</sup> ST, 1110</u>	<u>Aventura FL 33180</u>	<u>5/2013</u>	<u>current</u>
<u>3501 Keyser Ave, 39</u>	<u>Hollywood FL 33021</u>	<u>2/2009</u>	<u>5/2013</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>240 East 82<sup>nd</sup> St</u>	<u>New York NY</u>	<u>4/2008</u>	<u>11/2008</u>
<u>220 West 98<sup>th</sup> St</u>	<u>New York NY</u>	<u>6/2004</u>	<u>4/2008</u>
<u>4023 Locust Ave</u>	<u>Philadelphia PA</u>	<u>6/2003</u>	<u>6/2004</u>
<u>3901 Locust walk</u>	<u>Philadelphia PA</u>	<u>9/2002</u>	<u>6/2003</u>

5. Date of Birth: 4.10.81 Place of Birth: New York, NY

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

REBECCA LYNN FISHMAN

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? 2/2009

11. Are you a registered Florida voter? Yes  No  If "Yes" list:

A. County of Registration: miami-dade

B. Current Party Affiliation: Republican

12. Education

A. High School: Beit Torah Academy, Suffern NY Year Graduated: 1999  
(Name and Location)

B. List all postsecondary educational institutions attended:

Name & Location	Dates Attended	Certificates/Degrees Received
University of Pennsylvania, Philadelphia PA	Fall 2000 - Winter 2003	BA Psychology BA Communication
Bank Street College of Education, NY, NY	Fall 2004 - Summer 2006	Ed.M

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
11/01/2012	Miami, FL	Red light camera ticket	Adjudication withheld, no penalty

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
Radical Partners LLC, 3330 NE 190th St, 1110 Aventura FL 33180	management consulting	CEO	10/2012 - current
Teach For America, 3252 NE 1st Ave, Miami FL 33137	Education non-profit	Executive Director	11/2008 - 10/2012

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:

Position	Employing Agency	Period of Employment
----------	------------------	----------------------

17. A. State your experiences and interests or elements of your personal history that qualify you for this appointment.

I am deeply committed to educational excellence for all children. I taught in an inner-city school for two years, and know how much teachers do, and what challenges they face, and have deep respect for the profession and field. As Executive Director of Teach For America I recruited, trained and supported hundreds of teachers working in inner city schools in South Florida. I look forward to bringing the perspective I gained from that work to the table.

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:

I have a masters in education from Bank Street College of Education

C. Have you received any awards or recognitions relating to the subject matter of this appointment? Yes  No  If "Yes", list:

As E.D. of TFA I received the International State Award for women in business in the category: BEST Non-profit Executive. In my recent work I was named 'BEST ROLE MODEL' by Miami Today Magazine.

D. Identify all association memberships and association offices held by you that relate to this appointment:

Board member, Overtown Music Project  
Advisory Council member, Our Miami

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>
Team For America	Former Employee	*** received state support through a
HAWK Foundation	consultant on recruitment, training	The foundation facilitates workshops
New Classrooms	Former consultant	New classrooms is exploring partnerships in FL

rate to the top grant across the country, include in FL

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>
<u>RISE ACADEMY</u>	<u>HUSBAND</u>	<u>FORMER PART TIME CONSULTANT</u>	<u>RISE managed a school in Florida</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>
<u>Leslie Miller Sainz</u>			
<u>Vance Alowis</u>			
<u>Christine Conforti</u>			

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>
<u>Young Israel of Hollywood</u>	<u>3291 Stirling Rd, Ft Lauderdale FL 33312</u>	<u>Sisterhood 2<sup>nd</sup> VP</u>	<u>Fall 2010 - Spring 2013</u>
<u>Greater Miami Chamber of Commerce</u>	<u>1601 Biscayne Blvd Miami FL 33132</u>	<u> </u>	<u>Winter 2009 - Fall 2012</u>

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**

2014 JAN 15 PM 5:03

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

DIVISION OF ELECTIONS  
TALLAHASSEE, FL

Before me, the undersigned Notary Public of Florida, personally appeared

Rebecca Fishman Lipsey

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.

[Handwritten Signature]

Signature of Applicant-Affiant

Sworn to and subscribed before me this 11<sup>th</sup> day of December, 2013.

[Handwritten Signature]  
Signature of Notary Public-State of Florida

Jay S. Lipsey

(Print, Type, or Stamp Commissioned Name of Notary Public)

My commission expires: March 3, 2015

Personally Known  OR Produced Identification

Type of Identification Produced N/A

(seal)



3000<sup>S</sup>

**STATE OF FLORIDA  
DEPARTMENT OF STATE  
Division of Elections**

I, Ken Detzner, Secretary of State,  
do hereby certify that

*Kimberly Ann Moore*

is duly appointed a member of the

**Board of Trustees,  
Florida Agricultural and Mechanical  
University**

for a term beginning on the  
Twentieth 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-Third day of August, A.D., 2013.*

*Ken Detzner*

Secretary of State

DSDE 99 (3/03)

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 24 AM 9:44

DEPARTMENT OF STATE  
DIVISION OF ELECTIONS

STATE OF FLORIDA

County of Leon

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 A & M University - 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.]

Kimberly A. Moore  
Signature

Sworn to and subscribed before me this 19th day of July, 2013

Vanessa Roberts  
Signature of Officer Administering Oath or of Notary Public

Vanessa Roberts  
Print, Type, or Stamp Commissioned Name of Notary Public



VANESSA K. ROBERTS  
MY COMMISSION # EE 193081  
EXPIRES: April 27, 2016  
Bonded Thru Budget Notary Services

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

444 Appleyard Drive - Bldg 38  
Street or Post Office Box

Tallahassee, FL 32304  
City, State, Zip Code

Kimberly A. Moore

Print name as you desire commission issued

Kimberly A. Moore  
Signature



STATE  
UNIVERSITY  
SYSTEM  
of FLORIDA  
Board of Governors

RECEIVED  
DEPARTMENT OF STATE  
2013 JUL -1 AM 10:27  
FLORIDA DEPARTMENT OF STATE  
DIVISION OF ELECTIONS

Office of the Chancellor  
325 West Gaines Street, Suite 1614  
Tallahassee, FL 32399  
Phone 850.245.0466  
Fax 850.245.9685  
www.flbog.edu

June 28, 2013

Ms. Kimberly Ann Moore  
444 Appleyard Drive, Building 38  
Tallahassee, Florida 32304

Dear Ms. Moore:

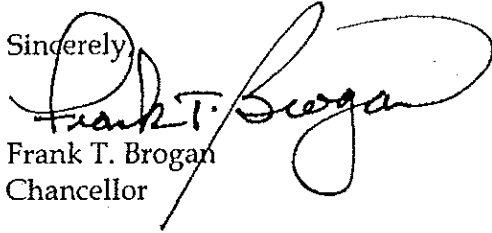
On Thursday, June 20, 2013, the Florida Board of Governors approved the recommendation made by its Trustee Nominating and Development Committee to appoint you as a member of the Florida A&M University Board of Trustees. Please accept our congratulations.

The appointment acknowledges your record of public service and numerous career milestones. Your achievements are sure to provide expertise to the State University System of Florida and the Florida A&M University as you serve in the capacity of a trustee. The appointment, subject to confirmation by the Florida Senate, and your attendance of a System orientation session conducted by the Board of Governors, is for a term that began June 20, 2013 and ends on January 6, 2018.

Your role as a trustee is vital to the governance and success of our System. Members of the Board of Governors rely on all the university trustees to provide due diligence in their management responsibilities for our universities.

Thank you for your willingness to serve. We look forward to working with you as a member of the Florida A&M University Board of Trustees.

