



Journal of the Senate

Number 8—Regular Session

Thursday, April 2, 2015

CONTENTS

Bills on Third Reading	326
Call to Order	326
Co-Introducers	350
Committee Substitutes, First Reading	345
Executive Business, Reports	344
House Messages, Returning	349
Introduction and Reference of Bills	344
Reference Changes, Rule 4.7(2)	348
Reports of Committees	343, 344
Special Order Calendar	328

CALL TO ORDER

The Senate was called to order by President Gardiner at 2:00 p.m. A quorum present—36:

Mr. President	Diaz de la Portilla	Legg
Abruzzo	Evers	Margolis
Altman	Flores	Montford
Bean	Gaetz	Negron
Benacquisto	Galvano	Richter
Bradley	Gibson	Sachs
Brandes	Grimsley	Simmons
Braynon	Hays	Simpson
Bullard	Hukill	Smith
Clemens	Joyner	Soto
Dean	Latvala	Stargel
Detert	Lee	Thompson

Excused: Senators Ring and Sobel

PRAYER

The following prayer was offered by Dr. Matthew Carter II, Associate Pastor, Bethel Missionary Baptist Church, Tallahassee:

Bless the Lord, O my soul: and all that is within me, bless his holy name. Bless the Lord, O my soul, and forget not all his benefits: who forgiveth all thine iniquities; who healeth all thy diseases; who redeemeth thy life from destruction; who crowneth thee with loving kindness and tender mercies; who satisfieth thy mouth with good things, so that thy youth is renewed like the eagle's.

We offer this blessing of prayer for the gratitude of your grace and the praise of your peace today on behalf of the members of the Florida Senate. We thank you for blessing our Senators with your wisdom, courage, intellect, dignity, and honor as they meet here in this hallowed edifice to deliberate your greatness in the land of plenty we call Florida. These men and women who hail from the rolling hills of Pensacola to the peaceful sunny shores of Key West, from the cosmopolitan cool of South Beach to the beauty of Tampa Bay, to the humble farms along the rustling shores of the Saint John's River, we are Florida.

Lord, you have commanded us to pray for our leaders and all of those in authority. It is because of this command and the respect for our God, the commitment to our nation, the love of our state, the respect of our fellow citizens that I offer this prayer on their behalf today.

I ask you to grant them your wisdom, courage, and courtesy to make decisions that strengthen and prosper our great state for such a time as

this. As our Senators deliberate on our behalf, bless their families at home to know that they are doing your great work in making Florida a better place to live, a safer enclave of community, an economic juggernaut for jobs, an idyllic quality of life, and a freedom to worship God in peace.

As they near the culmination of their deliberations and the time grows near, give them the second wind of a marathoner and the words of a prophet as they pass another bill, debate another amendment, and attend another meeting for the best interest of Florida and the grace of God. Amen.

PLEDGE

Demi Bussatta and Justin Nipper, Sergeant at Arms staff assisting with the Senate Page Program, joined by Charlotte Brandes and Colin Brandes of St. Petersburg, children of Senator Brandes; and Madison Sarah Phillips of Umatilla, granddaughter of Senator Hays, led the Senate in the Pledge of Allegiance to the flag of the United States of America.

BILLS ON THIRD READING

Consideration of **SB 462** was deferred.

CS for SB 160—A bill to be entitled An act relating to rural letter carriers; amending s. 316.614, F.S.; exempting a rural letter carrier of the United States Postal Service from safety belt usage requirements while performing his or her duties on a designated postal route; providing an effective date.

—was read the third time by title.

On motion by Senator Evers, **CS for SB 160** was passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Diaz de la Portilla	Legg
Abruzzo	Evers	Margolis
Altman	Flores	Montford
Bean	Gaetz	Negron
Benacquisto	Galvano	Richter
Bradley	Gibson	Sachs
Brandes	Grimsley	Simmons
Braynon	Hays	Simpson
Bullard	Hukill	Smith
Clemens	Joyner	Soto
Dean	Latvala	Stargel
Detert	Lee	Thompson

Nays—None

Vote after roll call:

Yea—Garcia

SB 184—A bill to be entitled An act relating to the federal write-in absentee ballot; amending s. 101.6952, F.S.; authorizing absent unformed services voters and overseas voters to use the federal write-in absentee ballot in any state or local election; authorizing an elector to vote on any ballot measure in an election using the federal write-in

absentee ballot under certain circumstances; specifying that a vote cast in a judicial merit retention election is treated in the same manner as a vote on certain ballot measures; allowing for abbreviations, misspellings, and other minor variations in the name of a ballot measure; prohibiting the supervisor of elections from canvassing federal write-in absentee ballots from overseas voters in certain elections until 10 days after the date of the election; making technical changes; amending s. 102.166, F.S.; revising minimum requirements for Department of State rules used to determine what constitutes a valid vote on a federal write-in absentee ballot; providing an effective date.

—was read the third time by title.

On motion by Senator Evers, **SB 184** was passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Evers	Margolis
Abruzzo	Flores	Montford
Altman	Gaetz	Negron
Bean	Galvano	Richter
Benacquisto	Garcia	Sachs
Bradley	Gibson	Simmons
Brandes	Grimsley	Simpson
Braynon	Hays	Smith
Bullard	Hukill	Soto
Clemens	Joyner	Stargel
Dean	Latvala	Thompson
Detert	Lee	
Diaz de la Portilla	Legg	

Nays—None

CS for SB 620—A bill to be entitled An act relating to emergency management; amending s. 252.921, F.S.; revising a short title provision; creating s. 252.9335, F.S.; exempting certain employees from specified travel expense provisions when traveling under the Emergency Management Assistance Compact under certain circumstances; providing an effective date.

—was read the third time by title.

On motion by Senator Richter, **CS for SB 620** was passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Evers	Margolis
Abruzzo	Flores	Montford
Altman	Gaetz	Negron
Bean	Galvano	Richter
Benacquisto	Garcia	Sachs
Bradley	Gibson	Simmons
Brandes	Grimsley	Simpson
Braynon	Hays	Smith
Bullard	Hukill	Soto
Clemens	Joyner	Stargel
Dean	Latvala	Thompson
Detert	Lee	
Diaz de la Portilla	Legg	

Nays—None

CS for CS for SB 224—A bill to be entitled An act relating to public records; amending s. 119.0701, F.S.; requiring that a public agency contract for services include a statement providing the contact information of the public agency’s custodian of records; prescribing the form of the statement; revising required provisions in a public agency contract for services regarding a contractor’s compliance with public records laws; requiring that a public records request relating to records for a public agency’s contract for services be made directly to the public agency; requiring a contractor to provide requested records to the public

agency or allow inspection or copying of requested records under specified circumstances; specifying applicable penalties for a contractor who fails to provide requested records; specifying circumstances under which a court must assess reasonable costs of enforcement against a contractor; specifying applicable law for reasonable costs of enforcement assessed against a public agency; providing for applicability; creating s. 119.0702, F.S.; requiring each agency to provide training and information on the requirements of ch. 119, F.S., to agency employees; requiring each agency to publicly post contact information for the custodian of public records; specifying that a violation may not be used as a basis for an independent cause of action or recovering attorney fees; specifying that an agency is in compliance if certain conditions are met; amending s. 119.12, F.S.; requiring a court to determine if a complainant provided certain written notice to an agency’s custodian of public records in order to assess and award attorney fees in a civil action to enforce ch. 119, F.S.; providing an exception; providing an effective date.

—as amended April 1 was read the third time by title.

Pursuant to Rule 7.1(1), there being no objection, consideration of the following late-filed amendment was allowed:

Senator Bradley moved the following amendment which was adopted by two-thirds vote:

Amendment 1 (934146)—Delete line 104 and insert:
the public agency. In accordance with s. 119.07(1)(c), the request must be promptly acknowledged and responded to in good faith. If the public agency determines that it does not possess the

On motion by Senator Simpson, **CS for CS for SB 224** as amended was passed, ordered engrossed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Diaz de la Portilla	Legg
Abruzzo	Evers	Margolis
Altman	Flores	Montford
Bean	Gaetz	Negron
Benacquisto	Galvano	Richter
Bradley	Gibson	Sachs
Brandes	Grimsley	Simmons
Braynon	Hays	Simpson
Bullard	Hukill	Smith
Clemens	Joyner	Soto
Dean	Latvala	Stargel
Detert	Lee	Thompson

Nays—None

CS for SB 7034—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; transferring, renumbering, and amending s. 97.0585(3) and (5), F.S., relating to an exemption from public records requirements for certain information of persons who are victims of stalking or aggravated stalking; removing the scheduled repeal of the exemption; providing an effective date.

—was read the third time by title.

On motion by Senator Richter, **CS for SB 7034** was passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Dean	Hays
Abruzzo	Detert	Hukill
Altman	Diaz de la Portilla	Joyner
Bean	Evers	Latvala
Benacquisto	Flores	Lee
Bradley	Gaetz	Legg
Brandes	Galvano	Margolis
Braynon	Garcia	Montford
Bullard	Gibson	Negron
Clemens	Grimsley	Richter

Sachs	Smith	Thompson
Simmons	Soto	
Simpson	Stargel	

Nays—None

HB 7009—A bill to be entitled An act relating to the corporate income tax; amending s. 220.03, F.S.; adopting the 2015 version of the Internal Revenue Code; amending s. 220.13, F.S.; incorporating a reference to a recent federal act into state law for the purpose of defining the term “adjusted federal income”; revising the treatment by this state of certain depreciation and expensing of assets allowed for federal income tax purposes; authorizing the Department of Revenue to adopt emergency rules; reenacting s. 1009.97(3)(1), F.S., relating to the definition of the term “Internal Revenue Code” with respect to prepaid college programs, to incorporate the amendment made by the act to s. 220.03, F.S., in a reference thereto; providing for retroactive applicability; providing an effective date.

—was read the third time by title.

On motion by Senator Hukill, **HB 7009** was passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Evers	Margolis
Abruzzo	Flores	Montford
Altman	Gaetz	Negron
Bean	Galvano	Richter
Benacquisto	Garcia	Sachs
Bradley	Gibson	Simmons
Brandes	Grimmsley	Simpson
Braynon	Hays	Smith
Bullard	Hukill	Soto
Clemens	Joyner	Stargel
Dean	Latvala	Thompson
Detert	Lee	
Diaz de la Portilla	Legg	

Nays—None

Consideration of **SB 446** was deferred.

SPECIAL ORDER CALENDAR

Consideration of **SB 2506** and **SB 2508** was deferred.

The Senate resumed consideration of—

CS for HB 7069—A bill to be entitled An act relating to education accountability; amending s. 1001.42, F.S.; revising a requirement for the uniform opening date of public schools; amending s. 1002.20, F.S.; deleting provisions relating to assessment, intensive instruction, and progress monitoring for students with reading deficiencies; amending ss. 1003.4156 and 1003.4282, F.S.; deleting provisions relating to remediation for certain middle grades and high school students, respectively; amending s. 1003.4285, F.S.; revising requirements for the scholar designation on standard high school diplomas; amending s. 1003.621, F.S.; requiring that academically high-performing school districts comply with provisions relating to the uniform opening date of public schools; amending s. 1008.22, F.S.; revising the purpose of the student assessment program to include providing instructional personnel with certain information when available; revising the grade levels of students who must take the statewide, standardized English Language Arts assessment; revising provisions relating to end-of-course assessments; requiring that all students enrolled in certain courses take the statewide, standardized end-of-course assessment associated with the course; prohibiting students who take an end-of-course assessment for a course from taking other specified assessments; providing for use of certain assessment results for students; revising provisions relating to local assessments administered by school districts; requiring that cer-

tain information relating to student achievement be provided to instructional personnel when available; requiring that all end-of-course assessment results be reported annually by a specified date; providing an exemption for the 2014-2015 school year; requiring the Commissioner of Education to annually publish a uniform calendar for assessment and reporting on the Department of Education’s website; requiring each school district to establish assessment schedules, approve such schedules at a district school board meeting, and publish such schedules on the district’s website; requiring each public school to publish such schedules on the school’s website; providing that certain assessments replace final assessments in certain courses; requiring teachers and parents to be provided with results of district-required local assessments in a timely manner; requiring rulemaking relating to the uniform calendar; amending s. 1008.24, F.S.; providing that school districts may use specified employees to administer and proctor certain assessments; amending s. 1008.25, F.S.; deleting requirements for the comprehensive student progression plan; requiring each district school board to adopt criteria for student grade-level progression; revising provisions relating to support for certain students and student promotion from grade 3 to grade 4; requiring that certain information relating to student achievement be provided to instructional personnel when available; providing for intensive instruction for certain students; revising reporting requirements; amending s. 1008.30, F.S.; deleting a requirement for certain students to be evaluated for college readiness; amending s. 1008.36, F.S.; providing additional funds to certain schools through the Florida School Recognition Program under certain conditions; amending s. 1011.62, F.S.; revising requirements for the funding of a comprehensive reading instruction system, to include certain components for students in intensive reading acceleration courses; requiring the department to regularly report certain findings to the State Board of Education; requiring the state board to annually review the effectiveness of each school district’s K-12 comprehensive reading plan; amending s. 1012.34, F.S.; revising reporting requirements relating to school district personnel evaluation systems; revising evaluation criteria and requirements; revising provisions relating to the measurement of student performance; deleting provisions relating to district bonus rewards for performance pay based on evaluation progress; repealing s. 1012.3401, F.S., relating to requirements for measuring student performance in instructional personnel and school administrator performance evaluations and performance evaluation of personnel for purposes of performance salary schedule; amending s. 1012.98, F.S.; revising provisions relating to personnel evaluation for purposes of professional development; providing effective dates.

—which was previously considered April 1.

Pursuant to Rule 7.1(1), there being no objection, consideration of the following late-filed amendment was allowed:

Senator Legg moved the following amendment:

Amendment 1 (211438) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Paragraph (f) of subsection (4) of section 1001.42, Florida Statutes, is amended to read:

1001.42 Powers and duties of district school board.—The district school board, acting as a board, shall exercise all powers and perform all duties listed below:

(4) ESTABLISHMENT, ORGANIZATION, AND OPERATION OF SCHOOLS.—Adopt and provide for the execution of plans for the establishment, organization, and operation of the schools of the district, including, but not limited to, the following:

(f) Opening and closing of schools; fixing uniform date.—Adopt policies for the opening and closing of schools and fix uniform dates; however, ~~beginning with the 2007-2008 school year, the opening date for schools in the district may not be earlier than August 10 of 14 days before Labor Day~~ each year.

Section 2. Subsection (11) of section 1002.20, Florida Statutes, is amended to read:

1002.20 K-12 student and parent rights.—Parents of public school students must receive accurate and timely information regarding their child’s academic progress and must be informed of ways they can help

their child to succeed in school. K-12 students and their parents are afforded numerous statutory rights including, but not limited to, the following:

(11) ~~STUDENTS WITH READING DEFICIENCIES.—Each elementary school shall regularly assess the reading ability of each K-3 student. The parent of any K-3 student who exhibits a reading deficiency shall be immediately notified of the student's deficiency with a description and explanation, in terms understandable to the parent, of the exact nature of the student's difficulty in learning and lack of achievement in reading; shall be consulted in the development of a progress monitoring plan, as described in s. 1008.25(4)(b); and shall be informed that the student will be given intensive reading instruction until the deficiency is corrected. This subsection operates in addition to the remediation and notification provisions contained in s. 1008.25 and in no way reduces the rights of a parent or the responsibilities of a school district under that section.~~

Section 3. Subsections (2) and (3) of section 1003.4156, Florida Statutes, are amended to read:

1003.4156 General requirements for middle grades promotion.—

~~(2) If a middle grades student scores Level 1 or Level 2 on the statewide, standardized Reading assessment or, when implemented, the English Language Arts (ELA) assessment, the following year the student must enroll in and complete a remedial course or a content area course in which remediation strategies are incorporated into course content delivery. The department shall provide guidance on appropriate strategies for diagnosing and meeting the varying instructional needs of students performing below grade level.~~

~~(3) If a middle grades student scores Level 1 or Level 2 on the statewide, standardized Mathematics assessment, the following year the student must receive remediation, which may be integrated into the student's required mathematics courses.~~

Section 4. Subsection (5) of section 1003.4282, Florida Statutes, is amended to read:

1003.4282 Requirements for a standard high school diploma.—

~~(5) REMEDIATION FOR HIGH SCHOOL STUDENTS.—~~

~~(a) Each year a student scores Level 1 or Level 2 on the statewide, standardized grade 9 or grade 10 Reading assessment or, when implemented, the grade 9, grade 10, or grade 11 ELA assessment, the student must be enrolled in and complete an intensive remedial course the following year or be placed in a content area course that includes remediation of skills not acquired by the student.~~

~~(b) Each year a student scores Level 1 or Level 2 on the statewide, standardized Algebra I EOC assessment, the student must be enrolled in and complete an intensive remedial course the following year or be placed in a content area course that includes remediation of skills not acquired by the student.~~

Section 5. Paragraph (a) of subsection (1) of section 1003.4285, Florida Statutes, is amended to read:

1003.4285 Standard high school diploma designations.—

(1) Each standard high school diploma shall include, as applicable, the following designations if the student meets the criteria set forth for the designation:

(a) Scholar designation.—In addition to the requirements of s. 1003.4282, in order to earn the Scholar designation, a student must satisfy the following requirements:

~~1. English Language Arts (ELA).—Beginning with students entering grade 9 in the 2014-2015 school year, pass the statewide, standardized grade 11 ELA assessment.~~

~~1.2. Mathematics.—Earn one credit in Algebra II and one credit in statistics or an equally rigorous course. Beginning with students entering grade 9 in the 2014-2015 school year, pass the Algebra II and Geometry statewide, standardized assessments.~~

~~2.3. Science.—Pass the statewide, standardized Biology I EOC assessment and earn one credit in chemistry or physics and one credit in a course equally rigorous to chemistry or physics. However, a student enrolled in an Advanced Placement (AP), International Baccalaureate (IB), or Advanced International Certificate of Education (AICE) Biology course who takes the respective AP, IB, or AICE Biology assessment and earns the minimum score necessary to earn college credit as identified pursuant to s. 1007.27(2) meets the requirement of this subparagraph without having to take the statewide, standardized Biology I EOC assessment.~~

~~3.4. Social studies.—Pass the statewide, standardized United States History EOC assessment. However, a student enrolled in an AP, IB, or AICE course that includes United States History topics who takes the respective AP, IB, or AICE assessment and earns the minimum score necessary to earn college credit as identified pursuant to s. 1007.27(2) meets the requirement of this subparagraph without having to take the statewide, standardized United States History EOC assessment.~~

~~4.5. Foreign language.—Earn two credits in the same foreign language.~~

~~5.6. Electives.—Earn at least one credit in an Advanced Placement, an International Baccalaureate, an Advanced International Certificate of Education, or a dual enrollment course.~~

Section 6. Paragraph (k) of subsection (2) of section 1003.621, Florida Statutes, is redesignated as paragraph (l), and a new paragraph (k) is added to that subsection, to read:

1003.621 Academically high-performing school districts.—It is the intent of the Legislature to recognize and reward school districts that demonstrate the ability to consistently maintain or improve their high-performing status. The purpose of this section is to provide high-performing school districts with flexibility in meeting the specific requirements in statute and rules of the State Board of Education.

