

Tab 1	SB 114 by Hutson (CO-INTRODUCERS) Simpson, Benacquisto ; (Identical to H 00073) High School Graduation Requirements/Dorothy L. Hukill Financial Literacy Act
Tab 2	SB 120 by Perry ; Early Childhood Music Education Incentive Pilot Program
Tab 3	SPB 7018 by ED ; OGSR/Public Research Facility/Animal Research
Tab 4	SPB 7020 by ED ; OGSR/University Direct-support Organization/Research Funding or Research Plans

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

EDUCATION
Senator Diaz, Chair
Senator Montford, Vice Chair

MEETING DATE: Tuesday, February 5, 2019
TIME: 10:00 a.m.—12:00 noon
PLACE: Pat Thomas Committee Room, 412 Knott Building

MEMBERS: Senator Diaz, Chair; Senator Montford, Vice Chair; Senators Baxley, Berman, Cruz, Perry, Simmons, and Stargel

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 114 Hutson (Identical H 73, Compare S 416)	High School Graduation Requirements/Dorothy L. Hukill Financial Literacy Act; Designating the act as the "Dorothy L. Hukill Financial Literacy Act"; revising the requirements for the Next Generation Sunshine State Standards to include financial literacy; revising the required credits for a standard high school diploma to include one-half credit of instruction in personal financial literacy and money management and seven and one-half, rather than eight, credits in electives, etc.	ED 02/05/2019 RC
2	SB 120 Perry	Early Childhood Music Education Incentive Pilot Program; Extending the scheduled expiration of the pilot program, etc.	ED 02/05/2019 AED AP
Consideration of proposed bill:			
3	SPB 7018	OGSR/Public Research Facility/Animal Research; Amending provisions which provides an exemption from public records requirements for the personal identifying information of a person employed by, under contract with, or volunteering for a public research facility that conducts or is engaged in activities related to animal research; removing the scheduled repeal of the exemption, etc.	
Consideration of proposed bill:			
4	SPB 7020	OGSR/University Direct-support Organization/Research Funding or Research Plans; Amending provisions relating to an exemption from public meeting requirements for specified meetings of a university direct-support organization at which proposals seeking research funding or research plans are discussed; removing the scheduled repeal of the exemption, etc.	

COMMITTEE MEETING EXPANDED AGENDA

Education

Tuesday, February 5, 2019, 10:00 a.m.—12:00 noon

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
5	Presentation on K-12 Scholarship Programs		

Other Related Meeting Documents

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Education

BILL: SB 114

INTRODUCER: Senator Hutson and others

SUBJECT: High School Graduation Requirements/Dorothy L. Hukill Financial Literacy Act

DATE: February 4, 2019

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Graf	Sikes	ED	Pre-meeting
2.			RC	

I. Summary:

SB 114 specifies financial literacy standards and instruction for students entering grade 9 in the 2019-2020 school year and thereafter. Specifically, the bill revises:

- The Next Generation Sunshine State Standards to establish requirements for financial literacy distinct from the existing financial literacy requirements specified under the economics curricular content within the standards for social studies; and
- The requirements for a student to earn a standard high school diploma to:
 - Establish a separate one-half credit requirement in personal financial literacy and specify related instruction.
 - Reduce the number of required elective credits from eight to seven and one-half.

The bill designates the act as the “Dorothy L. Hukill Financial Literacy Act.”

The bill has no additional impact on state funds. School districts are provided funding for instructional materials through the instructional materials allocation within the Florida Education Finance Program (FEFP).

The bill takes effect July 1, 2019.

II. Present Situation:

Florida law requires the adoption of standards for core curricula content taught in public schools and specifies the requirements that students must meet to earn a standard high school diploma.¹

¹ Sections 1003.41 and 1003.4282(3), F.S.

Next Generation Sunshine State Standards

The Next Generation Sunshine State Standards (NGSSS) establish the core curricula content to be taught in Florida and specify the core content knowledge and skills that K-12 public school students are expected to acquire.² The standards must be rigorous and relevant to incrementally increase a student's core content knowledge and skills over time.³ The curricular content for all subjects must integrate critical-thinking, problem-solving, and workforce-literacy skills; communication, reading, and writing skills; mathematics skills; collaboration skills; contextual and applied-learning skills; technology-literacy skills; information and media-literacy skills; and civic-engagement skills.⁴ The standards applicable to students in grades 9 through 12 may be organized by grade clusters that include more than one grade level, except as otherwise provided for visual performing arts, physical education, health, and foreign language standards.⁵

The State Board of Education (SBE) is responsible for adopting the NGSSS and subsequent revisions to such standards in rule.⁶ Currently, the NGSSS must meet the following requirements:⁷

- English Language Arts must establish specific curricular content for, at a minimum, reading, writing, speaking and listening, and language.
- Science standards must establish specific curricular content for, at a minimum, the nature of science, earth and space science, physical science, and life science.
- Mathematics standards must establish curricular content for, at a minimum, algebra, geometry, statistics and probability, number and quantity, functions, and modeling.
- Social Studies standards must establish curricula content for, at a minimum, geography, U.S. and world history, government, civics, humanities, and economics, including financial literacy.
- Visual and performance arts, physical education, health, and foreign language standards must establish specific curricular content and include distinct grade level expectations for the core content knowledge and skills that a student is expected to have acquired by each individual grade level from kindergarten through grade 5. The standards for grades 6 through 12 may be organized by grade clusters of more than one grade level.

Financial Literacy

Curricular content for financial literacy includes the knowledge, understanding, skills, behaviors, attitudes, and values to enable a student to make responsible and effective financial decisions on a daily basis.⁸ Financial literacy instruction must be an integral part of instruction throughout the entire economics course and include information regarding:⁹

- Earning income;
- Buying goods and services;

² Section 1003.41(1), F.S.

³ *Id.*

⁴ *Id.*

⁵ *Id.*

⁶ Section 1003.41(3)-(4), F.S.

⁷ Section 1003.41(2), F.S.

⁸ Section 1003.41(2)(d), F.S.

⁹ *Id.*

- Saving and financial investing;
- Taxes;
- The use of credit and credit cards;
- Budgeting and debt management, including student loans and secured loans;
- Banking and financial services;
- Planning for one's financial future, including higher education and career planning;
- Credit reports and scores; and
- Fraud and identity theft prevention.

The Course Code Directory (CCD)¹⁰ lists at least 4 one-half credit economics courses with personal financial literacy¹¹ and 2 separate one-half credit courses in personal financial literacy.¹²

Credits Required to Earn a Standard High School Diploma

To graduate from high school with a standard high school diploma, a student must successfully complete 24 credits, an International Baccalaureate curriculum, or an Advanced International Certificate of Education curriculum.¹³

A student must successfully complete 24 credits in the following subject areas:¹⁴

- Four credits in English Language Arts (ELA) I, II, III, and IV.
- Four credits in mathematics, including one each in Algebra I and Geometry. Industry certifications earned by students may substitute for up to two mathematics credits, except for Algebra I and Geometry.
- Three credits in science, including one credit in Biology I and two credits in equally rigorous courses.¹⁵ Industry certifications earned by students may substitute for one science credit, except for Biology I.
- Three credits in social studies, including one credit each in U.S. history and World History; one-half credit in economics, which must include financial literacy; and one-half credit in U.S. Government.
- One credit in fine or performing arts, speech and debate, or practical arts that incorporates artistic content and techniques of creativity, interpretation, and imagination.
- One credit in physical education that must include the integration of health.

¹⁰ The Course Code Directory (CCD) lists all public preK-12 and postsecondary career and technical education courses that are available for use by school districts. Programs and courses that are funded through the Florida Education Finance Program and courses or programs for which students may earn credit toward high school graduation must be listed in the CCD. The CCD maintains course listings for administration and service assignments, K-12 education, exceptional student education, career and technical education, and adult education, with details regarding appropriate teacher certification levels. The CCD provides course information to schools, districts, and the state. Rule 6A-1.09441, F.A.C.

¹¹ Courses 2102335, 2102340, 2102345, and 2102800. Florida Department of Education, *2018-2019 Course Directory Section 3 – Grades 9 to 12 and Adult Education Courses* (Nov. 27, 2018), available at <http://www.fldoe.org/core/fileparse.php/7746/urlt/1819CCD-Basic9-12.pdf>, at 44.

¹² Courses 2102372 and 2102374. Florida Department of Education, *2018-2019 Course Directory Section 3 – Grades 9 to 12 and Adult Education Courses* (Nov. 27, 2018), available at <http://www.fldoe.org/core/fileparse.php/7746/urlt/1819CCD-Basic9-12.pdf>, at 44.

¹³ Section 1003.4282(1)(a), F.S.

¹⁴ Section 1003.4282(3), F.S.

¹⁵ Two of the three science credits must have a laboratory component. Section 1003.4282(3)(c), F.S.

- Eight credits in electives. School districts are required to develop and offer coordinated electives to enable a student to develop knowledge and skills in his or her area of interest and such electives must include opportunities for students to earn college credit.

III. Effect of Proposed Changes:

SB 114 specifies financial literacy standards and instruction for students entering grade 9 in the 2019-2020 school year and thereafter. Specifically, the bill revises:

- The Next Generation Sunshine State Standards to establish requirements for financial literacy distinct from the existing financial literacy requirements specified under the economics curricular content within the standards for social studies; and
- The requirements for a student to earn a standard high school diploma to:
 - Establish a separate one-half credit requirement in personal financial literacy and specify related instruction.
 - Reduce the number of required elective credits from eight to seven and one-half.

The bill designates the act as the “Dorothy L. Hukill Financial Literacy Act.”

