

Tab 1	SB 62 by Book; (Identical to H 00349) Students with Disabilities in Public Schools					
544594	A	S	RCS	ED, Book	btw L.23 - 24:	03/12 04:12 PM
Tab 2	SB 172 by Bean; (Identical to H 06001) Florida Endowment for Vocational Rehabilitation					
Tab 3	SB 226 by Brandes; (Similar to CS/H 00401) Mastery-based Education					
478066	D	S	RS	ED, Brandes	Delete everything after	03/12 04:12 PM
564080	SD	S	L RCS	ED, Brandes	Delete everything after	03/12 04:12 PM
Tab 4	SB 442 by Lee; (Similar to CS/H 00217) Postsecondary Education for Certain Military Personnel					
Tab 5	SB 522 by Diaz (CO-INTRODUCERS) Perry; (Similar to H 00367) Apprenticeship Programs					
Tab 6	SB 680 by Perry (CO-INTRODUCERS) Flores; (Similar to CS/H 00257) Excess Credit Hour Surcharges					
Tab 7	SB 720 by Flores; (Identical to H 00525) Renaming of Florida College System Institutions					
Tab 8	SB 1198 by Stargel; School Board Fiscal Transparency					
246730	A	S	RCS	ED, Stargel	Delete L.55:	03/12 04:12 PM
346108	A	S	RCS	ED, Stargel	Delete L.141 - 170:	03/12 04:12 PM
763286	A	S	RCS	ED, Stargel	Delete L.202 - 232.	03/12 04:12 PM
Tab 9	SPB 7076 by ED; State University Building Designations					

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

EDUCATION
Senator Diaz, Chair
Senator Montford, Vice Chair

MEETING DATE: Tuesday, March 12, 2019**TIME:** 1:30—3:30 p.m.**PLACE:** Pat Thomas Committee Room, 412 Knott Building**MEMBERS:** Senator Diaz, Chair; Senator Montford, Vice Chair; Senators Baxley, Berman, Cruz, Perry, Simmons, and Stargel

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 62 Book (Identical H 349)	Students with Disabilities in Public Schools; Providing requirements for the use of physical restraint; providing requirements for the use of exclusionary and nonexclusionary time; providing requirements for documenting, reporting, and monitoring the use of restraint and exclusionary or nonexclusionary time; requiring continuing education and inservice training for instructional personnel in teaching students with emotional or behavioral disabilities, etc. ED 03/12/2019 Fav/CS AED AP	Fav/CS Yeas 8 Nays 0
2	SB 172 Bean (Identical H 6001)	Florida Endowment for Vocational Rehabilitation; Abrogating the future repeal of provisions relating to the Florida Endowment for Vocational Rehabilitation, etc. ED 03/12/2019 Favorable AED AP	Favorable Yeas 7 Nays 0
3	SB 226 Brandes (Similar CS/H 401)	Mastery-based Education; Renaming the Competency-Based Education Pilot Program as the Mastery-Based Education Pilot Program; authorizing a district school board participating in the Mastery-Based Education Pilot Program to award credit based on student mastery of certain content and skills; authorizing a district school board participating in the Mastery-Based Education Pilot Program to use an alternative interpretation of letter grades for certain students, etc. ED 03/12/2019 Fav/CS AED AP	Fav/CS Yeas 8 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Education

Tuesday, March 12, 2019, 1:30—3:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	SB 442 Lee (Similar CS/H 217)	Postsecondary Education for Certain Military Personnel; Requiring the Board of Governors and State Board of Education, in consultation with the Chancellors of the State University System and the Florida College System, to create a uniform system for the award of postsecondary college credit to certain servicemembers and veterans of the United States military; requiring specified postsecondary institutions to waive the transcript fee for active duty members of the Armed Forces of the United States and certain veterans, etc. ED 03/12/2019 Favorable MS AP	Favorable Yeas 8 Nays 0
5	SB 522 Diaz (Similar H 367)	Apprenticeship Programs; Requiring the Department of Education to provide a specified annual report to the Legislature and the State Apprenticeship Advisory Council; requiring the department to develop and manage the Florida Apprenticeship Grant Program, subject to appropriation of funds by the Legislature; authorizing certain registered apprenticeship program sponsors to apply for grant awards to help fund apprenticeship programs, etc. ED 03/12/2019 Favorable AED AP	Favorable Yeas 8 Nays 0
6	SB 680 Perry (Similar CS/H 257)	Excess Credit Hour Surcharges; Requiring a state university to calculate an excess hour threshold for each student based on specified criteria; providing that the excess hour threshold may be adjusted only under certain circumstances, etc. ED 03/12/2019 Favorable AED AP	Favorable Yeas 8 Nays 0
7	SB 720 Flores (Identical H 525)	Renaming of Florida College System Institutions; Changing the name of "Florida Keys Community College" to "The College of the Florida Keys"; changing the name of "North Florida Community College" to "North Florida College", etc. ED 03/12/2019 Favorable AED AP	Favorable Yeas 8 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Education

Tuesday, March 12, 2019, 1:30—3:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
8	SB 1198 Stargel	School Board Fiscal Transparency; Expanding provisions with which charter schools are required to comply; revising requirements for school districts' reports to the Department of Education on certain costs; revising the requirements for data and information that district school boards must post on their respective websites; deleting a requirement that superintendents reduce certain expenditures under specified circumstances, etc. ED 03/12/2019 Fav/CS AED AP	Fav/CS Yeas 8 Nays 0
Consideration of proposed bill:			
9	SPB 7076	State University Building Designations; Requiring the Board of Governors to adopt regulations regarding the naming or renaming of state university facilities; specifying elements that must be addressed in the naming or renaming process; providing applicability; repealing a provision relating to the designation of a Florida State University facility, etc.	Submitted and Reported Favorably as Committee Bill Yeas 6 Nays 1
Other Related Meeting Documents			

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Education

BILL: CS/SB 62

INTRODUCER: Education Committee and Senator Book

SUBJECT: Students with Disabilities in Public Schools

DATE: March 12, 2019

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Graf	Sikes	ED	Fav/CS
2.			AED	
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Technical Changes

I. Summary:

CS/SB 62 revises the use of restraint techniques on students with disabilities in public schools, prohibits the use of specified physical restraint techniques and placing students in seclusion, and specifies responsibilities for school districts, schools, the Department of Education (DOE), and the Commissioner of Education (commissioner). Specifically, the bill:

- Defines exclusionary and nonexclusionary time; establishes conditions under which a student may be placed in exclusionary or nonexclusionary time; and specifies related documentation, reporting and monitoring of such incidents.
- Requires each school district to:
 - Develop policies and procedures regarding physical safety and security of all students and school personnel.
 - Report procedures for training related to restraint and specifies the components of such training.
 - Publicly post its policies on all emergency procedures, including the district's policies on the use of restraint.
- Requires a school to conduct a review of incidents of restraint, and related interventions and school personnel training.
- Requires the DOE to maintain data on exclusionary and nonexclusionary time incidents, and requires that redacted copies of documentation on the use of restraint and exclusionary and nonexclusionary time be updated monthly and made available to the public through the DOE's website by October 1, 2019.

- Requires the commissioner to develop recommendations to incorporate instruction regarding emotional or behavioral disabilities into continuing education or inservice training requirements for instructional personnel.

The bill designates the act as the “Dorothy L. Hukill Student Safety Act.”

The bill takes effect July 1, 2019.

II. Present Situation:

Federal law provides individuals with disabilities protections against discrimination, including specific provisions for students with disabilities. The Individuals with Disabilities Education Act (IDEA) was originally signed into law by President Gerald Ford as the Education for All Handicapped Children Act (Pub. Law 94-142) in 1975.¹ The purpose of the IDEA includes ensuring that all children with disabilities have available to them a free appropriate public education and related services designed to meet their unique needs and prepare them for further education, employment, and independent living; and ensuring that the rights of children with disabilities and parents of such children are protected.²

Florida law specifies conditions regarding the use of restraint and seclusion on students with disabilities; and requires documentation, reporting, and monitoring of the use of such techniques.³

The Use of Restraint and Seclusion

Florida law does not currently define restraint and seclusion, but guidance by the Florida Department of Education (department or DOE) specifies that all documenting, reporting, and monitoring requirements for restraint must be based on the definitions issued by the Office for Civil Rights (OCR) in the United States Department of Education.⁴

Restraint

According to the DOE’s guidance:⁵

- Physical restraint immobilizes or reduces the ability of a student to move his or her torso, arms, legs, or head freely. The term physical restraint does not include a physical escort.⁶ A physical escort means a temporary touching or holding of the hand, wrist, arm, shoulder, or back for the purpose of inducing a student who is acting out to walk to a safe location.

¹ U.S. Department of Education, *History of the IDEA*, <https://sites.ed.gov/idea/about-idea> (last viewed March 7, 2019).

² U.S. Department of Education, *IDEA Purpose*, <https://sites.ed.gov/idea/about-idea> (last viewed March 7, 2019).

³ Section 1003.573, F.S.

⁴ Florida Department of Education, Bureau of Exceptional Education and Student Services, *Guidelines for the Use, Documentation, Reporting, and Monitoring of Restraint and Seclusion with Students with Disabilities*, Technical Assistance Paper FY 2011-165 (Oct. 14, 2011), available at <https://info.fldoe.org/docushare/dsweb/Get/Document-6212/dps-2011-165.pdf>, at 2.

⁵ *Id.*

⁶ A physical escort means a temporary touching or holding of the hand, wrist, arm, shoulder, or back for the purpose of inducing a student who is acting out to walk to a safe location. *Id.*

- Mechanical restraint is the use of any device or equipment to restrict a student's freedom of movement. The term does not include devices implemented by trained school personnel or devices used by a student that have been prescribed by an appropriate medical or related service professional and are used for specific and approved purposes for which such devices were designed.

School personnel are prohibited from using a mechanical restraint or a physical or manual restraint that restricts a student's breathing.⁷ Additionally, school personnel may not close, lock, or physically block a student in a room that is unlit and does not meet the rules of the State Fire Marshall for seclusion time-out rooms.⁸ School districts began reporting incidents of restraint and seclusion at the beginning of the 2010-2011 school year.⁹

Since the inception of the reporting system through July 31, 2018, there have been 72,019 incidents of restraint reported.¹⁰

School Year	Number of Students	Restraint Incidents
2010-11	3,580	10,683
2011-12	4,369	9,789
2012-13	4,096	9,551
2013-14	3,479	8,964
2014-15	3,229	8,199
2015-16	3,437	7,696
2016-17	3,239	8,770
2017-18	3,136	8,367

Seclusion

The OCR defines seclusion as the involuntary confinement of a student alone in a room or area from which the student is physically prevented from leaving.¹¹ Seclusion does not include a time out, which is a behavior management technique that is part of an approved program, involves the monitored separation of the student in a non-locked setting, and is implemented for the purpose of calming.¹²

Since the inception of the reporting system through July 31, 2018, there have been 20,188 incidents of seclusion reported.¹³

⁷ Section 1003.573(4), F.S.

⁸ *Id.* at (5); Rule 69A-58.0084, F.A.C.

⁹ Florida Department of Education, *Senate Bill 62 Analysis* (Feb. 05, 2019), at 4.

¹⁰ *Id.*; see also email from Florida Department of Education (Feb. 14, 2019).

¹¹ U.S. Department of Education, Office of Civil Rights, *Dear Colleague Letter: Restraint and Seclusion of Students with Disabilities* (Dec. 28, 2016), available at <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201612-504-restraint-seclusion-ps.pdf>, at 7.

¹² *Id.*

¹³ Florida Department of Education, *Senate Bill 62 Analysis* (Feb. 05, 2019), at 4; see also email from Florida Department of Education (Feb. 14, 2019).

School Year	Number of Students	Seclusion Incidents
2010-11	1,321	4,637
2011-12	1,448	4,245
2012-13	1,237	3,024
2013-14	885	2,272
2014-15	732	2,262
2015-16	638	1,563
2016-17	503	1,351
2017-18	349	834

School District Responsibilities

Each school district must develop policies and procedures that are consistent with Florida law regarding the use of restraint and seclusion on students with disabilities and that govern specified topics, such as:¹⁴

- Incident-reporting procedures.
- Data collection and monitoring, including when, where, and why students are restrained or secluded; the frequency of occurrences of such restraint or seclusion; and the prone or mechanical restraint that is most used.
- Training programs relating to manual or physical restraint and seclusion.
- The district's plan for reducing the use of restraint and seclusion particularly in settings in which it occurs frequently or with students who are restrained repeatedly,¹⁵ and for reducing the use of prone restraint and mechanical restraint.

School Responsibilities

Florida law requires a school to prepare an incident report within 24 hours after a student is released from restraint or seclusion.¹⁶ The incident report must contain information specified in law, such as:¹⁷

- The name, age, grade, ethnicity, and disability of the student restrained or secluded.
- The date and time of the event and the duration of the restraint or seclusion.
- A description of the type of restraint used in terms established by the department.
- A description of the incident containing information specified in law.

¹⁴ Section 1003.573(3)(a), F.S.

¹⁵ The recurrent use of seclusion or restraint for an individual student indicates the need for a functional behavioral assessment (FBA) and should trigger a review and possible revision of that student's individual educational plan (IEP) and Behavioral Intervention Plan (BIP). For example, students with limited communication skills may exhibit aggressive behaviors in an effort to communicate. The FBA should be used to identify such situations and a BIP should be developed to address the need(s) through appropriate instructional techniques. Florida Department of Education, Bureau of Exceptional Education and Student Services, *Guidelines for the Use, Documentation, Reporting, and Monitoring of Restraint and Seclusion with Students with Disabilities*, Technical Assistance Paper FY 2011-165 (Oct. 14, 2011), available at <https://info.fldoe.org/docushare/dsweb/Get/Document-6212/dps-2011-165.pdf>, at 15.

¹⁶ *Id.* at (1)(a). If the student's release occurs on a day before the school closes for the weekend, a holiday or another reason, the incident report must be completed by the end of the school day on the day the school reopens. *Id.*

¹⁷ *Id.* at (b).

A school must notify the parent or guardian of a student each time manual or physical restraint or seclusion is used.¹⁸ Such notification must be in writing and provided before the end of the school day on which the restraint or seclusion occurs.¹⁹ Reasonable efforts must also be taken to notify the parent or guardian by telephone or computer e-mail, or both, and these efforts must be documented.²⁰ The school must obtain and keep in its records the parent's or guardian's signed acknowledgement that he or she was notified of his or her child's restraint or seclusion.²¹ A school must also provide the parent or guardian with the completed incident report in writing by mail within three school days after a student was manually or physically restrained or secluded; and the school must obtain, and keep in its records, the parents' or guardian's signed acknowledgement that he or she received a copy of the incident report.²²

In addition, Florida law requires monitoring of the use of manual or physical restraint or seclusion on students to occur at the classroom, building, district, and state levels.²³ Documentation of the incident report and the notification to the parent or guardian must be provided to the school principal, the district director of Exceptional Student Education, and the bureau chief of the Bureau of Exceptional Education and Student Services electronically each month that school is in session.²⁴

Florida Department of Education Responsibilities

The DOE is required to maintain aggregate data of incidents of manual or physical restraint and seclusion and disaggregate data for analysis by county, school, student exceptionality, and other variables, including the type and method of restraint or seclusion used.²⁵ This information must be updated monthly.²⁶ The department is also required to establish standards for documenting, reporting, and monitoring the use of manual or physical restraint or mechanical restraint, and occurrences of seclusion.²⁷ Such standards must be provided to the school districts by October 1, 2011.²⁸

Commissioner of Education Responsibilities

The commissioner is required to develop recommendations to incorporate instruction regarding autism spectrum disorder, Down syndrome, and other developmental disabilities into continuing

¹⁸ *Id.* at (c).

¹⁹ *Id.*

²⁰ *Id.*

²¹ *Id.*

²² Section 1003.573(1)(d), F.S.

²³ *Id.* at (2)(a).

²⁴ *Id.* at (b).

²⁵ *Id.* at (c).

²⁶ *Id.*

²⁷ *Id.* at (d).

²⁸ *Id.*; see also Florida Department of Education, Bureau of Exceptional Education and Student Services, *Guidelines for the Use, Documentation, Reporting, and Monitoring of Restraint and Seclusion with Students with Disabilities*, Technical Assistance Paper FY 2011-165 (Oct. 14, 2011), available at <https://info.fldoe.org/docushare/dsweb/Get/Document-6212/dps-2011-165.pdf>, at 18-19.

education or in-service training requirements for personnel.²⁹ These recommendations must address:³⁰

- Early identification and intervention methods.
- Curriculum planning and curricular and instructional modifications, adaptations, and specialized strategies and techniques.
- The use of available state and local resources.
- The use of positive behavioral supports to deescalate problem behaviors.
- Appropriate use of manual physical restraint and seclusion techniques.

III. Effect of Proposed Changes:

CS/SB 62 revises the use of restraint techniques on students with disabilities in public schools, prohibits the use of specified physical restraint techniques and placing students in seclusion, and specifies responsibilities for school districts, schools, the Department of Education (DOE), and the Commissioner of Education (commissioner). Specifically, the bill:

- Defines exclusionary and nonexclusionary time; establishes conditions under which a student may be placed in exclusionary or nonexclusionary time; and specifies related documentation, reporting and monitoring of such incidents.
- Requires each school district to:
 - Develop policies and procedures regarding physical safety and security of all students and school personnel.
 - Report procedures for training related to restraint and specifies the components of such training.
 - Publicly post its policies on all emergency procedures, including the district's policies on the use of restraint.
- Requires a school to conduct a review of incidents of restraint, and related interventions and school personnel training.
- Requires the DOE to maintain data on exclusionary and nonexclusionary time incidents, and requires that redacted copies of documentation on the use of restraint and exclusionary and nonexclusionary time be updated monthly and made available to the public through the DOE's website by October 1, 2019.
- Requires the commissioner to develop recommendations to incorporate instruction regarding emotional or behavioral disabilities into continuing education or inservice training requirements for instructional personnel.

The bill defines student to mean a student with a disability.

The Use of Restraint and Seclusion

Restraint

The bill defines the following terms related to restraint:

- Restraint means the use of a mechanical or physical restraint which may be used only when all other behavioral strategies and intervention techniques have been exhausted.

²⁹ Section 1012.582(1), F.S.

³⁰ *Id.*

- Mechanical restraint means the use of a device that restricts a student's freedom of movement. The term includes, but is not limited to the use of straps, belts, tie-downs, and chairs with straps. However, the term mechanical restraint does not include the use of any of the following:
 - Medical protective equipment.
 - Behavioral protective equipment, including helmets, gloves, wraps, calming blankets and other devices that are used temporarily to prevent severe tissue damage caused by behavioral excess.
 - Physical equipment or orthopedic appliances, surgical dressings or bandages, or supportive body bands or other restraints necessary for ongoing medical treatment in the educational setting.
 - Devices used to support functional body position or proper balance, or to prevent a person from falling out of a bed or wheelchair, except when such device is used for a purpose other than supporting a body position or proper balance, such as coercion, discipline, convenience, or retaliation, to prevent imminent risk of serious injury or death of the student or others, or for any behavior management reason.³¹
 - Equipment used for safety during transportation
- Physical restraint is the use of manual restraint techniques that involve significant physical force applied by a teacher or other staff member to restrict the movement of all or part of a student's body.

The bill limits the use of physical restraint to only when there is an imminent risk of serious injury or death to the student or others and only for the period of time necessary to eliminate such risk. Moreover, the bill specifies that physical restraint:

- Must be used only to protect the safety of students, school personnel, or others.
- May not be used for student discipline, to correct student noncompliance, or for the convenience of school district staff.
- Must only be used for the period needed to provide such protection.

The bill specifies that the degree of force applied during physical restraint must be the only degree of force necessary to protect the student or others from serious injury or death.

The bill also clarifies that school personnel who have received training that is not associated with their employment with the school district, such as a former law enforcement officer who is now a teacher, must receive training in the specific district-approved techniques and may not apply techniques or procedures acquired elsewhere. Specifically, school personnel may not use any of the following physical restraint techniques on a student:

- Pain inducement to obtain compliance.
- Bone locks.
- Hyperextension of joints.
- Peer restraint.
- Pressure or weight on the chest, lungs, sternum, diaphragm, back, or abdomen causing chest compression.

³¹ SB 62 defines an imminent risk of serious injury or death as the impending risk of a significant injury, such as a laceration, bone fracture, substantial hematoma, or injury to an internal organ, or death.

- Straddling or sitting on any part of the body or any maneuver that places pressure, weight, or leverage on the neck or throat, on an artery, or on the back of the head or neck, or that otherwise obstructs or restricts the circulation of blood or obstructs an airway.
- Any type of choking, including hand chokes, and any type of neck or head hold.
- A technique that involves spraying or pushing anything on or into the mouth, nose, eyes, or any part of the face or body with anything, including soft objects such as pillows or washcloths.
- Any maneuver that involves punching, hitting, poking pinching, or shoving.
- Prone or supine restraint.

The codification of impermissible physical restraint techniques may provide additional protection for students with disabilities who are subject to restraint.

Seclusion

The bill prohibits the use of seclusion of students by school personnel. The bill defines seclusion to mean the removal of a student from an educational environment, involuntarily confining the student in a room or area, and preventing the student from leaving the area by locking or artificially blocking the door.

The bill excludes exclusionary time from the definition of seclusion. This prohibition may propel school personnel to consider effective and appropriate intervention strategies to address student behavior in the school setting.

Exclusionary and Nonexclusionary Time

The bill authorizes the placement of a student in exclusionary or nonexclusionary time. The bill defines:

- Exclusionary time to mean the period during which a student is removed from an event, activity, or instructional environment to encourage reflection on behavior and allow space and time for understanding of choices and consequences.
- Nonexclusionary time to mean a period during which a student remains in the event or instructional environment, but is redirected from the activities so that he or she has an opportunity to reflect on the behavior and is given space and time for understanding of choices and consequences.

The bill specifies that school personnel may place a student in exclusionary or nonexclusionary time only if all of the following conditions are met:

- The exclusionary time or nonexclusionary time is part of a positive behavioral intervention plan developed for the student from a functional behavioral assessment and referenced in the student's individualized behavior intervention plan.
- There is documentation that the exclusionary nonexclusionary time was preceded by the use of other positive behavioral supports that were not effective.
- The exclusionary or nonexclusionary time takes place in a classroom or in another environment where class educational activities are taking place.
- The student is not physically prevented from leaving the exclusionary or nonexclusionary time area.

- An adult observes the student on a constant basis for the duration of the exclusionary or nonexclusionary time.
- The exclusionary or nonexclusionary time area and process are free of any action that is likely to embarrass or humiliate the student.

The bill also specifies that exclusionary or nonexclusionary time may not be used for a period that exceeds one minute for each year of a student's age or until the student is calm enough to return to his or her seat, whichever is shorter. Additionally, exclusionary or nonexclusionary time may not be used as a punishment or negative consequence of a student's behavior.

The bill provides that documentation, reporting, and monitoring provisions specified in Florida law related to the use of restraint also apply to exclusionary and nonexclusionary time.

The establishment of exclusionary and nonexclusionary time may provide school personnel with additional intervention methods and tools to reduce disruption during instructional time or other activities and may assist students reflect on their behavior.

School District Responsibilities

The bill requires school districts to develop policies and procedures that provide for the physical safety and security of all students and school personnel and which treat all students with respect and dignity in an environment that promotes a positive school culture and climate. This is consistent with DOE's guidance.³² The bill specifies that the policies and procedures adopted by the school districts must also include the following:

- A description of escalating behavioral strategies that may be used.
- Allowable use of restraint on students.
- Training procedures relating to restraint.
- The district's timeframe for completing the newly established training procedures in the use of restraint on students.
- Analysis of data to determine trends.
- Ongoing reduction of the use of restraint.

Additionally, the bill requires each school district to publicly post its policies on all emergency procedures, including its policies on the use of seclusion and restraint at the beginning of each school year. Such policies and procedures may assist with reducing the use of restraint techniques by public schools.

³² DOE guidance recognizes that there are instances in which students pose a threat to the safety of themselves or others and that it is the purpose of restraint and seclusion to prevent such injury to self and or others. Seclusion and restraint procedures are not to be used to punish a student, as a deterrent, or to teach a student a lesson. DOE guidance states that it is important to recognize that the use of restraint and seclusion may have an emotional impact on students and such interventions should only be used in emergency situations when an imminent risk of serious injury or death to the student or others exists and in a manner that conveys respect for the dignity of the student. Florida Department of Education, Bureau of Exceptional Education and Student Services, *Guidelines for the Use, Documentation, Reporting, and Monitoring of Restraint and Seclusion with Students with Disabilities*, Technical Assistance Paper FY 2011-165 (Oct. 2011), available at <https://info.fldoe.org/docushare/dsweb/Get/Document-6212/dps-2011-165.pdf>, at 1.

Training for the Use of Restraint

Each school district must report its procedures for training in the use of restraint to the DOE by publishing the procedures in the district's special policies and procedures manual. The bill specifies that the school district training in the use of restraint must include all of the following:

- Procedures for deescalating a problem behavior before the problem behavior increases to a level or intensity necessitating physical intervention.
- Information regarding the risks associated with restraint and procedures for assessing individual situations and restraint and procedures for assessing individual situations and students in order to determine whether the use of restraint is appropriate and sufficiently safe.
- The actual use of specific techniques that range from the least to most restrictive, with ample opportunity for trainees to demonstrate proficiency in the use of such techniques.
- Techniques for implementing restraint with multiple staff members working as a team.
- Techniques for assisting a student in reentering the instructional environment and reengaging in learning.
- Instruction in the district's documentation and reporting requirements.
- Procedures to identify and deal with possible medical emergencies arising during the use of restraint.
- Cardiopulmonary resuscitation.

The establishment of school district training protocol on the use of restraint may provide school personnel with additional resources and knowledge related to the techniques and the use of restraint and deescalating disruptive student behavior.

School Responsibilities

The bill modifies information included in incident reports prepared by public schools to also include specified information on exclusionary or nonexclusionary time.

Additionally, the bill requires a school to conduct a review if a student is restrained more than twice during a semester. Such review must include:

- The incidents in which restraint was used and an analysis of how future incidents may be avoided.
- The student's functional behavioral assessment and positive behavioral intervention plan by the school personnel and parent within two weeks before the end of the semester.
- The training provided to school personnel concerning the use of restraint.

Such review process may assist the schools in reducing the use of restraint on students.

Florida Department of Education Responsibilities

The bill requires redacted copies of any documentation prepared by a school related to the use of restraint or exclusionary or nonexclusionary time to be updated monthly and made available to the public through the DOE's website by October 1, 2019.

The bill also requires the DOE to make the aggregate-level data maintained by the department on the incidents of restraint and exclusionary and nonexclusionary time, disaggregated by county,

school, student exceptionality, and other variables, available to the public through the DOE's website by October 1, 2019. This may provide the public with access to policies, procedures, and data related to the use of restraint as well as exclusionary and nonexclusionary time.

The bill requires the DOE to establish and provide to school districts standards for documenting, reporting, and monitoring the use of and occurrences of exclusionary or nonexclusionary time.

Commissioner of Education Responsibilities

The bill requires the commissioner to develop recommendations that incorporate instruction regarding emotional or behavioral disabilities into continuing education or inservice training requirements for instructional personnel. The bill also modifies the information specified in law, which must be addressed in such recommendations. Specifically, the bill requires such recommendations to also address the appropriate use of physical restraint and effective classroom behavior management strategies, including, but not limited to, differential reinforcement, precision commands, minimizing attention or access to other reinforcers, and exclusionary and nonexclusionary time methods.

Accordingly, the bill may help instructional personnel to be informed and trained in strategies to teach students with emotional or behavioral disabilities.

The bill takes effect July 1, 2019.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

According to the Department of Education, school districts will incur costs associated with certification and refresher training in district-approved techniques for manual physical restraint.³³ Such costs are currently indeterminable.³⁴

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 1003.573 and 1012.582.

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

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

CS by Education Committee on March 12, 2019:

The committee substitute designates the act as the “Dorothy L. Hukill Student Safety Act.”

B. Amendments:

None.

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

³³ Florida Department of Education, *Senate Bill 62 Analysis* (Feb. 5, 2019), at 8.

³⁴ *Id.*



544594

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/12/2019	.	
	.	
	.	
	.	

The Committee on Education (Book) recommended the following:

Senate Amendment (with title amendment)

Between lines 23 and 24
insert:

Section 1. This act may be cited as the "Dorothy L. Hukill
Student Safety Act."

