

Tab 1	SB 252 by Steube; (Identical to H 01371) State Employee Higher Education Fee Waivers						
Tab 2	SB 764 by Bean (CO-INTRODUCERS) Mayfield, Perry; (Similar to CS/H 00369) Dental Student Loan Repayment Program						
974208	A	S	RCS	AHE, Bean	Delete L.50 - 74:	02/09 06:03 PM	
Tab 3	SB 1064 by Baxley; (Compare to CS/H 07055) Dual Enrollment Programs						
339118	A	S	RCS	AHE, Baxley	Delete L.15:	02/09 06:03 PM	
Tab 4	SB 1156 by Perry; (Similar to CS/CS/H 00591) Missing Persons with Special Needs						
502966	A	S	RCS	AHE, Perry	Delete L.18 - 51:	02/09 06:03 PM	
Tab 5	SB 1398 by Benacquisto; (Identical to H 01145) Florida ABLE Program Trust Fund/State Board of Administration						

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

**APPROPRIATIONS SUBCOMMITTEE ON HIGHER
EDUCATION**

Senator Galvano, Chair
Senator Perry, Vice Chair

MEETING DATE: Thursday, February 8, 2018
TIME: 12:30—2:00 p.m.
PLACE: Pat Thomas Committee Room, 412 Knott Building

MEMBERS: Senator Galvano, Chair; Senator Perry, Vice Chair; Senators Bradley, Farmer, Lee, Simpson, and Stewart

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 252 Steube (Identical H 1371)	State Employee Higher Education Fee Waivers; Providing that credit hours eligible for tuition and fee waivers be determined on a calendar year basis, rather than per academic term, etc. ED 01/16/2018 Favorable AHE 02/08/2018 Favorable AP	Favorable Yeas 6 Nays 0
2	SB 764 Bean (Similar CS/H 369)	Dental Student Loan Repayment Program; Establishing the Dental Student Loan Repayment Program to support dentists who practice in public health programs located in certain underserved areas, etc. HP 01/16/2018 Favorable AHE 02/08/2018 Fav/CS AP	Fav/CS Yeas 6 Nays 0
3	SB 1064 Baxley (Compare CS/H 7055)	Dual Enrollment Programs; Revising the contents of a postsecondary institution and private school dual enrollment articulation agreement, etc. ED 01/29/2018 Favorable AHE 02/08/2018 Fav/CS AP	Fav/CS Yeas 6 Nays 0
4	SB 1156 Perry (Similar CS/CS/H 591)	Missing Persons with Special Needs; Expanding pilot projects for missing persons with special needs to all centers for autism and related disabilities at institutions in the State University System, etc. ED 01/22/2018 Favorable AHE 02/08/2018 Fav/CS AP	Fav/CS Yeas 6 Nays 0
5	SB 1398 Benacquisto (Similar H 7069, Identical H 1145)	Florida ABLE Program Trust Fund/State Board of Administration; Re-creating the Florida ABLE Program Trust Fund within the State Board of Administration without modification, etc. AHE 02/08/2018 Favorable AP	Favorable Yeas 6 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Appropriations Subcommittee on Higher Education
Thursday, February 8, 2018, 12:30—2:00 p.m.

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.)

Prepared By: The Professional Staff of the Appropriations Subcommittee on Higher Education

BILL: SB 252

INTRODUCER: Senator Steube

SUBJECT: State Employee Higher Education Fee Waivers

DATE: February 7, 2018

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Bouck</u>	<u>Graf</u>	<u>ED</u>	Favorable
2.	<u>Sikes</u>	<u>Elwell</u>	<u>AHE</u>	Recommend: Favorable
3.	_____	_____	<u>AP</u>	_____

I. Summary:

SB 252 modifies the tuition and fee waiver benefit that is extended to the employees of the State of Florida. Specifically, the bill modifies, from 6 credit hours per term to 18 credit hours per calendar year, the requirement that state universities and Florida College System institutions waive tuition and fees for state employees, on a space-available basis.

The bill has no impact on state revenues or expenditures.

The bill takes effect May 1, 2018.

II. Present Situation:

Florida law¹ requires each state university and Florida College System institution to waive tuition and fees for state employees to enroll in up to 6 credit hours of courses per term on a space-available basis, subject to approval by an employee's agency head or the equivalent.

Employees of the state include employees of the executive, legislative, and judicial branches of state government, except for persons employed by a state university.²

¹ Section 1009.265(1), F.S. The state employee fee waivers program is also known as the State Employee Tuition Waiver Program or the State of Florida Employee Educational Assistance Program. Department of Management Services, *State Employee Tuition Waiver Program, Frequently Asked Questions* (Sept. 2016), available at https://www.dms.myflorida.com/content/download/129121/803063/2016-008_-_State_Employee_Tuition_Waiver_QandA_09-28-16.pdf, at 2.

² Section 1009.265(5), F.S. Only full time employees of the state are eligible to receive the tuition and fee waiver. Section 8(3)(a)1., ch. 2017-70, L.O.F.

Guidelines for the state employee tuition waiver program³ clarify that the maximum educational assistance available under the program is 18 credit hours per plan year. A plan year is defined as the calendar year (i.e., January 1 – December 31).⁴

III. Effect of Proposed Changes:

Section 1 amends s. 1009.265, F.S., to modify the tuition and fee waiver benefit that is extended to the employees of the State of Florida. Specifically, this section modifies from 6 credit hours per term to 18 credit hours per calendar year, the requirement that state universities and Florida College System institutions waive tuition and fees for state employees, on a space-available basis. Such modification may provide flexibility to state employees to enroll in more than 6 credit hours per term, while still maintaining the current 18 credit hour maximum for the calendar year.

Accordingly, state employees who are close to meeting their graduation requirements may be able to accelerate their time to degree by increasing their course workload per academic term or terms, as applicable, subject to space availability.⁵

Section 2 provides that the modification to 18 credit hours per calendar year applies to any academic term beginning on or after May 1, 2018. However, for a state employee with tuition and fees waived for an academic term beginning on or after January 1, 2018, through April 20, 2018, those credit hours count toward the 18 credit hour maximum for the 2018 calendar year.

The bill takes effect May 1, 2018.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

³ Department of Management Services, *State Employee Tuition Waiver Program, Frequently Asked Questions* (Sept. 2016), available at https://www.dms.myflorida.com/content/download/129121/803063/2016-008_-_State_Employee_Tuition_Waiver_QandA_09-28-16.pdf, at 3.

⁴ *Id.*

⁵ Board of Governors, *2018 Agency Bill Analysis for SB 252* (Oct. 24, 2017), at 2.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill has no impact on state revenues or expenditures.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 1009.265 of the Florida Statutes.

This bill creates one undesignated section of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

By Senator Steube

23-00342B-18

2018252__

1 A bill to be entitled

2 An act relating to state employee higher education fee
3 waivers; amending s. 1009.265, F.S.; providing that
4 credit hours eligible for tuition and fee waivers be
5 determined on a calendar year basis, rather than per
6 academic term; providing applicability; providing an
7 effective date.

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

10
11 Section 1. Subsection (1) of section 1009.265, Florida
12 Statutes, is amended to read:

13 1009.265 State employee fee waivers.—

14 (1) As a benefit to the employer and employees of the
15 state, subject to approval by an employee's agency head or the
16 equivalent, each state university and Florida College System
17 institution shall waive tuition and fees for state employees to
18 enroll for up to 18 ~~6~~ credit hours of courses per calendar year
19 ~~term~~ on a space-available basis.

20 Section 2. The amendment made to s. 1009.265, Florida
21 Statutes, by this act applies to any academic term beginning on
22 or after May 1, 2018. If a state employee had tuition and fees
23 waived pursuant to s. 1009.265, Florida Statutes, for any
24 courses that he or she was enrolled in for an academic term
25 beginning on or after January 1, 2018, through April 30, 2018,
26 those course credit hours count toward the 18 credit hour
27 maximum for the 2018 calendar year.

28 Section 3. This act shall take effect May 1, 2018.

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 Appropriations Subcommittee on Higher Education

BILL: SB 764

INTRODUCER: Senators Bean and Mayfield

SUBJECT: Dental Student Loan Repayment Program

DATE: February 7, 2018

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Lloyd</u>	<u>Stovall</u>	<u>HP</u>	Favorable
2.	<u>Sikes</u>	<u>Elwell</u>	<u>AHE</u>	Pre-meeting
3.	_____	_____	<u>AP</u>	_____

I. Summary:

SB 764 creates the Dental Student Loan Repayment Program (program) for Florida-licensed dentists who practice in specific public health programs located in designated dental health professional shortage areas (HPSAs) or medically underserved areas. Subject to the availability of funds, the Department of Health (DOH) will award funds from the program in an amount not to exceed \$50,000 per eligible dentist per year. A participant is eligible to receive funds for a minimum of one year and a maximum of five years.

The bill defines eligibility for the program and conditions for termination from the program. The Department of Health (DOH) is directed to adopt rules to administer the program.

The bill does not affect state revenues or expenditures. The program is contingent upon the availability of funds.

The bill is effective July 1, 2018.