Sincerely,

  
Frank T. Brogan  
Chancellor

- c: Dean Colson, Chair, Board of Governors  
Mori Hosseini, Chair, Trustee Nominating and Development Committee  
Chuck Badger, Chair, Board of Trustees  
Larry Robinson, Interim President, Florida A&M University  
Linda Barge-Miles, Board of Trustees Liaison  
Monoka Venters, Corporate Secretary



STATE  
UNIVERSITY  
SYSTEM  
of FLORIDA  
Board of Governors

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2013 JUL -1 AM 10:27  
DIVISION OF ELECTIONS

Office of the Chancellor  
325 West Gaines Street, Suite 1614  
Tallahassee, FL 32399  
Phone 850.245.0466  
Fax 850.245.9685  
www.flbog.edu

June 28, 2013

MEMORANDUM

To: Ms. Inez Williams

From: Monoka Venters *MV*  
Corporate Secretary

Subject: Appointment to the University Board of Trustees by the  
Board of Governors, June 20, 2013

This is to advise you that the Board of Governors approved the following appointment to the University Board of Trustees, on Thursday, June 20, 2013.

To the Florida A&M University Board of Trustees: Ms. Kimberly Ann Moore was appointed for a term ending January 6, 2018, to the seat previously held by Mr. C. William "Bill" Jennings.

Attached is a copy of the letter from Chancellor Frank T. Brogan.

Thank you for your assistance in processing this appointment for her Senate confirmation. Please call me if you need additional information.

MV/ml

Enclosures



30773

105212

# 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.

July 12, 2013

Date Completed

1. Name: MS. Moore Kimberly Ann  
Mr./Mrs./Ms. Last First Middle/Maiden

2. Business Address: 444 Appleyard Drive, Building 38 Tallahassee  
Street Office # City  
850-201-6061  
Area Code/Phone Number

Post Office Box State Zip Code

3. Residence Address: 4149 Ridge Haven Road Tallahassee Leon  
Street City County  
850-942-9992  
Area Code/Phone Number

Post Office Box State Zip Code

Specify the preferred mailing address: Business  Residence  Fax # \_\_\_\_\_ (optional)

4. A. List all your places of residence for the last five (5) years.

4149 Ridge Haven Road Tallahassee, FL March 2007 Present

B. List all your former and current residences outside of Florida that you have maintained at any time during adulthood.

25 Garretts Point Meigs, GA December 2005 Present

5. Date of Birth: 12/23/71 Place of Birth: Monticello, FL

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

Kimberly Moore - Mitchell

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2013 AUG 23 AM 9:24  
DIVISION OF ELECTIONS

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? 1971

11. Are you a registered Florida voter? Yes  No  If "Yes" list:

A. County of Registration: Leon B. Current Party Affiliation: Democrat

12. Education

A. High School: Madison County High School Year Graduated: 1989  
(Name and Location)

B. List all postsecondary educational institutions attended:

<u>Name &amp; Location</u>	<u>Dates Attended</u>	<u>Certificates/Degrees Received</u>
Tallahassee Community College	01/91 - 05/93	Associate of Arts
Florida State University	01/94 - 04/95	Bachelors of Science
Webster University	08/04 - 05/06	Masters of Business Administration

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>
Tallahassee Community College	Educational Institution	VP for Workforce Development	03/13 - Present
WORKFORCE plus	Regional Workforce Board	Chief Executive Officer	09/01 - 02/13

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>
Revenue Specialist II	Department of Revenue	08/95 - 08/97

17. A. State your experiences and interests or elements of your personal history that qualify you for this appointment.

My interest in the appointment as trustee is two-fold, with the primary reason being a recognition of what education has meant to me as the first member of my family to earn a college degree. Moreover, how that education coupled with hard work has afforded me the opportunity to carry out my childhood dream of becoming a CEO. As a result of my own life experiences, I have a keen desire to pay it forward and ensure that others will have an opportunity to live out their dreams. Secondly, my experience in leading a recognized company whose primary objective was to foster trust at all levels, ensure transparency and accountability with outcomes, serves as direct evidence of my ability to provide value and strong leadership as a trustee.

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:

Master of Business Administration

C. Have you received any awards or recognitions relating to the subject matter of this appointment? Yes  No  If "Yes", list:

Tallahassee Community Distinguished Alumnae - 2006

Keiser University - Advisory Board Member of Distinction Award - 2008

Florida A&M University - Small Business Development Center - 2010 Small Business Champion Award

D. Identify all association memberships and association offices held by you that relate to this appointment:

National Association of Workforce Development Professionals

Lively Technical Center Student Advisory Council - Chair 2005 - 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):

<u>Office Title</u>	<u>Date of Election or Appointment</u>	<u>Term of Office</u>	<u>Level of Government</u>
---------------------	--	-----------------------	----------------------------

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>
WORKFORCE plus	Chief Executive Officer	Legislatively established sub-recipient of funding
_____	_____	_____
_____	_____	_____
_____	_____	_____

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>
Tim Meenan			
Bill College			
Martin Shipman			

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>
(See attached)			

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

Question #28:

1. Leon County Economic Development Council  
100 N Duval Street  
Tallahassee, Florida 32301  
Member Since 2005 - 2013  
Positions Held: Executive Committee member
2. Leon County Enterprise Zone Development Agency (EZDA)  
317 E. Call Street  
Tallahassee, Florida 32301  
Member Since 2006 - 2013  
Positions Held: Board Member
3. Lively Student Advisory Council  
500 N. Appleyard Drive  
Tallahassee, Florida 32304  
Member Since 2005  
Positions Held: Chair (8 years)
4. Keiser University Business Advisory Council  
1700 Halstead Boulevard  
Tallahassee, Florida 32309  
Member Since 2007  
Positions Held: Council member
5. Wakulla County Chamber of Commerce  
23 High Drive  
Crawfordville, Florida 32327  
Member Since 2007  
Positions Held: Secretary, Treasurer, President, Past President
6. Florida's Great Northwest  
4471 Legendary Drive  
Destin, Florida 32541  
Member Since: 2006 - 2011; 2013  
Positions Held: Board Member
7. Human Services Grant Review Committee  
301 S. Monroe Street, #100  
Tallahassee, Florida 32301  
Member Since: Two terms (1/13/2004 - 12/31/2005) and (2/16/2008 - current)  
Positions Held: Committee member
8. City of Tallahassee Airport Advisory Committee  
300 South Adams Street  
Tallahassee, Florida 32301  
Member Since: 2012  
Positions Held: Committee member

9. Leon County Research and Development Authority  
1736 W Paul Dirac Drive  
Tallahassee, Florida 32310  
Member Since: 2013  
Positions Held: Governor
  
10. Early Learning Coalition of the Big Bend  
325 John Knox Road, Building L201  
Tallahassee, Florida 32303  
Member Since: 2005 - 2013  
Positions Held: Executive Committee member; Finance Committee Chair (3 years); Advocacy Committee; CEO Selection Committee
  
11. United Partners for Human Services  
317 E. Call Street  
Tallahassee, Florida 32301  
Member Since 2006  
Positions Held: Board Member
  
12. United Way of the Big Bend  
307 E. Seventh Avenue  
Tallahassee, Florida 32303  
Member: 2006-2012 (Termed Out)  
Positions Held: Investment Committee Chair; Finance Committee Chair; CIAR Chair Elect
  
13. Florida Juvenile Justice Foundation  
2767 Centerview Drive  
Knight Building Room 3216  
Tallahassee, Florida 32399  
Member Since 2011  
Positions Held: Director, Vice-Chair

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**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

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DIVISION OF ELECTIONS



CERTIFICATION

STATE OF FLORIDA  
COUNTY OF Leon

Before me, the undersigned Notary Public of Florida, personally appeared Kimberly A. Moore,  
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

Sworn to and subscribed before me this 5<sup>th</sup> day of August, 2013.