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

And the title is amended as follows:

Delete line 3

and insert:



544594

12 public schools; providing a short title; amending s.
13 1003.573, F.S.; defining

By Senator Book

32-00070-19

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A bill to be entitled

An act relating to students with disabilities in public schools; amending s. 1003.573, F.S.; defining terms; providing requirements for the use of physical restraint; prohibiting specified physical restraint techniques; providing requirements for the use of exclusionary and nonexclusionary time; providing requirements for school districts to report and publish training procedures; providing for student-centered followup; providing requirements for documenting, reporting, and monitoring the use of restraint and exclusionary or nonexclusionary time; revising school district policies and procedures relating to restraint; prohibiting the use of seclusion; amending s. 1012.582, F.S.; requiring continuing education and inservice training for instructional personnel in teaching students with emotional or behavioral disabilities; conforming provisions to changes made by the act; providing an effective date.

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

Section 1. Section 1003.573, Florida Statutes, is amended to read:

1003.573 Seclusion and Use of restraint of and seclusion on students with disabilities in public schools.—

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

(a) "Exclusionary time" means the period during which a

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student is removed from an event, activity, or instructional environment to encourage reflection on his or her behavior and allow space and time for understanding of choices and consequences.

(b) "Imminent risk of serious injury or death" means the impending risk of a significant injury, such as a laceration, bone fracture, substantial hematoma, or injury to an internal organ, or death.

(c) "Medical protective equipment" means health-related protective devices prescribed by a physician or dentist for use as student protection in response to an existing medical condition.

(d) "Nonexclusionary time" means a period during which a student remains at the event or in the instructional environment but is redirected from the activities so that he or she has an opportunity to reflect on his or her behavior and is given space and time for understanding of choices and consequences.

(e) "Restraint" means the use of a mechanical or physical restraint which may be used only when all other behavioral strategies and intervention techniques have been exhausted.

1. "Mechanical restraint" means the use of a device that restricts a student's freedom of movement. The term includes, but is not limited to, the use of straps, belts, tie-downs, and chairs with straps; however, the term does not include the use of any of the following:

a. Medical protective equipment.

b. Behavioral protective equipment, including helmets, gloves, wraps, calming blankets, and other devices that are used temporarily to prevent severe tissue damage caused by behavioral

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59 excesses.

60 c. Physical equipment or orthopedic appliances, surgical
 61 dressings or bandages, or supportive body bands or other
 62 restraints necessary for ongoing medical treatment in the
 63 educational setting.

64 d. Devices used to support functional body position or
 65 proper balance; to prevent a person from falling out of a bed or
 66 a wheelchair, except when such a device is used for a purpose
 67 other than supporting a body position or proper balance, such as
 68 coercion, discipline, convenience, or retaliation; to prevent
 69 imminent risk of serious injury or death of the student or
 70 others; or for any other behavior management reason.

71 e. Equipment used for safety during transportation, such as
 72 seatbelts or wheelchair tie-downs.

73 2. "Physical restraint" means the use of manual restraint
 74 techniques that involve significant physical force applied by a
 75 teacher or other staff member to restrict the movement of all or
 76 part of a student's body.

77 (f) "Seclusion" means the removal of a student from an
 78 educational environment, involuntarily confining the student in
 79 a room or area, and preventing the student from leaving the area
 80 by locking or artificially blocking the door. The term does not
 81 include exclusionary time.

82 (g) "Student" means a student with a disability.

83 (2) PHYSICAL RESTRAINT.—

84 (a) Physical restraint may be used only when there is an
 85 imminent risk of serious injury or death to the student or
 86 others and only for the period of time necessary to eliminate
 87 such risk.

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88 (b) Notwithstanding the authority provided in s. 1003.32,
 89 physical restraint may be used only to protect the safety of
 90 students, school personnel, or others and may not be used for
 91 student discipline, to correct student noncompliance, or for the
 92 convenience of school district staff. Physical restraint may
 93 only be used for the period needed to provide such protection.

94 (c) The degree of force applied during physical restraint
 95 must be only that degree of force necessary to protect the
 96 student or others from serious injury or death.

97 (d) School personnel who have received training that is not
 98 associated with their employment with the school district, such
 99 as a former law enforcement officer who is now a teacher, shall
 100 receive training in the specific district-approved techniques
 101 and may not apply techniques or procedures acquired elsewhere.

102 (e) School personnel may not use any of the following
 103 physical restraint techniques on a student:

104 1. Pain inducement to obtain compliance.

105 2. Bone locks.

106 3. Hyperextension of joints.

107 4. Peer restraint.

108 5. Pressure or weight on the chest, lungs, sternum,
 109 diaphragm, back, or abdomen causing chest compression.

110 6. Straddling or sitting on any part of the body or any
 111 maneuver that places pressure, weight, or leverage on the neck
 112 or throat, on an artery, or on the back of the head or neck or
 113 that otherwise obstructs or restricts the circulation of blood
 114 or obstructs an airway.

115 7. Any type of choking, including hand chokes, and any type
 116 of neck or head hold.

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8. A technique that involves spraying or pushing anything on or into the mouth, nose, eyes, or any part of the face or that involves covering the face or body with anything, including soft objects such as pillows or washcloths.

9. Any maneuver that involves punching, hitting, poking, pinching, or shoving.

10. Prone or supine restraint.

(3) EXCLUSIONARY AND NONEXCLUSIONARY TIME.—

(a) School personnel may place a student in exclusionary or nonexclusionary time if all of the following conditions are met:

1. The exclusionary or nonexclusionary time is part of a positive behavioral intervention plan developed for the student.

2. There is documentation that the exclusionary or nonexclusionary time was preceded by the use of other positive behavioral supports that were not effective.

3. The exclusionary or nonexclusionary time takes place in a classroom or in another environment where class educational activities are taking place.

4. The student is not physically prevented from leaving the exclusionary or nonexclusionary time area.

5. The student is observed on a constant basis by an adult for the duration of the exclusionary or nonexclusionary time.

6. The exclusionary or nonexclusionary time area and process are free of any action that is likely to embarrass or humiliate the student.

(b) Exclusionary or nonexclusionary time may be used for a period of up to 1 minute for each year of a student's age or until the student is calm enough to return to his or her seat, whichever is shorter.

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(c) Exclusionary or nonexclusionary time may not be used as a punishment for or negative consequence of a student's behavior.

(4) TRAINING.—

(a) Each school district shall report its procedures for training in the use of restraint to the department by publishing the procedures in the district's special policies and procedures manual.

(b) Training in the use of restraint must include all of the following:

1. Procedures for deescalating a problem behavior before the problem behavior increases to a level or intensity necessitating physical intervention.

2. Information regarding the risks associated with restraint and procedures for assessing individual situations and students in order to determine whether the use of restraint is appropriate and sufficiently safe.

3. The actual use of specific techniques that range from the least to most restrictive, with ample opportunity for trainees to demonstrate proficiency in the use of such techniques.

4. Techniques for implementing restraint with multiple staff members working as a team.

5. Techniques for assisting a student in reentering the instructional environment and reengaging in learning.

6. Instruction in the district's documentation and reporting requirements.

7. Procedures for identifying and dealing with possible medical emergencies arising during the use of restraint.

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8. Cardiopulmonary resuscitation.

(5) STUDENT-CENTERED FOLLOWUP.—If a student is restrained more than twice during a semester, the school must conduct a review of each of the following:

(a) The incidents in which restraint was used and an analysis of how future incidents may be avoided.

(b) The student's functional behavioral assessment and positive behavioral intervention plan by the school personnel and parent within 2 weeks before the end of the semester.

(c) The training provided to school personnel concerning the use of restraint.

(6) DOCUMENTATION AND REPORTING.—

(a) At the beginning of each school year, a school district shall publicly post its policies on all emergency procedures, including its policies on the use of restraint.

(b) A school shall prepare an incident report within 24 hours after a student is released from restraint or exclusionary or nonexclusionary time seclusion. If the student's release occurs on a day before the school closes for the weekend, a holiday, or another reason, the incident report must be completed by the end of the school day on the day the school reopens.

(c) The following must be included in the incident report:

1. The name of the student restrained or placed in exclusionary or nonexclusionary time seclusion.

2. The age, grade, ethnicity, and disability of the student restrained or placed in exclusionary or nonexclusionary time seclusion.

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3. The date and time of the event and the duration of the restraint or exclusionary or nonexclusionary time seclusion.

4. The location at which the restraint or exclusionary or nonexclusionary time seclusion occurred.

5. If a restraint is used, a description of the type of restraint used in terms established by the department of Education.

6. The name of the person using or assisting in the restraint of or imposition of exclusionary or nonexclusionary time on seclusion of the student and the date the person was last trained in the use of restraint on students.

7. The name of any nonstudent who was present to witness the restraint or exclusionary or nonexclusionary time seclusion.

8. A description of the incident, including all of the following:

a. The context in which the restraint or exclusionary or nonexclusionary time seclusion occurred.

b. The student's behavior leading up to and precipitating the decision to use manual or physical restraint or exclusionary or nonexclusionary time seclusion, including an indication as to why there was an imminent risk of serious injury or death to the student or others if a student was subject to restraint.

c. The specific positive behavioral strategies used to prevent and deescalate the behavior.

d. What occurred with the student immediately after the termination of the restraint or exclusionary or nonexclusionary time seclusion.

e. Any injuries, visible marks, or possible medical emergencies that may have occurred during the restraint or

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233 exclusionary or nonexclusionary time seclusion, documented
 234 according to district policies.

235 f. Evidence of steps taken to notify the student's parent
 236 or guardian.

237 (d) (e) A school shall notify the parent or guardian of a
 238 student each time ~~manual or physical~~ restraint or exclusionary
 239 or nonexclusionary time seclusion is used. Such notification
 240 must be in writing and provided before the end of the school day
 241 on which the restraint or exclusionary or nonexclusionary time
 242 ~~seclusion~~ occurs. Reasonable efforts must also be taken to
 243 notify the parent or guardian by telephone or ~~computer~~ e-mail,
 244 or both, and these efforts must be documented. The school shall
 245 obtain, and keep in its records, the parent's or guardian's
 246 signed acknowledgment that he or she was notified of his or her
 247 child's restraint or exclusionary or nonexclusionary time
 248 ~~seclusion~~.

249 (e) (d) A school shall also provide the parent or guardian
 250 with the completed incident report in writing by mail within 3
 251 school days after a student was ~~manually or physically~~
 252 restrained or placed in exclusionary or nonexclusionary time
 253 ~~secluded~~. The school shall obtain, and keep in its records, the
 254 parent's or guardian's signed acknowledgment that he or she
 255 received a copy of the incident report.

256 (7) (2) MONITORING.—

257 (a) ~~Monitoring of~~ The use of ~~manual or physical~~ restraint
 258 or exclusionary or nonexclusionary time seclusion on students
 259 must be monitored shall occur at the classroom, building,
 260 district, and state levels.

261 (b) Any documentation prepared by a school pursuant to as

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262 ~~required in~~ subsection (6) (1) shall be provided to the school
 263 principal, the district director of Exceptional Student
 264 Education, and the bureau chief of the Bureau of Exceptional
 265 Education and Student Services electronically each month that
 266 the school is in session. Redacted copies of such documentation
 267 must be updated monthly and made available to the public through
 268 the department's website no later than October 1, 2019.

269 (c) The department shall maintain aggregate data of
 270 incidents of ~~manual or physical~~ restraint or exclusionary or
 271 nonexclusionary time and seclusion and disaggregate the data for
 272 analysis by county, school, student exceptionality, and other
 273 variables, including the type and method of restraint or
 274 exclusionary or nonexclusionary time seclusion used. This
 275 information must shall be updated monthly and made available to
 276 the public through the department's website beginning no later
 277 than October 1, 2019.

278 (d) The department shall establish and provide to school
 279 districts standards for documenting, reporting, and monitoring
 280 the use of ~~manual or physical~~ restraint ~~or mechanical restraint,~~
 281 and occurrences of exclusionary or nonexclusionary time
 282 ~~seclusion~~. ~~These standards shall be provided to school districts~~
 283 ~~by October 1, 2011.~~

284 (8) (3) SCHOOL DISTRICT POLICIES AND PROCEDURES REGARDING
 285 RESTRAINT.—

286 (a) School districts shall develop policies and procedures
 287 that provide for the physical safety and security of all
 288 students and school personnel and treat all students with
 289 respect and dignity in an environment that promotes a positive
 290 school culture and climate. Such Each school district shall

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291 ~~develop~~ policies and procedures must be that are consistent with
 292 this section and must that govern the following:

293 1. A description of escalating behavioral strategies that
 294 may be used.

295 2. Allowable use of restraint on students.

296 3. Training procedures.

297 4.1- Incident-reporting procedures.

298 5.2- Data collection and monitoring, including when, where,
 299 and why students are restrained and ex-seclusion; the frequency
 300 of occurrences of such restraint ex-seclusion; and the prone or
 301 mechanical restraint that is most used.

302 6.3- Monitoring and reporting of data collected.

303 7.4- Training programs and procedures relating to manual or
 304 physical restraint and seclusion.

305 8.5- The district's plan for selecting personnel to be
 306 trained and the timeframe for completing such training pursuant
 307 to subsection (4).

308 9.6- The district's plan for reducing the use of restraint,
 309 and seclusion particularly in settings in which it occurs
 310 frequently or with students who are restrained repeatedly, and
 311 for reducing the use of prone restraint and mechanical
 312 restraint. The plan must include a goal for reducing the use of
 313 restraint and seclusion and must include activities, skills, and
 314 resources needed to achieve that goal. Activities may include,
 315 but are not limited to, all of the following:

316 a. Additional training in positive behavioral support and
 317 crisis management.+

318 b. Parental involvement.+

319 c. Data review.+

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320 d. Updates of students' functional behavioral analysis and
 321 positive behavior intervention plans.+

322 e. Additional student evaluations.+

323 f. Debriefing with staff.+

324 g. Use of schoolwide positive behavior support.+ ~~and~~

325 h. Changes to the school environment.

326 10. Analysis of data to determine trends.

327 11. Ongoing reduction of the use of restraint.

328 (b) Any revisions a school district makes to its to the
 329 district's policies and procedures, which must be prepared as
 330 part of the school district's its special policies and
 331 procedures, must be filed with the bureau chief of the Bureau of
 332 Exceptional Education and Student Services no later than January
 333 31, 2012.

334 (9)(4) PROHIBITED RESTRAINT.—School personnel may not use a
 335 mechanical restraint or a manual or physical restraint that
 336 restricts a student's breathing.

337 (10)(5) SECLUSION.—School personnel may not place a student
 338 in seclusion close, lock, or physically block a student in a
 339 room that is unlit and does not meet the rules of the State Fire
 340 Marshal for seclusion time-out rooms.

341 Section 2. Section 1012.582, Florida Statutes, is amended
 342 to read:

343 1012.582 Continuing education and inservice training for
 344 teaching students with developmental and emotional or behavioral
 345 disabilities.—

346 (1) The Commissioner of Education shall develop
 347 recommendations to incorporate instruction regarding autism
 348 spectrum disorder, Down syndrome, ~~and~~ other developmental

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349 disabilities, and emotional or behavioral disabilities into
 350 continuing education or inservice training requirements for
 351 instructional personnel. These recommendations must ~~shall~~
 352 address:

353 (a) Early identification of, and intervention for, students
 354 who have autism spectrum disorder, Down syndrome, ~~or~~ other
 355 developmental disabilities, or emotional or behavioral
 356 disabilities.

357 (b) Curriculum planning and curricular and instructional
 358 modifications, adaptations, and specialized strategies and
 359 techniques.

360 (c) The use of available state and local resources.

361 (d) The use of positive behavioral supports to deescalate
 362 problem behaviors.

363 (e) Appropriate use of ~~manual~~ physical restraint and
 364 effective classroom behavior management strategies, including,
 365 but not limited to, differential reinforcement, precision
 366 commands, minimizing attention or access to other reinforcers,
 367 and exclusionary and nonexclusionary time methods ~~seclusion~~
 368 ~~techniques~~.

369 (2) In developing the recommendations, the commissioner
 370 shall consult with the State Surgeon General, the Director of
 371 the Agency for Persons with Disabilities, representatives from
 372 the education community in the state, and representatives from
 373 entities that promote awareness about autism spectrum disorder,
 374 Down syndrome, ~~and~~ other developmental disabilities, and
 375 emotional or behavioral disabilities and provide programs and
 376 services to persons with ~~developmental~~ disabilities, including,
 377 but not limited to, regional autism centers pursuant to s.

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378 1004.55.

379 (3) Beginning with the 2010-2011 school year, the
 380 Department of Education shall incorporate the course curricula
 381 recommended by the Commissioner of Education, pursuant to
 382 subsection (1), into existing requirements for the continuing
 383 education or inservice training of instructional personnel. The
 384 requirements of this section may not add to the total hours
 385 required for continuing education or inservice training as
 386 currently established by the department.

387 (4) The State Board of Education may adopt rules pursuant
 388 to ss. 120.536(1) and 120.54 to implement this section.

389 Section 3. This act shall take effect July 1, 2019.

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THE FLORIDA SENATE
APPEARANCE RECORD

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

3/12/19
Meeting Date

SB 62
Bill Number (if applicable)

Topic Restraint & Seclusion

Amendment Barcode (if applicable)

Name Olivia Babis

Job Title Policy Analyst

Address 2473 Care Dr Ste 200
Street
Tallahassee FL
City State Zip

Phone 850-488-9071

Email oliviab@drf.org

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Disability Rights FL

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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)

3-12-19
Meeting Date

SB 62
Bill Number (if applicable)

Topic Restraint & Seclusion Guidelines Amendment Barcode (if applicable) 544594

Name Margaret S. Hooper

Job Title Public Policy Coordinator

Address 124 Marriott Ave #203 Phone 850-922-6703

Tallahassee FL 32301 Email MargaretDP@fddc.org
City State Zip

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Florida Developmental Disabilities Council

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/12/19

Meeting Date

62

Bill Number (if applicable)

Topic RESTRAINTS IN SCHOOLS

Amendment Barcode (if applicable)

Name ROY MILLER

Job Title PRESIDENT

Address 1838 MARKET ST.

Street

Phone 727-224-7274

JACKSONVILLE

City

FL

State

32206

Zip

Email R.MILLER@JAMFORWARD.ORG

Speaking: ☒ For ☐ Against ☐ Information

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

Representing THE CHILDREN'S CAMPAIGN

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)

APPEARANCE RECORD

3/12/2019
Meeting Date

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

SB 00602
Bill Number (if applicable)Topic Students with Disabilities in Public Schools Amendment Barcode (if applicable)Name Khanh-Lien Banko (Con Lynn Bank-o)Job Title Resolutions ChairAddress 1747 Orlando Central Parkway

Street

Orlando

City

FL

State

32809

Zip

Phone (407) 855-7604Email resolutionse@floridapta.orgSpeaking: ☐ For ☐ Against ☐ InformationWaive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)Representing Florida PTAAppearing at request of Chair: ☐ Yes ☒ NoLobbyist 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

2/19/19

Meeting Date

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

562

Bill Number (if applicable)

Topic Disabilities

Amendment Barcode (if applicable)

Name Dixie Sanson

Job Title Lobbyist

Address PO Box 98

Street

Cocoa

City

FL

State

32923

Zip

Phone 321.543.7195

Email dixiesanson@aol.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing The Arc of Florida

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

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 Committee on Education

BILL: SB 172

INTRODUCER: Senator Bean

SUBJECT: Florida Endowment for Vocational Rehabilitation

DATE: March 11, 2019

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Bouck	Sikes	ED	Favorable
2.			AED	
3.			AP	

I. Summary:

SB 172 saves from repeal the Florida Endowment for Vocational Rehabilitation (The Able Trust), which is a direct-support organization for the Division of Vocational Rehabilitation in the Department of Education.

The bill has no impact on state revenues or expenditures.

The bill takes effect upon becoming law.

II. Present Situation:

Citizen Support Organizations and Direct-Support Organizations

Citizen support organizations (CSOs) and direct-support organizations (DSOs) are statutorily created private entities that are generally required to be non-profit corporations, and are authorized to carry out specific tasks in support of public entities or public causes. The functions and purpose of a CSO or DSO are prescribed by its enacting statute and, for most, by a written contract with the agency the CSO or DSO was created to support.

CSO and DSO Transparency and Reporting Requirements

In 2014, the Legislature created s. 20.058, F.S., establishing a comprehensive set of transparency and reporting requirements for CSOs and DSOs that are created or authorized pursuant to law or executive order and created, approved, or administered by a state agency.¹ Specifically, the law requires each CSO and DSO to annually submit, by August 1, the following information related to its organization, mission, and finances to the agency it supports:²

¹ Section 3, ch. 2014-96, L.O.F.

² Section 20.058(1), F.S.

- The name, mailing address, telephone number, and website address of the organization;
- The statutory authority or executive order that created the organization;
- A brief description of the mission of, and results obtained by, the organization;
- A brief description of the organization's plans for the next three fiscal years;
- A copy of the organization's code of ethics; and
- A copy of the organization's most recent federal Internal Revenue Service (IRS) Return of Organization Exempt from Income Tax form (Form 990).³

Each agency receiving the above information must make the information available to the public through the agency's website. If the CSO or DSO maintains a website, the agency's website must provide a link to the website of the CSO or DSO.⁴ Additionally, any contract between an agency and a CSO or DSO must be contingent upon the CSO or DSO submitting and posting the information.⁵ If a CSO or DSO fails to submit the required information for two consecutive years, the agency must terminate the contract with the CSO or DSO.⁶ The contract must also include a provision for ending operations and returning state-issued funds to the state if the authorizing statute is repealed, the contract is terminated, or the organization is dissolved.⁷

By August 15 of each year, the agency must report to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Office of Program Policy Analysis and Government Accountability (OPPAGA) the information provided by the CSO or DSO. The report must also include a recommendation by the agency, with supporting rationale, to continue, terminate, or modify the agency's association with each CSO or DSO.⁸

Finally, a law creating or authorizing the creation of a CSO or DSO must state that the creation or authorization for the CSO or DSO is repealed on October 1 of the fifth year after enactment, unless reviewed and saved from repeal by the Legislature. CSOs and DSOs in existence prior to July 1, 2014, must be reviewed by the Legislature by July 1, 2019.⁹

CSO and DSO Audit Requirements

Section 215.981, F.S., requires each CSO and DSO created or authorized pursuant to law with annual expenditures in excess of \$100,000 to provide for an annual financial audit of its accounts and records.¹⁰ The audit must be conducted by an independent certified public accountant in accordance with rules adopted by the Auditor General and the state agency that created, approved, or administers the CSO or DSO. The audit report must be submitted within nine months after the end of the fiscal year to the Auditor General and to the state agency the CSO or DSO supports.

³ The IRS Form 990 is an annual information return required to be filed with the IRS by most organizations exempt from federal income tax under 26 U.S.C. 501.

⁴ Section 20.058(2), F.S.

⁵ Section 20.058(4), F.S.

⁶ *Id.*

⁷ *Id.*

⁸ Section 20.058(3), F.S.

⁹ Section 20.058(5), F.S.

¹⁰ The independent audit requirement does not apply to a CSO or DSO for a university, district board of trustees of a community college, or district school board. Additionally, the expenditure threshold for an independent audit is \$300,000 for a CSO or DSO for the Department of Environmental Protection and the Department of Agriculture and Consumer Services.

Additionally, the Auditor General may conduct audits or other engagements of the accounts and records of the CSO or DSO, pursuant to his or her own authority, or at the direction of the Legislative Auditing Committee.¹¹ The Auditor General is authorized to require and receive any records from the CSO or DSO, or its independent auditor.¹²

CSO and DSO Ethics Code Requirement

Section 112.3251, F.S., requires a CSO or DSO created or authorized pursuant to law to adopt its own ethics code. The ethics code must contain the specified standards of conduct and disclosures provided in ss. 112.313 and 112.3143(2), F.S. A CSO or DSO may adopt additional or more stringent standards of conduct and disclosure requirements and must conspicuously post its code of ethics on its website.¹³

Division of Vocational Rehabilitation

Vocational Rehabilitation (VR) is a federal-state program that helps people who have physical or mental disabilities get or keep a job. VR is committed to helping people with disabilities find meaningful careers.¹⁴

The Division of Vocational Rehabilitation (DVR) is one of several divisions within the Department of Education (DOE).¹⁵ The DVR is the administrative unit designated at the state level to ensure compliance with the Vocational Rehabilitation Act of 1973, as amended.¹⁶ The DVR's mission is "to help people with disabilities find and maintain employment and enhance their independence."¹⁷

Florida Endowment Foundation for Vocational Rehabilitation

In 1990, the Legislature created the Florida Endowment Foundation for Vocational Rehabilitation (Foundation or The Able Trust¹⁸) as a direct-support organization of the Division within the DOE for the purpose of encouraging public and private support to enhance vocational rehabilitation and employment of citizens who are disabled.¹⁹ The Able Trust endowment fund was created as a long-term, stable, and growing source of revenue to be administered by the Foundation as a direct-support organization of the DVR.²⁰

The Foundation operates under contract with the DVR to exclusively raise funds; submit requests and receive grants from the Federal Government, the state, private foundations, and individuals; and to receive, hold, and administer property.

¹¹ Section 11.45(3)(d), F.S.

¹² *Id.*

¹³ Section 112.3251, F.S.

¹⁴ Florida Division of Vocational Rehabilitation, *Frequently Asked Questions*, <http://www.rehabworks.org/faq.shtml> (last visited Feb. 26, 2019).

¹⁵ Section 20.15(3)(d), F.S.

¹⁶ Section 413.202, F.S.

¹⁷ Florida Division of Vocational Rehabilitation, <http://www.rehabworks.org/> (last visited Feb. 26, 2019).

¹⁸ The Foundation conducts business as The Able Trust. The Able Trust, <http://www.abletrust.org/> (last visited Feb. 26, 2019).

¹⁹ Section 9, ch. 90-330, L.O.F., codified as s. 413.615(5), F.S.

²⁰ Section 413.615(4), F.S.

The authorizing statute for the Foundation is scheduled for repeal October 1, 2019, unless reviewed and reenacted by the Legislature.²¹

Legislative Findings and Recommendations

Senate professional staff reviewed documents related to the Foundation for compliance with accountability and authorizing statutes. The Foundation appears to be substantially in compliance with such statutes. Findings and recommendations are summarized below.

Foundation Compliance with Accountability Requirements

- The Foundation must submit specified information to the Department of Education (DOE) by August 1.²²
Finding: The Foundation submitted the information by the specified deadline.²³
- The DOE must make the information received from the Foundation available to the public through the agency's website. If the Foundation maintains a website, the DOE's website must provide a link to the Foundation's website.²⁴
Finding: The DOE includes a link to The Able Trust on the Division of Vocational Rehabilitation (DVR) webpage, but the required report is only available through the Florida Fiscal Portal.²⁵
Recommendation: Provide a link to the required report²⁶ directly on the DOE website.
- The DOE must report, by August 15 of each year, to the Governor, Legislature, and OPPAGA the information provided by the Foundation. The report must also include a recommendation by the DOE, with supporting rationale, to continue, terminate, or modify the DOE's association with the Foundation.²⁷
Finding: The DOE has complied with the requirement to report this information and include specified information.²⁸
- The contract between the Foundation and the DVR must include a provision for the orderly cessation of operations and reversion to the state of state funds held in trust by the organization within 30 days after its authorizing statute is repealed, the contract is terminated, or the organization is dissolved.²⁹
Finding: The current contract includes a provision regarding the orderly cessation of operations, but does not include the provision regarding reversion of state funds within 30

²¹ Section 413.615(14), F.S.

²² Section 20.058(1), F.S.

²³ Florida Fiscal Portal, Education, *Required Report Pursuant to Chapter 2014-096 Citizen Support and Direct Support Organizations* (Aug. 1, 2017) available at <http://floridafiscalportal.state.fl.us/Document.aspx?ID=18029&DocType=PDF>.

²⁴ Section 20.058(2), F.S.

²⁵ The Florida Fiscal Portal is maintained by the Executive Office of the Governor to house a collection of documents that detail the fiscal status of the State of Florida. Florida Fiscal Portal, <http://floridafiscalportal.state.fl.us/Home.aspx> (last visited Feb. 27, 2019).

²⁶ Florida Fiscal Portal, Education, *Required Report Pursuant to Chapter 2014-096 Citizen Support and Direct Support Organizations* (Aug. 1, 2017) available at <http://floridafiscalportal.state.fl.us/Document.aspx?ID=18029&DocType=PDF>.

²⁷ Section 20.058(3), F.S.

²⁸ Florida Fiscal Portal, Education, *Required Report Pursuant to Chapter 2014-096 Citizen Support and Direct Support Organizations* (Aug. 1, 2017) available at <http://floridafiscalportal.state.fl.us/Document.aspx?ID=18029&DocType=PDF>, at 5.