II. Present Situation:

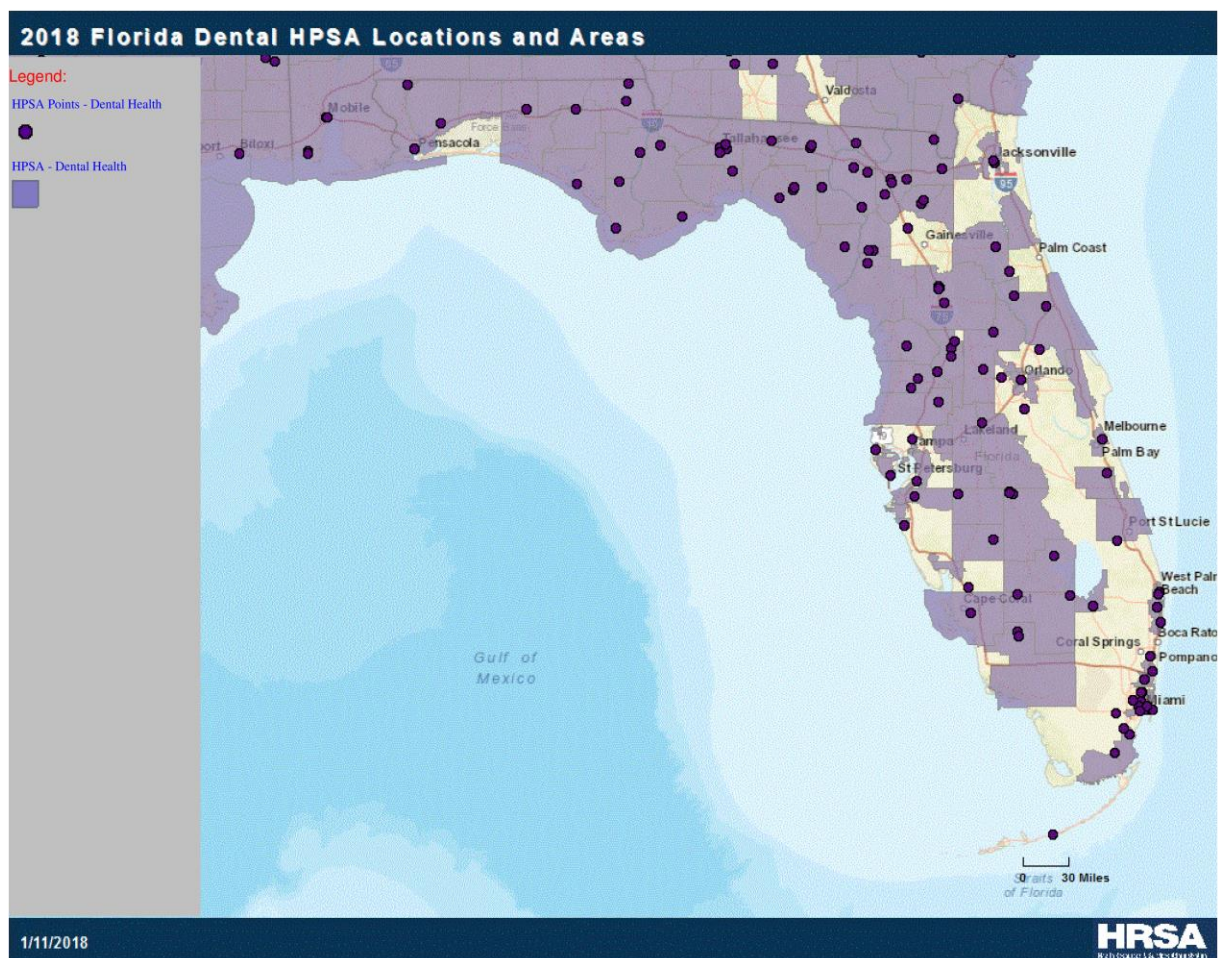
The Health Resources and Services Administration or HRSA, a federal agency within the United States Department of Health and Human Services (HHS), is charged with, among other responsibilities, improving health care for individuals who are geographically isolated, or economically or medically vulnerable.¹ Four of the five agency goals focus on access to care

¹ U.S. Department of Health and Human Services, HRSA, *About HRSA*, <https://www.hrsa.gov/about/index.html> (last visited Jan. 4, 2018).

through either building a healthy workforce or improvements in accessing quality care and services.²

Health Professional Shortage Areas (HPSAs)

Health Professional Shortage Areas (HPSAs) are designated by the HRSA according to criteria developed in accordance with section 332 of the Public Health Services Act. HPSA designations are used to identify areas and groups within the United States that are experiencing a shortage of health professionals. An HPSA can be a geographic area, a population group, or a health care facility. These areas have a shortage of health care professionals or have population groups who face specific barriers to health care. The map (*Picture 1*) below shows the locations of the state's current dental HPSAs as of January 1, 2018.³



There are three categories for HPSA designation: (1) primary medical care; (2) dental; and (3) mental health.

² *Id.*

³ Map generated based on information held in the U.S. Dep't of Health and Human Services, HRSA Data Warehouse, *Dental Health Professional Shortage Areas (HPSAs) Primary Dataset*, <https://datawarehouse.hrsa.gov/Tools/DataPortalResults.aspx> (results last generated on Jan. 11, 2018).

The primary factor used to determine a HPSA designation is the number of health professionals relative to the population with consideration of high need. State Primary Care Offices apply to HRSA for most designations of HPSAs in their states. HRSA will review provider-level data, whether providers are actively engaged in clinical practice, if a provider has any additional practice locations, the number of hours served at each location, the populations served, and the amount of time that a provider spends with specific populations.⁴ Primary care and mental health HPSAs can score between 0-25 and dental health can score between 0-26.⁵ Three scoring criteria are common across all disciplines HPSA (primary care medical, dental, and mental health):

- The population to provider ratio;
- The percentage of the population below 100 percent of the federal poverty level; and
- The travel time to the nearest source of care outside of the HPSA designation.⁶

The dental scoring system also reviews the water fluoridation status of the areas.

The following chart indicates the percentage of current need that is being met for Florida’s dental HPSA compared to data nationwide.

Health Professional Shortage Areas as of January 1, 2018 ⁷						
HPSA Types	Number of Designations <i>(geographic area, population group, or facility)</i>		Population Covered by Designation		Percent of Need Met	
	<i>National</i>	<i>FL</i>	<i>National</i>	<i>FL</i>	<i>National</i>	<i>FL</i>
Dental	5,866	223	62,916,553	5,185,561	35.28%	13.28%

Medically Underserved Area

Medically Underserved Areas (MUA) are also designated by the HRSA. These areas are designated using one of three methods and can consist of a whole county, a group of contiguous counties, or census tracts having too few health care providers, high infant mortality, high poverty rates, or a high elderly population.⁸ Nationally, there are 4,235 such designated areas, with 128 designated in Florida.⁹

⁴ U.S. Dep’t of Health and Human Services, HRSA Health Workforce, *Shortage Designation Application and Scoring Process*, <https://bhw.hrsa.gov/shortage-designation/application-scoring-process> (last visited Jan. 3, 2018).

⁵ *Id.*

⁶ *Id.*

⁷ U.S. Dep’t of Health and Human Services, HRSA, *Designated Health Professional Shortage Areas Statistics – Generated by HRSA Data Warehouse* (as of January 1, 2018) <https://datawarehouse.hrsa.gov/tools/quickReports.aspx> (last visited Jan. 4, 2018).

⁸ HHS, *supra* note 4.

⁹ U.S. Dep’t of Health and Human Services, HRSA, *Medically Underserved Areas/Populations (MUA/P) – State Summary of Designated MUA/P* (January 5, 2018), pg. 1, <https://datawarehouse.hrsa.gov/topics/shortageareas.aspx> (last visited Jan. 5, 2018).

The first method, the Index of Medical Underservice (IMU), calculates a score based on the ratio of primary medical care physicians per 1,000 in population, percentage of the population with incomes below the federal poverty level, infant mortality rate, and percentage of population aged 65 or older.¹⁰

The second method, Medically Underserved Populations (MUP), is based on data collected under the MUA process and reviews the ratio of primary care physicians serving the population seeking the designation. A MUP is a group of people who encounter economic or cultural barriers to primary health care services.¹¹

The third process, Exceptional MUP Designations, includes those population groups that do not meet the criteria of an IMU but may be considered for designation because of unusual conditions with a request by the governor or another senior executive level official and a local state health official.¹²

The Dental Workforce

The Health Policy Institute (HPI) for the American Dental Association recently updated its estimates on the future supply of dentists and concluded the nation's per capita supply of dentists is projected to increase through 2035.¹³ The unadjusted number of dentists per 100,000 population increases from 60.9 in 2015 to 65.7 in 2035.¹⁴ The per capita calculation takes into account only the calculation of total number of dentist available and total population and, as the report cautions, does not consider the location of the providers and access to care issues in particular regions or needs of special populations. This distinction may make a difference between whether there is an adequate supply of dentists on a per capita basis nationally and whether there is a provider shortage in a particular area, region, or to address a specific need. For example, a shortage could be only for participation by dental health providers in public programs such as Medicaid and the Children's Health Insurance Program (CHIP), two programs that serve high numbers of children and families from low and moderate income families. In the same HPI report, dental providers were reviewed in 2016 for their participation in Medicaid and CHIP and the rates ranged from a high of 77.2 percent in Montana to a low of three states in the 15 percent range (California, Maine and New Hampshire).¹⁵ Florida's participation rate is 30 percent; the national average is 38.6 percent.¹⁶ This national average also matches the percentage of dentists who report any patients covered by public assistance:

¹⁰ U.S. Department of Health and Human Services, HRSA, *Shortage Designation*, <https://bhwh.hrsa.gov/shortage-designation/muap-process> (last visited Jan. 11, 2018).

¹¹ *Id.*

¹² *Id.*

¹³ Muson, B. and Vujcic, M., *Number of Practicing Dentists per Capita in the United States Will Grow Steadily*, Health Policy Institute, American Dental Association (June 2016), http://www.ada.org/~media/ADA/Science%20and%20Research/HPI/Files/HPIBrief_0616_1.pdf?la=en (last visited Jan. 4, 2018).

¹⁴ *Id.* at 2.

¹⁵ , Health Policy Institute, American Dental Association, *Supply and Profile of Dentists – Dentist Profile Snapshot by State 2016- Table 4: Dentist Participation in Medicaid or CHIP* (January 2016), <http://www.ada.org/en/science-research/health-policy-institute/data-center/supply-and-profile-of-dentists> (last visited Jan. 4, 2018).

¹⁶ *Id.*

Percentage of Dentists' Practices that Had Any Patients Covered by Public Assistance ¹⁷		
Type of Provider	2015	2016
<i>National %</i>	<i>% Public Assistance</i>	<i>% Public Assistance</i>
General Practitioner	36.4%	37.3%
Specialists	35.5%	41.4%
All Dentists	36.2%	38.2%

A more recent national study, which included Florida dentists, looked further out and found a more positive result. Using 2016 population data as a baseline, there were 10,781 listed dentists for a state population of 20.6 million resulting in a per capita calculation of 52.3.¹⁸ The HPI report found Florida's overall dental supply would be expected to increase by the year 2035 to a per capita of 56.9.¹⁹ The calculation assumes that in 2030-2035, 414 dentists would be leaving the workforce, but 598 would be entering during this same time period. The supply number does not review where those dental providers would practice, under which lines of business they would participate, or any special demographic groups they might cover, such as Medicaid.