Next Generation Sunshine State Standards

The bill revises the Next Generation Sunshine State Standards (NGSSS) to establish requirements for financial literacy distinct from the existing financial literacy requirements specified under the economics curricular content within the standards for social studies, beginning with students entering grade 9 in the 2019-2020 school year. Additionally, the bill clarifies that the current requirements for financial literacy, embedded within the social studies standards, do not apply to students entering grade 9 in the 2019-2020 school year and thereafter.

The new financial literacy standards must establish specific curricular content that must include, but is not limited to, personal financial literacy and money management. Accordingly, the NGSSS may need to be revised to include an understanding of how to balance a checkbook and the implications of receiving an inheritance.¹⁶ In addition, CPALMS, the State of Florida’s official source for standards information and course descriptions, may need to be updated to reflect the financial literacy standards that apply to students entering grade 9 in the 2019-2020 school year.¹⁷ Consequently, modifications to the Course Code Directory may be required to report additional personal financial literacy courses.¹⁸

Credits Required to Earn a Standard High School Diploma

The bill requires that, beginning with students entering grade 9 in the 2019-2020 school year, students must earn one-half credit in personal financial literacy, in addition to the required three social studies credits, in order to receive a standard high school diploma.

The bill requires that personal financial literacy instruction include:

¹⁶ Florida Department of Education, *SB 88 Analysis*, (Aug. 29, 2017) at 3. SB 114 (2019) is substantively the same as SB 88 (2018).

¹⁷ CPALMS is the State of Florida’s official source for information on standards and course descriptions. CPALMS, *Homepage*, <http://www.cpalms.org/Public/> (last visited Jan. 28, 2019).

¹⁸ Florida Department of Education, *SB 88 Analysis* (Aug. 29, 2017), at 7.

- Types of bank accounts offered, opening and managing a bank account, and assessing the quality of a depository institution's services.
- Balancing a checkbook.
- Basic principles of money management, such as spending, credit, credit scores, and managing debt, including retail and credit card debt.
- Completing a loan application.
- Receiving an inheritance and related implications.
- Basic principles of personal insurance policies.
- Computing federal income taxes.
- Local tax assessments.
- Computing interest rates by various mechanisms.
- Simple contracts.
- Contesting an incorrect billing statement.
- Types of savings and investment.
- State and federal laws concerning finance.

The required personal financial literacy instruction is similar to the financial literacy instruction currently specified in Florida law for the economics course (e.g., banking and financial services; the use of credit and credit cards; budgeting and debt management; including student loans and secured loans; and taxes) with some additions (i.e., balancing a checkbook, receiving an inheritance and related implications, basic principles of personal insurance policies, simple contracts, and state and federal laws concerning finance).

The bill also reduces the current number of elective credits required to earn a standard high school diploma from eight to seven and one-half. As such, the bill maintains the total number of credits at 24, which students must successfully complete to earn a standard high school diploma.

This bill takes effect July 1, 2019.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

As noted below, under SB 114, school districts may incur aggregate costs ranging from over \$131,000 to \$8,830,000 in the first year of implementation of the requirements set forth in this act, depending upon the manner of implementation.¹⁹ These cost projections are based on the Florida Department of Education's (DOE's) analysis of SB 88 (2018) that is substantively the same as SB 114 (2019). However, no new state funds are specifically appropriated for the implementation of these requirements.

According to the DOE, the implementation of a new course in financial literacy may result in expenses associated with instructional materials and the provision, documentation, and monitoring of professional development for teachers.²⁰ The DOE projected four cost scenarios for implementing a required financial literacy course.

- Scenarios 1 and 2 assume that teachers who are currently employed by the district are trained to teach the financial literacy course.²¹
 - Scenario 1 assumes one set of hardback books per classroom, amounting to an estimated implementation cost of \$2,894,320 for the first year, with a total cost of \$4,594,480 for the first five years.²²
 - Scenario 2 assumes an individual hardback book used by each student in the course, amounting to an estimated implementation cost of \$8,830,516 for the first year, with a total cost of \$14,049,890 for the first five years.²³
- Scenario 3 assumes that financial literacy instruction is taken electronically through a free online course, amounting to an estimated implementation cost of \$152,056 for the first year, with no additional costs after the first year for teacher training and travel.²⁴

¹⁹ Florida Department of Education, *SB 88 Analysis*, at 4-5.

²⁰ *Id.*, at 4.

²¹ *Id.*

²² *Id.*

²³ *Id.*

²⁴ *Id.*, at 5.

- Scenario 4 assumes that financial literacy instruction is obtained through a free curriculum, amounting to an estimated first year implementation cost of \$131,560, with no additional costs after the first year.²⁵

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 1003.41 and 1003.4282.

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

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

None.

B. Amendments:

None.

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

²⁵ *Id.*

By Senator Hutson

7-00265B-19

2019114__

1 A bill to be entitled
 2 An act relating to high school graduation
 3 requirements; designating the act as the "Dorothy L.
 4 Hukill Financial Literacy Act"; amending s. 1003.41,
 5 F.S.; revising the requirements for the Next
 6 Generation Sunshine State Standards to include
 7 financial literacy; amending s. 1003.4282, F.S.;
 8 revising the required credits for a standard high
 9 school diploma to include one-half credit of
 10 instruction in personal financial literacy and money
 11 management and seven and one-half, rather than eight,
 12 credits in electives; providing an effective date.

13
 14 WHEREAS, many young people in this state graduate from high
 15 school without having basic financial literacy or money
 16 management skills, and

17 WHEREAS, the Legislature finds that, in light of economic
 18 challenges nationwide, sound financial management skills are
 19 vitally important to all Floridians, particularly high school
 20 students, and

21 WHEREAS, the Legislature also finds that requiring
 22 educational instruction in financial literacy and money
 23 management as a prerequisite to high school graduation will
 24 better prepare young people in this state for adulthood by
 25 providing them with the requisite knowledge to achieve financial
 26 stability and independence, and

27 WHEREAS, Florida is one of 17 states in the nation to
 28 require financial literacy instruction as a prerequisite for
 29 high school graduation and a standard high school diploma, and

Page 1 of 5

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7-00265B-19

2019114__

30 the adoption of this act will make it the sixth state in the
 31 nation to require a stand-alone course in personal financial
 32 literacy as a prerequisite for high school graduation and a
 33 standard high school diploma, NOW, THEREFORE,
 34

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

36
 37 Section 1. This act may be cited as the "Dorothy L. Hukill
 38 Financial Literacy Act."

39 Section 2. Paragraph (d) of subsection (2) of section
 40 1003.41, Florida Statutes, is amended, and paragraph (f) is
 41 added to that subsection, to read:

42 1003.41 Next Generation Sunshine State Standards.—

43 (2) Next Generation Sunshine State Standards must meet the
 44 following requirements:

45 (d) Social Studies standards must establish specific
 46 curricular content for, at a minimum, geography, United States
 47 and world history, government, civics, humanities, and
 48 economics, including financial literacy. Financial literacy
 49 includes the knowledge, understanding, skills, behaviors,
 50 attitudes, and values that will enable a student to make
 51 responsible and effective financial decisions on a daily basis.
 52 Financial literacy instruction shall be an integral part of
 53 instruction throughout the entire economics course and include
 54 information regarding earning income; buying goods and services;
 55 saving and financial investing; taxes; the use of credit and
 56 credit cards; budgeting and debt management, including student
 57 loans and secured loans; banking and financial services;
 58 planning for one's financial future, including higher education

Page 2 of 5

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7-00265B-19

2019114__

59 and career planning; credit reports and scores; and fraud and
60 identity theft prevention. The requirements for financial
61 literacy specified under this paragraph do not apply to students
62 entering grade 9 in the 2019-2020 school year and thereafter.

63 (f) Effective for students entering grade 9 in the 2019-
64 2020 school year and thereafter, financial literacy standards
65 must establish specific curricular content for, at a minimum,
66 personal financial literacy and money management. Financial
67 literacy includes instruction in the areas specified in s.
68 1003.4282(3)(h).

69 Section 3. Paragraphs (d) and (g) of subsection (3) of
70 section 1003.4282, Florida Statutes, are amended, and paragraph
71 (h) is added to that subsection, to read:

72 1003.4282 Requirements for a standard high school diploma.-

73 (3) STANDARD HIGH SCHOOL DIPLOMA; COURSE AND ASSESSMENT
74 REQUIREMENTS.-

75 (d) *Three credits in social studies.*-A student must earn
76 one credit in United States History; one credit in World
77 History; one-half credit in economics, which must include
78 financial literacy; and one-half credit in United States
79 Government. The United States History EOC assessment constitutes
80 30 percent of the student's final course grade. However, for a
81 student entering grade 9 in the 2019-2020 school year or
82 thereafter, financial literacy is not a required component of
83 the one-half credit in economics.

84 (g) ~~Eight~~ *Credits in Electives.*-School districts must
85 develop and offer coordinated electives so that a student may
86 develop knowledge and skills in his or her area of interest,
87 such as electives with a STEM or liberal arts focus. Such

7-00265B-19

2019114__

88 electives must include opportunities for students to earn
89 college credit, including industry-certified career education
90 programs or series of career-themed courses that result in
91 industry certification or articulate into the award of college
92 credit, or career education courses for which there is a
93 statewide or local articulation agreement and which lead to
94 college credit. A student entering grade 9 before the 2019-2020
95 school year must earn eight credits in electives. A student
96 entering grade 9 in the 2019-2020 school year or thereafter must
97 earn seven and one-half credits in electives.

98 (h) One-half credit in personal financial literacy.-
99 Beginning with students entering grade 9 in the 2019-2020 school
100 year, each student must earn one-half credit in personal
101 financial literacy and money management. This instruction must
102 include discussion of or instruction in the following:

103 1. Types of bank accounts offered, opening and managing a
104 bank account, and assessing the quality of a depository
105 institution's services.

106 2. Balancing a checkbook.