²⁹ Section 20.058(4), F.S.

days.³⁰ However, a proposed amendment to the contract includes a provision to pay the entire balance of the operating account to the State of Florida within 45 days, unless extended by agreement of both parties.³¹

Recommendation: The contract amendment should be approved and should include a provision specifying 30 days, rather than 45 days, for the reversion of state funds.

- The Foundation's Code of Ethics must be conspicuously posted on the Foundation's website,³² and must address specified standards of conduct.³³

Finding: The Able Trust Code of Ethics is posted and includes required provisions.³⁴

- The Foundation must provide for an annual financial audit of its accounts and records to be conducted by an independent certified public accountant in accordance with rules adopted by the Auditor General and the DOE. The audit report must be submitted within 9 months after the end of the fiscal year to the Auditor General and to the DOE.³⁵

Finding: The Able Trust has provided for an audit for the 2017-2018 fiscal year within the specified timeframe.³⁶

Foundation Compliance with Authorizing Requirements

- The Foundation must separately account for funds received from state sources³⁷ from bequests, gifts, grants, and donations. Earnings on funds received from state sources and funds received from public or private sources must also be accounted for separately.³⁸

Finding: The Able Trust has separately accounted for revenues³⁹ and earnings on funds⁴⁰ between state and private sources.

- The Foundation must have a contract with the DVR, and must:⁴¹
 - Be a Florida corporation not for profit
 - Be organized and operated exclusively to raise funds; to submit requests and receive grants from the Federal Government, the state, private foundations, and individuals; to receive, hold, and administer property; and to make expenditures to or for the benefit of the VR programs approved by the Foundation board of directors.

³⁰ The Able Trust, *Memorandum of Understanding for The Able Trust*, IA-865, available at <http://www.abletrust.org/sites/default/files/media/docs/Memorandum%20Of%20Understanding%20IA-865%20thru%209-30-2020.pdf>, at 3.

³¹ Email, The Able Trust (Mar. 8, 2019).

³² Section 112.3251, F.S.

³³ Section 112.313, F.S.

³⁴ The Able Trust, *Ethics Policy* (Dec. 12, 2014), available at <http://www.abletrust.org/sites/default/files/media/docs/Ethics-Policy-12-2014.pdf>; also The Able Trust, *Conflict of Interest Policy* (Sept. 25, 2009), available at <http://www.abletrust.org/sites/default/files/media/docs/Conflict%20of%20Interest%20as%20revised%206-15-2012.pdf>.

³⁵ Section 215.981(1), F.S.

³⁶ Law, Redd, Crona & Munroe, P.A., *The Florida Endowment Foundation for Vocational Rehabilitation, Inc. d/b/a The Able Trust, Financial Statements and Additional Information, Years ended June 30, 2018 and 2017* (Oct. 26, 2018), available at <http://www.abletrust.org/sites/default/files/media/docs/FINAL%20-%202018%20Audited%20Financial%20Statements.pdf>.

³⁷ The ABLE Trust receives state funds only from general revenue for the DOE/DVR High School/High Tech Program. Specific Appropriation 34, ch. 2018-9, L.O.F., appropriates \$549,823 in recurring funds for 2018-2019.

³⁸ Section 413.615(4)(e), F.S.

³⁹ The Able Trust, *2018 Annual Report to Florida*, available at http://www.abletrust.org/sites/default/files/media/docs/2018%20ANNUAL%20REPORT-web_0.pdf, at 18.

⁴⁰ Email, The Able Trust (Mar. 8, 2019). Earnings on public funds and investments from July 1, 2017 through June 30, 2018 were \$1,252,285.57.

⁴¹ Section 413.615(5), F.S.

- Finding: The Able Trust contract with the DVR meets this requirement.⁴²
- The Able Trust contract with the DVR must provide information relating to the articles of incorporation, governance, conditions for expenditures of state revenues, and a reversion of state funds following a cessation of operations.⁴³ In addition, as a part of the contract, the Foundation must submit an annual budget for approval to the DVR, which may not approve such annual budget that does not comply with requirements relating to administrative costs.⁴⁴
Finding: The Able Trust contact with the DVR complies with this requirement.⁴⁵
 Additionally, the annual budget for 2017-2018 was approved by the DVR and complies with the requirement that administrative costs be limited to 15 percent of total expenditures.⁴⁶
 - The Foundation must comply with requirements relating to confidential and exempt donor records and client information and exemptions from public meetings at which donor or client information is discussed.⁴⁷
Finding: The Able Trust has ensured that donor confidentiality is respected, and private donations that are confidential and exempt are not included on an agenda for a public meeting.⁴⁸
 - The Foundation is administered by a 9-member board of directors (board) qualified for membership on the board and appointed by the Governor to a 3-year term.⁴⁹
Finding: The composition of the Able Trust board meets this requirements.⁵⁰
 - The Foundation board must monitor, review, and annually evaluate funded programs to determine whether funding should be continued, terminated, reduced, or increased.⁵¹
Finding: The Able Trust board has enacted mechanisms to evaluate funded programs, which include outcome measurement requirements in each grant award contract.⁵²
 - The board is required to limit administrative costs to the minimum amount necessary for the efficient and effective administration of the foundation; such costs are limited to 15 percent

⁴² The Able Trust, *Memorandum of Understanding for The Able Trust*, IA-865, available at <http://www.abletrust.org/sites/default/files/media/docs/Memorandum%20Of%20Understanding%20IA-865%20thru%209-30-2020.pdf>, at 1.

⁴³ Section 413.615(6), F.S.

⁴⁴ Section 413.615(9)(j), F.S.

⁴⁵ The Able Trust, *Memorandum of Understanding for The Able Trust*, IA-865, available at <http://www.abletrust.org/sites/default/files/media/docs/Memorandum%20Of%20Understanding%20IA-865%20thru%209-30-2020.pdf>.

⁴⁶ *Email*, The Able Trust (Mar. 8, 2019). Administrative costs were \$427,742, which was 12% of total expenses.

⁴⁷ Section 413.615(7), F.S.

⁴⁸ The Able Trust, *2018 Annual Report to Florida*, available at http://www.abletrust.org/sites/default/files/media/docs/2018%20ANNUAL%20REPORT-web_0.pdf, at 15. See also, *Email*, The Able Trust (Mar. 8, 2019).

⁴⁹ Section 413.615(8), F.S.

⁵⁰ The Able Trust, *By-Laws* (Adopted Feb. 21, 1991, last amended Sept. 21, 2017), available at http://www.abletrust.org/sites/default/files/media/docs/BY-LAWS-REVISED%2010_6_2017.doc. See also, The Able Trust, *Board of Directors, Officers, & Ambassadors*, <http://www.abletrust.org/about-us/board-directors-officers-and-ambassadors> (last visited Feb. 26, 2019).

⁵¹ Section 413.615(9)(g), F.S.

⁵² The Able Charitable Foundation, *Grant Policy—Process for Grant Requests from The Able Trust* (Nov. 30, 2018), available at <http://www.abletrust.org/sites/default/files/media/images/documents/Able%20Trust-Able%20Charitable%20Grant%20Policy%20-%20final%2011-30-2018.pdf>. The application requires that proposals outline how employment outcomes will be measured up to three years after the grant period has ended. The Able Trust, *Instructions for Application for General Support of Employment Programs Grant* (Dec. 2016), available at <http://www.abletrust.org/sites/default/files/media/docs/GeneralEmploymentPlacementGrantInstructions2017.pdf>, at 2.

of total estimated expenditures in any calendar year. For the 2017-2018 fiscal year, administrative costs may be paid from interest and earnings on the endowment principal.⁵³

Finding: Administrative costs in 2017-2018 were \$427,742, or 12 percent of expenses.⁵⁴ Additionally, for 2017-2018, The Able Trust used interest and dividends to cover operating expenses.⁵⁵

- The Foundation is required to publish on its website:⁵⁶
 - The required annual audit and annual report.
 - For each position filled by an officer or employee, the position's compensation level.
 - A copy of each contract into which the foundation enters.
 - Information on each program, gift, or grant funded by the foundation, including specified information.
 - The foundation's contract with the DVR.

Finding: The Foundation has posted its annual audit,⁵⁷ the annual report,⁵⁸ compensation policy⁵⁹ and officer compensation,⁶⁰ contracts,⁶¹ grant information,⁶² and the Foundation's contract.⁶³

- The Foundation board must establish an operating account,⁶⁴ which must provide for purposes specified in law.⁶⁵

Finding: The Foundation board has established an operating account. For 2017-2018, The Able Trust used interest and dividends to cover operating expenses.⁶⁶

⁵³ Section 413.615(9)(j), F.S. In subsequent years administrative costs may be paid from a specified combination of interest and earnings and private fund sources, until 2020-2021 and thereafter when costs may be paid from private sources only. *Id.*

⁵⁴ The Able Trust, *2018 Annual Report to Florida*, available at http://www.abletrust.org/sites/default/files/media/docs/2018%20ANNUAL%20REPORT-web_0.pdf, at 20. Total expenses were \$3,686,905.

⁵⁵ Law, Redd, Crona & Munroe, P.A., *The Florida Endowment Foundation for Vocational Rehabilitation, Inc. d/b/a The Able Trust, Financial Statements and Additional Information, Years ended June 30, 2018 and 2017* (Oct. 26, 2018), available at <http://www.abletrust.org/sites/default/files/media/docs/FINAL%20-%202018%20Audited%20Financial%20Statements.pdf>, at 5.

⁵⁶ Section 413.615(9)(k), F.S.

⁵⁷ Law, Redd, Crona & Munroe, P.A., *The Florida Endowment Foundation for Vocational Rehabilitation, Inc. d/b/a The Able Trust, Financial Statements and Additional Information, Years ended June 30, 2018 and 2017* (Oct. 26, 2018), available at <http://www.abletrust.org/sites/default/files/media/docs/FINAL%20-%202018%20Audited%20Financial%20Statements.pdf>.

⁵⁸ The Able Trust, *2018 Annual Report to Florida*, available at http://www.abletrust.org/sites/default/files/media/docs/2018%20ANNUAL%20REPORT-web_0.pdf.

⁵⁹ The Able Trust, *Compensation Policy: Officers and Directors* (June 15, 2012), available at <http://www.abletrust.org/sites/default/files/media/docs/Compensation-Policy-Revisions-6-15-2012-Current-7-29-14.pdf>.

⁶⁰ The Able Trust, *Salary Posting*, <http://www.abletrust.org/node/212> (last visited Feb. 26, 2019).

⁶¹ The Able Trust, *Other Contracts*, <http://www.abletrust.org/about-us/other-contracts> (last visited Feb. 26, 2019).

⁶² The Able Trust, *Grant Award Contracts*, <http://www.abletrust.org/about-us/grant-award-contracts> (last visited Feb. 26, 2019).

⁶³ The Able Trust, *Memorandum of Understanding for The Able Trust, IA-865*, available at <http://www.abletrust.org/sites/default/files/media/docs/Memorandum%20Of%20Understanding%20IA-865%20thru%209-30-2020.pdf>.

⁶⁴ The Able Trust board of directors is required to establish an operating account to deposit non-principal funds from investment and reinvestment transmitted from the State Board of Administration. Section 413.615(4)(d), F.S.

⁶⁵ Section 413.615(10), F.S.

⁶⁶ *Email*, The Able Trust (Mar. 8, 2019). See also Law, Redd, Crona & Munroe, P.A., *The Florida Endowment Foundation for Vocational Rehabilitation, Inc. d/b/a The Able Trust, Financial Statements and Additional Information, Years ended June 30, 2018 and 2017* (Oct. 26, 2018), available at <http://www.abletrust.org/sites/default/files/media/docs/FINAL%20-%202018%20Audited%20Financial%20Statements.pdf>, at 5.

- Any allocation of funds for research, advertising, or consulting is subject to a competitive solicitation process.⁶⁷
Finding: The Able Trust policy regarding competitive bidding is to require that purchases over \$2,500 must be subject to competitive bidding. Amounts under \$2,500 may also be subject to competitive bidding.⁶⁸
- State funds may not be used to fund events for private sector donors or potential donors or to honor supporters.⁶⁹
Finding: The Able Trust does not use state funds to fund events for private donors or potential donors. Donor recognition may occur at events for other programs, but private funds cover those expenses.⁷⁰
- The Foundation board must provide for an annual financial audit of the foundation in accordance with Florida law.⁷¹ The auditor's report must maintain the anonymity of donors and prospective donors who desire to remain anonymous.⁷²
Finding: The Foundation board provided for an audit for the 2017-2018 fiscal year, which does not contain specific donor information.⁷³
- The Foundation board must issue a report by December 30 each year summarizing the performance of the endowment fund for the previous fiscal year. The report must summarize the Foundation's fundraising activities, and detail those activities and programs supported by the endowment principal or earnings on the endowment principal and those activities and programs supported by private sources, bequests, gifts, grants, donations, and other valued goods and services received. The report must also include:⁷⁴
 - Financial data, by service type, including expenditures for administration and the provision of services.
 - The amount of funds spent on administrative expenses and fundraising and the amount of funds raised from private sources.
 - Outcome data, including the number of individuals served and employment outcomes.Finding: The Foundation issued its annual report in the required timeframe.⁷⁵ The annual report includes financial data related to administration and expenditures,⁷⁶ fundraising,⁷⁷ program outcomes, and⁷⁸ programs supported by endowment principal or earnings and those supported by private sources.⁷⁹

⁶⁷ Section 413.615(10), F.S.

⁶⁸ Email, The Able Trust (Mar. 8, 2019).

⁶⁹ Section 413.615(10), F.S.

⁷⁰ Email, The Able Trust (Mar. 8, 2019).

⁷¹ Section 215.981, F.S.

⁷² Section 413.615(11), F.S.

⁷³ Law, Redd, Crona & Munroe, P.A., *The Florida Endowment Foundation for Vocational Rehabilitation, Inc. d/b/a The Able Trust, Financial Statements and Additional Information, Years ended June 30, 2018 and 2017* (Oct. 26, 2018), available at <http://www.abletrust.org/sites/default/files/media/docs/FINAL%20-%202018%20Audited%20Financial%20Statements.pdf>.

⁷⁴ Section 413.615(12), F.S.

⁷⁵ The Able Trust, *2018 Annual Report to Florida*, available at http://www.abletrust.org/sites/default/files/media/docs/2018%20ANNUAL%20REPORT-web_0.pdf.

⁷⁶ *Id.* at 20.

⁷⁷ *Id.* at 14.

⁷⁸ *Id.* at 3, 10, and 11.

⁷⁹ *Id.* at 20. See also Email, The Able Trust (Mar. 8, 2019).

III. Effect of Proposed Changes:

SB 172 saves from repeal the Florida Endowment for Vocational Rehabilitation (The Able Trust). This removal of the repeal date will provide for the continuation of programs administered by The Able Trust, which include, but are not limited to, the following programs.

Youth Program

The Able Trust High School High Tech (HSHT) program is designed to provide high school students with all types of disabilities the opportunity to explore jobs or postsecondary education leading to technology-related careers. HSHT links youth to a broad range of academic, career development, and experiential resources and experiences that will enable them to meet the demands of the 21st century workforce.

During the 2017-2018 school year, HSHT served 1,336 students with disabilities in 40 Florida counties. 533 students participated in work experiences paid through a stipend by the employer, the HSHT program site, the local Career Source, Vocational Rehabilitation, or community grant provider. 307 HSHT students graduated in 2018. The HSHT program achieved a graduation rate of greater than 99 percent of all participating seniors.⁸⁰ The current cost to the state for the HSHT program is \$275 per student, which covers approximately one-third of the total program costs.⁸¹

Grant Program

The Able Trust awarded 78 grants in 2018, totaling \$2,072,119.⁸² The Able Trust works with community organizations throughout the state to help Floridians with disabilities gain employment. During any annual period, there are 60 – 70 grant contracts in effect. Several of the current grants are long-term, strategic grants designed to assist organizations and institutions of higher learning to develop education and placement programs for Floridians with disabilities who pursue postsecondary education. No annual legislative appropriations are used in these strategic grant initiatives.⁸³

Work Experiences and Relationships with the Business Community

Over the past nine years, The Able Trust has worked to develop relationships with businesses around the state. The Able Trust works with the Florida Chamber of Commerce Foundation, and maintains communication regarding the value of providing work experiences such as internships, job shadowing and mentoring partnerships with the business community. In addition, the Disability Employment Awareness (DEAM) program, for which The Able Trust serves as the lead agency, connects approximately 3,000 businesses and young job seekers together annually, in job shadowing and mentoring experiences. The DEAM program is totally funded by private donations, through the fundraising efforts of The Able Trust.⁸⁴

⁸⁰ The Able Trust, *2018 Annual Report to Florida*, available at http://www.abletrust.org/sites/default/files/media/docs/2018%20ANNUAL%20REPORT-web_0.pdf, at 10.

⁸¹ Florida Department of Education, *2019 Agency Bill Analysis, Senate Bill 172* (Jan. 8, 2019), at 2.

⁸² The Able Trust, *2018 Annual Report to Florida*, available at http://www.abletrust.org/sites/default/files/media/docs/2018%20ANNUAL%20REPORT-web_0.pdf, at 12.

⁸³ Florida Department of Education, *2019 Agency Bill Analysis, Senate Bill 172* (Jan. 8, 2019), at 3.

⁸⁴ *Id.* at 3.

Independent Research

The Able Trust uses private sources to fund independent research. Research is conducted to obtain information on program outcomes, to update data on the perceptions of the business community on the inclusion of people with disabilities in its workforce, to learn ways to address barriers and to inform the general public on the employability of such workers. Continuing to collect data and update such information is integral to improving the employment rate for people with disabilities as it is the basis for effective communications on the recruiting, hiring, training and retaining of those workers.⁸⁵

Communication

The Able Trust sponsors a communication campaign every year to address misperceptions of the skills and talents of people with disabilities. Communications include targeting businesses, community leaders, and policy makers using print, electronic, and in-person presentations.⁸⁶

Direct Support to the Division of Vocational Rehabilitation

The Able Trust currently provides direct support (approximately \$48,000 per year) on behalf of the DVR through:

- Seven full-day annual training events designed to enhance staff skills and increase employment for VR customers.
- Promotional and outreach materials for VR distributed throughout the year at community outreach events that advance VR's mission.

The bill takes effect upon becoming law.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

⁸⁵ Florida Department of Education, *2019 Agency Bill Analysis, Senate Bill 172* (Jan. 8, 2019), at 3.

⁸⁶ *Id.*

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

By extending the repeal date of the direct-support organization, this bill will sustain a source of financial and other direct assistance for individuals who are disabled.

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 413.615 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 Bean

4-00608-19

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1 A bill to be entitled
 2 An act relating to the Florida Endowment for
 3 Vocational Rehabilitation; amending s. 413.615, F.S.;
 4 abrogating the future repeal of provisions relating to
 5 the Florida Endowment for Vocational Rehabilitation;
 6 providing an effective date.
 7
 8 Be It Enacted by the Legislature of the State of Florida:
 9
 10 Section 1. Subsection (14) of section 413.615, Florida
 11 Statutes, is amended, and subsections (1) through (13) of that
 12 section are republished, to read:
 13 413.615 Florida Endowment for Vocational Rehabilitation.—
 14 (1) SHORT TITLE.—This section may be cited as the "Florida
 15 Endowment for Vocational Rehabilitation Act."
 16 (2) DEFINITIONS.—For the purposes of this section:
 17 (a) "Board" means the board of directors of the Florida
 18 Endowment Foundation for Vocational Rehabilitation.
 19 (b) "Endowment fund" means an account established within
 20 the Florida Endowment Foundation for Vocational Rehabilitation
 21 to provide a continuing and growing source of revenue for
 22 vocational rehabilitation efforts.
 23 (c) "Foundation" means the Florida Endowment Foundation for
 24 Vocational Rehabilitation.
 25 (d) "Operating account" means an account established under
 26 paragraph (4)(d) to carry out the purposes provided in
 27 subsection (10).
 28 (3) LEGISLATIVE INTENT.—The Legislature recognizes that it
 29 is in the best interest of the citizens of this state that

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30 citizens with disabilities be afforded a fair opportunity to
 31 become self-supporting, productive members of society. However,
 32 there is a critical need for significant additional funding to
 33 achieve this goal. Accordingly, the Legislature further finds
 34 and declares that:
 35 (a) With skilled evaluation procedures and proper
 36 rehabilitative treatment, plus employment, training, and
 37 supportive services consistent with the needs of the individual,
 38 persons who are disabled can assume the activities of daily
 39 living and join their communities with dignity and independence.
 40 (b) The purpose of this section is to broaden the
 41 participation and funding potential for further significant
 42 support for the rehabilitation of Florida citizens who are
 43 disabled.
 44 (c) It is appropriate to encourage individual and corporate
 45 support and involvement, as well as state support and
 46 involvement, to promote employment opportunities for disabled
 47 citizens.
 48 (4) REVENUE FOR THE ENDOWMENT FUND.—
 49 (a) The endowment fund of the Florida Endowment for
 50 Vocational Rehabilitation is created as a long-term, stable, and
 51 growing source of revenue to be administered, in accordance with
 52 rules promulgated by the division, by the foundation as a
 53 direct-support organization of the division.
 54 (b) The principal of the endowment fund shall derive from
 55 any legislative appropriations which may be made to the
 56 endowment, and such bequests, gifts, grants, and donations as
 57 may be solicited for such purpose by the foundation from public
 58 or private sources.

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(c) All remaining liquid balances of funds held for investment and reinvestment by the State Board of Administration for the endowment fund on the effective date of this act shall be transmitted to the foundation within 60 days for use as provided in subsection (10).

(d) The board of directors of the foundation shall establish the operating account and shall deposit therein the moneys transmitted pursuant to paragraph (c). Moneys in the operating account shall be available to carry out the purposes of subsection (10).

(e) Funds received from state sources shall be accounted for separately from bequests, gifts, grants, and donations which may be solicited for such purposes by the foundation from public or private sources. Earnings on funds received from state sources and funds received from public or private sources shall be accounted for separately.

(5) THE FLORIDA ENDOWMENT FOUNDATION FOR VOCATIONAL REHABILITATION.—The Florida Endowment Foundation for Vocational Rehabilitation is hereby created as a direct-support organization of the Division of Vocational Rehabilitation, to encourage public and private support to enhance vocational rehabilitation and employment of citizens who are disabled. As a direct-support organization, the foundation shall operate under contract with the division and shall:

(a) Be a Florida corporation not for profit incorporated under the provisions of chapter 617 and approved by the Department of State.

(b) Be organized and operated exclusively to raise funds; to submit requests and receive grants from the Federal

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Government, the state, private foundations, and individuals; to receive, hold, and administer property; and to make expenditures to or for the benefit of the rehabilitation programs approved by the board of directors of the foundation.

(c) Be approved by the division to be operating for the benefit and best interest of the state.

(6) DIRECT-SUPPORT ORGANIZATION CONTRACT.—The contract between the foundation and the division shall provide for:

(a) Approval of the articles of incorporation of the foundation by the division.

(b) Governance of the foundation by a board of directors appointed by the Governor.

(c) Submission of an annual budget of the foundation for approval by the division. The division may not approve an annual budget that does not comply with paragraph (9)(j).

(d) Certification by the division, after an annual financial and performance review, that the foundation is operating in compliance with the terms of the contract and the rules of the division, and in a manner consistent with the goals of the Legislature in providing assistance to disabled citizens.

(e) The release and conditions of the expenditure of any state revenues.

(f) The orderly cessation of operations and reversion to the state of funds held in trust by the foundation if the contract is terminated, the foundation is dissolved, or this section is repealed.

(g) The fiscal year of the foundation, to begin on July 1 and end on June 30 of each year.

(7) CONFIDENTIALITY.—

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(a) The identity of a donor or prospective donor to the Florida Endowment Foundation for Vocational Rehabilitation who desires to remain anonymous and all information identifying such donor or prospective donor are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Portions of meetings of the Florida Endowment Foundation for Vocational Rehabilitation during which the identity of donors or prospective donors is discussed are exempt from the provisions of s. 286.011 and s. 24(b), Art. I of the State Constitution.

(b) Records relating to clients of or applicants to the Division of Vocational Rehabilitation that come into the possession of the foundation and that are confidential by other provisions of law are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution, and may not be released by the foundation. Portions of meetings of the Florida Endowment Foundation for Vocational Rehabilitation during which the identities of such clients of or applicants to the Division of Vocational Rehabilitation are discussed are exempt from the provisions of s. 286.011 and s. 24(b), Art. I of the State Constitution.

(8) BOARD OF DIRECTORS.—The foundation shall be administered by a board of directors, as follows:

(a) *Membership*.—The board of directors shall consist of nine members who have an interest in service to persons with disabilities and who:

1. Have skills in foundation work or other fundraising activities, financial consulting, or investment banking or other related experience; or

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2. Have experience in policymaking or management-level positions or have otherwise distinguished themselves in the field of business, industry, or rehabilitation.

Disabled individuals who meet the above criteria shall be given special consideration for appointment.

(b) *Appointment*.—The board members shall be appointed by the Governor.

(c) *Terms*.—Board members shall serve for 3-year terms or until resignation or removal for cause.

(d) *Filling of vacancies*.—In the event of a vacancy on the board caused by other than the expiration of a term, a new member shall be appointed.

(e) *Removal for cause*.—Each member is accountable to the Governor for the proper performance of the duties of office. The Governor may remove any member from office for malfeasance, misfeasance, neglect of duty, incompetence, or permanent inability to perform official duties or for pleading nolo contendere to, or being found guilty of, a crime.

(9) ORGANIZATION, POWERS, AND DUTIES.—Within the limits prescribed in this section or by rule of the division:

(a) Upon appointment, the board shall meet and organize. Thereafter, the board shall hold such meetings as are necessary to implement the provisions of this section and shall conduct its business in accordance with rules promulgated by the division.

(b) The board may solicit and receive bequests, gifts, grants, donations, goods, and services. Where gifts are restricted as to purpose, they may be used only for the purpose

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or purposes stated by the donor. The board may transmit monetary gifts to the State Board of Administration for deposit in the endowment fund principal.

(c) The board may enter into contracts with the Federal Government, state or local agencies, private entities, or individuals to carry out the purposes of this section.

(d) The board may identify, initiate, and fund new and creative programs to carry out the purposes of this section, utilizing existing organizations, associations, and agencies to carry out such rehabilitation programs and purposes wherever possible.

(e) The board may make gifts or grants:

1. To the State of Florida or any political subdivision thereof, or any public agency of state or local government.

2. To a corporation, trust, association, or foundation organized and operated exclusively for charitable, educational, or scientific purposes.

3. To any citizen who has a documented disability.

4. To the division for purposes of program recognition and marketing, public relations and education, professional development, and technical assistance and workshops for grant applicants and recipients, the business community, and individuals with disabilities or recognized groups organized on their behalf.

(f) The board may advertise and solicit applications for funding and shall evaluate applications and program proposals submitted thereto. Funding shall be awarded only where the evaluation is positive and the proposal meets both the guidelines for use established in subsection (10) and such

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evaluation criteria as the division may prescribe by rule.

(g) The board shall monitor, review, and annually evaluate funded programs to determine whether funding should be continued, terminated, reduced, or increased.

(h) The board shall establish an operating account as provided in paragraph (4)(d).

(i) The board may take such additional actions, including the hiring of necessary staff, as are deemed necessary and appropriate to administer this section, subject to rules of the division.

(j) Administrative costs shall be kept to the minimum amount necessary for the efficient and effective administration of the foundation and are limited to 15 percent of total estimated expenditures in any calendar year. Administrative costs include payment of travel and per diem expenses of board members, officer salaries, chief executive officer program management, audits, salaries or other costs for nonofficers and contractors providing services that are not directly related to the mission of the foundation as described in subsection (5), costs of promoting the purposes of the foundation, and other allowable costs. Administrative costs may be paid from the following sources:

1. Interest and earnings on the endowment principal for the 2017-2018 fiscal year.

2. Private sources and up to 75 percent of interest and earnings on the endowment principal for the 2018-2019 fiscal year.

3. Private sources and up to 50 percent of interest and earnings on the endowment principal for the 2019-2020 fiscal

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233 year.

234 4. Private sources and up to 25 percent of interest and
235 earnings on the endowment principal for the 2020-2021 fiscal
236 year.

237 5. Solely private sources for the 2021-2022 fiscal year and
238 thereafter.

239 (k) The foundation shall publish on its website:

240 1. The annual audit required by subsection (11) and the
241 annual report required by subsection (12).

242 2. For each position filled by an officer or employee, the
243 position's compensation level.

244 3. A copy of each contract into which the foundation
245 enters.

246 4. Information on each program, gift, or grant funded by
247 the foundation, including:

248 a. Projected economic benefits at the time of the initial
249 award date.

250 b. Information describing the program, gift, or grant
251 funded.