Most dentists – 77.8 percent – practice in general dentistry.²⁰ In many rural communities, the county health department may be the primary provider of health care services, including dental care. According to the DOH, Florida's current designated dental HPSAs have only enough dentists to serve 13.28 percent of the population living within them.²¹ As of January 1, 2018, HRSA estimated that 1,169 additional dentists were required to meet the state's total need and eliminate the state's shortage.²²

The American Dental Association (ADA) has also studied this issue and found that while there may be a sufficient number of dentists overall for the state's population or the national population, there may be an inadequate number available for certain populations or geographic areas.²³ Children are acutely affected by the shortage of dentists to serve low-income patients.

¹⁷ Health Policy Institute, American Dental Association, *Dental Practice – 2016 Characteristics of Private Dental Practice – Table 4 – Percentage of Dentists' Practices That Had Any Patients Covered by Public Assistance, 1990-2016* (January 2016), <http://www.ada.org/en/science-research/health-policy-institute/data-center/dental-practice> (last visited Jan. 4, 2018).

¹⁸ Health Policy Institute, American Dental Association, *Supply and Profile of Dentists – Dentist Profile Snapshot by State 2016*, <http://www.ada.org/en/science-research/health-policy-institute/data-center/supply-and-profile-of-dentists> (last visited Jan. 4, 2018).

¹⁹ Health Policy Institute, American Dental Association, *Projected Supply of Dentists: Florida*, <http://www.ada.org/~media/ADA/Science%20and%20Research/HPI/ProjectedSupplyofDentists/Florida-Projected-Supply-of-Dentists.pdf?la=en> (last visited Jan. 4, 2018).

²⁰ *Id.*

²¹ U.S. Dep't of Health and Human Services, Bureau of Health Workforce – HRSA, *Designated Health Professional Shortage Areas Statistics* (as of December 31, 2017), https://ersrs.hrsa.gov/ReportServer?/HGDW_Reports/BCD_HPSA/BCD_HPSA_SCR50_Qtr_Smry_HTML&rc:Toolbar=false (last visited Jan. 11, 2017).

²² U.S. Dep't of Health and Human Services, *supra* note 7, at 8.

²³ Bradley Munson, B.A., and Marko Vujicic, Ph.D.: Health Policy Institute Research Brief, American Dental Association, *Supply of Dentists in the United States Likely to Grow*, p.2. (October 2014) http://www.ada.org/~media/ADA/Science%20and%20Research/HPI/Files/HPIBrief_1014_1.ashx (last visited Jan. 11, 2018).

For example in Florida for FFY 2016, 37.6 percent of all Medicaid-enrolled children and 42.8 percent of all CHIP-enrolled children received preventive dental services.²⁴ For Medicaid, this was an increase from 2012 when only 26 percent of Medicaid-enrolled children received at least one dental care service.²⁵

In 2011, the Legislature passed HB 7107²⁶ creating the Statewide Medicaid Managed Care (SMMC) program as part IV of ch. 409, F.S. The program has two primary components: Managed Medical Assistance program (MMA) and Long Term Care program. To implement MMA, the law required the AHCA to create an integrated managed care program for the delivery of Medicaid primary and acute care services, including dental. Medicaid recipients who are enrolled in MMA receive their dental services through managed care plans. Although most dental services are designated as a required benefit only for Medicaid recipients under age 21, many of the managed care plans also provide dental services for adults as an enhanced benefit. As the managed care contracts are rebid this Spring, this benefit will be carved out of the MMA managed care contracts and contracted for as a separate benefit by the AHCA.²⁷

The Cost of Dental Education

According to a survey of dental school students, the average debt for graduates in 2017 was \$287,337,²⁸ a 72 percent increase in the last decade.²⁹ Over 30 percent of the Class of 2016 reported student loan debt in excess of \$300,000.³⁰ The amount of a graduate's average debt differed based on whether the student attended a public or private school by a significant amount. The average reported by a public school attendee in 2016 was \$238,582 and for a private school attendee the average was \$291,668.³¹

For in-state tuition at a state university, such as the University of Florida, one year's tuition is \$41,720, non-residents pay \$68,202. When housing, books and other costs are added, three or four years of dental school for a DMD degree can result in a total dental school bill ranging from \$148,275 to \$215,835.³² In comparison, a northern private school's tuition is listed at \$73,364

²⁴ Brishke, J., Gaskins, J., and Shenkman, B., *Florida KidCare: The Florida KidCare Program Evaluation Calendar Year 2016* (Dec. 1 2017), p. 141,

http://ahca.myflorida.com/medicaid/Policy_and_Quality/Quality/performance_evaluation/MER/contracts/med147/FL_KidCare_MED147_Deliverable_66_12-2017_Final.pdf (last visited Jan. 4, 2018).

²⁵ U.S. Dep't of Health and Human Services, *supra* note 7, at 8.

²⁶ See chapter 2011-134, Laws of Fla.

²⁷ AHCA, Invitation to Negotiate 012-17/18 (Oct. 16, 2017). A copy of the ITN can be downloaded from http://www.myflorida.com/apps/vbs/vbs_www.ad_r2.view_ad?advertisement_key_num=137442 (last visited Jan. 10, 2018). See also Chapter 2016-109, Laws of Fla.

²⁸ American Student Dental Education Association, *Dental Student Debt*, <https://www.asdanet.org/index/get-involved/advocate/issues-and-legislative-priorities/Dental-Student-Debt> (last visited Jan. 8, 2018).

²⁹ American Student Dental Education Association, *Paying for Dental School*, <https://www.asdanet.org/index/get-into-dental-school/before-you-apply/paying-for-dental-school>, (last visited Jan. 8, 2018).

³⁰ American Dental Education Association, *Education Debt*, http://www.adea.org/GoDental/Money_Matters/Educational_Debt.aspx#sthash.rYlqVawm.dpbs (last visited Jan. 8, 2018).

³¹ *Id.*

³² University of Florida, Office of Admissions – College of Dentistry, *Budgets & Costs of Attendance: DMD*, <http://admissions.dental.ufl.edu/financial-aid-2/d-m-d/budgets-cost-of-attendance-d-m-d/> (last visited Jan. 8, 2018).

per year and with other supplies, housing and fees, the total estimated costs over four years for 2017-2018 would be \$450,412.³³

In 2013, Congress enacted the Bipartisan Student Loan Certainty Act of 2013 (Public Law 113-28) that tied certain student loan interest rates to the 10-year Treasury Note plus 2.05 percent for undergraduates. For graduate and professional student loans, the interest rate is tied to the 10-year Treasury note plus 3.6 percent but may not exceed 9.5 percent in any given year.³⁴

In June 2014, through a Presidential Memorandum, President Barack Obama directed the Secretary of Education to propose final regulations to allow additional students with student loan debt to cap their payments at 10 percent of their income, by December 31, 2015.³⁵ The Presidential Memorandum called the plan, “*Pay as You Earn Plan*.”³⁶ President Obama’s memorandum also called for the Secretary to improve communication with vulnerable borrowers to help with loan rehabilitation, to encourage support and awareness of repayment options during tax filing season, and to promote collaboration between students and their families to ensure better borrowing decisions.³⁷ In 2016, Florida had over 826,000 federal student loan borrowers with 188,613 borrowers enrolled in a *Pay as You Earn* or other income driven payment plans. The state has a total student federal loan debt outstanding of \$23.9 billion.³⁸

Loan forgiveness is also one of the top priorities of the American Student Dental Association (ASDA). Listed among the organization’s priorities is for Congress and state legislatures to pass measures that include loan forgiveness, scholarship opportunities, and tax deductions or rebates for students that agree to practice in underserved areas after graduation.³⁹

Florida does not have a current state program to address the dental health professional shortage areas or medically underserved areas. According to the DOH, there are 20 vacant positions for dentists in the DOH.⁴⁰

Florida Health Services Corps

In 1992, the Legislature created the Florida Health Services Corps (FHSC), administered by the DOH, to encourage medical professionals to practice in locations that are underserved because of

³³ Tufts School of Dental Medicine, *Financial Aid Application Forms and Costs of Attendance for D.M.D. and D.I.S. Programs*, <https://dental.tufts.edu/academics/financial-aid/forms-and-costs-dmd-and-dis-programs> (last visited Jan. 8, 2018).

³⁴ Bipartisan Student Loan Certainty Act of 2013, Pub. L. No. 113-28, §2, 127 Stat. 506, 506 (2013).

³⁵ *Id.*

³⁶ The White House, Office of the Press Secretary, *Presidential Memorandum - Federal Student Loan Repayments* (June 9, 2014) <https://www.whitehouse.gov/the-press-office/2014/06/09/presidential-memorandum-federal-student-loan-repayments> (last visited Jan. 8, 2018).

³⁷ The White House, Office of the Press Secretary, *Presidential Memorandum – Federal Student Loan Repayments* (June 9, 2014) <https://obamawhitehouse.archives.gov/the-press-office/2014/06/09/presidential-memorandum-federal-student-loan-repayments> (last visited Jan. 8, 2018).

³⁸ Jason Furman, Sandra Black, The White House, Office of Press Secretary, *Six Recent Trends in Student Debt* (April 28, 2016), <https://obamawhitehouse.archives.gov/blog/2016/04/28/six-recent-trends-student-debt> (last visited Jan. 8, 2018).

³⁹ American Student Dental Education Association, *supra* note 37.