[Signature]  
Signature of Notary Public-State of Florida



(Print, Type, or Stamp Commissioned Name of Notary Public)

My commission expires: March 7, 2015

Personally Known  OR Produced Identification

Type of Identification Produced \_\_\_\_\_

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DIVISION OF ELECTIONS

(seal)

Amended

A black and white copy of this document is not official

3010  
Amended

STATE OF FLORIDA  
DEPARTMENT OF STATE  
Division of Elections

I, Ken Detzner, Secretary of State,  
do hereby certify that

*Alex Martins*

is duly appointed a member of the

Board of Trustees,  
University of Central Florida

for a term beginning on the  
Twenty-First day of November, 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 Eleventh day of March, A.D., 2014.

*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.)

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2014 JAN 31 AM 11:16

STATE OF FLORIDA

County of Orange

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

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.]

Alex Martins  
Signature

Sworn to and subscribed before me this 29th day of January, 2014

Gail S. Johnson  
Signature of Officer Administering Oath or Notary Public

Print, Type, or Stamp Commissioned Name of Notary Public  
Notary Public State of Florida  
Gail S. Johnson  
My Commission EE013470  
Expires 09/03/2014

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

400 W. Church Street, Ste. 250

Street or Post Office Box

Orlando, FL 32801

City, State, Zip Code

Alex Martins

Print name as you desire commission issued

Alex Martins  
Signature



STATE  
UNIVERSITY  
SYSTEM  
of FLORIDA  
Board of Governors

Office of the Chancellor  
325 West Gaines Street, Suite 1614  
Tallahassee, FL 32399  
Phone 850.245.0466  
Fax 850.245.9685  
www.flbog.edu

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2013 NOV 27 AM 10:09  
DEPARTMENT OF STATE  
DIVISION OF ELECTIONS

November 26, 2013

Mr. Alexander Martins  
Orlando Magic  
8701 Maitland Summit Boulevard  
Orlando, Florida 32810

Dear Mr. Martins:

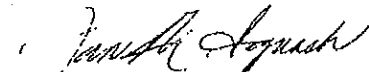
On Thursday, November 21, 2013, the Florida Board of Governors approved the recommendation made by its Trustee Nominating and Development Committee to appoint you as a member of the University of Central Florida Board of Trustees. Please accept our congratulations.

The appointment acknowledges your record of public service and numerous career milestones. Your achievements are sure to provide expertise to the State University System of Florida and the University of Central Florida as you serve in the capacity of a trustee. The appointment, subject to confirmation by the Florida Senate, and your attendance of a System orientation session conducted by the Board of Governors, is for a term that began November 21, 2013 and ends on January 6, 2016.

Your role as a trustee is vital to the governance and success of our System. Members of the Board of Governors rely on all the university trustees to provide due diligence in their management responsibilities for our universities.

Thank you for your willingness to serve. We look forward to working with you as a member of the University of Central Florida Board of Trustees.

Sincerely,

  
Jan M. Ignash  
Interim Chancellor

c: Dean Colson, Chair, Board of Governors  
Mori Hosseini, Chair, Trustee Nominating and Development Committee  
Olga Calvet, Chair, Board of Trustees  
John Hitt, President, University of Central Florida  
Rick Schell, Board of Trustees Liaison  
Monoka Venters, Corporate Secretary



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SYSTEM  
of FLORIDA  
Board of Governors

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DIVISION OF ELECTIONS

Office of the Chancellor  
325 West Gaines Street, Suite 1614  
Tallahassee, FL 32399  
Phone 850.245.0466  
Fax 850.245.9685  
www.flbog.edu

November 26, 2013

MEMORANDUM

To: Ms. Inez Williams

From: Monoka Venters *Monoka*  
Corporate Secretary

Subject: Appointment to the University Board of Trustees by the  
Board of Governors, November 21, 2013

This is to advise you that the Board of Governors approved the following appointment to the University Board of Trustees, on Thursday, November 21, 2013.

To the University of Central Florida Board of Trustees: Mr. Alexander Martins was appointed for a term ending January 6, 2016, to the seat vacated by the resignation of Ms. Meg Crofton.

Attached is a copy of the letter from Interim Chancellor Jan M. Ignash.

Thank you for your assistance in processing this appointment for his Senate confirmation. Please call me if you need additional information.

MV/ml

Enclosures

# 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.

JAN 21 AM 9:51  
12.21.13  
DIVISION OF ELECTIONS  
SECRETARY OF STATE  
Date Completed

1. Name: Martins Alexander  
Mr./Mrs./Ms. Last First Middle/Maiden

2. Business Address: 400 W. Church Street Suite 250 Orlando  
Street Office # City  
FL 32801 407/916-2406  
Post Office Box State Zip Code Area Code/Phone Number

3. Residence Address: 2703 Phillips Park Ct. Winter Park Orange  
Street City County  
FL 32789 407/788-7169  
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>2703 Phillips Park Ct.</u>	<u>Winter Park, FL</u>	<u>7/07</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>1420 Whitney Isle Dr</u>	<u>Windsormere FL</u>	<u>1/04</u>	<u>7/07</u>
<u>Poeyfarce St.</u>	<u>New Orleans, LA</u>	<u>1/02</u>	<u>1/04</u>
	<u>Beachwood, OH</u>	<u>1/98</u>	<u>1/00</u>
	<u>Orlando, FL</u>	<u>1/00</u>	<u>1/02</u>
	<u>Orlando, FL</u>	<u>4/89</u>	<u>12/97</u>

5. Date of Birth: 1-12-64 Place of Birth: Newark, NJ

6. Social Security Number: \_\_\_\_\_

7. Driver License Number: \_\_\_\_\_ using State: Florida

8. Have you ever used or been known by any other legal name? Yes  No  If "Yes" Explain  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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? 2004

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: St. Cecilia HS, Kearny, NJ 07032 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>
<u>Villanova University, Villanova, PA</u>	<u>9/82 - 5/86</u>	<u>B.S.B.A</u>
<u>University of Central Florida</u>	<u>9/00 - 12/01</u>	<u>M.B.A</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:

<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>
<u>Orlando Magic 8701 Maitland Summit Blvd, Orlando, FL</u>	<u>Professional Basketball</u>	<u>CEO</u>	<u>7/06 - 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>

17. A. State your experiences and interests or elements of your personal history that qualify you for this appointment.

Alumni of UCF Business School - (MBA) - Various Community  
boards including Chair of Central Florida Partnership, Chair of  
Economic Development Commission of Central Florida  
Visit Orlando, Central Florida Commission on Homelessness,  
Coalition for the Homeless of Central Florida, Florida  
Hospital for Children

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:

MBA - University of Central Florida

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:

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>



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>
Greg Lee			
Mike Auger			
Charles Freeman			

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>
Metro Orlando EDC		Chair (2012)	2006 - present
Central Florida Partnership		Chair (2011)	2006 - present
Cent. FL Commission on Homeless Bd Member			2008 - present
Visit Orlando		Bd Member	2008 - 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

RECEIVED

14 JAN 24 AM 9:51

**MEMORANDUM**

DIVISION OF ELECTIONS  
SECRETARY OF STATE

**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

14 JAN 24 AM 9: 5

STATE OF FLORIDA  
COUNTY OF Polk

DIVISION OF ELECTIONS  
SECRETARY OF STATE

Before me, the undersigned Notary Public of Florida, personally appeared \_\_\_\_\_,

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.

