

SPB 7030 by **HE**; Postsecondary Education for Students with Disabilities

SB 182 by **Hays**; (Identical to H 0223) Public Records and Meetings

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SB 446 by **Bradley**; (Identical to H 0759) Florida College System Boards of Trustees

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

HIGHER EDUCATION
Senator Stargel, Chair
Senator Sachs, Vice Chair

MEETING DATE: Monday, February 16, 2015

TIME: 4:00 —6:00 p.m.

PLACE: Pat Thomas Committee Room, 412 Knott Building

MEMBERS: Senator Stargel, Chair; Senator Sachs, Vice Chair; Senators Benacquisto, Braynon, Gaetz, Joyner, Legg, Negrón, and Simmons

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
Consideration of proposed bill:			
1	SPB 7030	Postsecondary Education for Students with Disabilities; Creating the "Florida Postsecondary Comprehensive Transition Program Act"; establishing eligibility requirements for enrollment in the Florida Postsecondary Comprehensive Transition Program; establishing the Florida Center for Students with Unique Abilities; establishing a Florida Postsecondary Comprehensive Transition Program Scholarship for certain qualified students, etc.	Submitted as Committee Bill Yeas 9 Nays 0
2	SB 182 Hays (Identical H 223)	Public Records and Meetings; Providing an exemption from public records requirements for any personal identifying information of an applicant for president, provost, or dean of a state university or Florida College System institution; providing for future legislative review and repeal of the exemptions; providing a statement of public necessity, etc. HE 02/16/2015 Fav/CS GO RC	Fav/CS Yeas 7 Nays 2
3	SB 446 Bradley (Identical H 759)	Florida College System Boards of Trustees; Revising the membership guidelines for the Florida College System institution boards of trustees to require the St. Johns River State College board to have a specified number of trustees from each county that the college serves, etc. HE 02/16/2015 Favorable FP	Favorable Yeas 9 Nays 0

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 Higher Education

BILL: SPB 7030

INTRODUCER: For consideration by the Committee on Higher Education

SUBJECT: Postsecondary Education for Students with Disabilities

DATE: February 13, 2015 REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. <u>Graf</u>	<u>Klebacha</u>	<u></u>	<u>Pre-meeting</u>

I. Summary:

SPB 7030 establishes mechanisms for the approval of unique postsecondary education programs tailored to the needs of students with intellectual disabilities and statewide coordination of information. Specifically, the bill includes two key components:

- A process through which postsecondary institutions in Florida can voluntarily seek approval to offer a Florida Postsecondary Comprehensive Transition Program (FPCTP) for students with intellectual disabilities; and
- A Florida Center for Students with Unique Abilities (statewide coordinating center) for statewide coordination of information regarding programs and services for students with disabilities and their parents.

While the FPCTPs are designed to serve as a postsecondary education program option for students with intellectual disabilities, the statewide coordinating center is designed to serve a broader group of students with disabilities and their parents. To assist with the implementation of FPCTPs and statewide coordination of information, the bill establishes requirements for students to enroll in an FPCTP and receive state financial aid in the form of an FPCTP Scholarship, requirements for institutions to offer FPCTPs, and duties and responsibilities for the statewide coordinating center to implement bill provisions.

The bill takes effect upon becoming a law.

II. Present Situation:

Both federal and state laws address postsecondary options for students with disabilities.

Federal Law

The Higher Education Opportunity Act of 2008

The Higher Education Opportunity Act of 2008 amended and extended the Higher Education Act of 1965 by adding new provisions including, but not limited to, supporting programs that provide

students with disabilities with a quality higher education.¹ The new provisions established:²

- Comprehensive transition and postsecondary (CTP) programs for students with intellectual disabilities;
- Transition programs for students with intellectual disabilities (TPSID) grants to fund programs that promote the successful transition of students with intellectual disabilities into higher education; and
- National coordination of CTP programs for students with intellectual disabilities.

A student with an intellectual disability means a student:

- “With a cognitive impairment, characterized by significant limitations in:
 - Intellectual and cognitive functioning; and
 - Adaptive behavior as expressed in conceptual, social, and practical adaptive skills; and
- Who is currently, or was formerly, eligible for a free appropriate public education under the Individuals with Disabilities Education Act.”³

Comprehensive Transition and Postsecondary (CTP) Program

CTP program means a degree, certificate, or nondegree program that meets each of the following:⁴

- Is offered by an institution of higher education (IHE);
- Is delivered to students physically attending the IHE;⁵
- Is designed to support students with intellectual disabilities who are seeking to continue academic, career and technical, and independent living instruction at an IHE in order to prepare for gainful employment;
- Includes an advising and curriculum structure; and
- Requires students with intellectual disabilities to participate on not less than a half-time basis, as determined by the institution, with such participation focusing on academic components, and occurring through one or more of the following activities with nondisabled peers:
 - Regular enrollment in credit-bearing courses offered by the institution.
 - Auditing or participating in courses offered by the institution for which the student does not receive regular academic credit.
 - Enrollment in noncredit-bearing, nondegree courses.
 - Participation in internships or work-based training.
- Requires students with intellectual disabilities to be socially and academically integrated with nondisabled students to the maximum extent possible.

Application for Federal Approval

To have a CTP program that is determined to be an eligible program for the federal student aid programs, an institution must submit an updated *Electronic Application for Approval to Participate in the Title IV Federal Student Aid Programs* (E-App) to the United States

¹ 20 U.S.C. s. 1140 et. seq.; Pub. L. No. 110-315, 122 Stat. 3361 (Aug. 14, 2008).

² *Id.*

³ 20 U.S.C. s. 1140(2).

⁴ 20 U.S.C. s. 1140(1); 34 C.F.R. s. 231(a).

⁵ 34 C.F.R. s. 668.231(a)(2).

Department of Education (USDOE).⁶ After submitting the electronic application, the institution must mail the signed signature page to the USDOE and submit, via email, a detailed description of the program along with supporting documents.⁷ The institution must also submit to the USDOE, a copy of the letter or notice sent to the institution's accrediting agency informing the agency of the institution's CTP program.⁸ The estimated timeframe for federal approval ranges between 3-6 months depending on the quality of the application.⁹

Thirty-three institutions in 14 states offer CTP programs that are approved to participate in the federal student aid programs.¹⁰ Southeastern University located in Lakeland, Florida, which used to offer a CTP program that received approval for participation in federal student aid programs,¹¹ does not currently offer the CTP program.¹² As a result, currently, there is no public or private institution of higher education in Florida that offers a CTP program that is federally approved for participation in federal student aid programs.¹³ However, Florida Panhandle Technical College located in Chipley, Florida, has submitted its application to the USDOE for approval of the college's eligibility for federal student aid for the CTP program titled, Project Independence and "University of North Florida is working on its application" for federal approval.¹⁴

Federal Student Aid for Students in Federally-Approved CTP Programs

A student with an intellectual disability is authorized to receive federal financial aid from Federal Pell Grant, Federal Supplemental Educational Opportunity Grant and Federal Work-Study programs if the student:¹⁵

- Is enrolled or accepted for enrollment in a CTP program for students with intellectual disabilities at an IHE that participates in the federal student aid programs;

⁶ Email, Office of Program Policy Analysis and Government Accountability (Oct. 10, 2014), on file with the Committee on Higher Education staff; 34 C.F.R. s. 668.232.

⁷ *Id.*

⁸ 34 C.F.R. s. 668.232(e). Think College, as the National Coordinating Center, is working with the United States Congress regarding a specialized accreditation for programs for students with disabilities. Office of Program Policy Analysis and Government Accountability, Presentation to the Florida Senate Committee on Higher Education (Jan. 5, 2015), available at http://www.flsenate.gov/PublishedContent/Committees/2014-2016/HE/MeetingRecords/MeetingPacket_2743_2.pdf, at 7 of 29.

⁹ Office of Program Policy Analysis and Government Accountability, Presentation to the Florida Senate Committee on Higher Education (Jan. 20, 2015), available at http://www.flsenate.gov/PublishedContent/Committees/2014-2016/HE/MeetingRecords/MeetingPacket_2775.pdf, at 18 of 85.

¹⁰ Federal Student Aid, U.S. Department of Education, *Students with Intellectual Disabilities May Be Able to Get Certain Types of Federal Student Aid*, <https://studentaid.ed.gov/eligibility/intellectual-disabilities> (last visited Feb. 10, 2015).

¹¹ *Id.* "To be an eligible CTP Program, an institution must participate in the Federal student aid programs and offer an approved CTP program, as provided in 34 CFR 668.231 and 34 CFR 668.232 of the Student Assistance General Provisions regulations." U.S. Department of Education, *Title IV Eligibility for an Institution's Comprehensive Transition and Postsecondary Program for Students with Intellectual Disabilities* (June 6, 2011), <http://www.ifap.ed.gov/eannouncements/060611TitleIVEligInstComprehensiveTransition.html> (last visited Feb. 10, 2015).

¹² Telephone interview with Office of Program Policy Analysis and Government Accountability staff (Feb. 5, 2015).

¹³ *Id.*

¹⁴ Email, Office of Program Policy Analysis and Government Accountability (Feb. 5, 2015), on file with the Committee on Higher Education staff.

¹⁵ Federal Student Aid, U.S. Department of Education, *Students with Intellectual Disabilities May Be Able to Get Certain Types of Federal Student Aid*, <https://studentaid.ed.gov/eligibility/intellectual-disabilities> (last visited Feb. 10, 2015); see also 34 C.F.R. ss. 668.233 and 668.32.

- Maintains satisfactory academic progress, as determined by the institution;¹⁶ and
- Meets the basic federal student aid eligibility requirements, except that the student is not required to have a high school diploma or General Educational Development (GED) and is not required to pursue a degree or certificate.