⁴⁰ E-Mail from Dennis Ragosta, Office of Legislative Planning, Florida Dept. of Health, (Jan. 11, 2018) (on file with the Senate Committee on Health Policy).

a shortage of qualified professionals.⁴¹ The FHSC was defined⁴² as a program that offered scholarships to allopathic, osteopathic, chiropractic, podiatric, dental, physician assistant, and nursing students, and loan repayment assistance and travel and relocation expenses to allopathic and osteopathic residents and physicians, chiropractic physicians, podiatric physicians, nurse practitioners, dentists, and physician assistants, in return for service in a public health care program⁴³ or in a medically underserved area.⁴⁴ Membership in the FHSC could be extended to any health care practitioner who provided uncompensated care to medically indigent patients.⁴⁵ All FHSC members were required to enroll in Medicaid and to accept all patients referred by the DOH pursuant to the program agreement.⁴⁶ In exchange for this service, an FHSC member was made an agent of the state and granted sovereign immunity under s. 768.28(9), F.S., when providing uncompensated care to medically indigent patients referred for treatment by the DOH.⁴⁷

The statute authorized the DOH to provide loan repayment assistance and travel and relocation reimbursement to allopathic and osteopathic medical residents with primary care specialties during their last two years of residency training or upon completion of residency training, and to physician assistants and nurse practitioners with primary care specialties, in return for an agreement to serve a minimum of two years in the FHSC. During the period of service, the maximum amount of annual financial payments was limited to no more than the annual total of loan repayment assistance and tax subsidies authorized by the National Health Services Corps (NHSC) loan repayment program.⁴⁸

During the 20 years the program was authorized by law, it was funded only three times. A total of \$3,684,000 was appropriated in the 1994-1995 fiscal year, 1995-1996 fiscal year, and 1996-1997 fiscal year for loan assistance payments to all categories of eligible health care practitioners. Of that amount, \$971,664 was directed to 18 dentists for an average award of \$25,570 per year of service in the program.⁴⁹ The 2007 Legislature attempted to reinvigorate the program by appropriating \$700,000 to fund loan repayment assistance for dentists only.⁵⁰

⁴¹ Chapter 92-33, s. 111, Laws of Fla. (creating s. 381.0302, F.S., effective July 1, 1992).

⁴² Section 381.0302(2)(b)1., F.S. (2011).

⁴³ “Public health program” was defined to include a county health department, a children’s medical services program, a federally funded community health center, a federally funded migrant health center, or other publicly funded or nonprofit health care program designated by the department. Section 381.0302(2)(e), F.S. (2011).

⁴⁴ “Medically underserved area” was defined to include: a geographic area, a special population, or a facility that has a shortage of health professionals as defined by federal regulations; a county health department, community health center, or migrant health center; or a geographic area or facility designated by rule of the department that has a shortage of health care practitioners who serve Medicaid and other low-income patients. Section 381.0302(2)(c), F.S. (2011).

⁴⁵ “Medically indigent person” was defined as a person who lacks public or private health insurance, is unable to pay for care, and is a member of a family with income at or below 185 percent of the federal poverty level. Section 381.0302(2)(d), F.S. (2011).

⁴⁶ Section 381.0302(10), F.S. (2011).

⁴⁷ Section 381.0302(11), F.S. (2011).

⁴⁸ Section 381.0302(6), F.S. (2011).

⁴⁹ E-mail from Karen Lundberg, Florida Dept. of Health, to Joe Anne Hart, Florida Dental Association (Sept. 16, 2005) (on file with the Senate Committee on Health Policy).

⁵⁰ Chapter 2007-72, Laws of Fla. The funding was contained in Specific Appropriations 677A of the General Appropriation Act, but later vetoed pursuant to the Governor’s line item veto authority.

However, the appropriation and a related substantive bill were vetoed.⁵¹ The Legislature repealed the program in 2012.⁵²

National Health Service Corps (NHSC)

The NHSC programs provide scholarships and educational loan repayment to primary care providers⁵³ who agree to practice in areas that are medically underserved and are located in selected HPSAs. The chart below shows the different loan programs that dental students may be eligible for based on where the participant is placed (HPSA score) and whether the participant provides full (40 hours per week) or part-time (20 hours per week) service.

The NHSC-approved sites are community-based health care facilities that provide comprehensive outpatient, ambulatory, and primary health care services. Eligible dental facilities must be located in a dental HPSA and offer comprehensive primary dental health services. NHSC-approved sites (with the exception of correctional facilities and free clinics) are required to provide services free or on a sliding fee scale (SFS) or discounted fee schedule for low-income individuals.

Participants may be eligible to continue loan repayment beyond the initial term. If a participant breaches his or her LRP agreement, he or she will be subject to monetary damages, which are the sum of the amount of assistance received by the participant representing any period of obligated service not completed, a penalty, and interest. As of January 2018, there were 49, full-time-equivalent NHSC dentists in Florida in the loan repayment program, all of which are located at federally qualified health centers.⁵⁴

Federal Loan Programs Applicable for Dental Students – National Health Services Corps (NHSC)				
Program Name	Time Commitment	Maximum Amount	Service Commitment Locations	Additional Time
Loan Repayment Program (LRP) ^{55,56}	2 years	Vary based on where placed Range: \$30,000 - \$50,000 (Full-time) \$15,000- 25,000 – (Part-time)	NHSC approved sites in HPSAs	Option to annually renew after 2 years

⁵¹ *Journal of the Florida Senate*, at 3 (June 12, 2007).

⁵² Chapter 2012-184, s. 45, Laws of Fla.

⁵³ Primary care physicians, nurse practitioners, certified nurse midwives, physician assistants, dentists, dental hygienists, and behavioral and mental health providers, including health service psychologists, licensed clinical social workers, marriage and family therapists, psychiatrist nurse specialists, and licensed professional counselors.

⁵⁴ E-Mail from Dennis Ragosta, Office of Legislative Planning, Florida Dept. of Health, (Jan. 11, 2018) (on file with the Senate Committee on Health Policy).

⁵⁵ The definition of part-time and full-time vary by discipline. The guidelines for both can be found in the *Fiscal Year 2015 Application and Program Guidance* packet beginning on 19, <http://www.nhsc.hrsa.gov/loanrepayment/lrpapplicationguidance.pdf> (last viewed Jan. 11, 2018).

⁵⁶ U.S. Dep’t. of Health and Human Services, *Loan Repayment Program - Fiscal Year 2017 Application and Program Guidance*, pp. 4-5 (January 2017) <http://www.nhsc.hrsa.gov/loanrepayment/lrpapplicationguidance.pdf> (last viewed Jan. 8, 2018).

Federal Loan Programs Applicable for Dental Students – National Health Services Corps (NHSC)				
Program Name	Time Commitment	Maximum Amount	Service Commitment Locations	Additional Time
Student to Service LRP ⁵⁷	Students in last year of school must commit to serve 3 years	Up to \$120,000	At an HPSA of greatest need	Option to annually renew after 3 year commitment to pay off loan remainder
Public Service Loan Forgiveness ⁵⁸	120 qualifying on time loan payments	Forgiveness of remainder of qualified federal loan	Qualified public service employment while making 120 loan payments	Remainder of qualified federal loan amounts forgiven at end of 120 payments

All of the NHSC programs require an application process; some require a background checking depending on the setting; and all require that the applicant be:

- A U.S. Citizen or U.S. National;
- Eligible to participate in the Medicare, Medicaid, and the State Children’s Health Insurance Program, as appropriate; and
- Fully trained and licensed to practice in the NHSC-eligible primary care medical, dental, mental/behavioral health discipline for which the applicant seeks approval.

Additionally, the applicant must:

- Have unpaid student loans, taken before application to the NHSC’s Loan Repayment Program to support undergraduate or graduate education and
- Be working at or have an accepted an offer of employment at an NHSC-approved site by the designated date (date determined each year).⁵⁹

The State Loan Repayment Program (SLRP) offers cost-sharing grants to states to operate their own state educational loan repayment programs for primary care providers, including dental professionals, working in HPSAs within the state. The SLRP varies from state to state and may differ in eligible categories of providers, practice sites, length of required service commitment, and the amount of loan repayment assistance offered. However, there are certain statutory requirements SLRP grantees must meet. There is a minimum two-year service commitment with an additional one-year commitment for each year of additional support requested. Any SLRP program participant must practice at an eligible site located in a federally designated HPSA.

In addition, the SLRP requires a \$1 state match for every \$1 provided under the federal grant. While the SLRP does not limit award amounts, the maximum award amount per provider that the federal government will support through its grant is \$50,000 per year, with a minimum service commitment of two years. Florida does not currently participate in SLRP.

⁵⁷ US Dep’t of Health and Human Services, HRSA, *Loan Repayment – NHSC Loan Repayment Program*, <https://www.nhsc.hrsa.gov/loanrepayment/index.html> (last visited Jan. 8, 2018).

⁵⁸ *Id.* A qualifying public employer is a government organization at any level (federal, state, local, or tribal), not-for-profit organizations that are tax exempt under Section 501(c)(3) of the Internal Revenue Code, or other types of not-for-profit organizations that provide certain types of qualifying public services.

⁵⁹ National Health Services Corps, Loan Repayment Program, *Eligibility*, <https://www.nhsc.hrsa.gov/loanrepayment/eligibility.html> (last visited Jan. 8, 2018).

Several other federal loan repayment programs are open to most borrowers, including dental, that have certain post-graduate working conditions such as a requirement to work as a faculty member at an approved health institution, as a biomedical researcher, as a provider at an Indian health program site, as a commissioned dental officer in the U.S. Public Health Service Commissioned Corps, or with the United States Army or Navy.⁶⁰

III. Effect of Proposed Changes:

The bill creates the dental student loan repayment program at the Department of Health (DOH). The initiative is conditioned on the availability of funds and is intended to promote access to dental care, encourage dentists to practice in dental health professional shortage areas or medically underserved areas, or serve a medically underserved population. The bill defines several key terms:

- Dental health professional shortage area: A geographic area so designated by the Health Resources and Services Administration of the U.S. Department of Health and Human Services;
- Loan program: The Dental Student Loan Repayment Program.
- Medically underserved area: A designated health professional shortage area that lacks an adequate number of dental health professionals to serve Medicaid and other low income patients; and
- Public health program: A county health department, the Children's Medical Services program, a federally qualified community health center, a federally funded migrant health center, or other publicly funded or not-for-profit health care program designated by the DOH.

The DOH is required to establish a dental student loan repayment program to benefit state-licensed dentists who demonstrate active employment in a public health program that serves Medicaid recipients and other low-income patients. The employment must be located in a dental health professional shortage area (HPSA) or a medically underserved area (MUA). Compliance with these requirements will be established by rule as determined by the DOH.

The DOH shall award funds from the loan program to repay student dental loans of a dentist who meets these requirements; however, no award may exceed \$50,000 per year, per dentist. A dentist may receive funds for at least one year and up to a maximum of five years. The dentist's period of obligated service begins when the dentist who receives the funds begins his employment.

A dentist is not eligible to receive funds under this bill if:

- The dentist's employment by a public health program is terminated;
- The dentist's practice in a designated health professional shortage area or medically underserved area is terminated;
- The dentist's participation in the Florida Medicaid program is terminated; or
- The dentist knowingly fails to disclose any participation in fraudulent activity.