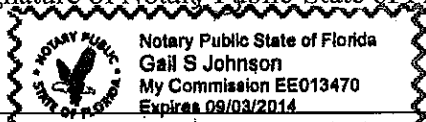
*[Handwritten Signature]*

Signature of Applicant-Affiant

Sworn to and subscribed before me this 22nd day of January, 2013.

*[Handwritten Signature]*

Signature of Notary Public-State of Florida



(Print, Type, or Stamp Commissioned Name of Notary Public)

My commission expires: 2014

Personally Known  OR Produced Identification

Type of Identification Produced \_\_\_\_\_

(seal)

*Amended*

A black and white copy of this document is not official.

**STATE OF FLORIDA  
DEPARTMENT OF STATE  
Division of Elections**

I, Ken Detzner, Secretary of State,  
do hereby certify that

*John W. Saputo*

is duly appointed a member of the

**Board of Trustees,  
New College of Florida**

for a term beginning on the  
Sixth day of February, A.D., 2014,  
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 Thirteenth day of March, A.D., 2014.*

*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.

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DEPARTMENT OF  
2014 MAR 13 AM 10:25  
DIVISION OF ELECTIONS

# OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

STATE OF FLORIDA

County of SARASOTA

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

NEW COLLEGE OF 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.]

[Signature]  
Signature

Sworn to and subscribed before me this 27 day of FEBRUARY, 2014.

[Signature]  
Signature of Officer Administering Oath or of Notary Public



Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known  OR Produced Identification

Type of Identification Produced: FLORIDA DRIVERS LICENSE

-----

# ACCEPTANCE

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DEPARTMENT OF STATE  
2014 MAR 13 AM 10:25  
DIVISION OF ELECTIONS

I accept the office listed in the above Oath of Office.

Mailing Address:      Home      Office

7057 WIRELESS COURT  
Street or Post Office Box

SARASOTA, FL. 34240  
City, State, Zip Code

JOHN W. SARUTO  
Print name as you desire commission issued

*John W. Saruto*  
Signature

*Amended* 19743



**RICK SCOTT**  
GOVERNOR

RECEIVED  
14 MAR 19 PM 4:00

DIVISION OF ELECTIONS  
SECRETARY OF STATE

March 17, 2014

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 amended the following reappointment under the provisions of Section 1004.32, Florida Statutes:

Mr. John W. Saputo  
7051 Wireless Court  
Sarasota, Florida 34240

as a member of the Board of Trustees, New College of Florida, subject to confirmation by the Senate. This appointment is effective February 6, 2014 for a term ending January 6, 2018.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Scott".

Rick Scott  
Governor

RS/pb



108006

# 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.

3/3/2014

Date Completed

1. Name: Mr. Saputo John William  
Mr./Mrs./Ms. Last First Middle/Maiden

2. Business Address: 7051 Wireless Court Sarasota  
Street Office # City  
Florida 34240 941-355-7685  
Post Office Box State Zip Code Area Code/Phone Number

3. Residence Address: 10 Lighthouse Point Drive Longboat Key Sarasota  
Street City County  
Florida 34228 941-650-3139  
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
10 Lighthouse Point Drive	Longboat Key, Florida	1996	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
100 Green Hills Drive	Rock Mount, NC	1987
605 Down Patrick Lane	Raleigh, NC	1977
	Canton, MI	1975

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DIVISION OF ELECTIONS  
2004 MAR 23 AM 10:24

5. Date of Birth: 4-3-1950 Place of Birth: Detroit, MI

6. Social Security Number: \_\_\_\_\_

7. Driver License Number: \_\_\_\_\_ Driving State: Florida

8. Have you ever used or been known by any other legal name? Yes  No  If "Yes" Explain  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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? 1996 \_\_\_\_\_

11. Are you a registered Florida voter? Yes  No  If "Yes" list:

A. County of Registration: Sarasota

B. Current Party Affiliation: Republican

12. Education

A. High School: University of Detroit Jesuit High School & Academy Detroit, MI Year Graduated: 1968  
(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>Boston College</u>	<u>1968-1972</u>	<u>B.S. Degree in Accounting Graduated Summa Cum Laude</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: 1969-2007

B. Branch or Component: USMCR

C. Date & type of discharge: June 1, 2007, Retired

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>
<u>Gold Coast Eagle Distributing</u>	<u>Beer Distributor</u>	<u>President/Owner</u>	<u>11/1/1996 - 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:

<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.

- Graduated Summa Cum Laude from Boston College
- Appointed to New College of Florida Board of Trustees 2009-2013
- Retired from the US Marine Corps Reserve with the rank of Colonel & Top Secret SCI Security Clearance
- Awarded a Bronze Star with Combat V Device for Valor – Desert Shield/Storm
- Awarded the Defense Meritorious Service Medal – US Central Command
- Involved in hundreds of community and charity events throughout the year

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:

- 2013 John A. Clarke Humanitarian of the Year Award
- 2013 All Faith's Food Bank Service to Community Award
- 2012 Goodwill Manasota Ambassador of the Year
- 2011 Sandies Award for Corporate Philanthropy

D. Identify all association memberships and association offices held by you that relate to this appointment:

- New College of Florida Board of Trustees 2009-2013
- 
- 
- 
- 

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>

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: Board of Trustees, New College of Florida

B. Term of Appointment: May 12, 2009 – January 6, 2013

C. Confirmation results: Confirmed April 27, 2010

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>
Manufacturers/Distributors	WSL6800264 11/1996	State of Florida	
Federal Employer ID Number	65-0710195 11/1996	IRS	

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>
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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>
University of Florida	Daughter	None	Student Victims Advocate/Counselor

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>
Congressman Vern Buchanan			
Senator Bill Galvano			
Representative Greg Steube			
John Colon			7

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>
New College of Florida	5800 Bay Shore Rd. Sarasota, FL 34243	Board of Trustees	2009-2013
Sarasota Chamber of Commerce	1945 Fruitville Rd. Sarasota, FL 34236	Board of Directors	current
Florida Beer Wholesalers Assn.	215 S. Monroe St. Ste. 340 Tallahassee, FL 32301	Board	2000 - current

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

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2014 MAR 13 AM 10: 25  
DEPARTMENT OF STATE  
DIVISION OF ELECTIONS

CERTIFICATION

STATE OF FLORIDA  
COUNTY OF Sarasota

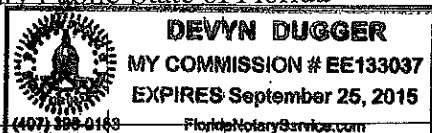
Before me, the undersigned Notary Public of Florida, personally appeared

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 28<sup>TH</sup> day of FEBRUARY, 2014.

  
Signature of Notary Public-State of Florida



(Print, Type, or Stamp Commissioned Name of Notary Public)

My commission expires: SEPTEMBER 25, 2015

OR Produced Identification

Personally Known \_\_\_\_\_

Type of Identification Produced

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2014 MAR 13 AM 10:25  
DIVISION OF ELECTIONS

(seal)

# Senate Confirmation Questionnaire

Please mail to: Room316, 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: New College of Florida Board of Trustees

2. Current Employer and Occupation: President/Owner Gold Coast Eagle Distributing

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 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.

John W. Saputo

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

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A black and white copy of this document is not official

3033

STATE OF FLORIDA  
DEPARTMENT OF STATE  
Division of Elections

I, Ken Detzner, Secretary of State,  
do hereby certify that

*Richard P. Hallion*

is duly appointed a member of the  
**Board of Trustees,**  
**Florida Polytechnic University**

for a term beginning on the  
Tenth day of June, A.D., 2013,  
until the Fifteenth day of July, A.D., 2014  
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 Nineteenth day of July, 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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2013 JUL 18 AM 10:12

FLORIDA  
DIVISION OF ELECTIONS

STATE OF FLORIDA

County of Okaloosa

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 Polytechnic 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.]