The student must provide documentation establishing that the student has an intellectual disability.¹⁷

Transition Programs for Students with Intellectual Disabilities (TPSID) Grant

The USDOE provides TPSID grants to institutions of higher education or consortia of institutions of higher education to enable the institutions to create or expand high quality, inclusive model CTP programs for students with intellectual disabilities.¹⁸ The duration of TPSID grant funding for CTP programs is 5 years.¹⁹ TPSID grants were first awarded during fiscal year 2010.²⁰ Over \$10.5 million, under TPSID grants, was awarded to 27 two- and four-year institutions of higher education or consortia of institutions, located in 23 states.²¹ The 27 institutions included University of South Florida St. Petersburg, which received a TPSID grant in the amount of \$421,269 for the 2010 fiscal year.²² No new awards were made during fiscal year 2011 through fiscal year 2014.²³ Since initially awarding the TPSID grants in fiscal year 2010, funds have been awarded only for non-competing continuation grants.²⁴

Currently, the 27 programs funded by TPSID grant are offered on 44 college or university campuses.²⁵ Some of the programs operate on one campus only while other programs operate as a consortium of institutions of higher education.²⁶

An institution or consortium that receives a TPSID grant must use the TPSID grant funds to

¹⁶ An institution is responsible for publishing the institution's standards for students enrolled in its comprehensive transition and postsecondary (CTP) program. 34 C.F.R. s. 668.233(a)(3).

¹⁷ 34 C.F.R. s. 668.233(c).

¹⁸ U.S. Department of Education, *Transition and Postsecondary Programs for Students with Intellectual Disabilities*, <http://www2.ed.gov/programs/tpsid/index.html> (last visited Feb. 10, 2015).

¹⁹ 20 U.S.C. s. 1140g(a)(3). The Transition Programs for Students with Intellectual Disabilities (TPSID) grant expires on September 30, 2015. Office of Program Policy Analysis and Government Accountability, Presentation to the Florida Senate Committee on Higher Education (Jan. 5, 2015), available at http://www.flsenate.gov/PublishedContent/Committees/2014-2016/HE/MeetingRecords/MeetingPacket_2743_2.pdf, at 6 of 29.

²⁰ U.S. Department of Education, *Transition and Postsecondary Programs for Students with Intellectual Disabilities*, <http://www2.ed.gov/programs/tpsid/awards.html> (last visited Feb. 10, 2015).

²¹ U.S. Department of Education, *U.S. Secretary of Education Duncan announces \$10.9 Million in Awards Under New Programs That Help Students With Intellectual Disabilities Transition to Postsecondary Education* (Oct. 5, 2010), <http://www.ed.gov/news/press-releases/us-secretary-education-duncan-announces-109-million-awards-under-new-programs-he> (last visited Feb. 10, 2015).

²² *Id.* The University of South Florida St. Petersburg, partnered with the University of North Florida and Lynn University to form the Consortium on Postsecondary Education and Intellectual Disabilities and applied for the TPSID grant. Florida Consortium on Postsecondary Education and Intellectual Disabilities, *About the Consortium*, available at <http://fltpsid.info/About.php> (last visited Feb. 10, 2015).

²³ U.S. Department of Education, *Transition and Postsecondary Programs for Students with Intellectual Disabilities*, <http://www2.ed.gov/programs/tpsid/awards.html> (last visited Feb. 10, 2015).

²⁴ *Id.*

²⁵ Think College! National Coordinating Center, <http://www.thinkcollege.net/about-us/think-college-grant-projects/national-coordinating-center> (last visited Feb. 10, 2015).

²⁶ *Id.*

establish a model CTP program for students with intellectual disabilities that:²⁷

- Serves students with intellectual disabilities;
- Provides supports and services for academic and social inclusion of students with intellectual disabilities in academic courses, extracurricular activities, and other aspects of the IHE's regular postsecondary program;
- Focuses on academic enrichment, socialization, independent living skills, including self-advocacy skills, and integrated work experiences and career skills that lead to gainful employment;
- Integrates person-centered planning in the development of the course of study for each student with an intellectual disability participating in the model program;
- Participates with the coordinating center in the evaluation of the model program;
- Partners with one or more local educational agencies (LEAs) to support students with intellectual disabilities participating in the model program who are still eligible for special education and related services under the Individuals with Disabilities Education Act (IDEA);
- Plans for the sustainability of the model program after the end of the grant period; and
- Creates and offers a meaningful credential²⁸ for students with intellectual disabilities upon completion of the model program.

National Coordination

The Higher Education Opportunity Act of 2008 established a National Center for Information and Technical Support for Postsecondary Students with Disabilities (National Center).²⁹ The National Center is responsible for:³⁰

- Providing assistance to students and families and institutions of higher education.
- Building, maintaining, and updating a database of disability support services information.
- Working with organizations and individuals with proven expertise to evaluate, improve, and disseminate information related to the delivery of high quality disability support services at institutions of higher education.
- Reporting to the United States Secretary of Education an analysis of the condition of postsecondary success for students with disabilities.

The Higher Education Opportunity Act of 2008 also established a national coordinating center for institutions of higher education that offer inclusive CTP programs for students with intellectual disabilities, including institutions participating in TPSID grants.³¹

In October 2010, Think College was selected as the National Coordinating Center by the USDOE to provide support, coordination, training, and evaluation services to 27 TPSID grantees

²⁷ 20 U.S.C. s. 1140g(d).

²⁸ An institution of higher education that receives TPSID grant funds is responsible for developing a meaningful credential for students with intellectual disabilities who complete a model CTP program. Think College! *Fast Facts: Current Status of Meaningful Credentials for Students with Intellectual Disabilities Attending TPSID Model Demonstration Programs* (2014), available at http://www.thinkcollege.net/images/stories/CredentialFF5_F.pdf, at 1 of 2.

²⁹ 20 U.S.C. s. 1140q(a).

³⁰ 20 U.S.C. s. 1140q(a)(4).

³¹ 20 U.S.C. s. 1140q(b) and i(b).

and other programs for students with intellectual disabilities around the nation.³² Think College is a project of the Institute for Community Inclusion at the University of Massachusetts, Boston.³³

State Law

Access to Traditional Postsecondary Education Programs for Students with Disabilities

A student with a disability is “eligible for reasonable substitution for any requirement for admission into a public postsecondary educational institution” if the student can provide documentation that the student’s failure to meet the admission requirement is related to a disability.³⁴ Although Florida law allows for “reasonable substitutions for any requirement for graduation, for admission into a program of study, or for entry into the upper division,” such substitutions must not constitute a fundamental alteration in the nature of the program.³⁵

To be eligible for state financial aid awards, students must meet specified eligibility criteria³⁶ including, but not limited to, minimum number of credit hours per term or the equivalent. For instance, state student assistance grants through the Florida Public Student Assistance Grant Program requires students to enroll in a degree program and take a minimum of 6 semester hours or the equivalent per term.³⁷

Such program and state financial aid requirements, while preserving program integrity, may present limited opportunities to certain students with disabilities, such as students with intellectual disabilities, to fully experience campus life and earn a meaningful credential that may help the students secure gainful employment.

Other Postsecondary Options for Students with Disabilities

As an alternative to pursuing a traditional postsecondary education program, a student with a disability in Florida may choose to enroll in a non-traditional postsecondary program for students with disabilities. Currently, 17 such non-traditional postsecondary programs are available to students with developmental disabilities³⁸ in Florida.³⁹ To enroll in such programs, students with

³² Think College! National Coordinating Center, <http://www.thinkcollege.net/about-us/think-college-grant-projects/national-coordinating-center> (last visited Feb. 10, 2015).

³³ Think College! College Options for People with Intellectual Disabilities, <http://www.thinkcollege.net/> (last visited Feb. 10, 2015).

³⁴ Section 1007.264, F.S.; Rule 6A-10.041, F.A.C. and Board of Governors Regulation 6.018.

³⁵ Section 1007.265, F.S.; Rule 6A-10.041, F.A.C. and Board of Governors Regulation 6.018.

³⁶ Sections 1009.40, F.S.

³⁷ The eligibility status of each student to receive the Florida Public Student Assistance Grant Program award is determined by each institution. Section 1009.50(2) and (4)(c), F.S.

³⁸ Developmental disability means “a disorder or syndrome that is attributable to intellectual disability, cerebral palsy, autism, spina bifida, or Prader-Willi syndrome; that manifests before the age of 18; and that constitutes a substantial handicap that can reasonably be expected to continue indefinitely.” Section 393.063(9), F.S.

³⁹ Some of the 17 postsecondary programs (i.e., Project Student Access and Inclusion Together at Santa Fe College, Transitioning Owls at Florida Atlantic University, Project Panther LIFE at Florida International University, Project STING RAY at the University of South Florida, and Project ACCESS at the Florida Keys Community College) receive TPSID grant funds. Email, Office of Program Policy Analysis and Government Accountability (Feb. 5, 2015), on file with the Committee on Higher Education staff; Office of Program Policy Analysis and Government Accountability, Presentation to the Florida

developmental disabilities are not required to meet the institutions' admission criteria with the exception of Nova Southeastern University that requires students to be admitted into the university.⁴⁰ Program components include auditing postsecondary courses, enrolling in vocational courses, and participating in campus life and job training programs.⁴¹ Of the 17 programs:

- Nine programs are available to students with developmental disabilities who are no longer enrolled in school district exceptional student education (ESE) programs. These programs are offered by 2 state universities (University of South Florida and University of North Florida); 1 private not-for-profit private university (Nova Southeastern University); 3 state or community colleges (Florida State College at Jacksonville, Santa Fe College, and Tallahassee Community College); and 2 technical centers (Brewster Technical College and Florida Panhandle Technical College). In Fall 2014, 201 students were enrolled in these programs. Program costs⁴² to students range from \$0 to \$10,000 per year. "While not eligible for federal [student financial] aid, students [enrolled in these programs] can receive some assistance to offset the costs of these programs."⁴³ The sources of funding include funds from Florida's vocational rehabilitation program; institutional funding; local grant programs; and other social service agencies.⁴⁴ During the 2013-2014 academic year, 125 students graduated from 6 of the 9 programs. 33 percent of the students who graduated were employed and 6% of the graduates received industry certifications and were pursuing other postsecondary options or pursuing a GED. No outcome data is available for the remaining 59% of the students.⁴⁵
- Eight programs are available to students with developmental disabilities, through age 21,⁴⁶ who are still enrolled in school district ESE programs and receiving ESE services.⁴⁷ These programs are offered by 3 state universities (Florida Atlantic University, University of South Florida, and Florida International University), 1 not-for-profit private university (Warner University), and 4 state of community colleges (Florida Keys Community College, Indian River State College, Miami Dade College, and Polk State College). In Fall 2014, 71 students

Senate Committee on Higher Education (Jan. 20, 2015), *available at*

http://www.flsenate.gov/PublishedContent/Committees/2014-2016/HE/MeetingRecords/MeetingPacket_2775.pdf.