(2) COMPLIANCE WITH STATUTES AND RULES.—Each academically high-performing school district shall comply with all of the provisions in chapters 1000-1013, and rules of the State Board of Education which implement these provisions, pertaining to the following:

(k) Section 1001.42(4)(f), relating to the uniform opening date of public schools.

Section 7. Subsections (1), (3), (4), and (6) of section 1008.22, Florida Statutes, are amended, subsections (7) through (11) are redesignated as subsections (8) through (12), respectively, and a new subsection (7) is added to that section, to read:

1008.22 Student assessment program for public schools.—

(1) PURPOSE.—The primary purpose of the student assessment program is to provide student academic achievement and learning gains data to students, parents, teachers, school administrators, and school district staff. This data is to be used by districts to improve instruction; by students, parents, and teachers to guide learning objectives; by education researchers to assess national and international education comparison data; and by the public to assess the cost benefit of the expenditure of taxpayer dollars. The program must be designed to:

(f) When available, provide instructional personnel with information on student achievement of standards and benchmarks in order to improve instruction.

(3) STATEWIDE, STANDARDIZED ASSESSMENT PROGRAM.—The Commissioner of Education shall design and implement a statewide, standardized assessment program aligned to the core curricular content established in the Next Generation Sunshine State Standards. The commissioner also must develop or select and implement a common battery of assessment tools that will be used in all juvenile justice education programs in the state. These tools must accurately measure the core curricular content established in the Next Generation Sunshine State Standards. Participation in the assessment program is mandatory for all school districts and all students attending public schools, including adult students seeking a standard high school diploma under s. 1003.4282 and students in Department of Juvenile Justice education programs, except as otherwise provided by law. If a student does not participate in the assessment program, the school district must notify

the student's parent and provide the parent with information regarding the implications of such nonparticipation. The statewide, standardized assessment program shall be designed and implemented as follows:

(a) Statewide, standardized comprehensive assessments.—The statewide, standardized Reading assessment shall be administered annually in grades 3 through 10. The statewide, standardized Writing assessment shall be administered annually at least once at the elementary, middle, and high school levels. When the Reading and Writing assessments are replaced by English Language Arts (ELA) assessments, ELA assessments shall be administered to students in grades 3 through 10. Retake opportunities for the grade 10 Reading assessment or, upon implementation, the grade 10 ELA assessment must be provided. Students taking the ELA assessments shall not take the statewide, standardized assessments in Reading or Writing. ELA assessments shall be administered online. The statewide, standardized Mathematics assessments shall be administered annually in grades 3 through 8. Students taking a revised Mathematics assessment shall not take the discontinued assessment. The statewide, standardized Science assessment shall be administered annually at least once at the elementary and middle grades levels. In order to earn a standard high school diploma, a student who has not earned a passing score on the grade 10 Reading assessment or, upon implementation, the grade 10 ELA assessment must earn a passing score on the assessment retake or earn a concordant score as authorized under subsection (8) (7).

(b) End-of-course (EOC) assessments.—EOC assessments must be statewide, standardized, and developed or approved by the Department of Education as follows:

1. *EOC assessments for Algebra I, Geometry, Algebra II, Biology I, United States History, and Civics shall be administered to students enrolled in such courses as specified in the course code directory* ~~Statewide, standardized EOC assessments in mathematics shall be administered according to this subparagraph. Beginning with the 2010-2011 school year, all students enrolled in Algebra I must take the Algebra I EOC assessment. Except as otherwise provided in paragraph (c), beginning with students entering grade 9 in the 2011-2012 school year, a student who is enrolled in Algebra I must earn a passing score on the Algebra I EOC assessment or attain a comparative score as authorized under subsection (8) in order to earn a standard high school diploma. In order to earn a standard high school diploma, a student who has not earned a passing score on the Algebra I EOC assessment must earn a passing score on the assessment retake or a comparative score as authorized under subsection (8). Beginning with the 2011-2012 school year, all students enrolled in Geometry must take the Geometry EOC assessment. Middle grades students enrolled in Algebra I, Geometry, or Biology I must take the statewide, standardized EOC assessment for those courses and shall not take the corresponding subject and grade level statewide, standardized assessment. When a statewide, standardized EOC assessment in Algebra II is administered, all students enrolled in Algebra II must take the EOC assessment. Pursuant to the commissioner's implementation schedule, student performance on the Algebra II EOC assessment constitutes 30 percent of a student's final course grade.~~

2. ~~Statewide, standardized EOC assessments in science shall be administered according to this subparagraph. Beginning with the 2011-2012 school year, all students enrolled in Biology I must take the Biology I EOC assessment. Beginning with students entering grade 9 in the 2013-2014 school year, performance on the Biology I EOC assessment constitutes 30 percent of the student's final course grade.~~

2.3. ~~Students enrolled in a course, as specified in the course code directory, with an associated statewide, standardized EOC assessment must take the EOC assessment for such course and may not take the corresponding subject or grade-level statewide, standardized assessment pursuant to paragraph (a). Sections 1003.4156 and 1003.4282 govern the use of statewide, standardized EOC assessment results for students. Beginning with the 2013-2014 school year, each student's performance on the statewide, standardized middle grades Civics EOC assessment constitutes 30 percent of the student's final course grade in civics education.~~

3.4. The commissioner may select one or more nationally developed comprehensive examinations, which may include examinations for a College Board Advanced Placement course, International Baccalaureate course, or Advanced International Certificate of Education course, or

industry-approved examinations to earn national industry certifications identified in the Industry Certification Funding List, for use as EOC assessments under this paragraph if the commissioner determines that the content knowledge and skills assessed by the examinations meet or exceed the grade-level expectations for the core curricular content established for the course in the Next Generation Sunshine State Standards. Use of any such examination as an EOC assessment must be approved by the state board in rule.

4.5. Contingent upon funding provided in the General Appropriations Act, including the appropriation of funds received through federal grants, the commissioner may establish an implementation schedule for the development and administration of additional statewide, standardized EOC assessments that must be approved by the state board in rule. If approved by the state board, student performance on such assessments constitutes 30 percent of a student's final course grade.

5.6. All statewide, standardized EOC assessments must be administered online except as otherwise provided in paragraph (c).

(c) Students with disabilities; Florida Alternate Assessment.—

1. Each district school board must provide instruction to prepare students with disabilities in the core content knowledge and skills necessary for successful grade-to-grade progression and high school graduation.

2. A student with a disability, as defined in s. 1007.02, for whom the individual education plan (IEP) team determines that the statewide, standardized assessments under this section cannot accurately measure the student's abilities, taking into consideration all allowable accommodations, shall have assessment results waived for the purpose of receiving a course grade and a standard high school diploma. Such waiver shall be designated on the student's transcript. The statement of waiver shall be limited to a statement that performance on an assessment was waived for the purpose of receiving a course grade or a standard high school diploma, as applicable.

3. The State Board of Education shall adopt rules, based upon recommendations of the commissioner, for the provision of assessment accommodations for students with disabilities and for students who have limited English proficiency.

a. Accommodations that negate the validity of a statewide, standardized assessment are not allowed during the administration of the assessment. However, instructional accommodations are allowed in the classroom if identified in a student's IEP. Students using instructional accommodations in the classroom that are not allowed on a statewide, standardized assessment may have assessment results waived if the IEP team determines that the assessment cannot accurately measure the student's abilities.

b. If a student is provided with instructional accommodations in the classroom that are not allowed as accommodations for statewide, standardized assessments, the district must inform the parent in writing and provide the parent with information regarding the impact on the student's ability to meet expected performance levels. A parent must provide signed consent for a student to receive classroom instructional accommodations that would not be available or permitted on a statewide, standardized assessment and acknowledge in writing that he or she understands the implications of such instructional accommodations.

c. If a student's IEP states that online administration of a statewide, standardized assessment will significantly impair the student's ability to perform, the assessment shall be administered in hard copy.

4. For students with significant cognitive disabilities, the Department of Education shall provide for implementation of the Florida Alternate Assessment to accurately measure the core curricular content established in the Next Generation Sunshine State Standards.

(d) Implementation schedule.—

1. The Commissioner of Education shall establish and publish on the department's website an implementation schedule to transition from the statewide, standardized Reading and Writing assessments to the ELA assessments and to the revised Mathematics assessments, including the Algebra I and Geometry EOC assessments. The schedule must take into consideration funding, sufficient field and baseline data, access to as-

assessments, instructional alignment, and school district readiness to administer the assessments online. *All such assessments must be delivered through computer-based testing, however, the following assessments must be delivered in a computer-based format, as follows: the grade 3 ELA assessment, beginning in the 2017-2018 school year; the grade 3 mathematics assessment beginning in the 2016-2017 school year; the grade 4 ELA assessment, beginning in the 2015-2016 school year; and the grade 4 mathematics assessment, beginning in the 2016-2017 school year.*

2. The Department of Education shall publish minimum and recommended technology requirements that include specifications for hardware, software, networking, security, and broadband capacity to facilitate school district compliance with the requirement that assessments be administered online.

(e) Assessment scores and achievement levels.—

1. All statewide, standardized EOC assessments and *ELA, mathematics Reading, Writing, and Science* assessments shall use scaled scores and achievement levels. Achievement levels shall range from 1 through 5, with level 1 being the lowest achievement level, level 5 being the highest achievement level, and level 3 indicating satisfactory performance on an assessment. ~~For purposes of the statewide, standardized Writing assessment, student achievement shall be scored using a scale of 1 through 6.~~

2. The state board shall designate by rule a passing score for each statewide, standardized assessment.

3. If the commissioner seeks to revise a statewide, standardized assessment and the revisions require the state board to modify performance level scores, including the passing score, the commissioner shall provide a copy of the proposed scores and implementation plan to the President of the Senate and the Speaker of the House of Representatives at least 90 days before submission to the state board for review. Until the state board adopts the modifications by rule, the commissioner shall use calculations for scoring the assessment that adjust student scores on the revised assessment for statistical equivalence to student scores on the former assessment. The state board shall adopt by rule the passing score for the revised assessment that is statistically equivalent to the passing score on the discontinued assessment for a student who is required to attain a passing score on the discontinued assessment. The commissioner may, with approval of the state board, discontinue administration of the former assessment upon the graduation, based on normal student progression, of students participating in the final regular administration of the former assessment. If the commissioner revises a statewide, standardized assessment and the revisions require the state board to modify the passing score, only students taking the assessment for the first time after the rule is adopted are affected.

~~(f) Assessment schedules and reporting of results.—The Commissioner of Education shall establish schedules for the administration of assessments and the reporting of student assessment results. The commissioner shall consider the observance of religious and school holidays when developing the schedule. By August 1 of each year, the commissioner shall notify each school district in writing and publish on the department's website the assessment and reporting schedules for, at a minimum, the school year following the upcoming school year. The assessment and reporting schedules must provide the earliest possible reporting of student assessment results to the school districts. Assessment results for the statewide, standardized Reading assessments, or upon implementation the ELA assessments, and Mathematics assessments, including the EOC assessments in Algebra I and Geometry, must be made available no later than the week of June 8. The administration of the statewide, standardized Writing assessment and the Florida Alternate Assessment may be no earlier than the week of March 1. School districts shall administer assessments in accordance with the schedule established by the commissioner.~~

~~(f)(g)~~ Prohibited activities.—A district school board shall prohibit each public school from suspending a regular program of curricula for purposes of administering practice assessments or engaging in other assessment-preparation activities for a statewide, standardized assessment. However, a district school board may authorize a public school to engage in the following assessment-preparation activities:

1. Distributing to students sample assessment books and answer keys published by the Department of Education.

2. Providing individualized instruction in assessment-taking strategies, without suspending the school's regular program of curricula, for a student who scores Level 1 or Level 2 on a prior administration of an assessment.

3. Providing individualized instruction in the content knowledge and skills assessed, without suspending the school's regular program of curricula, for a student who scores Level 1 or Level 2 on a prior administration of an assessment or a student who, through a diagnostic assessment administered by the school district, is identified as having a deficiency in the content knowledge and skills assessed.

4. Administering a practice assessment or engaging in other assessment-preparation activities that are determined necessary to familiarize students with the organization of the assessment, the format of assessment items, and the assessment directions or that are otherwise necessary for the valid and reliable administration of the assessment, as set forth in rules adopted by the State Board of Education with specific reference to this paragraph.

~~(g)(h)~~ Contracts for assessments.—

1. The commissioner shall provide for the assessments to be developed or obtained, as appropriate, through contracts and project agreements with private vendors, public vendors, public agencies, postsecondary educational institutions, or school districts. The commissioner may enter into contracts for the continued administration of the assessments authorized and funded by the Legislature. Contracts may be initiated in 1 fiscal year and continue into the next fiscal year and may be paid from the appropriations of either or both fiscal years. The commissioner may negotiate for the sale or lease of tests, scoring protocols, test scoring services, and related materials developed pursuant to law.

2. *A student's performance results on statewide, standardized assessments, EOC assessments, and Florida Alternative Assessments administered pursuant to this subsection must be provided to the student's teachers and parents by the end of the school year, unless the commissioner determines that extenuating circumstances exist and reports the extenuating circumstances to the State Board of Education. This subparagraph does not apply to existing contracts for such assessments, but shall apply to new contracts and any renewal of existing contracts for such assessments.*

3. *If liquidated damages are applicable, the department shall collect liquidated damages that are due in response to the administration of the spring 2015 computer-based assessments of the department's Florida Standards Assessment contract with American Institutes for Research, and expend the funds to reimburse parties that incurred damages.*

~~(4) SCHOOL PARTICIPATION IN THE STATEWIDE, STANDARDIZED ASSESSMENT PROGRAM PROGRAMS.—Each public school shall participate in the statewide, standardized assessment program in accordance with the assessment and reporting schedules and the minimum and recommended technology requirements published by the Commissioner of Education. District school boards shall not establish school calendars that conflict with or jeopardize implementation of the assessment program. All district school boards shall report assessment results using as required by the state management information system. Performance data shall be analyzed and reported to parents, the community, and the state. Student performance data shall be used by districts in developing objectives for the school improvement plan, evaluating instructional personnel and administrative personnel, assigning staff, allocating resources, acquiring instructional materials and technology, implementing performance-based budgeting, and promoting and assigning students to educational programs. The analysis of student performance data must also identify strengths and needs in the educational program and trends over time. The analysis must be used in conjunction with the budgetary planning processes developed pursuant to s. 1008.385 and the development of remediation programs.~~

~~(6) LOCAL ASSESSMENT OF STUDENT PERFORMANCE ON STATE STANDARDS ASSESSMENTS.—~~

~~(a) Measurement of student performance is the responsibility of school districts in all subjects and grade levels, except in those subjects and grade levels measured under the statewide, standardized assessment program described in this section, is the responsibility of the school districts. When available, instructional personnel must be provided with~~

information on student achievement of standards and benchmarks in order to improve instruction.