107 3. Basic principles of money management, such as spending,
108 credit, credit scores, and managing debt, including retail and
109 credit card debt.

110 4. Completing a loan application.

111 5. Receiving an inheritance and related implications.

112 6. Basic principles of personal insurance policies.

113 7. Computing federal income taxes.

114 8. Local tax assessments.

115 9. Computing interest rates by various mechanisms.

116 10. Simple contracts.

7-00265B-19

2019114__

- 117 11. Contesting an incorrect billing statement.
- 118 12. Types of savings and investments.
- 119 13. State and federal laws concerning finance.
- 120 Section 4. This act shall take effect July 1, 2019.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Education

BILL: SB 120

INTRODUCER: Senator Perry

SUBJECT: Early Childhood Music Education Incentive Pilot Program

DATE: February 4, 2019

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Olenick	Sikes	ED	Pre-meeting
2.			AED	
3.			AP	

I. Summary:

SB 120 extends the scheduled expiration of the Early Childhood Music Education Incentive Pilot Program from June 30, 2020, to June 30, 2022.

This bill takes effect July 1, 2019.

II. Present Situation:

The legislature established the Early Childhood Music Education Incentive Pilot Program (pilot program) in 2017,¹ for three years, to assist certain school districts in implementing comprehensive music education programs in kindergarten through grade 2, beginning with the 2017-2018 school year.²

For a school district to be eligible for participation in the pilot program, the district school superintendent must certify to the Commissioner of Education (commissioner) that each elementary school within the district has established a comprehensive music education program that:³

- Includes all students enrolled at the school in kindergarten through grade 2.
- Is staffed by certified music educators.
- Provides music instruction for at least 30 consecutive minutes 2 days a week.
- Complies with class size requirements under the law.⁴
- Complies with the Department of Education’s standards for early childhood music education programs for students in kindergarten through grade 2.

¹ Section 69, ch. 2017-116, L.O.F.

² Section 1003.481(1), F.S.

³ Section 1003.481(2)(a)-(e), F.S.

⁴ The maximum number of students assigned to each teacher who is teaching core-curriculum courses in public school classrooms for prekindergarten through grade 3 may not exceed 18 students. Section 1003.03(1)(a), F.S.

The commissioner must select school districts for participation in the pilot program, subject to legislative appropriation, based on the school district's proximity to the University of Florida and needs-based criteria established by the State Board of Education.⁵ Selected school districts must annually receive \$150 per full-time equivalent student in kindergarten through grade 2 who is enrolled in a comprehensive music education program.⁶

The University of Florida's College of Education is required to evaluate the effectiveness of the pilot program.⁷ The State Board of Education may adopt rules to administer the pilot program.⁸

The pilot program is scheduled to expire on June 30, 2020.⁹

The pilot program has not been implemented by the Department of Education.¹⁰

III. Effect of Proposed Changes:

SB 120 extends the scheduled expiration of the Early Childhood Music Education Incentive Pilot Program from June 30, 2020, to June 30, 2022.

This bill takes effect July 1, 2019.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

⁵ Section 1003.481(3)(a), F.S.

⁶ *Id.*

⁷ Section 1003.481(4), F.S.

⁸ Section 1003.481(5), F.S.

⁹ Section 1003.481(6), F.S.

¹⁰ Telephone Interview with staff, Florida Department of Education (Jan 28, 2019). In 2017, the Legislature appropriated \$250,000 for the Early Childhood Music Education Incentive Pilot Program, which was vetoed by the Governor. Specific Appropriation 108, s.2, ch. 2018-9, L.O.F.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 1003.481 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

By Senator Perry

8-00442-19

2019120__

1 A bill to be entitled
2 An act relating to the Early Childhood Music Education
3 Incentive Pilot Program; amending s. 1003.481, F.S.;
4 extending the scheduled expiration of the pilot
5 program; providing an effective date.

6
7 Be It Enacted by the Legislature of the State of Florida:

8
9 Section 1. Section 1003.481, Florida Statutes, is amended
10 to read:

11 1003.481 Early Childhood Music Education Incentive Pilot
12 Program.—

13 (1) ~~Beginning with the 2017-2018 school year,~~ The Early
14 Childhood Music Education Incentive Pilot Program is created
15 within the Department of Education ~~for a period of 3 school~~
16 ~~years.~~ The purpose of the pilot program is to assist selected
17 school districts in implementing comprehensive music education
18 programs for students in kindergarten through grade 2.

19 (2) ~~In order for~~ A school district is ~~to be~~ eligible for
20 participation in the pilot program if, the superintendent
21 certifies ~~must certify~~ to the Commissioner of Education, in a
22 format prescribed by the department, that each elementary school
23 within the district has established a comprehensive music
24 education program that:

25 (a) Includes all students at the school enrolled in
26 kindergarten through grade 2.

27 (b) Is staffed by certified music educators.

28 (c) Provides music instruction for at least 30 consecutive
29 minutes 2 days a week.

Page 1 of 3

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8-00442-19

2019120__

30 (d) Complies with class size requirements under s. 1003.03.

31 (e) Complies with the department's standards for early
32 childhood music education programs for students in kindergarten
33 through grade 2.

34 (3) (a) The commissioner shall select school districts for
35 participation in the pilot program, subject to legislative
36 appropriation, based on the school district's proximity to the
37 University of Florida and needs-based criteria established by
38 the State Board of Education. Selected school districts shall
39 annually receive \$150 per full-time equivalent student in
40 kindergarten through grade 2 who is enrolled in a comprehensive
41 music education program.

42 (b) To maintain eligibility for participation in the pilot
43 program, a selected school district must annually certify to the
44 commissioner, in a format prescribed by the department, that
45 each elementary school within the district provides a
46 comprehensive music education program that meets the
47 requirements of subsection (2). If a selected school district
48 fails to provide the annual certification for a fiscal year, the
49 school district must return all funds received through the pilot
50 program for that fiscal year.

51 (4) The University of Florida's College of Education shall
52 evaluate the effectiveness of the pilot program by measuring
53 student academic performance and the success of the program. The
54 evaluation must include, but is not limited to, a quantitative
55 analysis of student achievement and a qualitative evaluation of
56 students enrolled in the comprehensive music education programs.

57 (5) The State Board of Education may adopt rules to
58 administer this section.

Page 2 of 3

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8-00442-19

2019120__

59
60

(6) This section expires June 30, 2022 ~~2020~~.

Section 2. This act shall take effect July 1, 2019.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Education

BILL: SPB 7018

INTRODUCER: For consideration by the Education Committee

SUBJECT: OGSR/Public Research Facility/Animal Research

DATE: February 4, 2019

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. <u>Olenick</u>	<u>Sikes</u>	_____	Pre-meeting

I. Summary:

SPB 7018 reenacts a public records exemption for personal identifying information of a person employed by, under contract with, or volunteering for a public research facility, including a state university that conducts animal research or is engaged in activities related to animal research. Such information is exempt from public records requirements when the information is contained in the following records:

- Animal records, including animal care and treatment records.
- Research protocols and approvals.
- Purchase and billing records related to animal research or activities.
- Animal care and committee records.
- Facility and laboratory records related to animal research or activities.

The public records exemption is subject to the Open Government Sunset Review Act and must stand repealed on October 2, 2019, unless reviewed and saved from repeal through reenactment by the Legislature. The bill removes the repeal date continuing the public records exemption for personal identifying information of a person employed, under contract with, or volunteering for a public research facility.

The bill takes effect October 1, 2019.

II. Present Situation:

Public Records Law

The Florida Constitution provides that the public has the right to inspect or copy records made or received in connection with official governmental business.¹ This applies to the official business

¹ FLA. CONST., art. I, s. 24(a).

of any public body, officer, or employee of the state, including all three branches of state government, local governmental entities, and any person acting on behalf of the government.²

Chapter 119, F.S., known as the Public Records Act, constitutes the main body of public records laws.³ The Public Records Act states that

[i]t is the policy of this state that all state, county, and municipal records are open for personal inspection and copying by any person. Providing access to public records is a duty of each agency.⁴

The Public Records Act typically contains general exemptions that apply across agencies. Agency- or program-specific exemptions often are placed in the substantive statutes relating to that particular agency or program.

The Public Records Act does not apply to legislative or judicial records.⁵ Legislative records are public pursuant to s. 11.0431, F.S. Public records exemptions for the Legislature are codified primarily in s. 11.0431(2)-(3), F.S., and adopted in the rules of each house of the legislature.

A public record includes virtually any document or recording, regardless of its physical form or how it may be transmitted.⁶ The Florida Supreme Court has interpreted public records as being “any material prepared in connection with official agency business which is intended to perpetuate, communicate, or formalize knowledge of some type.”⁷

The Florida Statutes specify conditions under which public access to governmental records must be provided. The Public Records Act guarantees every person’s right to inspect and copy any state or local government public record at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public record.⁸ A violation of the Public Records Act may result in civil or criminal liability.⁹

Only the Legislature may create an exemption to public records requirements.¹⁰ An exemption must be created by general law and must specifically state the public necessity justifying the

² *Id.*

³ Public records laws are found throughout the Florida Statutes.

⁴ Section 119.01(1), F.S.

⁵ *Locke v. Hawkes*, 595 So. 2d 32 (Fla. 1992). Also see *Times Pub. Co. v. Ake*, 660 So. 2d 255 (Fla. 1995).

⁶ Section 119.011(12), F.S., defines “public record” to mean “all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.” Section 119.011(2), F.S., defines “agency” as “any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency.”

⁷ *Shevin v. Byron, Harless, Schaffer, Reid and Assoc. Inc.*, 379 So. 2d 633, 640 (Fla. 1980).

⁸ Section 119.07(1)(a), F.S.