252 c. The geographic area impacted.

253 d. Any matching, in-kind support or other support.

254 e. The expected duration.

255 f. Evaluation criteria.

256 5. The foundation's contract with the division required by
257 subsection (6).

258 (10) DISTRIBUTION OF MONEYS.—The board shall use the moneys
259 in the operating account, by whatever means, to provide for:

260 (a) Planning, research, and policy development for issues
261 related to the employment and training of disabled citizens, and

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262 publication and dissemination of such information as may serve
263 the objectives of this section.

264 (b) Promotion of initiatives for disabled citizens.

265 (c) Funding of programs which engage in, contract for,
266 foster, finance, or aid in job training and counseling for
267 disabled citizens or research, education, demonstration, or
268 other activities related thereto.

269 (d) Funding of programs which engage in, contract for,
270 foster, finance, or aid in activities designed to advance better
271 public understanding and appreciation of the field of vocational
272 rehabilitation.

273 (e) Funding of programs, property, or facilities which aid,
274 strengthen, and extend in any proper and useful manner the
275 objectives, work, services, and physical facilities of the
276 division, in accordance with the purposes of this section.

277
278 Any allocation of funds for research, advertising, or consulting
279 shall be subject to a competitive solicitation process. State
280 funds may not be used to fund events for private sector donors
281 or potential donors or to honor supporters.

282 (11) ANNUAL AUDIT.—The board shall provide for an annual
283 financial audit of the foundation in accordance with s. 215.981.
284 The identities of donors and prospective donors who desire to
285 remain anonymous shall be protected, and that anonymity shall be
286 maintained in the auditor's report.

287 (12) ANNUAL REPORT.—The board shall issue a report to the
288 Governor, the President of the Senate, the Speaker of the House
289 of Representatives, and the Commissioner of Education by
290 December 30 each year summarizing the performance of the

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291 endowment fund for the previous fiscal year, summarizing the
292 foundation's fundraising activities and performance, and
293 detailing those activities and programs supported by the
294 endowment principal or earnings on the endowment principal and
295 those activities and programs supported by private sources,
296 bequests, gifts, grants, donations, and other valued goods and
297 services received. The report shall also include:

298 (a) Financial data, by service type, including expenditures
299 for administration and the provision of services.

300 (b) The amount of funds spent on administrative expenses
301 and fundraising and the amount of funds raised from private
302 sources.

303 (c) Outcome data, including the number of individuals
304 served and employment outcomes.

305 (13) RULES.—The division shall promulgate rules for the
306 implementation of this section.

307 ~~(14) REPEAL.—This section is repealed October 1, 2019,~~
308 ~~unless reviewed and saved from repeal by the Legislature.~~

309 Section 2. This act shall take effect upon becoming a law.

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/12/19
Meeting Date

172
Bill Number (if applicable)

Topic THE ABLE TRUST

Name SUSANNE HOMANT

Job Title PRESIDENT/CEO

Address 3320 THOMASVILLE RD #200

Street

City FLH State Zip 32308

Amendment Barcode (if applicable)

Phone 850-224-4493

Email

Speaking: ☐ For ☐ Against ☐ Information

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

Representing THE ABLE TRUST

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)

3/12/2019
Meeting Date

5B172
Bill Number (if applicable)

Topic FL Endowment for VR ✓

Amendment Barcode (if applicable)

Name Kathy Winn

Job Title volunteer

Address 1006 Brookwood Dr.
Street

Phone (850)766-2612

Tall. FL 32308
City State Zip

Email kathy.winnclan@embargo.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing League of Women Voters of Florida

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/14/14)

Bouck, Matthew

From: Susanne Homant <susanne@abletrust.org>
Sent: Friday, March 8, 2019 8:58 AM
To: Bouck, Matthew
Subject: RE: The Able Trust_DSO Review - reply

Importance: High

Good morning, Matt: My responses in CAPS below as promised. I am working outstate today, if you need more information, please call my cell: 8 [REDACTED] Thanks. Sue

Dr. Susanne F. Homant, MBA
President & CEO, The Able Trust
3320 Thomasville Rd., Suite 200
Tallahassee, FL 32308
850-224-4493
www.abletrust.org

Empowerment * Education * Employment

Florida has a very broad public records law. All e-mails to the Able Trust are considered a public record. Your e-mail communications, including your e-mail address may be disclosed to the public at any time.

From: Bouck, Matthew [mailto:Bouck.Matthew@flsenate.gov]
Sent: Monday, March 4, 2019 8:24 AM
To: Susanne Homant <susanne@abletrust.org>
Cc: Bouck, Matthew <Bouck.Matthew@flsenate.gov>
Subject: The Able Trust_DSO Review

Dr. Homant,

I have been able to verify The Able Trust's compliance with most authorizing and accountability requirements through information readily available. There are a few requirements, however, that require your verification. For the following, could you please confirm my understanding?

- The current contract between The Able Trust and the Division of Vocational Rehabilitation does not specify a 30-day ~~[Susanne F. Homant]~~ DAY reversion of funds under the orderly cessation of funds provision. However, an amendment to the contract that is currently in the approval phase does have such a provision, although the amendment specifies a 45 day reversion of funds, unless extended by agreement by both parties. I am following up on the appropriateness of that 45 day provision. **[Susanne F. Homant] THE 45 DAY PROVISION IS IN THE CONTRACT AMENDMENT, AND WE HAVE NO ISSUE WITH THAT CHANGE.**
- The Able Trust receives state dollars only for the High School/High Tech program. In addition, earnings on public funds **[Susanne F. Homant] AND INVESTMENTS** from July 1, 2017 through June 30, 2018 were \$1,252,285.57. **[Susanne F. Homant] THIS IS CORRECT.**
- The annual budget for The Able Trust, approved by the Division of Vocational Rehabilitation, complied with the requirement that administrative costs are limited to 15% of total expenditures. In addition,

the actual administrative costs for 2017-2018 were \$427,742, which was 12% of total expenditures.**[Susanne F. Homant] THIS IS CORRECT.**

- The Able Trust has ensured that donor confidentiality is respected, and private donations that are confidential and exempt are not included on an agenda for a public meeting.**[Susanne F. Homant] THIS IS CORRECT. IN ADDITION, DOCUMENTS REQUIRED TO BE MAINTAINED CONFIDENTIALLY ARE SECURED AND LOCKED, AWAY FROM OTHER RECORDS.**
- The Able Trust has established an operating account with Farmer's and Merchant's Bank.**[Susanne F. Homant] FARMER'S AND MERCHANTS BANK WAS SOLD TO A BANK CALLED THE FIRST, AND THE OPERATING ACCOUNT IS NOW ESTABLISHED WITH THE FIRST. THE ACCOUNT TRANSFER WAS SEAMLESS.**
- The Able Trust's policy regarding competitive bidding is to require that purchases over \$2,500 must be subject to competitive bidding. Amounts under \$2,500 may also be subject to competitive bidding.**[Susanne F. Homant] THIS IS CORRECT, AND THIS IS AN OFFICIAL WRITTEN PROCEDURE.**
- The Able Trust does not use state funds for**[Susanne F. Homant] RECOGNITION OF** private donors or potential donors. Donor recognition may occur at events for other programs, but private funds cover those expenses.**[Susanne F. Homant] THIS IS CORRECT.**
- The Able Trust maintains records to support the Annual Report to detail those activities and programs supported by the endowment principal or earnings on the endowment principal and those activities and programs supported by private sources.**[Susanne F. Homant] THIS IS CORRECT. RECORDS ARE MAINTAINED ACCORDING TO OUR DOCUMENT RETENTION AND DESTRUCTION POLICY, WHICH IS POSTED ON OUR WEBSITE.**

Thank you so much for your help.

Matthew Bouck
Chief Legislative Analyst
The Florida Senate Committee on Education

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Education

BILL: CS/SB 226

INTRODUCER: Senator Brandes

SUBJECT: Mastery-based Education

DATE: March 13, 2019

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Bouck	Sikes	ED	Fav/CS
2.			AED	
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 226 renames the Competency-Based Education Pilot Program as the Mastery-Based Education Pilot Program (mastery-based pilot) and:

- Expands participation in the mastery-based pilot to all school districts and developmental research schools.
- Authorizes district school boards and developmental research schools participating in the mastery-based pilot to:
 - Determine and award credit based on student's mastery of core content and skills, but requires such school districts and developmental research schools to amend their student progression plans accordingly.
 - Use an alternative interpretation of letter grades to measure student success in grades 6-12, but requires such school districts and developmental research schools to continue to use a 4-point scale for calculating a student's grade point average.
- Requires the statewide articulation agreement to ensure fair and equitable access for students who have earned high school credit earned through a mastery-based education program and graduate with a standard high school diploma.

The bill has no impact on state revenues or expenditures.

The bill takes effect July 1, 2019.

II. Present Situation:

Competency-Based Education Pilot Program

In 2016¹ the Legislature created the Competency-Based Education Pilot Program (pilot program) within the Department of Education (DOE) to be administered for a period of 5 years, beginning with the 2016-2017 school year.² The purpose of the pilot program is to provide an educational environment that allows students to advance to higher levels of learning upon the mastery of concepts and skills through statutory exemptions relating to student progression and the awarding of credits.³

The Lake, Palm Beach, Pinellas, and Seminole County School Districts and the P.K. Yonge Developmental Research School may submit an application in a format prescribed by the DOE to participate in the pilot program.⁴

The application to participate in the pilot program must, at a minimum, include:⁵

- The vision and timelines for the implementation of competency-based education within the school district, including a list of the schools that will participate in the pilot program during the first school year and the list of schools that will be integrated into the program in subsequent school years.
- The annual goals and performance outcomes, specified in law, for participating schools.
- A communication plan for parents and other stakeholders, including local businesses and community members.
- The scope of and timelines for professional development for school instructional and administrative personnel.
- A plan for student progression based on the mastery of content, including mechanisms that determine and ensure that a student has satisfied the requirements for grade-level promotion and content mastery.
- A plan for using technology and digital and blended learning to enhance student achievement and facilitate the competency-based education system.
- The proposed allocation of resources for the pilot program at the school and district levels.
- The recruitment and selection of participating schools.
- The rules to be waived for participating schools to implement the pilot program.⁶

¹ Section 1, ch. 2016-149, L.O.F.

² Section 1003.4996, F.S.

³ *Id.*

⁴ Section 1003.4996(1), F.S. The P.K. Yonge Developmental Research School is a public school affiliated with the University of Florida. P.K. Yonge Developmental Research School at the University of Florida, <https://pk Yonge.ufl.edu/> (last visited Mar. 5, 2019).

⁵ Section 1003.4996(2), F.S.

⁶ To facilitate innovative practices and to allow local selection of educational methods, the State Board of Education (SBE) may authorize the commissioner to waive, upon the request of a district school board, SBE rules that relate to district school instruction and school operations, except those rules pertaining to civil rights, and student health, safety, and welfare. Section 1001.10(3), F.S. The SBE may authorize the commissioner to grant an additional waiver of rules relating to student progression and the awarding of credits. Section 1003.4996(2)(i), F.S.

Three of the four eligible school districts and the P.K. Yonge Developmental Research School chose to participate in the pilot program during the 2017-2018 school year.⁷ The Lake County School District participated in the pilot program in 2016-2017, but has chosen to pause its participation in the pilot as of the 2017-2018 school year.⁸

Definition of Credit

For the purposes of requirements for high school graduation, one full credit means a minimum of 135 hours of bona fide instruction in a designated course of study that contains student performance standards, except as otherwise provided through the Credit Acceleration Program.⁹ For a district school that has been authorized to implement block scheduling by the district school board, one full credit means a minimum of 120 hours of bona fide instruction in a designated course of study that contains student performance standards for purposes of meeting high school graduation requirements.¹⁰

The State Board of Education (SBE) is required to determine the number of postsecondary credit hours earned through dual enrollment¹¹ that satisfy the requirements of a dual enrollment articulation agreement¹² and that equal one full credit of the equivalent high school course.¹³

Middle and High School Grading System

The grading system and interpretation of letter grades used to measure public school student success in grade 6 through grade 12 courses shall be as follows:¹⁴

- Grade “A” equals 90 percent through 100 percent, has a grade point average value of 4, and is defined as “outstanding progress.”
- Grade “B” equals 80 percent through 89 percent, has a grade point average value of 3, and is defined as “above average progress.”
- Grade “C” equals 70 percent through 79 percent, has a grade point average value of 2, and is defined as “average progress.”
- Grade “D” equals 60 percent through 69 percent, has a grade point average value of 1, and is defined as “lowest acceptable progress.”

⁷ Florida Department of Education, *Competency-Based Education Pilot Program, 2017-18 Annual Report* (June 1, 2018), available at <http://www.fldoe.org/core/fileparse.php/7749/urlt/CBPP-Report.pdf>.

⁸ *Id.* at 11.

⁹ Section 1003.436(1), F.S. The Credit Acceleration Program allows a student to earn high school credit in courses required for high school graduation through passage of an end-of-course assessment, an Advanced Placement Examination, or a College Level Examination Program. Section 1003.4295(3), F.S.

¹⁰ Section 1003.436(1), F.S.

¹¹ 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. Section 1007.271, F.S.

¹² The dual enrollment articulation agreement between a school district and public postsecondary institution must delineate the high school credit earned for passage of each dual enrollment course. Section 1007.271(21)(f), F.S.

¹³ Section 1003.436(1), F.S. The Commissioner of Education must recommend to the State Board of Education postsecondary courses that meet high school graduation requirements and the number of postsecondary semester credit hours of instruction and equivalent high school credits that are necessary to meet high school graduation requirements. Section 1007.271(9), F.S.

¹⁴ Section 1003.437, F.S.

- Grade “F” equals zero percent through 59 percent, has a grade point average value of zero, and is defined as “failure.”
- Grade “I” equals zero percent, has a grade point average value of zero, and is defined as “incomplete.”

For the purposes of class ranking, district school boards may exercise a weighted grading system.¹⁵

Developmental Research Schools

Developmental research (laboratory) schools are public schools affiliated with colleges of education within state universities for the conduct of research, demonstration, and evaluation regarding management, teaching, and learning.¹⁶

The president of the university or the president’s designee is considered the district school board only for the purpose of school improvement and education accountability¹⁷ In addition, laboratory schools are designated as special school districts only for the purpose of funding and facilities.¹⁸

Statewide Articulation Agreement

The SBE and the Board of Governors of the State University System are required to enter into a statewide articulation agreement, which must preserve Florida’s “2+2” system of articulation, facilitate the seamless articulation of student credit across and among Florida’s educational entities, and govern, among other provisions, articulation between secondary and postsecondary education.¹⁹

III. Effect of Proposed Changes:

CS/SB 226 renames the Competency-Based Education Pilot Program as the Mastery-Based Education Pilot Program (mastery-based pilot) and:

- Expands participation in the mastery-based pilot to all school districts and developmental research schools.
- Authorizes district school boards and developmental research schools participating in the mastery-based pilot to:

¹⁵ Section 1003.437, F.S. School districts and Florida College System institutions must weigh dual enrollment courses the same as advanced placement, International Baccalaureate, and Advanced International Certificate of Education courses when grade point averages are calculated. Alternative grade calculation systems, alternative grade weighting systems, and information regarding student education options that discriminate against dual enrollment courses are prohibited. Section 1007.271(18), F.S.

¹⁶ Section 1002.32(2) and (3), F.S. Currently Florida A&M University, Florida Atlantic University, Florida State University, and the University of Florida operate developmental research schools. Florida Department of Education, *Public Schools/Districts*, https://web03.fldoe.org/Schools/schoolmap_text.asp (last visited Mar. 12, 2019).

¹⁷ Section 1002.32(10)(b), F.S.

¹⁸ Section 1011.24, F.S.

¹⁹ Section 1007.23(1), F.S.

- Determine and award credit based on student's mastery of core content and skills, but requires such school districts and developmental research schools to amend its student progression plans accordingly.
- Use an alternative interpretation of letter grades to measure student success in grades 6-12, but requires such school districts and schools to continue to use a 4-point scale for calculating a student's grade point average (GPA).
- Requires the statewide articulation agreement to ensure fair and equitable access for students who have earned high school credit earned through a mastery-based education program and graduate with a standard high school diploma.

Mastery-Based Education Pilot Program

The bill expands participation in the pilot program to include all public school districts and developmental research schools established in law.²⁰

The bill authorizes that, beginning in the 2019-2020 school year, participating school districts and developmental research schools may amend their applications to include alternatives for:

- Awarding credit, which must include a verification of the student's mastery of the applicable course content using rigorous scoring rubrics to evaluate the student's work. The bill requires that a participating school district and developmental research school must update its student progression plan accordingly.
- The interpretation of middle school and high school letter grades, which may substitute the applicable language from the school district's rigorous scoring rubric. The bill requires that participating school districts and developmental research school must continue to use the 4-point scale established in law for calculating a student's GPA.

The bill requires that an application that is amended to include such provisions must be approved by the district school board or developmental research school governing authority, as applicable.

Definition of Credit

The bill authorizes district school boards and developmental research schools participating in the mastery-based pilot to determine and award credit based on a student's mastery of the core content and skills, consistent with the Next Generation Sunshine State Standards,²¹ as approved by the district school board. The bill may allow a student to progress more rapidly by completing course competencies without the requirement to meet the minimum hours of instruction.

Middle and High School Grading System

The bill authorizes district school boards and developmental research schools participating in the mastery-based pilot to use an alternative interpretation of letter grades to measure student success in grade 6 through grade 12.

²⁰ Section 1002.32, F.S.

²¹ The Next Generation Sunshine State Standards establish the core content of the curricula to be taught in the state and specify the core content knowledge and skills that K-12 public school students are expected to acquire. Standards must be rigorous and relevant and provide for the logical, sequential progression of core curricular content that incrementally increases a student's core content knowledge and skills over time. Section 1003.41(1), F.S.

The bill, however, requires the school board and developmental research school that uses an alternative interpretation of letter grades to continue to use the 4-point scale established in law for calculating a student's GPA. Pinellas County, Seminole County, and the P.K. Yonge Developmental Research School have implemented a competency-based education program at the secondary level.²² Participating schools and the laboratory school have implemented standards-based grading²³ in classes, but each has indicated that students continue to receive letter grades in classes and a cumulative GPA based on a 4-point scale.²⁴

Statewide Articulation Agreement

The bill requires the statewide articulation agreement to ensure fair and equitable access for students who have earned high school credit through a mastery-based education program and graduate with a standard high school diploma. Accordingly, the statewide articulation agreement may likely need to be updated in rule by the State Board of Education and in regulation by the Board of Governors of the State University System.²⁵

The bill takes effect July 1, 2019.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

²² Florida Department of Education, *Competency-Based Education Pilot Program, 2017-18 Annual Report* (June 1, 2018), available at <http://www.fldoe.org/core/fileparse.php/7749/urlt/CBPP-Report.pdf>, at 5, 7, and 9. Palm Beach County Schools has implemented competency-based education at 64 elementary schools with a focus on math acceleration. *Id.* at 3.

²³ A standards-based grading system organizes evidence of student progress and mastery according to standards associated with a subject within a course: e.g. interpreting data from maps/charts. A traditional grading system organizes evidence of student progress and mastery by types of learning activities: e.g. classwork, homework, assignments. P.K. Yonge Developmental Research School, *What is Standards-Based Grading?*, <https://pkyonge.ufl.edu/academics/standards-based-grading/> (last visited Mar. 6, 2019).

²⁴ Telephone interviews with Dr. Rita Vasquez, Pinellas County Schools (Feb. 6, 2019), Ms. Christy Gabbard, P.K. Yonge Developmental Research School (Feb. 26, 2019), and Mr. Derek Jensen, Seminole County Schools (Mar. 6, 2019).

²⁵ Department of Education, *2019 Agency Analysis for SB 226* (Jan. 10, 2019), at 5.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 1003.436, 1003.437, 1003.4996, and 1007.23.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

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

Committee Substitute by Education on March 12, 2019:

The committee substitute maintains the substance of the bill with the following modifications. The committee substitute:

- Expands participation in the Mastery-Based Education Pilot Program to developmental research schools established in s. 1002.32, F.S.
- Authorizes developmental research schools participating in the Mastery-Based Education Pilot Program to determine and award credit based on a student's mastery of core content and skills.
- Authorizes participating developmental research schools to amend their applications to include alternatives for awarding credit and for the interpretation of letter grades.
- Requires a district school board and a development research school participating in the Mastery-Based Education Pilot Program that use an alternative interpretation of

letter grades to continue to use a 4-point scale for calculating a student's grade point average (GPA).

- Requires a school district and a developmental research school participating in the Mastery-Based Education Pilot Program to amend its student progression plan to conform to the alternative awarding of credits authorized in the bill.
- Replaces reference to a nontraditional diploma and transcript with a reference to a standard high school diploma.

B. Amendments:

None.



478066

LEGISLATIVE ACTION

Senate	.	House
Comm: RS	.	
03/12/2019	.	
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The Committee on Education (Brandes) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Paragraph (a) of subsection (1) of section
1003.436, Florida Statutes, is amended to read:

1003.436 Definition of "credit."—

(1)(a) For the purposes of requirements for high school
graduation, one full credit means a minimum of 135 hours of bona
fide instruction in a designated course of study that contains
student performance standards, except as otherwise provided



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through the Credit Acceleration Program (CAP) under s. 1003.4295(3). One full credit means a minimum of 120 hours of bona fide instruction in a designated course of study that contains student performance standards for purposes of meeting high school graduation requirements in a district school that has been authorized to implement block scheduling by the district school board. However, district school boards participating in the Mastery-Based Education Pilot Program under s. 1003.4996 may determine and award credit based on a student's mastery of the core content and skills, consistent with s. 1003.41, as approved by the district school board. The State Board of Education shall determine the number of postsecondary credit hours earned through dual enrollment pursuant to s. 1007.271 that satisfy the requirements of a dual enrollment articulation agreement according to s. 1007.271(21) and that equal one full credit of the equivalent high school course identified pursuant to s. 1007.271(9).

Section 2. Section 1003.437, Florida Statutes, is amended to read:

1003.437 Middle and high school grading system.—

(1) The grading system and interpretation of letter grades used to measure student success in grade 6 through grade 12 courses for students in public schools is ~~shall be~~ as follows:

(a) ~~(1)~~ Grade "A" equals 90 percent through 100 percent, has a grade point average value of 4, and is defined as "outstanding progress."

(b) ~~(2)~~ Grade "B" equals 80 percent through 89 percent, has a grade point average value of 3, and is defined as "above average progress."



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41 (c)~~(3)~~ Grade "C" equals 70 percent through 79 percent, has
42 a grade point average value of 2, and is defined as "average
43 progress."

44 (d)~~(4)~~ Grade "D" equals 60 percent through 69 percent, has
45 a grade point average value of 1, and is defined as "lowest
46 acceptable progress."

47 (e)~~(5)~~ Grade "F" equals zero percent through 59 percent,
48 has a grade point average value of zero, and is defined as
49 "failure."

50 (f)~~(6)~~ Grade "I" equals zero percent, has a grade point
51 average value of zero, and is defined as "incomplete."

52 (2) A district school board participating in the Mastery-
53 Based Education Pilot Program under s. 1003.4996 may use an
54 alternative interpretation of letter grades to measure student
55 success in grade 6 through grade 12; however, the school board
56 must continue to use the 4-point scale established in subsection
57 (1) for calculating a student's grade point average.

58
59 For the purposes of class ranking, district school boards may
60 exercise a weighted grading system pursuant to s. 1007.271.

61 Section 3. Section 1003.4996, Florida Statutes, is amended
62 to read:

63 1003.4996 Mastery-Based ~~Competency-Based~~ Education Pilot
64 Program.—Beginning with the 2016-2017 school year, the Mastery-
65 Based ~~Competency-Based~~ Education Pilot Program is created within
66 the Department of Education to be administered for a period of 5
67 years. The purpose of the pilot program is to provide an
68 educational environment that allows students to advance to
69 higher levels of learning upon the mastery of concepts and



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skills through statutory exemptions relating to student progression and the awarding of credits.

(1) PARTICIPATION.—The P.K. Yonge Developmental Research School and public school districts, including, but not limited to, the Lake, Palm Beach, Pinellas, and Seminole County School Districts, may submit an application in a format prescribed by the department to participate in the pilot program.

(2) APPLICATION.—The application to participate in the pilot program must, at a minimum, include:

(a) The vision and timelines for the implementation of mastery-based ~~competency-based~~ education within the school district, including a list of the schools that will participate in the pilot program during the first school year and the list of schools that will be integrated into the program in subsequent school years.

(b) The annual goals and performance outcomes for participating schools, including, but not limited to:

1. Student performance as defined in s. 1008.34.
2. Promotion and retention rates.
3. Graduation rates.
4. Indicators of college and career readiness.

(c) A communication plan for parents and other stakeholders, including local businesses and community members.

(d) The scope of and timelines for professional development for school instructional and administrative personnel.

(e) A plan for student progression based on the mastery of content, including mechanisms that determine and ensure that a student has satisfied the requirements for grade-level promotion and content mastery.



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(f) A plan for using technology and digital and blended learning to enhance student achievement and facilitate the mastery-based ~~competency-based~~ education system.

(g) The proposed allocation of resources for the pilot program at the school and district levels.

(h) The recruitment and selection of participating schools.

(i) The rules to be waived for participating schools pursuant to subsection (3) to implement the pilot program.

(3) EXEMPTION FROM RULES.—In addition to the waivers authorized in s. 1001.10(3), the State Board of Education may authorize the commissioner to grant an additional waiver of rules relating to student progression and the awarding of credits.

(4) ALTERNATIVE CREDIT AND LETTER GRADE SYSTEMS.—

(a) Beginning with the 2019-2020 school year, participating school districts may amend their applications to include alternatives for awarding credit, as authorized under s. 1003.436, and for the interpretation of middle school and high school letter grades, as authorized under s. 1003.437.

1. Alternatives to awarding credit must include verification of the student's mastery of the applicable course content using rigorous scoring rubrics to evaluate the student's work. A participating school district must amend its student progression plan required by s. 1008.25 to conform to the alternative awarding of credits pursuant to this section.

2. Alternatives to the interpretation of middle school and high school letter grades may substitute the applicable language from the school district's rigorous scoring rubric; however, participating school districts must continue to use the 4-point



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scale established in s. 1003.437(1) for calculating a student's
grade point average.

(b) An application that is amended pursuant to this
subsection must be approved by the district school board.

(5)~~(4)~~ STUDENT FUNDING.—Students enrolled in a
participating school shall be reported for and generate funding
pursuant to s. 1011.62.

(6)~~(5)~~ DEPARTMENT DUTIES.—The department shall:

(a) Compile the student and staff schedules of
participating schools before and after implementation of the
pilot program.

(b) Provide participating schools with access to statewide,
standardized assessments required under s. 1008.22.

(c) Annually, by June 1, provide to the Governor, the
President of the Senate, and the Speaker of the House of
Representatives a report summarizing the activities and
accomplishments of the pilot program and any recommendations for
statutory revisions.

(7)~~(6)~~ RULES.—The State Board of Education shall adopt
rules to administer this section.

Section 4. Subsection (1) of section 1007.23, Florida
Statutes, is amended to read:

1007.23 Statewide articulation agreement.—

(1) The State Board of Education and the Board of Governors
shall enter into a statewide articulation agreement which the
State Board of Education shall adopt by rule. The agreement must
preserve Florida's "2+2" system of articulation, facilitate the
seamless articulation of student credit across and among
Florida's educational entities, and reinforce the provisions of



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this chapter by governing:

(a) Articulation between secondary and postsecondary education, including fair and equitable access for students who have earned high school credit through a mastery-based education program pursuant to s. 1003.4996 and graduate with a standard high school diploma;

(b) Admission of associate in arts degree graduates from Florida College System institutions and state universities;

(c) Admission of applied technology diploma program graduates from Florida College System institutions or career centers;

(d) Admission of associate in science degree and associate in applied science degree graduates from Florida College System institutions;

(e) The use of acceleration mechanisms, including nationally standardized examinations through which students may earn credit;

(f) General education requirements and statewide course numbers as provided for in ss. 1007.24 and 1007.25; and

(g) Articulation among programs in nursing.

Section 5. This act shall take effect July 1, 2019.

===== T I T L E A M E N D M E N T =====
And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled
An act relating to mastery-based education; amending
s. 1003.436, F.S.; authorizing a district school board



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participating in the Mastery-Based Education Pilot Program to award credit based on student mastery of certain content and skills; amending s. 1003.437, F.S.; authorizing a district school board participating in the Mastery-Based Education Pilot Program to use an alternative interpretation of letter grades for certain students; requiring participating district school boards to use the current 4-point scale in determining student grade point averages; amending s. 1003.4996, F.S.; renaming the Competency-Based Education Pilot Program as the Mastery-Based Education Pilot Program; authorizing public school districts to submit applications for the program; authorizing participating school districts to amend their applications to include alternatives for the award credits and interpretation of letter grades; providing requirements for such alternatives; amending s. 1007.23, F.S.; requiring the statewide articulation agreement to ensure fair and equitable access for students who have earned high school credit through mastery-based education and graduate with a standard high school diploma; providing an effective date.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/12/2019	.	
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	.	