Richard P. Hallion  
Signature

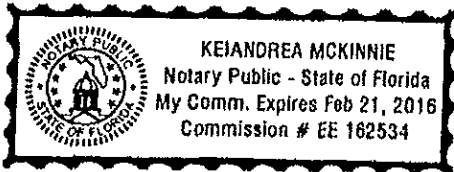
Sworn to and subscribed before me this 15 day of July, 2013.

Keandrea McKinnie  
Signature of Officer Administering Oath or of Notary Public

Keandrea McKinnie  
Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known  OR Produced Identification

Type of Identification Produced USAF Retired Dep ID



## ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address:  Home  Office

897 The Masters Blvd  
Street or Post Office Box

Shalimar, FL 32579-1665  
City, State, Zip Code

Dr. Richard P. Hallion  
Print name as you desire commission issued

Dr. Richard P. Hallion  
Signature



STATE UNIVERSITY SYSTEM  
of FLORIDA  
Board of Governors

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2013 JUL -1 AM 10:28  
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Office of the Chancellor  
325 West Gaines Street, Suite 1614  
Tallahassee, FL 32399  
Phone 850.245.0466  
Fax 850.245.9685  
www.flbog.edu

June 28, 2013

MEMORANDUM

To: Ms. Inez Williams

From: Monoka Venters, Corporate Secretary *MV*

Subject: Re-appointments to the Florida Polytechnic University Board of Trustees by the Board of Governors

This memo is to advise you that the Board of Governors approved the following re-appointments to the Florida Polytechnic University Board of Trustees, on Monday, June 10, 2013. All re-appointments were made because the Senate took no action on the appointees during the 2013 Legislative Session. Paragraph (1)(e) of Section 114.05, Florida Statutes, provides that a vacancy exists in the office when the Senate fails to take action on an appointee prior to adjournment sine die; however, an appointee may be re-appointed.

To the Florida Polytechnic University Board of Trustees: Dr. Richard Hallion and Mr. Don Wilson were re-appointed for terms ending July 15, 2014. Mr. Frank T. Martin and Dr. Sandra Featherman were re-appointed for terms ending July 15, 2015. Mr. William Mitchell Brown was re-appointed for a term ending November 7, 2017. All trustees are appointed to the seat that they previously held.

Attached are copies of the letters from Chancellor Frank T. Brogan.

Thank you for your assistance in processing these appointments for their Senate confirmation. Please contact me at (850) 245-9718 or [monoka.venters@flbog.edu](mailto:monoka.venters@flbog.edu) if you need additional information.

Enclosures



STATE  
UNIVERSITY  
SYSTEM  
of FLORIDA  
Board of Governors

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2013 JUL -1 AM 10:28  
STATE  
OFFICE OF ELECTIONS

Office of the Chancellor  
325 West Gaines Street, Suite 161  
Tallahassee, FL 3239  
Phone 850.245.046  
Fax 850.245.968  
www.flbog.ed

June 28, 2013

Dr. Richard P. Hallion  
897 The Masters Boulevard  
Shalimar, Florida 34711

Dear Dr. Hallion:

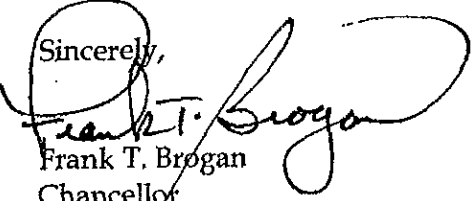
On Monday, June 10, 2013, the Florida Board of Governors approved the recommendation made by its Trustee Nominating and Development Committee to reappoint you as a member of the Florida Polytechnic University Board of Trustees. Please accept our congratulations.

The reappointment acknowledges your record of public service and numerous career milestones. Your achievements are sure to provide expertise to the State University System of Florida and Florida Polytechnic University as you continue to serve in the capacity of a trustee. The reappointment, subject to confirmation by the Florida Senate, is for a term that began June 10, 2013 and ends on July 15, 2014.

Your role as a trustee is vital to the governance and success of our System. Members of the Board of Governors rely on all the university trustees to provide due diligence in their management responsibilities for our universities.

Thank you for your willingness to serve. We look forward to continuing to work with you as a member of the Florida Polytechnic University Board of Trustees.

Sincerely,

  
Frank T. Brogan  
Chancellor

- c: Dean Colson, Chair, Board of Governors  
Mori Hosseini, Chair, Trustee Nominating and Development Committee  
Rob Gidel, Chair, Board of Trustees  
Ava Parker, Chief Operating Officer, Florida Polytechnic University  
Gina DeJulio, Board of Trustees Liaison  
Monoka Venters, Corporate Secretary

104888

# 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.

13 July 2013

Date Completed

1. Name: Mr Hallion Richard Paul  
Mr./Mrs./Ms. Last First Middle/Maiden

2. Business Address: 897 The Masters Blvd Shalimar,  
Street City Office # City  
-- FL 32579-1665 850-651-8856  
Post Office Box State Zip Code Area Code/Phone Number

3. Residence Address: 897 The Masters Blvd Shalimar Okaloosa  
Street City County  
-- FL 32579-1665 850-651-8856  
Post Office Box State Zip Code Area Code/Phone Number

Specify the preferred mailing address: Business  Residence  Fax # none  
(optional)

4. A. List all your places of residence for the last five (5) years.

Address	City & State	From	To
897 The Masters Blvd	Shalimar, FL 32579-1665	12/2008	Present
6001 Dewey Drive	Alexandria, VA 22310-2251	5/1999	Dec 2008

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
409 Greenhill Ave	Laurel, MD 20707	8/1989 (est)	5/1999
5010 Darby Road	Dayton, OH 45431	5/1986	8/1989 (est)
816 E. Kettering St.	Lancaster, CA 93535	1/1982	5/1986
1003 Montrose Ave	Laurel, MD 20707	5/1975 (est.)	1/1982

5. Date of Birth: 17 May 1948 Place of Birth: Washington, D.C., USA

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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9. Are you a United States citizen? Yes  No  If "No" explain:

If you are a naturalized citizen, date of naturalization: Not Applicable

10. Since what year have you been a continuous resident of Florida? Since December 2008

11. Are you a registered Florida voter? Yes  No  If "Yes" list:

A. County of Registration: Okaloosa

B. Current Party Affiliation: Republican

12. Education

A. High School: Laurel Senior High School, Laurel, MD 20707  
(Name and Location)

Year Graduated: 1966

B. List all postsecondary educational institutions attended:

<u>Name &amp; Location</u>	<u>Dates Attended</u>	<u>Certificates/Degrees Received</u>
Univ of MD, College Park MD	1966-1970	BA (High Honors in History)
Univ of MD, College Park MD	1970-1975	Ph.D. (History)
JFK School of Govt, Harvard Univ, Cambridge Mass. 1993 Certificate in National Security Studies for Senior Executives		

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>
CRI, 100 CTC Dr, Johnstown PA	Sci. and Tech. Analysis	Senior Advisor (part time)	1/2007-present
Media Fusion, NASA HQ, Washington, DC.	S&T Communication.	Editor (part time)	11/2008-present
Weider History Group, Leesburg, VA.	Aviation History Magazine	Freelance Author	11/2006-present
Inst. for Defense Analyses, STIPI, Wash., DC	Science Consulting	Senior Consultant	11/2012-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.