⁹ Section 119.10, F.S. Public records laws are found throughout the Florida Statutes, as are the penalties for violating those laws.

¹⁰ FLA. CONST., art. I, s. 24(c).

exemption.¹¹ Further, the exemption must be no broader than necessary to accomplish the stated purpose of the law. A bill enacting an exemption may not contain other substantive provisions¹² and must pass by a two-thirds vote of the members present and voting in each house of the Legislature.¹³

When creating or expanding a public records exemption, the Legislature may provide that a record is ‘confidential and exempt’ or ‘exempt.’¹⁴ Records designated as ‘confidential and exempt’ may be released by the records custodian only under the circumstances defined by the Legislature or pursuant to a court order. Records designated as ‘exempt’ may be released at the discretion of the records custodian under certain circumstances.¹⁵

Open Government Sunset Review Act

The Open Government Sunset Review Act (the Act) prescribes a legislative review process for newly created or substantially amended public records or open meetings exemptions,¹⁶ with specified exceptions.¹⁷ The Act provides that an exemption automatically repeals on October 2nd of the fifth year after creation or substantial amendment; in order to save an exemption from repeal, the Legislature must reenact the exemption or repeal the sunset date.¹⁸ In practice, many exemptions are continued by repealing the sunset date rather than reenacting the exemption.

The Act provides that a public records or open meetings exemption may be created or maintained only if it serves an identifiable public purpose and is no broader than is necessary.¹⁹ An exemption serves an identifiable purpose if it meets one of the following purposes *and* the Legislature finds that the purpose of the exemption outweighs open government policy and cannot be accomplished without the exemption:

- It allows the state or its political subdivision to effectively and efficiently administer a program, and administration would be significantly impaired without the exemption;²⁰
- Releasing sensitive personal information would be defamatory or would jeopardize an individual’s safety. If this public purpose is cited as the basis of an exemption, however, only personal identifying information is exempt;²¹ or
- It protects trade or business secrets.²²

¹¹ *Id.*

¹² The bill may, however, contain multiple exemptions that relate to one subject.

¹³ FLA. CONST., art. I, s. 24(c)

¹⁴ If the Legislature designates a record as confidential, such record may not be released to anyone other than the persons or entities specifically designated in the statutory exemption. *WFTV, Inc. v. The School Board of Seminole*, 874 So. 2d 48 (Fla. 5th DCA 2004).

¹⁵ *Williams v. City of Minneola*, 575 So. 2d 683 (Fla. 5th DCA 1991).

¹⁶ Section 119.15, F.S. Section 119.15(4)(b), F.S., provides that an exemption is considered to be substantially amended if it is expanded to include more records or information or to include meetings.

¹⁷ Section 119.15(2)(a) and (b), F.S., provide that exemptions that are required by federal law or are applicable solely to the Legislature or the State Court System are not subject to the Open Government Sunset Review Act.

¹⁸ Section 119.15(3), F.S.

¹⁹ Section 119.15(6)(b), F.S.

²⁰ Section 119.15(6)(b)1., F.S.

²¹ Section 119.15(6)(b)2., F.S.

²² Section 119.15(6)(b)3., F.S.

The Act also requires specified questions to be considered during the review process.²³ In examining an exemption, the Act directs the Legislature to carefully question the purpose and necessity of reenacting the exemption.

If, in reenacting an exemption or repealing the sunset date, the exemption is expanded, then a public necessity statement and a two-thirds vote for passage are required.²⁴ If the exemption is reenacted or saved from repeal without substantive changes or if the exemption is narrowed, then a public necessity statement and a two-thirds vote for passage are *not* required. If the Legislature allows an exemption to sunset, the previously exempt records will remain exempt unless provided for by law.²⁵

Animal Research Public Records Exemption

Section 585.611, F.S., provides that the following records held by a public research facility are exempt from disclosing personal identifying information of those who are employed by, under contract with, volunteering or engaged in activities related to animal research and are exempt from the provisions of s. 119.07(1), F.S., and s. 24(a), Art. I of the Florida Constitution:

- Animal records, including animal care and treatment records
- Research protocols and approvals
- Purchasing, funding, and billing records related to animal research or activities
- Animal care and use committee records
- Facility and laboratory records related to animal research or activities.

Section 585.611, F.S., provides for future review and repeal of the public records exemption on October 2, 2019.

Open Government Sunset Review Findings and Recommendations

In August 2018, the Senate Education Committee and the House Oversight, Transparency & Administration Subcommittee, in consultation with the Department of Education and Florida Board of Governors office, sent an Open Government Sunset Review Questionnaire to public research facilities at public colleges and universities throughout the state regarding the need to maintain the exemption related to persons employed by, under contract with, or volunteering for a public research facility that conducts animal research or is engaged in activities related to animal research.

²³ Section 119.15(6)(a), F.S. The specified questions are:

- What specific records or meetings are affected by the exemption?
- Whom does the exemption uniquely affect, as opposed to the general public?
- What is the identifiable public purpose or goal of the exemption?
- Can the information contained in the records or discussed in the meeting be readily obtained by alternative means?
If so, how?
- Is the record or meeting protected by another exemption?
- Are there multiple exemptions for the same type of record or meeting that it would be appropriate to merge?

²⁴ FLA. CONST. art. I, s. 24(c).

²⁵ Section 119.15(7), F.S.

Nine state universities and one college returned the questionnaire. Of those, seven institutions recommended the exemption to be reenacted for safety and to ensure further participation in the field. Two institutions deferred or did not provide a recommendation and one recommended that the exemption be made to be both confidential and exempt. The research focus of these institutions includes scientific discovery, population studies, cancer research, Alzheimer's research, and the study of other debilitating diseases. These institutions work to advance scientific knowledge and treatment with applied research ultimately leading to cures and innovation in health and biomedical fields. The responses state that the exemption is necessary to maintain the effective and efficient administration of public research facilities and protect the safety of those employed by, under contract with, or volunteering at these facilities.

III. Effect of Proposed Changes:

The bill continues the current public records exemption relating to personal identifying information of a person employed by, under contract with, or volunteering for a public research facility, including a state university that conducts or is engaged in activities related to animal research by deleting its scheduled repeal date. The exemption is scheduled for repeal on October 2, 2019.

The bill takes effect October 1, 2019

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

Vote Requirement

Article I, s. 24(c) of the State Constitution requires a two-thirds vote of the members present and voting for final passage of a bill creating or expanding an exemption to the public records requirements. This bill continues a current public records exemption beyond its current date of repeal; thus, the bill does not require an extraordinary vote for enactment.

Public Necessity Statement

Article I, s. 24(c) of the State Constitution requires a bill creating or expanding an exemption to the public records requirements to state with specificity the public necessity justifying the exemption. This bill continues a current public records exemption without expansion.

Breadth of Exemption

Article I, s. 24(c) of the State Constitution requires an exemption to the public records requirements to be no broader than necessary to accomplish the stated purpose of the law. The purpose of the law is to protect personal identifying information of those who are employed by, under contract with, volunteering or engaged in activities related to animal research. This bill

exempts only personal identifying information from the public records requirements. The exemption does not appear to be broader than necessary to accomplish the purpose of the law.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 585.611 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

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

FOR CONSIDERATION By the Committee on Education

581-00823A-19

20197018pb

1 A bill to be entitled
 2 An act relating to a review under the Open Government
 3 Sunset Review Act; amending s. 585.611, F.S., which
 4 provides an exemption from public records requirements
 5 for the personal identifying information of a person
 6 employed by, under contract with, or volunteering for
 7 a public research facility that conducts or is engaged
 8 in activities related to animal research; removing the
 9 scheduled repeal of the exemption; providing an
 10 effective date.

11 Be It Enacted by the Legislature of the State of Florida:
 12
 13

14 Section 1. Section 585.611, Florida Statutes, is amended to
 15 read:

16 585.611 Animal research identifying information.—

17 (1) Personal identifying information of a person employed
 18 by, under contract with, or volunteering for a public research
 19 facility, including a state university, that conducts animal
 20 research or is engaged in activities related to animal research,
 21 is exempt from s. 119.07(1) and s. 24(a), Article I of the State
 22 Constitution, when such information is contained in the
 23 following records:

24 (a) Animal records, including animal care and treatment
 25 records.

26 (b) Research protocols and approvals.

27 (c) Purchasing, funding, and billing records related to
 28 animal research or activities.

29 (d) Animal care and use committee records.

Page 1 of 2

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

581-00823A-19

20197018pb

30 (e) Facility and laboratory records related to animal
 31 research or activities.

32 (2) This exemption applies to personal identifying
 33 information as described in subsection (1) held by a public
 34 research facility, including a state university, before, on, or
 35 after the effective date of this exemption.

36 ~~(3) This section is subject to the Open Government Sunset~~
 37 ~~Review Act in accordance with s. 119.15 and shall stand repealed~~
 38 ~~on October 2, 2019, unless reviewed and saved from repeal~~
 39 ~~through reenactment by the Legislature.~~

40 Section 2. This act shall take effect October 1, 2019.

Page 2 of 2

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

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Education

BILL: SPB 7020

INTRODUCER: For consideration by the Education Committee

SUBJECT: OGSR/University Direct-support Organization/Research Funding or Research Plans

DATE: February 4, 2019

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Bouck	Sikes		Pre-meeting

I. Summary:

SPB 7020 saves from repeal the public meetings exemption for any portion of a meeting of the board of directors of a university direct-support organization (DSO), or of the executive committee or other committees of such board, at which any proposal seeking research funding from the DSO or a plan for initiating or supporting research is discussed. The bill removes the October 2, 2019, repeal date.

The bill takes effect October 1, 2019.

