

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

EDUCATION PRE-K - 12
Senator Wise, Chair
Senator Bullard, Vice Chair

MEETING DATE: Wednesday, November 2, 2011

TIME: 8:30 —10:30 a.m.

PLACE: 301 Senate Office Building

MEMBERS: Senator Wise, Chair; Senator Bullard, Vice Chair; Senators Alexander, Altman, Benacquisto, Bogdanoff, and Montford

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 98 Siplin (Identical H 317)	Education; Authorizing district school boards to adopt resolutions that allow prayers of invocation or benediction at secondary school events; providing legislative intent; providing for severability, etc. ED 11/02/2011 Fav/1 Amendment JU RC	Fav/1 Amendment (138252) Yeas 4 Nays 1
2	SB 120 Sobel (Identical H 61)	Public Broadcasting Program System; Including certain educational television stations licensed by the Federal Communications Commission for which support and funding may be given, etc. ED 11/02/2011 Favorable CU BC	Favorable Yeas 6 Nays 0
3	SB 256 Flores (Similar H 291)	Youth and Student Athletes; Requiring independent sanctioning authorities to adopt policies to inform certain officials, coaches, and youth athletes and their parents of the nature and risk of certain head injuries; requiring that a signed consent form be obtained before the youth participates in athletic practices or competitions; requiring that a youth athlete be immediately removed from an athletic activity following a suspected head injury; requiring written clearance from a medical professional before the youth resumes athletic activities; authorizing a physician to delegate the performance of medical care to a licensed or certified health care practitioner and consult with or use testing and the evaluation of cognitive functions performed by a licensed neuropsychologist, etc. ED 11/02/2011 Favorable HR BC	Favorable Yeas 6 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Education Pre-K - 12

Wednesday, November 2, 2011, 8:30 —10:30 a.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	SB 366 Gaetz (Identical H 453)	Group Insurance for Public Employees; Requiring that school districts procure certain types of insurance for their officers and employees through interlocal agreements; providing an exception; requiring each school district to enter into an interlocal agreement and establish the School District Insurance Consortium governed by a board of directors; providing for membership and specifying terms of office for board members; requiring the Department of Management Services to provide technical services to the consortium; requiring the consortium to advertise for competitive bids for insurance; requiring that school districts engage in collective bargaining with certified bargaining agents, etc. ED 11/02/2011 Favorable GO BC	Favorable Yeas 6 Nays 0
5	SB 260 Wise (Identical H 315)	Deaf and Hard-of-hearing Children; Cites this act as the "Deaf and Hard-of-Hearing Children's Educational Bill of Rights;" providing legislative findings and purpose; encouraging certain state agencies, institutions, and political subdivisions to develop recommendations ensuring that the language and communication needs of deaf and hard-of-hearing children are addressed; requiring that the act be expeditiously implemented; requiring that the Department of Education develop a communication model for the individual education plan process for deaf and hard-of-hearing students; requiring that the department disseminate the model to each school district and provide training as it determines necessary, etc. ED 11/02/2011 Fav/CS	Fav/CS Yeas 6 Nays 0

Consideration of proposed committee bill (Interim Project 2012-119 - Delivery of Educational Services in the Department of Juvenile Justice Facilities):

COMMITTEE MEETING EXPANDED AGENDA

Education Pre-K - 12

Wednesday, November 2, 2011, 8:30 —10:30 a.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
6	SPB 7016	Juvenile Justice Education and Workforce Programs; Providing legislative intent regarding juvenile justice education and workforce-related programs; requiring that the Department of Juvenile Justice ensure that each juvenile justice education program meets specified minimum standards; creating the Florida Juvenile Justice Education Act; requiring that each juvenile justice education program involve the regional workforce board or economic development agency and local postsecondary institutions to determine the occupational areas for the education and workforce-related program; providing that if a program fails to meet the minimum passage rates, the program must discontinue enrollment and redirect students into a different industry certification area of high demand; requiring that the Department of Juvenile Justice hold the school districts and private providers accountable for performance outcomes until the youth are released from the department's supervision, etc.	Submitted as Committee Bill

Other Related Meeting Documents

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Education Pre-K - 12 Committee

BILL: SB 98

INTRODUCER: Senator Siplin

SUBJECT: Education

DATE: October 28, 2011

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Brown	Matthews	ED	Pre-meeting
2.			JU	
3.			RC	
4.				
5.				
6.				

I. Summary:

This bill provides, on a permissive basis, authority for district school boards to adopt resolutions regarding student delivery of inspirational messages, including prayers, at secondary school level gatherings, such as at commencement.

If adopted, language is required to be included in the resolution, such as that the decision to use a prayer is at the option of student government; only students can deliver prayers; prayers are nonsectarian and nonproselytizing; and school personnel is precluded from participating in or influencing students in decisions to use prayers.

This bill creates an undesignated section of law in the Florida Statutes.

II. Present Situation:

On August 27, 2008, the American Civil Liberties Union filed a lawsuit in the United States District Court for the Northern District of Florida against the Santa Rosa County School District, alleging that prayers in school were state-sponsored and violative of the Establishment Clause and the no-aid provision of the state constitution.¹ On May 6, 2009, both parties entered a consent decree and the court issued an order which provided, in part, for permanent injunction against school officials from:

- Promoting, advancing, endorsing, or causing prayers in conjunction with school events;
- Planning, organizing, promoting, or sponsoring religious services;

¹ *Does v. School Board for Santa Rosa County, Florida* (Case Number 3:08-cv-361/MCR/EMT)

- Holding school events at a religious venue when an alternative venue is reasonably suitable that is not a religious venue; and
- Permitting school officials to promote personal religious beliefs.

Subsequent to the issuance of the consent decree, a contempt order was issued by the court against two school officials for violation of the decree, with possible punishment of jail time and fines.² On September 17, 2009, the court found the school officials not guilty.³ Plaintiff teachers and other staff challenged the consent decree in U.S. District Court by plaintiff teachers and other staff, alleging violations of their First Amendment rights.⁴ On March 21, 2011, the court issued an order which granted, in part, a preliminary injunction enjoining the school board from enforcing school policies restricting employee participation in private religious service, including baccalaureate. On July 5, 2011, the school board approved an agreement between the parties, which ended the case, and entered into an amended consent decree, effectively clarifying the original decree.⁵

The 2010 Legislature passed a bill which prohibits district school boards and administrative and instructional personnel from taking affirmative action, including entering into agreements that infringe First Amendment rights of personnel or students, unless waived in writing.⁶

III. Effect of Proposed Changes:

This bill authorizes, but does not require, district school boards to adopt resolutions regarding the delivery of inspirational messages, including prayers of invocation or benediction, at secondary school commencement exercises or other noncompulsory student assemblies.

If adopted, the resolution must include language that provides:

- The use of a prayer of invocation or benediction is at the discretion of the student government;
- Students will deliver all prayers;
- All prayers will be nonsectarian and nonproselytizing in nature; and
- School personnel may not participate in, or otherwise influence any student in determining whether to use prayers.

This bill identifies as its purpose the provision of the solemnization and memorialization of secondary school events and ceremonies, rather than to advance or endorse any religion or religious belief.

² *Florida School Officials Get Jail Time*, www.cnn.com/2009/CRIME/09/17/florida.school.prayer (September 17, 2009); Last checked March 23, 2011.

³ *Lay, Freeman Not Guilty in School Prayer Case*; <http://www.northescambia.com/?p=10943>; Last checked March 23, 2011.

⁴ *Mary E. Allen v. School Board for Santa Rosa County, Florida* (N.D. U.S.D.C. 2011) (Case Number 3:10-cv-00142-MCR-CJK).

⁵ Settlement Agreement, Waiver and Release, Filed with the Court July 1, 2011.

⁶ ch. 2010-214, L.O.F.; s. 1003.4505, F.S.

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

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. Other Constitutional Issues:

The First Amendment to the Federal Constitution provides, in part:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof....

This provision is typically referred to as the Establishment Clause.

Section 3, Article I, of the State Constitution provides:

There shall be no law respecting the establishment of religion or prohibiting or penalizing the free exercise thereof....No revenue of the state or any political subdivision or agency thereof shall ever be taken from the public treasury directly or indirectly in aid of any church, sect, or religious denomination or in aid of any sectarian institution.

In 1962, the U.S. Supreme Court indicated that evidence of direct government compulsion is not required in an Establishment Clause case (as would generally be the case for Free Exercise claims.) In Engel v. Vitale, the court found impermissible daily prayer in schools, regardless of whether students were specifically and individually required to participate, on the basis that prayer in elementary and secondary schools carries particular risk of indirect coercion.⁷

In 1971, the U.S. Supreme Court established the seminal test to apply to these cases, in Lemon v. Kurtzman, which requires that the following be demonstrated for constitutionality:

- The statute must contain a secular purpose;
- The statute's principal or primary effect is one that neither advances nor inhibits religion; and

⁷ *Engel v. Vitale*, 370 U.S. 421, 441-442 (1962).

- The statute must not foster excessive government entanglement with religion.⁸

The last prong remains the critical focus of the test.⁹

In 1992, however, the Supreme Court did not apply the Lemon test to a case involving endorsement of nonsectarian prayer and emphasized, instead, indicia of whether government actions constituted a pervasive degree of involvement, commonly referred to as the Coercion Test.¹⁰ Here, that school officials decided themselves to have prayer at commencement, selected clergy, and influenced speech content by providing a pamphlet to the clergy with guidelines for nonsectarian prayer, the court determined, rose to the level of impermissible pervasive activity.¹¹ Although asserted that attendance was voluntary, the very monumental nature of a graduation made student participation mandatory.

In Santa Fe Independent School District v. Doe, the U.S. Supreme Court ruled that school district policy which authorized student-led, student-initiated invocations at football games did not constitute private speech.¹² In this case, the policy authorized student elections to determine whether invocations should be provided at games, and if so, who should deliver the invocation.¹³ The District Court limited the policy to nonsectarian, nonproselytizing prayer. In finding the lower court's modified policy unconstitutional, the Supreme Court applied a hybrid Lemon/Lee test and determined that a policy that expressly authorizes prayer at all promotes religion, constitutes unlawful coercion, and is therefore facially unconstitutional:

Indeed, the only type of message expressly endorsed in the policy is an "invocation," a term which primarily describes an appeal for divine assistance....Through its election scheme, the District has established a government mechanism that turns the school into a forum for religious debate....It further empowers the student body majority....to subject students of minority views to constitutionally improper messages.¹⁴

In 2001, in Adler v. State, the Eleventh Circuit Court of Appeals reviewed a Duval County school district policy that permitted a graduating student, elected by her class, to give a message unrestricted by the school,¹⁵ which specifically provided:

⁸ 403 U.S. 602, 612-13 (1971).

⁹ John P. Cronan, *A Political Process Argument for the Constitutionality of Student-led, Student-initiated Prayer*, 18 YLLPR 503, 510 (2000).

¹⁰ *Lee v. Weisman*, 505 U.S. 577, 578 (1992).

¹¹ *Id.* at 578, 587.

¹² 530 U.S. 290 (2000).

¹³ *Id.* at 297.

¹⁴ *Id.* at 291, 316.

¹⁵ 250 F.3d 1330 (11th Cir. 2001).

1. The use of a brief opening and/or closing message, not to exceed two minutes, at high school graduation exercises shall rest within the discretion of the graduating senior class;
2. The opening and/or closing message shall be given by a student volunteer, in the graduating senior class, chosen by the graduating senior class as a whole;
3. If the graduating senior class chooses to use an opening and/or closing message, the content of that message shall be prepared by the student volunteer and...not be monitored or...reviewed by Duval County School Board, its officers or employees;

The purpose of these guidelines is to allow students to direct their own graduation message without monitoring or review by school officials.¹⁶

Here, the court held that as this policy was neutral on-its-face and did not involve any degree of state control, it was facially constitutional.¹⁷

Although it is difficult to gauge how this bill would be implemented in practice, it can be said that a Duval County-type policy, which authorizes a student message to be delivered at graduation but does not mention prayer, and prohibits school review of content, presents the strongest case for constitutionality. At the other end of the continuum, a school district policy which allows students to decide if they want a student-led prayer to be delivered at a school event similar to Santa Fe may be constitutionally suspect. Less certain outcomes exist for other factual combinations. That this bill references only the secondary, rather than the K-12 setting, is likely inconsequential.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

This bill authorizes, but does not require school boards to draft policies addressing inspirational messages. Therefore, any fiscal impact related to policy drafting and adoption is expected to be insignificant.

¹⁶ *Id.* at 1332.

¹⁷ *Id.* at 1333.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

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

None.

B. Amendments:

None.

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



138252

LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
11/02/2011	.	
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	.	
	.	

The Committee on Education Pre-K - 12 (Wise) recommended the following:

Senate Amendment

Delete lines 19 - 21
and insert:

(3) School personnel may not participate in, or otherwise

By Senator Siplin

19-00013-12

201298__

A bill to be entitled

An act relating to education; authorizing district school boards to adopt resolutions that allow prayers of invocation or benediction at secondary school events; providing legislative intent; providing for severability; providing an effective date.

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

Section 1. Any district school board may adopt a resolution allowing the use of an inspirational message, including prayers of invocation or benediction, at secondary school commencement exercises or any other noncompulsory student assembly. The resolution must provide that:

(1) The use of a prayer of invocation or benediction is at the discretion of the student government.

(2) All prayers of invocation or benediction will be given by student volunteers.

(3) All prayers of invocation or benediction will be nonsectarian and nonproselytizing in nature.

(4) School personnel may not participate in, or otherwise influence any student in, the determination of whether to use prayers of invocation or benediction.

Section 2. The purpose of this act is to provide for the solemnization and memorialization of secondary school events and ceremonies, and this act is not intended to advance or endorse any religion or religious belief.

Section 3. If any provision of this act or its application to any person or circumstance is held invalid, the invalidity

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19-00013-12

201298__

does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

Section 4. This act shall take effect July 1, 2012.

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THE FLORIDA SENATE
APPEARANCE RECORD

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

Spoke

11 / 2 / 2011

Meeting Date

98

Bill Number (if applicable)

Topic Education

Amendment Barcode (if applicable)

Name BRIAN PITTS

Job Title TRUSTEE

Address 1119 NEWTON AVENUE SOUTH

Phone 727-897-9291

Street

SAINT PETERSBURG

FLORIDA

33705

City

State

Zip

E-mail JUSTICE2JESUS@YAHOO.COM

Speaking: ☒ For ☐ Against ☒ Information

Representing JUSTICE-2-JESUS

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

For officially noticed committee meetings, pursuant to s. 11.061, *Florida Statutes*, state, state university, or community college employees are required to file the first copy of this form with the Committee, unless appearance has been requested by the Chair as a witness or for informational purposes.

