

690-100AXA-38

Bill No. CS/HB 751 & others

Amendment No. 19A (for drafter's use only)

|   | <u>Senate</u> | CHAMBER ACTION | <u>House</u> |
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Representative(s) Lynn and Alexander offered the following:

**Amendment (with title amendment)**

On page 103, between lines 14 and 15,

insert:

Section 40. Section 228.301, Florida Statutes, is amended to read:

228.301 Test security.--

(1) It is unlawful for anyone knowingly and willfully to violate test security rules adopted by the State Board of Education or the Commissioner of Education for mandatory tests administered by or through the State Board of Education or the Commissioner of Education to students, educators, or applicants for certification or administered by school districts pursuant to s. 229.57, or, with respect to any such test, knowingly and willfully to:

(a) Give examinees access to test questions prior to testing;

(b) Copy, reproduce, or use in any manner inconsistent with test security rules all or any portion of any secure test

1 booklet;

2 (c) Coach examinees during testing or alter or  
3 interfere with examinees' responses in any way;

4 (d) Make answer keys available to examinees;

5 (e) Fail to follow security rules for distribution and  
6 return of secure test as directed, or fail to account for all  
7 secure test materials before, during, and after testing;

8 (f) Fail to follow test administration directions  
9 specified in the test administration manuals; or

10 (g) Participate in, direct, aid, counsel, assist in,  
11 or encourage any of the acts prohibited in this section.

12 (2)(a) Any person who is a student who violates this  
13 section is guilty of a misdemeanor of the first degree,  
14 punishable as provided in ss. 775.082 or 775.083 ~~by a fine of~~  
15 ~~not more than \$1,000 or imprisonment for not more than 90~~  
16 ~~days, or both.~~

17 (b) Any person who is not a student, including any  
18 certified educator or applicant for certification, who  
19 violates this section is guilty of a felony of the third  
20 degree, punishable as provided in ss. 775.082, 775.083, or  
21 775.084.

22 (3) A district superintendent of schools, a president  
23 of a community college, a president of a university, or a  
24 president of a private postsecondary institution shall  
25 cooperate with the Commissioner of Education in any  
26 investigation concerning the administration of a test  
27 administered pursuant to state statute or rule.

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

31 And the title is amended as follows:

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On page 7, line 17, before "amending"

insert:

amending s. 228.301, F.S.; enhancing criminal  
penalties for educators and nonstudents who  
violate test security requirements;