⁶⁰ American Dental Education Association, *State and Federal Loan Forgiveness Programs* (November 1, 2017), www.adea.org/advocacy/state/loan-forgiveness-programs.aspx (last visited Jan. 8, 2018).

The DOH is required to adopt rules to administer the loan program.

The bill is effective July 1, 2018.

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:

Floridians living in those areas identified as medically underserved with little or no access to dental care could benefit from this initiative. The program could bring additional dental professionals to underserved communities, populations, and facilities. The program could also be a reason that a dental graduate elects to stay in Florida instead of practicing in another state after graduation.

Dentists who qualify for the loan program will benefit from another option to reduce in their student loan debt.

As a dentist practices in his or her public service employment program, the DOH will make payments on the dentist's previously incurred student loans. The DOH notes that during the period that the state funded repayment assistance is in place, underwriters for the student loans will receive guaranteed repayments.⁶¹ The DOH will need to have financial arrangements in place to ensure timely payments to the loan guarantors and arrangements with the dentists who participate in the program to ensure continued eligibility while payments are being made.

⁶¹ Id at 5.

C. Government Sector Impact:

The bill does not affect state revenues or expenditures. The program is contingent upon the availability of funds. If the program is funded, the DOH will require additional OPS staff to implement the program in addition to funds for the loan repayment awards. The estimated cost is \$58,642 for the first year of implementation and \$54,887 for the second year of implementation.⁶²

VI. Technical Deficiencies:

None.

VII. Related Issues:

The DOH counts 224 Health Profession Shortage Areas for dental in its bill analysis. Of these, 111 qualify for the maximum loan repayment of \$50,000 per year for up to two years. These sites must meet National Health Services Corps requirements and follow the provisions of services that do not allow for any type of discrimination for patient selection such as age or the ability to pay.⁶³

The DOH recommends clarifying lines 72 through 73 relating to the termination for failure to disclose participation in a fraudulent activity, as this language may allow a dentist who unknowingly fails to disclose participation in fraudulent activity or who in fact discloses participation in fraudulent activity to still be eligible to participate in the program. Also, the bill does not provide criteria for the selection of applicants if more dentists apply than available funding.⁶⁴

VIII. Statutes Affected:

This bill creates section 381.4019 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

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

None.

B. Amendments:

None.

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

⁶² Staff analysis of Florida Department of Health, *Senate Bill 764 Analysis* (Dec. 6, 2017) (on file with the Senate Committee on Health Policy).

⁶³ Id at 2.

⁶⁴ Id at 6.



974208

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/09/2018	.	
	.	
	.	
	.	

Appropriations Subcommittee on Higher Education (Bean)
recommended the following:

Senate Amendment

Delete lines 50 - 74
and insert:
repayment program to benefit Florida-licensed dentists who
demonstrate, as required by department rule, active employment
in a public health program that serves Medicaid recipients and
other low-income patients and is located in a dental health
professional shortage area or a medically underserved area.

(3) The department shall award funds from the loan program



974208

11 to repay the student loans of a dentist who meets the
12 requirements of subsection (2).

13 (a) An award may not exceed \$50,000 per year per eligible
14 dentist.

15 (b) Only loans to pay the costs of tuition, books, dental
16 equipment and supplies, uniforms, and living expenses shall be
17 covered.

18 (c) All repayments shall be contingent upon continued proof
19 of eligibility and shall be made directly to the holder of the
20 loan. The state shall bear no responsibility for the collection
21 of any interest charges or other remaining balances.

22 (d) A dentist is eligible to receive funds under the loan
23 program for at least 1 year, up to a maximum of 5 years.

24 (e) The department shall limit the number of new dentists
25 participating in the loan program to no more than 10 per fiscal
26 year.

27 (4) A dentist is no longer eligible to receive funds under
28 the loan program if the dentist:

29 (a) Is no longer employed by a public health program that
30 meets the requirements of subsection (2).

31 (b) Ceases to participate in the Florida Medicaid program.

32 (c) Has disciplinary action taken against his or her
33 license by the Board of Dentistry for a violation of s. 466.028.

34 (5) The department shall adopt rules to administer the loan

By Senator Bean

4-00543C-18

2018764__

1 A bill to be entitled
 2 An act relating to the Dental Student Loan Repayment
 3 Program; creating s. 381.4019, F.S.; establishing the
 4 Dental Student Loan Repayment Program to support
 5 dentists who practice in public health programs
 6 located in certain underserved areas; providing
 7 definitions; requiring the Department of Health to
 8 establish the loan program; providing for the award of
 9 funds; providing the maximum number of years funds may
 10 be awarded; providing eligibility requirements;
 11 requiring the department to adopt rules; providing an
 12 effective date.
 13
 14 Be It Enacted by the Legislature of the State of Florida:
 15
 16 Section 1. Section 381.4019, Florida Statutes, is created
 17 to read:
 18 381.4019 Dental Student Loan Repayment Program.—Subject to
 19 the availability of funds, the Legislature establishes the
 20 Dental Student Loan Repayment Program to promote access to
 21 dental care by supporting qualified dentists who treat medically
 22 underserved populations in dental health professional shortage
 23 areas or medically underserved areas. The Legislature recognizes
 24 that maintaining good oral health is integral to overall health
 25 status and that the good health of residents in this state is an
 26 important contributing factor in state economic development.
 27 Better health, including better oral health, increases workplace
 28 productivity, reduces the burden of health care costs, and
 29 improves the cognitive development of children.

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

4-00543C-18

2018764__

30 (1) As used in this section, the term:
 31 (a) "Dental health professional shortage area" means a
 32 geographic area designated as such by the Health Resources and
 33 Services Administration of the United States Department of
 34 Health and Human Services.
 35 (b) "Department" means the Department of Health.
 36 (c) "Loan program" means the Dental Student Loan Repayment
 37 Program.
 38 (d) "Medically underserved area" means a geographic area,
 39 an area having a special population, or a facility which is
 40 designated by department rule as a health professional shortage
 41 area as defined by federal regulation and which has a shortage
 42 of dental health professionals who serve Medicaid recipients and
 43 other low-income patients.
 44 (e) "Public health program" means a county health
 45 department, the Children's Medical Services program, a federally
 46 funded community health center, a federally funded migrant
 47 health center, or other publicly funded or nonprofit health care
 48 program designated by the department.
 49 (2) The department shall establish a dental student loan
 50 repayment program to benefit state-licensed dentists who
 51 demonstrate, as required by department rule, active employment
 52 in a public health program that serves Medicaid recipients and
 53 other low-income patients and is located in a dental health
 54 professional shortage area or a medically underserved area.
 55 (3) The department shall award funds from the loan program
 56 to repay the student loans of a dentist who meets the
 57 requirements of subsection (2). An award may not exceed \$50,000
 58 per year per eligible dentist.

Page 2 of 3

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

4-00543C-18

2018764__

59 (4) A participant in the loan program is eligible to
60 receive funds for at least 1 year, up to a maximum of 5 years.
61 The period of obligated service begins when the dentist begins
62 employment as provided in subsection (2).

63 (5) A dentist is not eligible to participate in the loan
64 program if:

65 (a) The dentist's employment by a public health program is
66 terminated;

67 (b) The dentist's practice in a designated health
68 professional shortage area or medically underserved area is
69 terminated;

70 (c) The dentist's participation in the Florida Medicaid
71 program is terminated; or

72 (d) The dentist knowingly fails to disclose any
73 participation in fraudulent activity.

74 (6) The department shall adopt rules to administer the loan
75 program.

76 Section 2. This act shall take effect July 1, 2018.

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/8/18

Meeting Date

SB 764

Bill Number (if applicable)

974208

Amendment Barcode (if applicable)

Topic Dental Student Loan Repayment Program

Name Joe Anne Hart

Job Title Chief Legislative Officer

Address 118 E. Jefferson Street

Street

Phone (850) 224-1089

Tallah, FL 32301

City

State

Zip

Email jahart@floridadental.org

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

Waive Speaking: [X] In Support [] Against (The Chair will read this information into the record.)

Representing Florida Dental Association

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

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

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

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/8/18

Meeting Date

SB 764

Bill Number (if applicable)

Topic Dental Student Loan Repayment Program Amendment Barcode (if applicable)

Name Joe Anne Hart

Job Title Chief Legislative Officer

Address 118 E. Jefferson Street
Street

Phone (904) 224-1089

Tallahassee FL 32301
City State Zip

Email jahart@floridadent.org

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Dental 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
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 Appropriations Subcommittee on Higher Education

BILL: SB 1064

INTRODUCER: Senator Baxley

SUBJECT: Dual Enrollment Programs

DATE: February 7, 2018

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Bouck</u>	<u>Graf</u>	<u>ED</u>	Favorable
2.	<u>Sikes</u>	<u>Elwell</u>	<u>AHE</u>	Pre-meeting
3.	_____	_____	<u>AP</u>	_____

I. Summary:

SB 1064 modifies provisions in the dual enrollment articulation agreement between an eligible postsecondary education institution and an eligible private secondary school to specify that tuition and fees for dual enrollment may not be passed along to the private school that the student attends.

Public postsecondary institutions providing dual enrollment instruction to students of private secondary schools may experience an indeterminate loss of revenues.

The bill takes effect July 1, 2018.

II. Present Situation:

The dual enrollment program is the enrollment of an eligible secondary student or home education student in a postsecondary course creditable toward high school completion and a career certificate or an associate or baccalaureate degree.¹

Student Eligibility for Dual Enrollment

An eligible secondary student is a student who is enrolled in any of grades 6 through 12 in a Florida public school or in a Florida private school.² An eligible student may enroll in dual

¹ Section 1007.271(1), F.S.