If designated employee:

Time: from _____ to _____

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

S-001 (08/24/11)

THE FLORIDA SENATE
APPEARANCE RECORD

Spoke

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

11/2/11

Meeting Date

Topic SB 98

Bill Number SB 98
(if applicable)

Name David Barkley

Amendment Barcode _____
(if applicable)

Job Title Religious Freedom Counsel

Address 621 NW 53rd St.

Phone 561-988-2912

Street

Boca Raton, FL 33487

City

State

Zip

E-mail dbarkley@afl-ora.org

Speaking: ☐ For ☒ Against ☐ Information

Representing Anti-Defamation League

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

Spoke

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

11/2/11

Meeting Date

Topic Education - SB 98

Bill Number SB 98
(if applicable)

Name Ron BILBAO

Amendment Barcode _____
(if applicable)

Job Title Senior Legislative Associate

Address 4500 Biscayne Blvd

Phone 786 - 363-2723

Street

Miami FL 33137

City

State

Zip

E-mail rbilbao@edufl.org

Speaking: ☐ For ☒ Against ☐ Information

Representing ACLU of Florida

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/20/11)



The Florida Senate

Committee Agenda Request

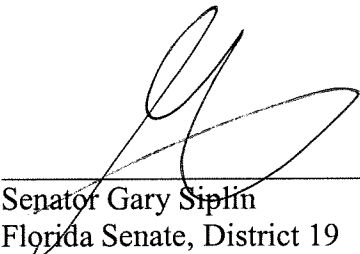
To: Senator Stephen R. Wise, Chair
Committee on Education Pre-K - 12

Subject: Committee Agenda Request

Date: September 8, 2011

I respectfully request that **Senate Bill #98**, relating to Education, be placed on the:

- ☒ committee agenda at your earliest possible convenience.
- ☐ next committee agenda.



Senator Gary Siplin
Florida Senate, District 19

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Education Pre-K - 12 Committee

BILL: SB 120

INTRODUCER: Senator Sobel

SUBJECT: Public Broadcasting

DATE: October 31, 2011

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	deMarsh-Mathues	Matthews	ED	Favorable
2.			CU	
3.			BC	
4.				
5.				
6.				

I. Summary:

The bill expands the number of educational television stations that the Department of Education (DOE) supports as a part of the state's public broadcasting program system. Non-denominational full-power educational television stations licensed by the Federal Communications Commission (FCC) as of July 1, 2012, would be eligible for state funding.

This bill substantially amends section 1001.26 of the Florida Statutes.

II. Present Situation:

Regulation of Public Broadcast Stations

The FCC licenses and regulates U.S. television broadcast stations.¹ Television stations are licensed as either commercial or noncommercial educational television, generally known as "public television", and are either full power or low power stations.² As of October 28, 2011, there are 18 full-power educational TV stations in Florida that are FCC licensees.³ Of these, 13 are public broadcasting stations.⁴

¹ See <http://www.fcc.gov/what-we-do>.

² 47 U.S.C. ss. 154, 303, 334, 336, and 339 and 47 C.F.R. s. 73.621(a). Municipalities and other subdivisions are subject to other criteria. The FCC only licenses nonprofit educational broadcast systems upon a showing that the proposed stations will be used primarily to serve the educational needs of the community, for the advancement of educational programs, and to furnish a nonprofit and non commercial television broadcast service.

³ E-mail correspondence, FCC staff, October 28, 2011. On file with the Committee on Pre-K – 12 Education. The stations are: WFSG, WBCC, WTGL, WMFE-TV, WDSC-TV, WPBT, WSRE, WEDU, WTCE-TV, WJEB-TV, WBEC-TV, WXEL-TV, WGCU, WLRN-TV, WUSF-TV, WUFT, and WJCT. See http://www.floridaknowledgenetwork.org/PB/TV_Stations_text.asp and

State Public Broadcasting Program System

The DOE administers the state's public broadcasting program system.⁵ State funding is administered by the DOE in the form of grants to eligible educational television and radio stations⁶ that are qualified by the Corporation for Public Broadcasting (CPB).⁷ New stations eligible for funding must provide a first service to an audience that is not currently receiving a broadcast signal or provide a significant new program service as defined by State Board of Education rules. According to the DOE, eligible stations provide educational coverage to 99 percent of the state.⁸

The 2011-2012 General Appropriations Act provided \$307, 447 in General Revenue to each public television station. PECO funds may also be used for specific uses associated with providing educational radio or television.⁹

III. Effect of Proposed Changes:

The DOE currently supports existing CPB qualified program educational radio and TV stations and new stations that meet CPB qualifications.¹⁰ The bill expands the number of educational television stations that the DOE supports as a part of the state's public broadcasting program. Nondenominational full-power educational television stations licensed by the FCC as of July 1, 2012, would be eligible for state funding. The bill does not define the term "nondenominational." The absence of a definition may result in the inability of the DOE to provide the support required in the bill.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

http://www.floridaknowledgenetwork.org/PB/TV_Map1.pdf. According to the DOE, WFSG and WFSU-TV are the same station. E-mail correspondence with DOE staff, October 31, 2011. On file with the Committee on Pre-K – 12 Education.

⁴ *Id.*

⁵ s. 1001.26, F.S.

⁶ Pursuant to s. 1002.26, F.S., these are existing and proposed educational television and radio systems of tax-supported and nonprofit, corporate-owned facilities.

⁷ The CPB is a nonprofit corporation that receives an appropriation from Congress and supports local television and radio stations, programming, and improvements to the public broadcasting system as a whole. Other support is derived from sources such as memberships, businesses, colleges, and universities, and state and local governments. The CPB awards grants to stations and independent producers to create programs and services and requires station grant recipients to certify their initial and continued compliance with specific FCC requirements. *See* 47 U.S.C. s. 396 and

<http://www.cpb.org/stations/certification/>.

⁸ DOE bill analysis, October 28, 2011. On file with the Committee on Pre-K – 12 Education.

⁹ Pursuant s. 1013.18, F.S., funds may be requested by a district school board, a Florida College System institution board of trustees, a university board of trustees, and the board of trustees for the Florida School for the Deaf and the Blind.

¹⁰ s. 1001.26(2)(c), F.S.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Current law permits the DOE to provide funds, equipment, and services for existing and proposed educational TV and radio systems of tax-supported and nonprofit, corporate-owned facilities that are qualified by the CPB.¹¹

Appropriations for public television and radio stations were vetoed for 2011-2012, including \$307,447 for each public television station.¹² The DOE notes that should funding be restored in future years, the bill could significantly increase the amount necessary to fund public broadcasting or significantly decrease funding available to each television station.¹³ The number of stations that would qualify for funding under the bill cannot be determined at this time. According to the FCC, there are currently five licensees that are not identified as public television stations.¹⁴

According to the DOE, the costs to the department would be those associated with administrative activities, such as reviewing additional grant applications, determining eligibility, and providing ongoing technical assistance.¹⁵

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

¹¹ s. 1001.26(2)(c), F.S.

¹² SB 2000, General Revenue funds in Specific Appropriation 93. Correspondence to the Secretary of State, May 26, 2011. See http://www.flgov.com/wp-content/uploads/budget/sb_2000_vetomessage.pdf.

¹³ DOE bill analysis, October 28, 2011. On file with the Committee on Pre-K – 12 Education.

¹⁴ ETV Network: WTGL (Good Life Broadcasting, Inc.), WFSU-TV (Florida State University), and WBEC-TV (The School Board of Broward County, Florida) and the Trinity Broadcasting Network: WTCE-TV and WJEB-TV (Jacksonville Educators Broadcasting, Inc.). The respective designated market areas are: Orlando-Daytona Beach- Melbourne; Tallahassee-Thomasville; Miami-Ft. Lauderdale; West Palm Beach-Ft. Pierce; and Jacksonville. E-mail correspondence, FCC staff, October 28, 2011. On file with the Committee on Pre-K – 12 Education.

¹⁵ *Id.*

VIII. Additional Information:

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

None.

- B. **Amendments:**

None.

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

By Senator Sobel

31-00138-12

2012120__

A bill to be entitled

An act relating to the public broadcasting program system; amending s. 1001.26, F.S.; including certain educational television stations licensed by the Federal Communications Commission for which support and funding may be given; providing an effective date.

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

Section 1. Paragraph (a) of subsection (1) and paragraph (c) of subsection (2) of section 1001.26, Florida Statutes, are amended to read:

1001.26 Public broadcasting program system.—

(1) There is created a public broadcasting program system for the state. The department shall administer this program system pursuant to rules adopted by the State Board of Education. This program system must complement and share resources with the instructional programming service of the Department of Education and educational UHF, VHF, ITFS, and FM stations in the state. The program system must include:

(a) Support for existing Corporation for Public Broadcasting qualified program system educational radio and television stations, ~~and~~ new stations meeting Corporation for Public Broadcasting qualifications and providing a first service to an audience that does not currently receive a broadcast signal or providing a significant new program service as defined by rule by the State Board of Education, and nondenominational television stations licensed as of July 1, 2012, by the Federal Communications Commission as full-power educational broadcast

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31-00138-12

2012120__

stations.

(2)

(c) The department is authorized to provide equipment, funds, and other services to extend and update both the existing and the proposed educational television and radio systems of tax-supported and nonprofit, corporate-owned facilities. All stations funded must be qualified by the Corporation for Public Broadcasting or be nondenominational television stations licensed as of July 1, 2012, by the Federal Communications Commission as full-power educational broadcast stations. New stations eligible for funding shall provide a first service to an audience that is not currently receiving a broadcast signal or provide a significant new program service as defined by State Board of Education rules. Funds appropriated to the department for educational television and funds appropriated to the department for educational radio may be used by the department for either educational television or educational radio, or for both.

Section 2. This act shall take effect July 1, 2012.

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THE FLORIDA SENATE
APPEARANCE RECORD

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

did not
speak

11 / 2 / 2011

Meeting Date

120

Bill Number (if applicable)

Topic Broadcasting

Amendment Barcode (if applicable)

Name BRIAN PITTS

Job Title TRUSTEE

Address 1119 NEWTON AVENUE SOUTH

Phone 727-897-9291

Street

SAINT PETERSBURG

FLORIDA

33705

City

State

Zip

E-mail JUSTICE2JESUS@YAHOO.COM

Speaking: ☒ For ☐ Against ☒ Information

Representing JUSTICE-2-JESUS

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

For officially noticed committee meetings, pursuant to s. 11.061, Florida Statutes, state, state university, or community college employees are required to file the first copy of this form with the Committee, unless appearance has been requested by the Chair as a witness or for informational purposes.

If designated employee:

Time: from _____ to _____

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

S-001 (08/24/11)

THE FLORIDA SENATE
APPEARANCE RECORD

Spoke

11/2/11

Meeting Date

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

Topic EDUCATIONAL TV Bill Number SB 120
(if applicable)
Name CHRIS BARTCH Amendment Barcode _____
(if applicable)
Job Title WBEC-TV STATION MANAGER
Address 6600 SW NOVA DR Phone 754 321 1025
Street
FORT LAUDERDALE FL 33317 E-mail kcbartch@gmail.com
City State Zip
Speaking: ☒ For ☐ Against ☐ Information
Representing BECON TV BROWARD COUNTY SCHOOL BOARD
Appearing at request of Chair: ☐ Yes ☒ No Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/20/11)

Spoke

THE FLORIDA SENATE
APPEARANCE RECORD

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

10/2/11

Meeting Date

Topic SB 120 - Pub. Bldg

Bill Number 120
(if applicable)

Name CLARENCE MCKEE

Amendment Barcode _____
(if applicable)

Job Title ADVISOR / CONSULTANT

Address 11555 HELEN BAY BLVD

Phone 954-415-4096

CORAL SPRINGS FL 33076
City State Zip

E-mail clarence@mckeeconsulting.com

Speaking: ☒ For ☐ Against ☐ Information

Representing Broward School Bd - WBEC-TV

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/20/11)

Spoke

THE FLORIDA SENATE
APPEARANCE RECORD

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

Meeting Date _____

Topic Public Broadcasting

Bill Number SB 120
(if applicable)

Name Lindy Kennedy

Amendment Barcode _____
(if applicable)

Job Title _____

Address 101 N. Gadsden

Phone 850 201 2096

Street

Tallahassee

City

State

Zip

E-mail lkennedy@engmatic.com

Speaking: ☐ For ☐ Against ☒ Information

Representing FL Public Broadcasting Service

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/20/11)



The Florida Senate

Committee Agenda Request

To: Senator Stephen R. Wise, Chair
Committee on Education Pre-K - 12

Subject: Committee Agenda Request

Date: October 17, 2011

I respectfully request that **Senate Bill #120**, relating to Public Broadcasting Program System, be placed on the:

- ☐ committee agenda at your earliest possible convenience.
- ☒ next committee agenda.

A handwritten signature in cursive script, reading "Eleanor Sobel", written over a horizontal line.

Senator Eleanor Sobel
Florida Senate, District 31

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Education Pre-K - 12 Committee

BILL: SB 256

INTRODUCER: Senator Flores

SUBJECT: Youth and Student Athletes

DATE: October 28, 2011

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Brown	Matthews	ED	Favorable
2.			HR	
3.			BC	
4.				
5.				
6.				

I. Summary:

This bill requires independent sanctioning authorities of youth athletic teams, and the Florida High School Athletic Association, to adopt policies regarding educating administrators, parents, and athletes on sports-related concussions and head injuries.

Physicians or osteopaths are required to issue written medical clearances prior to a head-injured student's return to play. At the direction of the physician or osteopath, delineated health care practitioners are authorized to provide medical examinations and treatment for purposes of the clearances.

This bill substantially amends sections 943.0438 and 1006.20 of the Florida Statutes.

II. Present Situation:

Statutory Authority

An independent sanctioning authority is defined as a private, nongovernmental entity that organizes or operates youth athletic teams. This term does not apply to teams affiliated with private schools.¹

The Florida High School Athletic Association (FHSAA), established in s. 1006.20, F.S., is the governing body of Florida public school athletics. Currently, the FHSAA governs almost 800

¹ s. 943.0438(1)(b), F.S.

public and private member schools.² The Florida Legislature grants the FHSAA authority to adopt bylaws, which it does, and publishes them in a handbook, available online.³

Sports-related Head Injuries

According to the Centers for Disease Control and Prevention (CDC):

- Approximately 173,000 young people under the age of 18 receive treatment in emergency room settings annually for nonfatal traumatic brain injuries resulting from sports and recreation activities;
- Researchers observed a considerable increase in the number of emergency room setting visits for traumatic brain injuries in the years studied (2001-2009), from 153,000 to 248,418 visits, most significantly among males aged 10-19 years; and
- This reflects a 57 percent increase among young people from 2001-2009.⁴

For persons suspected of incurring a traumatic brain injury during sports play, the CDC recommends immediate removal from play with a blanket prohibition on return the same day, and return to play only after evaluation and clearance by a health care provider with specific expertise in traumatic brain injury treatment.