~~(b) Except for those subjects and grade levels measured under the statewide, standardized assessment program, beginning with the 2014-2015 school year, each school district shall administer for each course offered in the district a local assessment that measures student mastery of course content at the necessary level of rigor for the course. As adopted pursuant to State Board of Education rule, course content is set forth in the state standards required by s. 1003.41 and in the course description. Local assessments may include:~~

- ~~1. Statewide assessments.~~
- ~~2. Other standardized assessments, including nationally recognized standardized assessments.~~
- ~~3. Industry certification assessments.~~
- ~~4. District developed or district selected end of course assessments.~~
- ~~5. Teacher selected or principal selected assessments.~~

~~(c) Each district school board must adopt policies for selection, development, administration, and scoring of local assessments and for collection of assessment results. Local assessments implemented under subparagraphs (b)4. and 5. may include a variety of assessment formats, including, but not limited to, project based assessments, adjudicated performances, and practical application assignments. For all English Language Arts, mathematics, science, and social studies courses offered in the district that are used to meet graduation requirements under s. 1002.3105, s. 1003.4281, or s. 1003.4282 and that are not otherwise assessed by statewide, standardized assessments, the district school board must select the assessments described in subparagraphs (b)1.-4.~~

~~(b)(d) The Commissioner of Education shall identify methods to assist and support districts in measuring student performance on the state standards by maintaining a statewide the development and acquisition of assessments required under this subsection. Methods may include developing item bank banks, facilitating the sharing of developed tests or test items among school districts, acquiring assessments from state and national curriculum area organizations, and providing technical assistance in best assessment professional practices. The commissioner may discontinue the item bank if he or she determines that district participation is insufficient for its sustainability of test development based upon state adopted curriculum standards, administration, and security.~~

~~(c) Each school district shall establish schedules for the administration of any district mandated assessment and approve the schedules as an agenda item at a district school board meeting. The school district shall publish the testing schedules on its website, clearly specifying the district mandated assessments, and report the schedules to the Department of Education by October 1 of each year.~~

~~(7) ASSESSMENT SCHEDULES AND REPORTING OF RESULTS.—~~

~~(a) The Commissioner of Education shall establish schedules for the administration of statewide, standardized assessments and the reporting of student assessment results. The commissioner shall consider the observance of religious and school holidays when developing the schedules. The assessment and reporting schedules must provide the earliest possible reporting of student assessment results to the school districts, consistent with the requirements of paragraph (3)(g). Assessment results for the statewide, standardized ELA and mathematics assessments and all statewide, standardized EOC assessments must be made available no later than the week of June 8, except for results of assessments administered in the 2014-2015 school year. School districts shall administer statewide, standardized assessments in accordance with the schedule established by the commissioner.~~

~~(b) By August of each year, beginning in 2016, the commissioner shall publish on the department's website a uniform calendar that includes the assessment and reporting schedules for, at a minimum, the next 2 school years. The uniform calendar must be provided to school districts in an electronic format that allows each school district and public school to populate the calendar with, at minimum, the following information for reporting the district assessment schedules under paragraph (c):~~

- ~~1. Whether the assessment is a district-required assessment or a state-required assessment.~~
- ~~2. The specific date or dates that each assessment will be administered.~~
- ~~3. The time allotted to administer each assessment.~~
- ~~4. Whether the assessment is a computer-based assessment or a paper-based assessment.~~
- ~~5. The grade level or subject area associated with the assessment.~~
- ~~6. The date that the assessment results are expected to be available to teachers and parents.~~
- ~~7. The type of assessment, the purpose of the assessment, and the use of the assessment results.~~
- ~~8. A glossary of assessment terminology.~~
- ~~9. Estimates of average time for administering state-required and district-required assessments, by grade level.~~

~~(c) Each school district shall establish schedules for the administration of any statewide, standardized assessments and district-required assessments and approve the schedules as an agenda item at a district school board meeting. Each school district shall publish the testing schedules on its website using the uniform calendar, including all information required under paragraph (b), and submit the schedules to the Department of Education by October 1 of each year. Each public school shall publish schedules for statewide, standardized assessments and district-required assessments on its website using the uniform calendar, including all information required under paragraph (b). The uniform calendar must be included in the parent guide required by s. 1002.23(5).~~

~~(d) A school district may not schedule more than 5 percent of a student's total school hours in a school year to administer statewide, standardized assessments and district-required local assessments. The district must secure written consent from a student's parent before administering district-required local assessments that, after applicable statewide, standardized are scheduled, exceed the 5 percent test administration limit for that student under this paragraph. The 5 percent test administration limit for a student under this paragraph may be exceeded as needed to provide test accommodations that are required by an IEP or are appropriate for an English language learner who is currently receiving services in a program operated in accordance with an approved English language learner district plan pursuant to s. 1003.56. Notwithstanding this paragraph, a student may choose within a school year to take an examination or assessment adopted by State Board of Education rule pursuant to this section and ss. 1007.27, 1008.30, and 1008.44.~~

~~(e) A statewide, standardized EOC assessment must be used as the final cumulative examination for its associated course. No additional final assessment may be administered in a course with a statewide, standardized EOC assessment. A district-required local assessment may be used as the final cumulative examination for its associated course in accordance with the school district's policy.~~

~~(f) A school district must provide a student's performance results on district-required local assessments to the student's teachers and parents no later than 30 days after administering such assessments, unless the superintendent determines in writing that extenuating circumstances exist and reports the extenuating circumstances to the district school board.~~

~~(g) The State Board of Education shall adopt rules for the development of the uniform calendar that, at minimum, define terms that must be used in the calendar to describe various assessments, including the terms "summative assessment," "formative assessment," and "interim assessment."~~

Section 8. Subsection (3) of section 1008.24, Florida Statutes, is amended to read:

1008.24 Test administration and security; public records exemption.—

(3)(a) A school district may contract with qualified contractors to administer and proctor statewide, standardized assessments required under s. 1008.22 or assessments associated with Florida approved courses under s. 1003.499, as approved by the Department of Education in accordance with rules of the State Board of Education. Assessments may be administered or proctored by qualified contractors at sites that meet criteria established by rules of the State Board of Education and adopted pursuant to ss. 120.536(1) and 120.54 to implement the contracting requirements of this subsection.

(b) A school district may use district employees, such as education paraprofessionals as described in s. 1012.37, to administer and proctor statewide, standardized assessments required under s. 1008.22 or assessments associated with Florida approved courses under s. 1003.499, in accordance with this section and related rules adopted by the State Board of Education. The rules must establish training requirements that must be successfully completed by district employees prior to the employees performing duties pursuant this paragraph.

Section 9. Section 1008.25, Florida Statutes, is amended to read:

1008.25 Public school student progression; ~~student support remedial instruction~~; reporting requirements.—

(1) INTENT.—It is the intent of the Legislature that each student's progression from one grade to another be determined, in part, upon satisfactory performance in *English Language arts, social studies, reading, writing, science, and mathematics*; that district school board policies facilitate student achievement; that each student and his or her parent be informed of that student's academic progress; and that students have access to educational options that provide academically challenging coursework or accelerated instruction pursuant to s. 1002.3105.

(2) COMPREHENSIVE STUDENT PROGRESSION PLAN.—Each district school board shall establish a comprehensive plan for student progression which must provide for a student's progression from one grade to another based on the student's mastery of the standards in s. 1003.41, specifically *English language arts, mathematics, science, and social studies standards. The plan must:*

(a) *Include criteria that emphasizes student reading proficiency in kindergarten through grade 3 and provide targeted instructional support for students with identified deficiencies in English language arts, mathematics, science, and social studies. High schools shall use all available assessment results, including the results of statewide, standardized English Language Arts assessments and end-of-course assessments for Algebra I and Geometry, to advise students of any identified deficiencies and to provide appropriate postsecondary preparatory instruction before high school graduation. The results of evaluations used to monitor a student's progress in grades K-12 must be provided to the student's teacher in a timely manner and as otherwise required by law. Thereafter, evaluation results must be provided to the student's parent in a timely manner. When available, instructional personnel must be provided with information on student achievement of standards and benchmarks in order to improve instruction.*

~~(a) Provide standards for evaluating each student's performance, including how well he or she masters the performance standards approved by the State Board of Education.~~

~~(b) Provide specific levels of performance in reading, writing, science, and mathematics for each grade level, including the levels of performance on statewide assessments as defined by the commissioner, below which a student must receive remediation or be retained within an intensive program that is different from the previous year's program and that takes into account the student's learning style.~~

~~(c) Provide appropriate alternative placement for a student who has been retained 2 or more years.~~

(b)(~~d~~)1. List the student eligibility and procedural requirements established by the school district for whole-grade promotion, midyear promotion, and subject-matter acceleration that would result in a student attending a different school, pursuant to s. 1002.3105(2)(b).

2. Notify parents and students of the school district's process by which a parent may request student participation in whole-grade pro-

motion, midyear promotion, or subject-matter acceleration that would result in a student attending a different school, pursuant to s. 1002.3105(4)(b)2.

(c)(~~e~~)1. Advise parents and students that additional ACCEL options may be available at the student's school, pursuant to s. 1002.3105.

2. Advise parents and students to contact the principal at the student's school for information related to student eligibility requirements for whole-grade promotion, midyear promotion, and subject-matter acceleration when the promotion or acceleration occurs within the principal's school; virtual instruction in higher grade level subjects; and any other ACCEL options offered by the principal, pursuant to s. 1002.3105(2)(a).

3. Advise parents and students to contact the principal at the student's school for information related to the school's process by which a parent may request student participation in whole-grade promotion, midyear promotion, and subject-matter acceleration when the promotion or acceleration occurs within the principal's school; virtual instruction in higher grade level subjects; and any other ACCEL options offered by the principal, pursuant to s. 1002.3105(4)(b)1.

(d)(~~f~~) Advise parents and students of the early graduation options under s. 1003.4281.

(e)(~~g~~) List, or incorporate by reference, all dual enrollment courses contained within the dual enrollment articulation agreement established pursuant to s. 1007.271(21).

(f)(~~h~~) Provide instructional sequences by which students in kindergarten through high school may attain progressively higher levels of skill in the use of digital tools and applications. The instructional sequences must include participation in curricular and instructional options and the demonstration of competence of standards required pursuant to ss. 1003.41 and 1003.4203 through attainment of industry certifications and other means of demonstrating credit requirements identified under ss. 1002.3105, 1003.4203, and 1003.4282.

(3) ALLOCATION OF RESOURCES.—District school boards shall allocate remedial and supplemental instruction resources to students in the following priority:

(a) Students who are deficient in reading by the end of grade 3.

(b) Students who fail to meet performance levels required for promotion consistent with the district school board's plan for student progression required in paragraph (2)(b).

(4) ASSESSMENT AND SUPPORT REMEDIATION.—

(a) Each student must participate in the statewide, standardized assessment program required by s. 1008.22. Each student who does not ~~achieve a meet specific levels of performance on the required assessments as determined by the district school board or who scores below Level 3 or above on the statewide, standardized Reading assessment or, upon implementation, the English Language Arts assessment, or on the statewide, standardized Mathematics assessment, or assessments in grades 3 through 8 and the Algebra I EOC assessment must be evaluated provided with additional diagnostic assessments to determine the nature of the student's difficulty, the areas of academic need, and strategies for providing academic supports to improve the student's performance appropriate intervention and instruction as described in paragraph (b).~~

(b) ~~The school in which the student is enrolled must develop, in consultation with the student's parent, and must implement a progress monitoring plan. A progress monitoring plan is intended to provide the school district and the school flexibility in meeting the academic needs of the student and to reduce paperwork. A student who is not meeting the school district or state requirements for satisfactory performance in English Language Arts and mathematics must proficiency in reading and mathematics shall be covered by one of the following plans to target instruction and identify ways to improve his or her academic achievement:~~

1. A federally required student plan such as an individual education plan;

2. A schoolwide system of progress monitoring for all students, *except a student who scores Level 4 or above on the English Language Arts and mathematics assessments may be exempted from participation by the principal*; or
3. An individualized progress monitoring plan.

~~The plan chosen must be designed to assist the student or the school in meeting state and district expectations for proficiency. If the student has been identified as having a deficiency in reading, the K-12 comprehensive reading plan required by s. 1011.62(9) shall include instructional and support services to be provided to meet the desired levels of performance. District school boards may require low-performing students to attend remediation programs held before or after regular school hours or during the summer if transportation is provided.~~

~~(c) Upon subsequent evaluation, if the documented deficiency has not been remediated, the student may be retained. Each student who does not meet the minimum performance expectations defined by the Commissioner of Education for the statewide assessment tests in reading, writing, science, and mathematics must continue to be provided with remedial or supplemental instruction until the expectations are met or the student graduates from high school or is not subject to compulsory school attendance.~~

(5) READING DEFICIENCY AND PARENTAL NOTIFICATION.—

(a) Any student who exhibits a substantial deficiency in reading, based upon locally determined or statewide assessments conducted in kindergarten or grade 1, grade 2, or grade 3, or through teacher observations, must be given intensive reading instruction immediately following the identification of the reading deficiency. The student's reading proficiency must be *monitored and the intensive instruction must continue until the student demonstrates grade level proficiency in a manner determined by the district, which may include achieving a Level 3 on the statewide, standardized English Language Arts assessment* ~~re-assessed by locally determined assessments or through teacher observations at the beginning of the grade following the intensive reading instruction. The student must continue to be provided with intensive reading instruction until the reading deficiency is remedied.~~

(b) *To be promoted to grade 4, a student must score a Level 2 or higher on the statewide, standardized English Language Arts assessment required under s. 1008.22 for grade 3.* If a student's reading deficiency is not remedied by the end of grade 3, as demonstrated by scoring Level 2 or higher on the statewide, standardized assessment required under s. 1008.22 for grade 3, the student must be retained.

(c) The parent of any student who exhibits a substantial deficiency in reading, as described in paragraph (a), must be notified in writing of the following:

1. That his or her child has been identified as having a substantial deficiency in reading.
2. A description of the current services that are provided to the child.
3. A description of the proposed supplemental instructional services and supports that will be provided to the child that are designed to remediate the identified area of reading deficiency.
4. That if the child's reading deficiency is not remediated by the end of grade 3, the child must be retained unless he or she is exempt from mandatory retention for good cause.
5. Strategies for parents to use in helping their child succeed in reading proficiency.
6. That the *statewide, standardized English Language Arts assessment* ~~Florida Comprehensive Assessment Test (FCAT)~~ is not the sole determiner of promotion and that additional evaluations, portfolio reviews, and assessments are available to the child to assist parents and the school district in knowing when a child is reading at or above grade level and ready for grade promotion.
7. The district's specific criteria and policies for a portfolio as provided in subparagraph (6)(b)4. and the evidence required for a student to demonstrate mastery of Florida's academic standards for English Language Arts. A parent of a student in grade 3 who is identified anytime

during the year as being at risk of retention may request that the school immediately begin collecting evidence for a portfolio.

8. The district's specific criteria and policies for midyear promotion. Midyear promotion means promotion of a retained student at any time during the year of retention once the student has demonstrated ability to read at grade level.

(6) ELIMINATION OF SOCIAL PROMOTION.—

(a) No student may be assigned to a grade level based solely on age or other factors that constitute social promotion.

(b) The district school board may only exempt students from mandatory retention, as provided in paragraph (5)(b), for good cause. A student who is promoted to grade 4 with a good cause exemption shall be provided intensive reading instruction and intervention that include specialized diagnostic information and specific reading strategies to meet the needs of each student so promoted. The school district shall assist schools and teachers with the implementation of reading strategies for students promoted with a good cause exemption which research has shown to be successful in improving reading among students who have reading difficulties. Good cause exemptions are limited to the following:

1. Limited English proficient students who have had less than 2 years of instruction in an English for Speakers of Other Languages program *based on the initial date of entry into a school in the United States.*

2. Students with disabilities whose individual education plan indicates that participation in the statewide assessment program is not appropriate, consistent with the requirements of s. 1008.212.

3. Students who demonstrate an acceptable level of performance on an alternative standardized reading or English Language Arts assessment approved by the State Board of Education.

4. A student who demonstrates through a student portfolio that he or she is performing at least at Level 2 on the statewide, standardized ~~Reading assessment or, upon implementation, the~~ English Language Arts assessment.

5. Students with disabilities who take the statewide, standardized ~~Reading assessment or, upon implementation, the~~ English Language Arts assessment and who have an individual education plan or a Section 504 plan that reflects that the student has received intensive ~~instruction remediation~~ in reading or English Language Arts for more than 2 years but still demonstrates a deficiency and was previously retained in kindergarten, grade 1, grade 2, or grade 3.

6. Students who have received intensive reading intervention for 2 or more years but still demonstrate a deficiency in reading and who were previously retained in kindergarten, grade 1, grade 2, or grade 3 for a total of 2 years. A student may not be retained more than once in grade 3.

7. Students who have received intensive remediation in reading or English Language Arts for 2 or more years but still demonstrate a deficiency and who were previously retained in kindergarten, grade 1, grade 2, or grade 3 for a total of 2 years. Intensive instruction for students so promoted must include an altered instructional day that includes specialized diagnostic information and specific reading strategies for each student. The district school board shall assist schools and teachers to implement reading strategies that research has shown to be successful in improving reading among low-performing readers.

(c) Requests for good cause exemptions for students from the mandatory retention requirement as described in subparagraphs (b)3. and 4. shall be made consistent with the following:

1. Documentation shall be submitted from the student's teacher to the school principal that indicates that the promotion of the student is appropriate and is based upon the student's academic record. In order to minimize paperwork requirements, such documentation shall consist only of the existing progress monitoring plan, individual educational plan, if applicable, report card, or student portfolio.

2. The school principal shall review and discuss such recommendation with the teacher and make the determination as to whether the student should be promoted or retained. If the school principal determines that the student should be promoted, the school principal shall make such recommendation in writing to the district school superintendent. The district school superintendent shall accept or reject the school principal's recommendation in writing.

