

<b>Tab 1</b>	<b>SB 66 by Cruz (CO-INTRODUCERS) Book, Taddeo, Berman, Rouson, Farmer, Stewart, Albritton;</b> (Similar to H 00545) Drinking Water in Public Schools					
<b>Tab 2</b>	<b>SB 296 by Montford;</b> Charter School Capital Outlay Funding					
305436	T	S	RCS	ED, Montford	In title, delete L.2 -	03/26 04:23 PM
<b>Tab 3</b>	<b>SB 354 by Montford;</b> (Similar to H 00213) Immunization Registry					
513310	A	S	RCS	ED, Montford	Delete L.59 - 74:	03/26 04:23 PM
<b>Tab 4</b>	<b>SB 520 by Montford;</b> Funding for School Districts					
<b>Tab 5</b>	<b>CS/SB 1080 by CJ, Book;</b> (Identical to CS/H 00727) Hazing					
912254	A	S	RCS	ED, Book	btw L.129 - 130:	03/26 04:23 PM
<b>Tab 6</b>	<b>SB 1120 by Taddeo;</b> (Identical to H 01361) Corporal Punishment in Public Schools					
<b>Tab 7</b>	<b>SB 1132 by Simmons;</b> (Similar to H 01061) Funds for Operation of Schools					
<b>Tab 8</b>	<b>SB 1224 by Farmer;</b> (Similar to H 01163) Charter School Employees					
552164	D	S	RCS	ED, Farmer	Delete everything after	03/26 04:23 PM
<b>Tab 9</b>	<b>SB 1284 by Diaz (CO-INTRODUCERS) Rodriguez, Taddeo, Pizzo, Braynon, Flores, Farmer;</b> (Identical to H 01031) District Cost Differential					
776050	A	S	RCS	ED, Diaz	Delete L.34 - 52:	03/26 04:23 PM
<b>Tab 10</b>	<b>SB 1296 by Diaz;</b> (Similar to CS/CS/H 00839) Organization and Operation of State Universities					
404368	D	S		ED, Diaz	Delete everything after	03/22 01:36 PM
<b>Tab 11</b>	<b>SB 1342 by Stargel;</b> (Compare to CS/H 00189) Postsecondary Education for Secondary Students					
<b>Tab 12</b>	<b>SB 1456 by Perry;</b> (Identical to H 01027) Office of Early Learning					
<b>Tab 13</b>	<b>SB 1462 by Diaz;</b> Education					
<b>Tab 14</b>	<b>SB 1470 by Diaz;</b> (Compare to H 07095) Charter Schools					
495516	A	S	RCS	ED, Diaz	Delete L.279 - 284.	03/26 04:23 PM
786274	A	S	RCS	ED, Diaz	Delete L.548 - 569:	03/26 04:23 PM
<b>Tab 15</b>	<b>SB 1472 by Diaz;</b> Education					

**The Florida Senate**  
**COMMITTEE MEETING EXPANDED AGENDA**

**EDUCATION**  
**Senator Diaz, Chair**  
**Senator Montford, Vice Chair**

**MEETING DATE:** Tuesday, March 26, 2019

**TIME:** 1:30—3:30 p.m.

**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	<b>SB 66</b> Cruz (Similar H 545)	Drinking Water in Public Schools; Defining the term "drinking water source"; requiring each school district to locate all drinking water sources in certain schools, install a barcode on each source, and install filters that meet certain specifications on all such sources, etc.  ED 03/26/2019 Temporarily Postponed AED AP	Temporarily Postponed
2	<b>SB 296</b> Montford	Charter School Capital Outlay Funding; Increasing the maximum number of years for which a specified millage may be levied, etc.  ED 03/26/2019 Fav/CS AED AP	Fav/CS Yeas 8 Nays 0
3	<b>SB 354</b> Montford (Similar H 213)	Immunization Registry; Revising provisions relating to the communicable disease prevention and control programs under the Department of Health; establishing that a certain student who obtains a vaccination from a Florida college or university student health center may refuse to be included in the immunization registry; revising school-entry health requirements to require students to have a certificate of immunization on file with the department's immunization registry, etc.  HP 02/19/2019 Favorable ED 03/26/2019 Fav/CS RC	Fav/CS Yeas 8 Nays 0
4	<b>SB 520</b> Montford	Funding for School Districts; Holding harmless certain funding to school districts that enrolled students from certain counties as a result of Hurricane Michael; requiring that a calculation and allocation be made; providing that the funds calculated support a nonrecurring appropriation, etc.  ED 03/26/2019 Temporarily Postponed AED AP	Temporarily Postponed

**COMMITTEE MEETING EXPANDED AGENDA**

Education

Tuesday, March 26, 2019, 1:30—3:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
5	<b>CS/SB 1080</b> Criminal Justice / Book (Identical CS/H 727)	Hazing; Expanding the crime of hazing, a third degree felony, to include when a person solicits others to commit or is actively involved in the planning of hazing; expanding the crime of hazing, a first degree misdemeanor, to include when a person solicits others to commit or is actively involved in the planning of hazing; providing that a person may not be prosecuted if certain conditions are met, etc.  CJ 03/11/2019 Fav/CS ED 03/26/2019 Fav/CS AP	Fav/CS Yeas 8 Nays 0
6	<b>SB 1120</b> Taddeo (Identical H 1361)	Corporal Punishment in Public Schools; Prohibiting public school employees from using corporal punishment on a public school student; removing corporal punishment as an option for teachers and other instructional personnel to use to manage student behavior, etc.  ED 03/26/2019 Favorable JU RC	Favorable Yeas 6 Nays 2
7	<b>SB 1132</b> Simmons (Similar H 1061, Compare H 989, S 1388)	Funds for Operation of Schools; Providing that a specified value be used for each student who fulfills specified requirements in the calculation of full-time equivalent student membership, etc.  ED 03/26/2019 Favorable AED AP	Favorable Yeas 8 Nays 0
8	<b>SB 1224</b> Farmer (Similar H 1163)	Charter School Employees; Requiring each charter school principal, governing board member, chief financial officer, or their equivalent, to meet certain certification requirements, etc.  ED 03/19/2019 Temporarily Postponed ED 03/26/2019 Fav/CS GO RC	Fav/CS Yeas 8 Nays 0
9	<b>SB 1284</b> Diaz (Identical H 1031, Compare H 5101)	District Cost Differential; Revising the method of calculating the district cost differential used in determining the annual allocation to school districts from the Florida Education Finance Program; requiring the Department of Education to consult with specified individuals and entities during the development of the wage level index, etc.  ED 03/26/2019 Fav/CS AED AP	Fav/CS Yeas 8 Nays 0

**COMMITTEE MEETING EXPANDED AGENDA**

Education

Tuesday, March 26, 2019, 1:30—3:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
10	<b>SB 1296</b> Diaz (Similar CS/H 839, Compare H 1407, H 5501, H 7071, S 194, CS/S 1308, S 1744)	Organization and Operation of State Universities; Requiring the Board of Governors to report on the intellectual freedom and viewpoint diversity at each state university; revising the state university system performance-based incentive; requiring the Board of Governors to establish a minimum performance funding eligibility threshold for institutional investments, which must exceed a certain minimum threshold; clarifying that the University of South Florida St. Petersburg and the University of South Florida Sarasota/Manatee are branch campuses, etc.  ED 03/26/2019 Temporarily Postponed AED AP	Temporarily Postponed
11	<b>SB 1342</b> Stargel (Compare CS/H 189)	Postsecondary Education for Secondary Students; Requiring, rather than authorizing, instructional materials to be made available to certain dual enrollment students free of charge; providing additional options for students participating in an early college program; authorizing certain private school and home education students to enroll in an early college program; authorizing a charter school to establish an early college program, etc.  ED 03/26/2019 Temporarily Postponed AED AP	Temporarily Postponed
12	<b>SB 1456</b> Perry (Identical H 1027)	Office of Early Learning; Requiring certain preservice and inservice training requirements established by the Office of Early Learning to include specified professional development pathways; requiring the office to develop certain training and course standards for school readiness program providers; requiring the office to identify certain formal and informal career pathways, stackable credentials, and certifications that meet specified criteria for such providers, etc.  ED 03/26/2019 Favorable AED AP	Favorable Yeas 8 Nays 0
13	<b>SB 1462</b> Diaz	Education; Modifying the date on which the Commissioner of Education is required to annually report certain information to the State Board of Education, the Board of Governors, and the Legislature, etc.  ED 03/26/2019 Favorable RC	Favorable Yeas 8 Nays 0



**COMMITTEE MEETING EXPANDED AGENDA**

Education

Tuesday, March 26, 2019, 1:30—3:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
14	<b>SB 1470</b> Diaz (Compare H 7095)	Charter Schools; Revising requirements for the annual reports that charter school sponsors are required to submit to the Department of Education; requiring the Charter School Appeal Commission, which is renamed the Charter School Commission, to recommend denial of a charter school application if the school does not propose a certain reading curriculum; specifying the entities from which the commission may receive and consider applications; requiring the commission to submit recommendations for approval of charter school applications to the state board, etc.  ED 03/26/2019 Fav/CS AED AP	Fav/CS Yeas 6 Nays 2
15	<b>SB 1472</b> Diaz	Education; Requiring the K-20 education performance accountability system to comply with the ESEA, as amended by the ESSA, instead of the "No Child Left Behind Act of 2001"; deleting a requirement for the State Board of Education to comply with the ESEA flexibility waiver, etc.  ED 03/26/2019 Favorable AED AP	Favorable Yeas 8 Nays 0

Other Related Meeting Documents

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

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

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Prepared By: The Professional Staff of the Committee on Education

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BILL: SB 66

INTRODUCER: Senator Cruz and others

SUBJECT: Drinking Water in Public Schools

DATE: March 25, 2019

REVISED: \_\_\_\_\_

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Bouck	Sikes	ED	<b>Pre-meeting</b>
2. _____	_____	AED	_____
3. _____	_____	AP	_____

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## I. Summary:

SB 66 requires each school district to filter drinking water at each source for any school built before 1986. Specifically, for such schools the bill requires each school district to:

- Install a barcode on all school drinking water sources.
- Install a filter that meets specified standards to reduce lead at each school water source.
- Post a conspicuous sign near each non-drinking-water source warning that such source should not be used for human consumption.
- Publish on the school district's website information about filters for each drinking water source and actions necessary to comply with requirements.

The bill has a significant, but indeterminate, fiscal impact.

The bill takes effect July 1, 2019.

## II. Present Situation:

Lead is a common hazardous contaminant found in the plumbing systems of older homes, businesses and schools. Although rarely found in source water, lead can enter tap water through the corrosion of aging plumbing materials. The three main sources of lead in water found in schools include:<sup>1</sup>

- Lead-containing service lines connected to public water systems, most often in schools built prior to 1950;
- Lead solder used in copper piping systems prior to 1986; and

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<sup>1</sup> NSF, *Lead in School Water and Lead Plumbing Pipes*, <http://www.nsf.org/consumer-resources/water-quality/faucets-plumbing/lead-schools>, (last visited Mar. 16, 2019).

- Lead-containing brass or galvanized pipe and fittings, which includes many products manufactured prior to the mid-1990s.<sup>2</sup>

Lead is a neurotoxin that can accumulate in the body over time with long-lasting effects, particularly for children. Lead in a child's body can slow down growth and development, damage hearing and speech, and lead to learning disabilities. For adults, lead can have detrimental effects on cardiovascular, renal, and reproductive systems and can prompt memory loss. The concentration of lead, total amount consumed, and duration of exposure influence the severity of health effects.<sup>3</sup> Lead in school drinking water is a concern because it is a daily source of water for over 50 million children enrolled in public schools.<sup>4</sup>

### Federal Safe Water Requirements

The federal Safe Drinking Water Act (SDWA) was passed by Congress in 1974 to protect public health by regulating the nation's public drinking water supply.<sup>5</sup> The SDWA authorizes the United States Environmental Protection Agency (EPA) to set standards for drinking water contaminants in public water systems.<sup>6</sup> The SDWA applies to every public water system in the United States, which are regulated by the EPA under the Lead and Copper Rule (LCR),<sup>7</sup> as required by the SDWA.<sup>8</sup>

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<sup>2</sup> In 1986, Congress amended the Safe Drinking Water Act (SDWA), prohibiting the use of pipes, solder or flux that were not "lead free" in public water systems or plumbing providing water for human consumption. At the time "lead free" was defined as solder and flux with no more than 0.2 percent lead and pipes with no more than 8 percent. In 1996 Congress further amended the SDWA, requiring plumbing fittings and fixtures to be in compliance with voluntary lead leaching standards. The amendments also prohibited the sale of any pipe, pipe or plumbing fitting or fixture that is not lead free. United States Environmental Protection Agency, *Use of Lead Free Pipes, Fittings, Fixtures, Solder and Flux for Drinking Water*, <https://www.epa.gov/dwstandardsregulations/use-lead-free-pipes-fittings-fixtures-solder-and-flux-drinking-water> (last visited Mar. 18, 2019).

<sup>3</sup> United States Government Accountability Office, *Lead Testing of School Drinking Water Would Benefit from Improved Federal Guidance* (July 2018), available at <https://www.gao.gov/assets/700/692979.pdf>, at 5.

<sup>4</sup> *Id.* at 1.

<sup>5</sup> United States Environmental Protection Agency, *Understanding the Safe Drinking Water Act* (June 2004), available at <https://www.epa.gov/sites/production/files/2015-04/documents/epa816f04030.pdf>, at 1. The SDWA is administered through programs that establish standards and treatment requirements for public water supplies, finance drinking water infrastructure projects, promote water system compliance, and control the underground injection of fluids to protect underground sources of drinking water. <https://fas.org/sgp/crs/misc/RL31243.pdf>, at 5.

<sup>6</sup> United States Government Accountability Office, *Lead Testing of School Drinking Water Would Benefit from Improved Federal Guidance* (July 2018), available at <https://www.gao.gov/assets/700/692979.pdf>, at 5. For a given contaminant the act requires the EPA to first establish a maximum contaminant level goal, which is the level at which no known or anticipated adverse effects on the health of persons occur and which allows an adequate margin of safety. EPA must then set an enforceable maximum contaminant level as close to the maximum contaminant level goal as is feasible, or require water systems to use a treatment technique to prevent known or anticipated adverse effects on the health of persons to the extent feasible.

<sup>7</sup> 40 C.F.R. Sections 141.80-141.91.

<sup>8</sup> Pub. L. No. 93-523, 88 Stat. 1660 (1974). Under the Safe Drinking Water Act, the EPA is authorized to regulate contaminants in public drinking water systems. Since 1974, EPA has implemented its drinking water program under three separate legislative frameworks—first under the initial statute and subsequently under major amendments in 1986 and 1996. United States Government Accountability Office, *Lead Testing of School Drinking Water Would Benefit from Improved Federal Guidance* (July 2018), available at <https://www.gao.gov/assets/700/692979.pdf>, at 2.

In the LCR, the EPA established a maximum contaminant level<sup>9</sup> goal of zero, concluding that there was no established safe level of lead exposure. Instead, the rule established an “action level” of 15 micrograms of lead per liter (15 parts-per-billion (ppb)) of water, a level that EPA believed was generally representative of what could be feasibly achieved at the tap.<sup>10</sup> If more than 10 percent of tap water samples exceed the lead action level of 15 ppb, then water systems are required to take specified treatment actions.<sup>11</sup>

Because the LCR regulates public water systems, it does not directly address individual schools that are served by a public water system. There is no federal law requiring testing of drinking water for lead in schools that receive water from public water systems.<sup>12</sup> States and local jurisdictions may establish their own voluntary or mandatory programs for testing drinking water in schools and child-care facilities.<sup>13</sup>

The most direct oversight of water systems is conducted by state drinking water programs. States can apply to the EPA for “primacy,” the authority to implement the SDWA within their jurisdictions, if they can show that they will adopt standards at least as stringent as the EPA’s and make sure water systems meet these standards. All states and territories, except Wyoming and the District of Columbia, have received primacy.<sup>14</sup>

### Florida Safe Water Requirements

The “Florida Safe Drinking Water Act”<sup>15</sup> (Act) establishes the Florida Department of Environmental Protection (department) as the lead-agency with primary responsibility for the Act, with support by the Department of Health and its units, including county health departments. The Act is intended to:<sup>16</sup>

- Implement the federal Safe Drinking Water Act.<sup>17</sup>
- Encourage cooperation between federal, state, and local agencies, not only in their enforcement role, but also in their service and assistance roles to city and county elected bodies.
- Provide for safe drinking water at all times throughout the state, with due regard for economic factors and efficiency in government.

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<sup>9</sup> The maximum contaminant level goal is the maximum level of a contaminant in drinking water at which no known or anticipated adverse effect on the health of persons would occur, allowing an adequate margin of safety.

<sup>10</sup> United States Government Accountability Office, *Lead Testing of School Drinking Water Would Benefit from Improved Federal Guidance* (July 2018), available at <https://www.gao.gov/assets/700/692979.pdf>, at 6.

<sup>11</sup> United States Environmental Protection Agency, *Basic Information about Lead in Drinking Water*, <https://www.epa.gov/ground-water-and-drinking-water/basic-information-about-lead-drinking-water> (last visited Mar. 20, 2019).

<sup>12</sup> United States Government Accountability Office, *Lead Testing of School Drinking Water Would Benefit from Improved Federal Guidance* (July 2018), available at <https://www.gao.gov/assets/700/692979.pdf>, at 2.

<sup>13</sup> United States Environmental Protection Agency, *3Ts for Reducing Lead in Drinking Water Toolkit*, <https://www.epa.gov/ground-water-and-drinking-water/3ts-reducing-lead-drinking-water-toolkit> (last visited Mar. 21, 2019).

<sup>14</sup> United States Environmental Protection Agency, *Understanding the Safe Drinking Water Act* (June 2004), available at <https://www.epa.gov/sites/production/files/2015-04/documents/epa816f04030.pdf>, at 2.

<sup>15</sup> Section 403.850, F.S. The Act includes ss. 403.850-403.891, F.S.

<sup>16</sup> Section 403.851, F.S.

<sup>17</sup> Pub. L. No. 93-523, S. 433, 93rd Cong. (1974).

In Florida, lead is monitored by the LCR and state rules.<sup>18</sup> The Inorganics Monitoring Rule<sup>19</sup> requires specified public water systems<sup>20</sup> to monitor for lead at each point of entry to its distribution system. In other words, after the water leaves the treatment plant, but before it reaches the water system's first customer.<sup>21</sup> The LCR also requires that public water systems notify the department that they have complied with their obligation to notify consumers of the results of lead and copper sampling.<sup>22</sup>

Florida law does not require schools to test or filter drinking water.<sup>23</sup> However, Florida regulations do require that any school with an on-site potable water system must be in proper working order and comply with the Florida Safe Drinking Water Act, which requires sampling and testing of the water supply.<sup>24</sup>

### ***Florida School District Actions Relating to Lead in Water***

Recent examples of Florida school districts testing for lead and taking remedial actions include the:

- Hillsborough County School District, which tested more than 1,780 individual drinking or cooking water sources, prioritizing older schools. Remediation actions include replacing the fixture, adding water filters, or other plumbing projects.<sup>25</sup>
- Polk County School District, which implemented a testing program in 2016,<sup>26</sup> and prioritized testing for schools built before 1986. If results were above the action level, a correction plan was implemented, which included a flushing protocol with follow-up testing, bottled water, installation of NSF-approved lead contaminant filters, and new plumbing.<sup>27</sup>

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<sup>18</sup> Florida Department of Environmental Protection, *Monitoring Lead and Copper in Florida Drinking Water*, <https://floridadep.gov/water/source-drinking-water/content/monitoring-lead-and-copper-florida-drinking-water> (last visited Mar. 16, 2019).

<sup>19</sup> Rule 62-550.513, F.A.C.

<sup>20</sup> Sections 403.852(3), (17), and (18).

<sup>21</sup> Florida Department of Environmental Protection, *Monitoring Lead and Copper in Florida Drinking Water*, <https://floridadep.gov/water/source-drinking-water/content/monitoring-lead-and-copper-florida-drinking-water> (last visited Mar. 16, 2019).

<sup>22</sup> *Id.*

<sup>23</sup> Nationwide, an estimated 43 percent of school districts, serving 35 million students, tested for lead in school drinking water in 2016 or 2017, according to GAO's nationwide survey of school districts. An estimated 41 percent of school districts, serving 12 million students, had not tested for lead. GAO's survey showed that, among school districts that did test, an estimated 37 percent found elevated lead (lead at levels above their selected threshold for taking remedial action.). U.S. Government Accountability Office, *Lead Testing of School Drinking Water Would Benefit from Improved Federal Guidance*, <https://www.gao.gov/products/GAO-18-382> (last visited Mar. 20, 2019).

<sup>24</sup> Florida Department of Education, *State Requirements for Educational Facilities* (2014), available at <http://www.fldoe.org/core/fileparse.php/7738/urlt/srefrule14.pdf>, at 62.

<sup>25</sup> Hillsborough County Public Schools, *Water Testing FAQ*, <https://www.sdhc.k12.fl.us/doc/2012/maintenance/resources/watertesting-faq/> (last visited Mar. 21, 2019). The testing revealed 1.5 percent of fixtures required remediation. Florida Department of Health, *Florida Department of Health in Hillsborough County Applauds School District's Lead Testing Efforts*, <http://hillsborough.floridahealth.gov/newsroom/2018/08/lead-testing-efforts.html> (last visited Mar. 21, 2019).

<sup>26</sup> <https://www.pcsb.org/site/handlers/filedownload.ashx?moduleinstanceid=39444&dataid=51816&FileName=water-treatment-brochure-v8-marksandbleed.pdf>.

<sup>27</sup> Polk County Schools, *Water Quality Assessment*, <https://polkschoolsfl.com/leadinformationcenter/> (last visited Mar. 21, 2019).

## Filtering Water for Lead

Point-of-use (POU) and point-of-entry (POE) devices are different types of treatment options. A POU is installed at each outlet, while a POE is installed where the water enters the building. POE devices are typically used by public water system under the SDWA, which are required to meet the federal and state regulations for drinking water, including additional water quality monitoring. In addition, POE devices are not effective in removing lead that comes from plumbing materials within the school.<sup>28</sup>

Point-of-use (POU) units are commercially available and can be effective in removing lead. There are a number of POU cartridge filter units available that effectively remove lead.<sup>29</sup> They can be relatively inexpensive (\$65 to \$250) or more expensive (\$250 to \$500)<sup>30</sup> and their effectiveness varies. Filters need routine maintenance (e.g., cartridge filter units need to be replaced periodically) to remain effective.<sup>31</sup>

## The American National Standards Institute and NSF Standards

The American National Standards Institute (ANSI) is a private, non-profit organization that administers and coordinates the U.S. voluntary standards and conformity assessment system. Founded in 1918, the ANSI works in close collaboration with stakeholders from industry and government to identify and develop standards.<sup>32</sup>

The National Sanitation Foundation (NSF)<sup>33</sup> is an independent, not-for-profit ANSI-accredited organization that facilitates development of consensus-based national standards for the safety, health and performance of food, water and consumer products. This includes developing standards for drinking water treatment products, including plumbing supplies, and testing these products to ensure their compliance with NSF and other consensus-based standards.<sup>34</sup>

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<sup>28</sup> United States Environmental Protection Agency, *3Ts: Training, Testing, Taking Action, Module 6: Remediation and Establishing Routine Practices, Remediation Options* (Oct. 2018), available at [https://www.epa.gov/sites/production/files/2018-09/documents/module\\_6\\_remediation\\_options\\_508.pdf](https://www.epa.gov/sites/production/files/2018-09/documents/module_6_remediation_options_508.pdf), at 2.

<sup>29</sup> Environmental Protection Agency, *3Ts: Training, Testing, Taking Action: Module 6: remediation and Establishing Routing Practices—Remediation Options* (Oct. 2018), available at [https://www.epa.gov/sites/production/files/2018-09/documents/module\\_6\\_remediation\\_options\\_508.pdf](https://www.epa.gov/sites/production/files/2018-09/documents/module_6_remediation_options_508.pdf), at 2.

<sup>30</sup> Alachua County Schools recently began installing water filters at all schools in the district. The school district installed Omnipure K5615\_KK filters that are NSF/ANSI-53 rated, with a maximum life of one year. The cost of such installation for all schools was \$30,000, which compares to an estimated cost of \$300,000 to test each school individually for lead contaminants. The Gainesville Sun, *Alachua County schools install filters to remove lead* (Oct. 15, 2018), <https://www.gainesville.com/news/20181015/alachua-county-schools-install-filters-to-remove-lead> (last visited Mar. 21, 2019).

<sup>31</sup> Environmental Protection Agency, *3Ts: Training, Testing, Taking Action: Module 6: remediation and Establishing Routing Practices—Remediation Options* (Oct. 2018), available at [https://www.epa.gov/sites/production/files/2018-09/documents/module\\_6\\_remediation\\_options\\_508.pdf](https://www.epa.gov/sites/production/files/2018-09/documents/module_6_remediation_options_508.pdf), at 2.

<sup>32</sup> American National Standards Institute, *What is ANSI? An Overview*, available at [https://share.ansi.org/Shared%20Documents/News%20and%20Publications/Brochures/WhatIsANSI\\_brochure.pdf](https://share.ansi.org/Shared%20Documents/News%20and%20Publications/Brochures/WhatIsANSI_brochure.pdf) at 1.

<sup>33</sup> NSF International was founded as the National Sanitation Foundation in 1944, but changed its name to NSF International in 1990 with expansion of services beyond sanitation and into global markets. The letters NSF do not represent any specific words today. NSF, *Mission, Values, and History* <http://www.nsf.org/about-nsf/mission-values-history> (last visited Mar. 18, 2019).

<sup>34</sup> NSF, *Lead in School Water and Lead Plumbing Pipes*, <http://www.nsf.org/consumer-resources/water-quality/faucets-plumbing/lead-schools> (last visited Mar. 18, 2019).



In the 1970s, NSF led the development standards for materials and products that treat or come in contact with drinking water, including water filters used in homes and businesses. They include:

- NSF Standard 53 (NSF-53) *Drinking Water Treatment Units - Health Effects* is the nationally recognized standard for evaluating and certifying drinking water treatment systems for the reduction of contaminants from drinking water.<sup>35</sup> NSF-53 establishes the minimum requirements for the certification of POU/POE filtration systems designed to reduce specific health-related contaminants, including lead, that may be present in drinking water.<sup>36</sup>
- NSF/ANSI Standard 61 (NSF-61) *Drinking Water System Components – Health Effects* relates to plumbing products and water treatment and establishes requirements for the control of equipment that may introduce lead drinking water because of the materials used in the product.<sup>37</sup> The products and materials covered include, but are not limited to: process media (e.g., carbon or sand), protective materials (e.g., coatings, liners), joining and sealing materials (e.g., welding materials, gaskets), pipes and related products (e.g., pipes, tanks, fittings), and mechanical devices used in distribution systems (e.g., valves, chlorinators, POE drinking water systems).<sup>38</sup>

### III. Effect of Proposed Changes:

SB 66 requires each school district to filter drinking water at each source for any school built before 1986. Specifically, for such schools the bill requires each school district to:

- Install a barcode on all school drinking water sources.
- Install a filter that meets specified standards to reduce lead at each school water source.
- Post a conspicuous sign near each non-drinking-water source warning that such source should not be used for human consumption.
- Publish on the school district’s website information about filters for each drinking water source and actions necessary to comply with requirements.

The bill creates s. 1012.29, F.S., to recognize that:

- The adverse health effects of lead exposure in children and adults are well documented and no safe blood lead level in children has been identified;
- Lead accumulates in the body and can be ingested from various sources, including water sources used for drinking, food preparation, or cooking; and
- All sources of lead should be controlled or eliminated to prevent childhood lead poisoning.

The bill defines a “drinking water source” as any water source used for drinking, food preparation, or cooking, and requires that for each district school<sup>39</sup> built before 1986, the school district must:

<sup>35</sup> NSF, *Certified Product Listings for Lead Reduction*, [http://info.nsf.org/Certified/DWTU/listings\\_leadreduction.asp?ProductFunction=053|Lead+Reduction&ProductFunction=058|Lead+Reduction&ProductType;=&submit2=Search](http://info.nsf.org/Certified/DWTU/listings_leadreduction.asp?ProductFunction=053|Lead+Reduction&ProductFunction=058|Lead+Reduction&ProductType;=&submit2=Search) (last visited Mar. 19, 2019).

<sup>36</sup> NSF, *Residential Drinking Water Treatment Standards*, <http://www.nsf.org/services/by-industry/water-wastewater/residential-water-treatment/residential-drinking-water-treatment-standards> (last visited Mar. 19, 2019).

<sup>37</sup> NSF, *Lead in School Water and Lead Plumbing Pipes*, <http://www.nsf.org/consumer-resources/water-quality/faucets-plumbing/lead-schools> (last visited Mar. 18, 2019).

<sup>38</sup> NSF, *NSF/ANSI-61-2016*, available at [https://www.nsf.org/newsroom\\_pdf/NSF-ANSI\\_61\\_watermarked.pdf](https://www.nsf.org/newsroom_pdf/NSF-ANSI_61_watermarked.pdf), at 1.

<sup>39</sup> The bill refers to “district schools.” However, chapter 1013, which governs educational facilities, does not define a “district school,” but instead defines an “educational facility” as “the buildings and equipment, structures, and special educational use

- Identify and install a barcode on all drinking water sources in such school.
- Install a filter that reduces lead in drinking water on each drinking water source and, at a minimum, maintain each filter in a manner consistent with the manufacturer's recommendations. The filter or all of the filter's component parts must meet the National Sanitation Foundation/American National Standards Institute Standard 53: Drinking Water Treatment Units-Health Effects or Standard 61: Drinking Water System Components-Health Effects, as appropriate.
- Post a conspicuous sign near each school water source that is not a drinking water source. The sign must include wording and an image that clearly communicate that water from the source should not be used for human consumption, food preparation, or cooking.
- Publish on the school district's website a list of drinking water sources at such schools. At a minimum, the list must include for each drinking water source all of the following:
  - The date on which the current filter was installed.
  - The date on which the current filter is scheduled to be replaced.
  - The barcode identification number associated with the source.
  - Any actions necessary to comply with the requirements of this section which have been completed or are pending.

The bill requires point-of-use water filtration devices on specified drinking water sources, but does not amend the Florida Safe Drinking Water Act, and does not require a school district to have water at district schools tested for lead. Such filters may lower the risk of students and school personnel ingesting lead through drinking water. The bill may also increase public awareness of the risks of lead in drinking water, specifically in schools.

The 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.

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areas that are built, installed, or established to serve primarily the educational purposes and secondarily the social and recreational purposes of the community and which may lawfully be used as authorized by the Florida Statutes and approved by boards." Florida Department of Education, *DOE Agency Analysis of SB 66* (Nov. 28, 2018), at 5.



E. Other Constitutional Issues:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Manufacturers of filters to reduce lead in drinking water may realize increased revenues from school districts purchasing filters to comply with the bill's requirements.<sup>40</sup>

C. Government Sector Impact:

According to the Department of Education, there are approximately 1,751 schools currently in operation that were built prior to 1987. This count does not include buildings that are not part of a school campus, such as maintenance buildings and bus barns. School districts with schools built prior to 1986 would incur expenditures associated with the following requirements:

- Installing barcodes on all drinking water sources in all schools built before 1986.
- Installing approved filters on all drinking water sources in schools built before 1986 and replacing the filters at regular intervals to meet certain specifications and standards.
- Publishing and updating specified information on the school district's website.
- Posting of signage on all water sources that are not for human consumption that are found in schools that were built before 1986.

The costs are indeterminable and would vary by school district, depending on the number of schools that were built prior to 1986 and the availability of district staff to perform work associated with the tracking, filter installation and posting requirements.<sup>41</sup>

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill creates section 1013.29 of the Florida Statutes.

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<sup>40</sup> Florida Department of Education, *2019 Agency Analysis of SB 66* (Nov. 28, 2018), at 4.

<sup>41</sup> *Id.* at 3.

**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.

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

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By Senators Cruz, Book, and Taddeo

32-00092A-19

201966\_\_

A bill to be entitled

An act relating to drinking water in public schools; creating s. 1013.29, F.S.; providing legislative findings; defining the term "drinking water source"; requiring each school district to locate all drinking water sources in certain schools, install a barcode on each source, and install filters that meet certain specifications on all such sources; requiring such schools to post certain signage on certain water sources and to publish specified information on the school district's website; providing an effective date.

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

Section 1. Section 1013.29, Florida Statutes, is created to read:

1013.29 Prevention of lead in drinking water in public schools.—

(1) The Legislature recognizes that:

(a) The adverse health effects of lead exposure in children and adults are well documented and no safe blood lead level in children has been identified;

(b) Lead accumulates in the body and can be ingested from various sources, including water sources used for drinking, food preparation, or cooking; and

(c) All sources of lead should be controlled or eliminated to prevent childhood lead poisoning.

(2) As used in this section, the term "drinking water

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

32-00092A-19

201966\_\_

source" means any water source used for drinking, food preparation, or cooking.

(3) For each district school which was built before 1986, each school district shall:

(a) Identify and install a barcode on all drinking water sources in such school.

(b) Install a filter that reduces lead in drinking water on each drinking water source and, at a minimum, maintain each filter in a manner consistent with the manufacturer's recommendations. The filter or all of the filter's component parts must meet the National Sanitation Foundation/American National Standards Institute Standard 53: Drinking Water Treatment Units-Health Effects or Standard 61: Drinking Water System Components-Health Effects, as appropriate.

(c) Post a conspicuous sign near each school water source that is not a drinking water source. The sign must include wording and an image that clearly communicate that water from the source should not be used for human consumption or, if applicable, food preparation or cooking.

(d) Publish on the school district's website a list of drinking water sources at such schools. At a minimum, the list must include for each drinking water source all of the following:

1. The date on which the current filter was installed.

2. The date on which the current filter is scheduled to be replaced.

3. The barcode identification number associated with the source.

4. Any actions necessary to comply with the requirements of

Page 2 of 3

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

32-00092A-19

201966\_\_

59 this section which have been completed or are pending.

60 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.)

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Prepared By: The Professional Staff of the Committee on Education

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BILL: CS/SB 296

INTRODUCER: Education Committee and Senator Montford

SUBJECT: District Millage Elections

DATE: March 27, 2019

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Graf	Sikes	ED	<b>Fav/CS</b>
2.			AED	
3.			AP	

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Technical Changes

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**I. Summary:**

CS/SB 296 increases the number of years for which a district school board may levy, by local referendum or in a general election, additional millage for school operational purposes from a maximum of 4 years to a maximum of 10 years.

The bill takes effect July 1, 2019.

**II. Present Situation:**

School districts receive funds from federal, state, and local sources. During 2015-2016, school districts received approximately 12 percent of their financial support from federal sources, approximately 40 percent from state sources, and 48 percent from local sources<sup>1</sup> including the required local effort portion of the FEFP.<sup>2</sup>

**District school tax**

If the district school tax is not provided in the General Appropriations Act (GAA) or the

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<sup>1</sup> Local revenue for school support is derived almost entirely from property taxes levied by Florida's 67 counties, each of which constitutes a school district. Florida Department of Education, *2017-18 Funding for Florida School Districts*, available at <http://www.fldoe.org/core/fileparse.php/7507/urlt/Fefpdist.pdf>, at 2.

<sup>2</sup> *Id.* Federal funds are typically used to supplement state and local funds authorized by the Florida Legislature to support various education programs. *Id.*, at 6.

substantive bill implementing the GAA, each district school board desiring to participate in the state allocation of funds for current operation must levy on the taxable value for school purposes of the district, exclusive of millage voted under the state constitution,<sup>3</sup> a millage rate not to exceed the amount certified by the Commissioner of Education (commissioner) as the minimum millage rate necessary to provide the district required local effort<sup>4</sup> for the current year.<sup>5</sup> In addition to the required local effort millage levy, each district school board is authorized to levy a nonvoted current operating discretionary millage.<sup>6</sup> The Legislature is required to prescribe annually in the GAA the maximum amount of millage a district may levy.<sup>7</sup>

Based on the 2017 tax roll provided by the Florida Department of Revenue, the commissioner certified the required millage of each district on July 13, 2017.<sup>8</sup> The state average millage was set at 4.308 and certifications for the 67 school districts varied from 4.501 mills (Osceola) to 1.608 mills (Monroe) due to the assessment ratio adjustment and the 90 percent limitation.<sup>9</sup> The 90 percent limitation reduced the required local effort of six districts.<sup>10</sup> The districts and their adjusted millage rates were: Collier (2.892), Franklin (3.609), Monroe (1.608), Sarasota (3.961), Sumter (3.485) and Walton (2.456).<sup>11</sup> The Florida Legislature set the maximum discretionary current operating millage for 2017-2018 at 0.748 mills.<sup>12</sup>

In addition to the maximum millage levied specified in law, a school district is authorized to levy, by local referendum or in a general election, additional millage for school operational purposes up to an amount that, when combined with nonvoted millage levied under the district school tax law, does not exceed the 10-mill limit established in the state constitution.<sup>13</sup> Any such levy must be for a maximum of 4 years and must be counted as part of the 10-mill limit established in the state constitution.<sup>14</sup> Millage elections must be conducted in accordance with the law.<sup>15</sup> Funds generated by such additional millage do not become a part of the calculation of the Florida Education Finance Program (FEFP)<sup>16</sup> total potential funds and must not be

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<sup>3</sup> Art. VII, ss. 9(b) or 12, Fla. Const.

<sup>4</sup> The Florida Legislature set the amount of \$7,603,850,013 as adjusted required local effort for 2017-2018. Each district's share of the state total required local effort is determined by a statutory procedure that is initiated by certification of the property tax valuations of each district by the Florida Department of Revenue. This certification occurs no later than two working days prior to July 19. No later than July 19, the Florida Commissioner of Education (commissioner) certifies each district's required local effort millage rate. Florida Department of Education, *2017-18 Funding for Florida School Districts*, available at <http://www.fldoe.org/core/fileparse.php/7507/urlt/Fefpdist.pdf>, at 2-3.

<sup>5</sup> Section 1011.71(1), F.S.

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> Florida Department of Education, *2017-18 Funding for Florida School Districts*, available at <http://www.fldoe.org/core/fileparse.php/7507/urlt/Fefpdist.pdf>, at 3.

<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

<sup>11</sup> *Id.*

<sup>12</sup> *Id.*

<sup>13</sup> Section 1011.71(9), F.S.

<sup>14</sup> *Id.*

<sup>15</sup> Sections 1011.71(9) and 1011.73, F.S.

<sup>16</sup> The Florida Education Finance Program (FEFP) is the primary mechanism for funding the operating costs of Florida school districts. The Florida Legislature enacted the FEFP in 1973 and established the state policy on equalized funding to guarantee to each student in the Florida public education system the availability of programs and services appropriate to his or her educational needs that are substantially equal to those available to any similar student notwithstanding geographic differences and varying local economic factors. To equalize educational opportunities, the FEFP formula recognizes: (1)

incorporated in the calculation of any hold-harmless or other component of the FEFP formula in any year.<sup>17</sup> If an increase in required local effort, when added to existing millage levied under the 10-mill limit, would result in a combined millage in excess of the 10-mill limit, any millage levied for school operational purposes in accordance with the law<sup>18</sup> must be considered to be required local effort to the extent that the district millage would otherwise exceed the 10-mill limit.<sup>19</sup> During fiscal year 2017-2018, 13 school districts levied additional millage for school operational purposes.<sup>20</sup> The additional millage ranged between 0.250 and 1.0, generating \$333,639,221 in revenue.<sup>21</sup>

### **District Millage Elections**

Florida law specifies that a district school board, pursuant to resolution adopted at a regular meeting, must direct the county commissioners to call an election at which the electors within the school district may approve an ad valorem tax millage as authorized under law.<sup>22</sup> Such election may be held at any time, except that not more than one such election must be held during any 12-month period.<sup>23</sup> Any millage so authorized must be levied for a period not in excess of 4 years or until changed by another millage election, whichever is earlier.<sup>24</sup>

### **III. Effect of Proposed Changes:**

CS/SB 296 increases the number of years for which a district school board may levy, by local referendum or in a general election, additional millage for school operational purposes from a maximum of 4 years to a maximum of 10 years.

Additionally, the bill maintains current law that specifies that the funds generated by such additional millage do not become part of the of the calculation of the Florida Education Finance Program (FEFP) total potential funds and must not be incorporated in the calculation of any hold-harmless or other component of the FEFP formula in any year.

Accordingly, the bill provides district school boards more flexibility in raising voted ad valorem revenue for school operational purposes.

The bill takes effect July 1, 2019.

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varying local property tax bases; (2) varying education program costs; (3) varying costs of living; and (4) varying costs for equivalent educational programs due to sparsity and dispersion of the student population. Florida Department of Education, *2017-18 Funding for Florida School Districts*, available at <http://www.fldoe.org/core/fileparse.php/7507/urlt/Fefpdist.pdf>, at 1.

<sup>17</sup> Section 1011.71(9), F.S.

<sup>18</sup> *Id.*

<sup>19</sup> *Id.*

<sup>20</sup> Email. Florida Department of Education (March 18, 2019).

<sup>21</sup> *Id.*

<sup>22</sup> Sections 1011.71(9) and 1011.73(2), F.S.

<sup>23</sup> Section 1011.73(2), F.S.

<sup>24</sup> *Id.*

**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:**

The bill provides district school boards more flexibility in raising voted ad valorem revenue for school operational purposes.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 1011.71 and 1011.73.



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

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

**CS by Education Committee on March 26, 2019:**

The committee substitute revises the title of the bill to align to the substance of the bill. Specifically, the committee substitute changes the title from an act relating to “charter school capital outlay funding” to an act relating to “district millage elections.”

**B. Amendments:**

None.

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

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305436

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/26/2019	.	
	.	
	.	
	.	

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The Committee on Education (Montford) recommended the following:

**Senate Amendment**

In title, delete lines 2 - 3  
and insert:  
An act relating to district millage elections;  
amending s. 1011.71, F.S.; increasing the

By Senator Montford

3-00686-19

2019296\_\_

1 A bill to be entitled  
 2 An act relating to charter school capital outlay  
 3 funding; amending s. 1011.71, F.S.; increasing the  
 4 maximum number of years for which a specified millage  
 5 may be levied; deleting obsolete language; amending s.  
 6 1011.73, F.S.; conforming provisions to changes made  
 7 by the act; providing an effective date.  
 8  
 9 Be It Enacted by the Legislature of the State of Florida:  
 10  
 11 Section 1. Subsection (9) of section 1011.71, Florida  
 12 Statutes, is amended to read:  
 13 1011.71 District school tax.—  
 14 (9) In addition to the maximum millage levied under this  
 15 section and the General Appropriations Act, a school district  
 16 may levy, by local referendum or in a general election,  
 17 additional millage for school operational purposes up to an  
 18 amount that, when combined with nonvoted millage levied under  
 19 this section, does not exceed the 10-mill limit established in  
 20 s. 9(b), Art. VII of the State Constitution. Any such levy must  
 21 ~~shall~~ be for a maximum of 10 4 years and must ~~shall~~ be counted  
 22 as part of the 10-mill limit established in s. 9(b), Art. VII of  
 23 the State Constitution. Millage elections conducted under the  
 24 authority granted pursuant to this section are subject to s.  
 25 1011.73. Funds generated by such additional millage do not  
 26 become a part of the calculation of the Florida Education  
 27 Finance Program total potential funds and may in 2001-2002 or  
 28 ~~any subsequent year and must~~ not be incorporated in the  
 29 calculation of any hold-harmless or other component of the

Page 1 of 2

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3-00686-19

2019296\_\_

30 Florida Education Finance Program formula in any year. If an  
 31 increase in required local effort, when added to existing  
 32 millage levied under the 10-mill limit, would result in a  
 33 combined millage in excess of the 10-mill limit, any millage  
 34 levied pursuant to this subsection must ~~shall~~ be considered to  
 35 be required local effort to the extent that the district millage  
 36 would otherwise exceed the 10-mill limit.  
 37 Section 2. Subsection (2) of section 1011.73, Florida  
 38 Statutes, is amended to read:  
 39 1011.73 District millage elections.—  
 40 (2) MILLAGE AUTHORIZED NOT TO EXCEED 10 4 YEARS.—The  
 41 district school board, pursuant to resolution adopted at a  
 42 regular meeting, shall direct the county commissioners to call  
 43 an election at which the electors within the school district may  
 44 approve an ad valorem tax millage as authorized under s.  
 45 1011.71(9). Such election may be held at any time, except that  
 46 not more than one such election may ~~shall~~ be held during any 12-  
 47 month period. Any millage so authorized must ~~shall~~ be levied for  
 48 a period not to exceed 10 in excess of 4 years or until changed  
 49 by another millage election, whichever is earlier. If any such  
 50 election is invalidated by a court of competent jurisdiction,  
 51 such invalidated election must ~~shall~~ be considered not to have  
 52 been held.  
 53 Section 3. This act shall take effect July 1, 2019.

Page 2 of 2

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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)

3/26/19

Meeting Date

296

Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic

Charter School Capital Outlay B296

Name

Iranda Mendez-Cartaya

Job Title

Associate Superintendent

Address

1450 NE 2nd Ave Rm 931

Street

Miami

City

FL

State

33132

Zip

Phone

305-995-2532

Email

imendez@dadeschools.net

Speaking:

☐

For

☐

Against

☐

Information

Waive Speaking:

☒

In Support

☐

Against

(The Chair will read this information into the record.)

Representing

Miami-Dade County Public Schools

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.

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

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

3/26/19

Meeting Date

SB 296

Bill Number (if applicable)

Topic Charter School Capital Outlay Funding

Amendment Barcode (if applicable)

Name Nancy Lawther

Job Title

Address 1747 Orlando Central Parkway

Phone 407 855 7604

Street

Orlando FL 32809

City

State

Zip

Email miami-dade.cc@flondapta.org

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida PTA

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/14/14)

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

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

3/26/19  
Meeting Date

SB 296  
Bill Number (if applicable)

Topic Referendum

Amendment Barcode (if applicable)

Name TOM CERRA

Job Title CONSULTANT

Address 9737 NW 41st

Phone 705 513-9995

DONAL FL  
City State Zip

Email TomCerra@gmail.com

Speaking: ☒ For ☐ Against ☐ Information

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

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 (10/14/14)

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

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

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Prepared By: The Professional Staff of the Committee on Health Policy

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BILL: CS/SB 354

INTRODUCER: Education Committee and Senator Montford

SUBJECT: Immunization Registry

DATE: March 27, 2019

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Rossitto-Van Winkle	Brown	HP	<b>Favorable</b>
2.	Olenick	Sikes	ED	<b>Fav/CS</b>
3.			RC	

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 354 directs certain health care practitioners to report vaccination administration data to the Department of Health (DOH) immunization registry when vaccinating children up to 18 years of age or college or university students at a college or university health center who are 19 to 23 years of age. The bill permits a parent or guardian of a child up to 18 years of age or a college or university student 19 to 23 years of age to opt out of being included in the immunization registry. Such a decision not to participate in the immunization registry must be provided to DOH and the healthcare practitioner and all records regarding the child or student must be removed from the registry.

The bill also directs school boards and private school governing bodies to establish and enforce a policy requiring that before a child may attend a public or private school, the child must have on file a Florida Certification of Immunization (FCI) with the DOH immunization registry. Any child who does not participate in the immunization registry must present or have on file with the school an FCI form, which will be a part of the student's permanent record and be transferred with the student if the student transfers.

The bill also provides that school boards and private school governing bodies must establish and enforce a policy requiring appropriate scoliosis screening at the proper age.

The effective date of the bill is January 1, 2021.

## II. Present Situation:

### Communicable Disease Prevention and Control

The DOH is responsible for the state's public health system, which must promote, protect, and improve the health of all people in the state.<sup>1</sup> As part of fulfilling this public health mission, the DOH is responsible for conducting a communicable disease prevention and control program. A communicable disease is any disease caused by the transmission of a specific infectious agent, or its toxic products, from an infected person, animal, or the environment to a susceptible host, either directly or indirectly.<sup>2</sup>

The DOH communicable disease program includes, but need not be limited to, programs for the prevention and control of:

- Tuberculosis;
- Human immunodeficiency virus (HIV) infection and acquired immune deficiency syndrome (AIDS);
- Sexually transmissible diseases;
- Communicable diseases of public health significance; and
- Vaccine-preventable diseases<sup>3</sup>, including programs to immunize school children<sup>4</sup> and the development of an automated, electronic, and centralized database or registry for immunization records.<sup>5</sup>

The DOH may adopt rules related to the prevention and control of communicable diseases and the administration of the immunization registry. Such rules may include procedures for:

- Investigating disease;
- Timeframes for reporting disease;
- Definitions;
- Procedures for managing specific diseases;
- Requirements for follow-up reports on disease exposure; and
- Procedures for providing access to confidential information necessary for disease investigations.<sup>6</sup>

### The DOH Immunization Registry (Florida SHOTS)

The DOH must ensure that all children are immunized against vaccine-preventable diseases and be included in the immunization registry, for the purpose of enhancing the DOH's immunization activities and improve immunization for all children. Florida's State Health Online Tracking System (SHOTS) is the free, statewide, centralized online immunization registry that assists

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<sup>1</sup> Section 381.001, F.S.

<sup>2</sup> Section 381.003(1), F.S.

<sup>3</sup> Measles, mumps, rubella, pertussis, diphtheria, tetanus, polio, varicella, pneumococcal disease, hepatitis A, hepatitis B, influenza, meningococcal and Haemophilus influenza type b (Hib) are all preventable by vaccine. See Department of Health, *Vaccine Preventable Diseases*, <http://www.floridahealth.gov/diseases-and-conditions/vaccine-preventable-disease/index.html> (last visited Jan. 18, 2019).

<sup>4</sup> See s. 1003.22(3)-(11), F.S.

<sup>5</sup> Section 381.003(1), F.S.

<sup>6</sup> Section 381.003(2), F.S.



healthcare providers, schools, and parents keep track of immunization records.<sup>7</sup> The program seeks to ensure a cause-and-effect response by monitoring immunization levels in vulnerable populations throughout the state, thereby contributing to strategies to attain and sustain high immunization levels. This has the effect of lowering vaccine-preventable disease rates.<sup>8</sup>

The DOH may make rules for the immunization registry, to include:

- Procedures for a health care practitioner to obtain authorization to use the registry;
- Methods for a parent or guardian to elect not to participate in the registry; and
- Procedures for health care practitioners licensed under chs. 458, 459, or 464, F.S., to access and share electronic immunization records with other entities allowed by law to have access to the records.<sup>9</sup>

The DOH includes all children born in this state in the immunization registry by using the birth records from the Office of Vital Statistics and then adds other children to the registry as immunizations are given. The DOH documents in the registry the child's:

- Name;
- Date of birth;
- Address;
- Other unique information to identify the child; and
- The immunization(s) administered, including:
  - Type of vaccine administered;
  - The date the vaccine was administered;
  - The vaccine lot number; and
  - The presence or absence of any adverse reaction or contraindication to the immunization.<sup>10</sup>

A parent or guardian may refuse to have a child included in the immunization registry. In such case, a parent or guardian must sign a DOH-approved form which indicates that the parent or guardian does not wish to have the child's immunization history included in the immunization registry. The decision to not participate in the registry must be noted in the registry.<sup>11</sup>

The DOH immunization registry allows for immunization records to be electronically transferred to entities that are required by law to have such records, including schools, licensed child care facilities, and any other entities required by law to obtain proof of a child's immunizations. Any health care practitioner licensed under chs. 458, 459, or 464, F.S., who complies with the DOH rules to access the immunization registry, may:

- Directly access a child's immunization records;
- Update a child's immunization history; or

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<sup>7</sup> Department of Health, Providing Records to Patients, *Deliver Accurate, Timely Records*, <http://www.floridahealth.gov/programs-and-services/immunization/information-for-healthcare-providers/providing-records-to-patients/index.html> (last visited Jan. 18, 2019).

<sup>8</sup> See Department of Health, *Vaccine Preventable Diseases*, <http://www.floridahealth.gov/diseases-and-conditions/vaccine-preventable-disease/index.html> (last visited Jan. 18, 2019).

<sup>9</sup> Section 381.003(1)(e), F.S.

<sup>10</sup> Section 381.003(1)(e)4., F.S.

<sup>11</sup> Section 381.003 (1)(e)2., F.S.

- Exchange immunization information with another authorized practitioner, entity, or agency involved in a child's care.<sup>12</sup>

The SHOTS also helps prevent needless revaccinations for entry into daycare and schools because of lost or unavailable paper records. Currently over 15,000 health care practitioners licensed under chs. 458, 459, or 464, F.S., voluntarily provide data to the registry; but because reporting is currently voluntary, some individuals' immunization records in the data base have been incomplete. As a result, the immunization program has received many complaints with respect to incomplete records. This has resulted in unnecessary revaccinations and difficulty for parents and schools to obtain a paper record.<sup>13</sup>

The information included in the DOH immunization registry retains its status as confidential medical information; and the DOH must maintain the confidentiality of that information as required by law. A health care practitioner or other agency that obtains information from the immunization registry must also maintain the confidentiality of the records as required by law.<sup>14</sup>

### **Required Immunizations**

Each school district board and non-public school governing body is required to ensure that every child entering school in kindergarten through grade 12 must present or have on file a Florida Certificate of Immunization (FCI) before entering or enrolling in school.<sup>15</sup> Children entering, attending or transferring to Florida public or non-public schools, kindergarten through grade 12, must have on file as part of their permanent school record<sup>16</sup> an FCI documenting that they have had the following immunizations:

- Four or five doses of DTaP (Diphtheria-tetanus-acellular pertussis);
- Four or five doses of IPV (Inactivated polio vaccine);
- Two doses of MMR (Measles-mumps-rubella);
- Three doses of Hep B (Hepatitis B);
- One Tdap (Tetanus-diphtheria-acellular pertussis);
- Two doses of Varicella (unless there is a history of varicella disease documented by a health care provider); and
- If entering a public or non-public school in seventh grade or later, an additional dose of Tdap (Tetanus-diphtheria-acellular pertussis).<sup>17</sup>

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<sup>12</sup> Section 381.003(1)(e), F.S.