Similarly, advocates of legislative protections for children receiving sports-related concussions promote the following components: education on the dangers of concussions, removal from participation for head-injured players, and delayed return until a medical professional provides a clearance.⁵ Named for a young football player who sustained serious injury after he returned to play too soon following a concussion, the “Zackery Lystedt Law” has been adopted in several states, including Washington and Oregon, and is under consideration in several other jurisdictions, including in Congress.⁶

Athletic Trainers

Athletic trainers are licensed under s. 468.701, F.S. The practice of athletic training refers to recognition, prevention and treatment of athletic injuries.⁷ Athletic trainers require licensure, and must meet the following criteria to operate in the state of Florida:

- Apply, submit required fees, and pass a board exam;
- Be at least 21 years old;
- Hold a baccalaureate degree from an accredited college or university; and

² <http://www.fhsaa.org/about>; Last checked October 25, 2011.

³ The handbook is available at the FHSAA website, at: <http://www.fhsaa.org/rules/fhsaa-handbook>; Last checked October 25, 2011.

⁴ *Nonfatal Traumatic Brain Injuries Related to Sports and Recreation Activities Among Persons Aged Less Than or Equal to 19 Years --- United States, 2001-2009*, CDC Weekly (October 7, 2011.) See Article at: http://www.cdc.gov/mmwr/preview/mmwrhtml/mm6039a1.htm?s_cid=mm6039a1_w; Last checked October 25, 2011.

⁵ <http://www.acacamps.org/campline/w-2011/concussions-zachery-lystedt-law>; Last checked October 29, 2011.

⁶ *Washington Boy's Case May Lead to Nationwide Sports Concussion Laws*, King5.com news story (February 1, 2010); available online at: <http://www.king5.com/sports/high-school/Sports-Head-Injuries-83303332.html#>; Last checked October 28, 2011.

⁷ s. 468.701(5), F.S.

- Have current CPR certification.⁸

III. Effect of Proposed Changes:

This bill requires independent sanctioning authorities and the Florida High School Athletic Association to establish guidelines that provide information on concussions and head injuries to officials, administrators, coaches, parents and children.

In addition to requiring that guidelines be adopted, this bill requires independent sanctioning authorities and the FHSAA to adopt bylaws or policies regarding:

- Parental consent forms describing the nature and risk of concussions and head injuries, including the risk of continuing to play post-injury; and
- A requirement that the injured youth be immediately stopped from playing and not be allowed to return until a medical professional provides written clearance.

Qualifying medical professionals, for purposes of issuing medical clearances, are medical doctors and osteopaths. Medical doctors and osteopaths are authorized to delegate medical exams and treatment to specified health care practitioners, consisting of advanced registered nurse practitioners, physician assistants, osteopathic physician assistants, and athletic trainers, provided that the physician maintains a supervisory role or establishes written medical protocol. This bill also authorizes physicians to consult with neuropsychologists or use testing established in that field.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

⁸ s. 468.707, F.S.

B. Private Sector Impact:

Independent sanctioning authorities and the FHSAA would have to expend resources developing guidelines and bylaws or policies. This bill also would result in some recordkeeping duties.

The Department of Education indicates that on June 14, 2011, the FHSAA Board of Directors approved the following policies:

- Adopted the FSHAA Concussion Action Plan, incorporated into the 2011-12 FHSAA Handbook;
- Added language to the “Consent and Release from Liability Certificate” (FHSAA Form EL3) regarding the potential dangers of concussions and head and neck injuries incurred in sports play; and
- Added the required course of “Concussion in Sports – What You Need to Know”, for all FHSAA-member school head coaches and paid/supplemental coaches.

Provisions relating to informed consent and a prohibition on return to play until medically cleared may reduce liability for sports-related injuries, and therefore, have a positive impact.

Adoption of this legislation would hopefully lessen the severity of sports-related head injuries to children, with possible reduction of personal medical and other costs long-term.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

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

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

None.

B. Amendments:

None.

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

By Senator Flores

38-00159-12

2012256__

1 A bill to be entitled
 2 An act relating to youth and student athletes;
 3 amending s. 943.0438, F.S.; requiring independent
 4 sanctioning authorities to adopt policies to inform
 5 certain officials, coaches, and youth athletes and
 6 their parents of the nature and risk of certain head
 7 injuries; requiring that a signed consent form be
 8 obtained before the youth participates in athletic
 9 practices or competitions; requiring that a youth
 10 athlete be immediately removed from an athletic
 11 activity following a suspected head injury; requiring
 12 written clearance from a medical professional before
 13 the youth resumes athletic activities; authorizing a
 14 physician to delegate the performance of medical care
 15 to a licensed or certified health care practitioner
 16 and consult with or use testing and the evaluation of
 17 cognitive functions performed by a licensed
 18 neuropsychologist; amending s. 1006.20, F.S.;
 19 requiring the Florida High School Athletic Association
 20 to adopt policies to inform certain officials,
 21 coaches, and student athletes and their parents of the
 22 nature and risk of certain head injuries; requiring
 23 that a signed consent form be obtained before a
 24 student athlete participates in athletic practices or
 25 competitions; requiring that a student athlete be
 26 immediately removed from an athletic activity
 27 following a suspected head injury; requiring written
 28 clearance from a medical professional before the
 29 student resumes athletic activities; authorizing a

Page 1 of 4

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

38-00159-12

2012256__

30 physician to delegate the performance of medical care
 31 to a licensed or certified health care practitioner
 32 and consult with or use testing and the evaluation of
 33 cognitive functions performed by a licensed
 34 neuropsychologist; providing an effective date.
 35
 36 Be It Enacted by the Legislature of the State of Florida:
 37
 38 Section 1. Paragraph (e) is added to subsection (2) of
 39 section 943.0438, Florida Statutes, to read:
 40 943.0438 Athletic coaches for independent sanctioning
 41 authorities.—
 42 (2) An independent sanctioning authority shall:
 43 (e)1. Adopt guidelines to educate officials,
 44 administrators, athletic coaches, and youth athletes and their
 45 parents or guardians of the nature and risk of concussion and
 46 head injury.
 47 2. Adopt bylaws or policies that require the parent or
 48 guardian of a minor who participates in athletic practices or
 49 competitions of the independent sanctioning authority, before
 50 the minor participates in a competition, practice, or other
 51 activity, to sign and return a consent form that explains the
 52 nature and risk of concussion and head injury, including the
 53 risk of continuing to play after a concussion or head injury has
 54 occurred.
 55 3. Adopt bylaws or policies that require a youth athlete
 56 who is suspected of sustaining a concussion or head injury in a
 57 practice or competition to be immediately removed from the
 58 activity. A youth athlete who has been removed may not return to

Page 2 of 4

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

38-00159-12 2012256

59 practice or competition until the youth receives written
 60 clearance to return from a physician who is licensed under
 61 chapter 458 or chapter 459. Before issuing a written clearance
 62 to return to practice or competition, a physician may:

63 a. Delegate the performance of medical care to a health
 64 care provider who is licensed or certified under s. 464.012, s.
 65 458.347, s. 459.022, or s. 468.701, with whom the physician
 66 maintains a formal supervisory relationship or established
 67 written protocol that identifies the medical care or evaluations
 68 to be performed, identifies conditions for performing medical
 69 care or evaluations, and attests to proficiency in the
 70 evaluation and management of concussions; and

71 b. Consult with or use testing and the evaluation of
 72 cognitive functions performed by a neuropsychologist licensed
 73 under chapter 490.

74 Section 2. Paragraphs (e), (f), and (g) are added to
 75 subsection (2) of section 1006.20, Florida Statutes, to read:

76 1006.20 Athletics in public K-12 schools.—

77 (2) ADOPTION OF BYLAWS.—

78 (e) The organization shall adopt guidelines to educate
 79 officials, administrators, coaches, and student athletes and
 80 their parents or guardians of the nature and risk of concussion
 81 and head injury.

82 (f) The organization shall adopt bylaws or policies that
 83 require the parent or guardian of a student who participates in
 84 interscholastic athletic competition or who is a candidate for
 85 an interscholastic athletic team, before the student
 86 participates in a competition, practice, or other activity, to
 87 annually sign and return a consent form that explains the nature

38-00159-12 2012256

88 and risk of concussion and head injury, including the risk of
 89 continuing to play after a concussion or head injury has
 90 occurred.

91 (g) The organization shall adopt bylaws or policies that
 92 require a student athlete who is suspected of sustaining a
 93 concussion or head injury in a practice or competition to be
 94 immediately removed from the activity. A student athlete who has
 95 been removed may not return to practice or competition until the
 96 student receives written clearance to return from a physician
 97 who is licensed under chapter 458 or chapter 459. Before issuing
 98 a written clearance to return to practice or competition, a
 99 physician may:

100 1. Delegate the performance of medical care to a health
 101 care practitioner who is licensed or certified under s. 464.012,
 102 s. 458.347, s. 459.022, or s. 468.701, with whom the physician
 103 maintains a formal supervisory relationship or established
 104 written protocol that identifies the medical care or evaluations
 105 to be performed, identifies the conditions for their
 106 performance, and attests to proficiency in the evaluation and
 107 management of concussions; and

108 2. Consult with or use testing and the evaluation of
 109 cognitive functions performed by a neuropsychologist licensed
 110 under chapter 490.

111 Section 3. This act shall take effect July 1, 2012.

THE FLORIDA SENATE
APPEARANCE RECORD

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

waive in support
didn't speak

11/2/11
Meeting Date

Topic Youth Athletes/Injuries

Bill Number 256
(if applicable)

Name Alisa Snow

Amendment Barcode _____
(if applicable)

Job Title Lobbyist

Address 1030-2 E. LaFayette St.
Street

Phone 443-1319

TLH FL 32301
City State Zip

E-mail alisa@snowstrategies.com

Speaking: ☒ For ☐ Against ☐ Information

Representing Florida Nurses Association

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/20/11)

waive

THE FLORIDA SENATE
APPEARANCE RECORD

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

Nov 2 2011
Meeting Date

Topic Concussion

Bill Number 256
(if applicable)

Name Suban Miron

Amendment Barcode _____
(if applicable)

Job Title Consultant

Address 119 E. Park Ave
Street
Tallahassee FL 32301
City State Zip

Phone 850 222 2591
E-mail Suban@mironandassociates.com

Speaking: ☐ For ☐ Against ☒ Information

Representing Fla High School Athletic Assoc.

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

Waive

Nov. 2, 11

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

Meeting Date

Topic SB 256 - Youth & Student Athletes Bill Number 256 - Support
(if applicable)

Name Toni Large Amendment Barcode _____
(if applicable)

Job Title _____

Address 519 E. Park Ave Phone 201-0888
Street
Tallahassee FL 32301 E-mail toni@sulaw.net
City State Zip

Speaking: ☐ For ☐ Against ☐ Information

Representing Florida Orthopedic Society

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/20/11)

spoke

THE FLORIDA SENATE
APPEARANCE RECORD

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

Nov. 2 2011
Meeting Date

Topic Student Athletics / Concussions

Bill Number SB 256
(if applicable)

Name JACK HEBERT

Amendment Barcode _____
(if applicable)

Job Title _____

Address 2861 Executive Dr. #100
Street
Clearwater FL 33762
City State Zip

Phone 727-560-3323

E-mail Jack@FCACHIRO.ORG

Speaking: ☐ For ☐ Against ☒ Information

Representing Florida Chiropractic Assn.

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

Waive

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

11/2/11

Meeting Date

Topic YOUTH & STUDENT ATHLETES.

Bill Number 256
(if applicable)

Name VICKI LUKIS

Amendment Barcode _____
(if applicable)

Job Title CONSULTANT

Address 836 MADRID ST

Phone 305-216-7794

Street

CORAL GABLES FL 33134

City

State

Zip

E-mail vicki.lukis@mac.com

Speaking: ☒ For ☐ Against ☐ Information

Representing _____

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/20/11)

not in room

THE FLORIDA SENATE
APPEARANCE RECORD

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

11 / 2 / 2011

Meeting Date

256

Bill Number (if applicable)

Topic Athletes

Amendment Barcode (if applicable)

Name BRIAN PITTS

Job Title TRUSTEE

Address 1119 NEWTON AVENUE SOUTH

Phone 727-897-9291

Street

SAINT PETERSBURG

FLORIDA

33705

City

State

Zip

E-mail JUSTICE2JESUS@YAHOO.COM

Speaking: ☒ For ☐ Against ☒ Information

Representing JUSTICE-2-JESUS

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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If designated employee:

Time: from _____ to _____

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

S-001 (08/24/11)

THE FLORIDA SENATE
APPEARANCE RECORD

Waiver

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

11/2/11
Meeting Date

Topic Youth Athletes

Bill Number 256
(if applicable)

Name Rebecca O'Hara

Amendment Barcode _____
(if applicable)

Job Title VP Govt Affairs

Address PO Box 10269
Street

Phone 339 6211

Tallah FL 32302
City State Zip

E-mail rohara@flmedical.org

Speaking: ☒ For ☐ Against ☐ Information

Representing Fla Medical Assn

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/20/11)



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Judiciary, *Chair*
Budget
Budget - Subcommittee on Education Pre-K - 12
Appropriations
Commerce and Tourism
Communications, Energy, and Public Utilities
Governmental Oversight and Accountability
Reapportionment
Rules

SENATOR ANITERE FLORES

Majority Whip
38th District

October 26, 2011

The Honorable Stephen R. Wise
Chair of Committee on Education Pre-K - 12
410 Senate Office building
404 South Monroe Street
Tallahassee, FL 32399-1100

Dear Chairman Wise:

Due to my excused absence during October committee weeks, I respectfully request that Maria Chamorro present Senate Bill 256 to the Committee on Education Pre-K - 12.

Please do not hesitate to contact me should you have any questions.

Sincerely,

Anitere Flores
Anitere Flores

CC: Mr. Lowell Matthews, Staff Director, Committee on Education Pre-K - 12, 415
Knott Building

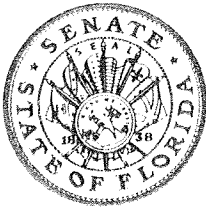
REPLY TO:

- ☐ 10691 North Kendall Drive, Suite 309, Miami, Florida 33176 (305) 270-6550
- ☐ 316 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5130

Senate's Website: www.flsenate.gov

MIKE HARIDOPOLOS
President of the Senate

MICHAEL S. "MIKE" BENNETT
President Pro Tempore



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Judiciary, *Chair*
Budget
Budget - Subcommittee on Education Pre-K - 12
Appropriations
Commerce and Tourism
Communications, Energy, and Public Utilities
Governmental Oversight and Accountability
Reapportionment
Rules

SENATOR ANITERE FLORES

Majority Whip
38th District

October 5, 2011

The Honorable Stephen R. Wise
Chair of Committee on Education Pre-k - 12
415 Knott Building
404 South Monroe Street
Tallahassee, FL 32399-1100

Dear Chairman Wise:

I respectfully request that you place SB 256, regarding youth and student athletes, on the next Committee on Education Pre-K-12 agenda. This proposed legislation ensures that our student athletes, their parents or guardians, coaches, officials, and administrators are aware of the risks of concussions and serious head injuries.