(7) SUCCESSFUL PROGRESSION FOR RETAINED THIRD GRADE STUDENTS.—

(a) Students retained under the provisions of paragraph (5)(b) must be provided intensive interventions in reading to ameliorate the student's specific reading deficiency, as identified by a valid and reliable diagnostic assessment. This intensive intervention must include effective instructional strategies, participation in the school district's summer reading camp, and appropriate teaching methodologies necessary to assist those students in becoming successful readers, able to read at or above grade level, and ready for promotion to the next grade.

(b) Each school district shall:

1. Provide third grade students who are retained under the provisions of paragraph (5)(b) with intensive instructional services and supports to remediate the identified areas of reading deficiency, including participation in the school district's summer reading camp as required under paragraph (a) and a minimum of 90 minutes of daily, uninterrupted, scientifically research-based reading instruction which includes phonemic awareness, phonics, fluency, vocabulary, and comprehension and other strategies prescribed by the school district, which may include, but are not limited to:

- a. Integration of science and social studies content within the 90-minute block.
- b. Small group instruction.
- c. Reduced teacher-student ratios.
- d. More frequent progress monitoring.
- e. Tutoring or mentoring.
- f. Transition classes containing 3rd and 4th grade students.
- g. Extended school day, week, or year.

2. Provide written notification to the parent of a student who is retained under the provisions of paragraph (5)(b) that his or her child has not met the proficiency level required for promotion and the reasons the child is not eligible for a good cause exemption as provided in paragraph (6)(b). The notification must comply with the provisions of s. 1002.20(15) and must include a description of proposed interventions and supports that will be provided to the child to remediate the identified areas of reading deficiency.

3. Implement a policy for the midyear promotion of a student retained under the provisions of paragraph (5)(b) who can demonstrate that he or she is a successful and independent reader and performing at or above grade level in reading or, upon implementation of English Language Arts assessments, performing at or above grade level in English Language Arts. Tools that school districts may use in reevaluating a student retained may include subsequent assessments, alternative assessments, and portfolio reviews, in accordance with rules of the State Board of Education. *Students promoted during the school year after November 1 must demonstrate proficiency levels in reading equivalent to the level necessary for the beginning of grade 4. The rules adopted by the State Board of Education must include standards that provide a reasonable expectation that the student's progress is sufficient to master appropriate grade 4 level reading skills.*

4. Provide students who are retained under the provisions of paragraph (5)(b) with a highly effective teacher as determined by the teacher's performance evaluation under s. 1012.34.

5. Establish at each school, when applicable, an Intensive Acceleration Class for retained grade 3 students who subsequently score Level 1 on the required statewide, standardized assessment identified in s. 1008.22. The focus of the Intensive Acceleration Class shall be to in-

crease a child's reading and English Language Arts skill level at least two grade levels in 1 school year. The Intensive Acceleration Class shall:

a. Be provided to a student in grade 3 who scores Level 1 on the statewide, standardized ~~Reading assessment or, upon implementation, the English Language Arts assessment~~ and who was retained in grade 3 the prior year because of scoring Level 1.

b. Have a reduced teacher-student ratio.

c. Provide uninterrupted reading instruction for the majority of student contact time each day and incorporate opportunities to master the grade 4 Next Generation Sunshine State Standards in other core subject areas.

d. Use a reading program that is scientifically research-based and has proven results in accelerating student reading achievement within the same school year.

e. Provide intensive language and vocabulary instruction using a scientifically research-based program, including use of—a speech-language therapist.

(8) ANNUAL REPORT.—

(a) In addition to the requirements in paragraph (5)(b), each district school board must annually report to the parent of each student the progress of the student toward achieving state and district expectations for proficiency in *English Language Arts*, ~~reading, writing~~, science, *social studies*, and mathematics. The district school board must report to the parent the student's results on each statewide, *standardized* assessment ~~test~~. The evaluation of each student's progress must be based upon the student's classroom work, observations, tests, district and state assessments, and other relevant information. Progress reporting must be provided to the parent in writing in a format adopted by the district school board.

(b) Each district school board must annually publish on the district website and in the local newspaper the following information on the prior school year:

1. The provisions of this section relating to public school student progression and the district school board's policies and procedures on student retention and promotion.

2. By grade, the number and percentage of all students in grades 3 through 10 performing at Levels 1 and 2 on the *statewide, standardized English Language Arts assessment* ~~reading portion of the FCAT~~.

3. By grade, the number and percentage of all students retained in *kindergarten* ~~grades 3~~ through grade 10.

4. Information on the total number of students who were promoted for good cause, by each category of good cause as specified in paragraph (6)(b).

5. Any revisions to the district school board's *policies and procedures* ~~policy~~ on student retention and promotion from the prior year.

(9) RULEMAKING.—The State Board of Education shall adopt rules pursuant to ss. 120.536(1) and 120.54 for the administration of this section.

Section 10. Subsection (3) of section 1008.30, Florida Statutes, is amended to read:

1008.30 Common placement testing for public postsecondary education.—

~~(3) The State Board of Education shall adopt rules that require high schools to evaluate before the beginning of grade 12 the college readiness of each student who scores Level 2 or Level 3 on grade 10 FCAT Reading or the English Language Arts assessment under s. 1008.22, as applicable, or Level 2, Level 3, or Level 4 on the Algebra I assessment under s. 1008.22. High schools shall perform this evaluation using results from the corresponding component of the common placement test prescribed in this section, or an alternative test identified by the State Board of Education. The high school shall use the results of the test to advise the students of any identified deficiencies and to provide 12th grade stu-~~

dents, and require them to complete, appropriate postsecondary preparatory instruction before high school graduation. The curriculum provided under this subsection shall be identified in rule by the State Board of Education and encompass Florida's Postsecondary Readiness Competencies. Other elective courses may not be substituted for the selected postsecondary mathematics, reading, writing, or English Language Arts preparatory course unless the elective course covers the same competencies included in the postsecondary mathematics, reading, writing, or English Language Arts preparatory course.

Section 11. Subsection (7) of section 1008.34, Florida Statutes, is amended to read:

1008.34 School grading system; school report cards; district grade.—

(7) TRANSITION.—School grades pursuant to this section and school improvement ratings pursuant to s. 1008.341 for the 2013-2014 school year shall be calculated based on statutes and rules in effect on June 30, 2014. To assist in the transition to 2014-2015 school grades and school improvement ratings, calculated based on new statewide, standardized assessments administered pursuant to s. 1008.22, the 2014-2015 school grades and school improvement ratings shall serve as an informational baseline for schools to work toward improved performance in future years. Accordingly, notwithstanding any other provision of law:

(a) A school may not be required to select and implement a turnaround option pursuant to s. 1008.33 in the 2015-2016 school year based on the school's 2014-2015 grade or school improvement rating under s. 1008.341, as applicable. *The benefits of s. 1008.33(4)(c), relating to a school being released from implementation of the turnaround option, and s. 1008.33(4)(d), relating to a school implementing strategies identified in its school improvement plan, apply to a school using turnaround options pursuant to s. 1008.33 which improves at least one letter grade during the 2014-2015 school year.*

(b)1. A school or approved provider under s. 1002.45 which ~~that~~ receives the same or a lower school grade or school improvement rating for the 2014-2015 school year compared to the 2013-2014 school year is not subject to sanctions or penalties that would otherwise occur as a result of the 2014-2015 school grade or rating. A charter school system or a school district designated as high performing may not lose the designation based on the 2014-2015 school grades of any of the schools within the charter school system or school district, as applicable.

2. The Florida School Recognition Program established under s. 1008.36 shall continue to be implemented as otherwise provided in the General Appropriations Act.

(c) *Until such time as an independent verification of the psychometric validity of the statewide, standardized assessments first implemented in 2014-2015 is provided, for purposes of determining grade 3 English Language Arts student performance retention pursuant to s. 1008.25(5) and high school graduation requirements pursuant to s. 1003.4282, student performance on the 2014-2015 statewide, standardized assessments shall be linked to 2013-2014 student performance expectations. Students who score in the bottom quintile on the 2014-2015 grade 3 English Language Arts assessment shall be identified as students at risk of retention. School districts must notify parents of such students, provide evidence as outlined in s. 1008.25(6)(b), and provide the appropriate intervention and support services for student success in grade 4.*

(d)1. *An independent verification of the psychometric validity of the statewide, standardized assessments first implemented in 2014-2015 must be completed before the 2014-2015 school grades results may be published and before the student performance data resulting from such assessments may be used for purposes of instructional personnel and school administrator evaluations.*

2. *The independent entity must be selected by a panel consisting of one member appointed by the Governor, one member appointed by the President of the Senate, and one member appointed by the Speaker of the House of Representatives. In selecting the independent entity, the panel must consider, at a minimum:*

- a. *The national reputation and length of establishment of the entity;*
- b. *The experience and expertise of the independent entity in validating such data; and*

c. *The use of professional standards, codes, and guidelines that address applicable practices in the profession, such as the Standards for Educational and Psychological Testing.*

3. *The panel must select the independent entity no later than June 1, 2015. Upon selection of the independent entity, the Department of Education shall immediately contract with the independent entity to perform the independent verification, which must be completed by September 1, 2015. This paragraph is repealed December 31, 2015.*

This subsection is repealed July 1, 2017.

Section 12. Effective July 1, 2016, subsection (6) is added to section 1008.36, Florida Statutes, to read:

1008.36 Florida School Recognition Program.—

(6) *In addition to funds provided pursuant to subsection (4), Title I high schools that receive a school grade of "A" or "B," beginning with school grades for the 2015-2016 school year, and that have a student population at least 65 percent of which is eligible for free or reduced-price meals under the National School Lunch Act shall receive financial awards depending on the availability of funds appropriated and the number and size of schools selected to receive an award.*

Notwithstanding statutory provisions to the contrary, incentive awards are not subject to collective bargaining.

Section 13. Section 1012.34, Florida Statutes, is amended to read:

1012.34 Personnel evaluation procedures and criteria.—

(1) EVALUATION SYSTEM APPROVAL AND REPORTING.—

(a) For the purpose of increasing student academic performance by improving the quality of instructional, administrative, and supervisory services in the public schools of the state, the district school superintendent shall establish procedures for evaluating the performance of duties and responsibilities of all instructional, administrative, and supervisory personnel employed by the school district. The district school superintendent shall provide instructional personnel the opportunity to review their class rosters for accuracy and to correct any mistakes. The district school superintendent shall report accurate class rosters for the purpose of calculating district and statewide student performance and annually report the evaluation results of instructional personnel and school administrators to the Department of Education in addition to the information required under subsection (5).

(b) The department must approve each school district's instructional personnel and school administrator evaluation systems. The department shall monitor each district's implementation of its instructional personnel and school administrator evaluation systems for compliance with the requirements of this section and s. 1012.3401.

(c) Annually, by February ~~December~~ 1, the Commissioner of Education shall ~~publish on the department's website report to the Governor, the President of the Senate, and the Speaker of the House of Representatives the approval and implementation status of each school district's instructional personnel and school administrator evaluation systems. This information must~~ ~~The report shall~~ include:

1. Performance evaluation results for the prior school year for instructional personnel and school administrators using the four levels of performance specified in paragraph (2)(e). The performance evaluation results for instructional personnel shall be disaggregated by classroom teachers, as defined in s. 1012.01(2)(a), excluding substitute teachers, and all other instructional personnel, as defined in s. 1012.01(2)(b)–(d).

2. ~~An analysis that compares performance evaluation results calculated by each school district to indicators of performance calculated by the department using the standards for performance levels adopted by the state board under subsection (8). The commissioner shall include in the report each district's performance level standards established under subsection (7), a comparative analysis of the district's student academic performance results and evaluation results,~~

3. ~~Data reported under s. 1012.341, and the status of any evaluation system revisions requested by a school district pursuant to subsection (6).~~

(2) EVALUATION SYSTEM REQUIREMENTS.—The evaluation systems for instructional personnel and school administrators must:

(a) Be designed to support effective instruction and student learning growth, and performance evaluation results must be used when developing district and school level improvement plans.

(b) Provide appropriate instruments, procedures, *timely feedback*, and criteria for continuous quality improvement of the professional skills of instructional personnel and school administrators, and performance evaluation results must be used when identifying professional development.

(c) Include a mechanism to examine performance data from multiple sources, including opportunities for parents to provide input into employee performance evaluations when appropriate.

(d) Identify those teaching fields for which special evaluation procedures and criteria are necessary.

(e) Differentiate among four levels of performance as follows:

1. Highly effective.
2. Effective.
3. Needs improvement or, for instructional personnel in the first 3 years of employment who need improvement, developing.
4. Unsatisfactory.

~~The Commissioner of Education shall consult with experts, instructional personnel, school administrators, and education stakeholders in developing the criteria for the performance levels.~~

(f) Provide for training *and monitoring* programs ~~that are~~ based upon guidelines provided by the department to ensure that all individuals with evaluation responsibilities understand the proper use of the evaluation criteria and procedures.

~~(g) Include a process for monitoring and evaluating the effective and consistent use of the evaluation criteria by employees with evaluation responsibilities.~~

~~(h) Include a process for monitoring and evaluating the effectiveness of the system itself in improving instruction and student learning.~~

In addition, each district school board may establish a peer assistance process. This process may be a part of the regular evaluation system or used to assist employees placed on performance probation, newly hired classroom teachers, or employees who request assistance.

(3) EVALUATION PROCEDURES AND CRITERIA.—Instructional personnel and school administrator performance evaluations must be based upon the performance of students assigned to their classrooms or schools, as provided in this section. Pursuant to this section, a school district's performance evaluation *system* is not limited to basing unsatisfactory performance of instructional personnel and school administrators solely upon student performance, but may include other criteria ~~approved~~ to evaluate instructional personnel and school administrators' performance, or any combination of student performance and other ~~approved~~ criteria. Evaluation procedures and criteria must comply with, but are not limited to, the following:

(a) A performance evaluation must be conducted for each employee at least once a year, except that a classroom teacher, as defined in s. 1012.01(2)(a), excluding substitute teachers, who is newly hired by the district school board must be observed and evaluated at least twice in the first year of teaching in the school district. The performance evaluation must be based upon sound educational principles and contemporary research in effective educational practices. The evaluation criteria must include:

1. Performance of students.—At least ~~one-third~~ ~~50 percent~~ of a performance evaluation must be based upon data and indicators of student ~~performance learning growth assessed annually by statewide assessments or, for subjects and grade levels not measured by statewide assessments, by school district assessments as provided in s. 1008.22(6).~~ Each school district must use the formula adopted pursuant to para-

~~graph (7)(a) for measuring student learning growth in all courses associated with statewide assessments and must select an equally appropriate formula for measuring student learning growth for all other grades and subjects, except as otherwise provided in accordance with subsection (7).~~

~~a. For classroom teachers, as defined in s. 1012.01(2)(a), excluding substitute teachers, the student learning growth~~ This portion of the evaluation must include growth or achievement data of the teacher's students or, for a school administrator, the students attending the school for students assigned to the teacher over the course of at least 3 years. If less than 3 years of data are available, the years for which data are available must be used. *The proportion of growth or achievement data may be determined by instructional assignment and the percentage of the evaluation based upon student learning growth may be reduced to not less than 40 percent.*

~~b. For instructional personnel who are not classroom teachers, the student learning growth portion of the evaluation must include growth data on statewide assessments for students assigned to the instructional personnel over the course of at least 3 years, or may include a combination of student learning growth data and other measurable student outcomes that are specific to the assigned position, provided that the student learning growth data accounts for not less than 30 percent of the evaluation. If less than 3 years of student growth data are available, the years for which data are available must be used and the percentage of the evaluation based upon student learning growth may be reduced to not less than 20 percent.~~

~~c. For school administrators, the student learning growth portion of the evaluation must include growth data for students assigned to the school over the course of at least 3 years. If less than 3 years of data are available, the years for which data are available must be used and the percentage of the evaluation based upon student learning growth may be reduced to not less than 40 percent.~~

2. Instructional practice.—*For instructional personnel, at least one-third of the performance evaluation must be based upon instructional practice.* Evaluation criteria used when annually observing classroom teachers, as defined in s. 1012.01(2)(a), excluding substitute teachers, must include indicators based upon each of the Florida Educator Accomplished Practices adopted by the State Board of Education. For instructional personnel who are not classroom teachers, evaluation criteria must be based upon indicators of the Florida Educator Accomplished Practices and may include specific job expectations related to student support.

3. Instructional leadership.—*For school administrators, at least one-third of the performance evaluation must be based on instructional leadership.* Evaluation criteria for *instructional leadership* must include indicators based upon each of the leadership standards adopted by the State Board of Education under s. 1012.986, including performance measures related to the effectiveness of classroom teachers in the school, the administrator's appropriate use of evaluation criteria and procedures, recruitment and retention of effective and highly effective classroom teachers, improvement in the percentage of instructional personnel evaluated at the highly effective or effective level, and other leadership practices that result in student learning growth. The system may include a means to give parents and instructional personnel an opportunity to provide input into the administrator's performance evaluation.

4. ~~Other indicators of performance~~ ~~Professional and job responsibilities~~.—*For instructional personnel and school administrators, the remainder of a performance evaluation may include, but is not limited to, For instructional personnel and school administrators, other professional and job responsibilities must be included as recommended adopted by the State Board of Education or identified by the district school board and, for instructional personnel, peer reviews, objectively reliable survey information from students and parents based on teaching practices that are consistently associated with higher student achievement, and other valid and reliable measures of instructional practice. The district school board may identify additional professional and job responsibilities.*

(b) All personnel must be fully informed of the criteria, *data sources, methodologies,* and procedures associated with the evaluation process before the evaluation takes place.