<sup>13</sup> Department of Health, *Florida Shots, keeping shots in check*. available at <http://flshotsusers.com/parents-guardians>, (last visited Feb. 14, 2019).

<sup>14</sup> Section 381.003(1)(e)4., F.S.

<sup>15</sup> Section 1003.22(4), F.S.

<sup>16</sup> *Id.*

<sup>17</sup> See also Department of Health, *School Immunization Requirements* (last modified Aug. 19, 2016), available at <http://www.floridahealth.gov/%5C/programs-and-services/immunization/children-and-adolescents/school-immunization-requirements/index.html#childcare> (last visited Jan. 18, 2019). See also the Dep't of Health, Form DH-680, Form for Florida Certification of Immunizations (Jul. 2010), available at <http://www.floridahealth.gov/%5C/programs-and-services/immunization/documents/dh-680-sample.pdf> (last visited Jan. 18, 2019).

Private health care providers may grant a temporary medical exemption (TME), documented on the FCI form,<sup>18</sup> for those who are in the process of completing any necessary immunizations. The TME incorporates an expiration date after which the exemption is no longer valid, and the immunizations must be completed before or at that time. A permanent medical exemption may be granted if a child cannot be fully immunized due to medical reasons. In such case, the child's physician must state in writing the reasons for the exemption based on valid clinical reasoning or evidence on the FCI form.<sup>19</sup>

A request for a religious exemption from immunizations requires the parent or guardian to provide the school or facility with a Religious Exemption Immunization form.<sup>20</sup> The form is issued only by county health departments and only for children who are not immunized because of the family's religious tenets or practices. Exemptions for personal or philosophical reasons are not permitted under Florida law.<sup>21</sup>

### Scoliosis Screening

The term "scoliosis" indicates lateral curvature and rotation of the spine. Although it can span all age groups, the deformity is most frequently seen in normal, rapidly-growing, preadolescent or adolescent children. Because most of the serious consequences of scoliosis can be prevented, it is particularly responsive to early diagnosis and proper treatment.<sup>22</sup>

Currently, the DOH School Health Services Program, a component of the public health system, provides basic health services to all public school students, including scoliosis screening. Scoliosis screening is required by the DOH, at a minimum, for all sixth grade students.<sup>23</sup> In addition, all 67 counties provide additional basic services through the DOH School Health Services Program, including:

- Health appraisals;
- Nursing assessments;
- Child-specific training;
- Preventative dental screenings and services;
- Vision, hearing, scoliosis, and growth and development screenings;

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<sup>18</sup> Department of Health, Form DH-680, Form for Florida Certification of Immunizations (Jul. 2010), available at <http://www.floridahealth.gov/%5C/programs-and-services/immunization/documents/dh-680-sample.pdf> (last visited Jan. 18, 2019).

<sup>19</sup> Department of Health, *Exemptions from Immunizations*, <http://www.floridahealth.gov/programs-and-services/immunization/children-and-adolescents/immunization-exemptions/index.html> (last visited Jan. 18, 2019).

<sup>20</sup> Department of Health, Form DH-681, *Form for Religious Exemption From Immunization*, <http://www.floridahealth.gov/%5C/programs-and-services/immunization/documents/dh-681-sample.pdf> (last visited Jan. 18, 2019). The DH 681 Form, *Religious Exemption From Immunization* form, puts a parent or guardian on notice that any child not immunized against a communicable disease that has been declared a communicable disease emergency.

<sup>21</sup> Department of Health, Immunization Section, Bureau of Communicable Diseases, *Immunization Guidelines, Florida Schools, Childcare Facilities and Family Daycare Homes* (March 2013), available at <http://www.floridahealth.gov/%5C/programs-and-services/immunization/schoolguide.pdf> (last visited Jan. 18, 2019).

<sup>22</sup> Barbara H. Dunn, Michael W. Hakala, & Mary E. McGee, PEDIATRICS: *Scoliosis Screening* (May 1978, VOLUME 61 / ISSUE 5 available at [http://pediatrics.aappublications.org/content/61/5/794?sso=1&sso\\_redirect\\_count=1&nfstatus=401&nftoken=00000000-0000-0000-0000-000000000000&nfstatusdescription=ERROR%3a+No+local+token](http://pediatrics.aappublications.org/content/61/5/794?sso=1&sso_redirect_count=1&nfstatus=401&nftoken=00000000-0000-0000-0000-000000000000&nfstatusdescription=ERROR%3a+No+local+token)

<sup>23</sup> Rule 64F-003, F.A.C.

- Health counseling;
- Referral and follow-up of suspected or confirmed health problems;
- First aid and emergency health services;
- Assistance with medication administration; and
- Health care procedures for students with chronic or acute health conditions.

The goal of the School Health Services Program is to ensure that students are healthy, in school, and ready to learn.<sup>24,25</sup> In cooperation with the Department of Education (DOE), the School Health Services Program provides funding for the services mandated by statute.<sup>26</sup>

A non-public school may request to participate in the School Health Services Program. A non-public school that voluntarily participates must:

- Cooperate with the county health department and district school board in the development of the cooperative health services plan;
- Make available adequate physical facilities for health services;
- Provide in-service health training to school personnel;
- Cooperate with public health personnel in the implementation of the school health services plan;
- Be subject to health service program reviews by the DOH and the DOE;
- At the beginning of each school year, provide parents and guardians with information concerning ways they can help their children to be physically active and to eat healthful foods; and
- At the beginning of each school year, inform parents or guardians in writing that their children who are students in the school will receive specified health services as provided for in the district health services plan. A student will be exempt out of these services if his or her parent or guardian requests such exemption in writing.<sup>27</sup>

### III. Effect of Proposed Changes:

The bill directs health care practitioners licensed under chs. 458, 459, or 464, F.S., who administer vaccinations, or cause vaccinations to be administered, to children up to 18 years of age, or to college or university students at a college or university student health center who are 19 to 23 years of age, to report the following patient vaccination administration information to the DOH immunization registry (SHOTS):

- Patient's name;
- Date of birth;
- Address;
- Other unique information to identify the child; and
- The immunization(s) administered, including:

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<sup>24</sup> The Department of Health, School Health Services program, *School Health Services*, available at: <http://www.floridahealth.gov/programs-and-services/childrens-health/school-health/index.html> (last visited Feb. 14, 2019).

<sup>25</sup> Philip, Celeste, M.D., M.P.H., State Surgeon General and Secretary, the Department of Health, School Health Administrative Resource Manual (revised 2017) at p. 8, available at <http://www.floridahealth.gov/programs-and-services/childrens-health/school-health/documents/2017-school-health-resource-manual1.pdf>

<sup>26</sup> See ss. 381.0056, 381.0057, and 402.3026, F.S.

<sup>27</sup> Section 381.0056(5), F.S.

- Type of vaccine administered;
- The date the vaccine was administered;
- The vaccine lot number; and
- The presence or absence of any adverse reaction or contraindication to the immunization.

The bill permits a parent or guardian of a child up to 18 years of age or a college or university student 19 to 23 years of age to opt out of being included in the immunization registry. The opt-out must be provided to the Florida Department of Health (DOH) and to the healthcare practitioner upon the administration of the vaccination. All records and references regarding a child or college or university student who has opted out must be removed from the immunization registry.

The bill directs school boards and private school governing bodies to establish and enforce a policy requiring that before a child may attend a public or non-public school, the child must have on file a Florida Certificate of Immunization (FCI) with the DOH immunization registry. Any child who does not participate in the immunization registry must present or have on file with the school an FCI form, which will be a part of the student's permanent record and be transferred with the student if the student transfers.

The bill also directs school boards and private school governing bodies to establish and enforce a policy requiring appropriate scoliosis screening at the proper age.

The bill specifies that the reporting of the vaccination administration data to the DOH immunization registry for other persons is permitted but not required. Health care practitioners may use an existing automated data system for updating immunization information in the immunization registry.

The bill directs that the immunization registry must make electronically available the immunization records to entities required by law to have such records, including, but not limited to, schools and licensed child care facilities.

The bill directs that detailed rulemaking authority relating to the DOH's responsibilities to conduct a communicable disease prevention and control program be condensed into a general granting of rulemaking authority.

The bill takes effect January 1, 2021.

#### **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:

Housing vaccination data in the registry may allow individuals to avoid the cost of needless revaccinations.

The bill may create a negative fiscal impact on private school governing bodies to cover the costs associated with establishing and enforcing a policy requiring appropriate scoliosis screening at the proper age.

C. Government Sector Impact:

It is unclear the extent to which school district technology systems will be able to handle the transfer and storage of student's immunization data from the state registry of immunizations, Florida SHOTS, to become a part of each student's permanent record.<sup>28</sup> If a school district's technology system requires modification to meet the requirements of the bill, there could be a fiscal impact on that school district.

**VI. Technical Deficiencies:**

The title of the bill is "An act relating to immunization registry." That title could be interpreted as failing to address the bill's requirements relating to public and private school scoliosis screening.

**VII. Related Issues:**

The DOH, in cooperation with the DOE, already has responsibility for the administration, supervision, and periodic review of the School Health Services Program, which includes mandatory scoliosis screening in public schools and in non-public schools that request to participate in the School Health Services Program.

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<sup>28</sup> Staff of the Florida Department of Education, *Legislative Bill Analysis for SB 354* (2019).

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 381.003 and 1003.22.

**IX. Additional Information:****A. Committee Substitute – Statement of Changes:****CS by Education on March 26, 2019:**

The Committee Substitute provides an opt-out provision for parents or guardians to refuse to include their child on the immunization registry. It also specifies that a college or university student, from 19 years of age to 23 years of age, who obtains a vaccination from a Florida college or university student health center may also opt out from the immunization registry. The opt-out must be provided to the Florida Department of Health and to the healthcare practitioner upon the administration of the vaccination. All records and references regarding a child or college or university student who has opted out must be removed from the immunization registry.

**B. Amendments:**

None.



513310

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/26/2019	.	
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The Committee on Education (Montford) recommended the following:

**Senate Amendment**

Delete lines 59 - 74  
and insert:  
child included in the immunization registry by signing an opt-  
out ~~a~~ form obtained from the department, or from the health care  
practitioner or entity that provides the immunization, which  
indicates that the parent or guardian does not wish to have the  
child included in the immunization registry. The opt-out form  
must be provided to the department and to the healthcare  
practitioner upon the administration of the vaccination. If the





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parent or guardian of a child has refused to include the child on in the registry, all records regarding the child must be removed from the registry and any reference to the child may not be included ~~decision to not participate in the immunization registry must be noted~~ in the registry.

3. A college or university student, from 19 years of age to 23 years of age, who obtains a vaccination from a Florida college or university student health center may refuse to be included in the immunization registry by signing an opt-out form obtained from the department or from a Florida college or university student health center which indicates that the student does not wish to be included in the immunization registry. The opt-out form must be provided to the department and to the healthcare practitioner upon the administration of the vaccination. If the college or university student has refused to be included in the registry, all records regarding the student must be removed from the registry and any reference to the student may not be included in the registry.

By Senator Montford

3-00364-19

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A bill to be entitled

An act relating to immunization registry; amending s. 381.003, F.S.; revising provisions relating to the communicable disease prevention and control programs under the Department of Health; establishing that a certain student who obtains a vaccination from a Florida college or university student health center may refuse to be included in the immunization registry; providing requirements for electronic availability of, rather than transfer of, immunization records; requiring certain health care practitioners to report data to the immunization registry; authorizing the department to adopt rules; amending s. 1003.22, F.S.; revising school-entry health requirements to require students to have a certificate of immunization on file with the department's immunization registry; providing an effective date.

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

Section 1. Section 381.003, Florida Statutes, is amended to read:

381.003 Communicable disease and AIDS prevention and control.—

(1) The department shall conduct a communicable disease prevention and control program as part of fulfilling its public health mission. A communicable disease is any disease caused by transmission of a specific infectious agent, or its toxic products, from an infected person, an infected animal, or the

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

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environment to a susceptible host, either directly or indirectly. The communicable disease program must include, but need not be limited to:

(a) Programs for the prevention and control of tuberculosis in accordance with chapter 392.

(b) Programs for the prevention and control of human immunodeficiency virus infection and acquired immune deficiency syndrome in accordance with chapter 384 and this chapter.

(c) Programs for the prevention and control of sexually transmissible diseases in accordance with chapter 384.

(d) Programs for the prevention, control, and reporting of communicable diseases of public health significance as provided for in this chapter.

(e) Programs for the prevention and control of vaccine-preventable diseases, including programs to immunize school children as required by s. 1003.22(3)-(11) and the development of an automated, electronic, and centralized database and ~~or~~ registry of immunizations. The department shall ensure that all children in this state are immunized against vaccine-preventable diseases. The immunization registry must ~~shall~~ allow the department to enhance current immunization activities for the purpose of improving the immunization of all children in this state.

1. Except as provided in subparagraph 2., the department shall include all children born in this state in the immunization registry by using the birth records from the Office of Vital Statistics. The department shall add other children to the registry as immunization services are provided.

2. The parent or guardian of a child may refuse to have the

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

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child included in the immunization registry by signing a form obtained from the department, or from the health care practitioner or entity that provides the immunization, which indicates that the parent or guardian does not wish to have the child included in the immunization registry. The decision not to ~~not~~ participate in the immunization registry must be noted in the registry.

3. A college or university student, from 19 years of age to 23 years of age, who obtains a vaccination from a Florida college or university student health center may refuse to be included in the immunization registry by signing a form obtained from the department, or from a Florida college or university student health center, which indicates that the student does not wish to be included in the immunization registry. The decision not to participate in the immunization registry must be noted in the registry.

~~4.3-~~ The immunization registry shall allow for immunization records to be electronically available transferred to entities that are required by law to have such records, including, but not limited to, schools and, licensed child care facilities, ~~and any other entity that is required by law to obtain proof of a child's immunizations.~~

~~5.4-~~ A Any health care practitioner licensed under chapter 458, chapter 459, or chapter 464 in this state who administers vaccinations or causes vaccinations to be administered to children from birth to 18 years of age is required to report vaccination data to the immunization registry, unless a parent or guardian of a child has refused to have the child included in the immunization registry by meeting the requirements of

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subparagraph 2. A health care practitioner licensed under chapter 458, chapter 459, or chapter 464 in this state who administers vaccinations or causes vaccinations to be administered to college or university students from 19 years of age to 23 years of age at a Florida college or university student health center is required to report vaccination data to the immunization registry, unless the student has refused to be included in the immunization registry by meeting the requirements of subparagraph 3. Vaccination data for other age ranges may be submitted to the immunization registry on a voluntary basis. The upload of data from existing automated systems is an acceptable method for updating immunization information in the immunization registry. ~~complies with rules adopted by the department to access the immunization registry may, through the immunization registry, directly access immunization records and update a child's immunization history or exchange immunization information with another authorized practitioner, entity, or agency involved in a child's care.~~ The information ~~included~~ in the immunization registry must include the child's name, date of birth, address, and any other unique identifier necessary to correctly identify the child; the immunization record, including the date, type of administered vaccine, and vaccine lot number; and the presence or absence of any adverse reaction or contraindication related to the immunization. Information received by the department for the immunization registry retains its status as confidential medical information and the department must maintain the confidentiality of that information as otherwise required by law. A health care practitioner or other agency that obtains information from the

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immunization registry must maintain the confidentiality of any medical records in accordance with s. 456.057 or as otherwise required by law.

(2) The department may adopt rules pursuant to ss. 120.536(1) and 120.54 to implement this section, repeal, and amend rules related to the prevention and control of communicable diseases and the administration of the immunization registry. Such rules may include procedures for investigating disease, timeframes for reporting disease, definitions, procedures for managing specific diseases, requirements for followup reports of known or suspected exposure to disease, and procedures for providing access to confidential information necessary for disease investigations. For purposes of the immunization registry, the rules may include procedures for a health care practitioner to obtain authorization to use the immunization registry, methods for a parent or guardian to elect not to participate in the immunization registry, and procedures for a health care practitioner licensed under chapter 458, chapter 459, or chapter 464 to access and share electronic immunization records with other entities allowed by law to have access to the records.

Section 2. Subsection (4) of section 1003.22, Florida Statutes, is amended to read:

1003.22 School-entry health examinations; immunization against communicable diseases; exemptions; duties of Department of Health.—

(4) Each district school board and the governing authority of each private school shall establish and enforce a ~~as~~ policy that:

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(a) Prior to admittance to or attendance in a public or private school, grades kindergarten through 12, or any other initial entrance into a Florida public or private school, each child ~~present or~~ have on file with the immunization registry ~~school~~ a certification of immunization for the prevention of those communicable diseases for which immunization is required by the Department of Health. Any child who is excluded from participation in the immunization registry pursuant to s. 381.003(1)(e)2. must present or have on file with the school such certification of immunization and further shall provide for appropriate screening of its students for scoliosis at the proper age. Such Certification of immunization shall be made on forms approved and provided by the Department of Health or be on file with the immunization registry and shall become a part of each student's permanent record, to be transferred when the student transfers, is promoted, or changes schools. The transfer of such immunization certification by Florida public schools shall be accomplished using the Florida Automated System for Transferring Education Records and shall be deemed to meet the requirements of this section.

(b) Provides for appropriate screening of its students for scoliosis at the proper age.

Section 3. This act shall take effect January 1, 2021.

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

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

3/26/19

Meeting Date

354

Bill Number (if applicable)

Topic Immunization Registry

Amendment Barcode (if applicable)

Name Doug Bell

Job Title \_\_\_\_\_

Address 119 S. Monroe St

Street

ILH

City

State

Zip

Phone 205 9000

Email doug.bell@mhdfirm.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Florida Chapter American Academy of Pediatrics

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

3-26

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

Meeting Date

354

Bill Number (if applicable)

Topic Immunization Registries

Amendment Barcode (if applicable)

Name Jarrod Fowler

Job Title Director of Health Care Policy

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Street

Phone 252-224-6496

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City

State

Zip

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Florida Medical Association

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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S-001 (10/14/14)

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

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

3/26/19

Meeting Date

SB 354

Bill Number (if applicable)

Topic

Immunization Registry

Amendment Barcode (if applicable)

Name

Nancy Lawther

Job Title

Address

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State

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Zip

Email

nyami-dade.cc@floridapta.org

Speaking:

☐

For

☐

Against

☐

Information

Waive Speaking:

☒

In Support

☐

Against

(The Chair will read this information into the record.)

Representing

Florida PTA

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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S-001 (10/14/14)

## THE FLORIDA SENATE

## APPEARANCE RECORD

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

3/26/19

Meeting Date

354

Bill Number (if applicable)

Topic Immunization Registry

Amendment Barcode (if applicable)

Name Stephen Winn

Job Title Exec. Director

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Phone 878-7364

Tall. FL 32301  
City State Zip

Email winnsr@earthlink.net

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

Representing Florida Osteopathic Medical Association

Appearing at request of Chair: ☐ Yes ☒ NoLobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)



**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

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

32619

Meeting Date

354

Bill Number (if applicable)

Topic SB 354 oppose

Amendment Barcode (if applicable)

Name Valerie Almeida

Job Title NA

Address 3789 SW CR 240

Phone 352 474 3482

Street

Lake City FL 32024

City

State

Zip

Email legalities@me.com

Speaking: ☐ For ☒ Against ☐ Information

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

Representing Medical Freedom & privacy

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/14/14)

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

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

3/26/19

Meeting Date

SB 354

Bill Number (if applicable)

Topic Vaccine Tracking

Amendment Barcode (if applicable)

Name Mackenzie Fraser

Job Title wife, mother, activist

Address 153 Ivernia Loop

Street

Phone 970-418-0493

Tally, FL 32312

City

State

Zip

Email mackstruckfraser@gmail.com

Speaking: ☐ For ☒ Against ☐ Information

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

Representing Health Freedom 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 (10/14/14)

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

3/26/2019  
Meeting Date

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

SB 354  
Bill Number (if applicable)

Topic \_\_\_\_\_

Amendment Barcode (if applicable)

Name Naomi Rocco

Job Title \_\_\_\_\_

Address 6288 SW CR 240

Phone 386 867 1644

Street

Lake City  
City

FL  
State

32024  
Zip

Email naomirocco@hotmail.com

Speaking: ☐ For ☒ Against ☐ Information

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

Representing Medical Freedom & Privacy

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/14/14)

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

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

3/26/19

Meeting Date

SB 354

Bill Number (if applicable)

Topic Immunization Registry

Amendment Barcode (if applicable)

Name Susan Callahan

Job Title RN

Address 3620 Shinnecock Ln.

Phone 904-504-1334

Street

Green Cove Sp FL 32043

City

State

Zip

Email SusanRN@bellsouth.net

Speaking: ☐ For ☒ Against ☐ Information

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

Representing NE Fl. Health Action Network

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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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

3-26-19

Meeting Date

354

Bill Number (if applicable)

Topic Immunization Registry

Amendment Barcode (if applicable)

Name Afton Brown

Job Title

Address 136 SE Saint Johns St.  
Street

Phone 386-345-7549

Lake City  
City

FL  
State

32025  
Zip

Email aftonmb@yahoo.com

Speaking: ☐ For ☒ Against ☐ Information

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

Representing NVIC

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/14/14)

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

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

3/26/2019

*Meeting Date*

SB354

*Bill Number (if applicable)*

Topic Immunization Registry

*Amendment Barcode (if applicable)*

Name Mary Beth Michael

Job Title \_\_\_\_\_

Address 115 Gala Circle

Phone 386-675-6178

*Street*

Daytona Beach

FL

32124

Email ksbmichael@gmail.com

*City*

*State*

*Zip*

Speaking: ☐ For ☒ Against ☐ Information

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

Representing Florida Health Action Network

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/14/14)

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

3/26/2019

*Meeting Date*

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

SB354

*Bill Number (if applicable)*Topic Immunization Registry*Amendment Barcode (if applicable)*Name Skyler Michael

Job Title \_\_\_\_\_

Address 1666 Pepper DrivePhone 386-562-6480*Street*TallahasseeFL32304*City**State**Zip*Email sjmichael3@gmail.comSpeaking: ☐ For ☐ Against ☐ InformationWaive Speaking: ☐ In Support ☒ Against  
(The Chair will read this information into the record.)Representing Florida Health Action NetworkAppearing at request of Chair: ☐ Yes ☒ NoLobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

3/26/19

Meeting Date

354

Bill Number (if applicable)

Topic ~~SB~~ 354 Immunization Regist

Amendment Barcode (if applicable)

Name Tonya Warfield

Job Title Parent

Address 285 S. Samsula Dr.

Phone 407-595-1007

Street

New Smyrna Beach FL

State

32168

Zip

Email tonya.warfield@gmail.com

Speaking: ☐ For ☒ Against ☐ Information

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

Representing NVIC & NE Florida concerned citizens.

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/14/14)



**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

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

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Prepared By: The Professional Staff of the Committee on Education

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BILL: SB 520

INTRODUCER: Senator Montford

SUBJECT: Funding for School Districts

DATE: March 25, 2019

REVISED: \_\_\_\_\_

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Olenick	Sikes	ED	<b>Pre-meeting</b>
2. _____	_____	AED	_____
3. _____	_____	AP	_____

---

**I. Summary:**

SB 520 holds harmless school districts most impacted by Hurricane Michael and provides a special one-time appropriation based on the enrollment difference in full-time equivalent (FTE) students in the October FTE survey and the February FTE survey.

The bill takes effect July 1, 2019.

**II. Present Situation:**

**Florida Education Finance Program**

The Legislature enacted the Florida Education Finance Program (FEFP) in 1973 to allocate funds for the operation of K-12 public schools, in accordance to statutory requirements. The FEFP is the primary mechanism for funding the operating costs of Florida school districts. A key feature of the FEFP is that it bases financial support for education upon the individual student participating in a particular educational program rather than upon the number of teachers or classrooms. FEFP funds are primarily generated by multiplying the number of full-time equivalent (FTE) students in each of the funded education programs by cost factors to obtain weighted FTE students.<sup>1</sup>

Each school district that participates in the state appropriations for the FEFP must operate all schools for a term of 180 actual teaching days as prescribed by law<sup>2</sup> or the hourly equivalent of 180 actual teaching days, as prescribed in State Board of Education rule.<sup>3</sup> The FEFP provides

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<sup>1</sup> Florida Department of Education, *2017-2018 Funding for Florida School Districts* (2017) <http://fldoe.org/core/fileparse.php/7507/urlt/Fefpdist.pdf> at 1.

<sup>2</sup> Section 1011.60(2), F.S.

<sup>3</sup> Rule 6A-1.045111, F.A.C.

funding for a 180-day regular school year, or the hourly equivalent of 180 days.<sup>4</sup> The hourly equivalent for kindergarten through grade 3 is 720 instructional hours and 900 instructional hours for students in grades 4 through grade 12.<sup>5</sup>

### ***Full Time Equivalent Student Enrollment***

A full-time equivalent (FTE) student is a student in attendance for 180 school days, which represents the number of instructional hours provided to students, by grade levels.<sup>6</sup>

The Florida Department of Education (DOE) conducts surveys to count students for purposes of FTE funding. These surveys provide the snapshots of the educational programs offered in the districts, the number of students enrolled and attending, and the number of instructional minutes per grade level.<sup>7</sup> The survey periods for record determination are set annually by the Commissioner of Education. For FTE reporting, the survey periods cover the following time frames:<sup>8</sup>

- Survey Period 1 (July) covers the time period from the beginning of the fiscal year (July 1) to the beginning of the defined 180-day school year.
- Survey Period 2 (October) covers the first 90 days of the 180-day school year.
- Survey Period 3 (February) covers the second 90 days of the 180-day school year.
- Survey Period 4 (June) covers the period from the end of the 180-day school program to the end of the fiscal year (June 30).

Hurricane Michael made landfall on October 10, 2018, after the completion of the October FTE survey.<sup>9</sup> As a result, it is anticipated that the February FTE survey will show a considerable reduction in student FTE counts for the school districts affected by Hurricane Michael.

### **Hold Harmless and Hurricane Recovery Funding**

The Legislature has provided relief to school districts impacted by the destruction from hurricanes in the past. For example, statutory ‘hold harmless’ language was passed after Hurricane Andrew in 1992,<sup>10</sup> which provided a one-time match of federal funds with funds from the FEFP to the Dade County school system to account for the loss of revenue due to a student enrollment decrease following the hurricane.<sup>11</sup> In 2004, nine school districts were appropriated a total of \$3.9 million for hurricane recovery.<sup>12</sup>

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<sup>4</sup> *Id.* see Department of Education, *Full-time Equivalent (FTE) General Instructions 2018-2019* (2018) <http://www.fldoe.org/core/fileparse.php/7508/urlt/1819FTEGeneralInstruct.pdf>.

<sup>5</sup> *Id.*

<sup>6</sup> Rule 6A-1.045111, F.A.C

<sup>7</sup> Section 1011.62(1), F.S.

<sup>8</sup> Department of Education *Full-time Equivalent (FTE) General Instructions 2018-2019* (2018) <http://www.fldoe.org/core/fileparse.php/7508/urlt/1819FTEGeneralInstruct.pdf>.

<sup>9</sup> Florida Department of Education, *Suspension of Rule 6A-1.0451* (2018), <http://www.fldoe.org/core/fileparse.php/18532/urlt/FTE-StudentReporting.pdf>

<sup>10</sup> Section 3, ch. 92-350, L.O.F.

<sup>11</sup> *Id.*

<sup>12</sup> 2005-2006 General Appropriations Act - line item 101A, <http://www.fldoe.org/core/fileparse.php/7513/urlt/review2005.pdf> at 3.

### **III. Effect of Proposed Changes:**

SB 520 holds harmless school districts most impacted by Hurricane Michael and provides a special one-time appropriation based on the enrollment difference in full-time equivalent (FTE) students in the October FTE survey and the February FTE survey.

#### **Hold Harmless and Hurricane Recovery Funding**

The bill provides that in order to hold harmless school districts impacted by Hurricane Michael from a loss of revenue due to a decrease in student enrollment, a special one-time appropriation based on the enrollment difference in FTE students in the October FTE survey and the February FTE survey will be provided to those school districts. The bill specifies the special one-time appropriation is for the Bay County, Calhoun County, Franklin County, Gadsden County, Gulf County, Holmes County, Jackson County, Liberty County, and Washington County school districts.

The bill further specifies that the funds calculated shall support a nonrecurring appropriation which is separate from the appropriation for the Florida Education Finance Program (FEFP) for the affected districts.

In effect, the bill provides for financial assistance to school districts most impacted by Hurricane Michael to offset the decrease in FTE students and subsequent loss of FEFP revenue.

The 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:**

The bill provides that the funds calculated based on the loss of full-time equivalent (FTE) student enrollment will support a nonrecurring appropriation separate from the Florida Education Finance Program (FEFP). The provision of this funding would be subject to appropriation in the General Appropriations Act.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill creates an unnumbered section of law.

**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 Montford

3-01135-19

2019520\_\_

A bill to be entitled

An act relating to funding for school districts;  
holding harmless certain funding to school districts  
that enrolled students from certain counties as a  
result of Hurricane Michael; requiring that a  
calculation and allocation be made; providing for the  
calculation; providing that the funds calculated  
support a nonrecurring appropriation; providing an  
effective date.

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

Section 1. In order to hold harmless school districts from  
a loss of revenue due to students not attending Bay, Calhoun,  
Franklin, Gadsden, Gulf, Holmes, Jackson, Liberty, and  
Washington schools as a result of Hurricane Michael, the  
following special one-time calculation and allocation shall be  
made.

(1) The difference in funding for the Bay County, Calhoun  
County, Franklin County, Gadsden County, Gulf County, Holmes  
County, Jackson County, Liberty County, and Washington County  
school districts based on enrollment from the 2018-2019 October  
FTE survey and the enrollment from the 2018-2019 February FTE  
survey in each district shall be calculated.

(2) The funds calculated in subsection (1) shall support a  
nonrecurring appropriation separate from the appropriation for  
the Florida Education Finance Program for the affected  
districts.

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.)

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Prepared By: The Professional Staff of the Committee on Criminal Justice

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BILL: CS/CS/SB 1080

INTRODUCER: Criminal Justice Committee and Senator Book

SUBJECT: Hazing

DATE: March 27, 2019

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Cellon	Jones	CJ	<b>Fav/CS</b>
2.	Olenick	Sikes	ED	<b>Fav/Cs</b>
3.			AP	

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/CS/SB 1080 amends the definition of hazing in s. 1006.63, F.S., to include the perpetuation or furtherance of a tradition or ritual of any organization operating under the sanction of a postsecondary institution.

Currently, s. 1006.63, F.S., protects persons who are members of or applicants to a student organization from hazing. The bill adds a person who is a former member of the organization as a person who is protected under s. 1006.63, F.S.

Persons who solicit others to commit the crime of hazing or who plan any act of hazing may be prosecuted as if they actively participated in the hazing event under the provisions in the bill. If the hazing results in a permanent injury to the victim, the crime is a third degree felony.

Finally, the bill provides that a person who provides aid, before medical assistance, law enforcement, or campus security arrive on the scene or if an individual is the first to call 911 seeking medical attention for a hazing victim, and who otherwise cooperates with and assists first responders may not be prosecuted for the crime of hazing.

The bill is expected to have a positive insignificant prison bed impact, which means there may be an increase of 10 or fewer prison beds. See Section V. Fiscal Impact.

The bill is effective October 1, 2019.

## II. Present Situation:

Hazing is defined in s. 1006.63(1), F.S., as any action or situation that recklessly or intentionally endangers the mental or physical health or safety of a student for purposes including, but not limited to, initiation or admission into or affiliation with, any organization operating under the sanction of a postsecondary institution.

The act of hazing includes, but is not limited to:

- Pressuring or coercing the student into violating state or federal law;
- Any brutality of a physical nature, such as:
  - Whipping,
  - Beating,
  - Branding,
  - Exposure to the elements,
  - Forced consumption of any food, liquor, drug, or other substance, or
  - Other forced physical activity that could adversely affect the physical health or safety of the student;
- Any activity that would subject the student to extreme mental stress, such as:
  - Sleep deprivation,
  - Forced exclusion from social contact,
  - Forced conduct that could result in extreme embarrassment, or
  - Forced activity that could adversely affect the mental health or dignity of the student.<sup>1</sup>

The crime of hazing is currently either a third degree felony<sup>2</sup> or a first degree misdemeanor,<sup>3</sup> depending upon the degree of injury inflicted upon the victim. The third degree felony offense occurs when a person intentionally or recklessly commits any act of hazing upon another person who is a member of or an applicant to any type of student organization, and the hazing results in serious bodily injury or death of the victim.<sup>4</sup> Hazing is a first degree misdemeanor if the act, committed under the same circumstances as the felony, creates a substantial risk of physical injury or death of the victim rather than actually inflicting that injury or death.<sup>5</sup>

It is not a defense to the crime of hazing that:

- The consent of the victim had been obtained;
- The conduct or activity that resulted in the death or injury of a person was not part of an official organizational event or was not otherwise sanctioned or approved by the organization; or
- The conduct or activity that resulted in death or injury of the person was not done as a condition of membership to an organization.<sup>6</sup>

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<sup>1</sup> Section 1006.63(1), F.S. Note that hazing does not include customary athletic events or other similar contests or competitions or any activity or conduct that furthers a legal and legitimate objective. Section 1006.63(1), F.S.

<sup>2</sup> A third degree felony is punishable by up to 5 years in state prison and a \$5,000 fine. Sections 775.082 and 775.083, F.S.

<sup>3</sup> A first degree misdemeanor is punishable by up to 1 year in the county jail and a \$1,000 fine. Sections 775.082 and 775.083, F.S.

<sup>4</sup> Section 1006.63(2), F.S.

<sup>5</sup> Section 1006.63(3), F.S.

<sup>6</sup> Section 1006.63(5), F.S.

Public and nonpublic postsecondary educational institutions whose students receive state student financial assistance must adopt a written anti-hazing policy and under such policy must adopt rules prohibiting students or other persons associated with any student organization from engaging in hazing.<sup>7</sup>

During the Board of Governors (BOG) January 31 meeting, a system-wide regulation was proposed that would prohibit hazing. The proposed regulation requires:<sup>8</sup>

- Each university board of trustees to establish an anti-hazing policy as part of the university's student code of conduct or as a separate regulation
- Each university policy to provide a program for the enforcement of university anti-hazing regulations and the adoption of appropriate penalties that may range from the imposition of fines to expulsion, depending upon the severity of the violation for both individuals and organizations.
- The university to provide a copy of the anti-hazing policy to students and for each organization to include the policy as part of the students organization's bylaws and each university to make training opportunities available to students and student organizations that are designed to reinforce the policy and increase awareness of the dangers of hazing.

Additionally, the proposed regulation:

- Defines "hazing" consistent with the definition in section s. 1006.63, F.S.
- Sets forth circumstances that do not constitute a defense to allegations of hazing.

### III. Effect of Proposed Changes:

The bill amends the definition of hazing in s. 1006.63, F.S., to include the perpetration or furtherance of a tradition or ritual of any organization operating under the sanction of a postsecondary institution.

The bill creates a third degree felony hazing crime under circumstances where the victim sustains a permanent injury from the hazing.

Currently, s. 1006.63, F.S., protects persons who are members of or applicants to a student organization from hazing. The bill adds a person who is a former member of the organization as a person who is protected under s. 1006.63, F.S.

Additionally, the bill would allow the prosecution of a person for the crime of hazing if the person solicits others to commit hazing or is actively involved in the planning of any act of hazing.<sup>9</sup> Therefore, the bill would provide for prosecution of persons who were known to have

<sup>7</sup> Section 1006.63(7), F.S. For example, see Rule 6C6-3.018, F.A.C., Prohibition of Hazing -- Procedures and Penalties. See also Tallahassee Democrat, Byron Dobson, *Florida Board of Governors approve adding anti-hazing policy in its operating guidelines*, February 1, 2019, available at <https://www.tallahassee.com/story/news/2019/02/01/florida-board-governors-approve-adding-anti-hazing-policy-its-operating-guidelines/2734129002/> (last viewed March 6, 2019).

<sup>8</sup> Board of Governors, *Notice of Proposed New Regulation* (2019), available at [https://www.flbog.edu/documents\\_regulations/proposed/NoticeofNewRegulation%206.021%20Hazing%20Prohibited.pdf](https://www.flbog.edu/documents_regulations/proposed/NoticeofNewRegulation%206.021%20Hazing%20Prohibited.pdf).

<sup>9</sup> Presumably it would be an affirmative defense to the crime of soliciting an act of hazing that the defendant under circumstances manifesting a complete and voluntary renunciation of his or her criminal purpose, after soliciting another person to commit the offense, persuaded such other person not to do so or otherwise prevented commission of the offense. See s. 777.04(5), F.S., and Fl.Std.Crim.JuryInstr.5.2, Criminal Solicitation.



planned the hazing or recruited others to participate in hazing but who could not otherwise be identified as having actively participated in the act of hazing itself.

The bill states that if a person establishes all of the following, he or she may not be prosecuted<sup>10</sup> for the crime of hazing under s. 1006.63, F.S.:

- The person was present at an event where, as a result of hazing as defined in s. 1006.63(1), F.S., another person appeared to be in need of immediate medical assistance;
- The person was the first to call 911 or campus security to report the need for immediate medical assistance;
- The person provided his or her name, the address where the medical assistance was needed, and a description of the medical issue to the 911 operator or campus security during the call;
- The person who called 911 or campus security remained at the scene with the other person in need of immediate medical assistance until a provider of medical assistance or law enforcement personnel arrived at the scene; and
- The person cooperated with the provider of medical assistance and law enforcement personnel at the scene.<sup>11</sup>

The bill also establishes that a person may not be prosecuted for the crime of hazing if, before medical assistance, law enforcement, or campus security arrived on the scene of a hazing event, the person rendered aid to the hazing victim. “Aid” includes but is not limited to:

- Rendering cardiopulmonary resuscitation to the victim,
- Clearing an airway for the victim to breathe,
- Using a defibrillator to assist the victim, or
- Rendering any other assistance to the victim which the person intended in good faith to stabilize or improve the victim’s condition while waiting for medical assistance, law enforcement, or campus security to arrive.

The bill is effective October 1, 2019.

#### **IV. Constitutional Issues:**

##### **A. Municipality/County Mandates Restrictions:**

None.

##### **B. Public Records/Open Meetings Issues:**

None.

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<sup>10</sup> Although the bill provides that the person cannot be prosecuted, practically speaking, the case will have to be reviewed by the State Attorney’s Office with jurisdiction over the offense for a determination that the statutory criteria establishing entitlement to immunity are met.

<sup>11</sup> The Florida Statutes provide for immunity from prosecution in another area of the law where swift action on the part of a potential suspect could save a life. Section 893.21(1), F.S., part of the “911 Good Samaritan Act” (Ch. 2012-36, L.O.F.), states: A person acting in good faith who seeks medical assistance for an individual experiencing a drug-related overdose may not be charged, prosecuted, or penalized ... for possession of a controlled substance if the evidence for possession of a controlled substance was obtained as a result of the person’s seeking medical assistance. *See Pope v. State*, 246 So.3d 1282 (Fla. 1st DCA 2018).

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Criminal Justice Impact Conference (CJIC) considered the potential prison bed impact that may result from the bill at its meeting on February 27, 2019. The bill is expected to have a positive insignificant fiscal impact, which means there may be an increase of 10 or fewer prison beds.<sup>12</sup>

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 1006.63 of the Florida Statutes.

The bill reenacts section 1001.64 of the Florida Statutes.

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<sup>12</sup> The CJIC estimate is available at <http://edr.state.fl.us/Content/conferences/criminaljusticeimpact/HB727.pdf> (last viewed March 7, 2019).

**IX. Additional Information:****A. Committee Substitute – Statement of Substantial Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)**CS by Criminal Justice on March 11, 2019:**

The Committee Substitute amends the bill by:

- Including a *former member* of a student organization in those that are protected from hazing and eliminates any reference to a person who is *affiliated with* an organization.
- Eliminating any reference to *immunity from prosecution* in the bill to specify that a person *may not be prosecuted* for hazing if the person is the one who makes the first call to 911 for help and cooperates with first responders.
- Changing the effective date from July 1, 2019 to October 1, 2019.

**CS by Education on March 26, 2019:**

The Committee Substitute amends the bill by providing immunity from prosecution if an individual establishes that, before medical assistance, law enforcement, or campus security arrived on the scene of a hazing event, the person rendered aid to the hazing victim. “Aid” includes but is not limited to:

- Rendering cardiopulmonary resuscitation to the victim,
- Clearing an airway for the victim to breathe,
- Using a defibrillator to assist the victim, or
- Rendering any other assistance to the victim which the person intended in good faith to stabilize or improve the victim’s condition while waiting for medical assistance, law enforcement, or campus security to arrive.

**B. Amendments:**

None.



912254

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/26/2019	.	
	.	
	.	
	.	

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The Committee on Education (Book) recommended the following:

**Senate Amendment (with title amendment)**

Between lines 129 and 130  
insert:

(12) Notwithstanding subsection (11), a person is immune from prosecution under this section if the person establishes that, before medical assistance, law enforcement, or campus security arrived on the scene of a hazing event, the person rendered aid to the hazing victim. For purposes of this subsection, "aid" includes, but is not be limited to, rendering cardiopulmonary resuscitation to the victim, clearing an airway



912254

for the victim to breathe, using a defibrillator to assist the  
victim, or rendering any other assistance to the victim which  
the person intended in good faith to stabilize or improve the  
victim's condition while waiting for medical assistance, law  
enforcement, or campus security to arrive.

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

And the title is amended as follows:

Delete line 11

and insert:

conditions are met; providing immunity from  
prosecution to persons who meet specified  
requirements; defining the term "aid"; reenacting s.  
1001.64(8)(e), F.S.,

By the Committee on Criminal Justice; and Senator Book

591-02887-19

20191080c1

A bill to be entitled

An act relating to hazing; amending s. 1006.63, F.S.; redefining the term "hazing"; expanding the crime of hazing, a third degree felony, to include when a person solicits others to commit or is actively involved in the planning of hazing; expanding the crime of hazing, a first degree misdemeanor, to include when a person solicits others to commit or is actively involved in the planning of hazing; providing that a person may not be prosecuted if certain conditions are met; reenacting s. 1001.64(8)(e), F.S., relating to Florida College System institution boards of trustees and related powers and duties, to incorporate the amendment made to s. 1006.63, F.S., in a reference thereto; providing an effective date.

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

Section 1. Section 1006.63, Florida Statutes, is amended to read:

1006.63 Hazing prohibited.—

(1) As used in this section, the term "hazing" means any action or situation that recklessly or intentionally endangers the mental or physical health or safety of a student for purposes including, but not limited to, initiation or admission into or affiliation with, or the perpetuation or furtherance of a tradition or ritual of, any organization operating under the sanction of a postsecondary institution. The term "Hazing" includes, but is not limited to, pressuring or coercing the

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

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student into violating state or federal law;~~r~~ any brutality of a physical nature, such as whipping, beating, branding, exposure to the elements, forced consumption of any food, liquor, drug, or other substance, or other forced physical activity that could adversely affect the physical health or safety of the student; ~~or, and also includes~~ any activity that would subject the student to extreme mental stress, such as sleep deprivation, forced exclusion from social contact, forced conduct that could result in extreme embarrassment, or other forced activity that could adversely affect the mental health or dignity of the student. The term ~~Hazing~~ does not include customary athletic events or other similar contests or competitions or any activity or conduct that furthers a legal and legitimate objective.

(2) A person commits hazing, a third degree felony, punishable as provided in s. 775.082 or s. 775.083, when he or she intentionally or recklessly commits, solicits a person to commit, or is actively involved in the planning of any act of hazing as defined in subsection (1) upon another person who is a member or former member of or an applicant to any type of student organization and the hazing results in a permanent injury, serious bodily injury, or death of such other person.

(3) A person commits hazing, a first degree misdemeanor, punishable as provided in s. 775.082 or s. 775.083, when he or she intentionally or recklessly commits, solicits a person to commit, or is actively involved in the planning of any act of hazing as defined in subsection (1) upon another person who is a member or former member of or an applicant to any type of student organization and the hazing creates a substantial risk of physical injury or death to such other person.

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(4) As a condition of any sentence imposed pursuant to subsection (2) or subsection (3), the court shall order the defendant to attend and complete a 4-hour hazing education course and may also impose a condition of drug or alcohol probation.

(5) It is not a defense to a charge of hazing that:

(a) The consent of the victim had been obtained;

(b) The conduct or activity that resulted in the death or injury of a person was not part of an official organizational event or was not otherwise sanctioned or approved by the organization; or

(c) The conduct or activity that resulted in death or injury of the person was not done as a condition of membership to an organization.

(6) This section shall not be construed to preclude prosecution for a more general offense resulting from the same criminal transaction or episode.

(7) Public and nonpublic postsecondary educational institutions whose students receive state student financial assistance must adopt a written antihazing policy and under such policy must adopt rules prohibiting students or other persons associated with any student organization from engaging in hazing.

(8) Public and nonpublic postsecondary educational institutions must provide a program for the enforcement of such rules and must adopt appropriate penalties for violations of such rules, to be administered by the person at the institution responsible for the sanctioning of such organizations.

(a) Such penalties at Florida College System institutions

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and state universities may include the imposition of fines; the withholding of diplomas or transcripts pending compliance with the rules or pending payment of fines; and the imposition of probation, suspension, or dismissal.

(b) In the case of an organization at a Florida College System institution or state university that authorizes hazing in blatant disregard of such rules, penalties may also include rescission of permission for that organization to operate on campus property or to otherwise operate under the sanction of the institution.

(c) All penalties imposed under the authority of this subsection shall be in addition to any penalty imposed for violation of any of the criminal laws of this state or for violation of any other rule of the institution to which the violator may be subject.

(9) Rules adopted pursuant hereto shall apply to acts conducted on or off campus whenever such acts are deemed to constitute hazing.

(10) Upon approval of the antihazing policy of a Florida College System institution or state university and of the rules and penalties adopted pursuant thereto, the institution shall provide a copy of such policy, rules, and penalties to each student enrolled in that institution and shall require the inclusion of such policy, rules, and penalties in the bylaws of every organization operating under the sanction of the institution.

(11) A person may not be prosecuted under this section if he or she establishes all of the following:

(a) That he or she was present at an event where, as a

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117 result of hazing, a person appeared to be in need of immediate  
118 medical assistance.

119 (b) That he or she was the first person to call 911 or  
120 campus security to report the need for immediate medical  
121 assistance.

122 (c) That he or she provided his or her own name, the  
123 address where immediate medical assistance was needed, and a  
124 description of the medical issue to the 911 operator or campus  
125 security at the time of the call.

126 (d) That he or she remained at the scene with the person in  
127 need of immediate medical assistance until such medical  
128 assistance, law enforcement, or campus security arrived and that  
129 he or she cooperated with such personnel on the scene.

130 Section 2. For the purpose of incorporating the amendment  
131 made by this act to section 1006.63, Florida Statutes, in a  
132 reference thereto, paragraph (e) of subsection (8) of section  
133 1001.64, Florida Statutes, is reenacted to read:

134 1001.64 Florida College System institution boards of  
135 trustees; powers and duties.—

136 (8) Each board of trustees has authority for policies  
137 related to students, enrollment of students, student records,  
138 student activities, financial assistance, and other student  
139 services.

140 (e) Each board of trustees must adopt a written antihazing  
141 policy, provide a program for the enforcement of such rules, and  
142 adopt appropriate penalties for violations of such rules  
143 pursuant to the provisions of s. 1006.63.

144 Section 3. This act shall take effect October 1, 2019.



THE FLORIDA SENATE  
**APPEARANCE RECORD**

3/26/19

Meeting Date

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

Supporting  
Both

1080

Bill Number (if applicable)

912254

Amendment Barcode (if applicable)

Topic

Anti-Hazing

Name

Kathy Mears

Job Title

Leg Affairs Director

Address

2014 Westcott North

Phone

850 251 4466

Street

Tallahassee FL 32306

City

State

Zip

Email

Kmears@fsu.edu

Speaking:

☐

For

☐

Against

☐

Information

Waive Speaking:

☒

In Support

☐

Against

(The Chair will read this information into the record.)

Representing

Florida State University

Appearing at request of Chair:

☐

Yes

☒

No

Lobbyist registered with Legislature:

☒

Yes

☐

No

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

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

S-001 (10/14/14)

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

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

3/26/2019  
Meeting Date

SB 1080  
Bill Number (if applicable)

Topic Hazing

Amendment Barcode (if applicable)

Name Nancy Lawther

Job Title \_\_\_\_\_

Address 1747 Orlando Central Parkway Phone (407) 855-7604  
Street

Orlando, FL 32809  
City State Zip

Email resolutionse@floridapta.org

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida PTA

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/14/14)

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

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

3/26/19

Meeting Date

1080

Bill Number (if applicable)

Topic Hazing

Amendment Barcode (if applicable)

Name Renee' Fargason

Job Title Director, Public Policy & Advocacy

Address 325. W. Gaines St.

Phone 850-245-0466

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Tallahassee FL 32399

City

State

Zip

Email reneefargason@fl60s.edu

Speaking: ☐ For ☐ Against ☐ Information

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

Representing State University System

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

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

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Prepared By: The Professional Staff of the Committee on Education

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BILL: SB 1120

INTRODUCER: Senator Taddeo

SUBJECT: Corporal Punishment in Public Schools

DATE: March 25, 2019

REVISED: \_\_\_\_\_

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Olenick	Sikes	ED	<b>Favorable</b>
2. _____	_____	JU	_____
3. _____	_____	RC	_____

---

**I. Summary:**

SB 1120 removes corporal punishment on a student and the related procedures from the disciplinary options provided to a teacher, school principal, and the school board and conforms cross references as a result of this change.

The bill has no impact on state revenues or expenditures.

The bill takes effect July 1, 2019.

**II. Present Situation:**

**K-12 Student and Parent Rights**

Parents of public school students must receive accurate and timely information regarding their child's academic progress and must be informed of ways they can help their child to succeed in school. K-12 students and their parents are afforded numerous statutory rights.<sup>1</sup>

***Discipline***

A student may be suspended only as provided by rule of the district school board. A good faith effort must be made to immediately inform the parent by telephone of the student's suspension and reason. Each suspension and the reason must be reported in writing within 24 hours to the parent by mail. A good faith effort must be made to use parental assistance before suspension unless the situation requires immediate assistance.<sup>2</sup>

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<sup>1</sup> Section 1002.20, F.S.

<sup>2</sup> *Id.* at (4).

Additionally, a student may be expelled by the district school board which requires a written notice of recommendation of expulsion, including the charges against the student and a statement of the right of the student to due process.<sup>3</sup>

Florida law also provides for corporal punishment. In accordance with the provisions in law granting teachers the authority and responsibility to control their students,<sup>4</sup> a public school student may be administered corporal punishment by a teacher or school principal within the guidelines of the school principal and according to district school board policy. Another adult must be present and must be informed in the student's presence of the reason for the punishment. Upon request, the teacher or school principal must provide the parent with a written explanation of the reason for the punishment and the name of the other adult who was present.<sup>5</sup>

A district school board having a policy authorizing the use of corporal punishment as a form of discipline shall review its policy on corporal punishment once every 3 years during a district school board meeting. The district school board shall take public testimony at the board meeting. If such board meeting is not held in accordance with this requirement, the portion of the district school board's policy authorizing corporal punishment expires.<sup>6</sup>

According to the Department of Education, there was a total of 1,352 reported instances of corporal punishment, from 17 school districts, during the 2017-2018 school year.<sup>7</sup>

### **Authority of Teachers and Responsibility for Control of Students**

Subject to law and to the rules of the district school board, each teacher or other member of the school staff have authority for the control and discipline of students as may be assigned by the principal or the principal's designee and must keep order in the classroom and in other places in which he or she is assigned to be in charge of students.<sup>8</sup>

In accordance with this authority and within the framework of the district school board's code of student conduct, teachers and other instructional personnel have the authority to undertake any of the following actions in managing student behavior and ensuring the safety of all students in their classes and school and their opportunity to learn in an orderly and disciplined classroom, including:<sup>9</sup>

- Establishing classroom rules of conduct.
- Establishing consequences, designed to change behavior, for infractions of classroom rules.
- Having disobedient, disrespectful, violent, abusive, uncontrollable, or disruptive students:
  - Removed from the classroom for behavior management intervention.
  - Directed for information or assistance from appropriate school or district school board personnel.

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<sup>3</sup> *Id.*

<sup>4</sup> Section 1003.32, F.S.

<sup>5</sup> Section 1002.20(4)(c), F.S.

<sup>6</sup> *Id.*

<sup>7</sup> Email, Florida Department of Education. (March 22, 2019).

<sup>8</sup> Section 1003.32, F.S.

<sup>9</sup> *Id.* at (1)(a)-(k).

- Assisting in enforcing school rules on school property, during school-sponsored transportation, and during school-sponsored activities, and pressing charges if there is a reason to believe that a crime has been committed on school property, during school-sponsored transportation, or during school-sponsored activities.
- Requesting and receiving:
  - Information as to the disposition of any referrals to the administration for violation of classroom or school rules.
  - Immediate assistance in classroom management if a student becomes uncontrollable or in case of emergency.
  - Training and other assistance to improve skills in classroom management, violence prevention, conflict resolution, and related areas.
- Using reasonable force, according to standards adopted by the State Board of Education, to protect himself or herself or others from injury.
- Using corporal punishment according to school board policy and required procedures, if a teacher feels that corporal punishment is necessary.