(1) Retired Federal Government Senior Executive whose career included:

(a) Curator, Visiting Chair, and Fellow, National Air and Space Museum of the Smithsonian Institution

(b) United States Air Force Historian, Senior Executive, and Senior Advisor

(c) Member, special boards and panels inc AF Scientific Advisory Board Summer Study 2000 and National Academy of Engineering Panel on Future of Science, Technology, Engineering, and Mathematics in the USAF

(2) 40+ years experience in graduate teaching, lecturing, research, and publication

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:

Since this position involves education, I believe that the two academic degrees that I possess and the certificate in national security studies from the Kennedy School, plus graduation from the leadership development program of the Federal Executive Institute, Charlottesville, VA (1992) are all directly related to this position.

C. Have you received any awards or recognitions relating to the subject matter of this appointment? Yes  No  If "Yes", list:

Amer Inst of Aeronautics & Astronautics Young Engineer/Scientist Award (NCS Region) 1979; Dr. Robert H. Goddard Essay Award, National Space Club 1979; Lt. Col. Roy Mase Trophy, Air Force Systems Command (1985); USAF Meritorious Civilian Service Medal, 1986; US Army Commander's Award for Public Service, 1988; Bauer Lecturer, Aerospace Medical Association, 1999; USAF Outstanding Civilian Career Service Award, 2006

D. Identify all association memberships and association offices held by you that relate to this appointment:

Air Commando Association; Air Force Association; Fellow, American Institute of Aeronautics & Astronautics; Fellow, Royal Aeronautical Society; Fellow, Royal Historical Society; Assoc. of Former Intelligence Officers; Int'l Test and Evaluation Association; National Association of Scholars; National Defense Industrial Assoc.; Royal United Services Institute for Defence Studies; United States Naval Institute; Association of Naval Aviation; The Tailhook Association; Intercollegiate Studies Institute; Society for the Hist. of Technology; Air Force Historical Foundation; American Aviation Historical Society; Naval Historical Foundation.

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, Board of Trustees, Florida Polytechnic University, appointed in 2012, and reappointed in 2013 (this current appointment)

*Note - was not sure if this appointment qualifies, but thought I should include it. RPH 7/13/2013*

\_\_\_\_\_  
\_\_\_\_\_

B. If your service was on an appointed board(s), committee(s), or council(s):

(1) How frequently were meetings scheduled: Meetings on average once per month in Lakeland or Orlando, FL

(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 all meetings in person or via interactive telecon</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: Member, Board of Trustees, Florida Polytechnic University  
B. Term of Appointment: 2012-2013  
C. Confirmation results: not 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>
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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:

Agency Lobbied

Principal Represented


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 Mark Lewis,

Gen. Charles Horner, USAF (ret),

Dr Natalie Crawford, f


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>
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American Institute of Aeronautics and Astronautics, 1801 Alexander Bell Dr, Reston, VA 20191, Life Fellow, 2002-present

Royal Aeronautical Society, 4 Hamilton Place, London, UK, Fellow 2009-present

Royal Historical Society, University College-London, Gower Street, London UK, Fellow 2010-present

Air Force Association, 1501 Lee Highway, Arlington, VA, Member, Airpower Experts Group, 2009-present

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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

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CERTIFICATION

STATE OF FLORIDA  
COUNTY OF Ocala

Before me, the undersigned Notary Public of Florida, personally appeared  
RICHARD PAUL HALLION,  
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.

*Richard Paul Hallion*  
Signature of Applicant-Affiant

Sworn to and subscribed before me this 15 day of July, 2013.

*Keiandrea McKinnie*  
Signature of Notary Public-State of Florida

Keiandrea McKinnie  
(Print, Type, or Stamp Commissioned Name of Notary Public)

My commission expires: Feb 21, 2016

Personally Known  OR Produced Identification

Type of Identification Produced USAF Retired Dep. ID



# CourtSmart Tag Report

**Room:** KN 412  
**Caption:** Senate Education Committee

**Case:**  
**Judge:**

**Type:**

**Started:** 3/25/2014 9:03:15 AM  
**Ends:** 3/25/2014 10:59:45 AM      **Length:** 01:56:31

9:03:15 AM Recording starts  
9:03:21 AM Chairman Legg calls the meeting to order  
9:03:28 AM Roll call  
9:03:32 AM Quroum Present  
9:04:28 AM SB 138  
9:05:19 AM Questions  
9:05:23 AM KathyThrumston (FL PTA) waives in support  
9:05:35 AM Senator Simmons waives close  
9:05:47 AM SB 138 reported favorably  
9:05:56 AM SB 290  
9:06:02 AM Senator Hukill explains bill  
9:06:11 AM questions  
9:06:20 AM Lena Juarez waives with the Florida Humanities Council waives in support  
9:06:29 AM Nina flores waives in support  
9:06:36 AM Kathy Thurston waives in support  
9:06:45 AM Senator Montford comments  
9:07:25 AM Sentor Hukill waives close  
9:07:41 AM Roll call on SB 290  
9:07:46 AM SB 290 reported favorably  
9:08:08 AM SB 212  
9:08:54 AM Senator Hukill explains bill  
9:09:04 AM amendment 866508  
9:09:33 AM senator sachs explains amendment  
9:09:47 AM senator sachs waives close on amendment  
9:09:58 AM amendment adopted  
9:10:04 AM Senator Brandes question  
9:10:25 AM Senator Hukill replies  
9:10:36 AM Seantor Montford comments  
9:12:04 AM Jim horne (AIF) waives in support  
9:12:07 AM Anthony Dimarco (Florida Bankers Association) Waives in support  
9:12:09 AM Mark Anderson (Florida Council on Economic Education) Waives in Support  
9:12:11 AM Kathy Foulk-FL PTA waives in support  
9:12:14 AM Aimee Diaz Lyon (Bus. Law Section of the Fl. Bar) Waives in support  
9:12:17 AM FITCA waives in support  
9:12:20 AM Charlie Dudley (League of Southern Credit Unions) waives in support  
9:12:24 AM FL chamber of commerce waives in support  
9:12:28 AM Justin Thames - FL Institute of CPA's Waives in support  
9:12:33 AM Mike Bell Waives in support  
9:12:37 AM Adam Gierg  
9:12:40 AM Senator bullard comments  
9:13:10 AM senator stargel comments  
9:13:58 AM senator sachs comments  
9:14:57 AM Senator Legg comments  
9:15:12 AM Senator Hukill waives close  
9:15:35 AM Roll call  
9:15:56 AM CS/SB 212 reported favorably  
9:16:16 AM Tab 5 SB 414  
9:16:24 AM SB 420  
9:16:32 AM Charlie Anderson explains bill  
9:17:21 AM Kathleen Sanz waives in support  
9:17:24 AM Jim Horne-AIF waives in support  
9:17:28 AM Richard Brown (Fl. Music Educators Association) waives in support