I look forward to presenting this bill before your committee.

Please do not hesitate to contact me should you have any questions. Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Anitere Flores".

Anitere Flores

CC: Mr. Lowell Matthews, Committee on Education Pre-k - 12

REPLY TO:

- ☐ 10691 North Kendall Drive, Suite 309, Miami, Florida 33176 (305) 270-6550
- ☐ 316 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5130

Senate's Website: www.flsenate.gov

MIKE HARIDOPOLOS
President of the Senate

MICHAEL S. "MIKE" BENNETT
President Pro Tempore



The Florida Senate

Committee Agenda Request

To: Senator Stephen R. Wise, Chair
Committee on Education Pre-K - 12

Subject: Committee Agenda Request

Date: October 11, 2011

I respectfully request that **Senate Bill # 260**, relating to Deaf and Hard-of-Hearing Children 'Bill of Rights', be placed on the:

- ☒ committee agenda at your earliest possible convenience.
- ☐ next committee agenda.

A handwritten signature in cursive script that reads "Stephen R. Wise".

Senator Stephen R. Wise
Florida Senate, District 5

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Education Pre-K - 12 Committee

BILL: SB 366

INTRODUCER: Senator Gaetz

SUBJECT: Group Insurance for Public Employees

DATE: October 28, 2011

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Brown	Matthews	ED	Favorable
2.			GO	
3.			BC	
4.				
5.				
6.				

I. Summary:

This bill establishes the School District Insurance Consortium (Consortium). Health, accident, and hospitalization insurance would be procured through the Consortium for school district officers and employees, and their dependents.

The Consortium would be organized by a nine-member board of directors with representation from school board members, superintendents, public school teachers or support personnel, and an individual with expertise in employee benefit systems. Directors serve two-year terms. The board of directors is authorized to hire staff, contract for services, and request technical support from the Department of Management Services (Department).

This bill requires competitive bid participation. Multiple providers are authorized, and insurance coverage may be statewide or regionally-based. For regional coverage, the Consortium must include school districts of varying size.

This bill clarifies that collective bargaining is required, and specifies included subjects, consistent with current law.

An opt-out provision is available to any school district provided that the school board holds a properly noticed public meeting, and finds that less expensive insurance is available elsewhere.

This bill substantially amends section 112.08 of the Florida Statutes.

II. Present Situation:

Health Insurance for School District Employees

Chapter 112, F.S., addresses various conditions of employment, including retirement and group insurance for local governmental units, defined to include school boards.¹ Section 112.08, F.S., authorizes local governmental units to contract with private companies for the provision of all types of insurance, including life, health, accident, hospitalization, legal expense, and annuity insurance.² The local governmental unit is required to participate in the competitive bid process in procuring group insurance.³

If the local governmental unit intends to self-insure, approval by the Office of Insurance Regulation is required, with approval to be based upon the actuarial soundness of the plan.⁴

Currently the 67 school districts purchase as individual school districts, health, accident, and hospitalization insurance for officers, employees and dependents.

Florida Law on Collective Bargaining

Chapter 447, F.S., addresses labor organizations. The district school board is considered the public employer for all employees of the district.⁵ A public employee is generally defined as a person employed by a public employer.⁶ Collective bargaining is required between the public employer and the bargaining agent of public employees in the following areas: wages, hours, and terms and conditions of employment.⁷

III. Effect of Proposed Changes:

This bill requires school districts to enter into interlocal agreements to establish the School District Insurance Consortium (Consortium) for the provision of health, accident, and hospitalization insurance.

The Consortium is organized as a nine-member board of directors, with representation as follows:

- Three members who are elected school board members appointed by the Florida School Boards Association;
- Three members who are elected or appointed school superintendents appointed by the Florida Association of District School Superintendents;
- Two members who are public school teachers or support personnel appointed by the Florida Education Association; and
- One member who has experience operating employee benefit systems.

¹ s. 112.08(1), F.S.

² s. 112.08(2)(a), F.S.

³ *Id.*

⁴ s. 112.08(2)(a) and (b), F.S.

⁵ s. 447.203(2), F.S.

⁶ s. 447.203(3), F.S.

⁷ s. 447.309(1), F.S.

Members serve two-year terms. It appears that reappointments are authorized. The board of directors is authorized to hire staff or contract for staffing services.

This bill requires that Consortium-purchased insurance be competitively bid. Insurance may be purchased for statewide or regional use, and if regional, the Consortium must include districts of different sizes. Multiple providers are authorized.

School districts are required to collectively bargain for all units of employees who will be provided insurance, consistent with current law.

The Department of Management Services must provide technical services to the Consortium, as requested.

To opt-out, a school board must hold a properly noticed public meeting and find that it is less expensive to purchase insurance elsewhere. Therefore, some school districts may continue to purchase insurance independently, provided that they comply with the process required in current law.

This bill takes effect upon the latter of July 1, 2013, or upon expiration or renewal date of any existing contract. Therefore, this legislation would not alter the terms of existing contracts.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

With a greater volume of participants in the pool, better benefits may be offered, resulting in cost savings for claimants.

C. Government Sector Impact:

The Department of Education indicates that economies of scale through joint purchases of group insurance will likely result in a cost savings to school districts, with the amount indeterminate at this time. The DOE expresses that it is uncertain if the competitive bid process required in the bill triggers that which is required under current law, or if it establishes a separate process, that would operate outside of State Board of Education Rule 6A-1.012, F.A.C., which governs school district purchasing requirements.

The requirement that the Department of Management Services provide technical services upon request may result in a fiscal impact, but it is likely to be insignificant.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

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

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

None.

B. Amendments:

None.

By Senator Gaetz

4-00047-12

2012366

A bill to be entitled

An act relating to group insurance for public employees; amending s. 112.08, F.S.; requiring that school districts procure certain types of insurance for their officers and employees through interlocal agreements; providing an exception; requiring each school district to enter into an interlocal agreement and establish the School District Insurance Consortium governed by a board of directors; providing for membership and specifying terms of office for board members; authorizing the board to employ staff or contract for staffing services to be provided to the consortium; requiring the Department of Management Services to provide technical services to the consortium; requiring the consortium to advertise for competitive bids for insurance; authorizing the awarding of bids on a statewide or regional basis and the selection of multiple insurance providers; requiring that school districts engage in collective bargaining with certified bargaining agents; providing an effective date.

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

Section 1. Subsection (2) of section 112.08, Florida Statutes, is amended to read:

112.08 Group insurance for public officers, employees, and certain volunteers; physical examinations.-

(2)(a) Notwithstanding any general law or special act to

4-00047-12

2012366

the contrary and except as provided under paragraph (c), every local governmental unit ~~may is authorized to~~ provide and pay out of its available funds for all or part of the premium for life, health, accident, hospitalization, legal expense, or annuity insurance, or all or any kinds of such insurance, for the officers and employees of the local governmental unit and for health, accident, hospitalization, and legal expense insurance for the dependents of such officers and employees upon a group insurance plan and, to that end, to enter into contracts with insurance companies or professional administrators to provide such insurance.

(a) Before entering any contract for insurance, the local governmental unit shall advertise for competitive bids, and such contract shall be let upon the basis of such bids. If a contracting health insurance provider becomes financially impaired as determined by the Office of Insurance Regulation of the Financial Services Commission or otherwise fails or refuses to provide the contracted-for coverage or coverages, the local government may purchase insurance, enter into risk management programs, or contract with third-party administrators and may make such acquisitions by advertising for competitive bids or by direct negotiations and contract. The local governmental unit may undertake simultaneous negotiations with those companies ~~that which~~ have submitted reasonable and timely bids and are found by the local governmental unit to be fully qualified and capable of meeting all servicing requirements. Each local governmental unit may self-insure any plan for health, accident, and hospitalization coverage or enter into a risk management consortium to provide such coverage, subject to approval based

4-00047-12 2012366
 59 on actuarial soundness by the Office of Insurance Regulation;
 60 and each shall contract with an insurance company or
 61 professional administrator qualified and approved by the office
 62 to administer such a plan.

63 (b) In order to obtain approval from the Office of
 64 Insurance Regulation of any self-insured plan for health,
 65 accident, and hospitalization coverage, each local governmental
 66 unit or consortium shall submit its plan along with a
 67 certification as to the actuarial soundness of the plan, which
 68 certification is prepared by an actuary who is a member of the
 69 Society of Actuaries or the American Academy of Actuaries. The
 70 Office of Insurance Regulation may ~~shall~~ not approve the plan
 71 unless it determines that the plan is designed to provide
 72 sufficient revenues to pay current and future liabilities, as
 73 determined according to generally accepted actuarial principles.
 74 After implementation of an approved plan, each local
 75 governmental unit or consortium shall annually submit to the
 76 Office of Insurance Regulation a report that ~~which~~ includes a
 77 statement prepared by an actuary who is a member of the Society
 78 of Actuaries or the American Academy of Actuaries as to the
 79 actuarial soundness of the plan. The report is due 90 days after
 80 the close of the fiscal year of the plan. The report must
 81 include ~~shall consist of~~, but need is not be limited to:

82 1. The adequacy of contribution rates in meeting the level
 83 of benefits provided and the changes, if any, needed in the
 84 contribution rates to achieve or preserve a level of funding
 85 deemed adequate to enable payment of the benefit amounts
 86 provided under the plan and a valuation of present assets, based
 87 on statement value, and prospective assets and liabilities of

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 88 the plan and the extent of any unfunded accrued liabilities.
 89 2. A plan to amortize any unfunded liabilities and a
 90 description of actions taken to reduce unfunded liabilities.
 91 3. A description and explanation of actuarial assumptions.
 92 4. A schedule illustrating the amortization of any unfunded
 93 liabilities.
 94 5. A comparative review illustrating the level of funds
 95 available to the plan from rates, investment income, and other
 96 sources realized over the period covered by the report with the
 97 assumptions used.
 98 6. A statement by the actuary that the report is complete
 99 and accurate and that in the actuary's opinion the techniques
 100 and assumptions used are reasonable and meet the requirements
 101 and intent of this subsection.
 102 7. Other factors or statements as required by the office in
 103 order to determine the actuarial soundness of the plan.
 104

105 All assumptions used in the report must ~~shall~~ be based on
 106 recognized actuarial principles acceptable to the Office of
 107 Insurance Regulation. The office shall review the report and
 108 ~~shall~~ notify the administrator of the plan and each entity
 109 participating in the plan, as identified by the administrator,
 110 of any actuarial deficiencies. Each local governmental unit is
 111 responsible for payment of valid claims of its employees which
 112 ~~that~~ are not paid within 60 days after receipt by the plan
 113 administrator or consortium.

114 (c) Beginning July 1, 2013, or upon the expiration or
 115 renewal date of any existing contract, whichever occurs later,
 116 school districts shall procure health, accident, and

4-00047-12

2012366

hospitalization insurance through a purchasing interlocal agreement unless the school board at a duly noticed public meeting determines that purchasing insurance outside the plan procured through the interlocal agreement, as provided under paragraphs (a) and (b), is financially advantageous to the school district.

1. Each school district shall enter into an interlocal agreement as provided in s. 163.01 in order to establish the School District Insurance Consortium through which such insurance shall be procured for officers and employees of the school district and their dependents.

2. The consortium shall be governed by a board of directors comprised of nine members, three of whom shall be elected school board members appointed by the Florida School Boards Association, Inc., three of whom shall be elected or appointed superintendents of schools appointed by the Florida Association of District School Superintendents, Inc., two of whom shall be public school teachers or support personnel appointed by the Florida Education Association, and one of whom shall have experience in running employee-benefit systems, to be appointed by the other members of the consortium. Consortium board members shall be appointed to 2-year terms. The board may employ staff or contract for staffing services to be provided to the consortium. The Department of Management Services shall provide technical services to the consortium as requested by the board.

3. Notwithstanding any other provision of law, the consortium shall advertise for competitive bids for such insurance, and the contracts for such insurance shall be let upon the basis of such bids. The consortium shall advertise for

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2012366

proposals for a statewide insurance plan as well as plans providing coverage on a regional basis. In determining appropriate regions, the consortium shall group school districts of geographically in a manner that includes school districts of varying sizes for the purpose of ensuring the availability of coverage for all districts in the region. Contracts may be awarded on a statewide or regional basis, and more than one provider may be selected to provide insurance. School districts shall engage in collective bargaining with the certified bargaining agent for any unit of employees for which health, accident, or hospitalization insurance is provided, as required by part II of chapter 447, with regard to coverage offered, cost for dependent coverage, deductibles, optional coverage, and other matters that are subject to collective bargaining as required by state law.

(d)(e) Every local governmental unit ~~may be authorized to~~ expend funds for preemployment physical examinations and postemployment physical examinations.

Section 2. This act shall take effect July 1, 2012.

THE FLORIDA SENATE

COMMITTEE APPEARANCE RECORD

(Submit to Committee Chair or Administrative Assistant)

Nov 2, 2011

Date

Spoke

SB 366

Bill Number

Barcode

Name RON MEYER

Phone

Address POB 1547

E-mail

TALLAHASSEE

FL

32302

Job Title

City

State

Zip

Speaking: ☐ For ☐ Against ☒ Information

Appearing at request of Chair ☐

Subject SCHOOL DISTRICT HEALTH INSURANCE

Representing FLORIDA EDUCATION ASSOCIATION

Lobbyist registered with Legislature: ☒ Yes ☐ No

Pursuant to s. 11.061, *Florida Statutes*, state, state university, or community college employees are required to file the first copy of this form with the Committee, unless appearance has been requested by the Chair as a witness or for informational purposes.

If designated employee: Time: from _____ .m. to _____ .m.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Education Pre-K - 12 Committee

BILL: SB 260

INTRODUCER: Senators Wise and Sobel

SUBJECT: Deaf and Hard-of-hearing Children

DATE: October 28, 2011

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Brown	Matthews	ED	Pre-meeting
2.				
3.				
4.				
5.				
6.				

I. Summary:

The bill creates the Deaf and Hard-of-hearing Children's Educational Bill of Rights. It requires the Department of Education to develop model communication considerations for students who are deaf or hard-of-hearing. The model would become a part of the individual educational plan process for a student who is deaf or hard-of-hearing.

This bill creates an undesignated section of law.