### **Duties of School Principals**

Each school principal is required to perform such duties as may be assigned by the district school superintendent, pursuant to the rule of the district school board. Such rules shall include, but are not limited to rules relating to:<sup>10</sup>

- Administrative responsibility,
- Instructional leadership in implementing the Sunshine State Standards and the overall educational program of the school to which the school principal is assigned,
- Submission of personnel recommendations to the district school superintendent,
- Administrative responsibility for records and reports,
- Administration of corporal punishment, and
- Student suspension.

### **III. Effect of Proposed Changes:**

SB 1120 removes corporal punishment and the corresponding procedures from the disciplinary options provided to a teacher, school principal and school board and conforms cross references as a result of this change.

More specifically the bill:

- Specifies that a public school employee may not use corporal punishment on a public school student and removes the:
  - Administration of corporal punishment from the duties of a principal.
  - Requirement for a school board to meet once every 3 years to review their policy on corporal punishment.
- Conforms cross references found in s. 1003.01, F.S., due to the removal of the definition of corporal punishment and renumbering of the statute's sections.

In effect, the bill removes corporal punishment as a disciplinary option from public schools.

---

<sup>10</sup> Section 1012.28, F.S.

The 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:

The bill has no impact on state revenues or expenditures.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends 1002.20, 1003.32, 1003.01, 1006.07, and 1012.28 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.

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

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By Senator Taddeo

40-00032-19

20191120\_\_

A bill to be entitled

An act relating to corporal punishment in public schools; amending s. 1002.20, F.S.; prohibiting public school employees from using corporal punishment on a public school student; defining the term "corporal punishment"; amending s. 1003.32, F.S.; removing corporal punishment as an option for teachers and other instructional personnel to use to manage student behavior; amending ss. 414.1251, 1001.11, 1002.01, 1002.3105, 1002.385, 1002.42, 1002.43, 1003.01, 1003.03, 1003.21, 1003.26, 1003.52, 1006.07, 1012.2315, and 1012.28, F.S.; conforming cross-references and conforming provisions to changes made by the act; providing an effective date.

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

Section 1. Paragraph (b) of subsection (2) and paragraph (c) of subsection (4) of section 1002.20, Florida Statutes, are amended to read:

1002.20 K-12 student and parent rights.—Parents of public school students must receive accurate and timely information regarding their child's academic progress and must be informed of ways they can help their child to succeed in school. K-12 students and their parents are afforded numerous statutory rights including, but not limited to, the following:

(2) ATTENDANCE.—

(b) *Regular school attendance.*—Parents of students who have attained the age of 6 years by February 1 of any school year but

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who have not attained the age of 16 years must comply with the compulsory school attendance laws. Parents have the option to comply with the school attendance laws by attendance of the student in a public school; a parochial, religious, or denominational school; a private school; a home education program; or a private tutoring program, in accordance with s. 1003.01(12) ~~the provisions of s. 1003.01(13)~~.

(4) DISCIPLINE.—

(c) *Corporal punishment.*—

~~1. A public school employee may not use in accordance with the provisions of s. 1003.32, corporal punishment on~~ of a public school student. As used in this paragraph, the term "corporal punishment" means the use of physical force or physical contact to discipline a student or to enforce school rules. However, the term does not include the use of reasonable force by a public school employee acting in self-defense or in the protection of other students from disruptive students may only be administered by a teacher or school principal within guidelines of the school principal and according to district school board policy. Another adult must be present and must be informed in the student's presence of the reason for the punishment. Upon request, the teacher or school principal must provide the parent with a written explanation of the reason for the punishment and the name of the other adult who was present.

~~2. A district school board having a policy authorizing the use of corporal punishment as a form of discipline shall review its policy on corporal punishment once every 3 years during a district school board meeting held pursuant to s. 1001.372. The district school board shall take public testimony at the board~~

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meeting. If such board meeting is not held in accordance with this subparagraph, the portion of the district school board's policy authorizing corporal punishment expires.

Section 2. Paragraph (k) of subsection (1) of section 1003.32, Florida Statutes, is amended to read:

1003.32 Authority of teacher; responsibility for control of students; district school board and principal duties.—Subject to law and to the rules of the district school board, each teacher or other member of the staff of any school shall have such authority for the control and discipline of students as may be assigned to him or her by the principal or the principal's designated representative and shall keep good order in the classroom and in other places in which he or she is assigned to be in charge of students.

(1) In accordance with this section and within the framework of the district school board's code of student conduct, teachers and other instructional personnel shall have the authority to undertake any of the following actions in managing student behavior and ensuring the safety of all students in their classes and school and their opportunity to learn in an orderly and disciplined classroom:

~~(k) Use corporal punishment according to school board policy and at least the following procedures, if a teacher feels that corporal punishment is necessary:~~

~~1. The use of corporal punishment shall be approved in principle by the principal before it is used, but approval is not necessary for each specific instance in which it is used. The principal shall prepare guidelines for administering such punishment which identify the types of punishable offenses, the~~

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conditions under which the punishment shall be administered, and the specific personnel on the school staff authorized to administer the punishment.

~~2. A teacher or principal may administer corporal punishment only in the presence of another adult who is informed beforehand, and in the student's presence, of the reason for the punishment.~~

~~3. A teacher or principal who has administered punishment shall, upon request, provide the student's parent with a written explanation of the reason for the punishment and the name of the other adult who was present.~~

Section 3. Subsection (1) of section 414.1251, Florida Statutes, is amended to read:

414.1251 Learnfare program.—

(1) The department shall reduce the temporary cash assistance for a participant's eligible dependent child or for an eligible teenage participant who has not been exempted from education participation requirements, if the eligible dependent child or eligible teenage participant has been identified either as a habitual truant, pursuant to s. 1003.01(7) ~~s. 1003.01(8)~~, or as a dropout, pursuant to s. 1003.01(8) ~~s. 1003.01(9)~~. For a student who has been identified as a habitual truant, the temporary cash assistance must be reinstated after a subsequent grading period in which the child's attendance has substantially improved. For a student who has been identified as a dropout, the temporary cash assistance must be reinstated after the student enrolls in a public school, receives a high school diploma or its equivalency, enrolls in preparation for the high school equivalency examination, or enrolls in other educational

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117 activities approved by the district school board. Good cause  
118 exemptions from the rule of unexcused absences include the  
119 following:

120 (a) The student is expelled from school and alternative  
121 schooling is not available.

122 (b) No licensed day care is available for a child of teen  
123 parents subject to Learnfare.

124 (c) Prohibitive transportation problems exist (e.g., to and  
125 from day care).

126  
127 Within 10 days after sanction notification, the participant  
128 parent of a dependent child or the teenage participant may file  
129 an internal fair hearings process review procedure appeal, and a  
130 ~~no~~ sanction may not ~~shall~~ be imposed until the appeal is  
131 resolved.

132 Section 4. Subsection (7) of section 1001.11, Florida  
133 Statutes, is amended to read:

134 1001.11 Commissioner of Education; other duties.—

135 (7) The commissioner shall make prominently available on  
136 the department's website the following: links to the Internet-  
137 based clearinghouse for professional development regarding  
138 physical education; the school wellness and physical education  
139 policies and other resources required under s. 1003.453; and  
140 other Internet sites that provide professional development for  
141 elementary teachers of physical education as defined in s.  
142 1003.01 ~~s. 1003.01(16)~~. These links must provide elementary  
143 teachers with information concerning current physical education  
144 and nutrition philosophy and best practices that result in  
145 student participation in physical activities that promote

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146 lifelong physical and mental well-being.

147 Section 5. Section 1002.01, Florida Statutes, is amended to  
148 read:

149 1002.01 Definitions.—

150 (1) A "home education program" means the sequentially  
151 progressive instruction of a student directed by his or her  
152 parent in order to satisfy the attendance requirements of ss.  
153 1002.41, 1003.01(12) ~~1003.01(13)~~, and 1003.21(1).

154 (2) A "private school" is a nonpublic school defined as an  
155 individual, association, copartnership, or corporation, or  
156 department, division, or section of such organizations, that  
157 designates itself as an educational center that includes  
158 kindergarten or a higher grade or as an elementary, secondary,  
159 business, technical, or trade school below college level or any  
160 organization that provides instructional services that meet the  
161 intent of s. 1003.01(12) ~~s. 1003.01(13)~~ or that gives  
162 preemployment or supplementary training in technology or in  
163 fields of trade or industry or that offers academic, literary,  
164 or career training below college level, or any combination of  
165 the above, including an institution that performs the functions  
166 of the above schools through correspondence or extension, except  
167 those licensed under ~~the provisions of~~ chapter 1005. A private  
168 school may be a parochial, religious, denominational, for-  
169 profit, or nonprofit school. This definition does not include  
170 home education programs conducted in accordance with s. 1002.41.

171 Section 6. Paragraph (d) of subsection (3) of section  
172 1002.3105, Florida Statutes, is amended to read:

173 1002.3105 Academically Challenging Curriculum to Enhance  
174 Learning (ACCEL) options.—

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175 (3) STUDENT ELIGIBILITY CONSIDERATIONS.—When establishing  
176 student eligibility requirements, principals and school  
177 districts must consider, at a minimum:

178 (d) Recommendations from one or more of the student's  
179 teachers in core-curricula courses as defined in s. 1003.01 ~~or~~  
180 ~~1003.01(14)(a)-(e)~~.

181 Section 7. Paragraph (h) of subsection (5) and paragraph  
182 (a) of subsection (11) of section 1002.385, Florida Statutes,  
183 are amended to read:

184 1002.385 The Gardiner Scholarship.—

185 (5) AUTHORIZED USES OF PROGRAM FUNDS.—Program funds must be  
186 used to meet the individual educational needs of an eligible  
187 student and may be spent for the following purposes:

188 (h) Tuition and fees for part-time tutoring services  
189 provided by a person who holds a valid Florida educator's  
190 certificate pursuant to s. 1012.56; a person who holds an  
191 adjunct teaching certificate pursuant to s. 1012.57; a person  
192 who has a bachelor's degree or a graduate degree in the subject  
193 area in which instruction is given; or a person who has  
194 demonstrated a mastery of subject area knowledge pursuant to s.  
195 1012.56(5). As used in this paragraph, the term "part-time  
196 tutoring services" does not qualify as regular school attendance  
197 as defined in s. 1003.01(12)(e) ~~s. 1003.01(13)(e)~~.

198  
199 A provider of any services receiving payments pursuant to this  
200 subsection may not share, refund, or rebate any moneys from the  
201 Gardiner Scholarship with the parent or participating student in  
202 any manner. A parent, student, or provider of any services may  
203 not bill an insurance company, Medicaid, or any other agency for

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204 the same services that are paid for using Gardiner Scholarship  
205 funds.

206 (11) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM  
207 PARTICIPATION.—A parent who applies for program participation  
208 under this section is exercising his or her parental option to  
209 determine the appropriate placement or the services that best  
210 meet the needs of his or her child. The scholarship award for a  
211 student is based on a matrix that assigns the student to support  
212 Level III services. If a parent receives an IEP and a matrix of  
213 services from the school district pursuant to subsection (7),  
214 the amount of the payment shall be adjusted as needed, when the  
215 school district completes the matrix.

216 (a) To satisfy or maintain program eligibility, including  
217 eligibility to receive and spend program payments, the parent  
218 must sign an agreement with the organization and annually submit  
219 a notarized, sworn compliance statement to the organization to:

220 1. Affirm that the student is enrolled in a program that  
221 meets regular school attendance requirements as provided in s.  
222 1003.01(12)(b)-(d) ~~s. 1003.01(13)(b)-(d)~~.

223 2. Affirm that the program funds are used only for  
224 authorized purposes serving the student's educational needs, as  
225 described in subsection (5).

226 3. Affirm that the parent is responsible for the education  
227 of his or her student by, as applicable:

228 a. Requiring the student to take an assessment in  
229 accordance with paragraph (8)(b);

230 b. Providing an annual evaluation in accordance with s.  
231 1002.41(1)(f); or

232 c. Requiring the child to take any preassessments and

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postassessments selected by the provider if the child is 4 years of age and is enrolled in a program provided by an eligible Voluntary Prekindergarten Education Program provider. A student with disabilities for whom a preassessment and postassessment is not appropriate is exempt from this requirement. A participating provider shall report a student's scores to the parent.

4. Affirm that the student remains in good standing with the provider or school if those options are selected by the parent.

A parent who fails to comply with this subsection forfeits the Gardiner Scholarship.

Section 8. Subsection (7) of section 1002.42, Florida Statutes, is amended to read:

1002.42 Private schools.—

(7) ATTENDANCE REQUIREMENTS.—Attendance of a student at a private, parochial, religious, or denominational school satisfies the attendance requirements of ss. 1003.01(12) ~~ss. 1003.01(13)~~ and 1003.21(1).

Section 9. Subsection (1) of section 1002.43, Florida Statutes, is amended to read:

1002.43 Private tutoring programs.—

(1) Regular school attendance as defined in s. 1003.01 ~~ss. 1003.01(13)~~ may be achieved by attendance in a private tutoring program if the person tutoring the student meets the following requirements:

(a) Holds a valid Florida certificate to teach the subjects or grades in which instruction is given.

(b) Keeps all records and makes all reports required by the

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state and district school board and makes regular reports on the attendance of students in accordance with ~~the provisions of s. 1003.23(2)~~.

(c) Requires students to be in actual attendance for the minimum length of time prescribed by s. 1011.60(2).

Section 10. Subsections (7) and (14) of section 1003.01, Florida Statutes, are amended to read:

1003.01 Definitions.—As used in this chapter, the term:

~~(7) "Corporal punishment" means the moderate use of physical force or physical contact by a teacher or principal as may be necessary to maintain discipline or to enforce school rule. However, the term "corporal punishment" does not include the use of such reasonable force by a teacher or principal as may be necessary for self-protection or to protect other students from disruptive students.~~

(13)(14) "Core-curricula courses" means:

(a) Courses in language arts/reading, mathematics, social studies, and science in prekindergarten through grade 3, excluding extracurricular courses pursuant to subsection (14) ~~(15)~~;

(b) Courses in grades 4 through 8 in subjects that are measured by state assessment at any grade level and courses required for middle school promotion, excluding extracurricular courses pursuant to subsection (14) ~~(15)~~;

(c) Courses in grades 9 through 12 in subjects that are measured by state assessment at any grade level and courses that are specifically identified by name in statute as required for high school graduation and that are not measured by state assessment, excluding extracurricular courses pursuant to

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subsection (14) ~~(15)~~;

(d) Exceptional student education courses; and

(e) English for Speakers of Other Languages courses.

The term is limited in meaning and used for the sole purpose of designating classes that are subject to the maximum class size requirements established in s. 1, Art. IX of the State Constitution. This term does not include courses offered under ss. 1002.321(4)(e), 1002.33(7)(a)2.b., 1002.37, 1002.45, and 1003.499.

Section 11. Subsection (6) of section 1003.03, Florida Statutes, is amended to read:

1003.03 Maximum class size.—

(6) COURSES FOR COMPLIANCE.—Consistent with s. 1003.01(13) ~~s. 1003.01(14)~~, the Department of Education shall identify from the Course Code Directory the core-curricula courses for the purpose of satisfying the maximum class size requirement in this section. The department may adopt rules to implement this subsection, if necessary.

Section 12. Subsection (4) of section 1003.21, Florida Statutes, is amended to read:

1003.21 School attendance.—

(4) Before admitting a child to kindergarten, the principal shall require evidence that the child has attained the age at which he or she should be admitted in accordance with the provisions of subparagraph (1)(a)2. The district school superintendent may require evidence of the age of any child who is being enrolled in public school and who the district school superintendent believes to be within the limits of compulsory

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attendance as provided for by law; however, the district school superintendent may not require evidence from any child who meets regular attendance requirements by attending a school or program listed in s. 1003.01(12)(b)-(e) ~~s. 1003.01(13)(b)-(e)~~. If the first prescribed evidence is not available, the next evidence obtainable in the order set forth below shall be accepted:

(a) A duly attested transcript of the child's birth record filed according to law with a public officer charged with the duty of recording births;

(b) A duly attested transcript of a certificate of baptism showing the date of birth and place of baptism of the child, accompanied by an affidavit sworn to by the parent;

(c) An insurance policy on the child's life that has been in force for at least 2 years;

(d) A bona fide contemporary religious record of the child's birth accompanied by an affidavit sworn to by the parent;

(e) A passport or certificate of arrival in the United States showing the age of the child;

(f) A transcript of record of age shown in the child's school record of at least 4 years prior to application, stating date of birth; or

(g) If none of these evidences can be produced, an affidavit of age sworn to by the parent, accompanied by a certificate of age signed by a public health officer or by a public school physician, or, if these are not available in the county, by a licensed practicing physician designated by the district school board, which states that the health officer or physician has examined the child and believes that the age as

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stated in the affidavit is substantially correct. Children and youths who are experiencing homelessness and children who are known to the department, as defined in s. 39.0016, shall be given temporary exemption from this section for 30 school days.

Section 13. Paragraph (f) of subsection (1) of section 1003.26, Florida Statutes, is amended to read:

1003.26 Enforcement of school attendance.—The Legislature finds that poor academic performance is associated with nonattendance and that school districts must take an active role in promoting and enforcing attendance as a means of improving student performance. It is the policy of the state that each district school superintendent be responsible for enforcing school attendance of all students subject to the compulsory school age in the school district and supporting enforcement of school attendance by local law enforcement agencies. The responsibility includes recommending policies and procedures to the district school board that require public schools to respond in a timely manner to every unexcused absence, and every absence for which the reason is unknown, of students enrolled in the schools. District school board policies shall require the parent of a student to justify each absence of the student, and that justification will be evaluated based on adopted district school board policies that define excused and unexcused absences. The policies must provide that public schools track excused and unexcused absences and contact the home in the case of an unexcused absence from school, or an absence from school for which the reason is unknown, to prevent the development of patterns of nonattendance. The Legislature finds that early intervention in school attendance is the most effective way of

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producing good attendance habits that will lead to improved student learning and achievement. Each public school shall implement the following steps to promote and enforce regular school attendance:

(1) CONTACT, REFER, AND ENFORCE.—

(f)1. If the parent of a child who has been identified as exhibiting a pattern of nonattendance enrolls the child in a home education program pursuant to chapter 1002, the district school superintendent shall provide the parent a copy of s. 1002.41 and the accountability requirements of this paragraph. The district school superintendent shall also refer the parent to a home education review committee composed of the district contact for home education programs and at least two home educators selected by the parent from a district list of all home educators who have conducted a home education program for at least 3 years and who have indicated a willingness to serve on the committee. The home education review committee shall review the portfolio of the student, as defined by s. 1002.41, every 30 days during the district's regular school terms until the committee is satisfied that the home education program is in compliance with s. 1002.41(1)(d). The first portfolio review must occur within the first 30 calendar days of the establishment of the program. The provisions of subparagraph 2. do not apply once the committee determines the home education program is in compliance with s. 1002.41(1)(d).

2. If the parent fails to provide a portfolio to the committee, the committee must ~~shall~~ notify the district school superintendent. The district school superintendent shall then terminate the home education program and require the parent to

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enroll the child in an attendance option that meets the definition of "regular school attendance" under s. 1003.01(12)(a), (b), (c), or (e) ~~s. 1003.01(13)(a), (b), (c), or (e)~~, within 3 days. Upon termination of a home education program pursuant to this subparagraph, the parent ~~is shall~~ not ~~be~~ eligible to reenroll the child in a home education program for 180 calendar days. Failure of a parent to enroll the child in an attendance option as required by this subparagraph after termination of the home education program pursuant to this subparagraph shall constitute noncompliance with the compulsory attendance requirements of s. 1003.21 and may result in criminal prosecution under s. 1003.27(2). Nothing contained herein shall restrict the ability of the district school superintendent, or the ability of his or her designee, to review the portfolio pursuant to s. 1002.41(1)(e).

Section 14. Subsection (4) of section 1003.52, Florida Statutes, is amended to read:

1003.52 Educational services in Department of Juvenile Justice programs.—

(4) Educational services shall be provided at times of the day most appropriate for the juvenile justice program. School programming in juvenile justice detention, prevention, day treatment, and residential programs shall be made available by the local school district during the juvenile justice school year, as provided in s. 1003.01(10) ~~s. 1003.01(11)~~. In addition, students in juvenile justice education programs shall have access to courses offered pursuant to ss. 1002.37, 1002.45, and 1003.498. The Department of Education and the school districts shall adopt policies necessary to provide such access.

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Section 15. Paragraph (a) of subsection (1) and paragraph (b) of subsection (2) of section 1006.07, Florida Statutes, are amended to read:

1006.07 District school board duties relating to student discipline and school safety.—The district school board shall provide for the proper accounting for all students, for the attendance and control of students at school, and for proper attention to health, safety, and other matters relating to the welfare of students, including:

(1) CONTROL OF STUDENTS.—

(a) Adopt rules for the control, discipline, in-school suspension, suspension, and expulsion of students and decide all cases recommended for expulsion. Suspension hearings are exempt ~~exempted~~ from the provisions of chapter 120. Expulsion hearings shall be governed by ss. 120.569 and 120.57(2) and are exempt from s. 286.011. However, the student's parent must be given notice of the provisions of s. 286.011 and may elect to have the hearing held in compliance with that section. ~~The district school board may prohibit the use of corporal punishment, if the district school board adopts or has adopted a written program of alternative control or discipline.~~

(2) CODE OF STUDENT CONDUCT.—Adopt a code of student conduct for elementary schools and a code of student conduct for middle and high schools and distribute the appropriate code to all teachers, school personnel, students, and parents, at the beginning of every school year. Each code shall be organized and written in language that is understandable to students and parents and shall be discussed at the beginning of every school year in student classes, school advisory council meetings, and



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parent and teacher association or organization meetings. Each code shall be based on the rules governing student conduct and discipline adopted by the district school board and shall be made available in the student handbook or similar publication. Each code shall include, but is not limited to:

(b) Procedures to be followed for acts requiring discipline, ~~including corporal punishment.~~

Section 16. Paragraph (c) of subsection (6) of section 1012.2315, Florida Statutes, is amended to read:

1012.2315 Assignment of teachers.—

(6) ASSIGNMENT OF TEACHERS BASED UPON PERFORMANCE EVALUATIONS.—

(c) For a student enrolling in an extracurricular course as defined in s. 1003.01 ~~s. 1003.01(15)~~, a parent may choose to have the student taught by a teacher who received a performance evaluation of “needs improvement” or “unsatisfactory” in the preceding school year if the student and the student’s parent receive an explanation of the impact of teacher effectiveness on student learning and the principal receives written consent from the parent.

Section 17. Subsection (5) of section 1012.28, Florida Statutes, is amended to read:

1012.28 Public school personnel; duties of school principals.—

(5) Each school principal shall perform such duties as may be assigned by the district school superintendent, pursuant to the rules of the district school board. Such rules shall include, but are not limited to, rules relating to administrative responsibility, instructional leadership in

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implementing the Sunshine State Standards and the overall educational program of the school to which the school principal is assigned, submission of personnel recommendations to the district school superintendent, administrative responsibility for records and reports, ~~administration of corporal punishment,~~ and student suspension.

Section 18. This act shall take effect July 1, 2019.

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

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

3/26/2009  
Meeting Date

SB 1120  
Bill Number (if applicable)

Topic Corporal Punishment

Amendment Barcode (if applicable)

Name Linda Miklowitz

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Speaking: ☐ For ☒ Against ☐ Information

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

Representing National Council of Jewish Women

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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S-001 (10/14/14)

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

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

3/26/2019

*Meeting Date*

SB 1120

*Bill Number (if applicable)*

Topic Corporal Punishment in Public Schools

*Amendment Barcode (if applicable)*

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Speaking: ☐ For ☐ Against ☐ Information

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

Representing Southern Poverty Law Center Action Fund

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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S-001 (10/14/14)

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

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

3-26-14

Meeting Date

1120

Bill Number (if applicable)

Topic corporal punishment in schools

Amendment Barcode (if applicable)

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Speaking: ☒ For ☐ Against ☐ Information

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

Representing Myself

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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S-001 (10/14/14)

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

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

3/26/19  
Meeting Date

SB 1120  
Bill Number (if applicable)

Topic Corporal Punishment

Amendment Barcode (if applicable)

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Speaking: ☒ For ☐ Against ☐ Information

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

Representing Advocacy Institute For Children

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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S-001 (10/14/14)

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

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

3/26/19  
Meeting Date

120  
Bill Number (if applicable)

Topic Corporal Punishment in Public Schools Amendment Barcode (if applicable)

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Speaking: ☒ For ☐ Against ☐ Information

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

Representing Budd Bell Clearinghouse on Human Services

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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S-001 (10/14/14)

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

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

3/26/19  
Meeting Date

1120  
Bill Number (if applicable)

Topic Corporal Punishment

Amendment Barcode (if applicable)

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Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida PTA

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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S-001 (10/14/14)

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

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

3-26-19

Meeting Date

1120

Bill Number (if applicable)

Topic Corporal Punishment

Amendment Barcode (if applicable)

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Speaking: ☒ For ☐ Against ☐ Information

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

Representing Florida Association of School Psychologists

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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S-001 (10/14/14)



THE FLORIDA SENATE

APPEARANCE RECORD

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

3/26/19

Meeting Date

1720

Bill Number (if applicable)

Topic

Corporal Punishment

Amendment Barcode (if applicable)

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State

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Speaking:

☒

For

☐

Against

☐

Information

Waive Speaking:

☒

In Support

☐

Against

(The Chair will read this information into the record.)

Representing

Florida Association of School Psychologists

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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S-001 (10/14/14)

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

3/26/19 (Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)  
Meeting Date

1120  
Bill Number (if applicable)

Topic CORPORAL PUNISHMENT

Amendment Barcode (if applicable)

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Speaking: ☒ For ☐ Against ☐ Information

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

Representing FLORIDA ASSOCIATION OF SCHOOL PSYCHOLOGISTS

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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S-001 (10/14/14)

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

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

3/26/19  
Meeting Date

1120  
Bill Number (if applicable)

Topic Corporal Punishment

Amendment Barcode (if applicable)

Name Amira Al-khatib

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

Representing Florida Association of School Psychologists

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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S-001 (10/14/14)

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

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

03/26/19

Meeting Date

1120

Bill Number (if applicable)

Topic Corporal Punishment

Amendment Barcode (if applicable)

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

Representing Students of Psychology

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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S-001 (10/14/14)

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

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

3/26/19

Meeting Date

1120

Bill Number (if applicable)

Topic Corporal Punishment

Amendment Barcode (if applicable)

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Speaking: ☒ For ☐ Against ☐ Information

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

Representing The Florida Association of School Psychologists

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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S-001 (10/14/14)

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

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3/26/19  
Meeting Date

1120  
Bill Number (if applicable)

Topic Corporal Punishment

Amendment Barcode (if applicable)

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

Representing Students of Psychology

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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S-001 (10/14/14)

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

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

03/26/11

Meeting Date

1120

Bill Number (if applicable)

Topic Capital Punishment

Amendment Barcode (if applicable)

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Email KJS88@myflsu-nova.edu

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Psychology Students

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/14/14)

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

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

3/26/19  
Meeting Date

SB 1120  
Bill Number (if applicable)

Topic Corporal Punishment Ban

Amendment Barcode (if applicable)

Name Jacklyn Stellway

Job Title Psychology Intern

Address 5650 Peppertree Cir W.  
Street

Phone 503 709 4348

Davie FL 33314  
City State Zip

Email JS3892@mynsu.nova.edu  
~~jacklyn@nova.edu~~

Speaking: ☐ For ☐ Against ☐ Information

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

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 (10/14/14)



**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

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

3/26/19

Meeting Date

SB 1120

Bill Number (if applicable)

Topic Ban on Corporal Punishment

Amendment Barcode (if applicable)

Name Stephen Beards

Job Title Psychology Doctoral Student

Address 4429 SW 70th Terrace  
Street

Phone 503 781 5768

Davie FL 33314  
City State Zip

Email sb2730@my.usf.nova.edu

Speaking: ☒ For ☐ Against ☐ Information

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

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 (10/14/14)

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

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

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Prepared By: The Professional Staff of the Committee on Education

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BILL: SB 1132

INTRODUCER: Senator Simmons

SUBJECT: Funds for Operation of Schools

DATE: March 25, 2019

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Brick	Sikes	ED	<b>Favorable</b>
2.			AED	
3.			AP	

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## **I. Summary:**

SB 1132 provides for school districts to receive additional funding through the Florida Education Finance Program (FEFP) for each student who receives an Advanced Placement Capstone Diploma in addition to a standard high school diploma.

The bill does not require additional state funds. The bill may increase funding provided through the FEFP to school districts that offer the AP Capstone Diploma.

The bill takes effect July 1, 2019.

## **II. Present Situation:**

### **The Advanced Placement Program**

The Advanced Placement Program (AP) enables willing and academically prepared students to pursue college-level studies while still in high school.<sup>1</sup> The program consists of college-level courses developed by the AP Program that high schools can choose to offer, and corresponding exams that are administered once a year.<sup>2</sup> A student must score a '3' or higher, on a 5-point scale, to earn postsecondary credit through the AP Program.<sup>3</sup>

AP Capstone is a diploma granted to students who earn a score of '3' or higher in AP Seminar and AP Research and on four additional AP exams chosen by the student. The program is based on the AP Seminar and AP Research courses, which are yearlong AP courses.<sup>4</sup> These courses are

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<sup>1</sup> College Board, AP Central, *AP at a Glance*, <https://apcentral.collegeboard.org/about-ap/ap-a-glance> (last visited Mar. 20, 2019).

<sup>2</sup> *Id.*

<sup>3</sup> See ss. 1007.27(5) and 1007.23(1), F.S.

<sup>4</sup> College Board, AP Capstone Diploma Program, *How it Works*,

designed to complement the other AP courses that the AP Capstone student must take.<sup>5</sup> AP Seminar and AP Research use an interdisciplinary approach to develop skills students need for college-level work.<sup>6</sup> In the 2017-2018 academic year, 967 students in 154 public high schools in Florida earned an AP Capstone Diploma.<sup>7</sup>

The AP, International Baccalaureate (IB), and Advanced International Certificate of Education (AICE) programs are utilized in Florida schools to shorten the time necessary for a student to earn a high school diploma and a postsecondary degree, broaden the scope of curricular options available, and increase the depth of study available for a particular subject.<sup>8</sup> The law provides the following benefits to schools and students engaged in these programs:

- Successful completion of a course in any of these programs qualifies for college credit.<sup>9</sup>
- The percentage of a school's students eligible to earn college credit through any of these programs favorably affects the school's grade.<sup>10</sup>
- A grade earned in any of these programs is assigned additional weight for determining student eligibility for a Bright Futures Scholarship.<sup>11</sup>

### **Florida Education Finance Program**

The Florida Education Finance Program (FEFP) is the primary mechanism for funding the operating costs of Florida school districts. Under the FEFP, financial support for education is based on the full-time equivalent (FTE) student membership in the public schools.<sup>12</sup> The number of FTE students in each of the funded education programs is multiplied by cost factors<sup>13</sup> relative to each program to obtain weighted FTE student values.<sup>14</sup>

A student who earns a qualifying score on a subject exam in the AP, IB, or AICE programs generates an additional value of 0.16 FTE student membership for a school district.<sup>15</sup>

During the 2017-2018 school year, 106,448 Florida public school students received a score of '3' or higher on 179,228 AP exams. In the 2018-2019 fiscal year, the additional FTE membership value associated with each student who earns a qualifying score on an AP exam is approximately \$673.<sup>16</sup>

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<https://apcentral.collegeboard.org/courses/ap-capstone/how-ap-capstone-works#awards> (last visited Mar. 20, 2019).

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

<sup>7</sup> Email, College Board (Mar. 20, 2019).

<sup>8</sup> Section 1007.27(1), F.S.

<sup>9</sup> Section 1003.4295, F.S.

<sup>10</sup> Section 1008.34(3)(b)2.b., F.S.

<sup>11</sup> Section 1009.531(3)(a), F.S.

<sup>12</sup> *See* s. 1011.62, F.S.

<sup>13</sup> Program cost factors are based on desired relative cost differences between the following programs as established in the annual General Appropriations Act: grades K-3; 4-8; 9-12; two program cost factors for exceptional students; secondary career education programs; and English for Speakers of Other Languages. Section 1011.62(1)(c), F.S.

<sup>14</sup> Section 1011.62, F.S.; Florida Department of Education, *2017-2018 Funding for Florida School Districts*, <http://www.fldoe.org/core/fileparse.php/7507/urlt/Fefpdist.pdf>.

<sup>15</sup> Section 1011.62(1)(l-n), F.S.

<sup>16</sup> This figure was calculated with the base student allocation of \$4,204.42, as provided in s. 2, ch. 2018-9, L.O.F., and a cost factor of 1.00 for the 9-12 Grade program. No district cost differential was applied.

Florida law currently provides additional bonus funding through the FEFP for school districts for each student who receives an IB or AICE diploma. A student earning an IB or AICE diploma generates a value of 0.3 FTE.<sup>17</sup> In the 2017-2018 fiscal year, approximately 7,271 students received either an IB or an AICE diploma, generating approximately \$9.2 million<sup>18</sup> in additional funding to the school districts.<sup>19</sup>

### **III. Effect of Proposed Changes:**

SB 1132 provides for school districts to receive additional funding through the Florida Education Finance Program (FEFP) for each student who receives an Advanced Placement Capstone Diploma in addition to a standard high school diploma. The additional value is assigned to the full-time equivalent student membership in basic programs for grades 9 through 12 in the subsequent fiscal year.

In effect, the bill provides the same additional FTE funding for each student who receives an AP Capstone Diploma as a student who receives an IB or AICE diploma. The bill may result in more districts offering, and more students earning, AP Capstone Diplomas.

### **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.

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<sup>17</sup> Section 1011.62(1)(l-m), F.S.

<sup>18</sup> This figure was calculated with the base student allocation of \$4,204.42, as provided in s. 2, ch. 2018-9, L.O.F., and a cost factor of 1.00 for the 9-12 Grade program. No district cost differential was applied.

<sup>19</sup> Department of Education, Office of Funding and Financial Reporting, *Florida Education Finance Program 2018-19 Third Calculation*, at 14 (2019), available at <http://www.fldoe.org/core/fileparse.php/7507/urlt/18193rdCalc.pdf>.

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

None.

**B. Private Sector Impact:**

Students and families of students who earn college credits in high school through the Advanced Placement Capstone Diploma Program may experience cost savings.

**C. Government Sector Impact:**

The bill has no impact on state revenues or expenditures. Adding 0.3 full-time equivalent membership value for each student who earns an Advanced Placement Capstone Diploma may allow some school districts to generate additional bonus funding through the Florida Education Finance Program.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following section of the Florida Statutes: 1011.62.

**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 Simmons

9-00728-19

20191132\_\_

A bill to be entitled

An act relating to funds for operation of schools; amending s. 1011.62, F.S.; providing that a specified value be used for each student who fulfills specified requirements in the calculation of full-time equivalent student membership; providing an effective date.

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

Section 1. Paragraph (n) of subsection (1) of section 1011.62, Florida Statutes, is amended to read:

1011.62 Funds for operation of schools.—If the annual allocation from the Florida Education Finance Program to each district for operation of schools is not determined in the annual appropriations act or the substantive bill implementing the annual appropriations act, it shall be determined as follows:

(1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR OPERATION.—The following procedure shall be followed in determining the annual allocation to each district for operation:

(n) *Calculation of additional full-time equivalent membership based on College Board Advanced Placement scores of students.*—A value of 0.16 full-time equivalent student membership shall be calculated for each student in each advanced placement course who receives a score of 3 or higher on the College Board Advanced Placement Examination. A value of 0.3 full-time equivalent student membership shall be calculated for

Page 1 of 2

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

9-00728-19

20191132\_\_

each student who receives an Advanced Placement Capstone Diploma in addition to meeting the standard high school diploma requirements under s. 1003.4282. Such value shall be for the  
~~prior year and~~ added to the total full-time equivalent student membership in basic programs for grades 9 through 12 in the subsequent fiscal year. Each district must allocate at least 80 percent of the funds provided to the district for advanced placement instruction, in accordance with this paragraph, to the high school that generates the funds. The school district shall distribute to each classroom teacher who provided advanced placement instruction:

1. A bonus in the amount of \$50 for each student taught by the Advanced Placement teacher in each advanced placement course who receives a score of 3 or higher on the College Board Advanced Placement Examination.

2. An additional bonus of \$500 to each Advanced Placement teacher in a school designated with a grade of "D" or "F" who has at least one student scoring 3 or higher on the College Board Advanced Placement Examination, regardless of the number of classes taught or of the number of students scoring a 3 or higher on the College Board Advanced Placement Examination.

Bonuses awarded under this paragraph shall be in addition to any regular wage or other bonus the teacher received or is scheduled to receive. For such courses, the teacher shall earn an additional bonus of \$50 for each student who has a qualifying score.

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

Page 2 of 2

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

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

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

3/26/19

*Meeting Date*

SB 1132

*Bill Number (if applicable)*

Topic AP Capstone Diploma

*Amendment Barcode (if applicable)*

Name Jessica Janasiewicz (Jan-ah-see-witz)

Job Title Governmental Consultant

Address 119 South Monroe Street

Phone 850-681-6788

*Street*

Tallahassee

FL

32301

Email jessica@rutledge-ecenia.com

*City*

*State*

*Zip*

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Heartland Educational Consortium

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

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

3/26/2019  
Meeting Date

SB 1132  
Bill Number (if applicable)

Topic Funds for Operations of Schools

Amendment Barcode (if applicable)

Name Nancy Lawther

Job Title \_\_\_\_\_

Address 1747 Orlando Central Parkway  
Street  
Orlando FL 32809  
City State Zip

Phone (407) 855-7604

Email resolutions@floridapta.org

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida PTA

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)



THE FLORIDA SENATE

APPEARANCE RECORD

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

3/26/19  
Meeting Date

1132  
Bill Number (if applicable)

Topic SB 1132

Amendment Barcode (if applicable)

Name Joy Frank

Job Title General Counsel

Address 208 S Monroe  
Street

850  
Phone 509-9272

Tall FL 32312  
City State Zip

Email JFRANK@FADSS.ORG

Speaking: ☐ For ☐ Against ☐ Information

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

Representing FL Assoc. of District School Superintendents

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

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

26 Mar 19

*Meeting Date*

1132

*Bill Number (if applicable)*

Topic Funds for Operation of Schools

*Amendment Barcode (if applicable)*

Name James Mosteller

Job Title Advocacy Associate

Address 215 S Monroe Street

Phone 850-727-3712

*Street*

Tallahassee

FL

32301

*City*

*State*

*Zip*

Email JamesM@excelined.org

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Foundation for Florida's Future

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

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

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Prepared By: The Professional Staff of the Committee on Education

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BILL: CS/SB 1224

INTRODUCER: Education Committee and Senator Farmer

SUBJECT: Charter School Employees

DATE: March 28, 2019

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Brick	Sikes	ED	<b>Fav/CS</b>
2.			GO	
3.			RC	

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 1224 requires charter school principals, charter school governing board members, and charter school chief financial officers to hold a credential, which must certify the individual's core competence in the administration of a charter school. The bill requires the Department of Education (DOE) to approve one or more third-party credentialing entities to establish and administer the credentialing process. The bill also:

- Eliminates the requirement that an applicant submit an application by February 1 to open a charter school eighteen months later at the beginning of the school year. The bill allows an applicant submitting an application by February 1 to open a charter school at the beginning of the next school year.
- Prohibits specified charter school entities and employees and their relatives from submitting an application to open a charter school for 5 years if specified acts of misconduct caused the termination or nonrenewal of the charter, or 10 years if specified acts of misconduct in the operation of the charter school resulted in the individual's criminal conviction.
- Clarifies that charter school instructional and non-instructional personnel must file fingerprints and pass a background check in any school district in which one of the charter governing board's charter schools is located, and that the background check is valid in all school districts for three years.
- Authorizes a virtual charter school to provide part-time instruction and be a virtual instruction program provider if approved by the DOE.

The bill takes effect January 1, 2020.

## II. Present Situation:

### Charter School Formation

Charter schools are public schools that operate under a performance contract with a sponsor.<sup>1</sup> A district school board or a state university may sponsor a charter school.<sup>2</sup> An entity seeking to open a charter school must apply to the sponsor, who must review or deny the application.<sup>3</sup> To ensure financial accountability, the standard charter school application requires:<sup>4</sup>

- A list of each proposed member of the charter school's governing board and his or her background and qualifications;
- A financial plan containing anticipated fund balances based on revenue projections, a spending plan based on projected revenues and expenses, and a description of controls that will safeguard finances and projected enrollment trends; and
- A full accounting of expected assets, a projection of expected sources and amounts of income, including income derived from projected student enrollments and from community support, and an expense projection that includes full accounting of the costs of operation, including start-up costs.

A sponsor must receive and consider charter school applications received on or before February 1 of each year for charter schools to be opened 18 months later at the beginning of the school district's school year, or to be opened at a time determined by the applicant.<sup>5</sup>

Approved charter schools and sponsors execute a written contract called a "charter." The charter governs the operating terms of the charter school. The charter must ensure financial accountability by including:<sup>6</sup>

- A reasonable demonstration of the professional experience or competence of the individuals hired to perform the financial and administrative management of the school;
- A description of internal audit procedures and controls; and
- Asset and liability projections.

In the 2017-2018 school year, 655 charter schools served 295,814 students across 47 school districts in Florida.<sup>7</sup>

### Charter School Financial Accountability Requirements

After a charter has been approved, a charter school must continue to comply with financial accountability requirements. The requirements include:<sup>8</sup>

- Maintaining all financial records in a manner comparable to other Florida public schools;<sup>9</sup>

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<sup>1</sup> Section 1002.33(7), F.S.

<sup>2</sup> Section 1002.33(5), F.S.

<sup>3</sup> Section 1002.33(6)(b), F.S.

<sup>4</sup> Section 1002.33 (6)(a), F.S.

<sup>5</sup> Section 1002.33(6)(b), F.S. A sponsor may receive and consider applications after February 1, if it chooses. *Id.*

<sup>6</sup> Section 1002.33(7)(a), F.S.

<sup>7</sup> Florida Department of Education, Office of Independent Education and Parental Choice, *Fact Sheet: Florida's Charter Schools* (2018), available at <http://www.fldoe.org/core/fileparse.php/7696/urlt/Charter-Sept-2018.pdf>.

<sup>8</sup> Section 1002.33(9), F.S.

<sup>9</sup> *Id.* at (g)1.a.

- Providing an annual financial report performed by a certified public accountant or auditor;<sup>10</sup>
- Providing a monthly financial statement summary sheet with a balance sheet;<sup>11</sup>
- Adopting and maintaining an annual operating budget;<sup>12</sup> and
- Publishing the school's annual budget and its annual independent fiscal audit on its website.<sup>13</sup>

## **Qualifications of Charter School Employees**

### ***Background Screening***

All charter school instructional and non-instructional personnel, including members of a charter school governing board, must undergo the same background screening required of public school personnel by filing their fingerprints with the district school board.<sup>14</sup> For any employee who has direct contact with students, a charter school must conduct an employment history check of each of the individual's previous employers and conduct the required screening through the use of the educator screening tools.<sup>15</sup> Failure to comply with these requirements results in the termination of a charter.<sup>16</sup>

A charter school is required to employ certified teachers.<sup>17</sup> A person is ineligible for an educator certification or employment in any position that requires direct contact with students in a district school system, charter school, or private school that accepts students who participate in a state scholarship program if the person has been convicted of certain qualified offenses.<sup>18</sup>

Additionally, a charter school is required to disqualify any instructional personnel and school administrators from employment in any position that requires direct contact with students if the personnel are ineligible for such employment based on conviction of certain qualified offenses.<sup>19</sup>

### ***Training Qualifications***

Each governing board member must complete training approved by the Department of Education (DOE), including instruction focusing on government in the sunshine, conflicts of interest, ethics, and financial responsibility.<sup>20</sup> Every public school supervisor, principal, and administrator must hold the required certificate through state-approved training.<sup>21</sup> Charter school principals and equivalent personnel are not required to possess the state-approved certifications required of their public school counterparts.

The governing board of a charter school must adopt policies establishing standards of ethical conduct for instructional personnel and school administrators.<sup>22</sup> The policies must require all

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<sup>10</sup> *Id.* at (g)2.

<sup>11</sup> *Id.* at (g)3.

<sup>12</sup> *Id.* at (h).

<sup>13</sup> Section 1002.33(9)(p)1., F.S.

<sup>14</sup> Section 1012.32(2)(b), F.S.

<sup>15</sup> Section 1002.33(12)(g)4., F.S.

<sup>16</sup> Sections 1002.33(8), (12)(f) and (12)(g)1, F.S.

<sup>17</sup> Section 1002.33(12)(f), F.S.

<sup>18</sup> Section 1012.315, F.S.

<sup>19</sup> Sections 1002.33 and 1012.315, F.S.

<sup>20</sup> Section 1002.33(9)(j)4., F.S.

<sup>21</sup> Section 1012.55(1)(b), F.S.

<sup>22</sup> Section 1002.33(12)(g)3., F.S.

instructional personnel and school administrators to complete training on the standards and report alleged misconduct by other instructional personnel and school administrators which affects the health, safety, or welfare of a student.<sup>23</sup>

### **Florida Virtual Charter Schools**

A “virtual instruction program” is a program of instruction provided in an interactive learning environment created through technology in which students are separated from their teachers by time or space, or both.<sup>24</sup> DOE annually publishes online a list of providers approved to offer virtual instruction programs.<sup>25</sup> The DOE-published list includes five approved virtual instruction providers for the 2018-2019 school year.<sup>26</sup>

A school district may enter into an agreement with a virtual charter school to provide full-time virtual instruction for students in kindergarten through grade 12.<sup>27</sup> A virtual charter school may provide instruction by:<sup>28</sup>

- Contracting with the Florida Virtual School.
- Contracting with a DOE-approved provider.
- Entering into an agreement with a school district to allow the participation of the virtual charter school’s students in the school district’s virtual instruction program. The school district providing virtual instruction shall report full-time equivalent students for a virtual instruction program or a virtual charter school to DOE, and funding shall be provided through the Florida Education Finance Program.<sup>29</sup>

In the 2017-2018 school year, 1,937 students received instruction from virtual charter schools in Florida.<sup>30</sup> Seven virtual charter schools currently operate in Florida.<sup>31</sup>

### **III. Effect of Proposed Changes:**

CS/SB 1224 requires charter school principals, charter school governing board members, and charter school chief financial officers to hold a credential, which must certify the individual’s core competence in the administration of a charter school. The bill requires the Department of Education (DOE) to approve one or more third-party credentialing entities to establish and administer the credentialing process. The bill also:

- Eliminates the requirement that an applicant submit an application by February 1 to open a charter school eighteen months later at the beginning of the school year. The bill allows an

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<sup>23</sup> *Id.*

<sup>24</sup> Section 1002.45(1)(a)2., F.S.

<sup>25</sup> Section 1002.45(2), F.S. (Requiring DOE to publish online a list of approved virtual instruction providers and setting forth qualifications for approval as a virtual instruction provider.)

<sup>26</sup> Florida Department of Education, School Choice, *List of Approved Program and Course Providers*, available at <http://www.fldoe.org/schools/school-choice/virtual-edu/approved-provider-resources/approved-providers/> (last visited Mar. 27, 2019).

<sup>27</sup> Section 1002.45(1)(c), F.S.

<sup>28</sup> Section 1002.45(1)(d), F.S.

<sup>29</sup> Section 1002.45(7)(e)

<sup>30</sup> Florida Department of Education, Office of Independent Education and Parental Choice, *Fact Sheet*, (2018) available at <http://cdn.fldoe.org/core/fileparse.php/5606/urlt/Virtual-Sept.pdf>.

<sup>31</sup> Email, Florida Department of Education (Mar. 27, 2019).

applicant submitting an application by February 1 to open a charter school at the beginning of the next school year.

- Prohibits specified charter school entities and employees and their relatives from submitting an application to open a charter school for 5 years if specified acts of misconduct caused the termination or nonrenewal of the charter, or 10 years if specified acts of misconduct in the operation of the charter school resulted in the individual's criminal conviction.
- Clarifies that charter school instructional and non-instructional personnel must file fingerprints and pass a background check in any school district in which one of the charter governing board's charter schools is located, and that the background check is valid in all school districts for three years.
- Authorizes a virtual charter school to provide part-time instruction and be a virtual instruction program provider if approved by the DOE.

### **Third-party Credentialing Entities**

The bill requires DOE to approve one or more third-party credentialing entities for the purposes of developing and administering a credentialing program for charter school principals, charter school governing board members, and charter school chief financial officers. The bill requires an approved credentialing entity to establish:

- A process to administer the certification application, award, and maintenance.
- Application, examination, and certification fees, none of which may exceed \$225, and an annual certification renewal fee which may not exceed \$100.
- Position core competencies, certification requirements, testing instruments, and recertification requirements.
- A certification program directly related to the core competencies, with minimum requirements in each of the following categories:
  - Training - Qualified training entities are approved to provide precertification training to applicants and continuing education opportunities to certified persons. To avoid a conflict of interest, a credentialing entity or its affiliate may not deliver training to an applicant or continuing education to a certificate holder.
  - On-the-job work experience.
  - Supervision.
  - Testing.
  - Biennial continuing education requirements and annual certification renewal requirements.

### **Core Competencies**

The bill requires each charter school principal, governing board member, chief financial officer, or equivalent position to be certified at least 30 days before the school opens or within 30 days of the first date of employment, whichever comes first. The bill does not specify the timeline in which existing charter school personnel must earn the required certification. The credential must certify the individual's core competence in the administration of a charter school, including, but not limited to:

- Developing and adjusting business plans;
- Accurate financial planning and good business practices;
- State and federal grant and student performance accountability;

- State and federal funding sources; and
- Government in the sunshine, conflicts of interest, ethics, and financial responsibility.

### **Background Screening**

The bill subjects all applicants for a credential to level 2 background screening as provided under chapter 435.<sup>32</sup> An applicant is ineligible for a credential if the applicant has been convicted of any of 52 offenses enumerated in s. 435.04(2), F.S., and has not been issued an exemption by DOE pursuant to s. 397.4872, F.S.<sup>33</sup> The bill specifies that approved applicants receive a certificate of compliance, which terminates after one year if not renewed.

### **Nonrenewal or Termination of a Charter or Credential**

The bill establishes penalties for specified individuals or entities that wish to submit a charter application. The bill specifies that:

- If a charter is terminated or a charter school closes before the end of a school year or within 3 years after beginning operations and, after a specific finding by the school district of material fraud, disregard of generally accepted accounting principles, or of intentional malfeasance by an applicant for the charter, the charter school owner, the charter school president, the charter school governing board members, and the relatives of such owner, president, or governing board member may not submit an application to open a charter school in this state for a period of 5 years after the termination of the charter or closure of the charter school. The applicant for the charter, the charter school owner, the charter school president, the charter school governing board members, and the relatives of such owner, president, or governing board member, may appeal to the charter appeals commission the school district's finding of material fraud, intentional malfeasance, or disregard of generally accepted accounting principles.
- If a charter school owner, a charter school president, a member of a charter school governing board, a charter management organization, or an education management organization is convicted of a crime, including, but not limited to, fraud or financial offenses related to the operation of a charter school, that owner, president, or governing board member, including any relatives<sup>34</sup> of such individuals, or the charter management organization or the education management organization, may not submit an application to open a charter school in this state for a period of 10 years after such conviction.

The credentialing entity must institute a code of ethics and disciplinary process and may suspend or revoke a certificate of compliance if the credential holder fails to adhere to the continuing education requirements. The credentialing entity shall revoke a certificate of compliance if the credential holder provides false or misleading information to the credentialing entity at any time. Moreover, the bill requires a charter school to remove a credential holder from the individual's current position and notify the credentialing entity within three business days of the individual's

<sup>32</sup> The provisions of ch. 435 apply to facilitate uniform employment background screening. Section 435.01(1)(b), F.S.

<sup>33</sup> The Department of Education lacks statutory authority to issue exemptions pursuant to s. 397.4872, F.S. The Department of Children and Families is authorized to issue exemptions pursuant to s. 397.4872, F.S. See s. 397.311(11), F.S.

<sup>34</sup> The term "relative" father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister. Section 1002.33(24)(a)2., F.S.



conviction of an offense enumerated in s. 435.04(2). The bill authorizes the DOE to review any decision by a credentialing program to deny certification or impose sanctions on an individual's certification and provides an aggrieved person thirty days to seek administrative review after completing any appeals process offered by the credentialing program.

The penalties for crimes related to charter school operations may limit the ability of such individuals or entities to be involved in future charter school applications, operations, or management.

#### **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:

CS/SB 1224 requires certain charter school employees to pay a fee for the required credential. Art. VII, s. 19, Fla. Const. requires a separate bill that contains no other subject and a supermajority vote to authorize a fee or cost for a required license.

E. Other Constitutional Issues:

None.

#### **V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

See State Tax or Fee Increases in paragraph IV.D. above.

B. Private Sector Impact:

Charter school employees required to hold the credential may be required to spend up to \$225 for an initial credential, and up to \$100 annually to maintain the credential.

C. Government Sector Impact:

The bill may result in increased costs for charter schools associated with credentialing for principals, governing board members, and chief financial officers.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 1002.33, 1002.45, and 1012.32.