II. Present Situation:

Public Records Law

The Florida Constitution provides that the public has the right to inspect or copy records made or received in connection with official governmental business.¹ This applies to the official business of any public body, officer, or employee of the state, including all three branches of state government, local governmental entities, and any person acting on behalf of the government.²

Chapter 119, F.S., known as the Public Records Act, constitutes the main body of public records laws.³ The Public Records Act states that:

[i]t is the policy of this state that all state, county, and municipal records are open for personal inspection and copying by any person. Providing access to public records is a duty of each agency.⁴

¹ FLA. CONST., art. I, s. 24(a).

² *Id.*

³ Public records laws are found throughout the Florida Statutes.

⁴ Section 119.01(1), F.S.

The Public Records Act typically contains general exemptions that apply across agencies. Agency- or program-specific exemptions often are placed in the substantive statutes relating to that particular agency or program.

The Public Records Act does not apply to legislative or judicial records.⁵ Legislative records are public pursuant to s. 11.0431, F.S. Public records exemptions for the Legislature are codified primarily in s. 11.0431(2)-(3), F.S., and adopted in the rules of each house of the legislature.

A public record includes virtually any document or recording, regardless of its physical form or how it may be transmitted.⁶ The Florida Supreme Court has interpreted public records as being “any material prepared in connection with official agency business which is intended to perpetuate, communicate, or formalize knowledge of some type.”⁷

The Florida Statutes specify conditions under which public access to governmental records must be provided. The Public Records Act guarantees every person’s right to inspect and copy any state or local government public record at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public record.⁸ A violation of the Public Records Act may result in civil or criminal liability.⁹

Only the Legislature may create an exemption to public records requirements.¹⁰ An exemption must be created by general law and must specifically state the public necessity justifying the exemption.¹¹ Further, the exemption must be no broader than necessary to accomplish the stated purpose of the law. A bill enacting an exemption may not contain other substantive provisions¹² and must pass by a two-thirds vote of the members present and voting in each house of the Legislature.¹³

When creating or expanding a public records exemption, the Legislature may provide that a record is ‘confidential and exempt’ or ‘exempt.’¹⁴ Records designated as ‘confidential and exempt’ may be released by the records custodian only under the circumstances defined by the

⁵ *Locke v. Hawkes*, 595 So. 2d 32 (Fla. 1992). Also see *Times Pub. Co. v. Ake*, 660 So. 2d 255 (Fla. 1995).

⁶ Section 119.011(12), F.S., defines “public record” to mean “all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.” Section 119.011(2), F.S., defines “agency” as “any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency.”

⁷ *Shevin v. Byron, Harless, Schaffer, Reid and Assoc. Inc.*, 379 So. 2d 633, 640 (Fla. 1980).

⁸ Section 119.07(1)(a), F.S.

⁹ Section 119.10, F.S. Public records laws are found throughout the Florida Statutes, as are the penalties for violating those laws.

¹⁰ FLA. CONST., art. I, s. 24(c).

¹¹ *Id.*

¹² The bill may, however, contain multiple exemptions that relate to one subject.

¹³ FLA. CONST., art. I, s. 24(c).

¹⁴ If the Legislature designates a record as confidential, such record may not be released to anyone other than the persons or entities specifically designated in the statutory exemption. *WFTV, Inc. v. The School Board of Seminole*, 874 So. 2d 48 (Fla. 5th DCA 2004).

Legislature or pursuant to a court order. Records designated as ‘exempt’ may be released at the discretion of the records custodian under certain circumstances.¹⁵

Open Government Sunset Review Act

The Open Government Sunset Review Act (the Act) prescribes a legislative review process for newly created or substantially amended public records or open meetings exemptions,¹⁶ with specified exceptions.¹⁷ The Act provides that an exemption automatically repeals on October 2nd of the fifth year after creation or substantial amendment; in order to save an exemption from repeal, the Legislature must reenact the exemption or repeal the sunset date.¹⁸ In practice, many exemptions are continued by repealing the sunset date rather than reenacting the exemption.

The Act provides that a public records or open meetings exemption may be created or maintained only if it serves an identifiable public purpose and is no broader than is necessary.¹⁹ An exemption serves an identifiable purpose if it meets one of the following purposes *and* the Legislature finds that the purpose of the exemption outweighs open government policy and cannot be accomplished without the exemption:

- It allows the state or its political subdivision to effectively and efficiently administer a program, and administration would be significantly impaired without the exemption;²⁰
- Releasing sensitive personal information would be defamatory or would jeopardize an individual’s safety. If this public purpose is cited as the basis of an exemption, however, only personal identifying information is exempt;²¹ or
- It protects trade or business secrets.²²

The Act also requires specified questions to be considered during the review process.²³ In examining an exemption, the Act directs the Legislature to carefully question the purpose and necessity of reenacting the exemption.

If, in reenacting an exemption or repealing the sunset date, the exemption is expanded, then a public necessity statement and a two-thirds vote for passage are required.²⁴ If the exemption is reenacted or saved from repeal without substantive changes or if the exemption is narrowed, then

¹⁵ *Williams v. City of Minneola*, 575 So. 2d 683 (Fla. 5th DCA 1991).

¹⁶ Section 119.15, F.S. Section 119.15(4)(b), F.S., provides that an exemption is considered to be substantially amended if it is expanded to include more records or information or to include meetings.

¹⁷ Section 119.15(2)(a) and (b), F.S., provide that exemptions that are required by federal law or are applicable solely to the Legislature or the State Court System are not subject to the Open Government Sunset Review Act.

¹⁸ Section 119.15(3), F.S.

¹⁹ Section 119.15(6)(b), F.S.

²⁰ Section 119.15(6)(b)1., F.S.

²¹ Section 119.15(6)(b)2., F.S.

²² Section 119.15(6)(b)3., F.S.

²³ Section 119.15(6)(a), F.S. The specified questions are:

- What specific records or meetings are affected by the exemption?
- Whom does the exemption uniquely affect, as opposed to the general public?
- What is the identifiable public purpose or goal of the exemption?
- Can the information contained in the records or discussed in the meeting be readily obtained by alternative means?
If so, how?
- Is the record or meeting protected by another exemption?
- Are there multiple exemptions for the same type of record or meeting that it would be appropriate to merge?

²⁴ FLA. CONST. art. I, s. 24(c).

a public necessity statement and a two-thirds vote for passage are *not* required. If the Legislature allows an exemption to sunset, the previously exempt records will remain exempt unless provided for by law.²⁵

University Direct-Support Organizations

A university direct-support organization (DSO) is a Florida not-for-profit corporation which is organized and operated exclusively to receive, hold, invest, and administer property and to make expenditures to or for the benefit of a state university.²⁶ In addition, a university DSO may also be operated for the benefit of a research and development park or research and development authority affiliated with a state university.²⁷ The DSO must be certified by a state university board of trustees to operate in a manner consistent with the goals of the university and in the best interest of the state.²⁸ DSOs help the state universities “achieve excellence by providing supplemental resources from private gifts and bequest, and valuable education support services.”²⁹

State universities are considered agencies of the state.³⁰ As a result, state universities are subject to public records and public meetings laws.³¹ DSO boards are also subject to public records and public meetings laws.³²

A university DSO must provide for an annual financial audit of the organization’s accounts and records which must be conducted by an independent certified public accountant pursuant to rules adopted by the Auditor General in accordance with current law³³ and by the university board of trustees.³⁴ Current law provides that the identity of a donor who desires to remain anonymous must be protected, including in the auditor’s report.³⁵

All records of the DSO are confidential and exempt from public records requirements *except* any.³⁶

²⁵ Section 119.15(7), F.S.

²⁶ Section 1004.28(1)(a)1.-2., F.S.

²⁷ Section 1004.28(1)(a)2., F.S.

²⁸ Section 1004.28(1)(a)3., F.S.

²⁹ Board of Governors, *State University System of Florida Consolidated Financial Statements* (Fiscal Year June, 30, 2017; updated Aug. 27, 2018), at 12, available at https://www.flbog.edu/board/office/budget/doc/fin_statement/2016-2017SUSConsolidatedFinancialStatementsDraftPost-Audit.pdf.

³⁰ Section 1001.705(1)(d), F.S.

³¹ Chapters 119 and 286, F.S. See *Wood v. Marston*, 442 So. 2d 934, 938 (Fla. 1983) (holding that a University of Florida screening committee was subject to Florida’s Sunshine Law).

³² Section 1004.28, F.S.; see also *Palm Beach Community College Foundation, INC., v. WFTV, INC.*, 611 So.2nd 588 (4th DCA 1993); Op. Att’y Gen. Fla. 05-27 (2005); Op. Att’y Gen. Fla. 92-53 (1992) (providing that the John and Mable Ringling Museum of Art Foundation, Inc., established pursuant to statute as a not-for-profit corporation to assist the museum in carrying out its functions by raising funds for the museum, is subject to Sunshine Law by virtue of its substantial ties with the museum).

³³ Section 11.45(8), F.S.

³⁴ Section 1004.28(5)(a), F.S.

³⁵ *Id.*

³⁶ Section 1004.28(5)(b), F.S. Confidential and exempt records include any supplemental data requested by the Board of Governors, the university board of trustees, the Auditor General, and the Office of Program Policy Analysis and Government Accountability (OPPAGA). *Id.*

- Audit report prepared by the independent auditor during the annual audit process under current law;³⁷
- Management letter;
- Records related to the expenditure of state funds; or
- Financial records related to the expenditure of private funds for travel.

In addition, current law provides that any portion of a meeting of the board of directors of the DSO, or of the executive committee or other committees of such board, at which any proposal seeking research funding from the organization or a plan or program for either initiating or supporting research is discussed is exempt from the law requiring public meetings.³⁸ Such exemption is subject to the Open Government Sunset Review Act in accordance with law,³⁹ and must be repealed on October 2, 2019, unless reviewed and saved from repeal through reenactment by the Legislature.⁴⁰

Chapter 2014-207, L.O.F., included a public necessity statement that provided the rationale for the exemption. This rationale recognized the role of DSOs in raising resources for research that contains proprietary information and may lead to commercial applications. This activity requires DSOs to conduct meetings to discuss research strategies, plans, and proposals that allow for candid exchanges among reviewers. Failure to close meetings in which these activities are discussed would significantly undermine the confidentiality of the strategies, plans, and proposals themselves.