(c) The individual responsible for supervising the employee must evaluate the employee's performance. The evaluation system may provide for the evaluator to consider input from other personnel trained under *subsection (2) paragraph (2)(f)*. The evaluator must submit a written report of the evaluation to the district school superintendent for the purpose of reviewing the employee's contract. The evaluator must submit the written report to the employee no later than 10 days after the evaluation takes place. The evaluator must discuss the written evaluation report with the employee. The employee shall have the right to initiate a written response to the evaluation, and the response shall become a permanent attachment to his or her personnel file.

(d) The evaluator may amend an evaluation based upon assessment data from the current school year if the data becomes available within 90 days after the close of the school year. The evaluator must then comply with the procedures set forth in paragraph (c).

(4) **NOTIFICATION OF UNSATISFACTORY PERFORMANCE.**—If an employee who holds a professional service contract as provided in s. 1012.33 is not performing his or her duties in a satisfactory manner, the evaluator shall notify the employee in writing of such determination. The notice must describe such unsatisfactory performance and include notice of the following procedural requirements:

(a) Upon delivery of a notice of unsatisfactory performance, the evaluator must confer with the employee who holds a professional service contract, make recommendations with respect to specific areas of unsatisfactory performance, and provide assistance in helping to correct deficiencies within a prescribed period of time.

(b)1. The employee who holds a professional service contract shall be placed on performance probation and governed by the provisions of this section for 90 calendar days following the receipt of the notice of unsatisfactory performance to demonstrate corrective action. School holidays and school vacation periods are not counted when calculating the 90-calendar-day period. During the 90 calendar days, the employee who holds a professional service contract must be evaluated periodically and apprised of progress achieved and must be provided assistance and in-service training opportunities to help correct the noted performance deficiencies. At any time during the 90 calendar days, the employee who holds a professional service contract may request a transfer to another appropriate position with a different supervising administrator; however, if a transfer is granted pursuant to ss. 1012.27(1) and 1012.28(6), it does not extend the period for correcting performance deficiencies.

2. Within 14 days after the close of the 90 calendar days, the evaluator must evaluate whether the performance deficiencies have been corrected and forward a recommendation to the district school superintendent. Within 14 days after receiving the evaluator's recommendation, the district school superintendent must notify the employee who holds a professional service contract in writing whether the performance deficiencies have been satisfactorily corrected and whether the district school superintendent will recommend that the district school board continue or terminate his or her employment contract. If the employee wishes to contest the district school superintendent's recommendation, the employee must, within 15 days after receipt of the district school superintendent's recommendation, submit a written request for a hearing. The hearing shall be conducted at the district school board's election in accordance with one of the following procedures:

a. A direct hearing conducted by the district school board within 60 days after receipt of the written appeal. The hearing shall be conducted in accordance with the provisions of ss. 120.569 and 120.57. A majority vote of the membership of the district school board shall be required to sustain the district school superintendent's recommendation. The determination of the district school board shall be final as to the sufficiency or insufficiency of the grounds for termination of employment; or

b. A hearing conducted by an administrative law judge assigned by the Division of Administrative Hearings of the Department of Management Services. The hearing shall be conducted within 60 days after receipt of the written appeal in accordance with chapter 120. The recommendation of the administrative law judge shall be made to the district school board. A majority vote of the membership of the district school board shall be required to sustain or change the administrative law judge's recommendation. The determination of the district school board shall be final as to the sufficiency or insufficiency of the grounds for termination of employment.

(5) **ADDITIONAL NOTIFICATIONS.**—The district school superintendent shall annually notify the department of any instructional personnel or school administrators who receive two consecutive unsatisfactory evaluations. The district school superintendent shall also notify the department of any instructional personnel or school administrators who are given written notice by the district of intent to terminate or not renew their employment. The department shall conduct an investigation to determine whether action shall be taken against the certificateholder pursuant to s. 1012.795.

(6) **ANNUAL REVIEW OF AND REVISIONS TO THE SCHOOL DISTRICT EVALUATION SYSTEMS.**—The district school board shall establish a procedure for annually reviewing instructional personnel and school administrator evaluation systems to determine compliance with this section ~~and s. 1012.3401~~. All substantial revisions to an approved system must be reviewed and approved by the district school board before being used to evaluate instructional personnel or school administrators. Upon request by a school district, the department shall provide assistance in developing, improving, or reviewing an evaluation system.

(7) **MEASUREMENT OF STUDENT PERFORMANCE LEARNING GROWTH.**—

(a) The Commissioner of Education shall approve a formula to measure individual student learning growth on the statewide, standardized assessments in English Language Arts and mathematics administered under s. 1008.22. The formula must take into consideration each student's prior academic performance. The formula must not set different expectations for student learning growth based upon a student's gender, race, ethnicity, or socioeconomic status. In the development of the formula, the commissioner shall consider other factors such as a student's attendance record, disability status, or status as an English language learner. The commissioner ~~may~~ ~~shall~~ select additional formulas *to measure student performance* as appropriate for the remainder of the statewide, *standardized* assessments included under s. 1008.22 and continue to select formulas as new assessments are implemented in the state system. After the commissioner approves the formula to measure individual student learning growth, the State Board of Education shall adopt these formulas in rule.

(b) Each school district shall measure student learning growth using the formulas approved by the commissioner under paragraph (a) *and the standards for performance levels adopted by the state board under subsection (8) for courses associated with the statewide, standardized assessments administered under s. 1008.22 no later than the school year immediately following the year the formula is approved by the commissioner. For grades and subjects not assessed by statewide, standardized assessments* ~~but otherwise assessed as required under s. 1008.22(6)~~, each school district shall measure *student performance of students* using a methodology determined by the district. ~~The department shall provide models for measuring performance of students which school districts may adopt.~~

(c) ~~For a course that is not measured by a statewide, standardized assessment, a school district may request, through the evaluation system approval process, to use a student's achievement level rather than student learning growth if achievement is demonstrated to be a more appropriate measure of classroom teacher performance. A school district may also request to use a combination of student learning growth and achievement, if appropriate.~~

(d) ~~For a course that is not measured by a statewide, standardized assessment, a school district may request, through the evaluation system approval process, that the performance evaluation for the classroom teacher assigned to that course include the learning growth of his or her students on one or more statewide, standardized assessments. The request must clearly explain the rationale supporting the request.~~

(e) ~~For purposes of this section and only for the 2014-2015 school year, a school district may use measurable learning targets on local assessments administered under s. 1008.22(6) to evaluate the performance of students portion of a classroom teacher's evaluation for courses that are not assessed by statewide, standardized assessments. Learning targets must be approved by the school principal. A district school superintendent may assign to instructional personnel in an instructional team the student learning growth of the instructional team's students on statewide assessments. This paragraph expires July 1, 2015.~~

(8) RULEMAKING.—*No later than August 1, 2015*, the State Board of Education shall adopt rules pursuant to ss. 120.536(1) and 120.54 which establish uniform procedures *and format* for the submission, review, and approval of district evaluation systems and reporting requirements for the annual evaluation of instructional personnel and school administrators; specific, discrete standards for each performance level required under subsection (2), *based on student learning growth models approved by the commissioner*, to ensure clear and sufficient differentiation in the performance levels and to provide consistency in meaning across school districts; the measurement of student learning growth and associated implementation procedures required under subsection (7); and a process for monitoring school district implementation of evaluation systems in accordance with this section. ~~Specifically, the rules shall establish student performance levels that if not met will result in the employee receiving an unsatisfactory performance evaluation rating. In like manner, the rules shall establish a student performance level that must be met in order for an employee to receive a highly effective rating and a student learning growth standard that must be met in order for an employee to receive an effective rating.~~

(9) TRANSITION TO NEW STATEWIDE, STANDARDIZED ASSESSMENTS.—Standards for each performance level required under subsection (2) shall be established by the State Board of Education beginning with the 2015-2016 school year.

~~(10) DISTRICT BONUS REWARDS FOR PERFORMANCE PAY BASED ON EVALUATION PROGRESS.—School districts are eligible for bonus rewards as provided for in the 2014 General Appropriations Act for making outstanding progress toward educator effectiveness, including implementation of instructional personnel salaries based on performance results under s. 1012.34 and the use of local assessment results in personnel evaluations when statewide, standardized assessments are not administered.~~

Section 14. *Section 1012.3401, Florida Statutes, is repealed.*

Section 15. Subsection (10) of section 1012.98, Florida Statutes, is amended to read:

1012.98 School Community Professional Development Act.—

(10) For ~~instructional personnel teachers, managers, and administrative personnel~~ who have been evaluated as less than ~~effective satisfactory~~, a district school board shall require participation in specific professional development programs *as provided in subparagraph (4)(b)4*, as part of the improvement prescription.

Section 16. Except as otherwise expressly provided in this act, this act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to education accountability; amending s. 1001.42, F.S.; revising a requirement for the uniform opening date of public schools; amending s. 1002.20, F.S.; revising provisions relating to reading instruction to conform to changes made by the act; amending ss. 1003.4156 and 1003.4282, F.S.; deleting provisions relating to remediation for certain middle grades and high school students, respectively; amending s. 1003.4285, F.S.; revising requirements for the scholar designation on standard high school diplomas; amending s. 1003.621, F.S.; requiring that academically high-performing school districts comply with provisions relating to the uniform opening date of public schools; amending s. 1008.22, F.S.; revising the purpose of the student assessment program to include providing instructional personnel with certain information when available; revising the grade levels of students who must take the statewide, standardized English Language Arts assessment; revising provisions relating to end-of-course assessments; requiring that all students enrolled in certain courses take the statewide, standardized end-of-course assessment associated with the course; prohibiting students who take an end-of-course assessment for a course from taking other specified assessments; requiring computer-based testing for certain assessments during specified school years; requiring that paper-based accommodations be made available for certain students; providing for use of certain assessment results for students; requiring that a student's performance results on certain assessments be provided to the student's teachers and parents within a specified time after administration of the assessments; providing for liquidated da-

gages; revising provisions relating to local assessments administered by school districts; requiring that certain information relating to student achievement be provided to instructional personnel when available; requiring that all end-of-course assessment results be reported annually by a specified date; providing an exemption for the 2014-2015 school year; requiring the Commissioner of Education to annually publish a uniform calendar for assessment and reporting on the Department of Education's website; requiring each school district to establish assessment schedules, approve such schedules at a district school board meeting, and publish such schedules on the district's website; requiring each public school to publish such schedules on the school's website; providing that certain assessments replace final assessments in certain courses; requiring teachers and parents to be provided with results of district-required local assessments in a timely manner; requiring rule-making relating to the uniform calendar; amending s. 1008.24, F.S.; authorizing a school district to use district employees to administer and proctor specified assessments; providing minimum requirements for State Board of Education rules regarding the training of such employees; amending s. 1008.25, F.S.; deleting requirements for the comprehensive student progression plan; requiring each district school board to adopt criteria for student grade-level progression; revising provisions relating to support for certain students and student promotion from grade 3 to grade 4; requiring that certain information relating to student achievement be provided to instructional personnel when available; providing for intensive instruction for certain students; revising reporting requirements; amending s. 1008.30, F.S.; deleting a requirement for certain students to be evaluated for college readiness; amending s. 1008.34, F.S.; adding references to school improvement ratings to provisions regarding the school grading system; specifying applicability of certain accountability measures to schools using turnaround options; requiring that students who score in the bottom quintile on the 2014-2015 grade 3 English Language Arts assessment be identified as students at risk of retention; requiring that each school district notify such students' parents, provide evidence, and provide intervention and support services; requiring an independent verification of the psychometric validity of statewide, standardized assessments before school grades results may be published and before student performance data may be used for purposes of instructional personnel and school administrator evaluations; requiring that a panel select an independent entity based on criteria; requiring that the Department of Education contract with the entity; providing for future repeal; amending s. 1008.36, F.S.; providing additional funds to certain schools through the Florida School Recognition Program under certain conditions; amending s. 1012.34, F.S.; revising reporting requirements relating to school district personnel evaluation systems; revising evaluation criteria and requirements; revising provisions relating to the measurement of student performance; deleting provisions relating to district bonus rewards for performance pay based on evaluation progress; repealing s. 1012.3401, F.S., relating to requirements for measuring student performance in instructional personnel and school administrator performance evaluations and performance evaluation of personnel for purposes of performance salary schedule; amending s. 1012.98, F.S.; revising provisions relating to personnel evaluation for purposes of professional development; providing effective dates.

Pursuant to Rule 7.1(1), there being no objection, consideration of the following late-filed amendments was allowed:

Senator Bullard moved the following amendments to **Amendment 1 (211438)** which failed:

Amendment 1A (606982) (with title amendment)—Between lines 454 and 455 insert:

(h) Norm-referenced tests.—In lieu of administering a statewide, standardized assessment, a school district may administer any national norm-referenced test that is administered to students enrolled in any charter school, private school, or home education program for purposes of assessing school district student academic achievement and other accountability measures.

And the title is amended as follows:

Delete line 1614 and insert: liquidated damages; authorizing school districts to administer national norm-referenced tests in lieu of the statewide, standardized assessments; revising provisions relating to

Amendment 1B (284376) (with title amendment)—Between lines 624 and 625 insert:

Section 8. Section 1008.222, Florida Statutes, is created to read:

1008.222 Administration of assessments.—Notwithstanding any other provision of law, the department shall provide an option for a parent of a student to elect to have a statewide, standardized assessment required under s. 1008.22 administered to the student in a hard copy format in a school district until the school district's technology infrastructure, connectivity, and capacity have been load tested; independently verified as appropriate, adequate, efficient, and sustainable; and certified by the district school superintendent as ready for the successful deployment of online assessments.

And the title is amended as follows:

Between lines 1633 and 1634 insert: creating s. 1008.222, F.S.; requiring the Department of Education to provide an option for a parent of a student to elect to have specified assessments administered to the student in a hard copy format in a school district until certain criteria have been satisfied by the school district;

Amendment 1C (658668) (with title amendment)—Delete lines 1078-1086 and insert:

(7) TRANSITION.—School grades pursuant to this section and school improvement ratings pursuant to s. 1008.341 for the 2013-2014 school year shall be calculated based on statutes and rules in effect on June 30, 2014. To assist in the transition to 2014-2015 school grades and school improvement ratings, calculated based on new statewide, standardized assessments administered pursuant to s. 1008.22, the 2014-2015 school grades and school improvement ratings shall serve as an informational baseline for schools to work toward improved performance in future years. *Notwithstanding any other provision of law, the 2014-2015 school year shall be considered an implementation year for the new statewide, standardized assessments. Learning gains data from 2014-2015 test scores may not be used in the calculation of school grades, school improvement grades, district grades, or personnel performance evaluations pursuant to s. 1012.34 if such use would result in a lower grade or level of performance than the grade or level of performance which would result without the use of learning gains data.*

And the title is amended as follows:

Delete line 1653 and insert: grading system; designating the 2014-2015 school year as an implementation year for the new statewide, standardized assessments; prohibiting the use of learning gains data from 2014-2015 test scores under specified circumstances; specifying applicability of certain

The vote was:

Yeas—14

Abruzzo	Hays	Sachs
Braynon	Joyner	Smith
Bullard	Lee	Soto
Clemens	Margolis	Thompson
Gibson	Montford	

Nays—22

Mr. President	Diaz de la Portilla	Legg
Altman	Evers	Negron
Bean	Flores	Richter
Benacquisto	Gaetz	Simmons
Bradley	Galvano	Simpson
Brandes	Garcia	Stargel
Dean	Grimsley	
Detert	Hukill	

Pursuant to Rule 7.1(1), there being no objection, consideration of the following late-filed amendment was allowed:

Senator Gaetz moved the following amendment to **Amendment 1 (211438)** which was adopted:

Amendment 1D (972844) (with title amendment)—Delete lines 1152-1165.

And the title is amended as follows:

Delete lines 1669-1686 and insert: providing for future repeal; amending s. 1012.34, F.S.; revising reporting requirements relating to school district personnel evaluation systems; revising evaluation criteria and requirements; revising provisions relating to the measurement of student performance; deleting provisions relating to district bonus rewards for performance pay based on evaluation progress; repealing s. 1012.3401, F.S., relating to requirements for measuring student performance in instructional personnel and school administrator performance evaluations and performance evaluation of personnel for purposes of performance salary schedule; amending s. 1012.98, F.S.; revising provisions relating to personnel evaluation for purposes of professional development; providing an effective date.

Amendment 1 (211438) as amended was adopted.

On motion by Senator Legg, by two-thirds vote **CS for HB 7069** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

Mr. President	Flores	Legg
Abruzzo	Gaetz	Montford
Altman	Galvano	Negron
Bean	Garcia	Richter
Benacquisto	Gibson	Sachs
Bradley	Grimsley	Simmons
Brandes	Hays	Simpson
Braynon	Hukill	Smith
Dean	Joyner	Soto
Detert	Latvala	Stargel
Diaz de la Portilla	Lee	

Nays—4

Bullard	Clemens	Margolis
Thompson		

Vote after roll call:

Yea—Evers

On motion by Senator Simmons—

SB 408—A bill to be entitled An act relating to designated areas for skateboarding, inline skating, paintball, or freestyle or mountain and off-roading bicycling; amending s. 316.0085, F.S.; deleting the requirement that a governmental entity that provides a designated area for skateboarding, inline skating, or freestyle bicycling obtain the written consent of the parent or legal guardian of a child under a certain age before allowing the child to participate in these activities in such area; requiring the governmental entity to post a rule indicating that consent forms are required for children under a certain age before participation in paintball or mountain and off-road bicycling; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 408** was placed on the calendar of Bills on Third Reading.