The Committee on Education (Brandes) recommended the following:

Senate Substitute for Amendment (478066) (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Paragraph (a) of subsection (1) of section
1003.436, Florida Statutes, is amended to read:

1003.436 Definition of "credit."—

(1)(a) For the purposes of requirements for high school
graduation, one full credit means a minimum of 135 hours of bona
fide instruction in a designated course of study that contains



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student performance standards, except as otherwise provided through the Credit Acceleration Program (CAP) under s. 1003.4295(3). One full credit means a minimum of 120 hours of bona fide instruction in a designated course of study that contains student performance standards for purposes of meeting high school graduation requirements in a district school that has been authorized to implement block scheduling by the district school board. However, district school boards and developmental research schools participating in the Mastery-Based Education Pilot Program under s. 1003.4996 may determine and award credit based on a student's mastery of the core content and skills, consistent with s. 1003.41, as approved by the district school board. The State Board of Education shall determine the number of postsecondary credit hours earned through dual enrollment pursuant to s. 1007.271 that satisfy the requirements of a dual enrollment articulation agreement according to s. 1007.271(21) and that equal one full credit of the equivalent high school course identified pursuant to s. 1007.271(9).

Section 2. Section 1003.437, Florida Statutes, is amended to read:

1003.437 Middle and high school grading system.—

(1) The grading system and interpretation of letter grades used to measure student success in grade 6 through grade 12 courses for students in public schools is ~~shall be~~ as follows:

(a) ~~(1)~~ Grade "A" equals 90 percent through 100 percent, has a grade point average value of 4, and is defined as "outstanding progress."

(b) ~~(2)~~ Grade "B" equals 80 percent through 89 percent, has



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a grade point average value of 3, and is defined as "above average progress."

(c)~~(3)~~ Grade "C" equals 70 percent through 79 percent, has a grade point average value of 2, and is defined as "average progress."

(d)~~(4)~~ Grade "D" equals 60 percent through 69 percent, has a grade point average value of 1, and is defined as "lowest acceptable progress."

(e)~~(5)~~ Grade "F" equals zero percent through 59 percent, has a grade point average value of zero, and is defined as "failure."

(f)~~(6)~~ Grade "I" equals zero percent, has a grade point average value of zero, and is defined as "incomplete."

(2) A district school board and a developmental research school participating in the Mastery-Based Education Pilot Program under s. 1003.4996 may use an alternative interpretation of letter grades to measure student success in grade 6 through grade 12; however, the school board and developmental research school must continue to use the 4-point scale established in subsection (1) for calculating a student's grade point average.

For the purposes of class ranking, district school boards may exercise a weighted grading system pursuant to s. 1007.271.

Section 3. Section 1003.4996, Florida Statutes, is amended to read:

1003.4996 Mastery-Based ~~Competency-Based~~ Education Pilot Program.—Beginning with the 2016-2017 school year, the Mastery-Based ~~Competency-Based~~ Education Pilot Program is created within the Department of Education to be administered for a period of 5



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years. The purpose of the pilot program is to provide an educational environment that allows students to advance to higher levels of learning upon the mastery of concepts and skills through statutory exemptions relating to student progression and the awarding of credits.

(1) PARTICIPATION.—Developmental research schools established under s. 1002.32, including the P.K. Yonge Developmental Research School, and public school districts, including, but not limited to, the Lake, Palm Beach, Pinellas, and Seminole County School Districts, may submit an application in a format prescribed by the department to participate in the pilot program.

(2) APPLICATION.—The application to participate in the pilot program must, at a minimum, include:

(a) The vision and timelines for the implementation of mastery-based ~~competency-based~~ education within the school district, including a list of the schools that will participate in the pilot program during the first school year and the list of schools that will be integrated into the program in subsequent school years.

(b) The annual goals and performance outcomes for participating schools, including, but not limited to:

1. Student performance as defined in s. 1008.34.
2. Promotion and retention rates.
3. Graduation rates.
4. Indicators of college and career readiness.

(c) A communication plan for parents and other stakeholders, including local businesses and community members.

(d) The scope of and timelines for professional development



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for school instructional and administrative personnel.

(e) A plan for student progression based on the mastery of content, including mechanisms that determine and ensure that a student has satisfied the requirements for grade-level promotion and content mastery.

(f) A plan for using technology and digital and blended learning to enhance student achievement and facilitate the mastery-based ~~competency-based~~ education system.

(g) The proposed allocation of resources for the pilot program at the school and district levels.

(h) The recruitment and selection of participating schools.

(i) The rules to be waived for participating schools pursuant to subsection (3) to implement the pilot program.

(3) EXEMPTION FROM RULES.—In addition to the waivers authorized in s. 1001.10(3), the State Board of Education may authorize the commissioner to grant an additional waiver of rules relating to student progression and the awarding of credits.

(4) ALTERNATIVE CREDIT AND LETTER GRADE SYSTEMS.—

(a) Beginning with the 2019-2020 school year, participating school districts and developmental research schools may amend their applications to include alternatives for awarding credit, as authorized under s. 1003.436, and for the interpretation of middle school and high school letter grades, as authorized under s. 1003.437.

1. Alternatives to awarding credit must include verification of the student's mastery of the applicable course content using rigorous scoring rubrics to evaluate the student's work. A participating school district and developmental research



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school must amend its student progression plan required by s.
1008.25 to conform to the alternative awarding of credits
pursuant to this section.

2. Alternatives to the interpretation of middle school and
high school letter grades may substitute the applicable language
from the school district's rigorous scoring rubric; however,
participating school districts and developmental research
schools must continue to use the 4-point scale established in s.
1003.437(1) for calculating a student's grade point average.

(b) An application that is amended pursuant to this
subsection must be approved by the district school board or
developmental research school governing authority, as
applicable.

(5)-(4) STUDENT FUNDING.—Students enrolled in a
participating school shall be reported for and generate funding
pursuant to s. 1011.62.

(6)-(5) DEPARTMENT DUTIES.—The department shall:

(a) Compile the student and staff schedules of
participating schools before and after implementation of the
pilot program.

(b) Provide participating schools with access to statewide,
standardized assessments required under s. 1008.22.

(c) Annually, by June 1, provide to the Governor, the
President of the Senate, and the Speaker of the House of
Representatives a report summarizing the activities and
accomplishments of the pilot program and any recommendations for
statutory revisions.

(7)-(6) RULES.—The State Board of Education shall adopt
rules to administer this section.



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Section 4. Subsection (1) of section 1007.23, Florida Statutes, is amended to read:

1007.23 Statewide articulation agreement.—

(1) The State Board of Education and the Board of Governors shall enter into a statewide articulation agreement which the State Board of Education shall adopt by rule. The agreement must preserve Florida's "2+2" system of articulation, facilitate the seamless articulation of student credit across and among Florida's educational entities, and reinforce the provisions of this chapter by governing:

(a) Articulation between secondary and postsecondary education, including fair and equitable access for students who have earned high school credit through a mastery-based education program pursuant to s. 1003.4996 and graduate with a standard high school diploma;

(b) Admission of associate in arts degree graduates from Florida College System institutions and state universities;

(c) Admission of applied technology diploma program graduates from Florida College System institutions or career centers;

(d) Admission of associate in science degree and associate in applied science degree graduates from Florida College System institutions;

(e) The use of acceleration mechanisms, including nationally standardized examinations through which students may earn credit;

(f) General education requirements and statewide course numbers as provided for in ss. 1007.24 and 1007.25; and

(g) Articulation among programs in nursing.



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Section 5. This act shall take effect July 1, 2019.

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

And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled

An act relating to mastery-based education; amending
s. 1003.436, F.S.; authorizing a district school board
or developmental research school participating in the
Mastery-Based Education Pilot Program to award credit
based on student mastery of certain content and
skills; amending s. 1003.437, F.S.; authorizing a
district school board or developmental research school
participating in the Mastery-Based Education Pilot
Program to use an alternative interpretation of letter
grades for certain students; requiring participating
district school boards and developmental research
schools to use the current 4-point scale in
determining student grade point averages; amending s.
1003.4996, F.S.; renaming the Competency-Based
Education Pilot Program as the Mastery-Based Education
Pilot Program; authorizing public school districts and
developmental research schools to submit applications
for the program; authorizing participating school
districts and developmental research schools to amend
their applications to include alternatives for the
award of credits and interpretation of letter grades;
providing requirements for such alternatives; amending
s. 1007.23, F.S.; requiring the statewide articulation



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215 agreement to ensure fair and equitable access for
216 students who have earned high school credit through
217 mastery-based education and graduate with a standard
218 high school diploma; providing an effective date.

By Senator Brandes

24-00392-19

2019226__

A bill to be entitled

An act relating to mastery-based education; amending s. 1003.436, F.S.; authorizing a district school board participating in the Mastery-Based Education Pilot Program to award credit based on student mastery of certain content and skills; amending s. 1003.437, F.S.; authorizing a district school board participating in the Mastery-Based Education Pilot Program to use an alternative interpretation of letter grades for certain students; amending s. 1003.4996, F.S.; renaming the Competency-Based Education Pilot Program as the Mastery-Based Education Pilot Program; authorizing public school districts to submit applications for the program; authorizing participating school districts to amend their applications to include alternatives for the award of credits and interpretation of letter grades; providing requirements for such alternatives; amending s. 1007.23, F.S.; requiring the statewide articulation agreement to ensure fair and equitable access for certain students with mastery-based, nontraditional diplomas and transcripts; providing an effective date.

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

Section 1. Paragraph (a) of subsection (1) of section 1003.436, Florida Statutes, is amended to read:
 1003.436 Definition of "credit."—
 (1)(a) For the purposes of requirements for high school

Page 1 of 6

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

24-00392-19

2019226__

graduation, one full credit means a minimum of 135 hours of bona fide instruction in a designated course of study that contains student performance standards, except as otherwise provided through the Credit Acceleration Program (CAP) under s. 1003.4295(3). One full credit means a minimum of 120 hours of bona fide instruction in a designated course of study that contains student performance standards for purposes of meeting high school graduation requirements in a district school that has been authorized to implement block scheduling by the district school board. However, district school boards participating in the Mastery-Based Education Pilot Program under s. 1003.4996 may determine and award credit based on a student's mastery of the core content and skills, consistent with s. 1003.41, as approved by the district school board. The State Board of Education shall determine the number of postsecondary credit hours earned through dual enrollment pursuant to s. 1007.271 that satisfy the requirements of a dual enrollment articulation agreement according to s. 1007.271(21) and that equal one full credit of the equivalent high school course identified pursuant to s. 1007.271(9).

Section 2. Section 1003.437, Florida Statutes, is amended to read:

1003.437 Middle and high school grading system.—

(1) The grading system and interpretation of letter grades used to measure student success in grade 6 through grade 12 courses for students in public schools are ~~shall be~~ as follows:

(a) (1) Grade "A" equals 90 percent through 100 percent, has a grade point average value of 4, and is defined as "outstanding progress."

Page 2 of 6

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

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(b)(2) Grade "B" equals 80 percent through 89 percent, has a grade point average value of 3, and is defined as "above average progress."

(c)(3) Grade "C" equals 70 percent through 79 percent, has a grade point average value of 2, and is defined as "average progress."

(d)(4) Grade "D" equals 60 percent through 69 percent, has a grade point average value of 1, and is defined as "lowest acceptable progress."

(e)(5) Grade "F" equals zero percent through 59 percent, has a grade point average value of zero, and is defined as "failure."

(f)(6) Grade "I" equals zero percent, has a grade point average value of zero, and is defined as "incomplete."

(2) District school boards participating in the Mastery-Based Education Pilot Program under s. 1003.4996 may use an alternative interpretation of letter grades to measure student success in grade 6 through grade 12.

For the purposes of class ranking, district school boards may exercise a weighted grading system pursuant to s. 1007.271.

Section 3. Section 1003.4996, Florida Statutes, is amended to read:

1003.4996 Mastery-Based ~~Competency-Based~~ Education Pilot Program.—Beginning with the 2016-2017 school year, The Mastery-Based ~~Competency-Based~~ Education Pilot Program is created within the Department of Education to be administered for a period of 5 years. The purpose of the pilot program is to provide an educational environment that allows students to advance to

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higher levels of learning upon the mastery of concepts and skills through statutory exemptions relating to student progression and the awarding of credits.

(1) PARTICIPATION.—The P.K. Yonge Developmental Research School and public school districts, including, but not limited to, the Lake, Palm Beach, Pinellas, and Seminole County School Districts, may submit an application in a format prescribed by the department to participate in the pilot program.

(2) APPLICATION.—The application to participate in the pilot program must, at a minimum, include:

(a) The vision and timelines for the implementation of mastery-based ~~competency-based~~ education within the school district, including a list of the schools that will participate in the pilot program during the first school year and the list of schools that will be integrated into the program in subsequent school years.

(b) The annual goals and performance outcomes for participating schools, including, but not limited to:

1. Student performance as defined in s. 1008.34.
2. Promotion and retention rates.
3. Graduation rates.
4. Indicators of college and career readiness.

(c) A communication plan for parents and other stakeholders, including local businesses and community members.

(d) The scope of and timelines for professional development for school instructional and administrative personnel.

(e) A plan for student progression based on the mastery of content, including mechanisms that determine and ensure that a student has satisfied the requirements for grade-level promotion

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and content mastery.

(f) A plan for using technology and digital and blended learning to enhance student achievement and facilitate the ~~mastery-based competency-based~~ education system.

(g) The proposed allocation of resources for the pilot program at the school and district levels.

(h) The recruitment and selection of participating schools.

(i) The rules to be waived for participating schools pursuant to subsection (3) to implement the pilot program.

(3) EXEMPTION FROM RULES.—In addition to the waivers authorized in s. 1001.10(3), the State Board of Education may authorize the commissioner to grant an additional waiver of rules relating to student progression and the awarding of credits.

(4) ALTERNATIVE CREDIT AND LETTER GRADE SYSTEMS.—

(a) Beginning with the 2019-2020 school year, participating school districts may amend their applications to include alternatives for awarding credit, as authorized under s. 1003.436, and for the interpretation of middle school and high school letter grades, as authorized under s. 1003.437.

1. Alternatives to awarding credit must include verification of the student's mastery of the applicable course content using rigorous scoring rubrics to evaluate the student's work.

2. Alternatives to the interpretation of middle school and high school letter grades may substitute the applicable language from the school district's rigorous scoring rubric.

(b) An application that is amended pursuant to this subsection must be approved by the district school board.

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(5)(4) STUDENT FUNDING.—Students enrolled in a participating school shall be reported for and generate funding pursuant to s. 1011.62.

(6)(5) DEPARTMENT DUTIES.—The department shall:

(a) Compile the student and staff schedules of participating schools before and after implementation of the pilot program.

(b) Provide participating schools with access to statewide, standardized assessments required under s. 1008.22.

(c) Annually, by June 1, provide to the Governor, the President of the Senate, and the Speaker of the House of Representatives a report summarizing the activities and accomplishments of the pilot program and any recommendations for statutory revisions.

(7)(6) RULES.—The State Board of Education shall adopt rules to administer this section.

Section 4. Subsection (7) is added to section 1007.23, Florida Statutes, to read:

1007.23 Statewide articulation agreement.—

(7) The articulation agreement must ensure fair and equitable access for high school graduates with mastery-based, nontraditional diplomas and transcripts.

Section 5. This act shall take effect July 1, 2019.

THE FLORIDA SENATE
APPEARANCE RECORD

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

March 12, 2019

Meeting Date

SB 226

Bill Number (if applicable)

Topic Mastery-based Education

Amendment Barcode (if applicable)

Name Bob Ward

Job Title President & CEO

Address 400 N. Tampa St., Suite 1010

Phone (813) 229-1775

Street

Tampa

City

Florida

State

33602

Zip

Email bward@fc100.org

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida Council of 100

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

3/12/19

Meeting Date

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

SB 226

Bill Number (if applicable)

Topic

Mastery Based Education

Amendment Barcode (if applicable)

Name

STEVE VERNON

Job Title

Board Member

Address

7631 Desert Inn Way

Phone

941-321-0616

Street

Lakewood Ranch, FL 34202

Email

VERNONSM13@gmail

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

Waive Speaking:

☒

In Support

☐

Against

(The Chair will read this information into the record.)

Representing

Florida Citizens' Alliance

Appearing at request of Chair:

☐

Yes

☒

No

Lobbyist registered with Legislature:

☐

Yes

☒

No

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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)

March 12, 2019

Meeting Date

SB 226

Bill Number (if applicable)

Topic Mastery-Based Education

Amendment Barcode (if applicable)

Name Alli Liby-Schoonover

Job Title Metz, Husband and Daughton

Address 119 S Monroe Street Suite 200

Phone 850-205-9000

Street

Tallahassee

FL

32301

Email allison.libyschoonover@mhdfirm.com

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Seminole County Public Schools

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

3/12/19

Meeting Date

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

SB 226

Bill Number (if applicable)

Topic Mastery Based Education

Amendment Barcode (if applicable)

Name Demetrius Minor

Job Title Director of Coalitions

Address _____
Street

Phone _____

City

State

Zip

Email _____

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Americans For Prosperity

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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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)

3/12/2019

Meeting Date

SB 226

Bill Number (if applicable)

Topic Mastery Based Education

Amendment Barcode (if applicable)

Name Kathy Winn

Job Title volunteer

Address 1006 Brookwood Dr
Street

Phone (850) 766-2612

Tall, FL 32308
City State Zip

Email kathy.winnclan@embargo.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing League of Women Voters of Florida

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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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)

12 March 19

Meeting Date

226

Bill Number (if applicable)

Topic Mastery Basd Education

Amendment Barcode (if applicable)

Name Shan Goff

Job Title Florida Policy Director

Address 215 S Monroe Street

Street

Tallahassee

City

FL

State

32301

Zip

Phone 850-391-4090x112

Email Shan@excelined.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

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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)

March 12 2019
Meeting Date

SB226
Bill Number (if applicable)

Topic K-12 Education

Amendment Barcode (if applicable)

Name Marie-Claire Leman

Job Title Parent

Address 1911 Wahalaaw Ct
Street

Phone 850 728-7514

Tallahassee FL 32301
City State Zip

Email marie-claire.leman@gmail.com

Speaking: ☐ For ☒ Against ☐ Information

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

Representing Common Ground

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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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)

3/12/2019

Meeting Date

SB 226

Bill Number (if applicable)

Topic SB 226

Amendment Barcode (if applicable)

Name Lynda Hayes

Job Title Director, PK Yonge DRS/UF Lab School

Address 1080 SW 11 Street

Phone 352-392-1554

Street

Gainesville

FL

32601

City

State

Zip

Email lhayes@pky.vf.edu

Speaking: ☐ For ☐ Against ☐ Information

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

Representing PK Yonge / UF Lab School

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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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)

3/12

Meeting Date

S13220

Bill Number (if applicable)

Topic Mastery-based Education

Amendment Barcode (if applicable)

Name Matthew Choy

Job Title Director

Address 136 S Brannough St
Street

Phone 561-386-3481

City

State

Zip

Email _____

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida Chamber of Commerce

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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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)

3/12/19

Meeting Date

SB 226

Bill Number (if applicable)

Topic Mastery Based Education

Amendment Barcode (if applicable)

Name Megan Fay

Job Title Consultant

Address 101 E. College Ave., Ste. 502

Phone 850-222-9075

Street

Tallahassee

FL

32301

Email mfay@capcityconsult.com

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Pinellas County Schools

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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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)

3/12/2019*Meeting Date*226*Bill Number (if applicable)*Topic Mastery Based Education*Amendment Barcode (if applicable)*Name Catherine Baer

Job Title _____

Address 1421 Woodgate Way

Phone _____

*Street*TallahasseeFL32308

Email _____

*City**State**Zip*Speaking: ☐ For ☒ Against ☐ InformationWaive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)Representing Common GroundAppearing at request of Chair: ☐ Yes ☒ NoLobbyist 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 Committee on Education

BILL: SB 442

INTRODUCER: Senator Lee

SUBJECT: Postsecondary Education for Certain Military Personnel

DATE: March 11, 2019

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Graf	Sikes	ED	Favorable
2.			MS	
3.			AP	

I. Summary:

SB 442 promotes uniformity in the application of military experience, training, and education toward academic college credits by public postsecondary educational institutions; and establishes a fee waiver for active duty members and honorably discharged veterans of the United States Armed Forces. Specifically, the bill:

- Requires the Board of Governors of the State University System of Florida (BOG) and the State Board of Education (SBE), in consultation with the Chancellor of the State University System and the Chancellor of the Florida College System (FCS), to adopt regulations and rules, respectively, which create a uniform system that enables eligible servicemembers or veterans of the U.S. Armed Forces to earn academic college credit for experience, college-level training, and education acquired in the military. The bill specifies the requirements that the BOG regulations and SBE rules must address at a minimum, and requires each public postsecondary educational institution to participate in the uniform system.
- Requires a state university, an FCS institution, and a technical center to waive the transcript fee for an active duty member and an honorably discharged veteran of the United States Armed Forces; and specifies related reporting and rulemaking requirements.

The bill may result in a minimal loss of revenue to public postsecondary education institutions.

The bill takes effect July 1, 2019.

II. Present Situation:

The Florida Legislature has enacted laws to provide members of the United States Armed Forces access to public postsecondary education in the state.

College Credit for Military Training and Education Courses

The Board of Governors of the State University System of Florida (BOG) is required to adopt regulations and the State Board of Education (SBE) is required to adopt rules that enable eligible servicemembers or veterans of the United States Armed Forces to earn academic college credit at public postsecondary educational institutions for college-level training and education acquired in the military.¹ The regulations and rules must include procedures for credential evaluation and the award of academic college credit, including, but not limited to, equivalency and alignment of military coursework with appropriate college courses, course descriptions, type and amount of college credit that may be awarded, and transfer of credit.²

Fee Waivers

Florida law provides fee waivers to students including, but not limited to, veterans and active duty members of the United States Armed Forces who meet specified criteria.³ Some fee waivers are mandatory,⁴ while others are permissive.⁵ For instance, a state university, an FCS institution, a career center operated by a school district, or a charter technical career center must waive tuition for undergraduate college credit programs and career certificate programs for each recipient of a Purple Heart or another combat decoration superior in precedence if the recipient meets the criteria specified in law.⁶ An FCS institution may waive any portion of the student activity and service fee, the financial aid fee, the technology fee, the capital improvement fee, and any other fees authorized in law⁷ for a person who is an active duty member of the Armed Forces of the United States using military tuition assistance provided by the United States Department of Defense.⁸

III. Effect of Proposed Changes:

SB 442 promotes uniformity in the application of military experience, training, and education toward academic college credits by public postsecondary educational institutions; and establishes a fee waiver for active duty members and honorably discharged veterans of the United States Armed Forces. Specifically, the bill:

- Requires the Board of Governors of the State University System of Florida (BOG) and the State Board of Education (SBE), in consultation with the Chancellor of the State University System (SUS) and the Chancellor of the Florida College System (FCS), to adopt regulations and rules, respectively, which create a uniform system that enables eligible servicemembers or veterans of the United States Armed Forces to earn academic college credit for experience, college-level training, and education acquired in the military. The bill specifies the requirements that the BOG regulations and SBE rules must address at a minimum, and requires each public postsecondary educational institution to participate in the uniform system.

¹ Section 1004.096, F.S.; *see also* Board of Governors, Regulation 6.013 and Rule 6A-14.0302, F.A.C.

² *Id.*

³ Section 1009.26, F.S.

⁴ *Id.*, at (5), (7)-(8), (12)-(14).

⁵ *Id.*, at (1)-(4), (6), (9)-(11), and (15).

⁶ *Id.*, at (8).

⁷ Section 1009.23, F.S.

⁸ Section 1009.26(15), F.S.

- Requires a state university, an FCS institution, and a technical center to waive the transcript fee for an active duty member and an honorably discharged veteran of the United States Armed Forces; and specifies related reporting and rulemaking requirements.

College Credit for Military Training and Education Courses

The bill specifies modifications to the BOG regulations and the SBE rules regarding the application of academic college credit for experience, college-level training, and education acquired in the military. Specifically, the bill:

- Requires the BOG and SBE to consult with the SUS Chancellor and the FCS Chancellor to adopt regulations and rules to create a uniform system that enables eligible servicemembers or veterans of the United States Armed Forces to earn academic college credit for experience acquired in the military, in addition to the existing ability of such servicemembers or veterans to earn academic college credit for college-level training and education acquired in the military.
- Specifies that the BOG regulations and SBE rules must include, at a minimum, the following:
 - Procedures for the evaluation of military credentials and experience and the award of academic college credit based on such credentials and experience, including, but not limited to, equivalency and alignment of military coursework and experience with appropriate college courses and course descriptions.
 - A list of courses for which academic college credit must be awarded for specified military credentials and experience. Academic college credit must be offered for required coursework based on military credentials and experience, when appropriate.
 - Use of the American Council on Education's "Guide to the Evaluation of Educational Experiences in the Armed Services,"⁹ or a similar resource if such guide is discontinued, when determining which military credentials and experience must be applied toward the award of academic college credit.
 - A policy for the mandatory transfer of academic college credits awarded between public postsecondary educational institutions.
 - The minimum number of academic college credits each public postsecondary educational institution must offer for qualifying military credentials and experience; however, a public postsecondary educational institution may offer additional academic credits for such credentials and experience, when appropriate.
- Requires each public postsecondary educational institution to participate in the uniform system.

⁹ American Council on Education's (ACE's) Military Guide presents credit recommendations and detailed summaries for formal courses and occupations offered by all branches of the military. These credit recommendations appear on the service member's Joint Services Transcript (JST). All recommendations are based on ACE reviews conducted by college and university faculty members who are actively teaching in the areas they review. The team assesses and validates whether the courses (over 5,000) or occupations (3,507) have the appropriate content, scope, and rigor for college credit recommendations. The Military Guide includes all evaluated courses and occupations from 1954 to the present. New courses and occupations are continually being evaluated by ACE, and these entries are added on a daily basis. ACE only reviews courses and occupations selected by the military services. American Council on Education, *Guide to the Evaluation of Educational Experiences in the Armed Forces*, <https://www.acenet.edu/news-room/Pages/Military-Guide-Online.aspx> (last visited Feb. 6, 2019).

The uniform system may provide assurance to the eligible servicemembers and veterans of the United States Armed Forces regarding the type and the minimum number of academic college credits that such members and veterans will be guaranteed to receive at a public postsecondary educational institution, regardless of the type of institution, for the experience, training, and education acquired in the military. Current BOG regulation¹⁰ and the SBE rule¹¹ are similar, with some exceptions. For instance:

- The BOG regulation requires the policy and process adopted by each state university board of trustees (BOT) to utilize the American Council on Education's Guide to the Evaluation of Educational Experiences in the Armed Forces (ACE Guide) to determine equivalency and alignment of military coursework with appropriate university courses.¹² The SBE rule does not require the policy adopted by each Florida College System (FCS) institution BOT to include the utilization of the ACE Guide to determine equivalency and alignment of military coursework with appropriate FCS institution courses.
- The BOG regulation requires that the state university BOT policy and process specify that college credit will be granted to students with military training or coursework that is recognized by the ACE, subject to state university transfer practices or limitations on the transfer credit amount, level, or other criteria.¹³ In comparison, the SBE rule does not specify similar limitations on the transfer of credit.¹⁴

Fee Waivers

The bill requires a state university, an FCS institution, and a technical center to waive the transcript fee¹⁵ for an active duty member and an honorably discharged veteran of the United States Armed Forces. Additionally, the bill:

- Requires each state university, FCS institution, career center, and charter technical career center to report to the BOG and the SBE, the number and value of transcript fee waivers granted annually.
- Requires the BOG and the SBE to adopt regulations and rules to administer the transcript fee waivers.

The transcript fee waiver may further assist with making higher education more affordable for active duty members and honorably discharged veterans of the United States Armed Forces.

The bill takes effect July 1, 2019.

¹⁰ Board of Governors, Regulation 6.013.

¹¹ Rule 6A-14.0302, F.A.C.

¹² Board of Governors, Regulation 6.013(1)(a)2.

¹³ Board of Governors, Regulation 6.013(1)(a)1.

¹⁴ Rule 6A-14.0302(1)(a)1., F.A.C.