⁴⁰ Telephone interview with Office of Program Policy Analysis and Government Accountability staff (Feb. 5, 2015).

⁴¹ Office of Program Policy Analysis and Government Accountability, Presentation to the Florida Senate Committee on Higher Education (Jan. 5, 2015), *available at* http://www.flsenate.gov/PublishedContent/Committees/2014-2016/HE/MeetingRecords/MeetingPacket_2743_2.pdf, at 15 of 29.

⁴² Program costs include base tuition only and do not include the cost of the residential option for the program which ranges from \$11,000-\$14,000 per year in addition to tuition. Office of Program Policy Analysis and Government Accountability, Presentation to the Florida Senate Committee on Higher Education (Jan. 20, 2015), *available at* http://www.flsenate.gov/PublishedContent/Committees/2014-2016/HE/MeetingRecords/MeetingPacket_2775.pdf, at 17 of 85.

⁴³ Email, Office of Program Policy Analysis and Government Accountability (Jan. 5, 2015), on file with the Committee on Higher Education staff.

⁴⁴ *Id.*

⁴⁵ Office of Program Policy Analysis and Government Accountability, Presentation to the Florida Senate Committee on Higher Education (Jan. 20, 2015), *available at* http://www.flsenate.gov/PublishedContent/Committees/2014-2016/HE/MeetingRecords/MeetingPacket_2775.pdf, at 20 of 85.

⁴⁶ Office of Program Policy Analysis and Government Accountability, Presentation to the Florida Senate Committee on Higher Education (Jan. 5, 2015), *available at* http://www.flsenate.gov/PublishedContent/Committees/2014-2016/HE/MeetingRecords/MeetingPacket_2743_2.pdf, at 14 of 29.

⁴⁷ Office of Program Policy Analysis and Government Accountability, Presentation to the Florida Senate Committee on Higher Education (Jan. 20, 2015), *available at* http://www.flsenate.gov/PublishedContent/Committees/2014-2016/HE/MeetingRecords/MeetingPacket_2775.pdf, at 24 of 85.

were enrolled in these programs. Students enrolled in such programs are not responsible for paying program costs because the students receive school district ESE services.⁴⁸ During the 2013-2014 academic year, 14 students graduated from 3 of the 8 programs. 67 percent of the students who graduated were employed including 1 graduate who was employed and enrolled in a postsecondary program. 13 percent of the graduates were as enrolled in a postsecondary education program and no outcome is available for the remaining 20% of the students.⁴⁹

None of the 17 programs award college credit or a college degree.⁵⁰ In some instances, students with developmental disabilities complete courses that may be applied toward a workforce credential.⁵¹

Additionally, parents expressed concerns regarding a lack of information regarding postsecondary options for students with developmental disabilities.⁵² Parents also emphasized the need for statewide coordination of postsecondary options and provision of student financial aid, including the ability for such students to apply Florida Prepaid College Plans, to offset program costs.⁵³

III. Effect of Proposed Changes:

SPB 7030 establishes mechanisms for the approval of unique postsecondary education programs tailored to the needs of students with intellectual disabilities and statewide coordination of information. Specifically, the bill includes two key components:

- A process through which postsecondary institutions in Florida can voluntarily seek approval to offer a Florida Postsecondary Comprehensive Transition Program (FPCTP) for students with intellectual disabilities; and
- A Florida Center for Students with Unique Abilities (statewide coordinating center) for statewide coordination of information regarding programs and services for students with disabilities and their parents.

⁴⁸ Florida International University requires students enrolled in the Project Panther LIFE program to be Vocational Rehabilitation clients to receive Vocational Rehabilitation funds toward Project Panther LIFE program costs. Similarly, University of South Florida St. Petersburg, requires students enrolled in Project STING RAY to be Vocational Rehabilitation clients to offset Project STING RAY program costs. Telephone interview with Office of Program Policy Analysis and Government Accountability staff (Feb. 5, 2015).

⁴⁹ Office of Program Policy Analysis and Government Accountability, Presentation to the Florida Senate Committee on Higher Education (Jan. 20, 2015), available at http://www.flsenate.gov/PublishedContent/Committees/2014-2016/HE/MeetingRecords/MeetingPacket_2775.pdf, 22 of 85.

⁵⁰ Office of Program Policy Analysis and Government Accountability, Presentation to the Florida Senate Committee on Higher Education (Jan. 5, 2015), available at http://www.flsenate.gov/PublishedContent/Committees/2014-2016/HE/MeetingRecords/MeetingPacket_2743_2.pdf, at 13 of 29.

⁵¹ *Id.*

⁵² Office of Program Policy Analysis and Government Accountability, Presentation to the Florida Senate Committee on Higher Education (Jan. 5, 2015), available at http://www.flsenate.gov/PublishedContent/Committees/2014-2016/HE/MeetingRecords/MeetingPacket_2743_2.pdf, at 23 of 29.

⁵³ *Id.* Florida Prepaid College Board suggested clarifying in law that a qualified beneficiary may apply the benefits of an advance payment contract toward the program fees of a program designed for students with disabilities. Florida Prepaid College Board, Presentation to the Florida Senate Committee on Higher Education (Jan. 20, 2015), available at http://www.flsenate.gov/PublishedContent/Committees/2014-2016/HE/MeetingRecords/MeetingPacket_2775.pdf, at 12 of 85.

While the FPCTPs are designed to serve as a postsecondary education program option for students with intellectual disabilities, the statewide coordinating center is designed to serve a broader group of students with disabilities and their parents. To assist with the implementation of FPCTPs and statewide coordination of information, the bill establishes requirements for students to enroll in an FPCTP and receive state financial aid in the form of an FPCTP Scholarship, requirements for institutions to offer FPCTPs, and duties and responsibilities for the statewide coordinating center to implement bill provisions.

Florida Postsecondary Comprehensive Transition Program (FPCTP)

FPCTPs are established for students with intellectual disabilities. The bill aligns the FPCTP approval requirements to the federal requirements for comprehensive transition and postsecondary (CTP) programs. In addition to the federal requirements, to address the legislative purpose and intent, an eligible institution⁵⁴ must in its application for program approval:

- Identify a credential associated with the proposed program which is awarded to a student with an intellectual disability after the student completes the FPCTP.
- Incorporate in program design, at a minimum, inclusive and successful experiential education practices relating to curricular, assessment, and advising structure and internship and employment opportunities. If the FPCTP is designed to be a college credit-bearing degree program, the eligible institution must be responsible for maintaining the rigor and effectiveness of the FPCTP at the same level as another comparable degree program offered by the institution.
- Include a plan for partnerships with businesses to promote experiential training and employment opportunities for students with intellectual disabilities.
- Include performance information, based on indicators identified by the statewide coordinating center, to measure satisfactory academic progress of students and performance of the program.
- Include any other requirement identified by the statewide coordinating center.
- Include a 5-year plan regarding enrollment and operational expectations for the proposed program.

State FPCTP Approval

To voluntarily offer an FPCTP, the president or executive director of an institution must submit to the statewide coordinating center, by a date established by the center:

- An application⁵⁵ for approval of a comprehensive transition program proposed by the institution which must be approved by the institution's governing board. Additionally, the application must address the federal CTP⁵⁶ and state FPCTP requirements. Notwithstanding

⁵⁴ SPB 7030 defines eligible institution as a state university; a Florida College System (FCS) institution; a technical center; or an independent college or university that is located and chartered in Florida, is not for profit, is accredited by the Southern Association of Colleges and Schools (SACS), and is eligible to participate in the William L. Boyd, IV, Florida Resident Access Grant Program.

⁵⁵ SPB 7030 requires the statewide coordinating center to create an application, based on federal CTP requirements, for approval of proposed programs and renewal of approved programs.

⁵⁶ 20 U.S.C. s. 1140(1); 34 C.F.R. s. 668.232; and Email, Office of Program Policy Analysis and Government Accountability (Oct. 10, 2014), on file with the Committee on Higher Education staff.

current processes for program approval,⁵⁷ the center director must submit recommendations regarding program approval or disapproval to the Chancellor of the State University System of Florida (chancellor), for programs proposed by the state universities, or the Commissioner of Education (commissioner), for programs proposed by Florida College System (FCS) institutions, technical centers, or ICUF institutions. Receipt of approval for a proposed program means that the program is approved to operate as a Florida-approved CTP program. If the chancellor or the commissioner, as applicable, does not take action on the center director's recommendation within 15 days after receipt of such recommendation, the proposed program is considered as an approved FPCTP by default. This expedited approval process will likely assist with timely implementation of FPCTPs by institutions. Additionally, students and their families will be able to plan ahead for the students' enrollment in the FPCTPs. To avoid delays in students' access to FPCTPs, an approved program must be implemented no later than the year immediately following the academic year during which the approval is granted. To renew an approved FPCTP, an institution must submit to the statewide coordinating center, an application for renewing the approved program, no later than 3 years following the year during which the approval is initially granted.

- Documented evidence of receipt of federal approval for a comprehensive transition program offered by the institution which is determined as an eligible program for federal student aid programs, documented evidence of submission of an application for such federal approval, or documentation demonstrating the institution's governing board's commitment to submit an application within the next academic year for federal approval. The federal approval, if received, would allow students enrolled in FPCTPs to become eligible to receive federal student financial aid.⁵⁸

Student Requirements

Students who wish to enroll in an FPCTP must meet specified criteria. Additionally, a state financial aid scholarship is established to assist such students with program costs.

Eligibility to Enroll in an FPCTP

To enroll in an FPCTP, the bill establishes student eligibility criteria, requiring that a student:

- Meet the federal definition of a student with an intellectual disability.⁵⁹
- Physically attend⁶⁰ a state university, a FCS institution, a technical center, or an independent colleges and universities of Florida (ICUF)⁶¹ institution.

⁵⁷ The current process for program approval is based on the criteria established by the Board of Governors of the State University System of Florida (BOG) or the State Board of Education (SBE), as applicable, for the review and approval of proposed new programs at state universities and Florida College System (FCS) institutions. Section 1004.03, F.S.; see Board of Governors Regulation 8.011.