CS for SB 260—A bill to be entitled An act relating to value adjustment board proceedings; amending s. 194.011, F.S.; requiring the clerk of the value adjustment board to have available and distribute specified forms; authorizing the owner of multiple tangible personal property accounts to file a single joint petition with the value adjustment board under certain circumstances; requiring the property appraiser to include the property record card in an evidence list for a value adjustment board hearing under certain circumstances; amending s. 194.013, F.S.; providing that only a single filing fee may be charged for specified petitions

to the value adjustment board with respect to real property or tangible personal property accounts; reenacting s. 196.011(6)(a) and (8), F.S., relating to applications for certain tax exemptions, to incorporate the amendment made to s. 194.011, F.S., in references thereto; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 260**, pursuant to Rule 3.11(3), there being no objection, **CS for HB 489** was withdrawn from the Committees on Community Affairs; Finance and Tax; and Fiscal Policy.

On motion by Senator Bradley—

CS for HB 489—A bill to be entitled An act relating to value adjustment board proceedings; amending s. 194.011, F.S.; requiring the clerk of the value adjustment board to have available and distribute specified forms; authorizing the owner of multiple tangible personal property accounts to file a single joint petition with the value adjustment board under certain circumstances; requiring the property appraiser to include the property record card in the evidence list for a value adjustment board hearing under certain circumstances; amending s. 194.013, F.S.; providing that only a single filing fee may be charged for specified petitions to the value adjustment board with respect to real property parcels or tangible personal property accounts; reenacting s. 196.011(6)(a) and (8), F.S., relating to applications for certain tax exemptions, to incorporate the amendment made by the act to s. 194.011, F.S., in references thereto; providing an effective date.

—a companion measure, was substituted for **CS for SB 260** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 489** was placed on the calendar of Bills on Third Reading.

On motion by Senator Bradley—

CS for SB 264—A bill to be entitled An act relating to traffic enforcement agencies and traffic citations; amending s. 316.640, F.S.; designating counties and municipalities as traffic enforcement agencies for purposes of the section and prohibiting them from establishing traffic citation quotas; amending s. 316.660, F.S.; requiring a county or municipality to submit a report of its traffic citation revenue and its expenses for operating a law enforcement agency during a fiscal year to the Legislative Auditing Committee under certain circumstances; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 264** was placed on the calendar of Bills on Third Reading.

CS for SB 226—A bill to be entitled An act relating to racing animals; amending s. 550.2415, F.S.; revising the prohibition on the use of certain medications or substances on racing animals; authorizing the Division of Pari-mutuel Wagering within the Department of Business and Professional Regulation to solicit input from the Department of Agriculture and Consumer Services; revising the penalties for violating laws relating to the racing of animals; decreasing the timeframe in which prosecutions for violations regarding racing animals must commence; requiring the division to notify the owners or trainers, stewards, and the appropriate horsemen's association of all drug test results; prohibiting the division from taking action against owners or trainers under certain circumstances; requiring the division to require its laboratory and specified independent laboratories to annually participate in a quality assurance program; requiring the administrator of the program to submit a report; revising the conditions of use for certain medications; expanding violations to include prohibited substances that break down during a race found in specimens collected after a race; revising the rulemaking authority of the division; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 226**, pursuant to Rule 3.11(3), there being no objection, **CS for HB 239** was withdrawn from

the Committees on Regulated Industries; Agriculture; and Appropriations.

On motion by Senator Latvala—

CS for HB 239—A bill to be entitled An act relating to medication and testing of racing animals; amending s. 550.2415, F.S.; revising provisions that prohibit the use of certain medications or substances on racing animals; revising penalties that may be imposed by the Division of Pari-mutuel Wagering of the Department of Business and Professional Regulation; revising the timeframe in which certain prosecutions must begin; revising procedures; revising requirements for notification of drug test results; providing for secondary tests to confirm initial positive results; providing for actions of the division if there is insufficient sample material for a secondary test; requiring the division to require its laboratory and specified independent laboratories to annually participate in a quality assurance program; requiring the administrator of the program to submit a report; revising rulemaking authority of the division; directing the division to adopt certain rules relating to the conditions of use and maximum concentrations of medications, drugs, and naturally occurring substances; authorizing the division to solicit input from the Department of Agriculture and Consumer Services for purposes of adopting such rules; providing an effective date.

—a companion measure, was substituted for **CS for SB 226** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 239** was placed on the calendar of Bills on Third Reading.

On motion by Senator Dean—

SB 570—A bill to be entitled An act relating to service of process of witness subpoenas; amending s. 48.031, F.S.; providing that service of a subpoena on a witness in a civil traffic case may be made by United States mail directed to the witness at the last known address and that such service must be mailed before a specified period; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 570** was placed on the calendar of Bills on Third Reading.

Consideration of **SB 130** was deferred.

On motion by Senator Hays—

CS for SB 552—A bill to be entitled An act relating to public records; creating s. 420.6231, F.S.; defining the term “individual identifying information”; creating a public records exemption for individual identifying information of a person contained in a Point-in-Time Count and Survey or data in a Homeless Management Information System; providing for retroactive application of the exemption; specifying that the exemption does not preclude the release of aggregate information; providing for future review and repeal under the Open Government Sunset Review Act; providing a statement of public necessity; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 552** was placed on the calendar of Bills on Third Reading.

On motion by Senator Hays—

SB 694—A bill to be entitled An act relating to the Florida State Employees' Charitable Campaign; amending s. 110.181, F.S.; providing an exception to the requirement that state officers and employees designate a charitable organization to receive their contributions from the Florida State Employees' Charitable Campaign; deleting requirements for independent unaffiliated agencies, international service agencies, and national agencies; requiring the fiscal agent selected by the Department of Management Services to distribute undesignated funds in a

specified manner; deleting the requirement that a local steering committee be established in each fiscal agent area; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 694** was placed on the calendar of Bills on Third Reading.

On motion by Senator Detert—

CS for CS for SB 396—A bill to be entitled An act relating to the Florida Historic Capitol; amending s. 272.129, F.S.; removing references to the Legislative Research Center and Museum at the Historic Capitol; removing provisions authorizing establishment of a citizen support organization to support the Legislative Research Center and Museum; creating s. 272.131, F.S.; creating the Florida Historic Capitol Museum Council; providing for the appointment and qualifications of council members; prescribing duties and responsibilities for the council and individual council members; amending s. 272.135, F.S.; renaming the position of Capitol Curator as the Florida Historic Capitol Museum Director; conforming provisions; amending s. 272.136, F.S.; revising the composition of the board of directors governing the Florida Historic Capitol Museum's direct-support organization; providing that per diem and travel expenses must be paid from direct-support organization funds; conforming provisions; amending s. 320.0807, F.S.; redirecting a portion of the proceeds from the fee for special license plates for former federal or state legislators to the Florida Historic Capitol Museum's direct-support organization; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 396** was placed on the calendar of Bills on Third Reading.

On motion by Senator Brandes—

SB 522—A bill to be entitled An act relating to the Division of Bond Finance; amending s. 218.37, F.S.; deleting a requirement that the division issue a regular newsletter to certain parties which addresses local and state bonds; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 522** was placed on the calendar of Bills on Third Reading.

On motion by Senator Simmons—

CS for SB 1060—A bill to be entitled An act relating to legislative ratification; amending s. 120.80, F.S.; providing that the maximum reimbursement allowances and manuals approved by a three-member panel for purposes of the Workers' Compensation Law are exempt from legislative ratification under the Administrative Procedure Act if the adverse impact or regulatory costs of such allowances or manuals exceed specified criteria; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1060** was placed on the calendar of Bills on Third Reading.

On motion by Senator Simmons—

CS for SB 1312—A bill to be entitled An act relating to strategic lawsuits against public participation; amending s. 768.295, F.S.; removing a short title; providing that legislative intent includes the protection of specified forms of free speech; defining the phrase "free speech in connection with public issues"; conforming provisions to changes made by the act; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1312** was placed on the calendar of Bills on Third Reading.

On motion by Senator Benacquisto—

SB 7012—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 494.00125, F.S., which provides a public records exemption for credit history information and credit scores held by the Office of Financial Regulation for purposes of licensing loan originators, mortgage brokers, and mortgage lenders; saving the exemption from repeal under the Open Government Sunset Review Act; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 7012** was placed on the calendar of Bills on Third Reading.

On motion by Senator Bean—

SB 7032—A bill to be entitled An act relating to public records; amending s. 383.412, F.S.; removing the public records exemption for information held by the State Child Abuse Death Review Committee or a local committee that reveals the identity of family members or others living in the home of a child whose death occurred as a result of a verified report of abuse or neglect; exempting information held by the State Child Abuse Death Review Committee or a local committee that identifies a deceased child whose death is reported to the central abuse hotline but whose death is not the result of abuse or neglect and the identity of the surviving siblings, family members, or others living in the home of such a deceased child; authorizing release of such information to specified persons under certain circumstances; providing for future legislative review and repeal of the exemption under the Open Government Sunset Review Act; providing a statement of public necessity; providing an effective date.

—was read the second time by title.

Senator Bean moved the following amendment which was adopted:

Amendment 1 (659968) (with title amendment)—Delete lines 64-134 and insert:

(4) The State Child Abuse Death Review Committee and local committees may share *information made confidential and exempt by this section*:

(a) With each other;

(b) *With a governmental agency in furtherance of its duties; or*

(c) *With any person or entity authorized by the Department of Health to use such relevant information for bona fide research or statistical purposes. A person or entity who is authorized to obtain such relevant information for research or statistical purposes must enter into a privacy and security agreement with the Department of Health and comply with all laws and rules governing the use of such records and information for research or statistical purposes. Anything identifying the subjects of such relevant information must be treated as confidential by the person or entity and may not be released in any form ~~any relevant information regarding case reviews involving child death, which information is made confidential and exempt by this section.~~*

(5) Any person who knowingly or willfully makes public or discloses to any unauthorized person any information made confidential and exempt under this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(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 ~~2015~~, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. *The Legislature finds that it is a public necessity that any information held by the State Child Abuse Death Review Committee or a local committee as defined in s. 383.412, Florida Statutes, which reveals the identity of a deceased child whose death has been reported to the*

central abuse hotline but determined not to be the result of abuse or neglect, or the identity of the surviving siblings, family members, or others living in the home of such deceased child, be held confidential and exempt from public records requirements. The Legislature further finds that it is a public necessity that these committees have the authority to maintain the confidential or exempt status of records otherwise confidential or exempt which are provided to them regarding such children. The Legislature also finds that it is a public necessity that portions of meetings of the State Child Abuse Death Review Committee or a local committee wherein the confidential and exempt information is discussed be made exempt from public meeting requirements, and that the recordings of closed portions of such meetings be made exempt from public records requirements. In 1999, the Legislature authorized the creation of the committees to review the facts and circumstances surrounding the deaths of children in this state which occur as the result of reported child abuse or neglect and to prepare an annual statistical report on the incidence and causes of death resulting from child abuse. Since 2004, cases analyzed by the committees have been limited to reports of verified abuse or neglect. The Legislature made identifying information of the surviving siblings, family members, or others living in the home of the child who died as a result of verified abuse or neglect confidential and exempt from public records requirements to ensure that cases could be vetted thoroughly through open communication without risk of disclosure of the identifying information. In 2014, the Legislature expanded the scope of cases reviewed by the committees to include all deaths reported to the child abuse hotline, regardless of whether the deaths were the result of verified abuse or neglect, and this act expands the public records exemption accordingly. If the identifying information related to these reports were to be disclosed, it could result in emotional or reputational harm to the family and caregivers and an unnecessary invasion of their privacy and the privacy of the deceased child. In addition, the committees must be able to maintain the otherwise confidential and exempt status of records that are provided to them to ensure continued access to such records and the opportunity for a thorough and open review of cases. Therefore, the Legislature finds that the harm that may result from the release of such information through a public records request or a public meeting substantially outweighs any minimal public benefit that may be derived from its disclosure.

And the title is amended as follows:

Delete line 15 and insert: of such a deceased child; reenacting the public meeting exemption to incorporate changes made by the act to the public records exemption; authorizing release of such

Pursuant to Rule 4.19, **SB 7032** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Diaz de la Portilla—

SB 7016—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 390.01116, F.S., relating to an exemption from public record requirements for certain information that could identify a minor petitioning a court to waive parental notice requirements before terminating a pregnancy; saving the exemption from repeal under the Open Government Sunset Review Act; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 7016** was placed on the calendar of Bills on Third Reading.

REPORTS OF COMMITTEES

The Committee on Fiscal Policy recommends the following pass: SB 520; CS for CS for SB 600; SB 676; CS for SB 842; SB 956

The bills were placed on the Calendar.

The Committee on Banking and Insurance recommends a committee substitute for the following: CS for SB 744

The Committee on Governmental Oversight and Accountability recommends a committee substitute for the following: CS for SB 838

The Committee on Health Policy recommends a committee substitute for the following: CS for SB 860

The bills with committee substitute attached contained in the foregoing reports were referred to the Committee on Appropriations under the original reference.

The Committee on Judiciary recommends a committee substitute for the following: SB 1084

The bill with committee substitute attached was referred to Appropriations Subcommittee on Criminal and Civil Justice under the original reference.

The Committee on Education Pre-K - 12 recommends a committee substitute for the following: SB 1474

The bill with committee substitute attached was referred to Appropriations Subcommittee on Education under the original reference.

The Committee on Banking and Insurance recommends a committee substitute for the following: SB 914

The Committee on Environmental Preservation and Conservation recommends committee substitutes for the following: SB 1302; SB 1548

The bills with committee substitute attached contained in the foregoing reports were referred to Appropriations Subcommittee on General Government under the original reference.

The Committee on Education Pre-K - 12 recommends a committee substitute for the following: SB 344

The bill with committee substitute attached was referred to the Committee on Children, Families, and Elder Affairs under the original reference.

The Committee on Environmental Preservation and Conservation recommends a committee substitute for the following: SB 648

The bill with committee substitute attached was referred to the Committee on Community Affairs under the original reference.

The Committee on Banking and Insurance recommends a committee substitute for the following: SB 1306

The bill with committee substitute attached was referred to the Committee on Criminal Justice under the original reference.

The Committee on Regulated Industries recommends a committee substitute for the following: SB 636

The bill with committee substitute attached was referred to the Committee on Fiscal Policy under the original reference.

The Committee on Judiciary recommends a committee substitute for the following: SB 1224

The bill with committee substitute attached was referred to the Committee on Health Policy under the original reference.

The Committee on Environmental Preservation and Conservation recommends a committee substitute for the following: SB 912

The bill with committee substitute attached was referred to the Committee on Judiciary under the original reference.

The Committee on Banking and Insurance recommends a committee substitute for the following: CS for SB 872

The Committee on Judiciary recommends a committee substitute for the following: CS for SB 252

The bills with committee substitute attached contained in the foregoing reports were referred to the Committee on Rules under the original reference.

The Committee on Banking and Insurance recommends a committee substitute for the following: SB 1250

The bill with committee substitute attached was referred to the Committee on Transportation under the original reference.

The Committee on Judiciary recommends a committee substitute for the following: CS for CS for SB 222

The bill with committee substitute attached was placed on the Calendar.

REPORTS OF SUBCOMMITTEES

Appropriations Subcommittee on Education recommends the following pass: SB 518; CS for SB 574; SB 622; SB 874; CS for SB 880; SB 1020; SB 1116; SB 7046

Appropriations Subcommittee on General Government recommends the following pass: CS for SB 612; CS for SB 836; CS for SB 1136

Appropriations Subcommittee on Health and Human Services recommends the following pass: CS for SB 210; CS for SB 382; CS for SB 758; CS for SB 940

Appropriations Subcommittee on Transportation, Tourism, and Economic Development recommends the following pass: CS for SB 228; CS for SB 256

The bills contained in the foregoing reports were referred to the Committee on Appropriations under the original reference.

Appropriations Subcommittee on Education recommends the following pass: SB 530; SB 954; SB 1262

Appropriations Subcommittee on General Government recommends the following pass: CS for SB 338; CS for SB 726

Appropriations Subcommittee on Health and Human Services recommends the following pass: CS for SB 640; CS for SB 792; CS for SB 904; SB 996

Appropriations Subcommittee on Transportation, Tourism, and Economic Development recommends the following pass: CS for CS for SB 112; CS for SB 1024; CS for SB 1216

The bills contained in the foregoing reports were referred to the Committee on Fiscal Policy under the original reference.

Appropriations Subcommittee on Transportation, Tourism, and Economic Development recommends the following pass: CS for SB 240

The bill was referred to the Committee on Rules under the original reference.

REPORTS OF COMMITTEES RELATING TO EXECUTIVE BUSINESS

The Committee on Children, Families, and Elder Affairs recommends that the Senate confirm the following appointment made by the Governor:

Office and Appointment

Secretary of Elderly Affairs

Appointee: Verghese, Samuel P.