9:17:28 AM  
9:17:34 AM Kathy Foulk-FL. PTA Waives in support  
9:17:39 AM Frank miners (Fl. Cultural Alliance) waives in support  
9:17:51 AM Senator Detert waives close  
9:18:08 AM Roll Call  
9:18:11 AM SB 420 reported favorably  
9:18:21 AM SB 396  
9:18:33 AM Senator Bean explains bill  
9:19:51 AM Take up amendment barcode 740516  
9:20:15 AM Senator Bean explains strike-all amendment  
9:20:39 AM Take up late-filed amendment 176138  
9:21:07 AM Senator Sachs explains late-filed amendment  
9:23:36 AM Senator Brandes question  
9:23:43 AM Senator Sachs replies  
9:24:11 AM Jimmy Gustafson - FJA waives in support  
9:24:47 AM Senator Bean comments  
9:25:52 AM Senator Sachs waives close  
9:26:56 AM Roll call  
9:27:03 AM Show the amendment adopted  
9:27:37 AM Show barcode 32638 withdrawn  
9:28:02 AM Show barcode 838834 withdrawn  
9:28:19 AM back on the bill  
9:28:22 AM Senator Montford questions  
9:28:32 AM Senator Bean replies  
9:30:20 AM David Francis (AHA) waives in support  
9:30:28 AM Todd Rosenbaum (Fl. Alliance of YMCA's) waives in support  
9:30:38 AM Kathy Thrumston - FL PTA waives in support  
9:30:57 AM Bob Harris (Panhandle Area Educational Consortium) for testimony  
9:33:17 AM Debate on the Bill  
9:33:30 AM Senator Brandes comments  
9:34:23 AM Senator Sachs comments  
9:35:14 AM Senator Montford comments  
9:37:01 AM Senator Bean waives close  
9:37:11 AM Roll call  
9:37:15 AM Cs/SB 396 reported favorably  
9:37:26 AM Take up SB 414  
9:37:33 AM Senator Dean explains bill  
9:38:03 AM Senator Dean addresses strike-all amendment 314348  
9:39:04 AM strike-all amendment adopted  
9:39:10 AM back on the bill  
9:39:15 AM Senator Dean comments  
9:39:47 AM Ryan Britton - Florida Atlantic University waives in support  
9:39:58 AM Dr. Win Phillips - UF waives in support  
9:40:12 AM Senator Dean waives close  
9:40:18 AM Roll Call  
9:40:22 AM SB 414 reported favorably  
9:41:03 AM Chairman Legg takes up appointment confirmations  
9:42:14 AM Roll call on confirmations  
9:42:28 AM Show the confirmations recommended favorably  
9:43:31 AM Tab 11 SB 1060  
9:43:43 AM Senator Evers explains the bill  
9:45:51 AM Take up late-filed amendment x  
9:46:16 AM Senator Bullard explains late-filed amendment  
9:47:04 AM Roll call on late-filed amendment  
9:47:14 AM Amendment rejected  
9:47:18 AM Senator Bullard questions  
9:47:49 AM Senator Evers replies  
9:48:53 AM Nancy Noonan (Marion County - Juvenile Justice) waives in support  
9:49:03 AM Marion Hammer (NRA) waives in support  
9:50:47 AM Chris Dawson (Fl. Smart Justice Alliance) waives in support  
9:50:55 AM Senator Bullard comments  
9:51:43 AM Senator Evers comments

9:51:59 AM Senator Evers Waives close  
9:52:20 AM Roll call  
9:52:26 AM SB 1060 reported favorably  
9:52:43 AM Take up Tab 18 SB 7112  
9:52:50 AM Senator Galvano explains bill  
9:54:36 AM Senator Galvano addresses amendment 155716  
9:54:50 AM Senator Bullard comments  
9:54:59 AM Senator Galvano replies  
9:55:04 AM Stacey Webb (Fl. College System) recognized for testimony  
9:55:33 AM Senator Galvano waives close  
9:55:40 AM roll call  
9:55:43 AM SB 7112 reported favorably  
9:55:51 AM Senator Montford takes chair  
9:56:14 AM Tab 19 SPB 7114  
9:56:32 AM Senator Legg explains bill  
9:56:39 AM Senator Legg addresses amendment barcode 749284  
9:58:22 AM Public testimony  
9:58:36 AM Matt Guse (Association of early learning) speaks  
9:58:54 AM Roll call on amendment 749284  
9:59:14 AM back on the bill  
9:59:18 AM Roll call on SB 7114  
10:00:01 AM SB 7114 reported favorably  
10:00:13 AM Take up SB 1292  
10:00:46 AM Senator Legg addresses strike-all amendment 767836  
10:01:11 AM Roll call on strike-all  
10:01:16 AM strike-all adopted  
10:01:22 AM back on the bill  
10:01:23 AM Jim Horne (AIF) waives in support  
10:01:24 AM Roll call on SB 1292  
10:01:52 AM SB 1292 reported favorably  
10:02:08 AM Take up Tab 16 SB 1394  
10:02:31 AM Senator Legg explains bill  
10:02:36 AM Senator Bullard comments  
10:02:44 AM Senator Legg replies  
10:03:28 AM Senator Legg waives close  
10:03:39 AM SB 1394 reported favorably  
10:04:08 AM Senator Legg takes Chair  
10:04:13 AM SB 1226  
10:04:28 AM Senator Montford explains bill  
10:05:27 AM Take up amendment barcode 435138  
10:05:44 AM Senator Montford explains amendment  
10:06:18 AM Senator Montford waives close  
10:06:26 AM Amendment 435138 adopted  
10:06:45 AM Take up amendment barcode 279324  
10:07:00 AM Senator Legg explains amendment  
10:07:15 AM Amendment adopted  
10:07:20 AM Take up amendment barcode 596830  
10:07:34 AM Senator Galvano explains amendment  
10:07:43 AM Amendment adopted  
10:07:49 AM Take up amendment 942892  
10:08:18 AM Senator Galvano explains amendment  
10:08:31 AM amendment adopted  
10:08:38 AM Take up amendment 481286  
10:08:58 AM Senator Legg explains amendment  
10:09:04 AM amendment adopted  
10:09:09 AM Public testimony  
10:09:28 AM Ashley Spicola (The Governor's Office) waives in support  
10:09:38 AM Joy Frank (Fl. assoc. of District School Superintendents) waives in support  
10:09:54 AM Wayne Blanton (Fl. School Boards Assoc.) waives in support  
10:10:03 AM Tanya Cooper (DOE) waives in support  
10:10:13 AM Senator Montford Waives close  
10:10:33 AM Roll Call on SB 1226

10:10:42 AM SB 1226 reported favorably  
10:10:49 AM Take up Tab 12 SB 1202  
10:11:40 AM Senator Montford explains bill  
10:11:50 AM Senator Brandes questions  
10:11:55 AM Senator Montford replies  
10:12:50 AM Take up strike-all amendment 147492  
10:13:27 AM SB 1202 temporarily post-poned  
10:14:16 AM Senator Galvano takes Chair  
10:14:30 AM Take up SB 628  
10:14:56 AM Senator Montford explains bill  
10:15:20 AM Take up strike-all amendment 711854  
10:15:39 AM Senator Legg explains strike-all  
10:15:52 AM strike-all adopted  
10:15:59 AM back on bill  
10:16:18 AM Senator moves to report SB 628 as CS  
10:16:34 AM motion adopted  
10:16:35 AM Bob Boyd (ICUF) in support  
10:16:36 AM Jim Horne (AIF) in support  
10:16:38 AM Senator montford waives close  
10:16:57 AM Roll call on CS/SB 628  
10:17:05 AM CS/SB 628 reported favorably  
10:17:17 AM Take up Tab 10 SB 908  
10:17:47 AM Senator Montford explains bill  
10:18:02 AM Public Testimony  
10:18:08 AM Joy Frank waives in support  
10:18:14 AM Jim horn (AIF) waives in support  
10:18:20 AM Micahel Barwick (Wakulla School District) in support  
10:18:39 AM Roll Call on SB 908  
10:18:43 AM SB 908 reported favorably  
10:18:53 AM Take up Tab 13 SB 1206  
10:19:12 AM Senator Montford explains bill  
10:19:18 AM take up strike-all amendment 136712  
10:19:37 AM Senator Montford explains strike-all amendment  
10:19:49 AM Chairman Legg calls for questions  
10:20:06 AM Chair recognizes Senator Brandes for amendment  
10:20:10 AM Senator Brandes withdraws amendment to amendment - 746758  
10:20:17 AM Senator Montford waives closing  
10:20:30 AM Strike-all amendment adopted  
10:20:48 AM Public testimony  
10:20:49 AM Adam Basford (Florida Farm Bureau) waives in support  
10:20:50 AM Jim Horne (AIF) in support  
10:20:51 AM Grace Lovett (Fl. Dep. of Ag. and Consumer Services) in support  
10:20:56 AM Senator Montford waives closing - moves for committee substitute  
10:21:06 AM Administrative Assistant calls the roll  
10:21:19 AM Bill reported favorably  
10:21:28 AM SB 1528 by Senator Bradley  
10:21:39 AM Senator Galvano asks to be recorded favorably on SB 1206  
10:22:34 AM Senator Bullard recognized for introductions  
10:22:46 AM Senator Brandes asks to be reported favorably on SB 138 and SB 290  
10:23:03 AM Bill explained by Steven Richardson  
10:23:22 AM Chairman with comments  
10:23:30 AM Chair passed to Senator Galvano  
10:23:36 AM Amendment 639048--explained by Chair Legg  
10:24:23 AM Late filed amendment to strike-all amendment (881958), by Senator Montford withdrawn  
10:24:41 AM Back on Strike-all by Chairman Legg  
10:24:52 AM Public testimony on strike-all  
10:24:53 AM Kathy Foulk, Florida PTA in support  
10:25:00 AM Joy Frank, General Counsel, FL Association of District School Superintendents- in support  
10:25:29 AM Amendment adopted  
10:25:34 AM Back on bill as amended  
10:25:43 AM Public tesimony on amended bill  
10:25:55 AM Charlene Iska, Plato Academy - Seminole County