⁵⁸ Federal Student Aid, U.S. Department of Education, *Students with Intellectual Disabilities May Be Able to Get Certain Types of Federal Student Aid*, <https://studentaid.ed.gov/eligibility/intellectual-disabilities> (last visited Feb. 4, 2015).

⁵⁹ 20 U.S.C. s. 1140(2).

⁶⁰ 34 C.F.R. s. 668.231(a)(2).

⁶¹ Independent Colleges and Universities of Florida (ICUF) is an association of 31 private, not for profit institutions that are located and chartered in Florida, accredited by the Southern Association of Colleges and Schools (SACS), and eligible to participate in the William L. Boyd, IV, Florida Resident Access Grant Program (FRAG). Independent Colleges and Universities of Florida, *About Us*, <http://www.icuf.org/newdevelopment/about-icuf/> (last visited Feb. 4, 2015).

- Submit to the institution documentation establishing that the student has an intellectual disability⁶² which may include an individualized plan for employment (IPE)⁶³ or a diagnosis by a licensed physician⁶⁴ or a licensed psychologist.⁶⁵

Eligibility to Receive State Financial Aid

The FPCTP Scholarship is not need-based and is established for students for intellectual disabilities who:

- Meet the student eligibility requirements, as specified in the bill, and
- Enroll in an FPCTP.

The scholarship will likely help students offset costs associated with their enrollment in an FPCTP which may include, but not be limited to, tuition and program fees.

To maintain eligibility to receive the scholarship, a student must continue to meet the federal definition of a student with an intellectual disability, be enrolled in an FPCTP, and demonstrate satisfactory academic progress.⁶⁶ Each institution is responsible for determining satisfactory academic progress of students based on indicators identified by the statewide coordinating center, in collaboration with the Board of Governors for the State University System of Florida (BOG) and the State Board of Education (SBE).

Institution Requirements

In addition to fulfilling FPCTP application and documentation requirements to offer a Florida-approved CTP program, an institution must:

- Notify students and their parents about the eligibility requirements for enrolling in an FPCTP and receiving the FPCTP Scholarship.
- Make student eligibility determinations regarding program enrollment and scholarship receipt based on specified criteria.⁶⁷
- Certify to the statewide coordinating center the amount of funds disbursed to each student, and must remit to the coordinating center any undisbursed advances by June 1 of each year to reconcile FPCTP Scholarship funds before the end of each fiscal year on June 30.
- Submit an annual report, by August 1 of each year, to the statewide coordinating center which, at a minimum, for the prior academic year, addresses information regarding recruitment, enrollment, and retention of students; completion rate of students enrolled in FPCTPs and courses, as applicable; transition success of students as measured by employment rates and salary levels at 1 year and 5 years after completion; and any other performance indicator identified by the statewide coordinating center.

⁶² 34 C.F.R. s. 668.233(c).

⁶³ The Division of Vocational Rehabilitation of the Department of Education makes determinations regarding whether an individual is eligible for vocational rehabilitation services. The goals, objectives, nature, and scope of vocational rehabilitation services must be included in the individualized plan for employment. Section 413.20(3), F.S.

⁶⁴ Chapters 458 and 459, F.S.

⁶⁵ Chapter 490, F.S.

⁶⁶ An institution is responsible for publishing the institution's standards for students enrolled in its comprehensive transition and postsecondary (CTP) program. 34 C.F.R. s. 668.233(a)(3).

⁶⁷ Similar to some state financial aid awards and tuition assistance grants, the bill requires institutions to determine eligibility of students to receive the FPCTP Scholarship based on specified criteria. Sections 1009.50(4)(c), 1009.505(4)(c), 1009.51(4)(c), and 1009.52(4)(c), F.S.

Statewide Coordination

To address the concerns of students with developmental disabilities and their parents regarding a lack of statewide coordination of postsecondary options for such students, a statewide coordinating center is established within the University of Central Florida. The center is named the Florida Center for Students with Unique Abilities (statewide coordinating center or center). The center is designed to serve as a one-stop shop for reliable and accurate information on programs and services for students with disabilities including, but not limited to, students with intellectual disabilities. This will likely reduce stress that parents express related to searching for quality postsecondary options for their child and help parents plan ahead for a pathway to postsecondary education and employment opportunities for their child. Specifically, the center must:

- Disseminate information to students with disabilities and their parents regarding available education programs, services, resources, and employment opportunities for such students.
- Coordinate and facilitate the statewide implementation of FPCTP provisions including, but not limited to, recommending approval or disapproval of programs; creating an application for program approval and renewal; disbursing of FPCTP Scholarship funds to institutions for awards to eligible students; collaborating with the National Coordinating Center (i.e., Think College) to develop guidelines for statewide implementation of comprehensive transition programs; and consulting with the Higher Education Coordinating Council to identify meaningful credentials for FPCTPs and engage businesses and stakeholders to promote experiential training and employment opportunities for students with intellectual disabilities.
- Provide technical assistance regarding programs and services for students with intellectual disabilities to administrators, instructors, staff, and others, as applicable, at institutions by:
 - Holding meetings to share successful practices and address issues or concerns.
 - Facilitating collaboration between institutions and school districts, private schools, and parents of students enrolled in home education programs.
 - Assisting institutions with state and federal applications for approval of comprehensive transition programs.
 - Assisting institutions with the identification of funding sources for FPCTPs and financial assistance for students enrolled in FPCTPs.
 - Monitoring federal and state law regarding comprehensive transition programs and notifying the Legislature, the Governor, the BOG, the SBE of any change in relevant law.
- Provide, by October 1 of each year, to the Governor, the President of the Senate, the Speaker of the House of Representatives, the chancellor, and the commissioner, a summary of:
 - The status of statewide implementation of FPCTPs including, but not limited to, information related to the approval and disapproval of applications and reasons for disapproval and no action, and FPCTP Scholarships awarded and undisbursed advances remitted to the statewide coordinating center.
 - The student and program performance indicators identified by the statewide coordinating center and performance information submitted by the institutions to the center.
 - The projected number of students with intellectual disabilities who may enroll in FPCTPs within the next academic year.
 - The education programs and services for students with intellectual disabilities which are available at the institutions.

Rulemaking

The bill requires the BOG and the SBE to consult with the statewide coordinating center to expeditiously adopt regulations and rules, as applicable, to allow the center to perform its responsibilities beginning in the 2015-2016 fiscal year.

The bill takes effect upon becoming a law.

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

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

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

None.

B. Private Sector Impact:

The bill authorizes Florida Postsecondary Comprehensive Transition Program (FPCTP) Scholarship awards for students with intellectual disabilities who meet the eligibility requirements to receive the scholarship to offset costs associated with enrollment in an FPCTP which may include, but not be limited to, tuition and program fees.

C. Government Sector Impact:

The bill provides that funding for the FPCTP Scholarship and the maximum allowable award will be as specified annually in the General Appropriations Act. Scholarship awards, as authorized, must be prorated if funds are not adequate to provide the maximum allowable award to each eligible student.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 1004.6501 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.

FOR CONSIDERATION By the Committee on Higher Education

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1 A bill to be entitled
 2 An act relating to postsecondary education for
 3 students with disabilities; creating s. 1004.6501,
 4 F.S.; providing a short title; providing purposes and
 5 legislative intent; defining terms; establishing
 6 eligibility requirements for enrollment in the Florida
 7 Postsecondary Comprehensive Transition Program;
 8 requiring eligible institutions to make student
 9 eligibility determinations; establishing the Florida
 10 Center for Students with Unique Abilities; specifying
 11 the duties of the center and the center director;
 12 specifying application requirements for initial
 13 approval and renewal of approval; requiring an
 14 eligible institution with an approved program to
 15 submit an annual report to the center by a specified
 16 date; establishing a Florida Postsecondary
 17 Comprehensive Transition Program Scholarship for
 18 certain qualified students; specifying the
 19 requirements for a student to maintain eligibility for
 20 the scholarship; providing for the distribution of
 21 scholarship funds; requiring an eligible institution
 22 to report certain data and information to the center;
 23 requiring an eligible institution to certify and
 24 report the amount of funds disbursed and undisbursed
 25 advances to the center by a specified date; requiring
 26 the center, with the Board of Governors and the State
 27 Board of Education, to identify program progress and
 28 performance indicators; requiring an annual report to
 29 the Governor, the President of the Senate, the Speaker

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

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30 of the House of Representatives, the Chancellor of the
 31 State University System, and the Commissioner of
 32 Education by a specified date; requiring the center,
 33 with other stakeholders, to submit to the Governor,
 34 the President of the Senate, and the Speaker of the
 35 House of Representatives statutory or budget
 36 recommendations for the program; requiring the Board
 37 of Governors and the State Board of Education, in
 38 consultation with the center, to adopt regulations and
 39 rules; providing an effective date.

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

42
 43 Section 1. Section 1004.6501, Florida Statutes, is created
 44 to read:

45 1004.6501 Florida Postsecondary Comprehensive Transition
 46 Program and the Florida Center for Students with Unique
 47 Abilities.-

48 (1) SHORT TITLE.-This section shall be known and may be
 49 cited as the "Florida Postsecondary Comprehensive Transition
 50 Program Act."

51 (2) PURPOSE AND LEGISLATIVE INTENT.-The purpose of this
 52 section is to increase independent living, inclusive and
 53 experiential postsecondary education, and employment
 54 opportunities for students with intellectual disabilities
 55 through degree, certificate, or nondegree programs and to
 56 establish statewide coordination of the dissemination of
 57 information regarding programs and services for students with
 58 disabilities. It is the intent of the Legislature that students

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with intellectual disabilities and students with disabilities have access to meaningful postsecondary education credentials and a meaningful campus experience.

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

(a) "Center" means the Florida Center for Students with Unique Abilities established under subsection (5).

(b) "Director" means the director of the center.

(c) "Eligible institution" means a state university; a Florida College System institution; a career center; a charter technical career center; or an independent college or university that is located and chartered in this state, is not for profit, is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools, and is eligible to participate in the William L. Boyd, IV, Florida Resident Access Grant Program.

(d) "Florida Postsecondary Comprehensive Transition Program Scholarship" or "scholarship" means the scholarship established under this section to provide state financial assistance awards to students who meet the student eligibility requirements specified in subsection (4) and are enrolled in an FPCTP.