² Section 1002.271(3), F.S. A “private school” is a nonpublic school defined as an individual, association, copartnership, or corporation, or department, division, or section of such organizations, that designates itself as an educational center that includes kindergarten or a higher grade or as an elementary, secondary, business, technical, or trade school below college level or any organization that provides instructional services that meet the intent of s. 1003.01(13) or that gives preemployment or supplementary training in technology or in fields of trade or industry or that offers academic, literary, or career training below college level, or any combination of the above, including an institution that performs the functions of the above schools through correspondence or extension, except those licensed under the provisions of chapter 1005. A private

enrollment courses conducted during school hours, after school hours, and during the summer term.³ However, if the student is projected to graduate from high school before the scheduled completion date of a postsecondary course, the student may not register for that course through dual enrollment.⁴

To enroll in a postsecondary course through dual enrollment, a student must demonstrate readiness to perform college-level work.⁵ To demonstrate readiness for college-credit dual enrollment courses, students must attain a 3.0 unweighted high school grade point average (GPA) and the minimum required score on a common placement test⁶ adopted by the State Board of Education.⁷ To enroll in a career dual enrollment course, students must attain a 2.0 unweighted high school GPA.⁸ Florida College System institution boards of trustees may establish additional initial student eligibility requirements, which must be specified in dual enrollment articulation agreements.⁹ However, such requirements must not “arbitrarily prohibit students who have demonstrated the ability to master advanced courses from participating in dual enrollment courses.”¹⁰

To participate in the dual enrollment program, an eligible private school student must:¹¹

- Provide proof of enrollment in a private school that meets requirements specified in law;¹²
- Be responsible for his or her own instructional materials and transportation unless provided for in the articulation agreement; and
- Sign a private school articulation agreement specified in law.¹³

Dual Enrollment Articulation Agreements

Dual enrollment articulation agreements (articulation agreement) are locally-developed agreements between a school district, a home education parent, or a private school and an

school may be a parochial, religious, denominational, for-profit, or nonprofit school. This definition does not include home education programs conducted in accordance with s. 1002.41. Section 1002.01(2), F.S. The Department of Education maintains a list of private schools in Florida that meet requirements specified in law. Section 1002.42(2), F.S.

³ Section 1007.271(2), F.S.

⁴ Section 1007.271(2), F.S.

⁵ Section 1007.271(3), F.S.

⁶ A student may take the Florida Postsecondary Education Readiness Test (PERT), Accuplacer, SAT, or Enhanced ACT to demonstrate reading, writing, and mathematics proficiency, by meeting specified minimum test scores, to perform college-level work. Rule 6A-10.0315, F.A.C.

⁷ Section 1007.271(3), F.S.

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*

¹¹ Section 1007.271(24)(a), F.S.

¹² Section 1007.271(2), F.S.

¹³ Section 1007.271(24)(b), F.S.

eligible postsecondary institution¹⁴ regarding participation in dual enrollment courses.¹⁵ The Department of Education is required to receive and review each articulation agreement.¹⁶

Private School Dual Enrollment Articulation Agreement

Each postsecondary institution eligible to participate in dual enrollment must enter into a private school articulation agreement with each eligible private school in its geographic service area seeking to offer dual enrollment courses to its students.¹⁷ The private school articulation agreement governs available courses and programs, student responsibilities, and costs, and must include provisions:¹⁸

- Expressing that costs associated with tuition and fees, including registration, and laboratory fees, will not be passed along to the student.
- Stating whether the private school will compensate the postsecondary institution for the standard tuition rate per credit hour for each dual enrollment course taken by its students.

Tuition and Fees

Students from public schools, home education programs, and private schools who participate in dual enrollment are exempt from the payment of registration, tuition, and laboratory fees.¹⁹

Florida law requires school districts to pay public postsecondary institutions the standard tuition rate per credit hour²⁰ from funds provided in the Florida Education Finance Program when dual enrollment course instruction takes place on the postsecondary institution's campus and the course is taken during the fall or spring term.²¹ When dual enrollment is provided at the high school site by postsecondary institution faculty, the school district must reimburse the costs associated with the postsecondary institution's proportion of salary and benefits to provide the instruction.²² When dual enrollment course instruction is provided at the high school site by school district faculty, the school district is not responsible for payment to the postsecondary institution.²³

¹⁴ An eligible postsecondary institution is a state university, a Florida College System (FCS) institution, or "an independent college or university which is located and chartered in Florida, is not for profit, is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools or the Accrediting Council for Independent Colleges and Schools, and confers degrees as defined in s. 1005.02." Sections 1007.271 and 1011.62(1)(i), F.S.

¹⁵ Section 1007.271, F.S.; Florida Department of Education, *Dual Enrollment FAQs* (Revised July 1, 2016), available at <http://fldoe.org/core/fileparse.php/5421/urlt/DualEnrollmentFAQ.pdf>, at 3.

¹⁶ Section 1007.271(22), F.S. Dual enrollment articulation agreements are maintained on the DOE website, at <http://fldoe.org/policy/articulation/dual-enrollment-agreements.stml> (last visited Jan. 26, 2018).

¹⁷ Section 1007.271(24)(b), F.S.

¹⁸ *Id.*

¹⁹ Section 1007.271(16), F.S. *See also* 1009.25(1)(a), F.S., which clarifies the exemption is for tuition and fees.

²⁰ Standard tuition is \$2.33 per contact hour for career certificate courses or an applied technology diploma. Section 1009.22(3)(c), F.S. Standard tuition is \$71.98 per credit hour at a Florida College System institution. Section 1009.23(3)(a), F.S. Standard tuition is \$105.07 per credit hour at a state university. Section 1009.24(4)(a), F.S.

²¹ Section 1007.271(21)(n)1., F.S.

²² *Id.*

²³ *Id.*

A public postsecondary institution must enter into a dual enrollment articulation agreement with a private secondary school and may, but is not required to, negotiate for payment from the private secondary school for students eligible to participate in dual enrollment.²⁴

III. Effect of Proposed Changes:

The bill amends s. 1007.271, F.S., to modify provisions in the dual enrollment articulation agreement between an eligible postsecondary education institution and an eligible private secondary school to specify that tuition and fees for dual enrollment will not be passed along to the private school that the student attends. Accordingly, the bill also removes the requirement for an articulation agreement to include a provision indicating whether a private school will compensate a postsecondary institution for dual enrollment instruction provided by the postsecondary institution to the private school's students.

The bill may increase dual enrollment course offerings at private schools since a private school will not be required to compensate the postsecondary institution for dual enrollment instruction provided to its students. Accordingly, participation of private school students in dual enrollment instruction may increase. However, the bill may result in a loss of revenue for postsecondary institutions offering dual enrollment courses to private school students.

The bill takes effect July 1, 2018.

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:

SB 1064 specifically requires the articulation agreement between the private school and postsecondary institution to express that the costs associated with tuition and fees,

²⁴ Florida Department of Education, *Dual Enrollment FAQs* (Revised July 1, 2016), available at <http://fldoe.org/core/fileparse.php/5421/urlt/DualEnrollmentFAQ.pdf>, at 10.

including registration and laboratory fees, will not be passed along to the private school. This may represent a cost savings to private schools executing dual enrollment articulation agreements with eligible postsecondary institutions if the private schools were required by the postsecondary institutions to compensate such institutions for the standard tuition rate per credit hour associated with dual enrollment instruction. For 2017-2018, the standard tuition rate is \$71.98 per credit hour at a Florida College System institution²⁵ and \$105.07 at a state university.²⁶

C. Government Sector Impact:

The bill has an indeterminate fiscal impact in terms of a loss of revenue for the public postsecondary institutions providing dual enrollment instruction. In 2016-2017, there were more than 3,000 students from private schools participating in dual enrollment at a Florida College System institution, generating over 27,000 college credits.²⁷ However, due to the uncertainty in the number of eligible students participating in dual enrollment at all postsecondary institutions, and whether such institutions required compensation for the standard tuition rate per credit hour associated with dual enrollment instruction, the potential loss of revenue for such postsecondary institutions is currently indeterminate.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 1007.271 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

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

²⁵ Section 1009.23(3), F.S.

²⁶ Section 1009.24(4), F.S., and Board of Governors, *State University System of Florida, Tuition and Required Fees, 2017-2018*, available at <http://www.flbog.edu/board/office/budget/doc/tuition/2017-18-SUS-Tuition-and-Fee-for-New-Students-at-Main-Campus-by-level.pdf>, at 1.

²⁷ Email, Florida Department of Education (Sept. 15, 2017).



339118

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/09/2018	.	
	.	
	.	
	.	

Appropriations Subcommittee on Higher Education (Baxley)
recommended the following:

Senate Amendment (with title amendment)

Delete line 15

and insert:

(b) Each public postsecondary institution eligible to
participate

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

And the title is amended as follows:

Delete line 4



339118

11 and insert:
12 public postsecondary institution and private school
13 dual

By Senator Baxley

12-01419-18

20181064__

1 A bill to be entitled
 2 An act relating to dual enrollment programs; amending
 3 s. 1007.271, F.S.; revising the contents of a
 4 postsecondary institution and private school dual
 5 enrollment articulation agreement; prohibiting certain
 6 fees from being passed to the private school;
 7 providing an effective date.
 8
 9 Be It Enacted by the Legislature of the State of Florida:
 10
 11 Section 1. Paragraph (b) of subsection (24) of section
 12 1007.271, Florida Statutes, is amended to read:
 13 1007.271 Dual enrollment programs.—
 14 (24)
 15 (b) Each postsecondary institution eligible to participate
 16 in the dual enrollment program pursuant to s. 1011.62(1)(i) must
 17 enter into a private school articulation agreement with each
 18 eligible private school in its geographic service area seeking
 19 to offer dual enrollment courses to its students, including, but
 20 not limited to, students with disabilities. By August 1 of each
 21 year, the eligible postsecondary institution shall complete and
 22 submit the private school articulation agreement to the
 23 Department of Education. The private school articulation
 24 agreement must include, at a minimum:
 25 1. A delineation of courses and programs available to the
 26 private school student. The postsecondary institution may add,
 27 revise, or delete courses and programs at any time.
 28 2. The initial and continued eligibility requirements for
 29 private school student participation, not to exceed those

Page 1 of 2

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

12-01419-18

20181064__

30 required of other dual enrollment students.
 31 3. The student's responsibilities for providing his or her
 32 own instructional materials and transportation.
 33 4. A provision clarifying that the private school will
 34 award appropriate credit toward high school completion for the
 35 postsecondary course under the dual enrollment program.
 36 5. A provision expressing that costs associated with
 37 tuition and fees, including registration, and laboratory fees,
 38 will not be passed along to the student or the private school
 39 that the student attends.
 40 ~~6. A provision stating whether the private school will~~
 41 ~~compensate the postsecondary institution for the standard~~
 42 ~~tuition rate per credit hour for each dual enrollment course~~
 43 ~~taken by its students.~~
 44 Section 2. This act shall take effect July 1, 2018.