10:28:21 AM Anita Whitby-Davis, - Governor's Charter Academy  
10:30:24 AM Steve Bracy, Mavericks High, in support  
10:32:21 AM Sara Clements, Legislative Analyst, Foundation for Florida's Future in support  
10:32:29 AM Adam Giery, Florida Chamber - in support  
10:32:30 AM Debbie Harrison Rumberger Florida League of Women Voters  
10:33:37 AM Jim Horne, AIF, waives in support  
10:33:43 AM Susan Smith waives in opposition  
10:33:52 AM Debate on SB 1528  
10:33:59 AM Senator Montford with clarifications/questions  
10:34:32 AM Steven Richardson yields to Chairman Legg  
10:34:42 AM Senator Galvano allows yield to Chairman Legg  
10:35:18 AM Chairmain Legg with response  
10:35:21 AM Senator Montford in debate  
10:37:05 AM Steven Richardson responds to Senator Montford and waives close  
10:37:25 AM Senator Brandes moves to report as CS  
10:37:30 AM Roll called  
10:37:38 AM CS/SB 1528 reported favorably  
10:37:55 AM Senator Galvano returns chair to Chairman Legg  
10:38:11 AM SB 566 by Lee explained by Aide  
10:40:28 AM Chiarman Legg calls for questions  
10:40:35 AM Senator Bullard with question  
10:40:54 AM Aide with response  
10:41:15 AM Senator Bullard with follow-up  
10:41:29 AM Aide with response  
10:42:05 AM Public testimony  
10:42:06 AM Vern Pickup-Crawford, Legislative Liasion, Palm Beach School Board  
10:42:12 AM Richard Gentry, Economic Council of Palm Beach County  
10:42:26 AM Debate  
10:42:30 AM Senator Brandes with comments  
10:42:59 AM Aide waives close  
10:43:04 AM Roll Call  
10:43:09 AM Bill reported favorably  
10:43:25 AM SB 1202 by Montford  
10:43:38 AM Reconsider without objection by motion of Senator Galvano- 147492 -adopted  
10:43:50 AM Senator Montford on amendment  
10:44:36 AM Chairman on further explanation of amendment  
10:44:53 AM Amendment adopted  
10:45:04 AM Montford on amendment  
10:45:24 AM Chairman Legg further explains amendment  
10:45:45 AM Senator Galvano with question  
10:45:47 AM Amendment adopted  
10:45:50 AM Back on main amendment as amended  
10:46:00 AM No debate  
10:46:01 AM Senator Montford waives closing  
10:46:07 AM Amendment adopted  
10:46:12 AM Public testimony  
10:46:18 AM Bob Crawford, Technical Centers in support  
10:46:25 AM Jim Horne (AIF) in support  
10:46:33 AM Dave Barnes (Career Technical Adult Ed) in support  
10:46:34 AM Martha Compton (Holmes Technical Center) in support  
10:46:35 AM Joy Frank (Fl. Assoc. of District Superintendents) in support  
10:46:38 AM Denise Willis (Withlacoochee Technical Institute) in support  
10:46:39 AM Christy Reddish (Bradford-Union Technical Center in support  
10:46:40 AM Vernsa Randolph (Lively Tech Center) in support  
10:46:42 AM Woody Hildebrandt (Leon County Schools) in support  
10:46:44 AM Thomas Rollins (George Stone Technical Center) in support  
10:46:46 AM Rob Aguis (Marhcman Technical Education Center) in support  
10:46:48 AM Dan Davis (Community Tech & Adult Ed center) in support  
10:46:50 AM Diane Culpepper (Lake Technical Center) in support  
10:46:52 AM Todd Bowden (School District of Sarasota County Schools) in support  
10:46:53 AM Nancy Stephens (Manufacturers Assoc. of Fl.) in support  
10:46:55 AM Connie Milito (Hillsborough County Public Schools) in support



**10:46:57 AM** Lubby Navarro (Miami-Dade County Public Schools) in support  
**10:47:34 AM** Senator Montford waives close  
**10:47:37 AM** Move for a CS by Senator Montford - adopted  
**10:47:40 AM** Roll called  
**10:47:47 AM** SB 1202 reported favorably  
**10:48:01 AM** SR 894 by Senator Sobel  
**10:48:11 AM** Senator Sachs with an acknowledgement  
**10:48:24 AM** Senator Sobel explains the resolution  
**10:50:17 AM** Strike-all 476686, by Senator Bullard  
**10:50:25 AM** Strike-all adopted  
**10:50:31 AM** Senator Galvano - motion to limit debate pursuant to Rule 2.50, with vote at 10:59.  
**10:50:46 AM** Motion adopted  
**10:50:49 AM** Back on SR 894  
**10:50:54 AM** Public testimony  
**10:51:06 AM** David Pius (Canaan Cruiser of Tallahassee Motorcycle Club) waives in support  
**10:51:09 AM** Hamed El-Jadali in opposition  
**10:51:27 AM** Amy Datz (National Council of Jewish Women) in support  
**10:52:17 AM** Barbara Goldstein (HERC) in support  
**10:52:21 AM** Aaron Ellis (Students for Justice in Palestine) in opposition  
**10:52:32 AM** Melanie Annis in support  
**10:53:18 AM** Nathaniel Wallace in opposition  
**10:54:23 AM** Former Senator Nan Rich in support  
**10:57:29 AM** Chairman for the sake of time - reads names of remaining cards  
**10:57:31 AM** Didier Ortiz-Oppose; Rebecca Lockenbach-For; Susan Kapp-For; Jason Unger-For; Marshall Kapp-For  
**10:57:32 AM** Derek Silver-For; Harrison DuBoser; Betty Kishek-Oppose; Allen R. Grahman-For  
**10:58:01 AM** Debate  
**10:58:07 AM** Senator Sobel closes on bill  
**10:58:52 AM** Senator Bullard moves for a CS  
**10:59:01 AM** Roll call  
**10:59:05 AM** CS/SR reported favorably  
**10:59:27 AM** Senator Stargel moves to rise