(e) "FPCTP" means a Florida Postsecondary Comprehensive Transition Program that is approved pursuant to paragraph (5) (b) and offered by an eligible institution.

(f) "Transitional student" means a student who is 18 to 26 years of age and meets the student eligibility requirements specified in subsection (4).

(4) STUDENT ELIGIBILITY.—To be eligible to enroll in an FPCTP at an eligible institution, a student must, as determined by the institution, based on guidelines established by the

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center:

(a) Be a "student with an intellectual disability" as that term is defined in 20 U.S.C. s. 1140(2), including, but not limited to, a transitional student.

(b) Physically attend the eligible institution.

(c) Submit to the eligible institution documentation regarding his or her intellectual disability. Such documentation may include, but not be limited to, a current individualized plan for employment associated with an evaluation completed pursuant to s. 413.20(3) or a diagnosis from a physician who is licensed under chapter 458 or chapter 459 or a psychologist licensed under chapter 490.

(5) CENTER RESPONSIBILITIES.—The Florida Center for Students with Unique Abilities is established within the University of Central Florida. At a minimum, the center shall:

(a) Disseminate information to students with disabilities and their parents, including, but not limited to:

1. Education programs, services, and resources that are available at eligible institutions.

2. Supports, accommodations, technical assistance, or training provided by eligible institutions, the advisory council established pursuant to s. 383.141, and regional autism centers established pursuant to s. 1004.55.

3. Mentoring, networking, and employment opportunities.

(b) Coordinate and facilitate the statewide implementation of this section. The director of the center shall oversee the approval of the comprehensive transition programs.

Notwithstanding the program approval requirements of s. 1004.03, the director shall review applications for the initial approval

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of an application for, or renewal of approval of, a comprehensive transition program proposed by an eligible institution. Within 30 days after receipt of an application, the director shall issue his or her recommendation regarding approval to the Chancellor of the State University System or the Commissioner of Education, as applicable, or shall give written notice to the applicant of any deficiencies in the application, which the eligible institution must be given an opportunity to correct. Within 15 days after receipt of a notice of deficiencies, the eligible institution shall, if the eligible institution seeks program approval, correct the application deficiencies and return the application to the center. Within 30 days after receipt of a revised application, the director shall recommend approval or disapproval of the revised application to the chancellor or the commissioner, as applicable. Within 15 days after receipt of the director's recommendation for approval or disapproval, the chancellor or the commissioner shall approve or disapprove the recommendation. If the chancellor or the commissioner does not take action on the director's recommendation within 15 days after receipt of such recommendation, the comprehensive transition program proposed by the institution shall be considered an FPCTP by default. Additionally, the director shall:

1. Consult and collaborate with the National Center and the Coordinating Center, as identified in 20 U.S.C. s. 1140g, regarding guidelines established by the center for effective implementation of the programs for students with disabilities and for students with intellectual disabilities which align with the federal requirements and standards, quality indicators, and

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benchmarks identified by the National Center and the Coordinating Center.

2. Consult and collaborate with the Higher Education Coordinating Council to identify meaningful credentials for FPCTPs and to engage businesses and stakeholders to promote experiential training and employment opportunities for students with intellectual disabilities.

3. Create the application for the initial approval and renewal of approval as an FPCTP for use by an eligible institution which, at a minimum, must align with the federal comprehensive transition and postsecondary program application requirements.

4. Establish requirements and timelines for the:

a. Submission and review of an application.

b. Approval or disapproval of an initial or renewal application. Initial approval of an application for an FPCTP that meets the requirements of subsection (6) is valid for the 3 academic years immediately following the academic year during which the approval is granted. An eligible institution may submit an application to the center requesting that the initial approval be renewed. If the approval is granted and the FPCTP continues to meet the requirements of this section, including, but not limited to, program and student performance outcomes, and federal requirements, a renewal is valid for the 5 academic years immediately following the academic year during which the renewal is initially granted.

c. Implementation of an FPCTP, beginning no later than the academic year immediately following the academic year during which the approval is granted.

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175 5. Administer scholarship funds.
 176 6. Oversee and report on the implementation and
 177 administration of this section by planning, advising, and
 178 evaluating approved degree, certificate, and nondegree programs
 179 and the performance of students and programs pursuant to
 180 subsection (8).
 181 (c) Provide technical assistance regarding programs and
 182 services for students with intellectual disabilities to
 183 administrators, instructors, staff, and others, as applicable,
 184 at eligible institutions by:
 185 1. Holding meetings and annual workshops to share
 186 successful practices and to address issues or concerns.
 187 2. Facilitating collaboration between eligible institutions
 188 and school districts, private schools pursuant to s. 1002.42,
 189 and parents of students enrolled in home education programs
 190 pursuant to s. 1002.41 in assisting students with intellectual
 191 disabilities and their parents to plan for the transition of
 192 such students into an FPCTP or another program at an eligible
 193 institution.
 194 3. Assisting eligible institutions with state FPCTP and
 195 federal comprehensive transition and postsecondary program
 196 applications.
 197 4. Assisting eligible institutions with the identification
 198 of funding sources for an FPCTP and for student financial
 199 assistance for students enrolled in an FPCTP.
 200 5. Monitoring federal and state law relating to the
 201 comprehensive transition program and notifying the Legislature,
 202 the Governor, the Board of Governors, and the State Board of
 203 Education of any change in law which may impact the

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204 implementation of this section.
 205 (6) INSTITUTION ELIGIBILITY AND RESPONSIBILITIES.—
 206 (a) To offer an FPCTP, the president or executive director
 207 of an eligible institution, as applicable, must submit to the
 208 center, by a date established by the center, the following:
 209 1. An application for approval of a comprehensive
 210 transition program proposed by the eligible institution which
 211 must be approved by the institution's governing board and must
 212 address the requirements of the federal comprehensive transition
 213 and postsecondary program under 20 U.S.C. s. 1140 and the
 214 requirements of this section, including, but not limited to:
 215 a. Identification of a credential associated with the
 216 proposed program, which is awarded to a student with an
 217 intellectual disability who meets the student eligibility
 218 requirements specified in subsection (4) upon completion of the
 219 FPCTP.
 220 b. The program length and design, including, at a minimum,
 221 inclusive and successful experiential education practices
 222 relating to curricular, assessment, and advising structure and
 223 internship and employment opportunities which must support
 224 students with intellectual disabilities who are seeking to
 225 continue academic, career and technical, and independent living
 226 instruction at an eligible institution, including, but not
 227 limited to, opportunities to earn industry certifications, to
 228 prepare students for gainful employment. If offering a college
 229 credit-bearing degree program, an institution shall be
 230 responsible for maintaining the rigor and effectiveness of a
 231 comprehensive transition degree program at the same level as
 232 another comparable degree program offered by the institution

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pursuant to the applicable accreditation standards.

c. The plan for students with intellectual disabilities to be integrated socially and academically with nondisabled students, to the maximum extent possible, and to participate on not less than a half-time basis, as determined by the eligible institution, with such participation focusing on academic components and occurring through one or more of the following activities with nondisabled students:

(I) Regular enrollment in credit-bearing courses offered by the institution.

(II) Auditing or participating in courses offered by the institution for which the student does not receive academic credit.

(III) Enrollment in noncredit-bearing, nondegree courses.

(IV) Participation in internships or work-based training.

d. The plan for partnerships with businesses to promote experiential training and employment opportunities for students with intellectual disabilities.

e. Performance indicators pursuant to subsection (8) and other requirements identified by the center.

f. A 5-year plan incorporating enrollment and operational expectations for the program.

2. Documented evidence of a federally approved comprehensive transition and postsecondary program that is determined to be an eligible program for the federal student aid programs and is currently offered at the institution, documented evidence of the submission of an application for such federal approval of a comprehensive transition and postsecondary program proposed by the institution, or documentation demonstrating the

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commitment of the institution's governing board to submit an application within the subsequent academic year for federal approval of a comprehensive transition and postsecondary program proposed by the institution pursuant to 20 U.S.C. s. 1140.

(b) An eligible institution may submit an application to the center for approval pursuant to the requirements of this section for implementation of the FPCTP no later than the academic year immediately following the academic year during which the approval is granted. An eligible institution must submit a renewal application to the center no later than 3 years following the year during which the approval is initially granted.

(c) By August 1 of each year, an eligible institution that has an FPCTP shall submit an annual report to the center which, at minimum, for the prior academic year, addresses the following performance indicators:

1. Efforts to recruit students in the FPCTP and the number of students enrolled in the program.

2. Efforts to retain students in the FPCTP and the retention rate of students in the program.

3. The completion rate of students enrolled in the FPCTP and courses, as applicable.

4. Transition success of students who complete an FPCTP, as measured by employment rates and salary levels at 1 year and 5 years after completion.

5. Other performance indicators identified by the center pursuant to subsection (8).

(d) An eligible institution shall notify students with intellectual disabilities and their parents of the student

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291 eligibility requirements specified in subsection (4) and the
 292 scholarship requirements and eligibility requirements specified
 293 in subsection (7).

294 (7) FLORIDA POSTSECONDARY COMPREHENSIVE TRANSITION PROGRAM
 295 SCHOLARSHIP.—

296 (a) Beginning in the 2015-2016 academic year, the Florida
 297 Postsecondary Comprehensive Transition Program Scholarship is
 298 established for students who meet the student eligibility
 299 requirements specified in subsection (4) and who are enrolled in
 300 an FPCTP.

301 (b) To maintain eligibility to receive a scholarship, a
 302 student must continue to meet the requirements of paragraph (a)
 303 and must demonstrate satisfactory academic progress in the
 304 FPCTP, as determined by the eligible institution that the
 305 student attends, based on the indicators identified by the
 306 center pursuant to subsection (8).

307 (c) Payment of scholarship funds shall be transmitted to
 308 the director of the center, or to his or her designee, in
 309 advance of the registration period. The director, or his or her
 310 designee, shall disburse the scholarship funds to the eligible
 311 institutions that are responsible for awarding the scholarship
 312 to students who meet the requirements of paragraphs (a) and (b).