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

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

**CS by Education on March 26, 2019.**

The committee substitute maintains provisions in the bill that require charter school principals, charter school governing board members, and charter school chief financial officers to hold a credential, which must certify the individual's core competence in the administration of a charter school. The committee substitute also:

- Requires the Department of Education (DOE) to approve one or more third-party credentialing entities to establish and administer the credentialing process.
- Eliminates the requirement that an applicant submit an application by February 1 to open a charter school eighteen months later at the beginning of the school year. The bill allows an applicant submitting an application by February 1 to open a charter school at the beginning of the next school year.
- Prohibits specified charter school entities and employees and their relatives from submitting an application to open a charter school for 5 years if specified acts of misconduct caused the termination or nonrenewal of the charter, or 10 years if specified acts of misconduct in the operation of the charter school resulted in the individual's criminal conviction.
- Clarifies that charter school instructional and non-instructional personnel must file fingerprints and pass a background check in any school district in which one of the charter governing board's charter schools is located, and that the background check is valid in all school districts for three years.
- Authorizes a virtual charter school to provide part-time instruction and be a virtual instruction program provider if approved by the DOE.
- Changes the effective date of the bill to January 1, 2020.

**B. Amendments:**

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/26/2019	.	
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The Committee on Education (Farmer) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Section 1001.241, Florida Statutes, is created  
to read:

1001.241 Third-party credentialing entities.—

(1) The department shall approve one or more third-party  
credentialing entities for the purposes of developing and  
administering a credentialing program for charter school  
principals, charter school governing board members, and charter



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school chief financial officers. The approved credentialing entity shall:

(a) Establish position core competencies, certification requirements, testing instruments, and recertification requirements for charter school principals, charter school governing board members, and charter school chief financial officers.

(b) Establish a process to administer the certification application, award, and maintenance processes.

(c) Develop and administer:

1. A code of ethics and disciplinary process.

2. Biennial continuing education requirements and annual certification renewal requirements.

3. An education provider program to approve training entities that are qualified to provide precertification training to applicants and continuing education opportunities to certified persons.

(2) A credentialing entity shall establish a certification program that:

(a) Is directly related to the core competencies.

(b) Establishes minimum requirements in each of the following categories:

1. Training.

2. On-the-job work experience.

3. Supervision.

4. Testing.

5. Biennial continuing education.

(c) Requires adherence to a code of ethics and provides for a disciplinary process that applies to certified persons.



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41       (d) Approves qualified training entities that provide  
42 precertification training to applicants and continuing education  
43 to charter school principals, charter school governing board  
44 members, and charter school chief financial officers. To avoid a  
45 conflict of interest, a credentialing entity or its affiliate  
46 may not deliver training to an applicant or continuing education  
47 to a certificateholder.

48       (3) A credentialing entity shall establish application,  
49 examination, and certification fees and an annual certification  
50 renewal fee. The application, examination, and certification fee  
51 may not exceed \$225. The annual certification renewal fee may  
52 not exceed \$100.

53       (4) All applicants are subject to level 2 background  
54 screening as provided under chapter 435. An applicant is  
55 ineligible, and a credentialing entity shall deny the  
56 application, if the applicant has been found guilty of, or has  
57 entered a plea of guilty or nolo contendere to, regardless of  
58 adjudication, any offense listed in s. 435.04(2) unless the  
59 department has issued an exemption under s. 397.4872. In  
60 accordance with s. 435.04, the Department of Law Enforcement  
61 shall notify the credentialing entity of the applicant's  
62 eligibility based on the results of his or her background  
63 screening.

64       (5) The credentialing entity shall issue a certificate of  
65 compliance upon approval of a person's application. The  
66 certification shall automatically terminate 1 year after  
67 issuance if not renewed.

68       (a) A credentialing entity may suspend or revoke the  
69 certificate of compliance of a charter school principal, a



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70 charter school governing board member, or a charter school chief  
71 financial officer if the charter school principal, the charter  
72 school governing board member, or the charter school chief  
73 financial officer fails to adhere to the continuing education  
74 requirements.

75 (b) A credentialing entity shall revoke a certificate of  
76 compliance of a charter school principal, charter school  
77 governing board member, or charter school chief financial  
78 officer if the charter school principal, charter school  
79 governing board member, or charter school chief financial  
80 officer provides false or misleading information to the  
81 credentialing entity at any time.

82 (c) If a charter school principal, charter school governing  
83 board member, or charter school chief financial officer is  
84 arrested for or found guilty of, or enters a plea of guilty or  
85 nolo contendere to, regardless of adjudication, any offense  
86 listed in s. 435.04(2) while acting in that capacity, the  
87 charter school shall immediately remove the person from that  
88 position and shall notify the credentialing entity within 3  
89 business days after such removal.

90 (6) Any decision by a department-recognized credentialing  
91 program to deny certification or otherwise impose sanctions on  
92 an individual who is certified is reviewable by the department.  
93 The individual aggrieved may request an administrative hearing  
94 conducted pursuant to ss. 120.569 and 120.57(1) within 30 days  
95 after receiving an adverse determination after completing any  
96 appeals process offered by the credentialing program.

97 Section 2. Present paragraphs (g), (h), and (i) of  
98 subsection (12) of section 1002.33, Florida Statutes, are



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redesignated as paragraphs (h), (i), and (j), respectively, and a new paragraph (g) is added to that subsection, paragraph (g) is added to subsection (8), and paragraph (b) of subsection (6) and paragraph (a) of subsection (7) of that section are amended, to read:

1002.33 Charter schools.—

(6) APPLICATION PROCESS AND REVIEW.—Charter school applications are subject to the following requirements:

(b) A sponsor shall receive and review all applications for a charter school using the evaluation instrument developed by the Department of Education. A sponsor shall receive and consider charter school applications received on or before August 1 of each calendar year for charter schools to be opened at the beginning of the school district's next school year, or to be opened at a time determined ~~agreed to~~ by the applicant and the sponsor. A sponsor may not refuse to receive a charter school application submitted before August 1 and may receive an application submitted later than August 1 if it chooses.

~~Beginning in 2018 and thereafter,~~ A sponsor shall also receive and consider charter school applications received on or before February 1 of each calendar year for charter schools to be opened ~~18 months later~~ at the beginning of the school district's school year, or to be opened at a time determined by the applicant. A sponsor may not refuse to receive a charter school application submitted before February 1 and may receive an application submitted later than February 1 if it chooses. A sponsor may not charge an applicant for a charter any fee for the processing or consideration of an application, and a sponsor may not base its consideration or approval of a final



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application upon the promise of future payment of any kind. If an applicant is ready to do so, it may open a charter school before the school district's next school year after approval of the charter school application submitted by either application deadline. Before approving or denying any application, the sponsor shall allow the applicant, upon receipt of written notification, at least 7 calendar days to make technical or nonsubstantive corrections and clarifications, including, but not limited to, corrections of grammatical, typographical, and like errors or missing signatures, if such errors are identified by the sponsor as cause to deny the final application.

1. In order to facilitate an accurate budget projection process, a sponsor shall be held harmless for FTE students who are not included in the FTE projection due to approval of charter school applications after the FTE projection deadline. In a further effort to facilitate an accurate budget projection, within 15 calendar days after receipt of a charter school application, a sponsor shall report to the Department of Education the name of the applicant entity, the proposed charter school location, and its projected FTE.

2. In order to ensure fiscal responsibility, an application for a charter school shall include a full accounting of expected assets, a projection of expected sources and amounts of income, including income derived from projected student enrollments and from community support, and an expense projection that includes full accounting of the costs of operation, including start-up costs.

3.a. A sponsor shall by a majority vote approve or deny an application no later than 90 calendar days after the application





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is received, unless the sponsor and the applicant mutually agree in writing to temporarily postpone the vote to a specific date, at which time the sponsor shall by a majority vote approve or deny the application. If the sponsor fails to act on the application, an applicant may appeal to the State Board of Education as provided in paragraph (c). If an application is denied, the sponsor shall, within 10 calendar days after such denial, articulate in writing the specific reasons, based upon good cause, supporting its denial of the application and shall provide the letter of denial and supporting documentation to the applicant and to the Department of Education.

b. An application submitted by a high-performing charter school identified pursuant to s. 1002.331 or a high-performing charter school system identified pursuant to s. 1002.332 may be denied by the sponsor only if the sponsor demonstrates by clear and convincing evidence that:

(I) The application of a high-performing charter school does not materially comply with the requirements in paragraph (a) or, for a high-performing charter school system, the application does not materially comply with s. 1002.332(2)(b);

(II) The charter school proposed in the application does not materially comply with the requirements in paragraphs (9)(a)-(f);

(III) The proposed charter school's educational program does not substantially replicate that of the applicant or one of the applicant's high-performing charter schools;

(IV) The applicant has made a material misrepresentation or false statement or concealed an essential or material fact during the application process; or



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(V) The proposed charter school's educational program and financial management practices do not materially comply with the requirements of this section.

Material noncompliance is a failure to follow requirements or a violation of prohibitions applicable to charter school applications, which failure is quantitatively or qualitatively significant either individually or when aggregated with other noncompliance. An applicant is considered to be replicating a high-performing charter school if the proposed school is substantially similar to at least one of the applicant's high-performing charter schools and the organization or individuals involved in the establishment and operation of the proposed school are significantly involved in the operation of replicated schools.

c. If the sponsor denies an application submitted by a high-performing charter school or a high-performing charter school system, the sponsor must, within 10 calendar days after such denial, state in writing the specific reasons, based upon the criteria in sub-subparagraph b., supporting its denial of the application and must provide the letter of denial and supporting documentation to the applicant and to the Department of Education. The applicant may appeal the sponsor's denial of the application in accordance with paragraph (c).

4. For budget projection purposes, the sponsor shall report to the Department of Education the approval or denial of an application within 10 calendar days after such approval or denial. In the event of approval, the report to the Department of Education shall include the final projected FTE for the



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approved charter school.

5. Upon approval of an application, the initial startup shall commence with the beginning of the public school calendar for the district in which the charter is granted. A charter school may defer the opening of the school's operations for up to 3 years to provide time for adequate facility planning. The charter school must provide written notice of such intent to the sponsor and the parents of enrolled students at least 30 calendar days before the first day of school.

(7) CHARTER.—The terms and conditions for the operation of a charter school shall be set forth by the sponsor and the applicant in a written contractual agreement, called a charter. The sponsor and the governing board of the charter school shall use the standard charter contract pursuant to subsection (21), which shall incorporate the approved application and any addenda approved with the application. Any term or condition of a proposed charter contract that differs from the standard charter contract adopted by rule of the State Board of Education shall be presumed a limitation on charter school flexibility. The sponsor may not impose unreasonable rules or regulations that violate the intent of giving charter schools greater flexibility to meet educational goals. The charter shall be signed by the governing board of the charter school and the sponsor, following a public hearing to ensure community input.

(a) The charter shall address and criteria for approval of the charter shall be based on:

1. The school's mission, the students to be served, and the ages and grades to be included.

2. The focus of the curriculum, the instructional methods



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to be used, any distinctive instructional techniques to be employed, and identification and acquisition of appropriate technologies needed to improve educational and administrative performance which include a means for promoting safe, ethical, and appropriate uses of technology which comply with legal and professional standards.

a. The charter shall ensure that reading is a primary focus of the curriculum and that resources are provided to identify and provide specialized instruction for students who are reading below grade level. The curriculum and instructional strategies for reading must be consistent with the Next Generation Sunshine State Standards and grounded in scientifically based reading research.

b. In order to provide students with access to diverse instructional delivery models, to facilitate the integration of technology within traditional classroom instruction, and to provide students with the skills they need to compete in the 21st century economy, the Legislature encourages instructional methods for blended learning courses consisting of both traditional classroom and online instructional techniques. Charter schools may implement blended learning courses which combine traditional classroom instruction and virtual instruction. Students in a blended learning course must be full-time students of the charter school pursuant to s.

1011.61(1)(a)1. Instructional personnel certified pursuant to s. 1012.55 who provide virtual instruction for blended learning courses may be employees of the charter school or may be under contract to provide instructional services to charter school students. At a minimum, such instructional personnel must hold



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an active state or school district adjunct certification under s. 1012.57 for the subject area of the blended learning course. The funding and performance accountability requirements for blended learning courses are the same as those for traditional courses.

3. The current incoming baseline standard of student academic achievement, the outcomes to be achieved, and the method of measurement that will be used. The criteria listed in this subparagraph shall include a detailed description of:

a. How the baseline student academic achievement levels and prior rates of academic progress will be established.

b. How these baseline rates will be compared to rates of academic progress achieved by these same students while attending the charter school.

c. To the extent possible, how these rates of progress will be evaluated and compared with rates of progress of other closely comparable student populations.

The district school board is required to provide academic student performance data to charter schools for each of their students coming from the district school system, as well as rates of academic progress of comparable student populations in the district school system.

4. The methods used to identify the educational strengths and needs of students and how well educational goals and performance standards are met by students attending the charter school. The methods shall provide a means for the charter school to ensure accountability to its constituents by analyzing student performance data and by evaluating the effectiveness and



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efficiency of its major educational programs. Students in charter schools shall, at a minimum, participate in the statewide assessment program created under s. 1008.22.

5. In secondary charter schools, a method for determining that a student has satisfied the requirements for graduation in s. 1002.3105(5), s. 1003.4281, or s. 1003.4282.

6. A method for resolving conflicts between the governing board of the charter school and the sponsor.

7. The admissions procedures and dismissal procedures, including the school's code of student conduct. Admission or dismissal must not be based on a student's academic performance.

8. The ways by which the school will achieve a racial/ethnic balance reflective of the community it serves or within the racial/ethnic range of other public schools in the same school district.

9. The financial and administrative management of the school, including a reasonable demonstration of the professional experience or competence of those individuals or organizations applying to operate the charter school or those hired or retained to perform such professional services and the description of clearly delineated responsibilities and the policies and practices needed to effectively manage the charter school. A description of internal audit procedures and establishment of controls to ensure that financial resources are properly managed must be included. Both public sector and private sector professional experience shall be equally valid in such a consideration.

10. The asset and liability projections required in the application which are incorporated into the charter and shall be



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compared with information provided in the annual report of the charter school.

11. A description of procedures that identify various risks and provide for a comprehensive approach to reduce the impact of losses; plans to ensure the safety and security of students and staff; plans to identify, minimize, and protect others from violent or disruptive student behavior; and the manner in which the school will be insured, including whether or not the school will be required to have liability insurance, and, if so, the terms and conditions thereof and the amounts of coverage.

12. The term of the charter which shall provide for cancellation of the charter if insufficient progress has been made in attaining the student achievement objectives of the charter and if it is not likely that such objectives can be achieved before expiration of the charter. The initial term of a charter shall be for 5 years, excluding 2 planning years. In order to facilitate access to long-term financial resources for charter school construction, charter schools that are operated by a municipality or other public entity as provided by law are eligible for up to a 15-year charter, subject to approval by the district school board. A charter lab school is eligible for a charter for a term of up to 15 years. In addition, to facilitate access to long-term financial resources for charter school construction, charter schools that are operated by a private, not-for-profit, s. 501(c)(3) status corporation are eligible for up to a 15-year charter, subject to approval by the district school board. Such long-term charters remain subject to annual review and may be terminated during the term of the charter, but only according to the provisions set forth in subsection (8).



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13. The facilities to be used and their location. The sponsor may not require a charter school to have a certificate of occupancy or a temporary certificate of occupancy for such a facility earlier than 15 calendar days before the first day of school.

14. The qualifications to be required of the teachers and the potential strategies used to recruit, hire, train, and retain qualified staff to achieve best value.

15. The governance structure of the school, including the status of the charter school as a public or private employer as required in paragraph (12) (j) ~~(12) (i)~~.

16. A timetable for implementing the charter which addresses the implementation of each element thereof and the date by which the charter shall be awarded in order to meet this timetable.

17. In the case of an existing public school that is being converted to charter status, alternative arrangements for current students who choose not to attend the charter school and for current teachers who choose not to teach in the charter school after conversion in accordance with the existing collective bargaining agreement or district school board rule in the absence of a collective bargaining agreement. However, alternative arrangements shall not be required for current teachers who choose not to teach in a charter lab school, except as authorized by the employment policies of the state university which grants the charter to the lab school.

18. Full disclosure of the identity of all relatives employed by the charter school who are related to the charter school owner, president, chairperson of the governing board of





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directors, superintendent, governing board member, principal, assistant principal, or any other person employed by the charter school who has equivalent decisionmaking authority. For the purpose of this subparagraph, the term "relative" means father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister.

19. Implementation of the activities authorized under s. 1002.331 by the charter school when it satisfies the eligibility requirements for a high-performing charter school. A high-performing charter school shall notify its sponsor in writing by March 1 if it intends to increase enrollment or expand grade levels the following school year. The written notice shall specify the amount of the enrollment increase and the grade levels that will be added, as applicable.

(8) CAUSES FOR NONRENEWAL OR TERMINATION OF CHARTER.—

(g)1. If a charter is terminated or a charter school closes before the end of a school year or within 3 years after beginning operations and, after a specific finding by the school district of material fraud, disregard of generally accepted accounting principles, or of intentional malfeasance by an applicant for the charter, the charter school owner, the charter school president, charter school governing board members, and the relatives of such owner, upon findings made by the school district, the applicant for the charter, the charter school owner, the charter school president, the charter school governing board members, and the relatives of such owner,



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president, or governing board member may not submit an application to open a charter school in this state pursuant to subsection (6) for a period of 5 years after the termination of the charter or closure of the charter school. The applicant for the charter, the charter school owner, the charter school president, the charter school governing board members, and the relatives of such owner, president, or governing board member, may appeal to the charter appeals commission the school district's finding of material fraud, intentional malfeasance, or disregard of generally accepted accounting principles.

2. If a charter school owner, a charter school president, a member of a charter school governing board, a charter management organization, or an education management organization is convicted of a crime, including, but not limited to, material fraud or serious financial theft offenses, misrepresentation, fraud, or misappropriation related to the operation of a charter school, that owner, president, or governing board member, including any relatives of such individuals, or the charter management organization or the education management organization, may not submit an application to open a charter school in this state pursuant to subsection (6) for a period of 10 years after such conviction.

For the purpose of this paragraph, the term "relative" has the same meaning as specified in subparagraph (24) (a)2.

(12) EMPLOYEES OF CHARTER SCHOOLS.—

(g) Each charter school principal, governing board member, chief financial officer, or equivalent position must hold a valid certification issued by a third-party credentialing entity



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that is recognized under s. 1001.241, at least 30 days before the school opens or within 30 days of the first date of employment, whichever comes first. The credentialing entity must certify the individual's core competence in the administration of a charter school, including, but not limited to, developing and adjusting business plans; accurate financial planning and good business practices, including accounting for costs and income; state and federal grant and student performance accountability requirements; identification of, and application for, state and federal funding sources; and governance, including government in the sunshine, conflicts of interest, ethics, and financial responsibility. An individual certified under this paragraph meets the training requirements under subparagraph (h)3., paragraph (6)(f), and subparagraph (9)(j)4.

Section 3. Paragraph (d) of subsection (1) of section 1002.45, Florida Statutes, is amended to read:

1002.45 Virtual instruction programs.—

(1) PROGRAM.—

(d) A virtual charter school may provide part-time and full-time virtual instruction for students in kindergarten through grade 12 if the virtual charter school has a charter approved pursuant to s. 1002.33 ~~authorizing full-time virtual instruction~~. A virtual charter school may:

1. Contract with the Florida Virtual School.

2. Contract with or be an approved provider under subsection (2).

3. Enter into an agreement with a school district to allow the participation of the virtual charter school's students in the school district's virtual instruction program. The agreement



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must indicate a process for reporting of student enrollment and the transfer of funds required by paragraph (7)(e).

Section 4. Paragraph (b) of subsection (2) of section 1012.32, Florida Statutes, is amended to read:

1012.32 Qualifications of personnel.—

(2)

(b) Instructional and noninstructional personnel who are hired or contracted to fill positions in any charter school and members of the governing board of any charter school, in compliance with s. 1002.33(12)(h) ~~s. 1002.33(12)(g)~~, must, upon employment, engagement of services, or appointment, undergo background screening as required under s. 1012.465 or s. 1012.56, whichever is applicable, by filing with any single ~~the~~ district school board ~~for the school district~~ in which one of ~~the charter governing board's charter schools~~ ~~the charter school~~ is located a complete set of fingerprints taken by an authorized law enforcement agency or an employee of the school or school district who is trained to take fingerprints. Once such instructional and noninstructional personnel are fingerprinted and pass the appropriate background check in any single school district, such fingerprints and background check shall be valid for a period of 3 years and valid in all school districts throughout the state.

Fingerprints shall be submitted to the Department of Law Enforcement for statewide criminal and juvenile records checks and to the Federal Bureau of Investigation for federal criminal records checks. A person subject to this subsection who is found ineligible for employment under s. 1012.315, or otherwise found



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through background screening to have been convicted of any crime involving moral turpitude as defined by rule of the State Board of Education, shall not be employed, engaged to provide services, or serve in any position that requires direct contact with students. Probationary persons subject to this subsection terminated because of their criminal record have the right to appeal such decisions. The cost of the background screening may be borne by the district school board, the charter school, the employee, the contractor, or a person subject to this subsection. A district school board shall reimburse a charter school the cost of background screening if it does not notify the charter school of the eligibility of a governing board member or instructional or noninstructional personnel within the earlier of 14 days after receipt of the background screening results from the Florida Department of Law Enforcement or 30 days of submission of fingerprints by the governing board member or instructional or noninstructional personnel.

Section 5. This act shall take effect January 1, 2020.

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

And the title is amended as follows:

Delete everything before the enacting clause  
and insert:

A bill to be entitled  
An act relating to charter schools; creating s.  
1001.241, F.S.; requiring the Department of Education  
to approve credentialing entities for a specified  
purpose; requiring credentialing entities to  
establish, develop, and administer specified



552164

requirements and processes; requiring credentialing entities to establish a certification program; providing requirements for the certification program; requiring credentialing entities to establish certain fees; providing requirements for such fees; providing that applicants who submit applications to a credentialing entity are subject to a certain background screening; providing for the ineligibility of certain applicants; requiring the Department of Law Enforcement to notify the credentialing entity of an applicant's background screening results; requiring credentialing entities to issue certificates of compliance upon approval of a person's application; providing for termination of the certification after a specified time period if the certification is not renewed; authorizing credentialing entities to suspend or revoke a certificate of compliance under specified conditions; requiring charter schools to remove a charter school principal, charter school governing board member, or charter school chief financial officer from his or her position, as applicable, under specified conditions; requiring charter schools to notify the credentialing entity of such removal; providing that certain decisions by a department-recognized credentialing program are reviewable by the Department of Education; providing that an aggrieved person may request an administrative hearing within a specified timeframe after receiving an adverse determination after completion of an appeals process



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offered by the credentialing program; amending s.  
1002.33, F.S.; deleting obsolete language; revising  
charter school application deadline requirements;  
authorizing certain charter school applicants to open  
charter schools before a specified timeframe and after  
approval; prohibiting specified individuals and  
entities from submitting an application to open a  
charter school for specified periods of time; defining  
the term "relative" for the purpose of applying the  
prohibition; requiring each charter school principal,  
governing board member, chief financial officer, or  
their equivalent, to meet certain certification  
requirements; amending s. 1002.45, F.S.; authorizing  
virtual charter schools to provide part-time virtual  
instruction for certain students; providing that a  
charter school may be an approved provider; amending  
s. 1012.32, F.S.; conforming a cross-reference;  
revising fingerprint filing requirements for charter  
school instructional and noninstructional personnel;  
providing that fingerprints and background checks of  
such personnel who meet certain requirements are valid  
for a specified period of time in all school  
districts; providing an effective date.

By Senator Farmer

34-00658B-19

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A bill to be entitled

An act relating to charter school employees; amending s. 1002.33, F.S.; requiring each charter school principal, governing board member, chief financial officer, or their equivalent, to meet certain certification requirements; amending s. 1012.32, F.S.; conforming a cross-reference; providing an effective date.

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

Section 1. Present paragraphs (g), (h), and (i) of subsection (12) of section 1002.33, Florida Statutes, are redesignated as paragraphs (h), (i), and (j), respectively, a new paragraph (g) is added to subsection (12), and paragraph (a) of subsection (7) of that section is amended, to read:

1002.33 Charter schools.—

(7) CHARTER.—The terms and conditions for the operation of a charter school shall be set forth by the sponsor and the applicant in a written contractual agreement, called a charter. The sponsor and the governing board of the charter school shall use the standard charter contract pursuant to subsection (21), which shall incorporate the approved application and any addenda approved with the application. Any term or condition of a proposed charter contract that differs from the standard charter contract adopted by rule of the State Board of Education shall be presumed a limitation on charter school flexibility. The sponsor may not impose unreasonable rules or regulations that violate the intent of giving charter schools greater flexibility

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to meet educational goals. The charter shall be signed by the governing board of the charter school and the sponsor, following a public hearing to ensure community input.

(a) The charter shall address and criteria for approval of the charter shall be based on:

1. The school's mission, the students to be served, and the ages and grades to be included.

2. The focus of the curriculum, the instructional methods to be used, any distinctive instructional techniques to be employed, and identification and acquisition of appropriate technologies needed to improve educational and administrative performance which include a means for promoting safe, ethical, and appropriate uses of technology which comply with legal and professional standards.

a. The charter shall ensure that reading is a primary focus of the curriculum and that resources are provided to identify and provide specialized instruction for students who are reading below grade level. The curriculum and instructional strategies for reading must be consistent with the Next Generation Sunshine State Standards and grounded in scientifically based reading research.

b. In order to provide students with access to diverse instructional delivery models, to facilitate the integration of technology within traditional classroom instruction, and to provide students with the skills they need to compete in the 21st century economy, the Legislature encourages instructional methods for blended learning courses consisting of both traditional classroom and online instructional techniques. Charter schools may implement blended learning courses which



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combine traditional classroom instruction and virtual instruction. Students in a blended learning course must be full-time students of the charter school pursuant to s. 1011.61(1)(a)1. Instructional personnel certified pursuant to s. 1012.55 who provide virtual instruction for blended learning courses may be employees of the charter school or may be under contract to provide instructional services to charter school students. At a minimum, such instructional personnel must hold an active state or school district adjunct certification under s. 1012.57 for the subject area of the blended learning course. The funding and performance accountability requirements for blended learning courses are the same as those for traditional courses.

3. The current incoming baseline standard of student academic achievement, the outcomes to be achieved, and the method of measurement that will be used. The criteria listed in this subparagraph shall include a detailed description of:

a. How the baseline student academic achievement levels and prior rates of academic progress will be established.

b. How these baseline rates will be compared to rates of academic progress achieved by these same students while attending the charter school.

c. To the extent possible, how these rates of progress will be evaluated and compared with rates of progress of other closely comparable student populations.

The district school board is required to provide academic student performance data to charter schools for each of their students coming from the district school system, as well as

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rates of academic progress of comparable student populations in the district school system.

4. The methods used to identify the educational strengths and needs of students and how well educational goals and performance standards are met by students attending the charter school. The methods shall provide a means for the charter school to ensure accountability to its constituents by analyzing student performance data and by evaluating the effectiveness and efficiency of its major educational programs. Students in charter schools shall, at a minimum, participate in the statewide assessment program created under s. 1008.22.

5. In secondary charter schools, a method for determining that a student has satisfied the requirements for graduation in s. 1002.3105(5), s. 1003.4281, or s. 1003.4282.

6. A method for resolving conflicts between the governing board of the charter school and the sponsor.

7. The admissions procedures and dismissal procedures, including the school's code of student conduct. Admission or dismissal must not be based on a student's academic performance.

8. The ways by which the school will achieve a racial/ethnic balance reflective of the community it serves or within the racial/ethnic range of other public schools in the same school district.

9. The financial and administrative management of the school, including a reasonable demonstration of the professional experience or competence of those individuals or organizations applying to operate the charter school or those hired or retained to perform such professional services and the description of clearly delineated responsibilities and the

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 117 policies and practices needed to effectively manage the charter  
 118 school. A description of internal audit procedures and  
 119 establishment of controls to ensure that financial resources are  
 120 properly managed must be included. Both public sector and  
 121 private sector professional experience shall be equally valid in  
 122 such a consideration.

123 10. The asset and liability projections required in the  
 124 application which are incorporated into the charter and shall be  
 125 compared with information provided in the annual report of the  
 126 charter school.

127 11. A description of procedures that identify various risks  
 128 and provide for a comprehensive approach to reduce the impact of  
 129 losses; plans to ensure the safety and security of students and  
 130 staff; plans to identify, minimize, and protect others from  
 131 violent or disruptive student behavior; and the manner in which  
 132 the school will be insured, including whether or not the school  
 133 will be required to have liability insurance, and, if so, the  
 134 terms and conditions thereof and the amounts of coverage.

135 12. The term of the charter which shall provide for  
 136 cancellation of the charter if insufficient progress has been  
 137 made in attaining the student achievement objectives of the  
 138 charter and if it is not likely that such objectives can be  
 139 achieved before expiration of the charter. The initial term of a  
 140 charter shall be for 5 years, excluding 2 planning years. In  
 141 order to facilitate access to long-term financial resources for  
 142 charter school construction, charter schools that are operated  
 143 by a municipality or other public entity as provided by law are  
 144 eligible for up to a 15-year charter, subject to approval by the  
 145 district school board. A charter lab school is eligible for a

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 146 charter for a term of up to 15 years. In addition, to facilitate  
 147 access to long-term financial resources for charter school  
 148 construction, charter schools that are operated by a private,  
 149 not-for-profit, s. 501(c)(3) status corporation are eligible for  
 150 up to a 15-year charter, subject to approval by the district  
 151 school board. Such long-term charters remain subject to annual  
 152 review and may be terminated during the term of the charter, but  
 153 only according to the provisions set forth in subsection (8).

154 13. The facilities to be used and their location. The  
 155 sponsor may not require a charter school to have a certificate  
 156 of occupancy or a temporary certificate of occupancy for such a  
 157 facility earlier than 15 calendar days before the first day of  
 158 school.

159 14. The qualifications to be required of the teachers and  
 160 the potential strategies used to recruit, hire, train, and  
 161 retain qualified staff to achieve best value.

162 15. The governance structure of the school, including the  
 163 status of the charter school as a public or private employer as  
 164 required in paragraph (12) (j) ~~(12) (i)~~.

165 16. A timetable for implementing the charter which  
 166 addresses the implementation of each element thereof and the  
 167 date by which the charter shall be awarded in order to meet this  
 168 timetable.

169 17. In the case of an existing public school that is being  
 170 converted to charter status, alternative arrangements for  
 171 current students who choose not to attend the charter school and  
 172 for current teachers who choose not to teach in the charter  
 173 school after conversion in accordance with the existing  
 174 collective bargaining agreement or district school board rule in

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the absence of a collective bargaining agreement. However, alternative arrangements shall not be required for current teachers who choose not to teach in a charter lab school, except as authorized by the employment policies of the state university which grants the charter to the lab school.

18. Full disclosure of the identity of all relatives employed by the charter school who are related to the charter school owner, president, chairperson of the governing board of directors, superintendent, governing board member, principal, assistant principal, or any other person employed by the charter school who has equivalent decisionmaking authority. For the purpose of this subparagraph, the term "relative" means father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister.

19. Implementation of the activities authorized under s. 1002.331 by the charter school when it satisfies the eligibility requirements for a high-performing charter school. A high-performing charter school shall notify its sponsor in writing by March 1 if it intends to increase enrollment or expand grade levels the following school year. The written notice shall specify the amount of the enrollment increase and the grade levels that will be added, as applicable.

(12) EMPLOYEES OF CHARTER SCHOOLS.—

(g) Each charter school principal, governing board member, chief financial officer, or equivalent position must hold a valid certification issued by a third-party credentialing

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organization that is recognized under s. 402.40, at least 30 days before the school opens or within 30 days of the first date of employment, whichever comes first. The credentialing organization must certify the individual's core competence in the administration of a charter school, including, but not limited to, developing and adjusting business plans; accurate financial planning and good business practices, including accounting for costs and income; state and federal grant and student performance accountability requirements; identification of, and application for, state and federal funding sources; governance, including government in the sunshine, conflicts of interest, ethics, and financial responsibility. An individual certified under this paragraph meets the training requirements under subparagraph (h)3., paragraph (6)(f), and subparagraph (9)(j)4.

Section 2. Paragraph (b) of subsection (2) of section 1012.32, Florida Statutes, is amended to read:

1012.32 Qualifications of personnel.—

(2)

(b) Instructional and noninstructional personnel who are hired or contracted to fill positions in any charter school and members of the governing board of any charter school, in compliance with s. 1002.33(12)(h) ~~s. 1002.33(12)(g)~~, must, upon employment, engagement of services, or appointment, undergo background screening as required under s. 1012.465 or s. 1012.56, whichever is applicable, by filing with the district school board for the school district in which the charter school is located a complete set of fingerprints taken by an authorized law enforcement agency or an employee of the school or school

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233 district who is trained to take fingerprints.

234  
235 Fingerprints shall be submitted to the Department of Law  
236 Enforcement for statewide criminal and juvenile records checks  
237 and to the Federal Bureau of Investigation for federal criminal  
238 records checks. A person subject to this subsection who is found  
239 ineligible for employment under s. 1012.315, or otherwise found  
240 through background screening to have been convicted of any crime  
241 involving moral turpitude as defined by rule of the State Board  
242 of Education, shall not be employed, engaged to provide  
243 services, or serve in any position that requires direct contact  
244 with students. Probationary persons subject to this subsection  
245 terminated because of their criminal record have the right to  
246 appeal such decisions. The cost of the background screening may  
247 be borne by the district school board, the charter school, the  
248 employee, the contractor, or a person subject to this  
249 subsection. A district school board shall reimburse a charter  
250 school the cost of background screening if it does not notify  
251 the charter school of the eligibility of a governing board  
252 member or instructional or noninstructional personnel within the  
253 earlier of 14 days after receipt of the background screening  
254 results from the Florida Department of Law Enforcement or 30  
255 days of submission of fingerprints by the governing board member  
256 or instructional or noninstructional personnel.

257 Section 3. This act shall take effect July 1, 2019.

THE FLORIDA SENATE

APPEARANCE RECORD

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

3/26/60

Meeting Date

1224 STRIKE  
ALL

Bill Number (if applicable)

Topic

Amendment Barcode (if applicable)

Name Ralph Arza

Job Title FLORIDA CHARTER SCHOOL ALLIANCE

Address

Phone

Street

Email

City

State

Zip

Speaking: ☐ For ☐ Against ☒ Information

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

Representing FLORIDA CHARTER SCHOOL ALLIANCE

Appearing at request of Chair: ☐ Yes ☐ No MAYBE Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

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

3/26/2019  
Meeting Date

SB 1224  
Bill Number (if applicable)

552104  
Amendment Barcode (if applicable)

Topic Charter School Employees

Name Khanh-Lien Banko (con Lynn)

Job Title Resolutions Chair

Address 1747 Orlando Central Pkwy  
Street

Orlando FL 32809  
City State Zip

Phone (407) 855-7604

Email resolutions@floridapta.org

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida PTA

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/14/14)

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

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

26 Mar 19

*Meeting Date*

1224

*Bill Number (if applicable)*

Topic Charter School Employees

*Amendment Barcode (if applicable)*

Name James Mosteller

Job Title Advocacy Associate

Address 215 S Monroe Street

Phone 850-727-3712

*Street*

Tallahassee

FL

32301

Email JamesM@excelined.org

*City*

*State*

*Zip*

Speaking: ☐ For ☒ Against ☐ Information

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

Representing Foundation for Florida's Future

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

3/26/2019  
Meeting Date

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

SB 1224  
Bill Number (if applicable)

Topic Charter School Employees

Amendment Barcode (if applicable)

Name Khanh-Lien Banko (con Lynn)

Job Title Resolutions Chair

Address 1747 Orlando Central Parkway  
Street  
Orlando, FL 32809  
City State Zip

Phone (407) 855-7604

Email resolutions@floridapta.org

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida PTA

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/14/14)



**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

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

3/26/2019

*Meeting Date*

1224

*Bill Number (if applicable)*

Topic Certification

*Amendment Barcode (if applicable)*

Name Neal McGarry

Job Title CEO

Address 1715 South Gadsden Street

Phone 850-222-6314

*Street*

Tallahassee

Florida

32301

Email namcgarry@flcertificationboard.org

*City*

*State*

*Zip*

Speaking: ☐ For ☐ Against ☒ Information

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

Representing The Florida Certification 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 (10/14/14)

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

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

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Prepared By: The Professional Staff of the Committee on Education

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BILL: CS/SB 1284

INTRODUCER: Education Committee and Senator Diaz and others

SUBJECT: District Cost Differential

DATE: March 27, 2019

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Brick	Sikes	ED	<b>Fav/CS</b>
2.			AED	
3.			AP	

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 1284 revises the methodology for calculating the district cost differential (DCD) for each school district beginning in the 2020-2021 fiscal year. Specifically, the bill:

- Requires the DCD to be calculated by utilizing a wage level index developed by the Department of Education in consultation with specified informed stakeholders.
- Eliminates the requirement for the Commissioner of Education to annually compute the DCD for each school district by utilizing the Florida Price Level Index.

The bill also removes the requirement for the Department of Revenue to make information received in connection with the administration of taxes available to designated Department of Education employees who are directly responsible for determining each school district's price level index.

The bill does not require additional state funds. However, the bill may impact the funding each school district is provided through the Florida Education Finance Program (FEFP) and other education funding formulas. The impact on each school district is currently indeterminate.

The bill takes effect July 1, 2019.

## II. Present Situation:

### Florida Education Finance Program

The Florida Legislature established the Florida Education Finance Program (FEFP) in 1973 to equalize funding for educational programs and services for all students in the K-12 public school system, regardless of geographic or local economic factors.<sup>1</sup> The FEFP, which is the primary mechanism for funding the operating costs of Florida school districts, provides for equalized funding by recognizing:<sup>2</sup>

- Varying local property tax bases;
- Varying education program costs;
- Varying costs of living; and
- Varying costs for equivalent educational programs due to sparsity and dispersion of the student population.

Under the FEFP, financial support for education is based on individual students participating in a particular educational program.<sup>3</sup> The number of full-time equivalent (FTE) students in each of the funded education programs is multiplied by cost factors<sup>4</sup> relative to each program to obtain weighted FTE student values.<sup>5</sup> Weighted FTE student values are then multiplied by a base student allocation<sup>6</sup> and by a district cost differential (DCD) to determine the base funding from state and local FEFP funds for a school district.<sup>7</sup>

### District Cost Differential and the Florida Price Index

The district cost differential (DCD) is calculated by averaging each school district's Florida Price Level Index (FPLI) for the most recent three years. The average is then multiplied by 0.008, and 0.200 is added to the product to obtain the final district cost differential.<sup>8</sup>

The FPLI represents the cost of hiring comparable personnel across school districts and is the result of a collaboration between Florida Polytechnic University and the University of Florida's Bureau of Economic and Business Research.<sup>9</sup> The FPLI compares the cost of purchasing goods and services in each district.<sup>10</sup> The FPLI includes an "amenity factor" based on wage data that

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<sup>1</sup> Section 1011.62, F.S.; Florida Department of Education, *2017-18 Funding for Florida School Districts*, (2017), available at <http://www.fldoe.org/core/fileparse.php/7507/urlt/Fefpdist.pdf>, at 4.

<sup>2</sup> *Id.*

<sup>3</sup> Section 1011.62(1)(c), F.S.

<sup>4</sup> Program cost factors are based on desired relative cost differences between the following programs as established in the annual General Appropriations Act: grades K-3; 4-8; 9-12; two program cost factors for exceptional students; secondary career education programs; and English for Speakers of Other Languages. Section 1011.62(1)(c), F.S.

<sup>5</sup> Section 1011.62, F.S.; Florida Department of Education, <http://www.fldoe.org/core/fileparse.php/7507/urlt/Fefpdist.pdf>, *supra* note 1, at 11.

<sup>6</sup> As determined in the annual General Appropriations Act. Section 1011.62(1)(b), F.S.

<sup>7</sup> Section 1011.62, F.S.; Florida Department of Education, <http://www.fldoe.org/core/fileparse.php/7507/urlt/Fefpdist.pdf>, *supra* note 1.

<sup>8</sup> Section 1011.62(2), F.S.

<sup>9</sup> Jim Dewey, Director of Economic Analysis, Florida Polytechnic University, *2017 Florida Price Level Index* (2018), available at <https://floridapoly.edu/wp-content/uploads/2017fpli.pdf>.

<sup>10</sup> Florida School Boards Association, <https://fsba.org/wp-content/uploads/2016/11/2016-17-FEFP-101.pdf>, *supra* note 11.

takes the desirability of living in an area into account.<sup>11</sup> It is prepared from wage and employment data collected by the Florida Department of Economic Opportunity covering hundreds of occupations in Florida's 67 counties.<sup>12</sup>

For the 2018-2019 academic year, the DCD ranged from a low of 0.919 for Lafayette County, to a high of 1.043 for Palm Beach County.<sup>13</sup> Leon County had the median DCD of 0.9714.<sup>14</sup>

### **Information-Sharing**

All information contained in returns, reports, accounts, or declarations received by the Department of Revenue, including investigative reports and information and letters of technical advice, is confidential except for official purposes.<sup>15</sup> However, the Department of Revenue must make information received in connection with the administration of taxes available to designated Department of Education employees who are directly responsible for determining each school district's price level index.<sup>16</sup>

### **III. Effect of Proposed Changes:**

CS/SB 1284 revises the methodology for calculating the district cost differential (DCD) for each school district beginning in the 2020-2021 fiscal year. Specifically, the bill:

- Requires the DCD to be calculated by utilizing a wage level index developed by the Department of Education in consultation with specified informed stakeholders.
- Eliminates the requirement for the Commissioner of Education to annually compute the DCD for each school district by utilizing the Florida Price Level Index.

The bill also removes the requirement for the Department of Revenue to make information received in connection with the administration of taxes available to designated Department of Education employees who are directly responsible for determining each school district's price level index.

The bill requires the development of a wage level index to replace the Florida Price Level Index in the computation of the DCD. The wage level index must include, but is not limited to, county-level wage index data and occupational-level wage index data. The Department of Education (DOE) must develop the wage level index in consultation with informed stakeholders, including school districts, industry representatives, the Department of Economic Opportunity, and academic and private sector experts in econometric modeling and data. The DOE must complete the development and calculation of the wage level index by January 1, 2020, for application beginning in the 2020-2021 fiscal year.

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<sup>11</sup> *Id.*; and Dewey, <https://floridapoly.edu/wp-content/uploads/2017fppli.pdf>, *supra* note 13.

<sup>12</sup> *Id.* The U.S. Bureau of Labor Statistics gathers the wage and employment data as part of the Occupational Employment Statistics Survey, available at [https://www.bls.gov/oes/current/oes\\_fl.htm](https://www.bls.gov/oes/current/oes_fl.htm). 29 U.S.C. s. 2.

<sup>13</sup> The Florida House of Representatives, Appropriations Committee, *Final Conference Report for House Bill 5001 March 8, 2018*, (2018), available at [https://www.flsenate.gov/PublishedContent/Session/2018/Conference/2/RelatedDocument/2018-19%20Conference%20FEFP%203-8-18\\_239.pdf](https://www.flsenate.gov/PublishedContent/Session/2018/Conference/2/RelatedDocument/2018-19%20Conference%20FEFP%203-8-18_239.pdf).

<sup>14</sup> *Id.*

<sup>15</sup> Section 213.053(2)(a), F.S.

<sup>16</sup> Section 213.053(7)(a)6. and (7)(d), F.S.

The bill may result in changes to the DCD that could impact the funding each school district is provided through the Florida Education Finance Program (FEFP) and other education funding formulas. Changes in the DCD could result in funding increases for some schools districts and funding decreases for other school districts. It is not known what effect the new changes to the DCD may have for any particular school district.

**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:

The bill does not require additional state funds. However, the bill may impact the funding each school district is provided through the Florida Education Finance Program (FEFP). The impact on each school district is currently not known.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 1011.62 and 213.053.

This bill reenacts the following section of the Florida Statutes: 402.22, 1002.37, 1002.71, and 1003.52.

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

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

**CS by Education on March 26, 2019.**

The committee substitute requires the Department of Education to develop and compute the wage level index by January 1, 2020, for application beginning in the 2020-2021 fiscal year.

**B. Amendments:**

None.



776050

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/26/2019	.	
	.	
	.	
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The Committee on Education (Diaz) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 34 - 52  
and insert:

(2) DETERMINATION OF DISTRICT COST DIFFERENTIALS.—

(a) Through the 2019-2020 fiscal year, the Commissioner of Education shall annually compute for each district the current year's district cost differential. The district cost differential shall be calculated by adding each district's price level index as published in the Florida Price Level Index for the most recent 3 years and dividing the resulting sum by 3. The



776050

result for each district shall be multiplied by 0.008 and to the resulting product shall be added 0.200; the sum thus obtained shall be the cost differential for that district for that year.

(b) Beginning in the 2020-2021 fiscal year, the district cost differential shall be calculated by multiplying the most recent 3-year average wage level index for each school district by 0.008 and then adding 0.200 to the product. The data for the most recent 3 years must include, but is not limited to, county-level wage index data and occupational-level wage index data. During the development of the wage level index, the Department of Education shall consult with informed stakeholders, including school districts, industry representatives, the Department of Economic Opportunity, and academic and private sector experts in econometric modeling and data. The Department of Education shall develop and calculate the wage level index by January 1, 2020.

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

And the title is amended as follows:

Delete lines 6 - 9

and insert:

from the Florida Education Finance Program beginning in a specified school year; requiring the Department of Education to consult with specified individuals and entities during the development of the wage level index; requiring the department to complete the development and calculation of the wage level index by a specified date for application beginning in the 2020-2021 fiscal year; amending s. 213.053, F.S.;



By Senator Diaz

36-00620A-19

20191284\_\_

A bill to be entitled

An act relating to the district cost differential; amending s. 1011.62, F.S.; revising the method of calculating the district cost differential used in determining the annual allocation to school districts from the Florida Education Finance Program; requiring the Department of Education to consult with specified individuals and entities during the development of the wage level index; amending s. 213.053, F.S.; conforming provisions to changes made by the act; reenacting ss. 402.22(6), 1002.37(3), 1002.71(3)(b), 1003.52(13)(a), F.S., relating to the education program for students who reside in residential care facilities operated by the Department of Children and Families or the Agency for Persons with Disabilities; the Florida Virtual School; funding and financial and attendance reporting relating to the Voluntary Prekindergarten Education Program; and educational services in Department of Juvenile Justice programs, respectively, to incorporate the amendment made to s. 1011.62, F.S., in references thereto; providing an effective date.

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

Section 1. Subsection (2) of section 1011.62, Florida Statutes, is amended to read:

1011.62 Funds for operation of schools.—If the annual allocation from the Florida Education Finance Program to each

Page 1 of 8

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

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district for operation of schools is not determined in the annual appropriations act or the substantive bill implementing the annual appropriations act, it shall be determined as follows:

(2) DETERMINATION OF DISTRICT COST DIFFERENTIALS.—~~The Commissioner of Education shall annually compute for each district the current year's district cost differential.~~ The district cost differential shall be calculated by multiplying the most recent 3-year average wage level index for each school district by 0.008 and then adding 0.200 to the product. The data for the most recent 3 years must include, but is not limited to, county-level wage index data and occupational-level wage index data. During the development of the wage level index, the Department of Education shall consult with informed stakeholders, including school districts, industry representatives, the Department of Economic Opportunity, and academic and private sector experts in econometric modeling and data adding each district's price level index as published in the Florida Price Level Index for the most recent 3 years and dividing the resulting sum by 3. The result for each district shall be multiplied by 0.008 and to the resulting product shall be added 0.200; the sum thus obtained shall be the cost differential for that district for that year.

Section 2. Paragraphs (a) and (d) of subsection (7) of section 213.053, Florida Statutes, are amended to read:

213.053 Confidentiality and information sharing.—

(7) (a) Any information received by the Department of Revenue in connection with the administration of taxes, including, but not limited to, information contained in returns,

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reports, accounts, or declarations filed by persons subject to tax, shall be made available to the following in performance of their official duties:

1. The Auditor General or his or her authorized agent;
2. The director of the Office of Program Policy Analysis and Government Accountability or his or her authorized agent;
3. The Chief Financial Officer or his or her authorized agent;

4. The Director of the Office of Insurance Regulation of the Financial Services Commission or his or her authorized agent;

5. A property appraiser or tax collector or their authorized agents pursuant to s. 195.084(1);

~~6. Designated employees of the Department of Education solely for determination of each school district's price level index pursuant to s. 1011.62(2);~~

~~6.7.~~ The executive director of the Department of Economic Opportunity or his or her authorized agent;

~~7.8.~~ The taxpayers' rights advocate or his or her authorized agent pursuant to s. 20.21(3); and

~~8.9.~~ The coordinator of the Office of Economic and Demographic Research or his or her authorized agent.

~~(d) For the purpose of this subsection, "designated employees of the Department of Education" means only those employees directly responsible for calculation of price level indices pursuant to s. 1011.62(2). It does not include the supervisors of such employees or any other employees or elected officials within the Department of Education.~~

Section 3. For the purpose of incorporating the amendment

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made by this act to section 1011.62, Florida Statutes, in a reference thereto, subsection (6) of section 402.22, Florida Statutes, is reenacted to read:

402.22 Education program for students who reside in residential care facilities operated by the Department of Children and Families or the Agency for Persons with Disabilities.—

(6) Notwithstanding the provisions of s. 1001.42(4)(n), the educational program at the Marianna Sunland Center in Jackson County shall be operated by the Department of Education, either directly or through grants or contractual agreements with other public educational agencies. The annual state allocation to any such agency shall be computed pursuant to s. 1011.62(1), (2), and (6) and allocated in the amount that would have been provided the local school district in which the residential facility is located.

Section 4. For the purpose of incorporating the amendment made by this act to section 1011.62, Florida Statutes, in a reference thereto, subsection (3) of section 1002.37, Florida Statutes, is reenacted to read:

1002.37 The Florida Virtual School.—

(3) Funding for the Florida Virtual School shall be provided as follows:

(a)1. The calculation of "full-time equivalent student" shall be as prescribed in s. 1011.61(1)(c)1.b.(V) and is subject to s. 1011.61(4).

2. For a student in a home education program, funding shall be provided in accordance with this subsection upon course completion if the parent verifies, upon enrollment for each

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course, that the student is registered with the school district as a home education student pursuant to s. 1002.41(1)(a).

(b) Full-time equivalent student credit completed through the Florida Virtual School, including credits completed during the summer, shall be reported to the Department of Education in the manner prescribed by the department and shall be funded through the Florida Education Finance Program.

(c) School districts may not limit student access to courses offered through the Florida Virtual School.

(d) Full-time equivalent student credit completion for courses offered through the Florida Virtual School shall be reported only by the Florida Virtual School. School districts shall report full-time equivalent student membership only for courses for which the district provides the instruction. Courses delivered by the Florida Virtual School on a public school campus shall be reported only by the school district in which the student is enrolled.

(e) The district cost differential as provided in s. 1011.62(2) shall be established as 1.000.

(f) The Florida Virtual School shall receive funds for operating purposes in an amount determined as follows: multiply the maximum allowable nonvoted discretionary millage for operations pursuant to s. 1011.71(1) and (3) by the value of 96 percent of the current year's taxable value for school purposes for the state; divide the result by the total full-time equivalent membership of the state; and multiply the result by the full-time equivalent membership of the school. The amount thus obtained shall be discretionary operating funds and shall be appropriated from state funds in the General Appropriations

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Act.

(g) The Florida Virtual School shall receive additional state funds as may be provided in the General Appropriations Act; however, such funds may not be provided for the purpose of fulfilling the class size requirements in ss. 1003.03 and 1011.685.

(h) In addition to the funds provided in the General Appropriations Act, the Florida Virtual School may receive other funds from grants and donations.

Section 5. For the purpose of incorporating the amendment made by this act to section 1011.62, Florida Statutes, in a reference thereto, paragraph (b) of subsection (3) of section 1002.71, Florida Statutes, is reenacted to read:

1002.71 Funding; financial and attendance reporting.—

(3)

(b) Each county's allocation per full-time equivalent student in the Voluntary Prekindergarten Education Program shall be calculated annually by multiplying the base student allocation provided in the General Appropriations Act by the county's district cost differential provided in s. 1011.62(2). Each private prekindergarten provider and public school shall be paid in accordance with the county's allocation per full-time equivalent student.

Section 6. For the purpose of incorporating the amendment made by this act to section 1011.62, Florida Statutes, in a reference thereto, paragraph (a) of subsection (13) of section 1003.52, Florida Statutes, is reenacted to read:

1003.52 Educational services in Department of Juvenile Justice programs.—

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175 (13) (a) Funding for eligible students enrolled in juvenile  
 176 justice education programs shall be provided through the Florida  
 177 Education Finance Program as provided in s. 1011.62 and the  
 178 General Appropriations Act. Funding shall include, at a minimum:

179 1. Weighted program funding or the basic amount for current  
 180 operation multiplied by the district cost differential as  
 181 provided in s. 1011.62(2);

182 2. The supplemental allocation for juvenile justice  
 183 education as provided in s. 1011.62(10);

184 3. A proportionate share of the district's exceptional  
 185 student education guaranteed allocation, the supplemental  
 186 academic instruction allocation, and the instructional materials  
 187 allocation;

188 4. An amount equivalent to the proportionate share of the  
 189 state average potential discretionary local effort for  
 190 operations, which shall be determined as follows:

191 a. If the district levies the maximum discretionary local  
 192 effort and the district's discretionary local effort per FTE is  
 193 less than the state average potential discretionary local effort  
 194 per FTE, the proportionate share shall include both the  
 195 discretionary local effort and the compression supplement per  
 196 FTE. If the district's discretionary local effort per FTE is  
 197 greater than the state average per FTE, the proportionate share  
 198 shall be equal to the state average; or

199 b. If the district does not levy the maximum discretionary  
 200 local effort and the district's actual discretionary local  
 201 effort per FTE is less than the state average potential  
 202 discretionary local effort per FTE, the proportionate share  
 203 shall be equal to the district's actual discretionary local

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204 effort per FTE. If the district's actual discretionary local  
 205 effort per FTE is greater than the state average per FTE, the  
 206 proportionate share shall be equal to the state average  
 207 potential local effort per FTE; and

208 5. A proportionate share of the district's proration to  
 209 funds available, if necessary.