II. Present Situation:

Exceptional Education

Federal law requires states to make a free appropriate public education available to all children with disabilities residing in the state between the ages of 3 and 21, inclusive, including children with disabilities who have been suspended or expelled from school.¹ As the state educational agency, the Department of Education (DOE) must exercise general supervision over all educational programs for children with disabilities in the state, including all programs administered by other state or local agencies, and ensure that the programs meet the educational standards of the state educational agency.²

Exceptional Student Education (ESE) programs and services are provided by federal, state, and local funds. Under the Individuals with Disabilities Education Improvement Act (IDEA), federal

¹ 20 U.S.C. § 1400 et. seq., as amended by P.L. 108-446; 34 C.F.R. s. 300.17.

² 34 C.F.R. s. 300.149.

special education funds are distributed through state grant programs and discretionary grant programs. Part B of the law, the main program, authorizes grants to state and local education agencies to offset part of the costs of the education needs of children with disabilities, ages 3 through 21. It also authorizes pre-school state grants for children with disabilities, ages 3 through 5. Part C authorizes infant and toddler state grants for early intervention services, for infants and toddlers with disabilities from birth through 36 months.³

Beginning with the 1997-1998 school year, districts were required to complete a matrix of services for every exceptional student at least annually to calculate school district funding based on the intensity of services provided to ESE students.⁴ In 2000, the Florida Education Finance Program (FEFP) for ESE programs was revised to require a matrix for exceptional students funded at the highest level of need, support levels 4 and 5.⁵

Consistent with the services identified through the IEP or IFS, a matrix of services is used to determine which one of two cost factors would apply to each eligible exceptional education student and the support level needed. The matrix document contains checklists of services in each of the five domains (curriculum and learning environment; social/emotional behavior; independent functioning; health care; and communication) and a special considerations section. The sum of these domain ratings and any special considerations points corresponds to one of the two cost factors.

Children with Hearing Impairments

In the fall of 2010, 3,586 students were identified as deaf or hard-of-hearing.⁶ Children with disabilities, including those who are deaf or hard-of-hearing, may receive ESE services if they meet specific requirements. Educational options for students with hearing impairments have expanded significantly in the last 30 years in that students are increasingly attending traditional schools and being educated in general education classrooms.⁷ Other developments have changed the classroom experiences of students with hearing impairments in the last three decades as well, including the evolution of implant technology and technologies such as visual or text communication devices and speech-to-print software. Still, according to the U.S. Department of Education:

Despite advances and efforts to improve the outcomes of students with hearing impairments, evidence suggests that these students continue to lag behind their general education peers in academic achievement.⁸

³ Part C is administered by the Florida Department of Health (DOH), pursuant to s. 391.308, F.S.

⁴ Section 43, ch. 97-307, L.O.F.

⁵ Section 7, ch. 2000-171, L.O.F. Pursuant to s. 1011.62(1)(c), F.S., the Commissioner of Education must specify a matrix of services and intensity levels to be used by districts in the determination of the two weighted cost factors. Levels 1 through 3 represent the lowest level of service. For these students, school districts receive an ESE Guaranteed Allocation in addition to the base funding in the FEFP. The matrix is also used to determine the support levels for these students.

⁶ *Membership in Programs for Exceptional Students, 2010-11*, DOE State Student Information Database, Table 1.

⁷ *The Secondary School Experiences and Academic Performance of Students With Hearing Impairments*, U.S. Department of Education Institute of Education Sciences National Center for Special Education Research, February 2011.

⁸ *Id.* at 1.

In developing an IEP, the IEP team is required to consider a child's strengths, concerns of the parents for enhancing education, and results of the initial evaluation or most recent evaluation of the child, the academic, developmental, and functional needs of the child, as well as special factors.⁹ For a child who is deaf or hard-of-hearing, current law requires that the IEP team consider:

the child's language and communication needs, opportunities for direct communications with peers and professional personnel in the child's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the child's language and communication mode.¹⁰

III. Effect of Proposed Changes:

The bill creates the Deaf and Hard-of-hearing Children's Educational Bill of Rights. The Department of Education, the Florida School for the Deaf and the Blind, and other state agencies, institutions, and political subdivisions are encouraged to draft recommendations to provide hearing impaired children educational access equal to other children, with specific focus on communication. The bill requires these entities to proceed expeditiously.

The Department of Education (DOE) is required to draft and disseminate to all school districts a model template addressing communication considerations for hearing-impaired students, for inclusion in the federally-required individual education plan (IEP) for children with disabilities. As stated above, federal law already requires the IEP team to consider special factors regarding education of hearing-impaired children. These are, specifically, language and communication needs, opportunities for direct communication and instruction with others in the child's language and communication mode, academic level, and full range of needs.¹¹

The bill requires the DOE to provide training at its discretion.

A national agenda encourages states to require individual communication plans as part of the IEP.¹² To date, 15 states have adopted a Deaf Children's Bill of Rights or a Deaf and Hard-of-hearing Bill of Rights.¹³

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

⁹ 20 U.S.C. § 1414(d)(3)(A) and (B).

¹⁰ 20 U.S.C. s. 1414(d)(3)(B)(iv) and Rule 6A-6.03028(3)(g)9., F.A.C.

¹¹ 20 U.S.C. s. 1414(d)(3)(B)(iv) and Rule 6A-6.03028(3)(g)9., F.A.C.

¹² See the website for the National Association of the Deaf, <http://www.nad.org/issues/education/k-12/bill-of-rights>; Last checked October 28, 2011.

¹³ These states are Arkansas, California, Colorado, Delaware, Georgia, Kansas, Louisiana, Montana, New Mexico, North Carolina, Pennsylvania, Rhode Island, South Dakota, Texas and Wisconsin.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The DOE indicates that implementation of this bill would require rule amendment, specifically to Rule 6A-6.03028, F.A.C., Provision of Free Appropriate Public Education (FAPE) and Development of Individual Educational Plans for Students with Disabilities. The DOE would have to expend resources in model plan development and dissemination to school districts statewide. There may be some time required to modify the online systems used by school districts regarding IEPs.

Dissemination of the communication model to the school district would probably result in an insignificant fiscal impact. The provision of training appears permissive, and therefore, fiscal impact is indeterminate. Still, if the DOE opts for the training, it would necessitate consultation with a group of experts who specialize in the field.

This bill references training to be accomplished by the DOE, but this bill may also result in training that is school district-directed.

VI. Technical Deficiencies:

The bill uses the terms “deaf and hard-of-hearing” and “deaf or hard-of-hearing” interchangeably. Federal and state law refers to the term “deaf and hard-of-hearing.” It is recommended that the term be made consistent with law.¹⁴ On line 36, it may be more appropriate to capitalize the word “deaf” when referring to a community of persons.

VII. Related Issues:

None.

¹⁴ See s. 1003.01(3)(a), F.S. and 20 U.S.C. § 1414(d)(3)(B)(iv).

VIII. Additional Information:

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

None.

- B. **Amendments:**

None.

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



204848

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
11/02/2011	.	
	.	
	.	
	.	

The Committee on Education Pre-K - 12 (Wise) recommended the following:

Senate Amendment (with title amendment)

Delete lines 30 - 59
and insert:

2. Children who have a hearing loss possess the same innate capabilities to acquire language as any other children. They communicate through a visual language/American Sign Language or a spoken-written language/English. Manual systems, which do not include American Sign Language, are not languages and shall be used only as a tool to teach spoken English, not as a mode of communication in the classroom. American Sign Language is a formal language as well as the preferred language of the signing



204848

Deaf community as spoken English is the preferred language of the oral deaf community.

3. It is critical that all citizens in the state work toward ensuring that:

a. Deaf and hard-of-hearing children, like all children, have quality, ongoing, and accessible communication in their preferred language, both in and out of the classroom.

b. Deaf and hard-of-hearing children be placed in the least restrictive educational environment that is appropriate for their communication modality and receive services based on their unique communication, language, and educational needs, as well as the culture and choices of their families, consistent with 20 U.S.C. s. 1414(d)(3)(B)(iv) of the Individuals with Disabilities Education Act.

c. Deaf and hard-of-hearing children be given an education in which teachers, related service providers, and assessors understand the unique nature of deafness; are specifically trained to work with deaf and hard-of-hearing students; and can communicate spontaneously and fluidly with these children in a spoken-written language/English, listening and spoken language/auditory-oral, or a visual language/American Sign Language, which are accessible to deaf and hard-of-hearing children.

d. Deaf and hard-of-hearing children, like all children, have the benefit of an education in which there is a sufficient number of age-appropriate peers and adults with whom they can interact and communicate in a spontaneous and fluid way.

e. Deaf and hard-of-hearing children receive an education in which they are exposed to deaf and hard-of-hearing role



204848

models in their preferred communication modalities.

Delete line 101

and insert:

communication needs of a child who is deaf or hard of hearing,
the preferred communication modality of the child, and the
culture of the child's family,

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

And the title is amended as follows:

Delete lines 10 - 11

and insert:

Department of Education develop a communication plan
to be included in the individual education plan for
deaf and

By Senators Wise and Sobel

31-00146-12

2012260

A bill to be entitled

An act relating to deaf and hard-of-hearing children; providing a short title; providing legislative findings and purpose; encouraging certain state agencies, institutions, and political subdivisions to develop recommendations ensuring that the language and communication needs of deaf and hard-of-hearing children are addressed; requiring that the act be expeditiously implemented; requiring that the Department of Education develop a communication model for the individual education plan process for deaf and hard-of-hearing students; requiring that the department disseminate the model to each school district and provide training as it determines necessary; providing an effective date.

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

Section 1. (1) SHORT TITLE.—This act may be cited as the “Deaf and Hard-of-Hearing Children’s Educational Bill of Rights.”

(2) LEGISLATIVE FINDINGS AND PURPOSE.—

(a) The Legislature finds that:

1. Hearing loss affects the most basic human need, which is communication. Without quality communication, a child is isolated from other human beings and from the exchange of knowledge essential for educational growth and, therefore, cannot develop the skills required to become a productive, capable adult and a full participant of society.

31-00146-12

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2. Children who have a hearing loss possess the same innate capabilities as any other children. They communicate in a wide variety of manual and spoken modes, languages, and systems. Some children use aural/oral modes of communication, while others use a combination of aural/oral and manual communication. Many children use American Sign Language, which is a formal language, as well as the preferred everyday language of the deaf community.

3. It is critical that all citizens in the state work toward ensuring that:

a. Deaf and hard-of-hearing children, like all children, have quality, ongoing, and fluid communication, both in and out of the classroom.

b. Deaf and hard-of-hearing children be placed in the least restrictive educational environment and receive services based on their unique communication, language, and educational needs, consistent with 20 U.S.C. s. 1414(d) (3) (B) (iv) of the Individuals with Disabilities Education Act.

c. Deaf and hard-of-hearing children be given an education in which teachers, related service providers, and assessors understand the unique nature of deafness, are specifically trained to work with deaf and hard-of-hearing students, and can communicate spontaneously and fluidly with these children.

d. Deaf and hard-of-hearing children, like all children, have the benefit of an education in which there is a sufficient number of age-appropriate peers and adults with whom they can interact and communicate in a spontaneous and fluid way.

e. Deaf and hard-of-hearing children receive an education in which they are exposed to deaf and hard-of-hearing role

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models.

f. Deaf and hard-of-hearing children, like all children, have direct and appropriate access to all components of the educational process, including recess, lunch, and extracurricular, social, and athletic activities.

g. Deaf and hard-of-hearing children, like all children, be provided with programs in which transition planning, as required under the Individuals with Disabilities Education Act, focuses on their unique vocational needs.

h. Families of children who are deaf or hard of hearing receive accurate, balanced, and complete information regarding their children's educational and communication needs and the available programmatic, placement, and resource options, as well as access to support services and advocacy resources from public and private agencies, departments, and all other institutions and resources knowledgeable about hearing loss and the needs of children who are deaf or hard of hearing.

(b) Given the central importance of communication to all human beings, the purpose of this act is to encourage the development of a communication-driven and language-driven educational delivery system in the state for children who are deaf or hard of hearing.

(3) EDUCATIONAL RIGHTS OF DEAF AND HARD-OF-HEARING CHILDREN; DUTY OF THE DEPARTMENT OF EDUCATION.—

(a) The Legislature recognizes the unique communication needs of children who are deaf or hard of hearing and encourages the development of specific recommendations by all state agencies, institutions, and political subdivisions concerned with the early intervention, early childhood, and kindergarten

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2012260

through grade 12 education of students who are deaf or hard of hearing, including the Department of Education, the Florida School for the Deaf and the Blind, and the Department of Health, to ensure that:

1. These children have access to the same educational environment that other children have in which their language and communication needs are fully addressed and developed and in which they have early, ongoing, and quality access to planned and incidental communication opportunities.

2. The purposes of this act are expeditiously implemented.

(b) Pursuant to 20 U.S.C. s. 1414(d)(3)(B)(iv) of the Individuals with Disabilities Education Act, which requires that the individual education plan team consider the unique communication needs of children who are deaf or hard of hearing, the Department of Education shall develop a model addressing communication considerations for students who are deaf or hard of hearing as part of the individual education plan process. The department shall also disseminate the model to each school district and provide training as it determines necessary.

Section 2. This act shall take effect July 1, 2012.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Education Pre-K - 12 Committee

BILL: SPB 7016

INTRODUCER: Education Pre-K - 12 Committee

SUBJECT: Education Programs for Juvenile Justice Students

DATE: October 25, 2011

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Carrouth	Matthews	ED	Pre-meeting
2.				
3.				
4.				
5.				
6.				

I. Summary:

The proposed committee bill is the culmination of the committee's interim project on education in Department of Juvenile Justice (DJJ) facilities.¹ It includes the recommendations of the Juvenile Justice Education Workgroup to improve the education outcomes of youth in DJJ facilities. The bill requires an evaluation of the effectiveness of school districts and private providers based upon the attainment of relevant workforce skills that increase the likelihood of success upon release from a DJJ facility and continuing education. The Department of Juvenile Justice would bar school districts and private providers from providing educational services to youth in DJ facilities if they fail to meet the above performance outcomes.

This bill substantially amends sections 985.618 and 1003.52, creates section 1003.52, and makes conforming changes to sections 985.632 and 1001.42 of the Florida Statutes.

II. Present Situation:

Statutory requirements

Section 1003.52, F.S., establishes the educational expectations for DJJ youth in residential and day treatment programs.² The Department of Education (DOE) currently serves as the lead agency for juvenile justice education programs, curriculum, support services, and resources.

¹ Senate Interim Report 2012-219, Delivery of Educational Services in the Department of Juvenile Justice Services, available at <http://www.flsenate.gov/Committees/InterimProjects/2012/>.

² DJJ programs provide oversight for approximately 150 residential, day treatment, and prevention programs in 43 counties. The majority of programs are operated under contract by private providers for services such as mental health, substance abuse treatment, plans for restitution, and transition services so that youth successfully re-enter their home communities.