¹⁵ Each district school board, for workforce education, and Florida College System institution board of trustees are authorized to establish fee schedules for transcript fees. Such fees must not exceed the cost of the services provided and must only be charged to persons receiving the service. Sections 1009.22(9), 1009.23(12)(a), F.S. Each state university board of trustees is authorized to establish fees for transcripts, not to exceed \$10 per item. Section 1009.24(14)(f), F.S.; *see also* Board of Governors, Regulation 7.003(2)(d).

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

Students with qualifying military experience may experience a cost savings by receiving academic college credit for military experience and through the transcript fee waiver.

C. Government Sector Impact:

The requirement to award academic college credit and waive the transcript fee may result in a loss of revenue for postsecondary institutions. However, this loss of revenue is expected to be minimal.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 1004.096 and 1009.26.

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.

By Senator Lee

20-01074-19

2019442__

A bill to be entitled

An act relating to postsecondary education for certain military personnel; amending s. 1004.096, F.S.; requiring the Board of Governors and State Board of Education, in consultation with the Chancellors of the State University System and the Florida College System, to create a uniform system for the award of postsecondary college credit to certain servicemembers and veterans of the United States military; providing the requirements for such uniform system; requiring public postsecondary institutions to participate in the uniform system; amending s. 1009.26, F.S.; requiring specified postsecondary institutions to waive the transcript fee for active duty members of the Armed Forces of the United States and certain veterans; requiring specified postsecondary institutions to provide a report to the Board of Governors and the State Board of Education; requiring the Board of Governors and the State Board of Education to adopt regulations and rules, respectively; providing an effective date.

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

Section 1. Section 1004.096, Florida Statutes, is amended to read:

1004.096 College credit for military experience and training and education courses.—

(1) In consultation with the Chancellors of the State

Page 1 of 3

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

20-01074-19

2019442__

University System and the Florida College System, the Board of Governors shall adopt regulations and the State Board of Education shall adopt rules that create a uniform system that enables ~~enable~~ eligible servicemembers or veterans of the United States Armed Forces to earn academic college credit at public postsecondary educational institutions for experience and college-level training and education acquired in the military.

(2) The regulations and rules shall include, but are not ~~limited to:~~

(a) Procedures for the ~~credential~~ evaluation of military credentials and experience and the award of academic college credit based on such credentials and experience, including, but not limited to, equivalency and alignment of military coursework and experience with appropriate college courses and, course descriptions.

(b)1. A list of courses for which academic college credit shall be awarded for specified military credentials and experience. Academic college credit must be offered for required coursework based on military credentials and experience, when appropriate.

2. The State Board of Education and Board of Governors must use the American Council on Education's "Guide to the Evaluation of Educational Experiences in the Armed Services," or a similar resource if such guide is discontinued, when determining which military credentials and experience shall be applied toward the award of academic college credit, ~~type and amount of college credit that may be awarded, and transfer of credit.~~

(c) A policy for the mandatory transfer of academic college credits awarded pursuant to this section between public

Page 2 of 3

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

20-01074-19

2019442__

59 postsecondary educational institutions.

60 (d) The minimum number of academic college credits each
61 public postsecondary educational institution must offer for
62 qualifying military credentials and experience; however, a
63 public postsecondary educational institution may offer
64 additional academic credits for such credentials and experience,
65 when appropriate.

66 (3) Each public postsecondary educational institution must
67 participate in the uniform system created under this section.

68 Section 2. Subsection (16) is added to section 1009.26,
69 Florida Statutes, to read:

70 1009.26 Fee waivers.—

71 (16) (a) A state university, Florida College System
72 institution, career center operated by a school district under
73 s. 1001.44, or charter technical career center shall waive the
74 transcript fee for a person who is an active duty member of the
75 Armed Forces of the United States or an honorably discharged
76 veteran of the Armed Forces of the United States.

77 (b) Each state university, Florida College System
78 institution, career center operated by a school district under
79 s. 1001.44, and charter technical career center shall report to
80 the Board of Governors and the State Board of Education,
81 respectively, the number and value of fee waivers granted
82 annually under this subsection.

83 (c) The Board of Governors and the State Board of Education
84 shall respectively adopt regulations and rules to administer
85 this subsection.

86 Section 3. This act shall take effect July 1, 2019.

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/12/19

Meeting Date

SB 442

Bill Number (if applicable)

Topic Postsecondary Edu. for Certain Military Personnel

Amendment Barcode (if applicable)

Name Matthew Choy

Job Title Director

Address 136 Bronough St
Street

Phone 561-386-3451

Tallahassee FL 32301
City State Zip

Email MChoy@FLchamber.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida Chamber of Commerce

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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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)

3/12/14
Meeting Date

442
Bill Number (if applicable)

Topic Veterans

Amendment Barcode (if applicable)

Name Bill Helmick

Job Title

Address 303 Johns Dr
Street

Phone 850 251 3126

Tallahassee FL 32301
City State Zip

Email

Speaking: ☒ For ☐ Against ☐ Information

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

Representing VFW & American Legion

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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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)

12 March 19

Meeting Date

442

Bill Number (if applicable)

Topic Post Secondary Education for Military Veterans

Amendment Barcode (if applicable)

Name James Mosteller

Job Title Advocacy Associate

Address 215 S Monroe Street

Phone 850-727-3712

Street

Tallahassee

FL

32301

Email JamesM@excelined.org

City

State

Zip

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

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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 Committee on Education

BILL: SB 522

INTRODUCER: Senator Diaz

SUBJECT: Apprenticeship Programs

DATE: March 11, 2019

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Brick	Sikes	ED	Favorable
2.			AED	
3.			AP	

I. Summary:

SB 522 establishes a new reporting requirement and funding source to expand apprenticeship and preapprenticeship opportunities. Specifically, the bill:

- Requires the Department of Education (DOE) to report specified information to the Legislature and the State Apprentice Advisory Council regarding apprenticeship and preapprenticeship training in Florida.
- Requires the DOE to provide information on its website explaining how a Florida College System institution or a school district may assume the responsibilities of a local education agency for the purposes of administering an apprenticeship program.
- Creates the Florida Apprenticeship Grant (FLAG) Program, which provides eligibility for grant awards to registered apprenticeship program sponsors who do not require assistance from a career educational institution.
- Assigns to the DOE the responsibility for the administration and supervision of related and supplemental education and training of apprentices whose apprenticeship programs have received a FLAG Program award.

The bill takes effect July 1, 2019.

II. Present Situation:

Federal and State Administration of Apprenticeships

The National Apprenticeship Act (also known as the Fitzgerald Act in honor of its author, Congressman William J. Fitzgerald)¹ delegates to the U.S. Secretary of Labor the responsibility to formulate and promote labor standards necessary to safeguard the welfare of apprentices.²

On August 22, 2018, the U.S. Department of Labor published a Funding Opportunity Announcement regarding the availability of \$150 million to fund approximately 15-30 apprenticeship grant awards to accelerate the expansion of apprenticeships to new industry sectors reliant on H-1B visas, promote the large-scale expansion of apprenticeships across the nation, and increase apprenticeship opportunities for all Americans.³

The federal government also offers other resources to assist with funding registered apprenticeship programs, including:⁴

- Federal Student Aid funds;
 - Federal Workforce Funds for Registered Apprenticeship;
 - GI Bill and Veterans Programs;
 - Supplemental Nutrition Assistance Program;
 - Federal Highway Administration On-the-Job Training and Supportive Services Program; and
 - Covered Housing and Urban Development Financial Assistance Programs.
- The federal government works in cooperation with states to oversee the nation's apprenticeship programs. The states have the authority to register apprenticeship programs through federally-recognized SAAs (State Apprenticeship Agencies).⁵ In Florida, the Department of Education (DOE) serves as the registering entity to ensure compliance with federal and state apprenticeship standards, provide technical assistance, and conduct quality assurance assessments.⁶

Apprenticeships and Preapprenticeships in Florida

Florida law states that it is the intent of the State of Florida to provide educational opportunities for its young people so that they can be trained for trades, occupations, and professions suited to their abilities and benefit from the valuable training opportunities developed when on-the-job training is combined with academic-related classroom experiences.⁷

¹ U.S. Department of Labor, *History and Fitzgerald Act*, <http://www.doleta.gov/oa/history.cfm> (last visited Mar. 6, 2019). See 29 U.S.C. s. 50 (1937), as amended.

² 29 U.S.C. s. 50

³ U.S. Department of Labor, Employment and Training Administration, *NOTICE OF AVAILABILITY OF FUNDS AND FUNDING OPPORTUNITY ANNOUNCEMENT FOR: Scaling Apprenticeship Through Sector-Based Strategies*, available by visiting <https://www.grants.gov/web/grants/view-opportunity.html?oppId=307212>, clicking on the related documents tab, and opening the pdf link titled "FOA-ETA-18-08.pdf," (last visited Mar. 6, 2019).

⁴ U.S. Department of Labor, Employment and Training Administration, *The Federal Resources Playbook for Registered Apprenticeship*, available at <https://www.doleta.gov/oa/federalresources/playbook.pdf>.

⁵ 29 C.F.R. ss. 29.1 and 29.13.

⁶ 29 C.F.R. s. 29.2.

⁷ Section 446.011, F.S.

An apprenticeable occupation is a skilled trade possessing all of the characteristics that are specified in law (*e.g.*, customarily learned in a practical way through a structured, systemic program of on-the-job, supervised training and involves manual, mechanical, or technical skills and knowledge which require a minimum of 2,000 hours of work and training).⁸

An “apprentice” is a person at least 16 years of age who is engaged in learning a recognized skilled trade through actual work experience under the supervision of journeyman craftsmen, which should be combined with properly coordinated studies of technical and supplementary subjects. An apprentice must enter into an apprentice agreement with a registered apprenticeship sponsor who may be either an employer, an association of employers, or a local joint apprenticeship committee.⁹

Potential candidates for apprenticeships may apply with a registered apprenticeship program sponsor, who determines whether the candidate meets the required qualifications.¹⁰ Apprenticeship program sponsors may provide private classroom instruction or coordinate with a local educational agency¹¹ to provide related supplemental classroom instruction.¹² The apprentices are exempt from paying tuition and fees at a school district technical center, Florida College System institution, or state university.¹³

The apprenticeship program sponsor operates and registers an agreed-upon apprenticeship program.¹⁴ An apprenticeship program is an organized course of instruction, registered and approved by the DOE that contains all terms and conditions for the qualifications, recruitment, selection, employment, and training of apprentices.¹⁵ A preapprenticeship program is an organized course of instruction which is designed to prepare a person 16 years of age or older to become an apprentice.¹⁶

The administration and supervision of related and supplemental instruction for apprentices, coordination of such instruction with job experiences, and selection and training of teachers and coordinators for such instruction is the responsibility of the appropriate career education institution.¹⁷ The career education institution is encouraged to provide facilities, equipment and

⁸ Section 446.092, F.S. The hours identified are in addition to the time spent at related classroom instruction. *Id.*

⁹ Section 446.021(2), F.S.

¹⁰ Florida Department of Education, Apprenticeship Program, *What is Registered Apprenticeship?*, <http://www.fldoe.org/academics/career-adult-edu/apprenticeship-programs/what-is-apprenticeship.stml>, (last visited March 6, 2019).

¹¹ Though not defined in the federal regulations governing the U.S. Department of Labor, the U.S. Department of Education regulations define a *local educational agency* as a board of education or other legally constituted local school authority having administrative control and direction of public elementary or secondary schools in a city, county, township, school district, or political subdivision in a State, or any other public educational institution or agency having administrative control and direction of a vocational education program. 34 C.F.R. s. 400.4.

¹² Section 446.051(2), F.S.

¹³ Section 1009.25(1)(b), F.S.

¹⁴ Rule 65A-23.002(21), F.A.C.

¹⁵ Section 446.021(6), F.S. An apprenticeship agreement may not operate to invalidate any apprenticeship provision in a collective agreement between employers and employees which establishes higher apprenticeship standards. Section 446.081(1), F.S.

¹⁶ Section 446.021(5), F.S.

¹⁷ Section 446.051(1), F.S.

supplies, and instructors' salaries for the performance of related and supplemental instruction associated with the registered program.¹⁸

The State Apprenticeship Advisory Council (Council) advises the DOE on matters related to apprenticeship.¹⁹ The Commissioner of Education (commissioner) or the commissioner's designee must serve ex officio as chair of the Council, but may not vote.²⁰ The Council is comprised of 10 voting members appointed by the Governor and two ex officio nonvoting members.²¹ The voting members include:

- Four members representing employee organizations,
- Four members representing employer organizations, and
- Two members who are knowledgeable about registered apprenticeship and apprenticeable occupations, of which one must be recommended by joint organizations and one must be recommended by nonjoint organizations.²²

Participation in apprenticeship is expanding throughout the country.²³ 3,229 new apprenticeship programs were established nationwide in 2018.²⁴ In Florida:

- 221 registered apprenticeship programs served 12,207 apprentices.²⁵
- 5,233 new apprentices were registered.
- 22 apprenticeship programs were formed.²⁶
- 1,500 apprentices graduated their respective programs.²⁷
- 31 preapprenticeship programs throughout the state served adults and youth.²⁸

As of 2016, the nationwide average age of a registered apprentice was 28.²⁹

In June of 2018, an apprenticeship workgroup including members of CareerSource Florida, the Department of Economic Opportunity, and the DOE suggested enhancing the data and

¹⁸ *Id.* at (2).

¹⁹ Section 446.045(2)(a), F.S.

²⁰ Section 446.045(2)(b), F.S.

²¹ *Id.*

²² *Id.* A "joint organization" means an apprenticeship sponsor who participates in a collective bargaining agreement. Section 446.045(1)(a), F.S. A "nonjoint organization" means an apprenticeship sponsor who does not participate in a collective bargaining agreement. *Id.* at (1)(b).

²³ U.S. Department of Labor, *Registered Apprenticeship National Results Fiscal Year (FY) 2018 (10/01/2018-1 to 9/30/2018)*, https://www.doleta.gov/OA/data_statistics.cfm (last visited Mar. 6, 2019).

²⁴ *Id.*

²⁵ *Id.*

²⁶ *Id.*

²⁷ *Id.*

²⁸ Florida Department of Education, *Youth Preapprenticeship Programs* (2018), available at <http://www.fldoe.org/core/fileparse.php/5626/urlt/hs-preapprenticeship.pdf>, and Florida Department of Education, *Adult Preapprenticeship Programs* (2018), available at <http://www.fldoe.org/core/fileparse.php/5626/urlt/adult-preapprenticeship.pdf>.

²⁹ Keith Rolland, *Apprenticeships and Their Potential in the U.S.*, Federal Reserve Bank of Philadelphia Cascade, No. 90, Winter 2016, available at https://www.philadelphiafed.org/community-development/publications/cascade/90/01_apprenticeships.

information available on the DOE website as a means to increase awareness of apprenticeship options.³⁰

Department of Education Responsibilities

The DOE is responsible for administering, facilitating, and supervising registered apprenticeship programs, including, but not limited to:³¹

- Developing and encouraging apprenticeship programs.
- Cooperating with and assisting apprenticeship sponsors to develop apprenticeship standards and training requirements.
- Monitoring registered apprenticeship programs.
- Investigating complaints regarding failure to meet the standards³² established by the DOE.
- Canceling registration of programs that fail to comply with DOE standards and policies.

The DOE must establish uniform minimum standards and policies governing apprenticeship programs and agreements. The standards and policies must govern the terms and conditions of the apprentice's employment and training, including the quality training of the apprentice for, but not limited to, such matters as ratios of apprentices to journeymen, safety, related instruction, and on-the-job training. In addition, the DOE must establish procedures to be used by the State Apprenticeship Advisory Council.³³

The DOE, along with district school boards and Florida College System institution boards of trustees, must work with existing apprenticeship programs so that individuals completing preapprenticeship programs are able to receive credit towards completing registered apprenticeship programs.³⁴

III. Effect of Proposed Changes:

The bill expands the class of intended beneficiaries of apprenticeship training to include all residents – not just young people.

The bill requires the Department of Education (DOE) to provide an annual report to the Legislature and the State Apprenticeship Advisory Council on apprenticeship and preapprenticeship training in this state. The report must include:

- The number of apprenticeship and preapprenticeship programs.

³⁰ Apprenticeship Florida, *Filling Florida's Skills Gap Through Apprenticeships*, available at https://careersourceflorida.com/wp-content/uploads/2018/07/2018-5-31_CSF_Apprenticeship_Booklet-Version-2_NoCrops.pdf, (last visited Mar. 7, 2019); and Apprenticeship Florida, *Workgroups Findings and Recommendations Report* (2018), available at <https://careersourceflorida.com/wp-content/uploads/2018/07/Apprenticeship-Workgroups-Report.pdf>.

³¹ Section 446.041, F.S.

³² F.S.; Rule 6A-23.004, F.A.C. "Uniform minimum preapprenticeship standards" means the minimum requirements established uniformly for each craft under which a preapprenticeship program is administered and includes standards for admission, training goals, training objectives, curriculum outlines, objective standards to measure successful completion of the preapprenticeship program, and the percentage of credit which may be given to preapprenticeship graduates upon acceptance into the apprenticeship program. Section 446.021(8), F.S.

³³ Section 446.032, F.S.

³⁴ Section 446.052(3), F.S.

- The number of apprenticeship sponsors.
- The number of apprentices and preapprentices for each apprenticeable trade and occupation.
- The amount of state funding per apprentice and per apprenticeable trade and occupation.

Additionally, the bill requires the DOE to provide information under the apprenticeship programs section of its website explaining how a Florida College System institution or a school district may assume the responsibilities of a local educational agency for the purposes of administering an apprenticeship program.

The bill creates the Florida Apprenticeship Grant (FLAG) Program, which authorizes registered apprenticeship program sponsors who do not require assistance from a career education institution to apply to the DOE for grant awards to assist in funding apprenticeship programs. If a registered program sponsor has received a FLAG Program award, the bill provides that the DOE is responsible for the administration and supervision of supplemental instruction for apprentices, coordination of such instruction with job experiences, and selection and training of teachers and coordinators for such instruction.

The FLAG Program awards may increase the number of available apprenticeship programs by providing an additional source of funding for eligible apprenticeship program sponsors. The FLAG Program, along with the additional reporting and DOE website information required by the bill, may increase participation in apprenticeship programs.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Florida Apprenticeship Grant Program is contingent upon legislative appropriation.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 446.011, 446.032, and 446.051.

This bill creates the following section of the Florida Statutes: 446.042.

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 Diaz

36-00544A-19

2019522__

A bill to be entitled

An act relating to apprenticeship programs; amending s. 446.011, F.S.; revising legislative intent; amending s. 446.032, F.S.; requiring the Department of Education to provide a specified annual report to the Legislature and the State Apprenticeship Advisory Council; providing requirements for the report; requiring the department to provide certain information on its website; creating s. 446.042, F.S.; requiring the department to develop and manage the Florida Apprenticeship Grant Program, subject to appropriation of funds by the Legislature; authorizing certain registered apprenticeship program sponsors to apply for grant awards to help fund apprenticeship programs; amending s. 446.051, F.S.; requiring the department to perform certain duties related to apprenticeships when a program sponsor has received a grant award; providing an effective date.

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

Section 1. Subsection (1) of section 446.011, Florida Statutes, is amended to read:

446.011 Legislative intent regarding apprenticeship training.—

(1) It is the intent of the State of Florida to provide educational opportunities for its ~~residents young people~~ so that they can be trained for trades, occupations, and professions suited to their abilities. It is the intent of this act to

Page 1 of 4

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

36-00544A-19

2019522__

promote the mode of training known as apprenticeship in occupations throughout industry in the state that require physical manipulative skills. By broadening job training opportunities and providing for increased coordination between public school academic programs, career programs, and registered apprenticeship programs, ~~the residents of this young people of the state~~ will benefit from the valuable training opportunities developed when on-the-job training is combined with academic-related classroom experiences. This act is intended to develop the apparent potentials in apprenticeship training by assisting in the establishment of preapprenticeship programs in the public school system and elsewhere and by expanding presently registered programs as well as promoting new registered programs in jobs that lend themselves to apprenticeship training.

Section 2. Present subsection (2) of section 446.032, Florida Statutes, is renumbered as subsection (4), and new subsections (2) and (3) are added to that section, to read:

446.032 General duties of the department for apprenticeship training.—The department shall:

(2) Provide an annual report to the Legislature and the State Apprenticeship Advisory Council on apprenticeship and preapprenticeship training in this state. The report must include all of the following information:

(a) The number of apprenticeship and preapprenticeship programs in this state, respectively.

(b) The number of apprenticeship sponsors, as described in s. 446.071, in this state.

(c) The number of apprentices and preapprentices in this state for each apprenticeable trade and occupation,

Page 2 of 4

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36-00544A-19

2019522__

59 respectively.

60 (d) The amount of state funding per apprentice and per
 61 apprenticeable trade and occupation.

62 (3) Provide information under the apprenticeship programs
 63 section of its website as to how a Florida College System
 64 institution or a school district may assume the responsibilities
 65 of a local educational agency for the purposes of administering
 66 an apprenticeship program.

67 Section 3. Section 446.042, Florida Statutes, is created to
 68 read:

69 446.042 Florida Apprenticeship Grant Program.-

70 (1) Subject to the appropriation of funds by the
 71 Legislature, the department shall develop and manage the Florida
 72 Apprenticeship Grant Program.

73 (2) Registered apprenticeship program sponsors that do not
 74 require assistance, as described in s. 446.051(2), may apply to
 75 the department for grant awards to assist in funding
 76 apprenticeship programs.

77 Section 4. Subsection (1) of section 446.051, Florida
 78 Statutes, is amended to read:

79 446.051 Related instruction for apprentices.-

80 (1) The administration and supervision of related and
 81 supplemental instruction for apprentices, coordination of such
 82 instruction with job experiences, and selection and training of
 83 teachers and coordinators for such instruction, all as approved
 84 by the registered program sponsor, shall be the responsibility
 85 of the appropriate career education institution or, if the
 86 program sponsor has received a grant award from the Florida
 87 Apprenticeship Grant Program, the department.

Page 3 of 4

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36-00544A-19

2019522__

88 Section 5. This act shall take effect July 1, 2019.

Page 4 of 4

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THE FLORIDA SENATE

APPEARANCE RECORD

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

3/12/19
Meeting Date

SD 522
Bill Number (if applicable)

Topic Apprenticeship

Amendment Barcode (if applicable)

Name Shan Goff

Job Title FI Policy Director

Address
Street

Phone

City

State

Zip

Email

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Foundation for FI'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

3/12/19

Meeting Date

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

SB 522

Bill Number (if applicable)

Topic

Apprenticeship Programs

Amendment Barcode (if applicable)

Name

STEVE VERNON

Job Title

Board Member

Address

7631 Deyl Inn Way

Phone 941-321-0616

Street

Lakewood Ranch FL 34202

Email VERNON.SM13@gmail

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

Waive Speaking:

☒

In Support

☐

Against

(The Chair will read this information into the record.)

Representing

FLORIDA CITIZENS' ALLIANCE

Appearing at request of Chair:

☐

Yes

☒

No

Lobbyist registered with Legislature:

☐

Yes

☒

No

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

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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)

3/12/19
Meeting Date

522
Bill Number (if applicable)

Topic Apprenticeship Programs

Amendment Barcode (if applicable)

Name Carol Bowen

Job Title Chief Lobbyist

Address 3730 Coconut Creek Pkwy
Street

Phone 954-465-6811
Ste 200

Coconut Creek FL 33016
City State Zip

Email cbowen@ab-easthanded.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Associated Builders and Contractors

Appearing at request of Chair: ☒ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

3/12/19

Meeting Date

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

SB 522

Bill Number (if applicable)

Topic SB 522 - APPRENTICESHIPS ✓ Amendment Barcode (if applicable)

Name TOM MUDANO - AMSKILLS MANUFACTURING TRAINING & APPRENTICESHIPS

Job Title EXECUTIVE DIRECTOR

Address 7825 CAMPUSS DR.

Street

Phone 727.331.2917

NEW PORT RICHEY FL 34653

City

State

Zip

Email TMUDANO@AMSKILLS.ORG

Speaking: ☒ For ☐ Against ☐ Information

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

Representing AMSKILLS MANUFACTURING TRAINING & APPRENTICESHIPS

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/12/2019
Meeting Date

SB 5522
Bill Number (if applicable)

Topic Apprenticeship Programs

Amendment Barcode (if applicable)

Name Khanh-Lien (Con Lynn) Banko

Job Title Resolutions Chair

Address 1747 Orlando Central Parkway
Street

Phone (407) 855-7604

Orlando FL 32809
City State Zip

Email resolutions@floridapta.org

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida PTA

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

3-12-19

Meeting Date

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

SB 522

Bill Number (if applicable)

Topic Apprenticeship Programs
Name Jane Moyer

Amendment Barcode (if applicable)

Job Title _____

Address 3119 Shamrock N

Street

Tallahassee FL 32309

City

State

Zip

Phone 509-4361

Email moyerej57@ussh.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing League of Women Voters

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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S-001 (10/14/14)

APPEARANCE RECORD

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

03-12-2019

Meeting Date

522

Bill Number (if applicable)

Topic Apprenticeship Programs

Amendment Barcode (if applicable)

Name Warren Husband

Job Title

Address PO Box 10909

Phone (850) 205-9000

Street

Tallahassee

FL

32302

City

State

Zip

Email

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida Associated General Contractors Council

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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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)

March 12, 2019

Meeting Date

SB 522

Bill Number (if applicable)

Topic Apprenticeship Programs

Amendment Barcode (if applicable)

Name Bob Ward

Job Title President & CEO

Address 400 N. Tampa St., Suite 1010

Phone (813) 229-1775

Street

Tampa

Florida

33602

Email bward@fc100.org

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida Council of 100

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

3-12-19

Meeting Date

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

523

Bill Number (if applicable)

Topic Apprenticeship

Amendment Barcode (if applicable)

Name Steve Geller

Job Title Broward County Commissioner

Address 110 E Broward Blvd. 17th Floor Phone 954-315-3926

FT. Lauderdale, FL 33309
City State Zip

Email _____

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Broward County

Appearing at request of Chair: ☐ Yes ☐ No

Not registered on this issue
Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

3-12-19

Meeting Date

522

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Brett Faneli ✓

Job Title Electrician

Address 2018 SW 46th Avenue
Street

Phone 352-615-4886

Gainesville FL 32608
City State Zip

Email _____

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Self

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

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 Committee on Education

BILL: SB 680

INTRODUCER: Senator Perry

SUBJECT: Excess Credit Hour Surcharges

DATE: March 11, 2019

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Brick	Sikes	ED	Favorable
2.			AED	
3.			AP	

I. Summary:

SB 680 increases the credit hours a student entering a state university in the summer term of 2019 or thereafter may earn before being required to pay an excess credit hour surcharge. Additionally, the bill prohibits each state university from reducing the excess credit hour threshold of a student who transfers to a degree program that requires less credit hours to complete than the student's original degree program.

The bill may result in a loss of revenue for state universities from students who take excess credit hours beyond 110 percent of the requirements for a baccalaureate degree program. Students who exceed 110 percent of the credit hours required for a degree may experience a cost savings.

The bill takes effect upon becoming a law.

II. Present Situation:

The Legislature established the excess credit hour surcharge in 2009¹ to encourage each undergraduate student who enrolls in a state university to complete the student's respective baccalaureate degree program in the most efficient way possible while providing for access to additional college coursework.²

Current law requires a student to pay an excess hour surcharge for each credit hour earned in excess of specified limits.³ The excess hour surcharge is effective for students who enter a state university for the first time and maintain continuous enrollment as follows:⁴

¹ Section 11, ch. 2009-60, L.O.F.

² Section 1009.286(1), F.S.

³ *Id.* at (2).

⁴ *Id.*

- For the 2009-2010 and 2010-2011 academic years, an excess hour surcharge equal to 50 percent of the tuition rate for each credit hour in excess of 120 percent.
- For the 2011-2012 academic year, an excess hour surcharge equal to 100 percent of the tuition rate for each credit hour in excess of 115 percent.
- For the 2012-2013 academic year and thereafter, an excess hour surcharge equal to 100 percent of the tuition rate for each credit hour in excess of 110 percent.

For example, under current law, a student enrolled in a 120 credit hour baccalaureate degree program may take up to 132 credit hours (or 110 percent) before being assessed the excess hour surcharge. Similarly, a student enrolled in a 130 credit hour baccalaureate degree program may take up to 143 credit hours (or 110 percent) before being assessed the excess hour surcharge.