Open Government Sunset Review Findings

In August 2018, the Senate Education Committee and the House Oversight, Transparency & Administration Subcommittee, in consultation with the Florida Board of Governors office, sent an Open Government Sunset Review Questionnaire to each state university regarding the need to maintain the public meetings exemption for any portion of a meeting of the board of directors of the DSO, or of the executive committee or other committees of such board, at which any proposal seeking research funding from the organization or a plan or program for either initiating or supporting research is discussed.

Seventeen DSOs representing 10 state universities returned the questionnaire. Of those, three indicated that the DSO has a board of directors or committee that discusses proposals seeking research funding or plans or programs for initiating or supporting research. Two DSOs recommended that the exemption be retained in its current form. One DSO indicated a future strategic initiative regarding research proposals that would be negatively impacted by a removal of the exemption. No DSO recommended removal or modification of the exemption.

III. Effect of Proposed Changes:

The bill removes the scheduled repeal date of October 2, 2019.

³⁷ Section 1004.28(5)(b), F.S.

³⁸ Section 1004.28(5)(c), F.S. *See also* FLA. CONST. art. I, s. 24(b), and s. 286.011, F.S.

³⁹ Section 119.15, F.S.

⁴⁰ Section 1004.28(5)(c), F.S.

The bill takes effect October 1, 2019.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

Vote Requirement

Article I, s. 24(c) of the State Constitution requires a two-thirds vote of the members present and voting for final passage of a bill creating or expanding an exemption to the public records requirements. This bill continues a current public records exemption beyond its current date of repeal; thus, the bill does not require an extraordinary vote for enactment.

Public Necessity Statement

Article I, s. 24(c) of the State Constitution requires a bill creating or expanding an exemption to the public records requirements to state with specificity the public necessity justifying the exemption. This bill continues a current public records exemption without expansion

Breadth of Exemption

Article I, s. 24(c) of the State Constitution requires an exemption to the public records requirements to be no broader than necessary to accomplish the stated purpose of the law. The purpose of the law is to protect proposals seeking research funding from the organization or a plan or program for either initiating or supporting research. This bill exempts from the public meetings requirement only any portion of a meeting of the board of directors of the DSO, or of the executive committee or other committees of such board, at which any proposal seeking research funding from the organization or a plan or program for either initiating or supporting research is discussed. The exemption does not appear to be broader than necessary to accomplish the purpose of the law.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 1004.28 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

FOR CONSIDERATION By the Committee on Education

581-00805-19

20197020pb

1 A bill to be entitled
 2 An act relating to a review under the Open Government
 3 Sunset Review Act; amending s. 1004.28, F.S., relating
 4 to an exemption from public meeting requirements for
 5 specified meetings of a university direct-support
 6 organization at which proposals seeking research
 7 funding or research plans are discussed; removing the
 8 scheduled repeal of the exemption; providing an
 9 effective date.

10

11

12

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

13

14

Section 1. Paragraph (c) of subsection (5) of section
 15 1004.28, Florida Statutes, is amended to read:

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1004.28 Direct-support organizations; use of property;
 board of directors; activities; audit; facilities.—

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(5) ANNUAL AUDIT; PUBLIC RECORDS EXEMPTION; PUBLIC MEETINGS
 EXEMPTION.—

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(c) Any portion of a meeting of the board of directors of
 the organization, or of the executive committee or other
 committees of such board, at which any proposal seeking research
 funding from the organization or a plan or program for either
 initiating or supporting research is discussed is exempt from s.
 286.011 and s. 24(b), Art. I of the State Constitution. ~~This~~
~~paragraph is subject to the Open Government Sunset Review Act in~~
~~accordance with s. 119.15 and shall stand repealed on October 2,~~
~~2019, unless reviewed and saved from repeal through reenactment~~
~~by the Legislature.~~

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Page 1 of 2

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

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30 Section 2. This act shall take effect October 1, 2019.

Page 2 of 2

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



FLORIDA DEPARTMENT OF
EDUCATION
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Florida K-12 Scholarship Programs

Adam Miller, Executive Director

Office of Independent Education and Parental Choice

February 5, 2019

Senate Committee on Education

K-12 Scholarship Programs

- Florida Tax Credit Scholarship Program (Section 1002.395, F.S.)
- McKay Scholarship Program for Students with Disabilities (Section 1002.39, F.S.)
- Gardiner Scholarship Program (Section 1002.385, F.S.)
- Hope Scholarship Program (Section 1002.40, F.S.)
- Reading Scholarship Program (Section 1002.411, F.S.)

McKay Scholarship Program for Students with Disabilities

- Established in 2000
- The John M. McKay Scholarships for Students with Disabilities Program is established to provide the option to attend a public school other than the one to which assigned, or to provide a scholarship to a private school of choice, for students with disabilities for whom:
 - An individual educational plan has been written in accordance with rules of the State Board of Education; or
 - A 504 accommodation plan has been issued under s. 504 of the Rehabilitation Act of 1973.
- If student enrolls in a private school, the scholarship award is a portion of the amount the student would generate through the FEFP at his or her assigned public school or the private school's tuition, whichever is less.

Requirements for Private Schools to Participate in Scholarship Program

Requirements for Participating Private Schools

A participating school must:

- Be a private school as defined in law
- Register with the Florida Department of Education (Department) and apply to participate
- Notify department of change in school name, director, address, or physical location (within 15 days after the change)
- Maintain surety bond for $\frac{1}{4}$ of scholarship funds for first three years of operation
- Require the parent of each scholarship student to personally restrictively endorse the scholarship warrant to the school
- Provide a report from an independent certified public accountant who performs the agreed-upon procedures if the school receives more than \$250,000 in scholarship funds

Requirements for Participating Private Schools

- Meet health, safety and welfare laws, codes, and rules
- Comply with student enrollment/attendance verification requirements
- Maintain a physical location at which each student has regular and direct contact with teachers
- Cooperate with a student whose parent chooses to participate in the statewide assessment program
- Publish on school's website, or provide in written format, information for parents regarding the school and qualifications of teachers
- Provide each parent a written explanation of student progress on a quarterly basis

Requirements for Participating Private Schools

- Employ or contract with only qualified teachers (baccalaureate or higher degree; at least 3 years of teaching experience; or special or expertise in subjects taught)
- Require each employee and contracted personnel with direct student contact to undergo state and national background screening and annually certify compliance with this requirement
- Adopt standards of ethical conduct for instructional personnel and school administrators
- Conduct employment history checks with each previous employer of newly hired instructional personnel and school administrators
- **Require each owner or operator of the private school to undergo level 2 background screening**

Private School Application to Participate

- School must submit:
 - Annual survey
 - Signed and notarized Scholarship Compliance form
 - Owner(s)/Director(s) Level 2 background screening results
 - School ownership report (Sunbiz)
 - Private School Inspection Report (Department of Health)
 - Department receives report from Department of Health
 - Radon Report
 - Fire Inspection Report
 - State Fire Marshal provides Department access to reports
 - Fiscal soundness documentation, if required
 - Employee ethical standards
 - School VECHS Number (fingerprinting)
 - School Fee Schedule (McKay Only)
- Approximately 350 new schools apply annually
 - Approximately 190-200 approved

Renewal Process

- Annually
 - School must submit:
 - Annual Survey
 - Signed and notarized Scholarship Compliance Form
 - Fiscal soundness documentation, if required
 - Health Inspection
 - Fire Inspection
- Every 3 years
 - School must submit:
 - Annual survey
 - Signed and notarized Scholarship Compliance form
 - Owner Level 2 background screening results
 - School ownership report (Sunbiz)
 - Private School Inspection Report (Department of Health)
 - Radon Report
 - Fire Inspection Report
 - Fiscal soundness documentation, if required
 - Employee ethical standards

Department Oversight and Responsibilities

Department Responsibilities

- Cross-check students against public school enrollment data and each scholarship program to avoid duplication
- Notify Scholarship Funding Organizations (SFO) of any students participating in other scholarship programs through other SFO
- Require quarterly reports by eligible SFOs
- Approve nationally norm-referenced tests (NRT)
- Monitor private school compliance and take administrative action when warranted
- Upon request of eligible private school, provide at no cost to the school the statewide assessment and any related materials for administering the assessment
- Take receipt of SFOs report on annual Agreed Upon Procedures (AUP) and conduct follow up with schools
- Work with Learning Systems Institute (LSI) to ensure schools submit assessment results

Department Responsibilities

- Maintain a fully-integrated web-based application to administer the scholarship programs
 - Available to parents and private schools 24 hours a day, 365 days a year
 - The system currently handles records for over 175,000 students and 2,200 private providers and is used by Florida families, school district personnel, accrediting agencies, private school administrators, and scholarship funding organizations.
- Process and issue McKay scholarship payments at least 4x per year (avg. 30,000 checks issued each quarter)
- Calculate scholarship amounts, process scholarship awards, and distribute scholarship funds to SFO (Gardiner & Reading)
- Maintain list of approved providers, post-secondary institutions and eligible private schools (Gardiner)

Private School Site Visits

- Department must conduct site visits to all newly approved schools beginning in 2018-19
- Beginning in 2019-2020, a private school is not eligible to receive scholarship payments until a satisfactory site visit has been conducted and school is in compliance with all requirements in law.