Although district school boards are responsible for providing educational services to youth in juvenile justice programs, the DOE and DJJ are responsible for reporting the academic performance of students in juvenile justice programs, developing academic and career guidance to district school boards and providers in educational programming, and prescribing the roles of program personnel and school district or provider collaboration strategies.³

Current law states that education is the single most important factor in the rehabilitation of adjudicated delinquent youth and that the goal of juvenile justice system is to allow these youth the opportunity to obtain a high-quality education.⁴ Unfortunately, the law only requires an education program that supports treatment goals and leads to a high school diploma or equivalent.⁵ Data collected on student achievement is based primarily on learning gains in reading and mathematics.⁶ Given the serious academic deficits many of these youth bring to the programs and the significant hurdles they will face in obtaining gainful employment, DJJ education programs must go beyond a high school diploma or equivalent and offer workforce skills that will lead to employment.

The Office of Program Policy Analysis and Government Accountability (OPPAGA) reported concerns with a lack of meaningful student outcomes in DJJ facilities and recommended the evaluation of youth based on outcomes proven to reduce delinquency—continuing education and meaningful employment.⁷ Instead, educational programs are currently assigned quality assurance ratings based on on-site reviews and interviews of education services personnel.⁸

DJJ education program outcomes

The need to improve the educational outcomes of youth in DJJ facilities is documented through available data. On any given day, approximately 100,000 youth are in some form of juvenile justice placement, nationally.⁹ Obstacles to successful re-entry amplify the effects of the school-to-prison pipeline and increase the likelihood that these youth will find themselves returning to the justice system they just exited. Youth who return to school from juvenile justice placements have lower recidivism rates and a higher likelihood of successful re-entry into the community.¹⁰

³ s. 1003.52(1), F.S.

⁴ *Id.*

⁵ s. 1003.52(5), F.S.

⁶ Approximately 15 percent of DJJ students demonstrated learning gains in mathematics and reading during FY 2009-2010. Eighty-five percent failed to read on grade level and 78 percent scored below grade level on mathematics. See page 4, www.fldoe.org/eae/pdf/jj_annual.pdf.

⁷ OPPAGA Report 08-07, available at: <http://www.oppaga.state.fl.us/ReportsYearList.aspx?yearID=22>.

⁸ Quality assurance ratings include information relating to teacher certifications and qualifications, courses taught by each teacher, qualifications and duties of all educational support personnel, assessment information, progress monitoring data, and program characteristics (i.e., size, location, provider, career education level designated by the DJJ, security level, and age range of students), school names and numbers under which diplomas are reported, course offerings, class schedules, bell schedules, school calendars, curriculum information, fidelity checks, walk-through forms, and annual evaluations of the educational program. See also *Developing Effective Education in Department of Juvenile Justice and other Dropout Prevention Programs*, 2009-10, Department of Education, available at: www.fldoe.org/eae/pdf/jj_annual.pdf.

⁹ See *The School to Prison Pipeline and Back*, New York Law School Review, Volume 54, 2009-10, pg. 1116, available at: www.nyls.edu/index.php?cID=2666.

¹⁰ *Id.*

Unfortunately, 79 percent of juvenile justice students in residential programs, who were age 16 or older and significantly behind academically, did not return to school upon release.¹¹

The Department of Education (DOE) provided data on youth released from DJJ programs over several years using information from the Florida Education and Training Placement Information Program (FETPIP). The DOE tracked youth in DJJ residential programs to determine occupational, educational, and subsequent judicial placement in the years following release from the program. To provide context, the DOE provided the same outcome information for high school dropouts and graduates. The chart shows that youth released from DJJ are returning to school at progressively lower rates over time. In addition, DJJ youth are similar to dropouts in that low percentages enroll in postsecondary education. Youth released from DJJ were also less likely to be employed than dropouts or high school graduates. Finally, DJJ youth, following release, are more likely to be incarcerated as adults than dropouts or high school graduates. Of those who were later incarcerated by Department of Corrections, they were less likely to earn full time equivalent wages after leaving the DJJ program.

Information on DJJ Youth in Comparison to School Dropouts and High School Graduates

	Year Students Left Or Graduated 2006-07			Year Students Left or Graduated 2007-08		
	DJJ Leavers	Dropouts	HS Grads	DJJ Leavers	Dropouts	HS Grads
1. Number of students	7,395	25,144	127,258	6,041	19,640	131,128
2. Number and percent who returned to HS or MS at any point following release	2430	7,879	NA	634	5,471	NA
	33%	31%		10%	28%	
3. Number and percentage of DJJ Leavers who received a GED	1,557	NA	NA	1,288	NA	NA
	21%			21%		
4. Number and percent who enrolled in Postsecondary ED in the year following their release - continuing education	390	1,520	80,057	364	1,274	82,741
	0%	6%	63%	6%	6%	63%
5. Number and percent who were employed in the year after release	1,502	9,234	69,117	866	5,437	62,890
	20%	37%	54%	14%	28%	48%
6. Of those who were employed, number	231	2,011	15,032	135	1,239	10,613

¹¹ *Juvenile Justice Students Face Barriers to High School Graduation and Job Training*, OPPAGA, Report No. 10-55 (October 2010.)

	Year Students Left Or Graduated 2006-07			Year Students Left or Graduated 2007-08		
	DJJ Leavers	Dropouts	HS Grads	DJJ Leavers	Dropouts	HS Grads
and percent who were employed with full time equivalent wages in the year after their release ¹²	15%	22%	22%	16%	28%	17%
7. Number and percent who were later incarcerated in a DOC facility (Followed through 2009-10)	1,197 16%	874 3%	271 0%	600 10%	503 3%	159 0%
8. Of those that were later incarcerated in a DOC facility, the number and percent employed in the year after release with full time equivalent wages ¹	20 2%	16 2%	29 11%	3 0%	2 0%	8 5%

Source: Florida Education and Training Placement Information Program

* Percentages less than .50% are rounded to (whole percentages) 0%.

Youth released from DJJ programs are most likely to reoffend within the first nine months of release.¹³ Of these recidivists, more than half will be rearrested within the first four months following program release. Although Florida and federal law¹⁴ require state and local agencies to provide for effective re-entry of youth into the community, 13 of the state's 67 school districts automatically place students in an alternative education setting despite recommendations from the DJJ program staff and statutory requirements to use those recommendations in re-entry placement decisions.¹⁵ Youth who have been involved in juvenile and criminal activity are not provided sufficient re-entry support to ensure that they do not re-offend.

The Center for Smart Justice¹⁶ reports that the \$240 million the state spends annually on residential facilities is not making Florida safer, but instead more vulnerable. Residential facilities have higher recidivism rates than community-based alternatives, and repeated studies have proven that institutional programs make low-risk children more likely to re-offend.¹⁷

¹² Full-time is determined by the wages equal to or greater than "minimum wages *13 weeks* 40 hours". If the wage amount is equal to or greater than this number, FETPIP considers the individual full-time for the quarter.

¹³ DJJ CAR Report, 2009-09, page 115.

¹⁴ Sections 1401(a), 1417(a), and 1422(d) of PL 107-110, No Child Left Behind Act of 2001; Sections 1003.52(5) (13)(i) and 985.618(1)(a)(b), F.S.; and State Board Rule 6A-6.05281.

¹⁵ See <http://www.fldoe.org/ese/sdte.asp>.

¹⁶ The Florida TaxWatch Center for Smart Justice was established in 2010 as a statewide research organization to ensure statewide justice reform through proven, cost-effective measures. The center is led by a board of civic and business leaders from across the state. See www.floridataxwatch.org/centers/CSJ/aboutsmartjustice.php.

¹⁷ The Juvenile Justice Blueprint Commission found that youth who are kept in programs for prolonged lengths of time after treatment goals are achieved often begin to deteriorate and may be more likely to re-offend once release is finally achieved.

Juvenile Justice Education Workgroup

The Juvenile Justice Education Workgroup was created in the summer of 2011 to bring together stakeholders in juvenile justice education. The workgroup heard testimony concerning youth education outcomes in juvenile justice facilities. Cognizant of the significant challenges these youth will face in obtaining gainful employment, the workgroup recommended a revised accountability structure to evaluate the effectiveness of the education. In particular, the workgroup recommended evaluating DJJ education programs on the following: youth attainment of industry certifications in targeted, high-demand and high-wage fields; continuing education at the secondary or postsecondary level; job placement or self-employment; and attainment of postsecondary credit.

High-demand and high-wage employment

In an effort to improve the alignment of coursework to skills needed in high demand occupations, the Career and Professional Academy Act was enacted by the 2007 Legislature.¹⁸ The legislation requires the collaborative development of a strategic 5-year plan by school districts, regional workforce boards, postsecondary institutions, and private businesses to determine relevant workforce-related educational offerings to be delivered within the K-12 arena. As a result of the legislation, the number of career academies in the state's secondary schools has increased dramatically. High school students earned a total of 803 industry certifications in high demand occupations during the 2007-08 school year and 8,629 certifications in the 2009-10 school year.¹⁹ Of particular importance, the development of the 5-year plan specifically requires that strategies be included to involve youth in DJJ facilities.²⁰ During the 2010-11 FY, grant funding supported industry certifications for youth in DJJ programs through virtual course offerings. As a result of the funding, the DJJ reports that 72 youth earned OSHA (Office of Safety and Health Administration) industry certifications, 60 earned industry certifications in Microsoft Office Suites, and 13 earned OSHA+certifications (OSHA plus add-on certification in Aggression Management and/or Blood-borne Pathogens).²¹

III. Effect of Proposed Changes:

The Department of Juvenile Justice (DJJ)

The bill is a comprehensive effort to transform educational opportunities for youth in DJJ programs. Under the bill, the DJJ is given authority to award performance ratings to school district and private providers based on identified student outcomes. School districts or private providers who fail to meet established performance thresholds for two consecutive years or two years out of three, based on the specified outcomes, would no longer provide educational services to these youth. Instead, the DJJ would contract with a school district or private provider

See the *Report of the Blueprint Commission: Getting Smart About Juvenile Justice*, available at: <http://www.djj.state.fl.us/blueprint/index.html>.

¹⁸ ch. 2007-216, L.O.F.

¹⁹ Presentation by the Department of Education, Chancellor for Career and Adult Education, August 24, 2011, on file with the committee.

²⁰ See s. 1003.491(3)(j), F.S.

²¹ Data provided by DJJ Office of Educational Services, on file with the committee.

with a high-performance rating to offer educational and workforce-related services to youth in these programs.

The DJJ, in consultation with the DOE, school districts, and private providers, would adopt rules to establish performance ratings based on levels of attainment of outcomes. Performance categories would include high, adequate, and failing. When determining performance ratings, the DJJ would hold the school districts and private providers accountable for student outcomes until such time that the youth is released from DJJ supervision.

Performance Outcomes

Education outcomes are designed to promote the successful return of adjudicated youth to their communities through employment in high demand occupations or continuing education. Outcomes established under the bill would differ based on the age-appropriate needs of the youth. Those of middle-school age would be required to meet at least one of the following outcomes:

- Attainment of an industry certification in a targeted occupation²² and continuing education;²³
- Attainment of secondary or postsecondary credit and continuing education;
- Completion of comprehensive career exploration and continuing education; or
- Achievement of learning gains in reading and mathematics²⁴ and continuing education.

High-school age youth would be required to meet at least one of the following outcomes:

- Attainment of an industry certification in a targeted occupation;²⁵
- Attainment of a high school diploma or its equivalent and award of postsecondary credit;
- Job placement or self-employment in an area for which the youth earned an industry certification; or
- Achievement of a level of performance in an acceleration mechanism in which the youth earns postsecondary credit.

Industry Certifications for Targeted Occupations

In an effort to promote academic engagement and relevant workforce skills, the bill establishes youth attainment of industry certifications as a key performance outcome. The DJJ program must collaborate with the regional workforce board and postsecondary institutions to determine the occupational areas of emphasis in the program. This provision will ensure that employment

²² In order to provide workforce skills in high demand occupations, the bill requires that industry certifications for these students be limited to those included on the Industry Certification Funding List pursuant to s. 1011.62(1)(o), F.S.

²³ For purposes of measuring student outcomes, continuing education would be defined based on the individual youth. Students of compulsory attendance age, for example, would be expected to continue their education within the secondary school arena in a supportive environment and an academic area that has meaning to them. Older youth who have attained a partial industry certification would enroll in an educational environment to complete the training, while those having attained full industry certification may wish to enhance those credentials with additional coursework.

²⁴ Section 1003.52(3)(b), F.S., requires the DOE to select a valid assessment tool to measure learning gains in mathematics and reading.

²⁵ The Industry Certification Funding List is available at: <https://www.fldoe.org/.../Attachment1-Non-CAPECertifications.pdf>.

positions are currently or forecast to be available in the area in which the student is pursuing the certification. Additionally, it provides opportunities for industry certified volunteers from the community to provide support.

Access to Educational and Workforce-related Virtual Courses

The bill requires juvenile justice education programs to provide access to virtual education instruction. This provision supports efficient use of the youth's time in a DJJ facility, by accelerating instructional opportunities during evenings and weekends, and expands access to courses, many of which result in high demand industry certifications.²⁶

School District Contracts with Private Providers

School districts would continue to provide educational services or contract with a private provider to meet specified student outcomes, contingent upon a designated level of performance over time. The bill also establishes that school districts that contract for educational services may not dictate personnel decisions beyond requirements for the health, safety and welfare of the youth. Also, districts would be prohibited from placing a youth in an alternative school setting once released from the DJJ program without the approval of the DJJ facility director. This provision promotes decisions made in the best interest of the youth and supports the transition and re-entry plan established during program stay.

Development of Transitions Plans for Successful Reintegration

The bill requires that a transition plan be developed for youth to specify educational and other services to be provided during the youth's stay in the DJJ program, as well as services to be provided upon release. The transition plan, developed in collaboration with the youth and the youth's family, would govern decisions regarding educational, workforce, and other services to ensure successful reintegration into the community.

Annual Report to the Legislature

The DJJ, with assistance from the DOE, school districts, and private providers is required to submit an annual report to the Legislature beginning December 31, 2013. The report must include data on the level of attainment of performance outcomes by DJJ youth and include comparisons by demographics, by district and provider, and with students in traditional educational settings. The report must address the use of virtual education in attainment of outcomes and implementation of transition and reintegration plans for successful re-entry of youth into the community. Additionally, the report must provide recommendations for improving outcome measures and additional cost savings.

²⁶ All 145 industry certifications earned by youth in DJJ programs during FY 2010-11 (OSHA and Microsoft Office Suites) were completed through virtual education courses.

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

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

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

None.

B. Private Sector Impact:

Private providers that fail to meet performance expectations for two consecutive years or two out of three years would be barred from providing education services to youth in DJJ facilities. These entities may experience a reduction in revenue. High-performing providers may experience a positive fiscal impact.