For Term Ending

Pleasure of Governor

The Committee on Transportation recommends that the Senate confirm the following appointment made by the Governor:

Office and Appointment

Tampa-Hillsborough County Expressway Authority

Appointee: Garcia, John C.

For Term Ending

07/01/2018

The appointments were referred to the Committee on Ethics and Elections under the original reference.

INTRODUCTION AND REFERENCE OF BILLS

FIRST READING

Senate Resolutions 1622-1624—Not introduced.

By Senator Brandes—

SB 1626—A bill to be entitled An act relating to public records; creating s. 408.0641, F.S.; creating an exemption from public records for identifying information in compassionate and palliative care plans filed with the Clearinghouse for Compassionate and Palliative Care Plans; authorizing the disclosure of certain information to certain entities and individuals; providing for future legislative review and repeal of the exemption under the Open Government Sunset Review Act; providing a statement of public necessity; providing a contingent effective date.

—was referred to the Committees on Governmental Oversight and Accountability; and Rules.

SB 7074—Not used.

By the Committee on Military and Veterans Affairs, Space, and Domestic Security—

SB 7076—A bill to be entitled An act relating to military and veteran support; amending s. 288.980, F.S.; removing the requirement that an applicant to the Defense Infrastructure Grant Program provide matching funds of a certain amount; amending s. 292.10, F.S.; revising the categories of veterans eligible to receive assistance from local governing bodies; amending s. 455.213, F.S.; requiring the Department of Business and Professional Regulation to waive initial professional licensing fees for a veteran who has received a general discharge under honorable conditions; requiring the Department of Veterans' Affairs to create, in consultation with the Department of Agriculture and Consumer Services, a section in the Florida Veterans' Benefits Guide on agricultural farming opportunities for veterans; prescribing requirements; requiring the Department of Highway Safety and Motor Vehicles and the Department of Military Affairs to create a pilot program for commercial driver license testing for qualified members of the Florida National Guard by a specified date; requiring that such testing be conducted at certain locations; providing for funding; providing an effective date.

—was referred to the Committees on Appropriations Subcommittee on General Government; and Fiscal Policy.

COMMITTEE SUBSTITUTES

FIRST READING

By the Committees on Judiciary; Communications, Energy, and Public Utilities; and Commerce and Tourism; and Senator Hukill—

CS for CS for CS for SB 222—A bill to be entitled An act relating to electronic commerce; providing a directive to the Division of Law Revision and Information; creating the “Computer Abuse and Data Recovery Act”; creating s. 668.801, F.S.; providing a statement of purpose; creating s. 668.802, F.S.; defining terms; creating s. 668.803, F.S.; prohibiting a person from intentionally committing specified acts without authorization with respect to a protected computer; providing penalties for a violation; creating s. 668.804, F.S.; specifying remedies for civil actions brought by persons affected by a violation; providing that specified criminal judgments or decrees against a defendant act as estoppel as to certain matters in specified civil actions; providing that specified civil actions must be filed within certain periods of time; creating s. 668.805, F.S.; providing that the act does not prohibit specified activity by certain state, federal, and foreign law enforcement agencies, regulatory agencies, and political subdivisions; providing that the act does not impose liability on specified providers in certain circumstances; providing an effective date.

By the Committees on Judiciary; and Banking and Insurance; and Senator Smith—

CS for CS for SB 252—A bill to be entitled An act relating to insurance; amending s. 624.425, F.S.; providing that the absence of a countersignature does not affect the validity of a policy or contract of insurance; amending s. 626.916, F.S.; revising the required conditions for the export of insurance coverage to delete a provision specifying how reasonableness shall be assessed under certain circumstances; amending s. 626.931, F.S.; deleting provisions that require surplus lines agents to file a quarterly affidavit with the Florida Surplus Lines Office; amending s. 627.971, F.S.; providing that the term “financial guaranty insurance” does not include guarantees of higher education loans unless written by a financial guaranty insurance corporation; amending ss. 626.932, 626.935, and 626.936, F.S.; conforming provisions to changes made by the act; providing an effective date.

By the Committee on Education Pre-K - 12; and Senator Sobel—

CS for SB 344—A bill to be entitled An act relating to mental health education; requiring the Department of Education to provide public school districts with information to maximize grants for mental health education, awareness, and training; requiring the department to post such information on its website and to provide annual electronic notification of such grants to school districts; providing an effective date.

By the Committee on Regulated Industries; and Senator Latvala—

CS for SB 636—A bill to be entitled An act relating to public accountancy; amending s. 473.302, F.S.; revising the definition of the term “licensed audit firm”; amending s. 473.309, F.S.; revising practice requirements for partnerships, corporations, and limited liability companies; amending s. 473.3101, F.S.; revising provisions relating to the licensure of firms and public accounting firms; amending s. 473.316, F.S.; revising the definition of the term “quality review” to include a peer review; amending ss. 473.3125 and 473.322, F.S.; conforming provisions to changes made by the act; providing an effective date.

By the Committee on Environmental Preservation and Conservation; and Senator Evers—

CS for SB 648—A bill to be entitled An act relating to the land application of septage; amending s. 381.0065, F.S.; removing the future prohibition against the land application of septage from onsite treatment and disposal systems; requiring land application to be subject to certain requirements; requiring the Department of Health to adopt rules; providing an effective date.

By the Committees on Banking and Insurance; and Regulated Industries; and Senator Richter—

CS for CS for SB 744—A bill to be entitled An act relating to property insurance appraisal umpires and property insurance appraisers; creating part XVII of chapter 468, F.S., relating to property insurance appraisal umpires; creating the property insurance appraisal umpire licensing program within the Department of Business and Professional Regulation; providing legislative findings; providing applicability; requiring a person acting as a property insurance appraisal umpire on or after a certain date to be licensed under the act; authorizing the department to adopt rules; providing definitions; authorizing the department to establish fees; providing licensing application requirements; providing authority and procedures regarding submission and processing of fingerprints; providing examination requirements; specifying exemptions from such requirements; providing application requirements for licensure as a property insurance appraisal umpire; providing licensure renewal requirements; authorizing the department to adopt rules; providing continuing education requirements; providing requirements for the inactivation of a license by a licensee; providing requirements for renewing an inactive license; establishing license reactivation fees; providing for certification of partnerships and corporations offering property insurance appraisal umpire services; providing grounds for compulsory refusal, suspension, or revocation of an umpire’s license; providing grounds for discretionary denial, suspension, or revocation of an umpire’s license; providing ethical standards for property insurance appraisal umpires; creating part XVIII of chapter 468, F.S., relating to property insurance appraisers; creating the property insurance appraiser licensing program within the Department of Business and Professional Regulation; providing legislative findings; providing applicability; requiring a person acting as a property insurance appraiser on or after a certain date to be licensed under the act; authorizing the department to adopt rules; providing definitions; authorizing the department to establish fees; limiting fee amounts; providing licensing application requirements; providing authority and procedures regarding submission and processing of fingerprints; providing examination requirements; specifying exemptions from such requirements; providing application requirements for licensure as a property insurance appraiser; providing licensure renewal requirements; authorizing the department to adopt rules; providing continuing education requirements; providing requirements for the inactivation of a license by a licensee; providing requirements for renewing an inactive license; establishing license reactivation fees; providing for certification of partnerships and corporations offering property insurance appraiser services; providing grounds for compulsory refusal, suspension, or revocation of an appraiser’s license; providing grounds for discretionary denial, suspension, or revocation of an appraiser’s license; providing ethical standards; providing an effective date.

By the Committees on Governmental Oversight and Accountability; and Judiciary; and Senator Bradley—

CS for CS for SB 838—A bill to be entitled An act relating to justices and judges; amending s. 121.021, F.S.; revising the applicability of the term “termination”; amending s. 121.091, F.S.; providing that a retired justice or retired judge is not subject to certain restrictions on employment after retirement otherwise applicable to retired employees; requiring the State Board of Administration and the Department of Management Services to request a determination letter and private letter ruling from the Internal Revenue Service; adjusting employer contribution rates in order to fund changes made by the act; providing a directive to the Division of Law Revision and Information; providing findings of an important state interest; providing an effective date.

By the Committees on Health Policy; and Banking and Insurance; and Senator Garcia—

CS for CS for SB 860—A bill to be entitled An act relating to pharmacy; creating s. 465.1862, F.S.; defining terms; requiring a pharmacy in a contract between a pharmacy benefit manager and the pharmacy to have the right to obtain from the manager a list of sources used to determine maximum allowable cost pricing; requiring a pharmacy benefit manager to periodically update maximum allowable cost pricing information and to provide a means for pharmacies to review such information within a specified time; requiring a pharmacy benefit manager to maintain a procedure to eliminate certain products from the list

of products subject to maximum allowable cost pricing; specifying requirements for a pharmacy benefit manager to place a prescription drug on a list of products; requiring contracts between a pharmacy benefit manager and a pharmacy to include a specified process for appeal; requiring a pharmacy benefit manager to make adjustments to the maximum allowable cost price within a specified period if an appeal is upheld; providing an effective date.

By the Committees on Banking and Insurance; and Judiciary; and Senator Hukill—

CS for CS for SB 872—A bill to be entitled An act relating to estates; amending s. 733.106, F.S.; authorizing the court, if costs and attorney fees are to be paid from the estate under specified sections of law, to direct payment from a certain part of the estate or, under specified circumstances, to direct payment from a trust; authorizing costs and fees to be assessed against one or more persons' part of the trust in such proportions as the court finds just and proper; specifying factors that the court may consider in directing the assessment of such costs and fees; authorizing a court to assess costs and fees without finding that the person engaged in specified wrongful acts; amending s. 733.212, F.S.; revising the required content for a notice of administration; revising provisions that require an interested person, who has been served a notice of administration, to file specified objections in an estate matter within 3 months after service of such notice; providing that the 3-month period may only be extended for certain estoppel; providing that objections that are not barred by the 3-month period must be filed no later than a specified date; deleting references to objections based upon the qualifications of a personal representative; amending s. 733.2123, F.S.; conforming provisions to changes made by the act; amending s. 733.3101, F.S.; requiring a personal representative to resign immediately if he or she knows that he or she was not qualified to act at the time of appointment; requiring a personal representative who was qualified to act at such appointment to file a notice if no longer qualified; authorizing an interested person within a specified period to request the removal of a personal representative who files such notice; providing that a personal representative is liable for costs and attorney fees incurred in a removal proceeding if he or she is removed and should have known of the facts supporting the removal; defining the term "qualified"; amending s. 733.504, F.S.; requiring a personal representative to be removed and the letters of administration revoked if he or she was not qualified to act at the time of appointment; amending s. 733.617, F.S.; prohibiting an attorney or person related to the attorney from receiving compensation for serving as a personal representative if the attorney prepared or supervised execution of the will unless the attorney or person is related to the testator or the testator acknowledges in writing the receipt of certain disclosures; specifying the disclosures that must be acknowledged; specifying when an attorney is deemed to have prepared or supervised the execution of a will; specifying when a person is "related" to another individual; specifying when an attorney or person related to the attorney is deemed to be nominated as personal representative; providing that the provisions do not limit an interested person's rights or remedies at law or equity except for compensation payable to a personal representative; providing that the failure to obtain a written acknowledgment of the disclosure does not disqualify a personal representative from serving or affect the validity of a will; providing a form for the written acknowledgment; providing applicability; amending s. 733.817, F.S.; defining and redefining terms; deleting a provision that exempts an interest in protected homestead from the apportionment of taxes; providing for the payment of taxes on protected homestead family allowance and exempt property by certain other property to the extent such other property is sufficient; revising the allocation of taxes; revising the apportionment of the net tax attributable to specified interests; authorizing a court to assess liability in an equitable manner under certain circumstances; providing that a governing instrument may not direct that taxes be paid from property other than property passing under the governing instrument, except under specified conditions; requiring that direction in a governing instrument be express to apportion taxes under certain circumstances; requiring that the right of recovery provided in the Internal Revenue Code for certain taxes be expressly waived in the decedent's will or revocable trust with certain specificity; specifying the property upon which certain tax is imposed for allocation and apportionment of certain tax; providing that a general statement in the decedent's will or revocable trust waiving all rights of reimbursement or recovery under the Internal Revenue Code is not an express waiver of certain rights of recovery; requiring direction to specifically reference the

generation-skipping transfer tax imposed by the Internal Revenue Code to direct its apportionment; authorizing, under certain circumstances, the decedent to direct by will the amount of net tax attributable to property over which the decedent held a general power of appointment under certain circumstances; providing that an express direction in a revocable trust is deemed to be a direction contained in the decedent's will as well as the revocable trust under certain circumstances; providing that an express direction in the decedent's will to pay tax from the decedent's revocable trust by specific reference to the revocable trust is effective unless a contrary express direction is contained in the revocable trust; revising the resolution of conflicting directions in governing instruments with regard to payment of taxes; providing that the later express direction in the will or other governing instrument controls; providing that the date of an amendment to a will or other governing instrument is the date of the will or trust for conflict resolution only if the codicil or amendment contains an express tax apportionment provision or an express modification of the tax apportionment provision; providing that a will is deemed executed after another governing instrument if the decedent's will and another governing instrument were executed on the same date; providing that an earlier conflicting governing instrument controls as to any tax remaining unpaid after the application of the later conflicting governing instrument; providing that a grant of permission or authority in a governing instrument to request payment of tax from property passing under another governing instrument is not a direction apportioning the tax to the property passing under the other governing instrument; providing a grant of permission or authority in a governing instrument to pay tax attributable to property not passing under the governing instrument is not a direction apportioning the tax to property passing under the governing instrument; providing application; prohibiting the requiring of a personal representative or fiduciary to transfer to a recipient property that may be used for payment of taxes; amending s. 736.0708, F.S.; prohibiting an attorney or person related to the attorney from receiving compensation for serving as a trustee if the attorney prepared or supervised execution of the trust instrument unless the attorney or person is related to the settlor or the settlor acknowledges in writing the receipt of certain disclosures; specifying the disclosures that must be acknowledged; specifying when an attorney is deemed to have prepared or supervised the execution of a trust instrument; specifying when a person is "related" to another individual; specifying when an attorney or person related to the attorney is deemed to be appointed as trustee; providing that the provisions do not limit an interested person's rights or remedies at law or equity except for compensation payable to a trustee; providing that the failure to obtain a written acknowledgment of the disclosure does not disqualify a trustee from serving or affect the validity of a trust instrument; providing a form for the written acknowledgment; providing applicability; amending s. 736.1005, F.S.; authorizing the court, if attorney fees are to be paid from the trust under specified sections of law, to direct payment from a certain part of the trust; providing that fees may be assessed against one or more persons' part of the trust in such proportions as the court finds just and proper; specifying factors that the court may consider in directing the assessment of such fees; providing that a court may assess fees without finding that a person engaged specified wrongful acts; amending s. 736.1006, F.S.; authorizing the court, if costs are to be paid from the trust under specified sections of law, to direct payment from a certain part of the trust; providing that costs may be assessed against one or more persons' part of the trust in such proportions as the court finds just and proper; specifying factors that the court may consider in directing the assessment of such costs; providing that specified provisions of the act are remedial and intended to clarify existing law; providing for retroactive and prospective application of specified portions of the act; providing effective dates.

By the Committee on Environmental Preservation and Conservation; and Senator Bean—

CS for SB 912—A bill to be entitled An act relating to recycled and recovered materials; amending s. 403.727, F.S.; exempting a person who sells, transfers, or arranges for the transfer of recycled and recovered materials from liability for hazardous substances released or threatened to be released from the receiving facility or site under certain circumstances; defining the term "recycled and recovered materials"; providing retroactive application under certain circumstances; providing an effective date.

By the Committee on Banking and Insurance; and Senator Richter—

CS for SB 914—A bill to be entitled An act relating to intrastate crowdfunding; amending s. 517.021, F.S.; conforming a cross-reference; defining the term “intermediary” for purposes of the Florida Securities and Investor Protection Act; amending s. 517.061, F.S.; exempting offers or sales of securities by certain issuers from registration requirements; creating s. 517.0611, F.S.; providing a short title; exempting the intrastate offering and sale of certain securities from certain regulatory requirements; providing applicability; providing registration and reporting requirements for issuers and intermediaries offering such securities; requiring the issuer to provide to the office a copy of a specified escrow agreement; limiting the aggregate amount of sales of such securities within a specified period; limiting the aggregate amount of sales to specified investors; requiring an issuer to produce and distribute an annual report to investors; requiring a notice-filing to be suspended under certain circumstances; specifying that fees collected become revenue of the state; requiring a qualified third party to hold certain funds in escrow; amending s. 517.12, F.S.; providing registration requirements for an intermediary; conforming a cross-reference; amending s. 517.121, F.S.; requiring an intermediary to comply with specified recordkeeping requirements; amending s. 517.161, F.S.; including an intermediary in the disciplinary provisions; amending s. 626.9911, F.S.; conforming a cross-reference; providing an effective date.