313 (d) During each academic term, by a date established by the
 314 center, an eligible institution shall report to the center the
 315 number and value of all scholarships awarded under this
 316 subsection. Each eligible institution shall also report to the
 317 center necessary demographic and eligibility data and other data
 318 requested by the center for students who received the
 319 scholarship awards.

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320 (e) By a date annually established by the center, each
 321 eligible institution shall certify to the center the amount of
 322 funds disbursed to each student and shall remit to the center
 323 any undisbursed advances by June 1 of each year.

324 (f) Funding for the scholarship and the maximum allowable
 325 award shall be as provided annually in the General
 326 Appropriations Act. If funds appropriated are not adequate to
 327 provide the maximum allowable award to each eligible student,
 328 the awards may be prorated.

329 (8) ACCOUNTABILITY.—

330 (a) The center, in collaboration with the Board of
 331 Governors and the State Board of Education, shall identify
 332 indicators for the satisfactory progress of a student in an
 333 FPCTP and for the performance of such programs. Each eligible
 334 institution must address the indicators identified by the center
 335 in its application for the approval of a proposed FPCTP and for
 336 the renewal of an FPCTP and in the annual report that the
 337 institution submits to the center.

338 (b) By October 1 of each year, the center shall provide to
 339 the Governor, the President of the Senate, the Speaker of the
 340 House of Representatives, the Chancellor of the State University
 341 System, and the Commissioner of Education, a summary of
 342 information including, but not limited to:

343 1. The status of the statewide coordination of FPCTPs and
 344 the implementation of FPCTPs at eligible institutions including,
 345 but not limited to:

346 a. The number of applications approved and disapproved and
 347 the reasons for each disapproval and no action taken by the
 348 chancellor or the commissioner.

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b. The number and value of all scholarships awarded to students and undisbursed advances remitted to the center pursuant to subsection (7).

2. Indicators identified by the center pursuant to paragraph (a) and the performance of each eligible institution based on the indicators identified in paragraph (6)(c).

3. The projected number of students with intellectual disabilities who may be eligible to enroll in the FPCTPs within the next academic year.

4. Education programs and services for students with intellectual disabilities which are available at an eligible institution.

(c) Beginning in the 2015-2016 fiscal year, the center, in collaboration with the Board of Governors, State Board of Education, Higher Education Coordinating Council, and other stakeholders, by December 1 each year, shall submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives statutory or budget recommendations for improving the implementation and delivery of FPCTPs and other education programs and services for students with disabilities.

(9) RULES.—The Board of Governors and the State Board of Education, in consultation with the center, shall expeditiously adopt the necessary regulations and rules, as applicable, to allow the center to perform its responsibilities pursuant to this section beginning in the 2015-2016 fiscal year.

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)

2/16/2015

Meeting Date

SB-7030

Bill Number (if applicable)

Topic SB-7030

Amendment Barcode (if applicable)

Name Paul Wharton

Job Title Lobbyist

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Speaking: ☒ For ☐ Against ☐ Information

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

Representing Jacksonville Center For Independent Living

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 Higher Education

BILL: SB 182

INTRODUCER: Senator Hays

SUBJECT: Public Records and Meetings

DATE: February 13, 2015 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Scott	Klebacha	HE	Pre-meeting
2.			GO	
3.			RC	

I. Summary:

SB 182 creates exemptions from Florida's public records and open meetings laws for any personal identifying information of an applicant for state university or Florida College System (FCS) institution president, provost, or dean. Specifically, the bill protects an applicant's name from public disclosure in records or during meetings held for the purpose of vetting applicants.

Once a final list of applicants is established, the bill requires that the state university or FCS institution release the list no later than 10 days before the date of the meeting at which a final action or vote is to be taken to fill the position. Furthermore, the bill requires that any meeting or interview be open to the public, if held after a final group of applicants has been established for the purpose of making a deliberating and making a selection to fill the position of president, provost, or dean.

As required by the Open Government Sunset Review Act, the bill provides for repeal of the exemptions on October 2, 2020, unless reviewed and saved from repeal by the Legislature. The bill also includes a statement of public necessity as required by the State Constitution.

The bill provides an effective date of October 1, 2015.

II. Present Situation:

Government in the Sunshine¹

Public Records

Article I, s. 24(a) of the State Constitution affords every person access to public records made or received in association with the official business of any governmental entity.² Florida's public records requirements are codified in chapter 119 of the Florida Statutes. Any agency³ must produce public records for inspection and copying by any person who requests to do so, unless an exemption applies.⁴ The custodian⁵ of public records is responsible for maintaining, as well as ensuring that certain confidential, personal information is redacted.⁶

Open Meetings

Article I, s. 24(b) of the State Constitution requires that meetings during which a governmental entity discusses official business be noticed and open to the public.⁷ The Florida Statutes expound further on the state's open meetings requirements.⁸ Specifically, the minutes of a public meeting must be promptly recorded and made available for public inspection.⁹

Statutory Exemptions

Article I, s. 24(c) of the State Constitution authorizes the Legislature to pass general laws by two-thirds vote exempting public records and meetings from the requirements in the State Constitution and Florida Statutes, if the law specifically identifies a public necessity for the exemptions and is narrowly tailored to achieve the purpose of the exemptions.¹⁰ The Legislature has created several general exemptions from the public records and meetings requirements.¹¹

¹ See Office of the Attorney General of Florida, Government-in-the-Sunshine Manual *available at* [http://myfloridalegal.com/webfiles.nsf/WF/RMAS-9GNQTW/\\$file/2014SunshineLawManual.pdf](http://myfloridalegal.com/webfiles.nsf/WF/RMAS-9GNQTW/$file/2014SunshineLawManual.pdf).

² Art. I, s. 24(a), Fla. Const.; s. 119.07(1), F.S. State law broadly defines a public record to include "[...] documents, papers, letters, maps, books, tapes, photographs, films, sounds recordings, data processing software, or other material [...]." Section 119.011(12), F.S.

³ The term "agency" is defined as "any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law [...]." Section 119.011(2), F.S.

⁴ Section 119.07(1)(a), F.S. See, s. 119.071, F.S., relating to general exemptions.

⁵ Section 119.011(5), F.S.

⁶ Section 119.07(1), F.S.

⁷ Although "official business" or "official acts" is not defined in the statutes, the courts have interpreted it to mean "any gathering of the members where the members deal with some matter on which foreseeable action will be taken by the board." *Board of Public Instruction of Broward County v. Doran*, 224 So.2d 693, 698 (Fla. 1969) The Florida Statutes is also silent on what constitutes "reasonable notice." The courts have interpreted "reasonable notice" or "due public notice" on a case-by-case basis. *Rhea v. City of Gainesville*, 574 So.2d 221 (Fla. 1st DCA 1991). An opinion by the Florida Attorney General suggested some general, but essential, guidelines for satisfying the "reasonable notice" requirement. Fla. Att'y Gen. Op. 73-170 (1973). See also, Fla. Att'y Gen. Ops. 00-08 (2000), 94-62 (1994), and 90-56 (1990) (the guidelines are merely suggestions).

⁸ Section 286.011(1), F.S.

⁹ Section 286.011(2), F.S.

¹⁰ Art. I, s. 24(c), Fla. Const.

¹¹ Section 119.071(5), F.S., identifying general exemptions; specific exemptions can be found throughout the Florida Statutes.

Public records that are made confidential and exempt from the law are not available for inspection.¹² For instance, the Legislature has recognized the unique and sensitive nature of certain *personally identifying information* that, if released, could be used to perpetrate a fraud on individuals.¹³ Unless otherwise provided in law, records containing certain personal information are exempt from disclosure and, if made available for inspection, must be redacted by the custodian of the records.¹⁴

An exemption from public records law does not imply that the protected information may not be disclosed during a public meeting.¹⁵ Thus, if the legislative intent is to protect the information *in toto*, the law must expressly exempt portions of meetings during which the information is discussed from the requirements in the State Constitution and in s. 286.011(1), F.S.¹⁶

Periodic Review of Exemptions

The Open Government Sunset Review Act (the Act) provides for legislative review of public records and meetings exemptions.¹⁷ The Act requires that any exemption that is created be repealed 5 years after enactment, unless the Legislature reenacts the exemption.¹⁸ The Legislature must consider certain factors as part of its review of any exemption.¹⁹ Furthermore, the Act requires that “[a]n exemption may be created [...] only if it serves an identifiable public purpose [...]” and is narrowly tailored to that public purpose.²⁰

State University System

Board of Governors and University Boards of Trustees

The Board of Governors (BOG) has the authority to regulate the State University System pursuant to s. 7(d), Article IX of the State Constitution and the Florida Statutes.²¹ The BOG may develop procedures for adopting regulations to implement its constitutional duties.²²

¹² There is a difference between records the Legislature designates as exempt from public records requirements and the records that the Legislature deems confidential and exempt. A record classified as exempt from public disclosure may be disclosed under certain circumstances. *See WFTV, Inc. v. The School Board of Seminole*, 874 So.2d 48, 53 (Fla. 5th DCA 2004), review denied, 892 So.2d 1015 (Fla. 2004); *City of Riviera Beach v. Barfield*, 642 So.2d 1135 (Fla. 4th DCA 1994); *Williams v. City of Minneola*, 575 So.2d 687 (Fla. 5th DCA 1991). If the Legislature designates a record as confidential and exempt from public disclosure, such record may not be released to anyone other than the persons or entities specifically designated in the statutory exemption. *See also*, Fla. Att’y Gen. Op. 85-62 (1985).

¹³ Section 119.071(5), F.S., exempts certain personal information, including, social security numbers; bank account numbers, and debit and credit card numbers; medical history records; and biometric identification information. The section refers to “personal identifying information” without specifically defining the term. However, *see* s. 817.568(1)(f), F.S., defining “personal identification information” as used within ch. 817, F.S., relating to crimes of fraud. *See also*, 18 U.S.C. s. 1028(d)(7), which lists the types of information that, if used alone, or in combination, could be used to identify a specific individual.

¹⁴ Section 119.07(1)(d), F.S. *See also*, s. 119.011(13), F.S., defining the term “redact.”

¹⁵ Section 119.07(7), F.S.

¹⁶ *Id.*

¹⁷ Section 119.15, F.S. (s. 2, ch. 95-217, L.O.F.).

¹⁸ *Id.* at (3).