All credit hours for courses taken at the state university from which the student is seeking a baccalaureate degree are included when calculating the number of credit hours taken by a student, including:⁵

- Failed courses.
- Courses that are dropped after the university's advertised last day of the drop and add period.
- Courses from which a student withdraws, except those specified in law.⁶
- Repeated courses, except repeated courses for which the student has paid the full cost of instruction as provided in law.⁷

In addition, all credit hours earned at another institution and accepted for transfer by the state university and applied toward the student's baccalaureate degree program are included when calculating the number of credit hours taken by the student.⁸

Credit hours earned under the following circumstances are not calculated as hours required to earn a baccalaureate degree and are not included in determining excess credit hours:⁹

- College credits earned through an articulated accelerated mechanism identified in law.¹⁰
- Credit hours earned through internship programs.
- Credit hours required for certification, recertification, or certificate programs.
- Credit hours in courses from which a student must withdraw due to reasons of medical or personal hardship.
- Credit hours taken by active-duty military personnel.
- Credit hours required to achieve a dual major taken while pursuing a baccalaureate degree.
- Remedial and English as a Second Language credit hours.
- Credit hours earned in military science courses that are part of the Reserve Officers' Training Corps (ROTC) program.

⁵ Section 1009.286(3)(a), F.S.

⁶ *Id.* at (4).

⁷ Section 1009.285, F.S.

⁸ Section 1009.286(3)(b), F.S.

⁹ *Id.* at (4).

¹⁰ Section 1007.27, F.S. Articulated acceleration mechanisms include, but are not limited to, dual enrollment and early admission, advanced placement, credit by examination, the International Baccalaureate Program, and the Advanced International Certificate of Education Program. *Id.*

A state university must refund the excess hour surcharge assessed for up to 12 credit hours to any first-time-in-college student who completes a baccalaureate degree program within 4 years after his or her initial enrollment in a state university.¹¹

According to the Board of Governors, 14,821 students exceeded the excess credit hour limits in the 2017-2018 academic year, accruing \$13,343,975 in total surcharge fees.¹² 12,568 students were subject to an excess hour surcharge for each credit hour in excess of 110 percent.¹³ 7,225 of these students earned greater than 110 percent but less than 120 percent of the credit hours required to complete their degree program.¹⁴

III. Effect of Proposed Changes:

The bill raises the excess credit hour threshold to 120 percent of the credit hours required to complete the degree program for students who enter a state university for the first time in the summer of 2019 and thereafter and maintain continuous enrollment.

The bill requires each state university to calculate an excess hour threshold for each student based on the number of credit hours required to complete the baccalaureate degree program in which the student is enrolled and prohibits the state university from adjusting the threshold of a student who transfers to a baccalaureate degree program that requires fewer credit hours to complete than the original degree program.

The bill may decrease the number of students subject to the excess credit hour surcharge.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

¹¹ Section 1009.286(2)(c), F.S.

¹² Email, State University System of Florida, Florida Board of Governors (Mar. 4, 2019).

¹³ *Id.*

¹⁴ *Id.*

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Students who exceed 110 percent of the credit hours required for a degree and students who transfer to degree programs that require less credit hours to complete than their original degree program may experience cost savings.

C. Government Sector Impact:

State universities may experience a loss of revenue from the reduction in excess credit hour surcharges collected from students who take excess credit hours beyond 110 percent of the requirements for a baccalaureate degree program.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends s. 1009.286, F.S.

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 Perry

8-00817C-19

2019680__

A bill to be entitled

An act relating to excess credit hour surcharges; amending s. 1009.286, F.S.; requiring a state university to calculate an excess hour threshold for each student based on specified criteria; providing that the excess hour threshold may be adjusted only under certain circumstances; revising the threshold for assessing the excess credit hour surcharge; providing an effective date.

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

Section 1. Subsection (2) of section 1009.286, Florida Statutes, is amended to read:

1009.286 Additional student payment for hours exceeding baccalaureate degree program completion requirements at state universities.—

(2) State universities shall require a student to pay an excess hour surcharge for each credit hour in excess of the number of credit hours required to complete the baccalaureate degree program in which the student is enrolled. Each university must calculate an excess hour threshold for each student based on the number of credit hours required for the degree. For any student who changes degree programs, the excess hour threshold may not be adjusted unless the number of credit hours required to complete the new degree program exceeds that of the original degree program. The excess hour surcharge ~~shall become effective~~ for students who enter a state university for the first time and maintain continuous enrollment is as follows:

Page 1 of 2

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

8-00817C-19

2019680__

(a) For the 2009-2010 and 2010-2011 academic years, an excess hour surcharge equal to 50 percent of the tuition rate for each credit hour in excess of 120 percent.

(b) For the 2011-2012 academic year, an excess hour surcharge equal to 100 percent of the tuition rate for each credit hour in excess of 115 percent.

(c) For the 2012-2013 academic year through the 2019 spring term and thereafter, an excess hour surcharge equal to 100 percent of the tuition rate for each credit hour in excess of 110 percent. For the 2019 summer term and thereafter, an excess hour surcharge equal to 100 percent of the tuition rate for each credit hour in excess of 120 percent. Notwithstanding the requirements of this subsection, a state university shall refund the excess hour surcharge assessed pursuant to this paragraph for up to 12 credit hours to any first-time-in-college student who completes a baccalaureate degree program within 4 years after his or her initial enrollment in a state university.

Section 2. This act shall take effect upon becoming a law.

Page 2 of 2

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

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Education

BILL: SB 720

INTRODUCER: Senator Flores

SUBJECT: Renaming of Florida College System Institutions

DATE: March 11, 2019

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Olenick	Sikes	ED	Favorable
2. _____	_____	AED	_____
3. _____	_____	AP	_____

I. Summary:

SB 720 changes the name of “Florida Keys Community College” to “College of the Florida Keys” and the name of “North Florida Community College” to “North Florida College.”

The bill has no impact state revenues or expenditures.

The bill takes effect July 1, 2019.

II. Present Situation:

Under Florida law a Florida College System (FCS) institution with the approval of its district board of trustees, may change the name of the institution as listed in s. 1000.21(3), F.S., and use the designation “college” or “state college” if:

- It has been authorized to grant baccalaureate degrees and has been accredited as a baccalaureate-degree-granting institution by the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC).¹
- A district board of trustees that approves the use of the designation “college” or “state college” seek statutory codification of the name change during the next regular legislative session.²

Currently, 24 of the 28 FCS institutions use the designation “state college or college”:³

¹ Section 1001.60(2)(b)1., F.S.

² Section 1001.60(2)(c), F.S.

³ (Broward College, College of Central Florida, Chipola College, Daytona State College, Eastern Florida State College, Florida Gateway College, Florida SouthWestern State College, Florida State College at Jacksonville, Gulf Coast State College, Indian River State College, Lake-Sumter State College, Miami-Dade College, Northwest Florida State College, Palm Beach State College, Pasco-Hernando State College, Pensacola State College, Polk State College, Seminole State

On January 6, 2016, the State Board of Education (SBE) approved Florida Keys Community College's proposal to offer its first baccalaureate degree.⁴ On December 4, 2016, the SACSCOC accredited the college to offer the Bachelor of Applied Science in Supervision and Management effective January 2017.⁵

On September 23, 2016, the SBE approved North Florida Community College's proposal to offer its first baccalaureate degree.⁶ On June 15, 2017, the SACSCOC accredited the college to offer the Bachelor of Science in Nursing effective August 2017.⁷

As required by statute, both colleges sought statutory codification of the name change during the 2018 Legislative Session.⁸

III. Effect of Proposed Changes:

SB 720 amends s. 1000.21, F.S., to change the name of "Florida Keys Community College" to "College of the Florida Keys" and change the name of "North Florida Community College" to "North Florida College." The colleges have complied with the statutory requirements for name changes.⁹

The bill takes effect July 1, 2019.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

College of Florida, South Florida State College, St. Johns River State College, Santa Fe College, St. Petersburg College, State College of Florida, Manatee-Sarasota, Valencia College), Section 1000.21, F.S.

⁴ State Board of Education, State Board of Education Agenda, (Jan. 6, 2016), <http://www.fldoe.org/core/fileparse.php/13170/urlt/agenda.pdf> (last visited March 6, 2019); Florida Keys Community College, Bachelor's Degree Approval, Jan. 6, 2016, <https://www.fkcc.edu/2016/01/bachelors-degree-approved-by-state-board/> (last visited Mar. 6, 2019).

⁵ Southern Association of Colleges and Schools, Commission on Colleges, *Accreditation Actions Taken by the SACSCOC Board of Trustees*, Dec. 4, 2016; p. 2. https://www.usg.edu/assets/academic_programs/documents/SACS_December_2016_Actions_Disclosure_Statement.pdf (last visited Mar. 6, 2019).

⁶ Florida Board of Education, State Board of Education Agenda, Action Item, Sept. 23, 2016, <http://www.fldoe.org/core/fileparse.php/18330/urlt/bacc.pdf> (last visited Feb 26, 2019); Florida Board of Education, State Board of Education Agenda, Action Item, Oct. 26, 2016, <http://www.fldoe.org/core/fileparse.php/18349/urlt/minutes.pdf> (last visited Feb. 26, 2019).

⁷ Southern Association of Colleges and Schools, Commission on Colleges, *Accreditation Actions Taken by the SACSCOC Board of Trustees*, Jun. 15, 2017; p. 3. https://www.usg.edu/assets/academic_programs/documents/sacs_june_2017_accreditation_actions.pdf (last visited Feb. 26, 2019).

⁸ SB 946 (2018) and CS/HB 619 (2018)

⁹ Email, Florida Department of Education (March 8, 2018).

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill has no impact to state revenues or expenditures.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends 1001.21 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.

By Senator Flores

39-01152-19

2019720__

A bill to be entitled

An act relating to the renaming of Florida College System institutions; amending s. 1000.21, F.S.; changing the name of "Florida Keys Community College" to "The College of the Florida Keys"; changing the name of "North Florida Community College" to "North Florida College"; providing an effective date.

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

Section 1. Paragraphs (h) and (p) of subsection (3) of section 1000.21, Florida Statutes, are amended to read:

1000.21 Systemwide definitions.—As used in the Florida K-20 Education Code:

(3) "Florida College System institution" except as otherwise specifically provided, includes all of the following public postsecondary educational institutions in the Florida College System and any branch campuses, centers, or other affiliates of the institution:

(h) The College of the Florida Keys ~~Community College~~, which serves Monroe County.

(p) North Florida ~~Community~~ College, which serves Hamilton, Jefferson, Lafayette, Madison, Suwannee, and Taylor Counties.

Section 2. This act shall take effect July 1, 2019.

THE FLORIDA SENATE
APPEARANCE RECORD

3/12/19
Meeting Date

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

SB 720
Bill Number (if applicable)

Topic Renaming of Florida College System Institutions
Amendment Barcode (if applicable)

Name Megan Fay

Job Title Consultant

Address 101 E. College Ave. Ste. 502
Street

Phone (850) 222-9075

Tallahassee, FL 32301 #
City State Zip

Email mfay@capcityconsult.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida Keys Community College

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)

3/12/19
Meeting Date

SB 720
Bill Number (if applicable)

Topic RENAMING OF FL COLLEGE INSTITUTIONS

Amendment Barcode (if applicable)

Name DIANA PADGETT

Job Title GOV. CONSULTANT

Address 1492 VIEUX CARRE DR.

Phone 850-212-4204

Street

TALL

FL

32308

City

State

Zip

Email DHPCONSULTING @ EARTHLINK.NET

Speaking: ☒ For ☐ Against ☐ Information

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

Representing NORTH FL COMMUNITY COLLEGE

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)

Olenick, Yale

From: Swonson, Bethany <Bethany.Swonson@fldoe.org>
Sent: Thursday, March 7, 2019 9:26 PM
To: Olenick, Yale
Cc: Kelly, Alex
Subject: RE: SB 720 -- Renaming of the Florida College Institutions

Hi Yale,

Yes, they have done everything they need to meet all statutory requirements for the name changes. Here is summary timeline on what both colleges have done to comply.

Florida Keys Community College:

- On January 5, 2016, the State Board of Education approved Florida Keys Community College's (FKCC) proposal for a Bachelor of Applied Science in Supervision and Management, in accordance with s. 1007.33, F.S.
- In 2016, the Southern Association of Colleges and Schools Commission on Colleges' (SACSCOC) Board of Trustees accredited FKCC to move from Level I to Level II to offer the Bachelor of Applied Science in Supervision and Management.
- The FKCC Board of Trustees approved the name change on January 31, 2017.

North Florida Community College:

- On September 23, 2016, the State Board of Education approved North Florida Community College's (NFCC) proposal for a Bachelor of Science in Nursing, in accordance with s. 1007.33, F.S.
- In 2017, the SACSCOC's Board of Trustees accredited NFCC to move from Level I to Level II to offer the Bachelor of Science in Nursing.
- The NFCC Board of Trustees approved the name change on January 17, 2017.

We will have a bill analysis ready this week as well on this bill.

Best,
Bethany

Bethany Swonson

Governmental Relations

Florida Department of Education
325 West Gaines Street, Room 1522
Tallahassee, FL 32399-0400
C: 850-621-2556
O: 850-245-9633
bethany.swonson@fldoe.org
bethany.swonson@fldoe.org

From: Olenick, Yale [<mailto:Olenick.Yale@flsenate.gov>]
Sent: Wednesday, March 6, 2019 4:08 PM
To: Swonson, Bethany <Bethany.Swonson@fldoe.org>
Subject: SB 720 -- Renaming of the Florida College Institutions

Hi Bethany,

Thanks again for your help with this. In a nutshell, the house analysis says:

This bill changes the name of “Florida Keys Community College” to “College of the Florida Keys” and the name of “North Florida Community College” to “North Florida College.” **The institutions have met all statutory requirements for the name changes.** I just want to confirm the highlighted part. Thank you!

Yale

Yale H. Olenick

Attorney

The Florida Senate Committee on Education

415 Knott Building

404 South Monroe Street

Tallahassee, FL 32399-1100

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E-mail: olenick.yale@flsenate.gov

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Education

BILL: CS/SB 1198

INTRODUCER: Senator Stargel

SUBJECT: School Board Fiscal Transparency

DATE: March 13, 2019

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Olenick	Sikes	ED	Fav/CS
2.			AED	
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1198 revises and clarifies current statutory language that is scheduled to take effect July 1, 2019¹ concerning:

- School district reporting of classroom, administrative, and total costs,
- Development of a fiscal transparency tool by the Department of Education (DOE) that compares academic achievement with the percentage of funds spent on classroom instruction, and
- Website display of these costs and financial efficiency for each school and school district.

Additionally the bill:

- Preserves the statutory purpose of financial transparency and efficiency through the reporting of cost and budget information for schools and school districts.
- Enables DOE and school districts to implement these provisions more efficiently with less cost by using current information systems and technical capabilities.
- Includes charter schools in the cost reporting and fiscal transparency requirements.
- Removes obsolete language and provisions.

The bill has no impact on state revenues or expenditures.

The bill will take effect July 1, 2019.

¹ Section 22, ch. 2018-5, L.O.F.

II. Present Situation:

Charter Schools

Generally, charter schools are required to operate in accordance with their respective charters and are exempted from all statutes in chapters 1000-1013, with some exceptions.²

Charter School Requirements

Florida law requires charter schools to be in compliance with:³

- Student assessments and school grading.
- Services to students with disabilities.
- Student health, safety and welfare.
- Public meetings and records, public inspection and criminal and civil penalties.
- Public records.
- Maximum class size, except that the calculation for compliance shall be at the school average.
- Compensation and salary schedules.
- Workforce reductions.
- Contracts with instructional personnel and school administrators.

School Districts

Florida law requires schools districts to report various budget information related to administration, classroom and operating expenditures.

Cost Accounting and Reporting

Florida law requires school districts to report to the Department of Education (DOE or department) total operating costs and classroom instructional expenditures on a school-by-school and aggregate district basis. In turn, the DOE is required to calculate the percentage of classroom expenditures to total operating expenditures at school, district and state level. The results must be categorized into peer groups based on the size of each school and district. The DOE must also calculate the average percentage of classroom expenditures to total operating expenditures at the school, district and state level.⁴

Web-Based Fiscal Transparency Tool

Florida law requires the DOE to develop a fiscal transparency tool that identifies public schools and districts that produce high academic achievement by comparing the ratio of classroom instructional expenditures to total expenditures to student performance measures. The results must be displayed on the DOE website in an easy to use format that allows comparison between schools and districts. Each school district is required to post a link to the fiscal transparency tool on the district's webpage.⁵

² Section 1002.33, F.S.

³ *Id.*

⁴ Section 1010.20(2)(a)-(d), F.S.

⁵ *Id.* at (2).

Budget Transparency

Each district school board must prepare, adopt, and submit an annual operating budget to the commissioner.⁶ Estimated expenditures in a school district's tentative budget cannot exceed estimated income.⁷ District expenditures must be limited to amount budgeted under the classification of accounts provided for each fund and to the total amount of the budget after the same have been amended as prescribed by law and rules of the State Board of Education.⁸ However, a district school board may establish policies that allow expenditures to exceed the amount budgeted by function and object, provided that the district school board approves the expenditure and amends the budget within timelines established by school board policies.⁹

Each district school board must post on its website a plain language version of each proposed, tentative, and official budget that describes each budget item in terms that are easily understandable to the public.¹⁰ This information must be prominently posted on the school district's website in a manner that is readily accessible to the public.¹¹

Financial Emergency

Florida law requires the superintendent of a district school board that has an ending fund balance that falls below the three percent threshold for two consecutive years to reduce the district school board's administration expenditures in proportion to the reduction in the general fund's ending balance or the reduction in student enrollment, whichever is greater.¹²

III. Effect of Proposed Changes:

CS/SB 1198 revises and clarifies current statutory language that is scheduled to take effect July 1, 2019¹³ concerning:

- School district reporting of classroom, administrative, and total costs,
- Development of a fiscal transparency tool by the Department of Education (DOE) that compares academic achievement with the percentage of funds spent on classroom instruction, and
- Website display of these costs and financial efficiency for each school and school district.

Additionally the bill:

- Preserves the statutory purpose of financial transparency and efficiency through the reporting of cost and budget information for schools and school districts.
- Enables DOE and school districts to implement these provisions more efficiently with less cost by using current information systems and technical capabilities.
- Includes charter schools in the cost reporting and fiscal transparency requirements.
- Removes obsolete language and provisions.

⁶ Section 1011.01(3)(a), F.S.

⁷ *Id.*

⁸ Section 1011.06(1), F.S.

⁹ *Id.* at (2).

¹⁰ Section 1011.035(2), F.S.

¹¹ *Id.*

¹² Section 1011.051, F.S.

¹³ Section 22, ch. 2018-5, L.O.F.

Charter Schools

Charter School Requirements

The bill requires charter schools to comply with cost accounting and reporting for school districts as required under s. 1010.20, F.S. and school district budget transparency as required under s. 1011.035, F.S.

School Districts

Cost Accounting and Reporting

The bill clarifies that the school district shall report expenditures to the department on a school-by-school and on a district-aggregate basis for total operating costs provided in “School District Program Cost Reports” by category¹⁴ as specified in law,¹⁵ including subtotals for direct and indirect costs, total school costs, and program costs as well as total costs for classroom instruction.

Additionally, the bill permits the Department of Education (DOE or department) to categorize schools by school type, age of facility, and any other category that equalizes cost comparability to determine groups of peer schools and districts.

In addition, the bill clarifies that the department is required to annually calculate the total costs for classroom instruction to specify that:

- For schools, this means school direct classroom instructions costs plus instructional supports costs divided by total school costs, and
- For school districts, this means total direct costs plus total school and district instructional supports costs divided by total program costs.

Web-Based Fiscal Transparency Tool

The bill clarifies that the web-based fiscal transparency tool combines and compares academic achievement and the percentage of funds spent on classroom instruction for all public schools and districts based on cost reporting and student performance measurement calculations.

¹⁴ All expenditures within the general and special revenue funds for each district school board, including salaries, benefits, purchased services, energy services, materials and supplies, capital outlay, and miscellaneous expenditures, for the following purposes are classified as administrative expenditures: District school board, General administration, School administration, excluding support expenditures, Facilities acquisition and construction at the district level, Fiscal services, Central services at the district level. Section 1010.215(4)(a).

¹⁵ All expenditures within the general and special revenue funds for each district school board, including salaries, benefits, purchased services, energy services, materials and supplies, capital outlay, and miscellaneous expenditures, for the following purposes are classified as instructional expenditures: Instruction, Instructional support services, including student personnel services, instructional media services, instruction and curriculum development, and instructional staff training services, School administration, including support expenditures, Facilities acquisition and construction at the school level, Food services, Central services at the school level, Student transportation services, Operation of plant, Maintenance of plant. *Id.* at (4)(b).

School District Budget Transparency

The bill modifies school district budget transparency and removes the requirement to include graphical representations for each public school within the district on its budget items.

Additionally, the bill clarifies the:

- Financial efficiency information be calculated pursuant to specified cost reporting requirements with a link to the web-based fiscal transparency tool developed by the DOE.
- School district's budget's fiscal trend information for the previous three years is required to use educational funding accountability definitions in current law and the total instructional expenditures are to be calculated pursuant to specified cost reporting requirements.
- Fiscal trend information for the previous three years related to general administrative expenditures and general fund ending balances to specify:
 - The general administrative expenditures as a total budget are the inverse of the total costs for classroom instruction as a percentage of total operating costs.
 - The general fund's ending fund balance not classified as restricted is expressed as the financial condition ratio, which is the fund balance as a percentage of the total general fund revenues.

Financial Emergency

The bill removes the provisions regarding financial emergencies, which required the superintendent to reduce the district's administration expenditures reported in proportion to the reduction in general fund's ending balance or the reduction in student enrollment, whichever is greater if a financial condition existed for two consecutive fiscal years.

In addition the bill removes language related to financial conditions that existed in the 2015-2016 school year or thereafter, which required the department to contract with an independent third party to conduct an investigation into all accounts and records to determine the cause of the deficit and any efforts that were taken to avoid the deficit.

The bill takes effect July 1, 2019.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill has no impact on state revenues or expenditures.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 1002.33, 1010.20, 1011.035, and 1011.051.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

CS by Education on March 12, 2019.

The committee substitute restores current law relating to financial emergencies, and makes technical changes related to the enacting clause and the subject of a referenced statute.

B. Amendments:

None.



246730

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/12/2019	.	
	.	
	.	
	.	

The Committee on Education (Stargel) recommended the following:

Senate Amendment

Delete line 55
and insert:
9. Section 1011.035, relating to school district fiscal



346108

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/12/2019	.	
	.	
	.	
	.	

The Committee on Education (Stargel) recommended the following:

Senate Amendment

Delete lines 141 - 170
and insert:

Section 3. Subsection (2) of section 1011.035, Florida Statutes, as amended by section 12 of chapter 2018-5, Laws of Florida, is amended to read:

1011.035 School district fiscal transparency.—

(2) Each district school board shall post on its website a plain language version of each proposed, tentative, and official budget which describes each budget item in terms that are easily



346108

understandable to the public and, in addition, includes:

~~(a) Graphical representations~~, for each public school within the district and for the school district, as appropriate, of the following:

(a)1. Summary Financial efficiency information calculated pursuant to s. 1010.20 with a link to the web-based fiscal transparency tool developed by the department data.

(b)2. Fiscal trend information for the previous 3 years on:

1.a. The ratio of full-time equivalent students to full-time equivalent instructional personnel, as defined in s. 1010.215.

2.b. The ratio of full-time equivalent students to full-time equivalent administrative personnel, as defined in s. 1010.215.

3.c. The total operating expenditures, as calculated pursuant to s. 1010.20(2), per full-time equivalent student.

4.d. The total instructional expenditures, as calculated pursuant to s. 1010.20(3), per full-time equivalent student.

5.e. The general administrative expenditures as a percentage of total budget, which is the inverse of total costs for classroom instruction as a percentage of total operating costs calculated in s. 1010.20.

6.f. The ~~rate of change in the~~ general fund's ending fund



763286

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/12/2019	.	
	.	
	.	
	.	

The Committee on Education (Stargel) recommended the following:

Senate Amendment (with directory and title amendments)

Delete lines 202 - 232.

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

And the directory clause is amended as follows:

Delete lines 183 - 186

and insert:

Section 4. Subsection (1) of section 1011.051, Florida Statutes, as amended by section 13 of chapter 2018-5, Laws of Florida, is amended to read:



763286

12

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

14 And the title is amended as follows:

15 Delete lines 12 - 15

16 and insert:

17 expenditures under specified circumstances; providing
18 an effective date.

By Senator Stargel

22-01526C-19

20191198__

A bill to be entitled

An act relating to school board fiscal transparency; amending s. 1002.33, F.S.; expanding provisions with which charter schools are required to comply; amending s. 1010.20, F.S.; revising requirements for school districts' reports to the Department of Education on certain costs; amending s. 1011.035, F.S.; revising the requirements for data and information that district school boards must post on their respective websites; amending s. 1011.051, F.S.; deleting a requirement that superintendents reduce certain expenditures under specified circumstances; deleting a requirement that the department contract with certain parties to conduct investigations under specified circumstances; providing an effective date.

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

Section 1. Subsection (16) of section 1002.33, Florida Statutes, is amended to read:

1002.33 Charter schools.—

(16) EXEMPTION FROM STATUTES.—

(a) A charter school shall operate in accordance with its charter and shall be exempt from all statutes in chapters 1000-1013. However, a charter school shall be in compliance with the following statutes in chapters 1000-1013:

1. Those statutes specifically applying to charter schools, including this section.

2. Those statutes pertaining to the student assessment

Page 1 of 9

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

22-01526C-19

20191198__

program and school grading system.

3. Those statutes pertaining to the provision of services to students with disabilities.

4. Those statutes pertaining to civil rights, including s. 1000.05, relating to discrimination.

5. Those statutes pertaining to student health, safety, and welfare.

(b) Additionally, a charter school shall be in compliance with the following statutes:

1. Section 286.011, relating to public meetings and records, public inspection, and criminal and civil penalties.

2. Chapter 119, relating to public records.

3. Section 1003.03, relating to the maximum class size, except that the calculation for compliance pursuant to s. 1003.03 shall be the average at the school level.

4. Section 1012.22(1)(c), relating to compensation and salary schedules.

5. Section 1012.33(5), relating to workforce reductions.

6. Section 1012.335, relating to contracts with instructional personnel hired on or after July 1, 2011.

7. Section 1012.34, relating to the substantive requirements for performance evaluations for instructional personnel and school administrators.

8. Section 1010.20, relating to cost accounting and reporting for school districts.

9. Section 1011.035, relating to school district budget transparency.

(c) For purposes of subparagraphs (b)4.-7.:

1. The duties assigned to a district school superintendent

Page 2 of 9

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

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20191198__

59 apply to charter school administrative personnel, as defined in
60 s. 1012.01(3)(a) and (b), and the charter school governing board
61 shall designate at least one administrative person to be
62 responsible for such duties.

63 2. The duties assigned to a district school board apply to
64 a charter school governing board.

65 3. A charter school may hire instructional personnel and
66 other employees on an at-will basis.

67 4. Notwithstanding any provision to the contrary,
68 instructional personnel and other employees on contract may be
69 suspended or dismissed any time during the term of the contract
70 without cause.

71 Section 2. Effective July 1, 2019, and upon the expiration
72 and reversion of the amendment to section 1010.20, Florida
73 Statutes, pursuant to section 8 of chapter 2018-5, Laws of
74 Florida, subsection (2) of section 1010.20, Florida Statutes, is
75 amended to read:

76 1010.20 Cost accounting and reporting for school
77 districts.—

78 (2) COST REPORTING.—

79 (a) Each district shall report on a district-aggregate
80 basis expenditures for inservice training pursuant to s.
81 1011.62(3) and for categorical programs as provided in s.
82 1011.62(6).

83 (b) Each district shall report to the department on a
84 school-by-school and on a district-aggregate ~~an aggregate~~
85 ~~district~~ basis all of the following expenditures for:

86 1. Expenditures for each program funded in s.

87 1011.62(1)(c).

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88 2. Total operating costs provided in "School District
89 Program Cost Reports," by category as reported pursuant to s.
90 1010.215(4)(a) and (b), including subtotals for direct and
91 indirect costs, total school costs, and total program costs ~~or~~
92 ~~1010.215.~~

93 3. Total costs ~~Expenditures~~ for classroom instruction as
94 defined pursuant to the calculation in s. 1010.215(4)(b)1. and
95 2. and as provided in "School District Program Cost Reports."

96 (c) The department shall:

97 1. Categorize all public schools and districts into
98 ~~appropriate~~ groups based primarily on average full-time
99 equivalent student enrollment as reported on the most recent
100 student membership survey under s. 1011.62 and may categorize
101 schools by school type, age of facility, and any other category
102 that equalizes cost comparability and in state board rule to
103 determine groups of peer schools and districts.