210 Section 7. This act shall take effect July 1, 2019.

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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)

03/26/19  
Meeting Date

SB 1284  
Bill Number (if applicable)

Topic District Cost Differential

Amendment Barcode (if applicable)

Name Carol Arrostegui

Job Title President

Address 15625 SW 80 St.  
Street

Phone 305-380-1901

Miami, FL  
City State Zip

Email \_\_\_\_\_

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Dante B. Pascell Elem. PTA

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/14/14)

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

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

03/26/19

Meeting Date

1284

Bill Number (if applicable)

Topic District Cost Differential

Amendment Barcode (if applicable)

Name Amanda Gorski

Job Title Director Public Policy

Address 3250 SW 3rd Ave

Street

Miami

City

FL

State

33129

Zip

Phone 305-646-7024

Email gorskia@unitedwaymiami.org

Speaking: ☐ For ☐ Against ☐ Information

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

Representing United Way of Miami-Dade

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

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

3/26/19

Meeting Date

SB/284

Bill Number (if applicable)

Topic

District Cost Differential

Amendment Barcode (if applicable)

Name

Nancy Lawther

Job Title

President

Address

PO Box 10309

Phone

305 995-1102

Street

Miami FL

State

33101

Zip

Email

president@mdccpta.net

Speaking:

☐

For

☐

Against

☐

Information

Waive Speaking:

☒

In Support

☐

Against

(The Chair will read this information into the record.)

Representing

Miami Dade County Council PTA/PTSA

Appearing at request of Chair:

☐

Yes

☒

No

Lobbyist registered with Legislature:

☐

Yes

☒

No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

3/26/19

Meeting Date

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

1284

Bill Number (if applicable)

Topic DCD

Amendment Barcode (if applicable)

Name John Cerna

Job Title Lobbyist - Flagler Schools

Address 206 Santa Mercedes St

Phone 850 222 4428

Street

Tallahassee

FL

32301

City

State

Zip

Email cerna.j@concast.net

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Flagler County Public Schools

Appearing at request of Chair: ☐ Yes ☒ No Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)



**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

3/26/19  
Meeting Date

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

1284  
Bill Number (if applicable)

Topic DCD

Amendment Barcode (if applicable)

Name John J. Sullivan

Job Title Director of Legislative Affairs

Address 600 SE ~~600~~ 3rd Ave  
Street

Phone 754-321-2608

Fort. Lauderdale, FL 33301  
City State Zip

Email John.J.Sullivan@browardschools.org

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Broward County Public Schools

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

3/26/19

Meeting Date

SB1284

Bill Number (if applicable)

Topic SB1284 Distinct Cost Differential

Amendment Barcode (if applicable)

Name Iraida Mendez-Cartaya

Job Title Associate Superintendent

Address 1450 NE 2nd Ave Rm 931

Phone

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Miami

FL

33132

City

State

Zip

Email

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Miami-Dade County Public Schools

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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S-001 (10/14/14)

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

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

3/26/19

Meeting Date

1284

Bill Number (if applicable)

Topic District Cost Differential

Amendment Barcode (if applicable)

Name Heather Davidson

Job Title Director, Public Policy & Strategic Initiatives

Address 1300 S. Andrews Ave.

Phone 954 308 9277

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City

State

Zip

Email hdavidson@unitedway

broward.org

Speaking: ☐ For ☐ Against ☐ Information

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

Representing United Way of Broward County

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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S-001 (10/14/14)

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

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

3/26/19

Meeting Date

SB 1284  
Bill Number (if applicable)

Topic DCP

Amendment Barcode (if applicable)

Name Tom Cena

Job Title CONSULTANT

Address 9737 NW 41 ST #359

Phone 305 513 9995

City Doral State FL Zip 33178

Email TomCena@gmail.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Greater Ft. Consortium of Sch. Boards

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

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

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Prepared By: The Professional Staff of the Committee on Education

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BILL: SB 1296

INTRODUCER: Senator Diaz

SUBJECT: Organization and Operation of State Universities

DATE: March 25, 2019

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Bouck	Sikes	ED	<b>Pre-meeting</b>
2.			AED	
3.			AP	

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**I. Summary:**

SB 1296 modifies requirements relating to Board of Governors (BOG) oversight of the State University System (SUS) and to the operation of state universities. Specifically the bill:

- Requires the BOG to, by September 1 of each year, report on the intellectual freedom and viewpoint diversity at each state university, based on the results of each state university's annual survey of students, faculty, and administrators.
- Requires the BOG to match individual student information with state, federal, and Department of Economic Opportunity data sources for auditing and evaluation purposes.
- Modifies the SUS performance-based incentive to:
  - Establish metrics relating to 2+2 transfer students, students with excess hours, and six-year graduation rates.
  - Require benchmarks be set using 2018-2019 fiscal year data.
  - Revise the allocation methodology for the state's investment.
- Requires the BOG Office of Inspector General to annually verify data in the performance-based incentive and preeminent state research university programs.
- Applies restrictions on the transfer of state appropriations to a state university direct-support organizations (DSO) to include the DSO not-for-profit subsidiaries and affiliates, and
  - Applies requirements relating to board of trustee appointments to DSO boards and the transfer of state appropriations to include specified University of Florida health DSOs.
- Requires a reverse transfer agreement for Florida College System institution students who transfer to a state university before earning an associate in arts degree.
- Requires the University of South Florida (USF) St. Petersburg and USF Sarasota/Manatee to maintain branch campus status after the consolidation of accreditation with USF.
- Requires the BOG legislative budget request to include information about the ratio of students to faculty and administrators, and specifies growth requirements.

The bill takes effect July 1, 2019.

## II. Present Situation:

### **Powers and Duties of the Board of Governors**

The Board of Governors of the State University System (BOG) is required to operate, regulate, control, and be fully responsible for the management of the whole university system.<sup>1</sup>

#### ***Board of Governors Powers and Duties Relating to Organization and Operation of State Universities***

Florida law requires the BOG to exercise authority over state university organization and operations, including, but not limited to, information systems, sponsored research, direct-support organizations, academic programs, student and student organization conduct, and purchasing.<sup>2</sup>

#### **Intellectual Freedom and Viewpoint Diversity**

The Commission on Colleges of the Southern Association of Colleges and Schools (SACSCOC) requires member institutions to preserve intellectual and academic freedom.<sup>3</sup> The SACSCOC asserts that “[t]he essential role of institutions of higher education is the pursuit and dissemination of knowledge. Academic freedom respects the dignity and rights of others while fostering intellectual freedom of faculty to teach, research, and publish. Responsible academic freedom enriches the contributions of higher education to society.”<sup>4</sup>

The 2017 National Survey of Student Engagement<sup>5</sup> revealed that most students surveyed (64 percent) felt that postsecondary coursework generally respected the expression of diverse ideas, and that the postsecondary institution generally demonstrated a commitment to diversity (71 percent). This was reflected when specific forms of diversity were considered, such as gender, religious affiliation, or disability status. However, when political affiliation was considered, only half of students surveyed felt their postsecondary institution was generally supportive of different political ideas.<sup>6</sup>

#### ***Board of Governors Powers and Duties Relating to Accountability***

The BOG is required to develop a strategic plan specifying goals and objectives for the State University System (SUS) and each constituent university, including each university’s contribution to overall system goals and objectives.<sup>7</sup> The BOG must also develop an accountability plan for the SUS and each constituent university. The accountability plan must address institutional and system achievement of goals and objectives specified in the strategic

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<sup>1</sup> Art. IX, Sec. 7(d), Fla. Const.

<sup>2</sup> Section 1001.706(3), F.S.

<sup>3</sup> Southern Association of Colleges and Schools, *The Principles of Accreditation: Foundations for Quality Enhancement* (Dec. 2017), available at <http://www.sacscoc.org/pdf/2018PrinciplesOfAccreditation.pdf>, at principles 6.1 and 6.4.

<sup>4</sup> Southern Association of Colleges and Schools, *Resource Manual for the Principles of Accreditation: Foundations for Quality Enhancement* (2018), available at <http://www.sacscoc.org/pdf/2018%20POA%20Resource%20Manual.pdf>, at 53.

<sup>5</sup> National Survey of Student Engagement, *2017 Topical Module: Inclusiveness and Engagement with Cultural Diversity*, available at [http://nsse.indiana.edu/2017\\_institutional\\_report/pdf/Modules/NSSE17%20Module%20Summary-Inclusiveness%20and%20Engagement%20with%20Cultural%20Diversity.pdf](http://nsse.indiana.edu/2017_institutional_report/pdf/Modules/NSSE17%20Module%20Summary-Inclusiveness%20and%20Engagement%20with%20Cultural%20Diversity.pdf).

<sup>6</sup> *Id.*

<sup>7</sup> Section 1001.706(5)(b), F.S.

plan and must be submitted as part of its legislative budget request.<sup>8</sup> To support such plans, the BOG is required to maintain an effective information system to provide accurate, timely, and cost-effective information about each university.<sup>9</sup>

### ***The Office of Inspector General***

The BOG Office of Inspector General<sup>10</sup> (OIGC) is organized to promote accountability, efficiency, and effectiveness and to detect fraud and abuse within state universities. The OIGC has three functional responsibilities: audit, investigations, and compliance.<sup>11</sup> OIGC duties include, but are not limited to:<sup>12</sup>

- Advising in the development of performance measures, standards, and procedures for the evaluation of state agency programs.
- Assessing the reliability and validity of the information provided by the state agency on performance measures and standards, and making recommendations for improvement, if necessary.

### **Performance Funding**

#### ***State University System Performance-Based Incentive***

The SUS Performance-Based Incentive is awarded to state universities using performance-based metrics that are identified in law,<sup>13</sup> adopted by the BOG,<sup>14</sup> and include the following:<sup>15</sup>

- Percent of bachelor's graduates employed (earning \$25,000+) or continuing their education.
- Median wages of bachelor's graduates employed full-time.
- Average cost to the student (net tuition per 120 credit hours).
- Four-year graduation rate (Full-time, first-time-in-college students).
- Academic progress rate (2nd year retention with GPA above 2.0).
- Bachelor's degrees awarded in areas of strategic emphasis.
- University access rate (percent of undergraduates with a Pell-grant).
- Graduate degrees awarded in areas of strategic emphasis – all institutions but New College of Florida (NCF).
- Freshman in the top 10 percent of graduating high school class – for NCF only.
- BOG choice - percent of bachelor's degrees without excess hours.
- University board of trustees (BOT) choice.

<sup>8</sup> Section 1001.706(5)(c), F.S.

<sup>9</sup> Section 1001.706(5)(e), F.S.

<sup>10</sup> The office is chartered as the Office of Inspector General and Director of Compliance (OIGC). Board of Governors, *Charter: Office of Inspector General and Director of Compliance* (June 18, 2009), available at [https://www.flbog.edu/board/office/ig/\\_doc/OIGC\\_Charter\\_FINAL.pdf](https://www.flbog.edu/board/office/ig/_doc/OIGC_Charter_FINAL.pdf).

<sup>11</sup> *Id.* at 4.

<sup>12</sup> Section 20.055(2)(a) and (b), F.S.

<sup>13</sup> Section 1001.92(1), F.S.

<sup>14</sup> Section 1001.92(1), F.S.

<sup>15</sup> Board of Governors, *Performance Funding Model Overview*, available at [https://www.flbog.edu/board/office/budget/\\_doc/performance\\_funding/Overview-Doc-Performance-Funding-10-Metric-Model-Condensed-Version.pdf](https://www.flbog.edu/board/office/budget/_doc/performance_funding/Overview-Doc-Performance-Funding-10-Metric-Model-Condensed-Version.pdf).

The performance of an institution is evaluated based on benchmarks adopted by the BOG for each metric. For each fiscal year, the amount of funds available for allocation to SUS institutions consists of the state's investment, plus the institutional investment from each institution's base budget, as determined in the General Appropriations Act.<sup>16</sup> While specific requirements are specified in law for universities to receive the institutional investment, discretion is given to the BOG to set the allocation methodology for the universities to receive the state's investment.<sup>17</sup>

For 2018-2019, state universities are evaluated based on excellence or improvement in each metric, with benchmarks ranging from low (1 point) to high (10 points). The state investment is allocated based on a 100-point scale, and each state university is required to earn more than 50 points to receive the state investment. A state university that does not earn more than 50 points, or a state university that is one of the three lowest scoring universities, will not receive any of the state investment. A state university that has earned 50 points and is not one of the lowest three scoring institutions will receive the state investment funds proportional to their existing base funds, with the highest scoring universities eligible for additional state investment funds.<sup>18</sup>

For 2019-2020, the BOG modified its allocation methodology, but maintained the 100-point scale, and the threshold of more than 50 points to earn the institutional investment. The modifications establish a new methodology for an institution to receive the state investment, as follows:

- All institutions may be eligible for the state investment, subject to conditions, which eliminates the provision that excludes the three lowest scoring universities from receiving any of the state investment.
- Institutions that receive 100 percent of their proportional share of the state investment include:
  - Institutions with the highest three scores, including any ties.
  - All institutions with a score the same or higher as the previous year.
  - Any institution with a score less than the previous year but the previous year's score was higher or the same than the year before.
- Any institution with a score the same or lower than the previous year's score for two consecutive years must submit a student success plan to the BOG.
  - If the student success plan is approved by the BOG the institution receives up to 50 percent of its state's investment at the time of approval.
  - If the BOG determines, after monitoring progress on the plan, that the institution is making satisfactory progress on implementing the plan, the institution receives up to the balance of its state's investment.
  - An institution that fails to make satisfactory progress does its full state's investment restored, and any state investment funds remaining are distributed to the top three scoring institutions (including ties).
- Beginning with the Fiscal Year 2021-2022 appropriation, any institution with a score lower than 70 points must submit a student success plan to the BOG for consideration at its

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<sup>16</sup> BOG Regulation 5.001(3).

<sup>17</sup> Florida Board of Governors, *2019 Agency Analysis for SB 1926* (Mar. 14, 2019), at 3.

<sup>18</sup> [https://www.flbog.edu/board/office/budget/\\_doc/performance\\_funding/Overview-Doc-Performance-Funding-10-Metric-Model-Condensed-Version.pdf](https://www.flbog.edu/board/office/budget/_doc/performance_funding/Overview-Doc-Performance-Funding-10-Metric-Model-Condensed-Version.pdf), at 2.



August/September meeting to be eligible for 50 percent of its proportional amount of the state's investment.

- If the student success plan is approved by the BOG, the institution receives up to 25 percent of its state's investment at the time of approval.
- If the BOG, after monitoring progress on the plan, determines that the institution is making satisfactory progress on implementing the plan, the institution receives up to the balance of its state's investment (up to 50 percent of the state's investment).
- Any institution that fails to make satisfactory progress will not have its 50 percent of the state's investment restored, and any state investment funds remaining are distributed to the top three scoring institutions (including ties).

To provide assurance that the data submitted for this process is reliable, accurate, and complete, the BOG developed a Data Integrity Certification process in June 2014. University presidents and BOT were directed to provide for an audit of the state university's processes to ensure the completeness, accuracy, and timeliness of data submissions to the BOG. Audits must be submitted to the BOG for its March meeting.<sup>19</sup>

### ***Preeminent State Research Universities Program***

The preeminent state research universities program is a collaborative partnership between the BOG and the Legislature to raise the academic and research preeminence of the highest performing state research universities in Florida.<sup>20</sup> A state university that meets 11 of the 12 academic and research excellent standards specified in law<sup>21</sup> is designated a “preeminent state research university.”<sup>22</sup> Currently, the University of Florida, Florida State University, and the University of South Florida are designated as preeminent state research universities.<sup>23</sup>

A state university that meets at least 6 of the 12 academic and research excellence standards is identified as an “emerging preeminent state research university.”<sup>24</sup> Currently, the University of Central Florida is designated as an emerging preeminent state research university.<sup>25</sup>

<sup>19</sup> Board of Governors, *Performance Based Funding Model—Data and Methodology*, [https://www.flbog.edu/board/office/budget/performance\\_funding.php](https://www.flbog.edu/board/office/budget/performance_funding.php) (last visited Mar. 9, 2019).

<sup>20</sup> Section 1001.7065(1), F.S.

<sup>21</sup> Section 1001.7065(2), F.S. The standards include: incoming freshman academic characteristics (average weighted GPA and average SAT score); institutional ranking nationally; freshman retention rate; 6-year graduation rate; national academy membership of institution faculty; research expenditures and patents awarded annually; doctoral degrees awarded annually; postdoctoral appointees annually; and institutional endowment.

<sup>22</sup> Section 1001.7065(3)(a), F.S.

<sup>23</sup> Board of Governors, *2018 System Accountability Plan* (June 28, 2018), available at [https://www.flbog.edu/board/doc/accountabilityplan/ap\\_2018/2018\\_System\\_Accountability\\_Plan\\_FINAL\\_2018-06-28.pdf](https://www.flbog.edu/board/doc/accountabilityplan/ap_2018/2018_System_Accountability_Plan_FINAL_2018-06-28.pdf), at 9.

<sup>24</sup> Section 1001.7065(3)(b), F.S.

<sup>25</sup> Board of Governors, *2018 System Accountability Plan* (June 28, 2018), available at [https://www.flbog.edu/board/doc/accountabilityplan/ap\\_2018/2018\\_System\\_Accountability\\_Plan\\_FINAL\\_2018-06-28.pdf](https://www.flbog.edu/board/doc/accountabilityplan/ap_2018/2018_System_Accountability_Plan_FINAL_2018-06-28.pdf), at 9.

## State University Direct-Support Organizations

A state university direct-support organization (DSO) is:<sup>26</sup>

- A Florida corporation not-for-profit, incorporated under the provisions of chapter 617, and approved by the Department of State;
- Organized and operated exclusively to receive, hold, invest, and administer property and to make expenditures to, or for the benefit of, a state university; and
- An organization reviewed and certified by the state university board of trustees (BOT) to be operating in a manner consistent with the goals of the college or university and in the best interest of the state.

A state university BOT, in accordance with regulations and guidelines of the BOG, must specify conditions for a university DSO to use property, facilities, or personal services at any university. Such conditions must provide for budget and audit review and oversight by the BOT, including thresholds for approval of purchases, acquisitions, projects, and issuance of debt. No later than July 1, 2019, the transfer of a state appropriation by the BOT to any DSO may only include funds pledged for capital projects. Beginning July 1, 2019, and annually thereafter, each university BOT must report to the Legislature the amount of state appropriations transferred to any DSO during the previous fiscal year, the purpose for which the funds were transferred, and the remaining balance of any funds transferred.<sup>27</sup>

### ***University of Florida – Shands Teaching Hospital and Clinics, Inc., Shands Jacksonville Medical Center, Inc., and Shands Jacksonville HealthCare, Inc.***

Shands Teaching Hospital and Clinics, Inc., Shands Jacksonville Medical Center, Inc., and its parent, Shands Jacksonville HealthCare, Inc., are private not-for-profit corporations organized for the primary purpose of supporting the University of Florida BOT's health affairs mission of community service and patient care, education and training of health professionals, and clinical research.<sup>28</sup>

## Statewide Articulation Agreement – Reverse Transfer

In fall, 2017, 16,312 FCS students transferred to a state university, but 4,589 transferred without a degree.<sup>29</sup>

### Statewide Articulation Agreement

The SBE and the BOG are required to enter into a statewide articulation agreement. The agreement must preserve Florida's "2+2" system of articulation and facilitate the seamless articulation of student credit across and among Florida's educational entities.<sup>30</sup> The agreement

<sup>26</sup> Section 1004.28(1)(a), F.S. Each of the 12 state universities has at least one direct-support organization (DSO). State University System of Florida, *University Direct-Support Organizations*, July 2016, available at [http://www.flbog.edu/pressroom/doc/DSO Info Brief with Attachments.pdf](http://www.flbog.edu/pressroom/doc/DSO%20Info%20Brief%20with%20Attachments.pdf).

<sup>27</sup> Section 1004.28(2)(b), F.S.

<sup>28</sup> Section 1004.41(4)(a) and (5)(a), F.S.

<sup>29</sup> Florida Board of Governors, *Florida College System Students Transferring into the State University System, Fall 2017* (Table 9), available at [https://www.flbog.edu/resources/factbooks/2017-2018/xls/t09\\_00\\_1718\\_F.xlsx](https://www.flbog.edu/resources/factbooks/2017-2018/xls/t09_00_1718_F.xlsx).

<sup>30</sup> Section 1007.23(1), F.S.

requires state university boards of trustees, Florida College System (FCS) BOT, and district school boards to adopt policies and procedures to provide articulated programs so that students can proceed toward their educational objectives as rapidly as their circumstances permit.<sup>31</sup>

### Reverse Transfer

Reverse transfer is the process of retroactively granting associate degrees to students who complete the requirements of an associate degree after they transferred from a two- to a four-year institution. Once the student reaches the designated credits and requirements, they are retroactively awarded an associate degree from their two-year institution of origin.<sup>32</sup>

In 2012, Florida and 15 states joined the Credit When It's Due<sup>33</sup> initiative and developed policies to implement reverse transfer agreements between public colleges and universities. From 2013 to 2016, FCS institution and state university participation in the program resulted in the award of 316 reverse transfer associate in arts (AA) degrees.<sup>34</sup>

### **University of South Florida Consolidation**

Currently, the University of South Florida St. Petersburg (USFSP) and the University of South Florida Sarasota/Manatee (USFSM) are maintained as separate organizational and budget entities, with separate accreditation, from the University of South Florida (USF).<sup>35</sup>

In 2018,<sup>36</sup> legislation established a process for the termination of separate accreditation for USFSP and USFSM. The USFSP and USFSM campuses were required to have a campus board and a regional chancellor, each with specified duties. A USF Consolidation Planning Study and Implementation Task Force (task force) was created to develop recommendations to improve service to students by phasing out separate accreditation for the USFSP and USFSM campuses. The task force was required to submit by February 15, 2019, a report to the USF BOT with recommendations on specified issues. The USF was required to adopt and submit a plan, by March 15, 2019, to the BOG that establishes a timeline to terminate the separate accreditation for the USFSP and USFSM campuses by June 30, 2020.<sup>37</sup>

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<sup>31</sup> Rule 6A-10.024(1), F.A.C.

<sup>32</sup> Education Commission of the States, *Reverse Transfer: What is the Best Route to Take?* (Sept. 2015), available at <https://www.ecs.org/wp-content/uploads/12112.pdf>. Florida law also authorizes students at state universities to request an AA degree if they have successfully completed the minimum requirements for an AA degree. The state university must award the student an AA degree if the student has successfully completed specified requirements. Section 1007.25(11), F.S.

<sup>33</sup> The Credit When It's Due (CWID) initiative is a national grant program designed to facilitate the implementation and improve the process of "reverse transfer" degree programs. As explained in the CWID grant announcement, "The initiative is designed to encourage partnerships of community colleges and universities to significantly expand programs that award associate degrees to transfer students when students complete the requirements for the associate degree while pursuing a bachelor's degree."

<sup>34</sup> Jason L. Taylor & Eden Cortes-Lopez, *Reverse Credit Transfer: Increasing State Associate's Degree Attainment* (April 2017), available at <https://degreeswhendue.com/wp-content/uploads/2018/09/Taylor-Cortes-Lopez-2017.pdf>.

<sup>35</sup> Sections 1004.33 and 1004.34, F.S.

<sup>36</sup> Section, ch. 2018-4, L.O.F., codified as s. 1004.335, F.S.

<sup>37</sup> Section 1004.335, F.S. By July 1, 2020, the entirety of the USF, including all campuses and other component units of the university, will operate under a single institutional accreditation from the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC). *Id.* at (5)(c).

### State University Ratios of Students to Faculty and Administration

The BOG is required to report as part of its legislative budget request the actual expenditures for each state university for the fiscal year ending the previous June 30 as a part of its legislative budget request (LBR).<sup>38</sup>

From 2010 to 2016, the number of state university staff with administrative duties increased at a faster rate than that of students and faculty.<sup>39</sup> During that same period the ratio of students to faculty rose from 28:1 to 29:1. The number of students to administrators decreased from 2010-2014 (meaning the number of administrators was growing faster than the number of students, from a ratio of 28:1 in 2010 to 24:1 in 2014). However, because of a subsequent increase from 2014 to 2016, the overall ratio from 2010 to 2016 remained unchanged at 28:1.<sup>40</sup>

### III. Effect of Proposed Changes:

SB 1296 modifies requirements relating to the Board of Governors (BOG) oversight of the State University System (SUS) and to the operation of state universities. Specifically the bill:

- Requires the BOG to, by September 1 of each year, report on the intellectual freedom and viewpoint diversity at each state university, based on the results of each state university's annual survey of students, faculty, and administrators.
- Requires the BOG to match individual student information with state, federal, and Department of Economic Opportunity data sources for auditing and evaluation purposes.
- Modifies the SUS performance-based incentive to:
  - Establish metrics relating to 2+2 transfer students, students with excess hours, and six-year graduation rates.
  - Require benchmarks be set using 2018-2019 fiscal year data.
  - Revise the allocation methodology for the state's investment.
- Requires the BOG Office of Inspector General (OIG) to annually verify data in the performance-based incentive and preeminent state research university programs.
- Applies restrictions on the transfer of state appropriations to a state university direct-support organizations (DSO) to include the DSO not-for-profit subsidiaries and affiliates, and
  - Applies requirements relating to board of trustee appointments to DSO boards and the transfer of state appropriations to include specified University of Florida health DSOs.
- Requires a reverse transfer agreement for Florida College System (FCS) institution students who transfer to a state university before earning an associate in arts (AA) degree.
- Requires the University of South Florida (USF) St. Petersburg and USF Sarasota/Manatee to maintain branch campus status after the consolidation of accreditation with USF.
- Requires the BOG legislative budget request to include information about the ratio of students to faculty and administrators, and specifies growth requirements.

<sup>38</sup> Section 1011.90(4), F.S.

<sup>39</sup> Office of Program Policy and Government Accountability, *OPPAGA Research on State University System Administrative Positions and Salaries*, House Higher Education Appropriations Subcommittee, Mar. 14, 2017. During that time, the increase in students was 9 percent, faculty was 6 percent, and administrators was 12 percent. *Id.*

<sup>40</sup> *Id.*

## **Powers and Duties of the Board of Governors**

### ***Board of Governors Powers and Duties Relating to Organization and Operation of State Universities***

The bill amends s. 1001.706, F.S., to require the BOG to report, by September 1 of each year,<sup>41</sup> on the intellectual freedom and viewpoint diversity at each institution through an objective, nonpartisan, and statistically valid survey that enables comparison among institutions over time. The bill also requires each state university to conduct an annual survey of students, faculty, and administrators that assesses the extent to which competing ideas, perspectives, and claims of truth are presented and members of the university community feel safe and supported in exploring and articulating their beliefs and viewpoints on campus and in the classroom.

### ***Board of Governors Powers and Duties Relating to Accountability***

The bill amends s. 1001.706, F.S., to also require the BOG to match individual student information with information from state and federal agencies that maintain educational and employment records and to enter into an agreement with the Department of Economic Opportunity (DEO) that allows access to individual reemployment assistance wage reports maintained by the DEO. The agreement must protect individual privacy and provide that student information obtained through the agreement may be used only for the purposes of auditing and evaluating higher education programs offered by state universities.

Currently, to match student data with employment data, the BOG supplies data sets to the Florida Education and Training Placement Information Program (FETPIP)<sup>42</sup> and requests that data be matched with employment information provided by the Florida Department of Economic Opportunity (DEO) at the student level. BOG staff have indicated that the process for requests and negotiation of data sharing agreements can be very time-intensive.<sup>43</sup> The proposed change would require and allow the BOG to independently access DEO employment data and perform student-level matching analyses on demand and as-needed. This would provide BOG staff with more control over the timing and quality of data availability to stakeholders and interested parties as well as an enhanced ability to actively monitor and analyze the relevant data as it applies to student and university performance.<sup>44</sup>

## **Performance Funding**

### ***SUS Performance-Based Incentive***

The bill amends s. 1001.92, to modify the performance-based metrics and the allocation methodology for distribution of the state's investment.

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<sup>41</sup> The effective date of the bill is July 1, 2019, it is unclear if the first report would be required by September 1, 2019.

<sup>42</sup> The Florida Education and Training Placement Information Program (FETPIP) is a data collection and consumer reporting system established to provide follow-up data on former students and program participants who have graduated, exited or completed a public education or training program within the State of Florida. Section 1008.39, F.S.

<sup>43</sup> Florida Board of Governors, *2019 Agency Analysis for SB 1926* (Mar. 14, 2019), at 3. Two of the Board's ten Performance Based Funding Metrics (Percent of Bachelor's Graduates Employed (Earning \$25,000+) or Continuing their Education and Median Wages of Bachelor's Graduates Employed Full-time) utilize post-graduation data and currently rely on this external matching process to calculate the distribution of funding. *Id.*

<sup>44</sup> Florida Board of Governors, *2019 Agency Analysis for SB 1926* (Mar. 14, 2019), at 4-5.

The bill modifies the performance metrics for the SUS performance-based incentive by:

- Adding a 2-year graduation rate for full-time 2+2 associate degree transfer students from FCS institutions.
- Adding a percentage of students graduating without excess hours.
- Modifying the access rate to a 6-year graduation rate for students eligible for a Pell Grant compared with students not eligible for a Pell Grant, with points deducted for decreases in the enrollment of students who are eligible for a Pell Grant.
- Specifying that benchmarks and data may not be adjusted after the BOG receives performance data.<sup>45</sup>

Currently the BOG has specified eight performance metrics, with the remaining two metrics a BOG choice and university BOT choice. The bill specifies nine performance metrics. Therefore, if the BOG were to maintain a BOG-choice metric, and a university BOT-approved metric in addition to the specified metrics in the bill, this would result in 11 metrics. Maintaining the 100-point scale may require removal of one currently-approved metric, or lowering the maximum score for each metric.<sup>46</sup>

Such changes to the performance metrics may prompt state universities to increase their focus on encouraging FCS transfer students to complete their degree programs in two years. Universities may also increase their focus on encouraging Pell Grant students to complete their degree programs in six years.<sup>47</sup>

The bill modifies the institutional investment allocation by:

- Requiring the BOG to use data from the 2018-2019 fiscal year to establish baseline scores for each state university.
- Providing that institutions that meet minimum institutional investment eligibility thresholds may be eligible for the state investment.

The bill maintains a 100-point scale to evaluate the state universities, but modifies the allocation methodology for universities to be eligible for their share of the state's investment. The bill specifies that, using baseline data from the 2018-2019 fiscal year:

- The state universities with the three highest scores (including ties) receive 100 percent of their allocation of state investment.
- A university that maintains or increases its score over the last year receives 100 percent of its allocation of the state investment.
- A university with a lower score than the previous year, but its previous year's score was equal to or higher than the year before, receives 100 percent of its allocation of the state investment.
- If a university's score stays the same or decreases for 2 consecutive years, the university may receive up to 100 percent of its allocation of the state investment after presenting and completing a student success plan. Specifically:

<sup>45</sup> In its analysis, the BOG notes that data for the benchmarks will be received by the BOG in March 2019. With an effective date of the bill of July 1, 2019, the benchmarks would need to be adjusted after those performance data are received. Florida Board of Governors, *2019 Agency Analysis for SB 1296* (Mar. 14, 2019), at 7.

<sup>46</sup> Florida Board of Governors, *2019 Agency Analysis for SB 1296* (Mar. 14, 2019), at 5.

<sup>47</sup> Florida Board of Governors, *2019 Agency Analysis for SB 1296* (Mar. 14, 2019), at 7.

- The university must present a student success plan to the BOG at its August or September meeting. If the plan is accepted by the BOG, the university may receive up to 50 percent of its state investment.
- If the BOG determines at its March meeting that the university is making satisfactory progress in implementing the student success plan, the university may receive up to the balance of its allocation of the state investment.
- If the student success plan goals are not met, the university may not receive its allocation of the state investment, and that portion is distributed to the top 3 scoring universities.
- Starting in 2021-2022, state universities below a score of 70 may receive up to 50 percent of the state investment after presenting and completing a student success plan:
  - The state university must present a student success plan to the BOG at its August or September meeting. If the plan is accepted by the BOG, university may receive up to 25 percent of its state investment.
  - If the BOG determines at its March meeting that the university is making satisfactory progress in implementing the student success plan, the university may receive up to the balance of the state investment.
  - If student success plan goals are not met the university may not receive the balance of the state investment, and that portion is distributed to the top 3 scoring universities.

Additionally, the bill amends s. 1001.706, F.S., to require the OIG of the BOG to annually verify the accuracy of the data used to implement the SUS Performance-Based Incentive and the preeminent state research universities program. This may help to ensure that data collected for use in performance funding programs is timely and accurate.

The bill's allocation methodology codifies, with some modifications, the BOG's recent change to its regulation<sup>48</sup> specifying an allocation methodology for the state investment. The most notable change is that the BOG sets 2017-2018 as the year to set baseline data, rather than 2018-2019 in the bill. The BOG procedures would allow for three years of data before 2021-2022, when state universities with a score lower than 70 may not receive the full state investment.<sup>49</sup>

### **State University Direct-Support Organizations**

The bill amends s. 1004.28, F.S., to extend the restriction on the transfer of a state appropriation by the board of trustees to any direct-support organization to also include the DSO's not-for-profit subsidiaries and affiliates.

#### ***University of Florida – Shands Teaching Hospital and Clinics, Inc., Shands Jacksonville Medical Center, Inc., and Shands Jacksonville HealthCare, Inc.***

The bill amends s. 1004.41, F.S., to specify that the University of Florida (UF) board of trustees must approve all appointments to the board of directors for Shands Teaching Hospital and Clinics, Inc., Shands Jacksonville Medical Center, Inc., and Shands Jacksonville HealthCare, Inc., and each's not-for-profit subsidiaries, and affiliates. This is consistent with law that requires

<sup>48</sup> BOG Regulation 5.001.

<sup>49</sup> Florida Board of Governors, *2019 Agency Analysis for SB 1296* (Mar. 14, 2019), at 5.

the state university BOT to approve all appointments to any DSO board of directors and executive committee.<sup>50</sup>

The bill also establishes a restriction on the transfer of state appropriations to specify that, beginning July 1, 2019, the transfer of state appropriations by the UF BOT to Shands Teaching Hospital and Clinics, Inc., Shands Jacksonville Medical Center, Inc., and Shands Jacksonville HealthCare, Inc., may include only funds pledged for capital projects.

#### **Statewide Articulation Agreement – Reverse Transfer**

The bill amends s. 1007.23, F.S., to specify that the statewide articulation agreement must specifically provide for a reverse transfer agreement for FCS AA degree-seeking students who transfer to a state university before earning an AA degree.<sup>51</sup> The bill requires the agreement to include, but is not limited to, the following provisions:

- The state universities' annual identification of students who have completed requirements for an AA degree.
- The transfer of credits earned at the university back to the FCS institution.
- Provisions for the annual notification to students of the reverse transfer policy.

Similarly, in Executive Order 19-31,<sup>52</sup> Governor DeSantis directed the Commissioner of Education (commissioner) to ensure the DOE's 2019 legislative priorities included:

- Adopting a "reverse transfer" policy within universities and state colleges, whereby state colleges issue associates' degrees to students who began their higher education at a state college and transferred to a university prior to completing the necessary credits for an associate's degree, but did not complete their bachelors' degrees at the university. This would be accomplished by having the university transfer back any credits completed by the student to the state college where they started, allowing those who have completed the necessary credits across the system to be awarded an associate's degree from the state college at which they started.
- Requiring all four-year colleges to proactively offer associate's degrees to students who have completed the required 60 hours immediately upon completion of those hours.

A statewide reverse transfer policy may result in additional degrees awarded to students. Students who are not able to complete a bachelor's degree may still benefit from award of an AA degree. In addition, FCS institutions may benefit from additional degrees awarded for completion calculations under the FCS Performance-Based Incentive.

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<sup>50</sup> Section 1004.28(3), F.S.

<sup>51</sup> The BOG reports that, since 2015, Florida Atlantic University, Florida International University, the University of North Florida, and the University of South Florida had all established reverse transfer agreements with feeder Florida College System institutions. Florida Board of Governors, *2019 Agency Analysis for SB 1296* (Mar. 14, 2019), at 4.

<sup>52</sup> Office of the Governor, *Executive Order Number 19-31* (Jan. 30, 2019), available at [https://www.flgov.com/wp-content/uploads/orders/2019/EO\\_19-31.pdf](https://www.flgov.com/wp-content/uploads/orders/2019/EO_19-31.pdf), at 2-3.



**University of South Florida Consolidation**

The bill amends s. 1004.335, F.S., to require that the University of South Florida St. Petersburg and the University of South Florida Sarasota/Manatee maintain branch campus status<sup>53</sup> for both campuses after their accreditation is consolidated with the University of South Florida.

**State University Ratios of Students to Faculty and Administration**

The bill amends s. 1011.90, F.S., to require that the BOG legislative budget request (LBR) must also include 5-year trend information on the ratios of student enrollment to faculty and administrators at each state university. The bill also specifies that ratio of students to administrators at any university may not grow at a greater rate than the ratio of students to faculty. The bill does not specify a ratio threshold or use of such data in the LBR process.

The 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.

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<sup>53</sup> The Commission on Colleges of the Southern Association of Colleges and Schools defines a “branch campus” as an off-campus instructional site that is geographically apart and independent of the main campus of the institution. A location is independent of the main campus if the location is: permanent; offers courses in educational programs leading to a degree, certificate, or other recognized educational credential; has its own faculty and administrative or supervisory organization; and has its own budgetary and hiring authority. Southern Association of Colleges and Schools, *Merger/Consolidation, Acquisition, Change of Ownership, and Change of Governance, Control, Form, or Legal Status* (June 2010, updated June 2018), available at <http://www.sacscoc.org/subchg/policy/Mergers.pdf>, at 3.

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

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

The modifications to the performance-based incentive metrics and allocation methodology may affect the distribution of performance funds to state universities. The impact of these changes is not known.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 1001.706, 1001.92, 1004.28, 1004.335, 1004.41, 1007.23, and 1011.90.

**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.



404368

LEGISLATIVE ACTION

Senate

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House

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The Committee on Education (Diaz) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Paragraph (j) is added to subsection (3) of  
section 1001.706, Florida Statutes, paragraph (e) of subsection  
(5) of that section is amended, and paragraph (i) is added to  
that subsection, to read:

1001.706 Powers and duties of the Board of Governors.—

(3) POWERS AND DUTIES RELATING TO ORGANIZATION AND  
OPERATION OF STATE UNIVERSITIES.—



404368

(j) The Board of Governors shall require each institution to conduct an annual assessment of the intellectual freedom and viewpoint diversity at that institution. The Board of Governors shall select or create an objective, nonpartisan, and statistically valid survey, to be used by each institution, that considers the extent to which competing ideas and perspectives are presented and members of the university community feel free to express their beliefs and viewpoints on campus and in the classroom. The Board of Governors shall annually compile and publish the assessments by September 1 of each year, beginning with September 1, 2020.

(5) POWERS AND DUTIES RELATING TO ACCOUNTABILITY.—

(e) The Board of Governors shall maintain an effective information system to provide accurate, timely, and cost-effective information about each university. The board shall continue to collect and maintain, at a minimum, management information as such information existed on June 30, 2002. The Office of the Inspector General shall annually verify the accuracy of the data used to implement ss. 1001.7065 and 1001.92.

(i) The Board of Governors shall match individual student information with information in the files of state and federal agencies that maintain educational and employment records. The board must enter into an agreement with the Department of Economic Opportunity that allows access to the individual reemployment assistance wage records maintained by the department. The agreement must protect individual privacy and provide that student information may be used only for the purposes of auditing or evaluating higher education programs



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41 offered by state universities.

42       Section 2. Subsections (3) through (7) of section  
43 1001.7065, Florida Statutes, are renumbered as subsections (4)  
44 through (8), respectively, a new subsection (3) is added to that  
45 section, and paragraphs (c), (d), (j), (k), and (l) of  
46 subsection (2) are amended, to read:

47       1001.7065 Preeminent state research universities program.—

48       (2) ACADEMIC AND RESEARCH EXCELLENCE STANDARDS.—The  
49 following academic and research excellence standards are  
50 established for the preeminent state research universities  
51 program:

52       (c) A freshman retention rate of 90 percent or higher for  
53 full-time, first-time-in-college students, as reported annually  
54 in the Board of Governors Accountability Plan to the Integrated  
55 Postsecondary Education Data System (IPEDS).

56       (d) A 4-year graduation rate of 60 percent or higher for  
57 full-time, first-time-in-college students, as reported annually  
58 in the Board of Governors Accountability Plan to the IPEDS.  
59 ~~However, for the 2018 determination of a state university's~~  
60 ~~preeminence designation and the related distribution of the~~  
61 ~~2018-2019 fiscal year appropriation associated with preeminence~~  
62 ~~and emerging preeminence, a university is considered to have~~  
63 ~~satisfied this graduation rate measure by attaining a 6-year~~  
64 ~~graduation rate of 70 percent or higher by October 1, 2017, for~~  
65 ~~full-time, first-time-in-college students, as reported to the~~  
66 ~~IPEDS and confirmed by the Board of Governors.~~

67       (j) Four hundred or more doctoral degrees awarded annually,  
68 including professional doctoral degrees awarded in medical and  
69 health care disciplines, as reported annually in the Board of



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Governors ~~Annual~~ Accountability Plan Report.

(k) Two hundred or more postdoctoral appointees annually, as reported annually in the Board of Governors Accountability Plan ~~TARU annual report~~.

(l) An endowment of \$500 million or more, as reported annually in the Board of Governors ~~Annual~~ Accountability Plan Report.

(3) The Board of Governors shall use its 2019 Accountability Plan for determining a state university's preeminence designation and distributing awards for the 2019-2020 fiscal year appropriation. This subsection shall expire on July 1, 2020.

Section 3. Subsection (1) of section 1001.92, Florida Statutes, is amended to read:

1001.92 State University System Performance-Based Incentive.—

(1) A State University System Performance-Based Incentive shall be awarded to state universities using performance-based metrics adopted by the Board of Governors of the State University System. Beginning with the Board of Governors' determination of each university's performance improvement and achievement ratings ~~for 2018~~, and the related distribution of the annual 2018-2019 fiscal year appropriation, the performance-based metrics must include:

(a) 4-year graduation rates;

(b) Beginning in fiscal year 2020-2021, 2-year graduation rates for full-time 2+2 associate degree transfer students from Florida College System institutions, with points deducted for decreases in the enrollment of associate in arts degree transfer



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students;

(c) Retention rates;

(d) Postgraduation education rates;

(e) Degree production;

(f) Affordability;

(g) Postgraduation employment and salaries, including wage thresholds that reflect the added value of a baccalaureate degree;

(h) Access rate, based on the percentage of undergraduate students enrolled during the fall term who received a Pell Grant during the fall term;

(i) Beginning in fiscal year 2020-2021, 6-year graduation rates for students who are eligible for a Pell Grant as compared with students who are not eligible for a Pell Grant, with points deducted for decreases in the enrollment of students who are eligible for a Pell Grant; and

(j) Beginning in fiscal year 2020-2021, the percent of students graduating without excess hours.

The Board of Governors may approve ~~and other metrics approved by the board~~ in a publicly ~~formally~~ noticed meeting. The board shall adopt benchmarks to evaluate each state university's performance on the metrics to measure the state university's achievement of institutional excellence or need for improvement and minimum requirements for eligibility to receive performance funding. Benchmarks and metrics may not be adjusted after university performance data has been received by the Board of Governors ~~Access rate benchmarks must be differentiated and scored to reflect the varying access rate levels among the state~~



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~~universities; however, the scoring system may not include bonus points.~~

Section 4. Section 1001.92(1)(h), Florida Statutes, as amended by this act is repealed on June 30, 2020.

Section 5. Paragraph (b) of subsection (2) of section 1004.28, Florida Statutes, is amended to read:

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

(2) USE OF PROPERTY.—

(b) The board of trustees, in accordance with regulations and guidelines of the Board of Governors, shall prescribe by regulation conditions with which a university direct-support organization must comply in order to use property, facilities, or personal services at any state university, including that personal services must comply with s. 1012.976. Such regulations shall provide for budget and audit review and oversight by the board of trustees, including thresholds for approval of purchases, acquisitions, projects, and issuance of debt.

~~Beginning No later than~~ July 1, 2019, the transfer of a state appropriation by the board of trustees to any direct-support organization and its not-for-profit subsidiaries and affiliates may ~~only~~ include only funds pledged for capital projects.

~~Beginning July 1, 2019, and annually thereafter,~~ Each university board of trustees shall annually report to the Legislature the amount of state appropriations transferred to any direct-support organization and its not-for-profit subsidiaries and affiliates during the previous fiscal year, the purpose for which the funds were transferred, and the remaining balance of any funds transferred.





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Section 6. Subsections (1), (4), and (5), and paragraph (a) of subsection (6) of section 1004.335, Florida Statutes, are amended to read:

1004.335 Accreditation consolidation of University of South Florida branch campuses.—

(1) The University of South Florida Consolidation Planning Study and Implementation Task Force is established to develop recommendations to improve service to students by phasing out the separate accreditation of the University of South Florida St. Petersburg branch campus and the University of South Florida Sarasota/Manatee branch campus, which were conferred by the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC) pursuant to ss. 1004.33 and 1004.34, respectively.

(4) No later than February 15, 2019, the task force must submit a report to the University of South Florida Board of Trustees which includes, at a minimum, recommendations on the following:

(a) Identification of specific degrees in programs of strategic significance, including health care, science, technology, engineering, mathematics, and other program priorities to be offered at the University of South Florida St. Petersburg branch campus and the University of South Florida Sarasota/Manatee branch campus and the timeline for the development and delivery of programs on each campus;

(b) Maintaining the unique identity of each campus and an assessment of whether a separate educational mission is beneficial to the future of each campus;

(c) Maintaining faculty input from all campuses during the



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review and development of general education requirements to reflect the distinctive identity of each campus;

(d) Developing the research capacity at each campus;

(e) Equitable distribution of programs and resources to establish pathways to admission for all students who require bridge programming and financial aid;

(f) Establishing budget transparency and accountability regarding the review and approval of student fees among campuses, including fee differentials and athletic fees, to enable the identification of the equitable distribution of resources to each campus, including the University of South Florida Health; and

(g) Developing and delivering integrated academic programs, student and faculty governance, and administrative services to better serve the students, faculty, and staff at the University of South Florida College of Marine Science, the University of South Florida Sarasota/Manatee branch campus, and the University of South Florida St. Petersburg branch campus.

(5) No later than March 15, 2019, the Board of Trustees of the University of South Florida, after considering the recommendations of the task force, must adopt and submit to the Board of Governors an implementation plan that:

(a) Establishes a timeline for each step that is necessary to terminate the separate accreditation for each campus no later than June 30, 2020, while maintaining branch campus status for both campuses, so that there is no lapse in institutional accreditation for any campus during the phasing-out process.

(b) Minimizes disruption to students attending any the University of South Florida or any of its branch campuses ~~campus~~



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so that the consolidation of SACSCOC accreditation does not impede a student's ability to graduate within 4 years after initial first-time-in-college enrollment.

(c) Requires that, on or before July 1, 2020, the entirety of the University of South Florida, including all branch campuses and other component units of the university, operate under a single institutional accreditation from the SACSCOC.

(d) Requires that, on each regularly scheduled submission date subsequent to July 1, 2020, the University of South Florida report consolidated data for all of the university's campuses and students to the Integrated Postsecondary Education Data System and to the Board of Governors. The Board of Governors shall use the consolidated data for purposes of determining eligibility for funding pursuant to ss. 1001.7065 and 1001.92.

(6) Notwithstanding ss. 1001.7065 and 1001.92 or any Board of Governors regulation to the contrary relating to the calculation of graduation rates and retention rates, a student who meets all of the following criteria may not be counted by the Board of Governors when calculating or confirming the graduation rate or the retention rate of the University of South Florida under those sections:

(a) The student was admitted to and initially enrolled before the spring 2020 semester as a first-time-in-college student at the University of South Florida St. Petersburg branch campus or the University of South Florida Sarasota/Manatee branch campus.

Section 7. Paragraph (b) of subsection (4) and paragraph (b) of subsection (5) of section 1004.41, Florida Statutes, are amended, paragraph (g) is added to subsection (4), and paragraph



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(f) is added to subsection (5) of that section, to read:

1004.41 University of Florida; J. Hillis Miller Health  
Center.—

(4)

(b) The University of Florida Board of Trustees shall  
provide in the lease or by separate contract or agreement with  
Shands Teaching Hospital and Clinics, Inc., for the following:

1. Approval of the articles of incorporation of Shands  
Teaching Hospital and Clinics, Inc., by the University of  
Florida Board of Trustees.

2. Governance of Shands Teaching Hospital and Clinics,  
Inc., by a board of directors appointed, subject to removal, and  
chaired by the President of the University of Florida, or his or  
her designee, and vice chaired by the Vice President for Health  
Affairs of the University of Florida or his or her designee. The  
University of Florida Board of Trustees shall approve all  
appointments to the board and its not-for-profit subsidiaries  
and affiliates.

3. Use of hospital facilities and personnel in support of  
community service and patient care, research programs, and the  
teaching roles of the health center.

4. Continued recognition of the collective bargaining units  
and collective bargaining agreements as currently composed and  
recognition of the certified labor organizations representing  
those units and agreements.

5. Use of hospital facilities and personnel in connection  
with research programs conducted by the health center.

6. Reimbursement to Shands Teaching Hospital and Clinics,  
Inc., for indigent patients, state-mandated programs,



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underfunded state programs, and costs to Shands Teaching Hospital and Clinics, Inc., for support of the teaching and research programs of the health center. Such reimbursement shall be appropriated to either the health center or Shands Teaching Hospital and Clinics, Inc., each year by the Legislature after review and approval of the request for funds.

7. Audit of the financial statements of Shands Teaching Hospital and Clinics, Inc., in accordance with generally accepted accounting principles as prescribed by the Governmental Accounting Standards Board for a separate corporation affiliated with a government entity that holds a voting majority interest of the affiliated corporation's governing board. The financial statements shall be provided to the University of Florida Board of Trustees for attachment to its audited financial statement which is provided to the Auditor General. The University of Florida may obtain additional financial information from Shands Teaching Hospital and Clinics, Inc., upon request by the Auditor General. This subparagraph applies equally to any not-for-profit subsidiary of Shands Teaching Hospital and Clinics, Inc., which directly delivers health care services and also qualifies as an instrumentality of the state under the governance control and the primary purpose standards specified in this section.

(g) Beginning July 1, 2019, the transfer of state appropriations by the University of Florida Board of Trustees to Shands Teaching Hospital and Clinic, Inc., and its not-for-profit subsidiaries and affiliates may only include funds pledged for capital projects, for the delivery of health care services, as matching dollars for intergovernmental services, or for funding graduate medical education.



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(5)

(b) The University of Florida Board of Trustees shall provide in the lease or by separate contract or agreement with Shands Jacksonville Medical Center, Inc., and Shands Jacksonville HealthCare, Inc., for the following:

1. Approval of the articles of incorporation of Shands Jacksonville Medical Center, Inc., and of Shands Jacksonville HealthCare, Inc., by the University of Florida Board of Trustees, which may act through the president of the university or his or her designee. In approving the articles of incorporation of Shands Jacksonville Medical Center, Inc., and of Shands Jacksonville HealthCare, Inc., the president of the university, or his or her designee, may act as the chair of the board of directors, or the president of the university or his or her designee or members of the University of Florida Board of Trustees may act as the approving body of Shands Jacksonville Medical Center, Inc., or Shands Jacksonville HealthCare, Inc.

2. Governance of Shands Jacksonville Medical Center, Inc., and of Shands Jacksonville HealthCare, Inc., by boards of directors appointed, subject to removal, and chaired by the President of the University of Florida, or his or her designee. One director of each board may be so appointed after being nominated by the mayor of the City of Jacksonville subject to the applicable standards for directors of such board. If there is a vice chair of the board of directors of Shands Jacksonville Medical Center, Inc., or Shands Jacksonville HealthCare, Inc., the Vice President for Health Affairs of the University of Florida, or his or her designee or the designee of the president of the university, shall hold that position. The University of



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Florida Board of Trustees shall approve all appointments to the board and its not-for-profit subsidiaries and affiliates.

3. Use of the Shands Jacksonville Medical Center, Inc., hospital facilities and personnel in support of community service and patient care, research programs, and the teaching roles of the health center of the University of Florida Board of Trustees.

4. Reimbursement to Shands Jacksonville Medical Center, Inc., for indigent patients, state-mandated programs, underfunded state programs, and costs to the not-for-profit corporation for support of the teaching and research programs of the health center. Such reimbursement shall be appropriated to either the health center or the not-for-profit corporation each year by the Legislature after review and approval of the request for funds.

5. Audit of the financial statements of Shands Jacksonville Medical Center, Inc., and Shands Jacksonville HealthCare, Inc., in accordance with generally accepted accounting principles as prescribed by the Governmental Accounting Standards Board for a separate corporation affiliated with a government entity that holds a voting majority interest of the affiliated corporation's governing board. The financial statements shall be provided to the University of Florida Board of Trustees for attachment to its audited financial statement which is provided to the Auditor General. The University of Florida may obtain additional financial information from Shands Jacksonville Medical Center, Inc., and Shands Jacksonville HealthCare, Inc., upon request by the Auditor General. This subparagraph applies equally to any not-for-profit subsidiary which directly delivers health care



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services and also qualifies as an instrumentality of the state under the governance control and primary purpose standards specified in this section.