¹⁹ *Id.* (6).

²⁰ *Id.*

²¹ Sections 20.155 and 1001.70-706, F.S. *See* s. 1001.705(a) and (d), F.S., defining the terms “Board of Governors” and “state universities” as used in the Florida K-20 Education Code.

²² Section 1001.706(2), F.S.

Each state university is administered by a board of trustees, which is subject to chapters 119 and 286 of the Florida Statutes.²³ The BOG establishes the powers and duties of the boards of trustees and may delegate its constitutional or statutory powers and duties to the boards of trustees as its designee.²⁴ The BOG establishes the personnel system for all state university employees and confirms the selection and reappointment of presidents by state university boards of trustees.²⁵

Florida College System

State Board of Education and Boards of Trustees

The Legislature created the Florida College System consisting of institutions²⁶ governed by boards of trustees.²⁷ The State Board of Education establishes the standards and guidelines for Florida College System (FCS) institutions.²⁸

Each board of trustees is authorized to establish the personnel program for all employees of an FCS institution, including the president.²⁹ The established guidelines for the personnel program may include the recruitment, selection, or reappointment of personnel.³⁰ An FCS institution's board of trustees is authorized to appoint, suspend, or remove the president and may also appoint a search committee for the purpose of filling positions.³¹

III. Effect of Proposed Changes:

SB 182 creates exemptions from Florida's public records and open meetings laws for the personal identifying information of any individual who applies for president, provost, or dean at a state university or Florida College System (FCS) institution.

Current law does not provide exemptions protecting the identity of applicants contained in records or discussed during meetings associated with a state university's or an FCS institution's search-and-selection process for executive or senior administrative positions, *i.e.* president, provost, or dean.

In effect, under the newly created public records exemption a state university or FCS institution would be prohibited from disclosing any applicant's name and other personal information that could be used to identify the applicant. Therefore, if a public records request were made to inspect or copy records containing applicants' names, the state university or FCS institution must refuse the request on the basis that the records are confidential and exempt.

²³ Art. IX, s. 7(b); (c), Fla. Const., and s. 1001.72(2), F.S.

²⁴ Art. IX, s. 7(c); s. 1001.706(2)(b), F.S.

²⁵ Sections 1001.705(2)(k) and 1001.706(6)(a), F.S.

²⁶ See s. 1000.21(3), F.S., for a definition and list of each "Florida College System institution." Such institutions constitute political subdivisions of the state operated by boards of trustees. See ss. 1004.67 and 1001.61-.64, F.S.

²⁷ Sections 1001.60, 1001.61(1) and (2), and 1001.64(2), F.S. See s. 2, ch. 2008-52, L.O.F. See also, s. 20.15(7), F.S.

²⁸ Art. IX, s. 2, Fla. Const.; s. 20.15(1), (2), and (5), F.S.; s. 1001.02((1), (6), and (8), F.S.

²⁹ Section 1001.64(18), F.S. See s. 1001.02(6)(a), F.S.

³⁰ Section 1001.64(18), F.S.

³¹ *Id.* at (19).

Furthermore, under the newly created open meetings exemption a state university or FCS institution must close meetings held for the purpose of vetting applicants, which would entail a discussion of the applicants' confidential and protected information. However, the bill provides an exception that would permit the state university or FCS institution to conduct open, public meetings if the purpose of the meeting is to discuss the general qualifications or compensation framework for the executive or senior administrative position. Thus, the public would be able to attend such meetings and participate in the search committee's deliberations. Otherwise, any meeting that would identify an applicant by name would not be accessible to the public.

In addition, once the final list of applicants is established, the bill requires that the state university or FCS institution make the list available to the public no later than 10 days before the date of the meeting at which a final action or vote is to be taken to fill the position. Also, any meetings or interviews held for purpose of making a selection from the final list of applicants must be open to the public. Therefore, once the final list of applicants is established, the list of applicants who made the final cut would be available for public inspection and the public would be able to attend and participate in meetings or interviews held for the purpose of making a final decision on filling the position.

As required by the State Constitution, the bill provides a statement of public necessity stating that protecting the names and other personal information of applicants for state university and FCS institution president, provost, or dean will encourage qualified candidates to apply without the fear of reprisal from their current employers.

Also, as required by the Open Government Sunset Review Act, the bill provides for the repeal of the exemptions on October 2, 2020, unless reviewed and saved from repeal by the Legislature.

The bill provides an effective date of October 1, 2015.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

Article I, s. 24(c) of the State Constitution requires a two-thirds vote of the members of each house of the Legislature for final passage of a bill that creates an exemption for public records or open meetings. The bill creates exemptions; thus, a two-thirds vote of the members of each house of the Legislature is required for final passage of the bill.

Article I, s. 24(c) of the State Constitution requires that a bill creating an exemption for public records or open meetings contain a public necessity statement justifying the exemption. The bill contains a public necessity statement.

C. Trust Funds Restrictions:

None.

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 1004.097 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.



798398

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/16/2015	.	
	.	
	.	
	.	

The Committee on Higher Education (Legg) recommended the following:

Senate Amendment (with title amendment)

Delete line 31
and insert:
(1) Any personal identifying information, including, but not limited to, the name, of an applicant

Delete line 35
and insert:
(2) Any portion of a meeting held for the purpose of



798398

identifying or

Delete line 45

and insert:

State Constitution. Notwithstanding this subsection, any portion
of a meeting must be reasonably noticed.

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

And the title is amended as follows:

Delete lines 5 - 17

and insert:

identifying information, including the name, of an
applicant for president, provost, or dean of a state
university or Florida College System institution;
providing an exemption from public meeting
requirements for any portion of a meeting held for the
purpose of identifying or vetting applicants for
president, provost, or dean of a state university or
Florida College System institution; providing an
exception for any portion of a meeting held for the
purpose of establishing the qualifications of, or any
compensation framework to be offered to, potential
applicants; providing applicability; requiring
reasonable notice of meetings; requiring release

By Senator Hays

11-00115A-15

2015182__

A bill to be entitled

An act relating to public records and meetings; creating s. 1004.097, F.S.; providing an exemption from public records requirements for any personal identifying information of an applicant for president, provost, or dean of a state university or Florida College System institution; providing an exemption from public meeting requirements for any meeting held for the purpose of identifying or vetting applicants for president, provost, or dean of a state university or Florida College System institution and for any portion of a meeting held for the purpose of establishing the qualifications of, or any compensation framework to be offered to, such potential applicants which would disclose personal identifying information of an applicant or potential applicant; providing applicability; requiring release of the names of specified applicants within a certain timeframe; providing for future legislative review and repeal of the exemptions; providing a statement of public necessity; providing an effective date.

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

Section 1. Section 1004.097, Florida Statutes, is created to read:

1004.097 Information identifying applicants for president, provost, or dean at state universities or Florida College System institutions; public records exemption; public meeting

Page 1 of 4

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

11-00115A-15

2015182__

exemption.

(1) Any personal identifying information of an applicant for president, provost, or dean of a state university or Florida College System institution is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(2) Any meeting held for the purpose of identifying or vetting applicants for president, provost, or dean of a state university or Florida College System institution is exempt from s. 286.011 and s. 24(b), Art. I of the State Constitution. This exemption does not apply to a meeting held for the purpose of establishing the qualifications of potential applicants or any compensation framework to be offered to potential applicants. However, any portion of such a meeting that would disclose personal identifying information of an applicant or potential applicant is exempt from s. 286.011 and s. 24(b), Art. I of the State Constitution.

(3) Any meeting or interview held after a final group of applicants has been established for the purpose of making a final selection to fill the position of president, provost, or dean of a state university or Florida College System institution is subject to s. 286.011 and s. 24(b), Art. I of the State Constitution.

(4) The names of those included in the final group of applicants pursuant to subsection (3) must be released by the state university or Florida College System institution no later than 10 days before the date of the meeting at which a final action or vote is to be taken on the employment of the applicants.

(5) Any personal identifying information of those included

Page 2 of 4

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

11-00115A-15

2015182__

in the final group of applicants pursuant to subsection (3) becomes subject to s. 119.07(1) and s. 24(a), Art. I of the State Constitution when the names of such applicants are released pursuant to subsection (4).

(6) This section is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2020, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. The Legislature finds that it is a public necessity that any personal identifying information of an applicant for president, provost, or dean of a state university or Florida College System institution be made confidential and exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution. The Legislature also finds that any meeting held for the purpose of identifying or vetting applicants for president, provost, or dean of a state university or Florida College System institution and any portion of a meeting held for the purpose of establishing qualifications of, or any compensation framework to be offered to, such potential applicants which would disclose personal identifying information of an applicant or potential applicant be made exempt from s. 286.011, Florida Statutes, and s. 24(b), Article I of the State Constitution. The task of filling the position of president, provost, or dean of a state university or Florida College System institution is often conducted by an executive search committee. Many, if not most, applicants for such a position are currently employed at another job at the time they apply and disclosure of their applications could jeopardize their current positions. These exemptions from public records and public meeting

11-00115A-15

2015182__

requirements are needed to ensure that the executive search committee can avail itself of the most experienced and desirable pool of qualified applicants from which to fill the position of president, provost, or dean of a state university or Florida College System institution. If potential applicants fear the possibility of losing their current employment as a consequence of attempting to progress along their chosen career path or seeking different and more rewarding employment, failure to have these exemptions in place could have a chilling effect on the number and quality of applicants available to fill the position of president, provost, or dean of a state university or Florida College System institution.

Section 3. This act shall take effect October 1, 2015.