Additional Roles and Responsibilities

- Monitor fiscal soundness requirements
- Monitor fingerprint retention compliance
- Collaborate and consult with key stakeholders
- Maintain a directory of all registered private schools
 - Searchable by county and program participation
- Maintain toll-free hotline for parents
 - Average 2,380 calls per month
- Technical support to private schools and families
 - Average 1,870 calls per month
 - Receive/respond to 2,600 emails per month (avg)
- Additional Outreach
 - Monthly newsletters
 - Web tutorials
 - Presentations and conferences



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STEP UP FOR STUDENTS

Helping public education fulfill the promise of equal opportunity

Senate Education Committee

February 5, 2019

Doug Tuthill

President

Hannah Plante

Manager, Legislative Affairs



Scholarship Funding Organizations

- The Department of Education approves eligible nonprofits as Scholarship Funding Organizations to administer four scholarship programs.
 - Tax Credit Scholarship (2001)
 - Gardiner Scholarship (2014)
 - Hope Scholarship (2018)
 - Reading Scholarship Accounts (2018)
- Currently, two SFOs administer the Tax Credit Scholarship and Gardiner Scholarship.
- Step Up For Students administers the Hope Scholarship and Reading Scholarship Accounts.



Accountability for SFOs

- Must conduct level 2 background checks on owners and operators of the SFO.
- Must apply annually to be approved by the State Board of Education. Approval requires an IRS Form 990, financial plans, geographic regions served, description of the application process, an annual report, and a copy of the audits.
- Are subject to 2 audits each year:
 1. Operational and compliance audit by the Auditor General.
 2. Financial audit of accounts and records by an independent CPA, which must be provided to the Auditor General and the Department of Education.
- Must prepare and submit quarterly reports on scholarships to the DOE.



General Responsibilities

- Review student applications and determine eligibility for four scholarship programs.
 - FTC: process documentation of household income
 - Gardiner: process documentation of qualifying disability
- Answer calls, emails and chats from current and prospective parents and providers.
- Communication during the eligibility and funding process.
- Create and maintain Parent and Provider Handbooks.
- Produce quarterly scholarship payments and a weekly ACH payment file for providers and parents for the Gardiner program.
- Produce quarterly reports for the Department of Education.
- Perform quality assurance on reimbursement and application processing.
- Recruitment of contributions and marketing.
- Respond to data requests from external organizations.
- Assist in fraud prevention.



General Responsibilities

- Additional Gardiner Scholarship administration:
 - Establish student accounts.
 - Verify providers and confirm a valid license at the time of each expense.
 - Process reimbursements by reviewing invoices and verifying expenditures.
 - Conduct weekly meetings to review reimbursement requests.
 - Review appeals for denied reimbursements.
 - Conduct Parent and School Advisory Council meetings to receive feedback.

Tax Credit Scholarships for Financial Need

- Created in 2001 for economically disadvantaged students.
- Provides tuition scholarships for private schools or transportation scholarships for students attending a public school in another district.
- Step Up For Students serves 99,659 students in 1,804 schools this year.

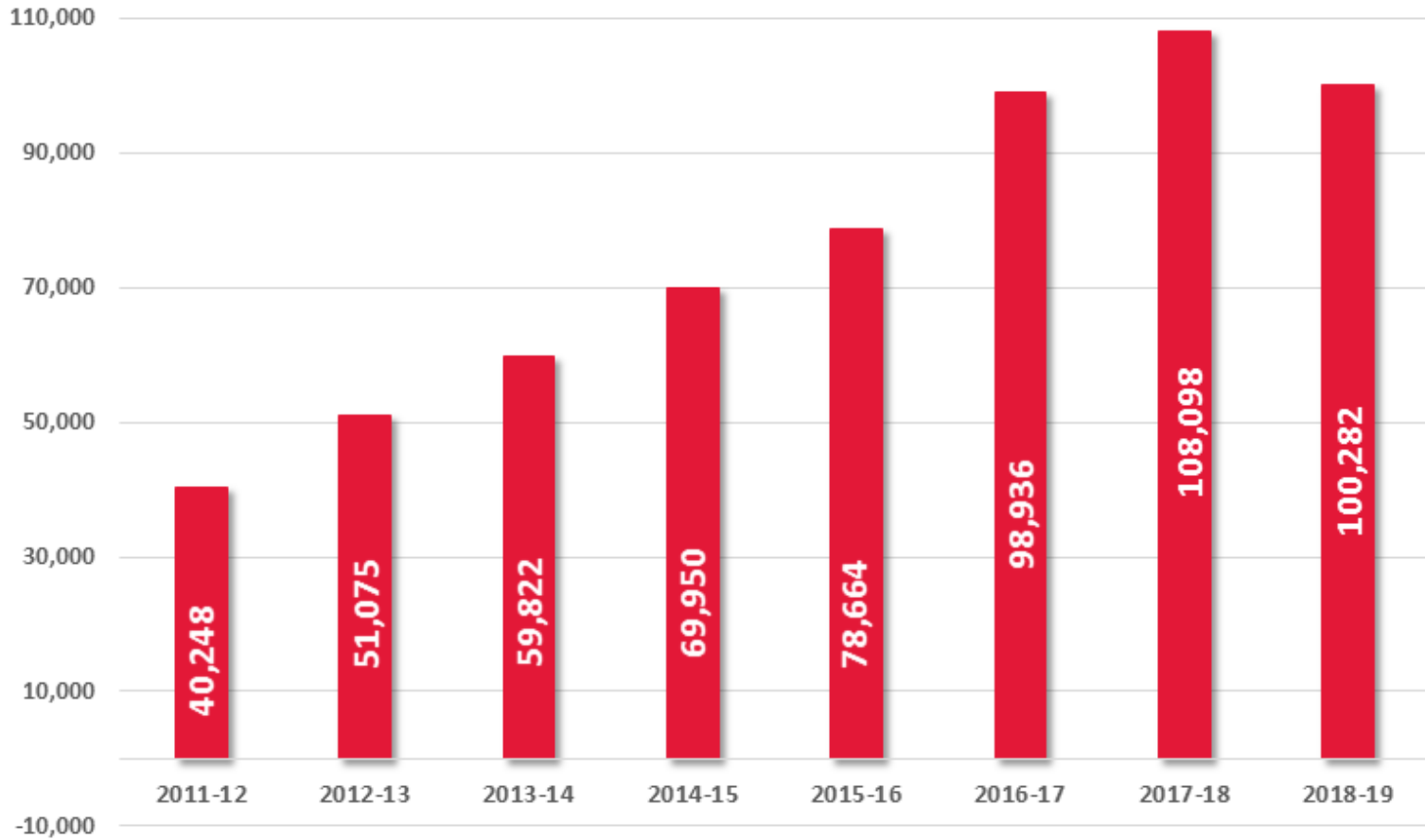


Demand Exceeds Supply

- Received 170,096 student applications before shutting down the online application system on June 29.
- We have 12,974 approved student applications on a waitlist.



Florida Tax Credit Scholarship Enrollment Growth



The Typical Tax Credit Scholarship Student

- **Lives near poverty:** Household income average this year is \$25,749, or 9.1 percent above poverty.
- **Is Hispanic or Black:** 38 percent Hispanic, 30 percent Black, and 26 percent White.
- **Lives with one parent:** 55 percent live in single-parent households.
- **Has struggled academically:** Research shows students “tend to be among the lowest-performing students in their prior school, regardless of the performance level of their public school.”



Tax Credit Scholarship Program Mechanics

- **Eligibility:** Household income must not exceed 200% of poverty (\$51,500 for a household of four) for full scholarship. Partial scholarships for income no greater than 260% of poverty, or \$66,950.
- **Priority:** Renewal students and students with household incomes that do not exceed 185% of poverty, or who are in foster care or out-of-home care have priority.
- **Scholarship:** Full scholarship worth between 88-96 percent of the unweighted FTE amount for public school students, which is \$6,519 for grades K-5, \$6,815 for grades 6-8, and \$7,111 for grades 9-12 this year.
- **Tax-credited contributions:** Companies receive a dollar-for-dollar tax credit on five different state taxes for contributions to SFOs.



What the Research Tells Us

- **Academics:** Annual reports show: 1) Students are the lowest-performing from the public schools they left; 2) they achieve the same test score gains in reading and math as students of all income levels nationally.
- **Long-term effects:** An independent study from the Urban Institute found that FTC students were up to 43% more likely to attend college than their public school peers.
- **Financial impact:** Five independent organizations have concluded the scholarship saves tax money. Office of Program Policy Analysis and Government Accountability said in 2010 that the state saved \$1.44 for every \$1 lost in tax credits.
- **Public school impact:** Research has shown that “the increased competitive pressure faced by public schools associated with the introduction of Florida’s FTC Scholarship Program led to general improvements in public school performance.”