(f) Beginning July 1, 2019, the transfer of state appropriations by the University of Florida Board of Trustees to Shands Jacksonville Medical Center, Inc., and Shands Jacksonville HealthCare, Inc., and any of their not-for-profit subsidiaries and affiliates may only include funds pledged for capital projects, for the delivery of health care services, as matching dollars for intergovernmental services, or for funding graduate medical education.

Section 8. Subsection (7) is added to section 1007.23, Florida Statutes, to read:

1007.23 Statewide articulation agreement.—

(7) The articulation agreement must specifically provide for a reverse transfer agreement for Florida College System associate in arts degree-seeking students who transfer to a state university before earning an associate in arts degree. Students must be awarded an associate in arts degree by the Florida College System institution upon completion of degree requirements at the state university if the student earned a majority of the credit hours from the Florida College System institution. State universities must identify students who have completed requirements for the associate in arts degree and transfer credits earned at the state university back to the Florida College System institution so that the associate in arts degree may be awarded by the Florida College System institution.

Section 9. Upon the expiration and reversion of the amendment made to section 1009.215, Florida Statutes, pursuant





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to section 13, chapter 2018-10, Laws of Florida, subsection (3) of section 1009.215, Florida Statutes, is amended to read:

1009.215 Student enrollment pilot program for the spring and summer terms.—

(3) Students who are enrolled in the pilot program and who are eligible to receive Bright Futures Scholarships under ss. 1009.53-1009.536 shall be eligible to receive the scholarship award for attendance during the spring and summer terms. This student cohort shall also be eligible to receive Bright Futures Scholarships for the fall semester term to be used for off-campus or online coursework, if Bright Futures Scholarship funding is provided by the Legislature for three terms for that academic year for other eligible students ~~no more than 2 semesters or the equivalent in any fiscal year, including the summer term.~~

Section 10. Subsection (16) of section 1009.24, Florida Statutes, is amended to read:

1009.24 State university student fees.—

(16) Each university board of trustees may establish a tuition differential for undergraduate courses upon receipt of approval from the Board of Governors. However, beginning July 1, 2014, the Board of Governors may only approve the establishment of or an increase in tuition differential for a state research university designated as a preeminent state research university pursuant to s. 1001.7065(4) ~~s. 1001.7065(3)~~. The tuition differential shall promote improvements in the quality of undergraduate education and shall provide financial aid to undergraduate students who exhibit financial need.

(a) Seventy percent of the revenues from the tuition



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differential shall be expended for purposes of undergraduate education. Such expenditures may include, but are not limited to, increasing course offerings, improving graduation rates, increasing the percentage of undergraduate students who are taught by faculty, decreasing student-faculty ratios, providing salary increases for faculty who have a history of excellent teaching in undergraduate courses, improving the efficiency of the delivery of undergraduate education through academic advisement and counseling, and reducing the percentage of students who graduate with excess hours. This expenditure for undergraduate education may not be used to pay the salaries of graduate teaching assistants. Except as otherwise provided in this subsection, the remaining 30 percent of the revenues from the tuition differential, or the equivalent amount of revenue from private sources, shall be expended to provide financial aid to undergraduate students who exhibit financial need, including students who are scholarship recipients under s. 1009.984, to meet the cost of university attendance. This expenditure for need-based financial aid shall not supplant the amount of need-based aid provided to undergraduate students in the preceding fiscal year from financial aid fee revenues, the direct appropriation for financial assistance provided to state universities in the General Appropriations Act, or from private sources. The total amount of tuition differential waived under subparagraph (b)7. may be included in calculating the expenditures for need-based financial aid to undergraduate students required by this subsection. If the entire tuition and fee costs of resident students who have applied for and received Pell Grant funds have been met and the university has excess



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funds remaining from the 30 percent of the revenues from the tuition differential required to be used to assist students who exhibit financial need, the university may expend the excess portion in the same manner as required for the other 70 percent of the tuition differential revenues.

(b) Each tuition differential is subject to the following conditions:

1. The tuition differential may be assessed on one or more undergraduate courses or on all undergraduate courses at a state university.

2. The tuition differential may vary by course or courses, by campus or center location, and by institution. Each university board of trustees shall strive to maintain and increase enrollment in degree programs related to math, science, high technology, and other state or regional high-need fields when establishing tuition differentials by course.

3. For each state university that is designated as a preeminent state research university by the Board of Governors, pursuant to s. 1001.7065, the aggregate sum of tuition and the tuition differential may be increased by no more than 6 percent of the total charged for the aggregate sum of these fees in the preceding fiscal year. The tuition differential may be increased if the university meets or exceeds performance standard targets for that university established annually by the Board of Governors for the following performance standards, amounting to no more than a 2-percent increase in the tuition differential for each performance standard:

a. An increase in the 4-year graduation rate for full-time, first-time-in-college students, as reported annually to the



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Integrated Postsecondary Education Data System.

b. An increase in the total annual research expenditures.

c. An increase in the total patents awarded by the United States Patent and Trademark Office for the most recent years.

4. The aggregate sum of undergraduate tuition and fees per credit hour, including the tuition differential, may not exceed the national average of undergraduate tuition and fees at 4-year degree-granting public postsecondary educational institutions.

5. Beneficiaries having prepaid tuition contracts pursuant to s. 1009.98(2)(b) which were in effect on July 1, 2007, and which remain in effect, are exempt from the payment of the tuition differential.

6. The tuition differential may not be charged to any student who was in attendance at the university before July 1, 2007, and who maintains continuous enrollment.

7. The tuition differential may be waived by the university for students who meet the eligibility requirements for the Florida public student assistance grant established in s. 1009.50.

8. Subject to approval by the Board of Governors, the tuition differential authorized pursuant to this subsection may take effect with the 2009 fall term.

(c) A university board of trustees may submit a proposal to the Board of Governors to implement a tuition differential for one or more undergraduate courses. At a minimum, the proposal shall:

1. Identify the course or courses for which the tuition differential will be assessed.

2. Indicate the amount that will be assessed for each



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tuition differential proposed.

3. Indicate the purpose of the tuition differential.

4. Indicate how the revenues from the tuition differential will be used.

5. Indicate how the university will monitor the success of the tuition differential in achieving the purpose for which the tuition differential is being assessed.

(d) The Board of Governors shall review each proposal and advise the university board of trustees of approval of the proposal, the need for additional information or revision to the proposal, or denial of the proposal. The Board of Governors shall establish a process for any university to revise a proposal or appeal a decision of the board.

(e) The Board of Governors shall submit a report to the President of the Senate, the Speaker of the House of Representatives, and the Governor describing the implementation of the provisions of this subsection no later than February 1 of each year. The report shall summarize proposals received by the board during the preceding fiscal year and actions taken by the board in response to such proposals. In addition, the report shall provide the following information for each university that has been approved by the board to assess a tuition differential:

1. The course or courses for which the tuition differential was assessed and the amount assessed.

2. The total revenues generated by the tuition differential.

3. With respect to waivers authorized under subparagraph (b)7., the number of students eligible for a waiver, the number of students receiving a waiver, and the value of waivers



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provided.

4. Detailed expenditures of the revenues generated by the tuition differential.

5. Changes in retention rates, graduation rates, the percentage of students graduating with more than 110 percent of the hours required for graduation, pass rates on licensure examinations, the number of undergraduate course offerings, the percentage of undergraduate students who are taught by faculty, student-faculty ratios, and the average salaries of faculty who teach undergraduate courses.

(f) No state university shall be required to lower any tuition differential that was approved by the Board of Governors and in effect prior to January 1, 2009, in order to comply with the provisions of this subsection.

Section 11. Subsection (4) of section 1011.90, Florida Statutes, is amended to read:

1011.90 State university funding.—

(4) The Board of Governors shall establish and validate a cost-estimating system consistent with the requirements of subsection (1) and shall report as part of its legislative budget request the actual expenditures for the fiscal year ending the previous June 30. The legislative budget request must also include 5-year trend information on the number of faculty and administrators at each university. The Board of Governors, by regulation, shall define faculty and administrative personnel classifications and shall also report the definitions in the legislative budget request. The growth rate of administrators at any state university may not exceed the growth rate of faculty. Expenditure analysis, operating budgets, and annual financial



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statements of each university must be prepared using the standard financial reporting procedures and formats prescribed by the Board of Governors. These formats shall be the same as used for the 2000-2001 fiscal year reports. Any revisions to these financial and reporting procedures and formats must be approved by the Executive Office of the Governor and the appropriations committees of the Legislature jointly under the provisions of s. 216.023(3). The Board of Governors shall continue to collect and maintain at a minimum management information existing on June 30, 2002. The expenditure analysis report shall include total expenditures from all sources for the general operation of the university and shall be in such detail as needed to support the legislative budget request.

Section 12. This act shall take effect July 1, 2019.

===== T I T L E   A M E N D M E N T =====  
And the title is amended as follows:

Delete everything before the enacting clause  
and insert:

A bill to be entitled  
An act relating to the organization and operation of  
state universities; amending s. 1001.706, F.S.;  
requiring the Board of Governors to require state  
universities to conduct an annual assessment related  
to intellectual freedom and viewpoint diversity at  
each state university; providing requirements for the  
Board of Governors relating to such assessment;  
providing requirements for the Office of Inspector  
General; requiring the Board of Governors to match



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certain student information with specified educational and employment records; requiring the Board of Governors to enter into an agreement with the Department of Economic Opportunity for certain purposes; providing requirements for such agreement; amending s. 1001.7065, F.S.; revising the standards for the preeminent state research universities program; requiring the Board of Governors to use a certain plan for determining preeminence designations and awards for a specified fiscal year; providing for the expiration of a certain requirement; amending s. 1001.92, F.S.; revising the state university system performance-based incentives; revising the performance-based metrics to include specific data beginning in a certain fiscal year; authorizing the Board of Governors to approve other metrics; prohibiting the adjustment of such metrics once specified data has been received; providing for the future repeal of s. 1001.92(1)(h), F.S., relating to a specific performance-based metric for the State University System Performance-Based Incentive; amending s. 1004.28, F.S.; providing that state appropriations transferred to specified entities by state university boards of trustees may only be used for specified purposes; revising a specified reporting requirement; amending s. 1004.335, F.S.; clarifying that the University of South Florida St. Petersburg and the University of South Florida Sarasota/Manatee are branch campuses; amending s. 1004.41, F.S.;





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requiring the University of Florida Board of Trustees to approve appointments to specified boards of directors and other entities relating to the J. Hillis Miller Health Center; providing that state appropriations transferred to certain entities by the University of Florida Board of Trustees may be used only for specified purposes; amending s. 1007.23, F.S.; requiring the statewide articulation agreement to provide for a reverse transfer agreement; providing for an associate degree to be awarded to certain students by Florida College System institutions; providing requirements for state universities in that process; amending s. 1009.215, F.S.; providing that students enrolled in a specified pilot program who are eligible to receive Bright Futures Scholarships are also eligible for such scholarship funds for designated terms under specified circumstances; amending s. 1009.24, F.S.; conforming a cross-reference; amending s. 1011.90, F.S.; providing requirements for certain legislative budget requests; requiring the Board of Governors to adopt regulations to provide specified definitions; prohibiting administrator growth rate from exceeding faculty growth rate; providing an effective date.

By Senator Diaz

36-00622A-19

20191296\_\_

1 A bill to be entitled  
 2 An act relating to the organization and operation of  
 3 state universities; amending s. 1001.706, F.S.;  
 4 requiring the Board of Governors to report on the  
 5 intellectual freedom and viewpoint diversity at each  
 6 state university; requiring each institution to  
 7 conduct a certain annual survey of students, faculty,  
 8 and administrators; requiring the Office of Inspector  
 9 General to annually verify the accuracy of specified  
 10 data; requiring the Board of Governors to match  
 11 certain student information with specified educational  
 12 and employment records; requiring the Board of  
 13 Governors to enter into an agreement with the  
 14 Department of Economic Opportunity for certain  
 15 purposes; providing requirements for such agreement;  
 16 amending s. 1001.92, F.S.; revising the state  
 17 university system performance-based incentive;  
 18 revising the performance-based metrics to include  
 19 specific data; authorizing the Board of Governors to  
 20 approve other metrics; prohibiting the adjustment of  
 21 such metrics once specified data has been received;  
 22 requiring the Board of Governors to establish a  
 23 minimum performance funding eligibility threshold for  
 24 institutional investments, which must exceed a certain  
 25 minimum threshold; requiring the use of specified data  
 26 in establishing initial scores; providing for the  
 27 scoring of universities by the Board of Governors and  
 28 the distribution of state investment funds; providing  
 29 requirements for state universities that do not meet

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

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30 specified requirements relating to the performance  
 31 funding eligibility thresholds for the state's  
 32 investment funding; amending s. 1004.28, F.S.;  
 33 providing that state appropriations transferred to  
 34 specified entities by state university boards of  
 35 trustees may only be used for specified purposes;  
 36 amending s. 1004.335, F.S.; clarifying that the  
 37 University of South Florida St. Petersburg and the  
 38 University of South Florida Sarasota/Manatee are  
 39 branch campuses; deleting obsolete language; amending  
 40 s. 1004.41, F.S.; requiring the University of Florida  
 41 Board of Trustees to approve appointments to specified  
 42 boards of directors and certain subsidiaries and  
 43 affiliates of Shands Teaching Hospital and Clinics,  
 44 Inc.; providing that, as of a specified date, state  
 45 appropriations transferred to certain entities by the  
 46 University of Florida Board of Trustees may be used  
 47 only for specified purposes; amending s. 1007.23,  
 48 F.S.; requiring the statewide articulation agreement  
 49 to provide for a reverse transfer agreement; providing  
 50 for an associate degree to be awarded to certain  
 51 students by Florida College System institutions;  
 52 providing requirement for state universities; amending  
 53 s. 1011.90, F.S.; providing requirements for a certain  
 54 legislative budget request; prohibiting certain ratios  
 55 relating to student enrollment from growing faster  
 56 than a specified rate; providing an effective date.

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

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

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Section 1. Paragraph (e) of subsection (5) of section 1001.706, Florida Statutes, is amended, and paragraph (j) is added to subsection (3) and paragraph (i) is added to subsection (5) of that section, to read:

1001.706 Powers and duties of the Board of Governors.—

(3) POWERS AND DUTIES RELATING TO ORGANIZATION AND OPERATION OF STATE UNIVERSITIES.—

(j) The Board of Governors shall report, by September 1 of each year, on the intellectual freedom and viewpoint diversity at each institution through an objective, nonpartisan, and statistically valid survey that enables comparison among institutions over time. Each institution shall conduct an annual survey of students, faculty, and administrators which assesses the extent to which competing ideas, perspectives, and claims of truth are presented and members of the university community feel safe and supported in exploring and articulating their beliefs and viewpoints on campus and in the classroom.

(5) POWERS AND DUTIES RELATING TO ACCOUNTABILITY.—

(e) The Board of Governors shall maintain an effective information system to provide accurate, timely, and cost-effective information about each university. The board shall continue to collect and maintain, at a minimum, management information as such information existed on June 30, 2002. The Office of the Inspector General shall annually verify the accuracy of the data used to implement ss. 1001.7065 and 1001.92.

(i) The Board of Governors shall match individual student information with information in the files of state and federal

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agencies that maintain educational and employment records. The board must enter into an agreement with the Department of Economic Opportunity which allows access to the individual reemployment assistance wage records maintained by the department. The agreement must protect individual privacy and must provide that student information may be used only for the purposes of auditing or evaluating higher education programs offered by state universities.

Section 2. Section 1001.92, Florida Statutes, is amended to read:

1001.92 State University System Performance-Based Incentive.—

(1) A State University System Performance-Based Incentive shall be awarded to state universities using performance-based metrics adopted by the Board of Governors of the State University System. Beginning with the Board of Governors' determination of each university's performance improvement and achievement ratings for 2018, and the related distribution of the 2018-2019 fiscal year appropriation, the performance-based metrics must include:

(a) 4-year graduation rates;

(b) 2-year graduation rates for full-time 2+2 associate degree transfer students from Florida College System institutions;

(c) Retention rates;

(d) Postgraduation education rates;

(e) Degree production;

(f) Affordability;

(g) Postgraduation employment and salaries, including wage

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thresholds that reflect the added value of a baccalaureate degree;

(h) Six-year graduation rates for students who are eligible for a Pell Grant as compared with students who are not eligible for a Pell Grant, with points deducted for decreases in the enrollment of students who are eligible for a Pell Grant access rate, based on the percentage of undergraduate students enrolled during the fall term who received a Pell Grant during the fall term; and

(i) The percentage of students graduating without excess hours.

The Board of Governors may approve other metrics approved by the board in a formally noticed meeting. The board shall adopt benchmarks to evaluate each state university's performance on the metrics to measure the state university's achievement of institutional excellence or need for improvement and minimum requirements for eligibility to receive performance funding. Benchmarks and metrics may not be adjusted after university performance data has been received by the Board of Governors  
~~Access rate benchmarks must be differentiated and scored to reflect the varying access rate levels among the state universities; however, the scoring system may not include bonus points.~~

(2) Each fiscal year, the amount of funds available for allocation to the state universities based on the performance-based funding model shall consist of the state's investment in performance funding plus institutional investments consisting of funds deducted from the base funding of each state university in

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the State University System in an amount provided by the Legislature. The Board of Governors shall establish a minimum performance funding eligibility threshold for thresholds for the state's investment and the institutional investments, which must exceed the minimum institutional investment threshold. The board shall use data from the 2018-2019 fiscal year to establish initial scores for each state university. A state university that meets the minimum institutional investment eligibility threshold, ~~but fails to meet the minimum state investment eligibility threshold,~~ shall have its institutional investment restored ~~but is ineligible for a share of the state's investment in performance funding. The institutional investment shall be restored for each institution eligible for the state's investment under the performance-based funding model.~~

(3) (a) A state university that fails to meet the Board of Governors' minimum institutional investment performance funding eligibility threshold shall have its institutional investment withheld by the board and must submit an improvement plan to the board that specifies the activities and strategies for improving the state university's performance. The board must review and approve the improvement plan and, if the plan is approved, must monitor the state university's progress in implementing the activities and strategies specified in the improvement plan. The state university shall submit monitoring reports to the board by December 31 and May 31 of each year in which an improvement plan is in place. The ability of a state university to submit an improvement plan to the board is limited to 1 fiscal year.

(b) The Chancellor of the State University System shall withhold disbursement of the institutional investment until the

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monitoring report is approved by the Board of Governors. A state university determined by the board to be making satisfactory progress on implementing the improvement plan shall receive no more than one-half of the withheld institutional investment in January and the balance of the withheld institutional investment in June. A state university that fails to make satisfactory progress may not have its full institutional investment restored. Any institutional investment funds that are not restored shall be redistributed in accordance with the board's performance-based metrics.

(4) (a) The Board of Governors shall assign each state university a score on a 100-point scale. Pursuant to subsection (2), a state university's initial scores must be established using data from the 2018-2019 fiscal year. The state universities with the three highest scores are eligible to receive a proportionate amount of the state's investment. In the event of a tie for the three highest scores, the tie shall go to the benefit of the state universities.

(b) Each state university with a score that is equal to or higher than its score for the previous year is eligible for its proportional amount of the state's investment.

(c) Each state university with a score that is lower than in the immediately previous year, but whose score in that year was equal to or higher than its score for the prior year, is eligible for its proportional amount of the state's investment.

(d) Each state university with a score that is equal to or lower than its previous year's score for 2 consecutive years shall have its proportional amount of the state's investment withheld and must submit a student success plan to the board for

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consideration at its August or September meeting. The board shall review and approve the student success plan and, if the student success plan is approved, must monitor the state university's progress in implementing the plan. The student success plan must specify the activities and strategies the state university will use for improving its performance metrics.

1. If the board approves the student success plan, the Chancellor of the State University System must disburse up to one-half of the state's investment at the time of approval.

2. The student success plan monitoring report must be submitted to the board on a date specified by the Chancellor and considered at the board's March meeting. The Chancellor shall withhold the remaining disbursement of the state's investment until the student success plan monitoring report for the state university is approved by the board. If it is determined that the state university is making satisfactory progress on implementing the plan, the board must approve the monitoring report and the state university must receive up to the balance of the state's investment.

3. Any state university that fails to make satisfactory progress may not have its full state investment restored, and any state investment funds remaining must be distributed to the top three scoring state universities, including any state universities that have tied.

(e) Beginning with the 2021-2022 fiscal year, any state university with a score lower than 70 points shall have its proportional amount of the state's investment withheld and the state university shall submit a student success plan to the board for consideration at its August or September meeting. The

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board shall review and approve the student success plan and, if the student success plan is approved, must monitor the state university's progress in implementing the plan. The student success plan must specify the activities and strategies that the state university will use for improving its performance metrics. A state university whose proportional amount of the state's investment is withheld pursuant to this paragraph may only have 50 percent of its share of the state investment restored.

1. If the board approves the student success plan, the Chancellor shall disburse up to 25 percent of the state's investment at the time of approval.

2. The student success plan monitoring report must be submitted to the board on a date specified by the Chancellor and considered at the board's March meeting. The Chancellor shall withhold the remaining disbursement of the state's investment until the student success plan monitoring report for the state university is approved by the board. If it is determined that the state university is making satisfactory progress on implementing the plan, the board must approve the monitoring report and the state university shall receive up to 25 percent of its proportional amount of the state's investment.

3. Any state university that fails to make satisfactory progress may not have its 50 percent of the state's investment restored, and any state investment funds remaining must be distributed to the top three scoring state universities, including any state universities that have tied.

4. The remaining 50 percent of each state university's proportional share of the state's investment must be distributed to the top three scoring state universities, including state

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universities that have tied.

(5) Distributions of performance funding, as provided in this section, shall be made by the Legislature to each of the state universities.

(6) ~~(5)~~ By October 1 of each year, the Board of Governors shall submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives a report on the previous fiscal year's performance funding allocation which must reflect the rankings and award distributions.

(7) ~~(6)~~ The Board of Governors shall adopt regulations to administer this section.

Section 3. Paragraph (b) of subsection (2) of section 1004.28, Florida Statutes, is amended to read:

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

(2) USE OF PROPERTY.—

(b) The board of trustees, in accordance with regulations and guidelines of the Board of Governors, shall prescribe by regulation conditions with which a university direct-support organization must comply in order to use property, facilities, or personal services at any state university, including that personal services must comply with s. 1012.976. Such regulations shall provide for budget and audit review and oversight by the board of trustees, including thresholds for approval of purchases, acquisitions, projects, and issuance of debt. Beginning ~~No later than~~ July 1, 2019, the transfer of a state appropriation by the board of trustees to any direct-support organization and its not-for-profit subsidiaries and affiliates may ~~only~~ include only funds pledged for capital projects.

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~~Beginning July 1, 2019, and annually thereafter,~~ Each university board of trustees shall report annually to the Legislature the amount of state appropriations transferred to any direct-support organization during the previous fiscal year, the purpose for which the funds were transferred, and the remaining balance of any funds transferred.

Section 4. Subsections (1), (4), and (5) and paragraph (a) of subsection (6) of section 1004.335, Florida Statutes, are amended to read:

1004.335 Accreditation consolidation of University of South Florida branch campuses.—

(1) The University of South Florida Consolidation Planning Study and Implementation Task Force is established to develop recommendations to improve service to students by phasing out the separate accreditation of the University of South Florida St. Petersburg branch campus and the University of South Florida Sarasota/Manatee branch campus, which were conferred by the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC) pursuant to ss. 1004.33 and 1004.34, respectively.

(4) ~~No later than February 15, 2019,~~ The task force must submit a report to the University of South Florida Board of Trustees which includes, at a minimum, recommendations on the following:

(a) Identification of specific degrees in programs of strategic significance, including health care, science, technology, engineering, mathematics, and other program priorities to be offered at the University of South Florida St. Petersburg branch campus and the University of South Florida

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Sarasota/Manatee branch campus and the timeline for the development and delivery of programs on each campus;

(b) Maintaining the unique identity of each campus and an assessment of whether a separate educational mission is beneficial to the future of each campus;

(c) Maintaining faculty input from all campuses during the review and development of general education requirements to reflect the distinctive identity of each campus;

(d) Developing the research capacity at each campus;

(e) Equitable distribution of programs and resources to establish pathways to admission for all students who require bridge programming and financial aid;

(f) Establishing budget transparency and accountability regarding the review and approval of student fees among campuses, including fee differentials and athletic fees, to enable the identification of the equitable distribution of resources to each campus, including the University of South Florida Health; and

(g) Developing and delivering integrated academic programs, student and faculty governance, and administrative services to better serve the students, faculty, and staff at the University of South Florida College of Marine Science, the University of South Florida Sarasota/Manatee branch campus, and the University of South Florida St. Petersburg branch campus.

(5) ~~No later than March 15, 2019,~~ The Board of Trustees of the University of South Florida, after considering the recommendations of the task force, must adopt and submit to the Board of Governors an implementation plan that:

(a) Establishes a timeline for each step that is necessary

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to terminate the separate accreditation for each campus no later than June 30, 2020, while maintaining branch campus status for both campuses, so that there is no lapse in institutional accreditation for any campus during the phasing-out process.

(b) Minimizes disruption to students attending the any University of South Florida or any of its branch campuses ~~campus~~ so that the consolidation of SACSCOC accreditation does not impede a student's ability to graduate within 4 years after initial first-time-in-college enrollment.

(c) Requires that, on or before July 1, 2020, the entirety of the University of South Florida, including all branch campuses and other component units of the university, operate under a single institutional accreditation from the SACSCOC.

(d) Requires that, on each regularly scheduled submission date subsequent to July 1, 2020, the University of South Florida report consolidated data for all of the university's campuses and students to the Integrated Postsecondary Education Data System and to the Board of Governors. The Board of Governors shall use the consolidated data for purposes of determining eligibility for funding pursuant to ss. 1001.7065 and 1001.92.

(6) Notwithstanding ss. 1001.7065 and 1001.92 or any Board of Governors regulation to the contrary relating to the calculation of graduation rates and retention rates, a student who meets all of the following criteria may not be counted by the Board of Governors when calculating or confirming the graduation rate or the retention rate of the University of South Florida under those sections:

(a) The student was admitted to and initially enrolled before the spring 2020 semester as a first-time-in-college

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student at the University of South Florida St. Petersburg branch campus or the University of South Florida Sarasota/Manatee branch campus.

Section 5. Paragraph (b) of subsection (4) and paragraph (b) of subsection (5) of section 1004.41, Florida Statutes, are amended, and paragraph (g) is added to subsection (4) and paragraph (f) is added to subsection (5) of that section, to read:

1004.41 University of Florida; J. Hillis Miller Health Center.—

(4)

(b) The University of Florida Board of Trustees shall provide in the lease or by separate contract or agreement with Shands Teaching Hospital and Clinics, Inc., for the following:

1. Approval of the articles of incorporation of Shands Teaching Hospital and Clinics, Inc., by the University of Florida Board of Trustees.

2. Governance of Shands Teaching Hospital and Clinics, Inc., by a board of directors appointed, subject to removal, and chaired by the President of the University of Florida, or his or her designee, and vice chaired by the Vice President for Health Affairs of the University of Florida or his or her designee. The University of Florida Board of Trustees must approve all appointments to the board, its not-for-profit subsidiaries, and its affiliates.

3. Use of hospital facilities and personnel in support of community service and patient care, research programs, and the teaching roles of the health center.

4. Continued recognition of the collective bargaining units



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and collective bargaining agreements as currently composed and recognition of the certified labor organizations representing those units and agreements.

5. Use of hospital facilities and personnel in connection with research programs conducted by the health center.

6. Reimbursement to Shands Teaching Hospital and Clinics, Inc., for indigent patients, state-mandated programs, underfunded state programs, and costs to Shands Teaching Hospital and Clinics, Inc., for support of the teaching and research programs of the health center. Such reimbursement shall be appropriated to either the health center or Shands Teaching Hospital and Clinics, Inc., each year by the Legislature after review and approval of the request for funds.

7. Audit of the financial statements of Shands Teaching Hospital and Clinics, Inc., in accordance with generally accepted accounting principles as prescribed by the Governmental Accounting Standards Board for a separate corporation affiliated with a government entity that holds a voting majority interest of the affiliated corporation's governing board. The financial statements shall be provided to the University of Florida Board of Trustees for attachment to its audited financial statement which is provided to the Auditor General. The University of Florida may obtain additional financial information from Shands Teaching Hospital and Clinics, Inc., upon request by the Auditor General. This subparagraph applies equally to any not-for-profit subsidiary of Shands Teaching Hospital and Clinics, Inc., which directly delivers health care services and also qualifies as an instrumentality of the state under the governance control and the primary purpose standards specified in this section.

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(g) Beginning July 1, 2019, the transfer of state appropriations by the University of Florida Board of Trustees to Shands Teaching Hospital and Clinic, Inc., and its not-for-profit subsidiaries and affiliates may include only funds pledged for capital projects.

(5)

(b) The University of Florida Board of Trustees shall provide in the lease or by separate contract or agreement with Shands Jacksonville Medical Center, Inc., and Shands Jacksonville HealthCare, Inc., for the following:

1. Approval of the articles of incorporation of Shands Jacksonville Medical Center, Inc., and of Shands Jacksonville HealthCare, Inc., by the University of Florida Board of Trustees, which may act through the president of the university or his or her designee. In approving the articles of incorporation of Shands Jacksonville Medical Center, Inc., and of Shands Jacksonville HealthCare, Inc., the president of the university, or his or her designee, may act as the chair of the board of directors, or the president of the university or his or her designee or members of the University of Florida Board of Trustees may act as the approving body of Shands Jacksonville Medical Center, Inc., or Shands Jacksonville HealthCare, Inc.

2. Governance of Shands Jacksonville Medical Center, Inc., and of Shands Jacksonville HealthCare, Inc., by boards of directors appointed, subject to removal, and chaired by the President of the University of Florida, or his or her designee. One director of each board may be so appointed after being nominated by the mayor of the City of Jacksonville subject to the applicable standards for directors of such board. If there

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is a vice chair of the board of directors of Shands Jacksonville Medical Center, Inc., or Shands Jacksonville HealthCare, Inc., the Vice President for Health Affairs of the University of Florida, or his or her designee or the designee of the president of the university, shall hold that position. The University of Florida Board of Trustees must approve all appointments to the board, its not-for-profit subsidiaries, and its affiliates.

3. Use of the Shands Jacksonville Medical Center, Inc., hospital facilities and personnel in support of community service and patient care, research programs, and the teaching roles of the health center of the University of Florida Board of Trustees.

4. Reimbursement to Shands Jacksonville Medical Center, Inc., for indigent patients, state-mandated programs, underfunded state programs, and costs to the not-for-profit corporation for support of the teaching and research programs of the health center. Such reimbursement shall be appropriated to either the health center or the not-for-profit corporation each year by the Legislature after review and approval of the request for funds.

5. Audit of the financial statements of Shands Jacksonville Medical Center, Inc., and Shands Jacksonville HealthCare, Inc., in accordance with generally accepted accounting principles as prescribed by the Governmental Accounting Standards Board for a separate corporation affiliated with a government entity that holds a voting majority interest of the affiliated corporation's governing board. The financial statements shall be provided to the University of Florida Board of Trustees for attachment to its audited financial statement which is provided to the Auditor

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General. The University of Florida may obtain additional financial information from Shands Jacksonville Medical Center, Inc., and Shands Jacksonville HealthCare, Inc., upon request by the Auditor General. This subparagraph applies equally to any not-for-profit subsidiary which directly delivers health care services and also qualifies as an instrumentality of the state under the governance control and primary purpose standards specified in this section.

(f) Beginning July 1, 2019, the transfer of state appropriations by the University of Florida Board of Trustees to Shands Jacksonville Medical Center, Inc., Shands Jacksonville HealthCare, Inc., and any of their not-for-profit subsidiaries and affiliates may include only funds pledged for capital projects.

Section 6. Subsection (7) is added to section 1007.23, Florida Statutes, to read:

1007.23 Statewide articulation agreement.—

(7) The articulation agreement must specifically provide for a reverse transfer agreement for Florida College System associate in arts degree-seeking students who transfer to a state university before earning an associate in arts degree. Students must be awarded an associate in arts degree by the Florida College System institution upon completion of degree requirements at the state university if the student earned a majority of the credit hours from the Florida College System institution. State universities shall identify students who have completed requirements for the associate in arts degree and transfer credits earned at the state university back to the Florida College System institution so that the associate in arts

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523 degree may be awarded by the Florida College System institution.

524 Section 7. Subsection (4) of section 1011.90, Florida

525 Statutes, is amended to read:

526 1011.90 State university funding.—

527 (4) The Board of Governors shall establish and validate a  
528 cost-estimating system consistent with the requirements of  
529 subsection (1) and shall report as part of its legislative  
530 budget request the actual expenditures for the fiscal year  
531 ending the previous June 30. The legislative budget request must  
532 also include 5-year trend information on the ratios of student  
533 enrollment to faculty and administrators at each university. The  
534 ratio of students to administrators at any state university may  
535 not grow at a greater rate than the ratio of students to  
536 faculty. Expenditure analysis, operating budgets, and annual  
537 financial statements of each university must be prepared using  
538 the standard financial reporting procedures and formats  
539 prescribed by the Board of Governors. These formats shall be the  
540 same as used for the 2000-2001 fiscal year reports. Any  
541 revisions to these financial and reporting procedures and  
542 formats must be approved by the Executive Office of the Governor  
543 and the appropriations committees of the Legislature jointly  
544 under ~~the provisions of~~ s. 216.023(3). The Board of Governors  
545 shall continue to collect and maintain at a minimum management  
546 information existing on June 30, 2002. The expenditure analysis  
547 report shall include total expenditures from all sources for the  
548 general operation of the university and shall be in such detail  
549 as needed to support the legislative budget request.

550 Section 8. 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.)

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Prepared By: The Professional Staff of the Committee on Education

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BILL: SB 1342

INTRODUCER: Senator Stargel

SUBJECT: Postsecondary Education for Secondary Students

DATE: March 25, 2019

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Graf	Sikes	ED	<b>Pre-meeting</b>
2.			AED	
3.			AP	

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## **I. Summary:**

SB 1342 expands secondary student access to advanced coursework through dual enrollment and early college programs. Specifically, the bill:

- Revises dual enrollment provisions in the following ways:
  - Requires private school dual enrollment articulation agreements to include a provision expressing that costs associated with tuition and fees, including registration and laboratory fees, will not be passed along to a student's private school of enrollment.
  - Specifies that instructional materials assigned for use within dual enrollment courses must be made available free of charge to students in home education programs and private schools.
- Reframes the collegiate high school program as an early college acceleration program and revises related requirements, creates a mechanism for awarding bonus funding if certain conditions are met, and specifies reporting requirements for district school superintendents and the Commissioner of Education.

The bill takes effect July 1, 2019.

## **II. Present Situation:**

Florida law provides students in secondary schools access to advanced coursework.<sup>1</sup> Such coursework is intended to shorten the time necessary for a student to complete the requirements associated with the conference of a high school diploma and a postsecondary degree, broaden the scope of curricular options available to students, or increase the depth of study available for a particular subject.<sup>2</sup>

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<sup>1</sup> Section 1007.27, F.S.

<sup>2</sup> *Id.*, at (1).

## Dual Enrollment

Dual enrollment is the enrollment of an eligible secondary student or home education student in a postsecondary course creditable toward high school completion and a career certificate or an associate or baccalaureate degree.<sup>3</sup> A student who is enrolled in postsecondary instruction that is not creditable toward a high school diploma may not be classified as a dual enrollment student.<sup>4</sup>

An eligible secondary student is a student who is enrolled in any of grades 6 through 12 in a Florida public school or in a Florida private school that is in compliance with the requirements specified in law<sup>5</sup> and provides a secondary curriculum pursuant to the law.<sup>6</sup> Students who meet the eligibility requirements specified in law and who choose to participate in dual enrollment programs are exempt from the payment of registration, tuition, and laboratory fees.<sup>7</sup>

Each year, more than 60,000 students participate in Florida's dual enrollment program, and the number is growing.<sup>8</sup> During the 2017-2018 school year, 72,465 students<sup>9</sup> participated in dual enrollment at Florida College System (FCS) institutions.<sup>10</sup> Specifically, 66,472 students from public high schools, 2,934 students from private high schools, and 3,381 students from home education programs participated in dual enrollment during the 2017-2018 school year.<sup>11</sup>

## Dual Enrollment Articulation Agreement

A dual enrollment articulation agreement establishes the guidelines for implementing the program for eligible students.<sup>12</sup> Specifically, Florida law requires:

- Each district school superintendent and each public postsecondary institution president to develop a comprehensive dual enrollment articulation agreement for the respective school district and postsecondary institution.<sup>13</sup>
- Each public postsecondary institution eligible to participate in the dual enrollment program to enter into a home education articulation agreement with each home education student seeking enrollment in a dual enrollment course and the student's parent.<sup>14</sup>

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<sup>3</sup> Section 1007.271(1), F.S.

<sup>4</sup> *Id.*

<sup>5</sup> Section 1002.42(2), F.S.

<sup>6</sup> Section 1007.271(2), F.S.

<sup>7</sup> Section 1007.271(16), F.S. Florida law specifies that the provisions of law which exempt dual enrolled and early admission students from payment of instructional materials and tuition and fees, including laboratory fees, do not apply to students who select the option of enrolling in an eligible independent institution. Section 1011.62(1)(i), F.S. An eligible independent institution is an independent college or university, which is not for profit, is accredited by a regional or national accrediting agency recognized by the United States Department of Education, and confers degrees as defined in s. 1005.02. *Id.*

<sup>8</sup> Florida Department of Education, *Dual Enrollment Frequently Asked Questions*, available at <http://www.fldoe.org/core/fileparse.php/5421/urlt/DualEnrollmentFAQ.pdf>, at 1 of 15.

<sup>9</sup> The total number of students who participated in dual enrollment reflects an unduplicated headcount of students who may have enrolled in more than one dual enrollment course, which includes credit hour dual enrollment courses and clock hour career dual enrollment courses. Email, Florida Department of Education (March 22, 2019).

<sup>10</sup> Email, Florida Department of Education (March 22, 2019).

<sup>11</sup> *Id.*

<sup>12</sup> Florida Department of Education, *Dual Enrollment Frequently Asked Questions*, available at <http://www.fldoe.org/core/fileparse.php/5421/urlt/DualEnrollmentFAQ.pdf>, at 13 of 15.

<sup>13</sup> Section 1007.271(21), F.S.

<sup>14</sup> *Id.*, at (13).

- Each public postsecondary institution eligible to participate in the dual enrollment program to enter into a private school articulation agreement with each eligible private school in its geographic service area seeking to offer dual enrollment courses to its students.<sup>15</sup>

Additionally, district school boards and FCS institutions may enter into additional dual enrollment articulation agreements with state universities, and school districts may also enter into dual enrollment articulation agreements with eligible independent colleges and universities.<sup>16</sup>

The dual enrollment articulation agreements are developed locally by the entities specified in law. Florida law specifies the information that must be addressed in the dual enrollment articulation agreements.<sup>17</sup> Such agreements must be submitted to the Florida Department of Education (DOE) by August 1 of each year.<sup>18</sup>

### Funding

The dual enrollment articulation agreement between a district school superintendent and a public postsecondary institution president must address specified information including a funding provision that delineates costs incurred by each entity.<sup>19</sup>

School districts are required to pay public postsecondary institutions the standard tuition rate per credit hour from funds provided in the Florida Education Finance Program (FEFP) when dual enrollment course instruction takes place on the postsecondary institution's campus and the course is taken during the fall or spring term.<sup>20</sup> When dual enrollment is provided on the high school site by postsecondary institution faculty, the school district must reimburse the costs associated with the postsecondary institution's proportion of salary and benefits to provide the instruction.<sup>21</sup> When dual enrollment course instruction is provided on the high school site by school district faculty, the school district is not responsible for payment to the postsecondary institution.<sup>22</sup> Florida law authorizes a postsecondary institution to enter into an agreement with the school district to authorize teachers to teach dual enrollment courses at the high school site or the postsecondary institution.<sup>23</sup> Florida law does not specify a similar funding provision for private schools to pay public postsecondary education institutions for the dual enrollment instruction that such institutions provide to the private school students who participate in dual enrollment.

Subject to annual appropriation in the General Appropriations Act, a public postsecondary institution must receive an amount of funding equivalent to the standard tuition rate per credit hour for each dual enrollment course taken by a student during the summer term.<sup>24</sup>

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<sup>15</sup> Section 1007.271(24), F.S.

<sup>16</sup> *Id.*, at (23).

<sup>17</sup> *Id.*, at (13), (21), and (24).

<sup>18</sup> *Id.*, at (13), (21), (23), and (24).

<sup>19</sup> Section 1007.271(21)(n), F.S.

<sup>20</sup> *Id.*, at 1.

<sup>21</sup> *Id.*

<sup>22</sup> *Id.*

<sup>23</sup> *Id.*

<sup>24</sup> *Id.*, at 2.

***Instructional Materials***

Instructional materials assigned for use within dual enrollment courses must be made available to dual enrollment students from Florida public high schools free of charge.<sup>25</sup> Florida law does not prohibit an FCS institution from providing instructional materials at no cost to a home education student or student from a private school.<sup>26</sup> Instructional materials purchased by a district school board or FCS institution board of trustees on behalf of dual enrollment students must be the property of the board against which the purchase is charged.<sup>27</sup>

In 2018, the Legislature appropriated \$550,000 for instructional materials for home education program students participating in dual enrollment.<sup>28</sup>

***Collegiate High School Program***

In 2014, the Legislature codified the collegiate high school program and specified related requirements.<sup>29</sup> Florida law requires each FCS institution to work with each district school board in its designated service area<sup>30</sup> to establish one or more collegiate high school programs.<sup>31</sup>

***Purpose***

At a minimum, collegiate high school programs must include an option for public school students in grade 11 or grade 12 participating in the program, for at least 1 full school year, to earn CAPE industry certifications and to successfully complete 30 credit hours through dual enrollment toward the first year of college for an associate degree or baccalaureate degree while enrolled in the program.<sup>32</sup>

In the fall of 2018, FCS institutions enrolled an estimated 11,179 students in collegiate high school programs.<sup>33</sup> During the 2017-2018 school year:<sup>34</sup>

- 3,215 students graduated from FCS Collegiate and Charter High Schools.
- 2,997 graduates accumulated at least 30 college credits.
- 2,256 students earned associate degrees.
- 104 students earned industry certifications.

***Program Contract***

Each district school board and its local FCS institution must execute a contract to establish one or more collegiate high school programs at a mutually agreed upon location or locations.<sup>35</sup> If the FCS institution does not establish a program with a district school board in its designated service

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<sup>25</sup> Section 1007.271(17), F.S.

<sup>26</sup> *Id.*

<sup>27</sup> *Id.*

<sup>28</sup> Section 46, ch. 2018-6, L.O.F.

<sup>29</sup> Section 10, ch. 2014-184, L.O.F.

<sup>30</sup> Section 1000.21(3), F.S.

<sup>31</sup> Section 1007.273(1), F.S.

<sup>32</sup> *Id.*, at (2).

<sup>33</sup> Email. Florida Department of Education (March 9, 2019).

<sup>34</sup> *Id.*

<sup>35</sup> Section 1007.273(3), F.S.

area, another FCS institution may execute a contract with that district school board to establish the program.<sup>36</sup>

In addition to executing a contract with the local FCS institution, Florida law authorizes a district school board to execute a contract to establish a collegiate high school program with a state university or an independent college or university that is eligible to participate in the William L. Boyd, IV, Effective Access to Student Education Grant Program, that is nonprofit and located and chartered in this state, and that is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools to grant baccalaureate degrees.<sup>37</sup>

Florida law specifies the information that must be addressed in the contract which must be executed by January 1 of each school year for implementation of the program during the next school year.<sup>38</sup>

### ***Student Performance Contract***

Each student participating in a collegiate high school program must enter into a student performance contract which must be signed by the student, the parent, and a representative of the school district and the applicable FCS institution, state university, or independent college or university.<sup>39</sup> The performance contract must include the schedule of courses, by semester, and industry certifications to be taken by the student, student attendance requirements, and course grade requirements.

### ***Funding***

The collegiate high school program must be funded in accordance with the funding for dual enrollment and through the FEEP.<sup>40</sup> The State Board of Education must enforce compliance with the law regarding the collegiate high school program by withholding the transfer of funds for the school districts and the FCS institutions.<sup>41</sup>

## **III. Effect of Proposed Changes:**

SB 1342 expands secondary student access to advanced coursework through dual enrollment and early college programs. Specifically, the bill:

- Revises dual enrollment provisions in the following ways:
  - Requires private school dual enrollment articulation agreements to include a provision expressing that costs associated with tuition and fees, including registration and laboratory fees, will not be passed along to a student's private school of enrollment.
  - Specifies that instructional materials assigned for use within dual enrollment courses must be made available free of charge to students in home education programs and

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<sup>36</sup> Section 1007.273(3), F.S.

<sup>37</sup> *Id.*, at (5).

<sup>38</sup> *Id.*, at (3).

<sup>39</sup> *Id.*, at (4). To participate in a collegiate high school program, an independent college or university must be an institution that is eligible to participate in the William L. Boyd, IV, Effective Access to Student Education Grant Program, that is a nonprofit independent college or university located and chartered in this state, and that is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools to grant baccalaureate degrees. *Id.*, at (5).

<sup>40</sup> Section 1007.273(6), F.S.

<sup>41</sup> *Id.*



- private schools.
- Reframes the collegiate high school program as an early college acceleration program and revises related requirements, creates a mechanism for awarding bonus funding if certain conditions are met, and specifies reporting requirements for district school superintendents and the Commissioner of Education (commissioner).

### **Dual Enrollment**

The bill revises Florida law regarding private school dual enrollment articulation agreements and the provision of instructional materials to students participating in dual enrollment.

#### ***Dual Enrollment Articulation Agreement***

The bill requires the private school dual enrollment articulation agreements to include a provision expressing that costs associated with tuition and fees, including registration and laboratory fees, will not be passed along to a student's private school of enrollment. Current law requires school districts to reimburse public postsecondary education institutions for dual enrollment instruction provided by such institutions.<sup>42</sup>

#### ***Instructional Materials***

The bill specifies that instructional materials assigned for use within dual enrollment courses must be made available free of charge to students in home education programs and private schools. Current law provides for free dual enrollment instructional materials for public high school students.<sup>43</sup> However, the bill does not limit the provision of free dual enrollment instructional materials for private school and home education program students to only those students who are enrolled in grades 9 through 12 at private schools or the equivalent of such grades for home education programs.

### **Collegiate High School Program**

The bill reframes the collegiate high school program (CHS) as an early college acceleration program and revises related requirements, creates a mechanism for awarding bonus funding if certain conditions are met, and specifies reporting requirements for district school superintendents and the commissioner.

Specifically, the bill revises current law to require each FCS institution to work with each district school board in its designated service area to establish one or more early college programs, including, but not limited to, collegiate high school programs. Accordingly, the bill expands opportunities for secondary students to access to advanced coursework through early college programs. The bill defines the early college program to mean a structured high school acceleration program.

#### ***Purpose***

In comparison to the requirements for the CHS program, the bill expands the number of years

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<sup>42</sup> Section 1007.271(21)(n), F.S.

<sup>43</sup> *Id.*, at (17).

that early college programs must be made available to students and the opportunities that must be provided to students to earn college credit through dual enrollment. Specifically, the bill requires that the early college programs:

- Include an option for public school students in grades 11 and 12 to participate in such programs for at least 2 full school years, and
- Provide students opportunities to earn at least 60 credit hours through dual enrollment.

The bill maintains the opportunities for students to earn CAPE industry certifications under the early college programs, consistent with the CHS program. The bill requires early college programs to prioritize dual enrollment courses applicable as general education core courses<sup>44</sup> or common prerequisite courses<sup>45</sup> for an associate degree<sup>46</sup> or a baccalaureate degree<sup>47</sup> over dual enrollment courses applicable as electives. Accordingly, the bill promotes purposeful utilization and application of dual enrollment credits toward postsecondary education, which may result in cost savings for students if the students complete the general education core and common prerequisite course requirements before graduating from high school. Statewide articulation agreements<sup>48</sup> govern articulation between secondary and postsecondary education to facilitate the seamless articulation of student credit across Florida's educational entities.<sup>49</sup>

The bill authorizes private school students and home education students in grades 11 and 12 to enroll in early college programs, and prohibits district school boards and FCS institutions from limiting the number of eligible students who may enroll in such early college programs.

### ***Program Contract***

The bill reframes the CHS program contract provisions as early college program contract provisions, with some additional requirements. Specifically, the bill revises the program contract provisions related to the:

- Program description by requiring that the description also include a list of the meta-major academic pathways approved in accordance with the law,<sup>50</sup> which are available to participating students through the partner FCS institution, state university, or nonprofit independent college or university that is located and chartered in this state, and that is accredited by the Commission on Colleges of the Southern Association of Colleges and

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<sup>44</sup> General education core course options consist of a maximum of five courses within each of the subject areas of communication, mathematics, social sciences, humanities, and natural sciences. The course options are identified by faculty committees that are jointly appointed by the chair of the State Board of Education (state board) and the chair of the Board of Governors (BOG). Section 1007.25(3), F.S.; *see also* Rule 6A-14.0303, F.A.C. and Board of Governors Regulation 8.005.

<sup>45</sup> The Department of Education is required to identify common prerequisite courses and course substitutions for degree programs across all institutions. Common degree program prerequisites must be offered and accepted by all state universities and Florida College System (FCS) institutions, except in cases approved by the state board for the FCS institutions and the BOG for the state universities. Section 1007.25(6), F.S.

<sup>46</sup> Typically, an associate in arts degree requires 60 semester hours of college credit and include 36 semester hours of general education coursework. Section 1007.25(8), F.S.

<sup>47</sup> A baccalaureate degree program usually requires 120 semester credit hours and include 36 semester hours of general education coursework, unless prior approval has been granted by the BOG for baccalaureate degree programs offered by state universities and by the state board for baccalaureate degrees offered by FCS institutions. Section 1007.25(8), F.S.

<sup>48</sup> The state board and the BOG are required to enter into a statewide articulation agreement, providing for the transfer and application of credits earned by students in high school or in postsecondary programs of study. Section 1007.23(1), F.S.

<sup>49</sup> Section 1007.23(1)(a), F.S.

<sup>50</sup> Section 1008.30(4), F.S.

Schools to grant baccalaureate degrees.

- Delineation of courses by requiring that the courses must, at a minimum, include general education core courses and common prerequisite courses.

Additionally, the bill applies the January 1 deadline for executing the CHS program contracts to the early college program contracts, beginning with the 2020-2021 school year.

The bill applies to the early college program the existing authority of a district school board to execute a contract, under the CHS program, with a state university or a nonprofit independent college or university that is eligible to participate in the program,<sup>51</sup> in addition to the contract that the district executes with the local FCS institution. Additionally, the bill authorizes a charter school to execute a program contract directly with the local FCS institution, state university, or eligible independent college or university to establish an early college program at a mutually agreed upon location. Accordingly, the bill expands student access to advanced coursework through early college programs.

### ***Student Performance Contract***

The bill reframes the CHS program student performance contract provisions as early college program student performance contract provisions, with a few additional requirements. The bill requires the student performance contract to:

- Specify the applicability of courses taken by students under the early college program to an associate or a baccalaureate degree.
- Require each district school board to notify, by September 1, 2020, and annually thereafter, each public school student, each home education program student, and each private school with students in grades 9, 10, 11, and 12 about the following early college program information:
  - The method for earning college credit through participation in the early college program. The bill requires that the notification include Internet websites to the dual enrollment course equivalency list<sup>52</sup> approved by the state board; the common degree program prerequisite requirements<sup>53</sup> published by the Articulation Coordinating Committee;<sup>54</sup> the industry certification articulation agreements<sup>55</sup> adopted by the state board in rule; and the

<sup>51</sup> An eligible independent college or university is an institution that is eligible to participate in the William L. Boyd, IV, 1Effective Access to Student Education Grant Program, that is nonprofit and located and chartered in this state, and that is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools to grant baccalaureate degrees. Section 1007.273(5), F.S.

<sup>52</sup> The dual enrollment course-to-high school subject area equivalency list specifies postsecondary courses that when completed earn both high school and college credit. Florida Department of Education, *2018-2019 Dual Enrollment Course—High School Subject Area Equivalency List*, available at <http://www.fldoe.org/core/fileparse.php/5421/urlt/0078394-delist.pdf>.

<sup>53</sup> The common prerequisite requirements are published in the Common Prerequisite Manual, which is available on Florida Virtual Campus (FLVC) website. FloridaShines, Common Prerequisites Manuals 2018-2019, <https://dlss.flvc.org/admin-tools/common-prerequisites-manuals/2018-2019-manual> (last visited March 21, 2019).

<sup>54</sup> Florida law requires the Commissioner of Education, in consultation with the Chancellor of the State University System, to establish the Articulation Coordinating Committee, which must make recommendations related to statewide articulation policies and issues regarding access, quality, and reporting of data maintained by the Florida Department of Education's K-20 data warehouse, to the Higher Education Coordination Council, the state board, and the BOG. Section 1007.01(3), F.S.

<sup>55</sup> The SBE has approved several Statewide Career and Technical Education Articulation Agreements which are based on industry certification. Such agreements are intended to be a minimum guarantee of articulated credit and do not preclude

- approved meta-major academic pathways of the partner FCS institution, state university, or an eligible independent college or university.
- The estimated cost savings to students and their families resulting from students successfully completing 30 credit hours and 60 credit hours applicable toward general education core courses or common prerequisite courses before graduating from high school versus the cost of students earning such credit hours after graduating from high school.

### ***Funding***

The bill specifies that consistent with Florida law regarding dual enrollment, a home education student, a private school student, and private school, for participating students from the private school, are not responsible for the costs associated with instructional materials, tuition, and fees, including registration and laboratory fees.