The cost savings to taxpayers, although indeterminate, may be significant. Criminologists estimate that steering just one high-risk delinquent teen away from a life of crime saves society \$3 million to \$6 million in reduced victim costs and criminal justice expenses, plus increased wages and tax payments over the young person's lifetime.²⁷

C. Government Sector Impact:

School districts that fail to meet performance expectations for two consecutive years or two out of three years would experience a reduction in revenue. High-performing school districts may experience a positive revenue impact.

Government cost savings, although indeterminate, may be significant. Youth are more likely to successfully return to their communities with educational success and meaningful workforce skills. When youth are successful, future crime and costly incarceration is prevented.

²⁷ Missouri's current director of adult corrections credits their Department of Youth Services practices with saving the state millions of dollars by reducing the recidivism of juvenile offenders into adult prisons. See the Missouri Model, available at: www.aecf.org/~media/Pubs/.../MOModel/MO_Fullreport_webfinal.pdf.

VI. Technical Deficiencies:

Lines 223-229: The bill requires a minimum passage rate on the associated industry certification exam in order for a DJJ educational program to continue offering industry certifications in that occupational area. This provision should be clarified to apply only to students pursuing the industry certification within the DJJ program.

Lines 248-255: The bill addresses adherence to federal law which prohibits publication of personally identifiable student information. School districts or private providers that are low-performing but do not have enough students to protect student privacy should also be barred from providing education services to youth in DJJ facilities.

Lines 260-263: The bill inadvertently omitted the inclusion of continuing education.

Lines 275-285: The bill recognizes postsecondary credit through an acceleration mechanism, such as dual enrollment, as an acceptable performance outcome for youth in DJJ facilities but inadvertently omits earning postsecondary credit without using an acceleration mechanism.

Lines 281-283: Certain employers may hire an individual based on possession of an industry certification but have policies that require an individual to begin in an entry-level position that does not directly relate to the certification.

Line 304: Youth in juvenile assessment facilities have not been adjudicated and therefore are not under the jurisdiction of DJJ education programs. This term should be deleted.

Lines 364-366: The requirement for youth to participate in a program that leads to industry certification should be added in subparagraph 2. to mirror the requirement in subparagraph 3.

Lines 489-490: The bill throughout requires the DJJ to collaborate with the DOE, school districts, and private providers. This provision should be included in the DJJ's rulemaking authority.

VII. Related Issues:

None.

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

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

None.

B. Amendments:

None.

FOR CONSIDERATION By the Committee on Education Pre-K - 12

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1 A bill to be entitled
 2 An act relating to juvenile justice education and
 3 workforce programs; amending s. 985.618, F.S.;
 4 providing legislative intent regarding juvenile
 5 justice education and workforce-related programs;
 6 requiring that the Department of Juvenile Justice
 7 ensure that each juvenile justice education program
 8 meets specified minimum standards; requiring that the
 9 programs be evaluated based on student performance
 10 outcomes; requiring that the effectiveness of the
 11 programs be determined by implementing systematic data
 12 collection, data analysis, and evaluations; amending
 13 ss. 985.632 and 1001.42, F.S.; conforming provisions to
 14 changes made by the act; conforming cross-references;
 15 creating s. 1003.515, F.S.; providing a short title;
 16 providing the purposes of the Florida Juvenile Justice
 17 Education Act; requiring that each juvenile justice
 18 education program involve the regional workforce board
 19 or economic development agency and local postsecondary
 20 institutions to determine the occupational areas for
 21 the education and workforce-related program; providing
 22 requirements for education and workforce-related
 23 services in juvenile justice programs; requiring that
 24 a youth who exits the program attain an industry
 25 certification, enroll in a program to complete the
 26 industry certification, or enroll in and continue his
 27 or her education based on a transition plan; requiring
 28 that certain youth be provided opportunities for
 29 career exploration and enrollment in continuing

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

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30 education upon release from a program; requiring that
 31 a program meet certain passage rates on industry
 32 certification examinations; providing that if a
 33 program fails to meet the minimum passage rates, the
 34 program must discontinue enrollment and redirect
 35 students into a different industry certification area
 36 of high demand; amending s. 1003.52, F.S.; providing a
 37 legislative finding; providing for performance ratings
 38 of school districts and private providers; prohibiting
 39 a school district or private provider from receiving a
 40 performance rating under certain circumstances;
 41 providing certain criteria to be used in determining
 42 the performance rating of a school district or private
 43 provider; requiring that the Department of Juvenile
 44 Justice hold the school districts and private
 45 providers accountable for performance outcomes until
 46 the youth are released from the department's
 47 supervision; providing requirements and
 48 responsibilities for school districts and private
 49 providers participating in juvenile justice education
 50 programs; requiring that each school district and
 51 private provider develop a transition plan during the
 52 course of the youth's stay in a juvenile justice
 53 program; providing requirements for the transition and
 54 reintegration plan process; providing responsibilities
 55 for the Department of Juvenile Justice and the
 56 Department of Education; requiring that the Department
 57 of Education make available a common student
 58 assessment to measure youth learning gains in reading

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and mathematics; providing funding requirements for the juvenile justice education programs; prohibiting a district school board from being charged rent, maintenance, utilities, or overhead on facilities; requiring that the Department of Juvenile Justice provide maintenance, repairs, and remodeling of existing facilities; requiring that the Department of Juvenile Justice, in collaboration with the Department of Education and in consultation with participating school districts and private providers, prepare an annual report containing certain data; requiring that the report identify school districts and private providers by performance ratings; requiring that the report be submitted to the Governor and the Legislature by a specified date each year; requiring that the Department of Juvenile Justice adopt rules; providing an effective date.

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

Section 1. Section 985.618, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 985.618, F.S., for present text.)

985.618 Education and workforce-related programs.—

(1) The Legislature intends for youth in juvenile justice programs to be provided with a quality education that includes workforce-related skills that lead to continuing education or meaningful employment, or both, and that result in reduced rates

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of recidivism.

(2) The Department of Juvenile Justice shall ensure that each juvenile justice education program, at a minimum:

(a) Uses virtual course offerings that maximize learning opportunities for adjudicated youth.

(b) Provides instruction from individuals who hold industry credentials in the occupational area in which they teach.

(c) Provides instructors who are available to teach evenings and weekends.

(d) Considers, before placement, the age, interests, prior education, training, work experience, emotional and mental abilities, and physical capabilities of the youth and the duration of the term of placement imposed.

(e) Expends funds in a manner that directly supports the attainment of successful student outcomes as specified in s. 1003.52(3) and that allows youth to engage in real work situations whenever possible.

(3) (a) The evaluation of juvenile justice education and workforce-related programs shall be based on the performance outcomes provided in s. 1003.52(3).

(b) Program effectiveness shall be determined by implementing systematic data collection, data analysis, and education and workforce-related program evaluations pursuant to ss. 985.632 and 1003.52.

Section 2. Subsection (3) of section 985.632, Florida Statutes, is amended to read:

985.632 Quality assurance and cost-effectiveness.—

(3) The department shall annually collect and report cost data for every program operated or contracted by the department.

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The cost data shall conform to a format approved by the department and the Legislature. Uniform cost data shall be reported and collected for state-operated and contracted programs so that comparisons can be made among programs. The department shall ensure that there is accurate cost accounting for state-operated services including market-equivalent rent and other shared cost. The cost of the education ~~educational~~ program provided to a residential facility shall be reported and included in the cost of a program. The department shall submit an annual cost report to the President of the Senate, the Speaker of the House of Representatives, the Minority Leader of each house of the Legislature, the appropriate substantive and fiscal committees of each house of the Legislature, and the Governor, no later than December 1 of each year. Cost-benefit analysis for education ~~educational~~ programs shall ~~will~~ be developed and implemented in collaboration with and in cooperation with the Department of Education, local providers, and local school districts. Cost data for the report shall include the data and education program analyses provided ~~collected by the Department of Juvenile Justice, in collaboration with the~~ Department of Education, for the purposes of preparing the annual report required in ~~by~~ s. 1003.52(10) ~~1003.52(19)~~.

Section 3. Paragraph (b) of subsection (18) 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:

(18) IMPLEMENT SCHOOL IMPROVEMENT AND ACCOUNTABILITY.—

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Maintain a state system of school improvement and education accountability as provided by statute and State Board of Education rule. This system of school improvement and education accountability shall be consistent with, and implemented through, the district's continuing system of planning and budgeting required by this section and ss. 1008.385, 1010.01, and 1011.01. This system of school improvement and education accountability shall comply with the provisions of ss. 1008.33, 1008.34, 1008.345, and 1008.385 and include the following:

(b) *Public disclosure.*—The district school board shall provide information regarding the performance of students and education ~~educational~~ programs as required pursuant to ss. 1008.22 and 1008.385 and implement a system of school reports as required by statute and State Board of Education rule which shall include schools operating for the purpose of providing education ~~educational~~ services to youth in Department of Juvenile Justice programs, and for those schools, report on the data and education program analyses ~~elements~~ specified in s. 1003.52(10) ~~1003.52(19)~~. Annual public disclosure reports shall be in an easy-to-read report card format and shall include the school's grade, high school graduation rate calculated without GED tests, disaggregated by student ethnicity, and performance data as specified in state board rule.

Section 4. Section 1003.515, Florida Statutes, is created to read:

1003.515 The Florida Juvenile Justice Education Act.—

(1) This section may be cited as the "Florida Juvenile Justice Education Act."

(2) The purposes of this section are to:

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175 (a) Provide performance-based outcome measures and
 176 accountability for juvenile justice education programs;
 177 (b) Improve academic and workforce-related outcomes so that
 178 adjudicated and at-risk youth may successfully complete the
 179 transition to and reenter the academic and workforce
 180 environments;
 181 (c) Provide rigorous and relevant workforce-related
 182 curricula that will lead to industry certifications in high-
 183 demand occupations or articulation to secondary or
 184 postsecondary-level coursework, as appropriate;
 185 (d) Directly support and respond to state, local, and
 186 regional economic development demands;
 187 (e) Make high-wage and high-demand careers more accessible
 188 to adjudicated and at-risk youth; and
 189 (f) Reduce rates of recidivism for adjudicated youth.
 190 (3) In compliance with the strategic 5-year plan under s.
 191 1003.491, each juvenile justice education program shall, in
 192 collaboration with the regional workforce board or economic
 193 development agency and local postsecondary institutions,
 194 determine the occupational areas for the program. Juvenile
 195 justice education program services must:
 196 (a) Maximize the use of private sector personnel;
 197 (b) Ensure instruction by industry-certified faculty;
 198 (c) Ensure that academically rigorous workforce-related
 199 coursework is offered and meets or exceeds appropriate state-
 200 approved subject area standards, results in the attainment of
 201 industry certification, and when appropriate, results in
 202 postsecondary credit;
 203 (d) Use strategies to maximize the delivery of virtual

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204 instruction;
 205 (e) Maximize instructional efficiency for youth in juvenile
 206 justice facilities;
 207 (f) Provide opportunities for youth to earn weighted or
 208 dual enrollment credit for higher-level courses;
 209 (g) Promote credit recovery; and
 210 (h) Provide instruction that results in competency,
 211 certification, or credentials in workplace skills, including,
 212 but not limited to, communication skills, interpersonal skills,
 213 decisionmaking skills, work ethic, and the importance of
 214 attendance and timeliness in the work environment.
 215 (4) Upon exiting a program, a youth must:
 216 (a) Attain an industry certification, enroll in a program
 217 to complete the industry certification, or enroll in and
 218 continue his or her education based on the transition and
 219 postrelease plan provided in s. 958.12; or
 220 (b) Be provided opportunities for career exploration and
 221 enrollment in continuing education if the youth is of middle
 222 school age.
 223 (5) If the passage rate on an industry certification
 224 examination that is associated with a juvenile justice education
 225 program falls below 50 percent, the program shall be given 1
 226 calendar year to meet a 50 percent passage rate. If, after 1
 227 year, the program fails to meet the minimum passage rate, it
 228 must discontinue enrollment and redirect students into a
 229 different industry certification area in high demand.
 230 Section 5. Section 1003.52, Florida Statutes, is amended to
 231 read:
 232 (Substantial rewording of section. See

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233 s. 1003.52, F.S., for present text.)
 234 1003.52 Education services in Department of Juvenile
 235 Justice programs.-
 236 (1) LEGISLATIVE FINDING.-The Legislature finds that an
 237 education is the single most important factor in the
 238 rehabilitation of adjudicated youth who are in Department of
 239 Juvenile Justice programs.
 240 (2) PERFORMANCE RATINGS.-
 241 (a) The annual report required in subsection (10) shall
 242 identify school districts and private providers as having one of
 243 the following performance ratings as defined by rule of the
 244 Department of Juvenile Justice:
 245 1. High performance.
 246 2. Adequate performance.
 247 3. Failing performance.
 248 (b) A school district or private provider may not receive a
 249 performance rating if the number of students is fewer than the
 250 number necessary to prevent the unlawful release of personally
 251 identifiable student data under s. 1002.22 or 20 U.S.C. s.
 252 1232g. The Department of Juvenile Justice shall report
 253 information regarding student achievement to the education
 254 program in which the student is placed upon release, if
 255 appropriate, and to the student's parent.
 256 (3) DESIGNATION OF PERFORMANCE RATINGS.-The following
 257 criteria shall be used in determining a school district's or
 258 private provider's performance rating:
 259 (a) For a youth who is middle school age or younger:
 260 1. Attaining an industry certification in an occupational
 261 area of high demand identified in the Industry Certification

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262 Funding list adopted by the State Board of Education, if
 263 available and appropriate.
 264 2. Earning secondary or postsecondary credit upon release
 265 from a juvenile justice facility and participating in continuing
 266 education.
 267 3. Completing the comprehensive career awareness and
 268 exploration course described in s. 1003.4156(1)(a)5. and
 269 participating in continuing education.
 270 4. Achieving learning gains in reading and mathematics
 271 while the youth is in a juvenile justice education program if a
 272 valid assessment instrument is used, as determined by the
 273 Department of Education, and participating in continuing
 274 education.
 275 (b) For a youth who is high school age:
 276 1. Attaining a high school diploma or its equivalent and
 277 earning postsecondary credit.
 278 2. Attaining an industry certification in an occupational
 279 area of high demand identified in the Industry Certification
 280 Funding list adopted by the State Board of Education.
 281 3. Obtaining job placement or self-employment in a position
 282 for which the student attained an industry certification as
 283 provided in subparagraph 2.
 284 4. Achieving a level of performance in an acceleration
 285 mechanism which would earn the youth postsecondary credit.
 286
 287 When determining performance ratings, the Department of Juvenile
 288 Justice shall hold the school districts and private providers
 289 accountable for the performance outcomes of youth until they are
 290 released from supervision by the Department of Juvenile Justice.