Gardiner Scholarships for Special Needs

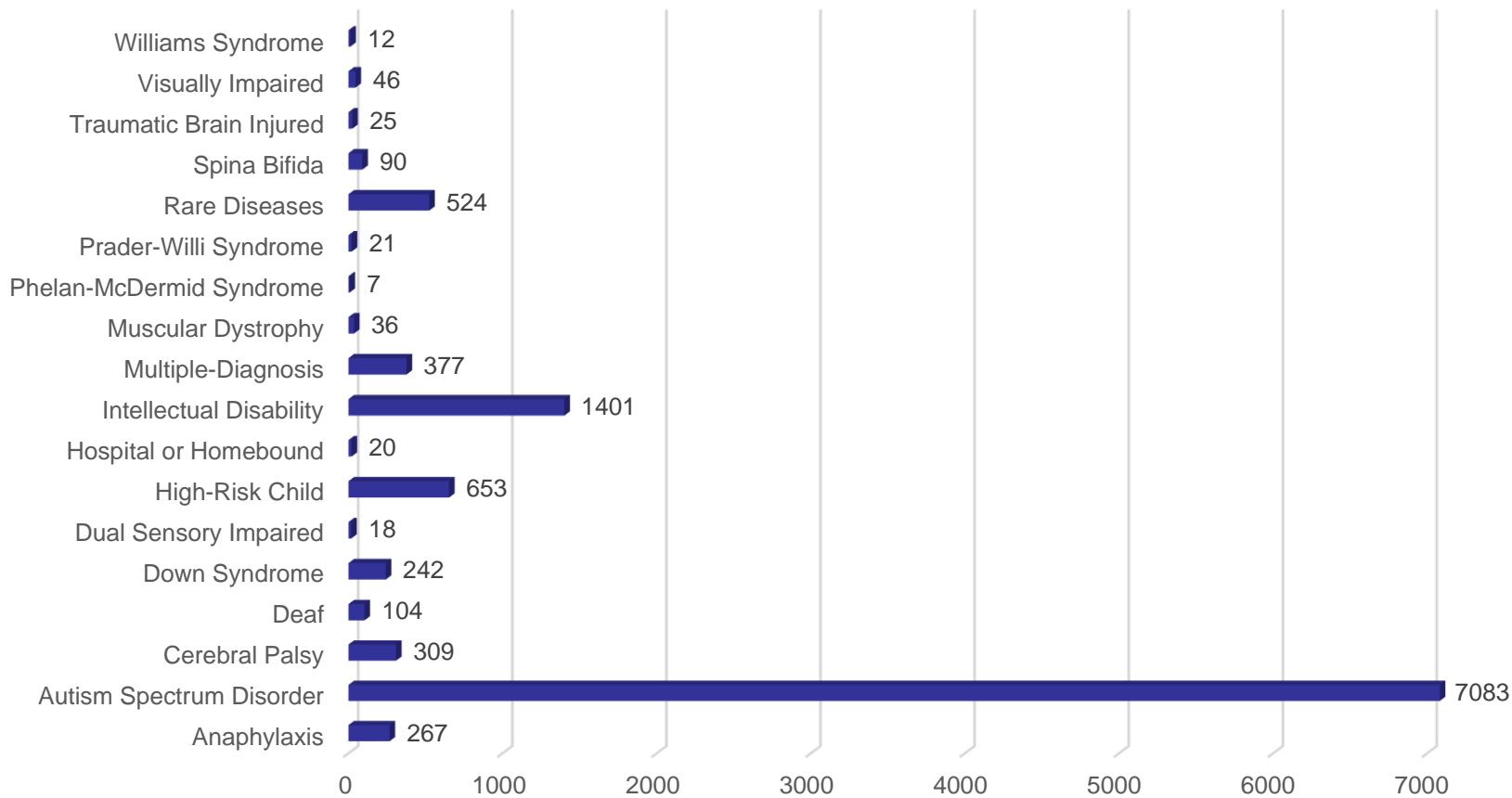
- Created in 2014, the Gardiner Scholarship program allows parents to personalize the education of their special-needs children by directing money toward a combination of programs and approved providers.
- Florida was the second state in the country to use this model, known nationally as an education savings account, or ESA.
- Parents are able to customize their child's learning by incorporating the best of all delivery methods (home education, private school, public school, online learning, tutoring, etc.)



Eligibility

Students age 3 years through 12th grade, or age 22, who qualify under one or more of the diagnosis categories listed below.

Enrollment by Diagnosis: 2018-19



The Scholarship

The average scholarship is (*scholarships vary per grade and county of residence*). Funds may be rolled over from year to year. Parents may pick and choose from a variety of approved items and services, including:

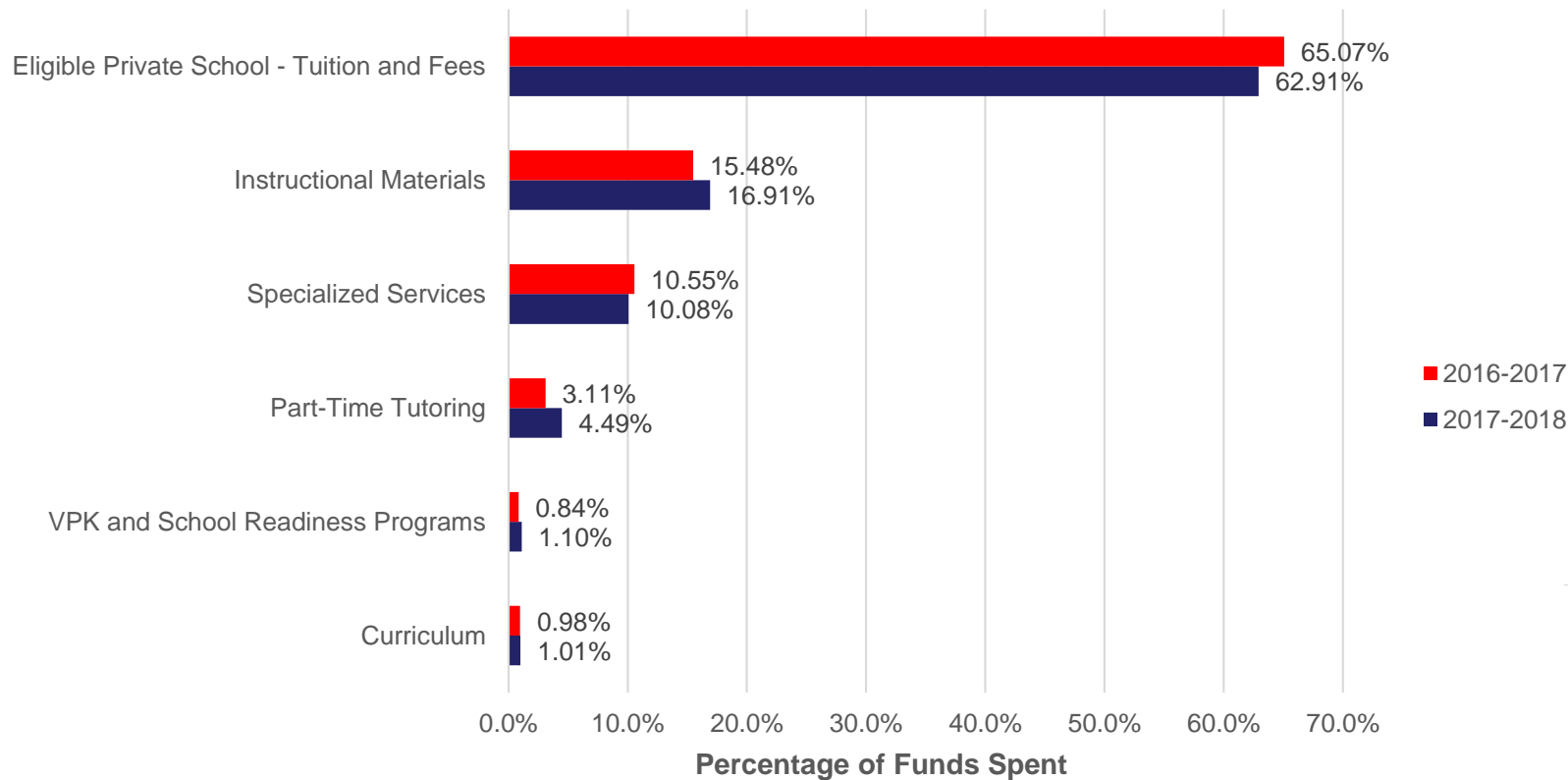
- Curriculum
- Instructional materials, including digital devices
- Specialized services, such as therapy with a Florida licensed professional
- Tuition and fees for an eligible private school, post-secondary or virtual program, or Florida Virtual School
- Fees for nationally standardized, norm-referenced achievement tests, placement tests, or industry certification examinations
- Florida Prepaid or 529 college savings plan
- Tuition and fees for full-time or part-time tutoring
- Contracted services from a public school



Gardiner Facts

- 2018-19 allocation for scholarship awards: \$124.6 million
- 11,279 funded students this year through Step Up
- Waitlist of 1,876 students
- More than 3,000 participating providers through Step Up

Top Spending Categories



Hope Scholarships

- Began in 2018 for students who are subjected to an incident, including battery; harassment; hazing; bullying; kidnapping; physical attack; robbery; sexual offenses, harassment, assault, or battery; threat or intimidation; or fighting at school.
- Provides tuition scholarships for private schools or transportation scholarships for students attending a public school in another district.
- Contributions began October 1st. The purchaser of a motor vehicle receives a sales tax credit, up to \$105, against tax imposed by the state and collected by the dealer or private tag agent.
- Over \$14.1 million in contributions received so far.
- Student applications opened November 1st. Over 166 applications completed and 91 students awarded so far.



Reading Scholarship Accounts

- Created in 2018 for students who are struggling in reading.
- First ESA program in the nation for students who are in public school.
- Students must be in grades 3-5 and score a level 1 or 2 on the third or fourth grade statewide English Language Arts assessment in the prior year.
- Students classified as English Language Learners receive priority.
- \$500 scholarships. \$9.7 million allocation. 4,149 funded students, and an additional 614 conditionally eligible so far.
- Funds may be used for part-time tutoring, instructional materials or curriculum related to reading or literacy, or afterschool and summer education programs designed to improve reading or literacy.



About Step Up

- **Top-ranked charity:** Step Up has a 4-Star rating by national watchdog Charity Navigator 12 different years, and is recognized as a Platinum GuideStar member. These accolades are achieved through the organization's commitment to fiscal responsibility in accounting and transparency.
- **National charity rankings:** *Forbes* ranked Step Up 19th largest charity, and *Parade* named it among its "Top Charities That Keep Giving All Year Long." The Chronicle of Philanthropy ranked Step Up 31st in its 2018 list of America's Favorite Charities.