In addition, the bill creates a mechanism for awarding bonus funding if certain conditions are met. The bill specifies that a student who enrolls in the early college program and successfully completes an associate degree or at least 60 college credit hours toward fulfilling the requirements for a baccalaureate degree pursuant to the student performance contract before graduating from high school generates a 1.0 full-time equivalent (FTE) bonus.

The bill:

- Requires each district school board that is a contractual partner with an FCS institution, a state university, or an eligible independent college or university, to report to the commissioner the total FTE bonus for each early college program student from that school district.
- Requires the total FTE bonus to be added to each school district's total weighted FTE for funding in the subsequent fiscal year.
- Specifies that for any industry certification earned by a student under the early college program, the FTE bonus must be calculated and awarded in accordance with the funding for industry certifications specified in the Florida Education Finance Program.<sup>56</sup>

### ***Reporting***

The bill creates reporting requirements to specify that:

- Beginning September 1, 2020, and annually thereafter, each district school superintendent must report to the commissioner, at a minimum, the following information on each early college program administered during the previous school year:
  - The number of students in public schools, private schools, and home education programs within the school district who enrolled in the early college program and the partnering postsecondary institutions.
  - The total and average number of dual enrollment courses completed, high school and college credits earned, standard high school diplomas and associate and baccalaureate

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institutions from granting additional credit based on local agreements. Florida Department of Education, *Industry Certification*, <http://www.fldoe.org/academics/career-adult-edu/career-technical-edu-agreements/industry-certification.shtml> (last visited March 21, 2019).

<sup>56</sup> Section 1011.62(1)(o), F.S.

- degrees awarded, and industry certifications attained, if any, by the students who enrolled in the early college program.
- The projected student enrollment in the early college program during the next school year.
- Any barriers to executing contracts to establish one or more early college programs.
- By November 30, 2020, and annually thereafter, the commissioner must report to the Governor, the President of the Senate, and the Speaker of the House of Representatives the status of early college programs, including, at a minimum, a summary of student enrollment and completion information; barriers, if any, to establishing such programs; and recommendations for expanding access to such programs statewide.

Accordingly, the bill creates a mechanism for monitoring the status of early college programs and making program improvements, as needed.

The 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:**

The bill requires the private school dual enrollment articulation agreements to include a provision expressing that costs associated with tuition and fees, including registration and laboratory fees, will not be passed along to a student's private school of enrollment. This may result in a loss of revenue for a public postsecondary institution that enters into an agreement with a private school to provide dual enrollment.

In 2018, the Legislature appropriated \$550,000 for instructional materials for home education program students participating in dual enrollment.<sup>57</sup> The bill does not provide appropriations for instructional materials for home education program students and private school students who participate in dual enrollment.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 1007.271 and 1007.273.

**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.

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

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<sup>57</sup> Section 46, ch. 2018-6, L.O.F.

By Senator Stargel

22-01314-19

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1 A bill to be entitled  
 2 An act relating to postsecondary education for  
 3 secondary students; amending s. 1007.271, F.S.;  
 4 requiring, rather than authorizing, instructional  
 5 materials to be made available to certain dual  
 6 enrollment students free of charge; prohibiting  
 7 certain costs associated with a private school student  
 8 who is enrolled in a dual enrollment course from being  
 9 passed along to the student's school; amending s.  
 10 1007.273, F.S.; defining the term "early college  
 11 program"; providing additional options for students  
 12 participating in an early college program; revising  
 13 the requirements for an early college program;  
 14 authorizing certain private school and home education  
 15 students to enroll in an early college program;  
 16 prohibiting certain entities from limiting the number  
 17 of students who may participate in an early college  
 18 program; revising early college program contract and  
 19 student performance contract requirements; requiring  
 20 each district school board to annually notify students  
 21 in certain grades of specified information about the  
 22 early college program; authorizing a charter school to  
 23 establish an early college program; providing that  
 24 certain students and schools are not responsible for  
 25 specified costs; providing that students who meet  
 26 certain requirements generate a full-time equivalent  
 27 bonus; providing requirements for such bonuses;  
 28 requiring a district school superintendent to annually  
 29 report to the Commissioner of Education certain

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30 information relating to the early college program;  
 31 requiring the commissioner to annually submit a report  
 32 to the Governor and the Legislature; providing an  
 33 effective date.  
 34  
 35 Be It Enacted by the Legislature of the State of Florida:  
 36  
 37 Section 1. Subsection (17) and paragraph (b) of subsection  
 38 (24) of section 1007.271, Florida Statutes, are amended to read:  
 39 1007.271 Dual enrollment programs.—  
 40 (17) Instructional materials assigned for use within dual  
 41 enrollment courses shall be made available to dual enrollment  
 42 students from Florida public high schools, home education  
 43 programs, and private schools free of charge. ~~This subsection~~  
 44 ~~does not prohibit a Florida College System institution from~~  
 45 ~~providing instructional materials at no cost to a home education~~  
 46 ~~student or student from a private school.~~ Instructional  
 47 materials purchased by a district school board or Florida  
 48 College System institution board of trustees on behalf of dual  
 49 enrollment students shall be the property of the board against  
 50 which the purchase is charged.  
 51 (24)  
 52 (b) Each public postsecondary institution eligible to  
 53 participate in the dual enrollment program pursuant to s.  
 54 1011.62(1)(i) must enter into a private school articulation  
 55 agreement with each eligible private school in its geographic  
 56 service area seeking to offer dual enrollment courses to its  
 57 students, including, but not limited to, students with  
 58 disabilities. By August 1 of each year, the eligible

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postsecondary institution shall complete and submit the private school articulation agreement to the Department of Education. The private school articulation agreement must include, at a minimum:

1. A delineation of courses and programs available to the private school student. The postsecondary institution may add, revise, or delete courses and programs at any time.

2. The initial and continued eligibility requirements for private school student participation, not to exceed those required of other dual enrollment students.

3. The student's responsibilities for providing his or her own instructional materials and transportation.

4. A provision clarifying that the private school will award appropriate credit toward high school completion for the postsecondary course under the dual enrollment program.

5. A provision expressing that costs associated with tuition and fees, including registration, and laboratory fees, will not be passed along to the student or the student's private school of enrollment.

Section 2. Section 1007.273, Florida Statutes, is amended to read:

1007.273 Early college acceleration programs ~~Collegiate high school program.~~

~~(1)~~ Each Florida College System institution shall work with each district school board in its designated service area to establish one or more early college programs, including, but not limited to, collegiate high school programs. As used in this section, the term "early college program" means a structured high school acceleration program.

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~~(1)(2)~~ PURPOSE.—At a minimum, early college ~~collegiate high school~~ programs must include an option for public school students in grades grade 11 and ex-grade 12 participating in the early college program, for at least 2 + full school years year, to earn CAPE industry certifications pursuant to s. 1008.44 and to successfully complete at least 60 30 credit hours through the dual enrollment program under s. 1007.271. Private school students and home education students in grades 11 and 12 may enroll in the early college program. The early college program must prioritize dual enrollment courses applicable as general education core courses or common prerequisite courses under s. 1007.25 toward the first year of college for an associate degree or a baccalaureate degree over dual enrollment courses applicable as electives while enrolled in the program. A district school board or Florida College System institution may not limit the number of eligible students who may enroll in such early college programs.

~~(2)(3)~~ REQUIRED EARLY COLLEGE PROGRAM CONTRACTS.—Each district school board and its local Florida College System institution shall execute a contract to establish one or more early college ~~collegiate high school~~ programs at a mutually agreed upon location or locations. ~~Beginning with the 2015-2016 school year,~~ If the local Florida College System institution does not establish an early college a program with a district school board in its designated service area, another Florida College System institution may execute a contract with that district school board to establish the early college program. Beginning with the 2020-2021 school year, the contract must be executed by January 1 of each school year for implementation of



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the early college program during the next school year. The contract must:

(a) Identify the grade levels to be included in the early college ~~collegiate high school~~ program ~~which must, at a minimum, include grade 12.~~

(b) Describe the early college ~~collegiate high school~~ program, including a list of the meta-major academic pathways approved pursuant to s. 1008.30(4) that are available to participating students through the partner Florida College System institution or other eligible partner postsecondary institution participating pursuant to subsection (4); the delineation of courses that must, at a minimum, include general education core courses and common prerequisite courses pursuant to s. 1007.25; and industry certifications offered, including online course availability; the high school and college credits earned for each postsecondary course completed and industry certification earned; student eligibility criteria; and the enrollment process and relevant deadlines.

(c) Describe the methods, medium, and process by which students and their parents are annually informed about the availability of the early college ~~collegiate high school~~ program, the return on investment associated with participation in the early college program, and the information described in paragraphs (a) and (b).

(d) Identify the delivery methods for instruction and the instructors for all courses.

(e) Identify student advising services and progress monitoring mechanisms.

(f) Establish a program review and reporting mechanism

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regarding student performance outcomes.

(g) Describe the terms of funding arrangements to implement the early college ~~collegiate high school~~ program pursuant to paragraph (5) (a).

(3) STUDENT PERFORMANCE CONTRACT AND NOTIFICATION.—

(a) ~~(4)~~ Each student participating in an early college ~~collegiate high school~~ program must enter into a student performance contract which must be signed by the student, the parent, and a representative of the school district and the ~~partnering~~ applicable Florida College System institution, ~~state university,~~ or other eligible partner postsecondary institution participating pursuant to subsection (4) ~~(5)~~. The performance contract must, at a minimum, specify ~~include~~ the schedule of courses, by semester, and industry certifications to be taken by the student, if any; student attendance requirements; ~~and~~ course grade requirements; and the applicability of such courses to an associate degree or a baccalaureate degree.

(b) By September 1, 2020, and annually thereafter, each district school board must notify each student in grades 9, 10, 11, and 12 in a public school, each home education student in grades 9, 10, 11, or 12, and each private school with students in grades 9, 10, 11, and 12 within the school district about the early college program, including, but not limited to, all of the following:

1. The method for earning college credit through participation in the early college program. The notification must include Internet websites to the dual enrollment course equivalency list approved by the State Board of Education; the common degree program prerequisite requirements published by the

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175 Articulation Coordinating Committee pursuant to s.  
 176 1007.01(3)(f); the industry certification articulation  
 177 agreements adopted by the State Board of Education in rule; and  
 178 the approved meta-major academic pathways of the partner Florida  
 179 College System institution or other eligible partner  
 180 postsecondary institution participating pursuant to subsection  
 181 (4).

182 2. The estimated cost savings to students and their  
 183 families resulting from students successfully completing 30  
 184 credit hours and 60 credit hours applicable toward general  
 185 education core courses or common prerequisite courses before  
 186 graduating from high school versus the cost of students earning  
 187 such credit hours after graduating from high school.

188 (4)(5) AUTHORIZED EARLY COLLEGE PROGRAM CONTRACTS.—In  
 189 addition to executing a contract with the local Florida College  
 190 System institution under this section, a district school board  
 191 may execute a contract to establish an early college a  
 192 collegiate high school program with a state university or an  
 193 institution that is eligible to participate in the William L.  
 194 Boyd, IV, Effective Access to Student Education Grant Program,  
 195 that is a nonprofit independent college or university located  
 196 and chartered in this state, and that is accredited by the  
 197 Commission on Colleges of the Southern Association of Colleges  
 198 and Schools to grant baccalaureate degrees. Such university or  
 199 institution must meet the requirements specified under  
 200 subsections (2) (3) and (3) (4). A charter school may execute a  
 201 contract directly with the local Florida College System  
 202 institution or another institution as authorized under this  
 203 section to establish an early college program at a mutually

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204 agreed upon location.

205 (5) FUNDING.—

206 (a)(6) The early college collegiate high school program  
 207 shall be funded pursuant to ss. 1007.271 and 1011.62. Pursuant  
 208 to s. 1007.271, a home education student, private school  
 209 student, and private school student's school of enrollment are  
 210 not responsible for the costs associated with instructional  
 211 materials, tuition, and fees, including registration and  
 212 laboratory fees. The State Board of Education shall enforce  
 213 compliance with this section by withholding the transfer of  
 214 funds for the school districts and the Florida College System  
 215 institutions in accordance with s. 1008.32.

216 (b) A student who enrolls in the early college program and  
 217 successfully completes an associate degree or at least 60  
 218 college credit hours toward fulfilling the requirements for a  
 219 baccalaureate degree pursuant to the student performance  
 220 contract under subsection (3) before graduating from high school  
 221 generates a 1.0 full-time equivalent (FTE) bonus. Each district  
 222 school board that is a contractual partner with a Florida  
 223 College System institution or other eligible postsecondary  
 224 institution pursuant to subsection (4) shall report to the  
 225 Commissioner of Education the total FTE bonus for each early  
 226 college program for the students from that school district. The  
 227 total FTE bonus shall be added to each school district's total  
 228 weighted FTE for funding in the subsequent fiscal year.

229 (c) For any industry certification a student attains under  
 230 this section, the FTE bonus shall be calculated and awarded in  
 231 accordance with s. 1011.62(1)(o).

232 (6) REPORTING REQUIREMENTS.—

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(a) Beginning September 1, 2020, and annually thereafter,  
each district school superintendent shall report to the  
commissioner, at a minimum, the following information on each  
early college program administered during the previous school  
year:

1. The number of students in public schools, private  
schools, and home education programs within the school district  
who enrolled in the early college program and the partnering  
postsecondary institutions pursuant to subsections (2) and (4).

2. The total and average number of dual enrollment courses  
completed, high school and college credits earned, standard high  
school diplomas and associate and baccalaureate degrees awarded,  
and industry certifications attained, if any, by the students  
who enrolled in the early college program.

3. The projected student enrollment in the early college  
program during the next school year.

4. Any barriers to executing contracts to establish one or  
more early college programs.

(b) By November 30, 2020, and annually thereafter, the  
commissioner must report to the Governor, the President of the  
Senate, and the Speaker of the House of Representatives the  
status of early college programs, including, at a minimum, a  
summary of student enrollment and completion information  
pursuant to this subsection; barriers, if any, to establishing  
such programs; and recommendations for expanding access to such  
programs statewide.

Section 3. 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.)

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Prepared By: The Professional Staff of the Committee on Education

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BILL: SB 1456

INTRODUCER: Senator Perry

SUBJECT: Office of Early Learning

DATE: March 25, 2019

REVISED: \_\_\_\_\_

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Brick	Sikes	ED	<b>Favorable</b>
2. _____	_____	AED	_____
3. _____	_____	AP	_____

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## I. Summary:

SB 1456 establishes professional development standards and career pathways for early childhood teachers and school readiness program providers. The bill requires the Office of Early Learning to:

- Identify early learning career pathways for early childhood teachers;
- Develop professional development training and course standards for school readiness program providers; and
- Integrate early learning professional development pathways into existing preservice and inservice training requirements.

The bill takes effect July 1, 2019.

## II. Present Situation:

### Office of Early Learning Programs

The Office of Early Learning (OEL) partners with 30 local early learning coalitions to deliver comprehensive early learning services statewide.<sup>1</sup> OEL oversees three programs—the school readiness program, the Voluntary Prekindergarten Education Program (VPK), and child care resource and referral services.<sup>2</sup>

Established in 1999,<sup>3</sup> the school readiness program provides subsidies for child care services and early childhood education for children of low-income families; children in protective services

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<sup>1</sup> Office of Early Learning, *OEL Summary*, <http://www.floridaearlylearning.com/about-us/early-learning-overview> (last visited Mar. 20, 2019).

<sup>2</sup> *Id.*

<sup>3</sup> Ch. 99-357, s. 1 Laws of Fla.

who are at risk of abuse, neglect, or abandonment; and children with disabilities.<sup>4</sup> The school readiness program offers financial assistance for child care to support working families and children to develop skills for success in school and provides developmental screening and referrals to health and education specialists where needed.

The school readiness program is a state-federal partnership between the OEL<sup>5</sup> and the Office of Child Care of the United States Department of Health and Human Services.<sup>6</sup> Early learning coalitions (ELCs) administer the school readiness program at the county or regional level.<sup>7</sup> The OEL administers the program at the state level, including statewide coordination of the ELCs.<sup>8</sup> In 2017-2018, 201,608 children received school readiness services from 7,676 providers.<sup>9</sup>

### **Office of Early Learning Training Modules**

OEL establishes preservice and inservice training requirements that address, at a minimum, school readiness child development standards, health and safety requirements, and social-emotional behavior intervention models, which may include positive behavior intervention and support models.<sup>10</sup> OEL's School Readiness Professional Development Initiative offers the following training modules:<sup>11</sup>

- Florida Early Learning and Developmental Standards.
- Florida Core Competencies for Early Care and Education Practitioners.
- Florida Core Competencies for After School Practitioners.
- Florida Core Competencies for Early Care and Education Directors.
- Florida Core Competencies for Early Care and Education Technical Assistance Specialists.
- Outcomes-Driven Training.
- The Pyramid Model for Positive Behavioral Support.

OEL outlines a 5-Tier career pathway with certifications that require different levels of foundational training up to a Bachelor's degree or higher.<sup>12</sup> An educator can apply for tuition assistance for professional development through Florida Teacher Education and Compensation Helps (T.E.A.C.H.). T.E.A.C.H. is a partnership between OEL and the Children's Forum that

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<sup>4</sup> Section 1002.87, F.S.

<sup>5</sup> In 2013, the Legislature established the Office of Early Learning in the Office of Independent Education and Parental Choice within the Department of Education. The office is administered by an executive director and is fully accountable to the Commissioner of Education but shall independently exercise all powers, duties, and functions prescribed by law, as well as adopt rules for the establishment and operation of the school readiness program and the VPK Program. Ch. 2013-252, s. 1, L.O.F.; and s. 1001.213, F.S.

<sup>6</sup> See U.S. Department of Health and Human Services, *Child Care and Development Fund Fact Sheet*, <http://www.acf.hhs.gov/programs/occ/fact-sheet-occ> (last visited Mar. 22, 2019).

<sup>7</sup> Section 1002.83, F.S.

<sup>8</sup> Section 1001.213(3), F.S.

<sup>9</sup> *Id.* at 9.

<sup>10</sup> Section 1002.82(2)(v), F.S.

<sup>11</sup> Office of Early Learning, *Professional Development and Training Resources*, <http://www.floridaeearlylearning.com/providers/professional-development/professional-development-training-resources> (last visited Mar. 21, 2019).

<sup>12</sup> Office of Early Learning, *Florida Early Care and Education Career Pathway*, available at [http://www.floridaeearlylearning.com/Content/Uploads/floridaeearlylearning.com/files/Career%20Pathway%20Revised\\_ADA.pdf](http://www.floridaeearlylearning.com/Content/Uploads/floridaeearlylearning.com/files/Career%20Pathway%20Revised_ADA.pdf).

offers scholarships for early childhood education providers to take classes that apply toward various levels of credentials and certification.<sup>13</sup> According to the T.E.A.C.H. annual report, 3,516 educators participated in more than 60 different training programs.<sup>14</sup>

Early Learning Florida, developed in partnership between OEL and the Lastinger Center at the University of Florida, is a statewide professional learning system designed to support the development of early childhood professionals' knowledge and skills in effectively educating and caring for young children.<sup>15</sup> Since 2015, Early Learning Florida has delivered over 400,000 hours of online and blended training to more than 30,000 early childhood practitioners in Florida, at no cost to educators.<sup>16</sup> All Early Learning Florida courses and trainings provide teachers with Continuing Education Units that articulate to national and state credentials.<sup>17</sup>

### III. Effect of Proposed Changes:

SB 1456 establishes professional development standards and career pathways for early childhood teachers and school readiness program providers. The bill requires the Office of Early Learning (OEL) to:

- Identify early learning career pathways for early childhood teachers;
- Develop professional development training and course standards for school readiness program providers; and
- Integrate early learning professional development pathways into existing preservice and inservice training requirements.

OEL must identify both formal and informal early learning career pathways with stackable credentials and certifications to provide early childhood teachers access to specialized professional development that:

- Strengthens knowledge and teaching practices;
- Aligns to established professional standards and core competencies;
- Provides a progression of attainable, competency-based stackable credentials and certifications; and
- Improves outcomes for children to increase kindergarten readiness and early grade success.

To the greatest extent possible, the established credentials and certifications must align with reading instruction training developed by the Just Read, Florida! Office and the Lastinger Center at the University of Florida for K-12 teachers, reading coaches, and school principals.<sup>18</sup>

The bill requires OEL to adopt rules to administer the above requirements.

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<sup>13</sup> Office of Early Learning, *Office of Early Learning Annual Report 2017-2018*, at 32 (2018) available at [http://www.floridaeearlylearning.com/Content/Uploads/floridaeearlylearning.com/files/2017-2018%20Annual%20Report\\_ADA.pdf](http://www.floridaeearlylearning.com/Content/Uploads/floridaeearlylearning.com/files/2017-2018%20Annual%20Report_ADA.pdf).

<sup>14</sup> *Id.*; and T.E.A.C.H., *T.E.A.C.H. Annual Report for 2017-2018*, (2018) available at <http://teach-fl.org/index.php/wpdm-package/t-e-a-c-h-annual-report-for-2017-2018/?wpdmdl=1116>.

<sup>15</sup> Early Learning Florida, *Who We Are*, <https://www.earlylearningflorida.com/about> (last visited Mar. 21, 2019).

<sup>16</sup> The Lastinger Center at the University of Florida, *Early Learning Florida*, <https://lastinger.center.ufl.edu/early-learning/early-learning-florida/> (last visited Mar. 21, 2019).

<sup>17</sup> *Id.*

<sup>18</sup> Section 1001.215(3), F.S.

**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:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 1002.82 and 1002.995.

**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.

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

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By Senator Perry

8-01224B-19

20191456\_\_

A bill to be entitled

An act relating to the Office of Early Learning; amending s. 1002.82, F.S.; requiring certain preservice and inservice training requirements established by the Office of Early Learning to include specified professional development pathways; creating s. 1002.995, F.S.; requiring the office to develop certain training and course standards for school readiness program providers; requiring the office to identify certain formal and informal career pathways, stackable credentials, and certifications that meet specified criteria for such providers; requiring such credentials and certifications to align with a specified training when possible; providing for rulemaking; providing an effective date.

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

Section 1. Paragraph (v) of subsection (2) of section 1002.82, Florida Statutes, is amended to read:

1002.82 Office of Early Learning; powers and duties.—

(2) The office shall:

(v) Establish preservice and inservice training requirements that address, at a minimum, school readiness child development standards, health and safety requirements, and social-emotional behavior intervention models, which may include positive behavior intervention and support models, including the integration of early learning professional development pathways established in s. 1002.995.

Page 1 of 2

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

8-01224B-19

20191456\_\_

Section 2. Section 1002.995, Florida Statutes, is created to read:

1002.995 Early learning professional development standards and career pathways.—

(1) The office shall:

(a) Develop early learning professional development training and course standards to be utilized for school readiness program providers.

(b) Identify both formal and informal early learning career pathways with stackable credentials and certifications that allow early childhood teachers to access specialized professional development that:

1. Strengthens knowledge and teaching practices.

2. Aligns to established professional standards and core competencies.

3. Provides a progression of attainable, competency-based stackable credentials and certifications.

4. Improves outcomes for children to increase kindergarten readiness and early grade success.

(2) To the greatest extent possible, the credentials and certifications established pursuant to this section shall align with the training for K-12 teachers, reading coaches, and school principals in s. 1001.215(3).

(3) The office shall adopt rules to administer this section.

Section 3. This act shall take effect July 1, 2019.

Page 2 of 2

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

THE FLORIDA SENATE

APPEARANCE RECORD

3/26/19

Meeting Date

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

1456

Bill Number (if applicable)

Topic Office of Early Learning

Amendment Barcode (if applicable)

Name Charles Hokanson

Job Title VP & Senior Engagement

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33602

Zip

Phone 813-449-6308

Email chokanson@helios.org

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Helios Education Foundation

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/14/14)

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

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

3/26/19

Meeting Date

1456

Bill Number (if applicable)

Topic Office of Early Learning

Amendment Barcode (if applicable)

Name Kaitlyn Gardner

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Speaking: ☐ For ☐ Against ☐ Information

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

Representing United Way Suncoast

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

# APPEARANCE RECORD

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

7-26-19

Meeting Date

1456

Bill Number (if applicable)

Topic OFFICE of EARLY LEARNING

Amendment Barcode (if applicable)

Name TED GRANGER

Job Title PRESIDENT

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FL 32303

Email TGRANGER@UWOF.ORG

Speaking: ☐ For ☐ Against ☐ Information

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

Representing UNITED WAY 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.

THE FLORIDA SENATE

APPEARANCE RECORD

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

3/26/19

Meeting Date

1456

Bill Number (if applicable)

Topic Office of Early Learning

Amendment Barcode (if applicable)

Name Dr. Saralyn Grass

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Speaking: ☐ For ☐ Against ☐ Information

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

Representing Association of Early Learning Coalitions

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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S-001 (10/14/14)

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

03/26/2019

Meeting Date

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

SB1456

Bill Number (if applicable)

Topic Office of Early Learning

Amendment Barcode (if applicable)

Name Pam Korithoski

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Speaking: ☒ For ☐ Against ☐ Information

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

Representing Alachua County Council of PTA's.

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/14/14)

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

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

3/26/17

Meeting Date

SB 1456

Bill Number (if applicable)

Topic Office of Early Learning

Amendment Barcode (if applicable)

Name Nancy Lawther

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State

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Email miami-dade.cc@floridapta.org

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida PTA

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/14/14)

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

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

03/26/19  
Meeting Date

1456  
Bill Number (if applicable)

Topic Office of Early Learning

Amendment Barcode (if applicable)

Name Amanda Gorski

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Zip

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Speaking: ☐ For ☐ Against ☐ Information

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

Representing United Way of Miami-Dade

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)



**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

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

3/26/19

Meeting Date

1456

Bill Number (if applicable)

Topic Office of Early Learning

Amendment Barcode (if applicable)

Name Heather Davidson

Job Title Director, Public Policy & Strategic Initiatives

Address 1300 S. Andrews Ave.

Street

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State

Zip

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Speaking: ☐ For ☐ Against ☐ Information

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

Representing United Way of Broward County

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

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

3/26/19  
Meeting Date

1456  
Bill Number (if applicable)

Topic Office of Early Learning

Amendment Barcode (if applicable)

Name Brittany Birken

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Speaking: ☒ For ☐ Against ☐ Information

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

Representing University of Florida Lastinger Center

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

3/24/19

Meeting Date

1456

Bill Number (if applicable)

Topic Office of Early Learning

Amendment Barcode (if applicable)

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Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida Children's Council

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/14/14)

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

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

26 Mar 19

*Meeting Date*

1456

*Bill Number (if applicable)*

Topic Office of Early Learning

*Amendment Barcode (if applicable)*

Name James Mosteller

Job Title Advocacy Associate

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32301

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*State*

*Zip*

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Foundation for Florida's Future

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

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

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Prepared By: The Professional Staff of the Committee on Education

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BILL: SB 1462

INTRODUCER: Senator Diaz

SUBJECT: Education

DATE: March 25, 2019

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Graf	Sikes	ED	<b>Favorable</b>
2.			RC	

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**I. Summary:**

SB 1462 revises the deadline from November 30 to April 30 for the annual reporting of postsecondary feedback information by the Commissioner of Education to specified entities. Florida law requires the information to be provided to the State Board of Education, the Board of Governors of the State University System of Florida, the Legislature, and the district school boards.

The bill has no impact on state revenues or expenditures.

The bill takes effect July 1, 2019.

**II. Present Situation:**

The Commissioner of Education (commissioner) is required to report to the State Board of Education (state board), the Board of Governors of the State University System of Florida (BOG), the Legislature, and the district school boards on the performance of each first-time-in-postsecondary education student from each public high school in this state who is enrolled in a public postsecondary institution or public career center.<sup>1</sup> Such reports must be based on information databases maintained by the Department of Education (DOE or department).<sup>2</sup>

The DOE maintains information about high school graduates' performance on entry-level placement assessments at Florida College System institutions and state universities on the department's website.<sup>3</sup> Performance on these assessments is one of many indicators of a student's preparedness for college-level coursework.<sup>4</sup> The Postsecondary Education Readiness Test

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<sup>1</sup> Section 1008.37(1), F.S.

<sup>2</sup> *Id.*

<sup>3</sup> Florida Department of Education, *Florida's Public High School Graduates*, <https://app2.fldoe.org/publicapps/articulation/perfCPT/default.asp> (March 19, 2019).

<sup>4</sup> *Id.*

(PERT), SAT, ACCUPLACER and ACT are the assessments used to place students in English and mathematics courses at colleges and universities in Florida.<sup>5</sup> The reports include performance information for students who graduated from a public high school in Florida and attended a public college or university in Florida during the academic year immediately following high school graduation.<sup>6</sup> Students who did not go to college or who attended private or out-of-state colleges are not included in the reports.<sup>7</sup>

Florida law requires the commissioner to annually report, by high school, to the state board, the BOG, and the Legislature, by November 30, the number of prior year Florida high school graduates who enrolled for the first time in public postsecondary education in this state during the previous summer, fall, or spring term, indicating the number of students whose scores on the common placement test indicated the need for developmental education<sup>8</sup> or for applied academics<sup>9</sup> for adult education.<sup>10</sup>

### III. Effect of Proposed Changes:

SB 1462 revises the deadline from November 30 to April 30 for the annual reporting of postsecondary feedback information by the Commissioner of Education to specified entities. Florida law requires the information to be provided to the State Board of Education, the Board of Governors of the State University System of Florida, the Legislature, and the district school boards.

The change in the reporting deadline for the postsecondary feedback information will allow the Department of Education to use the data that are provided by the postsecondary education institutions by March of each year.

The bill takes effect July 1, 2019.

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<sup>5</sup> Florida Department of Education, *Florida's Public High School Graduates*, <https://app2.fldoe.org/publicapps/articulation/perfCPT/default.asp> (March 19, 2019).

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> Developmental education means instruction through which a high school graduate who applies for any college credit program may attain the communication and computation skills necessary to successfully complete college credit instruction. Developmental education may be delivered through a variety of accelerated and corequisite strategies and includes any of the following: (a) modularized instruction that is customized and targeted to address specific skills gaps, (b) compressed course structures that accelerate student progression from developmental instruction to college-level coursework, (c) contextualized supplemental instruction that is related to meta-majors, and (d) corequisite developmental instruction or tutoring that supplements credit instruction while a student is concurrently enrolled in a credit-bearing course. Section 1008.02(1), F.S. Meta-major means a collection of programs of study or academic discipline groupings that share common foundational skills. *Id.*, at (3).

<sup>9</sup> Any student found to lack the required level of basic skills for such program must be referred to applied academics instruction or another adult general education program for a structured program of basic skills instruction. Section 1004.91(2), F.S.

<sup>10</sup> Section 1008.37(2), F.S.

**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:**

The bill has no impact on state revenues or expenditures.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 1008.37 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.

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

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By Senator Diaz

36-01260A-19

20191462\_\_

A bill to be entitled

An act relating to education; amending s. 1008.37, F.S.; modifying the date on which the Commissioner of Education is required to annually report certain information to the State Board of Education, the Board of Governors, and the Legislature; making a technical change; providing an effective date.

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

Section 1. Subsection (2) of section 1008.37, Florida Statutes, is amended to read:

1008.37 Postsecondary feedback of information to high schools.—

(2) The Commissioner of Education shall report, by high school, to the State Board of Education, the Board of Governors, and the Legislature, no later than April 30 ~~November 30~~ of each year, on the number of prior year Florida high school graduates who enrolled for the first time in public postsecondary education in this state during the ~~previous~~ summer, fall, or spring term of the previous academic year, indicating the number of students whose scores on the common placement test indicated the need for developmental education under s. 1008.30 or for applied academics for adult education under s. 1004.91.

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.)

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Prepared By: The Professional Staff of the Committee on Education

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BILL: CS/SB 1470

INTRODUCER: Education Committee and Senator Diaz

SUBJECT: Charter Schools

DATE: March 27, 2019

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Bouck	Sikes	ED	<b>Fav/CS</b>
2.			AED	
3.			AP	

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 1470 renames the Charter School Appeal Commission the Charter School Commission (CSC) and authorizes the CSC to review applications from specified entities and maintain duties related to charter application appeals. The bill also:

- Adds the CSC to requirements relating to sponsor review of charter applications.
- Requires the CSC to submit recommendations for approval or denial of specified charter applications to the State Board of Education (state board) for approval.
- Establishes a sponsor and applicant appeals process for CSC recommendations to approve or deny an application, and requires state board action on an appeal.

The bill also establishes penalties for specified charter school personnel or entities if:

- A sponsor chooses not to renew or to terminate a charter, or a charter school closes mid-year or within one year of beginning operations, except for closures due to consolidation.
- Such personnel or entities are convicted of a crime, including, but not limited to, fraud or financial offenses related to the operation of a charter school.

The bill takes effect July 1, 2019.

**II. Present Situation:**

Charter schools are public schools that operate under a performance contract, or a “charter” which frees them from many regulations created for traditional public schools while holding

them accountable for academic and financial results. The charter contract between the charter school governing board and the sponsor details the school's mission, program, goals, students served, methods of assessment and ways to measure success.<sup>1</sup>

Under current law, a district school board may sponsor a charter school in the county over which the district school board has jurisdiction.<sup>2</sup> Additionally, a state university may grant a charter to a developmental research (laboratory) school<sup>3</sup> and must be considered to be the school's sponsor.<sup>4</sup> Such school must be considered a charter lab school.<sup>5</sup>

### **Charter School Application Process**

An application for a new charter school may be made by an individual, teachers, parents, a group of individuals, a municipality, or a legal entity organized under the laws of this state.<sup>6</sup>

A sponsor receives and reviews all charter school applications<sup>7</sup> and, within 90 calendar days of receipt, must by majority vote approve or deny the application.<sup>8</sup> All charter applicants must prepare and submit an application on a standard application form prepared by the Department of Education, which:<sup>9</sup>

- Demonstrates how the school will use the guiding principles and meet the statutorily defined purpose of a charter school.
- Provides a detailed curriculum plan that illustrates how students will be provided services to attain the Sunshine State Standards.
- Contains goals and objectives for improving student learning and measuring that improvement. These goals and objectives must indicate how much academic improvement students are expected to show each year, how success will be evaluated, and the specific results to be attained through instruction.
- Describes the reading curriculum and differentiated strategies that will be used for students reading at grade level or higher and a separate curriculum and strategies for students who are reading below grade level. A sponsor must deny an application if the school does not propose a reading curriculum that is consistent with effective teaching strategies that are grounded in scientifically based reading research.
- Contains an annual financial plan for each year requested by the charter for operation of the school for up to 5 years. This plan must contain anticipated fund balances based on revenue projections, a spending plan based on projected revenues and expenses, and a description of controls that will safeguard finances and projected enrollment trends.
- Discloses the name of each applicant, governing board member, and all proposed education services providers; the name and sponsor of any charter school operated by each applicant,

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<sup>1</sup> Florida Department of Education, *FAQ, What are charter schools?*, <http://www.fldoe.org/schools/school-choice/charter-schools/charter-school-faqs.stml> (last visited Mar. 22, 2019).

<sup>2</sup> Section 1002.33(5)(a)1., F.S.

<sup>3</sup> Section 1002.32, F.S.

<sup>4</sup> Section 1002.33(5)(a)2., F.S.

<sup>5</sup> *Id.*

<sup>6</sup> Section 1002.33(3)(a), F.S.

<sup>7</sup> Section 1002.33(6)(b), F.S.

<sup>8</sup> *Id.* at 3.a.

<sup>9</sup> Section 1002.33(6)(a), F.S.

each governing board member, and each proposed education services provider that has closed and the reasons for the closure; and the academic and financial history of such charter schools, which the sponsor must consider in deciding whether to approve or deny the application.

- Contains additional information a sponsor may require, which must be attached as an addendum to the charter school application.
- For the establishment of a virtual charter school, documents that the applicant has contracted with a provider of virtual instruction services in accordance with the law.<sup>10</sup>

A sponsor must receive and consider charter school applications received on or before February 1 of each year for charter schools to be opened 18 months later at the beginning of the school district's school year, or to be opened at a time determined by the applicant.<sup>11</sup>

A sponsor may not charge an applicant for a charter any fee for the processing or consideration of an application, and a sponsor may not base its consideration or approval of a final application upon the promise of future payment.<sup>12</sup>

### ***Charter School Appeals***

If a sponsor denies an application submitted by a high-performing charter school or a high-performing charter school system, the sponsor must provide specific written reasons for the denial within 10 calendar days after such denial.<sup>13</sup> An applicant may appeal any denial of that applicant's application or failure to act on an application to the State Board of Education (state board) no later than 30 calendar days after receipt of the sponsor's decision or failure to act and must notify the sponsor of its appeal.<sup>14</sup> Any response of the sponsor must be submitted to the state board within 30 calendar days after notification of the appeal.<sup>15</sup>

Upon receipt of notification from the state board that a charter school applicant is filing an appeal, the Commissioner of Education (commissioner) must convene a meeting of the Charter School Appeal Commission (commission) to study and make recommendations to the state board regarding its pending decision about the appeal.<sup>16</sup> The commission must forward its recommendation to the state board at least seven calendar days before the date on which the appeal is to be heard.<sup>17</sup>

The state board must by majority vote accept or reject the decision of the sponsor no later than 90 calendar days after an appeal is filed.<sup>18</sup> The state board's decision is a final action subject to judicial review in the district court of appeal.<sup>19</sup>

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<sup>10</sup> Section 1002.45(1)(d), F.S.

<sup>11</sup> Section 1002.33(6)(b), F.S. A sponsor may receive and consider applications after February 1, if it chooses. *Id.*

<sup>12</sup> *Id.*

<sup>13</sup> Section 1002.33(6)(b)3.c., F.S.

<sup>14</sup> Section 1002.33(6)(c)1, F.S.

<sup>15</sup> *Id.*

<sup>16</sup> Section 1002.33(6)(c)1., F.S. The state board must consider the commission's recommendation in making its decision, but is not bound by the recommendation. Section 1003.22(6)(e)2., F.S.

<sup>17</sup> *Id.*

<sup>18</sup> Section 1002.33(6)(c)3.a., F.S.

<sup>19</sup> *Id.* at (d).

### ***Charter School Appeal Commission***

The commission assists the commissioner and the state board with a fair and impartial review of appeals by applicants whose charter applications have been denied, whose charter contracts have not been renewed, or whose charter contracts have been terminated by their sponsors.<sup>20</sup>

The commissioner appoints the members to the commission sufficient to ensure that no potential conflict of interest exists for any commission appeal decision. Of the members hearing the appeal, one-half must represent currently operating charter schools and one-half must represent sponsors.<sup>21</sup>

### **Nonrenewal or Termination of a Charter**

The sponsor must make student academic achievement for all students the most important factor when determining whether to renew or terminate the charter.<sup>22</sup> The sponsor may also choose not to renew or may terminate the charter if the sponsor finds that one of the grounds set forth below exists by clear and convincing evidence:<sup>23</sup>

- Failure to participate in the state's education accountability system<sup>24</sup> or failure to meet the requirements for student performance stated in the charter.
- Failure to meet generally accepted standards of fiscal management.
- Material violation of law.
- Other good cause shown.

A charter may also be terminated if the:

- Charter school's governing board determines to voluntarily terminate the charter; the charter school governing board must follow closure procedures specified in law.<sup>25</sup>
- Sponsor sets forth in writing the particular facts and circumstances indicating that an immediate and serious danger to the health, safety, or welfare of the charter school's students exists.<sup>26</sup>
- Charter school earns two consecutive grades of "F" after all school grade appeals are final, subject to exceptions established in law.<sup>27</sup>
- Charter school does not comply with the law requiring background screening for employees and members of the governing board of the charter school.<sup>28</sup>

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<sup>20</sup> Section 1002.33(6)(e)1., F.S.

<sup>21</sup> Section 1002.33(6)(e)3., F.S.

<sup>22</sup> Section 1002.33(8)(a), F.S.

<sup>23</sup> *Id.*

<sup>24</sup> Section 1008.31, F.S. The K-20 education performance accountability system be established as a single, unified accountability system with multiple components, including, but not limited to, student performance in public schools and school and district grades. *Id.* at (1)(b). School districts and public postsecondary educational institutions shall maintain information systems that will provide the State Board of Education, the Board of Governors of the State University System, and the Legislature with information and reports necessary to address the specifications of the accountability system. Section 1008.31(3)(a), F.S.

<sup>25</sup> Section 1002.33(7)(e), F.S.

<sup>26</sup> Section 1002.33(8)(c), F.S.

<sup>27</sup> Section 1002.33(9)(n)2.e.3., F.S.

<sup>28</sup> Section 1002.33(12)(g)5., F.S.

### III. Effect of Proposed Changes:

CS/SB 1470 renames the Charter School Appeal Commission the Charter School Commission (CSC) and authorizes the CSC to review applications from specified entities and maintain duties related to charter application appeals. The bill also:

- Adds the CSC to requirements relating to sponsor review of charter applications.
- Requires the CSC to submit recommendations for approval or denial of specified charter applications to the State Board of Education (state board) for approval.
- Establishes a sponsor and applicant appeals process for CSC recommendations to approve or deny an application, and requires state board action on an appeal.

The bill also establishes penalties for specified charter school personnel or entities if:

- A sponsor chooses not to renew or to terminate a charter, or a charter school closes mid-year or within one year of beginning operations, except for closures due to consolidation.
- Such personnel or entities are convicted of a crime, including, but not limited to, fraud or financial offenses related to the operation of a charter school.

#### Charter School Commission

The bill amends s. 1002.33, F.S., to rename the Charter School Appeal Commission (commission) to the CSC. The CSC retains the responsibilities established in law related to an applicant's appeal of the sponsor's denial of an application, but adds additional responsibilities. Specifically, the bill requires:

- The CSC to review specified applications and assist the Commissioner of Education (commissioner) with specified appeals.
- The commissioner to appoint the number of members sufficient to ensure no conflict of interest exists for application review, as well as for appeal decisions.
- That for members reviewing a charter application, one-half must represent charter schools and one-half must represent sponsors.

#### Charter School Applications

The bill authorizes the following applicants to submit an application directly to the CSC:

- A high-performing charter school seeking to replicate;<sup>29</sup>
- A high-performing charter school system seeking to replicate;<sup>30</sup> and
- A hope operator;<sup>31</sup>

The bill adds the CSC to requirements for the review of charter application that are currently assigned to the charter school sponsor. Specifically the bill requires the CSC, in addition to the sponsor, to:

- Recommend denial of an application that does not propose a reading curriculum that is consistent with effective teaching strategies grounded in scientifically based reading research.

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<sup>29</sup> Section 1002.331, F.S.

<sup>30</sup> Section 1002.332, F.S.

<sup>31</sup> Section 1002.333, F.S.

- Consider specified information relating to applicants, education service providers, and school closure and financial history in making a final determination on the application.
- Review all charter applications using the evaluation instrument developed by the Department of Education (DOE).
- Receive and consider a charter school application by a specified timeline. The bill also removes outdated dates relating to receipt of applications by the sponsor.
- Not charge a fee for consideration of an application or base its decision on the promise of future payments of any kind.
- Allow an applicant, upon written notification, seven days to make technical corrections to the application.

The bill also establishes requirements for charter applicants to the CSC, which require the applicant to:

- Submit any additional information that the CSC may require.
- Provide to the charter sponsor within three days of submission any application submitted to the CSC.

The bill requires the CSC to submit its recommendation for approval of a charter school application to the state board for approval. Therefore, the CSC does not approve or deny an application, but instead recommends approval or denial to the state board. The bill adds the CSC to charter approval requirements currently assigned to the sponsor. The CSC must:

- By majority vote recommend to approve or deny an application no later than 90 days after submission, unless a delay is agreed to by both parties.
- Articulate in writing to the applicant the specific reasons for any recommendation for denial of an application within 10 days.
- Comply with requirements relating to applications by high-performing charter schools.

In addition, for an application submitted to the CSC, the bill authorizes the sponsor to provide input to the CSC within 30 days after receiving a copy of the final application submitted to the CSC. The CSC must consider such input in reviewing the application.

### **Charter School Appeals**

The bill specifies an appeals process for sponsors and applicants for applications submitted to the CSC. The appeals process includes the following:

- The sponsor may appeal to the state board the CSC recommendation to approve the application no later than 30 days after the CSC's decision.
- The applicant may appeal any recommendation to deny that applicant's application or the failure to act on an application by the CSC to the state board no later than 30 calendar days after receipt of the CSC's decision or failure to act, and the applicant shall notify the CSC of its appeal. The state board must notify the commissioner of an applicant's appeal.

The bill specifies that for appeals by both the sponsor and the applicant, upon receipt of notification from the state board that a charter school sponsor or applicant is filing an appeal of the CSC's recommendation, the commissioner must review the appeal and make recommendations to the state board regarding its pending decision regarding the appeal. The

commissioner must report his or her recommendation to the state board at least seven calendar days before the date on which the appeal is considered. The bill also adds the CSC to appeals process requirements relating to a recommendation to deny a charter application by a high-performing charter school.

The bill adds the CSC to the current authorization for the commissioner to reject an appeal submission for failure to comply with procedural rules, and maintains current law regarding correction of application errors. The bill also maintains the requirement that a corrected application is timely filed within 30 days after receipt of the notice of the specific reasons for commissioner or CSC rejection of the appeal.

The bills adds the CSC to similar state board requirements for appeals decisions. The bill requires the state board to, by majority vote, accept or reject the recommendation of the CSC to approve the application no later than 90 calendar days after an appeal is filed in accordance with state board rule. The bill maintains current law that requires the sponsor to implement the decision of the state board, which is not subject to the Administrative Procedures Act.<sup>32</sup>

Finally, the bill adds the CSC and applications submitted to the CSC to specified reporting requirements, which:

- Adds the CSC to the requirement that the sponsor report to the DOE the approval or denial of an application within 10 days, for budget projection purposes.
- Expands the required sponsor report regarding charter applications to include information about charter schools approved by the sponsor and by the CSC.

### **Nonrenewal or Termination of a Charter**

The bill establishes penalties for specified individuals or entities that wish to submit a charter application. The bill specifies that:

- If sponsor chooses not to renew or to terminate a charter as authorized in law<sup>33</sup> or if a charter school closes before the end of a school year or within one year after beginning operations, excluding charter schools that close due to consolidation with another charter school, the applicant for the charter, the charter school owner, president, superintendent, principal, the charter school governing board members, and the relatives of such owner, president, superintendent, principal, or governing board member may not submit an application to open a charter school in this state for a period of 5 years after the termination of the charter or closure of the charter school.
- If a charter school applicant, owner, president, superintendent, principal, member of a charter school governing board, a charter management organization, or an education management organization is convicted of a crime, including, but not limited to, fraud or financial offenses related to the operation of a charter school, that owner, president, or governing board member, including any relatives<sup>34</sup> of such individuals, or the charter management

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<sup>32</sup> Chapter 120, F.S.

<sup>33</sup> Section 1002.33(8)(a) and (c), F.S.

<sup>34</sup> The term “relative” father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister. Section 1002.33(24)(a)2.



organization or the education management organization, may not submit an application to open a charter school in this state for a period of 10 years after such conviction.

The penalties established in the bill may reduce incidences of charter schools closing mid-year or early in their operations due to errors in enrollment projections or financial mismanagement. In addition, such penalties for crimes related to charter school operations may limit the ability of such individuals or entities to be involved in future charter school applications, operations, or management.

The 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:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 1002.33 of the Florida Statutes.

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

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

**Committee Substitute by Education on March 26, 2019:**

The committee substitute:

- Removes the following entities that may directly submit a charter school application to the Charter School Commission named in the bill:
  - A business entity or municipality authorized in law to form a charter school.
  - An applicant or group of applicants, who are authorized in law to submit an application for a charter school, for the purpose of opening a charter school in a school district that received three consecutive district grades lower than a “C.”
- Modifies the provision establishing penalties for individuals and organizations that close a charter school or are convicted of a crime related to charter school operations. Specifically, the committee substitute:
  - Makes a technical change to place the provision under the subsection regarding charter school requirements, rather than under the subsection for causes for nonrenewal or termination.
  - Changes the provision establishing a penalty if a charter school closes within 3 years of beginning operations to specify closure within 1 year of beginning operations; and provides an exception from the penalty for charter schools that close due to consolidation with another charter school.
  - Modifies the individuals to whom the penalties specified in this paragraph apply, to include the charter school superintendent and principal, which aligns with current law regarding charter school personnel.

**B. Amendments:**

None.



495516

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/26/2019	.	
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The Committee on Education (Diaz) recommended the following:

**Senate Amendment**

Delete lines 279 - 284.



786274

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/26/2019	.	
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The Committee on Education (Diaz) recommended the following:

**Senate Amendment (with directory and title amendments)**

Delete lines 548 - 569

and insert:

(9) CHARTER SCHOOL REQUIREMENTS.—

(r) If a sponsor chooses not to renew or to terminate a charter pursuant to paragraphs (8)(a) or (8)(c), or if a charter school voluntarily closes before the end of a school year or within 1 year after beginning operations, excluding charter schools that close due to consolidation with another charter school, the applicant for the charter, the charter school owner,



786274

president, superintendent, principal, charter school governing board members, and the relatives of such applicant, owner, president, superintendent, principal, or governing board member may not submit an application to open a charter school in this state pursuant to subsection (6) for a period of 5 years after the charter is not renewed or is terminated, or the charter school closes pursuant to this paragraph. If a charter school applicant, owner, president, superintendent, principal, or a member of a charter school governing board, a charter management organization, or an education management organization is convicted of a crime, including, but not limited to, fraud or financial offenses related to the operation of a charter school, such applicant, owner, president, superintendent, principal, or governing board member, including any relatives of such individuals, or the charter management organization or the education management organization, may not apply for a charter pursuant to subsection (6) or operate or manage a charter school in this state for a period of 10 years after such conviction. For the purpose of this paragraph, the term "relative" has the same meaning as specified under subparagraph (24)(a)2.

==== D I R E C T O R Y C L A U S E A M E N D M E N T =====

And the directory clause is amended as follows:

Delete line 76

and insert:

paragraph (r) is added to subsection (9) of that section,  
to

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



786274

41 And the title is amended as follows:  
42       Delete line 68  
43 and insert:  
44       periods of time; providing an exception; defining the  
45       term "relative" for the

By Senator Diaz

36-01254D-19

20191470\_\_

1 A bill to be entitled  
 2 An act relating to charter schools; amending s.  
 3 1002.33, F.S.; revising requirements for the annual  
 4 reports that charter school sponsors are required to  
 5 submit to the Department of Education; requiring the  
 6 Charter School Appeal Commission, which is renamed the  
 7 Charter School Commission, to recommend denial of a  
 8 charter school application if the school does not  
 9 propose a certain reading curriculum; specifying the  
 10 entities from which the commission may receive and  
 11 consider applications; providing that the commission  
 12 may recommend approval of applications to the State  
 13 Board of Education; providing that sponsors may appeal  
 14 such recommendations to the state board; providing a  
 15 process for the review of appeals; requiring the  
 16 Commissioner of Education to review appeals and make  
 17 recommendations to the state board; providing the  
 18 process for that review and for consideration by the  
 19 state board of the commissioner's recommendations;  
 20 requiring action by the state board on the  
 21 recommendation within a specified timeframe; requiring  
 22 sponsors to implement the decision of the state board;  
 23 authorizing applicants to appeal to the state board  
 24 certain recommendations by the commission or the  
 25 commission's failure to act on an application;  
 26 providing the process for such review and the  
 27 disposition of such appeals; conforming provisions to  
 28 changes made by the act; authorizing applicants to  
 29 appeal to the state board if the commission fails to

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

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20191470\_\_

30 act on an application; requiring the commission to  
 31 articulate its recommendation for denial of an  
 32 application to the department within a specified  
 33 timeframe after such denial; authorizing the  
 34 commission to recommend denial of applications  
 35 submitted by certain entities, under specified  
 36 circumstances; requiring the commission to articulate  
 37 its recommendation for denial of such applications to  
 38 the department within a specified timeframe;  
 39 authorizing applicants to appeal the commission's  
 40 recommendation for denial of an application;  
 41 authorizing sponsors to provide input regarding final  
 42 applications to the commission within a specified  
 43 timeframe; requiring the commission to consider such  
 44 input; requiring the commission to submit  
 45 recommendations for approval of charter school  
 46 applications to the state board; authorizing sponsors  
 47 to appeal to the state board such recommendations  
 48 within a specified timeframe after the commission's  
 49 decision; requiring the Commissioner of Education to  
 50 review such appeals and make recommendations to the  
 51 state board within a specified timeframe; requiring  
 52 the state board to accept or reject such  
 53 recommendations by majority vote; requiring sponsors  
 54 to implement decisions of the state board; providing  
 55 that state board decisions are not subject to  
 56 specified provisions; conforming provisions to changes  
 57 made by the act; authorizing applicants to appeal  
 58 recommendations for denial of an application or the

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

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20191470\_\_

failure to act on applications; requiring the state board to notify the commissioner of such appeals; requiring the commissioner to review such appeals and make recommendations to the state board; authorizing the commissioner to reject appeal submissions under specified circumstances; conforming provisions to changes made by the act; prohibiting specified individuals and entities from submitting an application to open a charter school for specified periods of time; defining the term "relative" for the purpose of applying the prohibition; providing an effective date.