APPEARANCE RECORD

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

2/16/15

Meeting Date

SB 182

Bill Number (if applicable)

Topic PUBLIC RECORD / MEETING REQUIREMENTS

Amendment Barcode (if applicable)

Name NANCY ROGERSJob Title ASSOC. PROF. OF MUSICAddress 2069 WILDRIDGE DRIVE

Street

TALLAHASSEE, FL

City

State

32303

Zip

Phone 850-562-2733Email nancy-m-rogers@yahoo.com
~~nrogers~~Speaking: ☐ For ☒ Against ☐ InformationWaive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)Representing SELFAppearing 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)

APPEARANCE RECORD

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

2/16

Meeting Date

SB182

Bill Number (if applicable)

Topic S. Public Record Exemption

Amendment Barcode (if applicable)

Name DR. ENRIQUE ALVAREZJob Title Professor of Spanish FSUAddress 306 Offensanger Building Phone 644-8188

Street

FSU FL 32306

City

State

Zip

Email calvarez@fsu.eduSpeaking: ☐ For ☐ Against ☐ InformationWaive Speaking: ☐ In Support ☒ Against
(The Chair will read this information into the record.)Representing FSU SelfAppearing 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)

APPEARANCE RECORD

2/16/15

Meeting Date

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

182

Bill Number (if applicable)

Topic Public record exemptions

Amendment Barcode (if applicable)

Name Jennifer ProffittJob Title President United Faculty of Florida - FSU chapterAddress 307 Chestnut DrPhone 850 445 0373

Street

Tallahassee

City

FL

State

32301

Zip

Email jennifer.proffitt@gmail.comSpeaking: ☐ For ☒ Against ☐ InformationWaive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)Representing SelfAppearing 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 Higher Education

BILL: SB 446

INTRODUCER: Senator Bradley

SUBJECT: Florida College System Boards of Trustees

DATE: February 13, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Bailey	Klebacha	HE	Pre-meeting
2.			FP	

I. Summary:

SB 446 revises membership guidelines for Florida College System institution boards of trustees.

Specifically, the bill requires the board of trustees of St. Johns River State College to have three trustees from each of the three counties served by the college: Clay County, Putnam County, and St. Johns County.

In effect, the bill will require the appointment of two additional trustees.

The bill takes effect July 1, 2015.

II. Present Situation:

The Florida College System (FCS) was established for the purpose of maximizing open access, responding to community needs for postsecondary academic and career degree education, and providing associate and baccalaureate degrees that best meet the state's employment needs.¹ The FCS is comprised of 28 institutions, including colleges, state colleges, and community colleges.²

Governed by local boards of trustees, the colleges fall under the jurisdiction of the State Board of Education for legislatively specified activities.³ Boards of trustees exist to represent the general public and are responsible for balancing and integrating the wide variety of interests and needs into policies that benefit the common good and future of their region.⁴ The membership of each

¹ Section 1001.60(1), F.S.

² Section. 1000.21(3), F.S.

³ Section 1001.65, F.S.

⁴ Association of Florida College, *Florida College System Trustee Manual*, (Sept. 2013), available at http://www.myafchome.org/assets/Publications/Trustees/2k13_trustee_manual.pdf.

local board of trustees follows specific criteria and the trustees work closely with the institution presidents who are the chief executive officers of their respective FCS institutions.⁵

St. Johns River Junior College was established as a public institution in 1958 to serve the counties of Clay, Putnam, and St. Johns.⁶ In June 2010,⁷ the college expanded its mission to include upper division level courses and subsequently, the college received baccalaureate-degree level accreditation by the Commission on Colleges of the Southern Association of Colleges and Schools which led to the approval of the college's new name, St. Johns River State College.⁸ Currently, St. Johns River State College (SJRSC) provides full-service college programs for educational and workforce training needs of the Northeast Florida district. The college also forms agreements with other regional colleges and universities for the purpose of increasing access to baccalaureate and graduate degrees for residents of Clay, Putnam, and St. Johns Counties.⁹

Current law requires the FCS institution boards to be comprised of five members when an institution's district is confined to one school board district, seven members when there is one school district and the board of trustees so elects, and not more than nine members when the district contains two or more school board districts. The trustees are appointed by the Governor and confirmed by the Senate in regular session.¹⁰

The board of trustees of SJRSC is currently comprised of seven members appointed by the Governor and confirmed by the Senate. Included on the board are two members representing Clay County, three representing Putnam County, and two representing St. Johns County.¹¹ Clay County has a 2015 projected service district population of 203,490, Putnam County with 73,521, and St. Johns County has a population of 213,480.¹² Clay County currently has the largest number of registered students at SJRSC, followed by St. Johns County, and then Putnam County, with a SJRSC combined enrollment of 11,000 students.¹³

III. Effect of Proposed Changes:

SB 446 revises the current membership guidelines for the Florida College System institution boards of trustees.

⁵ Section 1001.61, F.S.

⁶ St. Johns River State College, *2014 College Fact Book* (2014), available at <http://sjrstate.edu/pdfs/factbook2014.pdf>.

⁷ *Id.*

⁸ With the approval of its district board of trustees, a FCS institution may change the institution's name set forth in s. 1000.21(3) and use the designation "college" if it has been authorized to grant baccalaureate degrees pursuant to s. 1007.33 and has been accredited as a baccalaureate-degree-granting institution. Section 1001.60(2)(b), F.S.

⁹ St. Johns River State College, *2014 College Fact Book* (2014), available at <http://sjrstate.edu/pdfs/factbook2014.pdf>.

¹⁰ Section 1001.61(1), F.S.

¹¹ St. Johns River State College, *District Board of Trustees*, <http://www.sjrstate.edu/boardmembers.html> (last visited Feb. 13, 2015).

¹² St. Johns River State College, *2014 College Fact Book* (2014), available at <http://sjrstate.edu/pdfs/factbook2014.pdf>.

¹³ *Id.*

Specifically, the bill requires the board of trustees of St. Johns River State College to have three trustees from each of the three counties served by the college: Clay County, Putnam County, and St. Johns County.

In effect, the bill will require the appointment of two additional trustees, one from Clay County and one from St. Johns County.

The bill takes effect July 1, 2015.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 1001.61 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 Bradley

7-00501-15

2015446__

A bill to be entitled

An act relating to Florida College System boards of trustees; amending s. 1001.61, F.S.; revising the membership guidelines for the Florida College System institution boards of trustees to require the St. Johns River State College board to have a specified number of trustees from each county that the college serves; providing an effective date.

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

Section 1. Subsection (1) of section 1001.61, Florida Statutes, is amended to read:

1001.61 Florida College System institution boards of trustees; membership.—

(1) Florida College System institution boards of trustees shall be comprised of five members when a Florida College System institution district is confined to one school board district; seven members when a Florida College System institution district is confined to one school board district and the board of trustees so elects; and not more than nine members when the district contains two or more school board districts, as provided by rules of the State Board of Education. However, Florida State College at Jacksonville shall have an odd number of trustees, and St. Johns River State College shall have three trustees from each of the three counties that the college serves.

Section 2. This act shall take effect July 1, 2015.

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/16/15

Meeting Date

446

Bill Number (if applicable)

Topic Florida College System Boards of Trustees

Amendment Barcode (if applicable)

Name Jack Hall

Job Title Govt Relations

Address 5001 St. Johns Ave.

Phone (904) 327-3517

Street

Palatka

City

FL

State

32177

Zip

Email jackhall@sjrstate.edu

Speaking: ☐ For ☐ Against ☐ Information

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

Representing St. Johns River State 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)

CourtSmart Tag Report

Room: KN 412 **Case:**
Caption: Senate Committee on Higher Education

Type:
Judge:

Started: 2/16/2015 4:04:01 PM
Ends: 2/16/2015 4:44:37 PM **Length:** 00:40:37

4:04:03 PM Meeting called to order by Chair Stargel
4:04:15 PM Roll call Quorum is present
4:04:26 PM Comments by chair
4:04:45 PM Tab 3 - SB 446 by Senator Bradley - Fla. College System Boards of Trustees
4:05:59 PM Jack Hall, Govt. Relations, St. John's River State College, waive in support
4:06:10 PM Sen. Bradley waves to close
4:06:15 PM Roll Call on SB 446
4:06:42 PM Reported Favorably
4:06:52 PM Tab 2 - SB 182 - Sen. Hayes - Public Records and Meetings
4:08:24 PM Amendment # 798398
4:09:29 PM Sen. Hayes to explain amendment
4:10:01 PM Amendment adopted
4:10:07 PM Bill adopted with amendment
4:10:16 PM Sen. Joyner question of Sen. Hays
4:10:55 PM Sen. Hays in response
4:12:15 PM Sen. Joyner
4:12:43 PM Sen. Hays in response to Sen. Joyner's question
4:13:43 PM Senator Simmons question of Sen. Hays
4:14:03 PM Sen. Hays in response
4:14:32 PM Sen. Joyner to Sen. Hays
4:14:39 PM Sen. Hays in response
4:14:50 PM Sen. Joyner
4:14:57 PM Sen. Hays
4:15:00 PM Sen. Joyner
4:15:07 PM Sen. Hays
4:15:15 PM Chairman to Sen. Joyner
4:15:23 PM Sen. Hays
4:15:45 PM Sen. Joyner
4:17:24 PM Chair - question of Sen. Hays
4:17:45 PM Sen. Hays in response
4:17:50 PM Chair
4:18:01 PM Jennifer Profitt, President, United Faculty of Florida, FSU Chapter, to speak against the bill
4:21:12 PM Sen. Simmons question
4:23:20 PM Jennifer Profitt in response
4:23:47 PM Sen. Simmons on a follow up
4:24:52 PM Jennifer in response
4:25:07 PM Chair
4:25:10 PM Dr. Enrique Alvarez, Professor of Spanish FSU, waive time to oppose the bill
4:25:31 PM Nancy Rogers, Associate Professor of Music, in opposition to bill
4:27:20 PM Chair
4:27:22 PM Sen. Gaetz yields
4:27:29 PM Sen. Sachs to Sen. Hays
4:28:57 PM Sen. Hays to respond
4:30:48 PM Sen. Gaetz
4:32:33 PM Sen. Simmons
4:34:16 PM Sen. Joyner
4:38:57 PM Sen. Hays to close on the bill
4:39:51 PM CS for SB 182 roll call
4:40:19 PM CS/182 passes
4:40:26 PM Sen. Benacquisto, yes on SB 446
4:40:40 PM Sen. Sachs in chair
4:41:19 PM Senator Stargel on SPB 7030

4:42:39 PM Sen. Sachs
4:42:52 PM Paul Whorton, lobbyist, Jacksonville Center for Independent Living, waive in support
4:43:01 PM Sen. Sachs
4:43:17 PM SPB 7030 as a committee bill by Sen. Stargel
4:43:29 PM Roll call on SPB 7030 - favorable as a committee bill
4:44:05 PM Sen. Stargel back in chair
4:44:25 PM Sen. B moves we rise