104 2. Annually calculate for each public school, district, and
105 for the entire state, the percentage of total costs for
106 classroom instruction expenditures to total operating costs as
107 provided expenditures reported in subparagraphs (b)2. and 3. For
108 schools, this means school direct classroom instruction costs
109 plus instructional support costs divided by total school costs.
110 For school districts, this means total direct costs plus total
111 school and district instructional support costs divided by total
112 program costs. The results must ~~shall~~ be categorized pursuant to
113 this paragraph.

114 3. ~~Annually calculate for all public schools, districts,~~
115 ~~and the state, the average percentage of total direct school~~
116 ~~costs classroom expenditures to total school costs operating~~

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expenditures reported in subparagraphs (b)2. and 3. The results shall be categorized pursuant to this paragraph.

3.4. Develop a web-based fiscal transparency tool that combines and compares academic achievement and the percentage of funds spent on classroom instruction for all ~~identify~~ public schools and districts that produce high academic achievement based on the calculations the ratio of classroom instruction expenditures to total expenditures. The fiscal transparency tool shall combine the data calculated pursuant to this paragraph and with the student performance measurements calculated pursuant to s. 1012.34(7) to determine the financial efficiency of each public school and district. The results shall be displayed in an easy to use format that enables the user to compare performance among public schools and districts.

(d) The Commissioner of Education shall present to the Legislature, prior to the opening of the regular session each year, a district-by-district report of the costs expenditures reported pursuant to paragraphs (a) and (b). The report shall include total costs expenditures, a detailed analysis showing costs expenditures for each program, and such other data as may be useful for management of the education system. The Commissioner of Education shall also compute cost factors relative to the base student allocation for each funded program in s. 1011.62(1)(c).

Section 3. Effective July 1, 2019, and upon the expiration and reversion of the amendment to section 1011.035, Florida Statutes, pursuant to section 12 of chapter 2018-5, Laws of Florida, subsection (2) of section 1011.035, Florida Statutes, is amended to read:

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20191198

1011.035 School district budget transparency.—

(2) Each district school board shall post on its website a plain language version of each proposed, tentative, and official budget which describes each budget item in terms that are easily understandable to the public and, in addition, includes:

(a) ~~Graphical representations~~. For each public school within the district and for the school district, as appropriate, of the following:

1. ~~Summary~~ Financial efficiency information calculated pursuant to s. 1010.20 with a link to the web-based fiscal transparency tool developed by the department data.

2. Fiscal trend information for the previous 3 years on:

a. The ratio of full-time equivalent students to full-time equivalent instructional personnel, as defined in s. 1010.215.

b. The ratio of full-time equivalent students to full-time equivalent administrative personnel, as defined in s. 1010.215.

c. The total operating expenditures, as calculated pursuant to s. 1010.20(2), per full-time equivalent student.

d. The total instructional expenditures, as calculated pursuant to s. 1010.20(3), per full-time equivalent student.

e. The general administrative expenditures as a percentage of total budget, which is the inverse of total costs for classroom instruction as a percentage of total operating costs calculated in s. 1010.20.

f. ~~The rate of change in the~~ general fund's ending fund balance not classified as restricted, expressed as the financial condition ratio, which is the fund balance as a percentage of total general fund revenues.

~~(b) A link to the web-based fiscal transparency tool~~

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~~developed by the department pursuant to s. 1010.20 to enable taxpayers to evaluate the financial efficiency of the school district and compare the financial efficiency of the school district with other similarly situated school districts.~~

This information must be prominently posted on the school district's website in a manner that is readily accessible to the public.

Section 4. Effective July 1, 2019, and upon the expiration and reversion of the amendment to section 1011.051, Florida Statutes, pursuant to section 13 of chapter 2018-5, Laws of Florida, section 1011.051, Florida Statutes, is amended to read:

1011.051 Guidelines for general funds.—The district school board shall maintain a general fund ending fund balance that is sufficient to address normal contingencies.

(1) If at any time the portion of the general fund's ending fund balance not classified as restricted, committed, or nonspendable in the district's approved operating budget is projected to fall below 3 percent of projected general fund revenues during the current fiscal year, the superintendent shall provide written notification to the district school board and the Commissioner of Education. ~~If such financial condition exists for 2 consecutive fiscal years, the superintendent shall reduce the district's administration expenditures reported pursuant to s. 1010.215(4)(a) in proportion to the reduction in the general fund's ending balance or the reduction in student enrollment, whichever is greater.~~

(2)(a) If at any time the portion of the general fund's ending fund balance not classified as restricted, committed, or

22-01526C-19

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nonspendable in the district's approved operating budget is projected to fall below 2 percent of projected general fund revenues during the current fiscal year, the superintendent shall provide written notification to the district school board and the Commissioner of Education. Within 14 days after receiving such notification, if the commissioner determines that the district does not have a plan that is reasonably anticipated to avoid a financial emergency as determined pursuant to s. 218.503, the commissioner shall appoint a financial emergency board that shall operate under the requirements, powers, and duties specified in s. 218.503(3)(g).

~~(b) If any of the conditions identified in s. 218.503(1) existed in the 2015-2016 school year or thereafter, the department shall contract with an independent third party to conduct an investigation of all accounts and records to determine the cause of the deficit; what efforts, if any, were made to avoid the deficit; and whether any of the conditions identified in s. 1011.10 have occurred. The investigation must include a detailed review and analysis of documents and records, including, but not limited to, budget reports, journal entries, budget methodologies, staff emails, hard copy records, monthly financial statements, quarterly revenue and expenditure reports, finance staff job descriptions, and minutes from meetings. The results of the investigation must include recommendations for corrective action and controls to avoid a recurrence of a future budget shortfall. A final report shall be provided to the district school board, the department, the Legislative Auditing Committee, and the district's financial emergency board, if applicable.~~

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20191198__

233

Section 5. This act shall take effect July 1, 2019.

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/12/19
Meeting Date

1198
Bill Number (if applicable)

Topic Fiscal Reporting - Transparency

Amendment Barcode (if applicable)

Name Vern Pickup - Crawford

Job Title Legislative Liaison

Address 571 Kingsbury Terrace
Street

Phone 561-644-2439

Wellington FL 33414
City State Zip

Email vacrow@wfla.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Collier County School District

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/12/19

Meeting Date

1198

Bill Number (if applicable)

Topic SB 1198

Amendment Barcode (if applicable)

Name Joy Frank

Job Title General Counsel

Address 208 S. Monroe St

Phone 850-577-5784

Street

Gallchison

FL

32301

City

State

Zip

Email JFRANK@FAOSS.ORG

Speaking: ☐ For ☐ Against ☐ Information

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

Representing FL. Assoc. of District School Superintendents

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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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)

March 12, 2019
Meeting Date

1198
Bill Number (if applicable)

Topic Fiscal Transparency

Amendment Barcode (if applicable)

Name Shawn Frost

Job Title Dir of Advocacy

Address 981 E. Eau Gallie Blvd E 13102
Street

Phone (850) 706-0128

Melbourne FL 32937
City State Zip

Email info@FCSBM.org

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Florida Coalition of School Board Members

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)

3/12/19
Meeting Date

SB 1198
Bill Number (if applicable)

Topic Fiscal Transparency

Amendment Barcode (if applicable)

Name Shan Goff

Job Title Fl. Policy Director

Address _____
Street

Phone _____

City _____ State _____ Zip _____

Email _____

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Foundation for FL'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
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Education

BILL: SPB 7076

INTRODUCER: Education Committee

SUBJECT: State University Building Designations

DATE: March 11, 2019

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
	Olenick	Sikes		ED Submitted as Comm.Bill/Fav.
1.			ED	Pre-meeting
2.			AP	

I. Summary:

SPB 7076 establishes a process for naming and renaming state university facilities. Specifically, the bill:

- Requires the Board of Governors (BOG) to adopt regulations to specify authority, procedures, and elements related to the naming or renaming of any state university facilities.
- Requires the BOG regulations to specify elements addressing the respective responsibilities of the BOG and state university boards of trustees and presidents, and procedural requirements regarding transparency, public engagement, nongift-related and gift-related considerations, approval, and other transparency and accountability requirements deemed appropriate by the BOG.
- Repeals Florida law that designated the building housing the FSU College of Law as the B.K. Roberts Hall.
- Provides legislative intent regarding the naming of the FSU College of Law facility.

The bill has no impact on state revenues or expenditures.

The bill takes effect July 1, 2019.

II. Present Situation:

University-Owned and University-Controlled Buildings and Facilities

Section 1001.706(7)(b), F.S. authorizes the Board of Governors (BOG) to develop guidelines for university boards of trustees relating to the use, maintenance, protection, and control of university-owned and university-controlled buildings and groups, property and equipment, name, trademarks and other proprietary marks, and the financial and other resources of the university.

Section 267.062, F.S., describes a state university facility to include a building, road, bridge, park, recreational complex, or other similar facility.

Additionally, BOG Regulation 9.005 (Naming of Buildings and Facilities) delegates and specifies authority, procedures, and elements related to the naming of any state university building, road, bridge, park, recreational complex, other similar facility or educational site for individuals or groups who have made significant contributions to the university or the state.¹

In 2017-2018, Florida State University President John Thrasher followed state law and BOG regulation in exploring potential actions and recommendations² related to Francis Eppes Hall, Francis Eppes Statute, and the B.K Roberts College of Law. As a result, President Thrasher created the “President’s Advisory Panel on University Namings and Recognitions” to examine and make recommendations on university policies concerning campus names and markers, including statues and other recognitions. In addition, the panel:

- Researched issues, met and engaged with university constituencies, and determined criteria for appropriate naming policies.
- Made recommendations related to Francis Eppes Hall and Francis Eppes Statute which were implementable at the institutional level by the university president and the university board of trustees.

In conjunction, the panel recommended a name change to the B.K Roberts College of Law. However, because the facility was named by legislation³ in 1973 the panel was limited in its ability to implement recommendations beyond seeking legislative action.

Since 1973 at least 170 state university facilities have been named via legislation.

III. Effect of Proposed Changes:

University-Owned and University-Controlled Buildings and Facilities

SPB 7076 amends s 1001.706, F.S., to establish a process for naming and renaming state university facilities. Specifically, the bill:

- Requires the Board of Governors (BOG) to adopt regulations to specify authority, procedures, and elements related to the naming or renaming of any state university facilities.
- Requires the BOG regulations to specify elements addressing the respective responsibilities of the Board of Governors and state university boards of trustees and presidents, and procedural requirements regarding transparency, public engagement, nongift-related and gift-related considerations, approval, and other transparency and accountability requirements deemed appropriate by the BOG.
- Repeals Florida law that designated the building housing the FSU College of Law as the B.K. Roberts Hall.
- Provides legislative intent regarding the naming of the FSU College of Law facility.

¹ The BOG regulation definition does not include statues or monuments.

² Florida State University, *President Advisory Panel on University Naming and Recognitions* (2018) available at <https://president.fsu.edu/wp-content/uploads/2018/07/Panel-Report-July-2018.pdf>

³ Ch. 73-370, L.O.F

In effect, the bill allows state universities more flexibility in naming and renaming university facilities.

The bill takes effect July 1, 2019.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill has no impact on state revenues or expenditures.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends 1001.706 of the Florida Statutes.

This bill repeals chapter 73-370, Laws of Florida.

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

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

None.

B. Amendments:

None.

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

FOR CONSIDERATION By the Committee on Education

581-02780A-19

20197076pb

A bill to be entitled

An act relating to state university building designations; amending s. 1001.706, F.S.; requiring the Board of Governors to adopt regulations regarding the naming or renaming of state university facilities; specifying elements that must be addressed in the naming or renaming process; providing applicability; repealing chapter 73-370, Laws of Florida, relating to the designation of a Florida State University facility; rescinding designation of a building located at Florida State University, at the recommendation of the university; providing legislative intent; providing an effective date.

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

Section 1. Paragraph (i) is added to subsection (7) of section 1001.706, Florida Statutes, to read:

1001.706 Powers and duties of the Board of Governors.—

(7) POWERS AND DUTIES RELATING TO PROPERTY.—

(i) The Board of Governors shall adopt regulations to specify authority, procedures, and elements related to the naming or renaming of any state university facility, as defined in s. 267.062, authorized pursuant to paragraph (b). Such regulations must specify elements addressing the respective responsibilities of the Board of Governors and state university boards of trustees and presidents, and procedural requirements regarding transparency, public engagement, nongift-related and gift-related considerations, approval, and other transparency

581-02780A-19

20197076pb

and accountability requirements deemed appropriate by the Board of Governors. The requirements of this paragraph apply when a state university seeks to initially name a facility, seeks legislative action to repeal an existing law in which the name of a facility was legislatively designated, or seeks to rename or remove the name of a facility previously designated in a law that was subsequently repealed by the Legislature.

Section 2. Chapter 73-370, Laws of Florida, is repealed.

Section 3. (1) Notwithstanding s. 1001.706(7)(i), Florida Statutes, as created by this act, the Legislature intends that the repeal of chapter 73-370, Laws of Florida, as provided in this act, implement the recommendation of the Florida State University "President's Advisory Panel on University Namings and Recognitions," to seek legislative action to legally remove the legislatively designated facility name, which recommendation was accepted by the president of Florida State University.

(2) The Legislature further intends that the repeal does not constitute a legislative position regarding the ultimate disposition of the original designation; rather, the Legislature recognizes the university's transparent, collaborative, and thorough review process, which resulted in the recommendation that precipitated this repeal, and further intends that the university is solely responsible for faithful implementation of the panel's recommendations regarding this issue.

Section 4. This act shall take effect July 1, 2019.

THE FLORIDA SENATE

APPEARANCE RECORD

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

March 12, 2019

Meeting Date

SPB 7076

Bill Number (if applicable)

Topic B.K. Roberts Hall

Amendment Barcode (if applicable)

Name Thomas J. Kelly

Job Title representing myself

Address 3108 Moss Drive

Phone 321-208-7133

Street
Cocoa, FL

State

32922

Zip

Email

Speaking: ☐ For ☒ Against ☐ Information

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

Representing myself

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

3/12/19

Meeting Date

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

7076

Bill Number (if applicable)

Topic

Naming of universities

Amendment Barcode (if applicable)

Name

Carolyn Egan

Job Title

Gen. Counsel

Address

200 W Copeland

Phone

850 644 3300

Street

Tall, FL

State

32306

Zip

Email

Speaking:

☐

For

☐

Against

☒

Information

Waive Speaking:

☐

In Support

☐

Against

(The Chair will read this information into the record.)

Representing

FSU

Appearing at request of Chair:

☐

Yes

☐

No

Lobbyist registered with Legislature:

☒

Yes

☒

No

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

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

gen counsel

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

3/12/19

Meeting Date

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

SPB 7076

Bill Number (if applicable)

Topic BUILDING NAMING

Amendment Barcode (if applicable)

Name DEAN BUNCH

Job Title

Address 4583 HIGHGROVE RD

Phone 850 510 6365

Street

TALLAHASSEE FL 32309

Email

City

State

Zip

Speaking: ☒ For ☐ Against ☐ Information

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

Representing SELF

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

3/12/2019

Meeting Date

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

7076

Bill Number (if applicable)

Topic BK Roberts Hq/1/ Renaming of School Buildings

Amendment Barcode (if applicable)

Name Daniel Gordon

Job Title Student

Address 1921 Tangle RD
Street

Phone 352-301-0587

Tallahassee FL 32303
City State Zip

Email dtg10e@my.fsu.edu

Speaking: ☒ For ☐ Against ☐ Information

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

Representing _____

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

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)

3/12/2019

Meeting Date

7076

Bill Number (if applicable)

Topic Name of FSU Law Hall

Amendment Barcode (if applicable)

Name Adam Wood

Job Title Law Student

Address 500 Chapel Drive Apt 446

Phone 308-282-3521

Street

Tallahassee

FL

32304

City

State

Zip

Email aww12@my.fsu.edu

Speaking: ☐ For ☐ Against ☐ Information

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

Representing _____

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

3/12/14

Meeting Date

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

SB 7076

Bill Number (if applicable)

Topic Name of FSU Law Hall

Amendment Barcode (if applicable)

Name Chad Sinckler ✓

Job Title Law Student

Address 3400 Old Bainbridge Rd Apt 602

Phone 813-838-1049

Street

Tallahassee

FL

32303

City

State

Zip

Email cs162@my.fsu.edu

Speaking: ☒ For ☐ Against ☐ Information

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

Representing _____

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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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)

3/12/2019

Meeting Date

7076

Bill Number (if applicable)

Topic BK Roberts Hall/Renaming of Building Amendment Barcode (if applicable)

Name Oluremi Abiodun

Job Title FBU Law Student

Address 3909 Reserve Dr. Apt. 214
Street

Phone (504) 715-0878

Tallahassee, FL 32311
City State Zip

Email opa17@my.fbu.edu

Speaking: ☐ For ☐ Against ☐ Information

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

Representing _____

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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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)

SB 7076

Bill Number (if applicable)

Meeting Date _____

Topic state Univ. Building Designations

Amendment Barcode (if applicable) _____

Name Bianca Báez

Job Title student

Address _____
Street

Phone 850-273-3059

City _____

State _____

Zip _____

Email _____

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Myself

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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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)

3/12/2019

Meeting Date

Bill Number (if applicable)

Topic SPB 7076

Amendment Barcode (if applicable)

Name Robin Williams

Job Title retired educator

Address 1716 Bayonne St.

Street

Phone (609) 771-1755

Sarasota, FL

City

State

34231

Zip

Email robinftaubw@gmail.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

3/12/19

Meeting Date

SB-2076

Bill Number (if applicable)

Topic Allow to rename FSU School of law

Amendment Barcode (if applicable)

Name Carol Lerner

Job Title Chair

Address 1916 Wyndham Dr.

Street

Phone 914-342-7420

City Sarasota State FL Zip 34235

Email

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Protect Our Public Schools, Manasota

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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S-001 (10/14/14)

CourtSmart Tag Report

Room: KN 412
Caption: Education Committee

Case No.:
Judge:

Type:

Started: 3/12/2019 1:31:40 PM

Ends: 3/12/2019 3:15:44 PM

Length: 01:44:05

1:31:40 PM Senator Brandes-SB 226
1:33:25 PM Amendment 478066 by Senator Brandes
1:33:39 PM Substitute Amendment is taken up
1:34:38 PM Amendment adopted
1:34:51 PM Back on the bill as amended
1:34:57 PM Senator Berman with questions
1:36:14 PM Senator Cruz with questions
1:40:05 PM Matthew Choy Florida Chamber of Commerce waives in support
1:41:33 PM Lynda Hayes PK Young; Megan Fay- Pinnellas County Schools in support
1:42:32 PM Senator Cruz with a question
1:43:22 PM Marie Claire Lemon-Common Ground against
1:45:24 PM Shan Goff, Foundation for Florida's Future in support
1:45:36 PM Kathy Winn, volunteer Womens League of Voters in support
1:45:43 PM Demetrius Minor, Director of Coalitions, Americans for Prosperity
1:45:54 PM Alli Liby-Schoonover Metz Husband and Daughton for Seminole County Public Schools in support
1:46:05 PM Steve Vernon Board Member of Florida Citizens Alliance in support
1:46:17 PM Bob Ward President & CEO for Florida Council of 100 in support
1:46:28 PM Catherine Baer- Common Ground against
1:48:04 PM Senator Stargel in debate
1:48:37 PM Senator Brandes to close
1:49:34 PM CS/SB 226 reported favorably
1:49:56 PM Tab 4 Senator Lee-SB 442
1:51:44 PM Questions-none
1:51:50 PM Appearance Cards-All waive in support: Matthew Choy- FL chamber of Commerce;VFW + American Legion- Bill Helmick; Foundation for Florida's Future-James Mosteller.
1:52:09 PM No debate
1:52:15 PM SB 442 reported favorably
1:52:41 PM Tab 7 SB720 by Senator Flores-720 is explained
1:53:06 PM Diana Padgett- North FL Community College in support
1:53:15 PM Megan Fay consultant for FL Keys Community College in support
1:53:21 PM SB 720 reported favorably
1:53:50 PM Tab 1 SB62 by Senator Book
1:54:14 PM No questions
1:54:14 PM There is an amendment 544594 is taken up first
1:54:19 PM Recognized to explain amendment by Senator Book
1:55:14 PM Amendment is adopted
1:55:23 PM Bill explained as amendments adopted
1:57:32 PM Further explanation by Senator Book
1:59:40 PM Open for questions on the bill
1:59:49 PM Senator Stargel with question
1:59:59 PM Senator Book responds
2:00:24 PM Chair authorizes to question back and forth
2:00:35 PM Senator Stargel with question on prevention
2:01:31 PM Senator Book responds
2:02:10 PM Chair recognizes Senator Cruz with question
2:03:12 PM Senator Book responds to Senator Cruz
2:03:40 PM Chair authorizes back and forth conversation
2:04:05 PM Senator Cruz concludes
2:05:05 PM Senator Baxley is recognized with question for Senator Book on reactions
2:05:25 PM Senator Book answers
2:06:42 PM Senator Baxley concludes
2:07:41 PM Senator Stargel with follow up question of definition

2:07:58 PM Senator Book responds
 2:09:24 PM No further debate appearance Cards
 2:09:58 PM Dixie Sabeon, lobbyist for the Arc of Florida waive in support
 2:10:01 PM Khan-Lien Banko, Resolutions Chair FL PTA in support
 2:10:08 PM Roy Miller, The Children's Campaign waive in support
 2:10:17 PM Margaret Hooper, FL Developmental Disabilities Council in support
 2:10:31 PM Olivia Babis of Disability Rights FL in support
 2:10:35 PM In debate Senator Montford recognized
 2:13:08 PM Senator Stargel in debate
 2:14:13 PM Senator Baxley in debate with support for the bill
 2:14:47 PM Senator Berman present
 2:15:56 PM further debate?
 2:16:01 PM None
 2:16:06 PM Chair Diaz with comments on the bill
 2:16:43 PM Senator Book closes on the bill
 2:17:23 PM Roll call on SB62
 2:18:22 PM By your vote SB62 is found favorably
 2:18:43 PM Senator Perry - Tab 6 SB 680
 2:19:01 PM Senator Perry recognized to explain the bill
 2:19:20 PM Questions? Senator Montford is recognized
 2:19:48 PM No further questions
 2:19:55 PM No appearance cards
 2:20:01 PM No debate
 2:20:05 PM Roll call on SB680
 2:20:11 PM SB680 is shown favorably on record
 2:20:22 PM Tab 8 - Senator Stargel with SB1198
 2:20:34 PM take up the 3 amendments first
 2:20:45 PM Amendment 246730 - explained by Stargel
 2:20:59 PM No questions
 2:21:02 PM No debate
 2:21:07 PM Senator Stargel waives close
 2:21:10 PM Amendment adopted
 2:21:19 PM Amendment 346108 explained by Senator Stargel
 2:21:30 PM No questions or appearance card
 2:21:38 PM No debate
 2:21:43 PM Waive close
 2:21:47 PM Amendment is adopted
 2:21:52 PM Amendment 763286 explained
 2:22:01 PM No questions
 2:22:06 PM Appearance cards: Vern Pickup-Crawford Legislative Liaison of Wellington FL for Collier County School District in support
 2:22:09 PM No debate
 2:22:11 PM Waive close
 2:22:14 PM All in favor? All opposed?
 2:22:18 PM Amendment is adopted
 2:22:20 PM Back on the bill SB1198
 2:22:26 PM Senator Stargel explains bill as amended
 2:22:39 PM Senator Cruz with question
 2:23:16 PM Senator Stargel responds
 2:23:26 PM Senator Cruz with more questions
 2:23:33 PM Senator Stargel responds
 2:23:38 PM Senator Cruz reads
 2:23:46 PM Senator Stargel answers
 2:24:03 PM Senator Cruz with follow up
 2:24:10 PM Senator Stargel answers
 2:24:17 PM Senator Cruz concludes
 2:24:42 PM Public testimony
 2:24:46 PM Shan Goff, Foundation for FL's Future in support
 2:25:01 PM Shawn Frost of Florida Coalition of School Board Members in support
 2:25:02 PM Joy Frank of FL Association of District School Superintendents in support
 2:25:07 PM Waive in support
 2:25:13 PM No debate

2:25:15 PM Close on bill by Senator Stargel
 2:25:39 PM Roll Call
 2:25:42 PM SB1198 is shown as Favorable
 2:26:04 PM Chair Diaz passes gavel to Senator Montford
 2:26:15 PM Senator Diaz recognized to explain bill SB522
 2:26:29 PM Tab 5: SB522 Apprenticeship Programs
 2:27:50 PM Questions
 2:28:52 PM Senator Cruz with question on the bill
 2:29:17 PM Senator Diaz responds
 2:29:51 PM Senator Cruz with follow up question
 2:30:51 PM Senator Diaz responds on appropriation
 2:31:22 PM Appearance Cards
 2:31:27 PM Shan Goff for Foundation of Florida's Future in support
 2:31:31 PM Steve Vernon, Board Member of Florida Citizens Alliance in support
 2:32:47 PM Tom Mudano, Executive Director for Amskills Manufacturing Training & Apprenticeship of New Port Richey FL in support
 2:36:17 PM Carol Bowen speaking for Associated Builders
 2:36:28 PM Jane Moyer for League of Women Voters in support
 2:36:32 PM Khanh-Lien Banko, Resolutions Chair Florida PTA. Warren Husband, Florida associated General contractors Council in support
 2:36:40 PM Bob Ward President & CEO of FL Council of 100 of Tampa FL in support
 2:37:26 PM Steve Geller, Broward County Commissioner of Broward County Ft. Lauderdale in support
 2:37:59 PM Brett Farrell, electrician of Gainesville FL in support
 2:39:06 PM Senator Diaz answers question of Brett Farrell
 2:39:22 PM Brett Farrell further comments
 2:39:57 PM Senator Berman with question for Brett Farrell
 2:40:06 PM Brett Farrell explains the electrician course
 2:40:18 PM Senator Cruz in comment
 2:40:27 PM Brett explains his course levels
 2:40:51 PM Senator Cruz with further question
 2:41:02 PM Brett Ferrell answers
 2:41:30 PM Senator Montford opens for debate
 2:41:43 PM Senator Berman in debate
 2:42:10 PM Senator Montford comments on bill
 2:42:20 PM Senator Diaz recognized to close on the bill
 2:43:00 PM Senator Diaz closes on the bill
 2:43:17 PM Roll call on SB522
 2:43:39 PM SB522 is shown by your vote favorably
 2:43:58 PM Chair Montford continues.
 2:44:23 PM Tab 2 Senator Bean
 2:44:29 PM Senator Bean with Bill SB172
 2:44:45 PM Senator Bean recognized to explain the bill
 2:45:24 PM Questions - none
 2:46:08 PM Appearance cards
 2:46:17 PM Kathy Winn League of Women Voters of Florida in support
 2:46:24 PM Susanne Homant President/CEO of The Able Trust of Tallahassee FL in support
 2:46:31 PM Senator Bean recognized to close
 2:46:52 PM Roll Call on SB172
 2:46:56 PM By your vote SB172 is shown on record favorably
 2:47:16 PM Tab 9 by ED Committee SPB 7076
 2:47:31 PM David Sikes, Staff Director Senate Committee on Education is recognized to explain the bill
 2:48:06 PM Questions- none
 2:49:05 PM Appearance cards
 2:51:37 PM Thomas J. Kelly of Cocoa FL in opposition
 2:54:34 PM Caryn Loan General Council FSU with information
 2:54:42 PM Dean Bunch of Tallahassee FL in support
 2:55:40 PM Daniel Gordon, law student of Tallahassee FL in support
 2:57:20 PM Adam Wood, law student of Tallahassee FL in support
 3:00:58 PM Chad Sinkler, FSU law student of Tallahassee FL in support
 3:01:55 PM Oluremi Abiodun FSU Law student in support
 3:02:14 PM Bianca Biaz, student of Tallahassee FL in support
 3:03:56 PM Robin Williams, Retired Educator of Sarasota FL in support

3:05:15 PM Carol Lerner, Chair of Protect our Public Schools, Manasota waives in support
3:05:32 PM Dixie Sabcom in support
3:05:57 PM Debate
3:05:59 PM Senator Baxley in opposition
3:10:45 PM Senator Cruz in debate
3:13:07 PM Senator Berman in debate in support
3:14:25 PM Roll Call on SPB7076
3:14:45 PM SPB7076 is favorably reported as a committee bill
3:15:10 PM Motion for vote after for Senator Berman
3:15:14 PM Senator Berman votes after with yea on SPB226 SB442 SB720
3:15:20 PM Without objection no further committee business
3:15:22 PM Senator Baxley moves we adjourn
3:15:31 PM Meeting is adjourned