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(4) PROGRAM PARTICIPATION.-

(a) If a school district or private provider earns two consecutive failing performance ratings or two failing performance ratings in any 3-year period, as provided in subsection (2), the Department of Juvenile Justice shall enter into a contract with a school district or private provider that has a high performance rating to deliver the education services to the youth in the program. The Department of Juvenile Justice may use its statutory authority to sanction or prohibit a private provider from delivering education services to youth under the department's supervision due to noneducation reasons.

(b) Except as provided in paragraph (a), the school district of the county in which the residential or nonresidential care facility or juvenile assessment facility is located shall deliver education services to youth in Department of Juvenile Justice programs. A school district may enter into a contract with a private provider to deliver the education services in lieu of directly providing the education services. The contract shall include the performance criteria provided in subsection (3).

(c) A school district may not place a youth who enrolls in the school district upon release from a juvenile justice facility in an alternative school under s. 1003.53, unless approved by the program director of the juvenile justice program to which the youth was last assigned.

(d) A school district may not require a private provider to use the school district's personnel or require qualifications of private provider personnel beyond that which is necessary to protect the health, safety, and welfare of the students, as

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determined by the Department of Juvenile Justice.

(e) Each school district must provide juvenile justice education programs access to substitute classroom teachers used by the school district.

(5) SCHOOL DISTRICT AND PRIVATE PROVIDER RESPONSIBILITIES.-

(a) Each school district and private provider that offers education services to youth in juvenile justice education programs shall:

1. Provide access to the appropriate courses and instruction to prepare youth for a standard high school diploma or the GED examination, as appropriate.

2. Provide access to virtual education courses that are appropriate to meet the requirements of academic or workforce-related programs and the requirements for continuing education specified in the youth's transition and postrelease plans. Virtual education providers do not have to comply with the requirements in s. 1002.45 in order to offer courses under this section.

3. Provide opportunities for earning credits toward high school graduation or credits that articulate to postsecondary education institutions while the youth are in residential and nonresidential juvenile justice facilities.

4. Ensure that the credits and partial credits earned by youth are transferred and included in the youth's records as part of the transition plan.

5. Ensure that the education program consists of the appropriate academic, workforce-related, or exceptional education curricula and related services that directly support performance outcomes, which must be specified in each youth's

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transition plan as required by subsection (6).

6. If the duration of a youth's stay in a program is less than 40 days, ensure that the youth continues his or her education or workforce-related training that leads to industry certification in an occupational area of high demand.

7. Maintain an academic record for each youth who is enrolled in a juvenile justice facility, as required by s. 1003.51, which reflects the coursework and industry certifications completed by the youth. The academic record must be up to date and included in the transition plan when the youth exits the facility.

(b) Each school district and private provider shall ensure that the following youth participate in the program:

1. Youth who are of compulsory school attendance age pursuant to s. 1003.21.

2. Youth who are not of compulsory school attendance age and who have not received a high school diploma or its equivalent, if the youth is in a juvenile justice facility.

3. Youth who have attained a high school diploma or its equivalent and who are not employed. Such youth must participate in a workforce-related education program that leads to industry certification in an occupational area of high demand.

(6) TRANSITION PLANS.—

(a) Each school district and private provider must develop a transition plan during the course of a youth's stay in a juvenile justice program to coordinate academic, workforce, and social services and assist the youth in successful community reintegration upon the youth's release.

(b) Transition planning shall begin upon a youth's

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placement in the program. The transition plan must include:

1. Incorporation of services and interventions that match the youth's risks and needs.

2. Services to be provided during the program stay and establishment of services to be implemented upon release. The appropriate personnel in the juvenile justice education program, members of the community, the youth, and the youth's family, when appropriate, shall collaborate to develop the transition plan.

3. Directed services and educational and workforce-related activities to be implemented before and after release. Juvenile justice education program personnel shall direct the youth to the appropriate, coordinated, and comprehensive supervision and support services in the community which are established by the Department of Juvenile Justice for effective reintegration. For purposes of this section, the term "transition plan" includes the decisions, planning, activities, and services employed to successfully return the youth to the community.

(c) Planning for reintegration begins when placement decisions are made and continue throughout the youth's stay in order to provide for continuing education, job placement, and other necessary services. Individuals who are responsible for reintegration shall coordinate activities to ensure that the transition plan is successfully implemented and a youth is provided access to support services that will sustain the youth's success once he or she is no longer under the supervision of the Department of Juvenile Justice. The youth's transition plan must govern decisions relating to transition and reintegration. A transition plan must provide for continuing

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education, workforce development, or meaningful job placement pursuant to the performance outcomes in subsection (4). For purposes of this section, the term "reintegration" means the process by which a youth returns to the community following release from a juvenile justice program.

(7) DEPARTMENT RESPONSIBILITIES.—

(a) The Department of Juvenile Justice shall:

1. Enter into a contract with school districts or private providers to provide education services pursuant to subsection (4).

2. Determine the performance ratings of school districts and private providers using the criteria described in subsection (3).

3. Monitor the education performance of youth in juvenile justice facilities.

4. Prohibit school districts or private providers from delivering the education services pursuant to subsection (4).

5. Assign a high performing provider for delivery of education services pursuant to subsection (4).

(b) By September 1, 2012, the Department of Education shall make available a common student assessment to measure the learning gains in reading and mathematics of youth who are assigned to juvenile justice education programs.

(8) FUNDING.—

(a) Youth who are participating in GED preparation programs while under the supervision of the Department of Juvenile Justice shall be funded at the basic program cost factor for juvenile justice programs in the Florida Education Finance Program (FEFP). Juvenile justice education programs shall be

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funded in the appropriate FEFP program based on the education services needed by the students in the programs pursuant to s. 1011.62.

(b) Juvenile justice education programs operated through a contract with the Department of Juvenile Justice and under the purview of the department's quality assurance standards and performance outcomes shall receive the appropriate FEFP funding for juvenile justice programs.

(c) A district school board shall fund the education program in a juvenile justice facility at the same or higher level of funding for equivalent students in the district school system based on the funds generated through the FEFP and funds allocated from federal programs.

(d) Consistent with the rules of the State Board of Education, district school boards shall request an alternative full-time equivalent (FTE) survey for juvenile justice programs experiencing fluctuations in student enrollment.

(e) The State Board of Education shall prescribe rules relating to FTE count periods which must be the same for juvenile justice programs and other public school programs. The summer school period for students in juvenile justice programs shall begin on the day immediately preceding the subsequent regular school year. Students may be funded for no more than 25 hours per week of direct instruction; however, students shall be provided access to virtual instruction in order to maximize the most efficient use of time.

(9) FACILITIES.—The district school board may not be charged any rent, maintenance, utilities, or overhead on the facilities. Maintenance, repairs, and remodeling of existing

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465 facilities shall be provided by the Department of Juvenile
466 Justice.

467 (10) ANNUAL REPORT.—The Department of Juvenile Justice, in
468 collaboration with the Department of Education and in
469 consultation with the school districts and private juvenile
470 justice education program providers, shall prepare an annual
471 report containing the education performance outcomes, based on
472 the criteria in subsection (3), of youth in juvenile justice
473 programs. The report shall delineate the performance outcomes of
474 youth in the state, in each school district, and by each private
475 provider, including the performance outcomes of all major
476 student populations and genders, as determined by the Department
477 of Juvenile Justice. The report shall address the use and
478 successful completion of virtual instruction courses and the
479 successful implementation of transition and reintegration plans.
480 The report must include an analysis of the performance of youth
481 over time, including, but not limited to, additional education
482 attainment, employment, earnings, industry certification, and
483 rates of recidivism. The report must also include
484 recommendations for improving performance outcomes and for
485 additional cost savings and efficiencies. The report shall be
486 submitted to the Governor, the President of the Senate, and the
487 Speaker of the House of Representatives by December 31, 2013,
488 and each year thereafter.

489 (11) RULEMAKING.—The Department of Juvenile Justice shall
490 adopt rules to administer this section.

491 Section 6. This act shall take effect upon becoming a law.

THE FLORIDA SENATE

COMMITTEE APPEARANCE RECORD

(Submit to Committee Chair or Administrative Assistant)

Spoke

11/2/2011
Date

7016

Bill Number

Barcode

Name Brian Pitts

Phone 727/897-9291

Address 1119 Newton Ave S

E-mail _____

Street

St. Petersburg
City

FL
State

33705
Zip

Job Title Trustee

Speaking: ☐ For ☐ Against ☒ Information

Appearing at request of Chair ☐

Subject Juvenile Education

Representing Justice-2-Jesus

Lobbyist registered with Legislature: ☐ Yes ☒ No

Pursuant to s. 11.061, *Florida Statutes*, state, state university, or community college employees are required to file the first copy of this form with the Committee, unless appearance has been requested by the Chair as a witness or for informational purposes.

If designated employee: Time: from _____ .m. to _____ .m.

CourtSmart Tag Report

Room: SB 301

Case:

Type:

Caption: Senate Education Pre-K - 12 Meeting **Judge:**

Started: 11/2/2011 8:33:25 AM

Ends: 11/2/2011 10:05:21 AM

Length: 01:31:57

8:35:51 AM SB 366 by Senator Gaetz, re: Group Insurance for Public Employees
8:36:09 AM Question by Senator Altman
8:36:19 AM Monitor has changed View
8:36:47 AM Response by Senator Gaetz
8:37:31 AM Question by Senator Montford
8:39:10 AM Question by Senator Altman
8:40:05 AM Response by Senator Gaetz
8:41:12 AM Ron Meyer, re: Florida Education Assoc for information purposes
8:41:47 AM Monitor has changed View
8:43:14 AM Senator Bullard with a question
8:43:33 AM Senator Gaetz with a response
8:44:16 AM Senator Bullard with a follow-up question
8:45:16 AM Senator Gaetz with a response
8:46:30 AM Senator Bullard with a comment
8:46:39 AM Senator Gaetz with a comment
8:47:02 AM Senator Gaetz waves his close
8:47:23 AM vote on bill - bill passes
8:47:40 AM SB 98 by Senator Siplin, re: Education
8:47:40 AM SB 98 by Senator Siplin, re: Education
8:50:08 AM Amendment 138252 passed
8:50:44 AM Mr. Ron Bilbao, ACLU of Florida, against the bill
8:51:35 AM Senator Bogdanoff with a question
8:51:35 AM Senator Bogdanoff with a question
8:51:49 AM Mr. Bilbao with a response
8:52:37 AM Senator Bogdanoff with a follow-up question
8:53:43 AM Mr. Bilbao with a response
8:54:13 AM Senator Montford with a question
8:54:39 AM Mr. Bilbao with a response
8:55:27 AM Senator Bullard with a comment
8:56:41 AM Mr. Bilbao with a response
8:57:43 AM Senator Bullard with a follow-up comment
8:57:43 AM Senator Bullard with a follow-up comment
8:58:20 AM Mr. Bilbao responds
8:59:06 AM David Barkey, with the Anti-Defamation League, against the bill, request clarification on the amendment
9:03:39 AM Brian Pitts, representing Justice-2-Jesus, speaking for the bill
9:03:39 AM Brian Pitts, representing Justice-2-Jesus, speaking for the bill
9:09:34 AM Senator Bogdanoff in debate
9:12:09 AM Senator Bullard in debate
9:20:45 AM Senator Montford in debate
9:25:26 AM Senator Siplin closes on his bill
9:27:04 AM vote on bill, bill passes
9:28:11 AM SB 120 by Senator Sobel, re: Public Broadcasting Program System
9:29:42 AM Ms. Lindy Kennedy, re: FL Public Broadcasting Service, for information purposes
9:30:54 AM Mr. Clarence McKee, represenating Broward School Board - WBEC TV, speaking for the bill
9:32:15 AM Mr. Chris Bartch, WBEC TV Station Mgr, BECON TV, Broward County School Board, for the bill
9:34:38 AM Senator Bullard with a question
9:35:16 AM Senator Sobel responds to question regarding fiscal impact of the bill
9:35:27 AM Senator Wise
9:35:39 AM Senator Sobel closes on her bill
9:35:54 AM vote on bill, bill passes
9:36:39 AM SB 256 by Senator Flores, re: Youth and Student Athletes, Marian Chamorro will present the bill
9:38:06 AM Ms. Rebecca OHara, Fla Medical Association, waves in support

9:38:38 AM Ms. Vicki Lukis, waves in support
9:39:14 AM Mr. Jack Hebert, Florida Chiropractic Assn, for information purposes
9:39:14 AM Mr. Jack Hebert, Florida Chiropractic Assn, for information purposes
9:40:58 AM Senator Bogdanoff with a comment
9:41:31 AM Mr. Toni Large, Florida Orthopedic Society, waves in support
9:41:51 AM Mr. Juhan Mixon, Fla High School Athletic Assoc waves in support
9:41:58 AM vote on bill, bill passes
9:42:08 AM Senator Montford takes the Chair
9:42:54 AM SB 260 by Senator Wise re: Deaf and Hard-of-hearing Children
9:43:48 AM Late filed amendment 204848
9:44:05 AM amendment adopted without objection, now on bill as amended
9:44:14 AM Senator Wise closes on his bill
9:44:41 AM vote on bill - committee sub - bill passes
9:45:33 AM SPB 7016 by Senator Wise, re: Juvenile Justice Education and Workforce Programs
9:51:58 AM Senator Bullard with a comment
9:54:50 AM Senator Benacquisto in debate
9:56:40 AM Mr. Brian Pitts, Justice-2-Jesus, for information purposes on SPB 7016
10:02:25 AM Senator Wise on the SPB
10:04:41 AM Senator Montford moves to submit SPB
10:04:44 AM Senator Wise
10:04:44 AM Senator Wise
10:05:15 AM adjournment



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Budget, *Chair*
Rules, *Vice Chair*
Agriculture
Banking and Insurance
Budget - Subcommittee on Finance and Tax
Budget - Subcommittee on Transportation, Tourism,
and Economic Development Appropriations
Education Pre-K - 12
Rules - Subcommittee on Ethics and Elections

JOINT COMMITTEE:

Legislative Budget Commission, *Chair*

SENATOR JD ALEXANDER

17th District

November 2, 2011

Senator Stephen R. Wise, Chair
Committee on Education Pre-K-12
312 Senate Office Building
404 S. Monroe Street
Tallahassee, FL 32399

Dear Senator Wise,

I respectfully request permission to be absent from the Committee on Education Pre-K-12, today, November 2, 2011. I will not be able to attend this meeting.

Thank you for your approval in this request.

Sincerely,

A handwritten signature in black ink, appearing to read "JD Alexander".

JD Alexander
Senator, District 17

Xc: Lowell Matthews

A handwritten signature in black ink, appearing to read "Stephen R. Wise #5".

REPLY TO:

- ☐ 201 Central Avenue West, Suite 115, City Hall Complex, Lake Wales, Florida 33853 (863) 679-4847
- ☐ 412 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5044

Senate's Website: www.flsenate.gov

MIKE HARIDOPOLOS
President of the Senate

MICHAEL S. "MIKE" BENNETT
President Pro Tempore