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

Section 1. Paragraph (b) of subsection (5) and subsection (6) of section 1002.33, Florida Statutes, are amended, and paragraph (g) is added to subsection (8) of that section, to read:

1002.33 Charter schools.—

(5) SPONSOR; DUTIES.—

(b) *Sponsor duties.*—

1.a. The sponsor shall monitor and review the charter school in its progress toward the goals established in the charter.

b. The sponsor shall monitor the revenues and expenditures of the charter school and perform the duties provided in s. 1002.345.

c. The sponsor may approve a charter for a charter school

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

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20191470\_\_

before the applicant has identified space, equipment, or personnel, if the applicant indicates approval is necessary for it to raise working funds.

d. The sponsor shall not apply its policies to a charter school unless mutually agreed to by both the sponsor and the charter school. If the sponsor subsequently amends any agreed-upon sponsor policy, the version of the policy in effect at the time of the execution of the charter, or any subsequent modification thereof, shall remain in effect and the sponsor may not hold the charter school responsible for any provision of a newly revised policy until the revised policy is mutually agreed upon.

e. The sponsor shall ensure that the charter is innovative and consistent with the state education goals established by s. 1000.03(5).

f. The sponsor shall ensure that the charter school participates in the state's education accountability system. If a charter school falls short of performance measures included in the approved charter, the sponsor shall report such shortcomings to the Department of Education.

g. The sponsor shall not be liable for civil damages under state law for personal injury, property damage, or death resulting from an act or omission of an officer, employee, agent, or governing body of the charter school.

h. The sponsor shall not be liable for civil damages under state law for any employment actions taken by an officer, employee, agent, or governing body of the charter school.

i. The sponsor's duties to monitor the charter school shall not constitute the basis for a private cause of action.

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



36-01254D-19

20191470

j. The sponsor shall not impose additional reporting requirements on a charter school without providing reasonable and specific justification in writing to the charter school.

k. The sponsor shall submit an annual report to the Department of Education in a web-based format to be determined by the department.

(I) The report shall include the following information for applications reviewed by the sponsor and by the Charter School Commission established under subparagraph (6)(e)1., hereinafter referred to as "the commission":

(A) The number of draft applications received on or before May 1 and each applicant's contact information.

(B) The number of final applications received on or before August 1 and each applicant's contact information.

(C) The date each application was approved, denied, or withdrawn.

(D) The date each final contract was executed.

(II) Beginning August 31, 2013, and each year thereafter, the sponsor shall submit to the department the information for the applications submitted the previous year.

(III) The department shall compile an annual report, by district, and post the report on its website by November 1 of each year.

2. Immunity for the sponsor of a charter school under subparagraph 1. applies only with respect to acts or omissions not under the sponsor's direct authority as described in this section.

3. This paragraph does not waive a district school board's sovereign immunity.

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4. A Florida College System institution may work with the school district or school districts in its designated service area to develop charter schools that offer secondary education. These charter schools must include an option for students to receive an associate degree upon high school graduation. If a Florida College System institution operates an approved teacher preparation program under s. 1004.04 or s. 1004.85, the institution may operate no more than one charter school that serves students in kindergarten through grade 12. In kindergarten through grade 8, the charter school shall implement innovative blended learning instructional models in which, for a given course, a student learns in part through online delivery of content and instruction with some element of student control over time, place, path, or pace and in part at a supervised brick-and-mortar location away from home. A student in a blended learning course must be a full-time student of the charter school and receive the online instruction in a classroom setting at the charter school. District school boards shall cooperate with and assist the Florida College System institution on the charter application. Florida College System institution applications for charter schools are not subject to the time deadlines outlined in subsection (6) and may be approved by the district school board at any time during the year. Florida College System institutions may not report FTE for any students who receive FTE funding through the Florida Education Finance Program.

5. A school district may enter into nonexclusive interlocal agreements with federal and state agencies, counties, municipalities, and other governmental entities that operate

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within the geographical borders of the school district to act on behalf of such governmental entities in the inspection, issuance, and other necessary activities for all necessary permits, licenses, and other permissions that a charter school needs in order for development, construction, or operation. A charter school may use, but may not be required to use, a school district for these services. The interlocal agreement must include, but need not be limited to, the identification of fees that charter schools will be charged for such services. The fees must consist of the governmental entity's fees plus a fee for the school district to recover no more than actual costs for providing such services. These services and fees are not included within the services to be provided pursuant to subsection (20).

(6) APPLICATION PROCESS AND REVIEW.—Charter school applications are subject to the following requirements:

(a) A person or entity seeking to open a charter school shall prepare and submit an application on the standard application form prepared by the Department of Education which:

1. Demonstrates how the school will use the guiding principles and meet the statutorily defined purpose of a charter school.

2. Provides a detailed curriculum plan that illustrates how students will be provided services to attain the Sunshine State Standards.

3. Contains goals and objectives for improving student learning and measuring that improvement. These goals and objectives must indicate how much academic improvement students are expected to show each year, how success will be evaluated,

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and the specific results to be attained through instruction.

4. Describes the reading curriculum and differentiated strategies that will be used for students reading at grade level or higher and a separate curriculum and strategies for students who are reading below grade level. A sponsor shall deny, or the commission shall recommend denial of, an application if the school does not propose a reading curriculum that is consistent with effective teaching strategies that are grounded in scientifically based reading research.

5. Contains an annual financial plan for each year requested by the charter for operation of the school for up to 5 years. This plan must contain anticipated fund balances based on revenue projections, a spending plan based on projected revenues and expenses, and a description of controls that will safeguard finances and projected enrollment trends.

6. Discloses the name of each applicant, governing board member, and all proposed education services providers; the name and sponsor of any charter school operated by each applicant, each governing board member, and each proposed education services provider that has closed and the reasons for the closure; and the academic and financial history of such charter schools, which the sponsor or the commission, as applicable, shall consider in making a final determination on ~~deciding whether to approve or deny~~ the application.

7. Contains additional information that the ~~a~~ sponsor or the commission may require, which must ~~shall~~ be attached as an addendum to the charter school application described in this paragraph.

8. For the establishment of a virtual charter school,

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documents that the applicant has contracted with a provider of virtual instruction services pursuant to s. 1002.45(1)(d).

(b) An applicant may submit an application to a sponsor or to the commission pursuant to subparagraph 1. The A sponsor or the commission, as applicable, shall receive and review all applications for a charter school using the evaluation instrument developed by the Department of Education. An applicant that submits an application to the commission also shall provide the application to the sponsor within 3 days after its submission to the commission ~~A sponsor shall receive and consider charter school applications received on or before August 1 of each calendar year for charter schools to be opened at the beginning of the school district's next school year, or to be opened at a time agreed to by the applicant and the sponsor. A sponsor may not refuse to receive a charter school application submitted before August 1 and may receive an application submitted later than August 1 if it chooses. Beginning in 2018 and thereafter, A sponsor or the commission, as applicable, shall receive and consider charter school applications received on or before February 1 of each calendar year for charter schools to be opened 18 months later at the beginning of the school district's school year, or to be opened at a time determined by the applicant. A sponsor and the commission may not refuse to receive a charter school application submitted before February 1 and may receive an application submitted later than February 1 if the sponsor or the commission it chooses. A sponsor and the commission may not charge an applicant for a charter any fee for the processing or consideration of an application, and a sponsor and the~~

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commission may not base their ~~its~~ consideration or approval of a final application upon the promise of future payment of any kind. Before approving or denying any application, the sponsor or the commission, as applicable, shall allow the applicant, upon receipt of written notification, at least 7 calendar days to make technical or nonsubstantive corrections and clarifications, including, but not limited to, corrections of grammatical, typographical, and like errors or missing signatures, if such errors are identified by the sponsor or the commission as cause to deny the final application.

1. The commission may receive and consider applications from:

- a. A high-performing charter school pursuant to s. 1002.331.
- b. A high-performing charter school system pursuant to s. 1002.332.
- c. A hope operator pursuant to s. 1002.333.
- d. A business entity or municipality pursuant to subsection (15).
- e. An applicant or group of applicants as specified under paragraph (3)(a) for the purpose of opening a charter school in a school district that received three consecutive district grades lower than a "C," pursuant to s. 1008.34.

~~2.1-~~ In order to facilitate an accurate budget projection process, a sponsor shall be held harmless for FTE students who are not included in the FTE projection due to approval of charter school applications after the FTE projection deadline. In a further effort to facilitate an accurate budget projection, within 15 calendar days after receipt of a charter school

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291 application, a sponsor shall report to the Department of  
 292 Education the name of the applicant entity, the proposed charter  
 293 school location, and its projected FTE.

294 ~~3.2-~~ In order to ensure fiscal responsibility, an  
 295 application for a charter school shall include a full accounting  
 296 of expected assets, a projection of expected sources and amounts  
 297 of income, including income derived from projected student  
 298 enrollments and from community support, and an expense  
 299 projection that includes full accounting of the costs of  
 300 operation, including start-up costs.

301 ~~4.a.3.a-~~ A sponsor shall by a majority vote approve or  
 302 deny, or the commission shall by majority vote recommend to  
 303 approve or deny, an application no later than 90 calendar days  
 304 after the application is received, unless the sponsor or the  
 305 commission and the applicant mutually agree in writing to  
 306 temporarily postpone the vote to a specific date, at which time  
 307 the sponsor shall by a majority vote approve or deny, or the  
 308 commission shall by a majority vote recommend to approve or  
 309 deny, the application. If the sponsor or the commission fails to  
 310 act on the application, an applicant may appeal to the State  
 311 Board of Education as provided in paragraph (c). If an  
 312 application is denied or recommended for denial, the sponsor or  
 313 the commission shall, within 10 calendar days after such denial,  
 314 articulate in writing the specific reasons, based upon good  
 315 cause, supporting its denial of the application and shall  
 316 provide the letter of denial and supporting documentation to the  
 317 applicant and to the Department of Education.

318 b. An application submitted by a high-performing charter  
 319 school identified pursuant to s. 1002.331 or a high-performing

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320 charter school system identified pursuant to s. 1002.332 may be  
 321 denied by the sponsor or recommended for denial by the  
 322 commission only if the sponsor or the commission demonstrates by  
 323 clear and convincing evidence that:

324 (I) The application of a high-performing charter school  
 325 does not materially comply with the requirements in paragraph  
 326 (a) or, for a high-performing charter school system, the  
 327 application does not materially comply with s. 1002.332(2)(b);

328 (II) The charter school proposed in the application does  
 329 not materially comply with the requirements in paragraphs  
 330 (9)(a)-(f);

331 (III) The proposed charter school's educational program  
 332 does not substantially replicate that of the applicant or one of  
 333 the applicant's high-performing charter schools;

334 (IV) The applicant has made a material misrepresentation or  
 335 false statement or concealed an essential or material fact  
 336 during the application process; or

337 (V) The proposed charter school's educational program and  
 338 financial management practices do not materially comply with the  
 339 requirements of this section.

340  
 341 Material noncompliance is a failure to follow requirements or a  
 342 violation of prohibitions applicable to charter school  
 343 applications, which failure is quantitatively or qualitatively  
 344 significant either individually or when aggregated with other  
 345 noncompliance. An applicant is considered to be replicating a  
 346 high-performing charter school if the proposed school is  
 347 substantially similar to at least one of the applicant's high-  
 348 performing charter schools and the organization or individuals

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involved in the establishment and operation of the proposed school are significantly involved in the operation of replicated schools.

c. If the sponsor denies or the commission recommends denial of an application submitted by a high-performing charter school or a high-performing charter school system, the sponsor or the commission, as applicable, must, within 10 calendar days after such denial, state in writing the specific reasons, based upon the criteria in sub-subparagraph b., supporting its denial of the application and must provide the letter of denial and supporting documentation to the applicant and to the Department of Education. The applicant may appeal the sponsor's denial or the commission's recommendation for denial of the application in accordance with paragraph (c).

5.a. A sponsor may provide input to the commission within 30 days after receiving a copy of the final application submitted to the commission. The commission must consider such input in reviewing the application.

b. The commission must submit its recommendation for approval of a charter school application to the State Board of Education for approval.

c. The sponsor may appeal to the state board any recommendation to approve the application by the commission no later than 30 days from the commission's decision. Upon receipt of notification from the state board that a sponsor is filing an appeal, the commissioner shall review the appeal and make recommendations to the state board regarding its pending decision about the appeal. The commissioner shall report his or her recommendations to the state board at least 7 calendar days

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before the date on which the appeal is considered.

d. The state board by majority vote shall accept or reject the recommendation of the commission to approve the application no later than 90 calendar days after an appeal is filed in accordance with State Board of Education rule. The sponsor shall implement the decision of the state board. The decision of the state board is not subject to chapter 120.

6.4- For budget projection purposes, the sponsor or the commission, as applicable, shall report to the Department of Education the approval or denial of an application within 10 calendar days after such approval or denial. In the event of approval by the sponsor or the state board, as applicable, the report to the Department of Education shall include the final projected FTE for the approved charter school.

7.5- Upon approval of an application, the initial startup shall commence with the beginning of the public school calendar for the district in which the charter is granted. A charter school may defer the opening of the school's operations for up to 3 years to provide time for adequate facility planning. The charter school must provide written notice of such intent to the sponsor and the parents of enrolled students at least 30 calendar days before the first day of school.

(c)1. An applicant may appeal any denial of that applicant's application or failure to act on an application to the State Board of Education by the sponsor no later than 30 calendar days after receipt of the sponsor's decision or failure to act and shall notify the sponsor of its appeal. Any response of the sponsor shall be submitted to the State Board of Education within 30 calendar days after notification of the

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407 appeal. Upon receipt of notification from the State Board of  
 408 Education that a charter school applicant is filing an appeal,  
 409 the Commissioner of Education shall convene a meeting of the  
 410 Charter School ~~Appeal~~ Commission to study and make  
 411 recommendations to the State Board of Education regarding its  
 412 pending decision about the appeal. The commission shall forward  
 413 its recommendation to the state board at least 7 calendar days  
 414 before the date on which the appeal is to be heard.

415 2. An applicant may appeal any recommendation to deny that  
 416 applicant's application or the failure to act on an application  
 417 by the commission to the state board no later than 30 calendar  
 418 days after receipt of the commission's decision or failure to  
 419 act, and the applicant shall notify the commission of its  
 420 appeal. The state board shall notify the commissioner of an  
 421 applicant's appeal. Upon receipt of notification from the state  
 422 board that a charter school applicant is filing an appeal of the  
 423 commission's recommendation, the commissioner shall review the  
 424 appeal and make recommendations to the state board regarding its  
 425 pending decision regarding the appeal. The commissioner shall  
 426 report his or her recommendation to the state board at least 7  
 427 calendar days before the date on which the appeal is considered.

428 3.2- The ~~Charter School Appeal~~ commission or the  
 429 commissioner may reject an appeal submission for failure to  
 430 comply with procedural rules governing the appeals process. The  
 431 rejection shall describe the submission errors. The appellant  
 432 shall have 15 calendar days after notice of rejection in which  
 433 to resubmit an appeal that meets the requirements set forth in  
 434 State Board of Education rule. An appeal submitted subsequent to  
 435 such rejection is considered timely if the original appeal was

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436 filed within 30 calendar days after receipt of notice of the  
 437 specific reasons for the sponsor's or commission's denial of the  
 438 charter application.

439 4.a.3.a- The State Board of Education shall by majority  
 440 vote accept or reject the decision of the sponsor or the  
 441 commission no later than 90 calendar days after an appeal is  
 442 filed in accordance with State Board of Education rule. The  
 443 State Board of Education shall remand the application to the  
 444 sponsor with its written decision that the sponsor approve or  
 445 deny the application. The sponsor shall implement the decision  
 446 of the State Board of Education. The decision of the State Board  
 447 of Education is not subject to the provisions of the  
 448 Administrative Procedure Act, chapter 120.

449 b. If an appeal concerns an application submitted by a  
 450 high-performing charter school identified pursuant to s.  
 451 1002.331 or a high-performing charter school system identified  
 452 pursuant to s. 1002.332, the State Board of Education shall  
 453 determine whether the sponsor's or the commission's denial was  
 454 in accordance with sub-subparagraph (b)4.b. ~~sub-subparagraph~~  
 455 ~~(b)3.b-~~

456 (d) The sponsor shall act upon the decision of the State  
 457 Board of Education within 30 calendar days after it is received.  
 458 The State Board of Education's decision is a final action  
 459 subject to judicial review in the district court of appeal.

460 (e)1. ~~The A Charter School Appeal~~ commission is established  
 461 to review applications submitted pursuant to subparagraph (b)1.  
 462 and to assist the commissioner and the State Board of Education  
 463 with a fair and impartial review of appeals by applicants whose  
 464 charter applications have been denied, whose charter contracts

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have not been renewed, or whose charter contracts have been terminated by their sponsors.

2. The ~~Charter School Appeal~~ commission may receive copies of the appeal documents forwarded to the State Board of Education, review the documents, gather other applicable information regarding the appeal, and make a written recommendation to the commissioner. The recommendation must state whether the appeal should be upheld or denied and include the reasons for the recommendation being offered. The commissioner shall forward the recommendation to the State Board of Education no later than 7 calendar days prior to the date on which the appeal is to be heard. The state board must consider the commission's recommendation in making its decision, but is not bound by the recommendation. The decision of the ~~Charter School Appeal~~ commission is not subject to the ~~provisions of the~~ Administrative Procedure Act, chapter 120.

3. The commissioner shall appoint a number of members to the ~~Charter School Appeal~~ commission sufficient to ensure that no potential conflict of interest exists for any commission application review or appeal decision. Members shall serve without compensation but may be reimbursed for travel and per diem expenses in conjunction with their service. Of the members reviewing an application or hearing the appeal, one-half must represent currently operating charter schools and one-half must represent sponsors. The commissioner or a named designee shall chair the ~~Charter School Appeal~~ commission.

4. The chair shall convene meetings of the commission and shall ensure that the written recommendations are completed and forwarded in a timely manner. In cases in which ~~where~~ the

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commission cannot reach a decision, the chair shall make the written recommendation with justification, noting that the decision was rendered by the chair.

5. Commission members shall thoroughly review the materials presented to them from the applicant ~~appellant~~ and the sponsor. The commission may request information to clarify the documentation presented to it. In the course of its review, the commission may facilitate the postponement of an appeal in those cases where additional time and communication may negate the need for a formal appeal and both parties agree, in writing, to postpone the appeal to the State Board of Education. A new date certain for the appeal shall then be set based upon the rules and procedures of the State Board of Education. Commission members shall provide a written recommendation to the state board as to whether the appeal should be upheld or denied. A fact-based justification for the recommendation must be included. The chair must ensure that the written recommendation is submitted to the State Board of Education members no later than 7 calendar days prior to the date on which the appeal is to be heard. Both parties in the case shall also be provided a copy of the recommendation.

(f)1. The Department of Education shall provide or arrange for training and technical assistance to charter schools in developing and adjusting business plans and accounting for costs and income. Training and technical assistance shall also address, at a minimum, state and federal grant and student performance accountability reporting requirements and provide assistance in identifying and applying for the types and amounts of state and federal financial assistance the charter school may

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be eligible to receive. The department may provide other technical assistance to an applicant upon written request.

2. A charter school applicant must participate in the training provided by the Department of Education after approval of an application but at least 30 calendar days before the first day of classes at the charter school. However, a sponsor may require the charter school applicant to attend training provided by the sponsor in lieu of the department's training if the sponsor's training standards meet or exceed the standards developed by the department. In such case, the sponsor may not require the charter school applicant to attend the training within 30 calendar days before the first day of classes at the charter school. The training must include instruction in accurate financial planning and good business practices. If the applicant is a management company or a nonprofit organization, the charter school principal and the chief financial officer or his or her equivalent must also participate in the training. A sponsor may not require a high-performing charter school or high-performing charter school system applicant to participate in the training described in this subparagraph more than once.

(g) In considering charter applications for a lab school, a state university shall consult with the district school board of the county in which the lab school is located. The decision of a state university may be appealed pursuant to the procedure established in this subsection.

(8) CAUSES FOR NONRENEWAL OR TERMINATION OF CHARTER.—

(g) If a charter is terminated or a charter school closes before the end of a school year or within 3 years after beginning operations, the applicant for the charter, the charter

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school owner, the charter school president, the charter school governing board members, and the relatives of such owner, president, or governing board member may not submit an application to open a charter school in this state pursuant to subsection (6) for a period of 5 years after the termination of the charter or closure of the charter school. If a charter school owner, a charter school president, a member of a charter school governing board, a charter management organization, or an education management organization is convicted of a crime, including, but not limited to, fraud or financial offenses related to the operation of a charter school, that owner, president, or governing board member, including any relatives of such individuals, or the charter management organization or the education management organization, may not submit an application to open a charter school in this state pursuant to subsection (6) for a period of 10 years after such conviction. For the purpose of this paragraph, the term "relative" has the same meaning as specified under subparagraph (24)(a)2.

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



**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

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

3/26/19  
Meeting Date

SB 1470  
Bill Number (if applicable)

Topic Charter Schools

Amendment Barcode (if applicable)

Name Nancy Lawther

Job Title \_\_\_\_\_

Address 1747 Orlando Central Parkway  
Street

Phone 407 855 7604

Orlando FL 32809  
City State Zip

Email miami-dade.cc@a  
foridapta.org

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida PTA

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/14/14)

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

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

3/26/2019

*Meeting Date*

1470

*Bill Number (if applicable)*

Topic S Education Committee

*Amendment Barcode (if applicable)*

Name Bethany Swonson

Job Title Leg. Affairs Director

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Tallahassee

FL

32303

Email bethany.swonson@fldoe.org

*City*

*State*

*Zip*

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida Department of Education

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

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

26 Mar 19

*Meeting Date*

1470

*Bill Number (if applicable)*

Topic Charter Schools

*Amendment Barcode (if applicable)*

Name James Mosteller

Job Title Advocacy Associate

Address 215 S Monroe Street

Phone 850-727-3712

*Street*

Tallahassee

FL

32301

Email JamesM@excelined.org

*City*

*State*

*Zip*

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Foundation for Florida's Future

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

1:30

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

March 26, 2019  
Meeting Date

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

1470  
Bill Number (if applicable)

Topic Charter Schools

 Amendment Barcode (if applicable)

Name Shawn Frost

Job Title Director of Advocacy

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Street

Phone (850) 462-5155

Tallahassee FL 32301  
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Email admin@SchoolChoice  
movement.org

Speaking: ☐ For ☐ Against ☐ Information

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

Representing School Choice Movement

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

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

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Prepared By: The Professional Staff of the Committee on Education

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BILL: SB 1472

INTRODUCER: Senator Diaz

SUBJECT: Education

DATE: March 25, 2019

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Brick	Sikes	ED	<b>Favorable</b>
2.			AED	
3.			AP	

---

**I. Summary:**

SB 1472 updates references to the Elementary and Secondary Education Act (ESEA) and the No Child Left Behind Act (NCLB) in the Florida K-20 Education Code to reflect federal law as amended.

The bill has no impact on state revenues or expenditures.

The bill takes effect July 1, 2019.

**II. Present Situation:**

The United States Congress enacted the Elementary and Secondary Education Act (ESEA) in 1965 to expand and improve education for low-income families.<sup>1</sup> Since 1965, the following legislation substantially amended the ESEA:

- Bilingual Education Act of 1968.<sup>2</sup>
- Equal Educational Opportunities Act of 1974.<sup>3</sup>
- Improving America's Schools Act of 1994.<sup>4</sup>
- No Child Left Behind Act of 2001 (NCLB).<sup>5</sup>
- Every Student Succeeds Act of 2015 (ESSA).<sup>6</sup>

The Florida K-20 Education Code references the ESEA in multiple sections of law, including sections defining student subgroups and referencing the requirements of federal law.

---

<sup>1</sup> Pub. L. No. 89-10, 79 Stat. 27 (Apr. 11, 1965).

<sup>2</sup> Pub. L. 90-247, 81 Stat. 783 (Jan. 2, 1968).

<sup>3</sup> Pub. L. 93-380, 88 Stat 484 (Aug. 21, 1974).

<sup>4</sup> Pub. L. 103-382, 108 Stat 3518 (Oct. 20, 1994).

<sup>5</sup> Pub. L. 107-110, 115 Stat 1425 (Jan. 8, 2002).

<sup>6</sup> Pub. L. 114-95, 129 Stat 1802 (Dec. 10, 2015).

An ESEA flexibility waiver approved for Florida by the United States Secretary of Education is referenced in ss. 1008.33(1) and (3)(a), F.S., relating to authority to enforce public school improvement. The ESEA flexibility waiver no longer applies to the Florida Department of Education.<sup>7</sup>

### **III. Effect of Proposed Changes:**

SB 1472 updates outdated references to the Elementary and Secondary Education Act (ESEA) and the No Child Left Behind Act (NCLB) in the Florida K-20 Education Code to reflect the current federal law as amended by the Every Student Succeeds Act of 2015 (ESSA).

The bill also removes outdated language referencing the ESEA flexibility waiver approved for Florida by the United States Secretary of Education.

### **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.

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<sup>7</sup> Email, Florida Department of Education (Mar. 21, 2019).

C. Government Sector Impact:

The bill has no impact on state revenues or expenditures.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 1001.42, 1002.451, 1003.4282, 1004.04, 1004.85, 1008.31, 1008.33, 1008.332, 1008.34, 1011.62, and 1012.56.

**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 Diaz

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A bill to be entitled

An act relating to education; amending ss. 1001.42, 1002.451, 1003.4282, 1004.04, and 1004.85, F.S.; correcting references relating to the federal Elementary and Secondary Education Act (ESEA), as amended by the Every Student Succeeds Act of 2015 (ESSA); amending s. 1008.31, F.S.; requiring the K-20 education performance accountability system to comply with the ESEA, as amended by the ESSA, instead of the "No Child Left Behind Act of 2001"; amending s. 1008.33, F.S.; correcting a reference relating to the ESEA, as amended by the ESSA; deleting a requirement for the State Board of Education to comply with the ESEA flexibility waiver; conforming provisions to changes made by the act; amending s. 1008.332, F.S.; requiring the Department of Education to establish a certain committee pursuant to the requirements of the ESEA, as amended by the ESSA, instead of the "No Child Left Behind Act of 2001"; amending ss. 1008.34, 1011.62, and 1012.56, F.S.; correcting references relating to the ESEA, as amended by the ESSA; providing an effective date.

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

Section 1. Paragraph (a) 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

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powers and perform all duties listed below:

(18) IMPLEMENT SCHOOL IMPROVEMENT AND ACCOUNTABILITY.—

Maintain a 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:

(a) *School improvement plans.*—The district school board shall annually approve and require implementation of a new, amended, or continuation school improvement plan for each school in the district which has a school grade of "D" or "F"; has a significant gap in achievement on statewide, standardized assessments administered pursuant to s. 1008.22 by one or more student subgroups, as defined in the federal Elementary and Secondary Education Act (ESEA), as amended by the Every Student Succeeds Act of 2015 (ESSA), 20 U.S.C. s. 6311(c)(2) ~~20 U.S.C. s. 6311(b)(2)(C)(v)(II)~~; has not significantly increased the percentage of students passing statewide, standardized assessments; has not significantly increased the percentage of students demonstrating Learning Gains, as defined in s. 1008.34 and as calculated under s. 1008.34(3)(b), who passed statewide, standardized assessments; or has significantly lower graduation rates for a subgroup when compared to the state's graduation rate. The improvement plan of a school that meets the requirements of this paragraph shall include strategies for

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improving these results. The state board shall adopt rules establishing thresholds and for determining compliance with this paragraph.

Section 2. Paragraph (b) of subsection (6) of section 1002.451, Florida Statutes, is amended to read:

1002.451 District innovation school of technology program.—

(6) APPLICATION PROCESS AND PERFORMANCE CONTRACT.—

(b) A district school board may operate one innovation school of technology upon an application being approved by the State Board of Education.

1. A district school board may apply to the State Board of Education to establish additional schools of technology if each existing innovation school of technology in the district:

a. Meets all requirements in this section and in the performance contract;

b. Has a grade of "A" or "B"; and

c. Has at least 50 percent of its students exceed the state average on the statewide assessment program pursuant to s. 1008.22. This comparison may take student subgroups, as defined in the federal Elementary and Secondary Education Act (ESEA), as amended by the Every Student Succeeds Act of 2015 (ESSA), 20 U.S.C. s. 6311(c)(2) ~~20 U.S.C. s. 6311(b)(2)(C)(v)(II)~~, into specific consideration so that at least 50 percent of students in each student subgroup meet or exceed the statewide average performance, rounded to the nearest whole number, of that particular subgroup.

2. Notwithstanding subparagraph 1., the number of schools of technology in a school district may not exceed:

a. Seven in a school district that has 100,000 or more

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students.

b. Five in a school district that has 50,000 to 99,999 students.

c. Three in a school district that has fewer than 50,000 students.

Section 3. Subsection (7) of section 1003.4282, Florida Statutes, is amended to read:

1003.4282 Requirements for a standard high school diploma.—

(7) UNIFORM TRANSFER OF HIGH SCHOOL CREDITS.—Beginning with the 2012-2013 school year, if a student transfers to a Florida public high school from out of country, out of state, a private school, or a home education program and the student's transcript shows a credit in Algebra I, the student must pass the statewide, standardized Algebra I EOC assessment in order to earn a standard high school diploma unless the student earned a comparative score, passed a statewide assessment in Algebra I administered by the transferring entity, or passed the statewide mathematics assessment the transferring entity uses to satisfy the requirements of the Elementary and Secondary Education Act, as amended by the Every Student Succeeds Act of 2015 (ESSA), 20 U.S.C. ss. 6301 et seq ~~20 U.S.C. s. 6301~~. If a student's transcript shows a credit in high school reading or English Language Arts II or III, in order to earn a standard high school diploma, the student must take and pass the statewide, standardized grade 10 Reading assessment or, when implemented, the grade 10 ELA assessment, or earn a concordant score. If a transfer student's transcript shows a final course grade and course credit in Algebra I, Geometry, Biology I, or United States History, the transferring course final grade and credit

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shall be honored without the student taking the requisite statewide, standardized EOC assessment and without the assessment results constituting 30 percent of the student's final course grade.

Section 4. Paragraph (a) of subsection (4) of section 1004.04, Florida Statutes, is amended to read:

1004.04 Public accountability and state approval for teacher preparation programs.—

(4) CONTINUED PROGRAM APPROVAL.—Continued approval of a teacher preparation program shall be based upon evidence that the program continues to implement the requirements for initial approval and upon significant, objective, and quantifiable measures of the program and the performance of the program completers.

(a) The criteria for continued approval must include each of the following:

1. Documentation from the program that each program candidate met the admission requirements provided in subsection (3).

2. Documentation from the program that the program and each program completer have met the requirements provided in subsection (2).

3. Evidence of performance in each of the following areas:

a. Placement rate of program completers into instructional positions in Florida public schools and private schools, if available.

b. Rate of retention for employed program completers in instructional positions in Florida public schools.

c. Performance of students in prekindergarten through grade

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12 who are assigned to in-field program completers on statewide assessments using the results of the student learning growth formula adopted under s. 1012.34.

d. Performance of students in prekindergarten through grade 12 who are assigned to in-field program completers aggregated by student subgroup, as defined in the federal Elementary and Secondary Education Act (ESEA), as amended by the Every Student Succeeds Act of 2015 (ESSA), 20 U.S.C. s. 6311(c)(2) 20 U.S.C. s. 6311(b)(2)(C)(v)(II), as a measure of how well the program prepares teachers to work with a diverse population of students in a variety of settings in Florida public schools.

e. Results of program completers' annual evaluations in accordance with the timeline as set forth in s. 1012.34.

f. Production of program completers in statewide critical teacher shortage areas as identified in s. 1012.07.

Section 5. Paragraph (b) of subsection (4) of section 1004.85, Florida Statutes, is amended to read:

1004.85 Postsecondary educator preparation institutes.—

(4) Continued approval of each program approved pursuant to this section shall be determined by the Commissioner of Education based upon a periodic review of the following areas:

(b) Evidence of performance in each of the following areas:

1. Placement rate of program completers into instructional positions in Florida public schools and private schools, if available.

2. Rate of retention for employed program completers in instructional positions in Florida public schools.

3. Performance of students in prekindergarten through grade 12 who are assigned to in-field program completers on statewide

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assessments using the results of the student learning growth formula adopted under s. 1012.34.

4. Performance of students in prekindergarten through grade 12 who are assigned to in-field program completers aggregated by student subgroups, as defined in the federal Elementary and Secondary Education Act (ESEA), as amended by the Every Student Succeeds Act of 2015 (ESSA), 20 U.S.C. s. 6311(c)(2) ~~20 U.S.C. s. 6311(b)(2)(C)(v)(II)~~, as a measure of how well the program prepares teachers to work with a diverse population of students in a variety of settings in Florida public schools.

5. Results of program completers' annual evaluations in accordance with the timeline as set forth in s. 1012.34.

6. Production of program completers in statewide critical teacher shortage areas as identified in s. 1012.07.

Section 6. Paragraph (c) of subsection (1) of section 1008.31, Florida Statutes, is amended to read:

1008.31 Florida's K-20 education performance accountability system; legislative intent; mission, goals, and systemwide measures; data quality improvements.—

(1) LEGISLATIVE INTENT.—It is the intent of the Legislature that:

(c) The K-20 education performance accountability system comply with the requirements of the Elementary and Secondary Education Act (ESEA), as amended by the Every Student Succeeds Act of 2015 (ESSA), 20 U.S.C. ss. 6301 et seq. ~~"No Child Left Behind Act of 2001," Pub. L. No. 107-110~~, and the Individuals with Disabilities Education Act (IDEA).

Section 7. Subsection (1) and paragraph (a) of subsection (3) of section 1008.33, Florida Statutes, are amended to read:

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1008.33 Authority to enforce public school improvement.—

(1) The State Board of Education shall comply with the federal Elementary and Secondary Education Act (ESEA), as amended by the Every Student Succeeds Act of 2015 (ESSA), 20 U.S.C. ss. 6301 et seq., and 20 U.S.C. ss. 6301 et seq., its implementing regulations, ~~and the ESEA flexibility waiver approved for Florida by the United States Secretary of Education.~~ The state board may adopt rules to maintain compliance with the ESEA ~~and the ESEA flexibility waiver.~~

(3)(a) The academic performance of all students has a significant effect on the state school system. Pursuant to Art. IX of the State Constitution, which prescribes the duty of the State Board of Education to supervise Florida's public school system, the state board shall equitably enforce the accountability requirements of the state school system and may impose state requirements on school districts in order to improve the academic performance of all districts, schools, and students based upon the provisions of the Florida K-20 Education Code, chapters 1000-1013 ~~and~~ the federal ESEA and its implementing regulations, ~~and the ESEA flexibility waiver approved for Florida by the United States Secretary of Education.~~

Section 8. Section 1008.332, Florida Statutes, is amended to read:

1008.332 Committee of practitioners pursuant to federal law ~~No Child Left Behind Act.~~—The Department of Education shall establish a committee of practitioners pursuant to federal requirements of the Elementary and Secondary Education Act, as amended by the Every Student Succeeds Act of 2015, 20 U.S.C. ss.

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~~6301 et seq No Child Left Behind Act of 2001.~~ The committee members shall be appointed by the Commissioner of Education and shall annually report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 1. The committee shall meet regularly and is authorized to review potential rules and policies that will be considered by the State Board of Education.

Section 9. Subsection (4) of section 1008.34, Florida Statutes, is amended to read:

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

(4) SCHOOL REPORT CARD.—The Department of Education shall annually develop, in collaboration with the school districts, a school report card to be provided by the school district to parents within the district. The report card shall include the school's grade; student performance in English Language Arts, mathematics, science, and social studies; information regarding school improvement; an explanation of school performance as evaluated by the federal Elementary and Secondary Education Act (ESEA), as amended by the Every Student Succeeds Act of 2015 (ESSA), 20 U.S.C. ss. 6301 et seq.; and indicators of return on investment. Each school's report card shall be published annually by the department on its website based upon the most recent data available.

Section 10. Subsection (13) of section 1011.62, Florida Statutes, is amended to read:

1011.62 Funds for operation of schools.—If the annual allocation from the Florida Education Finance Program to each district for operation of schools is not determined in the

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annual appropriations act or the substantive bill implementing the annual appropriations act, it shall be determined as follows:

(13) FEDERALLY CONNECTED STUDENT SUPPLEMENT.—The federally connected student supplement is created to provide supplemental funding for school districts to support the education of students connected with federally owned military installations, National Aeronautics and Space Administration (NASA) real property, and Indian lands. To be eligible for this supplement, the district must be eligible for federal Impact Aid Program funds under s. 7003 of Title VII s. 8003 of Title VIII of the Elementary and Secondary Education Act, as amended by the Every Student Succeeds Act of 2015, 20 U.S.C. ss. 6301 et seq of 1965. The supplement shall be allocated annually to each eligible school district in the General Appropriations Act. The supplement shall be the sum of the student allocation and an exempt property allocation.

(a) The student allocation shall be calculated based on the number of students reported for federal Impact Aid Program funds, including students with disabilities, who meet one of the following criteria:

1. The student has a parent who is on active duty in the uniformed services or is an accredited foreign government official and military officer. Students with disabilities shall also be reported separately for this category.

2. The student resides on eligible federally owned Indian land. Students with disabilities shall also be reported separately for this category.

3. The student resides with a civilian parent who lives or

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works on eligible federal property connected with a military installation or NASA. The number of these students shall be multiplied by a factor of 0.5.

(b) The total number of federally connected students calculated under paragraph (a) shall be multiplied by a percentage of the base student allocation as provided in the General Appropriations Act. The total of the number of students with disabilities as reported separately under subparagraphs (a)1. and 2. shall be multiplied by an additional percentage of the base student allocation as provided in the General Appropriations Act. The base amount and the amount for students with disabilities shall be summed to provide the student allocation.

(c) The exempt property allocation shall be equal to the tax-exempt value of federal impact aid lands reserved as military installations, real property owned by NASA, or eligible federally owned Indian lands located in the district, multiplied by the millage authorized and levied under s. 1011.71(2).

(d) The amount allocated for each eligible school district shall be recalculated during the year using actual student membership, as amended, from the most recent February survey and the tax-exempt valuation from the most recent assessment roll. Upon recalculation, if the total allocation is greater than the amount provided in the General Appropriations Act, it must be prorated to the level of the appropriation based on each district's share of the total recalculated amount.

Section 11. Paragraph (d) of subsection (8) of section 1012.56, Florida Statutes, is amended to read:

1012.56 Educator certification requirements.—

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(8) PROFESSIONAL DEVELOPMENT CERTIFICATION AND EDUCATION COMPETENCY PROGRAM.—

(d) The Commissioner of Education shall determine the continued approval of programs implemented under paragraph (a) based upon the department's periodic review of the following:

1. Evidence that the requirements in paragraph (a) are consistently met; and

2. Evidence of performance in each of the following areas:

a. Rate of retention for employed program completers in instructional positions in Florida public schools.

b. Performance of students in prekindergarten through grade 12 who are assigned to in-field program completers on statewide assessments using the results of the student learning growth formula adopted under s. 1012.34.

c. Performance of students in prekindergarten through grade 12 who are assigned to in-field program completers aggregated by student subgroups, as defined in the federal Elementary and Secondary Education Act (ESEA), as amended by the Every Student Succeeds Act of 2015 (ESSA), 20 U.S.C. s. 6311(c)(2) ~~20 U.S.C. s. 6311(b)(2)(C)(v)(II)~~, as a measure of how well the program prepares teachers to work with a variety of students in Florida public schools.

d. Results of program completers' annual evaluations in accordance with the timeline as set forth in s. 1012.34.

e. Production of program completers in statewide critical teacher shortage areas as defined in s. 1012.07.

Section 12. This act shall take effect July 1, 2019.

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# CourtSmart Tag Report

**Room:** KN 412  
**Caption:** Senate Education Committee

**Case No.:**  
**Judge:**

**Type:**

**Started:** 3/26/2019 1:32:26 PM

**Ends:** 3/26/2019 3:25:45 PM

**Length:** 01:53:20

1:32:25 PM Roll call  
1:32:41 PM Quorum present  
1:32:48 PM Recognize leadership Senator Simmons  
1:32:59 PM Tab 2  
1:34:01 PM Senator Montford explains SB 296  
1:34:09 PM Questions?  
1:34:17 PM No questions  
1:34:19 PM Take up amendment 305426 for SB 296  
1:34:30 PM Senator Montford explains the amendment  
1:34:47 PM No objection for debate  
1:34:51 PM All in favor - any opposed  
1:35:07 PM Barcode 305426 for SB 296 is adopted  
1:35:10 PM Tom Cerra Consultant of Floral FL waives in support. Nancy Lawther FL PTA of Orlando FL waives in support.  
1:35:16 PM Iraidia Mendez-Cartya Associate Superintendent Miami-Dade County Public Schools waive in support  
1:36:02 PM Roll Call on SB 296  
1:36:05 PM SB 296 is found favorable  
1:36:07 PM Tab 3 to hear SB 354 by Senator Montford  
1:37:06 PM Senator Montford explains bill SB 354  
1:37:11 PM Senator Montford explains amendment 503310 for SB 354  
1:37:33 PM Tab 354 take up Amendment 513310 is explained. Senator Montford waive close  
1:37:51 PM Amendment 513310 is adopted  
1:37:58 PM No questions  
1:39:24 PM Public testimony  
1:40:27 PM Tonya Warfield New Smyrna Beach NVIC against  
1:41:48 PM Skyler Michael for Florida Health Action Network of Tallahassee in opposition  
1:41:55 PM Mary Beth Michael speaking against for FL Health Action Network of Daytona Beach FL  
1:42:48 PM Against  
1:44:18 PM More public testimony  
1:44:40 PM Afton Brown Lake City for NVIC against  
1:48:15 PM Susan Callahan of Tallahassee FL for NE FL Health Action Network is against  
1:49:06 PM Naomi Rocco of Lake City FL for Medical Freedom and Privacy is against  
1:50:51 PM Mackenzie Frazier of Tallahassee FL for Health Freedom Florida is against  
1:51:35 PM Valerie Ahneide of Lake City for Medical Freedom & Privacy is in opposition  
1:51:48 PM Stephen Winn Executive Director for Florida Osteopathic Medical Association in support  
1:52:19 PM Nancy Lawther for Florida PTA is in support  
1:52:27 PM Jarrod Fowler Director of Health Care for Florida Medical Association is in support/ Doug Bell Florida Chapter American Academy of Pediatrics speaking in support  
1:52:31 PM Senator Cruz with debate  
1:53:04 PM No further debate  
1:53:11 PM Senator Montford closes on SB 354  
1:53:24 PM Vote on SB 354 as amended  
1:53:59 PM Roll call  
1:54:03 PM SB 354 is found favorably  
1:54:22 PM the gavel is returned to Vice Chair Montford while Chair Diaz moves to Tab 14  
1:54:34 PM Senator Montford recognizes Senator Diaz to explain bill SB1470  
1:55:19 PM Senator Diaz take up barcode 495516: Senator Diaz explains  
1:55:42 PM Amendment explained: no questions; no appearance cards  
1:56:05 PM No debate  
1:56:12 PM Senator Diaz waive close  
1:56:16 PM Voice vote for amendment  
1:56:20 PM Amendment 495516 is adopted

1:56:27 PM Take up amendment 786274: Senator Diaz explains  
 1:56:45 PM Questions  
 1:57:26 PM None  
 1:57:40 PM No appearance forms  
 1:57:46 PM No debate  
 1:57:48 PM Amendment 786274 is adopted  
 1:57:53 PM Back on bill SB1470  
 1:58:00 PM Senator Cruz recognized with debate  
 1:58:18 PM Senator Diaz responds to Senator Cruz  
 1:58:45 PM Senator Montford  
 1:59:08 PM Senator Cruz with question  
 1:59:19 PM Senator Diaz responds to question  
 1:59:49 PM Senator Cruz with a follow up question  
 1:59:55 PM Senator Diaz responds  
 2:00:02 PM Senator Cruz  
 2:00:07 PM Senator Diaz answers  
 2:00:40 PM Public Testimony forms  
 2:00:46 PM Nancy Lawther in opposition/ Bethany Swanson Legislative Affairs Director FL Department of Education  
 in support  
 2:01:13 PM James Mosteller Advocacy Associate for Foundation for Florida's Future of Tallahassee in support  
 2:01:19 PM Shawn Frost Director of Advocacy for School Choice Movement in support  
 2:01:36 PM Debate: Senator Baxley is recognized  
 2:03:11 PM Senator Cruz with debate  
 2:03:21 PM Senator Montford with debate  
 2:04:38 PM Senator Diaz to close on SB 1470  
 2:05:06 PM Call roll on SB 1470  
 2:05:16 PM SB1470 is found favorable  
 2:05:42 PM The gavel is passed back to Chair Diaz  
 2:05:51 PM Tab 5: take up SB 1080 by Senator Book  
 2:06:13 PM Senator Book is recognized to explain SB 1080  
 2:08:39 PM Amendment 912254 is explained by Senator Book  
 2:09:41 PM Questions on the amendment: none  
 2:09:54 PM Kathy Mears Legislative Director of Florida State University in support  
 2:10:12 PM Senator Book waive close  
 2:10:18 PM Amendment 912254 is adopted  
 2:10:33 PM Public testimony: Nancy Lawther Florida PTA in support  
 2:10:45 PM Renee Fargason Director Public Policy & Advocacy State University System in support  
 2:10:57 PM Call roll on SB 1080  
 2:11:12 PM SB 1080 recorded favorably  
 2:11:21 PM Tab 8 SB 1224 by Senator Farmer  
 2:11:53 PM Senator Farmer explains the bill  
 2:12:00 PM Amendment 552164 strike-all is taken up  
 2:12:16 PM Amendment is explained  
 2:13:04 PM Questions:  
 2:14:05 PM Senator Diaz with question  
 2:14:10 PM Senator Farmer responds  
 2:14:21 PM Senator Diaz continues  
 2:14:29 PM Senator Farmer responds  
 2:15:01 PM Senator Montford with questions  
 2:15:19 PM Senator Farmer explains  
 2:16:05 PM No other questions  
 2:16:20 PM Public Testimony forms  
 2:16:25 PM Khahn-Lien Banko Resolutions Chair of Florida PTA in support  
 2:16:39 PM Ralph Arzo Florida Charter School Alliance with information  
 2:17:34 PM Senator Farmer to close on the amendment  
 2:18:01 PM Voice Vote on the amendment  
 2:18:04 PM Amendment 552164 is adopted  
 2:18:08 PM Back on the bill SB1224  
 2:18:34 PM Neal McGarry CEO of the Florida Certification Board in support  
 2:18:44 PM Khan-Lien Banko in support Resolutions Chair of Orlando for Florida PTA in support  
 2:18:54 PM James Mosteller Advocacy Associate Foundation for Florida's Future is against  
 2:19:04 PM Chair Diaz with comment

2:19:14 PM Senator Farmer closes on the bil SB 1224  
 2:19:22 PM Roll Call on SB 1224  
 2:19:40 PM SB 1224 is recorded favorably  
 2:20:12 PM Tab 6: SB1120 by Senator Taddeo  
 2:20:58 PM Senator Taddeo explains the bill  
 2:22:21 PM Questions:  
 2:23:04 PM Senator Montford with question on the bill  
 2:23:16 PM Senator Taddeo responds  
 2:23:42 PM Senator Montford with further comments  
 2:24:00 PM Senator Taddeo responds  
 2:25:14 PM Senator Diaz with question  
 2:25:39 PM Senator Taddeo in response  
 2:26:37 PM Public testimony  
 2:26:44 PM Stephen Beard Psychology Doctoral Student Davie FL in support  
 2:27:12 PM Jacklynn Stellway Psychology Intern of Davie FL in support/ Kiesha Jones Clinical Psychology Trainee Cooper City FL in support  
 2:27:13 PM Yameizi Peng, Ashley Edwards, Psychology Students in support  
 2:27:18 PM Amiia Alkhalb Doctoral Student School Psychology in support  
 2:27:25 PM Perter Caproni Professor NSU, Florida Association of School Psychology of Ft Lauderdale in support  
 2:27:30 PM G L Lopez School Psychologist of Florida Association of School Psychology Miami FL in support  
 2:27:32 PM Ralph E. Cash Psychology Professor of Florida Association of School Psychologists of Hollywood FL in support  
 2:28:28 PM Nancy Lawther of Florida PTA in support Orlando FL  
 2:30:13 PM Mary Lynn Cullen Legislative Liaison for Advocacy Institute for Children of Sarasota FL in support  
 2:30:46 PM Fely Curve PH.D> Senior Partner Carvel & Associates LLC of Budd Bell Clearinghouse or Human Services in support  
 2:32:06 PM Scott McCoy Senior Policy Counsel of Southern Poverty Law Center Action Fund in support  
 2:32:18 PM Linda Miklovitz Chair, Action Team, NCJW Tallahassee FL in opposition/ John Cerra Lobbyist for The Florida Association of School Psychologists in support/ Sofia Taddeo-Goustein student of Miami in support  
 2:32:44 PM Debate on the bill by Senator Simmons  
 2:36:35 PM Senator Perry  
 2:38:06 PM Senator Stargel in debate  
 2:39:10 PM Senator Montford in debate  
 2:45:20 PM Senator Montford in debate  
 2:45:21 PM Senator Baxley in debate  
 2:48:48 PM Senator Diaz with comments on the bill  
 2:49:14 PM Senator Taddeo closes on the bill  
 2:50:56 PM Roll Call on SB1120  
 2:51:58 PM SB 1120 is recorded favorably  
 2:52:19 PM Move on to Tab 13 SB 1462 by Senator Diaz  
 2:52:42 PM the gavel is passed to Senator Montford to chair the next bills  
 2:53:15 PM SB 1462 is explained by Senator Diaz  
 2:53:30 PM No questions  
 2:53:33 PM No public testimony  
 2:53:43 PM Senator Diaz closes on bill  
 2:53:50 PM Roll Call SB 1462 is found favorable  
 2:54:06 PM Tab 15: SB 1472 by Senator Diaz  
 2:54:30 PM Senator Diaz explains the bill  
 2:54:39 PM No questions/ appearance/ or debate  
 2:54:56 PM Roll call  
 2:54:57 PM SB 1472 is recorded as favorable  
 2:55:11 PM Go to Tab 9 SB 1284 by Senator Diaz  
 2:56:27 PM Senator Diaz is recognized  
 2:56:27 PM Bill is explained by Senator Diaz  
 2:56:45 PM Amendment 776050 by Senator Diaz  
 2:57:33 PM Amendment is explained  
 2:57:38 PM questions: none  
 2:57:55 PM No appearance forms on amendment  
 2:58:03 PM Senator Diaz waives close  
 2:58:12 PM Amendment 776050 is adopted  
 2:58:18 PM Back on the Bill 1284  
 2:58:27 PM Senator Stargel with question on the bill



**2:58:43 PM** Senator Diaz responds  
**2:58:50 PM** Senator Stargel with further question  
**2:59:51 PM** Senator Diaz responds  
**3:00:52 PM** Senator Diaz responds  
**3:01:42 PM** Senator Simmons with debate  
**3:02:52 PM** Senator Diaz responds  
**3:03:23 PM** Additional question by Senator Simmons  
**3:03:40 PM** Senator Diaz responds  
**3:04:32 PM** Senator Berman with question  
**3:04:43 PM** Senator Diaz responds  
**3:05:45 PM** Senator Montford with final questions  
**3:06:04 PM** Senator Diaz responds  
**3:07:04 PM** Public testimony  
**3:07:09 PM** Tom Cerra Consultant for Greater FL Consortium of School Board  
**3:07:14 PM** Heather Davidson Director of Public Policy of Ft Lauderdale United Way of Broward County /Iraida Mendez-Artaya Superintendent Miami-Dade County Public Schools in support/ John J Sullivan Director of Legislative Affairs Broward County Public Schools in support  
**3:07:37 PM** John Cerra Flagler County Public Schools in support/ Nancy Lawther President Miami Dade County Council PTA/PTSA in support  
**3:07:56 PM** Amanda Gorski Director Public Policy Director of United Way of Miami Dade in support  
**3:08:00 PM** Carol Arostegui President Dante B Fascell Elementary PTA in support  
**3:08:19 PM** Senator Stargel in debate  
**3:08:37 PM** Senator Baxley in debate on SB 1284  
**3:11:25 PM** Senator Simmons with debate  
**3:17:28 PM** Senator Montford in question and commentary  
**3:19:20 PM** Senator Diaz in closing  
**3:19:25 PM** Roll Call on SB 1284  
**3:19:37 PM** SB 1284 is found favorable  
**3:19:55 PM** The gavel is passed back to Chair Diaz -  
**3:20:09 PM** Tab 7 SB 1132 by Senator Simmons  
**3:20:42 PM** Bill is explained by Senator Simmons  
**3:20:47 PM** No questions  
**3:21:30 PM** Jessica Janasiewisz Governmental Consultant of Heartland Educational Consortium of Tallahassee in support  
**3:21:37 PM** Joy Frank General Counsel for FL Association of District School Superintendents in support  
**3:21:41 PM** Nancy Lawther Orlando PTA in support  
**3:21:45 PM** James Mosteller Advocacy Associate for Foundation of Florida's Future  
**3:21:55 PM** No debate  
**3:22:00 PM** Senator Farmer waive close. SB 1132 is found favorable  
**3:22:24 PM** Tab12: SB 1456 by Senator Perry  
**3:22:32 PM** Bill is explained  
**3:22:36 PM** No questions  
**3:23:12 PM** Appearance cards will be scanned into the record- time was too short to go through each one.  
**3:23:22 PM** No debate. SB 1456 is found favorable. Motions made by Senator Baxley votes yea on SB 296. Senator Simmons votes yea on to record vote after XXXXXXXXXXXXX  
**3:24:10 PM** Motion to record vote after on bills  
**3:24:11 PM** The motion is approved  
**3:24:11 PM** Senator Baxley votes yea on SB 296 / Senator Simmons votes after year on SB354, SB1080, and SB1470  
**3:24:16 PM** Senator Perry votes after yea on SB1462  
**3:24:31 PM** Senator Diaz moves to TP Bills SB 66, SB 520, SB1296, and SB1392. Motion is adopted  
**3:25:14 PM** No other business before the committee  
**3:25:16 PM** Senator Montford moves we adjourn  
**3:25:28 PM** Meeting is adjourned