By the Committee on Judiciary; and Senator Brandes—

CS for SB 1084—A bill to be entitled An act relating to patent infringement; creating part VII of ch. 501, F.S., entitled the “Patent Troll Prevention Act”; creating s. 501.991, F.S.; providing legislative intent; creating s. 501.992, F.S.; defining terms; creating s. 501.993, F.S.; prohibiting bad faith assertions of patent infringement from being made; providing factors that a court may consider when determining whether an allegation was or was not made in bad faith; creating s. 501.994, F.S.; authorizing a court to require a patent infringement plaintiff to post a bond under certain circumstances; limiting the bond amount; authorizing the court to waive the bond requirement in certain circumstances; creating s. 501.995, F.S.; authorizing private rights of action for violations of this part; authorizing the court to award certain relief to prevailing plaintiffs; creating s. 501.996, F.S.; requiring a bad faith assertion of patent infringement to be treated as an unfair or deceptive trade practice; creating s. 501.997, F.S.; providing exemptions; providing an effective date.

By the Committee on Judiciary; and Senator Joyner—

CS for SB 1224—A bill to be entitled An act relating to health care representatives; amending s. 743.0645, F.S.; conforming provisions to changes made by the act; amending s. 765.101, F.S.; defining terms for purposes of provisions relating to health care advanced directives; revising definitions to conform to changes made by the act; amending s. 765.102, F.S.; revising legislative intent to include reference to surrogate authority that is not dependent on a determination of incapacity; amending s. 765.104, F.S.; conforming provisions to changes made by the act; amending s. 765.105, F.S.; conforming provisions to changes made by the act; providing an exception for a patient who has designated a surrogate to make health care decisions and receive health information without a determination of incapacity being required; amending ss. 765.1103 and 765.1105, F.S.; conforming provisions to changes made by the act; amending s. 765.202, F.S.; revising provisions relating to the designation of health care surrogates; amending s. 765.203, F.S.; revising the suggested form for designation of a health care surrogate; creating s. 765.2035, F.S.; providing for the designation of health care surrogates for minors; providing for designation of an alternate surrogate; providing for decisionmaking if neither the designated surrogate nor the designated alternate surrogate is willing, able, or reasonably available to make health care decisions for the minor on behalf of the minor’s principal; authorizing designation of a separate surrogate to consent to mental health treatment for a minor; providing that the health care surrogate authorized to make health care decisions for a minor is also the minor’s principal’s choice to make decisions regarding mental health treatment for the minor unless provided otherwise; providing that a written designation of a health care surrogate establishes a rebuttable presumption of clear and convincing evidence of the minor’s principal’s designation of the surrogate; creating s. 765.2038, F.S.; providing a suggested form for the designation of a health care surrogate for

a minor; amending s. 765.204, F.S.; conforming provisions to changes made by the act; providing for notification of incapacity of a principal; amending s. 765.205, F.S.; conforming provisions to changes made by the act; amending ss. 765.302, 765.303, 765.304, 765.306, 765.404, and 765.516, F.S.; conforming provisions to changes made by the act; providing an effective date.

By the Committee on Banking and Insurance; and Senator Montford—

CS for SB 1250—A bill to be entitled An act relating to motor vehicle insurance; amending s. 627.311, F.S.; authorizing a joint underwriting plan and the Florida Automobile Joint Underwriting Association to cancel certain insurance policies within a specified period under certain circumstances; prohibiting an insured from canceling certain insurance policies within a specified period; providing exceptions; amending s. 627.727, F.S.; authorizing insurers to electronically provide a form to reject, or to select lower coverage amounts of, uninsured motorist vehicle coverage to a named insured; authorizing the named insured to sign the form electronically; amending s. 627.736, F.S.; revising the period during which the applicable fee schedule or payment limitation under Medicare applies with respect to certain personal injury protection insurance coverage; defining the term “service year”; deleting an obsolete date; amending s. 627.744, F.S.; revising the exemption from the preinsurance inspection requirements for private passenger motor vehicles to include certain leased vehicles; revising the list of documents that an insurer may require for purposes of the exemption; prohibiting the physical damage coverage on a motor vehicle from being suspended during the term of a policy due to the insurer’s option not to require certain documents; authorizing a payment of a claim to be conditioned if the insurer requires a document under certain circumstances; providing an effective date.

By the Committee on Environmental Preservation and Conservation; and Senator Evers—

CS for SB 1302—A bill to be entitled An act relating to contaminated sites; amending s. 376.301, F.S.; defining the terms “background concentration” and “long-term natural attenuation”; amending s. 376.30701, F.S.; requiring the Department of Environmental Protection to include protocols for the use of long-term natural attenuation where site conditions warrant; requiring specified interactive effects of contaminants to be considered as cleanup criteria; revising how cleanup target levels are applied where surface waters are exposed to contaminated groundwater; authorizing the use of relevant data and information when assessing cleanup target levels; providing that institutional controls are not required under certain circumstances if using alternative cleanup target levels; amending s. 376.79, F.S.; defining the terms “background concentration” and “long-term natural attenuation”; amending s. 376.81, F.S.; adding further criteria to brownfield site and brownfield areas contamination cleanup criteria; amending ss. 196.1995 and 288.1175, F.S.; conforming cross-references; providing an effective date.

By the Committee on Banking and Insurance; and Senator Bradley—

CS for SB 1306—A bill to be entitled An act relating to insurance fraud; repealing s. 400.993, F.S., relating to criminal penalties applicable to unlicensed health care clinics and the reporting of unlicensed health care clinics; amending s. 400.9935, F.S.; revising provisions related to unlawful, noncompensable, and unenforceable health care clinic charges or reimbursement claims; revising and providing criminal penalties for making unlawful charges, operating or failing to report an unlicensed clinic, filing false or misleading information related to a clinic license application, and other violations; defining the term “convicted”; amending s. 626.9894, F.S.; conforming provisions to changes made by the act; repealing s. 626.9895, F.S., relating to the establishment of a motor vehicle insurance fraud direct-support organization; amending s. 921.0022, F.S.; conforming provisions of the offense severity ranking chart of the Criminal Punishment Code to changes made by the act; providing an effective date.

By the Committee on Education Pre-K - 12; and Senator Legg—

CS for SB 1474—A bill to be entitled An act relating to district school boards; amending s. 1001.41, F.S.; requiring district school boards to

adopt a strategic plan; amending s. 1001.42, F.S.; revising provisions relating to standards of ethical conduct to apply to administrative personnel and school officers; requiring a school to monitor and evaluate its instructional practices and intervention strategies relating to the early warning system; amending s. 1001.43, F.S.; authorizing district school boards to adopt a standard student attire policy; establishing criteria for and the purpose of the policy; providing immunity from civil liability for district school boards that implement a standard student attire policy under certain conditions; providing an effective date.

By the Committee on Environmental Preservation and Conservation; and Senator Dean—

CS for SB 1548—A bill to be entitled An act relating to vessel safety; amending s. 327.02, F.S.; defining the terms “developed waterfront property” and “safe harbor”; creating s. 327.4107, F.S.; specifying how vessels may be anchored or moored outside public mooring fields on the waters of this state; providing a noncriminal infraction; providing an exception for counties or municipalities participating in the anchoring and mooring pilot program; amending s. 327.73, F.S.; specifying the noncriminal infraction for violations of s. 327.4107, F.S.; amending s. 327.391, F.S.; conforming a cross-reference; providing an effective date.

REFERENCE CHANGES PURSUANT TO RULE 4.7(2)

By the Committee on Criminal Justice; and Senator Hukill—

CS for SB 282—A bill to be entitled An act relating to tracking devices or tracking applications; creating s. 934.425, F.S.; defining terms; prohibiting the installation of a tracking device or tracking application without a person’s consent; creating a presumption that consent is revoked upon initiation of specified proceedings; providing exceptions to the prohibition on installation of tracking devices or tracking applications; providing criminal penalties; providing an effective date.

—was referred to the Committees on Appropriations Subcommittee on Criminal and Civil Justice; and Rules.

By the Committee on Health Policy; and Senator Grimsley—

CS for SB 532—A bill to be entitled An act relating to the ordering of medication; amending s. 212.08, F.S.; providing that an order for administration is included in the medical exemption from sales tax; revising the term “prescription” to exclude an order for administration; amending ss. 458.347 and 459.022, F.S.; revising the authority of a licensed physician assistant to order medication under the direction of a supervisory physician for a specified patient; amending s. 464.012, F.S.; authorizing an advanced registered nurse practitioner to order medication for administration to a specified patient; amending s. 465.003, F.S.; revising the term “prescription” to exclude an order for drugs or medicinal supplies by a licensed practitioner that is dispensed for certain administration; amending s. 893.02, F.S.; revising the term “administer” to include the term “administration”; revising the term “prescription” to exclude an order for drugs or medicinal supplies by a licensed practitioner that is dispensed for certain administration; amending s. 893.04, F.S.; conforming provisions to changes made by act; amending s. 893.05, F.S.; authorizing a licensed practitioner to authorize a licensed physician assistant or advanced registered nurse practitioner to order controlled substances for a specified patient under certain circumstances; reenacting ss. 400.462(26), 401.445(1), 409.906(18), and 766.103(3), F.S., to incorporate the amendments made to ss. 458.347 and 459.022, F.S., in references thereto; reenacting ss. 401.445(1) and 766.103(3), F.S., to incorporate the amendment made to s. 464.012, F.S., in references thereto; reenacting ss. 409.9201(1)(a), 458.331(1)(pp), 459.015(1)(rr), 465.014(1), 465.015(2)(c), 465.016(1)(s), 465.022(5)(j), 465.023(1)(h), 465.1901, 499.003(43), and 831.30(1), F.S., to incorporate the amendment made to s. 465.003, F.S., in references thereto; reenacting ss. 112.0455(5)(i), 381.986(7)(b), 440.102(1)(l), 458.331(1)(pp), 459.015(1)(rr), 465.015(3), 465.016(1)(s), 465.022(5)(j), 465.023(1)(h), 499.0121(14), 768.36(1)(b), 810.02(3)(f), 812.014(2)(c), 856.015(1)(c), 944.47(1)(a), 951.22(1), 985.711(1)(a), 1003.57(1)(i), and 1006.09(8), F.S., to incorporate the amendment made to s. 893.02, F.S., in references thereto; reenacting s.

893.0551(3)(e), F.S., to incorporate the amendment made to s. 893.04, F.S., in a reference thereto; reenacting s. 893.0551(3)(d), F.S., to incorporate the amendment made to s. 893.05, F.S., in a reference thereto; providing an effective date.

—was referred to the Committees on Finance and Tax; and Appropriations.

By the Committee on Commerce and Tourism; and Senator Richter—

CS for SB 564—A bill to be entitled An act relating to trade secrets; amending s. 812.081, F.S.; including financial information in provisions prohibiting the theft, embezzlement, or unlawful copying of trade secrets; providing criminal penalties; providing an effective date.

—was referred to the Committees on Governmental Oversight and Accountability; and Rules.

By the Committee on Environmental Preservation and Conservation; and Senator Evers—

CS for SB 648—A bill to be entitled An act relating to the land application of septage; amending s. 381.0065, F.S.; removing the future prohibition against the land application of septage from onsite treatment and disposal systems; requiring land application to be subject to certain requirements; requiring the Department of Health to adopt rules; providing an effective date.

—was referred to the Committees on Health Policy; and Fiscal Policy.

By the Committee on Finance and Tax; and Senator Flores—

CS for SB 722—A bill to be entitled An act relating to aviation; amending s. 206.9825, F.S.; revising the tax rate of the excise tax on certain aviation fuels; revising the criteria to receive an excise tax exemption for certain aviation fuel delivered by licensed wholesalers or terminal suppliers; deleting obsolete language; requiring the Department of Economic Opportunity to conduct a study on specified issues relating to intrastate commercial air service and flight training and education; requiring the department to submit a report on the study to the Governor and the Legislature by a specified date; providing effective dates.

—was referred to the Committees on Appropriations Subcommittee on Transportation, Tourism, and Economic Development; and Appropriations.

By the Committee on Health Policy; and Senator Sobel—

CS for SB 926—A bill to be entitled An act relating to the Calder Sloan Swimming Pool Electrical-Safety Task Force; creating the Calder Sloan Swimming Pool Electrical-Safety Task Force within the Florida Building Commission; specifying the purpose of the task force; providing for membership; requiring members of the task force to elect the chair; requiring the Florida Building Commission to provide staff, information, and other assistance to the task force; authorizing the reimbursement of task force members for certain expenses; requiring a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by a specified date; providing for future repeal of the task force; providing an effective date.

—was referred to the Committee on Fiscal Policy.

By the Committee on Criminal Justice; and Senator Soto—

CS for SB 1316—A bill to be entitled An act relating to public records; amending s. 985.04, F.S.; specifying that certain confidential information obtained under ch. 985, F.S., relating to juvenile justice, is exempt from public records requirements; providing applicability; revising applicability of public records requirements with respect to the arrest re-

ords of certain juvenile offenders; providing for future review and repeal of such applicability provisions; amending s. 943.053, F.S.; providing an exemption from public records requirements for juvenile information compiled by the Criminal Justice Information Program from intrastate sources; providing exceptions; providing for future review and repeal of the exemption; providing for release by the Department of Law Enforcement of the criminal history information of a juvenile which has been deemed confidential and exempt under certain circumstances; amending ss. 496.4101 and 943.056, F.S.; conforming provisions to changes made by the act; providing a statement of public necessity; providing an effective date.

—was referred to the Committees on Appropriations Subcommittee on Criminal and Civil Justice; and Fiscal Policy.

By the Committees on Finance and Tax; and Military and Veterans Affairs, Space, and Domestic Security—

CS for SB 7052—A bill to be entitled An act relating to an ad valorem tax exemption for deployed servicemembers; amending s. 196.173, F.S.; expanding the military operations that qualify a servicemember deployed in support of such an operation in the previous calendar year for an additional ad valorem tax exemption; providing an extended deadline and specifying procedures for filing an application for such tax exemption for a qualifying deployment during the 2014 calendar year; providing procedures to appeal a denial by a property appraiser of an application for such tax exemption; providing for retroactive applicability; providing an effective date.

—was referred to the Committee on Fiscal Policy.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

RETURNING MESSAGES

The Honorable Andy Gardiner, President

I am directed to inform the Senate that the House has passed SB 576 by the required Constitutional three-fifths vote of the membership, with 1 amendment. Having refused to pass SB 576 as passed by the Senate, the House accedes to the request for conference.

Bob Ward, Clerk

The Honorable Andy Gardiner, President

I am directed to inform the Senate that the House has passed SB 578 by the required Constitutional three-fifths vote of the membership, with 1 amendment. Having refused to pass SB 578 as passed by the Senate, the House accedes to the request for conference.

Bob Ward, Clerk

The Honorable Andy Gardiner, President

I am directed to inform the Senate that the House has passed SB 580 by the required Constitutional three-fifths vote of the membership, with 1 amendment. Having refused to pass SB 580 as passed by the Senate, the House accedes to the request for conference.

Bob Ward, Clerk

The Honorable Andy Gardiner, President

I am directed to inform the Senate that the House has passed SB 582 by the required Constitutional three-fifths vote of the membership, with 1 amendment. Having refused to pass SB 582 as passed by the Senate, the House accedes to the request for conference.

Bob Ward, Clerk

The Honorable Andy Gardiner, President

I am directed to inform the Senate that the House has passed CS/SB 584, with 1 amendment. Having refused to pass CS/SB 584 as passed by the Senate, the House accedes to the request for conference.

Bob Ward, Clerk

The Honorable Andy Gardiner, President

I am directed to inform the Senate that the House has passed SB 2500, with 1 amendment. Having refused to pass SB 2500 as passed by the Senate, the House accedes to the request for conference.

Bob Ward, Clerk

The Honorable Andy Gardiner, President

I am directed to inform the Senate that the House has passed SB 2502, with 1 amendment. Having refused to pass SB 2502 as passed by the Senate, the House accedes to the request for conference.

Bob Ward, Clerk

The Honorable Andy Gardiner, President

I am directed to inform the Senate that the House has passed SB 2504, with 1 amendment. Having refused to pass SB 2504 as passed by the Senate, the House accedes to the request for conference.

Bob Ward, Clerk

The Honorable Andy Gardiner, President

I am directed to inform the Senate that the House has passed SB 2510, with 1 amendment. Having refused to pass SB 2510 as passed by the Senate, the House accedes to the request for conference.

Bob Ward, Clerk

The Honorable Andy Gardiner, President

I am directed to inform the Senate that the House has passed SB 2512, with 1 amendment. Having refused to pass SB 2512 as passed by the Senate, the House accedes to the request for conference.

Bob Ward, Clerk

The Honorable Andy Gardiner, President

I am directed to inform the Senate that the House has passed SB 2514, with 1 amendment. Having refused to pass SB 2514 as passed by the Senate, the House accedes to the request for conference.

Bob Ward, Clerk

The Honorable Andy Gardiner, President

I am directed to inform the Senate that the House has passed SB 7038, with 1 amendment. Having refused to pass SB 7038 as passed by the Senate, the House accedes to the request for conference.

Bob Ward, Clerk

The Honorable Andy Gardiner, President

I am directed to inform the Senate that the House has passed SB 7054, with 1 amendment. Having refused to pass SB 7054 as passed by the Senate, the House accedes to the request for conference.

Bob Ward, Clerk

CORRECTION AND APPROVAL OF JOURNAL

The Journal of April 1 was corrected and approved.

CO-INTRODUCERS

Senators Gibson—CS for SB 240, SB 1046; Margolis—CS for SB 972

ADJOURNMENT

On motion by Senator Simmons, the Senate adjourned at 4:33 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 4:00 p.m., Wednesday, April 8 or upon call of the President.