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)

2-8-18

Meeting Date

1064

Bill Number (if applicable)

Topic Dual Enrollment

Amendment Barcode (if applicable)

Name Debbie Northam

Job Title Legislative Director

Address 215 S Monroe

Phone _____

Street

TLH FL 32301

City

State

Zip

Email debbie@excalined.org

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

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.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

Feb. 8, 2018

Meeting Date

1064

Bill Number (if applicable)

Topic Dual Enrollment

Amendment Barcode (if applicable)

Name James Herzog

Job Title Associate Director for Education

Address 201 W Park Ave

Phone (850) 205-6823

Street

Tallahassee FL 32301

Email jherzog@flaccb.org

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Conference of Catholic Bishops

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 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

2-8-18

Meeting Date

SB 1064

Bill Number (if applicable)

Topic DUAL ENROLLMENT

Amendment Barcode (if applicable)

Name BOB BOYO

Job Title GENERAL COUNSEL, ICUF (INDEP. COLLEGES + UNIVERSITIES OF FLA)

Address 660 EAST JEFFERSON ST. SUITE 102 Phone 850-412-0306

Street

Tallahassee FL 32301

City

State

Zip

Email bboyd@sscslawfirm.com

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

Waive Speaking: [] In Support [] Against (The Chair will read this information into the record.)

Representing ICUF (INDEP. COLLEGES + UNIV. 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.

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2-8-18
Meeting Date

SB 1064
Bill Number (if applicable)

Topic Dual Enrollment

Amendment Barcode (if applicable)

Name BRENDA DICKINSON

Job Title CONSULTANT/LOBBYIST

Address PO Box 12563

Phone 850-264-2184

Street

TALLAHASSEE
City

FL
State

32317
Zip

Email consultingbrenda@gmail.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing FLORIDA COUNCIL OF INDEPENDENT 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.

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

S-001 (10/14/14)

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 Appropriations Subcommittee on Higher Education

BILL: SB 1156

INTRODUCER: Senator Perry

SUBJECT: Missing Persons with Special Needs

DATE: February 7, 2018

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Olenick</u>	<u>Graf</u>	<u>ED</u>	Favorable
2.	<u>Sikes</u>	<u>Elwell</u>	<u>AHE</u>	Pre-meeting
3.	_____	_____	<u>AP</u>	_____

I. Summary:

SB 1156 expands “Project Leo” statewide to all Centers for Autism and Related Disabilities (CARD) in the State University System to aid search-and-rescue efforts for persons with special needs in case of elopement. Additionally, the bill:

- Makes the University of Florida responsible for developing eligibility criteria for the selection of participants for all CARD programs throughout the state.
- Removes obsolete reporting requirements related to program implementation and operation.
- Extends the project from June 30, 2018, to June 30, 2019.

The bill does not affect state revenues or expenditures. SB 2500, the Senate General Appropriations Bill for Fiscal Year 2018-2019, provides \$7.6 million to the CARD programs at state universities. By law, the project operates at each CARD program to the extent that funding is available within that program’s existing resources.

The bill takes effect July 1, 2018.

II. Present Situation:

The Legislature has established supports to aid search-and-rescue efforts for persons with special needs.

Project Leo

In 2016, the Legislature created the “Project Leo” pilot project to provide personal devices to aid search-and-rescue efforts for persons with special needs in the case of elopement.¹

¹ Chapter 2016-186, L.O.F.

Elopement, which means leaving an area without supervision or caregiver permission, is prevalent among persons with certain special needs and may expose them to dangerous situations.² Individuals with Alzheimer’s disease or autism are two populations at higher risk to elope.³

The pilot is a collaboration between each Center for Autism and Related Disabilities (CARD)⁴ at the University of Florida (UF)⁵, Florida Atlantic University (FAU)⁶, and the University of South Florida (USF).⁷ Each pilot project provides personal devices to aid in search-and-rescue efforts for person with special needs in cases of elopement in their respective areas.⁸ Participants are selected based on criteria developed by the three participating universities and must, at a minimum, consider the individuals risk of elopement.⁹ For instance, both CARD UF and CARD USF require that the individual:¹⁰

- Reside in a county served by the university’s CARD;
- Have documentation of a diagnosis of autism spectrum disorder or related disability;
- Be at risk of wandering; and
- Be under constant supervision and monitoring of a responsible adult, who can prevent wandering and can contact 911 in the event the individual is missing.

The number of participants is determined based on available funding within each center’s existing resources, and participation in the project is voluntary and free of charge.¹¹ Participants are provided with a personal device to aid in search-and rescue efforts which is attachable to clothing or otherwise wearable.¹² The respective county sheriff’s offices distribute the devices to

² AWAARE collaboration, *Autism & Wandering*, <http://awaare.nationalautismassociation.org/autism-wandering/> (last visited Jan. 18, 2018).

³ AWAARE collaboration, *Autism & Wandering*, <http://awaare.nationalautismassociation.org/autism-wandering/> (last visited Jan. 18, 2018).

⁴ There are seven non-residential CARD centers across the state. The Center for Autism and Related Disabilities (CARD) works with families, caregivers, and professionals to optimize the potential of people with autism and related disabilities. CARD serves children and adults of all levels of intellectual functioning who have autism, autistic-like disabilities, pervasive developmental disorder, dual sensory impairments (deaf-blindness), or a vision or hearing loss with another disabling condition. University of Florida, Center for Autism Related Disabilities, *About CARD FAQ*, <http://card.ufl.edu/about-card/faq/> (last visited Jan. 18, 2018).

⁵ The Center for Autism and Related Disabilities at the University of Florida (CARD UF) serves fourteen counties in North Central Florida. The counties served by CARD UF are Alachua, Bradford, Citrus, Columbia, Dixie, Gilchrist, Hamilton, Hernando, Lafayette, Levy, Marion, Putnam, Suwannee, and Union. Section 1004.55(1)(b), F.S.

⁶ The counties served by CARD at Florida Atlantic University (CARD FAU) are Indian River, Martin, Okeechobee, Palm Beach, and St. Lucie. Section 1004.55(1)(g), F.S.

⁷ The counties served by CARD at the University of South Florida (CARD USF) are Charlotte, Collier, DeSoto, Glades, Hardee, Hendry, Highlands, Hillsborough, Lee, Manatee, Pasco, Pinellas, Polk, and Sarasota Counties. Section 1004.55(1)(d), F.S.

⁸ Section 937.041, F.S.

⁹ *Id.* at (1)(b).

¹⁰ University of Florida, *Project Leo FAQs*, <http://card.ufl.edu/project-leo-faqs/> (last visited January 19, 2018), and University of South Florida, *Project Leo brochure*, available at http://cfs.cbcs.usf.edu/docs/news/CARD_SafetyNet_Brochure.pdf.

¹¹ Section 937.041(2), F.S.

¹² *Id.* at (3).

the project participants.¹³ CARD UF, CARD FAU, and CARD USF are tasked with funding any costs associated with monitoring the devices.¹⁴

Additionally, Project Leo requires CARD UF, CARD FAU, and CARD USF to submit a preliminary report by December 1, 2016, and final report by December 15, 2017, to the Governor, the Speaker of the House of Representatives, and the President of the Senate.¹⁵ Both reports are required to include:¹⁶

- The criteria used to select the participants;
- The number of participants;
- The nature of the participants special needs;
- The number of participants who elope;
- The amount of time taken to rescue a participant following elopement; and
- The outcome of any rescue attempts.

The final report must include recommendations for modification or continued implementation of the program.¹⁷

Each of the three CARD programs received nonrecurring appropriation of \$100,000 when the project was implemented in 2016.¹⁸ The project's continued operation is subject to available funding within the existing resources of CARD UF, CARD FAU, and CARD USF.¹⁹

The project expires on June 30, 2018.²⁰

III. Effect of Proposed Changes:

SB 1156 expands "Project Leo" statewide to all Centers for Autism and Related Disabilities (CARD) in the State University System to aid search-and-rescue efforts for persons with special needs in case of elopement. This expansion adds the CARD programs at Florida State University (FSU) and the University of Central Florida (UCF) to the project. Additionally, the bill:

- Makes the University of Florida responsible for developing eligibility criteria for the selection of participants for all CARD programs throughout the state.
- Removes obsolete reporting requirements related to program implementation and operation.
- Extends the project from June 30, 2018, to June 30, 2019.

Having criteria developed by only one CARD program (UF) may provide uniformity in the application of criteria for program participation. Additionally, the bill may expand access to supports for search-and-rescue efforts for individuals with special needs as more CARD programs throughout state may be able to take advantage of the program.

¹³ *Id.*

¹⁴ *Id.*

¹⁵ Section 937.041(4), F.S.

¹⁶ *Id.*

¹⁷ Section 937.041(4), F.S.

¹⁸ Section 2, ch. 2016-186, L.O.F.

¹⁹ Section 937.041(5), F.S.

²⁰ *Id.* at (6).

The bill takes effect July 1, 2018.

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 has no impact on state revenues and no additional impact on state expenditures. SB 2500, the Senate General Appropriations Bill for Fiscal Year 2018-2019, provides \$7.6 million to the CARD programs at state universities. By law, the project operates at each CARD program to the extent that funding is available within that program's existing resources.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 937.041 of the Florida Statutes.

IX. Additional Information:

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

None.

- B. **Amendments:**

None.

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



502966

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/09/2018	.	
	.	
	.	
	.	

Appropriations Subcommittee on Higher Education (Perry)
recommended the following:

Senate Amendment (with title amendment)

Delete lines 18 - 51
and insert:
known as "Project Leo," through regional autism centers
established under s. 1004.55. Each center that opts to join the
pilot project shall distribute ~~to provide~~ personal devices to
aid search-and-rescue efforts for persons with special needs in
the case of elopement.

~~(b) There is created an additional pilot project in Palm~~



502966

11 ~~Beach County to provide personal devices to aid search and~~
12 ~~rescue efforts for persons with special needs in the case of~~
13 ~~elopement.~~

14 ~~(c) There is created an additional pilot project in~~
15 ~~Hillsborough County to provide personal devices to aid search-~~
16 ~~and-rescue efforts for persons with special needs in the case of~~
17 ~~elopement.~~

18 (2) ~~(a)1.~~ Participants for the pilot project ~~specified in~~
19 ~~paragraph (1)(a)~~ shall be selected based on criteria developed
20 by each participating center based on the specific needs of that
21 center's service area counties prescribed under s. 1004.55 ~~the~~
22 ~~Center for Autism and Related Disabilities at the University of~~
23 ~~Florida.~~

24 ~~2.~~ Participants for the pilot project ~~specified in~~
25 ~~paragraph (1)(b)~~ shall be selected based on criteria developed
26 by ~~the Center for Autism and Related Disabilities at Florida~~
27 ~~Atlantic University.~~

28 ~~3.~~ Participants for the pilot project ~~specified in~~
29 ~~paragraph (1)(c)~~ shall be selected based on criteria developed
30 by ~~the Center for Autism and Related Disabilities at the~~
31 ~~University of South Florida.~~

32 ~~(b)~~ Criteria for participation in the pilot project
33 ~~projects~~ must include, at a minimum, the person's risk of
34 elopement. The qualifying participants shall be selected on a
35 first-come, first-served basis by the respective centers to the
36 extent of available funding within their existing resources. The
37 ~~Each~~ project must be voluntary and free of charge to
38 participants.

39 (3) Under the ~~each~~ pilot project, personal devices to aid



502966

40 search-and-rescue efforts ~~which are attachable to clothing or~~
41 ~~otherwise worn~~ shall be provided by the respective center to the

42
43 ===== T I T L E A M E N D M E N T =====

44 And the title is amended as follows:

45 Delete lines 4 - 6

46 and insert:

47 for missing persons with special needs to the regional
48 autism centers; requiring each center that opts to
49 join the pilot project to distribute personal devices
50 under certain circumstances; revising the requirements
51 for personal devices used in the pilot project;
52 conforming provisions to

By Senator Perry

8-01454-18

20181156__

A bill to be entitled

An act relating to missing persons with special needs; amending s. 937.041, F.S.; expanding pilot projects for missing persons with special needs to all centers for autism and related disabilities at institutions in the State University System; conforming provisions to changes made by the act; deleting a reporting requirement; providing an effective date.

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

Section 1. Section 937.041, Florida Statutes, is amended to read:

937.041 Missing persons with special needs pilot project ~~projects.~~

(1)(a) There is created a statewide pilot project in Alachua, Baker, Columbia, Hamilton, and Suwannee Counties, to be known as "Project Leo," through the centers for autism and related disabilities at institutions in the State University System to provide personal devices to aid search-and-rescue efforts for persons with special needs in the case of elopement.

~~(b) There is created an additional pilot project in Palm Beach County to provide personal devices to aid search-and-rescue efforts for persons with special needs in the case of elopement.~~

~~(c) There is created an additional pilot project in Hillsborough County to provide personal devices to aid search-and-rescue efforts for persons with special needs in the case of elopement.~~

Page 1 of 3

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

8-01454-18

20181156__

(2)~~(a)1~~. Participants for the pilot project ~~specified in paragraph (1)(a)~~ shall be selected based on criteria developed by the Center for Autism and Related Disabilities at the University of Florida.

~~2. Participants for the pilot project specified in paragraph (1)(b) shall be selected based on criteria developed by the Center for Autism and Related Disabilities at Florida Atlantic University.~~

~~3. Participants for the pilot project specified in paragraph (1)(c) shall be selected based on criteria developed by the Center for Autism and Related Disabilities at the University of South Florida.~~

~~(b)~~ Criteria for participation in the pilot project ~~projects~~ must include, at a minimum, the person's risk of elopement. The qualifying participants shall be selected on a first-come, first-served basis by the respective centers to the extent of available funding within their existing resources. The ~~Each~~ project must be voluntary and free of charge to participants.

(3) Under the ~~each~~ pilot project, personal devices to aid search-and-rescue efforts which are attachable to clothing or otherwise worn shall be provided by the respective center to the sheriff's offices of the participating counties. The devices shall be distributed to project participants by the county sheriff's offices in conjunction with the respective center. The respective center shall fund any costs associated with monitoring the devices.

~~(4) Each center shall submit a preliminary report by December 1, 2016, and a final report by December 15, 2017, to~~

Page 2 of 3

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

8-01454-18

20181156__

59 ~~the Governor, the President of the Senate, and the Speaker of~~
60 ~~the House of Representatives describing the implementation and~~
61 ~~operation of its pilot project. At a minimum, each report must~~
62 ~~include the criteria used to select participants, the number of~~
63 ~~participants, the nature of the participants' special needs, the~~
64 ~~number of participants who elope, the amount of time taken to~~
65 ~~rescue such participants following elopement, and the outcome of~~
66 ~~any rescue attempts. Each final report shall also provide~~
67 ~~recommendations for modification or continued implementation of~~
68 ~~the project.~~

69 (4)~~(5)~~ The ~~Each~~ project shall operate to the extent of
70 available funding within the respective center's existing
71 resources.

72 (5)~~(6)~~ This section expires June 30, 2019 ~~2018~~.

73 Section 2. This act shall take effect July 1, 2018.

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 Appropriations Subcommittee on Higher Education

BILL: SB 1398

INTRODUCER: Senator Benacquisto

SUBJECT: Florida ABLE Program Trust Fund/State Board of Administration

DATE: February 7, 2018

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Sikes	Elwell	AHE	Recommend: Favorable
2.			AP	

I. Summary:

SB 1398 re-creates, without modification, the Florida ABLE Trust Fund within the State Board of Administration and repeals the scheduled termination of the trust fund.

The bill does not affect state revenues or expenditures.

The bill takes effect July 1, 2018.

II. Present Situation:

Article III, s. 19(f) of the State Constitution requires the termination of a trust fund within four years of the effective date of the act authorizing the initial creation of the trust fund, unless the trust fund is exempted specifically by the constitution.

The Florida ABLE Trust Fund was created to hold appropriations and moneys acquired from private sources or other governmental sources for the Florida ABLE program. Trust fund assets are maintained, expended, and invested only to carry out the purposes of Florida ABLE program.¹

Under the Florida ABLE Program, eligible individuals with disabilities, family members and others may contribute funds to an ABLE savings account without affecting the designated beneficiary's eligibility for state and federal benefits, such as Supplemental Security Income (SSI) and Medicaid. Those funds may be used for qualified disability expenses relating to the individual's disability. These expenses include education, housing, transportation, employment support, health, prevention, wellness, financial and legal expenses, and other expenses authorized through federal regulations.²

¹ Section 1009.988(2), F.S.

² State Board of Administration, 2018 *Agency Bill Analysis for SB 1398* (Jan. 3, 2018)

Since the Florida ABLE Program launched on July 1, 2016:

- 1,572 Floridians have enrolled in the program.
- The average age of a Florida ABLE account beneficiary is 29 years old.
- 68 percent of the individuals enrolled in the program have an intellectual or developmental disability.
- \$6,974,665 in contributions have been made to participant accounts.³

The June 30, 2017 audited financial statements recorded a total trust fund balance of \$6,988,300.⁴

The Florida ABLE Trust Fund is scheduled to be terminated on May 21, 2019.

III. Effect of Proposed Changes:

Section 1 re-creates The Florida ABLE Trust Fund within the State Board of Administration without modification.

Section 2 repeals s. 1009.988 (3), F.S., which terminates the trust fund on May 21, 2019.

IV. Within the State Board of Education 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.

³ State Board of Administration, 2018 *Agency Bill Analysis for SB 1398* (Jan. 3, 2018)

⁴ Florida ABLE, Inc., *Financial Statements Report* (June 30, 2017) at 3

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 1009.988 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.

CourtSmart Tag Report

Room: KN 412

Case No.:

Type:

Caption: Senate Appropriations Subcommittee on Higher Education

Judge:

Started: 2/8/2018 12:32:38 PM

Ends: 2/8/2018 12:46:39 PM

Length: 00:14:02

12:32:40 PM Sen. Galvano (Chair)
12:32:46 PM Roll Call
12:33:28 PM S 1398
12:33:42 PM Sen. Benacquisto
12:34:47 PM Roll Call (Favorable)
12:34:55 PM S 252
12:34:59 PM Sen. Steube
12:35:56 PM Roll Call (Favorable)
12:36:04 PM S 1064
12:36:11 PM Sen. Baxley
12:36:23 PM Am. 339118
12:37:02 PM Debbie Mortham, Legislative Director, Foundation for Florida's Future (Waives in Support)
12:37:08 PM James Herzog, Associate Director for Education, Florida Conference of Catholic Bishops (Waives in Support)
12:37:19 PM Bob Boyo, General Counsel, Independent Colleges and Universities of Florida (ICUF) (Waives in Support)
12:37:24 PM Brenda Dickinson, Consultant, Florida Council of Independent Schools (Waives in Support)
12:37:48 PM Roll Call (Favorable)
12:37:57 PM S 1156
12:38:08 PM Sen. Perry
12:38:31 PM Am. 502966
12:38:59 PM Sen. Perry
12:39:28 PM Roll Call (Favorable)
12:39:49 PM Recording Paused
12:42:35 PM Recording Resumed
12:42:43 PM S 764
12:43:01 PM Sen. Bean
12:44:32 PM Am. 974208
12:44:37 PM Sen. Bean
12:45:17 PM Joe Anne Hart, Chief Legislative Officer, Florida Dental Association (Waives in Support)
12:45:23 PM S 764 (cont.)
12:45:43 PM J. Hart (Waives in Support)
12:46:05 PM Roll Call (Favorable)
12:46:17 PM Sen. Farmer
12:46:32 PM Meeting Adjourned



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Community Affairs, *Chair*
Appropriations Subcommittee on Higher
Education
Appropriations Subcommittee on Pre-K - 12
Education
Education
Ethics and Elections
Rules

SENATOR TOM LEE

20th District

February 8, 2018

The Honorable Bill Galvano, Chair
The Florida Senate
404 South Monroe Street
201 Capitol Tallahassee, FL 32399

Dear Senator Galvano:

I respectfully request to be excused from today's meeting of the Appropriations Subcommittee on Higher Education.

Sincerely,

A handwritten signature in blue ink that reads "Tom Lee".

Tom Lee
Florida State Senator
20th District

REPLY TO:

- 915 Oakfield Drive, Suite D, Brandon, Florida 33511 (813) 653-7061
- 418 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5020

Senate's Website: www.flsenate.gov

JOE NEGRON
President of the Senate

ANITERE FLORES
President Pro Tempore